

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, August 24, 2023.

The following actions were made during the meeting:

Councilmember Laursen moved to approve Ordinance 23-32—Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2) for first reading. Councilmember Mann seconded the motion. The motion passed 5-0; with Councilmember Laursen, Councilmember Mann, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten all in favor.

Councilmember Bernhardt moved to approve Resolution 23-10—Amending the Consolidated Fee Schedule; Adopting Solid Waste Rates and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion to approve Resolution 23-10 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted in favor.

Councilmember Laursen voted yes.

Councilmember Mann voted in favor.

Councilmember Sweeten voted in favor.

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

Councilmember Larsen moved to approve Resolution 23-11—Supporting the Board Apportionment of the Cache Valley Transit District in Compliance With Utah Code 17B-2a-807 for first reading. Councilmember Bernhardt seconded the motion. The motion passed 5-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Councilmember Bernhardt made a motion to direct staff to move in the direction of abandoning the easement along 1200 west, without compensation to the city, and bring back to Council any legal ordinance requirements, along with public notification of abandonment of City property. Councilmember Sweeten seconded the motion. The motion passed 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Opening Ceremonies

Councilmember Larsen described that his youngest son had gotten a Church of Jesus Christ of Latter-Day Saints mission call to Washington D.C. and it would be fun to have one of their youth in the Capital during a Presidential election.

Councilmember Larsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, August 24, 2023, Nibley City Council meeting to order at 6:31 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, and Tom Dickinson, Nibley City Engineer was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Sweeten moved to approve the August 10, 2023, meeting minutes and the evening's agenda. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Planning Commission Report

Mr. Roberts reported that item 7 on the Council's current agenda was the only thing the Planning Commission had considered, and he would report on the item before the City Council's discussion.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:33 p.m.

Shauntel Peterson from Hyrum said Nibley was a great City.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:33 p.m.

Public Hearing: 1200 West Roadway Improvements; Including the General Concept of the Project, Estimated Cost of the Project and the Financial Responsibility of Nibley City

Mr. Dickinson reported on the purpose of the public hearing and gave the City Council an overview of the proposed project. Mr. Dickinson used an electronic presentation entitled *Nibley City Council Meeting; PUBLIC HEARING 1200 WEST ROADWAY IMPROVEMENTS; AUGUST 24, 2023* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in Mr. Dickinson's presentation included the following: 1200 West Project Extent-General Concept (1), 1200 West

Project Extent-General Concept (2), 1200 West Project Extent-Phases 3 and 4, 1200 West Project Extent-Phase 5, 1200 West Project Extent-General Concept (3), 1200 West Project Extent-Traffic Calming, 1200 West – Cost Phases 3 and 4, and 1200 West – Cost Phase 5.

Councilmember Mann questioned if the City didn't do the construction management if someone from the construction company did this. Mr. Dickinson said they typically contracted this to an engineering company. Mr. Dickinson said he would like to manage phase 5. Mr. Maughan said they'd paid JUB Engineers to be the manager in phases 3 & 4. Mayor Jacobsen discussed the funding source coming from voter-approved local option sales tax, passed in 2007 to eliminate traffic congestion and to preserve transportation corridors. He described who comprised the Council of Governments (COG) and the technical committee. He said Nibley had scored well on phase 5 at the technical committee. Mr. Dickinson described the circumstances of a new requirement from the COG to hold a public hearing.

Mayor Jacobsen opened the public hearing at 6:49 p.m.

Shauntel Peterson said she was from Hyrum, and it would be pretty cool. She described that she drove on the road all the time and it would be nice to go all the way through. Regarding landscaping, she liked it low, and she could see where she was going. She did not like tall trees blocking her view.

Seeing no further public comments, Mayor Jacobsen closed the public hearing at 6:50 p.m.

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

Mr. Roberts led a presentation on this item. He included an electronic presentation entitled *1405 W 3200 S Rezone* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in Mr. Robert's presentation included the following: Rezone, an aerial view of the property taken from the Cache County Parcel Viewer, Site Context, the property as seen on Nibley City's Zoning Map, General Plan Guidance, Applicable Zoning Provisions, and Planning Commission Recommendation

"Approval of Ordinance 23-32—Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2A) with the amendment that the zoning be assigned as Residential (R-2)"

Josh Low, representing WaterMark properties wanted to clarify that the west side of the property was R-2A as far as size was concerned. It was consistent with the Stonebridge subdivision and the Heritage Crossing subdivision. Mayor Jacobsen and Mr. Roberts discussed the zoning of other parcels surrounding the proposed rezone property. Mr.

Roberts described that staff had consulted with the City Attorney regarding the Planning Commission changing the zoning recommendation in their motion. The City attorney had described that it was within the City's right to do this. Councilmember Larsen asked if Mr. Low wanted the property zoned as R-2. Mr. Low said he would prefer it be consistent with the surrounding zoning and zoned R-2A. Councilmember Bernhardt asked if Mr. Low had considered the conservation subdivisions. Mr. Low said he hadn't.

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

Councilmember Larsen asked if there were any unique features on the land that would be worth preserving. He felt it looked like the property was flat. Councilmember Bernhardt asked what Councilmember Laursen saw that he felt warranted an open space subdivision. Councilmember Laursen referred to Nibley's General Plan and described that he'd read from the General Plan about rural character, scenic beauty, natural resources, nearby recreation opportunities, agricultural fields and open space, and transportation system that promotes safe and efficient travel, private property rights, an aesthetically pleasing design. He pointed out that agriculture space was less than 5% in the city, and he felt open space was the next best way to preserve this. He discussed the lack of recreation space in the area, and he recognized there was a trail and an opportunity for safe routes to school. The idea was to be more creative in the space and make the trail more important where it connected different communities. Councilmember Laursen said they were losing their agricultural land and rural character to houses.

The City Council discussed if the property were an area that would be a great place to preserve land. Mr. Roberts clarified how Transfer of Development (TDR) ordinance could be applied to the property. After further discussion, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten expressed that they didn't see anything in the acreage that they felt was worth preserving. Councilmember Bernhardt requested that Councilmember Laursen create some sort of design as to what the development would look like for him to weigh in at the next vote. Councilmember Laursen said he could do something with staff's help. Mayor Jacobsen said city staff would need to be careful about doing the job of the developer and the plan would be a maybe. Mayor Jacobsen discussed an ordinance that would eliminate the creation of cul-de-sacs and pointed the City Council to the number of cul-de-sacs in the proposed development area. Mayor Jacobsen suggested that Mr. Low and Councilmember Laursen put their heads together between the current discussion and second reading see what they could come up with. Mr. Low and the City Council discussed which actions would allow the developer to sell the house currently on the property. Councilmember Larsen said he was interested to know what the extra land would be used for. Councilmember Mann said she wanted to continue discussion of eliminating cul-de-sacs.

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

Discussion and Consideration: Resolution 23-10—Amending the Consolidated Fee Schedule; Adopting Solid Waste Rates (First Reading)

Mr. Maughan presented Nibley City's current solid waste charges versus what was being proposed. He said residential looked favorable and only went up a little. In the past, residents had been charged a small administrative fee of \$.50 per account which had not been included in the adjustment. One benefit of the changed over to Waste Management, was that commercial solid waste would be handled directly by Waste Management which would make staff's process less complicated. Mr. Maughan said the proposed rates had been negotiated in the contract between Cache Waste Consortium and Waste Management. Mayor Jacobsen said their flexibility was that they could increase the proposed changes but what was shown was what Waste Management would charge Nibley City and its residents. Mr. Maughan and the City Council discussed commercial solid waste rates. Mayor Jacobsen clarified that recycling services were not an option and reviewed the proposed rates for recycling. Councilmember Bernhardt and Mayor Jacobsen discussed the greenwaste process. Mayor Jacobsen said they had the winter to figure this out with Waste Management for Nibley City residents. The City Council discussed new fees charged by Waste Management that were not currently being charged by Logan City for solid waste pick up.

Councilmember Bernhardt moved to approve Resolution 23-10—Amending the Consolidated Fee Schedule; Adopting Solid Waste Rates and waived the second reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt requested staff get more information regarding the intended disposal of greenwaste and get the word out to residents.

Voting on the motion to approve Resolution 23-10 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted in favor.

Councilmember Laursen voted yes.

Councilmember Mann voted in favor.

Councilmember Sweeten voted in favor.

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

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

Mayor Jacobsen described that the State legislature had changed the rules that effected the board composition of the Cache Valley Transit District (CVTD) which meant that between Hyrum, Millville and Nibley they would have one board representative on the CVTD board. Mayor Jacobsen reported that Logan would have four representatives in the board, North Logan and Hyde Park would have one representative, Smithfield, Richmond and Lewiston would have one representative, Providence and River Heights would have one representative, and Cache County would have one 1 representative. Mayor Jacobsen said they did not have the option of staying with the 19-member board. Mayor Jacobsen described how Nibley had been grouped with Hyrum and Millville. Mayor Jacobsen said the three Mayors of Hyrum, Nibley and Millville would put their head together and come up with a representative from all three times. He assumed this name would be brought back to the City Council for approval.

Councilmember Larsen moved to approve Resolution 23-11—Supporting the Board Apportionment of the Cache Valley Transit District in Compliance With Utah Code 17B-2a-807 for first Reading.

Councilmember Larsen shared his past experiences on the CVTD board and questioned the process of representative being elected instead of appointed. Councilmember Larsen requested the Council get more information about the how the representative areas were chosen and appointment terms. Mayor Jacobsen said he would ask Todd Beutler to come speak to the City Council. The Council also requested a budget review of the CVTD.

Councilmember Bernhardt seconded the motion.

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

Discussion & Consideration: Landscape Easement along 1200 West

Mr. Maughan described that 1200 west had been on Nibley City's Master Plan as a major transportation corridor and efforts had been made to preserve the corridor as well as things that might beautify the corridor, including an extra wide right-of-way and additional acquisition of property. There had been property dedicated to the city that was landscaped and maintained and a landscape easement along the roadway on both sides. The plats on these properties were very specific on what could be included in the easement. The landscaping was meant to be a beautification for the corridor but had become problematic for the property owners, and Nibley City hadn't done a great job of protecting the easement. Mr. Maughan reminded the City Council that at their previous meeting, the Council had asked staff to follow up on a few questions:

Estimated cost for City to landscape easement area: \$400,000.

Estimated yearly maintenance cost: \$2,000-3,000.

How many fences would have to be removed: 13 properties

How many sheds moved: 4

There were a couple of dog kennels, one landscaped fire ring area, one inground trampoline, some garden area.

Mr. Maughan said staff was looking for direction from the Council on what to do with the easement.

Councilmember Mann said Mr. Maughan's information was enlightening. She'd thought about this since the past meeting and felt it was a lot of cost and there could be a lot of cost to get items removed from the easement. Mayor Jacobsen described that he was around when the easement decision was made. He didn't think it would work then and he didn't feel it worked now. Councilmember Bernhardt suggested in lieu of abandoning the easement, they leave the easement and require an opacity change. Mr. Maughan said the issue was where the fence went (the back of the sidewalk or outside of the easement). Councilmember Bernhardt suggested a prescriptive fence requirement. Councilmember Sweeten discussed the beatification that was already planned for 1200 west. They had quite a bit planned that would break the visual continuity of 1200 west. Mr. Maughan talked about the Nibley Gardens stormwater ponds, the property area that Nibley City owned and had landscaped, and the disc golf course; there was a fair amount of open space existing. Councilmember Sweeten didn't see a raceway forming on 1200 west the way it was developing out.

Mr. Maughan and Mr. Roberts shared the process that Nibley City Attorney Rob Patterson, had advised they take to abandon the easement. Mr. Maughan said he'd advised they could record a notice of vacation or release on the easement and then the property owner could decide if they wanted to do an amendment to the property plat and could make the effort to amend the plat.

Councilmember Bernhardt said he would just abandon the easement and learn their lesson as a Council about creating or taking on easements; they should just own property. Councilmember Mann agreed with Councilmember Bernhardt and didn't think it was worth the money to capture the easement. Councilmember Laursen said he was leaning to option 1 with changes; basically, to keep the easement and not allow anymore fences. Councilmember Sweeten said she was inclined to abandon the easement.

Councilmember Bernhardt made a motion to direct staff to move in the direction of abandoning the easement along 1200 west, without compensation to the city, and bring back to Council any legal ordinance requirements, along with public notification of abandonment of City property. Councilmember Sweeten seconded the motion.

Mr. Maughan said he would consult with Nibley's attorney on the proper procedure to abandon the easement and they would follow the procedure. Councilmember Laursen asked if staff would continue to hold the fence permit that was pending or if staff would go ahead and issue the permit. Mr. Maughan felt staff should keep the permitting process on hold until "things were ironed out."

Mayor Jacobsen asked for general consent to clarify the motion to direct staff to move in the direction of abandoning the easement without compensation to the city, and bring back to Council any legal ordinance requirements, along with public notification of abandonment of City property. General consent was given.

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

Seeing no objection, the Council took a short break at 8:54 p.m. The meeting resumed at 9:00 p.m.

Council and Staff Reports

Councilmember Larsen said he talked with Nibley Development. Mr. Bingham had expressed some concerns. He requested a talk with Mayor Jacobsen and Mr. Maughan. Councilmember Larsen offered his assistance as a Council member to move forward.

Councilmember Mann reported that she had been working on the Animal Land Use amendments with Councilmember Laursen and Mayor Jacobsen.

Councilmember Laursen said he had enjoyed the process of working on the Animal Land Use amendment. He felt they would have a red lined document to the Planning Commission after the next week. He summarized that the committee would suggest a major reduction in agricultural land to allow for more animals and greater variety and reduction in points for residential in certain areas and an addition of some species to the list, including camels. Councilmember Mann said there would be a suggestion of bonus points for vacant lots.

Councilmember Laursen suggested the City disincentivize basements even more and asked for the Council's suggestion of where they would include this in code.

Councilmember Sweeten described that there were two northern leopard frogs living in her backyard. She said they were endangered.

Councilmember Sweeten said a resident had contacted her about the walkway from 1400 S to Heritage Elementary; that it was sometime hard to navigate because of trees that were hanging over the walkway. She'd asked for follow up from the City. North side of 3200.

Councilmember Sweeten said one of her children was approached by an officer at Firefly park. The officer told her the park was closed at dark. Councilmember Sweeten said from what she understood, Firefly Park was a nature park and nature didn't shut off at dark and suggested they had a discussion of when the park closed and provide some clarity to residents. Mr. Maughan recalled his recollection of Nibley City code and said they needed to put up signs in the parks that were clearer. Councilmember Sweeten said there had been residents that believed the area was dark sky and had gone there to star gaze and had been kicked out by police. Mayor Jacobsen and Mr. Maughan discussed police reports they'd received about Anhder Park and Firefly Park. Mr. Dickinson reported that Rocky Mountain Power had sent an estimate for streetlights. For about \$9,800 they could get three lights at Firefly Circle.

Councilmember Bernhardt reported on a conversation with a resident about the park at Mount Vista and a provision that if Mt. Vista provided \$30,000 for playground equipment that Nibley City would match the \$30,000. Mr. Maughan said this was included in the 2023-24 budget.

Councilmember Bernhardt reported about an email from the Cache County School District to talk about a bond that would be on the ballot. He suggested the School District come talk to the City Council about future plans.

Mayor Jacobsen reported that Natalie Tippetts with the Bear River Health Department had talked him into participating in Communities that Care. This program was about teenagers and kids and having positive outcomes for kids that might struggle with peer association, substance abuse or even suicidal tendencies. He invited the City Council to participate and shared that the ask from the BRHD was that they attend an introductory meeting.

Mayor Jacobsen requested Mr. Dickinson provide speed data for 1200 west; particularly speed data south of 3200 south on 12th west.

Councilmember Mann suggested they talk to the Nibley Youth Council for ideas on ways the City could use the \$7000 budgeted for public art. She suggested they give them a heads up so they could come prepared for the discussion.

Mr. Roberts said, "I am just happy to be here."

Ms. Bodily reported that Heritage Elementary school children would be at Nibley City Hall on September 5 for a field trip.

Mr. Maughan reported that he would be in meetings most of the next week and would be out of service the following week.

Mr. Dickinson asked for follow up direction regarding the speed study for 1200 west.

Mr. Dickinson discussed copper piping and sending a self-survey to Nibley residents. This was supposed to be done by fall of 2024. There would be a progressive inventory. In Fall of 2024 they would determine next steps. There was a grant for the initial inventory.

Mr. Dickinson reported on another grant from the Governor's office regarding infrastructure projects. They had budgeted for a sighting and design of a new well. The grant application was due the end of next week.

Mr. Dickinson summarized progress on design of Ridgeline City Park.

Mr. Dickinson asked for the Council's input on approved materials for water and sewer. He reminded the Council that they'd updated materials for certain products, one of which being a sewer manhole. There was an exterior wrap that more economical. The City Council expressed no objection with these types of material changes being made.

Mr. Maughan reported on construction of the new soccer fields next to Nibley City Hall. He projected that the fields would be sodded "would be ready to rock" by next Spring.

Mayor Jacobsen reported on a BRAG Human Services meeting he'd attended and discussed homeless in the valley. He suggested they investigate Code Blue regarding wind chill with Nibley City as to whether Nibley City needed to be part of providing outreach and information regarding shelter during code blue events. He thought it was a good thing for them to do.

Seeing no objection, Mayor Jacobsen adjourned the meeting at 9:45 p.m.

Attest: _____
City Recorder