

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, September 14, 2023.

The following actions were made during the meeting:

Councilmember Laursen moved to approve Ordinance 23-32—Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2). Councilmember Mann seconded the motion.

Voting on the motion to approve Ordinance 23-32 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten voted in favor.

The motion to passed unanimously 5-0; with Councilmember Laursen, Councilmember Mann, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten all in favor.

Councilmember Laursen moved to approve Resolution 23-11—Supporting the Board Apportionment of the Cache Valley Transit District in Compliance With Utah Code 17B-2a-807. Councilmember Sweeten seconded the motion.

Voting on the motion to approve Resolution 23-11 was as follows:

Councilmember Larsen voted was opposed.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten voted in favor.

The motion to passed 3-1; with Councilmember Laursen, Councilmember Sweeten And Councilmember Mann in favor. Councilmember Larsen was opposed.

Councilmember Larsen made a motion to direct staff to install streetlights at Sunrise Meadows, Phases 7 & 8 as presented, with Nibley City funds. Councilmember Mann seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Mann moved to approve Resolution 23-12 — Amending the Nibley City Employee Guidebook; On-Call Response and waived the second reading. Councilmember Sweeten seconded the motion.

Voting on the motion to approve Resolution 23-12 was as follows:

Councilmember Larsen voted was opposed.
Councilmember Laursen voted in favor.
Councilmember Mann voted in favor.
Councilmember Sweeten voted in favor.
Councilmember Bernhardt abstained from voting.

The motion to passed 4-1; with Councilmember Mann, Councilmember Sweeten, Councilmember Larsen, and Councilmember Laursen all in favor. Councilmember Bernhardt abstained from voting on the motion.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Nathan Laursen reflected on the anniversary of September 11 and what had been designated as Patriot Day or a National Day of Service and Remembrance. He discussed the services project that had been undertaken on this day and recognized everyone that served in the community. He discussed that coming up was September 17 or Constitution and Citizenship Day, which commemorated the signing of the US Constitution. Councilmember Laursen read from the preamble to the constitution, focusing on the words, "We the people . . ." He encouraged everyone to reflect and remember what a great country they lived in and the great communities that were here and what their purpose was.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, September 14, 2023, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Kay Sweeten, and Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Tom Dickenson, Nibley City Engineer, and Steve Eliason, Nibley City Public Works Director was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the previous meeting minutes and the evening's agenda. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Laursen, and Councilmember Mann all in favor.

Planning Commission Report

Mr. Roberts reported that the Planning Commission had cancelled their previous meeting. Three Commissioners had attended the Utah League of Cities and Towns Conference, which overlapped with the meeting. The Planning Commission would be meeting again on September 21.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:36 p.m.

Enoch Rassi who he said lived in Nibley, thanked the City Council for letting it be possible for him to be at the Morgan Farm. He raised a pig that had gone to fair. He said it was fun. Enoch said Mike and Roxie Christensen had been very nice and supportive and were good to work with. Councilmember Sweeten expressed her appreciation of the hard work Mr. Rassi had put in at the fair.

Enoch's mother thanked the City Council for making the opportunity available to youth in Nibley City. Having the farm had been a blessing to their family and could be that to other people too. She thanked the City Council for preserving the space and making it available to young people to give them the opportunity for hard work and responsibility.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:40 p.m.

Presentation: Nibley City Youth Council

Shauna Young, Adult Advisor to the Nibley City Youth Council as present at the meeting and led this discussion.

Ms. Young gave some members of the Nibley City Youth Council the opportunity to present. Kensi Hoenes discussed the activities the Nibley Youth Council loved to do and why they loved to do them. Calvin Wright also talked about the activities they liked to do. Kayla Cummings discussed the benefits of the Youth Council in that it invited the Youth to participate in the community. Lea Hugie said a benefit was to help bring the community closer together through activities and through their service. Evan Johnson discussed the Youth Council budget and the Youth Council's participation in Elected Officials Day, the leadership conference held at Utah State University, and the one day retreat they participated in. He also discussed the number of youths that participated in the Nibley Youth Council and requested a bigger budget of approximately \$1,000-1,500 so that more youth could participate in the Youth Council activities. Councilmember Sweeten asked about recruitment and participation in the Council. Councilmember Mann said the city had a budget for City art and asked the Youth Council if they had any ideas of what they could do with a few thousand dollars budgeted for public art. The Youth Council reported that they had compiled a list of artists that could be utilized and suggested a mural at the Historic City Hall or a mural on the storage containers at Anheuser Park. Councilmember Laursen asked for a structural breakdown of how others got involved with the Youth Council and if there were other things they would like to do? Ms. Young said the youth were great about advertising at the high school with word-of-mouth and the Council was also advertised on the City website. Mr. Johnson

said youth had to participate in a percentage of opportunities to participate in the bigger leadership conference opportunities.

Mayor Jacobsen asked the Youth Council to get the involved in the process of governing the City. He offered to come to a Youth Council meeting to discuss opportunities. He specifically mentioned participation in the Nibley City Parks and Recreation Advisory Committee. Councilmember Mann questioned if the Youth Council had a swearing in ceremony and suggested they implement a swearing in ceremony. Councilmember Laursen asked for the opportunity to attend a Youth Council meeting and asked for the Youth Council's participation at City Council meetings.

The Council thanked Ms. Young for her service as advisor to the Nibley Youth Council.

Mayor Jacobsen noted that Councilmember Tom Bernhardt had begun electronic participation in the meeting.

Discussion and Consideration: Ordinance 23-32—Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2A) (Second Reading)

Mr. Roberts showed where the property considered for rezone was located. He said the intent as to subdivide the property. The Planning Commission's recommendation had been for the City Council to rezone the property R-2 instead of R-2A because there was more incentive to utilize the Open Space subdivision if property were zoned R-2.

Councilmember Laursen moved to approve Ordinance 23-32—Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2). Councilmember Mann seconded the motion.

Councilmember Laursen said the applicant had indicated they wanted to have up to 60 units in the area and if zoned R-2 with an Open Space subdivision they would have 43-48 units and a Transferer of Development Rights would give them a similar number. The only way to get to the 60 number was to zone R-2A. The applicant seemed willing to make a good subdivision that was a good place to live. Councilmember Mann said residents who lived south of 3200 South had expressed a desire to have a park closer to them and a park in the rezone space could service the area. Councilmember Laursen provided concept plans, that had been provided by the applicant, that showed 60 units with no open space and a concept plan with some open space. Councilmember Laursen saw opportunities to save agricultural space and provide open space on the property.

Councilmember Bernhardt said he'd thought about the property and said this was the Council's shot to work with the developers. He suggested they zone R-2 and work with the developer to make something happen. Councilmember Larsen said he liked the open space visual buffer along 3200 that was presented in the concept plan.

*Voting on the motion to approve Ordinance 23-32 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted in favor.
Councilmember Laursen voted in favor.
Councilmember Mann voted in favor.
Councilmember Sweeten voted in favor.*

The motion to passed unanimously 5-0; with Councilmember Laursen, Councilmember Mann, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten all in favor.

Discussion and Consideration: Resolution 23-11—Supporting the Board Apportionment of the Cache Valley Transit District in Compliance With Utah Code 17B-2a-807 (Second Reading)

Todd Beutler, Director of the Cache Valley Transit District and Gregory Shannon, Nibley City representative to the Cache Valley Transit District were present at the meeting. Mr. Shannon described the code that had been changed by the State legislature and described the spirited, long discussion held at the 19 member CVTD board.

Councilmember Bernhardt left the meeting at 7:19 p.m.

Mayor Jacobsen reiterated that Resolution 23-11 would change the CVTD board so that Nibley City would share a seat with Hyrum and Millville. Councilmember Laursen asked for background of how the bill, SB 213 had been brought about and changed. Mr. Beutler summarized this background.

Mayor Jacobsen said the original grouping was to put Nibley with Providence and River Heights but without any science behind it, he felt Hyrum and Millville were better options. Mr. Beutler said that every City had passed the Resolution except for Richmond and Logan. Councilmember Mann asked about participation at each meeting with a 19-member board. Mr. Gregory felt participation was around 80%. Mr. Beutler and Councilmember Mann discussed compensation of a 9-member board versus a 19-member board. Councilmember Larsen questioned why that hadn't decided to go to an elected board instead of an appointed board. Mr. Beutler said this had been discussed and there wasn't desire for the board to become partisan. The drafting attorney had advised them to not do this at that time.

Councilmember Laursen moved to approve Resolution 23-11—Supporting the Board Apportionment of the Cache Valley Transit District in Compliance With Utah Code 17B-2a-807. Councilmember Sweeten seconded the motion.

Councilmember Laursen said it was hard to approve things when there wasn't a plan to know how to do things. That was why there was hesitation. The faster they could give a plan, the better. Councilmember Larsen described that they had \$155,000 in the Nibley

City budget that would be passed to the CVTD and that Nibley City was involved in this and requested Nibley be informed as to what they had.

Voting on the motion to approve Resolution 23-11 was as follows:

Councilmember Larsen voted was opposed.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten voted in favor.

The motion to passed 3-1; with Councilmember Laursen, Councilmember Sweeten And Councilmember Mann in favor. Councilmember Larsen was opposed.

Discussion: Cache County School District

Todd McKee Superintendent of the Cache County School District was present at the meeting. He introduced his assistant, Tim Smith.

Seeing no objection, Mayor Jacobsen called for a short Council recess at 7:49 p.m. so that staff could handle some technical difficulties. The meeting resumed at 7:54 p.m.

Mr. Smith gave a presentation and utilized an electronic presentation entitled *Room to Learn & Grow; Cache County School District 2023 Bond*. The topics included in his presentation were as follows: some statistics regarding Cache County School District, 27 Communities Served, 2013 Bond, District Growth, School Buildings Over Capacity and Portable Classrooms, All-Day Kindergarten, Building Task Force, 2023 Bond Resolution • \$139 Million, Advantages, What Exactly Are The Building Projects Proposed By This Bond?, New Hyde Park Middle School, and New Nibley Middle School.

Councilmember Sweeten said that Heritage Elementary currently had some serious traffic issues based off discussions and experiences she'd had with parents. Mr. Smith felt additional roadways and parking should help with traffic flow. Mr. Maughan said there had been discussion of the dual language immersion program impacting the Heritage school location. Mr. Smith said there had been conversation, not as a part of this issue, of relocating dual immersion over to Spring Creek Middle School that would become an elementary school.

Mr. Smith continued his presentation with discussion of the New Hyde Park Elementary School, Spring Creek Middle To Elementary Conversion, School Safety, Bond Resolution, Will My Tax Rate Increase?, Questions?, Campaign Ethics And Policy, You May, and You May Not.

Councilmember Laursen asked who was on the building task force. Mr. Smith said the board each nominated 2-3 individuals to sit on the task force. They had community members from all precincts, teachers, principals, staff members and people that had

expertise. Councilmember Larsen and Mr. Smith discussed the selection of school sites and the use of the site in Nibley. Mr. Maughan asked if the District had a schedule assuming the bond was approved. Mr. Smith described that they hoped to go to bid in the Spring and start construction in the Spring/Summer of 2024 and have schools ready to open in 2026. If the bond didn't pass there was discussion of year-round schools or more portables. Mr. Smith said the birthrate for the Valley was down, but the migration was up and there were many who lived in the Valley but did not work in the Valley. Mr. Maughan and Mr. Smith discussed the multi-family housing and the number of students from those developments. Mr. Smith discussed the relationship between Logan and Cache County School districts and their cooperation with school choice. He also discussed statistics with homeschooling, charter schooling, and internet schooling. Mr. Mann asked about all-day kindergarten. Mr. Smith described that this was an option; there was funding, but they couldn't offer it because of capacity problems. Councilmember Laursen and Mr. Smith discussed schools in the district that were below capacity and potential realignment of districts.

Discussion & Consideration: Sunrise Meadows Phase 7 & 8 Streetlights

Mr. Maughan described the location of Sunrise Meadows Phases 7 & 8 and showed the property on the Cache County Parcel viewer. He said development of these phases had happened in conjunction with the purchase of Firefly Park and there had been questions of light pollution and what to do with streetlights. There was also discussion of, and an ordinance passed, regarding Dark Sky regulations so the streetlights had been put off at Sunrise Meadows. Because of citizen concerns the issue was not being addressed.

Mr. Maughan showed the approximate location for the placement of 3 streetlights for approximately \$15,000. This money was not accounted for in the 2023-24 budget and there was no documentation that the developer had made payments for the streetlights. Staff didn't know if they could go back and try to work this out with the developer and hadn't had much success in reaching out to the developer so the Council might anticipate a budget amendment at the end of the year.

Mr. Maughan said because of the resident's concerns there had been several conversations with law enforcement regarding the safety of Firefly Park when the park closes and the public/sheriff not understanding when the park actually closed. Mr. Maughan said signage had been ordered for clarification and clarified that the park closed at the same time as every other park in Nibley City but would remain open later from May 15 through July 15 for firefly viewing.

Mr. Maughan discussed law enforcement calls to Firefly Park versus Anhder Park, noting that there wasn't much difference in the calls.

Mayor Jacobsen shared discussions he'd had with former Planner, Stephen Nelson, and former City Manager, David Zook, who'd indicated they had no further information as to why the lights had not gone up, other than the note in the development agreement.

Mr. Maughan said the lights that would be installed would be dark sky complaint and there had been discussion of blocking one side of the candlelight during the months of May through June to keep the firefly population as healthy as possible.

Councilmember Larsen made a motion to direct staff to install streetlights at Sunrise Meadows, Phases 7 & 8 as presented, with Nibley City funds. Councilmember Mann seconded the motion.

Councilmember Laursen asked if any legal documents had been sent to the developer. Mr. Maughan said there hadn't been any legal documents sent and described the efforts that had been made to contact the developer. Per the development agreement, the developer could reimburse them but there would be a balance with pursuing getting the money back from the developer and attorney's fees. Councilmember Norman Larsen said there might be a similar issue at 1350 off 3200 South. Councilmember Laursen suggested buying streetlights in bulk and Mr. Maughan described the process in place with Rocky Mountain Power.

The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Laursen, and Councilmember Sweeten all in favor.

Discussion & Consideration: Resolution 23-12 — Amending the Nibley City Employee Guidebook; On-Call Response (First Reading)

Mr. Maughan described to the City Council that a discrepancy had recently been discovered in the interpretation of how employees are paid when they are called back to work. Staff felt it would be best to amend the section as it relates to On-Call Response pay, to be clear. This is generally a rare occurrence, with the exception of snowplowing or a water leak.

Mr. Maughan said that Nibley City would like to implement the policy that if an employee were called back to work, they are compensated at time-and-a-half regardless of whether or not they had worked 40 hours during the week and accrual would start when the employee received the call and ended when the incident was resolved, and the employee left Public Works. Staff has determined that there would be very little budgetary impact on the City.

Mr. Eliason felt staff needed to be compensated for their willingness to come in and do the work. They had a great staff that would do the work. There had only been discrepancy with how the Guidebook policy was interpreted. Councilmember Mann described her interpretation of when proposed on-call time began and Mr. Eliason agreed with her interpretation.

Councilmember Mann moved to approve Resolution 23-12 — Amending the Nibley City Employee Guidebook; On-Call Response and waived the second reading. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt returned to the meeting via the electronic link at 9:04 p.m. He said he didn't feel he'd been a part of enough of the discussion to vote on the motion.

Voting on the motion to approve Resolution 23-12 was as follows:

Councilmember Larsen voted was opposed.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten voted in favor.

Councilmember Bernhardt abstained from voting.

The motion to passed 4-1; with Councilmember Mann, Councilmember Sweeten, Councilmember Larsen, and Councilmember Laursen all in favor. Councilmember Bernhardt abstained from voting on the motion.

Seeing no objection, Mayor Jacobsen called for a meeting recess at 9:06 p.m. The meeting resumed at 9:14 p.m.

Council and Staff Report

Councilmember Laursen reported on cottage meetings and was grateful for passionate citizens. They had brought up issues with a Facebook post that they'd found confusing. They'd brought up ideas of all-ability parks and bat boxes in public space to help with mosquito control.

Councilmember Laursen reiterated the lack of streetlights on 1350 west and asked for the process of when streetlights went in and asked for an inventory in the future.

Councilmember Laursen said animal land use would be heading to the Planning Commission soon.

Councilmember Laursen asked about partial roads budgeted out of the capital projects fund. He asked for an update and a timeline on those roads. Mr. Maughan, with assistance from Mr. Dickinson, updated the City Council on the budgeted partial roads.

Councilmember Laursen reported that he and Mr. Dickinson had been working on regulations regarding finished floor elevations in relation to ground water and where basements would be allowed. He said it kept the City's interest in mind regarding sewer infiltration and resident's safety.

Councilmember Sweeten reported on her attendance at the Utah League of Cities and Towns conference. She specifically reported on Community Reinvestment Agency projects.

Councilmember Sweeten reported that she had participated in the service at the Morgan Farm the previous Saturday and appreciated that hard work that went on there.

Councilmember Mann reported on her attendance at the Utah League of Cities and Town Conference and described her participation with Heritage Elementary 2nd Graders visiting Nibley City Hall.

Councilmember Mann reported on her participation in the Cache Ride Through event.

Councilmember Larsen reported on her attendance at the Utah League of Cities and Town Conference. He reported specifically on grants he would like to pursue regarding the park at Ridgeline Park.

Councilmember Larsen reported on concerns with the traffic control during construction of SR 165. Mr. Maughan reported on the actions he'd taken to make the situation better and the Council discussed their experiences on the road.

Mr. Roberts reported that the Parks and Recreation Master Plan update was moving along. He and the consultant would be at the upcoming Food Truck Roundup event.

Mr. Maughan said it was audit season and they were kicking off the audit. Every year they filled out the fraud risk assessment. A question on the assessment was if they conducted an internal audit and were looking for another volunteer to asked questions and conduct the audit. Councilmember Sweeten shared her experiences with conducting the audit. Councilmember Larsen volunteered to help with the audit.

Mr. Eliason reported that Public Works staff had spent time with other public works staff throughout the valley at a heavy equipment derby.

Mr. Eliason said the sprinklers were almost installed in the soccer field out back of City Hall and would be ready for sod soon.

Mr. Dickinson reminded the City Council of the 3200 South closure to connect the new alignment with Nibley's existing road.

Mr. Dickinson said the staff/committee had met to discuss the Ridgeline Park City park and looked at the budget to value engineer. They had a package to move forward to final design and hoped to have a bidding package by the end of the month. The LWCF grant as promised by the end of the month. They should be going to construction in winter.

Mr. Dickinson said the COG was active with road projects. Nibley had two project applications and were ranked in the top three with the technical advisory committee.

Mr. Dickinson described the process of streetlights being installed at Sunrise Meadows and said he had noted the absence of streetlights at 1350 west and in other areas of Nibley City. He said there could be further discussion of what they wanted to do in these areas, and he could conduct a complete inventory if the City Council ask, or they could proceed under the complaint-based process.

Mayor Jacobsen reported on his participation at the Utah League of Cities and Towns conference. He shared what he had learned about wetland and wetland protection.

Mayor Jacobsen reported that he had enjoyed the Cache Ride Through event and felt Nibley was on top of things regarding active transportation.

Mayor Jacobsen discussed the Utah League of Cities and Towns Legislative Policy Committee. Every member of the league is allowed three positions on this committee and Nibley's current members were David Zook and Shawn Dustin. Mayor Jacobsen said the legislative session started in January and he wanted the City Council to start thinking about which members they would like to include on the policy committee. Mayor Jacobsen said he would like to be on the committee, and he felt Mr. Maughan should be on the committee and asked if anyone else was interested in being on the committee.

Adjourn to Closed Session

Councilmember Larsen moved to adjourn to closed session to discuss Pending Litigation and the Purchase, Exchange, or Lease of Real Property Pursuant to Utah Code 52-4-205. Councilmember Sweeten seconded the motion. The motion passed 5-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.

The City Council moved to executive session at 9:52 p.m.

Return to Regular Session

The Nibley City Council returned from executive session at 10:39 p.m.

Consideration: Continuing Nibley City's request to Utah Ombudsman to issue an advisory opinion on dedication of 2600 South

Councilmember Laursen moved to continue Nibley's request for the Utah Ombudsman to issue an advisory opinion on dedication of 2600 south. Councilmember Bernhardt seconded the motion. The motion failed 2-3; with Councilmember Laursen, and Councilmember Bernhardt in favor. Councilmember Larsen, Councilmember Mann, and Councilmember Sweeten were opposed.

Seeing no objection, the meeting was adjourned at 10:43 p.m.

Attest: _____
City Recorder