



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, March 10, 2022 – 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.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of the February 24, 2022, Meeting Minutes and the Current Agenda (Chair)
4. Planning Commission Report
5. Public Comment Period¹ (Chair)
6. **Public Hearing** – Ordinance 22-06: Authorizing the Abandonment of a Portion of the Right of Way on 1200 West From 3200 South to a Location Approximately 180 feet to the south
7. **Discussion & Consideration** – Ordinance 22-06: Authorizing the Abandonment of a Portion of the Right of Way on 1200 West From 3200 South to a Location Approximately 180 feet to the south (Second Reading)
8. **Public Hearing** – Resolution 22-07: Adoption of the Nibley City Capital Projects Finance Plan
9. **Discussion & Consideration** – Resolution 22-07: Adoption of the Nibley City Capital Projects Finance Plan (First Reading)
10. **Discussion & Consideration** – Resolution 22-09: Establishing a Cooperative Policy & List for Non-Municipal Entities (First Reading)
11. **Discussion & Consideration** – Resolution 22-10: A Resolution Appointing the Nibley City 2022 Planning Commission Chair & Alternate Commissioner (First Reading)
12. **Discussion & Consideration** – Ordinance 22-04: Amending Administrative Procedures, Nibley City Code (NCC) 1.10 Mayor and City Council and 1.14.020 City Recorder And City Treasurer (First Reading)
13. **Workshop**: 2022 Nibley City Council Goals
14. **Discussion**: Proposal to Rent the Property at 465 West and 3200 South; Property West of City Hall
15. Council and Staff Report

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.



Agenda Item #6 & 7

Description	Public Hearing – Ordinance 22-06: Authorizing the Abandonment of a Portion of the Right of Way on 1200 West from 3200 South to a Location Approximately 180 feet to the south and Discussion & Consideration – Ordinance 22-06: Authorizing the Abandonment of a Portion of the Right of Way on 1200 West from 3200 South to a Location Approximately 180 feet to the south (Second Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Receive feedback from the public if any is presented. The Council will also receive clarification of Resolution 22-06: Authorizing the Abandonment of a Portion of the Right of Way on 1200 West from 3200 South to a Location Approximately 180 feet to the south.
Reviewed By	Mayor, City Manager, City Planner

Background:

On Aug 27, 2020, an executive session of the Council was held after the regular scheduled council meeting. The purpose of the executive session was to continue discussing the property negotiations that had been going on for some time in relation to the 1200 West 3200 South roundabout project. This was the fourth time that an executive session had been called. During that session, an update was given by Mayor Dustin and Staff. The Council recommended offering Bob and Carri Stott 50 ft. of land

to the south of their home, the road in front of their home and in front of the additional 50 feet of land, and \$33,850.

On 10 Feb the agreement was approved by the City Council in a regularly scheduled open session.

As part of the agreement, the existing Right of Way in front of the Stotts home was to be abandoned and given to the Stotts. The process to abandon right of way is outlined by State Code section 10-9a-609.5 (Petition to vacate a public street). This code references another code 10-9a-208 (Hearing and notice for petition to vacate a public street) for public noticing requirements. In summary, this code requires that a public hearing be held with a particular 10 day noticing requirement. In addition, written notification is required to be mailed to each property owner of record that is accessed by the public street, mailed to each affected entity, posted on or near the public street, and published on the city website and the Utah Public Notice Website. Staff met these requirements with the exception of the posted sign on or near the public street. Staff will immediately post the sign as required, and hold an additional public hearing at the next council meeting when this ordinance is considered for second reading.

Section 10-9a-609.5 states that a legislative body may adopt a petition to vacate a street if the body finds two things. The first is that there is good cause for the vacation and neither the public interest nor any person will be materially injured by the vacation. Staff believe that good cause exists for the vacation because the new alignment of 1200 West will bring the roadway behind or to the west of the Stott's home. There will no longer be a need for the roadway in front of the Stotts home, other than to serve their home.

Staff also believes that the public interest will not be materially injured by the vacation because the new alignment will provide the same mobility in a more streamlined fashion. The existing property owner to the east, who was able to access their property from the 1200 West roadway, has submitted a preliminary plat showing no access to the existing 1200 West right of way.

Section 10-9a-609.5 also speaks to public utilities, and ensuring that they are not harmed in any way. Currently there are no public utilities in this section of roadway. The Stott's have already agreed to and signed a utility easement along the easterly 30 feet of the right of way being abandoned. In addition, a 15' public utility easement exists along both the east and west sides of the new 1200 West alignment. These easements ensure that there will be no impairment in the future for any public utilities needed in the area.

This proposed ordinance also authorizes staff to complete a boundary line adjustment, reflecting the property lines as previously agreed upon.

ORDINANCE 22-06

Granting A Petition to Vacate Some Of 1200 West Street

WHEREAS, UCA 10-9a-609.5 (7) (a) provides a legislative body to vacate a public street; and

WHEREAS, all public noticing requirements have been met; and

WHEREAS, a public hearing was held during an open City Council meeting; and

WHEREAS, The City Council has found that good cause exists to vacate the street; and

WHEREAS, The City Council has found that neither the public interest or any person will be materially injured by the proposed vacation; and

WHEREAS, No property owner will lose public access to their property; and

WHEREAS, No utilities currently exist in the area, no existing utility easements will be impaired, and new public utility easements have been created that will provide for the installation of future utilities if needed.

WHEREAS, the City has previously entered into agreements with Robert and Cari Stott, in lue of Eminent Domaine, for the construction of the new roundabout and 1200 West alignment.

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

1. The petition to vacate a portion of the public street located along 1200 West, with the following property description is hereby granted.

A PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF PARCEL 03-018-0015 WHICH POINT IS ALSO AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET AND THE EXISTING EAST RIGHT OF WAY LINE OF 1200 WEST STREET LOCATED AT S89 51'19" E, 2,909.22 FEET ALONG THE CENER SECTION LINE, AND S 00 00'00", 1,227.74 FEET FROM THE WEST ¼ CORNER OF SAID SECTION 20; THENCE S00D55'46" W, 174.91 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE N 87D19'48"W, 98.98 FEET, THENCE N00D55'46"E, 174.91 FEET, THENCE S87D19'48"E, 98.98 FEET TO THE POINT OF BEGINNING.

2. City Council authorizes the City Manager to complete the agreement previously made with Robert and Cari Stott, by completing a boundary line adjustment to their parcel of land.

PASSED BY THE NIBLEY CITY COUNCIL THIS 24 DAY OF FEBRUARY 2022.

RIGHT OF WAY CONTRACT
Partial Acquisition and Easement

Project Location: 3200 South 1200 West Roundabout
County of Property: Cache
Tax ID: 03-017-0023
Property Address: 3215 South 1200 West Nibley, UT 84321
Owner/Grantors: Robert & Cari Ann Stott
Owners Address: 3215 South 1200 West Nibley, UT 84321
Owners Home Phone: 435-770-3440

INCONSIDERATION of the foregoing and other consideration hereinafter set forth, it is mutually agreed by the parties as follows:

The Owner/Grantor hereby agrees to sell a portion of the property located at 3215 South 1200 West, Nibley, Utah 84321, which portion is more particularly described on Exhibit A hereto (the "Property") and to grant a perpetual and temporary construction easement on and over the easement area more particularly described on Exhibit B hereto (the "Easement Area"), to Nibley City, a body corporate and politic of the State of Utah (hereinafter "City"), for Transportation Purposes for the amount of \$36,250.00.

1. Upon signing this Right of Way contract, Owner consents to allow City to enter the Property and Easement Area in order to conduct any necessary testing (such as environmental or geotechnical), surveying, or other due diligence.
2. Owner shall leave the Property and Easement Area in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the Property or Easement Area other than what is provided for in this Contract. Owner agrees to maintain the Property and the Easement Area until County takes possession. Owner agrees not to sell the Property or the Easement Area to anyone else, or to enter into any contract that will affect the use of the Property and the Easement Area when City takes possession.
3. Owner agrees to transfer the Property and Easement Area free of all debris and toxic materials (including paint or other household products).
4. The Property will be conveyed from Owner to City by Warranty Deed in the form attached hereto as Exhibit A, free of all liens and encumbrances. The Easement Area will be granted by the Owner to the City by the Perpetual Easement and Temporary Construction Easement in the form attached hereto as Exhibit B.
5. Owner understands and agrees that City will not accept delivery of the Warranty Deed or the Temporary Construction Easement from the Right of Way Agent, and will not take ownership of the Property, unless and until City is satisfied with (a) the status of title to the Property and the Easement Area, and (b) the physical and environmental condition of the Property and the Easement Area.
6. Owner agrees to pay any and all taxes assessed against the Property to the date of closing. City agrees to pay all taxes assessed against the Property from and after the date of closing.
7. Owner understands that at Closing, at its discretion, City may pay the full amount of \$36,250.00 directly to Owner. **In that event, it is Owner's responsibility to understand and fulfill any obligations to lienholders, mortgagees, or others who may have an interest in the Property or the proceeds from its sale.** At the option of City the transaction may be handled through a title and escrow company selected by City and at City's expense, in which event at closing, the title company will disburse funds to lienholders, mortgagees or others having an interest in the Property, with the remainder of the purchase price paid to Owner.
8. "Transportation Purposes" means public use for street and road purposes, together with the right to use the same for water, sewer, gas, power, telephone and other public utilities and all those other uses that are ordinarily associated with streets or roads or vital to the public's health, safety and

welfare.

10. Owner is aware that Utah Code Ann. § 78B-6-520.3 provides that in certain circumstances, the seller of property, which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right under Utah Code Ann. § 78B-6-520.3 that Grantor may have to repurchase the property being acquired herein.
11. Nibley City agrees to the following terms and conditions for the purchase of the required project property from the sellers (Mr. & Mrs. Stott)
 - A. Nibley City will convey 50 feet of property to the South of the Stott's existing property line
 - B. Nibley City will convey to the Stott's the property within the existing 1200 West street east of their existing property along with the new 50-foot parcel of property Nibley is conveying to the sellers (Exhibit C). This area will include a 30-foot Public Utility Easements located along the eastern edge of the existing 1200 West Street, a 15 foot Public Utility Easement and 10 foot Temporary Construction Easement along the western boundary of the 50 feet to the south (Exhibit D). The effective date of the 1200 West street property transfer will be upon substantial completion of the roundabout project, and traffic is using the newly constructed roadway.
 - C. Nibley City will, upon proper application, grant the necessary permits to the Stott's so as to allow them to move their existing shop or reconstruct a new shop to a new location on the 50-foot parcel of land, located south of the seller's existing property, Nibley City is conveying to the sellers in conformance with applicable building codes and regulations, and waive applicable building permit fees.
 - D. In the event that the Grantor is unable to move the shop or reconstruct the shop in its new location, by the specified date below, the City will work with the grantor to secure a proper storage facility for a time frame of no longer than the end of September 2020.
 - E. Please find attached the legal description for the road dedication and the public utility easement / perpetual slope easement for the property to be acquired.
12. The Stott's will:
 - A. Retain all salvage rights to any improvements on their existing property
 - B. Retain access to 3200 South from the existing 1200 West
 - C. The sellers will relocate all existing improvements by March 1, 2021. Any improvements remaining within the project area will be removed by the project contractor as part of the project.
13. This Right of Way Contract contains the entire agreement between Owner and City and each party agrees that they are not relying on any representations or understandings not expressly set forth herein, and it shall be governed by the laws of the State of Utah. The undersigned represent and warrant that he/she/they have authority to sign on behalf of Owner. The value of these improvements is included in the Total Settlement.

Total Settlement \$36,250.00

Owner understands and acknowledges that this Contract is not binding until approved by the City's Real Estate Manager and the City Mayor. Owner's Initials _____

IN WITNESS WHEREOF, the parties have executed this Contract as of this the _____ day of _____ 20_____

_____ Acquisition Agent	_____ Date	Owner/Grantor	
_____ Real Estate Manager	_____ Date	_____ Owner/Grantor	_____ Date
_____ Mayor or Designee	_____ Date	_____ Owner/Grantor	_____ Date

Exhibit A

Dedication for 03-017-0023, Robert m & Cari Ann StottRoad dedication to City

Beginning at grantors northwest property corner said point being located south $89^{\circ}51'19''$ east, a distance of 2638.18 feet along the center section line and south $01^{\circ}13'24''$ west, a distance of 1222.76 feet from the west quarter corner of section 20, township 11 north, range 1 east, s.l.b.m.; running thence s. $88^{\circ}51'12''$ e. 42.99 feet; thence 18.02 feet along the arc of a 39.00 feet-foot radius non-tangent curve to the right (note: chord to said curve bears s. $41^{\circ}50'40''$ w. 17.86 feet. Central angle equals $26^{\circ}28'20''$); thence s. $28^{\circ}36'29''$ w. 5.91 feet; thence 86.60 feet along an arc of a 226.83 feet-foot radius tangent curve to the right (note: chord to said curve bears s. $17^{\circ}40'16''$ w. 86.07 feet. Central angle equals $21^{\circ}52'27''$); thence 15.78 feet along an arc of a 113.37 feet-foot radius tangent curve to the right (note: chord to said curve bears s. $02^{\circ}44'47''$ w. 15.77 feet. Central angle equals $7^{\circ}58'31''$); thence n. $87^{\circ}19'48''$ w. 3.85 feet; thence n. $01^{\circ}13'24''$ e. 116.96 feet to the point of beginning.

Containing 1,830.45 square feet or 0.042 acres.

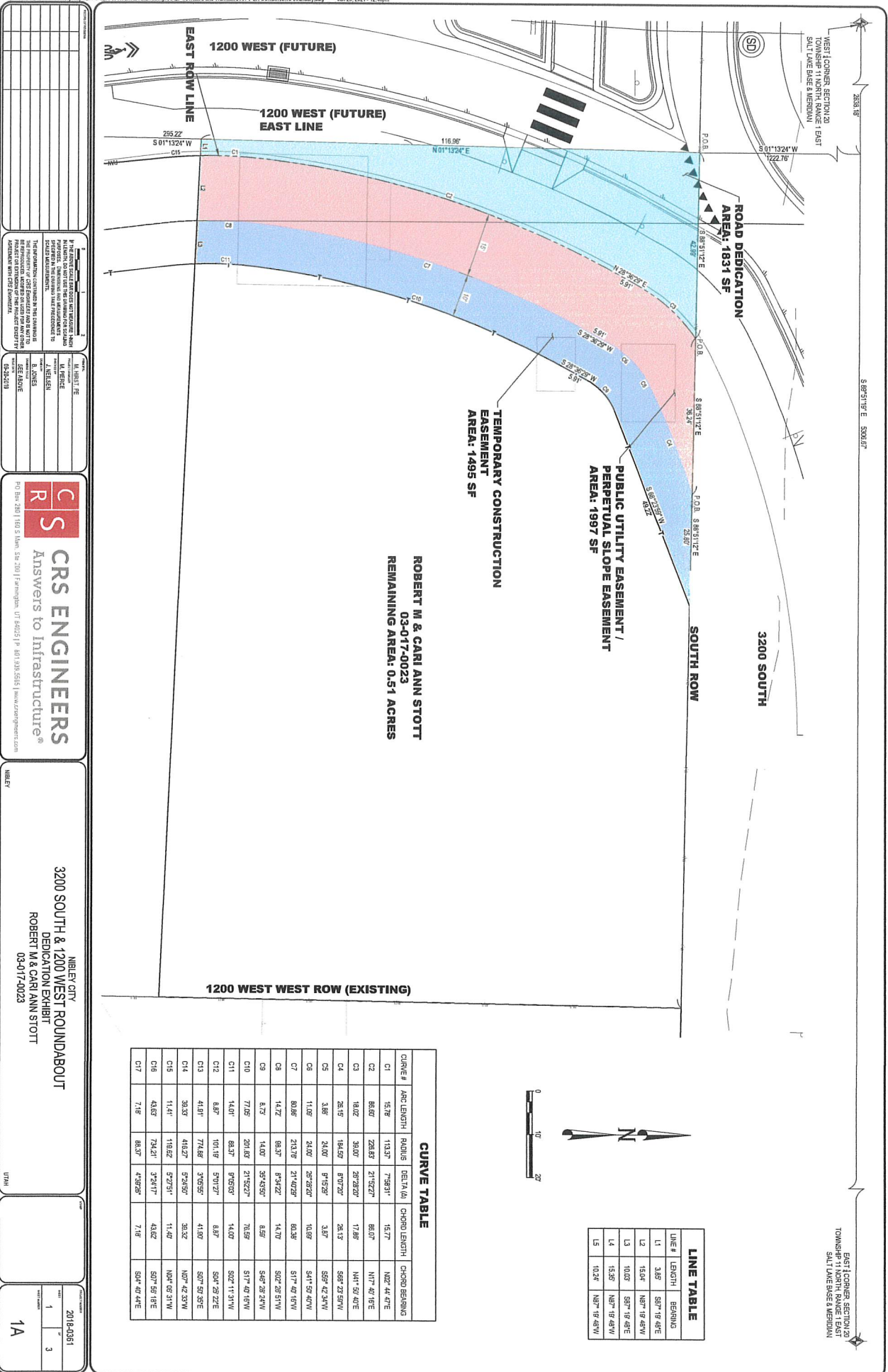


Exhibit B

Public utility easement/perpetual slope easement dedicated to City

Beginning at a point 42.99 feet bearing s.88°51'12"e. From grantors northwest property corner said point being located south 89°51'19" east, a distance of 2638.18 feet along the center section line and south 01°13'24" west, a distance of 1222.76 feet from the west quarter corner of section 20, township 11 north, range 1 east, s.l.b.m.; running s.88°51'12"e. 36.24 feet; thence 26.15 feet along the arc of a 184.50 feet-foot radius non-tangent curve to the right (note: chord to said curve bears s.68°23'59"w 26.13 feet. Central angle equals 8°07'20"); thence 3.88 feet along the arc of a 24.00 feet-foot radius tangent curve to the right (note: chord to said curve bears s.59°42'34"w. 3.87 feet. Central angle equals 9°15'29"); thence 11.09 feet along the arc of a 24.00 feet-foot radius tangent curve to the right (note: chord to said curve bears s.41°50'40"w. 10.99 feet. Central angle equals 26°28'20"); thence s.28°36'29"w. 5.91 feet; thence 80.86 feet along the arc of a 213.76 feet-foot radius tangent curve to the right (note: chord to said curve bears s.17°40'16"w. 80.38 feet. Central angle equals 21°40'29"); thence 14.72 feet along the arc of a 98.37 feet-foot radius tangent curve to the right (note: chord to said curve bears s.02°26'51"w. 14.70 feet. Central angle equals 8°34'22"); thence n.87°19'48"w. 15.04 feet; thence 15.78 feet along the arc of a 113.37 feet-foot radius non-tangent curve to the right (note: chord to said curve bears n.02°44'47"e. 15.77 feet. Central angle equals 7°58'31"); thence 86.60 feet along the arc of a 226.83 feet-foot radius tangent curve to the right (note: chord to said curve bears n.17°40'16"e. 86.07 feet. Central angle equals 21°52'27"); thence n.28°36'29"e. 5.91 feet; thence 18.02 feet along the arc of a 39.00 feet-foot radius tangent curve to the right (note: chord to said curve bears n.41°50'40"e. 17.86 feet. Central angle equals 26°28'20") to the point of beginning.
Containing 1,997.29 square feet or 0.046 acres.

Construction easement

Beginning at a point 79.23 feet bearing s.88°51'12"e. From grantors northwest property corner said point being located south 89°51'19" east, a distance of 2638.18 feet along the center section line and south 01°13'24" west, a distance of 1222.76 feet from the west quarter corner of section 20, township 11 north, range 1 east, s.l.b.m.; running s.88°51'12"e. 25.80 feet; thence s.68°23'59"w. 49.22 feet; thence 8.73 feet along the arc of a 14.00 feet-foot radius non-tangent curve to the left (note: chord to said curve bears s.46°28'24"w 8.59 feet. Central angle equals 35°43'50"); thence s.28°36'29"w. 5.91 feet; thence 77.05 feet along the arc of a 201.83 feet-foot radius tangent curve to the left (note: chord to said curve bears s.17°40'16"w. 76.59 feet. Central angle equals 21°11'27"); thence 14.01 feet along the arc of a 88.37 feet-foot radius tangent curve to the left (note: chord to said curve bears s.02°11'31"w. 14.00 feet. Central angle equals 9°05'03"); thence n.87°19'48"w. 10.03 feet; thence 14.72 feet along the arc of a 98.37 feet-foot radius tangent curve to the right (note: chord to said curve bears n.02°26'51"e. 14.70 feet. Central angle equals 8°34'22"); thence 80.86 feet along the arc of a 213.76 feet-foot radius tangent curve to the right (note: chord to said curve bears n.17°40'16"e. 80.38 feet. Central angle equals 21°40'29"); thence n.28°36'29"e. 5.91 feet; thence 11.09 feet along the arc of a 24.00 feet-foot radius non-tangent curve to the right (note: chord to said curve bears n.41°50'40"e. 10.99 feet. Central angle equals 26°28'20"); thence 3.88 feet along the arc of a 24.00 feet-foot radius tangent curve to the right (note: chord to said curve bears n.59°42'34"e. 3.87 feet. Central angle equals 9°15'29"); thence 26.15 feet along the arc of a 184.50 feet-foot radius tangent curve to the right (note: chord to said curve bears n.68°23'59"e. 26.13 feet. Central angle equals 8°07'20") to the point of beginning.
Containing 1,494.74 square feet or 0.034 acres.

Exhibit C

Land traded from Nibley City to Stotts

A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF PARCEL 03-018-0015 WHICH POINT IS ALSO AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET AND EAST RIGHT OF WAY LINE OF EXISTING 1200 WEST STREET LOCATED S 89°51'19" E, 2,909.22 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,227.74 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE S 00°55'46" W, 174.91 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE N 87°19'48" W, 287.17 FEET TO THE FUTURE EAST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID FUTURE EAST RIGHT OF WAY LINE IN THE FOLLOWING TWO COURSES: 1) 39.33 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 416.27 FEET (CHORD BEARS N 07°42'33" W, 39.32 FEET, CENTRAL ANGLE IS 5°24'50".); 2) 11.41 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 119.62 FEET (CHORD BEARS N 04°06'31" W, 11.40 FEET, CENTRAL ANGLE IS 5°27'51".); THENCE S 87°19'48" E, 195.05 FEET TO THE WEST RIGHT OF WAY LINE OF EXISTING 1200 WEST STREET; THENCE N 00°55'50" E, 122.25 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET; THENCE S 88°51'12" E, 98.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 26,778 SQUARE FEET OR 0.61 ACRES, MORE OR LESS.

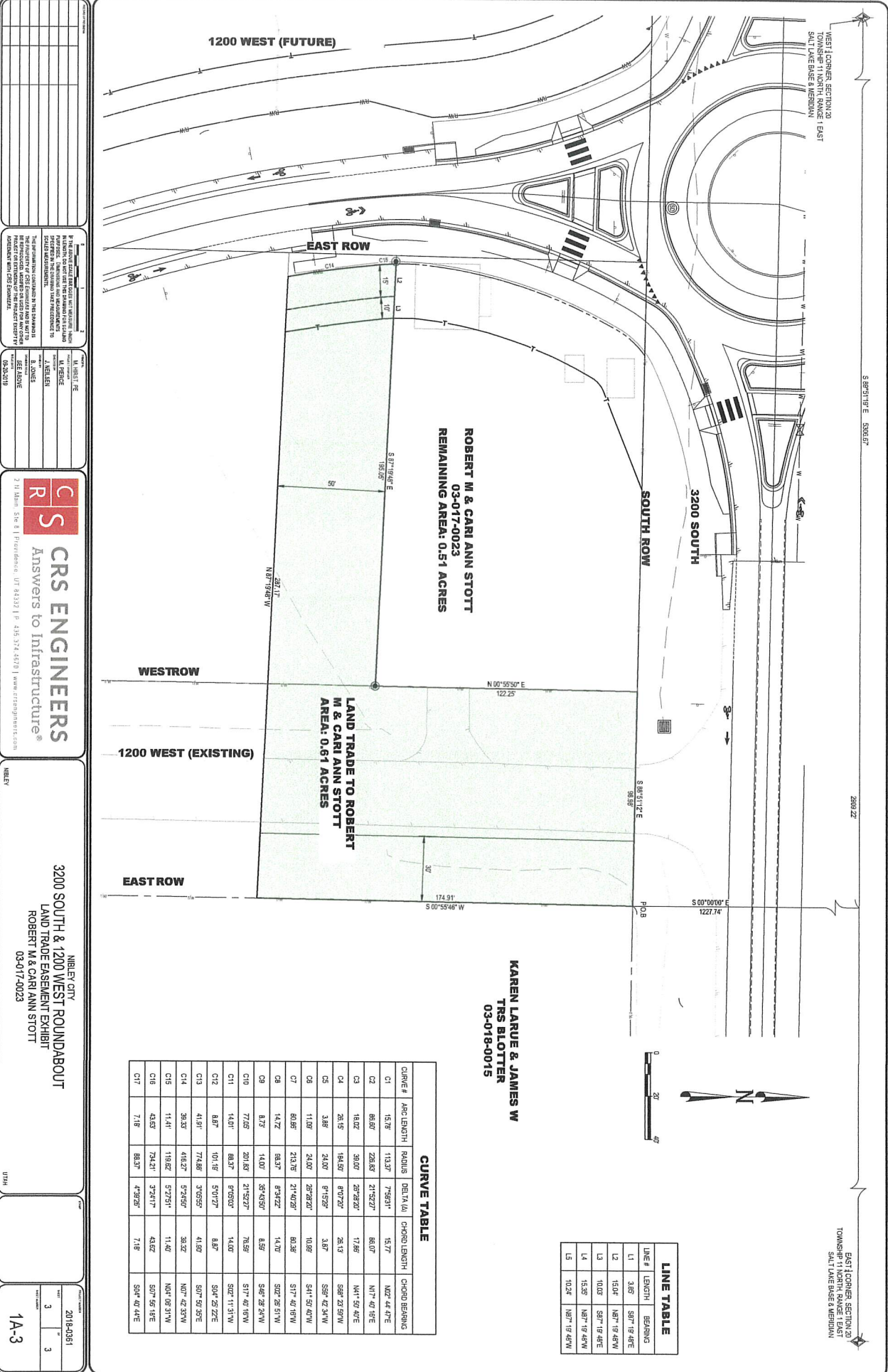


Exhibit D

BOUNDARY DESCRIPTION FOR 30' WIDE PUE/PERPETUAL SLOPE EASEMENT

A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF PARCEL 03-018-0015 WHICH POINT IS ALSO AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET AND EAST RIGHT OF WAY LINE OF EXISTING 1200 WEST STREET LOCATED S 89°51'19" E, 2,909.22 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,227.74 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE S 00°55'46" W, 174.91 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE N 87°19'48" W, 30.01 FEET; THENCE N 00°55'46" E, 174.11 FEET TO THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET; THENCE S 88°51'12" E, 30.00 FEET ALONG SAID SOUTH STREET RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 5236 SQUARE FEET OR 0.12 ACRES, MORE OR LESS.

BOUNDARY DESCRIPTION FOR 15' WIDE PUE/PERPETUAL SLOPE EASEMENT:

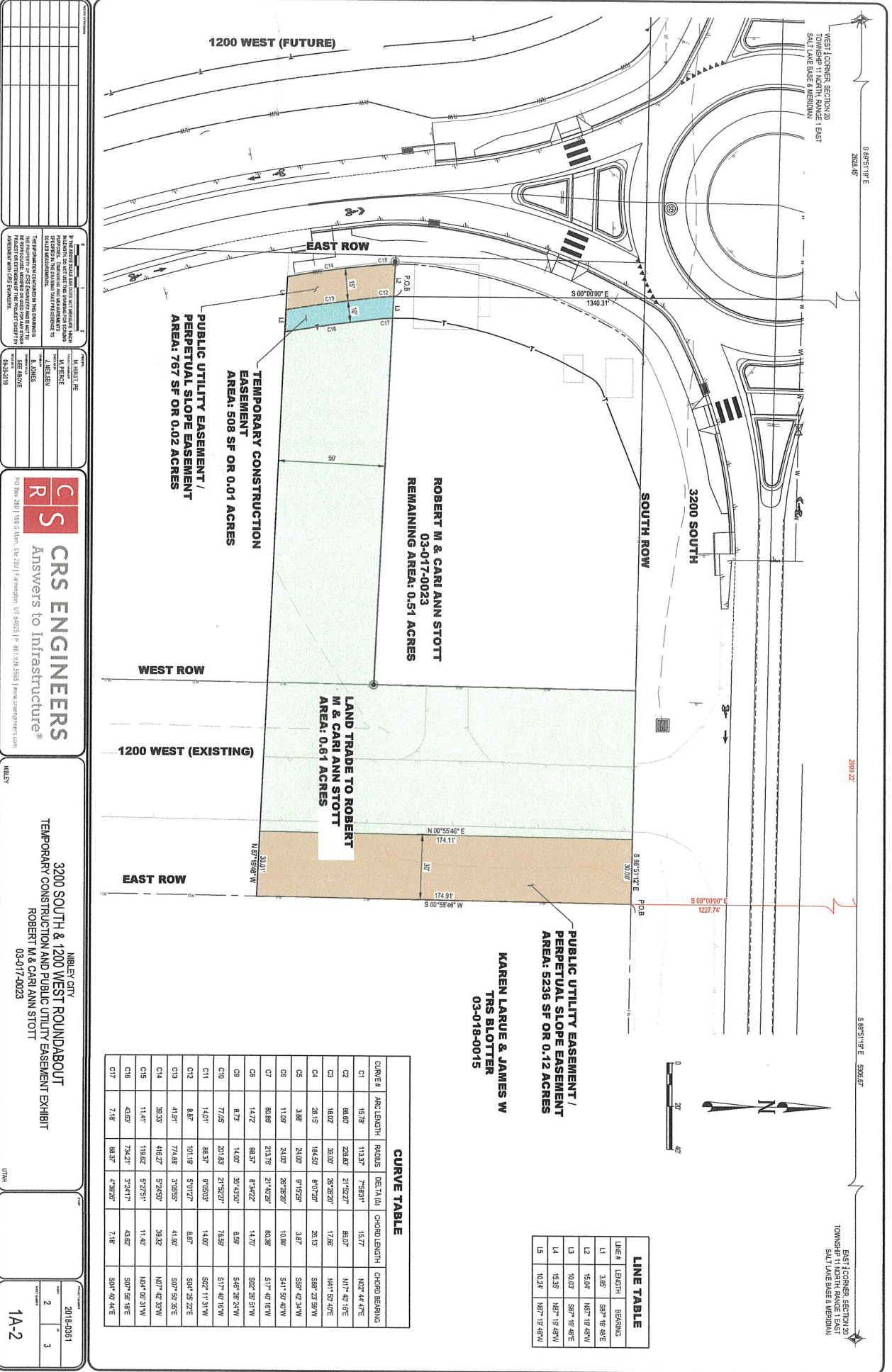
A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT LOCATED S 89°51'19" E, 2,628.45 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,340.31 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE 8.87 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 101.19 FEET (CHORD BEARS S 04°25'22" E, 8.87 FEET, CENTRAL ANGLE IS 5°01'27"); THENCE 41.91 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 774.88 FEET (CHORD BEARS S 07°50'35" E, 41.90 FEET, CENTRAL ANGLE IS 3°05'55"); THENCE N 87°19'48" W, 15.35 FEET TO A POINT ON THE FUTURE EAST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID FUTURE EAST RIGHT OF WAY LINE IN THE FOLLOWING TWO COURSES: 1) 39.33 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 416.27 FEET (CHORD BEARS N 07°42'33" W, 39.32 FEET, CENTRAL ANGLE IS 5°24'50"); 2) 11.41 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 119.62 FEET (CHORD BEARS N 04°06'31" W, 11.40 FEET, CENTRAL ANGLE IS 5°27'51"); THENCE S 87°19'48" E, 15.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 767 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BOUNDARY DESCRIPTION FOR 10' WIDE TEMPORARY CONSTRUCTION EASEMENT:

A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT LOCATED S 89°51'19" E, 2,628.45 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,340.31 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE S 87°19'48" E, 10.03 FEET; THENCE 7.18 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 88.37 FEET (CHORD BEARS S 04°40'44" E, 7.18 FEET, CENTRAL ANGLE IS 4°39'26"); THENCE 43.63 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 734.21 FEET (CHORD BEARS S 07°56'18" E, 43.62 FEET, CENTRAL ANGLE IS 3°24'17"); THENCE N 87°19'48" W, 10.24 FEET; THENCE 41.91 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 774.88 FEET (CHORD BEARS N 07°50'35" W, 41.90 FEET, CENTRAL ANGLE IS 3°05'55"); THENCE 8.87 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 101.19 FEET (CHORD BEARS N 04°25'22" W, 8.87 FEET, CENTRAL ANGLE IS 5°01'27"); TO THE POINT OF BEGINNING.

CONTAINING 508 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

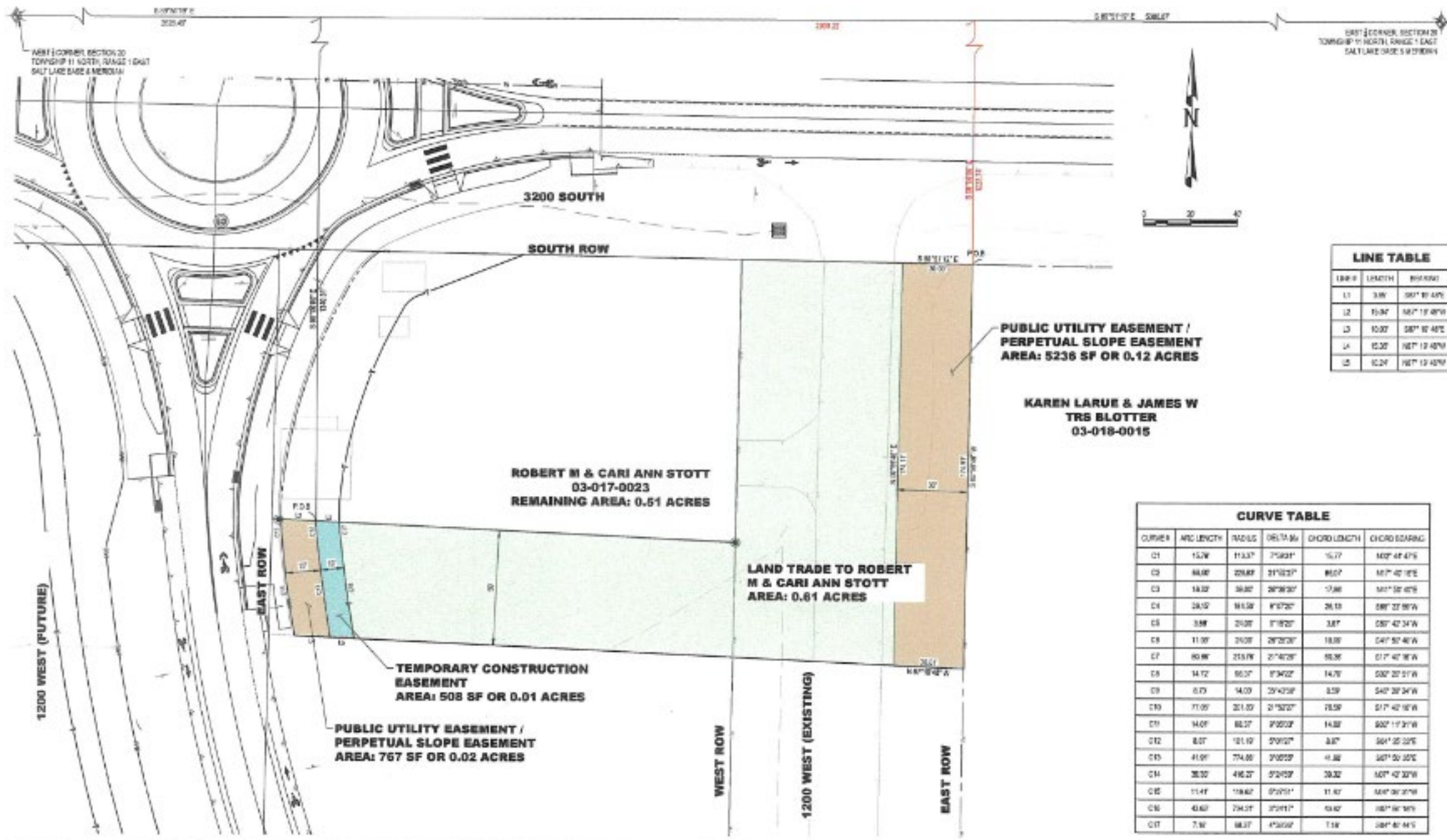


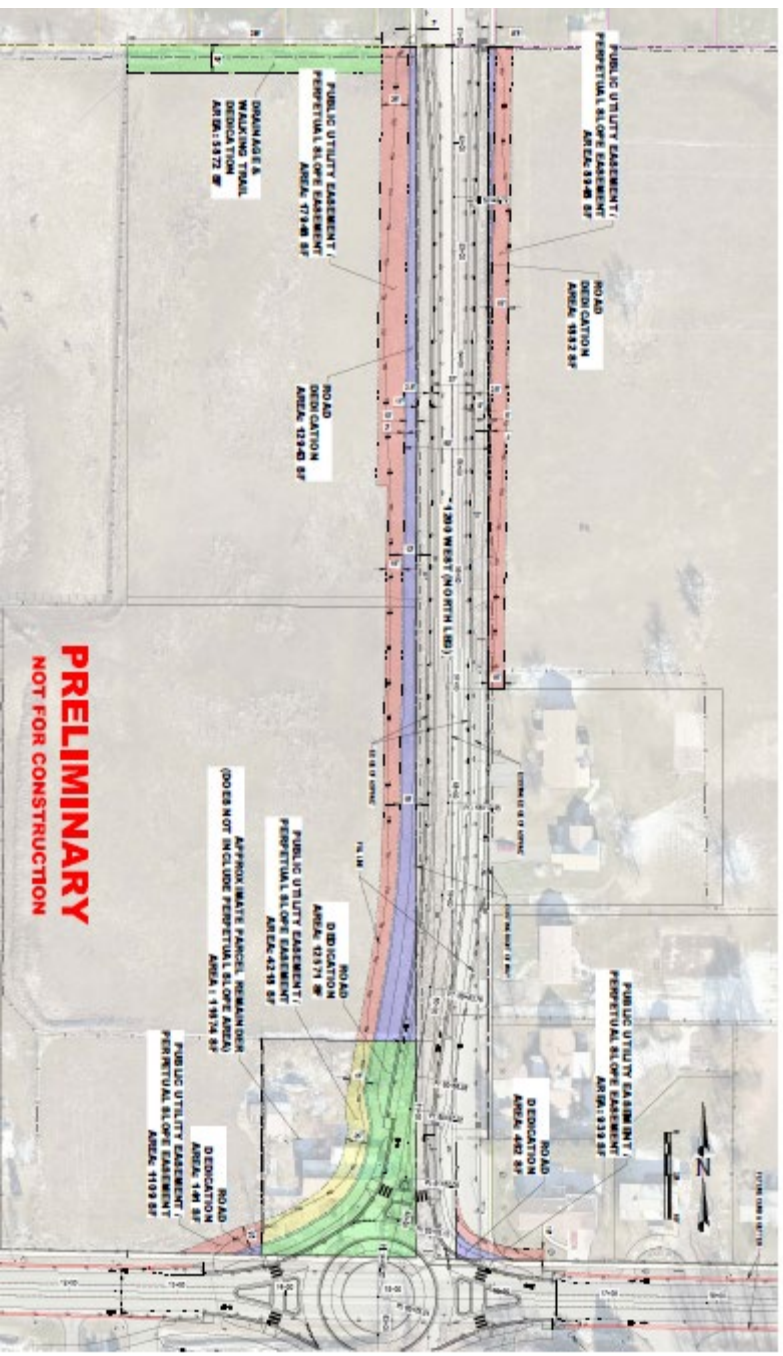
CURVE TABLE

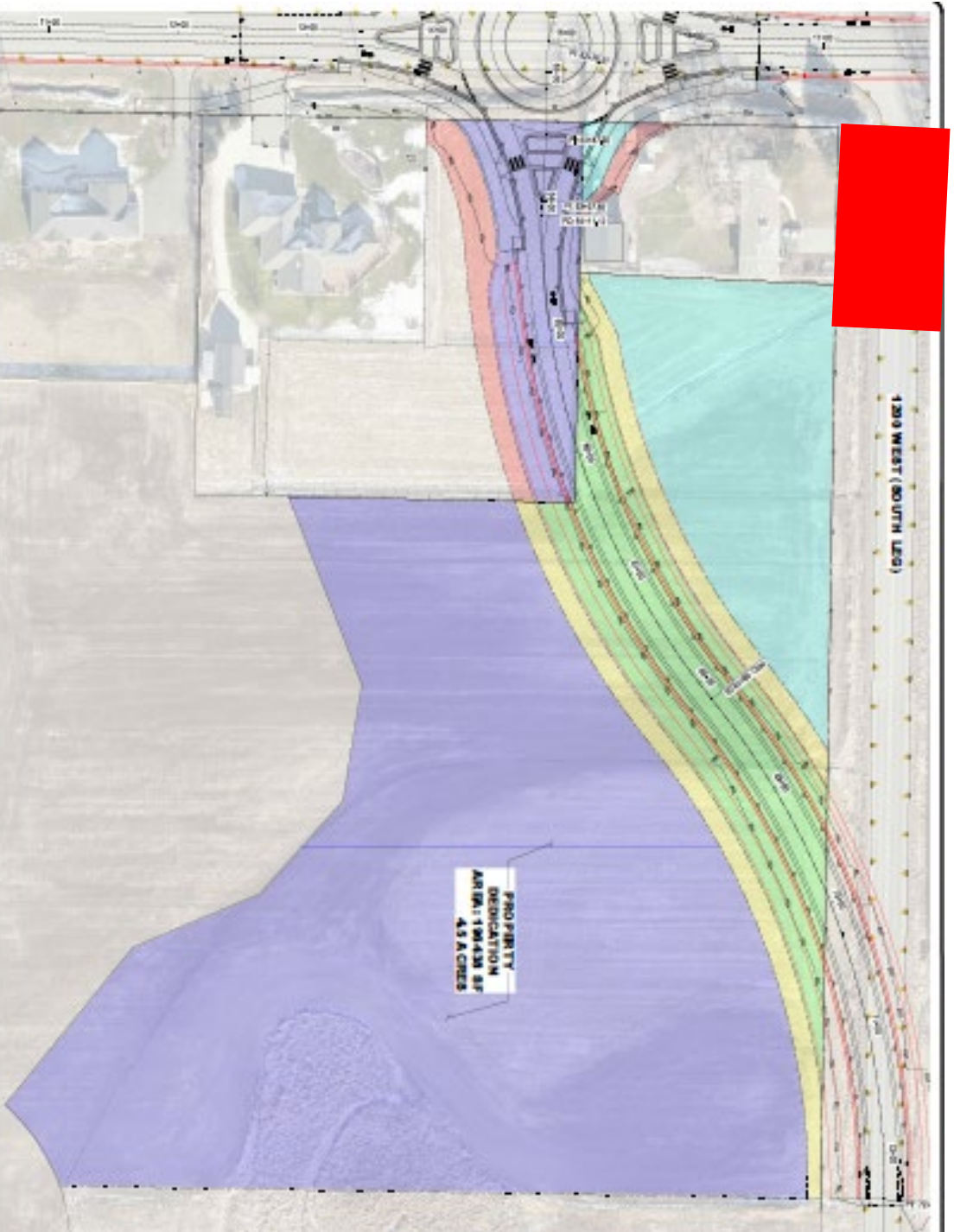
CURVE #	ARC LENGTH	RADIUS	DELTA (Δ)	CHORD LENGTH	CHORD BEARING
C1	15.78	113.07	75°53'1"	15.77	N42° 44' 4"E
C2	86.67	228.83	21°52'27"	86.07	N17° 40' 19"E
C3	18.02	30.00	28°28'20"	17.86	N41° 50' 49"E
C4	26.19	164.60	67°02'0"	26.13	S59° 22' 59"W
C5	3.88	24.00	97°19'29"	3.87	S59° 42' 34"W
C6	11.09	24.00	28°28'20"	10.89	S44° 58' 49"W
C7	80.86	213.19	21°40'29"	80.36	S17° 40' 19"W
C8	14.72	88.37	81°40'2"	14.70	S62° 25' 51"W
C9	8.73	14.00	35°43'0"	8.69	S46° 28' 24"W
C10	77.09	201.83	21°52'27"	76.59	S17° 40' 19"W
C11	14.01	88.37	87°03'0"	14.00	S62° 11' 31"W
C12	8.87	101.19	57°02'2"	8.87	S64° 25' 25"E
C13	41.81	774.88	37°05'59"	41.80	S07° 50' 30"E
C14	20.33	446.27	57°24'59"	20.32	N07° 42' 33"W
C15	11.47	119.62	57°25'1"	11.45	N04° 06' 31"W
C16	43.63	754.21	37°24'17"	43.62	S07° 50' 19"E
C17	7.18	88.37	47°58'3"	7.18	S04° 40' 44"E

LINE TABLE

LINE #	LENGTH	BEARING
L1	3.85	S87° 18' 49"E
L2	15.04	N67° 19' 49"W
L3	10.03	S87° 18' 49"E
L4	15.35	N67° 19' 49"W
L5	10.24	N67° 19' 49"W









Agenda Item #8 & 9

Description	Public Hearing – Resolution 22-07: Adoption of the Nibley City Capital Projects Finance Plan and Discussion & Consideration – Resolution 22-07: Adoption of the Nibley City Capital Projects Finance Plan (First Reading)
Presenter	Levi Roberts, City Planner; Fred Philpot
Recommendation	Move to approve Resolution 22-07: Adoption of the Nibley City Capital Projects Finance Plan for first reading.
Reviewed By	Mayor, City Manager, City Planner

Background:

The Nibley City Projects Finance Plan was commissioned to bridge the gap between Nibley City's Master Plans and annual budgeting for capital projects paid for through the General Fund, including transportation, parks, trails and general public facilities. This does not include sewer and water projects paid for through the general fund. The City contracted with Lewis Young Robertson & Burningham, Inc. ("LYRB") to produce the plan, which is a scenario analysis of the City's capital funding options to appropriately plan for projects and identify deficiencies in the City's financial structure.

The process to develop the plan included a Staff level review of projects identified in currently adopted Master Plans. Department heads were then consulted to identify specific projects that are needed in the 10-year time horizon given current conditions and projected needs. A steering committee composed of the City Manager, City Planner, City Engineer, former Mayor Dustin, and Councilmembers Beus and Laursen, then reviewed and refined the recommended projects and worked with the consultant to develop three scenarios:

- Baseline: Include all proposed projects, with transfers from the general any funds in excess of cash reserve policy. No new debt.
- Scenario 1: Fund only projects that maintain targets, with transfers from the general fund of any funds excess of cash reserve policy. No new debt.
- Scenario 2: Fund only projects that maintain targets, with transfers from the general fund of funds in excess of cash reserve policy. With new debt.

In all scenarios, the financial model developed by LYRB estimates that additional revenue would be needed to fund all projects with varying levels of cuts needed with each scenario.

Fred Philpot from LYRB will present the findings of the analysis with the opportunity for questions and discussion.

RESOLUTION 22-07

CAPITAL PROJECTS FINANCE PLAN

WHEREAS, Nibley City has established a Master Plans for improvement of Transportation, Parks, Trails and Public Works Facilities to accommodate anticipated growth and improve quality of life in the community; and

WHEREAS, Nibley City wishes to ensure the financial feasibility of planned capital improvements based upon realistic and conservative assumptions to assist in appropriately budgeting for such improvements;

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

1. That the attached Capital Projects Finance Plan is adopted by the Nibley City Council.

Dated this ____ day of _____ 2022

Larry Jacobsen, Mayor

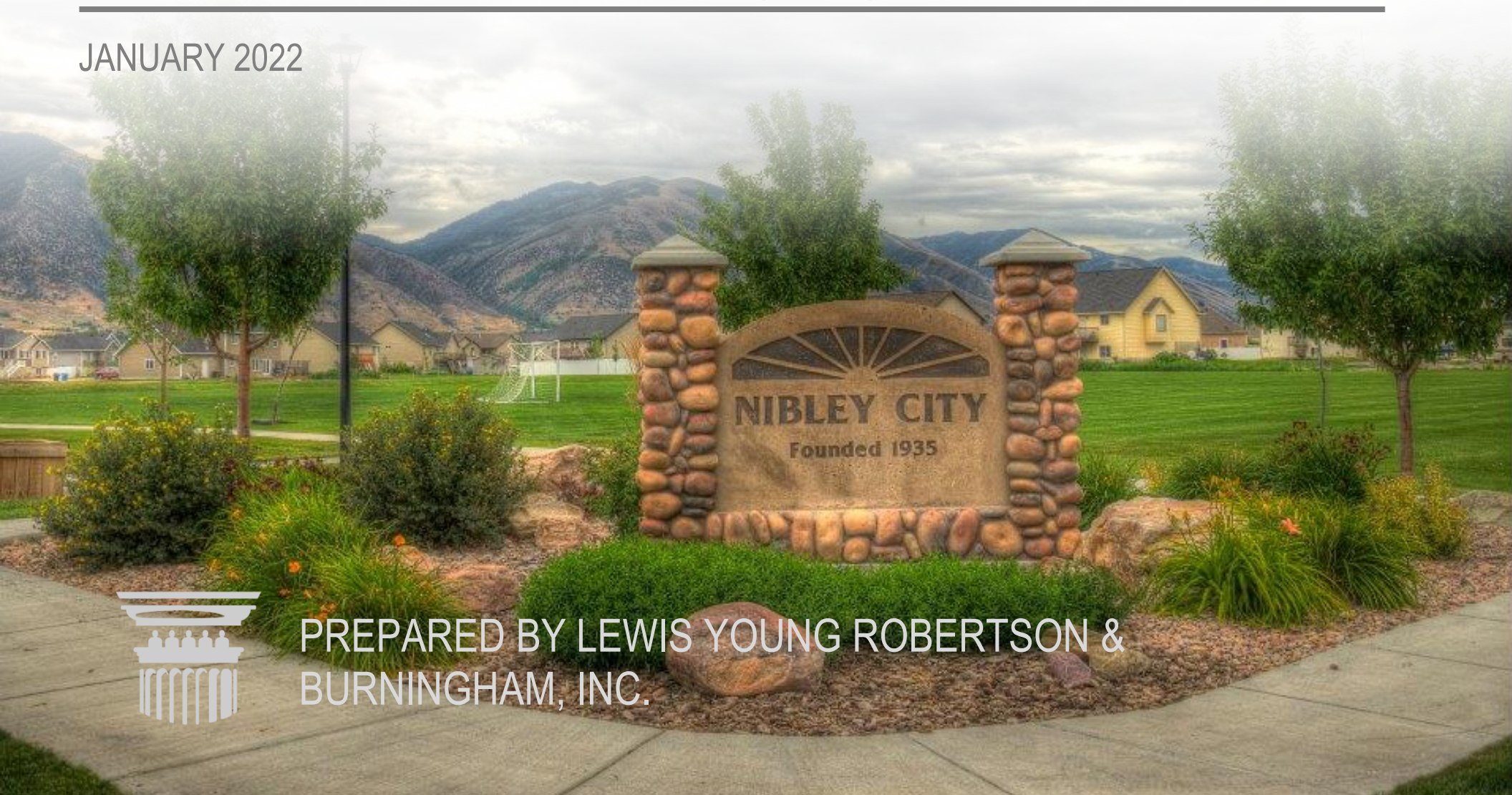
ATTEST

Cheryl Bodily, City Recorder

NIBLEY CITY, UTAH

CAPITAL PROJECTS FINANCE PLAN (CPFP)

JANUARY 2022



PREPARED BY LEWIS YOUNG ROBERTSON &
BURNINGHAM, INC.



Table of Contents

SECTION 1: SUMMARY OF FINDINGS..... 3

SECTION II: BASELINE ASSUMPTIONS 7

SECTION III: BASELINE SCENARIO 8

SECTION IV: SCENARIO 1 - ADJUST CIP TO MAINTAIN TARGETS 11

SECTION V: SCENARIO 2 – NEW DEBT AND ADJUST CIP TO MAINTAIN TARGETS..... 14

APPENDIX A: DETAILED PRO FORMAS 17

APPENDIX B: PROJECT DESCRIPTIONS 21



SECTION 1: SUMMARY OF FINDINGS

Nibley City ("City") commissioned Lewis Young Robertson & Burningham, Inc. ("LYRB") to create a capital projects finance plan ("CPFP") related to the City's general fund capital costs. The CPFP is intended to provide a scenario analysis of the City's capital funding options and address potential structural deficiencies in the City's financial operations. The CPFP includes modeling and forecasting of revenues, expenditures, capital improvement needs and tax rate analysis to ensure sufficient revenues to cover all operations and capital needs while maintaining the following main targets: a general fund balance of 35 percent, a CIP fund balance of \$1M, and park fund balance of \$500K.

GENERAL OBJECTIVES

This analysis assumes the City adopts the equivalent of a 10 percent tax increase each year by maintaining the prior year certified tax rate. While this increase may appear high, it reflects the historic growth rate in general fund expenditures from Fiscal Year (FY) 2012 to FY 2020. In addition, this analysis is designed to achieve the following objectives.

1. Ensure sufficient revenues remain within the general fund to cover all operation and maintenance expenses, while achieving a fund balance target of 35 percent.
2. Fund capital improvements in the five-year planning window using general fund revenues, while considering potential bonding scenarios.

It is important to note that this analysis did not consider grant options. A thorough analysis of potential grant funding should be considered when evaluating future financing options.

SCENARIO ANALYSIS

A review of projected revenues assuming proposed tax increases relative to proposed expenses illustrated that the City would not achieve its objectives in the planning horizon. Based on input from City staff and Council members, the City ultimately focused on the following scenarios to address the funding deficit:

- ☞ **Baseline:** Include all proposed projects, with transfers from the general any funds in excess of cash reserve policy. No new debt.
- ☞ **Scenario 1:** Fund only projects that maintain targets, with transfers from the general fund of any funds excess of cash reserve policy. No new debt.
- ☞ **Scenario 2:** Fund only projects that maintain targets, with transfers from the general fund of funds in excess of cash reserve policy. With new debt.

TABLE 1.1: PROPOSED CAPITAL PROJECTS

DESCRIPTION	YEAR	COST	GENERAL FUND COST	CONSTRUCTION YEAR COST
Transportation				
1200 West Completion	2023	5,110,000	511,000	552,698
1350 West Half Road	2023	287,000	287,000	310,419
Hollow Road Striping	2023	21,000	12,600	13,628
Sierra Dr Extension to 3200 South	2027	350,000	35,000	44,286
450 West Half Road Extension	2028	251,000	251,000	330,299
Firefly Park To 800 West Sidewalk	2029	190,000	95,000	130,014
Parks				
Elkhorn Park	2023	150,000	150,000	162,240
Firefly Park (Doesn't Include 1000 W Half Road)	2024	343,006	343,006	385,835
Nibley Meadows Park	2024	614,250	614,250	690,948
Nibley Farms/Recycle Site Park	2025	614,250	614,250	718,586
Regional Park Phase 1	2025	3,850,084	3,850,084	4,504,054
Ridgeline Park- City Park	2025	1,680,750	1,680,750	1,966,240
1000 W Half Road	2026	306,000	306,000	372,296
Anhder Park Parking Lot	2027	256,000	256,000	323,922
Indoor Recreation Space	2028	2,000,000	2,000,000	2,631,864
Mt Vista Park Improvements	2029	150,000	150,000	205,285
Regional Park- Remaining Phases (excluding indoor rec center)	2030	11,000,000	11,000,000	15,656,430
Public Works General				
Public Works Land Acquisition	2025	480,000	480,000	561,532
City Hall Expansion	2029	5,000,000	5,000,000	6,842,845
Public Works Yard	2030	6,000,000	3,000,000	4,269,935
Trails				
Regional Park Connector Trail	2026	460,000	460,000	559,660
City Center Trail- South Section	2030	135,000	135,000	192,147
Nature Way Trail (2600 South)	2031	962,000	962,000	1,423,995
Combined Total		\$40,210,340	\$30,635,940	\$42,849,157



PROPOSED MAJOR CAPITAL PROJECTS

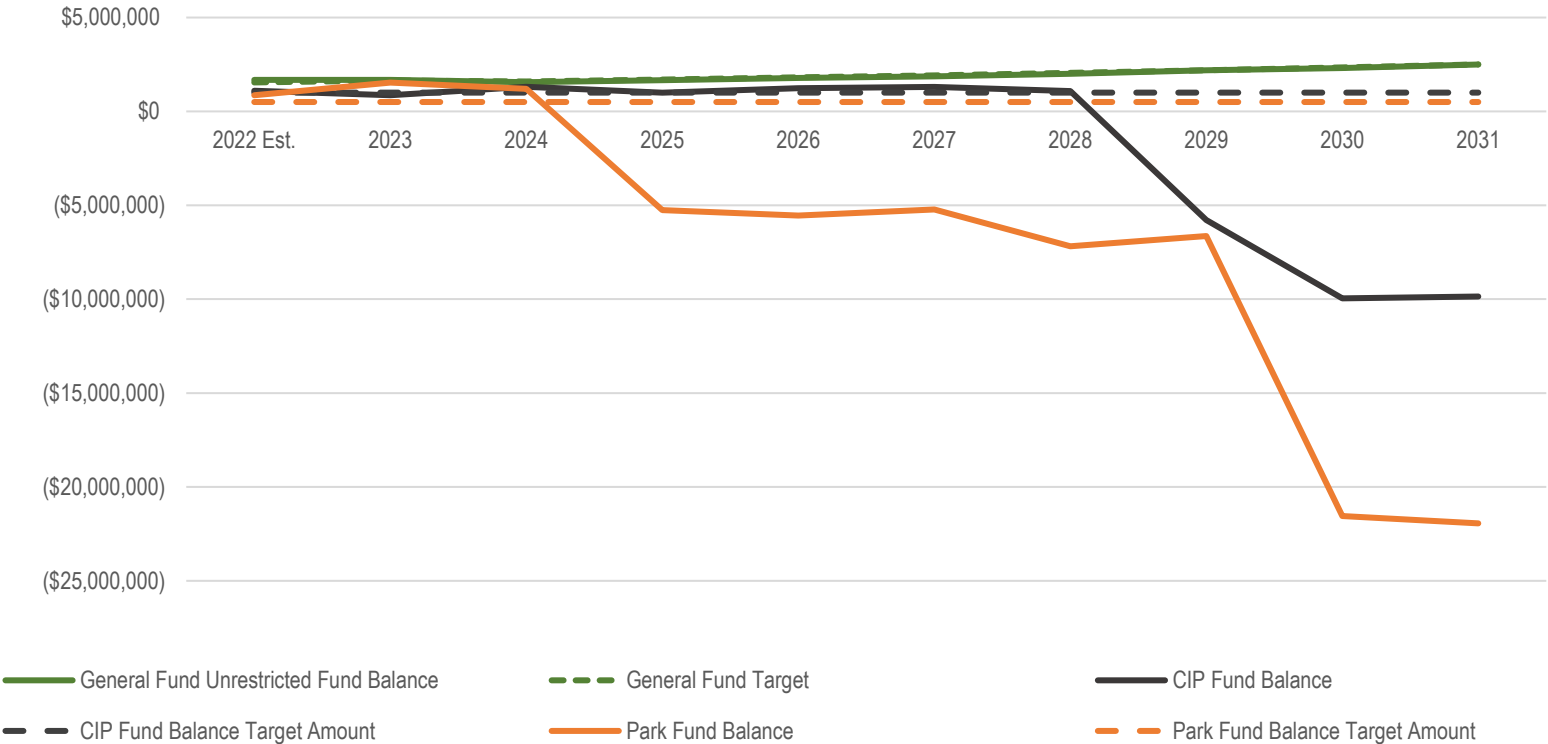
The CPFP considers several large capital projects, in addition to smaller maintenance projects defined by the City. These projects are shown in **Table 1.1**. Project descriptions can be found in **Appendix B**.

FINDINGS

BASELINE SCENARIO

Under the baseline scenario, the general fund can transfer funds to the CIP fund and park fund, but these transfers will not be sufficient to fund capital projects. As a result, the CIP fund balance and park fund balance dip below targeted amounts and into the negative. The CIP fund balance remains positive until Fiscal Year (FY) 2029, whereas the park fund plunges in 2025, due to the proposed capital projects.

ILLUSTRATION OF FUND BALANCES



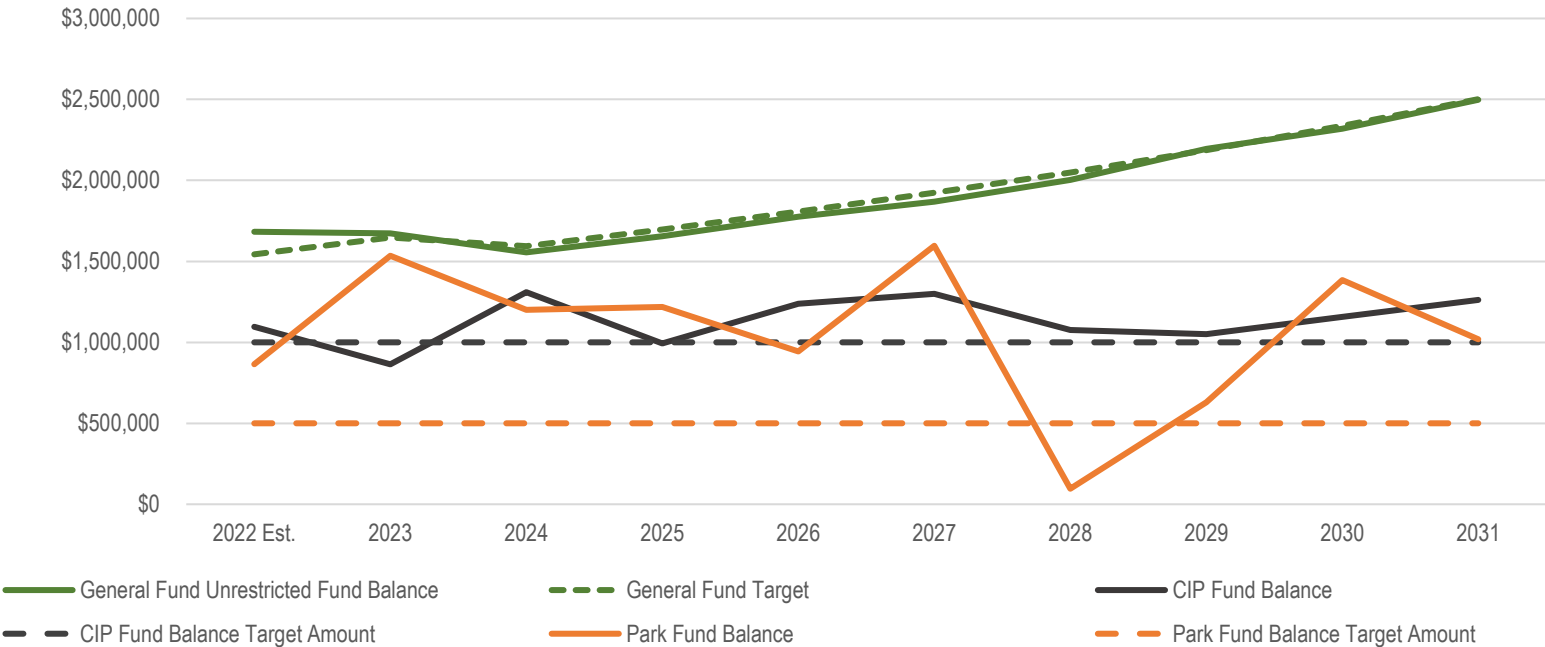
SCENARIO 1: ADJUST CIP TO MAINTAIN TARGETS

In order to maintain the appropriate fund balance targets without issuing debt, capital projects will need to be removed from the analysis or delayed. Based on this analysis, the City would need to remove the following projects (or the equivalent cost in other capital projects) in order to maintain the stated target fund balances:

TABLE 1.2: SCENARIO 1 CIP UNFUNDED PROJECTS

UNFUNDED PROJECTS	
	Reduce Park CIP Expense by \$23M
○	Remove 2025 Regional Park Phase 1 - \$4,504,054
○	Remove 2028 Indoor Recreation Space – \$2,631,864
○	Remove 2030 Regional Park Completion - \$15,656,430
○	Remove Approximately \$250K in Other Park Project Costs
	Additional Considerations: Delay Approximately \$1.6M in Park Projects to 2028
	Remove 2029 City Hall Expansion - \$6,842,845
	Remove 2030 Public Works Yard - \$4,269,935

ILLUSTRATION OF FUND BALANCES



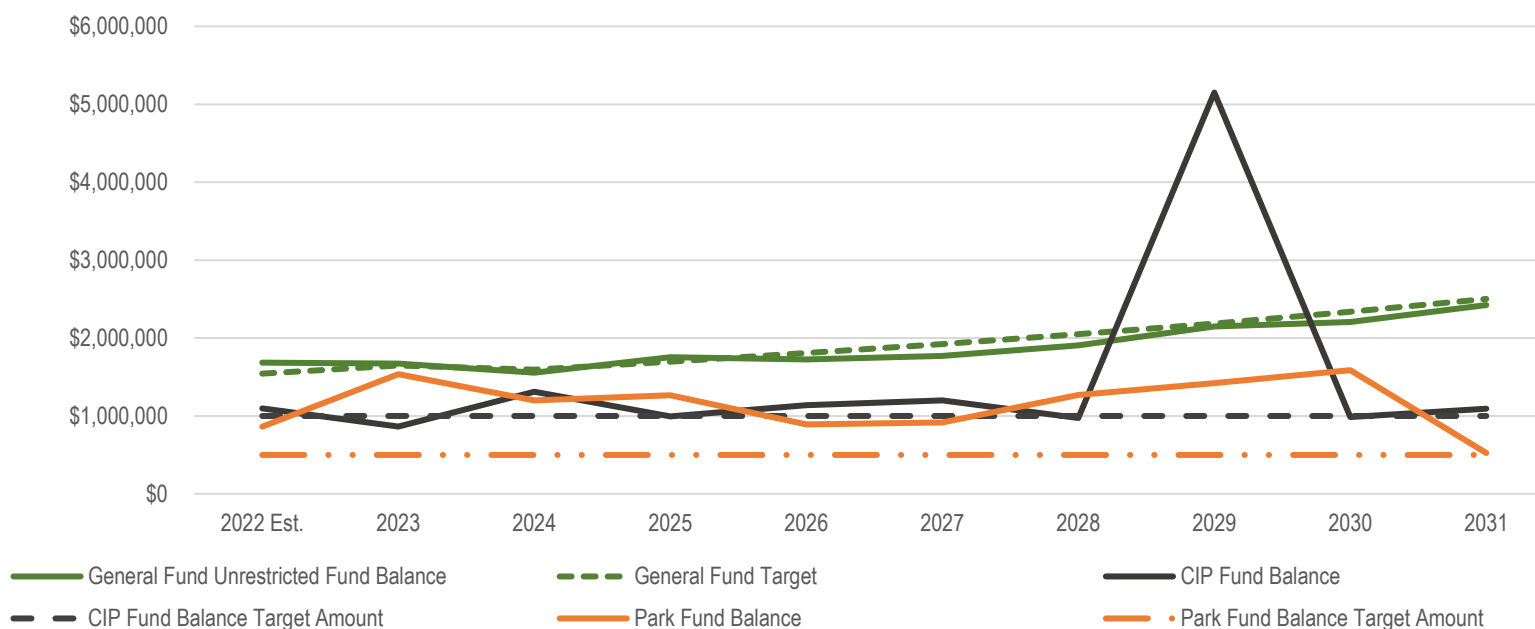
SCENARIO 2: ADJUST CIP TO MAINTAIN TARGETS, WHILE USING DEBT FINANCING

The utilization of debt financing could help the City fund a larger portion of the proposed capital projects. This would require the general fund to reduce the amount of funds transferred to each fund and instead pay the associated debt service expense. To maintain the appropriate fund balance targets, while capitalizing on debt financing options, some capital projects will still need to be removed from the analysis. However, the City will be able to fund a larger portion of proposed capital projects by amortizing some larger projects over a longer period. This scenario assumes that fund transfers would likely cease in FY 2025 to pay the new debt service payments. This scenario assumes the City could support a \$4.65M bond for park projects in 2025 and a \$4.2M bond in 2029 for general CIP projects. This analysis does not identify the security for these bonds at this time. The bonding analysis assumes level debt service over 20 years based on an interest rate of four percent and cost of issuance of two percent.

TABLE 1.2: SCENARIO 2 CIP UNFUNDED PROJECTS

UNFUNDED PROJECTS	
☞	Reduce Park CIP Expense by \$20M
○	Remove 2028 Indoor Recreation Space – \$2,631,864
○	Remove 2030 Regional Park Completion - \$15,656,430
○	Remove Approximately \$2M in Other Park Project Costs
☞	Remove 2029 City Hall Expansion - \$6,842,845

ILLUSTRATION OF FUND BALANCES





SECTION II: BASELINE ASSUMPTIONS

MODEL ASSUMPTIONS

This analysis has made several assumptions related to revenue and expenditure growth, as shown below. Primary assumptions include a ten percent increase in property tax revenues, assuming the City maintains the current tax levy, six percent growth in sales and use tax revenue and five percent growth in administrative charges. Historically, sales tax revenues have grown by eight percent from FY 2012 to FY 2020, with eight percent growth in overall general fund revenues. General expenditures are grown at five percent, with 13 percent growth in public works expense through FY 2026, and eight percent growth in public safety expenses. Historic growth in public works expenditures was 12.9 percent from FY 2012 to FY 2020, with 7.4 percent growth in public safety. Overall general fund expenses have grown by 9.6 percent over that same period.

TABLE 2.1: FINANCIAL PLAN REVENUE AND EXPENDITURE GROWTH RATE ASSUMPTIONS

ANNUAL ASSUMPTIONS	2022 BUDGET	2023	2024	2025	2026	2027	2028	2029	2030	2031
New Equivalent Residential Units per Year		120.00	120.00	120.00	120.00	75.00	75.00	75.00	75.00	75.00
Revenues										
New Property Tax Revenues (Revenue Increase)	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
Personal Property Taxes	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Property Tax -Delinquent	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
General Sales and Use Tax	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%
Franchise Tax	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Vehicle Tax	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Licenses & Permits	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Intergovernmental	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Charges for Service	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Administrative Charge	5.00%	5.00%	5.00%	5.00%	5.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Other Fees	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Other Revenue	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Court Fines	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Contributions (Excludes Fund Balance Contributions)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Interest Earnings	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
Expenditures										
General Expenditure Average Annual Growth Rate	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%
Public Works Expense	13.0%	13.0%	13.0%	13.0%	13.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Public Safety Growth Rate	8.0%	8.0%	8.0%	8.0%	8.0%	6.0%	6.0%	6.0%	6.0%	6.0%

Growth in sales tax revenue is based on a conservative estimate using historic growth from 2012-2020. Future public works and public safety expenses are grown at a higher rate in the first five years to account for higher growth and the need for additional staffing. These growth rates are tempered in the later part of the model to reflect established levels of service and inflationary impacts. Impact fee revenues are also considered in this analysis (park and transportation). The analysis assumes a transportation impact fee \$887 and a park impact fee of \$4,500, multiplied by the number of new units per year, shown above.



SECTION III: BASELINE SCENARIO

The Baseline Scenario includes all proposed projects, with transfers from the general fund of any excess funds above the cash reserve policy. No new debt is contemplated in this scenario. The Baseline Scenario pro forma is shown below.

TABLE 3.1: BASELINE SCENARIO ANALYSIS – 100% CIP, NO NEW DEBT

	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Total General Fund Revenues	\$4,409,410	\$4,706,977	\$4,555,413	\$4,847,148	\$5,165,392	\$5,494,122	\$5,853,125	\$6,246,167	\$6,675,907	\$7,147,253
General O&M Expenditures	(3,778,514)	(\$4,016,930)	(\$4,272,979)	(\$4,548,226)	(\$4,844,401)	(\$5,100,316)	(\$5,369,848)	(\$5,653,728)	(\$5,952,725)	(\$6,267,651)
Total Other	-	-	-	-	-	-	-	-	-	-
Debt Service Expense	-	-	-	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Net Revenue	630,896	690,047	282,434	298,921	320,991	393,807	483,277	592,439	723,181	879,601
Transfer to CIP Fund*	(500,000)	(500,000)	(300,000)	(100,000)	(100,000)	-	-	-	-	-
Transfer to Park Fund*	-	(200,000)	(100,000)	(100,000)	(100,000)	(300,000)	(350,000)	(400,000)	(600,000)	(700,000)
Bond Proceeds to Parks	-	-	-	-	-	-	-	-	-	-
Bond Proceeds to CIP	-	-	-	-	-	-	-	-	-	-
Restricted Funds	-	-	-	-	-	-	-	-	-	-
Reconciliation	-	-	-	-	-	-	-	-	-	-
Prior Year Unrestricted	1,552,116	1,683,013	1,673,059	1,555,493	1,654,414	1,775,406	1,869,212	2,002,489	2,194,928	2,318,109
General Fund Unrestricted Fund Balance	\$1,683,013	\$1,673,059	\$1,555,493	\$1,654,414	\$1,775,406	\$1,869,212	\$2,002,489	\$2,194,928	\$2,318,109	\$2,497,711
General Fund Reserve Balance as % of Revenue	38.17%	35.54%	34.15%	34.13%	34.37%	34.02%	34.21%	35.14%	34.72%	34.95%
General Fund Reserve Target Amount	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%

CIP Fund	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
CIP Fund Balance	\$1,095,500	\$864,195	\$1,309,635	\$993,543	\$1,238,983	\$1,300,222	\$1,075,448	(\$5,791,886)	(\$9,956,297)	(\$9,850,772)
CIP Fund Balance Target Amount	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Park Fund	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Park Fund Balance	\$865,000	\$1,534,735	\$1,199,974	(\$5,251,906)	(\$5,543,862)	(\$5,230,284)	(\$7,174,647)	(\$6,642,433)	(\$21,553,510)	(\$21,940,005)
Park Fund Balance Target Amount	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000

*Reduction in transfers due to reduction in CARES funding.



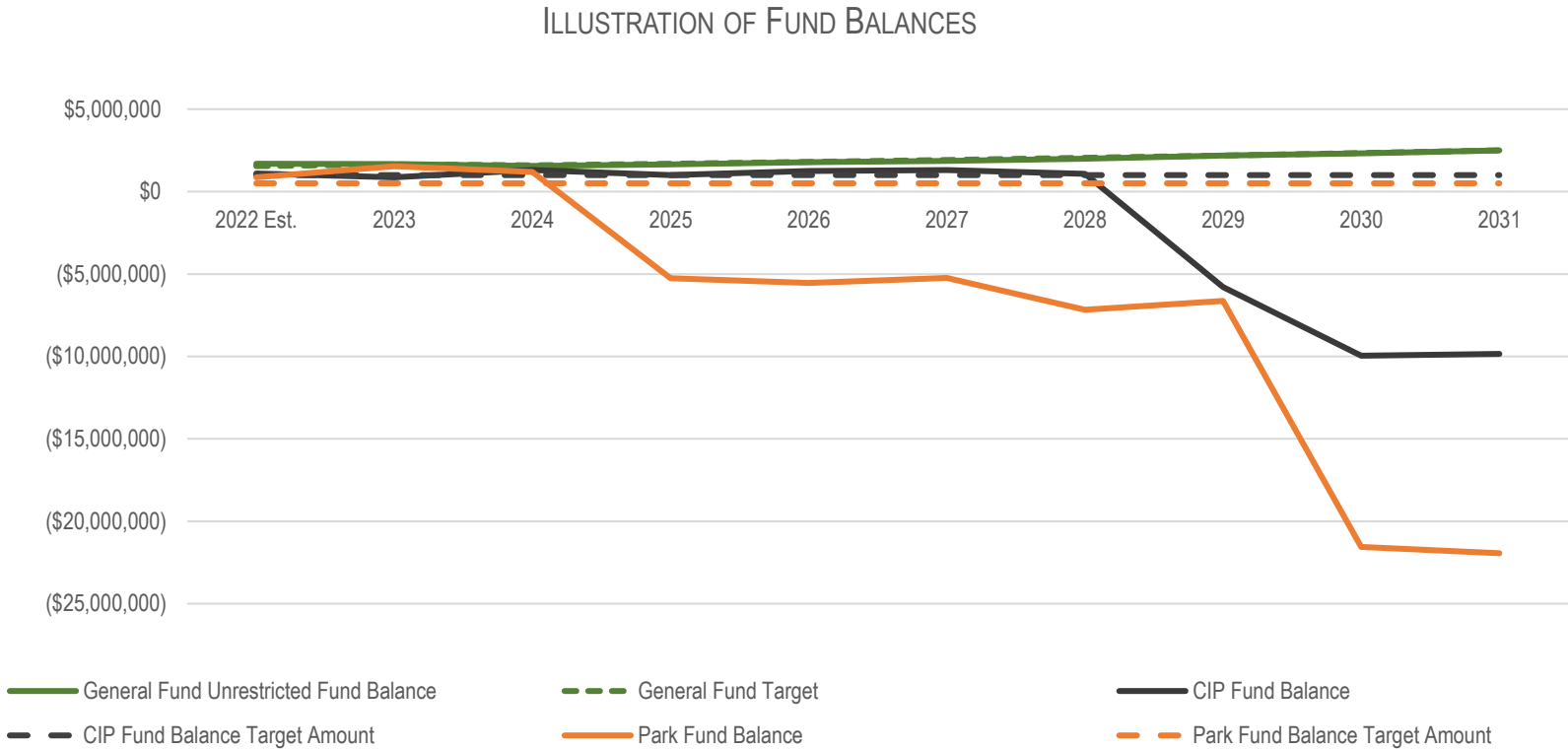
The proposed CIP under the Baseline Scenario is shown in **Table 3.2**.

TABLE 3.2: BASELINE CAPITAL IMPROVEMENT PROJECTS

DESCRIPTION	YEAR	COST	GENERAL FUND COST	CONSTRUCTION YEAR COST	2023	2024	2025	2026	2027	2028	2029	2030	2031
Transportation													
1200 West Completion	2023	5,110,000	511,000	552,698	552,698	-	-	-	-	-	-	-	-
1350 West Half Road	2023	287,000	287,000	310,419	310,419	-	-	-	-	-	-	-	-
Hollow Road Striping	2023	21,000	12,600	13,628	13,628	-	-	-	-	-	-	-	-
Sierra Dr Extension to 3200 South	2027	350,000	35,000	44,286	-	-	-	-	44,286	-	-	-	-
450 West Half Road Extension	2028	251,000	251,000	330,299	-	-	-	-	-	330,299	-	-	-
Firefly Park To 800 West Sidewalk	2029	190,000	95,000	130,014	-	-	-	-	-	-	130,014	-	-
Parks													
Elkhorn Park	2023	150,000	150,000	162,240	162,240	-	-	-	-	-	-	-	-
Firefly Park (Doesn't Include 1000 W Half Road)	2024	343,006	343,006	385,835	-	385,835	-	-	-	-	-	-	-
Nibley Meadows Park	2024	614,250	614,250	690,948	-	690,948	-	-	-	-	-	-	-
Nibley Farms/Recycle Site Park	2025	614,250	614,250	718,586	-	-	718,586	-	-	-	-	-	-
Regional Park Phase 1	2025	3,850,084	3,850,084	4,504,054	-	-	4,504,054	-	-	-	-	-	-
Ridgeline Park- City Park	2025	1,680,750	1,680,750	1,966,240	-	-	1,966,240	-	-	-	-	-	-
1000 W Half Road	2026	306,000	306,000	372,296	-	-	-	372,296	-	-	-	-	-
Anhder Park Parking Lot	2027	256,000	256,000	323,922	-	-	-	-	323,922	-	-	-	-
Indoor Recreation Space	2028	2,000,000	2,000,000	2,631,864	-	-	-	-	-	2,631,864	-	-	-
Mt Vista Park Improvements	2029	150,000	150,000	205,285	-	-	-	-	-	-	205,285	-	-
Regional Park- Remaining Phases (excluding indoor rec center)	2030	11,000,000	11,000,000	15,656,430	-	-	-	-	-	-	-	15,656,430	-
Public Works													
Public Works Land Acquisition	2025	480,000	480,000	561,532	-	-	561,532	-	-	-	-	-	-
City Hall Expansion	2029	5,000,000	5,000,000	6,842,845	-	-	-	-	-	-	6,842,845	-	-
Public Works Yard	2030	6,000,000	3,000,000	4,269,935	-	-	-	-	-	-	-	4,269,935	-
Trails													
Regional Park Connector Trail	2026	460,000	460,000	559,660	-	-	-	559,660	-	-	-	-	-
City Center Trail- South Section	2030	135,000	135,000	192,147	-	-	-	-	-	-	-	192,147	-
Nature Way Trail (2600 South)	2031	962,000	962,000	1,423,995	-	-	-	-	-	-	-	-	1,423,995
Total		\$40,210,340	\$30,635,940	\$42,849,157	\$1,038,985	\$1,076,782	\$7,750,411	\$931,956	\$368,208	\$2,962,162	\$7,178,145	\$20,118,512	\$1,423,995



Under the baseline scenario, the general fund can transfer funds to the CIP fund and park fund, but these transfers will not be sufficient to fund capital projects. As a result, the CIP fund balance and park fund balance dip below targeted amounts and into the negative. The CIP fund balance remains positive until Fiscal Year (FY) 2029, whereas the park fund plunges in 2025, due to the proposed capital projects.





SECTION IV: SCENARIO 1 - ADJUST CIP TO MAINTAIN TARGETS

Scenario 1 funds only projects that maintain targets, with transfers from the general fund of any excess funds to maintain the cash reserve policy. No new debt is contemplated in this scenario. The Scenario 1 pro forma is shown below.

TABLE 4.1: BASELINE SCENARIO ANALYSIS – 100% CIP, NO NEW DEBT

	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Total General Fund Revenues	\$4,409,410	\$4,706,977	\$4,555,413	\$4,847,148	\$5,165,392	\$5,494,122	\$5,853,125	\$6,246,167	\$6,675,907	\$7,147,253
General O&M Expenditures	(3,778,514)	(\$4,016,930)	(\$4,272,979)	(\$4,548,226)	(\$4,844,401)	(\$5,100,316)	(\$5,369,848)	(\$5,653,728)	(\$5,952,725)	(\$6,267,651)
Total Other	-	-	-	-	-	-	-	-	-	-
Debt Service Expense	-	-	-	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Net Revenue	630,896	690,047	282,434	298,921	320,991	393,807	483,277	592,439	723,181	879,601
Transfer to CIP Fund*	(500,000)	(500,000)	(300,000)	(100,000)	(100,000)	-	-	-	-	-
Transfer to Park Fund*	-	(200,000)	(100,000)	(100,000)	(100,000)	(300,000)	(350,000)	(400,000)	(600,000)	(700,000)
Bond Proceeds to Parks	-	-	-	-	-	-	-	-	-	-
Bond Proceeds to CIP	-	-	-	-	-	-	-	-	-	-
Restricted Funds	-	-	-	-	-	-	-	-	-	-
Reconciliation	-	-	-	-	-	-	-	-	-	-
Prior Year Unrestricted	1,552,116	1,683,013	1,673,059	1,555,493	1,654,414	1,775,406	1,869,212	2,002,489	2,194,928	2,318,109
General Fund Unrestricted Fund Balance	\$1,683,013	\$1,673,059	\$1,555,493	\$1,654,414	\$1,775,406	\$1,869,212	\$2,002,489	\$2,194,928	\$2,318,109	\$2,497,711
General Fund Reserve Balance as % of Revenue	38.17%	35.54%	34.15%	34.13%	34.37%	34.02%	34.21%	35.14%	34.72%	34.95%
General Fund Reserve Target Amount	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%

*Reduction in transfers due to reduction in CARES funding.

CIP Fund										
	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
CIP Fund Balance	\$1,095,500	\$864,195	\$1,309,635	\$993,543	\$1,238,983	\$1,300,222	\$1,075,448	\$1,050,959	\$1,156,484	\$1,262,009
CIP Fund Balance Target Amount	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Park Fund										
	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Park Fund Balance	\$865,000	\$1,534,735	\$1,199,974	\$1,218,388	\$944,707	\$1,596,378	\$96,071	\$629,727	\$1,384,526	\$1,018,799
Park Fund Balance Target Amount	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000



The proposed CIP under the Scenario 1 is shown in **Table 4.2**.

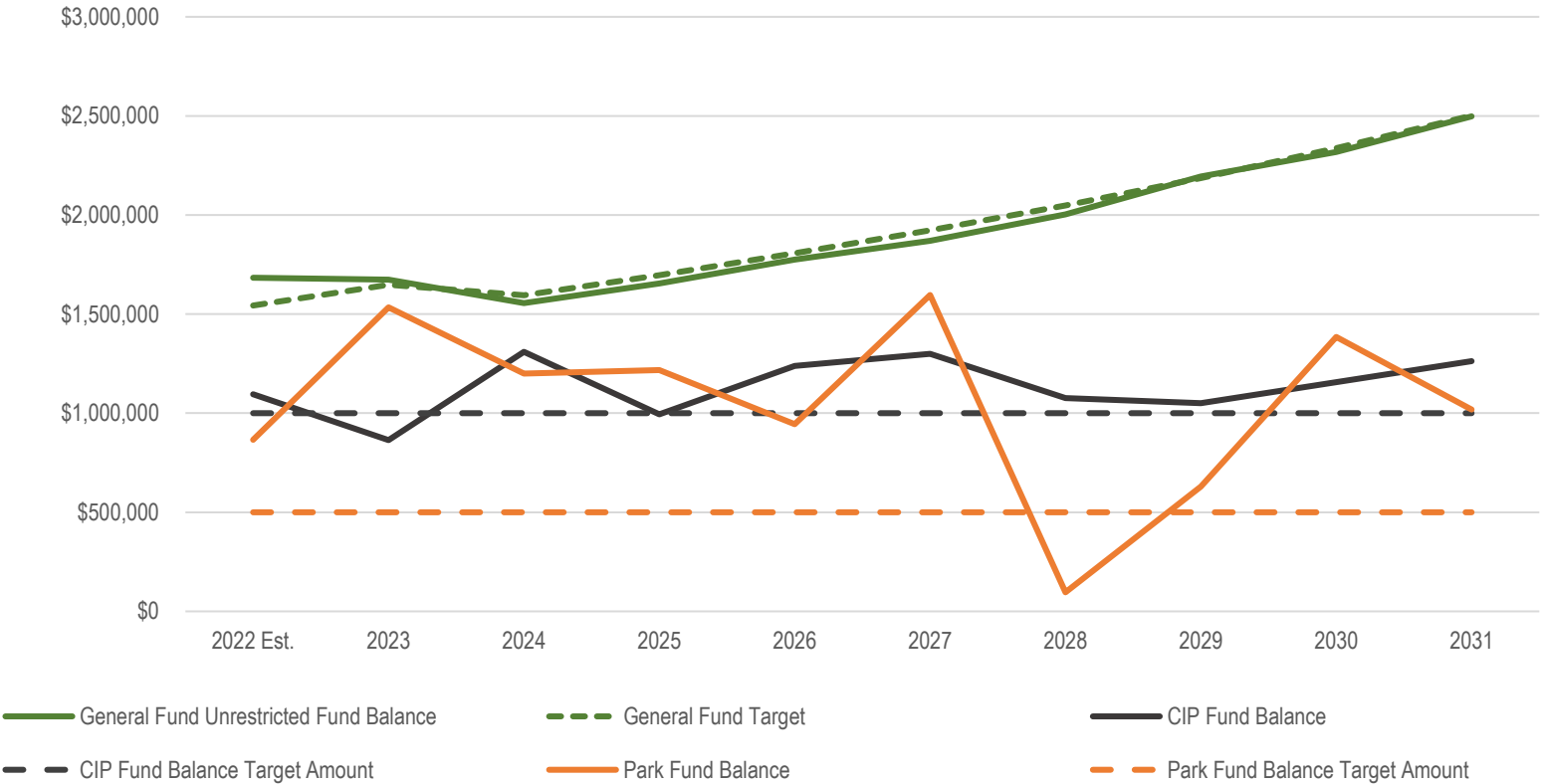
TABLE 4.2: BASELINE CAPITAL IMPROVEMENT PROJECTS

DESCRIPTION	YEAR	COST	GENERAL FUND COST	CONSTRUCTION YEAR COST	2023	2024	2025	2026	2027	2028	2029	2030	2031
Transportation													
1200 West Completion	2023	\$5,110,000	\$511,000	\$552,698	552,698	-	-	-	-	-	-	-	-
1350 West Half Road	2023	\$287,000	\$287,000	\$310,419	310,419	-	-	-	-	-	-	-	-
Hollow Road Striping	2023	\$21,000	\$12,600	\$13,628	13,628	-	-	-	-	-	-	-	-
Sierra Dr Extension to 3200 South	2027	\$350,000	\$35,000	\$44,286	-	-	-	-	44,286	-	-	-	-
450 West Half Road Extension	2028	\$251,000	\$251,000	\$330,299	-	-	-	-	-	330,299	-	-	-
Firefly Park To 800 West Sidewalk	2029	\$190,000	\$95,000	\$130,014	-	-	-	-	-	-	130,014	-	-
Parks													
Elkhorn Park	2023	\$150,000	\$150,000	\$162,240	162,240	-	-	-	-	-	-	-	-
Firefly Park (Doesn't Include 1000 W Half Road)	2024	\$343,006	\$343,006	\$385,835	-	385,835	-	-	-	-	-	-	-
Nibley Meadows Park	2024	\$614,250	\$614,250	\$690,948	-	690,948	-	-	-	-	-	-	-
Nibley Farms/Recycle Site Park	2025	\$614,250	\$614,250	\$718,586	-	-	718,586	-	-	-	-	-	-
Regional Park Phase 1	2025	\$3,850,084	\$3,850,084	-	-	-	-	-	-	-	-	-	-
Ridgeline Park- City Park	2028	\$1,680,750	\$1,680,750	\$2,211,752	-	-	-	-	-	2,211,752	-	-	-
1000 W Half Road	2026	\$306,000	\$306,000	\$372,296	-	-	-	372,296	-	-	-	-	-
Anhder Park Parking Lot	2027	\$256,000	\$256,000	-	-	-	-	-	-	-	-	-	-
Indoor Recreation Space	2028	\$2,000,000	\$2,000,000	-	-	-	-	-	-	-	-	-	-
Mt Vista Park Improvements	2029	\$150,000	\$150,000	\$205,285	-	-	-	-	-	-	205,285	-	-
Regional Park- Remaining Phases (excluding indoor rec center)	2030	\$11,000,000	\$11,000,000	-	-	-	-	-	-	-	-	-	-
Public Works													
Public Works Land Acquisition	2025	\$480,000	\$480,000	\$561,532	-	-	561,532	-	-	-	-	-	-
City Hall Expansion	2029	\$5,000,000	\$5,000,000	-	-	-	-	-	-	-	-	-	-
Public Works Yard	2030	\$6,000,000	\$3,000,000	-	-	-	-	-	-	-	-	-	-
Trails													
Regional Park Connector Trail	2026	\$460,000	\$460,000	\$559,660	-	-	-	559,660	-	-	-	-	-
City Center Trail- South Section	2030	\$135,000	\$135,000	\$192,147	-	-	-	-	-	-	-	192,147	-
Nature Way Trail (2600 South)	2031	\$962,000	\$962,000	\$1,423,995	-	-	-	-	-	-	-	-	1,423,995
Total		\$40,210,340	\$30,635,940	\$8,865,620	\$1,038,985	\$1,076,782	\$1,280,118	\$931,956	\$44,286	\$2,542,051	\$335,299	\$192,147	\$1,423,995



Under Scenario 1, the general fund can transfer funds to the CIP fund and park fund, but these transfers will not be sufficient to fund capital projects without new revenues or bonding. As a result, the City will need to remove a substantial portion of the proposed capital projects, as shown in **Table 4.2**. This analysis shows the City will be able to fund nearly \$9M in projects with projected revenues. While fund balances dip below targets, trends show a rebound in subsequent years. This scenario may also result in a delay in capital projects, specifically park related projects.

ILLUSTRATION OF FUND BALANCES





SECTION V: SCENARIO 2 – NEW DEBT AND ADJUST CIP TO MAINTAIN TARGETS

Scenario 2 assumes the City will fund only projects that maintain targets, with transfers from the general fund of any funds in excess of the cash reserve policy, while utilizing debt to increase the amount of projects that could be construction. The Scenario 2 pro forma is shown below.

TABLE 5.1: BASELINE SCENARIO ANALYSIS – 100% CIP, NO NEW DEBT

	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Total General Fund Revenues	\$4,409,410	\$4,706,977	\$4,555,413	\$4,847,148	\$5,165,392	\$5,494,122	\$5,853,125	\$6,246,167	\$6,675,907	\$7,147,253
General O&M Expenditures	(3,778,514)	(\$4,016,930)	(\$4,272,979)	(\$4,548,226)	(\$4,844,401)	(\$5,100,316)	(\$5,369,848)	(\$5,653,728)	(\$5,952,725)	(\$6,267,651)
Total Other	-	-	-	-	-	-	-	-	-	-
Debt Service Expense	-	-	-	-	(348,998)	(348,998)	(348,998)	(348,998)	(664,222)	(664,222)
Bond Proceeds	-	-	-	4,650,000	-	-	-	4,200,000	-	-
Net Revenue	630,896	690,047	282,434	4,948,921	(28,007)	44,808	134,279	4,443,441	58,959	215,379
Transfer to CIP Fund	(500,000)	(500,000)	(300,000)	(100,000)	-	-	-	-	-	-
Transfer to Park Fund	-	(200,000)	(100,000)	-	-	-	-	-	-	-
Bond Proceeds to Parks	-	-	-	(4,650,000)	-	-	-	-	-	-
Bond Proceeds to CIP	-	-	-	-	-	-	-	(4,200,000)	-	-
Restricted Funds	-	-	-	-	-	-	-	-	-	-
Reconciliation	-	-	-	-	-	-	-	-	-	-
Prior Year Unrestricted	1,552,116	1,683,013	1,673,059	1,555,493	1,754,414	1,726,407	1,771,216	1,905,494	2,148,935	2,207,894
General Fund Unrestricted Fund Balance	\$1,683,013	\$1,673,059	\$1,555,493	\$1,754,414	\$1,726,407	\$1,771,216	\$1,905,494	\$2,148,935	\$2,207,894	\$2,423,273
General Fund Reserve Balance as % of Revenue	38.17%	35.54%	34.15%	36.19%	33.42%	32.24%	32.56%	34.40%	33.07%	33.90%
General Fund Reserve Target Amount	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%	35.00%

CIP Fund	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
CIP Fund Balance	\$1,095,500	\$864,195	\$1,309,635	\$993,543	\$1,138,983	\$1,200,222	\$975,448	\$5,150,959	\$986,548	\$1,092,073
CIP Fund Balance Target Amount	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Park Fund	16	17	18	19	20	21	22	23	24	25
	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Park Fund Balance	\$865,000	\$1,534,735	\$1,199,974	\$1,264,334	\$891,343	\$918,291	\$1,269,566	\$1,420,824	\$1,587,489	\$524,806
Park Fund Balance Target Amount	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000



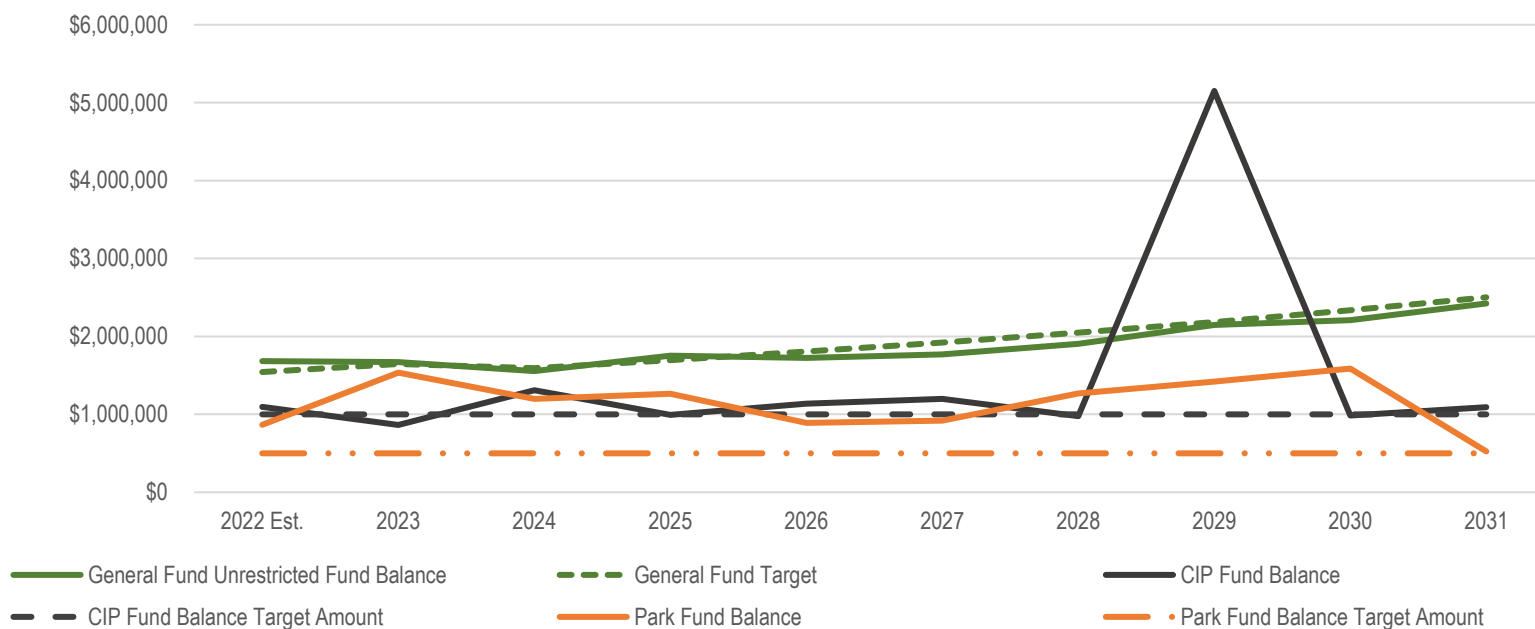
The proposed CIP under the Scenario 2 is shown in **Table 5.2**.

TABLE 4.2: BASELINE CAPITAL IMPROVEMENT PROJECTS

DESCRIPTION	YEAR	COST	GENERAL FUND COST	CONSTRUCTION YEAR COST	2023	2024	2025	2026	2027	2028	2029	2030	2031
Transportation													
1200 West Completion	2023	\$5,110,000	\$511,000	\$552,698	552,698	-	-	-	-	-	-	-	-
1350 West Half Road	2023	\$287,000	\$287,000	\$310,419	310,419	-	-	-	-	-	-	-	-
Hollow Road Striping	2023	\$21,000	\$12,600	\$13,628	13,628	-	-	-	-	-	-	-	-
Sierra Dr Extension to 3200 South	2027	\$350,000	\$35,000	\$44,286	-	-	-	-	44,286	-	-	-	-
450 West Half Road Extension	2028	\$251,000	\$251,000	\$330,299	-	-	-	-	-	330,299	-	-	-
Firefly Park To 800 West Sidewalk	2029	\$190,000	\$95,000	\$130,014	-	-	-	-	-	-	130,014	-	-
Parks													
Elkhorn Park	2023	\$150,000	\$150,000	\$162,240	162,240	-	-	-	-	-	-	-	-
Firefly Park (Doesn't Include 1000 W Half Road)	2024	\$343,006	\$343,006	\$385,835	-	385,835	-	-	-	-	-	-	-
Nibley Meadows Park	2024	\$614,250	\$614,250	\$690,948	-	690,948	-	-	-	-	-	-	-
Nibley Farms/Recycle Site Park	2025	\$614,250	\$614,250	\$718,586	-	-	718,586	-	-	-	-	-	-
Regional Park Phase 1	2025	\$3,850,084	\$3,850,084	\$4,504,054	-	-	-	-	-	-	-	-	-
Ridgeline Park- City Park	2025	\$1,680,750	\$1,680,750	-	-	-	-	-	-	-	-	-	-
1000 W Half Road	2026	\$306,000	\$306,000	\$372,296	-	-	-	372,296	-	-	-	-	-
Anhder Park Parking Lot	2027	\$256,000	\$256,000	\$323,922	-	-	-	-	323,922	-	-	-	-
Indoor Recreation Space	2028	\$2,000,000	\$2,000,000	-	-	-	-	-	-	-	-	-	-
Mt Vista Park Improvements	2029	\$150,000	\$150,000	\$205,285	-	-	-	-	-	-	205,285	-	-
Regional Park- Remaining Phases (excluding indoor rec center)	2030	\$11,000,000	\$11,000,000	-	-	-	-	-	-	-	-	-	-
Public Works													
Public Works Land Acquisition	2025	\$480,000	\$480,000	\$561,532	-	-	561,532	-	-	-	-	-	-
City Hall Expansion	2029	\$5,000,000	\$5,000,000	-	-	-	-	-	-	-	-	-	-
Public Works Yard	2030	\$6,000,000	\$3,000,000	\$4,269,935	-	-	-	-	-	-	-	-	-
Trails													
Regional Park Connector Trail	2026	\$460,000	\$460,000	\$559,660	-	-	-	559,660	-	-	-	-	-
City Center Trail- South Section	2030	\$135,000	\$135,000	\$192,147	-	-	-	-	-	-	-	192,147	-
Nature Way Trail (2600 South)	2031	\$962,000	\$962,000	\$1,423,995	-	-	-	-	-	-	-	-	1,423,995
Total		\$40,210,340	\$30,635,940	\$15,751,779	\$1,038,985	\$1,076,782	\$5,784,172	\$931,956	\$368,208	\$330,299	\$335,299	\$4,462,083	\$1,423,995

Under Scenario 2, fund transfers would likely cease in FY 2025 to pay the new debt service payments. Scenario 2 also assumes the City will utilize debt financing to build projects, which will allow the City to fund a larger portion of proposed capital projects by amortizing some larger projects over a longer period. This scenario assumes the City could support a \$4.65M bond for park projects in 2025 and a \$4.2M bond 2029 for general CIP projects. The bonding analysis assumes level debt service over 20 years based on an interest rate of four percent and cost of issuance of two percent. This analysis does not identify the security for these bonds at this time. However, debt financing will not bridge 100 percent of the funding gap. As a result, the City will need to remove a portion of the proposed capital projects, as shown in **Table 5.2**. This analysis shows the City will be able to fund approximately \$16M in projects with projected revenues. While fund balances dip below targets, trends show a rebound in subsequent years, as shown below. It also important to note that this analysis removes several park projects to ensure sustainability. The actual projects that may be delayed or postponed will be subject to legislative priorities and developer agreements. In order to achieve the target fund balances, the City will need to remove the equivalent of the Indoor Recreation Space (\$2,631,864), the Regional Park Completion (\$15,656,430) and approximately \$2M in other park project costs, as well as the future City Hall Expansion.

ILLUSTRATION OF FUND BALANCES





APPENDIX A: DETAILED PRO FORMAS

Nibley General Fund CFSP
Preliminary Scenario Analysis : Baseline Analysis
Pro Forma

[illegible]

General Fund

	2022 Est.	2023	2024	2025	2026	2027	2028	2029	2030	2031
Revenues										
Property Taxes	672,369	788,124	903,210	1,033,072	1,180,249	1,346,418	1,533,903	1,745,776	1,984,127	2,253,013
New Growth Revenues	29,237	32,842	36,132	39,737	43,717	48,091	52,898	58,197	64,009	70,412
RDA Expiration (New GF Revenues)	-	-	-	-	-	-	-	-	-	-
Potential Property Tax Increase	86,519	82,097	93,934	107,281	122,397	139,451	158,680	180,397	204,814	232,342
Calculated General Property Taxes	788,124	903,062	1,033,276	1,180,090	1,346,363	1,533,960	1,745,481	1,984,371	2,252,950	2,555,767
General Property Tax	737,350	903,062	1,033,276	1,180,090	1,346,363	1,533,960	1,745,481	1,984,371	2,252,950	2,555,767
Personal Property	-	-	-	-	-	-	-	-	-	-
Property Tax -Delinquent	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
General Sales and Use Taxes	977,738	1,036,402	1,098,586	1,164,501	1,234,372	1,308,434	1,386,940	1,470,156	1,558,366	1,651,868
Electricity Franchise Taxes	137,922	140,680	143,494	146,364	149,291	152,277	155,322	158,429	161,597	164,829
Telecom Franchise Taxes	15,283	15,589	15,900	16,218	16,543	16,874	17,211	17,555	17,906	18,265
Gas Franchise Taxes	93,937	95,816	97,732	99,687	101,680	103,714	105,788	107,904	110,062	112,263
Cable Franchise Taxes	25,000	25,500	26,010	26,530	27,061	27,602	28,154	28,717	29,291	29,877
Vehicle Taxes	24,380	24,868	25,365	25,872	26,390	26,918	27,456	28,005	28,565	29,137
CVTD (Pass Through)	-	-	-	-	-	-	-	-	-	-
Taxes	2,021,610	2,251,917	2,450,364	2,669,263	2,911,699	3,179,778	3,476,352	3,805,138	4,168,738	4,572,006
Licenses & Permits	200,000	204,000	208,080	212,242	216,486	220,816	225,232	229,737	234,332	239,019
Intergovernmental	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Charges for Service	857,000	882,710	909,191	936,467	964,561	993,498	1,023,303	1,054,002	1,085,622	1,118,191
Court Fines	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000
Miscellaneous	67,000	67,000	67,000	67,000	67,000	67,000	67,000	67,000	67,000	67,000
Covid Cares Act	420,000	420,000	-	-	-	-	-	-	-	-
Recreation	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800
Transfers (Appropriation of Fund Balance & First Responder)	-	-	-	-	-	-	-	-	-	-
Administrative Charges	751,000	788,550	827,978	869,376	912,845	940,231	968,437	997,491	1,027,415	1,058,238
Total General Fund Revenues	\$4,409,410	\$4,706,977	\$4,555,413	\$4,847,148	\$5,165,392	\$5,494,122	\$5,853,125	\$6,246,167	\$6,675,907	\$7,147,253
Total Revenue % Growth	-1.8%	6.7%	-3.2%	6.4%	6.6%	6.4%	6.5%	6.7%	6.9%	7.1%

[illegible][illegible][illegible]



APPENDIX B: PROJECT DESCRIPTIONS

PUBLIC WORKS

- ☞ Public Works Land Acquisition: Purchase 5 acres of undeveloped land for public works facility.
- ☞ Public Works Yard: Construction of a new larger Public works facility to accommodate expanded operations.
- ☞ City Hall Expansion: An expansion of the existing City Hall building to accommodate additional employee workspace and storage.

PARKS

- ☞ Elkhorn Park: Reconstruction of the existing parking lot, power upgrade to the existing pavilion, reconstruction of the ball field with restoration of sprinkler system in the same area and new playground with fall protection to replace the existing playground.
- ☞ Firefly Park: Construction of new restroom on the west side of the park, installation of educational signs around the park, construction of chain link fence along the west and north sides, installation of bird blinds and a small amphitheater and baseball foul ball net.
- ☞ Regional Park Phase 1: Expansion of 640 West along the phase 1 boundary including an 8' wide trail on the west side of the road, construction of the parking area for phase 1. Construction of two baseball fields with fencing, backstop, covered dugout and bleachers. Installation of a restroom building and small playground. Construction of two multiuse fields with sprinklers and sod.

TRANSPORTATION

- ☞ 1200 West Completion: Construction of 1200 West from 2980 South to 2200 South per master planned roadway section with 10' trail on the west side. This includes a roundabout at 2600 South.
- ☞ 1000 West Half Road Extension: Construction of half the roadway on 1000 West along the West side of Firefly Park. This would happen when Firefly Estates develops the other half of the roadway as part of their subdivision. This project is for roadway, curb and gutter, sidewalk, storm drain and landscaping for approximately 500'.
- ☞ 450 West Half Road Extension: Construction of half the roadway on 450 West from 3800 South to Meadow View Ln if this area is developed. This project is for roadway, curb and gutter, sidewalk and landscaping for approximately 320'.
- ☞ Hollow Road Striping: This project is for striping Hollow road for advisory bike lanes and installing applicable traffic signs.
- ☞ 3200 South Sidewalk Completion: This project is for construction of a 5' sidewalk on the south side of 3200 South to fill in gaps to complete the sidewalk entirely on this side of the road. The project would start around 1200 West and continue to 800 W minus any sidewalk installed by the proposed Nibley Meadows Subdivision. The approximate length is 2,243'.
- ☞ Firefly Park to 800 West Sidewalk: This project is for a 5' sidewalk along the south side of 2200 South from Firefly Park to 800 West. This would include 18' of Right of Way acquisition from 3 properties. The approximate length is 650'.
- ☞ City Center Trail- South Section: This project is for the construction of a 5' concrete sidewalk from the end of the Cottages subdivision north along the canal to 3400 S.
- ☞ Nature Way Trail: This project is for the construction of a 10' concrete sidewalk along the north side of 2600 South from the railroad tracks to Highway 165. The approximate length is 3,611'.
- ☞ 4000 South Trail: This project is for construction of a 10' concrete sidewalk along 4000 South from 250 West to 640 West and then north to the park property. The approximate length is 3,294'.
- ☞ Regional Park Connector Trail: This project is for construction of a 10' concrete sidewalk along the west side of 640 West from the Scott Farm subdivision to the park property. This includes the sidewalk and the piping of the canal so the sidewalk could be put in.
- ☞ Anhder Parking Lot: This project is for construction of a parking lot on the east side of Anhder Park.
- ☞ 1350 West Half Road Extension: Construction of half the roadway on 1350 West from 3300 South to 3400 South along the east side of the recycle site. This project is for roadway, curb and gutter, sidewalk and landscaping for approximately 620'.

Agenda Item #10

Description	Discussion & Consideration – Resolution 22-09: Establishing a Cooperative Policy & List for Non-Municipal Entities (First Reading)
Presenter	Chad Wright, Nibley City Recreation Director
Recommendation	Move to approve Resolution 22-09: Establishing a Cooperative Community Partnership Policy & List for Non-Municipal Entities, for first reading.
Reviewed By	Mayor, City Manager, Recreation Director

Background:

City staff frequently receive requests to work with and or partner with auxiliary city organizations and other outside groups requesting staff time and city facilities for their use. Staff believe that we can better serve our citizens, while also supporting the larger community by partnering with organizations for a mutual benefit. Our community has benefited from expanded facility use, volunteer support, and community opportunities beyond staff resources through community partners. We also believe that careful consideration should be given to all organizations interested in benefiting our community that may wish to be added to a pre-approved list of community partners.

However, partnerships require an outlay of resources that are supported by tax dollars, and our objective is to establish a policy with general terms, conditions, and arrangements of City support available to community partners that contribute to the vision, values, goals, and priorities of Nibley City. With an established policy we are able to expedite action, and mutual support from community partners that have been evaluated and pre-approved by the Nibley City Council and staff.

City staff also feel that it is important that the process for re-evaluating the list of community partners be established to help us adjust partnerships and arrangements to work towards meeting any change in Nibley City goals and priorities.

RESOLUTION 22-09

A RESOLUTION ADOPTING A COMMUNITY PARTNERSHIP POLICY FOR
AXULIARY ORGANIZATIONS AND OTHERS WITH NIBLEY CITY, UTAH

WHEREAS, Nibley City and its citizens have opportunities experience mutually beneficial relationships with community partners and outside organizations, and

WHEREAS, the City desires to establish a policy on how city staff support and interact with these organizations

NOW THEREFORE, be it resolved by the Nibley City Council, as follows:

1. The attached document, entitled "Nibley City Community Partnership Policy" is adopted and incorporated by reference.
2. The policy shall become effective upon passage of the resolution.

Dated this _____ day of March, 2022

Larry Jacobsen, Mayor

ATTEST

City Recorder



Community Partnership Policy Nibley City Corporation

Effective Date: _____

Overview

Nibley City can better serve its citizens, while also supporting the larger community by partnering with organizations for a mutual benefit. Consideration should be given to all organizations interested in benefiting our community.

Policy

Whereas partnerships require an outlay of resources that are supported by tax dollars. Nibley City establishes this policy to outline the general terms, conditions, and arrangements of City support of community partners that contribute to the vision, values, goals, and priorities of Nibley City. The purpose of this policy is to outline the arrangements to expedite action and mutual support from community partners that have been evaluated and pre-approved by the Nibley City Council and staff. While some community organizations give more than they receive it is important that Nibley City offer them valued support to expand their reach and multiply the benefits to our community and the community at large.

Unique Relationships Eligible for Community Partner Status

1. Interlocal Agreements Merit Level 1 Partnerships

All interlocal agreements entered into by Nibley City and other organizations merit the benefits outlined in the agreement and Level 1 partnership benefits as applicable including but not limited to:

- 1.1. The Cache County School District their schools and affiliated parent organizations, teams, and clubs
- 1.2. Thomas Edison Charter School South Campus
- 1.3. Mountain Peak Volleyball

2. Associated Government Organization: Merit Level 1 Partnerships

- 2.1. Nibley City citizens benefit from the services of local cities, Cache County, Cache County Trails Association, Cache County Sheriff, Bear River Health Department, Bear River Association of Governments, BPAC: Bicycle and Pedestrian Advisory Committee, CVTD: Cache Valley Transit District, Utah State University including its extension services, and other State and Federal entities.
- 2.2. Special services that are financially supported by Nibley City by agreement including the Hyrum Senior Center, Hyrum Library, Hyrum Museum and Elite Hall, Hyrum City Fire, and the Nibley Millville Cemetery District

3. Nibley City Auxiliary Organizations: Merit Level 1 partnership benefits

Other Nibley organization that are supported by city funds include the following:

- 3.1. Nibley Parks and Recreation Advisory Committee and Friends Group, Nibley Children's Theatre, Nibley Youth Council, and Nibley Royalty

4. Staff Affiliated Organizations: Merit Level 1 partnership benefits

- 4.1. Associations and Organizations that staff are members of that relate to their specific job duties

5. **Other Organizations: Merit Level 1** partnership benefits

These organizations offer a significant benefit to our community in offering service opportunities, and in expanding educational and recreational opportunities to members of our community:

5.1. Cache Wildlife Association, The Stokes Nature Center, Nordic United, B.L.U.E Crew Services organization, National Wildlife Federation,

6. **Special Interest organizations and Clubs: Merit Level 2** partnership benefits

As long as these organizations allow membership to all (including Nibley residents), and they in exchange offer a community wide benefit like contributing in a Nibley City event as a presenter, or offering a community event in Nibley City, they may be considered a partner.

6.1. Cache Quilters, Cache Fiber Arts, Cache Valley Cruise-In Car Club

7. **Promotional Support Partners: Merit Level 3** partnership benefits

Many of these partners offer an educational or a recreational experience and often participate in or help to promote our events and programs. Many also provide significant prize donations for events and programs. Others offer special services to members of our community in need.

7.1. The Family Place, CAPSA: Community Abuse Prevention Services Agency, The United Way, The Boy Scouts and Cub Scouts of America, Girl Scouts, The American West Heritage Center, Zootah Zoo, Malouf Foundation, The American Festival Chorus and Orchestra, Cache Valley Cowboy Rendezvous, Sons of the Utah Pioneers, Daughters of the Utah Pioneers. Youth recreation programs and camps affiliated with Ridgeline High School.

8. **Community Partnership Levels**

8.1. LEVEL 1 Full Support

8.1.1. Financial support through the Nibley City Budget as applicable

8.1.2. Use of indoor and outdoor Nibley City Facilities at no charge on a first come first serve basis second only in priority to official Nibley City public meetings, staff meetings, and or city events and programs that are scheduled

8.1.3. Inclusion in the Nibley City Newsletter when appropriate (limited by available space)

8.1.4. Inclusion on the Nibley City Website if applicable

8.1.5. Option to post to Nibley City flyer boards if space is available

8.1.6. Inclusion on the Nibley City Social Media Platforms

When content is provided to Nibley City for the post including an image file and or an option to share their social media post.

8.1.7. Event support by City Staff when approved by the City Manager and the appropriate Department Head

8.2. LEVEL 2 Organizational Support

8.2.1. Use of indoor and outdoor Nibley City Facilities at no charge (deposits may apply) on a first come first serve basis second only in priority to official Nibley City public meetings, staff meetings, and or city events and programs, or Level 1 Full Support Partners that are scheduled, so long as the facility use is during NON-peak hours as determined by the City Manager.

8.3. LEVEL 3 Promotional Support

8.3.1. Inclusion on Nibley City Social Media Platforms

When content is provided to Nibley City for the post including an image file and or an option to share the partners social media post(s)

9. Sponsorship Situations:

Business and or other organizations may arrange to offer financial support (typically for an event or program) for the promotion of their organization at a given event or program, or through other Nibley City information sources as negotiated. **These do NOT fall under the Community Partnership Policy** and are negotiated separately by the Nibley City Recreation Director. Financial or In-Kind Donations in exchange for facility use must be equal to or exceeding the rental cost of the facility. The terms of significant sponsorship donations over \$5000 must be approved by the Nibley City Manager prior to offering promotional services or allowing the use of facilities in exchange for the sponsorship.

10. Policy Revision Process:

It is anticipated that this policy will require revision and that the list of community partners will change and expand as our community and Cache Valley Grow. An annual review by staff and City Council is anticipated, however, in a special circumstance staff and or Mayor/City Council may request a revision to this policy for an existing or proposed community partner. A majority vote by City Council is required to update this policy.

11. Disclaimer

Any arrangement or agreement either prohibited or outlined more clearly in a Federal, State, or City law and or ordinances supersedes this policy.

12. Prohibited Partnerships: the following do NOT qualify for COMMUNITY PARTNERSHIP benefits

- 12.1.1. Political candidates or political parties for the purpose of campaigning.
- 12.1.2. Any organization political or otherwise that discriminates based on race, gender or other protected class
- 12.1.3. Any organization that supports the exclusion of those in a protected class or is for the purpose of moving forward a political agenda or cause.
- 12.1.4. Partnerships that constitute a conflict of interest for Nibley City employees or public officials.
- 12.1.5. A fundraiser for a single individual or family.
- 12.1.6. For profit businesses, except when a sponsorship arrangement or contract is created.

Agenda Item #11

Description	Discussion & Consideration – Resolution 22-10: A Resolution Appointing the Nibley City 2022 Planning Commission Chair & Alternate Commissioner (First Reading)
Presenter	Mayor Jacobsen
Recommendation	Move to approve Resolution 22-10: A Resolution Appointing the Nibley City 2022 Planning Commission Chair & Alternate Commissioner, and waive the second reading.
Reviewed By	Mayor, City Manager, City Planner

Background:

Yogi Berra said it best. “It’s like déjà vu all over again.” The Council recently approved Ryan Werner as the P&Z Chair. However, Ryan informed Levi and Larry that he has taken a new opportunity at his job and will be stepping down as chair and as an Alternate Commissioner. Larry is asking the Council for their consent on Bret Swenson to serve as the P&Z Chair. In addition, Larry is asking the Council for their consent on Erin Mann serving as the Alternate Commissioner.

RESOLUTION 22-10

APPOINTING THE 2022 PLANNING COMMISSION CHAIR and ALTERNATE COMMISSIONER

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, current Nibley City Planning Commission Chair, Ryan Warner has noticed his resignation as an alternate to the Nibley City Planning Commission, and

WHEREAS, it has become necessary for Mayor Jacobsen to appoint a new chairperson and alternate member of the Nibley City Planning Commission; and

WHEREAS, Nibley City wishes to appoint Bret Swenson as Chairperson of the Nibley City Planning Commission and Erin Mann as an alternate member of the Planning Commission.

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

1. Bret Swenson is hereby appointed to serve as a Nibley City Planning Commission Chairperson beginning March 10, 2022 and ending January 19, 2023.
2. Erin Mann is hereby appointed to serve as Nibley City Planning Commission Alternate beginning March 17, 2022 and ending January 19, 20??.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

Agenda Item #12

Description	Discussion & Consideration – Ordinance 22-04: Amending Administrative Procedures, Nibley City Code (NCC) 1.10 Mayor and City Council and 1.14 Officers and Employees (First Reading)
Presenter	Mayor Jacobsen
Recommendation	Move to approve Ordinance 22-04: Amending Administrative Procedures, Nibley City Code (NCC) 1.10 Mayor and City Council and 1.14 Officers and Employees, for first reading
Reviewed By	Mayor, City Manager, City Recorder

Background:

The Council recently asked that we look at making NCC 1.10 Mayor and City Council consistent with NCC 1.12 City Manager. This involves reconciling the responsibilities of the Mayor with the responsibilities of the City Manager. In addition, the suggested edits make the required Agenda noticing consistent within the ordinance, consistent with current practice adopted by Resolution, and consistent with Utah Code. There are also suggested changes to NCC 1.14 Officers and Employees to make it consistent with NCC 1.12.

ORDINANCE 22-06

**AMENDING ADMINISTRATIVE PROCEDURES, NIBLEY CITY CODE (NCC) 1.10 MAYOR
AND CITY COUNCIL AND 1.14 OFFICERS AND EMPLOYEES**

WHEREAS, Nibley City follows laws set forth by Utah State Code in regard to employees of the city and administrative procedures and practices; and

WHEREAS, NCC 1.10 and 1.14 need to be amended to reflect and align with Utah State Code and current Nibley City practices, and

WHEREAS, the Nibley City Council wishes to clarify some administrative procedures and practices, and

WHEREAS, the Nibley City Council desires to simplify, clarify, and omit redundancy in NCC 1.10 and 1.14.

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

1. The attached amendments to the referenced Nibley City Code section 1.10 be changed.
2. The attached amendments to the referenced Nibley City Code sections 1.14.20 be changed.
3. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

ATTEST: _____

Cheryl Bodily, City Recorder

1.10 Mayor And City Council

1.10.010 Eligibility And Residency Requirements

- A. ~~Declaration Of Candidacy~~: A person filing a declaration of candidacy for a city office shall:
1. Have been a resident of the city for at least one year immediately before the date of the election; and
 2. Meet the other requirements of Utah Code § 20A-9-203.
- B. ~~Annexed Areas~~: A person living in an area annexed to the city meets the residency requirement of this section if that person resided within the area annexed to the city for at least one year before the date of the election.
- C. ~~Registered Voter~~: Any person elected to city office shall be a registered voter in the city.
- D. ~~Residency Maintained~~: Each elected officer of the city shall maintain residency within the boundaries of the city during his term of office.
- E. ~~Residence Outside City~~: If an elected officer of the city establishes his principal place of residence as provided in Utah Code § 20A-2-105 outside of the city during his term of office, the office is automatically vacant.
- F. ~~Continuous Absence From City~~: If an elected city officer is absent from the city any time during his term of office for a continuous period of more than sixty (60) days without the consent of the city council, the city office is automatically vacant.

Commented [LJ1]: I don't think we need headings for one-sentence sections.

1.10.020 Membership; Terms

- A. ~~Composition~~: The governing body shall be a council of six (6) persons, one of whom shall be the mayor and the remaining five (5) shall be council members.
- B. ~~Election; Terms~~: The election and terms of office of the officers shall be as follows:
1. The offices of mayor and two (2) council members shall be filled in municipal elections held in 1977. The terms shall be for four (4) years. These offices shall be filled every four (4) years in municipal elections.
 2. The offices of the other three (3) council members shall be filled in a municipal election held in 1979. The terms shall be for four (4) years. These offices shall be filled every four (4) years in municipal elections.
 3. The offices shall be filled in at-large elections which shall be held at the time and the manner provided for electing municipal officers.
- C. ~~Vacancy In Office~~: Mayor or city council vacancies shall be filled as provided in Utah Code § 20A-1-510.

1.10.030 Mayor As Member Of City Council

- A. ~~Administration Vested In Mayor~~: The ~~administrative powers~~ ~~authority and duties are vested in the mayor~~.
- B. ~~Presiding Officer; Mayor Pro Tempore~~: The mayor shall be the chairperson and preside at the meetings of the city council. In the absence of the mayor or because of his inability or refusal to act, the city council may elect a member of the city council to preside over the meeting as mayor pro tempore, who shall have all the powers and duties of the mayor during his absence or disability. The election of a mayor pro tempore shall be entered in the minutes of the meeting.
- C. ~~Voting; No Vote Except In Tie~~: The mayor shall not vote, except in the case of a tie vote of the city council.

Commented [LJ2]: Conflict with 1.12.070.A

D. ~~Powers And Duties:~~ The mayor shall be the chief executive ~~and administrator~~ of the city and shall:

Commented [LJ3]: Conflict with 1.12.070.A

~~Appoint Officers:~~ Appoint, with the concurrence of the city council, ~~all those~~ officers of the city ~~required to be appointed by the mayor according to the express provision of an applicable ordinance or statute and where such appointment is not delegated to the city manager.;~~

Commented [LJ4]: Conflict with 1.12.070.B.1

~~Supervise:~~ Supervise all appointed officials and employees;

Commented [RP5]: 1.12.070(B)(1) can be read a couple of ways. One way to read this is that the manager appoints everyone. But because it doesn't say that the manager specifically appoints someone, with the consent of the council, but rather says the manager **recommends** an appointment to both mayor and council for those specific officers described in ordinance/statute, I read it as the manager only recommends people for certain, statutory offices, the mayor appoints, and the council confirms, as that's the typical process. These officers would be the city recorder, city treasurer, city engineer, police/fire chiefs (if Nibley ever has it), and city attorney, as those are the statutory/ordinance-based offices. (Nibley 1.12, 1.14, Utah Code Title 10, Chapter 3, Part 9).

I would recommend that if you want to eliminate the mayor's appointment power entirely as you have proposed, then 1.12.070(B) should be updated as well to be clearer on the manager's appointment power (e.g., change "To recommend to the mayor and governing body the appointment or removal of appointed officers, employees and agents, whose" to "To appoint, with the advice and consent of the governing body, those appointed officers, employees and agents whose"). This would be in addition to the changes to 1.14.

Otherwise, if you want the mayor to retain some appointment power for certain officers, I have provided a suggestion that would align this provision with 1.12.070(B)(1) as currently written. Disregard this suggestion if you want to leave all appointments to the manager.

Commented [LJ6]: Conflict with 1.12.070.B.3

1. ~~Recommend Position Changes:~~ Recommend to the city council any change in position of any person requiring the concurrence or action of the city council;
 2. ~~Inspect Books And Records:~~ Inspect all books and records pertaining to city affairs kept by any officer, employee or former officer or employee of the city at any reasonable time;
 3. ~~Settle Disputes:~~ Whenever there is a dispute as to the respective duties or powers of any appointed officer of the city, the dispute shall be settled by the mayor, who may confer with the city attorney; and the mayor shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty, subject to the consent of the city council at its next regular meeting;
 4. ~~Designate Persons For Temporary Assignments:~~ Temporarily designate himself or any other person to perform the duties of any office or position of the city which is vacant or which is not properly administered due to the absence or disability of the person appointed to that office or position;
 5. ~~Reports To City Council:~~ Prepare and present to the city council such reports as are required by law and such other reports as are requested by the city council;
 6. ~~Other Required Duties:~~ Perform such other duties as may be required by statute or ordinance.
- E. ~~No Veto:~~ The mayor shall have no power to veto any act of the city council, unless otherwise specifically authorized by statute.

1.10.040 Meeting; Procedure And Conduct

A. Regular Meetings:

1. The Nibley City council shall generally meet on the second and fourth Thursday of each month. The meeting shall generally begin at six thirty (6:30) P.M. The City Council shall adopt, by resolution, a specific meeting schedule for each calendar year.
2. The meetings of the city council shall be held at the Nibley City offices at 455 West 3200 South or, when announced, at alternate locations.
3. Meetings may be canceled with appropriate notice to the public.

~~All final meeting agendas shall be posted at the city offices (bulletin board on the east side of the building), at the city public works office at 625 West 3200 South and at Gibbons Heritage Park at 850 West 2475 South at least twenty four (24) hours before the meeting. An agenda shall also be sent to the "Herald Journal" newspaper and posted on the state of Utah and Nibley City websites.~~

4. The final version of the proposed agenda and information packet shall be posted on the City website by the Tuesday before the associated Council meeting and in accordance with the Utah Open and Public Meetings Act (Utah Code 52-4).

5. The Nibley City council may, when expedient, alter or waive the standards provided herein regarding date, time, and location of meetings, the posting of information packets, and the posting of agendas, provided that the council shall, at all times, comply with the requirements of the Utah Open and Public Meetings Act.

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~~If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.~~

B. Special Meetings:

1. If at any time the business of the city requires a special meeting of the city council, such meeting may be ordered by the mayor or any two (2) members of the city council. The order shall be entered in the minutes of the city council. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the city recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a council member at any specially called meeting constitutes a waiver of the notice required in this subsection.
2. The written notice required in subsection B,1 of this section shall state the time and place the special meeting is to be held and the purpose for which the special meeting is being called.
3. Special meetings shall be posted and announced as listed in subsection A of this section.

C. ~~Open Meetings; Exceptions:~~ Every meeting is open to the public, unless closed pursuant to Utah Code §§ 52-4-4 and 52-4-5.

D. Quorum:

1. ~~Defined:~~ The number of members of the city council necessary to constitute a quorum is three (3) ~~or more; not including the mayor.~~
2. ~~Necessary:~~ No action of the city council shall be official or of any effect, except when a quorum of the members are present. ~~Fewer than a quorum may adjourn from time to time.~~
3. ~~Compelling Attendance:~~ ~~A quorum or fewer than a quorum of the city council may, at any regularly held meeting, compel the attendance of absent members and direct the city's law enforcement agency to bring the absent member to the meeting on an order signed by a majority of the members present; provided, that the city's law enforcement agency shall not use force to compel the attendance of such absent member.~~

E. Voting:

1. ~~How Vote Taken:~~ A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the city and in any other case at the request of any member of the city council by a "yes" or equivalent, or a "no" or equivalent vote and shall be recorded. The city recorder shall call the roll in alphabetical order. Every resolution or ordinance shall be in writing before the vote is taken.

Commented [RP7]: I wonder if it may be better to leave this more general (i.e., meet the bare minimum of state law) and leave the policy of posting earlier than required to the resolution. This could hamper the City's ability to hold emergency/non-typical meetings or to add an item to an agenda last minute. What happens if the council calls on Tuesday at 7 for a meeting on Wednesday at 7? We can get an agenda posted, but probably not an information packet. Since (B)(3) says we post agendas/packets as set forth in this subsection, it may be good to leave it general.

Or perhaps we add another section allowing the Council to waive these requirements when necessary. See proposed (5). This sets a default standard but gives the council leeway.

Commented [LJ8]: Copied from Resolution 22-05. Do we need to include Sections 3 and 4 from that Resolution dealing with the early draft provided to Council? I kinda' prefer Ordinance to list the requirements, and let Resolutions add to that. However, I'm teachable.

Commented [GU9R8]: I agree with your thoughts.

Commented [LJ10R8]: Cheryl is Guest User.

Commented [LJ11]: When I looked it up, a quorum is the minimum number of members required for a valid meeting. Not sure why "or more" belongs.

Commented [LJ12]: Maybe this stays, but I am not sure what it means.

Commented [LJ13]: Seem silly to me, but maybe we need it?

Commented [GU14R13]: You never know . . . I am assuming there's a reason this was included. Luckily our Council's have always been able to work through contentions issues with compromise and professionalism. I guess the Council should make the call whether this stays or goes.U

2. ~~Minimum Vote Required:~~ The minimum number of votes required to pass any ordinance, resolution or to take any action by the city council, unless otherwise prescribed by law, shall be ~~a majority of the members of the quorum, but shall never be less than~~ three (3).
 3. Any ordinance, resolution or motion of the city council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the city council even though such majority vote is less than that required herein.
 4. A majority of the members of the city council, regardless of number, may fill any vacancy in the city council.
 5. ~~Reconsideration:~~ Any action taken by the city council shall not be reconsidered or rescinded at any special meeting unless the number of members of the city council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.
- F. ~~Record Of Proceedings:~~ The city recorder shall keep a record of the proceedings of the meetings of the city council and make them available to the public according to the Utah Open and Public Meetings Act ~~Utah code 52-4-203(3)(a)~~, except that minutes of a closed meeting shall not be available to the public until such time as the city council shall make them public or by an order of court according to law, Utah Code 52-4-206.
- G. Conduct; Order Of Business:
1. ~~Rules Of Procedure:~~ Except as otherwise specifically required or provided by law, this code or by resolution of the city council, the most current edition of Robert's rules of order shall govern the procedure and conduct of the meetings of the city council.
 2. ~~Agenda: All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the city council shall be delivered to the city recorder at least twenty four (24) hours prior to each city council meeting, whereon the city recorder shall immediately arrange a list of such matters according to the order of business and furnish each member of the city council, and when present, the city attorney, with a copy of the same prior to the city council meeting and as far in advance of the meeting as time for preparation will permit. Only the foregoing matters shall be presented to the city council by administrative officials, except those of an urgent nature; provided, that the city council may, by motion, waive the requirements of this subsection.~~
- 3-2. Order Of Business:
- a. At the time and place set for each meeting of the members of the city council, the business of the city shall be taken up for consideration and disposition in the following order, unless otherwise provided by motion of the city council:
 - (1) Roll call.
 - (2) Reading of minutes of previous meeting.
 - (3) Approval of minutes of previous meeting.
 - (4) Petitions, remonstrances, and communications.
 - (5) Introduction and adoption of resolutions and ordinances.
 - (6) Report of officers, boards, and committees.
 - (7) Unfinished business.
 - (8) New business.
 - (9) Miscellaneous.
 - (10) Appropriations.
 - (11) Adjournment.
 - b. The city council may by motion change, amend or delete any agenda item provided for in this subsection.

Commented [LJ15]: Should we reference Utah Code here?

Commented [GU16R15]: UCA 52-4-203(3)(a) - open meeting minutes
UCA 52-4-206 - closed meeting minutes

Commented [LJ17R15]: Thanks. I incorporated Cheryl's suggestions.

Commented [RP18]: I recommend avoiding specific references to subsections in state law, since the legislature likes to muck things up from time to time.

Commented [RP19]: There is also a couple of sections of GRAMA that could apply, so I'd leave it general.

Commented [LJ20]: Already covered when 1.10.040.A.

~~4.3. Action On Committee Reports: Final action on any report of any committee appointed by the city council shall be deferred to the next regular meeting of the city council on the request of any two (2) members, except that the city council may call a special meeting to consider final action.~~

~~5.4. Discipline Of Members: The city council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the city council. See current approved Consolidated Fee Schedule for the amount of the fine.~~

~~H. Public Notice: Public notice of city council and all other public meetings held in Nibley City shall be as follows:~~

- ~~1. Notice shall be e-mailed, faxed or otherwise delivered to a newspaper circulating within Nibley City not less than seventy two (72) hours from the time of the meeting.~~
- ~~2. Notice shall be posted at three (3) public locations within the boundaries of Nibley City not less than seventy two (72) hours from the time of the meeting.~~
- ~~3. Notice shall be posted on Nibley City's website and on the Utah public notice website not less than seventy two (72) hours from the time of the meeting.~~

Commented [LJ21]: Already covered when 1.10.040.A.4.

1.10.050 Ordinances And Resolutions; Procedures

A. Power Exercised By Ordinance: The city council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by statute or any other provision of law. An officer of the city shall not be convicted of a criminal offense where ~~he~~they relied on or enforced an ordinance ~~he~~they reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that ~~he~~they enforced an ordinance on advice of legal counsel.

Commented [GU22]: Suggest using the wording "they." in all three references in this paragraph.

Commented [LJ23R22]: Thanks! Suggestion incorporated.

B. Penalty For Violation: Unless otherwise specifically authorized by statute, the city council may provide a penalty for the violation of any city ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code § 76-3-301 or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment. The city council may prescribe a minimum penalty for the violation of any city ordinance and may impose a civil penalty for the unauthorized use of city property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed.

C. Form Of Ordinance: Any ordinance passed by the city council shall contain and be in substantially the following order and form:

1. A unique number;
2. A title which indicates the nature of the subject matter of the ordinance;
3. A preamble which states the need or reason for the ordinance;
4. An ordaining clause which states "Be it ordained by the City of Nibley:";
5. The body or subject of the ordinance;
6. When applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of the city ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
7. A statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by subsection E of this section;
8. A line for the signature of the mayor or mayor pro tem to sign the ordinance; and
9. A place for the city recorder to attest the ordinance and affix the seal of the city.

D. Requirements As To Form; Effective Date:

1. Ordinances passed or enacted by the city council shall be signed by the mayor; ~~or if he or she~~ is absent, by the mayor pro tempore, or by a quorum of the city council, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Utah Code § 10-3-704(1) through (4).

2. ~~Ordinances which do not have an effective date shall become effective 20 days after publication or posting, or 30 days after final passage by the governing body, whichever is sooner. Ordinances shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the city council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.~~
3. ~~Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the city council, whichever is sooner.~~

Commented [LJ24]: Reworded to match 10-3-704.

E. Publication and Recording: All ordinances shall be published, posted, and recorded as required by law.

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~~E. Publication And Posting Of Ordinances: All ordinances, except those enacted pursuant to Utah Code §§ 10-3-706 to 10-3-710, before taking effect shall be deposited in the office of the city recorder and a short summary of the ordinance published at least once in a newspaper published within the city, or if there is no newspaper published therein, then by posting complete copies in three (3) public places within the city. Any ordinance, code or book, other than the state code, relating to building or safety standards, city functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least three (3) copies have been filed for use and examination by the public in the office of the city recorder prior to the adoption of the ordinance by the city council. Any state law relating to building or safety standards, city functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code. The ordinance adopting the code or book shall be published in the manner provided in Utah Code §§ 10-3-709 and 10-3-710.~~

F. Recording; Numbering; Certification Of Passage:

1. ~~The city recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the city council. The city recorder shall give each ordinance a number, if the city council has not already so done. Immediately following each ordinance, or codification of ordinances, the city recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage and publication or posting of the ordinance or codification.~~

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2. ~~The city recorder, insofar as possible, shall assign all ordinances of a general nature a number, which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the date adopted.~~

3. ~~Failure to comply with this subsection shall not affect or render invalid any ordinance of the city~~

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G.F. Resolutions:

1. Purpose: Unless otherwise required by law, the city council may exercise all administrative powers by resolution, including, but not limited to: a) establishing water and sewer rates; b) charges for garbage collection and fees charged for city services; c) establishing personnel policies and guidelines; and d) regulating the use and operation of the city property. Punishment, fines or forfeitures may not be imposed by resolution.

1.14.010 Creating Offices; Filling Vacancies

- A. Offices Created By Council: The city council may create any office deemed necessary for the government of the city and provide for filling vacancies in elective and appointive offices.
- B. ~~Mayor~~ City Manager To Appoint And Fill Vacancies: The ~~mayer~~ City Manager, with the advice and consent of the city council, may appoint and fill vacancies in all offices provided for by law or ordinance.
- C. Continuation In Office: All appointed officers shall continue in office until their successors are appointed and qualified.

Commented [LJ1]: To be consistent with 1.12.070.B.1

1.14.020 ~~City Recorder And~~ City Treasurer

- ~~A. Appointment: On or before the first Monday in February following a city election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and city treasurer.~~

Ex Officio Auditor: The city recorder is ex officio city auditor and shall perform the duties of that office.

Commented [LJ2]: Lots of heading overhead for one sentence.

1.14.090 Supervision By Mayor

The ~~mayer~~ City Manager shall supervise the official conduct of all officers of the city and investigate or cause to be investigated and present any complaint to the city council, together with the results of the investigation, at the next regular meeting of the city council after the complaint is received by him.

Commented [LJ3]: 1.12.070.B.1

Agenda Item #13

Description	Workshop – 2022 Nibley City Goals
Presenter	Mayor Jacobsen
Recommendation	Discuss and prioritize the list of goals compiled by the City Council and staff. The compiled list was first presented to the Council at their last meeting on February 24, 2022.
Reviewed By	Mayor, City Manager, City Planner, City Recorder

Background:

We all have ideas about the things that we could and should be working on to make our citizens proud to live in Nibley. During our last meeting, we identified items from individual lists, and this agenda item simply collects those lists into a master list. The Council may choose to discuss priority in this meeting. In addition, we recognize that this is an ongoing process to maintain and prioritize this list.

No.	Project	Submitted By	Effort	Cost	Proposed Leader	Priority
1	Recreation facility feasibility study	Justin M	M	M	Chad	
2	Morgan Farm Master Plan	Justin M	L	L	Chad	
3	Regional Park	Justin M	L	L	Chad/Darren	
4	Personnel Policy Rework	Justin M	L	S	Cheryl	
5	Bi Weekly Pay	Justin M	M	S	Cheryl	
6	Complete and update job descriptions	Cheryl	L	L	Cheryl	
7	Compensation study; including a payscale for elected officials	Cheryl/Kay	L	L	Cheryl	
8	Emailed Pay Vouchers	Cheryl	M	S	Cheryl	
9	Standards and Specifications; Engineering and Design	Justin M	L	S	Darren	
10	Subdivision/Improvement financial Assurity process	Justin M	M	S	Darren	
11	1200 West roundabout	Justin M	L	L	Darren	
12	1200 West Design 2900 south to 2200 south	Justin M	L	L	Darren	
13	1200 West 2022 CCCOG request	Justin M	M	L	Darren	
14	Stonebridge hammer head turnaround	Justin M	S	S	Darren	
15	Curb and gutter at house next to City Hall	Justin M	S	S	Darren	
16	3200 South sidewalk 800 west to 1200 west	Justin M	M	M	Darren	
17	Apple Creek Trail	Justin M	L	L	Darren	
18	Morgan Farm Trail design	Justin M	M	M	Darren	
19	Hollow Road advisory lanes	Justin M	M	M	Darren	
20	Water capital improvement project	Justin M	L	L	Darren	
21	Fire fly Restroom	Justin M	M	M	Darren	
22	Redo Water, Sewer, Parks and SW Impact Fee	Justin M	L	M	Darren	
23	Ridgeline Park	Justin M	L	L	Darren	
24	Firefly Park half road	Justin M	M	M	Darren	
25	Green Waste Site half road	Justin M	M	M	Darren	
26	Stormwater Master Plan	Justin M	M	M	Darren	
27	Solar production on City Buildings (just an idea)	Larry	S	M	Justin	
28	Solar production on City Buildings (just an idea)	Larry	S	M	Justin	
29	Pursue COG Funding to Build 1200 W	Larry	S	M	Justin	
30	Clean up title work for 1200 West project	Justin M	S	S	Justin M.	
31	Plan for house next to City Hall	Justin M	S	S	Justin M.	
32	Hire a grant writer	Justin M	M	S	Justin M.	
33	Carpet City Hall council room	Justin M	S	S	Justin M.	
34	Garbage collection	Justin M	L	S	Justin M.	
35	Create a plan for ARPA Money (\$800k)	Justin M	S	S	Justin M.	
36	Nibley City Prosecutor/Hyrum Court changes	Justin M	M	S	Justin M.	
37	County animal impound contract	Justin M	S	M	Justin M.	
38	Hyrum City boundary line agreement	Justin M	L	S	Justin M.	
39	Logan City boundary line agreement	Justin M	L	S	Justin M.	
40	Malouf RDA	Jusitn M	L	S	Justin M.	
41	2600 South Hwy 165 properties/economic development possibilities	Jusitn M	L	S	Justin M.	
42	FY 22/23 Budget	Justin M	L	S	Justin/Amy	
43	Moderate vehicle speeds	Larry	S	M	Larry	
44	Redo Ordinance 1.10	Larry	S	S	Larry	
45	Land use at 2200 S, 800 W	Larry	S	M	Larry	
46	Wastewater with Hyrum	Larry	M	M	Larry	
47	Coordinate emergency response between religious and secular groups	Larry	S	S	Larry	
48	ULCT essay contest	Larry	S	S	Larry	
49	Water conservation plan	Larry	M	S	Larry	
50	Rechannel part of Yeates Spring into the BSF River	Larry	S	S	Larry	
51	Develop nature park on Hollow Road	Larry	M	L	Larry	
52	Pursue State Funding to Build 1200 W	Larry	S	S	Larry	
53	Moderate vehicle speeds	Larry	S	M	Larry	
54	Redo Ordinance 1.10	Larry	S	S	Larry	
55	Land use at 2200 S, 800 W	Larry	S	M	Larry	
56	Wastewater with Hyrum	Larry	M	M	Larry	

57	Coordinate emergency response between religious and secular groups	Larry	S	S	Larry	
58	ULCT essay contest	Larry	S	S	Larry	
59	Water conservation plan	Larry	M	S	Larry	
60	Rechannel part of Yeates Spring into the BSF River	Larry	S	S	Larry	
61	Develop nature park on Hollow Road	Larry	M	L	Larry	
62	Pursue State Funding to Build 1200 W	Larry	S	S	Larry	
63	Finish CRA with Malouf	Larry	M	S	Larry	
64	Bike park off Johnson Road, County cooperation	Larry	M	L	Larry, Chad	
65	Bike park off Johnson Road, County cooperation	Larry	M	L	Larry, Chad	
66	Redo commercial development plan	Larry	S	M	Larry, Consultant	
67	Redo commercial development plan	Larry	S	M	Larry, Consultant	
68	LED street lights (just an idea)	Larry	S	M	Larry, Darren	
69	LED street lights (just an idea)	Larry	S	M	Larry, Darren	
70	Landscape Ordinance	Levi R	M	S	Levi	
71	Town Center Commercial Zone Standards	Levi R	M	S	Levi	
72	Cluster Subdivision ORd update	Levi R	S	S	Levi	
73	Conditional Use Ord Update	Levi R	S	S	Levi	
74	Access and connectivity/intersection standards	Levi R	S	S	Levi	
75	Update ordinances effect by state legislature	Levi R	?	S	Levi	
76	Transfer of Developmet Rights Study and Ord	Levi R	L	M	Levi	
77	Economic Development Stratagy for commercial development	Levi R	L	M	Levi	
78	Review Strata Dark Sky Compliance	Larry	S	S	Levi	
79	Review Strata Dark Sky Compliance	Larry	S	S	Levi	
80	Review Future Land Use map for Future Annexations	Levi R	S	S	Levi	
81	Define storm water basin landscaping	Larry	S	S	Levi, Rod	
82	Define storm water basin landscaping	Larry	S	S	Levi, Rod	
83	Public engagement process	Levi R	M	S	Levi/Nate	
84	Hire Water Division Manager	Justin M	S	S	Steve	
85	Hire Water Operator	Justin M	S	S	Steve	
86	Anhder Park Landscape and parking lot	Justin M	L	M	Steve	
87	City Hall Landscape	Justin M	M	M	Steve	
88	Elk horn playground replacement	Justin M	M	M	Steve	
89	Public works expansion feasibility study	Justin M	M	M	Steve	
90	Zollinger sidewalk	Justin M	S	S	Steve	
91	Anhder Park south landscape	Justin M	S	S	Steve	
92	Public work remodel/office space	Justin M	S	S	Steve	
93	Replace royalty float	Justin M	S	S	Steve	
94	Repair heritage playground	Justin M	S	S	Steve	
94	Fire fly sprinkler system	Justin M	M	M	Steve	
95	Hire Public Works Inspector	Jusitn M	S	L	Steve	
96	Review planning documents	Nathan				
97	Special Improvement District possibilities	Kathryn				
98	Affordable housing tie to RDA	Tom				
99	Winter parking ordinance	Tom				
100	Pet Inclusion fee structure	Tom				
101	Pet in public property	Kay				
102	Water in Blacksmith Fork River	Larry	L	S	Larry	

Agenda Item #14

Description	Discussion – Proposal to Rent the Property at 465 West and 3200 South; the Property West of City Hall
Presenter	Justin Maughan, City Manager
Recommendation	
Reviewed By	Mayor, City Manager

Background:

Staff has looked at different options, about what to do with the home the City owns next to City Hall. Staff would like to propose to rent out the home at a market rate. We will work with the same property management company that has provided management services on the other homes that the City owns.

3-10-22 Council Meeting

Change Summary

- Item #10 (RESOLUTION 22-08: 2022 Municipal Wastewater Planning Program was deleted from the agenda per direction from Justin Maughan.
- Background information was added to the Agenda Item Report (AIR) for item numbers 10 and 14.