

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, October 26, 2023.

The following actions were made during the meeting:

Councilmember Bernhardt moved to approve Resolution 23-16—Updating the Nibley City Financial Policy for Auxiliary Organizations. Councilmember Larsen seconded the motion.

Councilmember Larsen made a motion of consent to amend Resolution 23-16, changing the date to October 26 from September 28 and including the statement “Whereas, these organizations occasionally receive funds from sources other than the City budget . . . ” in the third “Whereas” statement of the coversheet. General consent was given for the changes.

Mayor Jacobsen made a motion to amend Resolution 23-16, the Conflict of Interest and Ethical Behavior Policy to read,

“The volunteer must publicly disclose the nature of the conflict and file a disclosure statement.”

Councilmember Larsen seconded the motion.

Councilmember Laursen made a substitute motion to amend Resolution 23-16, the Scope section to read,

“This policy applies to all members of any auxiliary organizations of Nibley City who are responsible for handling finances. This policy addresses ethical behavior, travel reimbursement, cash receipting, purchasing, as well as credit card use.”

And to include the recommended clause in the Conflict of Interest and Ethical Behavior Policy to eliminate the last clause and amend the section to read,

“The volunteer must publicly disclose the nature of the conflict and file a disclosure statement.”

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

**Voting on the motion to approve Resolution 23-16 was as follows:
Councilmember Bernhardt voted yes.**

**Councilmember Larsen voted in favor.
Councilmember Laursen voted in yes.
Councilmember Sweeten voted in favor.
Councilmember Mann voted in favor.**

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

Councilmember Laursen moved to adopt Addendum 2 to the 2600 South Roadway Agreement as presented by Nibley City. Councilmember Bernhardt seconded the motion.

**Voting on the motion to adopt Addendum 2 to the Street Improvement and Dedication Agreement Between Nibley Development, LLC and Nibley City dated 29 July 2021 as presented by Nibley City 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 5-0; with Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all in favor.

Councilmember Laursen moved to approve Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer, for first reading. Councilmember Sweeten seconded the motion. The motion to approve Ordinance 23-35 for first reading, passed unanimously 5-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Bernhardt moved to approve Ordinance 23-34—Updating Nibley City Code 7.06.010 - 7.06.070, Adopting Provisions for the Collection of Waste Within City Limits and waived the second reading. The motion was second by Councilmember Sweeten.

Councilmember Laursen made a motion to amend NCC 7.06.070 to read

“Placing Prohibited Items In Bins or carts: No person shall place any prohibited waste in a garbage, recycling, or other collection. The city, or the City Collector, shall provide a warning prior to further enforcement

actions related to the placement of prohibited waste in collection bins, which warning shall provide a list or description of prohibited waste.”

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

Voting on the motion to approve Ordinance 23-34 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted in favor.

Councilmember Mann voted in favor.

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

Councilmember Sweeten moved to approve Ordinance 23-33—Amending Public improvements Required with Commercial, Industrial and Institutional Site Plan Approval and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion to approve Ordinance 23-33—was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted in favor.

Councilmember Mann voted in favor.

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

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Sweeten reminisced about becoming an American citizen and being able to say the Pledge of Allegiance, officially as an American citizen.

Councilmember Sweeten led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, October 26, 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 Nathan Laursen, Councilmember Kay Sweeten and Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Cheryl Bodily, Nibley City Recorder, Tom Dickinson, Nibley City Engineer, and Steve Eliason, Nibley City Public Works Director was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Laursen moved to approve the September 28, 2023 meeting minutes and the evening's agenda. Councilmember Sweeten seconded the motion.

Mayor Jacobsen described that Councilmember Laursen had provided some typographical meeting minute corrections to the Recorder that had not substantively changed the meeting minutes.

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

Planning Commission Report

Mr. Roberts reported that the Planning Commission had discussed the Animal Land Use ordinance and had recommended approval of the ordinance to the City Council. The City Council had this item on their agenda. Mr. Roberts reported that the Planning Commission had held a workshop on subdivision code changes, specially addressing a State mandate to change the subdivision process. The change took the City Council out of the subdivision process as far as administrative approval. Mr. Roberts described that the Cache County School district had given a similar presentation regarding their bond, that had been given to the City Council.

Public Comment Period

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

Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:36 p.m.

Presentation: CAPSA—Domestic Violence Awareness Month

Conner Simmons, a CAPSA Case Worker was present at the meeting. He gave a statement regarding CAPSA's last year and the impact they'd had over the past year. Mr. Simmons described that it was Domestic Violence Awareness Month. Mr. Simmons encouraged all community members and leaders to take an active role in ending

domestic violence and supporting survivors. He also encouraged education awareness and advocating for change. Mr. Simmons asked if the Council had any questions.

Councilmember Sweeten expressed appreciation for the services provided by CAPSA. She said their organization was really important. Mr. Simmons left an impact report with the City.

Mayor Jacobsen described that on a related topic, there was a seasonal Winter Overflow Emergency Shelter Program which provided \$750,000 to everything outside of Salt Lake City to help homeless, unsheltered people in the winter. He was pleased to see that CAPSA had received approximately \$39,000 to help for the winter. The tri-county area had received about \$350,000 of the \$750,000 that was available throughout the State, after the Salt Lake area is removed. Mayor Jacobsen encouraged the Council to speak with him or someone at the Bear River Association of Governments if they knew of someone that needed shelter in the winter.

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

Mr. Maughan said this was a financial policy the City wanted to adopt to make sure that all the auxiliary organizations that received money from the Nibley City budget; that the money they spent or received was accounted for and clearly had a record or trail. There had been no problems with auxiliary organizations to date and the City wanted to get out ahead of any potential problems by adopting a policy.

Mr. Maughan described that staff had incorporated the cash handling policy, ethics policy, and the credit card policy into the auxiliary policy and had clarified what constituted a gift or a charitable donation, which was anything of value above \$250. Mr. Maughan said the requirement for initials had also been added to each page.

Councilmember Bernhardt moved to approve Resolution 23-16—Updating the Nibley City Financial Policy for Auxiliary Organizations. Councilmember Larsen seconded the motion.

Councilmember Larsen made a motion of consent to amend Resolution 23-16, changing the date to October 26 from September 28 and including the statement “Whereas, these organizations occasionally receive funds from sources other than the City budget . . . ” in the third “Whereas” statement of the coversheet. General consent was given for the changes.

Mayor Jacobsen made a motion to amend Resolution 23-16, the Conflict of Interest and Ethical Behavior Policy to read,

“The volunteer must publicly disclose the nature of the conflict and file a disclosure statement.”

Councilmember Larsen seconded the motion.

Councilmember Laursen and Mayor Jacobsen discussed if a disclosure statement were necessary. Councilmember Bernhardt asked if they were expecting anyone that volunteered to sign the Financial Policy for Auxiliary Organizations. Mr. Maughan said the intent was that only person that would sign the policy would be the designated manager of the organization or auxiliary. They would be responsible to understand the policy and disclose the information in the policy, to others in their organization.

Councilmember Laursen said the managers would be the ones that signed the whole document so they wouldn't find if every volunteer had a conflict of interest unless the auxiliary manager put for the effort to individually investigate each one. He felt the conflict-of-interest statement and signed disclosure could be geared to the managing person and less to all volunteers. Mayor Jacobsen didn't feel the policy was geared towards just managers. The City Council discussed differing scenarios of auxiliary volunteers receiving monetary or in-kind donations.

Councilmember Laursen made a substitute motion to amend Resolution 23-16, the Scope section to read,

"This policy applies to all members of any auxiliary organizations of Nibley City who are responsible for handling finances. This policy addresses ethical behavior, travel reimbursement, cash receipting, purchasing, as well as credit card use."

And to include the recommended clause in the Conflict of Interest and Ethical Behavior Policy to eliminate the last clause and amend the section to read,

"The volunteer must publicly disclose the nature of the conflict and file a disclosure statement."

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

Voting on the motion to approve Resolution 23-16 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted in yes.

Councilmember Sweeten voted in favor.

Councilmember Mann voted in favor.

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

Discussion & Consideration: Addendum 2 to the 2600 South Roadway Agreement

Al Bingham, representing Nibley Development and the Wesley Nelson Farms was participating in the meeting via the Zoom electronic presentation. Mr. Maughan presented that the only disagreement in the presented in the City's version of the addendum was when the 1-year warranty period began. Nibley City ordinance stated that the warranty period began when a final inspection was completed, and any issues found were identified and corrected and rectified. Mr. Maughan said the City had done a final inspection and noted a few deficiencies and all deficientness had been corrected except for some substantial asphalt deflection on the west end. Mr. Dickinson noted that work had started on the deficiencies. Mr. Dickinson described the history of the development of the road at 2600 South with Mayor Jacobsen clarifying to the public that that the road being discussed was a private road that the City was discussing taking on as a public road. Mr. Dickinson described that after final inspection, staff had noticed some deficiencies. He was not sure what had caused the deficiencies so soon after the road had been opened and suggested the City Council "stick to their guns" and maintain the warranty on the road. After prompting by Councilmember Mann, Mr. Dickinson described what deflection was. The City Council discussed when the proposed warranty period start and what portion of the road would be warranted.

Mayor Jacobsen read the portion of the addendum the road owner wanted the City Council to approve that differed from the version suggested by staff.

Al Bingham, who was participating via Zoom said there were three things he wanted to address from Le Grand. He said the road was completed almost two years ago and the City had stopped work on the road and Le Grand would be granting a three-year warranty on the road. Mr. Bingham said the additional two inches would have the warranty and the repairs still had the warranty. Mr. Bingham discussed the inspections of the road. He was frustrated that they had promises of things that would be done and they hadn't been done. Mr. Bingham discussed water on the road from two ponds near the intersections that had settled the road about an inch. Mr. Bingham said the City needed to take responsibility and step up and accept responsibility for the problems they'd caused and contributed to with the road delay. He could not go back to Le Grand and ask then to warranty the road for another year. He felt Le Grand was fair to warranty the two inches and the repairs. Councilmember Laursen asked Mr. Bingham for the third point he wanted to address. Mr. Bingham clarified that it was two items: the warranty of the two inches and the repairs. Mayor Jacobsen said he disagreed with Mr. Bingham when he said the City stopped the project. He reminded Mr. Bingham that he had launched an advisory opinion with the Property Rights Ombudsman to answer the question. The City had fulfilled their requirement to respond to the Ombudsman and the City Council have voted to leave the decision of if the City acted legally by

stopping their project. If they needed to go back to the ombudsman to answer that question, he was willing to do so but was not in agreement that the City stopped Mr. Bingham's project.

Mr. Maughan observed that they had lost electronic contact with Mr. Bingham. Mr. Dickinson said if a stormwater pond is overflowing on top of a road, it was a construction or a design issue. Either it was error of omission, if the contractor built the road too high or the engineering on the road wasn't sound. He didn't know if that was the City's problem or the City's fault. Mayor Jacobsen noted that Mr. Bingham had texted him that he was moving to get a better connection. Councilmember Laursen asked for a clarification that the agreement was between Nibley City and Nibley Development so the warranty wasn't necessarily between Nibley City and Le Grand construction. It was between Nibley City and Nibley Development.

While the City Council waited for Mr. Bingham to reconnect to the meeting, Mayor Jacobsen described the typical Nibley City road development process to the public present.

Mr. Dickinson restated his comments regarding stormwater ponds and the road settling. Councilmember Larsen asked for clarification of the inspection process, which Mr. Dickinson described. Mr. Dickinson said the last official inspection was done by the City a couple weeks ago when the deficiencies were discovered. Councilmember Mann asked if the City Council had gotten a written request for an inspection from the developer. Mr. Dickinson said inspections were coordinated through Nibley's Public Works Inspector, Tyler McCary, and Mr. Dickinson was not aware that a written request for inspection had been received. The City viewed the amendments to the addendum suggested by the developer and discussed the amendment. The Council discussed staff's concerns with the condition of the road and that staff believed the entire road should have the additional warranty. Mr. Eliason described why the initial pavement of the road had not been completed. Councilmember Bernhardt said he was not excited about the amendment to the addendum and reminded the City Council that the developer had wanted to open the road with only three inches of asphalt and since opening the road, they were already seeing issues.

Councilmember Laursen moved to adopt Addendum 2 to the 2600 South Roadway Agreement as presented by Nibley City. Councilmember Bernhardt seconded the motion.

Councilmember Sweeten asked for clarification of the motion and where that put the City in regard to taking ownership of the street. Mr. Roberts said the applicant had applied for a four-lot subdivision of the property with dedication of the roadway included in the subdivision. There was also a development agreement that would require the additional improvement to the private road. The Planning Commission would consider the preliminary and final plat of the subdivision on their next agenda. If the development agreement is approved by the Planning Commission and would likely

come to the next City Council agenda and if the development agreement were approved, then when the document and plat were recorded. Then the road would be public at that point. Councilmember Mann asked what would happen if the proponent disagreed with what the City Council approved. Mayor Jacobsen said there was additional negotiation between the proponent and staff and there may be additional compromise.

Councilmember Laursen moved the previous question. Mayor Jacobsen asked if any on the City Council had objection to voting and saw no objection.

Voting on the motion to approve Addendum 2 to the Street Improvement and Dedication Agreement Between Nibley Development, LLC and Nibley City dated 29 July 2021 as presented by Nibley City 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 5-0; with Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all in favor.

Councilmember Laursen moved to suspend the agenda, moving current agenda items 11 and 12 next on the agenda.

Mayor Jacobsen asked consent for a short break and for suspension of the agenda to address items 11 and 12. The City Council had no objection.

The meeting recessed at 7:58 p.m. The meeting resumed at 8:04 p.m.

Public Hearing: Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer

Mr. Roberts led this presentation. He utilized an electronic presentation entitled *Nibley City Council; October 26, 2023, Animal Land Use Ordinance* (a printed version of this presentation is included in the printed meeting minutes). The topics of his presentation included the following: Background, Summary of Recommended ordinance changes, Planning Commission/Staff Recommended additions, Specific adjustments to points (currently only apply to lots greater than 0.75 acre), Horse Limit Changes graph, Hen Chicken Limit Changes graph, and Planning Commission Recommendation.

Mayor Jacobsen gave direction to the public present and opened the public hearing at 8:29 p.m.

Casey Jensen of 499 West and 2200 South asked the City Council to take into consideration temporary land use permits for animal use, allotting more points to a property based on circumstances. There would be a permitting process that a landowner would have to go through with a fee attached which would weed out people who would just like more animals. He said this was a consideration for 4-H animals. Mr. Jensen discussed the objectives of a 4-H animal. The animal would have to be tagged by the County to be included in the fair. There is a potential for impact to the neighbors but there should be minimal impact if the animal were taken care of according to fair animal standards. Mr. Jensen discussed the impact to his home with the development at Ridgeline Park. He said 4-H gave children the opportunity to take care of an animal and be a better human being and adult. He wanted more consideration for 4-H animals. He said there were circumstances that didn't allow the children to utilize Morgan Farm for 4-H animals.

Kade Vollmer of 1371 West 3390 South questioned if there were changes considered to separate quail and pheasants. Mayor Jacobsen asked if the changes were relevant to what the Planning Commission had considered or what the current ordinance was. Mr. Roberts recalled that the points for quail and pheasants were 2; the difference was that they applied to smaller lots where they were limited. Mr. Vollmer discussed the size of a quail and the impact he felt they had on the residence. He did not feel quail should be categorized the same as pheasants and he continued with a comparison of quail versus pheasants. He felt like rabbits and quail, the majority in Nibley City were using them to subsidize their grocery bill every month and offset their grocery costs. Mr. Vollmer felt most people used rabbit to offset their budgets and used them for meat. He said the points for rabbit should be much less than a chicken or duck. He said quail should be regulated by the size of the structure they were housed in and humanly kept. He didn't believe quails should have points and that rabbits should be lower.

Holly Fronk of 302 Meadow View Lane read a note from Roxie Christensen regarding a standardized chart to measure mini-horses that was by height and not weight. Mrs. Fronk asked if horses could be allowed on a half-acre lot and possibly cows and companion animals. If not, she would like to consider a conditional use permits or case-by-case. She also recommended a separate residential zoning on the older outskirts of Nibley where residents had traditionally had larger animals. She asked that chicken points be taken down from 5 points. Mrs. Front suggested sheep and goats should be put to 15 point for a third-acre and up. Ms. Fronk wanted a conditional use permit process for 4-H animals. She thought conservation land needed to be clearly defined. She knew two individuals who had moved-in under conservation lots that felt they could have animal but had found they were not allowed animals.

Danny Froerer of 474 West 3600 South said he agreed with Mr. Jensen in that they lived in an agricultural area and "you deal with it or you move." He agreed with Mr. Vollmer regarding points about rabbits and quail and seconded what he had said about rabbits and quail. He made note of the number of chickens allowed, saying he lived on a .123

acre lot and noted that the graph was misleading because the graph was based off a 2 acre limit. Mr. Roberts clarified the number of chickens allowed on Mr. Froerer's lot. Mr. Froerer said there was no point to two chickens, and it was not worth his time. Mr. Froerer said the limits and setbacks for property line allowed him a very small area of his lot where he could house animals. He asked that this point be addressed.

Kim Jensen of 499 West and 3220 South echoed what her husband said about 4-H animals. 4-H had become a passion for her child. She was on a conservation lot and had been into the city trying to find answers to the requirements on her lot. She represented the difficulties of housing 4-H animals at the Morgan Farm. She would like 4-H animals to be considered on a case-by-case basis. She discussed egg production in flocks of chickens. She suggested chickens be enforced by a nuisance ordinance and not a point value system.

Landon Jacobson of 260 Hillside Drive had a couple points of concern. His lot was subdivided in 1976 and they had come to the City before purchasing the property and had been given the direction that they could have horses, cows, and livestock on their property. They had developed their property to humanly house animals and not cause nuisance with mess or smells. He supported the conditional use process, especially for individuals in the 4-H program. He asked the City Council to consider what animals did for the community and described community interactions with his and other animals. Mr. Jacobson referred to the painted mural behind the City Council and noted that most of the images were agricultural related and asked the Council to keep the history and heritage of Nibley City.

Kay Jacobsen of 3904 Hillside Drive said animals effected a very small percentage of Nibley citizens but they were pretty passionate about them. Ms. Jacobson said the 50 points allotted a for a horse on a half-acre was not shown on the chart. Referring to the table again, she said sheep and goats need to be 15 points as previously allowed. Ms. Jacobson asked about a clause for keeping animal cooped on smaller lots and keeping the points the same for chickens on smaller lots so that smaller lots could have more chickens. She was supportive of a conditional use permit process. Mr. Jacobson said Morgan Farm would not meet all the requirement for 4-H animals in Nibley City.

Bob Thomas of 3936 Hillside Drive seconded what the committee had put together he appreciated that contiguous properties should be combined and used as a combined lot. He seconded the idea that companion animals were more docile and would be more content to stay in their areas. In his neighborhood he appreciated the fact that neighbors could bring their grass to his property and recycle it over to his cows. He had noticed there were a lot of people that brought their kids and grandkids to see their animals.

Casey Jensen shared an experience that he felt reflected the value of having animals and said he wanted to maintain the value of animals in Nibley City.

Mayor Jacobsen read comments from Ledy Vankavage into the record:

"Thank you. The cat number seems incredibly restrictive. I would think the animal control officer would have more important things to do with his or her time than trying to count cats. You might considering to restricting the numbers to unsterilized or fertile cats. You could tell if they don't comply by the presence of kittens."

Denise Buchanan of 472 West 3200 South discussed the process she'd gone through to figure out how many animals she could have on her conservancy lot and felt there should be totally different requirements on a conservancy lot. She was frustrated with the verbal direction they had been given by the City. They'd had a steer and two horses, and they would only have two horses now. She was grateful that the point system would change so she could have two horses on .88 acres. Ms. Buchanan told the Council that Providence City did not police 4-H animals. She expressed her appreciation of 4-H and her perceived benefits of 4-H animals.

Kay Jacobson asked for clarification of the point system for a horse. Mayor Jacobsen and staff helped describe the points for a horse on a half-acre lot.

Seeing no further public comments and no objection from the City Council, Mayor Jacobsen closed the public hearing at 9:13 p.m.

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

Mayor Jacobsen described the first and second reading process the City Council undertook when considering a Nibley City ordinance.

Councilmember Laursen moved to approve Ordinance 23-35—Amendments to NCC 19.34 Animal Land Use Regulations and 9.02.030 Animal Control Officer, for first reading. Councilmember Sweeten seconded the motion.

Councilmember Laursen thanked those who had participated on the Animal Land Use committee: himself, Councilmember Erin Mann, Holly Fronk, Eldon Buchanan, Ross Jacobson, Roxie & Mike Christensen, Mayor Larry Jacobsen, Claire Schenk and Garrett Mansell from the Planning Commission, Jamie Gonzales and Levi Roberts.

Councilmember Laursen described the process the committee had followed. He said many cases were hard to enforce or hard to measure. He felt what they had now was better than what they had before. He was proud of what the committee had brought together. Councilmember Mann said she was also impressed with the community involvement. Councilmember Sweeten asked for the decision making of not just letting nuisance take care of animal land use. Councilmember Laursen said the nuisance process put the neighbors in the position of having to tattle on their neighbors and he

was not in favor of a neighbor dictating whether of his property rights were the same as someone who lived across the city somewhere else. Instead of his rights being granted because of the nature of being a property owner, his rights were now granted because of how his neighbors felt about it; it was not going to work all the time. Mayor Jacobsen said it made it really hard for enforcement to make any sense. It was hard to enforce a, “this is how I feel about it” ordinance. Mayor Jacobsen shared how a nuisance complaint had started the process that led the City to the process of amending the Animal Land Use ordinance. Councilmember Laursen said he hoped it was abundantly clear that Nibley City elected officials and city staff were not trying to get rid of animals. He noted that less than 5% of Nibley was zoned agricultural and he believed most of this was Morgan Farm. Councilmember Larsen asked the City Council to discuss amending and including llamas, alpacas, and miniature horses on half-acre lots at the same 50-point level as horses. Councilmember Larsen said they had to plan for worst case scenario and described a scenario of the number of animals he could have on a half-acre lot, which included a minimum of 30 animals of various sizes.

Councilmember Laursen made a motion to amend Ordinance 23-35, to allow Horses at 50 points on .5 to .75 acres as well as adding llamas and alpacas, and miniature horse donkey or cow at 50 points. Councilmember Mann seconded the motion.

Mayor Jacobsen questioned how many half-acre lots they had in Nibley City. Councilmember Laursen felt this was a good pertinent question. Councilmember Larsen asked if an accessory dwelling unit was considered in the calculation of points. Councilmember Laursen felt setbacks would come into consideration at that point. Councilmember Bernhardt discussed that not all half-acre lots were the same and described lots that had large homes on them, etc. Councilmember Larsen said he believed permits would bring a lot more hassle and paperwork to the issue. Mayor Jacobsen wanted to know how many neighbors they would be impacting and wanted to know how many eligible half-acres they were talking about. He felt Councilmember Laursen had identified homework for staff to do. Councilmember Laursen said the City Council could deny the amendment anticipating further background information.

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

Councilmember Bernhardt questioned proposed NCC 19.34.040 about the temporary boarding of a horse, pony, mule or donkey for 5 days or less and a potential loophole that could be created. Mr. Roberts described the Planning Commission’s intent and suggested wording that might eliminate the loophole. Councilmember Bernhardt said if you put the code enforcement officer hat on, that provision would be really hard. Mayor Jacobsen felt there as interpretation for double-dipping in proposed NCC 19.34.060 A and vacant lots. He said a vacant parcel that was .5 acres or larger would be counted and regulated as an additional .25 as if it were .75. He said this should be cleaned up. He

felt the intent was, you'd get to add .25 acres to your lot size if it is a vacant lot. Mr. Roberts said the intent was if the landowner only added 25 points that didn't allow someone with a half-acre lot to have a horse because they would still need .75 acres. Mr. Roberts said he felt the language could be cleaned up.

Councilmember Mann said she'd heard several people suggesting a conditional use permit process, particularly for 4-H animals and several had volunteered to be on a committee to regulate animals. She asked if there were any other committees in Nibley City that helped regulate ordinance. Mr. Roberts recalled that Nibley City had a Tree Board that had not been active since he had been a part of the City. Councilmember Mann said having a committee that involved City and staff could be tricky and complicated. She leaned against a committee that included citizens and staff. It could get too tricky, too fast. Councilmember Sweeten suggested there could be a filing process that kept the City officially informed of when an animal would be on a property. Not a conditional use, just a notification. Referring to proposed NCC 19.34.060 A, Mayor Jacobsen said the code should apply to vacant lots or conservation areas. Councilmember Laursen wanted to know how many conservation lots Nibley City currently had that were not divided specifically. Mayor Jacobsen discussed legally non-conforming uses when changing ordinances and he discussed doubling the points allotted to agricultural lots.

The City Council discussed quail. Mayor Jacobsen discussed State code defining penned, reared game birds and noted there were State regulations for penned game birds. Mr. Vollmer said the State regulations were all game birds that were native to the area and surrounding areas. He had spoken with Utah Wildlife as well as the Cache County Animal Control and 99% of quail raised for meat and eggs were coturnix quail, which was not native to the United States and not considered a game bird. Mayor Jacobsen asked Mr. Vollmer to send information to Mr. Roberts regarding quail. Councilmember Laursen said the committee had only looked at the definition of a game bird and no one had come to the committee with information regarding quail. Mr. Roberts pointed out that in all aspect the new ordinance was less restrictive with quail. Councilmember Laursen said he was rethinking taking the lot and subtracting the footprint dwelling. The City Council debated and discussed the proposed hen or chicken provisions of the ordinance.

Councilmember Larsen moved the previous question. Mayor Jacobsen summarized the first and second reading process, the motion on the floor. Mr. Roberts summarized the tasks he'd been given. Mayor Jacobsen asked if any on the City Council had objection to voting and saw no objection.

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

Seeing no objection from the City Council, Mayor Jacobsen called for a quick meeting recess at 10:19 p.m. The meeting resumed at 10:26 p.m.

Public Hearing: Ordinance 23-34—Updating Nibley City Code 7.06.010 - 7.06.070, Adopting Provisions for the Collection of Waste Within City Limits

Mr. Maughan described that Nibley had entered the Cache Waste Consortium (CWC) to continue the service of picking up trash in Nibley. The transition had been going for approximately 3.5 week and staff had reported that all-in-all it was going well. As part of the CWC requirement, Nibley needed to give exclusive rights to pick trash to Waste Management. The ordinance named Waste Management as the exclusive contractor to pick up Nibley City's trash. The other edits to the ordinance were to bring in-line current practices that the City was already doing.

Mayor Jacobsen gave direction to the public present and opened the public hearing at 10:33 p.m.

Kim Jensen asked about green waste and asked if it would only be picked up every other week. Mayor Jacobsen reported that he would be going to a meeting regarding this next week at which he would try to figure this out. Mrs. Jensen said they filled their greenwaste once a week. Mayor Jacobsen asked what she would be willing to pay for the service. Ms. Jensen said she would be willing to pay \$8-10/month.

Seeing no further public comments, Mayor Jacobsen closed the public hearing at 10:37

Discussion & Consideration: Ordinance 23-34—Updating Nibley City Code 7.06.010 - 7.06.070, Adopting Provisions for the Collection of Waste Within City Limits (First Reading)

Councilmember Bernhardt moved to approve Ordinance 23-34—Updating Nibley City Code 7.06.010 - 7.06.070, Adopting Provisions for the Collection of Waste Within City Limits and waived the second reading. The motion was second by Councilmember Sweeten.

Councilmember Larsen said he was concerned that the ordinance hurt local construction haulers that had business that hauled construction trash. He was not sure how this was enforced. Waste Management had promised to take up this discussion with CWC with possible amendment of the contract between Waste Management and the CWC. Mayor Jacobsen said Nibley's attorney had written the ordinance because they were tired of waiting for Waste Management to write the ordinance, but he felt Nibley's ordinance was good enough.

Councilmember Laursen made a motion to amend NCC 7.06.070 to read

“Placing Prohibited Items In Bins or carts: No person shall place any prohibited waste in a garbage, recycling, or other collection. The city, or it's provider, shall

provide a warning prior to further enforcement actions related to the placement of prohibited waste in collection bins, which warning shall provide a list or description of prohibited waste.”

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

Councilmember Mann reported that a resident had described to her that the Waste Management truck was coming through very quickly. The resident was concerned about children on the street and said that cans were being knocked over.

Councilmember Laursen asked for consent from the City Council for a slight change to the wording of his amendment. General consent was given.

“Placing Prohibited Items In Bins or carts: No person shall place any prohibited waste in a garbage, recycling, or other collection. The city, or the City Collector, shall provide a warning prior to further enforcement actions related to the placement of prohibited waste in collection bins, which warning shall provide a list or description of prohibited waste.”

*Voting on the motion to approve Ordinance 23-34 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted yes.
Councilmember Laursen voted in favor.
Councilmember Sweeten voted in favor.
Councilmember Mann voted in favor.*

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

Discussion & Consideration: Ordinance 23-33—Amending Public improvements Required with Commercial, Industrial and Institutional Site Plan Approval (First Reading)

Mr. Roberts led this presentation. He utilized an electronic presentation entitled *Nibley City Council; October 26, 2023, Site plan review public improvement requirements* (a printed version of this presentation is included in the printed meeting minutes). The topics of his presentation included the following: Background and Planning Commission Recommendation.

Councilmember Sweeten moved to approve Ordinance 23-33—Amending Public improvements Required with Commercial, Industrial and Institutional Site Plan Approval and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion to approve Ordinance 23-33—was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted yes.

Councilmember Mann voted in favor.

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

Council and Staff Reports

Councilmember Laursen asked for a staff update on street lights at 3410 South and 1300 West and the partial road and wetlands report from Frontier Land USA.

Councilmember Laursen asked about the pump and 3200 South and 1000 West (Nibley Meadows) that is continually running and making quite a lot of noise: at Nibley Meadows.

Councilmember Laursen asked about feedback on the new website.

Councilmember Sweeten noted the traffic lights were installed at 89/91 and 3100 South. Staff and the Council disused that the lights started function that day.

Councilmember Sweeten asked for follow up on when SR 165 would be opened back up.

Mayor Jacobsen discussed the award money Nibley City had received from the Council of Governments (COG) for construction along 1200 West.

Mr. Dickinson reported about streetlights in the Firefly Park area.

Mr. Dickinson reported on 1300 West roadway. The bid he'd gotten from Frontier USA was higher than they'd like and he was looking elsewhere to get a better price. He was looking to BioWest.

Mr. Dickinson reported on streetlights at Nibley Farms. He reported he was still after the contractor to get the lights done.

Mr. Dickinson reported on Ridgeline Park and was expecting a bid package in the next week. He described they could be underway with construction in December. Mr. Dickinson reported on a grant from the Land and Water Conservation Fund for the park at Ridgeline Park. The City had been directed to that they could ask for an increase and staff was anticipating doing this and asking for an additional \$534,000. This could give

the project an additional \$1 million funding with a required grant match from the City. Staff could be coming back to the City Council asking for the \$534,000 matching grant funds.

Mr. Dickinson reported on ground water at Nibley Meadows.

Mr. Dickinson reported on the Millville sewer project. He anticipated SR 165 would be striped and opened soon.

Mr. Dickinson reported on a meeting regarding a COG funded design regarding a bridge that would come across the river in Millville that would connect to SR 165.

Mr. Eliason reported that public restrooms at the parks had been closed for the winter season.

Ms. Bodily reported on elections, Meet the Candidates, and the October 31 staff meeting and "Soup Off" that the City Council had been invited to. Ms. Bodily reported on the Nibley City Christmas party on December 13th.

Mr. Roberts reported on progress with the updated Parks and Recreation Master Plan.

Mr. Roberts reported that the Cache Summit was next week at the Cache Events Center and offered to sign the Council or Mayor up.

Mayor Jacobsen reported that the Park and Recreation Advisory Committee had 4 openings and 7 applicants. He said the City Council would be seeing a recommendation for the 4 seats.

Mr. Maughan said one of Nibley's rental properties was having roof problems and staff was seeking bids for repairs, which may be brought back to the City Council for a budget amendment. The Council discussed repair versus condemnation of the house.

Mr. Maughan reported on the status of Nibley's website.

Seeing no objection, the meeting was adjourned at 11:24 p.m.

Attest: _____
City Recorder