

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,  
2 Nibley, Utah, on Thursday, September 28, 2023.

3  
4 The following actions were made during the meeting:

5  
6 **Councilmember Larsen moved to approve Resolution 23-14—Amending the**  
7 **Cooperative Policy & List for Non-Municipal Entities; Girl Scouts, HAM Radio**  
8 **Operators, RODS Heroes, Bridgeland Applied Technology, Astronomical Society, Rural**  
9 **Water Association of Utah, and waived the second reading. Councilmember Laursen**  
10 **seconded the motion.**

11  
12 **Mayor Jacobsen made a motion to amend to include two other entities in the**  
13 **Governmental Associations section of the Cooperative Policy; the Cache Waste**  
14 **Consortium and the Cache County Association of Mayors, at a level 1A and**  
15 **added to 2.1 of the policy. Councilmember Larsen seconded the motion. The**  
16 **motion passed unanimously 5-0; with Councilmember Larsen, Councilmember**  
17 **Bernhardt, Councilmember Laursen, Councilmember Sweeten, and**  
18 **Councilmember Mann all in favor.**

19  
20 **Mayor Jacobsen made a motion to amend Resolution 23-14 to move the Cache**  
21 **Valley Wildlife Association to 1A and be included in 3.1 of the Cooperative**  
22 **policy. Councilmember Larsen seconded the motion. The motion passed**  
23 **unanimously 5-0; with Councilmember Larsen, Councilmember Bernhardt,**  
24 **Councilmember Laursen, Councilmember Sweeten and Councilmember Mann**  
25 **all in favor.**

26  
27 **Voting on the motion to approve Resolution 23-14 was as follows:**  
28 **Councilmember Bernhardt voted in favor.**  
29 **Councilmember Larsen voted in favor.**  
30 **Councilmember Laursen voted in favor.**  
31 **Councilmember Sweeten voted in favor.**  
32 **Councilmember Mann voted in favor.**

33  
34 **The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember**  
35 **Laursen, Councilmember Bernhardt, Councilmember Sweeten, and Councilmember**  
36 **Mann all in favor.**

37  
38 **Councilmember Larsen moved to approve Resolution 23-15— Accepting the Fraud Risk**  
39 **Assessment of Nibley City for 2023 and waived the second reading. Councilmember**  
40 **Laursen seconded the motion.**

41  
42 **Voting on the motion to approve Resolution 23-15 was as follows:**  
43 **Councilmember Bernhardt voted in favor.**  
44 **Councilmember Larsen voted in favor.**

1 Councilmember Laursen voted in favor.  
2 Councilmember Mann voted in favor.  
3 Councilmember Sweeten voted in favor.

4  
5 The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember  
6 Laursen, Councilmember Bernhardt, Councilmember Sweeten, and Councilmember  
7 Mann all in favor.

8  
9 Councilmember Laursen moved to approve Resolution 23-16—Updating the Nibley  
10 City Financial Policy for Auxiliary Organizations, for first reading. Councilmember  
11 Sweeten seconded them motion. The motion passed unanimously 5-0; with  
12 Councilmember Laursen, Councilmember Sweeten, Councilmember Bernhardt,  
13 Councilmember Larsen, and Councilmember Mann all in favor.

14  
15 Councilmember Larsen moved to approve Resolution 23-17—Amending Nibley City’s  
16 Investment Policy and waived the second reading. Councilmember Sweeten seconded  
17 the motion.

18  
19 Councilmember Sweeten made a motion to amend the wording to the Nibley  
20 City Investment Policy, section “Return:”, removing the words “our objective”  
21 for the section to read:

22  
23 “Return: . . . investment is guaranteed to meet or exceed the PTIF in  
24 terms of safety, liquidity, and yield, . . .”

25  
26 Councilmember Larsen seconded the motion. The amendment passed  
27 unanimously 5-0; with Councilmember Sweeten, Councilmember Larsen,  
28 Councilmember Bernhardt, Councilmember Laursen, and Councilmember  
29 Mann all in favor.

30  
31 Councilmember Bernhardt made a substitute motion to amend “with the  
32 written approval of the City Manager”. Councilmember Laursen seconded the  
33 motion. The Amendment passed unanimously 5-0; with Councilmember  
34 Bernhardt, Councilmember Laursen, Councilmember Larsen, Councilmember  
35 Sweeten, and Councilmember Mann all in favor.

36  
37 “Return: The Public Treasurer Investment Fund (PTIF), managed by the  
38 Utah State Treasurer, shall be a benchmark investment vehicle for  
39 Nibley City against which all other city investments will be evaluated,  
40 including those that the city currently has or may consider in the future.  
41 If a new investment is guaranteed to meet or exceed the PTIF in terms  
42 of safety, liquidity, and yield, the investment may be entered into with  
43 the written approval of the City Manager.”

44

1           **The amendment passed unanimously 5-0; with Councilmember Bernhardt,**  
2           **Councilmember Laursen, Councilmember Larsen, Councilmember Sweeten, and**  
3           **Councilmember Mann all in favor.**

4  
5           **Voting on the amended motion to approve Resolution 23-17 was as**  
6           **follows:**  
7           **Councilmember Bernhardt voted in favor.**  
8           **Councilmember Larsen voted in favor.**  
9           **Councilmember Laursen voted yes.**  
10          **Councilmember Mann voted in favor.**  
11          **Councilmember Sweeten voted yes.**

12  
13          **The amended motion passed unanimously 5-0; with Councilmember Larsen,**  
14          **Councilmember Sweeten, Councilmember Bernhardt, Councilmember Laursen, and**  
15          **Councilmember Mann all in favor.**

16  
17          **Councilmember Laursen made a motion to approve Resolution 23-18— Appointments**  
18          **to the ULCT Legislative Policy Committee with the appointment of the current Mayor,**  
19          **the current City Manager and a sitting Council Member; and waived the second**  
20          **reading. Councilmember Mann seconded the motion.**

21  
22          **Voting on the motion to approve Resolution 23-18 was as follows:**  
23          **Councilmember Bernhardt voted in yes.**  
24          **Councilmember Larsen voted in favor.**  
25          **Councilmember Laursen voted yes.**  
26          **Councilmember Mann voted in favor.**  
27          **Councilmember Sweeten voted yes.**

28  
29          **The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember**  
30          **Mann, Councilmember Bernhardt, Councilmember Larsen, and Councilmember**  
31          **Sweeten all in favor.**

32  
33          **Councilmember Laursen moved to deny Resolution 23-19—Amending the 2023 Nibley**  
34          **City Council Meeting Schedule. Councilmember Bernhardt seconded the motion.**

35  
36          **Voting on the motion to deny Resolution 23-19 was as follows:**  
37          **Councilmember Bernhardt voted to approve denial.**  
38          **Councilmember Larsen voted yes.**  
39          **Councilmember Laursen voted in favor of denial.**  
40          **Councilmember Mann voted in favor.**  
41          **Councilmember Sweeten voted in favor.**

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

4  
5 **Councilmember Laursen moved to continue Amendment 2 to the 2600 South Roadway**  
6 **Agreement. Councilmember Larsen seconded the motion. The motion passed**  
7 **unanimously 5-0; with Councilmember Laursen, Councilmember Larsen,**  
8 **Councilmember Bernhardt, Councilmember Sweeten, and Councilmember Mann all in**  
9 **favor.**

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11  
12 **OFFICIAL MINUTES OF THE MEETING**  
13 **City Recorder Cheryl Bodily took minutes**

14  
15 **Opening Ceremonies**

16 Councilmember Mann reflected on her and her children’s experiences with Nibley City’s  
17 Fall recreation soccer. She thanked the staff and parent volunteers and congratulated  
18 Chad Wright on finishing another successful fall recreation soccer season.

19  
20 Councilmember Mann led the meeting in the Pledge of Allegiance.

21  
22 **Call to Order and Roll Call**

23 Mayor Larry Jacobsen called the Thursday, September 28, 2023, Nibley City Council  
24 meeting to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen,  
25 Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember  
26 Nathan Laursen, Councilmember Kay Sweeten and Councilmember Erin Mann. Justin  
27 Maughan, Nibley City Manager, Cheryl Bodily, Nibley City Recorder, Tom Dickinson,  
28 Nibley City Engineer, Chad Wright, Nibley City Recreation Director, and Amy Johnson,  
29 Nibley City Treasurer was also present.

30  
31 **Approval of the Previous Meeting Minutes and Current Agenda**

32 Councilmember Sweeten moved to approve the regular and executive session meeting  
33 minutes of September 14, 2023 and the current meeting agenda. Councilmember  
34 Norman Larsen seconded the motion.

35  
36 Mayor Jacobsen requested the spelling of an individual’s name in the September 14,  
37 2023, be corrected. The City Council gave consent to these amendment to the previous  
38 meeting minutes.

39  
40 The motion passed unanimously 5-0; with Councilmember Sweeten, Councilmember  
41 Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann  
42 all in favor.

43  
44 **Planning Commission Report**

1 Mayor Jacobsen reported that the Planning Commission had conducted an Animal Land  
2 Use workshop as the first step in that process and had approved a design modification  
3 to the Nibley Maverik. Mr. Dickinson reported the Planning Commission also held a  
4 workshop for a code change for a regulation on commercial development outside of  
5 subdivision. This would put regulation on commercial development in industrial zones.  
6

7 **Public Comment Period**

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

10  
11 Seeing public comments, Mayor Jacobsen closed the Public Comment Period at 6:36  
12 p.m.

13  
14 **Discussion and Consideration: Resolution 23-14—Amending the Cooperative Policy &**  
15 **List for Non-Municipal Entities; Girl Scouts, HAM Radio Operators, RODS Heroes,**  
16 **Bridgeland Applied Technology, Astronomical Society, Rural Water Association of Utah**  
17 **(First Reading)**

18 Mr. Wright led this discussion. He highlighted proposed changes to the cooperative  
19 policy. He described that in the policy under 8.1 that level 1A was full support and  
20 described the other support levels. Mr. Wright described how the entities Girl Scouts,  
21 RODS Heroes, HAM Radio Operators, the Cache Valley Astronomical Society, Rural  
22 Water Association of Utah, and HAM Radio Operators would be incorporated into the  
23 policy and at which level.

24  
25 Councilmember Bernhardt asked what their expectation was for each entity as far as  
26 cooperation with the community. Mr. Wright described that these guidelines were built  
27 into the partnership policy and typically the organization would allow anyone within  
28 Nibley to be a part of the organization and what they could offer the community beyond  
29 the participant experience.

30  
31 Marsha Campbell, representing the Girl Scouts of Utah, described the anticipated  
32 community service the Girl Scouts could provide. She described the areas the  
33 organization had worked in with Stokes Nature Center and she felt the organization  
34 brought to the community and bettered the community. Councilmember Sweeten  
35 asked if the Girl Scouts were in connection with the Christensen's at Morgan Farm. Ms.  
36 Campbell said they were not connected, and she would like to be connected. Ms.  
37 Campbell described the Girl Scout's community level organizations and the area level  
38 organizations and reported that a new troop that was being started in Nibley. Mayor  
39 Jacobsen noted that the Boy Scouts were being left where they were in the policy and  
40 questioned if this as because they hadn't requested to be moved within the policy. Mr.  
41 Wright said this was correct.

42  
43 Heidi Fieldstead with RODS Heroes described that Heroes was a summer run club that  
44 supported RODS Heroes. Kids with families ran for kids without families. She said the

1 kids in Nibley had raised \$5,587 in the past summer for a good cause. Mrs. Fieldstead  
2 was requesting the use of parks and some help with advertising to get more kids  
3 involved. Mr. Wright said this was a very worthy cause and met Nibley’s recreation  
4 mission of creating a happy, healthy, connected community.

5  
6 *Councilmember Larsen moved to approve Resolution 23-14—Amending the Cooperative  
7 Policy & List for Non-Municipal Entities; Girl Scouts, HAM Radio Operators, RODS Heroes,  
8 Bridgeland Applied Technology, Astronomical Society, Rural Water Association of Utah,  
9 and waived the second reading. Councilmember Laursen seconded the motion.*

10  
11 Councilmember Laursen made a motion to amend some referenced in the policy of  
12 RODS Heroes and Bridgerland Technological College. General consent was given for the  
13 amendment.

14  
15 *Mayor Jacobsen made a motion to amend to include two other entities in the  
16 Governmental Associations section of the Cooperative Policy; the Cache Waste  
17 Consortium and the Cache County Association of Mayors, at a level 1A and added to 2.1  
18 of the policy. Councilmember Larsen seconded the motion. The motion passed  
19 unanimously 5-0; with Councilmember Larsen, Councilmember Bernhardt,  
20 Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in  
21 favor.*

22  
23 *Mayor Jacobsen made a motion to amend Resolution 23-14 to move the Cache Valley  
24 Wildlife Association to 1A and be included in 3.1 of the Cooperative policy.  
25 Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with  
26 Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen,  
27 Councilmember Sweeten and Councilmember Mann all in favor.*

28  
29 General consent was given by the Council for several typographical errors noted by  
30 Mayor Jacobsen in the Cooperative policy.

31  
32 Councilmember Laursen suggested that if there were more organizations included in the  
33 policy in the future, that another level be

34  
35 *Voting on the motion to approve Resolution 23-14 was as follows:*

36 *Councilmember Bernhardt voted in favor.*

37 *Councilmember Larsen voted in favor.*

38 *Councilmember Laursen voted in favor.*

39 *Councilmember Sweeten voted in favor.*

40 *Councilmember Mann voted in favor.*

41  
42 *The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember  
43 Laursen, Councilmember Bernhardt, Councilmember Sweeten, and Councilmember Mann  
44 all in favor.*

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**Training: Open and Public Meeting Act Training**

Mayor Jacobsen, Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, Councilmember Sweeten and Councilmember Mann along with Justin Maughan, Cheryl Bodily, Tom Dickinson, Chad Wright, and Amy Johnson viewed the video entitled *Open and Public Meetings Act 2023* as provided by the Utah Office of the State Auditor Local Government Division.

**Discussion & Consideration: Resolution 23-15— Accepting the Fraud Risk Assessment of Nibley City for 2023 (First Reading)**

Ms. Johnson said the office of the State Auditor received a lot of complaints regarding fraud taking place and had developed a program to measure and reduce the risk of undetected fraud abuse and non-compliance in local governments. She said Nibley City worked hard to follow the process and improve how the auditor’s vision was carried out Ms. Johnson and described the items included in the Office of the State Auditors Fraud Risk Assessment.

Councilmember Larsen reported on his experience conducting the formal internal audit function as called for in #8 of the fraud risk assessment. He suggested once someone was elected, they should participate in the internal audit. He said Nibley’s small staff did very well “wearing a lot of hat” and had multiple checks and balances in place.

*Councilmember Larsen moved to approve Resolution 23-15— Accepting the Fraud Risk Assessment of Nibley City for 2023 and waived the second reading. Councilmember Laursen seconded the motion.*

- Voting on the motion to approve Resolution 23-15 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 passed unanimously 5-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Bernhardt, Councilmember Sweeten, and Councilmember Mann all in favor.*

**Discussion & Consideration: Resolution 23-16—Updating the Nibley City Financial Policy for Auxiliary Organizations (First Reading)**

Mr. Maughan described that staff was trying to extend their normal polices so that auxiliary organizations, such as Youth Council and those that receive money from Nibley City in the budget, follow all the same cash handling policies and accounting policies so that if they are ever questioned or become part of the audit process then everything will be clear and above board. Mr. Maughan requested that the City Council debate the

1 Resolution for first reading only and give staff time to take the policy to the heads of each  
2 organization for detailed discussion before it's passed.

3  
4 Councilmember Laursen said the policy referred to cash and questioned if there was talk  
5 of in-kind transactions or trades occurring; like when stuff or services were given away.  
6 Councilmember Laursen said Utah State had a policy that value threshold when this was  
7 treated as cash. Mr. Maughan said the City would be interested to see this because they  
8 didn't have anything like this. Councilmember Sweeten said this would be really good  
9 for the Nibley Royalty to document what they received in-kind but this type of  
10 documentation could be quite cumbersome when it came to the Nibley Children's  
11 Theatre. Mr. Wright said this would affect their donations to recreational activities like  
12 fun runs and would be a substantial amount of work. There as already some accounting  
13 that took place and staff had discussed implementing a sponsorship donation policy. Mr.  
14 Wright described that he felt it would be helpful if there were coordination between  
15 auxiliaries so that businesses were not being solicited multiple times. Councilmember  
16 Laursen said when "it" was a thing that certain value to it, it ought to be considered  
17 similarly as cash. Ms. Johnson said agreement were made in Nibley's Ethical policy and  
18 that auxiliaries were not required to sign Nibley City Ethics statement and offered that  
19 auxiliaries ought to sign the ethics statement.

20  
21 *Councilmember Laursen moved to approve Resolution 23-16—Updating the Nibley City*  
22 *Financial Policy for Auxiliary Organizations, for first reading. Councilmember Sweeten*  
23 *seconded them motion. The motion passed unanimously 5-0; with Councilmember*  
24 *Laursen, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen,*  
25 *and Councilmember Mann all in favor.*

26  
27 **Discussion & Consideration: Resolution 23-17—Amending Nibley City's Investment**  
28 **Policy (First Reading)**

29 Ms. Johnson said that recently Nibley City had the opportunity to receive more interest  
30 paid to them each month. In July, the city invested in the opportunity and later realized  
31 that the City had an investment polity that required they invest in the Public Treasurer's  
32 Investment Fund (PTIF). In order to be able to take advantage of opportunities were  
33 safety, liquidity and yield were not compromised they wanted to change the policy to  
34 allow the City to do so. She said the Resolution amendment would allow the City, as  
35 long as safety, liquidly and yield were not compromised in any way, and interest was  
36 equivalent or greater than what the PTIF offer, that they could take advantage of these  
37 investments.

38  
39 Mayor Jacobsen said past performance was not a guarantee of future performance. Was  
40 it clear that they would not do something that was not guaranteed to beat the PTIF over  
41 a period of time in the future? Mayor Jacobsen felt the policy left some question.  
42 Councilmember Bernhardt said the danger for him was that they were yielding  
43 responsibility and the City Council should was aware if the City was moving things.



1 Councilmember Laursen questioned if investments could be divided? Councilmember  
2 Mann asked if Nibley City had anyone they spoke to about financial planning or advising.  
3 Ms. Johnson said she had several contacts that she could utilize and explore ideas and  
4 she had extensive conversations with Nibley City’s Accountant, who advised the City not  
5 to split their investments. Councilmember Sweeten asked if the objectives were for  
6 safety, liquidity and yield. Ms. Johnson said these were the objectives and they were  
7 listed in the Utah Money Management Act.

8  
9 *Councilmember Larsen moved to approve Resolution 23-17—Amending Nibley City’s*  
10 *Investment Policy and waived the second reading. Councilmember Sweeten seconded*  
11 *the motion.*

12  
13 *Councilmember Sweeten made a motion to amend the wording to the Nibley City*  
14 *Investment Policy, section “Return:”, removing the words “our objective” for the section*  
15 *to read:*

16  
17 *“Return: . . . investment is guaranteed to meet or exceed the PTIF in terms of*  
18 *safety, liquidity, and yield, . . .”*

19  
20 *Councilmember Larsen seconded the motion. The amendment passed unanimously 5-0;*  
21 *with Councilmember Sweeten, Councilmember Larsen, Councilmember Bernhardt,*  
22 *Councilmember Laursen, and Councilmember Mann all in favor.*

23  
24 Councilmember Bernhardt made a motion to amend the Nibley City Investment Policy,  
25 section “Return:”, to add “with the written and documented approval of the City  
26 Manager” and for the section to read:

27  
28 *“Return: The Public Treasurer Investment Fund (PTIF), managed by the Utah State*  
29 *Treasurer, shall be a benchmark investment vehicle for Nibley City against which*  
30 *all other city investments will be evaluated, including those that the city currently*  
31 *has or may consider in the future. If a new investment is guaranteed to meet or*  
32 *exceed the PTIF in terms of safety, liquidity, and yield, the investment may be*  
33 *entered into with the written and documented approval of the City Manager.*

34  
35 Councilmember Mann seconded the motion.

36  
37 *Councilmember Bernhardt made a substitute motion to amend “with the written*  
38 *approval of the City Manager”. Councilmember Laursen seconded the motion. The*  
39 *Amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember*  
40 *Laursen, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all*  
41 *in favor.*

42  
43 *“Return: The Public Treasurer Investment Fund (PTIF), managed by the Utah*  
44 *State Treasurer, shall be a benchmark investment vehicle for Nibley City against*

1           *which all other city investments will be evaluated, including those that the city*  
2           *currently has or may consider in the future. If a new investment is guaranteed to*  
3           *meet or exceed the PTIF in terms of safety, liquidity, and yield, the investment*  
4           *may be entered into with the written approval of the City Manager.”*

5

6           *The amendment passed unanimously 5-0; with Councilmember Bernhardt,*  
7           *Councilmember Laursen, Councilmember Larsen, Councilmember Sweeten, and*  
8           *Councilmember Mann all in favor.*

9

10          The Council and City Manager discussed how the City received financial advice and that  
11          this was typically done in the city’s master plans. Councilmember Laursen asked how  
12          often Nibley City reported to the Money Management Council. Ms. Johnson said they  
13          were required to file reports quarterly and this was handled by Nibley’s accountant  
14          David Sanderson.

15

16                 *Voting on the amended motion to approve Resolution 23-17 was as follows:*  
17                 *Councilmember Bernhardt voted in favor.*  
18                 *Councilmember Larsen voted in favor.*  
19                 *Councilmember Laursen voted yes.*  
20                 *Councilmember Mann voted in favor.*  
21                 *Councilmember Sweeten voted yes.*

22

23                 *The amended motion passed unanimously 5-0; with Councilmember Larsen,*  
24                 *Councilmember Sweeten, Councilmember Bernhardt, Councilmember Laursen, and*  
25                 *Councilmember Mann all in favor.*

26

27          Ms. Johnson left the meeting at 8:01 p.m.

28

29          **Discussion & Consideration: Resolution 23-18— Appointments to the ULCT Legislative**  
30          **Policy Committee (First Reading)**

31          Mayor Jacobsen presented that Nibley could have three members on the Utah League of  
32          Cities and Towns Legislative Policy Committee. This entitled Nibley City to three votes, if  
33          and when the committee recorded a vote, to show to legislators, as a body representing  
34          the League. Mayor Jacobsen felt Nibley City should have a commitment of three votes to  
35          be a part of the legislative process.

36

37                 *Councilmember Laursen made a motion to approve Resolution 23-18— Appointments to*  
38                 *the ULCT Legislative Policy Committee with the appointment of the current Mayor, the*  
39                 *current City Manager and a sitting Council Member; and waived the second reading.*  
40                 *Councilmember Mann seconded the motion.*

41

42          Councilmember Bernhardt questioned if the appointments needed to be a name or if it  
43          could be noted as a position, such as current Nibley City Mayor, current Nibley City  
44          Manager and current sitting City Council member. Mayor Jacobsen said they were

1 making a one-time decision, and someone needed to give Justin Lee, with the League,  
2 names of people. The Council discussed which council member would fill the position on  
3 the ULCT Legislative Policy Committee.

4  
5 *Voting on the motion to approve Resolution 23-18 was as follows:*

6 *Councilmember Bernhardt voted in yes.*

7 *Councilmember Larsen voted in favor.*

8 *Councilmember Laursen voted yes.*

9 *Councilmember Mann voted in favor.*

10 *Councilmember Sweeten voted yes.*

11  
12 *The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember*  
13 *Mann, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten*  
14 *all in favor.*

15  
16 Seeing no objection, Mayor Jacobsen called for a short break at 8:12 p.m.

17  
18 The meeting resumed at 8:15 p.m.

19  
20 **Discussion & Consideration: Resolution 23-19—Amending the 2023 Nibley City Council**  
21 **Meeting Schedule (First Reading)**

22 Mr. Maughan described that he and the Mayor had an idea to amend City Council  
23 meetings to a three-week rotating schedule instead of the second and fourth Thursday.  
24 Staff is often so focused on the current meeting that it makes it difficult to get  
25 everything ready and have items ready for the next meeting. When there was a  
26 cancelation of meetings, there was sometimes a huge gap until the next meeting. The  
27 three-week rotation would give a week to wrap up issues from the last meeting, give a  
28 week to prepare for the next meeting, and give the Council a week to review the  
29 Agenda Item Report for the next meeting. Mr. Maughan discussed some pros and cons  
30 of a three-week meeting rotation:

31  
32 **Cons:**

33 Working out a schedule with the Nibley City Planning Commission.  
34 Less intuitive for citizens to know when a meeting would be.

35  
36 **Additional Pros:**

37 There would be two weeks' time to "mop up" anything that came from the  
38 Planning Commission before it came to City Council.

39  
40 Mr. Maughan said there would be three less meeting per year under a three-week  
41 rotation. He described the anticipated items for the remainder meetings in 2023.  
42 The City Council make suggestions for additional Council meetings in 2023 and discussed  
43 budgetary impacts of moving to a three-week rotation. Mr. Maughan highlighted the  
44 items scheduled for meetings for the remainder of the year. Councilmember Laursen

1 said his leaning was that the practicing of a three-week rotation would be best solved in  
2 the next year and if Mayor felt they needed another meeting he was okay with tacking  
3 on October 12. Councilmember Sweeten said she would rather try the three-week  
4 schedule out now rather than in the Spring when they had a lot of developers coming in  
5 getting ready for summer builds. Councilmember Laursen said he was more worried  
6 about staff that might already have schedules and engineers and Planning Commission  
7 and City Council members that might have plans for the rest of the year. Mayor  
8 Jacobsen said he was getting the feeling that they leave the schedule the way it was and  
9 call a special meeting if needed.

10  
11 *Councilmember Laursen moved to deny Resolution 23-19—Amending the 2023 Nibley*  
12 *City Council Meeting Schedule. Councilmember Bernhardt seconded the motion.*

13  
14 *Voting on the motion to deny Resolution 23-19 was as follows:*

15 *Councilmember Bernhardt voted to approve denial.*

16 *Councilmember Larsen voted yes.*

17 *Councilmember Laursen voted in favor of denial.*

18 *Councilmember Mann voted in favor.*

19 *Councilmember Sweeten voted in favor.*

20  
21 *The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember*  
22 *Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann*  
23 *all in favor.*

24  
25 **Discussion & Consideration: Amendment 2 to the 2600 South Roadway Agreement**

26 Mr. Maughan reported that based off vote taken by the City Council at their previous  
27 meeting, staff had drafted an amendment to the street agreement for 2600 South with  
28 Wesley Nelson Farms and Nibley Development. The City Attorney had written it and it  
29 had been posted and staff had received “red lines” from the developer on Tuesday.  
30 These were passed to Rob Patterson. The agreement was trying to take the bonding  
31 requirement out the agreement and pushed the requirement for improvements to be at  
32 the time of further subdivision or development of the property. If a building permit was  
33 requested for a subdivision further from what was currently being proposed, all the  
34 requirements of a standard subdivision would kick in along the frontage of the particular  
35 property being subdivided.

36  
37 Councilmember Bernhardt asked if this would be an item the City Council would want to  
38 consider outside of the regular City Council meeting schedule. Mayor Jacobsen said they  
39 had worked through the agreement considering the existing City Council schedule and  
40 had agreed. Mr. Maughan said the addendum 2, development agreement and the plat  
41 needed to be approved and the development agreement and plat were slated to be on  
42 the October 19 Nibley City Planning Commission Agenda.

43

1 *Councilmember Laursen moved to continue Amendment 2 to the 2600 South Roadway*  
2 *Agreement. Councilmember Larsen seconded the motion. The motion passed*  
3 *unanimously 5-0; with Councilmember Laursen, Councilmember Larsen, Councilmember*  
4 *Bernhardt, Councilmember Sweeten, and Councilmember Mann all in favor.*

5  
6 **Council and Staff Report**

7 Councilmember Sweeten agreed that the meeting they had with Nibley Development  
8 was a really good use of time and felt there were clear understandings and plans of  
9 what needed to happen.

10  
11 Councilmember Laursen asked for an update on partial roads.

12  
13 Councilmember Larsen reported that he was pleased with the internal audit. They had a  
14 great staff and he appreciated that they had written down their job descriptions.

15  
16 Mr. Maughan said Chad Wright had stolen his thunder in reporting the new soccer field  
17 and Councilmember Mann had prescheduled the first game soccer game between the  
18 City Council and the Parks and Recreation Committee.

19  
20 Mr. Maughan updated the City Council on Waste Management. Waste Management  
21 had sent a second post card out correcting the resident's collection date.

22  
23 Mr. Maughan reported that staff was having issues with the back end of the Nibley  
24 website and were unable to edit it or make changes. He described the outdated  
25 software the site had been built on and described the updating process that was taking  
26 place.

27  
28 Mr. Dickinson reported that Nibley City had received the grant money for the park at  
29 Ridgeline Park. Unfortunately, someone had "fat fingered" the numbers and the grant  
30 was approximately \$312,000 short. He hoped to apply for an adjustment or increase to  
31 recapture the \$312 and get a little more to add some of the items they had value  
32 engineered out.

33  
34 Mr. Dickinson updated the City Council on the Council of Governments (COG) and the  
35 1200 west road project. Mr. Dickinson reported that Mayor Jacobsen would present to  
36 the COG on Monday, October 2.

37  
38 Mr. Dickinson said the Firefly Park lights had a signed contract out to Rocky Mountain  
39 Power and were waiting for the returned contract, to make payment and have an  
40 executed contract with Cache Valley Electric.

41  
42 Mr. Dickinson said Dennis Wenger of Frontier USA had made a request. Mr. Dickinson  
43 had asked him for a scope of work and cost estimate to delaminate wetland and provide

1 enough documentation that they could get a jurisdictional determination on any  
2 wetland they found. This was a precursor to going into a design to widen that road.

3  
4 Mayor Jacobsen reported that he had gotten himself into a committee that was drafting  
5 legislation about the Federal Government limiting protection of wetlands and requiring  
6 that City's write a wetlands protection part into their general plan. Mayor Jacobsen said  
7 he would be writing a letter of support to the State Wetlands Coordinator looking for  
8 money to investigate these types of things. He was not happy about the State's  
9 approach to affordable housing and wetlands protection.

10  
11 Seeing no objection, the meeting was adjourned at 8:59 p.m.

12  
13  
14  
15  
16  
17  
18 Attest: \_\_\_\_\_  
19 City Recorder

Draft Minutes