

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, November 9, 2023.

The following actions were made during the meeting:

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

Councilmember Laursen made a substitute motion to amend to change the tables listed in NCC 19.34, adding specific residential zone to the table headings. Specifically, “Residential Lots zoned R-E, R-1, R-1A, or R-2, excluding R-PUD overlay zone. Greater than or Equal to .5 acre and Less than .75 Acre” and continuing this throughout the table in column three. The amendment passed 3-2; with Councilmember Laursen, Councilmember Larsen, and Councilmember Sweeten in favor. Councilmember Bernhardt and Councilmember Mann were opposed.

Councilmember Bernhardt moved to continued Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer having staff clarify wording for 34.040, #4 the temporary boarding of a horse and having Councilmember Laursen and Councilmember Sweeten sit down and clarify potential 4-H regulations. Councilmember Mann seconded the motion. The motion to continue passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Mann, Councilmember Larsen, Councilmember Laursen and Councilmember Sweeten in favor.

Councilmember Larsen moved to approve Ordinance 23-36: Development Agreement with Wesley Nelson Farms Inc, Allowing for a Four-Lot Subdivision of Parcel #03-007-0019, 03-007-0030, and 03-007-0031, Located at 2600 S Hwy 89/91, Setting Forth Conditions and Standards That Will Apply to the Subdivision and Future Completion of Subdivision Improvements, and waived the second reading. Councilmember Bernhardt seconded the motion.

**Voting on the motion to approve Ordinance 23-36 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 voted in favor.**

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

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 for first Reading. Councilmember Sweeten seconded the motion. The motion to approve Ordinance 23-28 for first reading passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Councilmember Laursen made a substitute motion to approve Ordinance 23-37: Amending NCC 21.06.080 FINAL PLAT APPROVAL and Adopting NCC 17.10.010 FINISHED FLOOR ELEVATION; Establishing Regulations for Basement and Finish Floor Elevations As They Relate to Groundwater for first reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Laursen moved to approve the Budget and Contract for Services with Sunrise Engineering for the Nibley City Stormwater Masterplan Update at the 96,600 negotiated rate. Councilmember Bernhardt seconded the motion. The motion passed 5-0; with Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all in favor.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Bernhardt reminisced on things he as thankful for. He was thankful for the citizens of Nibley and the time they put into ordinance and for those that participated in the Meet the Candidates meeting. He expressed his appreciation of those that had “thrown their hat in the ring.” He expressed his thanks for the country and the opportunity that was given to have open and free elections and the ability to choose their public servants.

Councilmember Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, November 9, 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. Councilmember Nathan Laursen participated in the meeting remotely using a Zoom meeting link. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Cheryl Bodily, Nibley City Recorder was also present. Chad Wright, Nibley City Recreation Director, Rod Elwood, Nibley City Parks

Manager, and Alternate Planning & Zoning Commissioner, Clair Schenk were also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Bernhardt moved to approve the minutes from the October 26, 2023, meeting and the evening's agenda as outlined. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Planning Commission Report

Mr. Roberts reported that most of the items on the City Council's agenda had been discussed by the Planning Commission. The Planning Commission had approved both the preliminary and final plat of the Wesley Nelson's Farms subdivision, contingent on approval of the development agreement by the City Council. Mr. Roberts said the Parks and Recreation Master plan was also held at Planning Commission and they had provided some feedback to the formulation of the plan.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:38 p.m.

Mariah Gnehm of 489 S 200 W in Wellsville asked about item #10. She said she was a real estate agent, and she did not like a lot of regulation. But after talking with Mr. Maughan, she agreed that if there were certain areas that the water table was too high and was going to cause a problem for the City and the homeowner then she would support that. She would like if the regulation were very clearly spelt out and easily accessible regarding what areas these were in and have it readily on the website, so a potential buyer didn't get their heart set on a basement.

Kim Jenson of 499 West and 3220 South reminded the City Council that there were a lot of public that wanted to support 4-H.

Holly Fronk of 302 Meadow View Ln. in Nibley reiterated that Wellsville had a committee to regulate 4-H animals and Providence City didn't regulate 4-H animals and hoped Nibley could come to some sort of solution for 4-H.

Seeing no objection from the City Council and seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:42 p.m.

Workshop: Parks, Recreation & Open Space Master Plan

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Nibley City Council, November 9, 2023; Nibley City Parks, Recreation, & Open Space Master Plan –*

Update, November 2, 2023 (a printed version of this presentation is included in the written meeting minutes).

Mr. Roberts recognized Saxton Petersen, a landscape designer and consultant with MGB&A who was participating in the meeting online. Mr. Roberts also recognized Chad Wright and Rod Elwood.

The topics included in Mr. Roberts presentation included the following: Process Overview, Community Engagement, Nibley Parks Candy Survey, Survey: requested amenities & programs, Survey: Requested New Park Locations, Tax Increase Support-Percentage by Age Group, and graphs represented survey question results. Recreation Director, Chad Wright gave National Recreation and Parks Association (NRPA) Data on recommended facilities. Mr. Roberts resumed discussion and discussed the alternatives the consultant had produced, Steering Committee Input, and Master Plan Alternatives.

Councilmember Mann had compared the alternative park plans and said her preferences fell in line with what the steering committee had proposed. She was leaning towards master plan, alternate 2 because it provided more spaces to gather for an organized purpose. She said the Nibley Regional park could be instrumental for future economic purposes. Councilmember Mann also gave her unpopular opinion of splash pads.

Mr. Wright shared the Parks and Recreation advisory committee's comments on the master plan alternatives.

Councilmember Laursen said he didn't find the map alternative helpful and asked for an itemized list alternative and a feasibility study that could help them as they moved forward. Councilmember Laursen said the plan should include things they valued and guidelines that might help future Councils and future committees make decisions. Mr. Roberts reported that the consultant had provided an itemized list, which he would provide to the City Council.

Mayor Jacobsen discussed the prioritization of city funds. The City Council discussed bonding for amenities and possible tax increases. They discussed the responses they'd received from the survey regarding funding parks and open spaces. Mayor Jacobsen said they would have a resource constrained plan. His questioned how specific they wanted the master plan to be or if they wanted a more generalized plan. Councilmember Sweeten thought if they kept being really broad it made it really hard to move forward with any particular thing. Mayor Jacobsen said if the plan included prioritization of projects to make a plan, he didn't know how they did this without some estimate of costs. He hoped to pull numbers out of the City's Capitol Projects plan. Mr. Maughan described that the proposed plan was based out of the Capital Projects plan. The City Council and Mr. Maughan discussed specifics of the Nibley Capital Projects plan. The Council debated if the plan included prioritization based on decisions about funding or

would they get to this after they adopted the plan. Mr. Maughan pointed out that parks and recreation seemed to be the most “fluid and fluffy” and potentially for good reasons. He described opportunities that had come up with Firefly and the park at Ridgeline Park to leverage other money. The Parks and Rec Master plan was difficult to stick to and he hoped the City Council would remember this as subdivisions came in and gave staff direction they could follow.

The Council discussed indoor recreation space with Mr. Wright reporting on his and Mr. Maughan attendance at an Athletic Business Conference. Mr. Wright described the draft Request for Proposals (RFP). Mr. Wright and Mr. Roberts both expressed that they hoped to get relative priorities for an indoor recreation facility out of the proposed master plan. Councilmember Laursen suggested the City Council had the opportunity to decide what they were going to prioritize. Mr. Elwood said with amenities the City Council needed to keep in mind they were also committing future funds for maintenance, upkeep and improvements.

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

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Nibley City Council, November 9, 2023; Animal Land Use Ordinance* (a printed version of this presentation is included in the written meeting minutes). The topics included in Mr. Roberts presentation included the following: Requested Data.

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

Councilmember Bernhardt made a motion to amend to remove footnote #4 from 19.34.040, “Temporary boarding of a horse, pony, mule or donkey for five (5) days or less is allowed and not subject to the limits of this section.”

Councilmember Bernhardt described that if a person didn’t have the amenities to normally take care of a horse or mule or donkey then they wouldn’t have the facilities to take care of a horse or mule or donkey for five days or less.

Councilmember Larsen seconded the motion.

Mr. Roberts described the reason the footnote was added by the Planning Commission. The City Council debated if the footnote should be retained for removed and a horse “sleeper”. Commissioner Schenk agreed that there may need to be clarification on the size of a lot but alternately, if someone were going cross-country, they might need a space for a horse to get out and walk around and get some exercise. He also described the scenario of a hunting group gathering animals to go hunting.

Mayor Jacobsen suggested amending the provision with the following wording: "Temporary boarding of a horse, pony, mule or donkey is allowed as a temporary increase in animal points by a factor of 1.5 for five (5) days". The Council and Mr. Roberts discussed how the proposed increase in animal use would be enforced. After debate, Mayor Jacobsen suggested the Council could take the issue up on another reading, identify the provision as a issue, and task Mr. Roberts with addressing the wording.

Seeing no objection to voting on the motion to amend, the City Council voted.

The amendment failed 1-4; with Councilmember Laursen in favor. Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann were opposed.

After considering data given by Mr. Roberts,

Councilmember Laursen made a motion to amend to change the tables listed in NCC 19.34, adding specific residential zone to the table headings. Specifically, "Residential Lots zoned Greater than or Equal to .5 acre and Less than .75 Acre in R-E, R-1, R-1A, or R-2, are allowed" and continuing the phrasing throughout the table.

Councilmember Laursen said this would exclude R-PUD overlay zones and R2a zones.

Councilmember Larsen seconded the motion.

The Council discussed the meaning and implications of Councilmember Laursen's amendment.

Councilmember Laursen made a substitute motion to amend to change the tables listed in NCC 19.34, adding specific residential zone to the table headings. Specifically, "Residential Lots zoned R-E, R-1, R-1A, or R-2, excluding R-PUD overlay zone. Greater than or Equal to .5 acre and Less than .75 Acre" and continuing this throughout the table in column three.

Rod Elwood and Chad Wright left at 8:21 p.m.

The amendment passed 3-2; with Councilmember Laursen, Councilmember Larsen, and Councilmember Sweeten in favor. Councilmember Bernhardt and Councilmember Mann were opposed.

Councilmember Laursen made a motion to amend the second column of the Large Animal Table (19.34.040) of Ordinance 23-35; adding +50 points for horse, mule, or donkey, adding +25 points for a miniature horse, donkey or cow, and adding +25 points for a llama and alpaca. Councilmember Larsen seconded the motion.

The City Council discussed the number of half-acre lots in Nibley City and specifically the number of those lots in the R-2 zone. Mayor Jacobsen expressed his concern with allowing a horse on most every half-acre lot in Nibley City. Councilmember Laursen said he had always been supportive of horses on half-acre lots in specific zones. Councilmember Sweeten discussed her observations of residents who planned for and cared for horses and uses of residential lots. The Council discussed the recommendations that had come from the animal land use committee. They debated making regulations that made a good neighbor. Mayor Jacobsen and Councilmember Laursen debated their and the Animal Land Use Committee's role in the ordinance process.

Seeing no objection to voting, the Council voted on the amendment.

The amendment failed 1-4; with Councilmember Laursen in favor. Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann were opposed.

Councilmember Sweeten shared the information she'd gathered in the past two weeks regarding 4-H with the Council. She suggested a 4-H participant would be required to notify the City of their animal. Councilmember Bernhardt said if they wanted to include a 4-H provision, he would rather send the ordinance back to committee. Councilmember Sweeten offered to bring back amended wording. Councilmember Laursen said he had a problem with recognizing just one program and questioned if they were giving preferential treatment to just one program. He described his concern an application and with requiring residents to notify the City that they were breaking the law. Mayor Jacobsen said they needed code to allow the use with conditions or unconditionally. The City Council discussed the proper space requirements for animals, according to 4-H.

Holly Fronk reported that 4-H limited the number of animals per kid. Mrs. Jenson said it was limited to one of each breed, per kid. Mrs. Fronk reported that 4-H kids needed to be between the age of 8-18, a 10-year window.

Councilmember Laursen said the City could consider specifically listing in the ordinance that they did not enforce code on those types of animals. His preference would be that they allow to the convenience of what was considered a good neighbor, a stewardship and land, and what good zoning looked like. If the Council wanted to encourage this type of program on personal lots, then they would need to allow it and outline a process if they didn't meet the point system that was in ordinance. Mayor Jacobsen would change wording that 4-H was unaffected by animal density and animal land use.

Councilmember Bernhardt moved to continued Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer having staff clarify wording for 34.040, #4 the temporary boarding of a horse and having

Councilmember Laursen and Councilmember Sweeten sit down and clarify potential 4-H regulations. Councilmember Mann seconded the motion. The motion to continue passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Mann, Councilmember Larsen, Councilmember Laursen and Councilmember Sweeten in favor.

Seeing no objection, Mayor Jacobsen called for a quick recess at 9:23 p.m.

The meeting resumed at 9:33 p.m.

Discussion and Consideration: Ordinance 23-36: Development Agreement with Wesley Nelson Farms Inc, Allowing for a Four-Lot Subdivision of Parcel #03-007-0019, 03-007-0030, and 03-007-0031, Located at 2600 S Hwy 89/91, Setting Forth Conditions and Standards That Will Apply to the Subdivision and Future Completion of Subdivision Improvements (First Reading)

Al Bingham and Joel ???, representing the Wesley Nelson Farms were present at the meeting.

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Nibley City Council, November 9, 2023; Wesley Nelson Farms Development Agreement* (a printed version of this presentation is included in the written meeting minutes). The topics included in Mr. Roberts presentation included the following: Background, the applicant's submitted subdivision plat, and Planning Commission Recommendation:

"Approval of Ordinance 23-36: Development Agreement with Wesley Nelson Farms Inc, allowing for a four lot subdivision of Parcel #03-007-0019, 03-007-0030, and 03-007-0031, located at 2600 S Hwy 89/91, setting forth conditions and standards that will apply to the subdivision and future completion of subdivision improvements"

Councilmember Larsen moved to approve Ordinance 23-36: Development Agreement with Wesley Nelson Farms Inc, Allowing for a Four-Lot Subdivision of Parcel #03-007-0019, 03-007-0030, and 03-007-0031, Located at 2600 S Hwy 89/91, Setting Forth Conditions and Standards That Will Apply to the Subdivision and Future Completion of Subdivision Improvements, and waived the second reading. Councilmember Bernhardt seconded the motion.

Voting on the motion to approve Ordinance 23-36 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 voted in favor.

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

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

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Nibley City Council, November 9, 2023; Subdivision Code Updates* (a printed version of this presentation is included in the written meeting minutes). The topics included in Mr. Roberts presentation included the following: Background, Background (cont.), Background (cont.), and Planning Commission Recommendation:

“Approval of Ordinance 23-38: Amending NCC 21 and NCC 19.12.040, 19.46 and NCC 19.32; Subdivision Approval Process Amendments”

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 for first Reading. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt asked about the timing of the process. Mr. Roberts said cities needed to adhere to the new process by February 1, 2024. Councilmember Bernhardt and Mr. Roberts discussed pros and cons of making the ordinance effective on February 1. Councilmember Bernhardt also questioned the process if the City Manager were out of town for a potential final sign off. Mr. Roberts suggested the City Council could designate in interim City Manager for that period. The City Council discussed the process of Mr. Maughan designating an acting City Manager. Councilmember Laursen said he had not looked into State code as much as he had wanted to so he was supportive of only passing the ordinance for first reading.

Due to technical difficulties, Councilmember Laursen was disconnected from the electronic presentation. While trying to reestablish the meeting connection, Councilmember Bernhardt showed Councilmember Mann an example of Max Headroom on his phone. Connection with Councilmember Larsen was reestablished at 10:08 p.m.

Councilmember Laursen said he wanted clarification on letter *D. 21.02.040 General Requirements*. He wondered if this could be cleaned up because the City already provided services to subdivisions, so potential decisions could be deferred to City Council. He also questioned letter *F*. in the same section and the requirement of referring to the City’s General Plan and only make relying on land use ordinances. Mr. Roberts described that State code didn’t recognize the General Plan as an enforceable document, and that subdivision decisions needed to be based on ordinance and code that should reflect the City’s General Plan. Councilmember Laursen asked if subdivision type decisions still considered legislative? For example, if he had a proposal for an Open

Space subdivision, he hoped the master trails plan would be referenced in the subdivision process. Mr. Roberts said this only was because Nibley's code specifically referred to the plans. Councilmember Laursen and Mr. Roberts discussed that all of H. in the same section had been deleted . . . "The establishment of requirements for the Nibley City Design Standards and Specification . . .".

The motion to approve Ordinance 23-28 for first reading passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Discussion and Consideration: Ordinance 23-37: Amending NCC 21.06.080 FINAL PLAT APPROVAL and Adopting NCC 17.10.010 FINISHED FLOOR ELEVATION; Establishing Regulations for Basement and Finish Floor Elevations As They Relate to Groundwater (First Reading)

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Nibley City Council, November 9, 2023; Basement, Finish Floor Groundwater Regulations* (a printed version of this presentation is included in the written meeting minutes). The topics included in Mr. Roberts presentation included the following: Background, National Resources Conservation Services (NRCS) data, City wide GIS groundwater information, GIS Groundwater data from Maple Valley/Meadow View, GIS Groundwater data from Mount Vista, GIS estimated groundwater, elevations was audited, NCC 21.06.080 FINAL PLAT APPROVAL, NCC 17.10.010 FINISH FLOOR ELEVATION, and Planning Commission Recommendation.

"Approval of Ordinance 23-37: Amending NCC 21.06.080 FINAL PLAT APPROVAL and Adopting NCC 17.10.010 FINISHED FLOOR ELEVATION; Establishing Regulations for Basement and Finish Floor Elevations As They Relate to Groundwater "

Councilmember Laursen moved to approve Ordinance 23-37: Amending NCC 21.06.080 FINAL PLAT APPROVAL and Adopting NCC 17.10.010 FINISHED FLOOR ELEVATION; Establishing Regulations for Basement and Finish Floor Elevations As They Relate to Groundwater and waived the second reading. Councilmember Sweeten seconded the motion.

Councilmember Mann thought the ordinance was a great idea. Mayor Jacobsen suggested the City Council decide if in situ data was needed before approving the ordinance and approve the ordinance for first reading only. He expressed his concern with blind reliance on a map for data. Councilmember Bernhardt reminisced about discussion with former City Councils of perhaps requiring developers to automatically install sump pumps. The City Council discussed the accuracy of the GIS estimated groundwater map, with Councilmember Laursen reminding the Council of the amount of water that might potentially be pumped into the sewer system. Councilmember Mann questioned if Mayor Jacobsen would prefer to have an ordinance that required people

do their own testing before building. Mayor Jacobsen agreed and described that he wanted a professional engineer's stamp on the in situ data. The City Council discussed the cost of this type of testing. The City Council observed and discussed map readings of areas around the Blacksmith Fork River. Mayor Jacobsen also questioned if they wanted to encouraged land use that encouraged two-story houses. Mayor Jacobsen requested time be given to think about if in situ data was worth it. He was concerned with blind reliance on the GIS map without having the opportunity for in situ testing. Councilmember Laursen discussed disincentivizing sump pumps and allowing residents to discharge ground water into the sewer and potentially damaging road and retention basins. He felt the ordinance was the best they could do after speaking with the City Engineer and City Manager. Mr. Roberts and Mayor Jacobsen discussed the communication process that would need to take place to make sure potential buyers were aware that basements were not allowed.

Councilmember Larsen and Councilmember Sweeten said they'd like more time to look at the ordinance.

Councilmember Laursen made a substitute motion to approve Ordinance 23-37: Amending NCC 21.06.080 FINAL PLAT APPROVAL and Adopting NCC 17.10.010 FINISHED FLOOR ELEVATION; Establishing Regulations for Basement and Finish Floor Elevations As They Relate to Groundwater for first reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Discussion and Consideration: Budget and Contract for Services with Sunrise Engineering for the Nibley City Stormwater Masterplan Update. The estimated cost of services exceeds the City's budgeted amount.

Mr. Maughan said the City Council had budgeted \$60,000 for the Stormwater Master Plan. This number was based on getting a grant of \$30,000 from the Community Impact Board (CIB). The City had sent out an RFP and gotten two bids for \$140,000ish and \$123,000. The City had accepted the low bid at \$123,000 with Sunrise Engineer and had started negotiation with Sunrise on getting the costs down. The City and Sunrise Engineers had negotiated the cost down to \$93,000. Mr. Maughan described that the canal company was an integral part of this study and how Nibley City managed storm water so there may be some contribution from the canal company to the cost of the study. Mr. Maughan said the stormwater fund was very health and staff would like the green light to sign the contract for \$96,600 to get the data gathering and update for the Stormwater Master plan.

Mayor Jacobsen asked if there would be a conflict of interest with Sunrise Engineering because they represented the canal company? Mr. Maughan said he was not really worried about conflict of interest because of the City Engineer's background, his history he was not worried, but it was possible.

Councilmember Mann asked what the rush was to get the contract signed now and not wait till the next budget cycle. Mr. Maughan said they wanted to beat the weather and get some surveying done. They also wanted Sunrise to hold their pricing and didn't want to go to RFP again. Mr. Maughan was not sure of the stipulations of the grant from the CIB. Councilmember Bernhardt said it seemed like a pretty steep jump and questioned if they were seeing significant increases in the costs of what they had anticipated. He questioned if the budget was reflecting the right amounts. Mr. Roberts and Mr. Maughan discussed the scope of the proposed master plan. Mr. Maughan discussed potential ways the overage would be reflected in the budget. Councilmember Laursen asked if there had been conversations with involving the other canal companies in the study. Mr. Maughan said staff hadn't reached out to other companies, but it had been discussed.

Councilmember Laursen moved to approve the Budget and Contract for Services with Sunrise Engineering for the Nibley City Stormwater Masterplan Update at the \$96,600 negotiated rate. Councilmember Bernhardt seconded the motion. The motion passed 5-0; with Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all in favor.

Council and Staff Report

Councilmember Sweeten said she had some pleasant visits with residents and discussing what they did with their animals.

Councilmember Larsen asked if overnight parking was being enforced along 2200 south. The City Council discussed making the entire road a "No Parking" road. Councilmember Larsen asked for staff to look into Logan's code for trailers and parking.

Councilmember Mann discussed chatting with Mr. Maughan about the walkability study and flashing crossing sign. She asked if any headway had been put into this. Mr. Roberts said they were planning to put this in as a line item in the Active Transportation Plan and described the process for this. Mr. Maughan described some signage the City was anticipating installing.

Councilmember Bernhardt said he exchanged some texts with Mayor Jacobsen about "snafoos" with Waste Management.

Councilmember Bernhardt discussed the Park, Recreation, and Open Space plan. His taxes showed \$328.48 for taxes to Nibley City. He noted the amount of his taxes that went towards the sewer bond and observed that if they added a bond for indoor recreation then his taxes would be right in line with what they paid to the Cache County School District.

Mayor Jacobsen said they would have several confirmations coming up. Tom Davis, the Nibley representative for Cache Mosquito Abatement District (CMAD) was moving. He said he would prefer a member of Council serve in this capacity. Mayor Jacobsen said they would have to make an appointment with Millville and Hyrum for the Cache Valley Transit District (CVTD).

Councilmember Laursen recommended the encourage warning for parking citation across the city for the late-night parking in Winter.

Councilmember Laursen asked for an update of lights that developers were supposed to be installing as well as partial road and wetlands delineations. Mr. Maughan gave an update on these items. Councilmember Mann reported on information she'd gotten from Mr. Dickinson on light installation at 3200 S and 1200 West for Nibley Farms and Nibley Meadow. Mr. Maughan asked for further details.

Mr. Roberts described how parking violations had typically been done in the past and described that they were very close to being able to enforce the parking standards in-house.

Mr. Maughan said per state law, Nibley City had to canvass the election prior to December 6 so the Council would need to have a meeting to canvass the election. The City Council was able to commit to a special meeting on November 30, 2023.

Mr. Maughan said signs at Firefly Park had been posted that showed the hours at the park.

Mr. Maughan said security was being updated at Nibley City Hall and other City facilities in the near future.

Mr. Maughan reported on the poor patch job on state road 165. Mr. Maughan suggested the City Council email UDOT representative David Alger. The City Council requested Mr. Maughan share Mr. Alger's email address.

Mr. Maughan said December 8 at 1:30 was a class of landscape architect students at USU that were looking at the Morgan Farm. He invited the City Council to attend this meeting.

Mr. Maughan reported the former employee, Jamie Gonzales was no longer with the City and invited the City Council to wish her well if they saw her.

Ms. Bodily reminded the Council of the Nibley City Christmas Party being held on December 13, 2023.

Ms. Bodily asked the Council to RSVP for their Thanksgiving Turkey and gave directions as to when the turkeys would be available for pick up.

Mr. Maughan said there would be some figuring out to do for the Planning Commission. They were barely meeting a quorum.

Adjourn

Seeing no objection, Mayor Jacobsen adjourned the meeting at 11:59 a.m.

Attest: *Cheryl Bodily*
City Recorder