



## NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, January 9, 2024 – 6:30 p.m.

*In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at [www.nibleycity.gov](http://www.nibleycity.gov). Public comment should be submitted to [cheryl@nibleycity.gov](mailto:cheryl@nibleycity.gov) by 6:30 p.m. and will be read into the public record.*

1. Opening Ceremonies (Councilmember Laursen)
2. Call to Order and Roll Call (Chair)
3. Approval of the December 5, 2024, Regular & Closed Session Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period<sup>1</sup> (Chair)
5. **Presentation** – Wetlands & NEPA process
6. **Presentation** - Informed Streets
7. **Discussion & Consideration:** Ordinance 25-03 Amendments to Nibley City Code NCC 15.10.020 Definitions and 15.10.050 Stormwater System Operation and Maintenance (First Reading)
8. **Discussion & Consideration:** Resolution 25-01 Appointing Nibley City Planning Commissioners, and the 2025 Planning Commission Chair, and Vice-Chair (First Reading)
9. **Discussion & Consideration:** Ordinance 25-01 Amendments to Nibley City Code NCC 15.02.070, 15.02.140, 15.02.180 And Creation Of 15.02.210, Relating to Water Theft and Infringement of City Staff Access to Water Meter Vaults (First Reading)
10. **Discussion and Consideration:** Ordinance 25-02 an Ordinance Adjusting Logan City Wastewater Treatment Impact Fees for Residential Multifamily Units (First Reading)
11. **Discussion & Consideration:** Acceptance of the Nielsen, Albertson, Ropelato Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West
12. **Workshop** – Council Goals for 2025
13. **Council and Staff Report**

Adjourn

*Nibley City's next scheduled Council meeting will be on Thursday, January 30, 2025, at 6:30 p.m.*

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<sup>1</sup> Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

*In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431*

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**Agenda Item #5**

<b>Description</b>	<b>Presentation:</b> Wetland and NEPA process
<b>Presenter</b>	Coleman Kline, Civil Solutions Group
<b>Staff Recommendation</b>	
<b>Reviewed By</b>	Justin Maughan, City Manger Tom Dickinson, City Engineer

**Background:**

Council requested training from staff about the National Environmental Protection Agency (NEPA) process as it pertains to working through wetland issues. Coleman Kline is a lead environmental scientist with Civil Solutions Group. Coleman has been working through issues at Nibley City Center Park. He will give an overview of the wetland process and give an update as to where things are with the park.

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## Agenda Item #6

<b>Description</b>	<b>Presentation:</b> Informed Streets
<b>Presenter</b>	Chet Olsen, Streets Division Manager
<b>Staff Recommendation</b>	
<b>Reviewed By</b>	Justin Maughan, City Manager

### Background:

Informed streets is a software package that assists City Staff with planning and budgeting of asphalt maintenance throughout the City. The software was budgeted for and purchased last fiscal year, as well as costs of initial set up. The program is now up and functioning, Staff would like to present to the Council and show how it will be used moving forward.

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## Agenda Item #7

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Ordinance 25-03 Amending Nibley City Code NCC 15.10.020 DEFINITIONS and NCC 15.10.050 STORMWATER SYSTEM OPERATION AND MAINTENANCE  Updating ordinances as required by the State Stormwater Audit by Utah DEQ
<b>Presenter</b>	Chet Olson, Streets Division Manger
<b>Staff Recommendation</b>	Move to approve Ordinance # 25-03: Amending NCC 15.10.020 DEFINITIONS and NCC 15.10.050 STORMWATER SYSTEM OPERATION AND MAINTENANCE for first reading.
<b>Reviewed By</b>	Tom Dickinson, City Engineer Joel Yellow Horse, City Attorney Steve Eliason, Public Works Director Chet Olson, Streets Division Manager

## Background

Utah Department of Environmental Quality (DEQ); Division of Water Quality (DWQ) performed a routine audit of Nibley City's Stormwater Management Plan (SWMP) on November 28, 2023. The audit was all inclusive of the City's management of its stormwater system including Standard Operating Procedures for construction sites, City owned facilities, stormwater infrastructure management and maintenance, street sweeping, etc. The purpose of the audit is to ensure that the City's Stormwater Management Plan, Standard Operating Procedures, and infrastructure management and maintenance are compliant with the Utah Pollutant Discharge Elimination System Permit (UPDES). The UPDES authorizes the City to discharge stormwater to waters controlled by the State of Utah. The SWMP is the guiding document that helps ensure compliance with the UPDES, Utah Water Quality Act and Utah Code 19-5 and the Federal Water Pollution Control Act.

The audit entailed weeks of preparation by City staff prior to a 3-day site visit by State DWQ. DWQ staff reviewed all SWMP documents, audited City owned facilities, Standard Operating Procedures, and performed two site visits of active construction sites. Although there was an extensive list of corrective actions, there were no unusual findings revealed by the audit.

City Staff worked collaboratively over the last 6 months with State DWQ through the audit and resultant corrective actions. The 2022 State legislative session brought new requirements to municipal stormwater system management that requires changes to City Codes. There are additional changes expected in this year's upcoming session as well. Staff requested an extension to changing City Codes that would allow them to

address changes to State Codes expected in the 2025 legislative session, but the request was denied. What this means is that staff will be back again in Spring with additional changes.

**Recommendation:**

Move to approve Ordinance # 25-03: Amending Nibley City Code NCC 15.10.020 DEFINITIONS and NCC 15.10.050 STORMWATER SYSTEM OPERATION AND MAINTENANCE

**ORDINANCE 25-03**

**AMENDMENTS TO NIBLEY CITY CODE NCC 15.10.020 DEFINITIONS AND 15.10.050  
STORMWATER SYSTEM OPERATION AND MAINTENANCE**

WHEREAS, Utah law requires municipalities that discharge stormwater to waters controlled by the State to comply with the Utah Water Quality Act, Utah Code Title 19, Chapter 5;

WHEREAS, Nibley City has been authorized by the State of Utah Department of Environmental Quality, Division of Water Quality to discharge stormwater to waters controlled by the State of Utah; and

WHEREAS, Utah law requires municipalities that discharge stormwater to waters controlled by the State to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251);

WHEREAS, Nibley City adopts a Stormwater Management Plan that governs and regulates the City's stormwater Standard Operating Procedures and stormwater infrastructure management and maintenance; and

WHEREAS, Nibley City adopts ordinances that supports regulations within the Stormwater Management Plan to ensure compliance with State and Federal regulations related to water quality;

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. NCC 15.10.020 DEFINITIONS and NCC 15.10.050 STORMWATER SUSTEM OPERATION AND MAINTENANCE are hereby amended.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Larry Jacobsen, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bodily, City Recorder

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### **15.10.020 Definitions**

MS4 PERMIT: This permit, regulated by the State of Utah Department of Environmental Quality (DEQ) Division of Water Quality (DWQ), is the general permit for discharges for small municipal separate storm sewer systems (MS4) permit, latest version.

CGP PERMIT: Construction General Permit-This permit, regulated by the State of Utah Department of Environmental Quality (DEQ) Division of Water Quality (DWQ), covers all types of construction disturbances of an acre or more. This permit also covers non-residential disturbances less than an acre that are part of a common plan of development.

CPP PERMIT: This permit, regulated by the State of Utah Department of Environmental Quality (DEQ) Division of Water Quality (DWQ), covers disturbances of an acre or less on a single residential lot that was subdivided for separate sale after Oct. 1992. NOT: Notice of Termination is the intended termination of permit coverage under the Construction General Permit (CGP) and/or Common Plan Permit (CPP).

### **15.10.050 Stormwater System Operation And Maintenance**

1. Conformance: Operation and maintenance of stormwater facilities within the city shall be in conformance with the requirements of the most current versions of the MS4, CGP, and CPP permits as adopted by the State of Utah Department of Environmental Quality (DEQ), Division of Water Quality (DWQ). Construction Operators that are required to obtain coverage under the most current CGP or CPP permits shall obtain and maintain coverage for the duration of the project requiring coverage. Within 30 days of completion of a project requiring permit coverage, Construction Operators shall file for Notice of Termination (NOT) and request an inspection from the City indicating completion of the project and termination of permit coverage.

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## Agenda Item #8

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Resolution 25-01 Appointing Nibley City Planning Commissioners and the 2025 Planning Commission Chair and Vice-Chair (First Reading)
<b>Presenter</b>	Larry Jacobsen, Mayor
<b>Staff Recommendation</b>	Move to approve Resolution 25-01— APPOINTING NIBLEY CITY PLANNING COMMISSIONERS, AND THE 2025 PLANNING COMMISSION CHAIR, VICE-CHAIR for first reading
<b>Reviewed By</b>	Justin Maughan, City Manager Levi Roberts, City Planner

### Background:

Mayor Jacobsen is asking the City Council to consent to these appointments to the Nibley City Planning Commission.

The Planning Commission terms, commissioners, and alternate commissioners are shown below, with changes marked in **yellow**.

<b>Current Term</b>	<b>Current Person</b>	<b>New Term</b>	<b>New Person</b>
through 2028	Clair Schenk		
through 2024	Karina Brown	<b>through 2029</b>	<b>Karina Brown</b>
through 2025	Brett Swenson		
through 2026	Tyler Obray		
through 2027	Nick Kenczka		
Alternate through 2027	Troy Ribao		

In addition, Mayor Jacobsen is asking for the City Council's consent to appoint Nick Kenczka as the Planning Commission Chairperson and Claire Schenk as the Planning Commission Vice-Chairperson for 2025.

These potential changes were discussed with the appointees, and the appointees are willing to accept these positions.

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## **RESOLUTION 25-01**

### **APPOINTING NIBLEY CITY PLANNING COMMISSIONERS, AND THE 2025 PLANNING COMMISSION CHAIR, AND VICE-CHAIR**

WHEREAS, Nibley City code 3.02.010 establishes a creates a planning commission of five (5) members. The Mayor, with advice and consent of the City Council, shall appoint all members and alternates to the Planning Commission; and

WHEREAS, Nibley City code 3.02.030 establishes that the Mayor shall annually appoint a chairperson and such other officers of the Nibley City Planning Commission as deemed necessary with the advice and consent of the City Council; and

WHEREAS, Nibley City wishes to appoint Nick Kenczka as Chairperson of the Nibley City Planning Commission and Claire Schenk as Vice-Chairperson of the Nibley City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. Karina Brown is hereby appointed to serve as a Nibley City Planning Commissioner beginning January 10, 2025 and ending January 31, 2026.
2. Nick Kenczka is hereby appointed to serve as a Nibley City Planning Commission Chairperson beginning January 10, 2025 and ending January 31, 2026.
3. Claire Schenk is hereby appointed to serve as Nibley City Planning Commission Vice-Chairperson beginning January 10, 2025 and ending January 31, 2026.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Larry Jacobsen, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bodily, City Recorder

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## Agenda Item #9

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Amendments To Nibley City Code NCC 15.02.070, 15.02.140, 15.02.180 And Creation Of 15.02.210, Relating To Water Theft And Infringement Of City Staff Access To Water Meter Vaults (First reading)
<b>Presenter</b>	Justin Maughan, City Manager
<b>Staff Recommendation</b>	Move to approve Amendments To Nibley City Code NCC 15.02.070, 15.02.140, 15.02.180 And Creation Of 15.02.210, Relating To Water Theft And Infringement Of City Staff Access To Water Meter Vaults for first reading.
<b>Reviewed By</b>	Justin Maughan, City Manager Amy Johnson, City Treasurer Steve Eliason, Public Works Director Jared Pratt, Water Division Manager

### Background:

Staff is recommending code changes, primarily to deal with impeding or blocking access to water meter vaults. There has been a recent uptick in issues with home owners, or their landscapers burring the water meter lids. In one case, the lid was covered by two feet of fill dirt, another a two-foot diameter boulder was placed on the lid. Access to water meters is important for a number of reasons. One of the larger issues is getting a proper usage read, for billing accuracy. Others are regular meter maintenance, leak detection, emergency shut off and shut off for nonpayment. Each time an issue arises; it takes considerable staff time to investigate and correct the problem to obtain access.

The council has previously added a penalty fee on the Consolidated Fee Schedule, that is dependent on this code being passed.

Another issue that staff are worried about is water theft through fire hydrants. There are a number of contractors that need large amounts of water and find it easy to pull up to a hydrant and fill a large truck container. Recently, Logan City has made it more expensive to correctly purchase the water, and therefore, staff are expecting an uptick in contractors, not wanting to deal with Logan, and coming to Nibley to obtain water. Nibley has a procedure in place to allow the use of water, if safety requirements are met, and the water is paid for. There are some suggested changes to the code that make it clearer that it is not allowed to obtain water without following the proper policy and providing for a penalty if caught not following the policy.

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**ORDINANCE 25-01**

**AMENDMENTS TO NIBLEY CITY CODE NCC 15.02.070, 15.02.140, 15.02.180 AND CREATION OF  
15.02.210, RELATING TO WATER THEFT AND INFRINGEMENT OF CITY STAFF ACCESS TO  
WATER METER VAULTS**

WHEREAS, Nibley City owns, operates and maintains a public drinking water system ; and

WHEREAS, Nibley City is allowed by Utah State Law to charge appropriate fees for the use of the water system; and

WHEREAS, Nibley City is allowed by Utah State Law to set penalties for misuse of the water system; and

WHEREAS, Nibley City Council believes that it shall be unlawful to connect to the system without proper permission and connection, which will allow the water use to be metered and charged for appropriately; and

WEHREAS, Nibley City Council believes that it shall be unlawful for a person to knowingly or unknowingly obstruct, block, damage, or otherwise prevent City staff from accessing a water meter vault.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH,  
AS FOLLOWS:

1. That Nibley City Code be amended as shown in the attached document.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Larry Jacobsen, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bodily, City Recorder

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### **15.02.070 Use Without Authority; Restrictions**

1. Turning On After Being Turned Off Prohibited: It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the public works director or city recorder.
2. Separate Connections: It shall be unlawful for two (2) or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the city council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this subsection shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections or meters at a subsequent time.
3. Unauthorized Users: It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.
4. Adjoining Premises: No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the public works director and subject to such requirements relating to controls as may be imposed by him.
5. Visitors: Individuals visiting the premises of an authorized user in a recreational vehicle, not including a mobile home, and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and violative of the provisions of this chapter relating to separate connections and unauthorized use.
6. Water Theft: It is unlawful for any person, firm, or entity to access, divert, or use water from the City system without proper authorization. It is also unlawful to tamper with, bypass, or otherwise interfere with water meters or other city-owned water infrastructure. A water theft fee shall be assessed for any instance of water theft or unauthorized water use, as established on the currently approved Consolidated Fee Schedule.

#### **HISTORY**

*Adopted by Ord. 1977 Code Code §§ 14-122, 14-123, 14-124, 14-125, 14-127B on 1/1/1977*  
*Amended by Ord. 2002 Code on 1/1/2002*

### **15.02.140 Fire Hydrants**

Water for fire hydrants will be furnished ~~for a fee, as listed on the currently approved Consolidated Fee Schedule. free of charge by the city.~~ Installation and repairs on such hydrants shall be at the expense of the ~~user~~ city and shall be made under the direction of the city. All customers shall grant the city, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city.

#### **HISTORY**

*Adopted by Ord. 1977 Code Code § 14-142 on 1/1/1977*

### **15.02.180 Water Meters**

1. Number Of Meters; Dispute: Except as otherwise expressly permitted by this chapter, all structures, dwelling units, establishments and persons using water from the city water system must have such number of water meters connected to their water system as are necessary in the judgment of the public works director to adequately measure use and determine water charges to the respective users. Whenever a dispute between the public works director and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.
2. Meters Furnished By City: Meters will be furnished by the city upon application for a connection, and upon payment of such connection fees and other costs as may be established by the city council from time to time by resolution. Meters shall be deemed to be and remain the property of the city.
3. Meter Readings: The public works director shall cause meter readings to be taken regularly and shall advise the city recorder thereof for the purpose of recording the necessary billings for water service. ~~It is unlawful for any person to obstruct, block, damage, or otherwise prevent access to a water meter. If the meter is obstructed due to a physical barrier or other interference and is unable to be read, a penalty may be assessed to the property owner as the responsible party. If the obstruction poses an immediate hazard or prevents the City from addressing an urgent water system issue, the City may remove the obstruction without prior notice and assess related costs to the responsible party. The meter obstruction penalty fee is listed on the current approved Consolidated Fee Schedule.~~
4. Tampering: Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the city, unless special permission is given by the city through its representatives to the customer to do so.
5. Meter Testing: If a customer submits a written request to the public works director to test his water meter, the city may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such

customer. If such request is made within twelve (12) months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from ninety seven percent (97%) to one hundred three percent (103%) of accuracy under methods of testing satisfactory to the city council, the meter shall be deemed to accurately measure the use of water.

6. Estimation In Case Of Failure: If the city's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than ninety seven percent (97%) or more than one hundred three percent (103%) of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
7. Damage By Customer: All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall, in the discretion of the city, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

#### HISTORY

*Adopted by Ord. 1977 Code Code § 14-136 on 1/1/1977*  
*Amended by Ord. 2002 Code on 1/1/2002*

#### **15.02.210 Penalty**

1. Notice Of Violation: Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Misdemeanor Penalty: Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a class B misdemeanor and upon conviction thereof, shall be subject to penalty as provided in NCC 1.08.010 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability For Damages: Any person violating any of the provisions of this chapter shall become liable to the city for the expense, loss or damage occasioned the city by reason of such violation.

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## Agenda Item #10

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Ordinance 25-02 an Ordinance Adjusting Logan City Wastewater Treatment Impact Fees for Residential Multifamily Units (first reading)
<b>Presenter</b>	Justin Maughan, City Manager
<b>Staff Recommendation</b>	Move to approve Ordinance 25-02 an Ordinance Adjusting Logan City Wastewater Treatment Impact Fees for Residential Multifamily Units <b>for first reading.</b>
<b>Reviewed By</b>	Justin Maughan, City Manager Joel Yellow Horse, City Attorney

### Background:

The Logan Wastewater Treatment Impact Fee was last amended by the Council in 2023. Since then, an issue arose about residential multifamily units, and the proper way to charge for those units. Historically, cities have charged the impact fee based on the size of meter installed. The main issue with charging this way arises over the debate about how many units a single water meter should serve. Some Cities only allow a few, while others allow many units on the same meter. Further discussion leads to the debate about fairness and equality in paying the fee and proportional impact of each unit regardless of the size of meter that it may be served by.

Nibley City recognized this issue a number of years ago, and Council amended the fee for all impact fee's other than the Logan Wastewater Treatment fee to be per unit, not the size of the meter.

Logan recently recognized the issue, and in association with the Regional Wastewater Rate Setting Committee conducted a study to amend the impact fee to be charged per unit. Their study resulted in a reduction of multifamily residential units by 30% as compared to single-family residence. In contrast, Nibley City reduced the fee by only 20%. The study was conducted by LRB Public Finance, a reputable and qualified firm to conduct the study. The Wastewater Rate Setting committee has reviewed the study and approved a resolution supporting the reduction for multifamily residential units.

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## ORDINANCE 25-02

### AN ORDINANCE ADJUSTING LOGAN CITY WASTEWATER TREATMENT IMPACT FEES FOR RESIDENTIAL MULTIFAMILY UNITS

WHEREAS, the City of Nibley (the "City") is a political subdivision of the State of Utah, authorized and organized under applicable provisions of Utah law; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended ("Impact Fees Act" or "Act"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new Development Activity; and

WHEREAS, wastewater treatment service for the City is provided by Logan City Corporation ("Logan City") pursuant to interlocal agreements; collectively referred to as the "Logan City Agreements"; and

WHEREAS, the regional wastewater treatment rate committee has reviewed the impact fee amendment study prepared by LRB Public Finance Advisors, a qualified consultant selected by the Board, and finds the study has accurately determined an equitable impact fee for new multi family connections and approved a resolution as such.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. The wastewater impact fee schedule be adopted and implemented into NCC 17.80.040 as follows:
  - a. Residential User
    - i. Single Family Unit \$2,433.00/unit
    - ii. Multi Family User\* \$1,703.00/unit
  - b. Non-Standard Impact Fee\*\*
    - i. 2" Meter \$7,786.00 Min Fee
    - ii. 4" Meter \$24,327.00 Min Fee
    - iii. Non-Standard Impact Fee user (\_\_\_\_\_GPD/245GPD)\*\$2,433

\*Multi-family refers to a residential dwelling that consists of duplex, triples, quadplex, apartment, condominium, and all other dwelling units that are individually or jointly water metered and not classified as single family residential. These may consist of one building or multiple buildings within a complex. Units can be arranged side by side or stacked vertically and can be owned individually or leased separately.

\*\*Non-Standard Impact Fee: Defined as commercial and industrial facilities, and public facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NIBLEY, STATE OF UTAH, AS FOLLOWS:

1. The attached Nibley City Code 17.08 be adopted.
2. Nibley City accepts the impact fee analysis.

ADOPTED and PASSED by the Nibley City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Larry Jacobsen, Mayor

ATTEST:

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Cheryl Bodily, City Recorder

## **17.08 Impact Fee Facilities Plans And And Impact Fee Enactment For Wastewater**

<u>17.08.010</u>					<u>Definitions</u>
<u>17.08.020</u>	<u>Impact</u>	<u>Fee</u>	<u>Analysis,</u>	<u>Service</u>	<u>Area</u>
<u>17.08.030</u>					
<u>17.08.040</u>		<u>Wastewater</u>		<u>Impact</u>	<u>Fee</u>
<u>17.08.050</u>		<u>Accounting,</u>			<u>Expenditure</u>
<u>17.08.060</u>	<u>Administrative</u>	<u>Challenges</u>	<u>And</u>	<u>Appeals</u>	<u>Procedure</u>
<u>17.08.070</u>	<u>Amendments, Inconsistencies, Severability, Establishment</u>				

### **HISTORY**

*Adopted by Ord. 20-03 on 3/12/2020*

## **17.08.010 Definitions**

1. "System Improvements" means:
  1. Existing public facilities that are:
    1. Identified in the Impact Fee Analysis ("IFA"), attached as Exhibit "A"; and
    2. Designed to provide services to the service areas within the community at large; and
  2. Future public facilities that are intended to provide services to service areas within the community at large.
2. "Equivalent Residential Unit" means that unit of demand that has an impact on the wastewater treatment infrastructure of Logan City that is equivalent to a single-family residence with a flow of 245 gallons per day.
3. "Public Facilities" for purposes of this ordinance means only the following impact fee related facilities that have a life expectancy of 10 or more years and are owned by Logan City, and which are operated on behalf of the City:
  1. Wastewater collection and treatment facilities

## **17.08.020 Impact Fee Analysis, Service Area**

1. The City Council hereby adopts the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) prepared for Logan City by Lewis Young Robertson & Burningham, Inc.
2. A copy of the IFA is included as Exhibit "A".
3. The entire area of the City is hereby designated as one service area with respect to wastewater treatment facilities.

## **17.08.030**

The IFFP and IFA as set forth in Exhibit "A" is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

## **17.08.040 Wastewater Impact Fee**

1. A Wastewater Impact Fee is hereby established and imposed as a condition of the issuance of a building permit by the City for any development activity which creates additional demand and need for public facilities in accordance with the Act. The Wastewater Impact Fee shall be:

a. Residential User	
i. Single Family Unit	\$2,433.00/unit
ii. Multi Family User*	\$1,703.00/unit
b. Non-Standard Impact Fee**	
i. 2" Meter	\$7,786.00 Min Fee
ii. 4" Meter	\$24,327.00 Min Fee
iii. Non-Standard Impact Fee user	(_____GPD/245GPD)*\$2,433

\*Multi-family refers to a residential dwelling that consists of duplex, triples, quadplex, apartment, condominium, and all other dwelling units that are individually or jointly water metered and not classified as single family residential. These may consist of one building or multiple buildings within a complex. Units can be arranged side by side or stacked vertically and can be owned individually or leased separately.

\*\*Non-Standard Impact Fee: Defined as commercial and industrial facilities, and public facilities.

2. Nibley City will assess the Wastewater Impact Fee at the time of building permit application. All impact fees must be paid in full before a building permit is issued.
3. Logan City and/or the Logan City Environmental Director is authorized to adjust the standard impact fee described above at the time the fee is paid in order to:
  - A. Respond to:
    1. Unusual circumstances in specific cases; or
    2. A request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
  - B. Ensure that the impact fee is imposed fairly.
4. The amount of the Wastewater Impact Fee to be imposed on a particular development may be adjusted by Logan City and/or the Logan City Environmental Director.
5. Applications for exceptions are to be filed with Logan City and/or the Logan City Environmental Director at the time the applicant first requests the extension of service to the applicant's development or property.

6. Subject to approval by the Logan City and/or the Logan City Environmental Director, developers, including a school district or a charter school, may be allowed a credit against Impact Fees or proportionate reimbursement of Impact Fees if the developer 1) dedicates land for a System Improvement, 2) builds and dedicates some or all of a System Improvement, or 3) dedicates a public facility that Logan City and the developer agree will reduce the need for a System Improvement; provided that the System Improvement is: (i) identified in the Logan City Impact Fee Facility Plan; and (ii) is required by Logan City as a condition of approving the Development Activity. To the extent required in Section 11-36a-402 of the Act, the City, subject to the approval of Logan City and/or the Logan City Environmental Director, shall provide a credit against Impact Fees for any dedication of land for, improvements to, or new construction of any System Improvements provided by the developer if the facilities, 1) are a System Improvement; or 2) are dedicated to the public and offset the need for an identified System Improvement.

#### HISTORY

*Amended by Ord. [20-15](#) on 8/13/2020*

#### **17.08.050 Accounting, Expenditure**

1. Logan City shall account for, expend, and refund Wastewater Impact Fees pursuant in accordance with provisions of the Act.

#### **17.08.060 Administrative Challenges And Appeals Procedure**

1. Any person or entity required to pay a Wastewater Impact Fee imposed by Logan City who believes the fee does not meet the requirements of law may file a written request for information with Logan City and/or the Logan City Environmental Director as provided by law.
2. Within two weeks after the receipt of the request for information, Logan City and/or the Logan City Environmental Director shall provide the person or entity with the written impact fee analysis required by the Act and with any other relevant information relating to the impact fee.

#### **17.08.070 Amendments, Inconsistencies, Severability, Establishment**

1. This ordinance and fee schedule may be amended by subsequent ordinances, subject to approval by Logan City and/or the Logan City Environmental Director.
2. The City may adopt policies consistent with this ordinance and any resolutions passed by the City Council to assist in the implementation, administration and interpretation of this ordinance related to Impact Fees.

3. Any parts or portions of previous ordinances, resolutions, rules, and regulations which are inconsistent or in conflict with this ordinance are hereby repealed.
4. Prior policies, ordinances, rules, and regulations of the City regarding Wastewater Impact Fees that are not in conflict with this ordinance remain in effect.
5. If any part of this Ordinance is declared invalid by a court of accepted jurisdiction, the remainder shall not be affected thereby.
6. As required by Section 401(2) of the Act, this ordinance shall become effective 90 days after passage by the City Council and public notice as required by law.



PUBLIC  
FINANCE  
ADVISORS

LEWIS | ROBERTSON | BURNINGHAM



LOGAN,  
UTAH

NOVEMBER  
2024

IMPACT FEE FACILITIES PLAN  
(IFFP) AND IMPACT FEE ANALYSIS  
(IFA) **AMENDMENT**

WASTEWATER

PREPARED BY:

**LRB PUBLIC FINANCE ADVISORS**

FORMERLY LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

# IMPACT FEE CERTIFICATION

## IFFP CERTIFICATION

LRB certifies that the attached impact fee facilities plan amendment:

1. includes only the costs of public facilities that are:
  - a. allowed under the Impact Fees Act; and
  - b. actually incurred; or
  - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
  - a. costs of operation and maintenance of public facilities;
  - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
  - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and,
3. complies in each and every relevant respect with the Impact Fees Act.

LRB Public Finance Advisors

## IFA CERTIFICATION

LRB certifies that the attached impact fee analysis amendment:

1. includes only the costs of public facilities that are:
  - a. allowed under the Impact Fees Act; and
  - b. actually incurred; or
  - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
  - a. costs of operation and maintenance of public facilities;
  - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
  - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

## LRB makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LRB Public Finance Advisors



## SECTION 1: EXECUTIVE SUMMARY

This document amends the 2019 Wastewater Treatment Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA). This report is supported by an analysis completed by Hales Engineering and Logan City relative to differences between single-family and multi-family water use for winter and summer demand periods. The impact fee has been adjusted to account for the recalculation of the fee per ERU for multi-family development. **Section 3: Overview of Service Area, Demand, and LOS** has been amended to address the determination of multi-family usage and **Section 6: Wastewater Treatment Impact Fee Calculation** has been amended to address changes to the impact fee per ERU. No changes to the Service Areas, demand analysis, capital facilities analysis, or other assumptions from the 2019 analysis have been incorporated into this amendment.

### AMENDED WASTEWATER IMPACT FEE

The wastewater treatment impact fees proposed in this analysis will be assessed within the Service Area. **Table 1.1** from the 2019 analysis has been amended to include a calculation of a multi-family equivalent residential unit (ERU).

AMENDED TABLE 1.1: IMPACT FEE PER ERU

	TOTAL COST	% TO GROWTH	COST TO IFFP	ERUS SERVED	COST PER ERU
Existing Facilities (Buy-In)	\$16,561,911	24%	\$3,956,456	17,551	\$225
Future Facilities	\$162,146,550	24%	\$38,735,009	17,551	\$2,207
Professional Expense	\$13,050	100%	\$13,050	17,551	\$1
Impact Fee Fund Balance	-	100%	-	17,551	-
<b>Total per ERU</b>			<b>\$42,704,516</b>		<b>\$2,433</b>
<b>Multi-Family Adjustment Factor</b>					<b>70%</b>
<b>Multi-Family Fee Per Unit</b>					<b>\$1,703</b>

Multi-family refers to a residential dwelling that consists of duplex, triplex, quadplex, apartment, condominium, and all other dwelling units that are individually or jointly water metered and not classified as Residential. These may consist of one building or multiple buildings within a complex. Units can be arranged side-by-side or stacked vertically and can be owned individually or leased separately.

Based on these findings, it is recommended that the existing impact fee ordinance be adjusted to account for the difference in the fee for multi-family development.



## AMENDED SECTION 6: IMPACT FEE CALCULATION

The calculation of impact fees relies upon the demand analysis, LOS analysis, inventory of existing facilities and excess capacity, and the needed future capital improvement as identified in **Sections 2** through **4** of the 2019 Impact Fee Analysis. Impact fees are calculated based on many variables centered on proportionality and level of service. This analysis amends the impact fees for the Service Area to account for the multi-family level of service adjustment.

### AMENDED WASTEWATER IMPACT FEE

The wastewater treatment impact fees proposed in this analysis will be assessed within the Service Area. **Table 1.1** from the 2019 analysis has been amended to include a calculation of a multi-family equivalent residential unit (ERU).

**AMENDED TABLE 6.1: IMPACT FEE PER ERU**

	TOTAL COST	% TO GROW	COST TO IFFP	ERUS SERVED	COST PER ERU
Existing Facilities (Buy-In)	\$16,561,911	24%	\$3,956,456	17,551	\$225
Future Facilities	\$162,146,550	24%	\$38,735,009	17,551	\$2,207
Professional Expense	\$13,050	100%	\$13,050	17,551	\$1
Impact Fee Fund Balance	-	100%	-	17,551	-
<b>Total per ERU</b>			<b>\$42,704,516</b>		<b>\$2,433</b>
<b>Multi-Family Adjustment Factor</b>					<b>70%</b>
<b>Multi-Family Fee Per Unit</b>					<b>\$1,703</b>

Multi-family refers to a residential dwelling that consists of duplex, triplex, quadplex, apartment, condominium, and all other dwelling units that are individually or jointly water metered and not classified as Single Family Residential. These may consist of one building or multiple buildings within a complex. Units can be arranged side-by-side or stacked vertically and can be owned individually or leased separately.

Based on these findings, it is recommended that the existing impact fee ordinance be adjusted to account for the difference in the fee for multi-family development.



## Agenda Item #11

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Discussion & Consideration: Acceptance of the Nielsen, Albertson, Ropelato Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West
<b>Presenter</b>	Levi Roberts, City Planner
<b>Staff Recommendation</b>	Accept Acceptance of the Nielsen, Albertson, Ropelato Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West
<b>Reviewed By</b>	Levi Roberts, City Planner Justin Maughan, City Manager Tom Dickinson, City Engineer Cheryl Bodily, City Recorder Joel Yellowhorse, City Attorney

### Background:

Dan Larsen, representative of Kartchner Homes, filed an annexation petition to annex parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West, which contains 52.29 acres into Nibley City. The petition includes signatures of all property owners within the annexation area. The area is within the City's annexation declaration boundary of the annexation policy plan. The annexation would be contiguous with existing City boundaries. The proposed annexation would create an unincorporated island, as defined by UCA 10-2-401(1)(I). The previously applied for petition, which was accepted by City Council on October 24, 2024, would have create an unincorporated peninsula. Either is allowed by State Code provided that the county and municipality have otherwise agreed.

The previous petition was reviewed by the County Council. However, The County Council did not feel comfortable providing consent to allow the annexation to move forward until Nibley and the County agreed on the long-term maintenance and development of 1500 W between Nibley City boundaries. The fear is, without prior agreement or understanding, that as this new section of Nibley is developed, conflict may arise with how to manage that section of roadway. As such, the Council asked that County Staff discuss these issues with Nibley City. Nibley City and Cache County Staff met to discuss possible remedies to this issue. Through these discussions, it was determined that the preferred method for resolving issues related to maintaining the section of 1500 W adjacent to parcel 03-049-0009 would be to simply annex the right-of-way. The roadway would then be the responsibility of Nibley City to maintain. This would also resolve issues related to locating City utilities in the roadway associated with

the future development. Both the Nibley City Council and Cache County Council must agree to this boundary for the annexation to be approved.

The applicant has indicated that the property is intended to be developed as medium to high density residential. The Future Land Use Plan designates a portion of this property as 'medium density residential' and a portion as 'commercial and medium to high density residential.' The exact zoning designation for the property is to be determined after a recommendation from Planning Commission, but the proposed use is compatible with the Future Land Use Map.

The applicant has completed the required steps and submitted required materials for this consideration. Specifically, the applicant has filed a notice of intent to annex, sent a copy to each affected entity and submitted an annexation petition. The Cache County Clerk's Office has provided a certificate of notice for the required Annexation Notice, as well.

The next step in the annexation process is for the City Council to accept the annexation petition for further consideration. This happens prior to certifying the annexation, which can occur after a notification period and recommendation from Planning Commission. After which, the City Council will consider to approve the annexation. Staff recommends that the City Council accept the annexation petition for further consideration at this time.

# ANNEXATION PETITION

Contact Sponsor:

Dan Larsen

601 west 1700 South

Logan Ut, 84321

435-755-7080

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Baseline and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Brass Cap bears N 89°55'25" E 5306.65 feet) thence N 89°55'25" E 2183.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running thence S 88°55'24" E 701.51 feet along the south line of said Nibley Farms, Phase 6 and its projection thereof to the east right of way line of 1200 East Street; thence along said east right of way line the next three courses:  
thence S 00°32'23" W 18.15 feet;  
thence 736.21 feet along a curve to the left, with a central angle of 01°30'33", a radius of 27950.50 feet, and a chord that bears S 00°12'53" E 736.19 feet;  
thence S 00°58'10" E 585.07 feet;  
thence N 89°13'34" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;  
thence N 00°28'04" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;  
thence N 88°52'50" W 802.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;  
thence N 00°31'03" E 667.78 feet (North 660 feet, By Record);  
thence S 88°53'35" E 1390.02 feet to the point of beginning, containing 52.292 acres, more or less.

# Signatures of property owners in the Annexation boundary

**Notice:**

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Nibley City. If you choose to withdraw your signature, you shall do so no later than 30 days Nibley City receives notice that the petition has been certified.

Parcel # 03-049-0010

K Holdings LLC



Parcel # 03-049-0011

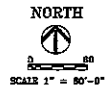
Bruce W Albresten and Connie Albersten Revocable living Trust

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Parcel # 03-049-0013

Bob Matthew & Melynda Ropeleto

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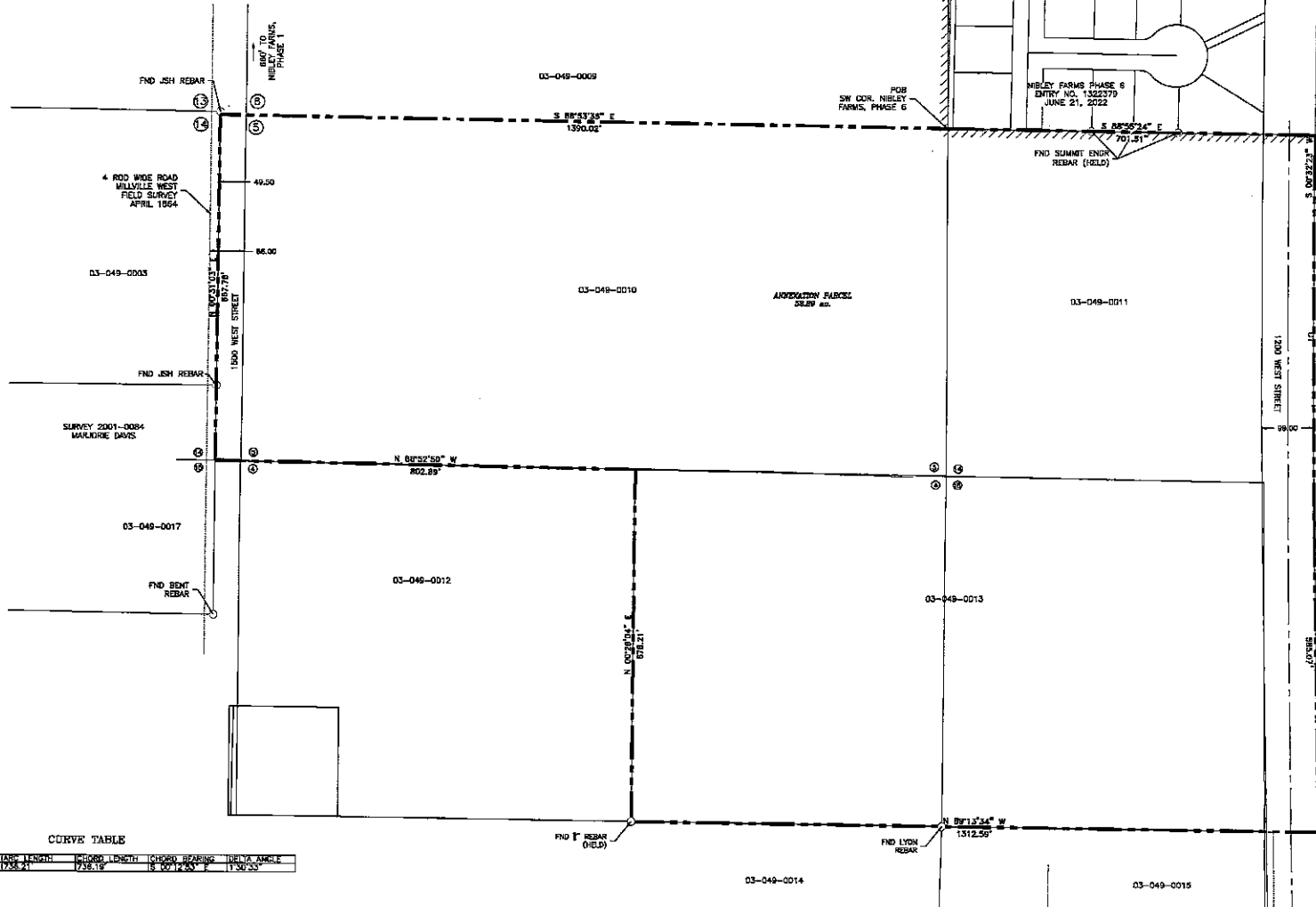


# LEGEND

- BOUNDARY TO BE INCORPORATED INTO PROVIDENCE CITY
- EXISTING CITY CORPORATE BOUNDARIES
- FOUND REBAR AS NOTED
- SECTION CORNER
- MILLVILLE WEST FIELD SURVEY LOT

## NIELSEN, ALBRETSSEN, ROPELATO ANNEXATION

TO THE  
**NIBLEY CITY**  
LOCATED IN  
PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY  
PART OF THE NORTHWEST QUARTER OF SECTION 29  
TOWNSHIP 11 NORTH, RANGE 1 EAST  
SALT LAKE BASELINE AND MERIDIAN



CURVE	BEARINGS	ARC LENGTH	CHORD LENGTH	CHORD BEARINGS	CHORD ANGLE
01	S 78°00'00" E	1738.21	1738.19	S 00°14'50" E	11°30'33"

### ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWING THE ANNEXATION OF THE SAID TRACT TO BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 2-403, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

RECORDED  
APPROVED: \_\_\_\_\_ MAYOR

### DEPUTY COUNTY SURVEYOR APPROVAL

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date \_\_\_\_\_ Deputy County Surveyor

### SURVEYOR'S CERTIFICATE

I, BRIAN C. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIBLEY CITY, CACHIE COUNTY, UTAH.



### BOUNDARY CERTIFICATE

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Base and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Iron Cap bears N 08°55'25" E 5306.65 feet) thence N 88°55'25" E 2163.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running

thence S 88°55'24" E 701.51 feet along the south line of Nibley Farms, Phase 6 and its projection thereof to the west right of way line of 1200 East Street; thence along said east right of way line the next three courses

thence S 00°32'23" W 123.51 feet; thence S 25°40'10" E 228.40 feet along a curve to the left, with a central angle of 01°32'33", a radius of 19860.80 feet, and a chord that bears S 00°12'03" E 325.48 feet;

thence S 07°58'10" E 890.64 feet; thence N 08°17'04" W 1202.58 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;

thence N 00°28'04" E 676.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;

thence N 88°52'50" W 883.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;

thence N 00°31'03" E 587.78 feet (North 680 feet, By Record);

thence S 88°55'25" E 1393.02 feet to the point of beginning, containing 22.286 acres, more or less.

## NIELSEN, ALBRETSSEN, ROPELATO ANNEXATION

TO THE  
**NIBLEY CITY**  
PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY  
LOCATED IN  
PART OF THE NORTHWEST QUARTER OF SECTION 29  
TOWNSHIP 11 NORTH, RANGE 1 EAST  
SALT LAKE BASELINE AND MERIDIAN

**ALLIANCE CONSULTING ENGINEERS**  
150 EAST 200 NORTH SUITE P  
LOGAN, UTAH 84321  
(435) 755-5121

DATE AUG-2024

# ANNEXATION PETITION

Contact Sponsor:

Dan Larsen

601 west 1700 South

Logan Ut, 84321

435-755-7080

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

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thence S 00°32'23" W 18.15 feet;  
thence 736.21 feet along a curve to the left, with a central angle of 01°30'33", a radius of 27950.50 feet, and a chord that bears S 00°12'53" E 736.19 feet;  
thence S 00°58'10" E 585.07 feet;  
thence N 89°13'34" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;  
thence N 00°28'04" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;  
thence N 88°52'50" W 802.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;  
thence N 00°31'03" E 667.78 feet (North 660 feet, By Record);  
thence S 88°53'35" E 1390.02 feet to the point of beginning, containing 52.292 acres, more or less.

# Signatures of property owners in the Annexation boundary

**Notice:**

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Parcel # 03-049-0010  
K Holdings LLC

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Parcel # 03-049-0011  
Bruce W Albreten and Connie Albreten Revocable living Trust  
Albreten Connie C Albreten

Judy Andraesen Successor Trustee for Trust (daughter)

Parcel # 03-049-0013  
Bob Matthew & Melynda Ropeleto

---

## ANNEXATION PETITION

Contact Sponsor:  
Dan Larsen  
601 west 1700 South  
Logan Ut, 84321  
435-755-7080

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Parcel # 03-049-0010  
K Holdings LLC

---

Parcel # 03-049-0011  
Bruce W Albresten and Connie Albersten Revocable living Trust

---

Parcel # 03-049-0013  
Bob Matthew & Melynda Ropeleto

*Melynda Ropeleto*

10/17/2024, 04:19:10 PM MDT



Application Review Status

Final-Review

Not Reviewed

Date Submitted

09/23/2024

Fees		Payments		
General	\$400.00	09/23/2024	Online	\$400.00
Subtotal	\$400.00	Total Paid		\$412.80
Processing Fee	\$12.80			
Total	\$412.80			
Amount Paid	\$412.80			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Surveyed Plat and Legal Description

- Nibley SW Annex legal.docx
- NIBLEY ANNEXATION 9-12-24 V2 KartchConceptv2-annex.pdf

Cache County Tax I.D. Number(s) proposed to be annexed  
03-049-0013, 03-049-0011, 03-049-0010

Are you the owner of all properties associated with this annexation?  
no

Address or General Location of the proposed annexation.  
1500 west 3600 south

Copy of notice sent to affected entities  

Notice of Annexation petition.docx

List all entities to which the required notice was sent.

Cache County, Cache County School District, Cache Mosquito District, Nibley/Millville Cemetery, CVTD, Nibley City

Proposed Land Use(s) and Residential Densities (if applicable)

Follow the city Future Land Use Plan

Please indicate which zone designation(s) you propose for the annexation area (check all that apply)

R-2A Residential, R-M Residential High Density

Acreage of proposed annexation area

52.292

Existing Land Use(s)

Agriculture

Describe how you propose to provide utilities to the site (Sewer, water, drainage, other).

Sewer and water to be connected to line from the north. Drainage to be held onsite.

Petitioner First Name

Dan

Petitioner Last Name

Larsen

Phone

(435) 755-7080

Email

DanLarsen@kartchner.com

Prior to submitting this application, Have you filed an Annexation Request with Cache County?

yes

## Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed. I understand that this petition/application, if approved, applies only to the land use and is not approval or assurance of compliance with any other City regulation, code, or ordinance. Any information, technical assistance, or review comments by any City official are intended solely as informal guidance, and are neither a determination of compliance nor binding on the City.

With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed

Dan Larsen - 09/23/2024 2:42 pm

# Messages

09/23/2024 14:55 pm - Levi Roberts

Dan,

Prior to accepting this petition, we will need to receive a certificate that the County has mailed out required notices as required by UCA 10-2-402(2)(b).

Levi Roberts, Nibley City Planner

## Comments:

09/23/2024 14:57 pm - Applicant

Perfect, That was to be expected. Thanks for your Help with this Levi.

09/23/2024 15:00 pm - Levi Roberts

No problem. Also, can you please clarify your zoning request? Are you asking for R-2A in a portion and R-M in another portion or are you asking for either designation to be considered? As we discussed the R-M designation would also require a code change expanding the eligibility map, since this area isn't included as an eligible rezone area.

09/24/2024 9:18 am - Applicant

The North Parcels 03-049-0010 and 03-049-0011 would be the area for the R2-a. The south parcel 03-049-0013 would be the RM. We'd like to follow the cities future land use plan. If there is another High density zone that would be more applicable let us know. What zone would the city like to see in the Medium and High density area? I don't think commercial is viable in this area.

09/24/2024 10:27 am - Levi Roberts

Thanks for clarifying. There is no specific zone for this area, but I would generally agree that what you describe would be in support of the future land use map.

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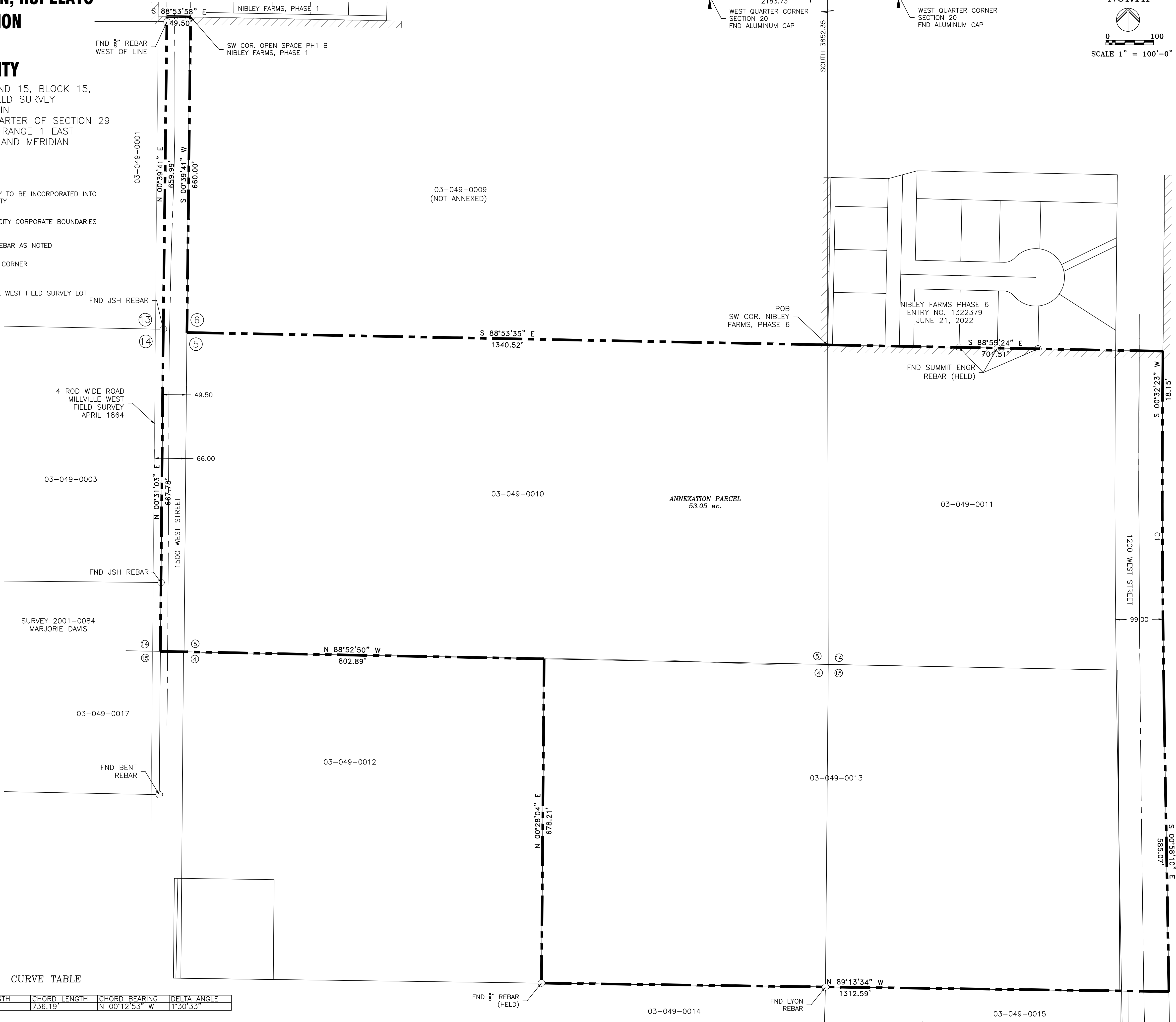
**NIELSEN, ALBRETSSEN, ROPELATO**  
**ANNEXATION**

TO THE  
**NIBLEY CITY**

PART OF LOT 4, 5, 14 AND 15, BLOCK 15,  
 MILLVILLE WEST FIELD SURVEY  
 LOCATED IN  
 PART OF THE NORTHWEST QUARTER OF SECTION 29  
 TOWNSHIP 11 NORTH, RANGE 1 EAST  
 SALT LAKE BASELINE AND MERIDIAN

LEGEND

- BOUNDARY TO BE INCORPORATED INTO NIBLEY CITY  
 --- EXISTING CITY CORPORATE BOUNDARIES  
 ○ FOUND REBAR AS NOTED  
 ⊕ SECTION CORNER  
 (5) MILLVILLE WEST FIELD SURVEY LOT



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	27950.50'	736.21'	736.19'	N 00°12'53\"	1°30'33\"

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 10-2-403, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

RECORDER

APPROVED: \_\_\_\_\_ MAYOR

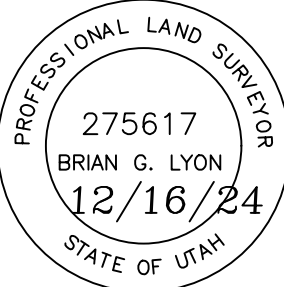
DEPUTY COUNTY SURVEYOR APPROVAL

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date \_\_\_\_\_ Deputy County Surveyor

SURVEYOR'S CERTIFICATE

I, BRIAN G. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIBLEY CITY, CACHE COUNTY, UTAH.



BOUNDARY CERTIFICATE

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Baseline and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Brass Cap bears N 89°55'25\" E 5306.65 feet) thence N 89°55'25\" E 2183.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running

thence S 88°55'24\" E 701.51 feet along the south line of said Nibley Farms, Phase 6 and its projection thereof to the east right of way line of 1200 East Street; thence along said east right of way line the next three courses:

thence S 00°32'23\" W 18.15 feet; thence 736.21 feet along a curve to the left, with a central angle of 01°30'33\", a radius of 27950.50 feet, and a chord that bears S 00°12'53\" E 736.19 feet;

thence S 00°58'10\" E 585.07 feet; thence N 89°13'34\" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8\" rebar ;

thence N 00°28'04\" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;

thence N 88°52'50\" W 802.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;

thence N 00°31'03\" E 667.78 feet (North 660 feet, By Record); thence N 00°39'41\" E 659.99 feet (North 660 feet, By Record);

thence S 88°53'58\" E 49.50 feet to the Southwest Corner of Open Space PH1 B, Nibley Farms, Phase 1 recorded in the Cache County Recorder's Office under Entry No. 1247073 on May 20, 2020;

thence S 00°39'41\" W 660.00 feet; thence S 88°53'35\" E 1340.52 feet to the point of beginning, containing 53.05 acres, more or less.

**NIELSEN, ALBRETSSEN, ROPELATO**  
**ANNEXATION**

TO THE

**NIBLEY CITY**

PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY

LOCATED IN  
 PART OF THE NORTHWEST QUARTER OF SECTION 29  
 TOWNSHIP 11 NORTH, RANGE 1 EAST  
 SALT LAKE BASELINE AND MERIDIAN



ALLIANCE CONSULTING  
 ENGINEERS

150 EAST 200 NORTH SUITE P  
 LOGAN, UTAH 84321  
 (435) 755-5121

DATE DEC-2024

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Nibley City  
455 West 3200 South  
Nibley, UT 84321

NOTICE OF INTENT TO FILE ANNEXATION PETITION Date of Notice: 1/3/2025

Date of Intended Petition: 3/1/2025

Petition Sponsor:      K Holding, LLC.

Dan Larsen  
435-755-7080

Please be advised that as per Utah State Code Annotated 10-2- 403(6) this serves as a notice of intent to file an annexation petition with the City of Nibley for property described as follows:

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

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## Agenda Item #12

<b>Description</b>	<b>Workshop:</b> Council Goals for 2025
<b>Presenter</b>	Larry Jacobsen, Mayor
<b>Staff Recommendation</b>	
<b>Reviewed By</b>	

### Background

Mayor Jacobsen would like to discuss what goals the City Council would like to make for 2025.

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