

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, April 11, 2024.

OFFICIAL MINUTES OF THE MEETING

City Recorder Cheryl Bodily and Assistant Recorder, Taelor Kilpack, took minutes

Opening Ceremonies

Councilmember Norman Larsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, April 11, 2024, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Kay Sweeten, and Councilmember Erin Mann.

Levi Roberts, Nibley City Planner, Tom Dickinson, Nibley City Engineer, and Steve Eliason, Nibley City Public Works Director, Chad Wright, Nibley City Recreation Director, Curtis Snelgrove, Nibley City Recreation Coordinator, Ali Wilcox, Nibley City Recreation Coordinator, Seth Cowie, Nibley City Seasonal Recreation Coordinator, Amy Johnson, Nibley City Treasurer, Jared Pratt, Nibley City Water Manager, Rod Elwood, Nibley City Council Parks Manager, and Clair Schenk, Nibley City Planning Commission Chair was also present.

Justin Maughan, Nibley City Manager, participated in the meeting using the electronic Zoom link.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the March 14, 2024, meeting minutes and the current evening's agenda. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Laursen, and Councilmember Mann all in favor.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:35 p.m.

Craig Petersen of 2466 South 660 West commented on winter parking. He proposed they wait until 1 or 2 in the morning before imposing the no parking restriction unless they had data showing they plowed at those times. He said if they had visitors that came, the visitors wouldn't be a problem in the morning. They would be leaving. It would be more practical to look at those who were staying overnight. Mr. Petersen shared his history with the winter parking ordinance. He shared that Providence had

gone from 1:00 a.m. to 9:00 a.m. and shared the regulations of other cities in the valley. He felt 2:00 a.m. would be more practical.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:39 p.m.

Planning Commission Report

Mr. Schenk said the Planning Commission approved the dog washing facility that would be by Nibley's Maverick and the Planning Commission conducted a workshop on zoning with R-2 zones and R-2A zones. They'd made no conclusion but had a healthy discussion. Mr. Roberts said the zoning discussion was in relation to the Open-Space Subdivision and making it advantageous to do an Open Space subdivision in an R-2A zone.

Presentation: "Outstanding Event" award presented to Nibley City Recreation Department by Utah Recreation & Parks Association

LeeAnn Powell, the Executive Director of the Utah Recreation and Parks Association introduced herself. She discussed that parks and recreation connected communities.

Ms. Powell recognized Curtis Snelgrove who had completed and graduated from the URPA Leadership Academy.

Ms. Powell awarded Nibley City the 2024 Outstanding Special Event award for the Hopstacle Run.

Discussion & Consideration: 2024 Nibley City Arbor Day Proclamation

Mr. Elwood described that 13-14 years ago Nibley City had become a member of Tree City USA. He described the benefits of urban trees. Mr. Elwood displayed the 2024 Arbor Day Proclamation. He said Nibley City would observe Arbor Day on Monday, April 22 when Mayor Jacobsen and Becky Yeager would be giving out trees to residents.

Discussion & Consideration: Resolution 24-08—Amending the Nibley City Consolidated Fee Schedule (Green Waste, Community Room Reservation Fees, Sewer/Water Modeling Fees, Miscellaneous Land Use Fees, Water/Sewer Penalties, and Miscellaneous Recreation Fees) (First Reading)

Mayor Jacobsen decided the Council would discuss the proposed changes to the Consolidated Fee Schedule one-at-a-time.

Mayor Jacobsen presented on the proposed fee for greenwaste collection. He described that the fee for greenwaste through the Cache Waste Consortium was significantly higher than it was through Logan City at \$10.50/month. Councilmember Mann asked for clarification of the availability of large greenwaste dumpsters for Nibley residents. Mr. Eliason notified the City Council of the Community Clean up on Saturday, April 20, 2024. Councilmember Mann suggested if offering dumping events, a couple times a year would offset the additional cost of greenwaste for residents. She also questioned if the

City had looked at the viability of having a City greenwaste site that would be staffed. Councilmember Laursen questioned if Nibley City were willing to subsidize the service.

Mayor Jacobsen permitted Christina Dunn of 1415 West and 3390 South questioned why greenwaste was charged in month when they didn't receive the service. Mayor Jacobsen described that they spread out the cost throughout the entire year.

The City Council discussed the Community Room Large/Small Gathering fee, the Community Room Date/Change fee, the Sewer Modeling fee – Residential and non-Residential, and Water Modeling fee, Miscellaneous Land-Use fees, and Miscellaneous Recreation fees.

Councilmember Laursen moved to approve Resolution 24-08--Amending the Nibley City Consolidated Fee Schedule for first reading. Councilmember Sweeten seconded the motion.

Councilmember Laursen asked to see numbers of what it would look like if they subsidized greenwaste and wanted to see numbers if they increased the fee on a second residential trash can to try and get the greenwaste fee closer to what they were typically used to. Councilmember Laursen suggested staff also look into private greenwaste opportunities with Mayor Jacobsen reminding the City Council they needed to be cognizant of the exclusivity clause in the Waste Management contract.

The motion passed 4-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Garrett Mansell joined the meeting via the electronic Zoom link at 7:45 p.m.

Public Hearing: Resolution 24-05—Accepting an Update of the Nibley City Wastewater Management Plan for Nibley City (First Reading)

Mr. Pratt said the Wastewater Management Plan was the plan that was adopted when Nibley City started the sewer system in 2003. They needed to update the plan. Mr. Pratt reviewed the changes to the plan, including personnel changes and the number of years between cleanings of the sewer.

Mayor Jacobsen opened the public hearing at 7:49 p.m. Seeing no public comment, Mayor Jacobsen closed the public hearing at 7:50 p.m.

Amy Johnson left the meeting at 7:50 p.m.

Discussion & Consideration: Resolution 24-05—Accepting an Update of the Nibley City Wastewater Management Plan for Nibley City (First Reading)

Councilmember Laursen moved to approve Resolution 24-05—Accepting an Update of the Nibley City Wastewater Management Plan for Nibley City for first reading. Councilmember Larsen seconded the motion.

Councilmember Laursen said it was hard for him to track the changes to the document. He asked for red lined changes to be presented and wanted time to review the grammar and mechanical things.

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

Discussion and Consideration: Resolution 24-09—Accepting the 2023 Municipal Wastewater Planning Program Survey

Mr. Pratt said the Municipal Wastewater Planning Program Survey was brought to the City Council every year. The State requires Nibley City to complete the survey and let the City Council know how they were doing. Mr. Pratt reported that Nibley City had zero problems with flooding in basements and they had the policy that all training was handled by the City and that all operators were certified to the level that was required by the City and the State. Mr. Pratt said the survey had been submitted. They were required to submit the date that the survey was presented to the City Council. Mr. Pratt described the schematic data he had for maintaining and cleaning the Nibley City sewer system and described the need for additional man hours.

Councilmember Larsen moved to approve Resolution 24-09—Accepting the 2023 Municipal Wastewater Planning Program Survey. Councilmember Sweeten seconded the motion.

Councilmember Sweeten expressed her appreciation of the care Mr. Pratt and his team took to gather the information so they could provide the support to have what the City needed.

*Voting on the motion to approve Resolution 24-09 was as follows:
Councilmember Larsen was in favor.
Councilmember Laursen was in favor.
Councilmember Erin Mann was in favor.
Councilmember Sweeten was in favor.
Councilmember Mansell was in favor.*

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

Public Hearing: Ordinance 24-05—Amending 11.02.040 Parking Regulations--Including Adjustments to Limited Winter Parking and Parking-At-Curb Regulations

Mr. Roberts described that for the first time, City staff was enforcing parking. Recently City code was changed so that misdemeanors were changed to infractions, so City staff had enforced winter parking regulations. As staff had gone through the process, they learned that winter parking needed to be more in line to when plow drivers would need the vehicles off the road to safely plow city streets. Staff was proposing to extend winter parking hours from 12:00 a.m. to 6:00 a.m. to 12:00 a.m. to 8:00 a.m. Mr. Roberts said there had been some exceptions included in the previous code that were difficult to enforce so staff was suggesting the exceptions be removed from the code. Staff was also recommending changes to the Parking at Curb regulations to include not parking on sidewalk and park strip areas. Mr. Eliason added that the reason they had gone back to 12:00 a.m. was because Nibley residents were used to 12 and if it were extended to 2:00 a.m. there was more likelihood that individuals would fall asleep, so instead they'd decided to extend the time two hours in the morning.

Councilmember Mann asked for the dates the street regulations are in effect. Mr. Roberts clarified that winter parking regulations were from November 1 to April 1 of each year.

Mayor Jacobsen opened the public hearing at 8:10 p.m. He read suggestions in a text message from Tom Bernhardt.

"1) Any consideration for allowing overnight parking on the majority of the days that doesn't have snow in the forecast (this has always bugged me)? 2) if you're going to change the times that parking can occur and using school as the reason, can we limit it to days that school is in session AND only M-F?"

Mayor Jacobsen closed the public hearing at 8:11 p.m.

Discussion & Consideration: Ordinance 24-05—Amending 11.02.040 Parking Regulations—Including Adjustments to Limited Winter Parking and Parking-At-Curb Regulations (First Reading)

Councilmember Sweeten moved to approve Ordinance 24-05—Amending 11.02.040 Parking Regulations—Including Adjustments to Limited Winter Parking and Parking-At-Curb Regulations for first reading. Councilmember Larsen seconded the motion.

Councilmember Larsen questioned if moving the time to 1:00 would make a difference and questioned if they ought to consider this. Mr. Eliason said he was open to talking this over with staff but didn't want to push the time beyond 1:00 a.m. Mr. Eliason discussed his process and experiences with enforcing parking that year. The City Council discussed how enforcement seemed to have changed the behaviors. Councilmember Laursen directed staff to look at common dates and times where they were calling staff in to plow. Councilmember Laursen was most interested in the time of day they started

plowing. Mayor Jacobsen discussed weather data and where Nibley City got their weather data from.

Councilmember Laursen felt they might also consider residents leaving broken down cars and trailers. He felt the winter “clean up” also addressed some of these issues as well. He suggested in the Limited Parking section of the ordinance that they specifically mentioned leaving a “motor vehicle” for 48 hours and questioned if they ought to include trailer, etc. in their definitions. Councilmember Sweeten noted cities that also specifically referenced trailers in their ordinances. Councilmember Sweeten noticed that other cities had referenced a legal disclaimer in their winter parking section that their cities were not accountable for damages to cars by a city plow. She said it was a good idea to consider this in their ordinance. Mayor Jacobsen suggested this be run through Nibley City’s attorney.

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

Discussion & Consideration: Approving a Contract for Design Services of a New Water Well and Tank with Sunrise Engineering

Mr. Dickinson said Nibley City was trying to keep up with master plans and had recently been noted as deficient in water storage and source of water by the State Division of Drinking Water. This was a tool the City was using to try and catch up. Mr. Dickinson described the Request for Proposal process and the firms that had bid for the contract. Mr. Dickinson described the review committee that had reviewed the proposals. Mr. Dickinson noted his conflict of interest in that he worked for Sunrise Engineering and had not participated on the review committee. Mr. Dickinson described the scoring process that was used in ranking of the proposals.

Mr. Dickinson said the review committee were unanimously recommending the City Council contract with Sunrise Engineering for design services of a new water well and tank. He reminded the City Council that the design services cost was included in the current year budget but the construction cost of the well and tank were not included in the current budget. Councilmember Mann questioned if they could anticipate how much the construction cost would be for a the well and tank. Mr. Dickinson described his anticipated cost of a water well and tank and that they may need to revisit Nibley City’s water rate schedule. He said they were very low on their water rate fees. The City Council discussed grant opportunities as noted by the Sunrise Engineering project bid.

Mr. Dickinson recalled that the cost of the design services was coming out of the Water Impact Fee budget.

Councilmember Larsen moved to award the contract with Sunrise Engineering in the amount of \$286,863 for Design Services of a New Water Well and Tank. Councilmember

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

Discussion & Consideration: Approving an Agreement for Construction of 1000 West Half-Road with Heritage Landholdings LLC (Sierra Homes)

Mr. Dickinson described that Nibley City had a great opportunity to work with Visionary Homes or Heritage Landholdings LLC to participate with their development of Firefly Estates, phase 2 to develop the City's half of the road for \$60,000. They had drafted an agreement that had been reviewed by the City Attorney. Heritage Land Holdings was reviewing the changes recommended by the City Attorney. Mr. Dickinson described the cost saving associated with have the developer put in City portion of the road. He said this was the road right in front of Firefly Park.

Councilmember Mann asked for clarification of the half-road. Mr. Dickinson described the east half, that was owned by the City, was the portion that would be completed. Councilmember Mann asked how long they anticipated this taking. Mr. Dickinson described the anticipated schedule and that he hoped to have it completed in the year. Councilmember Laursen asked if there were any anticipated wetlands issues in the area. Mr. Dickinson reported that he'd looked at aerial photography and hadn't observed any evidence wetlands or wetlands layers in the area.

Councilmember Larsen moved to approve an Agreement with Heritage Landholdings LLC to Construct the City's half of 1000 West Road near Firefly Park for \$60,000.

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

Council and Staff Reports

Councilmember Mann asked for information on Ted's. Mayor Jacobsen said it was torn down.

Councilmember Mann said she was happy to see that the park bathrooms were open.

Councilmember Mann hosted a mock City Council meeting with some youth. She had received some public comment at that meeting that the price for greenwaste was too high and that the streetlights in Nibley City were too bright and shined in bedroom windows.

Councilmember Sweeten described a recent experience with Waste Management. Mayor Jacobsen discussed the goal of taking Nibley City out of the customer service loop with regards to Waste Management.

Councilmember Mansell described an experience with Waste Management and that he had called his neighbor who works for Waste Management.

Councilmember Mansell thanked Mr. Maughan for taking the time to go over the budget with him. He described the time he had taken to go over the budget with him. Councilmember Mansell said they had great staff in Nibley.

Mr. Roberts reported on the Active Transportation Plan. He said they were in the public engagement and consistent analysis phase. He said they were also in the process of wrapping up the Parks and Recreation and Open Space Master Plan. He described why the process had taken longer than anticipated. He hoped to have it back for consideration in the next month. It would be funneled between the steering committee, Parks and Recreation Advisory Committee, Planning Commission, and then the City Council.

Mr. Dickinson described an email he'd gotten regarding Ridgeline Park, phase 1. It had been exhausting trying to take things out of the plan. He said he'd gotten a soft "yes" from the Land and Water Conservation fund grant that they'd redefine the scope to match Nibley City's budget. He planned meeting for next week to try and develop a scope of work based on budget and get under construction.

Mr. Dickinson reported on the 2900 south access on SR 165 versus the commercial access on 165. He felt they would go back to the 2900 south connection because of future long-term agreements with UDOT that would include trigger points. Councilmember Laursen thought they should consider those phases require that access so that those phases might not get built.

Mr. Dickinson reported they'd found some funding for design of another City half-road on 1300 west by Zollinger Acres.

Mr. Dickinson thanked the City Council and City staff for the support they'd given with a family situation he'd been through.

Mayor Jacobsen reported that he, Mr. Maughan and Deputy Atwood had met together to address safety concerns on Firefly Circle. They had gotten together with a resident of Firefly Circle that day and he was not sure of the results and assumed time would tell.

Mayor Jacobsen reported on a successful Kestral box at Firefly Park.

Mayor Jacobsen reported that he would be retiring (from his profession job) the following Monday.

Mayor Jacobsen reminded the City Council that they had the Utah League of Cities and Towns conference coming up.

Seeing no objection, the meeting was adjourned at 9:39 p.m.

Attest: _____
City Recorder