



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, December 8, 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 Larsen)
2. Call to Order and Roll Call (Chair)
3. Approval of the November 10, 2022 and November 17, 2022, City Council Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. **Presentation:** Stokes Nature Center Outdoor Classroom Project
7. **Discussion & Consideration:** Resolution 22-29—Waiving Transportation Impact Fees for Stokes Nature Center (First Reading)
8. **Discussion & Consideration:** Acceptance of an Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for the remainder of parcel 03-004-0011, located at approximately 101 West 2600 South. (Applicant: Stokes Nature Center)
9. **Public Hearing:** Ordinance 22-21—Amending Definitions in NCC 5.06.030 Municipal Telecommunications License Tax
10. **Discussion & Consideration:** Ordinance 22-21— Amending Definitions in NCC 5.06.030 Municipal Telecommunications License Tax
11. **Public Hearing:** Ordinance 22-20—Animal licensing, Changing Licensing Term Dates
12. **Discussion & Consideration:** Ordinance 22-20—Animal licensing (Second Reading)
13. **Discussion & Consideration:** Johnson Meadows Subdivision Preliminary Plat, located at 3400 South 450 West (Applicant: Todd Stimpson)
14. **Discussion:** Auditing Services for Nibley City
15. **Discussion & Consideration:** Modifying the Addendum to the 2600 South Street Agreement with Nibley Development
16. **Discussion & Consideration:** Process of Appointing an Interim Nibley City Council member
17. 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

Description	Presentation – Stokes Nature Center Outdoor Classroom Project
Presenter	Kendra Pendry, Executive Director at Stokes Nature Center
Recommendation	Learn about the Nature Center’s plans in Nibley.
Reviewed By	Mayor, City Manager

Background

This an opportunity for the Council to hear from the Stokes Nature Center about their plans for their property near the corner of 2600 South and Hwy 165.

Agenda Item #7

Description	Discussion & Consideration – Resolution 22-29 Waiving Transportation Impact Fees for Stokes Nature Center (First Reading)
Presenter	Larry Jacobsen, Mayor
Recommendation	Move to approve Resolution 22-29 Waiving Transportation Impact Fees for Stokes Nature Center, possibly waiving the second reading.
Reviewed By	Mayor, City Manager

Background

The Council previously waived the Water Impact Fee and Sewer Impact Fee for the Stokes Nature Center for this project in 2015.

https://nibley.municipalcodeonline.com/book?type=resolutions#name=Resolution_15-11_Waiving_Impact_Fees_For_The_Stokes_Nature_Center

Because no residential units are being built with this project, a Parks Impact Fee is not required. This item proposes waiving the remaining Transportation Impact Fee. The Transportation Impact Fee is \$1,426 per 1,000 sq ft of building for institutional uses. Based upon the concept plan provided by Stokes Nature Center of the Outdoor Classroom Project, they are planning to build an approximate 1,600 sq ft Yurt, a 2,400 sq ft Pavilion, and two Restrooms with a combined area of 600 sq ft. The approximate square footage for all structures would be 4,600 sq ft. Assuming this square footage, the Transportation Impact Fee would be approximately \$6,560.

RESOLUTION 22-29

**A RESOLUTION WAIVING TRANSPORTATION IMPACT FEES
FOR THE STOKES NATURE CENTER**

WHEREAS, Nibley City owns, operates and maintains transportation infrastructure systems; and

WHEREAS, in exchange for use of said systems, Nibley City requires that an impact fee be paid when connecting to the infrastructure systems; and

WHEREAS, Nibley City code §8-6-6-1, “Waiver for Public Purpose”, states, in part, that the City Council “...may, on a project by project basis, authorize exceptions or adjustments to the impact fee rate structure for those projects the Council determines to be of such benefit to the community as a whole to justify the exception or adjustment.”; and

WHEREAS, the Stokes Nature Center (“the Center”), a registered 501(c)(3), educational, non-profit organization, owns property located within the area served by the Nibley City water and sewer systems; and

WHEREAS, the Center has made application to the Nibley City Council to waive the required impact fees in order for the Center to connect to the Nibley City transportation systems; and

WHEREAS, the Center’s stated intent is to engage with the City in educational program planning on a variety of topics which may include, but is not limited to: nature tours, merit badge classes, concerts, family programming and summer classes; and

WHEREAS, the Nibley City Council has determined that the Center’s future plans are of such a benefit to the community as a whole that the impact fees should be waived.

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

1. The Center shall not be charged impact fees for their connection to the Nibley City transportation systems.

Dated this _____ day of _____, 2022

Larry Jacobsen, Mayor

ATTEST

Cheryl Bodily, City Recorder

Agenda Item #8

Description	Discussion & Consideration- Acceptance of an Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for the remainder of parcel 03-004-0011, located at approximately 101 West 2600 South. (Applicant: Stokes Nature Center)
Presenter	Levi Roberts, City Planner
Recommendation	Move to accept Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for the remainder of parcel 03-004-0011, located at approximately 101 West 2600 South.
Reviewed By	Mayor, City Manager, City Recorder, City Planner

Background

Stokes Nature Center has filed an annexation petition to annex the remainder of a property located at approximately 101 West 2600 South, which contains 5.58 acres into Nibley City. Currently, 4.19 acres of this parcel is incorporated in Nibley City, while the remainder requires an annexation for incorporation. The annexation would be contiguous with existing City boundaries and would not create any unincorporated islands or peninsulas. It is within the City's annexation declaration boundary of the annexation policy plan.

The applicant has indicated that the property is intended to be used as an Outdoor Classroom. The Future Land Use Plan designates this parcel as Open Space, Agriculture, and Low Density. The exact zoning designation for the property is to be determined after a recommendation from Planning Commission, but the proposed use is compatible with the Future Land Use Map.

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

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

Nibley

100 West 2600 South Nibley
UT, off Hwy 165

6111154

12/05/2022 - 12/04/2122

Annexation Petition

b2539120-74e4-11ed-a85e-11ff53473a86

General

Active

New

Application Review Status

Final-Review

Not Reviewed

12/05/2022

Fees

Payments

General	\$200.00	12/05/2022	Online	\$200.00
Subtotal	\$200.00	Total Paid		\$200.00
Amount Paid	\$200.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Surveyed Plat and Legal Description

 Annex Packet.doc

Cache County Tax I.D. Number(s) proposed to be annexed

03-004-0011


Are you the owner of all properties associated with this annexation?

yes

Address or General Location of the proposed annexation.

100 West 2600 South Nibley UT, off Hwy 165

Copy of notice sent to affected entities

 Notice of Intent to file petition.pdf

List all entities to which the required notice was sent.

Nibley City, Cache County, Cache County School District, Millville City, Cache Mosquito Abatement District, Nibley/Millville Cemetery District and Cache Valley Transit District

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

Nature Park and Outdoor Classroom

Acreage of proposed annexation area

5

Existing Land Use(s)

None

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

**Sewer and water are already stubbed into the property as they will be on both city services.
Electricity will be provided by solar panels.**

Petitioner First Name

Kendra

Petitioner Last Name

Penry

Phone

(435) 755-3239

Email

director@logannature.org

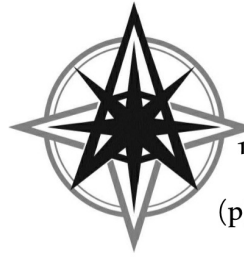
Prior to submitting this application, Have you filed an Annexation Request with Cache County?

yes

Signature

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

Kendra Penry-Clutter - 12/05/2022 2:35 pm



**ADVANCED
LAND SURVEYING INC**

1770 Research Park Way #111
Logan Utah 84341
(p) 435-770-1585 (f) 435-514-5883
www.advancedlsi.com

November 28, 2022

RE: Stokes Nature Center

(Advanced Land Surveying Project # 22-317)

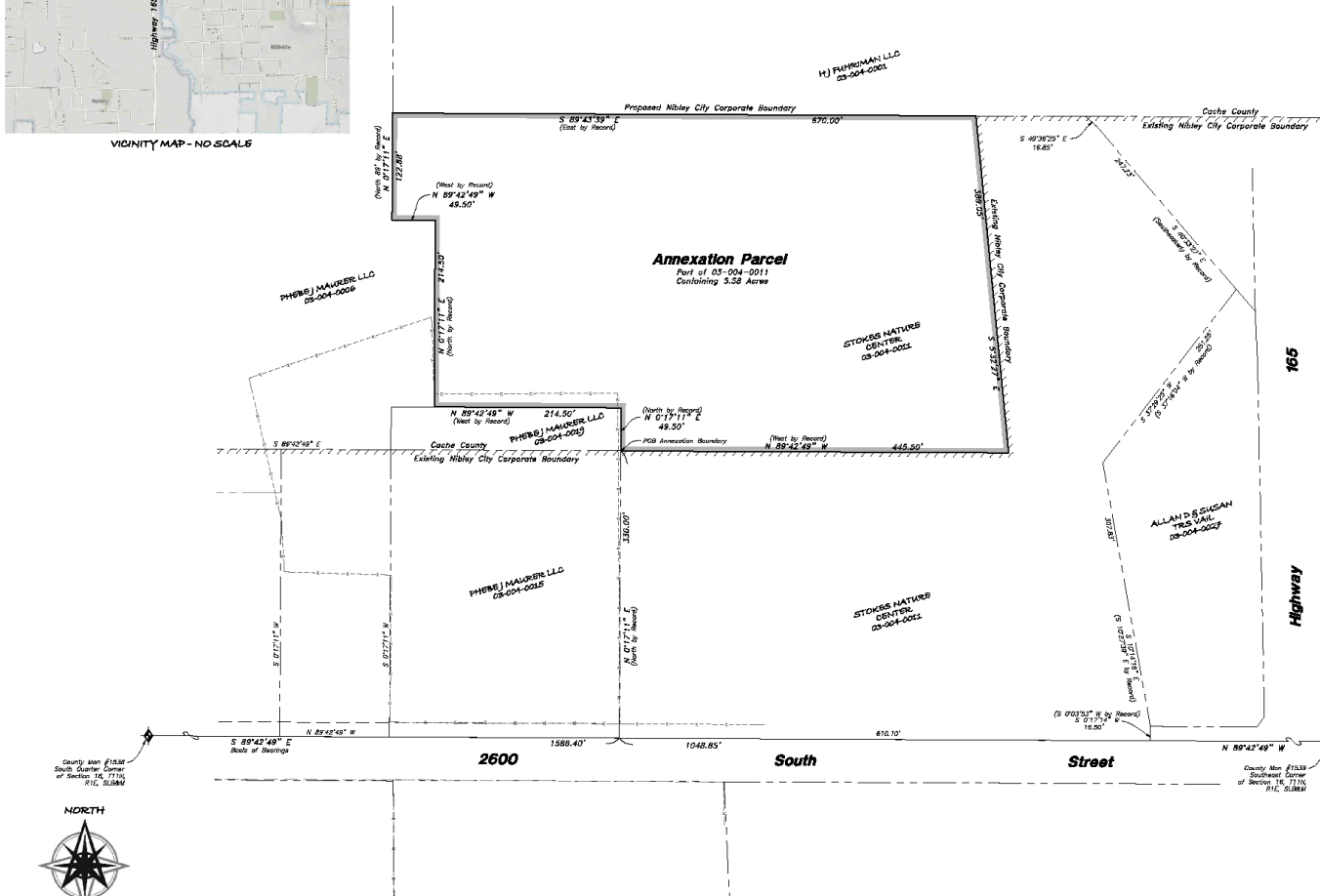
Annexation Boundary:

A Part of the Southeast Quarter of Section 16, Township 11 North, Range 1 East of the Salt Lake Base and Meridian. The Basis of Bearings is the Utah Coordinate System 1983 North Zone.

Beginning on the Existing Nibley City Corporate Boundary Line at a Point Located 1588.40 Feet South 89°42'49" East (East by Record) Along the South Line of said Southeast Quarter and 330.00 Feet North 00°17'11" East (North by Record) from the the Southwest Corner of said Southeast Quarter and RUNNING THENCE North 00°17'11" East (North by Record) 49.50 Feet; Thence North 89°42'49" West (West by Record) 214.50 Feet; Thence North 00°17'11" East (North by Record) 214.50 Feet; Thence North 89°42'49" West (West by Record) 49.50 Feet; Thence North 00°17'11" East 122.88 Feet (North 89.00 Feet by Record) to a Fence Line; Thence South 89°43'39" East (East by Record) 670.00 Feet Along said Fence Line to the Intersection with said Nibley City Corporate Boundary Line; Thence Along said Corporate Boundary Line the Following Two (2) Courses: (1) South 05°32'27" East 389.05 Feet; (2) North 89°42'49" West (West by Record) 445.50 Feet to the Point of Beginning. Containing 5.58 Acres.



VICINITY MAP - NO SCALE



STOKES NATURE CENTER
ADDITION TO
Nibley City
CACHE COUNTY, UTAH
NOVEMBER 28TH, 2022

ANNEXATION BOUNDARY DESCRIPTION
A Part of the Southwest Quarter of Section 16, Township 11 North, Range 1 East of the Salt Lake Base and Meridian. The Basis of Bearings is the Utah Coordinate System 1983 North Zone.

Beginning on the Existing Nibley City Corporate Boundary Line of a Point Located 1048.40 Feet South 89°42'49" East (East by Record) Along the South Line of said Southwest Quarter and 330.00 Feet North 00°17'11" East (North by Record) from the the Southwest Corner of said Southwest Quarter and BURNING TREES: North 00°17'11" East (North by Record) 49.50 Feet; Thence North 89°42'48" West (West by Record) 214.50 Feet; Thence North 00°17'11" East (North by Record) 214.50 Feet; Thence North 89°42'48" West (West by Record) 49.50 Feet; Thence North 00°17'11" East 122.88 Feet (North 89.00 Feet by Record) to a Fence Line; Thence South 89°42'48" East (East by Record) 670.00 Feet along said Fence Line to the Intersection with said Nibley City Corporate Boundary Line; Thence Along said Corporate Boundary Line the Following Two (2) Courses: (1) South 03°32'27" East 369.00 Feet; (2) North 89°42'48" West (West by Record) 445.00 Feet to the Point of Beginning. Containing 0.58 Acres.

ACCEPTANCE BY LEGISLATIVE BODY

This is to certify that we, the City Council of Nibley City, Cache County, Utah have received a petition signed by a majority of the owners and the owners of at least one third in value of real property shown, requesting that said areas be annexed to the City of Nibley, Cache County, Utah and that a copy of the ordinance or resolution has been prepared for filing herewith in accordance with the provisions of Utah Code and that we have examined and do hereby approve and accept the annexation of the areas as shown as a part of Nibley City, Utah.

Witness my hand and official seal this _____ day of _____, 20____.
Approved: _____ Mayor _____ City Recorder

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Utah Statute, Chapter 22, Professional Engineers and Land Surveyors Act and I have completed a Survey of the Property described on this Plat, created November 28th, 2022, in accordance with Section 17-25-17 and have Verified all Measurements, and have Placed Monuments as Represented on this Plat, and that this is a true and accurate map of the tract of land to be annexed to Nibley City, Cache County, Utah.
Signed this 28th day of _____ November _____, 2022.

Clinton G. Hansen P.L.S.
Utah Land Surveyor License No. 7881387



COUNTY SURVEYOR'S APPROVAL

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office and further, it meets the minimum standards for plats required by county ordinance and state law.

County Surveyor _____ Date _____

LEGEND

- Existing Corporate Boundary
- Proposed Corporate Boundary
- Property Line
- Fence Line
- Section Corner
- Found Corner Point

NARRATIVE

The purpose of this survey was to annex the boundary described into Nibley City. This survey was ordered by Kendra Perry of Stokes Nature Center. The control used to establish the annexation boundary was survey record 2021-0188 and 2003-0065. The survey is located in the Southwest Quarter of Section 16, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearings is the South line of said Southwest Quarter, which bears South 89°42'48" East, Utah Coordinate System 1983 North Zone.

ADVANCED LAND SURVEYING INC
1770 Research Park Way #101
Logan Utah 84301
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www.advancedsl.com



COUNTY RECORDER'S NUMBER

State of Utah, County of Cache, Recorded and Filed of the Request of _____
Date _____ Time _____ Fee _____
Abstracted _____
Index _____
Filed In: File of Plats _____
County Recorder _____

Agenda Item #9 & 10

Description	Public Hearing – Ordinance 22-21—Amending Definitions in NCC 5.06.030 Municipal Telecommunications License Tax and Discussion & Consideration: Ordinance 22-21— Amending Definitions in NCC 5.06.030 Municipal Telecommunications License Tax (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Ordinance 22-21— Amending Definitions in NCC 5.06.030 Municipal Telecommunications License Tax and waive the second reading
Reviewed By	Mayor, City Manager, City Engineer

Background:

It was brought to staffs attention that there are a number of Fiber Optic Communication companies that are looking to expand in Utah. A few of them are attempting to avoid having to pay Telecom Franchise Taxes, like Comcast, or Century Link (as an example) currently pay. We asked Rob, our City Attorney if he thought there was anything we should do, to avoid having the issue, should any of them ever desire to come to Nibley. He recommended making changing to Ordinance NCC 5.06.030. The changes mostly update definitions to be more inclusive of fiber optic communication lines.

ORDINANCE 22-21

**AMENDING NCC DEFINITIONS IN NCC 5.06.030
MUNICIPAL TELECOMMUNICATIONS LICENSE TAX**

WHEREAS, Nibley City allowed by law to charge a Telecommunications Tax to certain entities who provide communication services throughout Nibley; and

WHEREAS, Nibley City desires fiber optic communications providers to be charged the same tax as other telecommunication services within Nibley.

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

1. The attached amendments to the referenced Nibley City Code section 5.06.030 be changed.
2. 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

5.06.030 Municipal Telecommunications License Tax

A. Definitions: As used in this section:

TELECOMMUNICATIONS PROVIDER:

1. Subject to subsections 2 and 3 of this definition, a person that:
 - a. Owns, controls, operates, or manages a telecommunications service; or
 - b. Engages in an activity described in subsection 1, a of this definition for the shared use with or resale to any person of the telecommunications service.
2. A person described in subsection 1 of this definition is a telecommunications provider whether or not the public service commission of Utah regulates:
 - a. That person; or
 - b. The telecommunications service that the person owns, controls, operates, or manages.
3. "Telecommunications provider" does not include an aggregator as defined in Utah Code § 54-8b-2.

TELECOMMUNICATIONS SERVICE:

1. Telephone service, as defined in Utah Code § 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and
2. Mobile telecommunications service, as defined in Utah Code § 59-12-102:
 - a. That originates and terminates within the boundaries of one state; and
 - b. Only to the extent permitted by the mobile telecommunications sourcing act, 4 USC section 116 et seq.
3. Those services defined and described as telecommunication services in Nibley City Code § 13.10.020

Deleted: .

13.10.020 Definitions

For purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The words "shall"

and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

...

TELECOMMUNICATIONS: The electronic or optical conveyance, routing, or transmission, of audio, data, video, voice, or any other information to a point or between or among points, Includes but is not limited to all acts, services, and systems described in the Utah State Municipal Telecommunications License Tax Act and Nibley City's Municipal Telecommunications License Tax Ordinance.

Deleted: specified by the user, of information of the user's choosing (e.g., data, video and voice), without change in the form or content of the information sent and received.

TELECOMMUNICATIONS SERVICE OR SERVICES: The provision of telecommunications and telecommunication related services and facilities by a provider within the city that the provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the services provided within the city; except that these terms do not include "cable service", as defined in the cable communications policy act of 1984, as amended by the cable television consumer protection and competition act of 1992 (47 USC 521 et seq.) and the telecommunications act of 1996. Telecommunications system or systems also includes an open video system.

Deleted: Any telecommunications services provided

TELECOMMUNICATIONS SYSTEM OR SYSTEM: All conduits, manholes, poles, antennas, transceivers, amplifiers, wires, lines, cables, and all other electronic or optical devices, equipment, wire, and appurtenances owned, leased, or used by a provider, and utilized in the provision of telecommunications services, including fully digital or analog, voice, data and video imaging and other enhanced telecommunications services. Telecommunications system or systems also includes an open video system.

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Agenda Item #11 & 12

Description	Public Hearing – Ordinance 22-20 Animal Licensing, Changing Licensing Term Dates and Discussion & Consideration – Ordinance 22-20 Animal Licensing (Second Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Ordinance 22-20 Animal Licensing
Reviewed By	Mayor, City Manager, City Planner, City staff

Background:

Previous Background:

Staff is proposing in conjunction with adjusting the fee schedule for dog registration (passed last council meeting), to adjust the time frame in which a dog license is valid. Instead of January 1st to Dec 31st, the license will be good from March 1st to February 28th. The early bird discount will be applied to those residents who pay for their dog license prior to March 1st.

ORDINANCE 22- 20

AMENDING NCC 11.02.050 ANIMAL LICENSING

WHEREAS, Nibley City desires to change the term of Dog Licensing from a Calander year, to be from the beginning of March, to the end of February

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

1. The attached amendments to the referenced Nibley City Code section 11.02.050 be changed.
2. 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

9.02.050 Licensing Requirements

1. **License Required:** It is unlawful for any person to keep, harbor or maintain any dog six (6) or more months old unless such dog has been registered and licensed in the manner herein provided.
2. **Application; Information:**
 1. Application for registration and licensing shall be made to Nibley City or its designee.
 2. The owner shall state at the time application is made for such license his name and address and the sex, breed and color of each dog owned or kept by him.
3. **Issuing Authority:** A dog license shall be issued by Nibley City or its designee.
4. **Fee For License:** No dog license shall be issued until the fee as established by resolution on the Consolidated Fee Schedule of the city council is paid.
5. **Date Due; Penalty:** The fee due and payable pursuant to this section shall be due March 1. Any owner of a dog found not to be registered and licensed shall be subject to an infraction and associated fine as established by resolution on the Consolidated fee Schedule.
6. **Newly Acquired Dogs:** The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make an application for registration and license within thirty (30) days after such acquisition or dogs attain the above stated age.
7. **Kennel License**
 1. The following conditions must be met prior to the issuance of a kennel permit:
 1. The applicant must provide proof that the outdoor area in which all dogs are kept is completely fenced in.
 2. Housing of dogs: Dogs must be either kept completely indoors during the hours of 10:00 PM and 7:00 AM or kept in an outdoor shelter, which includes a roof of solid structure, setback at least 10 feet from all property lines and 30 feet from any structures outside of the lot in which it is located.
 3. Adequate shade and shelter from the elements shall be provided for all dogs kept outdoors.
 4. **Fee:** No kennel license shall be issued unless the provisions of NCC 19.34, titled "Animal Land Use Regulations" are met. Authorized kennel licenses shall pay an annual license fee, in addition to required registration fees.
8. **Term Of License:** Dog licenses shall be valid for the duration of the calendar year (January 1 – December 31).
9. **Rabies Certificate:** All dogs are required to keep and maintain current rabies vaccination in order to be licensed with Nibley City. As part of registration and licensing of dogs, dog owners shall be required to provide Nibley City with a certificate demonstrating that the dog's rabies vaccination is current.

Deleted: January

Deleted: 1 and shall be delinquent March 1 of each year. A penalty shall be added to delinquent payments, which penalty shall be determined by resolution of the City Council.

10. Exceptions:

1. Service Animals, as defined in NCC 19.34.020 shall not be assessed annual license fees for the service animal

11. License Tag:

1. Issuance: Upon payment of the license fee, the city recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. Once issued, a tag is valid until the dog is no longer registered with Nibley City. Every dog owner shall provide each dog with a collar to which the license tag shall be affixed. It shall be unlawful to deprive a registered dog of its collar and/or tag.
2. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by Nibley City upon presentation of a receipt showing the payment of the license fee for the current year and a payment for each duplicate as established by resolution of the City Council.
3. Tag Not Transferable: Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the city before expiration of the license period.

HISTORY

Amended by Ord. [21-16](#) on 9/23/2021

Agenda Item #13

Description	Discussion & Consideration – Johnson Meadows Subdivision Preliminary Plat, located at 3400 South 450 West (Applicant: Todd Stimpson)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	<p>Move to approve Johnson Meadows Subdivision Preliminary Plat with the following conditions:</p> <ol style="list-style-type: none"> 1. The phasing of the subdivision needs to be modified so that the value of improvements is commensurate with the number of units in each phase. This may be accomplished by moving the phase line to include all improvements on 3400 South or by splitting the phases more evenly with 5 lots in one phase and 6 in another phase. 2. The trail on the south side of Lot 11 needs to include required improvements of a 10' wide trail design. 3. Need to include a note at final plat that stormwater is to be managed by individual lots. 4. Need to add existing floodplain to preliminary plat and remove note that no floodplains are on the property. <p><i>*The applicant has submitted an updated Preliminary Plat and Staff has determined that all recommended conditions of the Planning Commission have been met</i></p>
Reviewed By	Mayor, City Manager, City Planner, City Engineer, Planning Commission

Background

Todd Stimpson has applied for Preliminary Plat approval for Johnson Meadows Subdivision. This project is classified as a standard subdivision. Planning Commission is the typical approval authority of standard subdivisions. However, the applicant has proposed and the Planning Commission recommends approval that differs from Nibley City Code which requires consideration by City Council.

The proposed Johnson Meadows Subdivision is located near 3400 South 450 West within an R-2 zone. Below is a summary of the development and zoning requirements:

	NCC Requirements	Johnson Meadows
Total Gross Acres	N/A	9.5

Total Lots	N/A	11
Minimum Lot Size	½ acre	0.51 acre
Minimum street frontage	100 ft.	100 ft.

Zoning and space requirements

The proposed preliminary plat is located within an R-2 zone. NCC 19.22.010 requires a minimum lot size of ½ acre. The frontage requirement of the R-2 zone is 100 ft. The application meets each of these standards. The preliminary plat denotes setbacks that meets setback requirements.

Phasing

The applicant previously proposed to develop the subdivision in two phases, which included 9 lots in Phase 1 and 2 lots in Phase 2. Regarding phasing, NCC 21.02.080© states the following:

Developers may choose to construct infrastructure improvements within the proposed subdivision, which may include, but are not limited to: utilities, parks, open space, stormwater facilities, trails, etc. When such improvements are approved as part of the subdivision approval, they shall be phased in proportion, based on percentage of the total value of the amenities in the subdivision, to the total number of lots in the subdivision, per phase. Example: If a phase contains 25% of the lots for the subdivision, then 25% of the total value of the subdivision’s amenities are required to be constructed along with that phase.

Based upon estimates provided by the applicant, \$88,223.50 is estimated to be expended for Phase 1 improvements, while \$60,930.75 is estimated in Phase 2. This equates to 59% of the cost of improvements being proposed in Phase 1, while this phase includes 82% of the lots. The cost per lot of the improvements is approximately \$9,803 in Phase 1 and \$30,465 in Phase 2. It is Staff’s opinion that the proposed improvements in Phase 1 are not commensurate with the number of lots as required in NCC 21.02.080(C). Staff and Planning Commission recommended that the applicant be required to amend the phasing plan so that the value of the improvements with each phase are approximately commensurate with the number of lots in each phase. The applicant has submitted an updated phasing plan with lots 1-6 in Phase one and lots 7-11 in Phase 2. Staff has determined that the phasing is now approximately commensurate with the required improvements as required by NCC 21.02.080(C).

Utility Lines, Easements, and Storm Water

The applicant has shown a preliminary plan for connecting utilities to Nibley City’s utility system, including locations of sewer, water lines. Both water and sewer lines already exist to the edge of the property along 450 West, as well as along 3400 South. Public utility easements are shown where necessary, as required by the City Engineer. Nibley City engineer and public works director have reviewed the plans to ensure feasibility and compliance with City standards. Regarding stormwater, it is anticipated that due to

the density and scale of this development, stormwater may be managed onsite, but the City Engineer recommends that a note be added to the plat to signify this requirement.

Another condition of note is that there are existing Rocky Mountain Power lines along the north edge of the property. The applicant has indicated that they intend to relocate the power lines and poles, as required.

Canals

There is an irrigation ditch which runs north/south on the west portion of the proposed subdivision. At the request of Nibley-Blacksmith Fork Irrigation, the applicant is proposing to pipe this canal and dedicate a 20' wide easement for maintenance of the canal.

The applicant has provided a letter which they have sent to the Nibley-BSF Irrigation Company, with an opportunity for response to Nibley City dated August 19. The City has not received any response from Nibley-BSF.

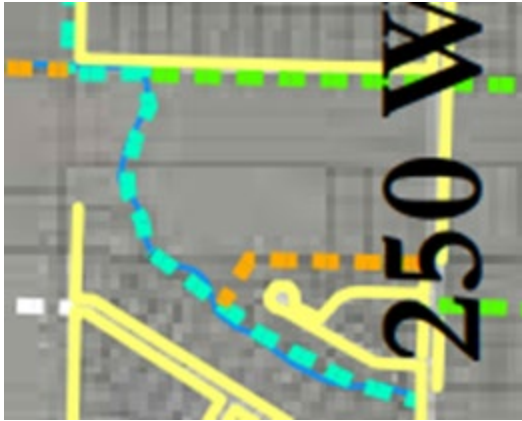
Transportation

The currently adopted Transportation Master Plan shows 450 West as a local street along the western edge of the proposed subdivision. The applicant proposes to dedicate approximately 53' to the City for this roadway and align with the existing 450 West Right-of-Way. The proposed road will improve 450 West with curb, gutter and sidewalk and 20' of asphalt on the east side of the road. The applicant is proposing to dedicate 17' of 3400 South, which currently includes 43' of dedicated ROW to bring the ROW to a full 60' width. The applicant proposes a modified TS-14 cross section, installing a ribbon curb, swale and sidewalk along this roadway, while improving the asphalt to a 29' width. 250 W is a Master-planned collector street and the applicant proposes to improve the sidewalk and curb along the street which borders the development, matching the existing sidewalk to the south.

In addition to the master-planned street, there is a master-planned trail along the alignment of the existing canal. NCC 21.12.060(F)(1) provides:

*Trails, bike paths, and horse trails shall be provided by the Developer **in accordance with the City Trails Master Plan** and where otherwise necessary as determined by the Approval Authority. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, future and existing city trails and other significant natural features. Such trails shall be built to City specifications and ROW shall be dedicated for such trails. The trails shall be constructed with the accompanying phase and development, unless the Approval Authority determines otherwise.*

Below is an image of the planned trails in this area.



The applicant proposes a modification to this alignment and dedicate a 15' trail easement on the south side of Lot 11. Staff has reviewed this proposed alignment and determined that this does not adequately comply with the Trails Master Plan and this provision of Nibley City Code. Staff recommended to the Planning Commission that the alignment of the trail be modified to more closely match the Trails Master Plan. However, the Planning Commission recommends approval with the alignment that the applicant has proposed provided that it is improved with a 10' wide paved trail. Because the Planning Commission finds that this is a deviation from NCC 21.12.060(F)(1), this requires City Council consideration for approval. Specifically, UCA 10-9a-532(2)(a)(iii) provides:

*(a), A development agreement may not:
(iii), contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.*

If the City Council decides to allow this realignment of the trail, a public hearing will be held at Final Plat, as required by State Code with an accompanying Development Agreement for consideration.

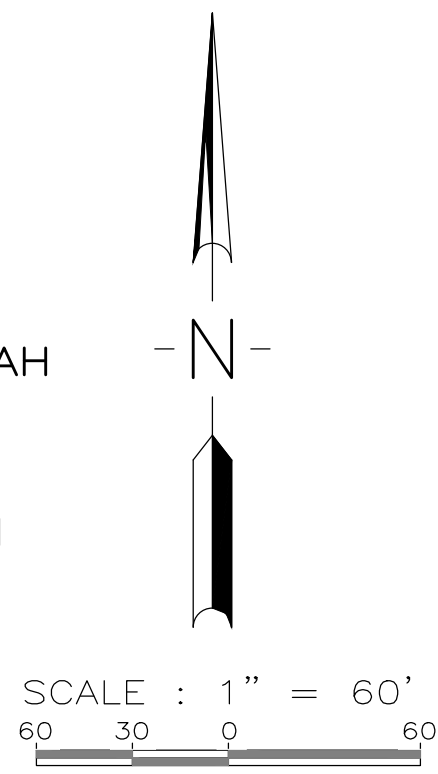
Street Trees

NCC 21.12.170 provides that street trees be planted every 50'. The proposed preliminary plat includes a preliminary street tree plan with planted trees, as required.

Flood plain

There is a FEMA designated floodplain which impacts three of the lots on the western side of the proposed development. Any building on these lots will be subject to the standards and limitations of Nibley City Code Chapter 23- Flood Control.

PRELIMINARY PLAT
FOR THE
STIMPSON SUBDIVISION
NIBLEY CITY, CACHE COUNTY, UTAH
PART OF SECTION 28
TOWNSHIP 11 N., RANGE 1 E.
SALT LAKE BASE AND MERIDIAN
AUGUST 2022



	PROPOSED	EXISTING		PROPOSED	EXISTING
SANITARY SEWER MANHOLE	●	○	FIRE HYDRANT	↑	↑
SANITARY CLEANOUT	●	○	CONCRETE CURB	—	—
SANITARY SEWER	—	— SA —	LIGHT POLE	●	○
STORM MANHOLE	⊙	⊙	POWER POLE	●	○
STORM SEWER	—	— SD —	BENCH MARK	Ⓞ	Ⓞ
IRRIGATION INLET	⊏	⊏	EXISTING PAVEMENT	▒	▒
STORM DRAIN BOX	⊏	⊏	PROPOSED PAVEMENT	▒	▒
WATERMAIN & VALVE	—	— W —			
WATER METER & SERVICE	—	— W —			
WATERLINE BLOWOFF	—	— W —			

Notes:

There are no slopes exceeding 20%, or any other natural feature. There is a floodplain boundary shown on parts of lots 10 and 11. This floodplain boundary is from an irrigation ditch on the property that flows water during the growing season from April to October. The ditch most likely functions as a storm water drainage path as well.

The development will incorporate the street section using an 18" flat ribbon curb, planter strip drainage swale, and concrete sidewalk. The section dimensions may need to be modified slightly to fit the 29' of pavement in the proposed 60' right of way. An additional 17' of right of way will be dedicated on the south side of 3400 South to establish the 60' right of way.

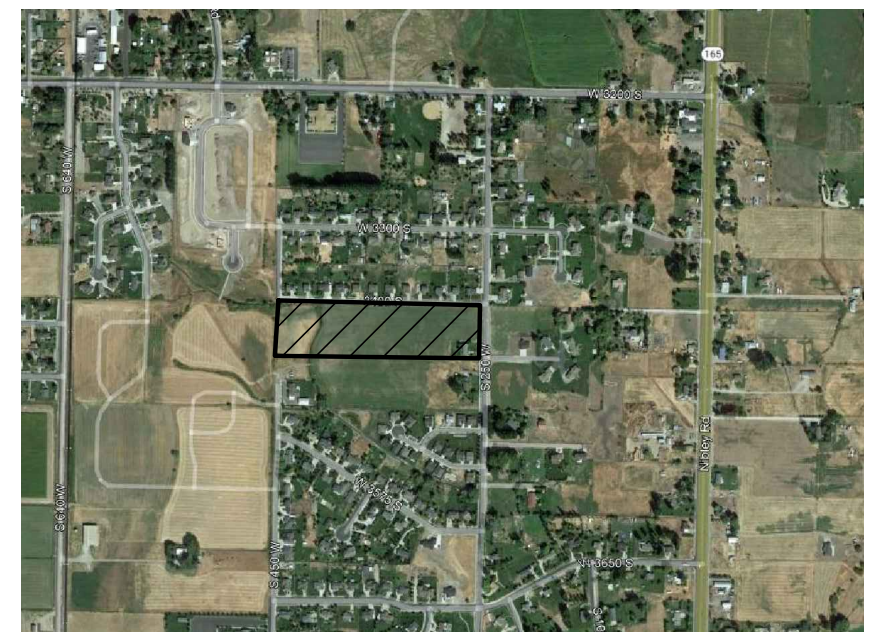
The development will be done in two phases. Phase 1 will be lots 1-6 and Phase 2 will be lots 7-11.

LEGAL DESCRIPTION

The legal description contained herein is from the boundary survey completed on 5/2/2005 by Hansen and Associates. The survey is recorded in the Cache County recorders office as 2005-0074.

A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN AND A PART OF LOT 12, BLOCK 17, MILLVILLE WEST FIELD SURVEY, BEGINNING AT THE NORTHEAST CORNER OF SAID LOT AND RUNNING THENCE SOUTH 00°58'43" WEST 231.65 FEET (230.00 FEET BY RECORD) ALONG THE EAST LINE OF SAID LOT; THENCE NORTH 88°58'38" WEST 217.80 FEET; THENCE SOUTH 00°58'43" WEST 100.00 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID LOT; THENCE NORTH 88°58'38" WEST 1099.72 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID LOT; THENCE NORTH 00°33'43" EAST 330.45 FEET (330.00 FEET BY RECORD) TO THE NORTH LINE OF SAID LOT; THENCE SOUTH 89°01'48" EAST 1319.93 FEET (1320.00 FEET BY RECORD) ALONG THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING, CONTAINING 9.52 ACRES±

VICINITY MAP



OWNER / DEVELOPER

TODD STIMPSON
3425 SOUTH 250 WEST
NIBLEY, UTAH
435-512-3675

PRELIMINARY PLAT

STIMPSON SUBDIVISION

NIBLEY, UTAH

Turner Design
Engineering, Inc.

CIVIL ENGINEERING ▲ LAND PLANNING
46 SOUTH 410 WEST PROVIDENCE, UTAH
(435) 695-8245

Know all men by these presents that we, the undersigned, are registered representatives of the owner of the property. Authorization of this action has been given expressly by Todd Stimpson. Under this designation of representation, we submit the certificate of clear title on the land shown on this plat.

In witness we have hereunto set our signature this the ___ day of ___, 2022.

Nov. 22, 2022

Date

1" = 60'

Scale

D.T.

Designed by

D.T.

Drawn By

Job Number

22-002

Sheet

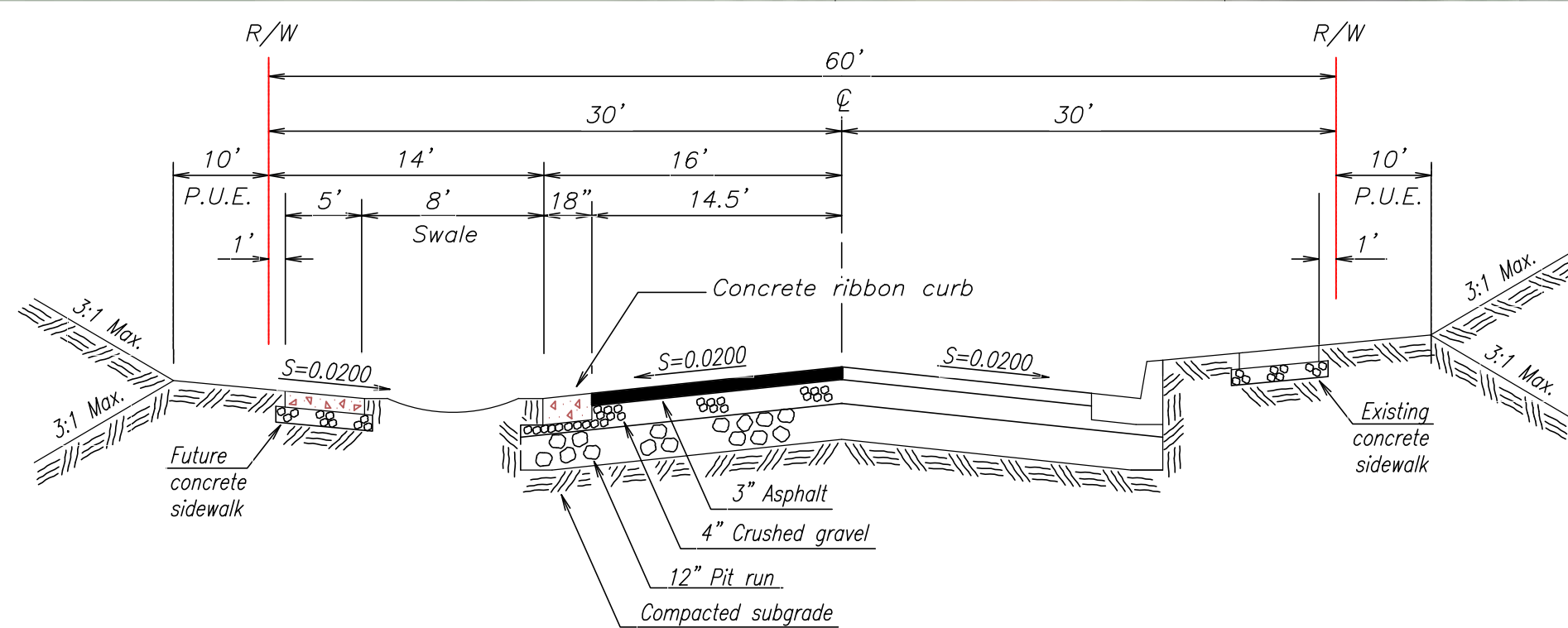
1 of 2



Storm water notes:

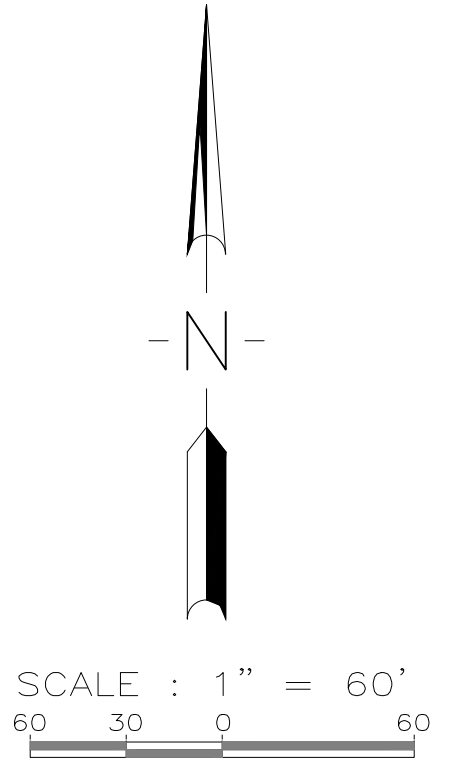
All lots will be required to manage storm water on their individual lot. This includes runoff from roofs and driveways.

The additional pavement on 3400 South will travel over the flat, ribbon curb to a roadside swale. This swale meets the requirement for treating the runoff before leaving the site.



TS-13: LOCAL: 2-LANE WITH SWALE

NO SCALE



Notes:

The street trees shown shall be selected from an approved list of acceptable trees compiled by the Tree Board of Nibley City, and shall be planted per any corresponding specifications and methods.

The city arborist shall be consulted prior to planting the trees.

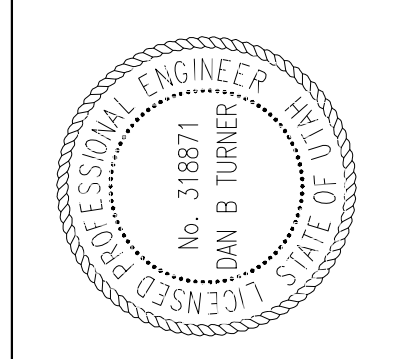
Job Number	22-002
Sheet	2 of 2

Revisions	
Date	Nov. 22, 2022
Scale	1" = 60'
Designed by	D.T.
Drawn by	D.T.

LANDSCAPING PLAN

STIMPSON SUBDIVISION

NIBLEY, UTAH



Turner Design Engineering, Inc.

CIVIL ENGINEERING & LAND PLANNING

46 SOUTH 410 WEST PROVIDENCE, UTAH 84332

(435) 695-8245

Turner Design Engineering, Inc.

CIVIL ENGINEERING ▲ LAND PLANNING
46 South 410 West Providence, UT 84332
(435) 695-8245

Friday, August 19, 2022

Blacksmith Fork – Nibley canal company
Attn: Jay Tuddingham

RE: STIMPSON DEVELOPMENT

Jay:

This letter and the attached plans serve notice that Todd Stimpson is moving forward with the process to develop his land into residential building lots. As part of this development, the existing canal on the west portion of his land will be piped and covered. There will be a 20' easement recorded over the installed pipe for maintenance by the canal company. When we spoke personally on the phone, you had agreed to the piping and did not have any comments or reservations.

From the date of this letter, the canal company will have 60 days to comment on the development in regard to this piping project. Any comments should be directed to the City, not the owner.

Sincerely,



Dan Turner, P.E. (for Todd Stimpson)

Cc:



Turner Design Engineering, Inc.

CIVIL ENGINEERING ▲ LAND PLANNING
 46 S 410 W PROVIDENCE UTAH
 (435) 752-1669 (435) 770-2240



TRAIL EXHIBIT

STIMPSON SUBDIVISION

NIBLEY CITY,

UTAH

Revisions

August 2022
 Date
 No Scale
 Scale
 D.T.
 Designed by
 D.T.
 Drawn by

Job Number

22-002

Sheet

1 of 1

Agenda Item #14

Description	Discussion – Auditing Services for Nibley City
Presenter	Justin Maughan, Nibley City Manager
Recommendation	Review and approve scoring rubric and select two members of Council to be on selection committee.
Reviewed By	City Manager, City Treasurer, City Accountant

Background

Based on direction from the last Council meeting, staff has issued a RFP for Auditing services anticipated to be for the next five year period. The RFP has been sent to 8 qualified firms in the region. Staff would like to propose a five member selection committee to review the RFP submissions, and make a recommendation to the City Council. Those members are proposed to be: Justin Maughan, City Manager, Amy Johnson, City Treasurer, Dave Sandersen, City Accountant, and two members from the City Council. Staff has also prepared a scoring rubric for the Council to approve, to assist the committee in making a recommendation.

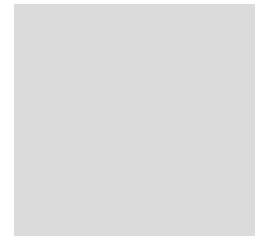
Nibley City RFP For Auditing Firm for Annual Audit Evaluation

Evaluator Name: _____

Scoring Weight	Evaluation Criteria
30%	Technical -Experience of the Firm - Considering governmental audit and insurance experience, as well as size and structure of the firm
10%	Qualifications of staff
15%	Responsiveness of the proposal in clearly stating and understanding of the audit services to be performed: 1) Appropriate and adequacy of proposed procedures. 2) Reasonableness of time estimates and total audit hours. 3) Appropriate of assigned staff levels
45%	Cost of Audit
100%	TOTAL

Rating Criteria 1-10 (1) being poor, (10) being excellent

FIRM	Technical	Qualifications	Responsiveness	Cost	Total
Firm 1	0	0	0	0	0
Firm 2	0	0	0	0	0
Firm 3	0	0	0	0	0
Firm 4	0	0	0	0	0
Firm 5	0	0	0	0	0



Agenda Item #15

Description	Discussion and Consideration – Modifying the Addendum to the 2600 South Street Agreement with Nibley Development
Presenter	Larry Jacobsen, Mayor
Recommendation	Discuss and approve the modification the Addendum to the 2600 South Street Agreement with Nibley Development
Reviewed By	Mayor, City Manager, City Attorney

Background

The Council discussed issues and agreed on solutions regarding 2600 South in their meeting on 10 November 2022. This item proposes a minor change to specify the amount of Tax Increment Funding (\$500k) from the Malouf Community Reinvestment Agency to be spent in the Nibley Development project. That is the same amount discussed at the 10 November meeting. Other changes format the previous information to be included as an Addendum in the original Street Agreement.

Addendum 1

To the Street Improvement and Dedication Agreement between Nibley Development and Nibley City dated 29 July 2021

Commented [LJ1]: The latest proposal is to approve the change in Issue at an additional City Council meeting.

Deleted: 2600 South Issues to Resolve¶

Item 1: The final two inches of asphalt.

Deleted: Issue

The Nibley City Street Improvement and Dedication Agreement (the “Street Agreement”) calls for five inches of asphalt. As of 1 November 2022, the final two inches are not installed. Nibley City will accept dedication of Nibley Development’s 2600 South either on completion of the final two inches of asphalt or earlier if financial assurance of completing the Street Agreement is in place. ~~Towards that goal, Nibley Development may choose to use Tax Increment Funding available~~ **Nibley City and Nibley Development have agreed to use \$500,000 in Tax Increment Funding** through the Malouf Community Redevelopment Agency (CRA) towards the additional 2 inches of asphalt and the extra width of the 2600 South Road in the commercial area above and beyond the standard road width. The terms and conditions associated with those funds are governed by a separate CRA Performance Agreement.

Deleted: Background and Proposal

Deleted: ¶

Commented [LJ3]: Change proposed by Nibley Development.

Towards the goal of a better final product, Nibley City requests the final two inches of asphalt be placed concurrent with full completion of the road – after utility cuts and curb and gutter are in place. However, in accordance with the Street Agreement, Nibley Development may choose to place the final two inches between now and the completion of the Commercial Development, so long as that placement follows adopted Nibley City construction standards.

Item 2: Nibley City’s cost owed to Nibley Development for the existing road.

Deleted: Issue

The Street Agreement, Item 7, shows, “Developer will design, construct, and install all roadway improvements for the Street required by the City at Developer’s sole cost and expense.”

Deleted: Background and Proposal¶

Despite the Street Agreement, Nibley agrees to pay its fractional length of the original cost of designing, constructing, and installing the road specified in the Street Agreement. Nibley City’s fractional length shall be one-half of the road length adjacent to property owned by Nibley City divided by the total road length. According to numbers provided by Nibley Development, Nibley City’s costs are \$86,205.82 along with any prorated costs from additional improvements to 2600 South Road required by the Nibley City Engineer that are above and beyond the adopted street plans. Nibley City reserves the right to verify the accounting of the City’s fractional costs. Payment terms from Nibley City to Nibley Development are TBD and may be credit offsets towards future road impact fees from Nibley Development.

Item 3: Process and timing for Nibley City accepting road ownership.

Deleted: Issue

The usual process for accepting dedication of roads is either upon their completion or during the subdivision and development phases. In this second case, financial assurance is typically required. The Street Agreement does not give a timeline for Nibley City's acceptance of 2600 South, and the agreement does not specify a completed road because it lacks (for example) curb and gutter, sidewalks, and landscaping.

Deleted: Background and Proposal¶

Nibley City will accept dedication of Nibley Development's 2600 South either on completion, including (for example) curb and gutter, sidewalk, and landscaping or earlier if financial assurance of a complete roadway is in place.

Item 4: The Culvert.

Deleted: Issue

During construction of the current road, adjacent landowners asked that Nibley Development install a culvert to convey irrigation water beneath the road. Nibley City agrees that this culvert is needed if the adjacent land continues to be irrigated. However, the culvert was not part of the Street Agreement, and it is not built to city standards.

Deleted: Background and Proposal¶

Nibley City will work with Nibley Development to find an engineering solution that is up to city standards. The timing of the engineering solution will be tied to Nibley City accepting dedication of the road. Nibley Development will bear the cost of resolving this issue.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

DEVELOPER

By: Justin Maughan
Its: City Manager

By:

By:

STATE OF UTAH)
 : ss
County of Cache)

On this ____ day of _____, 2019, personally appeared before me Justin Maughan, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

NOTARY PUBLIC

STATE OF UTAH)
 : ss
County of Cache)

On the ____ day of _____, 2021, personally appeared before me, _____, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

Addendum 1

To the Street Improvement and Dedication Agreement between Nibley Development and Nibley City dated 29 July 2021

Item 1: The final two inches of asphalt.

The Nibley City Street Improvement and Dedication Agreement (the “Street Agreement”) calls for five inches of asphalt. As of 1 November 2022, the final two inches are not installed. Nibley City will accept dedication of Nibley Development’s 2600 South either on completion of the final two inches of asphalt or earlier if financial assurance of completing the Street Agreement is in place. Nibley City and Nibley Development have agreed to use \$500,000 in Tax Increment Funding through the Malouf Community Redevelopment Agency (CRA) towards the additional 2 inches of asphalt and the extra width of the 2600 South Road in the commercial area above and beyond the standard road width. The terms and conditions associated with those funds are governed by a separate CRA Performance Agreement.

Towards the goal of a better final product, Nibley City requests the final two inches of asphalt be placed concurrent with full completion of the road – after utility cuts and curb and gutter are in place. However, in accordance with the Street Agreement, Nibley Development may choose to place the final two inches between now and the completion of the Commercial Development, so long as that placement follows adopted Nibley City construction standards.

Item 2: Nibley City’s cost owed to Nibley Development for the existing road.

The Street Agreement, Item 7, shows, “Developer will design, construct, and install all roadway improvements for the Street required by the City at Developer’s sole cost and expense.”

Despite the Street Agreement, Nibley agrees to pay its fractional length of the original cost of designing, constructing, and installing the road specified in the Street Agreement. Nibley City’s fractional length shall be one-half of the road length adjacent to property owned by Nibley City divided by the total road length. According to numbers provided by Nibley Development, Nibley City’s costs are \$86,205.82 along with any prorated costs from additional improvements to 2600 South Road required by the Nibley City Engineer that are above and beyond the adopted street plans. Nibley City reserves the right to verify the accounting of the City’s fractional costs. Payment terms from Nibley City to Nibley Development are TBD and may be credit offsets towards future road impact fees from Nibley Development.

Item 3: Process and timing for Nibley City accepting road ownership.

The usual process for accepting dedication of roads is either upon their completion or during the subdivision and development phases. In this second case, financial assurance is typically required. The Street Agreement does not give a timeline for Nibley City’s acceptance of 2600 South, and the agreement does not specify a completed road because it lacks (for example) curb and gutter, sidewalks, and landscaping.

Nibley City will accept dedication of Nibley Development's 2600 South either on completion, including (for example) curb and gutter, sidewalk, and landscaping or earlier if financial assurance of a complete roadway is in place.

Item 4: The Culvert.

During construction of the current road, adjacent landowners asked that Nibley Development install a culvert to convey irrigation water beneath the road. Nibley City agrees that this culvert is needed if the adjacent land continues to be irrigated. However, the culvert was not part of the Street Agreement, and it is not built to city standards.

Nibley City will work with Nibley Development to find an engineering solution that is up to city standards. The timing of the engineering solution will be tied to Nibley City accepting dedication of the road. Nibley Development will bear the cost of resolving this issue.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

DEVELOPER

By: Justin Maughan
Its: City Manager

By:

By:

STATE OF UTAH)
 :SS
County of Cache)

On this ____ day of _____, 2019, personally appeared before me Justin Maughan, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

NOTARY PUBLIC

STATE OF UTAH)
 : SS
County of Cache)

On the ____ day of _____, 2021, personally appeared before me, _____, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

Agenda Item #16

Description	Discussion and Consideration – Process of Appointing an Interim Nibley City Council Member at the Special 14 December 2022 Council Meeting
Presenter	Larry Jacobsen, Mayor
Recommendation	Discuss and approve a process.
Reviewed By	Mayor, City Manager, City Recorder, City Attorney

Background

With Kathryn Beus' election to the Cache County Council, this item will propose a process to select her replacement on the Nibley City Council. The Council will have the opportunity to modify the proposed process.

Filling a City Council Vacancy

Suggested Procedure, L Jacobsen

Pre-Meeting

1. Kathryn Beus' move to the County Council creates a three-year vacancy on the Nibley City Council. The interim Council Member appointed by this process will fill the first of those three years. The remaining two years will be filled by the 2023 Nibley Municipal elections, with a two-year term starting in January 2024. (Utah Code 20A-1-510-2-a-i and ii)
2. Advertise the vacancy. Notice a public meeting for 14 December 2022 to fill the vacancy. (Utah Code 20A-1-510-1-b-i and ii)
3. Qualify candidates.
4. Provide to the candidates a list of possible questions that the Council might ask at the public meeting.

Interviews

5. Assemble the Council and candidates in the noticed public meeting for interviews and selection. (Utah Code 20A-1-510-1-b-iii)
6. Assign the order of candidate responses according to 2022 Utah Master Ballot Position List and rotate to the next candidate to start each subsequent round of introductions/questions.
7. Give each candidate 1:30 minutes to introduce themselves and explain why they are interested in serving on the Council.

8. Allow each Council Member to ask a question of the candidates. Council Members may choose a question from the distributed list or an entirely new question. Each candidate will have the opportunity to answer with a response of up to 1:30 minutes.
9. Allow optional follow-up responses of up to 30 seconds from each candidate.
10. After one round of questions, ask the Council if they want to ask additional questions. Repeat until the Council is ready for a first vote.

First Vote

11. The Council votes to narrow the candidates to the two highest vote getters. (Utah Code 20A-1-510-1-C-ii) Each Council Member is allowed two non-ranked votes.
12. If more than two candidates tie for the highest number of votes (5-2-2-1, for example), drop the lowest vote getters, and vote again. Keep the highest two vote getters.
13. If dropping the lowest vote getters would leave only one candidate (4-2-2-2, for example), draw lots to eliminate one low vote getter, and then vote again. Keep the highest two vote getters.

Additional Questions and the Final Vote

14. Allow the Council to ask additional questions of the remaining two candidates. Repeat until the Council is ready to take a final vote.
15. The Council votes to fill the vacancy. Each Council Member gets one vote. The replacement must receive a majority vote of the Council. If neither candidate receives a majority vote of the Council, draw lots to fill the vacancy. (Utah Code 20A-1-510-1-c-ii)