



NIBLEY CITY COUNCIL
MEETING AGENDA

Thursday, February 28, 2019 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Ramirez)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. Department Report—Animal Control
7. Discussion and Consideration of Resolution 19-04: Appointment to the Cache Mosquito Abatement District (Third Reading)
8. Public Hearing to receive comments regarding Ordinance 19-03: AN ORDINANCE RE-APPROVING AN ANNEXATION PETITION FOR 9 PARCELS ON 120 ACRES, LOCATED SOUTH OF 3200 SOUTH AND BETWEEN 900 WEST AND 1500 WEST.
9. Workshop: Discussion of a Residential Planned Unit Development (R-PUD) Overlay Zone
10. Report from Cache County Sheriff Chad Jensen
11. Council and Staff Reports

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.

¹ 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.



**Nibley City Council
Agenda Report for
February 28, 2019**

Agenda Item #6

Description	Department Report: Animal Control
Department	Planning, Building and Code Enforcement
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Receive the report and provide feedback.
Reviewed By	City Manager

Background

Department staff provides periodic reports to the City Council to provide updates on initiatives and projects. The City Planner, who oversees animal control operations, will provide a report on animal control activities in the city.

Agenda Item #7

Description	Discussion and Consideration of Resolution 19-04: Appointment to the Cache Mosquito Abatement District board (Third Reading)
Department	City Council
Presenter	Shaun Dustin, Mayor
Recommendation	Move to approve Resolution 19-05: Appointment to the Cache Mosquito Abatement District Board.
Reviewed By	Mayor, City Manager

Background

Mayor Dustin proposes Nibley resident Ken Allen as Nibley City's new board member for the Cache Mosquito Abatement District board. This appointment is submitted to the City Council for their advice and consent.

RESOLUTION 19-04

**A RESOLUTION APPOINTING NIBLEY CITY'S REPRESENTATIVE TO THE
CACHE MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES**

WHEREAS, Nibley City Mayor with the advice and consent of the City Council, shall appoint Nibley's representative to the Cache Mosquito Abatement District Board of Trustees; and

WHEREAS, it has become necessary for Nibley City to appoint a new representative to the Cache Mosquito Abatement District Board of Trustees; and

WHEREAS, Nibley City wishes to appoint Ken Allen as Nibley City representative to the Cache Mosquito Abatement District Board of Trustees.

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

1. Ken Allen is hereby appointed to serve as the Nibley City representative on the Cache Mosquito Abatement District Board of Trustees beginning January 1, 2019 to December 31, 2022.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2019.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Agenda Item #8

Description	Public Hearing to receive comments regarding Ordinance 19-03: Re-Approving an Annexation Petition for 9 parcels on 120 acres located south of 3200 South and between 900 West and 1500 West
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Receive and address the public's comments
Reviewed By	Mayor, City Manager, City Planner, City Attorney

Background

The City Council first adopted this ordinance on December 20, 2018. Once the annexation petition was approved, the applicant printed the official mylar that needed the Mayor and the County's surveyor to sign it. After the Mayor signed the mylar, the mylar was delivered to the County for their signature. The city received the sign mylar back in late January. After all of the signatures were gathered, the City contacted the Lt. Governor's offices for their approval, so the annexation could be recorded. However, the Lt. Governor's office informed the City that they could only approve an annexation petition within 30 days after it had received final City Council approval, which had already passed by that point. After talking to the Lt. Governor's office and our attorney, it has been determined that the City needs to re-adopt the annexation and then send the previously signed plat to the state for the final approval. As part of the readoption, the City's attorney recommended that another public hearing also be held to ensure there would be no question about the legality of the readoption.

The December 20, 2018 Report, when the original petition was adopted, read as follows:

Pete Riggs (parcels 03-018-0017, 03-050-0007, 03-050-0001, 03-049-0008, 03-049-0007, 03-017-0013, 03-049-0006), the Church of Jesus Christ of Latter Day Saints (parcel 03-050-0016), and James Blotter (parcel 03-018-0015) have filed an annexation petition to annex property into the City. All three property owners within the annexation area have signed the petition. The total area proposed to be annexed into the City is 120.08 acres and is located just south of 3200 S and located between 900 W and 1500 W as shown below. The applicants are requesting a Zone of R-2A, except for Mr. Blotter (parcel 03-018-0015), who has requested

- 1) The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
- 2) Consistency with the general plan and the overall character of Nibley City;
- 3) The need for municipal services in developed and undeveloped unincorporated areas:
 - a) Plans for extension/expansion of municipal services;
 - b) Plans to finance extension/expansion of municipal services.
- 4) An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
- 5) The interests of all affected entities

One of the biggest criteria that the City must consider is if the petition area is contained within Nibley City's Annexation Declaration Boundary. The entire area included in the Riggs' application falls within the City's annexation declaration boundary and does not create any islands or peninsula of unincorporated areas.

2. General Plan

Nibley City's General Plan provides general guidelines for the future development of Nibley City. The Annexation Policy Plan is an attachment to the General Plan and provides guidelines for the City to consider annexations. Nibley City's General Plan also lists the following core values:

Nibley's core values:

- Pride in the City's history and heritage
- The rural character, scenic beauty, and natural resources of the area
- Nearby recreation opportunities
- Agricultural fields and open spaces
- A transportation system that promotes safe and efficient travel
- Recognizing and respecting private property rights
- Aesthetically pleasing design of development and public facilities

(2016 Nibley City General Plan, pg. 6)

3. Municipal Service and Impact on Community

One of the main reasons the applicants wish to annex is to have access to Nibley City's utility services; including water, sewer, stormwater, and transportation services. Nibley City currently has plans to extend services into these areas as laid out in its master plans. There are also utility lines and streets that run adjacent to the annexation areas as shown below. However, though there are utility lines and infrastructure adjacent to the proposed annexation area, there would need to be some improvements to utility lines and streets as these parcels are developed.

The City would require the developer to install improvements to all infrastructure as these lots are subdivided and developed, according to Nibley City and Utah subdivision requirements.

With these improvements, the City would charge impact fees and development fees to offset costs to the City. It is not anticipated that the City would need to increase taxes to pay for any of these improvements.

4. Acceptance and Certification

The City Council accepted Annexation Petition 18-01 on October 11, 2018. After the City Council accepted the annexation petition, Nibley City staff and legal counsel reviewed the petition to ensure it conformed with state law and found that it complied. City Recorder, David Zook, then certified the annexation petition on November 9, 2018, which started the 30 protest period.

5. Protest Period and the interest of other affected entities

Each affected entity has been able to comment on the new Annexation Policy Plan. Staff, in the past seven months, has also talked to Heritage Elementary School's principal about future growth in this area. Each affected entity will be given an opportunity to protest any concerns they have if the Council approves the annexation petition for further consideration.

After Certification, the City ran several advertisements to inform all affected entities of the annexation and their right to protest. The City mailed letters to each affected entity and ran an ad in the newspaper three times. Each affected entity has a right to protest an annexation petition. The City received no protest from any other local government, school district, or property owner within the annexation area.

Approval or Denial

The City Council now has the authority to approve or deny Annexation Petition 18-01 based on the criteria as listed in our Annexation Policy Plan, our local City code, and state law. You will find a copy of Nibley City's newly adopted Annexation Policy Plan attached to this report. If approved, the City Council will assign zoning to each parcel within the annexation area on the next agenda item.

If the Annexation is approved, the City must file a copy of an approved final local entity plat with the Lt. Governor. The plat must be signed by the Mayor and County Surveyor. Once the Lt. Governor's office approves the final local entity plat, the County Recorder will record the annexation.

ORDINANCE 19-03

AN ORDINANCE RE-APPROVING AN ANNEXATION PETITION FOR 9 PARCELS ON 120 ACRES, LOCATED SOUTH OF 3200 SOUTH AND BETWEEN 900 WEST AND 1500 WEST.

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

1. All proper procedures and processes were followed, and this is a re-adoption of Ordinance 18-11.
2. That Ordinance 19-01, approved on January 3, 2019, remain in effect for the property contained within this annexation petition.
3. The attached Annexation Petition, with the following legal description, be reapproved to annex into the City.

PART OF SECTIONS 20 AND 29 TOWNSHIP 11 NORTH RANGE 1 EAST OF THE SALT LAKE MERIDIAN, LOCATED IN CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20;
THENCE N89°51'19"W 5306.64 FEET TO THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S17°24'23"E 2615.48 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF
FOXBOROUGH ESTATES PHASE 1 AND POINT OF BEGINNING, SAID POINT BEING ON
THE EXISTING NIBLEY CITY CORPORATE LIMIT LINE;

THENCE ALONG SAID EXISTING CORPORATE LIMIT LINE THE FOLLOWING EIGHT
COURSES:

1. S89°16'03"E 66.00 FEET TO THE EAST LINE OF 1500 WEST STREET;
2. S0°47'58"W 218.17 FEET, MORE OR LESS, ALONG SAID EAST LINE TO THE SOUTH
LINE OF SAID SECTION;
3. S89°44'37"E 1354.22 FEET, MORE OR LESS, ALONG SAID SOUTH LINE;
4. N1°23'43"E 139.10 FEET (NORTH 150.39 FEET BY RECORD), MORE OR LESS;
5. S88°52'08"E 684.31 FEET (S88° 681.47 FEET BY RECORD), MORE OR LESS, TO THE
EAST LINE OF 1200 WEST STREET;
6. N0°55'52"E 1030.05 FEET, MORE OR LESS, ALONG SAID EAST LINE;
7. S88°52'10"E 2063.75 FEET, MORE OR LESS, TO THE WEST LINE OF A FIELD ROAD,
SAID LINE ALSO BEING THE EAST LINE OF LOT 9 OF BLOCK 16 OF THE
MILLVILLE WEST FIELD SURVEY;
8. S1°19'19"W 1126.76 FEET, MORE OR LESS, ALONG THE EAST LINES OF LOTS 9, 8,
AND 7 OF SAID BLOCK AND SURVEY TO THE SOUTH LINE OF SAID SECTION;

THENCE LEAVING SAID CORPORATE LIMIT LINE S1°19'19"W 530.92 FEET, MORE OR
LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7;

THENCE N88°48'24"W 1328.40 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF
SAID LOT 7;

THENCE S1°26'52"W 329.21 FEET, MORE OR LESS, ALONG THE WEST LINE OF LOT 6 OF
SAID BLOCK AND SURVEY;

THENCE N88°53'56"W 718.49 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF THE
NORTH HALF OF LOT 13 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY TO THE
EAST LINE OF 1200 WEST STREET;

THENCE S0°46'36"W 328.09 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID
LOT 13;

THENCE N88°48'02"W 698.19 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 13;

THENCE N1°23'47"E 653.81 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 13;

THENCE N88°59'47"W 1419.19 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF LOT 7 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY AND ITS EXTENSION TO THE WEST LINE OF 1500 WEST STREET;

THENCE THE FOLLOWING TWO COURSES ALONG SAID WEST LINE:

1. N1°18'02"E 471.58 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 20;
2. N0°47'58"E 218.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 120.08 ACRES, MORE OR LESS.

Passed by the Nibley City Council this day of , 2019.

Shaun Dustin, Mayor

ATTEST: _____
City Recorder

RIGGS ANNEXATION
TO NIBLEY CITY, CACHE COUNTY, UTAH
LOCATED WITHIN SECTIONS 20 AND 29, TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE MERIDIAN

SURVEYOR'S CERTIFICATE

I, STEVEN C. EARL, HOLDING LICENSE NUMBER 318575-2201 UNDER UTAH CODE TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, HAVE COMPLETED A PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF NIBLEY CITY, UTAH IN ACCORDANCE WITH UTAH CODE TITLE 17, CHAPTER 23, SECTION 20, SUBSECTION (4), AND HAVE ACCURATELY REPRESENTED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON BASED UPON DATA COMPILED FROM THE RECORDS OF THE CACHE COUNTY RECORDER'S AND SURVEYOR'S OFFICES.



LEGAL DESCRIPTION

PART OF SECTIONS 20 AND 29 TOWNSHIP 11 NORTH RANGE 1 EAST OF THE SALT LAKE MERIDIAN, LOCATED IN CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20;
THENCE N89°51'19"W 5306.64 FEET TO THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S17°24'23"E 2615.48 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF FOXBORROUGH ESTATES PHASE 1 AND POINT OF BEGINNING, SAID POINT BEING ON THE EXISTING NIBLEY CITY CORPORATE LIMIT LINE;
THENCE ALONG SAID EXISTING CORPORATE LIMIT LINE THE FOLLOWING EIGHT COURSES:
1. S89°16'03"E 66.00 FEET TO THE EAST LINE OF 1500 WEST STREET;
2. S0°47'58"W 218.17 FEET, MORE OR LESS, ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID SECTION;
3. S89°44'37"E 1354.22 FEET, MORE OR LESS, ALONG SAID SOUTH LINE;
4. N1°23'43"E 139.10 FEET (NORTH 150.39 FEET BY RECORD), MORE OR LESS;
5. S88°52'08"E 684.31 FEET (S88° 681.47 FEET BY RECORD), MORE OR LESS, TO THE EAST LINE OF 1200 WEST STREET;
6. N0°55'52"E 1030.05 FEET, MORE OR LESS, ALONG SAID EAST LINE;
7. S88°52'10"E 2063.75 FEET, MORE OR LESS, TO THE WEST LINE OF A FIELD ROAD, SAID LINE ALSO BEING THE EAST LINE OF LOT 9 OF BLOCK 16 OF THE MILLVILLE WEST FIELD SURVEY;
8. S1°19'19"W 1126.76 FEET, MORE OR LESS, ALONG THE EAST LINES OF LOTS 9, 8, AND 7 OF SAID BLOCK AND SURVEY TO THE SOUTH LINE OF SAID SECTION;
THENCE LEAVING SAID CORPORATE LIMIT LINE S1°19'19"W 530.92 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7;
THENCE N88°48'24"W 1328.40 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 7;
THENCE S1°26'52"W 329.21 FEET, MORE OR LESS, ALONG THE WEST LINE OF LOT 6 OF SAID BLOCK AND SURVEY;
THENCE N88°53'56"W 718.49 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF THE NORTH HALF OF LOT 13 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY TO THE EAST LINE OF 1200 WEST STREET;
THENCE S0°46'36"W 328.09 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID LOT 13;
THENCE N88°48'02"W 698.19 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 13;
THENCE N1°23'47"E 653.81 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 13;
THENCE N88°59'47"W 1419.19 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF LOT 7 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY AND ITS EXTENSION TO THE WEST LINE OF 1500 WEST STREET;
THENCE THE FOLLOWING TWO COURSES ALONG SAID WEST LINE:
1. N1°18'02"E 471.58 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 20;
2. N0°47'58"E 218.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 120.08 ACRES, MORE OR LESS.

NIBLEY CITY APPROVAL AND ACCEPTANCE

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 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__.

NIBLEY CITY MAYOR

ATTEST

NIBLEY CITY RECORDER

DEPUTY CACHE COUNTY SURVEYOR APPROVAL

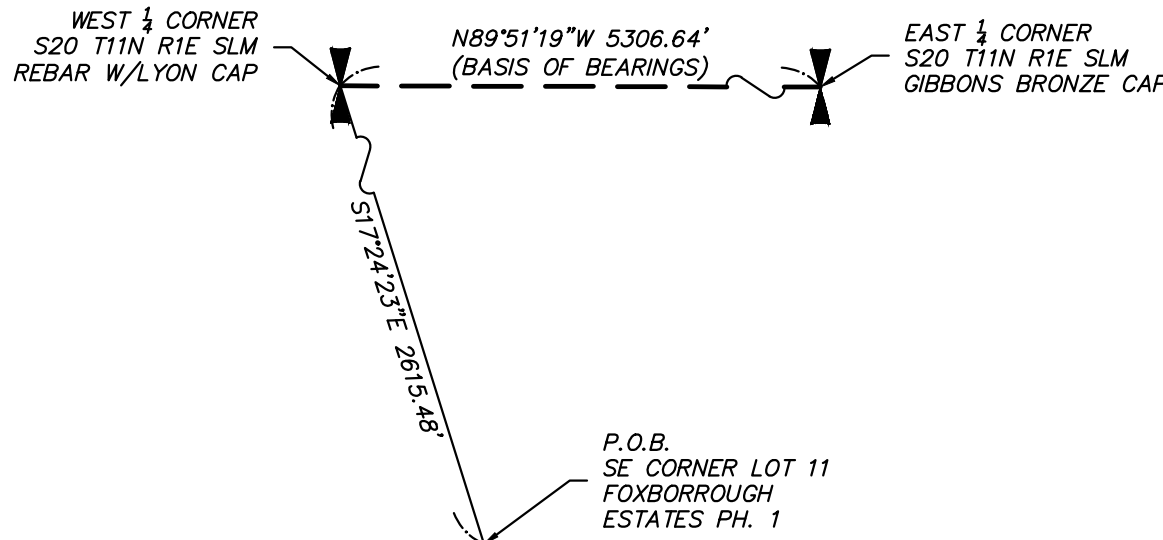
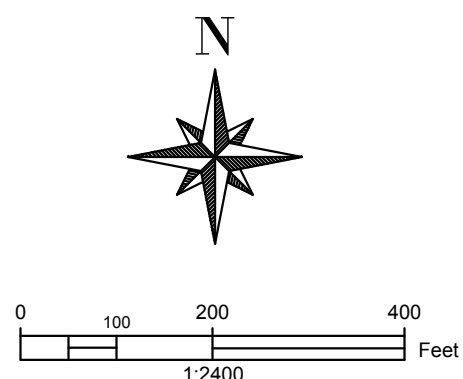
THIS PLAT IS HEREBY APPROVED AS A FINAL LOCAL ENTITY PLAT IN ACCORDANCE WITH UTAH CODE TITLE 17, CHAPTER 23, SECTION 20.

SEALED AND SIGNED THIS ____ DAY OF _____, 20__ DEPUTY COUNTY SURVEYOR

COUNTY RECORDER

COUNTY RECORDER'S NO. _____
STATE OF UTAH, COUNTY OF CACHE,
RECORDED AND FILED AT THE REQUEST
OF _____
THIS ____ DAY OF _____
20__ AT _____ IN BOOK OF PLATS
INDEX _____
FEE _____
COUNTY RECORDER

- LEGEND
- AREA HEREBY ANNEXED TO NIBLEY CITY
 - EXISTING CORPORATE LIMIT LINES
 - ANNEXATION BOUNDARY
 - PARCEL LINES
 - RIGHT-OF-WAY LINE
 - SECTION LINE
 - MILLVILLE WEST FIELD SURVEY LOT LINE



S20 S29 T11N R1E SLM

RIGGS ANNEXATION
NIBLEY CITY, CACHE COUNTY, UTAH



Cache • Landmark
Engineers
Surveyors
Planners
95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 13 AUGUST 2018

SCALE: 1" = 200'

CALCULATED BY: S. EARL

CHECKED BY: J. HANSEN

APPROVED BY: S. EARL

PROJECT NUMBER: 18086RIG

Agenda Item #9

Description	Discussion of a Residential Planned Unit Development (R-PUD) Overlay Zone
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Receive updated information from the City Planner and provide feedback.
Reviewed By	Mayor, City Council R-PUD Subcommittee, City Manager, City Planner

Background

Nibley City staff has made several updates to the R-PUD ordinance since the last City Council meeting held on January 24, 2019. At that meeting, the Council asked staff to add a requirement that the City could choose parcels ahead of time on a map that would show which parcels could qualify to apply for an R-PUD. Staff updated the draft ordinance and sent the update ordinance to the City's attorney for review. The City Attorney submitted some comments and suggested edits back to the City. In addition, Nibley City's Public Works Director and City Engineer have made comments on some aspect of the standards and infrastructure. Staff is currently working on making additional updates to the proposed R-PUD to reflect these comments and suggested changes and will present those recommended changes from the last meeting and review other comments and proposed edits with the City Council.

Agenda Item #10

Description	Department Report: Cache County Sheriff
Department	Public Safety
Presenter	Chad Jensen, Cache County Sheriff
Recommendation	Receive the report and provide feedback.
Reviewed By	Mayor, City Manager

Background

The Cache County Sheriff's Office provides law enforcement services for Nibley City and gives periodic updates to the City regarding those services. The Sheriff will come to the meeting to address the City Council.