

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, December 5, 2024.

OFFICIAL MINUTES OF THE MEETING  
City Recorder Cheryl Bodily took minutes

**Opening Ceremonies**

Councilmember Norman Larsen talked about the Thanksgiving season and the things they were thankful for or valued. He said it was great to live in a great valley and great city. He said it was important to support those things they valued with your time and effort.

Councilmember Larsen led the meeting in the Pledge of Allegiance.

**Call to Order and Roll Call**

Mayor Larry Jacobsen called the Thursday, December 4, 2024, Nibley City Council meeting to order at 6:38 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Kay Sweeten and Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Tom Dickinson, Nibley City Engineer, and Cheryl Bodily, Nibley City Recorder was also present. Councilmember Mansell was excused from the beginning of the meeting.

Mayor Jacobsen recognized Chad Wright, Nibley City Recreation Director and Ali Wilcox, Nibley City Recreation Coordinator who were in the audience.

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

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

**Public Comment Period**

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:39 p.m.

Joel Nelson said:

*"My name is Joel Nelson and I live at 2321 E Makenna Court, Holladay, UT 84117. I am a grandson to Wesley Nelson and a cousin to Al Bingham.*

*Later tonight is a "Closed Meeting: To Discuss Pending or Reasonably Imminent Litigation." Whether or not the discussion has to do with the acquisition of our land associated with the roundabout project or not, my comments are a worthwhile use of this time.*

*Since approximately 1994 I have been an active member of the International Right of Way Association. This professional organization is a collection of governmental, private individuals and consultants who are engaged in the world of property acquisition involving the threat of eminent domain.*

*Previously, I have acquired land under the threat of condemnation as an independent acquisition agent for UDOT, Sandy City, Herriman City, and Salt Lake County.*

*Recently your contracted City Attorney sent the proposed settlement agreement for our land involved in the roundabout project. In that proposal, there was a deduction to the acquisition price of \$107,885 for "infrastructure improvements."*

*Based on condemnation law, there are some instances where the condemning agency may make this type of deduction from the property acquisition price. However, for this acquisition no deduction is warranted. You see, the acquiring agency designs the project, acquires the needed land, and pays for all of the project's improvements. With few exceptions does a property owner pay anything for the agency's project.*

*With that said, during previous conversations in attempting to settle the acquisition Nibley City, Al offered to accept a \$10,000 deduction, even though it was not required based on condemnation rules and regulations. To be consistent with our word, and our willingness to work with the City, we will still abide by that offer.*

*The proposed settlement agreement was also based on an acquisition price per square foot that is indeed too low, based on the appraisal acquired by the Property Rights Ombudsman's office and with several potential buyers. That said, I do not have time to discuss this matter regarding the settlement except to say unless the price per acre should be closer to \$250,000 per acre, otherwise our family will be taking an unfair hit, in the spirit of having this settled by December 23, 2024.*

*In summary, I encourage the Council to instruct the City staff and your attorney to modify the proposed settlement agreement with a \$10,000 improvement deduction and to increase in the price per acre for the acquisition.*

*Al, and our attorney Kyle Fielding, continue to encourage open communication between us.*

*Thank you for your attention and consideration of my comments."*

Cheryl Vaughan of 3115 South 1000 West said she had spoken to Mr. Dickinson in the past week (about water coming onto her property). She was speaking regarding the rezone of parcel 03-018-0005, located at approximately 1101 W 3200 S. She was still very concerned about the funeral home development and the wetlands in the back of the property. Ms. Vaughan thanked Mr. Dickinson for his help.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:45 p.m.

**Report: Nibley Royalty Program**

Mr. Wright introduced Kylie Mathis, Nibley Royalty Academy Director and Shelley Wakefield, member of the Royalty Academy Committee.

Ms. Mathis had a presentation for the City Council entitled *Nibley Royalty Academy; 2023-2024 Year End Review* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in the presentation included the following: "Believe in Magic", Purpose, The Goals for 2023-2024, Participant Workshops, and Testimonial. Ms. Mathis introduced Miss Nibley, Heather Waite.

Heather Waite, Miss Nibley said "for about 12 year and was something she always looked forward to because it gave her opportunities to break out of her comfort zone socially, emotionally and physically. Had made incredible friends through the pageant. She loved the services workshops and responsibilities that come with the pageant. Miss Waite said her love for the City has grown and she hopes that many young girls will have the same opportunity in the future.

Ms. Mathis continued and presented Sericea projects that the Royalty Academy were involved in that year.

Ms. Wakefield then step to the lectern and presented information on Anticipated Revenue, Year Over Year Review, Financial Specifics, and Financial Specifics, cont'd,

Ms. Mathis concluded the presentation with discussion of the Royalty Academy's Goals for 2024-2025 and thanked the City Council for their support.

Councilmember Mann noted that in some of the Royalty's pictures they were at Mt. Peak Volleyball. Ms. Mathis said the owner of Mt. Peak had donated the use of her space and she hoped they would be able to use the space in the future. Councilmember Mann asked how Ms. Mathis anticipated to increase the royalty scholarship amounts in the next year. Ms. Mathis hoped to increase participation and hoped to increase their budget amount. She hoped by raising the budget they could get more of the Senior girls to participate. Councilmember Sweeten thanked Ms. Mathis and Ms. Wakefield and looking at Miss Nibley, She was happy to see how impactful the pageant had been. She noted to the City Council that the amount of scholarship money had only increased

\$100 in 15 years. This showed how tightly the Royalty budgeted their money. Councilmember Sweeten said there were nine service opportunity through the year that the Royalty were expected to participate in. Councilmember Laursen said a big goal that seemed to need to be tackled, was the float. He asked how high a priority the float was to participants and to the program. Was it only tradition? Ms. Mathis said she felt it was important for parents to get their participants on the float. When they participated in other City parades, that city was appreciative of their participation and the float provided a good networking opportunity. Mr. Wright described that the float was a representation of the city. He said some cities built a new float every single year which was incredibly expensive. He said their current model of reusing the float was the most cost effective. Miss Nibley said that representing the City in a good way was important to her. She learned about all sorts of people that lived in Nibley, and she was able to get all sorts of perspective from people that lived in Nibley. Mr. Wright said the Royalty supported Nibley's events in a tremendous way and offered a great experience through their service, to the community. Councilmember Sweeten said she was impressed with how the Royalty had been able to stay within budget.

**Discussion & Consideration: Ordinance 24-15—Rezone Parcel 03-018-0005, located at approximately 1101 W 3200 S, from Residential (R-2) to Neighborhood Commercial (C-N) (Second Reading)**

Mr. Dickinson described his discussion with Ms. Vaughan and the developer about mitigating the spring on the property and wetland delineations. He spoke about road access and possibly having the road access be public.

*Councilmember Larsen moved to approve Ordinance 24-15—Rezone Parcel 03-018-0005, located at approximately 1101 W 3200 S, from Residential (R-2) to Neighborhood Commercial (C-N). Councilmember Mann seconded the motion.*

Mayor Jacobsen said he was excited to see some use of the Neighborhood Commercial zone rights. He thought this use would serve the community and the people of Nibley. He wanted to see an integrated, whole community in Nibley.

Councilmember Garrett Mansell arrived at 7:11 p.m.

Councilmember Larsen asked that the City Council have a presentation on wetlands sometime. Mr. Maughan said staff would be happy go over this in detail in a presentation. Councilmember Laursen was concerned that a gasoline service station and a car wash were permitted in this zone but because the applicant were not proposing to do either of those uses, he was inclined to approve the rezone. Councilmember Larsen said it was better than an RV Park.

*Seeing no objection to voting, the vote to approve the motion proceeded as follows:*

*Councilmember Larsen voted yes.*

*Councilmember Laursen voted yes.  
Councilmember Mann voted yes.  
Councilmember Sweeten voted yes.  
Councilmember Mansell voted yes.*

*The motion passed to approve Ordinance 24-15 passed unanimously 5-0; with Councilmember Larsen, Councilmember Mann, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mansell all in favor.*

Amy Johnson, Nibley City Treasurer arrived at the meeting at 7:19 p.m.

**Discussion & Consideration: Resolution 24-26—Adopting the 2025 Annual Meeting Schedule for the Nibley City Council (First Reading)**

Ms. Bodily showed a proposed meeting schedule for 2025 and described two additional meetings that had been included and the purpose for those meetings. She reminded the City Council that they could propose additional meetings or cancel schedule meetings throughout the course of the year, but Utah Code required the City Council pass an anticipated schedule each year.

*Councilmember Laursen moved to adopt Resolution 24-26—Adopting the 2025 Annual Meeting Schedule for the Nibley City Council and waived the second reading.  
Councilmember Sweeten seconded the motion.*

*There was no objection to voting on the motion to adopt the Resolution and voting was as follows:*

*Councilmember Larsen voted yes.  
Councilmember Laursen voted yes.  
Councilmember Mann voted yes.  
Councilmember Sweeten voted yes.  
Councilmember Mansell voted yes.*

*Voting on the motion to adopt Resolution 24-26 passed unanimously 5-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Larsen, Councilmember Mann, and Councilmember Mansell all in favor.*

**Discussion & Consideration: Resolution 24-27—Consolidated Fee Schedule (First Reading)**

Ms. Johnson described that the amendments to the Consolidated Fee Schedule were coming to the City Council and staff had done their review earlier, because of anticipated garbage (solid waste) fees. Ms. Johnson discussed the new fees being proposed and reviewed fees that had been in place but were being amended. The first was a new fee, water charges. Mr. Maughan said Ms. Johnson described fees for impound and fees charged by the Cache County animal services, solid waste charges, stormwater residential inspection fee, community room use fee, weekend park pavilion

rentals, building repair and maintenance, field preparation costs, Firefly Outdoor classroom rental, parking infractions, Water Theft fee, and meter obstruction penalty.

*Councilmember Larsen moved to approve Resolution 24-27—Consolidated Fee Schedule and waived the second reading. Councilmember Sweeten seconded the motion.*

Councilmember Laursen asked staff for numbers of residents who had asked for second garbage cans instead of utilizing a greenwaste can. Councilmember Larsen noted there may be more demand because Logan City was now charging for green waste. Mr. Maughan

*After discussion, voting on the motion to approve Resolution 24-27 was as follows: Councilmember Larsen voted yes.*

*Councilmember Laursen voted yes.*

*Councilmember Mann voted yes.*

*Councilmember Sweeten voted yes.*

*Councilmember Mansell voted yes.*

*The motion to approve Resolution 24-27 passed unanimously 5-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Laursen, Councilmember Mann, and Councilmember Mansell all in favor.*

Ms. Johnson reported that Nibley City had received the Government Finance Officers Association (GFOA) Award for the Nibley City budget.

### **Council and Staff Report**

Councilmember Sweeten recalled that she had asked Mr. Maughan about stops signs that had been put up at cul-de-sacs. Mr. Maughan said to be perfectly honest, they were not sure why. They vaguely remember someone complaining to the City Council about people not yielding at the cul-de-sacs. Mr. Maughan offered to do a full review.

Councilmember Mann reported that she'd had a chat with Mr. Dickinson and Mr. Maughan about pedestrian safety.

Councilmember Laursen questioned if they would be holding their next meeting.

Councilmember Larsen said he'd received complaint about parking tickets and questioned what notification had been put out.

Mayor Jacobsen said he had promised a resident that he would poll the City Council if they would like to consider a code amendment that would switch away from a prohibition on parking that was day of year and day of hour driven to a code that was when plows were out and active.

Mayor Jacobsen reported on the Project Valor ribbon cutting.

Mr. Maughan reminded the City Council of the Nibley staff Christmas Dinner being held on December 11 at the American West Heritage Center.

Mr. Maughan the legislative season was ready to kick off and he reminded the City Council to reach out to him if there were things they were aware off, wanted to know more about, or wanted looked into more.

Mr. Maughan asked the City Council if they wanted a meeting on December 19, 2024. Currently, staff didn't have much to talk about. Mayor Jacobsen said they probably wouldn't need a meeting. They would wait a week and then decide about the meeting.

Mayor Jacobsen said he had taken away bill tracking software from the pre-legislative meeting with the Chamber of Commerce.

Mr. Dickinson said he had been focusing on capital projects. They had gotten contracted for the regional stormwater retention pond design at the Nibley City green waste site on 1200 west. He believed they would get the 1300 west roadway bid in January to February of next year and get construction done in the summer.

Mr. Dickinson said they were resuming design on 1200 West, phase 5. They were at about 90%. After prompting from Mr. Maughan, Mr. Dickinson announced that the Council of Governments had awarded Nibley City the contract for phase 5 of the 1200 West project.

Mr. Dickinson said they were continuing design of the well. Mr. Maughan was working on financing options. Mr. Dickinson felt they would be close to going to bid for contract in January, February or March.

Mr. Dickinson reported that they were close to wrapping up the Stormwater Master Plan.

Mr. Dickinson reported they had been working with Informed Street, through Horrocks Engineers, which was a platform that evaluated the roadway condition of pavement and created a management and restoration plan that was tied to a budget. This platform was tailored to Nibley City.

Amy Johnson left the meeting at 8:20 p.m.

Mr. Dickinson said the Ridgeline Park design wetland had been redesigned based on the Army Corp of Engineers designation. He felt they still had a park. He hoped to propose a construction plan that would protect the 300 ft. boundary around the Ute Ladies Tresses.

Seeing not objection, the City Council took a recess at 8:34 p.m. The meeting resumed at 8:44 p.m.

*Councilmember Laursen moved to adjourned to a closed meeting to Discuss Pending or Reasonably Imminent Litigation Pursuant to Utah Code 52-4-20552-4-20.*

*Councilmember Mansell seconded the motion.*

*Voting on the motion to move to closed meeting was as follows:*

*Councilmember Mansell voted yes.*

*Councilmember Sweeten voted yes.*

*Councilmember Mann voted yes.*

*Councilmember Laursen voted yes.*

*Councilmember Larsen voted yes.*

*The motion to move to closed meeting was unanimous 5-0.*

The City Council returned from the closed meeting at 10:25 p.m. and returned to their regular meeting at 10:25 p.m.

Seeing no objection, the meeting was adjourned at 10:25 p.m.

Attest: \_\_\_\_\_

*Cheryl Bodily*  
City Recorder