

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 23, 2024.

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OFFICIAL MINUTES OF THE MEETING  
City Recorder Cheryl Bodily took minutes

**Opening Ceremonies**

Councilmember Erin Mann discussed Memorial Day weekend and the purpose of celebrating Memorial Day. She gave verbal appreciation to all the troops serving, past and present and especially those who had given the ultimate sacrifice. She recognized they were a blessed people who were lucky to live where they lived.

Councilmember Mann led the meeting in the Pledge of Allegiance.

**Call to Order and Roll Call**

Mayor Larry Jacobsen called the Thursday, May 23, 2024, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Erin Mann, and Councilmember Garrett Mansell. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Cheryl Bodily, Nibley City Recorder and Tom Dickinson, Nibley City Engineer was also present. Mayor Jacobsen excused Councilmember Kay Sweeten from the meeting.

Mayor Jacobsen recognized Scott Wells, Wellsville City Manager, in the audience.

**Approval of the Previous Meeting Minutes and Current Agenda**

Councilmember Norman Larsen moved to approve the May 2, 2024, meeting minutes and the current evening's agenda. Councilmember Mansell seconded the motion.

Councilmember Norman Larsen discussed suspending the agenda if participants in the discussion of Resolution 24-12 arrived. Brent Tibbits, a consultant with VCBO arrived at the meeting.

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

**Public Comment Period**

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

Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:34 p.m.

### **Planning Commission Report**

Mr. Roberts reported that the Planning Commission had conducted a workshop on parking standards. Mr. Roberts described that the discussion was on minimum parking standards with new development, depending on use. The Planning Commission discussed updating the parking standards. He said staff would do additional research on parking standards. The parking standards, currently in place, were decades old.

### **Presentation: CVTD -Lieren Hansen**

Todd Beutler, Director of the Cache Valley Transit District and Lieren Hansen, Nibley, Millville, and Hyrum's representative on the Cache Valley Transit District Board were present at the meeting. Ms. Hansen gave a presentation and described the projects the CVTD was currently working on. Mr. Beutler distributed an informative sheet entitled, CVTD Nibley Ridership (01/01/2024-03/31/2024) (a printed copy of this information is included in the printed meeting minutes). Ms. Hansen described that the CVTD district was currently working on its new facility. She asked if the Council had any questions or concerns to be taken back to the CVTD board.

Mayor Jacobsen questioned the transit service MicroTransit. Mr. Beutler described the areas that were serviced by MicroTransit. He also described how the service functioned and worked. He described the challenges associated with MicroTransit. Mr. Roberts said he had been involved on the study for MicroTransit. Nibley had determined there was enough ridership on Route 11, which serviced Nibley, that they decided to keep the traditional route open and not switch to MicroTransit.

Mr. Maughan said he'd had a conversation with Mr. Kimball about 1200 West and questioned when 1200 west was anticipated to service 1200 west. Mr. Beutler said this road had already been identified as a transit route and anticipated included this road when the infrastructure was in place. Mr. Roberts updated Mr. Beutler of the shopping area anticipated off highway 89/91.

Mayor Jacobsen asked how the new board structure was working. Mr. Beutler reported that it was working great and reported that Ms. Hansen was one of the most committed and actively engaged board members and described her some of her contributions.

Mayor Jacobsen and the City Council thanked Ms. Hansen for her service on the CVTD Board.

### **Discussion & Consideration: Ordinance 24-06—Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones (First Reading)**

Mr. Roberts led a presentation using an electronic presentation entitled Open Space Subdivisions (a printed copy of this presentation is included in the printed meeting minutes). The topics included in Mr. Roberts' presentation included the following:

Background, Amendments considered, Draft Changes, and Planning Commission Recommendation.

Mayor Jacobsen provided a historical background of the Open Space Subdivision. Mr. Roberts discussed the level of density being considered. Mayor Jacobsen questioned the administrative process of deciding what was valuable to the community as open space and asked if the ordinance was onerous to administer. Mr. Roberts said administration was straight forward. The open space standards were helpful. A few standards took some discretion. Mr. Roberts reviewed the administrative process for open space subdivision.

*Councilmember Larsen moved to approve Ordinance 24-06 Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones, for first reading. Councilmember Mann seconded the motion.*

Councilmember Larsen asked about buffering to a preexisting subdivision and the open space being next to a preexisting subdivision so they could have more buffer. Mr. Roberts said this was not contemplated in the current draft. Councilmember Larsen questioned who owned the open space. Mr. Roberts said the City Council could weigh in on this issue if the open space was owned by the City. There was a list of standards that at least 3 needed to be met to be approved as dedicated open space. The space could be maintained privately or by an HOA or could be owned by the City, or there could be a combination of types of ownership. Councilmember Mansell questioned if this would incentivize more R-2A rezone requests. He questioned how many vacant properties were currently zoned R-2A? Mr. Roberts said there were not a lot and he believed there would be requests from applicants for R-2A. He also felt this should be looked at in the upcoming update to Nibley City's General Plan.

Mr. Roberts shared comments he'd solicited and received from developers regarding the proposed amendments to the Open Space subdivision.

Councilmember Mann questioned if any consideration had been given to allowing extra density if affordability were addressed, such as a deed restriction. Mr. Roberts said this had not been considered. Councilmember Laursen said he felt some of their zone incentives were starting to compete too much with each other and felt some of the incentives needed to be written into their zoning requirements and wondered if the incentives should be made more prescriptive. He also questioned if the mixed residential zone had similar requirements to what was proposed. Mr. Roberts said the mixed residential zone was patterned largely after the R-PUD.

Mayor Jacobsen requested to see a prototype plat or mockup. He requested Mr. Roberts throw a Ridgeline Park, phase 3 plat into the City Council's packet for the next meeting. Councilmember Mann said Nibley needed options for individuals who were

starting out in their lives and for individuals ending up in their lives; they had a lot of housing for people in the middle. Councilmember Mansell asked that staff investigate deed restriction housing and look at what Lehi and Saratoga Springs had done.

*The motion to approve Ordinance 24-06 for first reading passed 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Norman Larsen, and Councilmember Mansell all in favor.*

*Councilmember Laursen moved to suspend the agenda, moving item 12 (Discussion & Consideration of Resolution 24-12) of the agenda, to agenda item 7.5. Councilmember Mann seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Mann, Councilmember Larsen and Councilmember Mann all in favor.*

**Discussion & Consideration: Resolution 24-12 – A Resolution Expressing Support for the use of RAPZ/Restaurant Tax Revenue to fund a County-wide Indoor Recreation Feasibility Study (First Reading)**

Chad Wright, Nibley City Recreation Director and Brent Tippits with VCBO were present at the meeting for this discussion.

Mr. Maughan summarized the history of Nibley putting together a Request for Proposals (RFP) for a feasibility study for indoor recreation for indoor recreation space for Nibley City and perhaps including some surrounding communities. He described a citizen group gathering municipalities suggesting a county-wide feasibility study for indoor recreation space utilizing RAPZ (Recreation, Arts, Parks, Zoo) tax money. This left the City Council with a decision of whether to continue forward with Nibley's study. Mr. Wright described that in terms of representing Nibley City residents, they were better served moving forward on what they'd explored in the RFP and with the contract drafted with VCB). Timeline was also a consideration and Mr. Wright felt they should be in the driver's seat and let others be a part of what they were doing. Mr. Wright said Nibley's contract with VCBO had been reviewed by the City Attorney, who'd suggested a minor modification, which had been made and the contract was awaiting signature. Mr. Wright reminded the City Council that opportunities had been built into the contract with VCBO to removed themselves from the contract if the City Council didn't find a good pathway moving forward.

Mayor Jacobsen asked for the advantages of a Nibley feasibility study versus a County feasibility study. Mr. Tippits said he was not present to sell the City Council one way or another but had the unique perspective of being involved in many recreation projects. He said the City Council was in a unique dynamic. Mr. Tippits described a few factors that played into the City Council's consideration. Timing. They didn't know how long the County was going to take and didn't know if it was in the Nibley resident's best interest to wait. He suggested that this didn't meet Nibley City's best interest or desires. Moving forward with the feasibility study might allow some Nibley control over moving forward

and the outcome with the County or getting County support and becoming a partner participating in the eventual recreation facility or not. Mayor Jacobsen discussed the appropriate scale. He hoped the feasibility study outline by Nibley City would help them understand the trade-offs-of-scale. Mr. Tippits felt the idea of a Resolution was an excellent idea and moving forward with the contract could be a very positive thing. As much as they could start to influence the county Council with the Resolution and with the moving forward with the contract with VCBO, they had nothing to lose. Mayor Jacobsen asked if Mr. Tippits felt they had been treated unfairly by Nibley City. Mr. Tippits said he saw the bigger picture and the reality was that he wanted what was best for Nibley. Councilmember Laursen asked for reminder of what other municipalities were involved in the current scope with VCBO. Mr. Wright discussed that Wellsville City had committed to help distribute a Google survey and Hyrum City had committed to cooperate and help gather data for the Nibley feasibility study.

Councilmember Laursen said they should be “betting on both horses” and that it would serve Nibley well to move forward in on both supporting the County feasibility study and moving forward with their own study. He felt they would learn more, and that Nibley would still probably want to do something on top of what the County did. He thought they should be more aggressive to communicate with neighboring cities and soliciting their involvement in the study. Councilmember Mann thought Nibley moving forward would divide them from the County quickly. The Council discussed the wording of the Resolution. Councilmember Mansell questioned the amount Nibley City would contribute to a study. He said they had been working on indoor recreation for a long time and it had been put off long enough. Councilmember Laursen discussed the context of divisiveness in future indoor recreation placement. Councilmember Mann asked if Mayor Jacobsen had conversations with Mayor Daines regarding pushing the vanguard for a County recreation facility. He reported that Mayor Daines had written a letter of support to the County Council. Mr. Wright said Logan City recreation didn’t seem to be moving forward with anything. On the topic of divisiveness, he and Mr. Maughan had been clear about being cooperative and sharing any data they already had. Mr. Wright felt it was also important to be clear about facility location. Councilmember Laursen discussed the inclusion of surrounding municipalities contributing to the costs of a feasibility study and discussed the inclusion of surrounding municipalities in a district.

*Councilmember Laursen moved to approve Resolution 24-12 A Resolution Expressing Support for the use of RAPZ/Restaurant Tax Revenue to fund a County-wide Indoor Recreation Feasibility Study and waived the second reading. Councilmember Mann seconded the motion.*

*Councilmember Mann made a motion to amend Resolution 24-12 to read  
“WHEREAS, a larger and more complete facilities can be accomplished on a county-wide scale than Nibley City, or any other single municipality, attempts to build a recreation center on its own”*

*Councilmember Mansell seconded the motion.*

*Councilmember Laursen made a replacement motion to amend to read:*

*“WHEREAS, a larger and more complete facility can be accomplished on a county-wide scale than if any single municipality, attempts to build a recreation center on its own”*

*Councilmember Larsen seconded the motion. The substitute motion to amend passed unanimously 4-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Mann and Councilmember Mansell all in favor.*

*Councilmember Mann made a motion to amend Resolution 24-12 to read:*

*“WHEREAS, Nibley City has committed \$90,000 for its own feasibility study related to indoor recreation needs and desires for Nibley and collaborating south-county cities that will directly contribute and supplement any county effort; and”*

*Councilmember Mansell seconded the motion. The amendment passed unanimously 4-0; with Councilmember Mann, Councilmember Mansell, Councilmember Larsen, and Councilmember Laursen all in favor.*

*Councilmember Laursen made a motion to amend Resolution 24-12 to read:*

*“WHEREAS, a larger and more complete facility can be accomplished on a county-wide scale than if any single municipality, attempts to build a recreation center on its own and benefits “on an equal basis to all citizens of the county.” (Cache County Code 3.82.050(A)(6)); and”*

*Councilmember Mansell seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Mansell, Councilmember Larsen, and Councilmember Mann all in favor.*

*Councilmember Larsen moved to amend Resolution 24-12 to read:*

*“WHEREAS, data shows that recreation opportunities and programs contribute to healthy and connected communities. In addition, experts have proven that community recreation programs reduce the costs of law enforcement and public health costs burdens of public entities. Often these opportunities are needed to be made available by the government because the need to generate a large profit is diminished, unlike any private endeavor; and”*

*Councilmember Mann seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Norman Larsen, and Councilmember Mansell all in favor.*

*Voting on the motion to approve the amended Resolution 24-12 was as follows:*

*Councilmember Larsen voted in favor.  
Councilmember Laursen voted in favor.  
Councilmember Mann voted in favor.  
Councilmember Mansell voted in favor.*

*The amend motion passed unanimously 4-0; with Councilmember Norman Larsen, Councilmember Mann, Councilmember Larsen, and Councilmember Mansell all in favor.*

Seeing no objection, Mayor Jacobsen called for a meeting break at 8:51 p.m.

The meeting reconvened at 9:03 p.m. Councilmember Norman Laursen was not present when the meeting resumed.

**Discussion & Consideration: Resolution 24-11—2024 Nibley City Regulations for Fireworks (First Reading)**

Mr. Maughan reported that the Cache County Fire Marshall asked the City Council to decide if and where fireworks were restricted. There was some difficulty in enforcing the Resolution, so staff had discussed doing some extra education on the provisions of the Resolution. The Resolution was a way to hold violators responsible for any misuse of fireworks.

*Councilmember Larsen moved to approve Resolution 24-11 and waived the second reading. Councilmember Mansell seconded the motion.*

Councilmember Laursen returned to the meeting at 9:06 p.m.

*Councilmember Larsen voted in favor.  
Councilmember Laursen voted in favor.  
Councilmember Mann voted in favor.  
Councilmember Mansell voted in favor.*

*The motion to approve Resolution 24-11 passed unanimously 4-0; with Councilmember Larsen, Councilmember Mansell, Councilmember Norman Larsen, and Councilmember Mann all in favor.*

**Discussion & Consideration: Awarding a Contract with American Ramp Company for Purchase and Installation of a Bicycle Playground for Phase 2 of Ridgeline Park City Park**

Mr. Dickinson led an electronic presentation on the next three agenda items. His presentation was titled *NIBLEY RIDGELINE PARK AGENDA ITEMS 9, 10, & 11* (a printed copy of the presentation is included in the printed meeting minutes). The topics included in Mr. Dickinson’s presentation included the following: Ridgeline Park-City Park Phase 2 Bicycle Playground.

*Councilmember Larsen moved to approve Awarding a Contract with American Ramp Company for Purchase and Installation of a Bicycle Playground for Phase 2 of Ridgeline Park City Park, contingent on receiving notice of reward from Utah Outdoor Recreation Grant (UORG). Councilmember Mansell seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mansell, Councilmember Laursen, and Councilmember Mann all in favor.*

**Discussion & Consideration: Awarding a Contract with DWA for Construction of Phase 1 of the Ridgeline Park City Park**

Mr. Dickinson’s next portion of the presentation included discussion of the following topic: Ridgeline Park – City Park, DWA Construction, Inc., Bid, Slashes, Cuts, and Reductions, and Cost and Funding.

Councilmember Mann and Mr. Dickinson discussed if the park anticipated adequate parking.

*Councilmember Larsen moved to approve and award a contract of \$2,147,098.20 with DWA Construction, Inc. to construct the reduced scope of Phase 1 of Ridgeline Park city park. Councilmember Mann seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Laursen, and Councilmember Mansell all in favor.*

**Discussion & Consideration: Purchase and Installation of Playground Equipment and Engineered Wood Fiber Surfacing from Landscape Structures, Inc. for Phase 1 of Ridgeline Park City Park**

Mr. Dickinson’s final portion of the presentation included discussion of the following topics: Ridgeline Park – City Park Phase 1, Playground Equipment, and Budgetary Restraints.

*Councilmember Larsen moved to approve the purchase and installation of playground equipment and engineered wood fiber safety surfacing from Landscape Structures, Inc in the amount of \$262,125 for playground equipment and surfacing for Phase 1 of the Ridgeline Park city park project. Councilmember Mann seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Laursen, and Councilmember Mansell all in favor.*

**Workshop: Resolution 24-10--Amending the Budget for the Various Funds of Nibley City for the Fiscal Year 2023-24, and Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal year 2024-25 and Adjusting Certain Fees and Payments for Services**

Nibley City Treasurer, Amy Johnson was present for this discussion.

Mr. Maughan led this discussion. He reviewed the new items that had been included on the Capital Projects Expenditures section of the proposed budget. He, Mayor Jacobsen and the City Council discussed paying off the current debt on Nibley City Hall. The Council generally agreed to keep collecting interest from the Public Treasurer's Investment Fund instead of paying off the City Hall building debt at that time. The Council did direct staff to revisit this issued again later and note it in the budget to revisit the issue in the budget year. Mr. Maughan reviewed and discussed the following topics with Mayor Jacobsen and the City Council:

Backfill storage bins, Compensation study, Redo the Parks Division Roof, Pedestrian Safety Improvements, the City's owned home at the end of 3200 South, Phone system update, preservation of historical documents, City Hall and Public Works Generator backup, Elkhorn Historical Sign, City Hall Tree Removal, and Capital Equipment

Mayor Jacobsen discussed sales tax, point-of-sale, sales tax revenue and total sales tax revenue. He asked Mr. Maughan if his Property tax revenue increase was based on crystal ball estimations and if it was based off new growth only. Mr. Maughan described the methodology he had used to anticipate the property tax rate and said the proposed rate did not anticipate going through the truth in taxation process.

*Councilmember Mansell moved to adjourned to closed session to discuss the Character, Professional Competence, or Physical or Mental Health of an Individual; Pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion.*

*Voting on the motion to adjourn to closed session was as follows:*

*Councilmember Larsen voted in favor.*

*Councilmember Norman Larsen vote in favor.*

*Councilmember Mann voted in favor.*

*Councilmember Mann voted in favor.*

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

The City Council moved to closed session at 10:57 p.m.

The City Council returned from closed session at 11:19 p.m. and resumed their open meeting.

**Council and Staff Report**

Councilmember Mann asked for an update of the traffic study and progress at the intersection at 800 west. Mr. Maughan updated the Council of what needed to happen to get a reduced speed and a flashing sign. Mayor Jacobsen reported on meeting with a citizen committee. Councilmember Mann talked about a meeting of the School Community Council.

Councilmember Larsen reported that the coloring contest page had been submitted.

Mayor Jacobsen asked that the following wording be included on the directions at the public lectern, *“Public comment must be germane to Nibley City governance.”*

Mr. Maughan reported on Nibley City’s Code Enforcement Officer.

Seeing no objection, Mayor Jacobsen adjourned the meeting at 11:32 p.m.

Attest: \_\_\_\_\_  
City Recorder