NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, February 9, 2023 – 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.

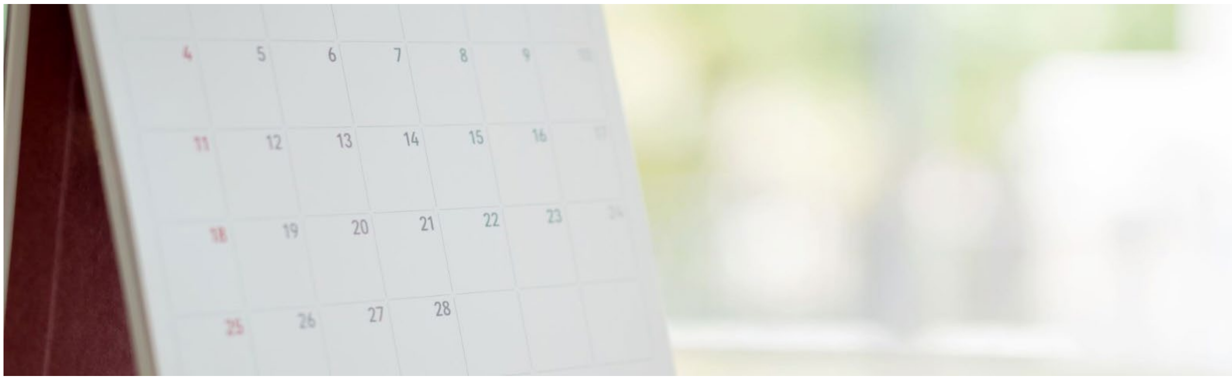
1. Opening Ceremonies (Councilmember Bernhardt)
2. Call to Order and Roll Call (Chair)
3. Approval of the January 26, 2023, City Council Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period[1] (Chair)
5. Planning Commission Report
6. **Discussion & Consideration:** Resolution 23-02—Amending the Nibley City Employee Guidebook; Including Service Awards (Second Reading)
7. **Public Hearing:** Ordinance 23-03—Annexation and Zoning Assignment of Parcel 03-015-0004, Located at 1525 W 2960 S, Containing 10.94 Acres (Applicant: MPI Group LLC)
8. **Discussion & Consideration:** Ordinance 23-03—Annexation and zoning assignment of Parcel 03-015-0004, located at 1525 W 2960 S, Containing 10.94 acres (Applicant: MPI Group LLC) (Second Reading)
9. **Public Hearing:** Ordinance 23-07—Annexation and Zoning Assignment of Parcel 03-004-0011, located at approximately 101 West 2600 South, containing 5.06 acres and Proposed zoning of 'Park/School' (Applicant: Stokes Nature Center)
10. **Discussion & Consideration:** Ordinance 23-07—Annexation and Zoning Assignment of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 5.06 acres and Proposed Zoning of 'Park/School' (Applicant: Stokes Nature Center) (First Reading)
11. **Public Hearing:** Ordinance 23-01—Rezone of a Portion of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 4.19 Acres, from Residential (R-2) to Park/School (P/S) (Applicant: Stokes Nature Center)
12. **Discussion & Consideration:** Ordinance 23-01—Rezone of a Portion of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 4.19 Acres, from Residential (R-2) to Park/School (P/S) (Applicant: Stokes Nature Center) (First Reading)
13. **Discussion & Consideration:** Ordinance 22-19—Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone (Second Reading)
14. **Discussion and Consideration:** Ordinance 23-05—Amending NCC 19.24.250 to remove requirements for impact fees for accessory dwelling units (First Reading)

[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.*

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

15. **Discussion and Consideration:** Ordinance 23-06—Amending NCC 19.20.020 to remove ‘Mobile Home Park’ from the Land Use Chart (First Reading)
16. **Discussion and Consideration:** Contract with Auditor Services
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



2-9-23 Council Meeting Change Summary
(changes made to the agenda since 2-3-23)

- 2/7/2023- Agenda Item #6- The Amended Nibley City Employee Policy Guidebook was dropped into the Teams Channel, which shows both sets of tracked changes. The 2-9-23 Agenda Item Report was also amended to describe the tracked changes.
- Agenda item #17 was added to the agenda on 2-6-23 and dropped from the agenda on 2-7-23

Nibley City Council
Agenda Report for
February 9, 2023

Agenda Item #6

Description	**Discussion & Consideration –** Resolution 23-02: Amending the Nibley City Employee Policy Guidebook: Including Service Awards (Second Reading)
Presenter	Cheryl Bodily, City Recorder/HR Director
Recommendation	Move to approve Resolution 23-02: Amending the Nibley City Employee Policy Guidebook: Including Service Awards
Reviewed By	Mayor, City Manager, Human Resources

Background:

The Human Resource department sought direction from the Nibley City Council regarding the inclusion of service awards in Nibley City's Employee Policy Guidebook and in Nibley City's practices. The Council indicated that the HR department should submit an amendment. After seeking input from other local public municipalities and Nibley City staff, the Nibley City Human Resource department is proposing the amendments shown in the Nibley City Employee Policy Guidebook; document #8.2--Employee Policy Guidebook – Amendments 1-20-23 (R23-02); including Section 4; Article VIII.

Update:

Per direction given during the 1-26-23 City Council meeting, the amendments have been updated to clarify that after five years of service one (1) personal day will be given to the employee (VIII. B.1.). There was also additional flexibility added in that the Mayor, City Manager, or the employee's direct supervisor may present the employee's service recognition and/or award (VIII B.4.).

Track changes presented at the 1-26-23 meeting are underlined in read.
Changes since 1-26-23 are highlighted in yellow.

RESOLUTION 23-02

A RESOLUTION AMENDING THE NIBLEY CITY EMPLOYEE POLICY GUIDEBOOK; INCLUDING SERVICE AWARDS

WHEREAS, in 2022 the Nibley City Council adopted the Nibley City Employee Policy Guidebook; a personnel policy for the employees of Nibley City; and

WHEREAS, the employee policy guidebook was adopted to ensure employees' rights and responsibilities that are conditions of their employment and outline various disciplinary measures; and

WHEREAS, the Nibley City Council desires to recognize Nibley City Employees for their dedication to Nibley City, to Nibley City's citizens, and to the responsibilities of their position; and

WHEREAS, in has become necessary to amend certain portions of the employee policy guidebook to include recognition given to Nibley City employees based on years of service given to Nibley City.

NOW THEREFOR, BE IT RESOLVED BY THE NIBLEY CITY COUNCIL, NIBLEY, UTAH, AS FOLLOWS:

1. The attached document, entitled *Nibley City Employee Policy Guidebook* is amended and incorporated..
2. This attachment is intended to be included in the existing Nibley City Employee Policy Guidebook that was adopted and amended in July 2022.
3. The *Nibley City Employee Policy Guidebook* may be revised from time to time, as circumstances and resources change.

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

____
Larry Jacobsen, Mayor

ATTEST:

____
Cheryl Bodily, City Recorder

including positions such as crossing guards and fitness instructors. Seasonal employees who return for additional seasons are also eligible for step increases as an incentive to retain already-trained seasonal employees.

Article VI- Clothing and Uniform Allowances:

A. **Policy:**
1. It is the policy of the City to provide employees with certain articles of clothing that might be necessary for the safe completion and proper performance of their position. These needs relate to things such as safety, durability, comfort, visibility, weather, branding, and marketing.

2. Each department should determine uniform needs annually and budget for those expenses accordingly.

3. Whenever possible, clothing items should display the official City logo.

4. The City Manager, in coordination with division managers, may develop additional guidelines for uniforms.

5. Uniforms, clothing, or shoes may be taxable compensation and should be handled accordingly. Uniforms, clothing, or shoes may also qualify for reimbursement through the Accounts Payable process.

Article VII- Bonus Pay and Employee Appreciation:

A. **Policy:**
1. It is the policy of the City to provide incentives to employees to show the City's appreciation for their work. These include things such as summer and end-of-year parties for employees and families where food and prizes are provided, and holiday bonuses to employees each holiday season. The City, based on available budget, will often provide bonuses such as a turkey at Thanksgiving and a modest cash bonus at the end of the year.

2. Bonus pay may be taxable compensation and should be handled accordingly.

Article VIII-Service and Incentive Awards

A. **Policy:**
1. In order to attract and retain a talented workforce, Nibley City will offer awards for years of service, and to employees who retire from the organization.

B. **Awards for Years of Service:**
1. The Human Resources department administers the following Years of Service Awards:
   a. 5th Year. A certificate of recognition for dedicated service will be provided to each employee at the completion of their 5th year of service. Employees will be awarded

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one (1) additional Personal day at the beginning of their 6th year of service. The Personal Day must be used within the next 90 days and must be taken as a full day.

b. 10th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 10th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a $100 cash award or a gift card with an equivalent value of $100 or less.
c. 15th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 15th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a $200 cash award or a gift card with an equivalent value of $200 or less.
d. 20th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 20th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a $300 cash award or a gift card with an equivalent value of $300 or less.
e. 25th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 25th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a $400 cash award or a gift card with an equivalent value of $400 or less.
f. 30th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 30th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a $500 cash award or a gift card with an equivalent value of $500 or less.
g. 35th Year (any every 5-year increment thereafter). A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their years of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a $1,000 cash award or a gift card with an equivalent value of $1,000 or less.

2. A retirement award will be given to employees with a minimum of ten years of service who are eligible for retirement from Nibley City and who, prior to their retirement date, conduct an exit interview with the Human Resources department. Agencies may spend up to $500 for food for use at a retirement event for an employee.

   a. Employees will be given the following retirement awards to choose from:
      i. a cash award in the amount of $150; or
      ii. a gift card with an equivalent value of $150 or less.
   b. The employee will notify the Human Resources department of their preferred retirement award. The Human Resources department is responsible for issuing the cash award or for the procurement of the gift.

3. The Human Resources department is responsible for issuing the letter of congratulations and certificate of recognition to each employee.

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4. Presentation of the years of service awards and retirement awards will be completed by the Mayor, City Manager, or the employee's direct supervisor.

5. Cash awards provided under this policy are compensation and subject to normal payroll taxes.

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Agenda Item #7 & 8

Description	**Public Hearing –** Ordinance 23-03: Approving Proposed Zoning and the Annexation of Parcel 03-015-0004, Located at 1525 W 2960 S, Containing 10.94 Acres (Applicant: MPI Group LLC) and **Discussion & Consideration –** Ordinance 23-03: Approving Proposed Zoning and the Annexation of Parcel 03-015-0004, Located at 1525 W 2960 S, Containing 10.94 Acres (Applicant: MPI Group LLC) (Second Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 23-03: Approving Proposed Zoning and the Annexation of Parcel 03-015-0004, Located at 1525 W 2960 S, Containing 10.94 Acres (Applicant: MPI Group LLC)
Reviewed By	Mayor, City Manager, City Planner, City Attorney, City Recorder, Planning Commission

Background

MPI Group, Inc has filed an annexation petition for a property located at approximately 1525 West 2960 South, directly north and adjacent to their existing property and headquarters building. This property was recently disconnected from Logan City and is currently in unincorporated Cache County. 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 a parking lot to support the existing Office and Warehouse building. On November 18, 2021, the Nibley City Council approved an agreement with Malouf to use a temporary gravel parking lot for up to 24 months to allow the improvement of the permanent parking lot on parcel 03-015-0004. This improvement requires the disconnection from Logan and Annexation into Nibley City. The Future Land Use Plan designates this parcel as Industrial which would allow for the proposed parking lot. The Planning Commission recommended to assign the property with the proposed Industrial zoning designation on December 15, 2022.

The City Council previously accepted the annexation petition for further consideration on October 27, 2023. The City Recorder has certified the annexation, which occurred after a notification period and recommendation on zoning from Planning Commission. At this time, the City Council is considering whether to approve the annexation with assigned zoning to the property. A public hearing is required, which was not noticed in time for this first reading so staff recommends that the City Council approve the annexation and assign the property as an Industrial Zone for first reading.

ORDINANCE 23-03

APPROVING PROPOSED ZONING AND THE ANNEXATION OF PARCEL 03-015-0004, LOCATED AT 1525 W 2960 S, CONTAINING 11.62 ACRES

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

1. The attached Annexation Petition, with the following legal descrition, be approved to annex into the City:
   A portion of the NW1/4 of Section 20, Township 11 North, Range 1 East, Salt Lake Base & Meridian, more particularly described as follows:
   Beginning at the Northwest Corner of the SW1/4 of the NW1/4 of Section 20, T11N, R1E, S.L.B.& M., located S0°32'00"E along the Section line 1,324.10 feet from the Northwest Corner of said Section 20; thence S89°56'29"E 1,326.92 feet along the north line of said SW1/4 of the NW1/4 to the northeast corner of said SW1/4 of the NW1/4; thence S0°31'44"E 385.30 feet along the east line of said SW1/4 of the NW1/4; thence N89°36'08"W (plat: N89°35'23"W) along the extension of, and along the north line of MALOUF SUBDIVISION, according to the Official Plat thereof on file in the Office of the Cache County Recorder 1,327.00 feet to the northwest corner of said Subdivision and the west line of said Section 20; thence N0°32'00"W along the Section line 377.45 feet to the point of beginning.
2. The area above shall be assigned the zone as Industrial.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____DAY OF _____________, 2023.

____
Larry Jacobsen, Mayor

ATTEST:____________________________
Cheryl Bodily, City Recorder

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

Petition No.:__________
Date: 18 July, 2022
Receipt No.:__________
Filing Fee:__________
(non-refundable)

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

Mayor and Council Members:

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

Legal Description[1]: See Attachment

Cache County Tax I.D. Number (if applicable): 03-015-0004

Address/General Location or Street Network: Field immediately North of 1525 West 2960 South Nibley, UT 84321

Proposed Land Use(s) and Residential Densities: Use as a parking lot serving the office warehouse to the South.

Size of Parcel (in acres): 10.94

Existing Land Use: Agriculture

Surrounding Land Use: North: Agriculture East: Agriculture
South: Warehouse and office West: Parking lot

Utility Extension and Schedule: No utilities are currently connected
Sewer: Connected within the next five years
Water:__________
Drainage:__________
Other: Connection of electricity within the next five years

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

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

Acknowledgement

I understand that this petition/application, if approved, applies **only** to the land use and is not approval or assurance of compliance with any other City regulation, code, or ordinance. Any information, technical assistance, or review comments by any City official are intended solely as informal guidance, and are neither a determination of compliance nor binding on any agency with code enforcement responsibilities or the City.

Current Owner's Name: MPI Group LLC

Signature ________ Jeff Stead

Date 7/18/2022 Phone (888) 910-0235

Address 1525 W 2960 S,

City/State/Zip Nibley/UT/84321

Signature ________

Date ________ Phone ________

Address ________

City/State/Zip ________

Signature ________

Date ________ Phone ________

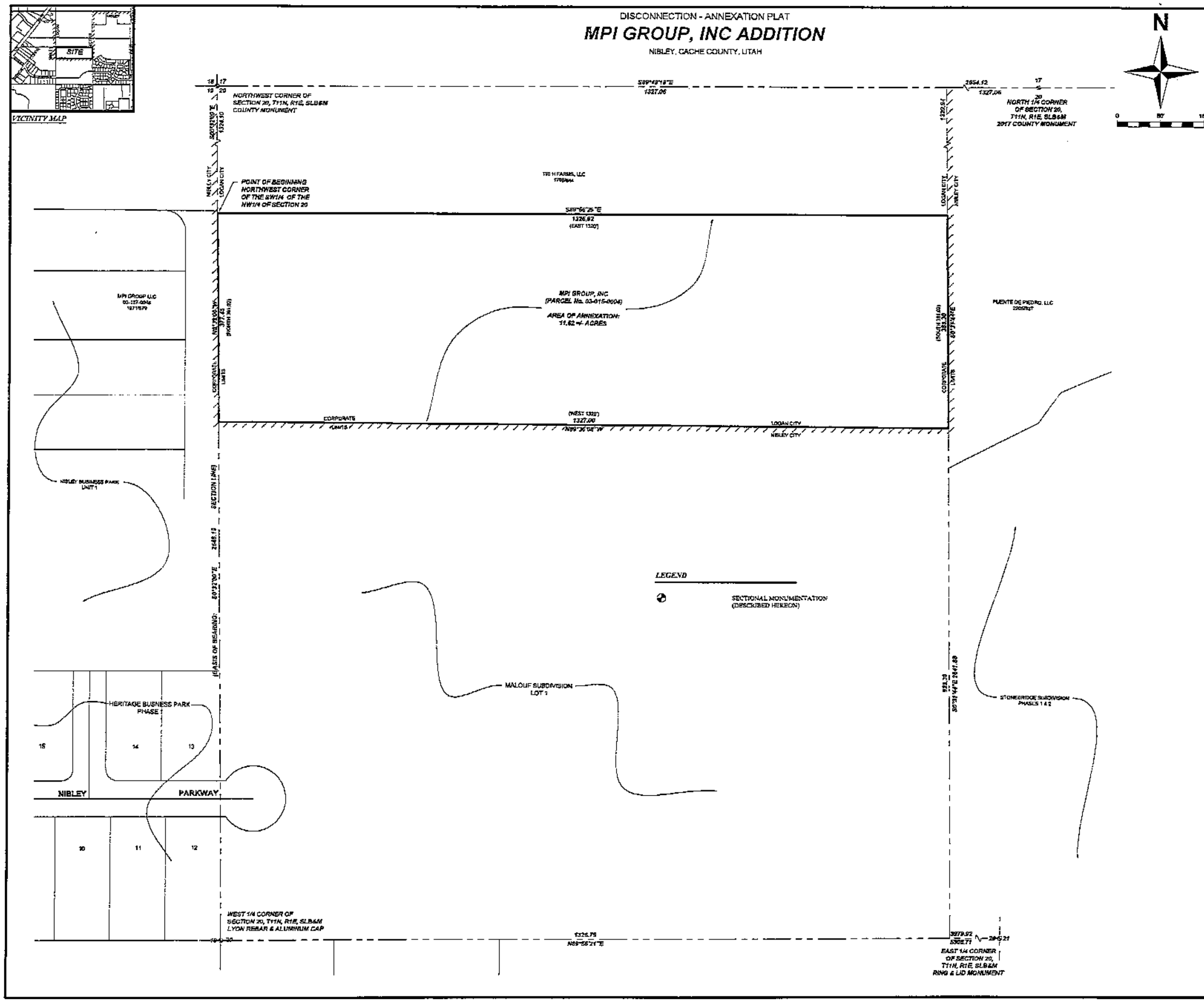
Address ________

City/State/Zip ________

DISCONNECTION - ANNEXATION PLAT

MPI GROUP, INC ADDITION

NIBLEY, CACHE COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY THAT THIS PLAT IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED INTO NIBLEY CITY, UTAH

BOUNDARY DESCRIPTION

A portion of the NW1/4 of Section 20, Township 11 North, Range 1 East, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at the Northwest Corner of the SW1/4 of the NW1/4 of Section 20, T11N, R1E, S.L.B.& M., located S0°32'00"E along the Section line 1,324.10 feet from the Northwest Corner of said Section 20; thence S89°56'29"E 1,326.92 feet along the north line of said SW1/4 of the NW1/4 to the northeast corner of said SW1/4 of the NW1/4; thence S0°31'44"E 385.30 feet along the east line of said SW1/4 of the NW1/4; thence N89°36'06"W (plat N89°35'25"W) along the extension of, and along the north line of MALOUF SUBDIVISION, according to the Official Plat thereof on file in the Office of the Cache County Recorder 1,327.00 feet to the northwest corner of said Subdivision and the west line of said Section 20; thence N0°32'00"W along the Section line 377.45 feet to the point of beginning.

Contains 11.62+/- acres

SURVEYOR'S SEAL

DENNIS P. CARLISLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO 172675

JUNE 8, 2022
DATE

NIBLEY CITY COUNCIL APPROVAL AND ACCEPTANCE

THIS IS TO CERTIFY THAT NIBLEY CITY HAS RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT OF LAND SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF NIBLEY AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR THE FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED (1979) 10-1-04 THROUGH 423. (AS REVISED).
PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY OF ______________, 20___, AT WHICH TIME THIS ANNEXATION PLAT TO BE KNOWN HEREAFTER AS THE *MPI GROUP INC ADDITION* WAS APPROVED AND ACCEPTED.

NIBLEY CITY MAYOR ____________ DATE

RECORDER'S SEAL

ATTEST: ______________
RECORDER

MAYOR APPROVAL

THIS IS TO CERTIFY THAT LOGAN CITY HAS HEREBY TAKEN ACTION TO DISCONNECT THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE DISCONNECTING SAID TRACT FROM LOGAN CITY AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-502.5 AS REVISED AND THAT LOGAN CITY HAS EXAMINED AND DOES HEREBY APPROVE AND ACCEPT THE DISCONNECTION OF THE TRACT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE ***MPI GROUP, INC ADDITION*** TO NIBLEY CITY

LOGAN CITY MAYOR ____________ DATE

RECORDER'S SEAL

ATTEST: ______________
RECORDER

ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

SURVEYOR'S SEAL

COUNTY SURVEYOR

DATE

ANNEXATION PLAT

MPI GROUP, INC ADDITION

NIBLEY CITY, CACHE COUNTY, UTAH

RECORDED # ______________
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF ______________

DATE ________ TIME ________ BOOK ________ PAGE ________

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Agenda Item #9 & 10

Description	**Public Hearing –** Ordinance 23-07: Annexation and Zoning Assignment of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 5.06 Acres and Proposed Zoning of 'Park/school' (Applicant: Stokes Nature Center and **Discussion & Consideration –** Ordinance 23-07: Annexation and Zoning Assignment of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 5.06 Acres and Proposed Zoning of 'Park/school' (Applicant: Stokes Nature Center (First Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 23-07: Annexation and Zoning Assignment of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 5.06 Acres and Proposed Zoning of 'Park/school' (Applicant: Stokes Nature Center), and waive the second reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, City Recorder, Planning Commission

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 5.06 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. It is within the City's annexation declaration boundary of the annexation policy plan.

This annexation does appear to leave a small unincorporated peninsula. The parcel left unincorporated owned by Phebe Maurer LLC (03-004-0019) would likely meet the definition of an unincorporated island. It's boundary is about 480 linear feet where it abuts the city (including the potentially newly annexed Nature Center property), and its width is about 50 feet, which is about 10%. The cutoff for a peninsula is 25% (UCA 10-2-401(1)(l)). Theoretically, the County could have objected to the annexation, and/or the city could decide to not permit it due to the peninsula. However, nobody objected during the protest period, and the City Attorney has counseled that the Council may approve the annexation, in spite of the unincorporated island.

In addition, there has been an updated plat and boundary description which corrected a surveying error and removed a 30' wide area on the north edge of the property that was previously thought to be owned by the applicant. The proposed annexation has changed in order to exclude property that was not actually owned by the nature center, resulting in a smaller annexation than originally planned. The City Attorney has noted that the City Council may move forward with this change since there is less land proposed for annexation than originally proposed.

The required process has been completed for the Council to consider approving this annexation and the applicant has completed the required steps and submitted required materials for the annexation. 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 City Council accepted the annexation petition for further consideration on December 8, 20222. The annexation has been certified by the City Recorder, which occurred after a notification period and recommendation from Planning Commission.

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, which is compatible with the proposed use and zoning of the property. The Planning Commission previously held a public hearing to consider the recommended zoning for the property and has recommended a zoning designation of 'Park/School' as requested by the applicant.

ORDINANCE 23-07

APPROVING ANNEXATION AND ZONING ASSIGNMENT OF PARCEL 03-004-0011, LOCATED AT APPROXIMATELY 101 WEST 2600 SOUTH, CONTAINING 5.06 ACRES AND PROPOSED ZONING OF PARK/SCHOOL

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

1. The attached Annexation Petition, with the following legal descrition, be approved to annex into the City:
   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 (North by Record) 89.00 Feet; Thence South 89°43'39" East (East by Record) 673.46 Feet 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 355.00 Feet; (2) North 89°42'49" West (West by Record) 445.50 Feet to the Point of Beginning. Containing 5.061 Acres.

2. The area above shall be assigned the zone as Park/School.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____DAY OF _____________, 2023.

____
Larry Jacobsen, Mayor

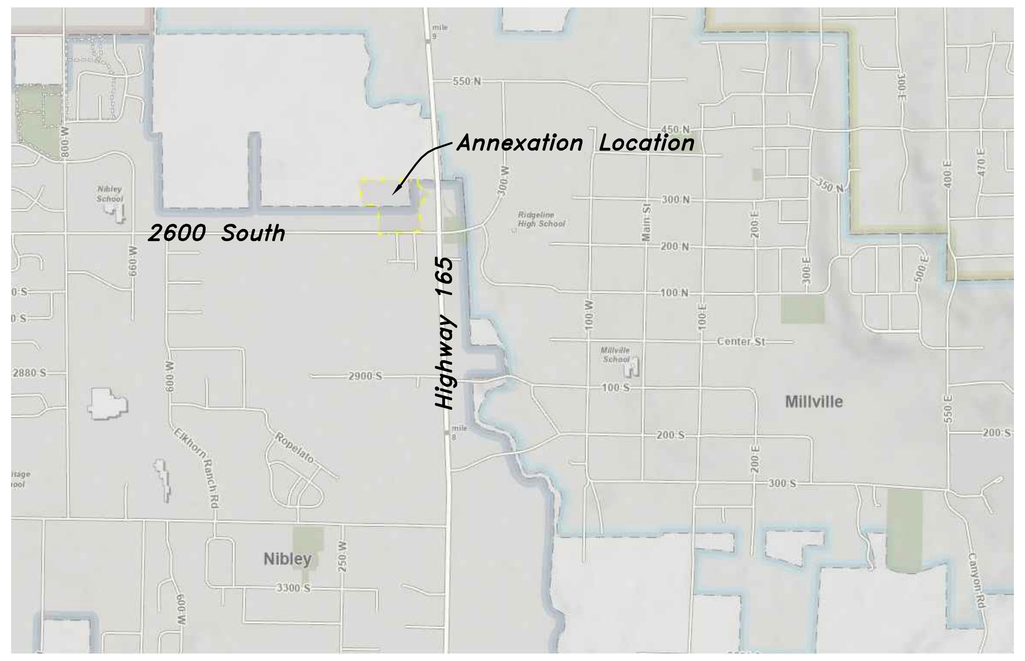
ATTEST:___________________________
Cheryl Bodily, City Recorder

STOKES NATURE CENTER ADDITION TO

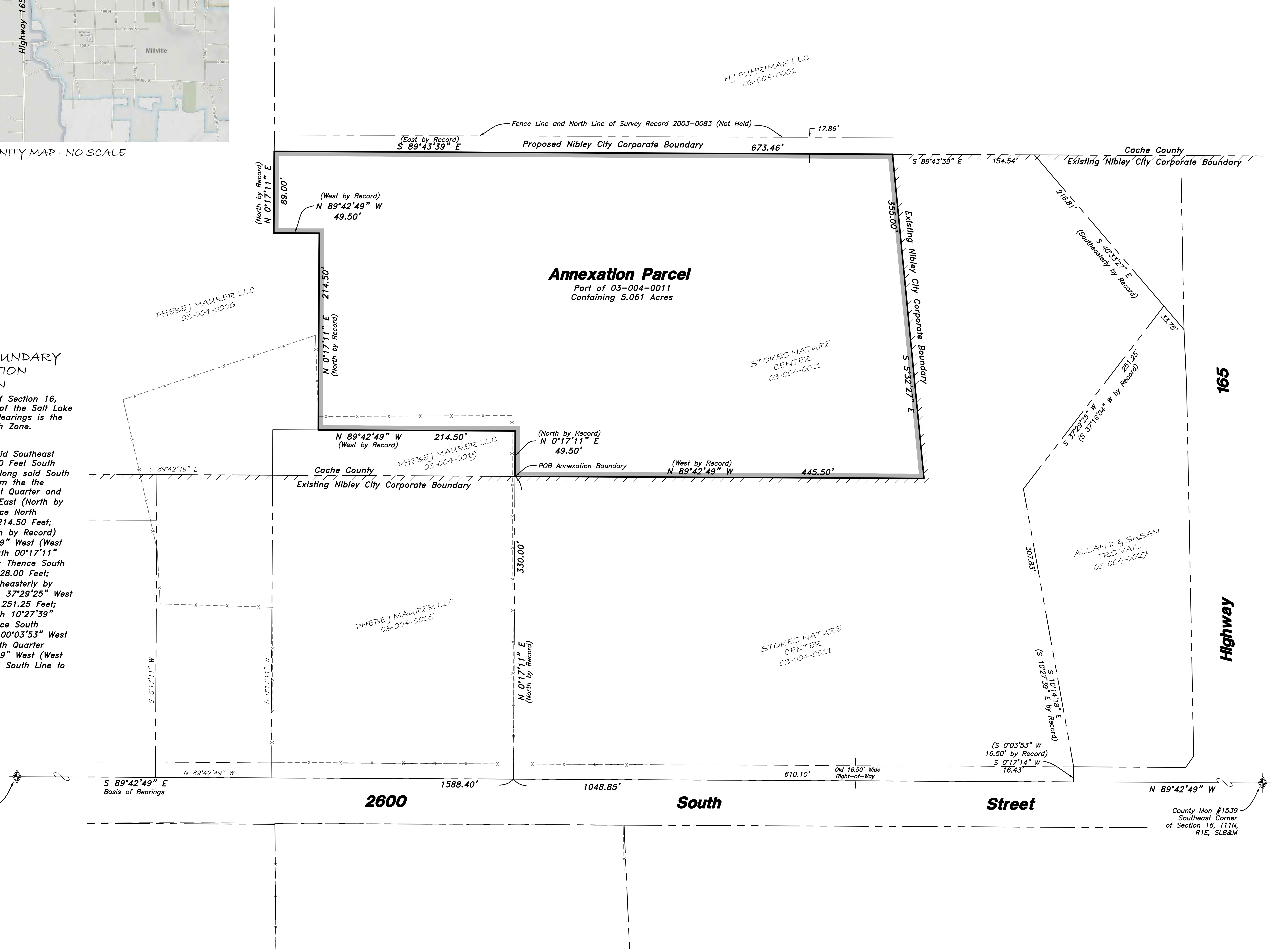
Nibley City

CACHE COUNTY, UTAH

NOVEMBER 28TH , 2022



VICINITY MAP - NO SCALE



NATURE CENTER BOUNDARY POST ANNEXATION DESCRIPTION

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 South Line of said Southeast Quarter at a Point Located 1588.40 Feet South 89°42'49" East (East by Record) Along the South Line of said Southeast Quarter from the the Southwest Corner of said Southeast Quarter and RUNNING THENCE North 00°17'11" East (North by Record) 379.50 Feet; Thence; 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 (North by Record) 89.00 Feet; Thence South 89°43'39" East (East by Record) 828.00 Feet; Thence South 40°33'27" East (Southeasterly by Record) 216.81 Feet; Thence South 37°29'25" West (South 37°29'25" West by Record) 251.25 Feet; Thence South 10°14'18" East (South 10°27'39" East by Record) 307.83 Feet; Thence South 00°17'14" West 16.43 Feet (South 00°03'53" West 16.50 Feet by Record) to said South Quarter Section Line; Thence North 89°42'49" West (West by Record) 610.10 Feet Along said South Line to the Point of Beginning.
Containing 11.153 Acres.

NORTH

Scale: 1" = 60'

0 60' 120'

Scale in Feet

ANNEXATION BOUNDARY DESCRIPTION

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 (North by Record) 89.00 Feet; Thence South 89°43'39" East (East by Record) 673.46 Feet 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 355.00 Feet; (2) North 89°42'49" West (West by Record) 445.50 Feet to the Point of Beginning. Containing 5.061 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 Title 58, 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 17-23-17 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 25th day of January, 2023.

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

REGISTERED LAND SURVEYOR 7881387 Clinton G. Hansen 1/25/23 STATE OF UTAH

COUNTY SURVEYOR'S APPROVAL

This plat has been reviewed by the county surveyor and is hereby approved as a final local entity plat, pursuant to Utah code annotated 17-23-20.

____________________ Deputy County Surveyor ____________ Date

LEGEND

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

NARRATIVE

The purpose of this survey was to annex the boundary described into Nibley City. The survey was ordered by Kendra Penry of Stokes Nature Center. The control used to establish the annexation boundary was survey record 2021-0199 and 2003-0083. The survey is located in the Southeast Quarter of Section 16, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearings is the South line of said Southeast Quarter, which bears South 89°42'49" East, Utah Coordinate System 1983 North Zone.

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

COUNTY RECORDER's NUMBER

State of Utah, County of Cache, Recorded and Filed at the Request of ____________

Date ________ Time ________ Fee ________

Abstracted ____________________

Index ____________
Filed in: File of Plats

____________________ County Recorder

22-317 CGH 1/25/23

Agenda Item #11 & 12

Description	**Public Hearing –** Ordinance 23-01: Rezone of a Portion of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 4.19 Acres from Residential (R-2) to Park/School (P/S) and **Discussion & Consideration –** Ordinance 23-01: Rezone of a Portion of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 4.19 Acres form Residential (R-2) to Park/School (P/S) (First Reading)
Presenter	Levi Roberts, City Planner
Planning Recommendation	Move to approve Ordinance 23-01: Rezone of a Portion of Parcel 03-004-0011, Located at Approximately 101 West 2600 South, Containing 4.19 Acres from Residential (R-2) to Park/School (P/S) and waive the second reading.
Reviewed By	Mayor, City Manager, City Planner, Planning Commission

Background

As noted in the item above, Stokes Nature Center is proposing to annex the remainder of parcel 03-041-0011 to Nibley City. The portion of the parcel, which is currently incorporated is zoned Residential (R-2) and the applicant requests to rezone the property to Park/School (P/S). The intended use of the property is for an outdoor classroom, including a pre-school. Staff has interpreted this use to be classified as a 'school,' which is a permitted use in the P/S zone.

The Future Land Use Plan designates this parcel as Open Space, Agriculture, and Low Density. The applicant has requested to zone the property 'Park/School', which, according to Staff's interpretation, is compatible with the Future Land Use Map. Staff recommends that this rezone recommendation be made congruent with the zone assignment in conjunction with the annexation to ensure that the property's zoning be consistent across the parcel. The Planning Commission has recommended to approve this ordinance, rezoning the property to 'Park/School.'

ORDINANCE 23-01

REZONE OF A PORTION OF PARCEL 03-004-0011, LOCATED AT APPROXIMATELY 101 WEST 2600 SOUTH, CONTAINING 4.19 ACRES, FROM RESIDENTIAL (R-2) TO PARK/SCHOOL (P/S)

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

The southern 4.19 acre portion of Parcel 03-004-0011 which includes the entirety of the property currently incorporated in Nibley City, more particularly described below, is hereby rezoned from Residential (R-2) to Park/School (P/S).

BEG 20 RDS N & 16 RDS E OF SW COR OF SE/4 OF SE/4 SEC 16 T 11N R 1E, TH N 3 RDS W 13 RDS N 13 RDS W 3 RDS N 89 FT E 670 FT SE'LY TO PT E OF BEG W TO BEG CONT 4.95 AC SUBJ TO PIPELINE EASEMENT 453/515 ALSO: BEG 683 FT N & 679 FT W FROM SE COR SEC 16 T 11N R 1E, TH E 132.5 FT SE'LY TO W LINE OF STATE ROAD, S'LY ALG SD W LINE TO ITS INTERSECT WITH S LINE OF SE/4 SD SEC 16 W 744 FT N 20 RDS E IN NIBLEY CORP LIMITS TO ITS CHANGE IN DIRECTION RUNNING NW'LY TH NW'LY TO BEG CONT 6.42 AC LESS 0.06 AC TO UDOT 485/881 LESS: BEG AT S/4 COR SEC 16 T 11N R 1E & TH S 89*56'07" E 2198.5 FT ALG SEC LN TH N 0*03'53" E 16.5 FT TO N LN OF 2600 S ST & TRUE POB TH S 89*56'07" E 122.02 FT ALG SD ST TO W LN OF HWY 165 TH ALG HWY IN 3 COURSES: N 34*54'26" E 14.95 FT TH N 1*17'40" W 402.77 FT TH N 2*55'10" W 62.39 FT TH LEAVING HWY N 40*46'48" W 33.75 FT TH S 37*16'04" W 251.25 FT TH S 10*27'39" E 307.83 FT TO TRUE POB CONT 1.54 AC M/B (0027) NET 4.82 AC CONT 9.77 AC M/L IN ALL A R/W OVER 1 RD IN WIDTH ON BOTH SIDES & RUNNING FULL LENGTH OF ALL QUARTER SEC LINES WITHIN SD SEC WHICH IS RESERVED & FOREVER DEDICATED TO THE PUBLIC USE AS HIGHWAYS

PASSED BY THE NIBLEY CITY COUNCIL THIS _________ day of __________, 2023.

____
Larry Jacobsen, Mayor

ATTEST:____________________________
Cheryl Bodily, City Recorder

Agenda Item #13

Description	**Discussion and Consideration –** Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and Zoning Several Parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone (Second Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to not approve Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and Zoning Several Parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone
Reviewed By	Mayor, City Manager, City Planner, Planning Commission, City Attorney

Background

Between February-November 2022 People + Place, LLC worked with the City to Study and develop a Transfer of Development Rights Ordinance. This work was funded largely through a UDOT Technical Planning Assistance Grant. If adopted, The Transfer of Development Rights (TDR) Ordinance will provide a mechanism to preserve open space in appropriate areas and focus new population growth in areas with supportive infrastructure. The Study has been completed to inform the development of this ordinance, including case study research, community and stakeholder engagement and a market/tipping point analysis. Based upon community outreach, there is general support for developing a TDR program that facilitates the preservation of open space.

Two joint workshops with Planning Commission and City Council were held previously to inform each respective body of the ordinance process and receive feedback to inform the ordinance. The consultant has worked with City Staff to craft an ordinance with appropriate transfer ratios and designate sending and receiving zones for the TDR ordinance. A Draft Ordinance was provided by the consultant with input from Staff. The Draft was further modified with input from the Planning Commission.

The draft ordinance provides a framework for transferring development rights from ‘sending areas’ to ‘receiving areas.’ These areas will be defined on the zoning map as overlay areas.

Specifically, the ordinance includes the following sections:

1. Definitions- many elements of a TDR program are unique and require specific definitions that would apply to the program
2. TDR Sending Overlay Standards
    a. Purposes of the Overlay, which includes preserving important open space and providing a mechanism to do so. Defining permitted uses within sending areas, which focus on preservation of agriculture and open land areas.
    b. Standards for identification and size of sending areas
    c. Application guidelines, including required information to accompany an application.
    d. A standard process for officially 'severing' development rights
3. TDR Receiving Overlay Standards
    a. Limits on density depending upon the underlying zone or situation within an eligible R-PUD area. For standard residential zones, the overall density may be increased by up to 50% with TDR. For R-PUD areas, they may be increased from 5 units/acre to 15 units/acre. This would also require a change to the R-PUD ordinance, which currently allows up to 10 units/acre.
    b. Procedure for calculating allowed number of housing unit.
    c. Application guidelines, including required information to accompany an application.
    d. Guidelines regarding how zoning standards may be modified based upon the number of TDR credits applied to the development. In general, if TDR is applied to a project, minimum standards become more flexible to make development feasible within the density maximum guidelines noted above. These relaxed standards also become an incentive for
4. Standard forms for Deed of Severance/Conservation Easement, TDR Certificate, Deed of Transfer

In addition to the Draft TDR Ordinance, a Draft TDR overlay zones map is provided. The TDR overlay zones designate both sending and receiving areas. As noted above, sending areas are those areas from which theoretical development rights are transferred. 'Receiving areas' are areas that are eligible to receive additional development rights, including density if they transfer rights from a sending area.

Guiding principles for selecting originally recommended sending areas:

1. Sensitive/significant lands
    a. Blacksmith Fork River Riparian Corridor
2. Hillside/flood prone areas
3. Productive agricultural lands
    a. Large open agricultural lands between Nibley City and Hyrum City.
4. Scenic vistas

    a. Areas along Hwy 89/91 south of Nibley's current boundaries.
5. Some areas along Hwy 165
6. Unimproved parks/historic land
    a. Regional Park, Morgan Farm

Guiding principles for selecting receiving areas:

1. Areas near supportive infrastructure
2. Areas planned for additional density (Town Center, R-PUD areas)

The original recommended map broadly applied the TDR overlay zones across undeveloped land within Nibley's Future Annexation Area which met the guiding principles. This approach intended to provide opportunities for the program to effectively work. The recommended map includes many areas outside of Nibley City municipal boundaries. It is important to note that these areas would only be able to be included in a TDR transfer if/when they annex to Nibley City.

With input from the Planning Commission, the draft overlay map was significantly changed to focus on directing growth to major transportation corridors and established R-PUD areas, removing several receiving areas in vacant parcels in the established part of Nibley City, and focusing preservation efforts to improving unimproved parks, trail corridors, and river corridor/bench areas, with less focus on preserving large agricultural areas. Specifically, the following changes were incorporated for consideration by the Planning Commission.

1. Except for planned park areas, with some buffer, unincorporated agricultural areas to the south of central Nibley have been removed from the sending areas map.
2. Most areas along Hwy 89/91 have been reassigned as receiving areas.
3. Areas on the East side of Hwy 165 south of 3200 S and north of 4000 S have been reassigned as sending areas.
4. Some areas along Hwy 165, including areas between 4000 S and 4400 S along Hwy 165 have been reassigned as receiving areas.
5. Some receiving areas in central Nibley have been removed from the receiving areas map. Primarily those in close proximity to major transportation corridors (1200 W, Hwy 89/91 and Hwy 165) remain.

In addition to these changes to the draft overlay map, several changes to the draft ordinance were incorporated based upon Planning Commission feedback, including the following:

1. Removing section 19.48.030(D)(4)(a) from the ordinance, which regulated the minimum number of TDR credits to bring to a project.

2. Modify code language that references additional TDR credits per acre for areas along the Blacksmith Fork River and replace with language that points to areas with public access (trails and parks). Increase the TDR credits per acre ratio to 5.
3. Add provision that requires dedication of public rights of way in sending areas if a Master-planned Street is affected.
4. Removal of the area east of Hwy 165 as an R-PUD-eligible area. This area was recommended as a sending area instead.

Two public hearings were held on this item with the Planning Commission, with several concerns expressed, including potential impacts of private property rights and prospective impacts of receiving areas, related to higher density development, among other concerns. During the December 15 Public Hearing regarding this item, the Hyrum City Engineer/Zoning Administrator expressed concerns that the proposed TDR map may be in conflict with the ongoing agreement that Nibley and Hyrum have been working on to preserve the 4400 South corridor as an industrial and agricultural corridor. The Planning Commission directed Staff to follow up with Hyrum representatives to resolve this concern and ensure that we are not violating this agreement (although it is not formal or finalized yet).

Mayor Jacobsen and City Planner, Levi Roberts, met with Matt Holmes, Hyrum City Engineer/Zoning Administrator and Hyrum Mayor Stephanie Miller. The conclusion of this discussion was that they were comfortable with the map, so long as residential uses were setback at least 500 feet from the roadway, as they felt residential uses were incompatible with the vision of the corridor and present conflicts with heavy truck traffic anticipated for the planned corridor.

Following up on this discussion, Staff drafted the following section 19.48.030(C)(7) which clarifies the regulation of commercial/residential mixed-use developments within the TDR receiving overlay zones and aims to address concerns expressed by Hyrum City representatives:

Commercial mixed use developments within a TDR receiving overlay zone and a Commercial or Neighborhood Commercial zone must include a minimum of 50% of land for commercial uses. This may include buildings with commercial uses on the ground floor or horizontally separated uses. The portion of land that is apportioned as a commercial use shall include the ground floor area of commercial uses and supportive uses, including parking and landscaping. The residential density shall be calculated based upon the area that is dedicated to residential uses, including any mixed-use buildings. Any residential uses along 4400 South or Highway 89/91 shall be setback at least 500 feet from each right-of-way.

As noted, in addition to the requested change to buffer residential uses from 4400 South, Staff recommended this buffer for Highway 89/91, as well. This would require any residential units to be setback, while commercial uses could face the roadway. This is meant to buffer residential uses from the negative impacts of noise and emissions associated with these roadways.

In addition to this change, it was brought to Staff’s attention that there were some areas outside of Nibley City’s Future Annexation Area, including some slivers of land along the Blacksmith Fork River that currently reside in Millville. Staff removed these areas from the Draft TDR Overlay Map.

Ultimately, the Planning Commission voted 3-0 to not approve the TDR ordinance. Although the goals of the TDR ordinance are in line with City goals and aspirations, one Commissioner cited concerns with potential risks and unknown implications of the ordinance, among other issues.

ORDINANCE 22-19
AMENDMENTS TO SETBACK REQUIREMENTS FOR OPEN CARPORTS

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, Utah Code 10-9a-509.7 enables cities to adopt a transferable development rights ordinance and applicable sending and receiving overlay zones; and

WHEREAS, The adopted Nibley City Parks, Trails, Recreation and Open Space Master Plan recommends adopting a Transfer of Development Rights Ordinance as a means of preserving open space and funding potential park and trail improvements; and

WHEREAS, Nibley City is in support of Preserve open space, scenic views, agricultural, riparian and critical/sensitive lands and maintaining the rural heritage of the City; and

WHEREAS, a TDR Ordinance will provide a means for protecting and enhancing private property rights by enabling the transfer of potential development rights and establish a procedure enabling Nibley City and its landowners to voluntarily sever development rights from a sending property.

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

1. The attached Nibley City Code 19.48 be adopted and amendments to Nibley City Code 19.08 and 19.32 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ______ DAY OF ________, 2023.

____
Larry Jacobsen, Mayor

ATTEST: _______________________________
Cheryl Bodily, City Recorder

19.48 Transfer of Development Rights

19.48.010 Definitions

Agritourism: tourist related activities that support agriculture such as tours, events, farm to table restaurants, fruit and vegetable stands, etc**.**

Conservation Easement: an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open land.

Constrained and Sensitive Land: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limited to Federal, State, or municipally designated wetlands, water bodies, floodplains, slopes greater than 20%, faults, canals, and other geologically or environmentally sensitive features that require mitigation, special insurance, or permits from government authorities to allow development.

Deed of Severance: an instrument executed by a property owner and Nibley City by which theoretical developments rights are severed from a Sending Property. A Deed of Severance may be combined with a Conservation Easement. A Deed of Severance shall be in substantially the same form as shown in Exhibit___.

Deed of Transfer: by the owner of a theoretical development right transferring development rights from a sending area to a receiving property. A Deed of Transfer shall be in substantially the same form as shown in Exhibit___.

Determination of Eligibility: a process performed by the City Planner or designee that determines the number of transferrable development rights possible to be eligible for transfer from a Sending Property.

Development Rights: the right of the owner of a parcel of land, under land development regulations in Part 3 of this Title as of date ordinance becomes effective or upon annexation, whichever is later, to place that parcel and the structures thereon to a particular use or to develop that land and the structures thereon to a particular area, density, bulk, or height.

Net Developable Land: Net Developable land shall include the total area of the proposed development minus land that is required by Nibley City Ordinance to be dedicated to the City, including, but not limited to:

1. Public access rights-of-way, including roadways and sidewalks
2. Land required to be dedicated along waterways
3. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (public and private parks, trails, etc.)
4. Constrained and Sensitive Land, as defined herein
5. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without public access.
6. Constrained and Sensitive Land, land dedicated along waterways, and other natural landscape or open space land may be considered net developable land when calculating for density if such land can be enhanced with trails, public access, picnic areas, park amenities, or other improvements.

Receiving Area: an overlay zoning district established by Nibley City designated as an area in which purchased development rights may be used.

Receiving Property: a lot or parcel within a receiving area and within which development rights are increased pursuant to a transfer of development rights affixed to the property.

Sending Area: one or more areas identified by this ordinance and rezoned with the Transfer of Development Rights Sending Overlay Zone as an area from which development rights are authorized to be severed and transferred to a receiving area.

Sending Property: a lot or parcel within a sending area from which development rights are authorized to be severed.

Severance of Development Rights: the process by which development rights from a sending property are severed pursuant to this ordinance.

Transfer of Development Rights: the process by which development rights from a sending property are affixed to one or more receiving properties.

Transferable Development Rights (TDRs): all or that portion of development rights that are transferred or are transferable.

Transfer of Development Rights Certificate or TDR Certificate: a certificate issued by the Nibley City Planner or designee that indicates a number of Transferable Development Rights that have been authorized for a Sending Property, which may be transferred to a Receiving Property.

19.48.020 Transfer of Development Rights Sending Overlay

The Transfer of Development Rights Sending Overlay Zone is intended to preserve areas in Nibley City that have an agricultural or natural open space use. This intent is accomplished through a voluntary program called Transfer of Development Rights (TDR). This TDR program creates new theoretical development rights and allows for the transfer of those development rights in accordance with provisions contained in this Overlay zone. These provisions are intended to shift development potential and/or rights to areas that are more appropriate for residential development.

A. The purposes of this Transfer of Development Rights Program, or TDR Program, include, but are not limited to:
    1. Protect and enhance private property rights by enabling the transfer of potential development rights.
    2. Maintain the rural heritage of Nibley City.
    3. Promote the public health, safety, and general welfare of Nibley City by establishing procedures, methods, and standards for the transfer of development rights.
    4. Establish a procedure enabling Nibley City and its landowners to voluntarily sever development rights from a sending property.
    5. Establish procedures for the formal transferring of development rights from a sending property, tracking those, and then to establish the use of those transferred development rights on a receiving property.
    6. Establish certain incentives for attaching development rights to receiving properties.
    7. Preserve open space, scenic views, agricultural, riparian and critical/sensitive lands.
    8. Protect lands, resources and structures of aesthetic, architectural, recreational, and historic significance.
    9. Assist in shaping the character and direction of the development of Nibley City.

B. Permitted Uses within Sending Areas after a Deed of Severance and conservation easement is recorded. Uses not listed are not allowed:

   1. Agricultural and horticultural uses, including grazing of animals in compliance with NCC 19.34 Animal Land Use Regulations, raising crops, wholesale nurseries, and associated buildings that are specifically needed to support active, viable, and permitted agricultural and horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.

   2. Public rights of way and easements, including quasi-public utility easements.
   3. Commercial horse riding, training and boarding stables.
   4. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry
   5. One (1) single-family dwelling and one Accessory Dwelling Unit on parcels with 20 or more acres.
   6. Municipal facilities required for local service and/or recreation needs.
   7. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conserved land.
   8. The creation and Transfer of Development Rights in accordance with this chapter
   9. Restoration, maintenance, enhancement of native vegetation.
   10. Publicly accessible recreational lands and facilities including trails, parks and natural lands.
   11. Agritourism
   12. Conservation of open land in its natural state, e.g., meadows, tree stands, wetlands, forestland.

C. Conditional uses within Sending Areas:

   1. Home Occupations as per the definition in 19.04 for existing and permitted residences.
   2. Seasonal fruit, vegetable, tree, and hay retail sales in structures of less than 500 square feet when at least some of the products being sold are raised on the premises. Subject to having access, parking, and any utility needs approved by the City.

D. Sending Areas Identified.

   1. Sending Areas are property that have been zoned with the Transfer of Development Rights Sending Overlay Zone, which overlay zone confers special rights and obligations as set forth in this chapter in addition to the underlying zoning regulations. Once a Deed of Severance and conservation easement is recorded, no uses other those expressly permitted herein are permitted, regardless of the underlying zoning. The Transfer of Development Rights Sending Overlay Zone may be applied to agricultural lands and open spaces as shown on the Official Zoning Map of Nibley City. For agricultural parcels, Sending Areas shall be no smaller than ten (10) acres. For planned City parks or areas of historical significance, Sending Areas shall be no smaller than five (5) acres. For areas identified as sending areas along the Blacksmith Fork River, an undisturbed area at least 150’ in depth from the high-water mark and at least 200’ in length or a trail easement at least 200’ in length shall be eligible as a Sending Area, as long as it is located parallel to the River and covers the length of the subject property from property line to property line. Connecting parcels smaller than the minimum may be considered on a case by case basis,

by the City Council where such connections provide a continuous, usable trail segment.

2. A property owner may apply to have their property be designated as a Sending Area and rezoned to receive the Transfer of Development Rights Sending Overlay Zone through the City's rezoning process set forth in 19.02.
3. Where a property is partially contained within a Sending Area, only the portion of the property contained within the Sending Area may be used for the purposes of determining transferable development rights (TDRs).
4. A Deed of Severance and a Conservation Easement shall be recorded on the Sending Area property from which potential development rights were severed, and the property can thereafter only be used as outlined in this section. The conservation easement requires the formal commitment from a non-profit, Land Trust, or the City for long term management of the sending property. All applicable fees, including stewardship fees, for the transfer must be paid prior to recording the Deed of Severance and Conservation Easement.
5. Any landowner within the Transfer of Development Rights Sending Overlay Zone may apply to have potential development rights calculated and created for their property based on formulas contained herein. The entire property shall be submitted for calculation of potential development rights at the time of application with the City.
6. All Sending Areas and property within the Transfer of Development Rights Sending Overlay Zone are eligible for a determination of potential development rights, provided that properties owned by the State or Federal agencies and existing conservation subdivisions shall not be eligible for TDR credits or severance of potential development rights.

E. Determination of Transferable Development Rights.

1. The City Planner or designee shall establish and maintain a system for monitoring the determination, severance, ownership, assignment, and transfer of development rights.
2. The record owner of property within the Transfer of Development Rights Sending Overlay Zone shall file a Determination of Eligibility Application, with an associated fee, to determine the number of development rights available to be severed from a sending property shall be filed with the City.
3. The following information shall accompany the application:
    a. A map that includes the following:
        1. The boundary map of the subject property.
        2. A legal description including the acreage of the property.
        3. Current zoning.
    b. Use of the property.
    c. Title policy or title documentation.
    d. Existing water rights needed to continue the current use on the property. Total water rights available to the property.
    e. Applicable fees.
    f. For agricultural parcels, commitment to farming by the owner or a lease for 10 years
    g. Annexation status, if applicable
    h. Slope and floodplain mapping

4. Nibley City shall determine the number of development rights using the following formula, and rounded to the nearest whole number:
    a. TDRs = A x B for agricultural property or TDR = A x OSA for open space properties
    b. Where TDR means Transferrable Development Rights, A means the total area (acres) of the property, B means the allowable potential development rights on an agricultural property, OSA means the allowable potential development rights on an open space property.
    c. For parcels without public access including agricultural parcels, the per acre potential development units to transfer shall be 3.
    d. For parcels with public access, including trails and planned parks, the per acre potential development units to transfer shall be 5. If only a trail easement is dedicated, it shall be eligible for a minimum of 1 credit. All parcels participating in the TDR program which include trail(s) identified in the Nibley City Trails Master Plan shall provide a minimum 20' wide public trail easement(s) from property line to property line. Unimproved park areas identified in the Nibley City Parks Master Plan shall be eligible for the 5 credit per acre transfer ratio. Proposed park, trail or other publicly accessible open space areas not identified in the Parks Master Plan must be approved by Nibley City Council in order to receive the 5 credit per acre transfer ratio.

F. Severance of Development Rights.

1. Any proposed severance of development rights may be initiated only upon application (Eligibility Application) to the City by the record owners of the sending properties. Once an Eligibility Application/determination is completed, a TDR Certificate shall be issued. The issuance of a TDR Certificate alone does not constitute a severance of development rights, and no development rights can be transferred solely on the basis of a TDR Certificate.
2. Nibley City may not require property owners to sever development rights as a condition of the development of any property.
3. A severance of development rights occurs after the owner of the sending property receives a signed TDR Certificate with the number of allotted TDRs from the City and records a Deed of Severance. The Deed of Severance must transfer development rights to one or more parties, which may include the grantor, and may, but is not required to, affix development rights to one or more receiving properties.
4. The Deed of Severance must be executed by the property owners of the development rights being severed, and by any lien holders of such property.
5. No Deed of Severance may be recorded under this ordinance unless the Deed of Severance contains a copy of the TDR Certificate signed by the City indicating the number of TDRs being severed.
6. The Deed of Severance must contain a Conservation Easement, both of which shall run with the land and must assure that the prohibitions against the use and development of the sending property will bind the landowner and every successor in interest to the landowner. Such conservation easements shall include a legally binding commitment letter from a non-profit, local Land Trust, or the City.
7. Any land affected by streets identified in the Nibley City Transportation Master Plan shall be dedicated as public rights of way, with the proper width and dimensions as part of the recording of the Deed of Severance for all sending zone properties.
8. The Deed of Severance and Conservation Easement shall be recorded in the office of the

Cache County Recorder. Upon recordation of the Deed of Severance:

   a. The TDRs are severed from the sending property.
   b. The conservation easement shall be in compliance with the permitted uses in the Transfer of Development Rights Sending Overlay.

9. The Deed of Severance shall be in a form substantially similar to the Deed of Severance attached as an exhibit to this ordinance and must otherwise comply with the requirements of this ordinance. Any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the Nibley City Attorney.

19.48.030 Transfer of Development Rights Receiving Overlay

The creation of the Transfer of Development Rights Receiving Overlay Zone and designation of Receiving Properties is intended to preserve the areas in Nibley to retain its rural heritage by designating areas that could receive density that is transferred from a Sending area.

This TDR program creates development rights and allows for the transfer of development rights in accordance with provisions contained in the Overlay. These provisions are intended to shift existing development potential or rights to areas that are more appropriate for residential development.

A. Permitted Uses in Receiving Areas are limited to those uses which are permitted in the underlying zoning districts or as modified in below.
B. Permitted Uses that include written additional standards – such standards shall still apply.
C. Receiving Areas Identified.
   1. Receiving areas shall be designated on the official Zoning Map of Nibley City and shall function as overlay zones, such that all the provisions of the underlying zone shall apply, unless altered by the provisions of the overlay.
   2. Where a property is partially contained within a Receiving Area, only the portion of the property contained within the Receiving Area may be used for the purposes of applying transferable development rights (TDRs).
   3. A property owner may apply to have their property be designated as a Receiving Area and rezoned to receive the Transfer of Development Rights Receiving Overlay Zone through the City's rezoning process set forth in 19.02.
   4. The City Council may designate additional areas as a Receiving Area through the City's rezoning process. The Zoning Map should be updated upon designation. For future receiving area designations, the Planning Commission and City Council, in accordance with City Code, shall consider the ability of the property, utilities, nearby roadway networks, transportation system capacities and options, and other land use characteristics to accommodate additional density on the property.
   5. A receiving property that brings TDR credits to their property may only use the development rights permitted in accordance with the existing zoning regulations applicable to the receiving property and as shown in the table below:

Base Zoning	Base Density	Receiving Area Allowable Density Increase
R-1, R-1A, R-2, R-2A Zones	As per zone	Up to 50% increase over the existing zone requirements
R-PUD eligible areas	5 units per net	Up to 15 units per net developable acre

	developable acre	
R-M eligible areas	10 units per net developable acre	Up to 20 units per net developable acre
Residential/Commercial mixed use projects within C or C-N zones	As per existing zone	Up to 15 units per net developable acre

6. Procedure for Calculating Allowed Number of Housing Units: The Allowed Number of Units including the density bonus for transferrable development rights shall be determined as follows. The developer shall follow the process outlined below to determine allowable number of units of the proposed subdivision and use these properties in developing the subdivision plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the preliminary plat application. All calculations will be based on the parcel's current zone at the time of application and the associated Lot Standards.
    a. Provide to the City the total area contained within the subdivision plat.
    b. Provide to the City the total area being dedicated to rights-of-way.
    c. Provide to the City the total acres of Constrained and Sensitive Land.
    d. Provide the City the total Net Developable Land area as defined within this section.
    e. State the area of proposed Open Space Land.
    f. Calculate Open Space Ratio.
    g. Calculate the Base Number of Lots per zone:
        1) Base Number of Lots R-1 = Net Developable Land / 1 acre
        2) Base Number of Lots R-1A = Net Developable Land / .75 acre
        3) Base Number of Lots R-2 = Net Developable Land / 0.5 acre
        4) Base Number of Lots R-2A = Net Developable Land / 0.32 acre
        5) Base Number of Lots R-PUD eligible areas = Net Developable Land / 0.2 acre
        6) Base Number of Lots R-M eligible areas = Net Developable Land / 0.1 acre
    h. Determine density bonus based upon the following: number of TDRs to be transferred to the project / Base number of Lots = Bonus Density multiplier
    i. Total allowed lots = Base number of lots + Base number of lots multiplied by the Bonus Density multiplier with the limits noted above.

D. 7. Commercial mixed use developments within a TDR receiving overlay zone and a Commercial or Neighborhood Commercial zone must include a minimum of 50% of land for commercial uses. The 50% use may include the entirety of the ground floor area of buildings with commercial uses on the ground floor or horizontally separated uses where commercial uses occupy an entire. For buildings with partial commercial uses on a floor or vertically separated uses, only the ground floor area of the portion dedicated to commercial uses may be counted. The portion of land that is apportioned as a commercial use shall include the ground floor area of commercial uses, as described above, and supportive uses, including parking and landscaping. Parking for a mixed-use building that is required for residential uses shall not be included as part of the land apportioned as commercial use. The residential density shall be calculated based upon the area that is dedicated to residential uses, including any mixed-use buildings. Any residential uses along 4400 South or Highway 89/91 shall be setback at least 500 feet from each right-of-way.Properties designated as receiving areas and with proof of transferred development credits, as shown in City and County records, shall be vested in the density of the underlying zone plus the additional development credits up to the limits shown in “e” above. Properties designated as receiving areas that are within R-PUD or R-M eligible areas shall be vested in the density of the R-PUD or R-M zoning designation plus additional development credits up to the limits shown in “e” above. Transfer of Development Rights to Receiving Properties shall comply with the following:

1. Any proposed transfer of development rights may be initiated only upon completing an Eligibility application by the owners of the sending properties, holders of a TDR Certificate, or owners of the receiving properties.
2. Nibley City may not require property owners to transfer or receive a transfer of development rights as a condition of the development of any property, however no increases in density beyond what the existing zone allows shall be given without proof of transferrable development credits from a sending property.
3. The record owner of receiving property within the Transfer of Development Rights Receiving Overlay Zone shall file an application for a determination of eligibility to determine the number of transferrable residential development rights available to be transferred and affixed to one or more receiving properties in compliance with this ordinance. Such application shall include:
    a. A completed determination of eligibility application and TDR Certificate from the sending property.
    b. A tax map, plat or site plan outlining the boundaries of the property for each lot, tract or parcel as described in the deed.
    c. The existing zoning of the property.
    d. A title policy or other title documentation for the receiving property including a legal description of the receiving property.
    e. A copy of a survey plat of the proposed receiving parcel prepared by a surveyor licensed in the State of Utah.
    f. Water shares or rights necessary to support the new project as provided in NCC 21.12.020.
    g. A statement of the number of residential development rights proposed to be transferred and affixed as residential development rights to one or more receiving properties, and calculations upon which the number is based.
    h. All applicable fees.
    i. A signed conservation easement agreement covering the sending property with a certified Land Trust, non-profit organization or Nibley City
    j. Any additional information required by Nibley City, shown in the application, as necessary to determine the number of residential development rights that qualify for transfer.
4. The City shall provide a written statement of the maximum number of TDRs available to be transferred and affixed to one or more receiving properties.
5. A transfer of development rights occurs when the owner of the development rights records a Deed of Transfer against the receiving property in the land records of Cache County.
6. The Deed of Transfer shall be executed by the sending area property owners of the

development rights being transferred, and any lien holders of such property owners, and shall identify the development rights being severed, and the sending properties and/or the receiving properties, as applicable.

7. No Deed of Transfer may be recorded among the land records of Cache County unless the Deed of Transfer contains a copy of the signed TDR Certificate by the City Planner indicating the number of residential development rights being transferred and/or affixed to one or more receiving properties.
8. Upon recordation of the Deed of Transfer, the transferable development rights are conveyed to one or more parties and/or are affixed to one or more receiving properties stated in the Deed of Transfer.
9. The Deed of Transfer shall be in a form substantially similar to the Deed of Transfer attached as exhibit “C” to this ordinance and shall otherwise comply with the requirements of this ordinance and any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the Nibley City Attorney.
10. Any transfer of development rights to a receiving property pursuant to this ordinance only authorizes an increase in maximum residential density over the base density as per the table in “d” above.
11. The existing zoning district regulations may be reduced/modified in terms of the following table:

	R-M Eligible Areas	R-PUD Eligible Areas	R-1	R-1A	R-2	R-2A
Minimum lot area[1] (Single-family)[2]	4,500 sq. ft.	4,500 sq. ft.	14,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.
Minimum lot width[3]	50’	50’	100’	80’	70’	65’
Minimum front yard setback (principal use)[4]	7’	7’	20’		12’	
Minimum garage front setback[5]	20’	20’	25’		22’	
Minimum side yard, interior setback	5’		10’		8’	
Minimum side yard, street setback	15’		20’		15’	
Minimum rear	10’		20’		15’	

[1] Lot bonus increase is only granted a maximum per table in 19.48.030 C 5 and it is expected that each development will have a variety of lot sizes and not all lots will be the minimum size.
[2] Two-family housing is permitted per Nibley City Code 19.20. Minimum lot size per two-family home is 9,000 sq. ft or minimum area per zone in TDR ordinance, whichever is greater.
[3] Lot width is measured at the front yard setback line.
[4] The building home setback includes the front of the home, living spaces, and porches, but not garages.
[5] The garage is intended to be setback further than the home.

yard setback[6]				
Parking	10% parking minimum reduction	10% parking minimum reduction	Not applicable	
Unit Types & Unit Split	Not applicable	A minimum of 20% percent of the units must be single-family detached. Remaining units may be flexible attached and/or multi-family units		
Minimum project size	Not applicable	20 acres		

12. Developments in R-PUD eligible areas – housing types may include flexible attached units with building lengths no greater than 150’. Projects with bonified TDR credits, shall, when the application meets all City standards, be approved after appropriate administrative processing for a subdivision or conditional use.
13. Proposals for use of TDR credits within the R-PUD eligible areas as currently shown in NCC 19.32.030, shall become administrative and not require the rezone process in order to apply TDR credits to the project in order to allow for density which is greater than 50% greater than the underlying residential zoning designation. R-PUD projects shall follow the development standards and approval process of NCC 19.32, except as provided in this chapter.

[6] Minimum alley or rear loaded setbacks are 5’ if garage is located on the rear and is accessed from the alley.

When Recorded, return to:
Nibley City
Attn: City Planner
455 West 3200 South
Nibley, UT 84660

Affected Parcel No(s). ________________

Deed of Severance and Conservation Easement

This Deed of Severance and Conservation Easement (“Deed”) is made this ____________, 20__, by and between _____________________(“Grantor”) and Nibley City, a Utah municipal corporation (“Holder”).

RECITALS

WHEREAS Grantor is the sole owner in fee simple of certain real property, which is more particularly described in Exhibit A, attached hereto and incorporated by this reference (“Property”);

WHEREAS Grantor desires to sever the development rights from the Property, which rights may be transferred to other receiving property within Nibley City pursuant to Chapter 19.48 of the Nibley Municipal Code TDR Program;

WHEREAS Grantor desires to convey and dedicate a conservation easement created pursuant to Utah Code Ann. §57-18-1 *et. seq.* on the Property to Holder; and

WHEREAS Holder desires to accept the dedication of conservation easement to further the stated goals of the TDR Program;

NOW, THEREFORE, Grantor and Holder, for and in consideration of the foregoing do hereby agree as follows:

Severance of Transferable Development Rights

The development rights associated with the Property are hereby severed and converted to Transferable Development Rights (TDRs). The TDRs severed from the Property are eligible to transfer to other places within Nibley City consistent with the TDR Program and are evidenced by that certain Certificate of Transferable Development Rights No. _____. Further development of the Property is prohibited except as in accordance with the TDR Program.

Conservation Easement

In consideration of the TDRs granted and the severance of the development rights from the Property, Grantor does hereby grant and convey, pursuant to and in accordance with Utah Code Ann. § 57-18-1 *et. seq.*, in perpetuity, to Holder, its assigns and successors in interest, a conservation easement in said real property of the Grantor of the nature and character and to the extent hereinafter expressed, to be and to constitute a servitude upon said real property of the Grantor, which estate, interest, easement and servitude will result from the covenants and restrictions set out below and hereby imposed upon the use of said property of said Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors and assigns, with Holder and its assigns to do and refrain from doing, severally and collectively, upon the Grantor's said property, the various acts hereinafter mentioned. Grantor commits by this easement to _________ use for a period of at least ten years via a lease or continued ownership. A non-profit organization, land trust, or the City hereby commits to long term management of the Property in accordance with the Nibley City TDR Program and the rights, limitations, and restrictions set forth in this Deed. Grantor and/or developer has provided evidence of commitment by said entity and payment of any associated fees. The managing entity is:

Name:

Entity Type:

Physical Address:

Signature of Managing Entity: ____

Name and Title of Signer: ____

The restrictions hereby imposed upon the use of said property of the Grantor, and the acts which said Grantor so covenants to do and refrain from doing upon its said property in connection therewith are and shall be as follows:

1. The easement property herein described shall be kept in a manner consistent with the TDR Program.
2. Except as allowed by the TDR Program, there shall be on or in the easement property no fillings, excavating, removal of topsoil, sand, gravel, rock, minerals, or other materials nor any building of roads or change in the topography of the land in any manner, other than that caused by the forces of nature, or as reserved hereafter.
3. Herbicides and pesticides can be sprayed, when it is necessary for the raising of crops. Fencing will be allowed where necessary for farming operations or confining livestock.
4. No power lines with voltage in excess of 12kV m ay be erected, nor any interest in the easement property shall be granted for this purpose. The Grantor reserves the right and easement on the real property to maintain and repair existing telephone, electric, water wells, or other utility lines or mains needed to provide for the needs of the Grantor, its successors or assigns. The area needed to repair said facility shall be the minimum necessary to accomplish the task as agreed upon in writing by the Grantor and Grantee. Upon completion, the area shall be restored to its previous state or as near as practical.
5. The land shall at all times be kept free of garbage, trash, and inoperable machinery; and no other unsightly material shall be allowed to accumulate or be stored thereon.
6. Each and every other activity or construction which might reasonably endanger the natural, agricultural, or scenic state of the easement property is forbidden.
7. Nibley City reserves the right to periodically inspect said property for violations of the easement property, and if upon sixty (60) days advance written notice the Grantor has not eliminated said violations, Nibley City may remove or eliminate, at the expense of the landowner, any violation by Grantor of the easement. A Nibley City authorized representative may enter upon said lands for the purpose of inspection. Said easement is not a public easement.
8. Nibley City reserves the right to post or clearly mark the boundaries of said easement.

The conservation easement granted hereunder and the covenants heretofore made are subject to the following rights of the Grantor which are expressly reserved hereunder.

1. Except as expressly limited herein, the Grantor reserves for itself, its heirs, successors and assigns, all rights as owner of the easement property, including the right to use the easement property for all ownership purposes not inconsistent with this easement or the TDR Program,

including agricultural uses or other uses allow ed by the TDR Program.

2. The right to build structures for agricultural use and occupancy subject to following applicable rules of the TDR Program, building codes, and setback regulations.
3. The lands of the Grantor, herein above referred to and to which the provisions of this instrument apply, are situated in Nibley City, Cache County of Utah, the State of Utah, and are more particularly described as follows:
   a. See Attached "Exhibit A: Property Description".

TO HAVE AND TO HOLD unto Nibley City and its assigns forever. The covenants agreed to and the restrictions imposed, as aforesaid, shall be binding upon the grantor, its heirs, successors, and assigns, and each of them, and shall constitute a servitude upon the above described land.

IN WITNESS WHEREOF, the Grantor has hereunto set hand on the day and year first above written, Signed and acknowledged in the presence of the notary public below:

____
Printed Name of Grantor

____ ____________________
Signature of Grantor Date

CACHE COUNTY, STATE OF UTAH

Before me, a notary public in and/or said county and state, personally appeared the above-named Grantor, who acknowledged that he/she did sign the forgoing instrument and that the same is his/her free act and deed whereof I hereunto set my hand and official seal this day ____________, ______.

____
Notary Public

EXHIBIT A: PROPERTY LEGAL DESCRIPTION

TRANSFERABLE DEVELOPMENT RIGHTS CERTIFICATE

Certificate of Transferable Development Rights

TDR Certificate Number: #

This document certifies that:

1. Owners of real property located in Nibley, Utah, have filed a Determination of Eligibility Application with the Nibley City Community Development Department to determine whether the property is eligible for the creation of Transferable Development Rights.
2. The Nibley City Planner has determined that the property is eligible for the creation of Transferable Development Rights in accordance with Chapter 19.48 of the Nibley City Municipal Code.
3. The Nibley City Planner has determined the number of Transferable Development Rights that the property is eligible for in accordance with Chapter 19.48 of the Nibley City Municipal Code.
4. The owners of the property have signed a Deed of Severance and a Conservation Easement or trail easement has been established with ________________.
5. This Certificate represents the creation of Transferable Development Rights that will become valid and enforceable in accordance with Chapter 19.48 of the Nibley City Municipal Code upon the lawful and proper recordation of the Deed of Severance and Conservation Easement.
6. The following number of Transferable Development Rights are created and severed from the property identified by the Parcel ID Number below and further described by the attached legal description.
7. The Transferable Development Rights represented by this Certificate are eligible to be transferred to Receiving Areas in Nibley City in accordance with Chapter 19.48 of the Nibley Municipal Code.

Transferable Development Rights granted: __________

Property from which Transferable Development Rights originated (Cache County Parcel ID Number): _______________

____ ____________________
Signature of City Planner Date

Property Legal Description:

DEED OF TRANSFER

Deed of Transfer

When Recorded, return to:
Nibley City Planner
455 West 3200 South
Nibley, UT 84660

Affected Parcel No.: _________________

Deed of Transfer Number: _______________

Name(s) of Owners: ____

This document certifies that:

1. Owners are the holders of a Certificate of Transferable Development Rights (TDR Certificate) No. _____________, which evidences transferable development rights (TDRs) eligible for transfer to a receiving property consistent with Nibley City pursuant to Chapter 19.48 of the Nibley City Municipal Code.
2. Owners have filed a Determination of Eligibility Application with the Nibley City Com m unity Development Department to determine whether the TDRs are eligible to be transferred to receiving property within Nibley City.
3. The Nibley City Planner has determined, in accordance with Chapter 19.48 of the Nibley City Municipal Code, that _(number) TDRs are eligible to be transferred to property

   located at ________________________, County Parcel No(s). _______________ (Receiving Property).
4. This Certificate represents the transfer of TDRs that will become valid and enforceable in accordance with Chapter 19.48 of the Nibley City Municipal Cod e upon the lawful and proper recordation of this Deed of Transfer.
5. Up on recordation of this Deed of Transfer, the TDRs associated with TDR Certificate No. __________shall be extinguished. Holder of the TDR Certificate shall surrender the TDR Certificate before this Deed of Transfer is issued.

Transferable Development Rights: ______________________

Cache County Parcel ID Number: _______________________

____ _______________________
Signature of City Planner Date

Property Legal Description:

19.08.010 Establishment Of Zones

For the purpose of this title, the city is divided into the following zones and districts in which land uses shall be limited as specified in this title:

Agricultural zone (A)
Rural estate zone (R-E)
Residential zone low density (R-1)
Residential zone low density (R-1A)
Residential zone medium density (R-2)
Residential zone medium density (R-2A)
Residential zone ~~high density~~mixed use (R-M)
Commercial zone (C)
Neighborhood commercial zone (C-N)
Industrial zone (I)
Park/School zone (P/S)
Floodplain overlay ~~district~~ zone (FP)
Residential Planned Unit Development Overlay Zone (R-PUD)
Transfer of Development Rights Sending Overlay Zone (TDR-S)
Transfer of Development Rights Receiving Overlay Zone (TDR-R)

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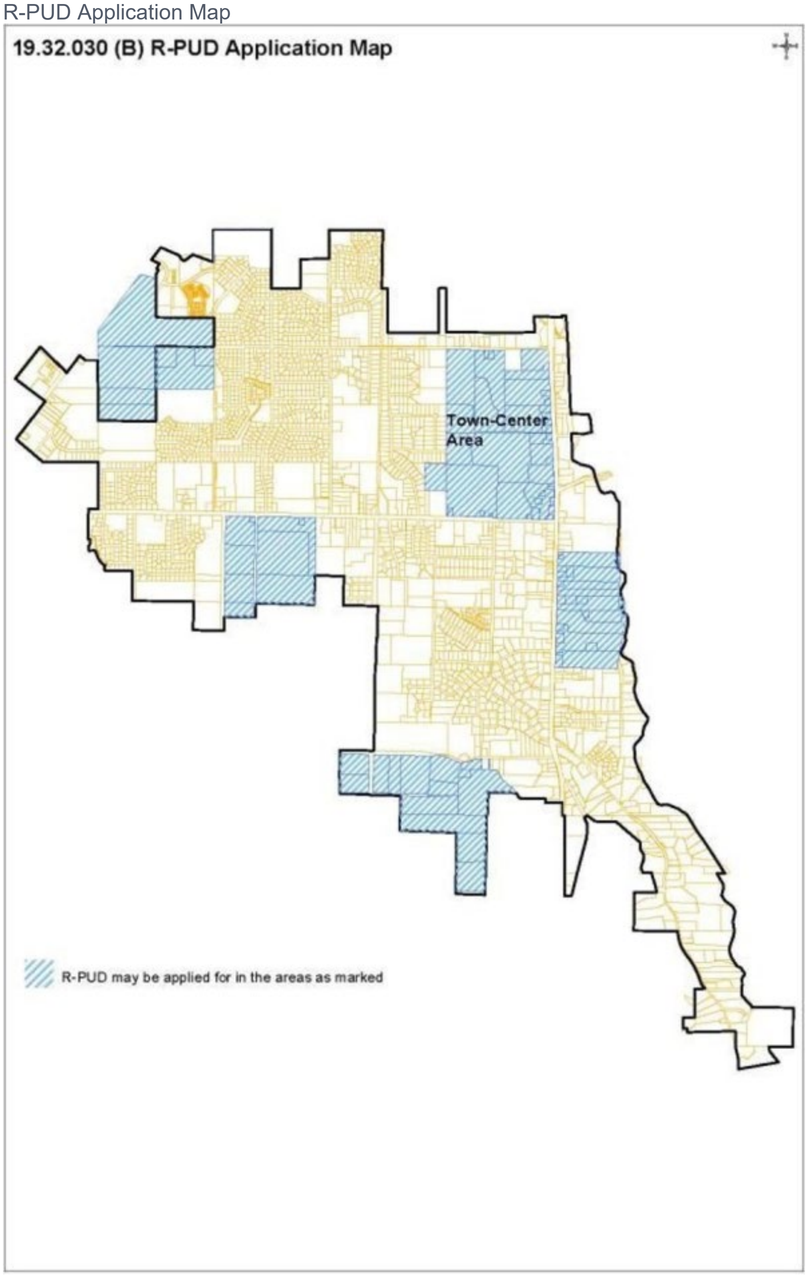
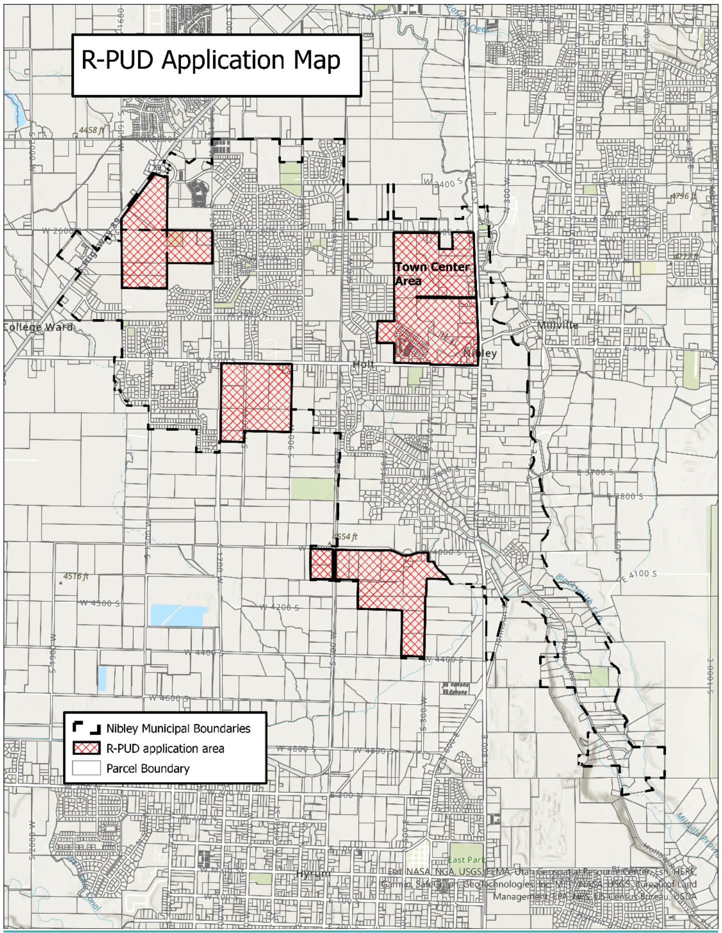
Classification will be determined on the basis of location, topographical features and other reasonable considerations to guide the orderly physical development and ensure neighborhood compatibility and stability of the city in accordance with the Nibley General Plan.

19.32.030 Use Regulations

A. An R-PUD may be applied for by following the steps listed in 19.32.070 (A) on properties designated on the R-PUD Application Map in NCC 19.32.030(B). These areas keep their base zoning, with that zoning's standards, conditions, and restrictions, unless the City Council approves the use of the R-PUD through an R-PUD application process. R-PUDs are prohibited in all other areas. The City Council, with a recommendation from the Planning Commission, may make changes to what parcels are labeled on the R-PUD Application Map by following proper ordinance change procedures.

B. R-PUD Application Map





C. The following are permitted uses in an R-PUD:
   1. Single Family and Townhome dwelling units may be permitted uses, as defined within this ordinance.
   2. Within the Town Center, Single Family, Patio Homes, Townhomes and Condominiums may be permitted uses, as defined within this ordinance.
   3. All other uses not defined within this chapter shall comply with the underlying zone, lot size, and the Land Use Chart in NCC 19.20, unless otherwise specified within this ordinance.
D. Any uses not specifically permitted or conditionally permitted are prohibited.
E. Animal Use: All animal uses shall be in accordance with Nibley City Code.
F. Up to 30% of the Net Developable Area may be approved for neighborhood commercial use as part of an R-PUD. These uses shall comply with Nibley's City's Neighborhood Commercial Zone Use Chart and standards as listed in NCC 19.14.050. These parcels shall be labeled on the plat as Neighborhood Commercial.
G. When calculating density for dwelling units, any Neighborhood Commercial area shall be subtracted from the Net Developable Area of the R-PUD.

H. At no time shall the Planning Commission or City Council approve an R-PUD overlay application if the total possible percentage of R-PUD overlay areas exceed 15% of Nibley City's total land area.

19.32.040 Area And Density Regulations

A. Minimum development size: The minimum total area for an R-PUD shall be 40 acres
B. Housing Types: Only single-family homes and town homes are allowed in the R-PUD in residential areas, except as allowed in the Town-Center Area. The density shall be based on Net Developable Acres of the development as follows:
    1. Equal to or less than 5 units per Net Developable Acre a. Single Family Home R-PUD must contain a minimum of 50 units.
    2. A Mix of Single Family and Townhomes: Equal to or less than ~~10~~ 5 units per Net Developable Acre. Up to 60% of dwelling units can be townhomes. a. A Mix of Single Family and Townhomes R-PUD must contain a minimum of 120 units.

19.32.080 Development Standards

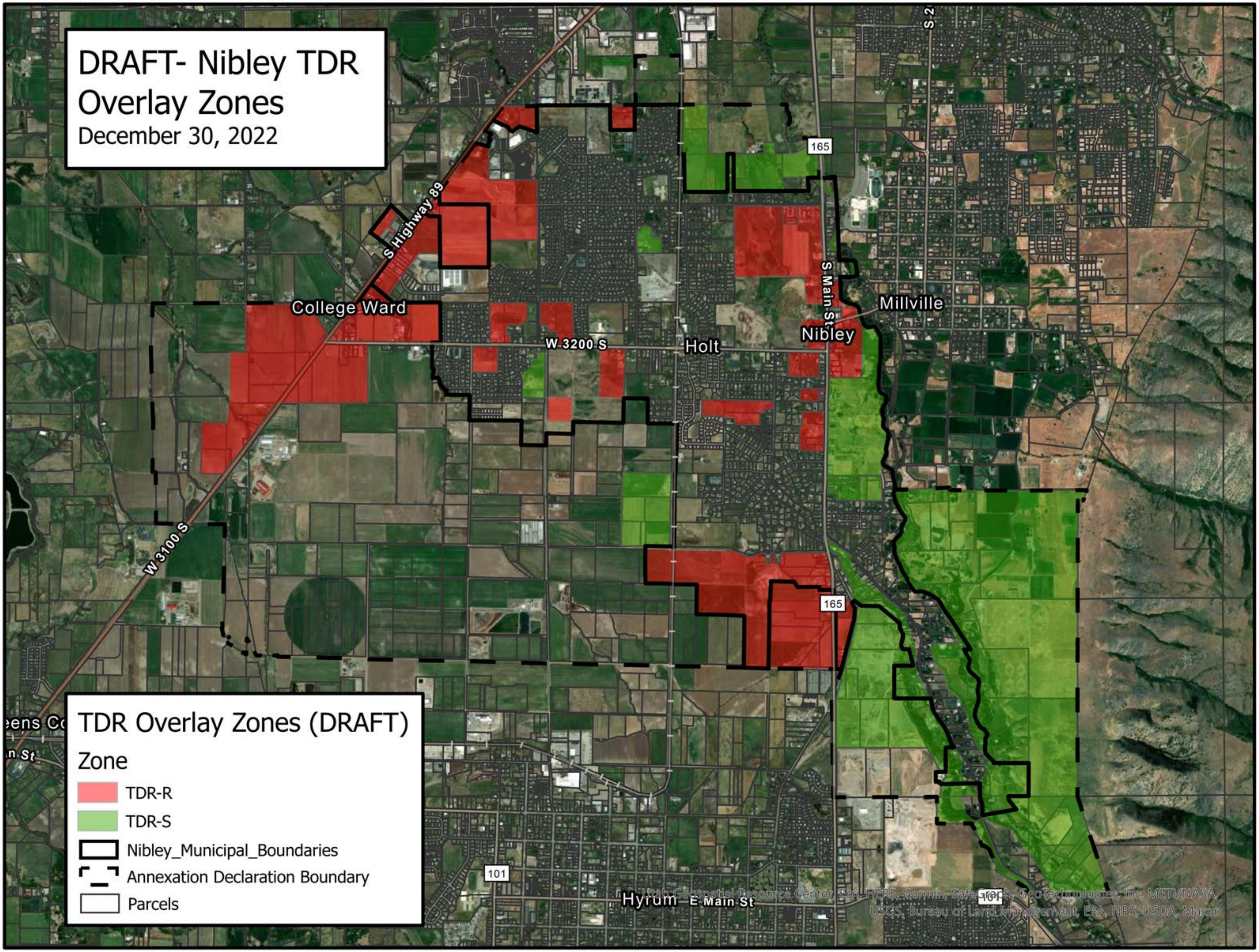
These standards are intended to create R-PUD developments that will establish permanent neighborhoods and provide a sense of community. To meet the intent of this section, the following provisions shall be applied to all new multi-family residential and mixed-use developments. For exterior remodels, these standards shall be required. Commercial areas of an R-PUD must comply with Nibley City Commercial design standards for commercial developments.

A. Townhome, Patio Homes, and Condominium Architectural Standards
    1. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
    2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
    3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.
    4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods.
    ~~4.~~5. Building Length: Building length shall not exceed 150 feet.
    ~~5.~~6. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
    ~~6.~~7. Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the

size of the building. The following architectural features shall be incorporated into the design of the building:

a. Change in building materials;
b. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;
c. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.

~~7.~~ 8. Garages. Townhomes shall be designed oriented toward exterior public roads with rear loading garages accessed by a paved parking area or alleyway, except along Highway 165 and 89/91 as approved. Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes that do not have any portion of the building adjacent to a current or planned public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. At least fifty percent (50%) of units shall contain a two-car garage. Detached garages are prohibited in R-PUDs


DRAFT- Nibley TDR Overlay Zones
December 30, 2022
S Highway 89
College Ward
W 3200 S
Holt
S Main St
Millville
Nibley
165
W 3100 S
101
Hyrum
E Main St
TDR Overlay Zones (DRAFT)
Zone
TDR-R
TDR-S
Nibley_Municipal_Boundaries
Annexation Declaration Boundary
Parcels
Utah Geospatial Resource Center, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Maxar

Agenda Item #14

Description	**Discussion and Consideration –** Ordinance 23-05: Amending NCC 19.24.250 to Remove Requirements for Impact Fees for Accessory Dwelling Units (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to approve Ordinance 23-05: Amending NCC 19.24.250 to Remove Requirements for Impact Fees for Accessory Dwelling Units for first reading.
Reviewed By	Mayor, City Manager, City Planner, Planning Commission

Background

Nibley City recently adopted an amended Moderate Income Housing Plan, an appendix to the General Plan. Strategy 2 states the following:

2. Eliminate impact fees for any detached accessory dwelling unit that is not an internal accessory dwelling unit as defined in Utah Code Section 10-9a-530

Furthermore, the Plan states the following:

Nibley City Code requires that impact fees be assessed for new detached ADUs. The ordinance provides for a rebate of these impact fees for providing affordable housing to those earning less than 50% AMI. However, it has been discussed that even with this rebate, the assessment of an impact fee for ADUs may be a barrier to building new ADUs. Furthermore, due to their limited footprint, the impact of an ADU may be lower than other housing units. The current impact fee for a new ADU is currently set at $11,296, which includes sewer, water, transportation, park and Logan City wastewater. The City should consider eliminating impact fees for all ADUs in order to encourage production of new ADUs

In keeping with this recommendation of the Nibley City Moderate Income Housing Plan, the Planning Commission recommends to approve this ordinance.

ORDINANCE 23-05
AMENDING NCC 19.24.250 TO REMOVE REQUIREMENTS FOR IMPACT FEES FOR ACCESSORY DWELLING UNITS

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, Strategy 2 of the Nibley City Moderate Income Housing Plan is to eliminate impact fees for any detached accessory dwelling unit that is not an internal accessory dwelling unit as defined in Utah Code Section 10-9a-530; and

WHEREAS, providing for increased opportunities for landowners to build accessory dwelling units will increase the availability of attainable housing;

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

1. The attached amendments to Nibley City Code 19.24.250 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ______ DAY OF ________, 2023.

____
Larry Jacobsen, Mayor

ATTEST: ________________________________
Cheryl Bodily, City Recorder

19.24.250 Accessory Dwelling Unit Standards

A. Purpose
B. Accessory Dwelling Unit Approval Required
    1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.
C. Application
    1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
    2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
        a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that the property will be owner-occupied except for bona fide temporary absences
        b. Floor Plan: A floor plan of the accessory dwelling unit shall be provided
        c. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence
        d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
        e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.
    3. A building permit is required for all new or remodeled accessory dwelling units.
    4. A certificate of occupancy is required prior to occupancy of any accessory dwelling unit to ensure compliance with fire, building and health codes.
    5. Notification must be sent to abutting property owners with an opportunity to comment to Nibley City Staff within a period of fourteen (14) days from the date of notification.
D. Approval Criteria
    1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
    2. Owner Occupation. The property shall be owner occupied except for bona fide temporary absences.
    3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
    4. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.

5. Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit and shall be located behind the front plane of the primary dwelling. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
6. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling. Accessory dwelling units are not allowed on lots that contain a two-family dwelling.
7. No accessory dwelling unit shall be built on a registered wetland or flood plain.
8. The use of an accessory dwelling unit shall be limited to residential uses. With the exception of a home occupation, no commercial or industrial uses are permitted within an accessory dwelling unit.
9. Installation of separate water and sewer meters for accessory dwelling units shall be prohibited.
10. Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule.

~~10.~~ 11. Impact Fees: Accessory dwelling units shall not be subject to impact fees. ~~for residential buildings in accordance with the Nibley City Impact Fee Schedule.~~

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~~a. Owners may petition the City for a rebate of impact fees for accessory dwelling units which provide rent that is considered affordable, as described below. The maximum rebate amount shall be set at 20% annually of the total collected impact fee for a period of five (5) years. City Staff shall determine if documentation of rent collected is acceptable. If documentation is not provided within 30 days of each anniversary of the issuance of the certificate of occupancy, the rebate shall be forfeited for that year. The rebate shall be non-transferrable.~~

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~~3) The unit's rent is considered affordable to a household of four (4) earning 50% of the area median income of the Logan, UT-ID Metropolitan Statistical Area (MSA), according to income limits set by the US Department of Housing and Urban Development (HUD) for a period of five (5) years.~~

~~4) The rent limit shall be set using the following calculation: HUD annual 4-person 50% AMI Income Limit * 0.3 (30 %) – $150 (for utility expenses)~~

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E. Size, Height and Zoning
   1. Accessory dwelling units shall have the following requirements:
      a. Shall have the minimum floor area of 300 sq. ft. and a maximum floor area of 1,200 sq. ft.
      b. Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new one-story detached accessory dwelling unit structures, a minimum rear and side setback of 10 feet is required. For new two-story detached accessory dwelling

unit structures, a minimum rear yard setback of 20 feet and side yard setback of 10 feet is required.

c. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
d. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.
e. Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

F. Noncompliance

1. Owners of the property where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Owners who fail to maintain or violate the city's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.

Agenda Item #15

Description	**Discussion and Consideration –** Ordinance 23-06: Amending NCC 19.20.020 to Remove ‘Mobile Home Park’ from the Land Use Chart (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to approve Ordinance 23-06: Amending NCC 19.20.020 to Remove ‘Mobile Home Park’ from the Land Use Chart for first reading.
Reviewed By	Mayor, City Manager, City Planner, Planning Commission

Background

Currently, NCC 19.20.020 lists ‘Mobile Home Park’ as a conditional use in the Industrial Zone. On December 1, during a workshop regarding this item, Planning Commission members have expressed the desire to consider removing this use from the Land Use Chart.

General Plan considerations

Nibley City recently adopted an amended Moderate Income Housing Plan, an appendix to the General Plan. While the plan does identify a need to increase the supply of moderate income housing as the City grows, none of the seven identified strategies in the plan point to allowing mobile home parks as a strategy to increase housing options. Although mobile home parks typically do facilitate the production of housing which is affordable to low and moderate income households, the City has not planned for this use as a strategy to reach its affordable housing goals.

Zoning Ordinance purpose considerations

19.16.010 states the following:

The purpose of the industrial zone is to provide suitable areas that will accommodate the need for industry and industrial-related uses.

In general, residential uses are not compatible with industrial uses as the impacts of industrial uses, particularly heavy industrial uses, may degrade the health and quality of life of residents. In addition, if developed, residential uses may limit opportunities to necessary industrial-related uses. It is recommended that if mobile home parks are to be allowed within Nibley City, that they be planned for areas near other, more compatible uses.

Lack of adopted standards for mobile home parks

When reviewing a recent application for a mobile home park, it was revealed that the City currently lacks standards appropriate to ensure quality development. It is recommended that if mobile home parks are to be allowed that specific standards for mobile home parks be developed.

ORDINANCE 23-06
AMENDING NCC 19.20.020 TO REMOVE 'MOBILE HOME PARK' FROM THE LAND USE CHART

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, a mobile home park is not a compatible use in the established Industrial zone; and

WHEREAS, the City currently lacks sufficient standards to adequately regulate the design and construction for mobile home parks to ensure that they meet the intent of the Nibley City General Plan;

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

1. The attached amendments to Nibley City Code 19.20.020 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ______ DAY OF ________, 2023.

____
Larry Jacobsen, Mayor

ATTEST: ______________________________
Cheryl Bodily, City Recorder

19.20.020 Land Use Chart

Nibley City Land Use Chart

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A
R-2:	Residential Zone R-2
R-2A:	Residential Zone R-2A
R-M:	Mixed Residential Zone
P/S:	Park/School

C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	**A**	**R-E**	**R-1**	**R-1A**	**R-2**	**R-2A**	**R-M**	**P/S**	**C**	**C-N**	**I**
Residential											
Assisted Living Facility	C	C	NP	NP	NP	NP	P	NP	C	C	NP
Artisan Shop	C	C	C	C	C	C	C	NP	C	C	C
Bed and Breakfast Inn	C	C	C	C	NP	NP	P	NP	C	C	NP
Building moved from another site	C	C	C	C	C	C	C	C	C	C	C
Residential/Commercial Mixed Use6	C	C	C	C	C	C	C	NP	C	C	C
Group Living Facility [1]	C	C	C	C	C	C	C	NP	NP	NP	NP
Home Occupation	C	C	C	C	C	C	C	NP	NP	NP	NP
Home Office	P	P	P	P	P	P	P	NP	NP	NP	NP

Housing, Short-Term Rental[4]	P	P	P	P	P	P	P	NP	P	P	P
Housing, Single-Family	P	P	P	P	P	P	P	NP	C	C	C
Housing, Multi-Family	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Housing, Two-Family[5]	P	P	P	P	P	P	P	NP	C	C	C
~~Mobile Home Park~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~C~~
Nursing Home	C	C	C	C	C	C	C	NP	C	C	NP
Temporary Office/Model Home	C	C	C	C	C	C	C	NP	C	C	C
Accessory Dwelling Unit[3]	P	P	P	P	P	P	P	~~P~~NP	P	P	P

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Agenda Item #16

Description	**Discussion and Consideration –** Contract with Auditor Services
Presenter	Justin Maughan, City Manager
Recommendation	Authorize Staff to enter into yearly Letter of Engagements for financial auditing services, for the next five years.
Reviewed By	City Manager, City Treasurer

Background

Staff previously received direction from the City Council to solicit responses to a Request for Proposals for Auditor services. The following is a history of that process.

1. An RFP Auditing Team was established in November which includes Tom Bernhardt, Nathan Laursen, Justin Maughan, Dave Sanderson, and Amy Johnson.

2. On 11/16/23, Dave Sanderson emailed 7 firms, requesting a quote from each of them on providing auditing services for our city. Amy Johnson was copied on each of these emails. The document that was emailed is attached and is called "RFP-for-Financial-Audits Nibley". A deadline of 12/31/2023 was established in our letter for returning proposals.

3. Between 11/16/23, two of the seven firms responded with their Proposals, which included Larson and Company as well as Osborne, Robbins, and Buhler.

4. On 1/10/23, an RFP Audit Team was created on Microsoft Teams and the two proposals that were returned to Nibley City were posted and made available to the Team, along with the request to review a rubric provided by Dave Sanderson and make sure that it met our team's objectives. On 1/25, Tom Bernhardt replied with a suggested change, which was immediately implemented. A due date of 2/1 was established for our team to have reviewed the supplied materials and provide their personal review of each Auditing Firm.

5. On 2/1/23, Amy Johnson reviewed the scoring rubrics of each member of our team, and weighted, added, and averaged them. The combined scores for each

firm averaged to a score of 8.48 for Larson and Co out of a possible 9 and 7.53 out of a possible 9 for Osborne, Robbins, and Buhler.

6. On 2/1/23, Nathan Laursen expressed an interest in contacting the firms that didn't respond to understand why they didn't return a Proposal to our City. The information was provided for him to be able to do so.

7. A brief email conversation took place, in which the selection team agreed to recommend to the City Council that Nible allow Larson and Company to continue to do yearly financial audits.

Firms Solicited by Dave for Audit Services

Date Emailed	Email	Company
11/16/2022	danah@orb-cpas.com	Osborne, Robbins, and Buhler
11/16/2022	jhaderlie@larsco.com	Larson and Company
11/16/2022	jeff@hbme.com	HBME, LLC
11/16/2022	ogdencpa@comcast.net	Greg Ogden
11/16/2022	matt@regencpa.com	Matthew Regen and Associates
11/16/2022	stewart@stewartreevecpa.com	Stewart Reeve CPA
11/16/2022	heather@ulrichcpa.com	Ulrich and Associates PC

Nibley City RFP For Auditing Firm for Annual Audit Evaluation

Evaluator Name: Justin Maughan

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 1-9 (1 being poor, 9 being excellent)

FIRM	Technical	Qualifications	Responsiveness	Cost	Total
Larson and Company	9	9	9	9	36
Larson Weighted Score	2.7	0.9	1.35	4.05	9
Osborne, Robbins, and Buhler	9	9	9	7	34
Osborne Weighted Score	2.7	0.9	1.35	3.15	8.1
Firm 3	0	0	0	0	0
Firm 4	0	0	0	0	0
Firm 5	0	0	0	0	0

Nibley City RFP For Auditing Firm for Annual Audit Evaluation

Evaluator Name: Nathan Laursen

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 1-9 (1 being poor, 9 being excellent)

FIRM	Technical	Qualifications	Responsiveness	Cost	Total
Larson and Company	8	8	7	7	30
Weighted Larson Score	2.4	0.8	1.05	3.15	7.4
Osborne, Robbins, and Buhler	6	7	5	7	25
Weighted Osborne Score	1.8	0.7	0.75	3.15	6.4
Firm 3	0	0	0	0	0
Firm 4	0	0	0	0	0
Firm 5	0	0	0	0	0

	partner	manager	supervisor	staff	
Cost per much higher	6	12	20	30	68
Higher single	10	60	40	10	120

Nibley City RFP For Auditing Firm for Annual Audit Evaluation

Evaluator Name: Tom Bernhardt

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 1-9 (1 being poor, 9 being excellent)

FIRM	Technical	Qualifications	Responsiveness	Cost	Total	
Larson and Company	9	9	5	9	32	Given the lack of information in their proposal it's hard to tell if they've estimated right other than previous experience with them
Larson Weighted Score	2.7	0.9	0.75	4.05	8.4	
Osborne, Robbins, and Buhler	9	9	5	7	30	My take on this is their staff mix seems a tad out of balance which hits 2 of the criteria
Osborne Weighted Score	2.7	0.9	0.75	3.15	7.5	
Firm 3	0	0	0	0	0	
Firm 4	0	0	0	0	0	
Firm 5	0	0	0	0	0	

Nibley City RFP For Auditing Firm for Annual Audit Evaluation

Evaluator Name: David Sanderson

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 1-9 (1 being poor, 9 being excellent)

FIRM	Technical	Qualifications	Responsiveness	Cost	Total
Larson and Company	9	9	9	9	36
Weighted Larson Score	2.7	0.9	1.35	4.05	9
Osborne, Robbins, and Buhler	9	8	8	8	33
Osborne Weighted Score	2.7	0.8	1.2	3.6	8.3
Firm 3	0	0	0	0	0
Firm 4	0	0	0	0	0
Firm 5	0	0	0	0	0

Nibley City RFP For Auditing Firm for Annual Audit Evaluation

Evaluator Name: Amy Johnson

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 1-9 (1 being poor, 9 being excellent)

FIRM	Technical	Qualifications	Responsiveness	Cost	Total
Larson and Company	8	9	9	9	35
Weighted Larson Score	2.4	0.8	1.35	4.05	8.6
Osborne, Robbins, and Buhler	5	9	9	8	31
Osborne Weighted Score	1.5	0.9	1.35	3.6	7.35
Firm 3	0	0	0	0	0
Firm 4	0	0	0	0	0
Firm 5	0	0	0	0	0

Weighted Scores

	Nathan	Tom	Justin	Dave	Amy	Totals	Average
Larson and Co	7.4	8.4	9	9	8.6	42.4	8.48
Osborne	6.4	7.5	8.1	8.3	7.35	37.65	7.53

Contact	Company	Phone	2023 Cost	2024 Cost	2025 Cost	2026 Cost	2027 Cost	2028 Cost	
Dana Howell, CPA	Osborne, Robbins & Buhler, PLLC	(801) 308-0220 ext. 110	$ 13,500	$ 13,750	$ 14,000	$ 14,250	$ 14,500	$14,750	
Jon Haderlie	Larson Certified Public Accountants	801-798-3545	$ 12,200	$ 12,600	$ 13,000	$ 13,400	$ 13,800	$ 14,200	
Difference in Audit Cost			$ 1,300	$ 1,150	$ 1,000	$ 850	$ 700	$ 550	$ 5,550

PROPOSAL

From

OSBORNE, ROBBINS & BUHLER, PLLC

To Provide Professional Services For

NIBLEY CITY

PROPOSAL TO PROVIDE

AUDIT SERVICES

to

NIBLEY CITY

Authorized representative:
Ian Robbins
Osborne, Robbins & Buhler, PLLC
4527 South 2300 East, Suite 201
Salt Lake City, Utah 84117

Phone: (801) 308-0220 ext. 110
Email: ian@orb-cpas.com

OSBORNE, ROBBINS & BUHLER, P.L.L.C. Certified Public Accountants

4527 South 2300 East, Suite 201 • Salt Lake City, Utah 84117-4480 • Phone: (801)308-0220 • Fax: (801)274-8589

December 27, 2022

The City Council
Nibley City
C/O Justin Maughan
455 West 3200 South
Nibley, Utah 84321

Dear Council Members:

Thank you for inviting us to submit a proposal to provide Nibley City with audit services. We are confident that we can provide the kind of service that you expect.

Summarized below are the reasons you will benefit from engaging us to provide the professional services you require.

- **Audit Efficiency**
  We are going to have partners, managers and supervisors involved in your audit on a daily basis. In addition, our firm is committed to using the most up to date audit techniques and research tools in order to complete your audit in a very efficient and non-intrusive manner. We are confident we can complete your audit within the time frame expected.

- **Communication and Service**
  We believe in timely communication with the City's staff regarding potential audit entries, financial statement presentation and proposed management comments. In addition, we believe in being proactive and keeping our client's informed about new developments that might impact their financial reporting practices. Also, we are available throughout the year to answer questions the City's staff may have or provide other advice as needed. We are happy to be in communication regularly and do not charge for this, unless it becomes necessary for us to perform additional research or analysis. We will fully discuss the fees with you in advance of performing any services.

- **Experience and Continuity**
  The professional team we have to serve the City is composed of highly qualified individuals who have been providing accounting, auditing, and management consulting services to local government entities in Utah for many years. In addition, our firm has an extremely low turnover rate and because of this, we develop solid working relationships between our team and the people we work with in the organizations we serve.

Thank you for the opportunity to submit this proposal. If you have any questions, please call Ian Robbins at (801) 308-0220 ext. 110.

Very truly yours,
OSBORNE, ROBBINS & BUHLER, PLLC

Ian J. Robbins

CONTENTS

OBJECTIVES

Osborne, Robbins & Buhler, PLLC, was formed in 1993 as a Certified Public Accounting firm dedicated to performing excellent service through specialization. We provide accounting and auditing services in the following areas:

- Government
- Nonprofit organizations
- Manufacturing and construction
- Real estate development and management
- Retail sales

Each member of the firm is active in professional organizations that give us an opportunity to learn how to better serve our clients.

Each of us brings our experience from large national or local firms and we joined together with the vision of providing quality accounting, auditing, tax, and management advisory services in these specialty areas.

Because your organization is within our specialty areas, you will be a very important client to us.

PERSONNEL

Currently our firm has one office located in Salt Lake City and we have five partners and ten certified public accountants. We recruit accountants that have experience and interest in the industries we serve. Total employees by staff level are as follows:

Partners	5
Managers	2
Supervisors	5
Accounting staff	3
Support staff	1

AUDITS OF COMPUTERIZED SYSTEMS

All of the personnel that will be used on your engagement have received specialized training and have extensive experience in auditing computerized systems.

Our firm uses ProSystem Fx Engagement for our audit software.

PROFESSIONAL LICENSES

All of the certified public accountants are licensed to practice in the State of Utah. The firm is also licensed as a certified public accounting firm in the State of Utah.

PROFILE – CONTINUED

INDEPENDENCE

We have procedures to ensure that our personnel are independent in relation to our audit clients, as defined by the American Institute of Certified Public Accountants and by the *Government Auditing Standards*, published by the U.S. General Accounting Office. We are independent with respect to Nibley City. We have had no professional engagements involving Nibley City.

CONTINUING EDUCATION

All professional staff receive a minimum of 120 hours continuing education every three years. All personnel who will be assigned to your engagement have received specialized governmental accounting and auditing training. We affirm that we meet the continuing education requirements contained in Utah State Law and *Government Auditing Standards*.

QUALITY CONTROL

As required by *Government Auditing Standards*, we have an internal quality control system in place that has undergone a successful peer review. Audits that were performed under *Government Auditing Standards* were reviewed. Our 2018 peer review report is attached. Our 2021 peer review report is awaiting review board approval.

NON-DISCRIMINATION

We will not discriminate against any individual who is employed in the work covered by this proposal, or against any applicant for such employment because of race, religion, sex, color, age, handicap, or national origin. In addition, these items will not be a factor in consideration for employment, selection of training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion or separation.

BUSINESS ORGANIZATION TYPE

Osborne Robbins & Buhler, PLLC is a Utah Professional Limited Liability Company.

PEOPLE WHO WILL WORK WITH YOU

A key element in your selection of a public accounting firm is the people you will work with on a daily basis. We have served many governmental entities such as yours. In addition, we have several nonprofit organizations that we audit for whom we prepare Form 990. We understand your environment and are highly motivated to meet your needs. The personnel who will be assigned are experienced in providing financial and compliance auditing, as well as other professional services to state and local governments and nonprofit organizations. Shown below are brief descriptions of the responsibilities of those who will be serving you. Their resumes are further detailed on the following pages.

Ian Robbins, audit partner, will be involved in your audit from the beginning to the end. He has worked for our firm for more than twenty years. He has an excellent understanding of governmental accounting and audits of governmental entities and nonprofit organizations, as well as government compliance audits. Ian graduated from the University of Utah with a Master's Degree in Accounting in 2004.

Dana Howell, audit partner, will work on your audit on a daily basis. She has a strong background in governmental accounting, compliance audits, and audits of computerized systems. Her experience in auditing government entities and nonprofit organizations is supplemented by experience in auditing a wide variety of commercial entities including construction companies of all sizes. Dana has over thirty years of experience in public accounting. She graduated from the University of Utah in 1989 with a Bachelor's Degree in Accounting.

Arika Sundberg, audit supervisor, has over twenty years of experience in public accounting with extensive tax and audit experience in a variety of industries. She will assist in the audit of the financial statements. Arika graduated from Utah State University with a Master's Degree in Accounting in 2002.

All of these individuals have been with Osborne, Robbins & Buhler, PLLC for over fifteen years and we anticipate that these same individuals would work on your audit for all of the years that our firm would be engaged as auditors.

OUR APPROACH TO YOUR ENGAGEMENT

Your objectives for this engagement will be our major concern in performing the services required. Our performance of these services will be in accordance with the professional standards established by:

- The American Institute of Certified Public Accountants
- The Governmental Accounting Standards Board
- The U.S. General Accounting Office
- The U.S. Office of Management and Budget
- The State of Utah

The personnel who will participate in this audit are familiar with these established standards, guidelines, and requirements. We will adhere to the standards and utilize the guidelines during all phases of the audit process.

Following is a detailed description of how we will perform the services required to meet your objectives. Our approach incorporates the following:

- Post selection conference
- Audit planning
- Review and evaluation of internal control structure
- Preparation of audit program
- Year-end procedures
- Review and reporting
- Management letters
- Closing conferences

POST SELECTION CONFERENCE

It is important that we meet soon after our selection to discuss the laws, controls, and grants that will have an impact on your audit. We will work with you to review the controls and procedures that the City uses to ensure compliance with applicable requirements.

AUDIT PLANNING

Proper planning of an audit engagement is crucial to an efficient and timely audit that creates minimum disruption for you.

OUR APPROACH TO YOUR ENGAGEMENT - CONTINUED

The objectives of our preliminary audit planning are:

- Establishing early communication and coordination between our staff and yours.
- Minimizing time pressures.
- Assigning and scheduling appropriate personnel.
- Identifying areas of audit emphasis and developing a plan of audit coverage.
- Scheduling the performance of audit procedures in their proper sequence considering both timing and location.

We are familiar with and utilize publications, such as:

- "Governmental Accounting, Auditing and Financial Reporting" prepared by the GFOA.
- Statements and technical bulletins prepared by the Governmental Accounting Standards Board.
- "Audits of State and Local Government Units" prepared by the State and Local Governmental Accounting Committee of the American Institute of Certified Public Accountants.
- Statements and technical bulletins prepared by the Financial Accounting Standards Board.
- "Government Auditing Standards" (Yellow Book) prepared by the United States General Accounting Office.
- "Compliance Auditing Applicable to Government Entities and Other Recipients of Governmental Financial Assistance" (Statement on Auditing Standards 63) prepared by the AICPA Auditing Standards Board.
- "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) published by the Office of Management and Budget (OMB), which superseded other OMB Circulars covering Single Audits.
- "State and Local Government Developments" issued by the Federal Government Division of the AICPA.
- Utah State Law

OUR APPROACH TO YOUR ENGAGEMENT - CONTINUED

REVIEW AND EVALUATION OF INTERNAL CONTROL

Our audit will include a review of your internal control, including electronic data processing, to determine the degree of reliance that can be placed on the systems. As a result, we can decide the extent of other audit procedures needed. This study of your internal control will determine the ability of existing policies and procedures to:

- Safeguard resources
- Ensure accurate and reliable accounting and operating data.
- Ensure compliance with policies and directives relating to federal financial assistance.
- Provide the basis for monitoring the effectiveness and efficiency of the accounting operations.

PREPARATION OF AUDIT PROGRAM

At the conclusion of our planning phase and review of internal control, we will prepare a detailed audit program for this engagement.

In developing our audit program, we rely heavily on several sources of information to ensure that our efforts are responsive to the audit requirements of Nibley City and meet high professional standards. These sources are summarized above and are taken into account as we do the following:

1. We interview your key personnel.
2. We review your:
    - internal control.
    - electronic data processing.
    - accounting records.
    - prior year financial statements.
    - prior audit work papers.

YEAR-END AUDITING PROCEDURES

Our year-end auditing procedures will be oriented toward the major balance sheet and operating statement accounts. The extent of testing required to satisfy ourselves concerning the composition of account balances will depend upon our evaluation of your internal control and the results of our interim audit work.

We would not anticipate using statistical sampling and would expect our nonstatistical sample sizes to be twenty-five items selected haphazardly. We will be using analytical procedures such a comparing current year balances to prior year balances and to budget amounts during the initial phase of fieldwork and also at the conclusions of the fieldwork.

REVIEW AND REPORTING

Our procedures will include a thorough review of the financial statements to determine that they are presented in conformity with generally accepted accounting principles.

At the conclusion of the review process, we will issue a report expressing our opinion on the financial statements, and we will also issue the reports required by the State of Utah, *Government Auditing Standards,* and *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

If there are any findings, the City will have the opportunity to provide written responses that will be included with the reports.

MANAGEMENT LETTERS

We recognize that to properly serve a valued client, our involvement must extend beyond the financial reporting. In keeping with this philosophy, one of our objectives in the performance of an audit engagement is to assist in improving controls and efficiency. To accomplish this objective, we will issue management letters with recommendations for you to consider.

Since management letter suggestions could ultimately result in increased operational efficiency and improved control, we believe that prompt communication of such items to the appropriate officials is imperative. To ensure timely communication of management letter points and suggestions, we will conduct briefings with the appropriate officials to discuss the progress of the audit and any audit problems or suggestions, which we feel, need your immediate attention. All recommendations will be reviewed with the appropriate level of management or oversight before any management letters are issued.

CLOSING CONFERENCES

At the conclusion of the audit and prior to issuance of our reports, we will meet with you to review the reports and the related financial information.

TIME REQUIREMENTS

The following is our proposed schedule for completing the audit. We acknowledge that our proposed schedule is flexible in order to accommodate the work schedule of the City and its personnel.

Audit Function	Approximate Dates
Pre-audit conference	June 15
Review and evaluation of internal control, and preparation of audit program	June 20 – 30
Year-end auditing procedures compliance testing	August 1 – August 20
Preparation of financial statements (or review, if management prepares financial statements) and preparation of *Government Auditing Standards* report, Single Audit reports, the State of Utah compliance report and the management letter	August 20 – September 30

GOVERNMENTAL EXPERIENCE

The references shown below are the most current and relevant to your engagement.

We have additional references that we can provide upon request. Over the last three decades, members of the audit team have been auditors for approximately 25 Utah government entities as well as several local nonprofit organizations.

Governmental Entity	Years Served	Reference	Title	Telephone
Lehi City	24	Dean Lundell	Finance Director	(801) 768-7100
City of Holladay	16	Gina Chamness Diane Burandt	City Manager Finance Director	(801) 272-9450
City of Orem	6	Brandon Nelson	Accounting Division Manager	(801) 229-7010
Snyderville Basin Water Reclamation District	34	Michael D. Luers Brian Passey	General Manager Finance Manager	(435) 649-7993
Copperton Improvement District	20	Harvey Seal	Trustee	(801) 255-3411
Mountain Regional Water Special Service District	5	Steve Anderson	Chief Financial Officer	(435) 940-1916

GFOA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE

Our most recent clients to receive that GFOA Certificate of Achievement for Excellence in Financial Reporting are Lehi City for 2021 and Snyderville Basin Water Reclamation District for 2017, as well as West Jordan City for 2009, the last year we provided their audit services. They were able to obtain this award based on the financial statements that we helped them prepare.

We have been involved with several clients who have consistently received the Government Finance Officers Certificate of Achievement for Excellence in Financial Reporting including:

* Lehi City
* Snyderville Basin Water Reclamation District
* Orem City
* City of West Jordan
* Salt Lake Valley Emergency Communications Center

Our fees are based on the estimated hours required of our professional staff. The schedule below shows our estimate of the hours required and an anticipated range for the audit fee for Nibley City:

Year ending June 30,	Estimated Hours	Estimated Fee*
2023	120	$ 13,500
2024	120	13,750
2025	120	14,000
2026	120	14,250
2027	120	14,500

The maximum estimated audit fees for the City were determined based on the following:

Classification	Total Estimated Hours	Billing Rate	Maximum Estimated Amount
Partner	10	$ 150	$ 1,500
Supervisor	60	125	7,500
Audit Staff	40	100	4,000
Support Staff	10	50	500
Total	120		$ 13,500

*The estimated fee presumes that the City's expenditures of federal awards is below the threshold which would require an audit under the Uniform Guidance. During any year for which expenditures of federal awards does exceed the threshold, the additional fee is estimated be $5,000.

The above fees include all out-of-pocket expenses. An itemized billing statement will be provided, listing hours spent, individuals involved, and hourly rates. The above fees are based on the nature of the City as it presently exists and are also based upon our understanding that your Finance Department will provide certain schedules and other information on a timely basis that will be required during the course of the audit.

OTHER SERVICES

Our fees for additional services, such as assistance in issuing bonds or performing arbitrage and rebate calculations will be based on our hourly rates shown above for the type of service you need. Prior to performing specialized services, we will discuss an estimate of the fee and will obtain your approval before commencing work on special projects. The choice of service is always yours, and you will always have control over fees.

Hansen, Bradshaw, Malmrose & Erickson
A Professional Corporation
CERTIFIED PUBLIC ACCOUNTANTS
559 West 500 South
Bountiful, Utah 84010
801-296-0200
Fax 801-296-1218

E. Lynn Hansen, CPA
Clarke R. Bradshaw, CPA
Gary E. Malmrose, CPA
Edwin L. Erickson, CPA
Michael L. Smith, CPA
Jason L. Tanner, CPA
Robert D. Wood, CPA
Aaron R. Hixson, CPA
Ted C. Gardiner, CPA

Jeffrey B. Miles, CPA
Donald M. Jack, CPA

Members of the American Institute of Certified Public Accountants

Members of the Private Company Practice Section

Report on the Firm's System of Quality Control

January 4, 2019

To the Partners of Osborne, Robbins & Buhler, PLLC and the Peer Review Committee of the Nevada Society of Certified Public Accountants:

We have reviewed the system of quality control for the accounting and auditing practice of Osborne, Robbins & Buhler, PLLC (the firm) in effect for the year ended June 30, 2018. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and procedures performed in a System Review as described in the standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an audit of an employee benefit plan, an audit performed under Government Auditing Standards and a compliance audit under the Single Audit Act.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Osborne, Robbins & Buhler, PLLC in effect for the year ended June 30, 2018, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Osborne, Robbins & Buhler, PLLC has received a peer review rating of *pass*.

Hansen, Bradshaw, Malmrose & Erickson, P.C.

Hansen, Bradshaw, Malmrose & Erickson, P.C.

NIBLEY CITY

PROPOSAL FOR INDEPENDENT AUDIT SERVICES

JON HADERLIE, CPA, AUDIT PARTNER
765 NORTH MAIN, SPANISH FORK, UT 84660
TEL: 801-798-3545 FAX: 801-798-3678
jhaderlie@larsco.com

November 21, 2022

Nibley City
455 West 3200 South
Nibley, Utah 84321

Dear Mayor, Council Members and Management:

Thank you for giving us the opportunity to submit an audit services proposal for Nibley City. We have great regard for your organization and look forward to the prospect of working alongside you to safeguard your public funds by entering an agreement for audit services.

Our Qualifications. Larson & Company, PC (a Utah corporation) has been auditing government entities since our inception in 1975, 47 years ago. We have since become known as one of the premiere providers of auditing services to government entities in the State of Utah, and in that time we have worked with over 70 government entities of various sizes. We understand you require professionals experienced in auditing municipal entities and possessing an understanding of the unique operating characteristics of a City in Utah. You also require experienced professionals who will be available as a resource to you year-round as questions or concerns may arise. Our specialists can offer proactive advice as a matter of course, including issues related to:

- application of GASB statements
- best practices related to Counties in Utah
- emerging regulatory issues, including transparency standards
- analyzing internal controls processes for possible weaknesses regarding fraud

You want your accounting professionals to be familiar with your organization, understand your mission, and remain accessible to discuss important issues facing Nibley City in the future. Because of our knowledge of government regulations, our municipal clients are served by a knowledgeable, experienced staff for a reasonable fee with no surprises. In fact, some of our government clients have remained with Larson & Company for over 30 years.

A Winning Combination. Our government auditing experience with counties, cities, and small government entities allows us to deliver not only the services required in your RFP, but far more guidance and service than you would expect from an auditor. We can offer friendly service with a combination of quality and price that matches the value you seek.

We look forward to working with Nibley City. If you have any questions or require additional information, please contact me at (801) 798-3545 or jhaderlie@larsco.com.

Sincerely,

Larson & Company, Certified Public Accountants

Jon Haderlie, CPA

Jon Haderlie, CPA
Partner

A. FIRM'S QUALIFICATIONS

At Larson & Company, we believe our experience gives you the security to safeguard funding.

Firm Organization and Locations Larson & Company is a privately owned, regional accounting firm comprised of 96 employees, including 38 CPAs, 15 partners, and 54 professional staff. We operate from three offices throughout Utah, including Salt Lake County, Spanish Fork, and Moab.

Audit Office Information

Your audit will be conducted from our Spanish Fork office, which employs a government staff of highly qualified individuals. All of our staff are full-time employees and many are licensed CPAs. We have a policy of being available to our clients whenever you need us, not just during the course of the audit. We expect questions throughout the year, so call us anytime. We typically do not bill for routine phone conversations, but we view these as ancillary services that add value to your audit, not additional time we can bill.

Exceeding Mandatory Criteria

The requirements for competent government auditors are strict. We pride ourselves on maintaining the highest standards of excellence within our profession. We not only meet the criteria in your RFP, we exceed it.

- Our firm is properly licensed for practice as certified public accountants in the state of Utah.
- Larson & Company meets all the requirements for independence and experience as promulgated by the AICPA Rule 101 and the *Government Auditing Standards*. We have heretofore not entered into any professional relationships or contracts with Nibley City within the last five years, and we do not deem a conflict of interest relative to performing the audit to exist.
- The training received by our government audit personnel is of high caliber. Each CPA on staff is licensed to practice in the State of Utah. Each member of the audit team assigned to your audit has received extensive training in current government auditing standards and regulations and meets the continuing education requirements. We also meet the external quality control review requirements contained in the *Government Auditing Standards.*
- No disciplinary action has been taken against a member of our firm in the 47-year history of the firm.
- The most current quality control review report can be found at the end of this proposal. We have received a passing report with no letter of comments attached, indicating a clean quality control history. This external quality control review included a specific review of government engagements.
- The Office of the Utah State Auditor performed a review of our workpapers and issued a report in August of 2021. The results of that review are a "pass" as noted on their website.

B. STAFF QUALIFICATIONS

A big part of the value of our service is our people. We are committing a highly qualified team to lead your engagement, with over 35 years of combined service experience.

Staff Resumes

As a professional services firm, the skills of our people are a big part of the value of our services. You want to work with knowledgeable individuals and decision makers that can get the job done. You want to get to know your team and expect continuity in the relationship with your team. We do, too. The professionals we are commiting to Nibley City are experienced and well trained in audit issues affecting government entities and intend to be there to assist you on a long-term basis. It is anticipated that 4-5 full-time employees will be assigned to your audit, including the Partner and Manager supervising the engagement.

Staffing Approach

We have included the resumes for our lead government audit partner, concurring audit partner, and senior staff auditor. All staff assigned to this audit are seasoned government specialists with the training and experience that will give Nibley City the most qualified team to complete their audit in a timely, efficient manner. The training our audit staff receives complies with all government standards and requirements for continuing education. This ensures you have the most current information for your organization every year during your audit.

The key members of the engagement team consist of:

Jon Haderlie, CPA,
Lead Audit Partner

Cody Powell,
Audit Manager

Khulene Gallo,
Audit Senior

JON HADERLIE, CPA

CONTACT INFORMATION:

jhaderlie@larsco.com

801-798-3545

765 North Main
Spanish Fork, UT
84660

www.larsco.com

LEAD AUDIT PARTNER

Jon is one of our most experienced government auditors and has worked with government entities of all sizes, including special service districts, cities and towns, counties, universities, territories, and charter schools. He is well known in the government community and his knowledge of government reporting requirements is unmatched in our organization. Jon is known for assisting his clients in understanding, identifying, and implementing internal controls necessary to maintaining a healthy organization. His approach is common sense, and he has the ability to connect with his clients on every level, from staff to management and governance. His expertise includes all accounting and auditing standards and regulations as specified by the AICPA, GASB, FASB, GAAS, and GAS. Jon is licensed to practice as a CPA in the State of Utah.

Jon's academic and professional accomplishments include the following:

- MBA, Utah State University, 2009
- Bachelor of Science, Accounting, Utah Valley University 2003
- Member, Utah Association of Certified Public Accountants (UACPA)
- Controller, private industry, 2004-2007
- AICPA Not-for-Profit Certification
- Committee Chair – NextGen CPAmerica
- Vice-Chair – UACPA Local Governments
- Chair – UACPA Local Governments
- Utah Association of Counties presenter on Internal Controls, Audit Committees, and Internal Audit Functions
- Utah Association of Counties presenter on Separation of Powers
- Utah Association of Counties presenter on Preparing for your upcoming audit.

Jon's Recent Government Continuing Education Courses Completed:

- UACPA Government Conference
- Utah State Auditor's Office Governmental Auditing Update
- Guide to Audits of Local Government
- Audits of States, Local Governments, and Non-Profit Organizations
- GASB 54: Fund Balance Reporting and Governmental Fund
- Staff Audit Training
- AICPA Not-for-Profit Certification
- Uniform Guidance
- CPAmerica A&A Yellowbook

CODY POWELL

AUDIT MANAGER

Cody has become one of our most in-demand employees since he joined the firm in 2013. He is proficient in testing and auditing government entities of all sizes and types, including counties, cities, special service districts, charter schools, and others. His audit proficiency has earned him a spot working on our largest government clients. Cody is known for quickly completing audit processes and his clients appreciate his easygoing personality.

CONTACT INFORMATION:

cpowell@larsco.com

801-798-3545

765 North Main
Spanish Fork, UT
84660

www.larsco.com

Cody's academic and professional accomplishments include the following:

- Masters of Accountancy, Westminster College, 2013

Cody's Recent Government Continuing Education Courses Completed:

- UACPA Government Conference
- Utah State Auditor's Office Governmental Auditing Update
- Guide to Audits of Local Government
- Audits of States, Local Governments, and Non-Profit Organizations
- GASB 54: Fund Balance Reporting and Governmental Fund
- Staff Audit Training

KHULENE GALLO

AUDIT SENIOR

Khulene is a rising star at Larson & Company. She joined the firm in 2019 and has quickly become one of the most well-liked team members among clients. She has the ability to assist clients with their reporting requirements, accounting functions, and best-practice controls.

Khulene's academic and professional accomplishments include the following:

- Masters of Accountancy, Western Governors University, 2021

CONTACT INFORMATION:

kgallo@larsco.com

801-798-3545

765 North Main
Spanish Fork, UT
84660

www.larsco.com

Khulene's Recent Government Continuing Education Courses Completed:

- UACPA Government Conference
- Utah State Auditor's Office Governmental Auditing Update
- Guide to Audits of Local Government
- Audits of States, Local Governments, and Non-Profit Organizations
- GASB 54: Fund Balance Reporting and Governmental Fund
- Staff Audit Training

C. CLIENT REFERENCES

We think you will find our clients are exceptionally pleased with our services. Please contact any of these reference for more information.

The best and most valuable proof of our ability to deliver the services you require and deserve is evidenced by the fact that we continually serve over 50 governmental entities. The following four clients are those for whom we have performed financial statements audits and/or single audits over the last several years. We encourage you to contact these clients and ask about the quality of service provided by Larson & Company.

Tooele County
Alison McCoy, Auditor
amccoy@tooeleco.org
435-843-3310
Audit Partner: Jon Haderlie, CPA (Financial statement audit and single audit)

Duchesne County
JoAnne Evans, Clerk/Auditor
jevans@duchesne.utah.gov
435-738-1228
Audit Partner: Jon Haderlie, CPA (Financial statement audit)

San Juan County
Mack McDonald, County Manager
mmcdonald@sanjuancounty.org
435-587-3223
Audit Partner: Jon Haderlie, CPA(Financial statement audit and single audit)

Utah Association of Counties
Brandy Grace, Chief Executive Officer
brandy@uacnet.org
801-265-1331
Audit Partner: Jon S Haderlie, CPA (Financial statement audit)

Similar Engagements with Other Government Entities

We serve a wide range of governmental entities, including the following similar clients:

Other Governmental Clients:

American Samoa Government	LBJ Hospital (American Samoa)
Orem City	Delta City
Spanish Fork City	Ephraim City
American Fork City	Fairview City
Tooele City	Ivins City
City of Erda	Midvale City

Implementation of new GASB Pronouncements

As new standards are implemented, we strive to educate and assist our clients in understanding the standard. We stand ready at any time to clarify how the standards apply to each specific client. With the recent implementation of GASB 68, we met individually with each client to explain the meaning and ramifications of implementation.

D. PROPOSED APPROACH

Larson & Company understands the nature of your organization. We can begin to work right away, and you will not have to spend time each year training our staff.

Understanding of Scope of Work

We understand from your RFP document that the scope of your audit includes the following for each fiscal year of the contract period:

- Financial Report: Audited Financial Statements and Records of Nibley City and the accompanying opinion on these statements in accordance with Yellow Book;
- Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and other Matters in accordance with GAS;
- Reports Required for the Single Audit under the Uniform Guidance (if applicable), and Reporting Reqiured by the Office of the Utah State Auditor;
- Management Letter;
- All reports and bound copies with an electronic copy of each will be submitted to Nibley City **before the requested deadline**.
- These shall all be performed in accordance with:
    - Auditing standards generally accepted in the United States of America, as promulgated by the American Institute of Certified Public Accountants (AICPA);
    - The *AICPA Audits of State and Local Governmental Units* audit and accounting guide;
    - *Government Auditing Standards*, 2011 revision, published by the U.S. Government Accountability Office;
    - The *State Compliance Audit Guide*, issued by the Office of the Utah State Auditor;
    - The Single Audit Act; *Audits of States, Local Governments, and Non-Profit Organizations* under the uniform guidance (as applicable).

Specific Audit Approach

In order to understand our audit approach, it is necessary to understand the underlying philosophy of Larson & Company. Our mission statement is "Achievement Through Constant Improvement." Our founder, Dennis Larson, demonstrated to us that we are inherently happier when we are improving. Each employee is required to set goals each year that involve both business and personal aspirations. Our firm makes a constant effort to help provide everything necessary for our employees to achieve their goals. As we all strive to make improvements to our lives that we each have chosen for ourselves, we are happier. We abide by the idea that a happy employee is a productive employee. This philosophy of constant improvement carries over to our clients. We know that if we can assist you in achieving your goals, you will value our relationship, and both you and our firm will be rewarded.

When it comes to the accounting standard of professional skepticism, we believe there is a broad range within which to operate. We approach management and board of trustees in a non-adversarial way. Our process consists of testing and verification rather than challenge and confrontation. During the entire process, we understand that communication is key your success and the success of our firm. We have found that properly communicating with our clients adds value to the services we provide and ensures a lengthy, mutually beneficial, relationship.

E. PROJECT SCHEDULE

Larson & Company makes every effort to create as little disruption as possible in your day-to-day activities.

In order to achieve an efficient and effective audit, we will tailor our audit approach to fit the nature of your business and operations focusing on the likelihood of a material misstatement in the financial statements. In order to do so, it is essential for us to understand clients' needs and concerns. With this understanding, we will be better able to direct our emphasis to the areas of higher risk, focusing on the unique characteristics of your operating environment, the effectiveness of your internal control, and your financial statement amounts and disclosures.

Based on our understanding of the timetable and accounting department staffing, we propose the following tentative schedule for the audit of Nibley City's financial statements:

Initial Meetings with Management – Upon award of contract

The goal of these initial meetings is to establish effective two-way communication between auditor and management. We will discuss our overall assessments and the scope of our audit testing. Additionally we will discuss both management's responsibilities as well as our own responsibilities. Input from the audit committee will be explored in developing our understanding of the risks facing Nibley City and identifying the sources of evidence and information about specific transactions. We will also establish dates for the next phases of the audits.

Preliminary Audit Procedures – July/August 2023

During this planning phase, we will review and evaluate the internal controls of Nibley City to determine the timing and extent of our testing. We will review activity to date, update our initial risk assessments, and discuss any concerns regarding our audit procedures. We will also communicate with staff to coordinate the preparation of work papers and confirmations.

Audit Fieldwork – August/September 2023

During the testing phase we will verify asset balances, determine the completeness of liabilities and conclude our detailed examination of your financial cycles. After our fieldwork and before the issuance of our report, we will request certain representations from management in a *management representation letter*. A draft of this letter will be made available at least one week in advance of our anticipated date of signing. We are available to explain any language in the letter that is not clear to governing officials.

Issue Audited Financial Statements – September 2023

The reporting phase will begin as soon as our testing is complete. Our auditors will compile a preliminary draft report for review after fieldwork ends. We will make the report available to management and will be available to discuss any of our findings at this time. We will issue the audit reports and letters by Nibley City's requested deadline to allow management to have it to the Office of the Utah State Auditor prior to the deadline.

We will be available to meet with the audit committee during any of the above audit phases to discuss our progress. Should we encounter any significant adjustments or material weaknesses, we will discuss them with management and/or the audit committee, as appropriate, as soon as they come to our attention.

We find delays in the final report sometimes occurs as a result of not receiving timely information from third parties. We will be proactive in keeping you informed about issues remaining and may ask your assistance in receiving information from third parties to avoid delays in issuing our report.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the oversight agencies. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

Deliverables

A list of expected deliverables in connection with Nibley City's annual audit include:

1. Financial Statement Audit Report
2. Single Audit Report (when applicable)
3. Government Auditing Standards Report
4. Report on Compliance and Internal Control required by Utah State Auditor
5. Communication with Those Charged with Governance

Communication Process

Great emphasis is placed on the personal relationships we have built with our clients. Partners and managers take pride in their ability to proactively assist clients and will reach out to Nibley City to communicate any issues that might arise. You can feel confident in contacting the professionals at Larson & Company without the worry of incurring additional expense.

F: PROPOSED FEES

Larson & Company understands the pressures placed on organizations to manage costs and we believe you will find we provide an incomparable level of service at very competitive rates.

Our fee estimate is based on the complexity of the work required and considers our understanding of your present internal control and procedures together with an understanding that Nibley City will provide us with substantial assistance, including account analysis, workpaper schedules, confirmations, documentation of internal and financial controls, etc.

The "not to exceed" fee for regular assurance services for the years ending June 30, 2023-2027, is estimated below.

The following table presents the estimated hours required to complete the engagement by level.

	Standard Hourly Rates	Estimated Hours
Partners	425	6
Managers	225	12
Supervisory Staff/Seniors	185	20
Staff	155	30

The following table presents the annual not-to-exceed fee for the financial statement audit.

	Total All-inclusive Maximum Potential Price	
Year	Financial Statement Audit	Federal Single Audit under Uniform Guidance (when applicable)
2023	$12,200	$4,000
2024	$12,600	$4,000
2025	$13,000	$4,000
2026	$13,400	$4,000
2027	$13,900	$4,000
Total	$65,100	$20,000

The **Single Audit fees** are separated from the financial statement audit fees presented above, as they would be done under a separate engagement letter, and as they would apply only when applicable. Single audit fees are considered allowable costs under the Uniform Guidance.

We know you don't like fee surprises. Neither do we. We strive to be truthful, straightforward and up front in our fee discussions so there are no surprises.

Billing Issues Throughout the Year

We view our relationship with Nibley City as long-term. Additionally, we are available to you, on an ongoing basis, to discuss matters of audit, compliance, financial reporting, or anything that concerns you. We view these routine consultations as ancillary services that add value to your audit and compliance needs, not additional time that we can bill.

Any significant matters, needing exhaustive research or resources will be discussed with you and agreed upon before the work is performed. This eliminates the surprise "nickel and dime" billing you may see from accounting firms with unusually low fee quotes. These services will be billed at our standard hourly rates disclosed above.

G: NON-DISCRIMINATION CLAUSE

Larson & Company does not discriminate against any individual because of race, religion, sex, color, age, handicap, or national origin, and these are not a factor in consideration for employment, selection of training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion, or separation.

H: OUR COMMITMENT TO YOU

We are committed to placing Larson & Company's financial assurance and consulting resources at your service. Our experience auditing municipalities and other governmental entities will assist you in meeting your compliance requirements.

Our goal is to provide you with practical, timely and affordable solutions to your financial and operational needs. Ultimately, our good name and reputation rest on how well our services work for organizations like yours. Please contact us if you have questions regarding this proposal. We look forward to working with you soon.

I: PEER REVIEW REPORT

A copy of Larson & Company's most recent peer review report may be downloaded from the AICPA using the following address: https://peerreview.aicpa.org/public_file_search.html. A copy has also been attached at the end of this document. No management letter was issued in conjunction with the report, indicating a clear record with no quality control issues.

J: CONTACT INFORMATION

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Report on the Firm's System of Quality Control

October 30, 2020

To the Partners of Larson & Company, P.C.
And the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Larson & Company, P.C. (the firm), applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended April 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act, audits of employee benefit plans, and examinations of a service organization (SOC 1 and SOC 2 engagements).

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Larson & Company, P.C., applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended April 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass, pass with deficiency(ies),* or *fail*. Larson & Company, P.C. has received a peer review rating of *pass*.

Prida Guida & Perez

Prida Guida Perez P.A.

MEMBER AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
MEMBER FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Larson
CERTIFIED PUBLIC ACCOUNTANTS

November 2, 2022

Honorable Mayor and City Council
Nibley City
455 West 3200 South
Nibley, Utah 84321

Dear Mayor and Council Members:

Thank you for giving us the opportunity to submit this audit renewal. In this renewal we outline the independent auditing service we plan to provide to the City for the years ending June 30, 2023-2028.

FEE PROJECTIONS
We have prepared a preliminary time and expense budget for the next six years. In making these budget projections, we assumed that Nibley City's staff will be available to prepare schedules, prepare trial balances, and provide documentation to assist our auditors during the course of our audit. Based upon these preliminary budgets, we project that our general audit fees will not exceed those indicated in the following schedule:

Year	General Audit Fees
2023	$12,200
2024	$12,600
2025	$13,000
2026	$13,400
2027	$13,800
2028	$14,200

In the event a single audit is necessary on federal grants, the additional fees will be $4,000

Should our actual fees be less than the above proposed maximums, we would bill the lesser amount. Also, should we encounter any difficulties beyond our control that would increase our fees (such as significant GASB additions and/or corrections), we would discuss these with your audit committee prior to proceeding.

CONCLUSION
Thank you again for giving us the opportunity to continue to serve you in the years to come. We plan to continue to provide the City with excellent service, quality, and a readily available resource throughout the year. Should you have any questions regarding this renewal, please call Jon Haderlie, CPA at (801) 798-3545. We are eager to serve you and look forward to hearing from you.

Sincerely,

Jon Haderlie, CPA

Jon Haderlie, Partner
Larson & Company, PC

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