

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

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Mayor Jacobsen led the meeting in a prayer.

Mayor Jacobsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, December 14, 2023, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Kay Sweeten, and Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Cheryl Bodily, Nibley City Clerk and Chad Wright, Nibley City Recreation Director was also present.

Mayor Jacobsen recognized Clair Schenk and Garrett Mansell from the Nibley City Planning Commission.

Approval of the December 6, 2023, Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the December 6, 2023, meeting minutes and the evening's agenda. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Sweeten, and Councilmember Mann all in favor.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:34 p.m.

Casey Jensen of 499 West and 3220 South said he hoped to get 4-H for the community. He hoped everything was taken into consideration; not what individuals throughout the city wanted versus what was going to be best for the community. He wanted a decision that would help the community maintain and thrive with an agricultural feel.

Ross Jacobsen of 3904 Hillside discussed what the committee that had tried to come up with what they'd like to accomplish regarding animal land use and animal rights.

Councilmember Larsen left the meeting at 6:36 p.m. and returned after just a few moments.

Mr. Jacobsen described that the committee had sought resources at Utah State University and the agriculture department. They'd gotten resources from multiple different cities and had contacted professional people. He felt they had exhausted their efforts. He mentioned the help of Holly Fronk. Mr. Jacobsen said they had the community in mind with what they were trying to do but felt they were getting derailed. Mr. Jacobsen would like to see some options for 4-H projects; specifically, something in place for market hogs. Mr. Jacobsen thanked the City Council for their support and time.

Holly Fronk of 302 Meadow View Lane thanked the City Council for the back and forth that had occurred. She appreciated better understanding. She hoped that horses at 50 points be allowed on half-acres, sheep at 15 points on all lot sizes, and chickens could be addressed better by those who owned chickens. She'd been told that chickens needed at least 5 to be a brood. Ms. Fronk hoped for a 4-H notification system and asked if something didn't pass that night, if the committee could meet again to address some of the City Council's concerns.

Eldon Buchanan, who lived straight across the street from Nibley City Hall, presented how he had heavily been involved in agriculture his whole life and Cache Valley had largely been based in agriculture. Mr. Buchanan described his history with animals. Mr. Buchanan discussed 4-H and the short amount of time an animal was typically on a property. Mr. Buchanan would like the opportunity to have his two horses but also the ability to raise a steer for meat for his family.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:45 p.m.

Recognition of Tom Bernhardt for years served on Nibley City Council

Mayor Jacobsen recognized Councilmember Bernhardt for his many years of service to City governance and presented him with a print of The Beginnings painting by Larry Winborg that hung behind the Council's dais.

Councilmember Bernhardt said he felt he had done the best job he could of representing the residents. This was easy because of an awesome City Manager and City staff. They were the ones that made the City run on a day-to-day basis. He appreciated the friendships he'd made on staff. Councilmember Bernhardt recalled some of the discussions and debates he'd participated in on the Council.

Mayor Jacobsen expressed his appreciation of Councilmember Bernhardt's family.

Discussion and Consideration: Resolution: 23-20—Appointing the Nibley/Hyrum/Millville Representative to the Cache Valley Transit District— Lieren Hansen (First Reading)

Ms. Lieren Hansen was present at the meeting.

Mayor Jacobsen asked for the City Council's consent to the appointment of Lieren Hansen to the Cache Valley Transit District Board. He described how the Cache Valley Transit District board had come to be a 9-person board.

Councilmember Mann asked which city Ms. Hansen lived in. Ms. Hansen said she lived in Millville and was currently on the CVTD board serving for Millville. She was once a driver for the CVTD. She hoped to do her best in representing Nibley City. Mayor Jacobsen asked if Ms. Hansen felt they had the correct grouping of cities on the board. Ms. Hansen described the current project the CVTD was undertaking with micro-grouping and felt that geographically Nibley, Hyrum and Millville's needs were similar. Councilmember Bernhardt asked which things she felt the Board needed to tackle. Ms. Hansen described meeting the diverse needs of a rapidly growing community, getting people to ride the bus more, and making trips more frequent and shorter. Councilmember Bernhardt encouraged the CVTD to look at their budget and ensure that public notification requirements were being upheld. Ms. Hansen reported that the current budget had been passed the previous night. They started having budget meetings in August and September and it was encouraged they understand and study their budget because it was using tax dollars and representing the community's needs. Mayor Jacobsen asked if the CVTD had included the draft budget on their website. Ms. Hansen didn't know the answer to this. Councilmember Larsen encouraged Ms. Hansen to look at the budget and encouraged her to look at the cost-per-ride, and to make sure she had a voice, even if it wasn't the mainstream voice. Mayor Jacobsen asked Ms. Hansen back in six months to report to the Council.

Councilmember Bernhardt moved to approve Resolution: 23-20—Appointing the Nibley/Hyrum/Millville Representative to the Cache Valley Transit District— Lieren Hansen and waived the second reading. Councilmember Sweeten seconded the motion.

Voting on the motion to approve Resolution 23-20 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted in favor

Councilmember Sweeten voted in favor.

Councilmember Mann voted in favor.

The motion to approve Resolution 23-20 passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, and Councilmember Mann all in favor.

Discussion and Consideration: Resolution: 23-21—Appointing members of the Nibley City Parks and Recreation Advisory Committee (First Reading)

Chad Wright, Nibley City Recreation Director was present and gave a presentation.

Mr. Wright described the recruitment procedure that had taken place to recruit replacements to the Nibley City Parks and Recreation Advisory Committee. Mr. Wright listed the proposed appointments to the committee:

Health and Wellness – Rebekah Hunt
Nature and Conservation and Outdoor Rec – Sara Anderson
Legacy – Joshua Nelson (continuing member)
Art – Matt Logan (continuing member)
Athletics – Michael Stokes
Parks, Trails, & Open Space – Kendal Welker (continuing member)
Community Events – Vicente Cordero
Events Assistant – Kaitlin Madsen
Events Assistant – Jason Clark (continuing member)

Councilmember Mann ask for specifics regarding a secretary for the Board. She asked if one of the people being appointed would be the new secretary. Mr. Wright felt it would be important for current secretary, Stacey Wright, to mentor and guide the new secretary. The committee nominated each other for President, Vice-President, and Secretary. This would take place at one of their next meetings and Ms. Wright would guide whoever was appointed the new secretary.

Councilmember Bernhardt moved to approve Resolution: 23-21—Appointing members of the Nibley City Parks and Recreation Advisory Committee and waived the second reading. Councilmember Mann seconded the motion.

*Voting on the motion to approve Resolution 23-21 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted in favor.
Councilmember Sweeten voted in favor.
Councilmember Mann voted in favor.*

The motion to approve Resolution 23-21 passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Mann, Councilmember Larsen, and Councilmember Sweeten all in favor.

Discussion and Consideration: Resolution: 23-23—Adopting the 2024 Annual Meeting Schedule for the Nibley City Council (First Reading)

Mr. Maughan described the reason that he and Mayor Jacobsen had presented two option and potential three-week rotation meeting schedule. Mayor Jacobsen said this was not an attempt to reduce the number of meetings and that it was hard to shift meetings when there was an event or holiday that in conflicted with the every-two-week meeting schedule. Mayor Jacobsen said there were three less meeting proposed on the three-week meeting rotation versus the second- and fourth-week meeting schedule. On the negative side, it was harder to keep track of meetings on the three-

week schedule. Councilmember Larsen asked if the Planning Commission had opted into the three-week schedule. Mr. Roberts said the Planning Commission would discuss this at their next meeting and would take the lead of the City Council. Mr. Roberts felt the three week meeting rotation worked better and gave an opportunity for a standard amount of time to get ready for a meeting.

Councilmember Bernhardt reminded the City Council that it seemed that some of their meetings went late into the night, and he felt the three-week schedule would not make the meetings any shorter. Councilmember Mann wondered if they needed more staff to get things done in between meetings. Mr. Maughan said he had tried to gauge the length of a meeting based on the agenda and he felt it was a “roll of the dice.” He would think the three-week schedule wouldn’t affect the length of the meeting. Staff wise, he said there were some times that they could have had more time to push information so it was available to the City Council the Friday before a meeting. He said it was a little bit of a convenience thing and a little bit of a need thing. Mayor Jacobsen said he felt there was opportunity to be more efficient in meetings. Councilmember Bernhardt expressed his concerns with the meeting schedule and the budget process. He suggested they might schedule a second meeting in June for the budget process.

Councilmember Larsen moved to approve Resolution: 23-23—Adopting the 2024 Annual Meeting Schedule for the Nibley City Council, including the three-week schedule, for first reading. Councilmember Sweeten seconded the motion.

Mayor Jacobsen recognized Councilmember Laursen’s arrival at 7:21 p.m.

Councilmember Laursen discussed that as an involved citizen, you could typically know that on a given Thursday night, any week of the month, there would be a meeting. The three-week schedule didn’t allow for that ease.

Councilmember Laursen made a substitute motion to approve Resolution: 23-23—Adopting the 2024 Annual Meeting Schedule for the Nibley City Council, including the three-week schedule, and waived the second reading. Councilmember Bernhardt seconded the motion.

Councilmember Mann suggested they add a budget meeting on June 20th and a meeting on December 18th.

Councilmember Mann made a motion to amend Resolution 23-23, adding a special budget meeting on June 20, 2024, and moving the December 26, 2024, meeting to December 18, 2024. Councilmember Sweeten seconded the motion. The amendment passed unanimously 5-0; with Councilmember Mann, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Laursen all in favor.

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

The motion the approve amended Resolution 23-23 passed unanimously 5-0; with Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all in favor.

Discussion and Consideration: Ordinance 23-39 – Amending NCC 1.10.040 Meeting; Procedure and Conduct (First Reading)

Mayor Jacobsen said Nibley City's current ordinance specifically called for City Council meetings on the second and fourth weeks of each month so there was a proposed amendment to the ordinance to remove this specificity. Mr. Maughan said this would allow the City Council more flexibility in setting their schedule and mimicked what the Planning Commission had in their ordinance. Because this was an ordinance, it required a public hearing and would require a second reading to conduct the public hearing.

Councilmember Bernhardt moved to approve Ordinance 23-39 – Amending NCC 1.10.040 Meeting; Procedure and Conduct for first reading. Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Discussion and Consideration: Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer (Third Reading)

Levi Roberts showed a screen that showed the updates that had been made to Ordinance 23-35 (a printed version of this slide is presented in the printed meeting minutes).

Councilmember Laursen moved to approve Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer as presented. Councilmember Larsen seconded the motion.

Councilmember Laursen described the zoning language that had been added for large animal points at the last meeting to residential lots between .5 acres and .75 acres and greater than .75 acres. He said he'd done this in preparation for the amendment that followed for horses at 50 points. He felt it made sense to connect the addition to zoning and to be more cohesive with the zones, what the zones were for, and the feel of a zone. Older Nibley seemed to still be separated with far setbacks. He said zoning matters and the neighborhood feel had an effect on larger animals being on lots.

Councilmember Laursen made a motion to amend Ordinance 23-35, the Large Animal Points table, to add 50 points in the column Residential Lots zoned R-E, R-1, R-1A, or R-2, excluding R-PUD overlay zones, Greater than or Equal to .5 acre and Less than .75 Acre, for horse, pony, mule, donkey, cattle: cow, heifer, or steer and lama or alpaca. Councilmember Larsen seconded the motion.

Councilmember Bernhardt said old Nibley versus new Nibley felt they were picking winners and losers based off their zoning, but he was willing to “give this a whirl.” The council debated how many large animals and total animals this would allow on a half-acre lot.

Councilmember Laursen made a substitute motion to amend Ordinance 23-35, the Large Animal Points table, to add 50 points in the column Residential Lots zoned R-E, R-1, R-1A, or R-2, excluding R-PUD overlay zones, Greater than or Equal to .5 acre and Less than .75 Acre, to include for horse, pony, mule, donkey, cattle: cow, heifer, or steer and lama or alpaca, emu, and miniature horse, donkey, cow. Councilmember Mann seconded the motion.

The City Council discussed complaints that had been received regarding animal land use and historical animal land use allowances. They also discussed if .5 acres was the appropriate amount for a large animal such as a horse or cow. They also discussed Nibley’s current setback requirements and that setback requirements would restrict animal use on .5 acres.

The amendment passed 4-1; with Councilmember Laursen, Councilmember Mann. Councilmember Bernhardt, and Councilmember Larsen all in favor. Councilmember Sweeten was opposed.

Councilmember Bernhardt made a motion to amend Ordinance 23-35, to strike number 4 under the Large Animal section, 19.34.040, dealing with the temporary boarding of horses. Councilmember Laursen seconded the motion.

Councilmember Bernhardt said enforcement of item 4 would be hard and if there weren’t a clear view of what was there, he didn’t know how the provision would be enforce. Councilmember Laursen said he had the same logic. He didn’t think they would even catch some of the instances in five days.

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

Councilmember Sweeten summarized what she had discovered about 4-H. She’d held discussion with Ms. Fronk and a number of other people of how they could make 4-H

and FFA operate abundantly in their community. They'd discussed an ordinance specific to 4-H animals, which she said presented the challenge of enforcement. Councilmember Sweeten had reached out with Providence and Kaysville and their ordinances. Neither of these entities had anything specific to 4-H but made sure their ordinances allowed lots of 4-H opportunities. With a well written ordinance, there should be opportunity to have 4-H animals and a few of them, not just a limited amount. Councilmember Sweeten discussed her concerns with smaller large animals being categorized with larger, large animals. They needed accommodations for mid-sized animals. Councilmember Sweeten discussed a notification or registration process, administered by the keepers a Morgan Farm, for 4-H animals that could be tracked with a computer program. The City use this system to collect data on how the ordinance was working, moving forward.

Councilmember Sweeten made a motion to amend Ordinance 23-35, the Large Animal Points table, in the column Residential Lots Less than .5 acre, to include 25 points under Sheep and Goat: Female or wether. Councilmember Larsen seconded the motion.

The City Council discussed the provisions of item number 2 under the Large Animal Points table.

"Animals of the same species less than twelve (12) months old of permitted large animals, with the exception of pigs, that are parented on premises shall not be counted or regulated. Pigs that are less than three (3) months old that are parented on premises shall not be counted or regulated."

Councilmember Sweeten made a substitute motion to amend Ordinance 23-35, the Large Animal Points table, in the column Residential Lots Less than .5 acre, to include 25 points under Sheep and Goat: Female or wether and amending the wording to item number 2 following the Large Animal Points table to the following:

"For lots greater than or equal to 0.75 acres, animals of the same species less than twelve (12) months old of permitted large animals, with the exception of pigs, that are parented on premises shall not be counted or regulated. Pigs that are less than three (3) months old that are parented on premises shall not be counted or regulated."

Councilmember Bernhardt seconded the substitute amendment. The substitute motion to amend passed 4-1; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, and Councilmember Mann in favor. Councilmember Laursen was opposed.

Councilmember Mann said that a lot of official miniature horse websites measure their animals by heights other than weight. She wondered about striking the phrasing of "and 200 lbs in weight" because this was how people were official classifying their miniature horses.

Councilmember Mann made a motion to amend Ordinance 23-35 amending the wording of item number 1 following the Large Animal Points table to remove "and 200 pounds in weight." Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Mann, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Mann asked for and received clarification on dog provisions for residential lots greater than or equal to .75 acres.

Councilmember Laursen moved to question. Councilmember Bernhardt seconded the motion. Mayor Jacobsen asked if there was an objection to voting. Seeing no objection, Mayor Jacobsen called for a vote.

*Voting on the motion to approve Ordinance 23-35 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted in favor.
Councilmember Laursen voted in favor.
Councilmember Sweeten voted in favor.
Councilmember Mann in voted favor.*

The motion to approve the amended Ordinance 23-35 passed unanimously 5-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Bernhardt, Councilmember Sweeten, and Councilmember Mann all in favor.

Seeing no objection, Mayor Jacobsen called for a meeting recess at 9:02 p.m. The meeting resumed at 9:13 p.m.

Discussion and Consideration: Ordinance 23-38—Amending NCC 21 and NCC 19.12.040, 19.46 and NCC 19.32; Subdivision Approval Process Amendments (Second Reading)

Councilmember Bernhardt moved to approve Ordinance 23-38—Amending NCC 21 and NCC 19.12.040, 19.46 and NCC 19.32; Subdivision Approval Process Amendments. Councilmember Larsen seconded the motion.

*Voting on the motion to approve Ordinance 23-38 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted in favor.
Councilmember Laursen voted yes.*

Councilmember Laursen asked for an update on streetlights currently being installed and partial roadways. Councilmember Laursen expressed his appreciation of Councilmember Bernhardt.

Councilmember Laursen expressed his appreciation of Councilmember Bernhardt.

Councilmember Sweeten expressed her appreciation of Councilmember Bernhardt.

Councilmember Larsen thought it was a good presentation USU gave regarding the Morgan Farm. He reported that he'd reached out the Gerald Knight and hopefully they would know if the barn at Morgan Farm could be saved and how much it would cost.

Councilmember Larsen expressed his appreciation of Councilmember Bernhardt.

Councilmember Mann reported on her attendance at the live nativity. She said Mike and Roxie Christensen did a great job.

Councilmember Bernhardt expressed his appreciation of serving with Council and staff. He said it as a unique thing they had in Nibley. The comradery and respect they had for each other was special and he hoped it carried on.

Mayor Jacobsen said he would put out another status report next week.

Mayor Jacobsen said he was very excited with where they were headed with the Planning Commission and felt they had "new life" on the Commission.

Levi said the Wesley Nelson Farm plat had been recorded and the road at 1200 West and 2600 South was now a public road.

Mr. Roberts thanked the City Council for the comments he'd received about the Parks and Recreation Master plan. He described the next steps in the master plan process.

Mr. Roberts said the active transportation plan was out for bids and asked for help from one City Council member to review proposals and score the bids. Councilmember Mann volunteer to do this.

Mr. Roberts reported he'd just submitted a grant proposal for updating the General Plan in the next year. It was from UDOT Technical Planning Assistance for a matching grant of \$40,000.

Mr. Maughan said he appreciated the City Council's participation with the Morgan Farm presentations at USU. Mr. Maughan reported that Roxie Christensen felt they were on track to receive a grant for approximately \$60,000 for the community garden at Morgan Farm. There was also a possibility of \$30,000 in a competitive grant from USU.

Mr. Maughan reported that staff had kicked off the Stormwater Master Plan

Mr. Maughan reported that staff had kicked off the design phase for Ridgeline Park park, for phase 2.

Mr. Maughan reported that the State of Utah had visited Nibley in the last week for a stormwater audit. It was a good experience and the State had come to Nibley with the attitude of helping, and a cooperative attitude.

Mr. Maughan reported they would have the indoor recreation feasibility study out for Request for Proposals (RFP) in the next week.

Seeing no objection, Mayor Jacobsen adjourned the meeting at 10:01 p.m.

Attest: *Cheryl Bodily*
City Recorder