

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, August 10, 2023.

The following actions were made during the meeting:

**Councilmember Bernhardt moved to approve the bid results with Staker-Parsons for 1200 west, moving forward with phase 3, as well as seeking additional fund from the COG for phase 4. Councilmember Mann seconded the motion. The motion passed 3-0; with Councilmember Bernhardt, Councilmember Mann, and Councilmember Laursen all in favor.**

**Councilmember Bernhardt moved to approve the Ridgeline Park Subdivision Phase 5, 6 & E-L Final Plat, located at approximately 250 W 3200 S (Applicant: Visionary Homes) with the four conditions as outlined by Nibley's Engineer. Councilmember Laursen seconded the motion.**

**Voting on the motion to approve the Ridgeline Park Subdivision Phase 5, 6 & E-L Final Plat, was as follows:**

**Councilmember Bernhardt voted in favor.**

**Councilmember Laursen voted yes.**

**Councilmember Mann voted in favor.**

**The motion passed unanimously 3-0; with Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.**

**Councilmember Bernhardt moved to approve the Agreement with Jim Johnson Regarding 450 Wes, with the clarification in the agreement that the road improvement will also include sewer, culinary water, stormwater, curb and gutter and sidewalk. Councilmember Mann seconded the motion. The motion passed 3-0; with Councilmember Bernhardt, Councilmember Mann and Councilmember Laursen all in favor.**

**Councilmember Mann moved to approve Ordinance 23-28: Amending NCC 19.24.170 Landscaping: Instituting Water Wise Landscaping Requirements. Councilmember Laursen seconded the motion.**

**Mayor Jacobsen made a motion to amend that the following wording be exchanged in NCC 19.24.170, section B.4.:**

***"Turf grass is not allowed in park strips or areas less than eight (8) feet in width in new development."***

**To read**

- 3. Turf grass is not allowed in park strips in new development.**
- 4. Turf grass less than 8-ft in width is not allowed in new development.**

Councilmember Bernhardt seconded the motion. The amendment passed unanimously 3-0; with Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.

Mayor Jacobsen made a motion to amend NCC 19.24.170, A.3.a., to strike

- a. Turf grass shall be limited to no more than 50% of front and sideyard landscaped area in new residential developments. ~~Turf grass is not allowed in areas less than eight (8) feet in width.~~ Turf grass limitations do not apply to small residential lots with less than 250 square feet of landscaped area.***

and replace with wording

- a. Turf grass shall be limited to no more than 50% of front and sideyard landscaped area in new residential developments. Turf grass less than 8-feet wide is not allowed. Turf grass limitations do not apply to small residential lots with less than 250 square feet of landscaped area.***

Councilmember Laursen seconded the motion. The motion passed unanimously 3-0; with Councilmember Laursen, Councilmember Bernhardt, and Councilmember Mann all in favor.

Councilmember Laursen made a motion to amend to strike sections A.3.b. and B.5. of NCC 19.24.170. Councilmember Mann seconded the motion. The motion passed 3-0; with Councilmember Laursen, Councilmember Mann and Councilmember Bernhardt all in favor.

Voting on the amended motion to approve Ordinance 23-28 was as follow:  
Councilmember Bernhardt voted in favor.  
Councilmember Laursen vote yes.  
Councilmember Mann voted in favor.

The amended motion passed 3-0; with Councilmember Mann, Councilmember Laursen, and Councilmember Bernhardt all in favor.

Councilmember Bernhardt moved to approve Ordinance 23-27 – Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions and adopting NCC 19.20.030

**Mixed Use and NCC 19.24.270 Mobile Businesses and Food Trucks. Councilmember Mann seconded the motion.**

**Voting on the motion to approve Ordinance 23-27 was as follows:**

**Councilmember Bernhardt voted yes.**

**Councilmember Laursen vote yes.**

**Councilmember Mann voted in favor.**

**The motion passed 3-0; with Councilmember Bernhardt, Councilmember Mann, and Councilmember Laursen all in favor.**

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OFFICIAL MINUTES OF THE MEETING  
City Recorder Cheryl Bodily took minutes

**Opening Ceremonies**

Mayor Jacobsen wished Nibley City Planner, Levi Roberts the best. He described that Levi was hit on his bicycle as he was commenting to work on Monday morning. Mayor Jacobsen wished him the best.

Mayor Jacobsen led the meet in the Pledge of Allegiance.

**Call to Order and Roll Call**

Mayor Larry Jacobsen called the Thursday, August 10, 2023, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Nathan Laursen, and Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Tom Dickinson, Nibley City Engineer Cheryl Bodily, Nibley City Council Recorder and Steve Eliason, Nibley City Public Works Director was also present.

**Approval of the Previous Meeting Minutes and Current Agenda**

Mayor Jacobsen

*Councilmember Bernhardt moved to approve the July 27, 2023, meeting minutes and the current evening's agenda as outlined. Councilmember Laursen*

Mayor Jacobsen asked for a change to the landscaping ordinance that was passed for first reading, referring to incorporating his changes to the ordinance.

*General consent was given to strike the "with Jacobsen suggestions" from the 7-27-23 minutes.*

*General consent was given to remove "(Ordinance or Resolution ?)" agenda item 10.*

*The amended motion passed 3-0; with Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.*

### **Planning Commission Report**

Mr. Dickinson reported that the Planning Commission had seen two projects come forward with final plat. The first was Nibley Meadows, phases 1-3 and Phase 10 and Ridgeline Park, phases 5 and 6. The Planning Commission had discussed some changes in the newest legislative session, and the City Council had requested some training. Mr. Roberts was on schedule to incorporate the legislative changes into Nibley City code. Mr. Dickinson reported that on the next Planning Commission agenda they could consider the Gibbs rezone on 3200 south and 1300 west from Agricultural (A) to R-2.

### **Public Comment Period**

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:39 p.m.

Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:39 p.m.

### **Discussion: Landscape Easement along 1200 West**

Mr. Maughan described that the 1200 west corridor, had been on the Nibley City Master Plan the be a regional roadway through for a long time. Many efforts had been made over the years to plan for and preserve the corridor to accomplish making the road a corridor in the future. On the south half of the road additional right of way was acquired by Nibley City and put in Nibley City's name. The strip of land was dedicated to the city for the purpose of landscaping or for additional right-of-way if needed. In the northern development, which preceded the southern development, the additional right of way was not acquired and put in Nibley City's name, however, there were landscape easements put on adjacent landowners lots. Notes had been placed on the property plat map of what could or couldn't go in the easement area including permanent structures and fences. Over the years a number of fences have been constructed in the easement and In one case, a permit was actually granted, and in the middle of construction, the easement was brought to staff's attention. The permit was revoked at that point. Mr. Maughan said staff was seeking advice from the City Council of how they would like staff to move forward. Mr. Maughan described the options he'd discussed with Nibley City's attorney:

Option 1: Notify residents that have constructed fences in the easement, of the existence of the easement, and not fine or penalize, but put them on notice that the City may at some point remove their fence for landscaping purposes, as well as allow residents to construct new fences with the same notification.

Mr. Maughan was not sure if this would happen at any point in the near future but as SR-252 were extended through Nibley, there was a chance the easement could be useful but could only be sued for landscaping.

Option 2: Pursue legal action to have fences removed.

Option 3: Abandon the easement with or without compensation to the City.

Option 4: Allow the Citizen's to purchase the easement back from the City.

Mr. Maughan said staff was looking for direction from the City Council how they would like the issue handled. Councilmember Mann asked how many properties were affected by the easement. Mr. Maughan said it was approximately 15 properties. Councilmember Laursen asked if the easements were also put on those that were in Firefly Estates. Mr. Maughan recalled that Firefly Estates was required to give some open space with their development on the northwest corner but did not know specifics. Councilmember Bernhardt clarified that if they were to landscape the property, they would have to figure out maintenance for the property. Mr. Maughan said this was correct.

Mayor Jacobsen allowed members of the public to speak on this issue:

Alex Loveland of 1180 west and 2550 south said he had recently moved into the community said he'd gotten a quote to install some fencing on the back of his property and had solicited a fence application. He described his meetings with Levi Roberts. He said the easement issue affected him greatly because he had a shallow property but a wide property. Mr. Loveland asked if others had gotten a fence permit and had fences if there would be rectification from Nibley City? Mr. Maughan said he couldn't currently answer this and would have to consult with Nibley's attorney. Mr. Loveland said his preferred alternative to was to put the fence on the edge of his property line and for the City Council to abandon the easement.

Jeremy Peterson said he lived at 1175 west 2550 south and north of Mr. Loveland's property. Mr. Peterson said his preference was also that the City abandon the property. He wanted to maintain his own land and would prefer the city purchase the property. Mr. Peterson expressed how he wanted to keep his fence in place for safety and privacy and wanted to utilize his private property for his use and family. Mr. Peterson said he also had not seen the weeds along the property "knocked" down. Mr. Peterson described the process he'd undertaken to put his fence up. Mr. Peterson requested the City Council take the time to abandon the easement.

Councilmember Laursen helped determine that there was a stormwater utility easement on Mr. Peterson's property and Mr. Dickinson described the proper use of public utility easements. Councilmember Bernhardt said that in the future City Council

should stop taking easements and should always opt for the right-of-way or buy property. The Council discussed the possible value of allowing the citizens to purchase the easement. Councilmember Laursen said the Council should first decide if they wanted landscaping and if they didn't want landscaping, they knew which options to follow. He questioned if the fencing should be considered as being along a trail. Councilmember Laursen requested that the City make sure they are interpreting the fence requirements correctly. Councilmember Mann questioned how many would be affected and be required to take down their fences? Mr. Maughan said he would get this information. Councilmember Bernhardt said he would go with option 3. Councilmember Laursen said he was leaning to option 1 but changing it to notify all residents along the road whether they had a fence or not. They needed to be notified that there was an easement in place and the City needed to decide what they were going to do with the easement. Councilmember Mann ruminated if with option 1, they allowed the resident to build their fence with the instruction that they may have to move the fence. Councilmember Bernhardt felt they were dancing around the issued with option 1. Mayor Jacobsen asked Mr. Maughan to ask Rod Elwood what the cost of installing and maintaining the easement would be. Mayor Jacobsen asked Mr. Maughan to itemize the encroachment that was already in place.

#### **Discussion and Consideration: Approval of Bid Results for 1200 West and Acceptance of the Lowest Bid**

Mr. Dickinson gave a total overview of the project at the 12th west corridor. He reminded the City Council that they had been awarded a grant from the Council of Government (COG) in the amount of \$3,435,000 for construction of phases 3 & 4. Mr. Dickinson said the lowest bid for construction had come from Staker-Parsons with \$1.95 million for phase 3 and \$1.82 million for phase 4 with a total price of approximately \$3.77 million. The City Council had only budgeted for \$3.5 million in the 2023-24 budget and Mr. Dickinson said he only felt comfortable awarding phase 3 at the current time. Mr. Dickinson said they had applied in separate phases with COG, and they had exceeded the award with phase 3 but he had combined the award hoping the COG would understand they needed to start construction and he was preparing to go back to the COG with an application for the budget shortfall and then award phase 4. He felt confident that Nibley City would be awarded the shortfall for phase 4. Mr. Dickinson described other items that may change their budget numbers, stubbing in utilities for a future subdivision by Shawn Dustin.

Mr. Dickinson recommended the City Council accept the bid of \$1,944,496 for phase 3. He said Staker-Parsons had guaranteed that they would hold the phase 4 numbers for the City, most likely through November. Mayor Jacobsen reported to the Council that Nibley City would be going back to the COG to ask for full funding on phase 5 as well.

*Councilmember Bernhardt moved to approve the bid results with Staker-Parsons for 1200 west, moving forward with phase 3, as well as seeking additional fund from the COG for phase 4. Councilmember Mann seconded the motion.*

Councilmember Laursen asked for clarification of items that were requested for the project in each phase. Mr. Dickinson clarified this for Councilmember Laursen.

*The motion passed 3-0; with Councilmember Bernhardt, Councilmember Mann, and Councilmember Laursen all in favor.*

**Discussion and Consideration: Ridgeline Park Subdivision Phase 5, 6 & E-L Final Plat, located at approximately 250 W 3200 S (Applicant: Visionary Homes)**

Mr. Dickinson gave a presentation regarding this agenda item. He utilized an electronic presentation entitled, *Ridgeline Park – Phase 5-6 & E-L* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Background and Recommendation:

*“Recommend approval of Ridgeline Park Phase 5,6 & E-L Final Plat with the following conditions:*

- 1. The City Engineer provide final approval of the Construction Drawings and all supportive materials.*
- 2. Addresses on Plat need to be updated per City Planner comments.*
- 3. A private water utility agreement must be recorded with the property.*
- 4. Final approval must be obtained from Nibley- Blacksmith Fork Irrigation Company.”*

Mr. Dickinson described the parameters of suggested condition 3, a private utility agreement. He referred to a memorandum letter they had received from the applicant’s legal counsel that said the condition was not valid because it hadn’t been brought up at preliminary plat stage and if they proponent had known about the issue, they may have designed the development differently. Nibley’s legal counsel had expressed that the city was within their rights to implement the agreement, even at the current stage. Ben Steele, representing Visionary Home was present at the meeting. Mr. Steele said had the agreement come forth earlier in the stage when they negotiated the preliminary plat and RPUD, he didn’t think they would have taken any issue with it. It was the timing of the issue. Even though the code section refers to an agreement he thought it needed to be done during the development agreement or some time prior. Mr. Steele said they nothing in Nibley City code spoke to a private drive and the maintenance being put on the HOA and felt the City was double-dipping in that the residents were paying the impact and service fees and were also being burdened with the maintenance of the lines through the HOA. Mr. Steele said a public works department in the city was best poised to take on these kinds of issued and were paid to do so. Mr. Steele did not want to stall the process or and would move forward but would be doing so under protest.

Mayor Jacobsen and Mr. Steele discussed and debated that Visionary’s legal counsel letter gave reference to the State code that was not yet in effect. The Council discussed current private roads in Nibley City and if the City owned and maintained the utilities on

those roads. Mayor Jacobsen gave a history lesson regarding private roads in Nibley City. Mr. Dickinson discussed the liability of utility lines that only serviced a particular development. It shouldn't be the citizen of Nibley's responsibility to maintain lines that existed entirely for private development. Councilmember Mann clarified that Mr. Dickinson was in favor or mitigating the risk to the City. The Council discussed condition 4, *"Final approval must be obtained from Nibley- Blacksmith Fork Irrigation Company."*

*Councilmember Bernhardt moved to approve the Ridgeline Park Subdivision Phase 5, 6 & E-L Final Plat, located at approximately 250 W 3200 S (Applicant: Visionary Homes) with the four conditions as outlined by Nibley's Engineer. Councilmember Laursen seconded the motion.*

*Voting on the motion to approve the Ridgeline Park Subdivision Phase 5, 6 & E-L Final Plat, was as follows:*

*Councilmember Bernhardt voted in favor.*

*Councilmember Laursen voted yes.*

*Councilmember Mann voted in favor.*

*The motion passed unanimously 3-0; with Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.*

Seeing no objection, Mayor Jacobsen called for a short recess at 8:33 p.m.  
The meeting resumed at 8:38 p.m.

**Discussion and Consideration: Nibley Meadows Subdivision Phase 1-3 & 10 Final Plat, located at approximately 1000 W 3200 S (Applicant: 7 Point Royal, LLC)**

Mr. Dickinson gave a presentation regarding this agenda item. He utilized an electronic presentation entitled, *Nibley Meadows -Phase 1-3; 10 Final Plat* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Background and Recommendation:

*"Recommend approval of Nibley Meadows Subdivision Phase 1-3 & 10 Final Plat with the following conditions:*

- 1. The City Engineer provide final approval of the Construction Drawings and all supportive materials.*
- 2. A private water utility agreement must be recorded with the property.*
- 3. Final approval must be obtained from Nibley- Blacksmith Fork Irrigation Company."*

Travis Taylor, representing 7 Point Royal, LLC was present for the discussion. He said that condition #2 would only apply in their phase 3 and he discussed his frustration with condition 3 and described the damage caused by the delays of the irrigation company. He described how the development had met all the terms of the agreement and all the



canal company's other requests. Mr. Taylor debated the private water utility agreement, saying that it wasn't well defined and was sprung on the developer "late in the game." He said they were requiring the development to meet all city standards through the entire design process but there were no short-cuts allowed or taken on the design or installation of public utilities which were designed to Nibley City standard, including the meters. He described a water line eruption and proposed that the private water utility agreement include that the public utility owns and maintains the utilities that were designed and dedicated to the city was part of their water/sewer system. The agreement needed to also address surface restoration. He requested the City Council table discussion of phase 3 to allow for more deliberation and address phases 1 and 2. Mr. Dickinson reiterated that the agreements were valuable to mitigate risks to the City.

*Councilmember Laursen moved to approve Nibley Meadows Subdivision Phase 1-3 & 10 Final Plat, located at approximately 1000 W 3200 S (Applicant: 7 Point Royal, LLC), with conditions as presented. Councilmember Bernhardt seconded the motion.*

Councilmember Bernhardt questioned if the City owned and maintained something if there was some way to abdicate responsibility back to the HOA. Mr. Taylor said it seemed reasonable that all surface restoration would be done privately on all private assets. Councilmember Laursen admitted that he didn't know what a private water utility agreement was. He asked if there was a templated agreement that had been presented? Mr. Dickinson described that he had sent an agreement to Ben Steele. Councilmember Laursen said where the City Council hadn't seen the agreement, he was voting that the agreement was still being worked out and the recommendation my now be to consider the stipulations of the agreement. Mr. Eliason said that as an inspector they were seeing a bottom dollar guy touch a public water line and putting it back to together and potentially contaminating the system. Councilmember Laursen asked staff to send the private water line agreement to the City Council. Mr. Dickinson added the agreement to the meeting Microsoft Team. The Council and staff discussed that the agreement included provisions that City staff are notified and oversaw any repair. Councilmember Bernhardt suggested they could approve phases 1-3 and 10 with the understanding that they would bring the private water utility agreement back for modifications. Councilmember Laursen said he had voted with this intent. The City Council said any potential amendment to the water agreement should be brought back to the previous applicant, Visionary homes, as well.

*Voting to approve the Nibley Meadows Subdivision Phase 1-3 & 10 for Final Plat was as follow:*

*Councilmember Bernhardt voted in favor.*

*Councilmember Laursen voted yes.*

*Councilmember Mann voted in favor.*

*The motion passed 3-0; with Councilmember Laursen, Councilmember Bernhardt, and Councilmember Mann all in favor.*

**Discussion & Consideration: An Agreement with Jim Johnson Regarding 450 West**

Mr. Jim Johnson was present at the meeting.

Mr. Maughan reminded the City Council that they'd given staff the direction to come to an agreement that if they paid the developer that at some point in the future they would either, A. get a road. or B. never have to pay for the road again. Mr. Maughan had taken the proposed agreement to the City Attorney and had worked out an agreement that would tie the development of lot 50 and/or the lot to the east with development of the road from the extension of 450 west, south. Mr. Maughan and the City Attorney felt the agreement accomplished what the City Council had directed in that it protected the city from having to construct the west half of the road and ensured the western half of the road would be constructed when it was needed due to development.

Councilmember Bernhardt asked for the money associated with the agreement. Mr. Maughan reported that it was \$178,105. Mr. Dickinson said he had performed an engineer's estimate. Mr. Johnson had sent the estimate to a contractor who'd essentially agreed with the estimate.

Mr. Johnson gave the history of the property and the road. Mr. Johnson said the road would only need to be developed to service lot 50 (his lot) and if lot 50 were to ever be developed then the road would have to be in. When the road was needed, it would be developed, and it wouldn't be developed until it is needed. Mr. Johnson and the Council discussed residents who had installed or landscaped infrastructure on the road right-of-way. Mr. Johnson said he would be responsible to ensure the right of way was cleared; that it was his responsibility as owner of the land. This would be recorded against both pieces of property. Mr. Dickinson asked Mr. Johnson if the agreement was strong enough to clarify that water, sewer, and stormwater improvements were also included. Mr. Johnson stated he didn't mind if staff took the agreement to ensure this was clarified.

*Councilmember Bernhardt moved to approve the Agreement with Jim Johnson Regarding 450 Wes, with the clarification in the agreement that the road improvement will also include sewer, culinary water, stormwater, curb and gutter and sidewalk. Councilmember Mann seconded the motion.*

Councilmember Laursen suggested all the items that Mr. Dickinson included in his valuation be included in the agreement as an addendum.

*The motion passed 3-0; with Councilmember Laursen, Councilmember Mann and Councilmember Bernhardt all in favor.*

**Discussion and Consideration: Ordinance 23-28: Amending NCC 19.24.170  
Landscaping: Instituting Water Wise Landscaping Requirements (Second Reading)**

Mayor Jacobsen said he had objected to the way the language was worded:

*“Turf grass is not allowed in park strips or areas less than 8 feet in width in new development.”*

He felt this was unclear and reported that he had written to the State and asked if they would accept the following as alternate language in B.-4. and asked if the section could be amended to the following statements:

*“Turf grass is not allowed in park strips in new development and turf grass less than 8 feet in width is not allowed in new development.”*

*Councilmember Mann moved to approve Ordinance 23-28: Amending NCC 19.24.170 Landscaping: Instituting Water Wise Landscaping Requirements. Councilmember Laursen seconded the motion.*

*Mayor Jacobsen made a motion to amend that the following wording be exchanged in NCC 19.24.170, section B.4.:*

*“Turf grass is not allowed in park strips or areas less than eight (8) feet in width in new development.”*

*To read*

- 5. Turf grass is not allowed in park strips in new development.*
- 6. Turf grass less than 8-ft in width is not allowed in new development.*

*Councilmember Bernhardt seconded the motion. The amendment passed unanimously 3-0; with Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.*

*Mayor Jacobsen made a motion to amend NCC 19.24.170, A.3.a., to strike*

- b. Turf grass shall be limited to no more than 50% of front and sideyard landscaped area in new residential developments. ~~Turf grass is not allowed in areas less than eight (8) feet in width.~~ Turf grass limitations do not apply to small residential lots with less than 250 square feet of landscaped area.*

*and replace with wording*

- b. Turf grass shall be limited to no more than 50% of front and sideyard landscaped area in new residential developments. Turf grass less than*

*8-feet wide is not allowed. Turf grass limitations do not apply to small residential lots with less than 250 square feet of landscaped area.*

*Councilmember Laursen seconded the motion. The motion passed unanimously 3-0; with Councilmember Laursen, Councilmember Bernhardt, and Councilmember Mann all in favor.*

*Councilmember Laursen made a motion to amend to strike sections A.3.b. and B.5. of NCC 19.24.170. Councilmember Mann seconded the motion. The motion passed 3-0; with Councilmember Laursen, Councilmember Mann and Councilmember Bernhardt all in favor.*

Councilmember Mann said there was no mention of swales in the proposed ordinance. She questioned if they couldn't put grasses in swales and noted the exclusion of a definition of turf in the ordinance they were debating. The Council discussed a definition of turf grass. Mr. Maughan debated if there was a time requirement on the ordinance. Mayor Jacobsen said the State would give all the turf buyback money away if the City didn't move on the ordinance.

*Voting on the amended motion to approve Ordinance 23-28 was as follow:*

*Councilmember Bernhardt voted in favor.*

*Councilmember Laursen vote yes.*

*Councilmember Mann voted in favor.*

*The amended motion passed 3-0; with Councilmember Mann, Councilmember Laursen, and Councilmember Bernhardt all in favor.*

**Discussion & Consideration: Ordinance 23-27 – Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions and adopting NCC 19.20.030 Mixed Use and NCC 19.24.270 Mobile Businesses and Food Trucks (Second Reading)**

*Councilmember Bernhardt moved to approve Ordinance 23-27 – Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions and adopting NCC 19.20.030 Mixed Use and NCC 19.24.270 Mobile Businesses and Food Trucks. Councilmember Mann seconded the motion.*

*Voting on the motion to approve Ordinance 23-27 was as follows:*

*Councilmember Bernhardt voted yes.*

*Councilmember Laursen vote yes.*

*Councilmember Mann voted in favor.*

*The motion passed 3-0; with Councilmember Bernhardt, Councilmember Mann, and Councilmember Laursen all in favor.*

**Council and Staff Report**

Councilmember Laursen reported on the animal land use update. He felt good progress was being made.

Councilmember Laursen said street sweeping was going great.

Councilmember Mann reported that she'd met with a resident who had concerns with having a streetlight put into Firefly Circle. She shared points of her discussion with the resident with the City Council and what the resident was requesting happen. Mr. Maughan reported the research the City had done regarding payments made to the City from the developer for streetlights and on his discussion with Rocky Mountain Power of where dark sky compliant lights could be place according to code. Councilmember Laursen encouraged the resident, and he encouraged the City as well, to do more programming in the park. Mayor Jacobsen reminded the City Council of the outdoor classroom that was going in at the park. Councilmember Laursen suggested they put the Fun Run through the park. Mayor Jacobsen said he would like to see a virtual school bus go through the park every day.

Mr. Maughan reported that Waste Management had started doing some solid waste collection in the valley. Mr. Maughan said he was a little concerned with the Waste Management's communication.

Mr. Maughan reported on what he had learned about structural fire response. After further questions from the City Council, Mr. Maughan said he would follow up further.

Mr. Maughan reported on a traffic counter radar signs.

Mr. Maughan asked the City Council about computers that had been purchased and given to Councilmembers during the Covid period. He polled the City Council on if they wanted to budget replacement computers.

Mr. Maughan reported that the City had been making progress with the Nibley Blacksmith Fork Irrigation company.

Mr. Maughan said the private water line issues was becoming a State issue. Private lines had gone in and been neglected by the HOA. The State was drafting regulation that developers would have to meet public water line requirement, which would mean they have to hire a water line manager or require the systems to be taken over by the municipalities.

Mr. Eliason described the street sign replacement process.

Mayor Jacobsen asked for the Council's peer review of a letter he was drafting to Mayor Holly Daines regarding mitigation buffers on city boundaries.

Seeing no objection, the meeting was adjourned at 10:59 p.m.

Attest: \_\_\_\_\_  
City Recorder