



NIBLEY CITY COUNCIL
MEETING AGENDA

Thursday, April 11, 2019 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Larsen)
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. Discussion of A Proclamation in Recognition of Utah Family Month
7. Discussion and Consideration of a Proclamation Recognizing Arbor Day in Nibley City
8. Presentation of the Government Financial Officers Association (GFOA) Distinguished Budget Presentation Award
9. Discussion and Consideration of Resolution 19-08: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2018-19, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2019-20 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)
10. Discussion and Consideration of an Annexation Petition for 20 acres, Contained Within Parcel Tax ID:03-008-0004, or Firefly Park, Located South of 2200 South and Between 1000 West and 800 West
11. Council and Staff Reports
12. Adjourn to Closed Session to discuss personnel pursuant to Utah Code 52-4-205

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
April 11, 2019**

Agenda Item #6

Description	Discussion of A Proclamation in Recognition of Utah Family Month
Department	City Council
Presenter	Esterlee Molyneux, Executive Director of the Family Place
Recommendation	Make a motion recognizing the Proclamation in Recognition of Utah Family Month
Reviewed By	Mayor, City Manager

Background

The Family Place, a local non-profit charitable organization, annually visits each city council in the region and provides an update on the Family Place's efforts to protect children and strengthen families in the region, while also asking each city to adopt a proclamation. That proclamation traditionally focuses on Child Abuse Prevention month, which is observed in April. This year, the Family Place is focusing on Utah Family Month. A representative of the Family Place will attend the meeting and talk about the organization's efforts and events during Family Month.



**NIBLEY CITY
UTAH FAMILY MONTH PROCLAMATION**

WHEREAS, strong, healthy, and happy families are the foundation of society; and

WHEREAS, we depend on families to protect us and provide for our needs from the time we are born; and

WHEREAS, our first relationships are formed with our family members—who also create the environment where we gain values and morals;

WHEREAS, mothers and fathers are often the most powerful support system for children; and

WHEREAS, research shows that we can reduce the likelihood of childhood abuse and neglect by increasing protective factors, such as providing parents with support in times of need, enhancing parental resilience, providing options for social connections, facilitating community knowledge of parenting and child development, and supporting the development and well-being of children; and

WHEREAS, the Family Place serves as a critical resource for families during times of high stress, emergency or crisis by offering support, crisis/respice nurseries, and education;

NOW THEREFORE, we, the Nibley City Council, do hereby proclaim May 12–June 16, 2019 as Nibley City Family Month.

In witness whereof, I hereunto set my hand on this 11th day of April, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

Agenda Item #7

Description	Discussion of a Proclamation Recognizing Arbor Day in Nibley City
Department	City Council
Presenter	Rod Elwood, Nibley City Forester
Recommendation	Make a motion recognizing Arbor Day in Nibley City
Reviewed By	Mayor, City Manager, City Planner, City Forester

Background

In accordance with the Tree City standards, the City spends more than \$12,000 per year on tree related activities, including planting new trees, providing trees to residents to plant in the City, and equipment and staff time to maintain existing trees.

Nibley City participates in the Tree City USA program administered by the Arbor Day Foundation. To be designated as a Tree City USA city, there are several standards the City must meet, including the following:

1. Have a tree board or tree department
2. Have a tree care ordinance
3. Have a community tree program with a budget of at least \$2 per resident
4. Hold an annual Arbor Day observance and make an Arbor Day Proclamation

Arbor Day in 2019 is proposed to be recognized on Friday, April 26 in conjunction with National Arbor Day.

A PROCLAMATION CELEBRATING ARBOR DAY IN NIBLEY CITY, UTAH

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and **WHEREAS**, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and **WHEREAS**, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Nibley City makes great efforts to set the example in planting trees and encouraging citizens to do likewise; and

WHEREAS, Nibley City desires to improve its efforts to commemorate Arbor Day each year; and

WHEREAS, Nibley City has chosen to celebrate Arbor Day 2018 on April 27, in coordination with National Arbor Day; and

WHEREAS, two separate Rotary clubs, and their members, have organized a tree planting activity for April 26, which will include planting 12 trees at Nibley's Firefly Park.

NOW, THEREFORE, I, Shaun Dustin, Mayor of the City of Nibley do hereby proclaim Friday, April 26, 2019, to be *ARBOR DAY* in the City of Nibley, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated this 11th day of April, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

Agenda Item #8

Description	Presentation of the Government Financial Officers Association (GFOA) Distinguished Budget Presentation Award
Department	Admin/Recorder & Treasurer
Presenter	Rich Anderson, Board Member with Utah Government Finance Officers Association (and Finance Director for Logan City)
Recommendation	Receive the Presentation
Reviewed By	Mayor, City Manager, City Treasurer

Background

The Government Finance Officers Association of the United States and Canada established the Distinguished Budget Presentation Awards Program in 1984 to encourage and assist state and local governments to prepare budget documents of the very highest quality that reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's best practices on budgeting, and then to recognize individual governments that succeed in achieving that goal.

Agencies submit their budget documents to the Budget Awards Program and the budget is reviewed by selected members of the GFOA professional staff and by outside reviewers with experience in public-sector budgeting.

Nibley City has been gradually improving its budget document over the past several years in an effort to bring the budget into compliance with GFOA standards. The City submitted its most recent budget to the GFOA and was informed that the budget meets the GFOA standards for the Distinguished Budget Presentation Award. A representative of the Utah GFOA board will make a presentation of the award to the City Council.

In the official announcement from the GFOA, the GFOA said the following:

“The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy

nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- A policy document
- A financial plan
- An operations guide
- A communications device

“Budget documents must be rated proficient in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.”



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Nibley City
Utah**

For the Fiscal Year Beginning

July 1, 2018

Christopher P. Morill

Executive Director

Agenda Item #9

Description	Discussion and Consideration of Resolution 19-08: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2018-19, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2019-20 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)
Department	City Council
Presenter	David Zook, City Manager
Recommendation	Receive staff presentation, provide direction to staff and make a motion to adopt the tentative budget.
Reviewed By	Mayor, City Manager, City Treasurer, and Departments.

Background

The first draft of the budget for the next fiscal year will be presented to the City Council and public. Staff will present and review various changes and proposals in the budget. A public hearing regarding the budget will be held at a future meeting. State law requires the City Council to adopt the first draft of the annual budget by the Council's first meeting in May. By state law, the budget will also need to be adopted by the second meeting in June if there is not a tax increase, or by the first meeting in August if there is a tax increase. Upon final adoption, this resolution would adopt the budget for the next fiscal year, as well as make any final adjustments to the current-year budget. Approval of this resolution would increase the stormwater fee from \$7.25 to \$7.50 per month per residence and proposes to keep the property tax rate at its current rate of 0.001667. If Cache County certifies a tax rate lower than this rate, which is likely based on real estate value increases over the past year, this rate will not become the final adopted rate until after the City holds a truth in taxation hearing on August 8. Additional changes are expected to be made to the first draft of the budget before final adoption. Staff members are finalizing the budget document and will post the draft prior to the council meeting.

RESOLUTION 19-08

A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2018-19, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2019-20 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES

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

1. The attached Fiscal Year 2018-19 current-year budget is hereby adopted and approved as the amended budget for the current fiscal year ending June 30, 2018, with amendments, if any, as reflected in the attached budget document and the minutes of this meeting.
2. The attached budget entitled Final Budget FY 2019-20 is hereby adopted and approved for the fiscal year ending June 30, 2020, with amendments, if any, as reflected in the budget document and the minutes of this meeting.
3. The monthly charge for storm water shall be \$7.50 per month, per residential utility customer.
4. The adopted property tax rate is 0.001667.

Dated this _____ day of June, 2019

Shaun Dustin, Mayor

ATTEST

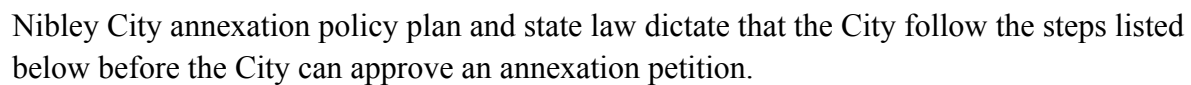
David Zook, City Recorder

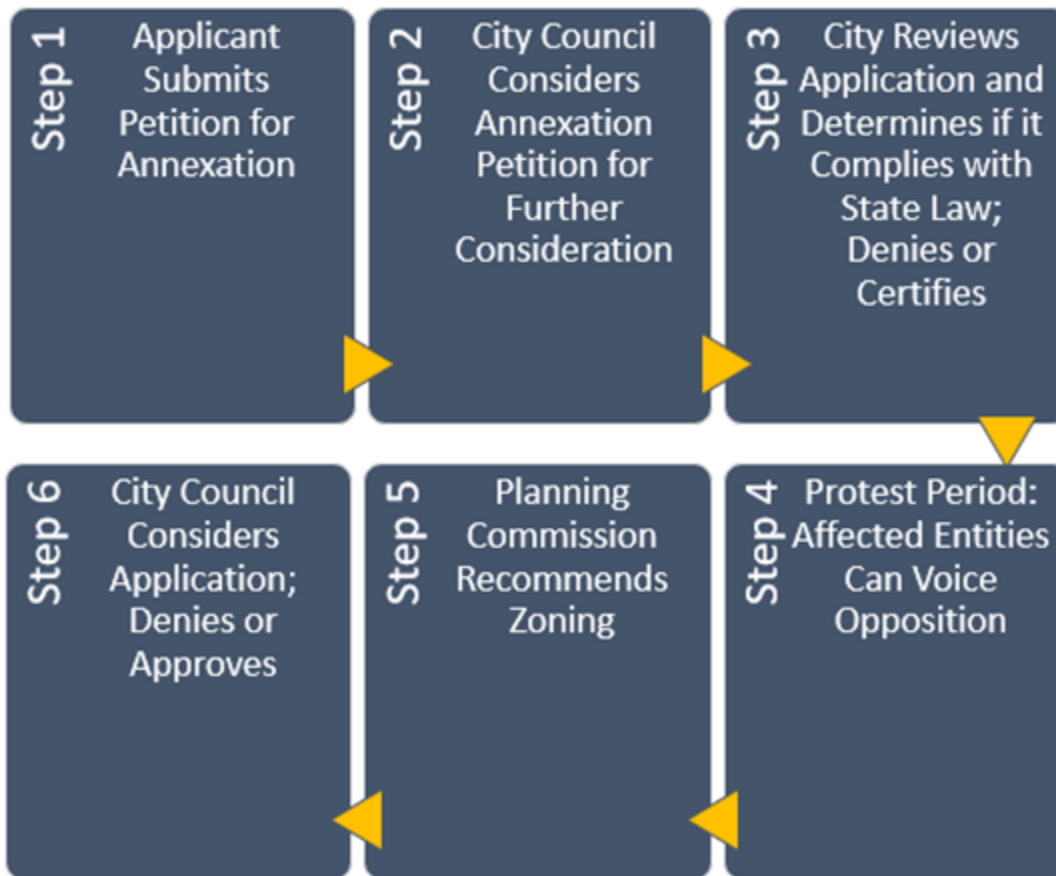
Agenda Item #10

Description	Discussion and Consideration of an Annexation Petition for 20 acres, Contained Within Parcel Tax ID:03-008-0004, or Firefly Park, Located South of 2200 South and Between 1000 West and 800 West
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Make a Motion to Accept the Annexation Petition. This will allow the annexation to move forward for further consideration.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, City Engineer, City Public Works Director, County Clerk, Emergency Responders, Health Department

Background

The





The City must first either accept or deny the petition for further consideration. The following are items to consider whether the City should accept or deny the petition, each of which is addressed in more detail after this list:

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

Why Annex?

Having Firefly Park within Nibley City boundaries allows the City to pass codes to control the use on the property and will allow the City enforce ordinances. The Parks and Recreation Committee is currently reviewing new park regulations that would apply to all City-owned parks and trails within the City. These regulations, if approved, would not apply to Firefly Park until

the park is annexed into the City. Therefore, it is important that the City annex this property into Nibley City boundaries.

Annexation Declaration Boundary and Property

One of the biggest criteria that the City must consider is if the petition area is contained within the City's Annexation Declaration Boundary. In the case of the Firefly Park Annexation application, the entire area falls within the City's annexation declaration boundary. It also does not create any islands or peninsula of unincorporated areas.

General Plan

Nibley City's General Plan provides general guidelines for the future development of Nibley City. The City's Annexation Policy Plan in an addendum to the General Plan and provides guidelines for the City to consider annexations. Nibley City's General Plan also lists the core values that would be supported by this annexation:

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)*

Municipal Service and Impact on Community

One of the main reason that most property owners seek to annex into a community is to be able to connect to that City's utilities and service to be able to develop property that would have a higher impact than what is normally allowed in unincorporated areas. These developments would follow City subdivision rules and each building would pay impact fees, utility bills and property taxes to pay for the increased demand on City infrastructure. The Firefly Park Annexation is different since there would be no tax or other fee collection to pay for the increased impact of the development. However, the park is part of the city's parks master plan and the development and long term maintenance of the park have already been considered when the City Council approved the purchase and development of this property. Even though the development of this park, including the roads adjacent, will not fund themselves, the City has already approved the development and agreed to the long-term plan for this park as an amenity for City residents. This annexation allows the City to protect an important resource for the community as a whole and fulfills several goals within the General Plan. In fact, the development of this park is a mitigation of growth in that it addresses the impact of new residents in the City by providing extra open park space. This park is being partially funded with park impact fees.

The Interest of other Affected Entities

Each affected entity has recently been able to comment on the new Annexation Policy Plan. Each affected entity will be given an opportunity to protest any concerns they have if the Council approves the annexation petition for further consideration. You will find a copy of Nibley City's newly adopted Annexation Policy Plan in the meeting box.





PETITION FOR ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF NIBLEY CITY, UTAH

Petition No.: _____

Date: _____

Receipt No.: _____

Filing Fee: _____

(non-refundable)

To the Mayor and City Council
Nibley City
455 W. 3200 S.
Nibley, UT 84321

Mayor and Council Members:

I/We, the undersigned, do hereby petition the Mayor and the City Council of Nibley City, Utah, to annex the stated property as follows:

Legal Description¹: See Attachment

Cache County Tax I.D. Number (if applicable): 03-008-0004

Address/General Location or Street Network: 2200 S and 1000 W

Proposed Land Use(s) and Residential Densities: Nibley City Park

Size of Parcel (in acres): 20 Acres

Existing Land Use: City Park

Surrounding Land Use: North: Undeveloped Ag East: Park and Ag

South: Single Family Homes West: Single Family and Undeveloped

Utility Extension and Schedule:

Sewer: N/A

Water: N/A

Drainage: N/A

Other: _____

- If the Petition contains multiple properties, each under separate ownership, include the signature of each separate owner, with a reference to which property belongs to each owner.
- If the property is owned/held by a trust, please include the signatures of all trustees

¹Attach a surveyed legal description of the property proposed for annexation to this application, together with a surveyed plat showing the property and its surrounding area.

Acknowledgement

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 any agency with code enforcement responsibilities or the City.

Current Owner's Name: Nibley City

Signature 

Date 3/27/19

Phone (435) 752-0431

Address 455 W 3200 S

City/State/Zip Nibley, UT 84321

Signature _____

Date _____

Phone _____

Address _____

City/State/Zip _____

Signature _____

Date _____

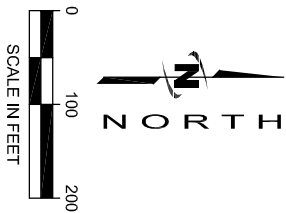
Phone _____

Address _____

City/State/Zip _____

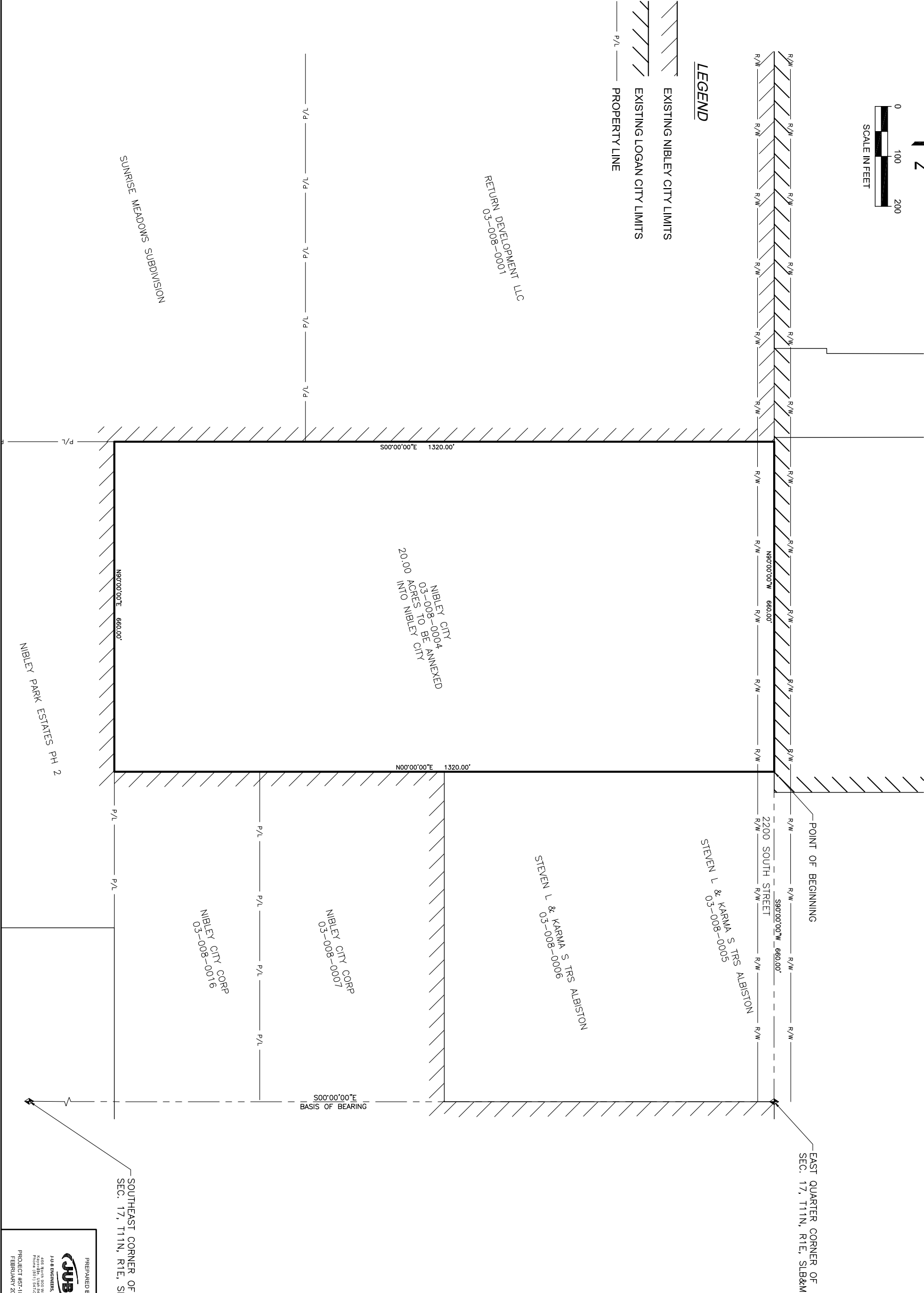
FIREFLY PARK NIBLEY CITY ANNEXATION PLAT

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17,
TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.
NIBLEY CITY, CACHE COUNTY, UTAH



LEGEND

- EXISTING NIBLEY CITY LIMITS
- EXISTING LOGAN CITY LIMITS
- PROPERTY LINE



SURVEYOR'S CERTIFICATE

I, DAVID D. STRONG, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 5331568 IN THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, A LOCAL ENTITY PLAT WAS MADE UNDER MY DIRECTION OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW. I HEREBY STATE THAT THIS PLAT IS A TRUE REPRESENTATION OF THE LAND TO BE ANNEXED INTO NIBLEY CITY, CACHE COUNTY, UTAH.

REVIEW COPY

DAVID D. STRONG, PLS
DATE

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, T.11N., R.1E., S.L.B.&M.
BEGINNING AT A POINT ON THE SOUTH BOUNDARY OF LOGAN CITY LIMITS SAID POINT BEING WEST 660.00 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 17, THENCE ALONG THE SOUTH BOUNDARY OF LOGAN CITY WEST 660.00 FEET TO A POINT ON THE EXISTING NORTHERN BOUNDARY OF NIBLEY CITY, THENCE ALONG THE EXISTING BOUNDARY OF NIBLEY CITY THE FOLLOWING THREE (3) COURSES: (1) SOUTH 1320.00 FEET, (2) EAST 660.00 FEET, (3) NORTH 660.00 FEET; THENCE NORTH 660.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 20.00 ACRES IN AREA, MORE OR LESS.

NIBLEY CITY APPROVAL

THIS IS TO CERTIFY THAT WE, NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACTS SHOWN HEREON REQUESTING THAT SAID TRACTS 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 TRACTS AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAD AND OFFICIAL SEAL THIS ____ DAY OF ____ , 2019.

APPROVED: ____ MAYOR

RECORDER

CACHE COUNTY DEPUTY SURVEYOR

I CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND FOUND IT TO MEET THE REQUIREMENTS OF A FINAL LOCAL ENTITY PLAT.
SIGNED THIS ____ OF ____ , 2018

CACHE COUNTY DEPUTY SURVEYOR

CACHE COUNTY RECORDER

ENTRY NO. ____ FEE PAID ____
FILED FOR RECORD AND RECORDED THIS ____ DAY
OF ____ , 2018 AT ____ IN BOOK
____ OF OFFICIAL RECORDS PAGE ____

CACHE COUNTY RECORDER

BY ____ DEPUTY RECORDER

PREPARED BY
JUB
JUB & ASSOCIATES, INC.
1000 W. 1000 S. SUITE 1000
SALT LAKE CITY, UT 84119
PHONE (801) 541-0283
PROJECT #57-15014
FEBRUARY 2019

Nibley City Annexation Policy Plan



September 2018
Nibley City Corporation

Introduction

Utah law requires that all municipalities within the State adopt an Annexation Policy Plan (UCA10-2-4). In that Annexation Policy Plan, cities are required to develop an expansion area map and to plan for the future growth of the community for the next 20 years.

The Annexation Policy Plan is intended to guide decision-making regarding future annexations. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan. As such, all neighboring communities, local districts, and the county are invited to participate in the drafting of this plan.

Nibley City's Core Values

The 2016 Nibley City General Plan outlines the character and core values of Nibley City as follows:

The residents of Nibley value their community as a great place to live and be a family. It is important to protect the pace of life and character of the City while providing appropriate facilities and services for its current and future residents.

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)

Consideration

In accordance with Utah Municipal Code 10-2-401.5, Nibley City considers the annexation of the unincorporated area using the following criteria:

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. The area proposed for annexation shall be evaluated using the following standards for review:
 - a. Consistency with the general plan and the overall character of Nibley City;
 - b. The need for municipal services in developed and undeveloped unincorporated areas:
 - i. Plans for extension/expansion of municipal services;
 - ii. Plans to finance extension/expansion of municipal services.
 - c. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
 - d. The interests of all affected entities
3. Nibley City is required to justify the exclusion of developed areas within 1/2 mile of Nibley City's boundary from the expansion area. In general, there are not developed areas within 1/2 mile of Nibley City's boundary that have been excluded from the expansion area. However, some areas, which are already included in the expansion area or incorporated area of other municipalities (i.e. Logan, Hyrum, or Millville), have been excluded.
4. The map of the expansion area was, and shall be when modified or proposed to be modified, developed using the following criteria:
 - a. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
 - b. Consider population growth projections for Nibley City and adjoining areas for the next 20 years;
 - c. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - i. to facilitate the full development of the area within Nibley City; and
 - ii. to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - d. Consider, in conjunction with Nibley City's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; and,

- e. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in Nibley City.

Municipal Services and Taxes

Nibley City has several master plans that address the future growth of City services. Anticipated municipal service needs and plans for expansion are provided in the: Water Master Plan; Parks, Trails, Recreation and Open Space Master Plan; Transportation Master Plan; Sewer Master Plan; Stormwater Master Plan; and Economic Development Plan. Planned and other expansion of municipal services will be financed primarily by impact fees and other negotiated development fees or exactions. The estimate of the tax consequences to residents, both currently within the municipal boundaries and in the expansion area, is a consideration of specific areas proposed for annexation and the proposed use. City staff have completed the analysis of property tax per acre and utility fee collection for specific types of development and will apply this when considering areas proposed for annexation. Nibley does not intend to raise taxes in order to support future annexations.

Population Growth

Nibley City is expecting strong population growth and increasing commercial demand within the City. Nibley City's 2016 General Plan projected that the City would grow by 300% by 2060, as shown by the graphic taken from the Nibley City's General Plan. This population growth will create opportunities for residential and commercial development. Nibley City's General Plan, Future Land Use Map, and Master Plans will guide this growth, future land use, and zoning.



Table 2: Projected Population Growth

Census	Projections				
2010	2020	2030	2040	2050	2060
5,438	8,796	14,136	15,725	18,597	21,905

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

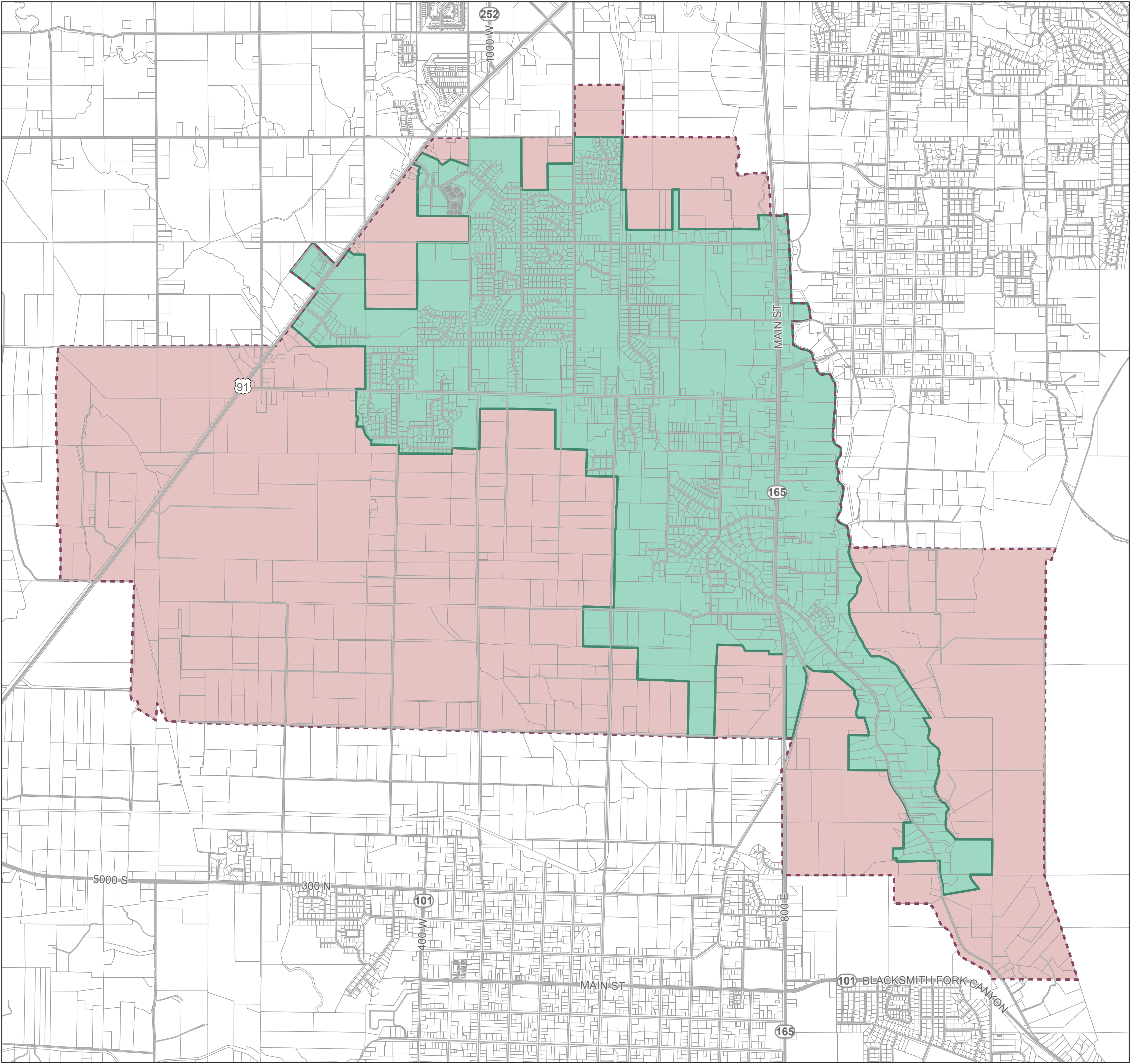
(2016 Nibley City General Plan, pg. 10)

Affected Entities Comments and Response

INVITED ORGANIZATIONS
MILLVILLE CITY
CACHE COUNTY
LOGAN CITY
HYRUM CITY
PROVIDENCE CITY HALL
WELLSVILLE CITY
NIBLEY-MILLEVILLE CEMETARY DISTRICT
CACHE COUNTY SCHOOL DISTRICT
LOGAN CITY SCHOOL DISTRICT

On July 26, 2018, a copy of the plan and an invitation was delivered to the organization listed to the left to give them an opportunity to provide feedback and attend the Planning Commission Meeting on August 8, 2018. This invite was to help the City to coordinate future growth in the area with other government organizations. Three of these entities sent comments to Nibley City in response to our invite. Below contains their comments and Nibley's response.

Entity	Entities' Comment	Nibley City Response
Logan City	"In regards to the parcels (03-001-0010 & 03-001-0013) located north of 2200nd South, we have identified those parcels as being within Logan City's Annexation Policy Plan since 2002 with plans to include those in Logan when they are ready for annexation. The inclusion of these parcels into Nibley's Annexation Policy Plan is contrary to UMC 10-2-401.5(4) which states that an annexation plan should avoid gaps or overlaps with other municipalities."	Nibley City has maintained those parcels within the Nibley City annexation area since the City could supply service to those property effecently. The City also wishes to maintain those parcels within the Nibley's annexation boundary since any future development there would have an impact on our two parks to the South, and the kids would attend schools within Nibley City.
Wellsville	"We do want to register concern that your proposed annexation plan overlaps the existing Wellsville City Annexation Policy Plan in the north of the city on both side of Highway 89/91."	Nibley City reaches out and requested a map from Wellsville to get more details. No change was made to our map.
Hyrum	Hyrum sent a map of a recent annexation into their City that was proposed on the Nibley City annexation area.	Made adjustments to the annexation map to remove the newly annexed parcels into Hyrum from Nibley's annexation area.



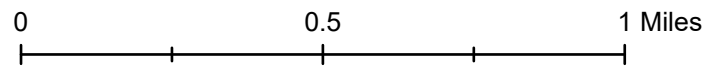
Nibley City

Annexation Declaration Boundary

8/22/2018

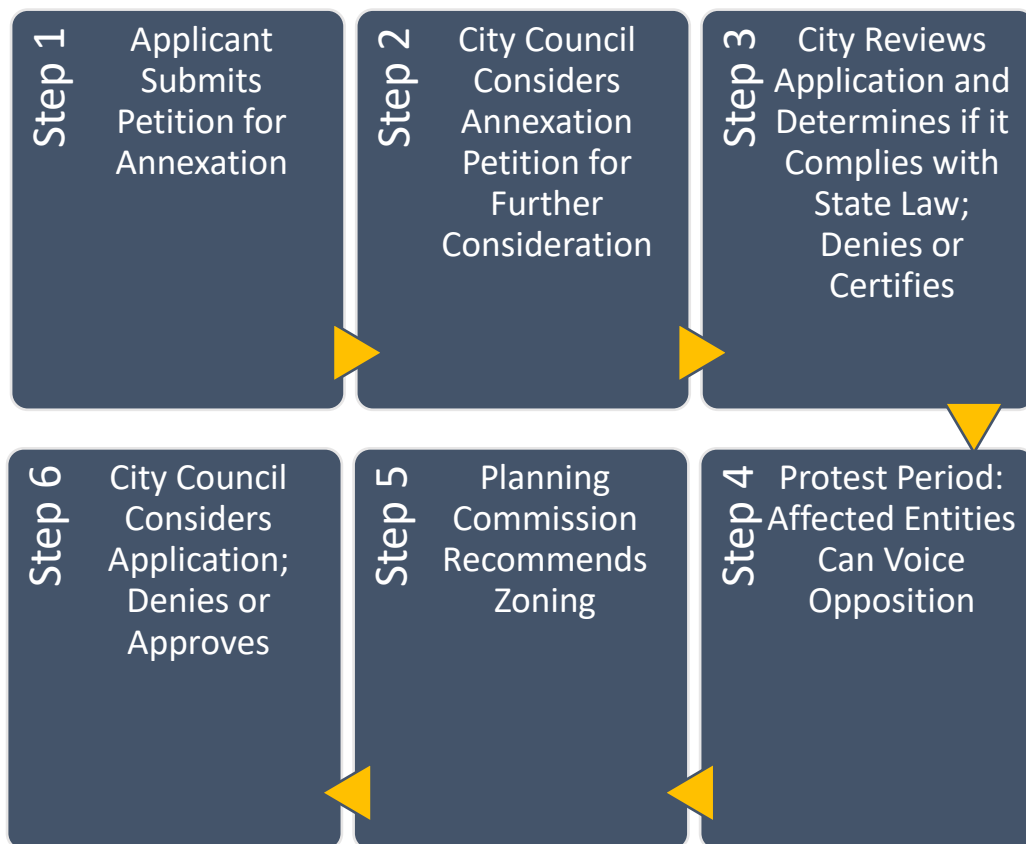
-  Nibley City Boundary
-  Annexation Declaration Boundary

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Annexation Petition Process

The following outlines the current steps for annexation as required by Utah Law as of July 2018. These steps are subject to change depending on state law. Nibley City's intention is to follow state law with each annexation it considers.



The area proposed for annexation must meet the following requirements (UCA 10-2-402):

1. The area proposed to be annexed must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
 - a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and;
 - b. Is located within the annexing municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
2. The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).

3. An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402 (4).

Petition Requirements (UCA 10-2-403)

1. Be filed with the city recorder. See UCA 10-2-403(3)(a).
2. Contain the signatures of:
 - a. Owners of a majority of the private land area located within the proposed annexation area (property must be equal to at least one-third (1/3) of the value of all private property located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
 - b. Owners of 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
 - c. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 17-41-101 *et seq.*, or a migratory bird production area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 23-28-101 *et seq.*; or
 - d. The owner of all the publicly owned property if all property in the proposed annexation area is owned by a public entity other than the federal government. See UCA 10-2-403(3)(b).
3. Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
4. Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).
5. If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation. (as detailed above).
6. The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
7. In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(7).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii).)

DENIED – Mail written notice of denial within five (5) days after the denial to:

- a. The petition's contact sponsor;
- b. The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

- a. Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
- b. With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder must:

- a. Certify the petition; and
- b. Mail or deliver written notice of certification to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

If the petition fails to meet the petition requirements, the city recorder must:

- a. Reject the petition; and
- b. Mail or deliver notice of rejection and the reasons the petition was rejected to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall:

1. Public notice once at least once a week for three (3) successive weeks, beginning no later than ten (10) days after receiving notice of the certification in the newspaper of general circulation within:
 - a. The proposed annexation area; and
 - b. The unincorporated area within one-half (1/2) mile of the proposed annexation area; and

- c. In accordance with UCA 45-1-101, legal notice publication requirements for three (3) weeks, beginning no later than ten (10) days after receiving notice of the certification. See UCA 10-2-406(1)(a).
2. Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(b). “Affected entity” means:
 - a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
 - c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation UCA 10-2-401(1)(a).

The published and mailed notices shall:

1. State that a petition has been filed proposing annexation;
2. Provide the date the city council received notification of the certified petition;
3. Describe the area proposed to be annexed;
4. State that the complete petition is available for inspection and copying at the city recorder’s office;
5. State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
6. Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
7. Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
8. (if applicable) state that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district’s boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
9. (if applicable) state that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an election

was not required to form the district, and (b) the city is not within the boundaries of the local district.

Planning Commission Review and Zoning Recommendation

The Nibley City Planning Commission's responsibility is to recommend zoning of the subject parcels if annexed. An annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

Final Review by City Council UCA 10-2-407 and 408

DENIAL OF ANNEXATION – If the city council denies the annexation, it must provide written notice within five (5) days after denial to:

- a. The petition's contact sponsor;
- b. The commission; and
- c. Each entity that filed a protest. See UCA 10-2-407(3)(a)(ii).

APPROVAL OF ANNEXATION – No timely Protest

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least seven (7) days before the hearing in:

- f. A newspaper of general circulation within the municipality and the area proposed for annexation; or if there is no newspaper in those areas, posted in conspicuous places most likely to give notice; and
- g. Posted on the Utah Public Notice Website (<http://www.utah.gov/pmn/index.html>). See UCA 10-2-407(3)(b).

APPROVAL OF ANNEXATION – After receipt of the commission's decision

If the city council waits to take further action until after receipt of the commission's decision on a protest, upon receipt of the decision the city council may either:

- a. Deny the petition; or
- b. Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

Zoning of the Subject Parcels by the City Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering the recommendation of the Planning Commission. The City Council and Planning Commission intends to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.