

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, January 30, 2025.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Erin Mann extended a "thank you" to City staff and described some of their winter season work efforts.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, January 30, 2025, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Garrett Mansell, Councilmember Erin Mann, Councilmember Nathan Laursen, and Councilmember Norman Larsen. Levi Roberts, Nibley City Planner, Justin Maughan, Nibley City Manager, Cheryl Bodily, Nibley City Recorder, Steve Eliason, Nibley City Public Works Director, and Chad Wright, Nibley City Recreation Director was also present.

Evan Bigelow, Nibley City Code Enforcement Officer, Clair Schenk, Nibley City Planning and Zoning Commission Chair, Kaitlyn Madsen and Michael Stokes, members of the Nibley City Parks and Recreation Advisory Committee, and Talon Bigelow, with the Nibley City front office were also in the audience.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Laursen moved to approve the January 9, 2025, open meeting minutes as edited, and closed session meeting minutes. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Mann, and Councilmember Mansell all in favor.

Councilmember Larsen moved to approve the evenings, January 30, 2025, agenda, as outlined. Councilmember Mansell seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Mansell, Councilmember Laursen, 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 6:34 p.m.

Justin Hobbs of 465 West 2800 South had asked the City Council to look at the city's nuisance code. He asked for a timeline of when they could look at the nuisance code. He requested a review within the next six weeks. Mayor Jacobsen reminded Mr. Hobbs that he had requested the City Council members let him know if they would like to have the nuisance ordinance on the agenda. He reported that he hadn't heard any response from

the City Council that they wanted the nuisance ordinance put on the agenda and had no schedule to offer Mr. Hobbs. He said, based off the lack of response from the Council, that they were not interested in looking at the code. Mr. Roberts described that there was another path forward. Anyone could submit an application for a specific code change. There was an application online for this and there was a fee associated with the application. It would be based on a specific proposal of what the applicant wanted to change. Mr. Hobbs felt that 6 weeks to look at the code was adequate and reported that he had spoken with Councilmember Sweeten. He requested six weeks. Councilmember Mann asked Mr. Hobbs if she could contact him in the upcoming week and Mr. Hobbs accepted this offer.

Michael Stokes of 3340 South 600 West in Nibley said he had been researching and studying American history and had been overcome with gratitude for what the City Council and Mayor did. He said he knew them individually and the longer he was a Nibley resident, the more he would get to know them. He thought of the impacts that each of the elected body were making just by their willingness to sit in their seats. He thanked the City Council.

Mike Anderson of 994 Nibley Parkway reported that he had gone out of town with his family and reported what had been put on his door because of snow removal. He said it was a warning. He said if the City were going to pay money to send someone around putting warnings on doors, that the money would be better spent paying the guys that maintain the road, sewer lines, and parks more money. He said it was a waste of time, and it angered him. Mr. Anderson said the City needed to use their use their money better.

Adam Powel of 668 West 3480 South discussed how much he loved living in Nibley. He was not complaining about the parking tickets he had received in the past month. He noticed the city had stepped up their citations. He was angry about the citation that had been given to Mr. Anderson to clear snow from sidewalks. He'd read and interpreted from the citation that he had three hours to clear the sidewalk. He said there was no consideration of the elderly or what was going on in the citizen's lives. He said they took care of their neighbors, but it would be a slap on the face to get a notice on the door and he was out of town working a lot. He discussed where and when he took his vacations. He said the noticing was an overreach. He said it was a thug mentality notice. He suggested the Council could lengthen the time for snow removal.

Councilmember Laursen read a comment submitted by resident Carlos Calbimonte of 3008 S 100 W in Nibley:

"Dear City Council Members, I'm writing to express concerns about the current snow removal ordinance and its associated fees. While I understand the importance of clear sidewalks for safety, the current regulations seem overly strict and financially burdensome.

Specifically, I'm concerned about:

- * Unforeseen circumstances: What happens to residents who are out of town, dealing with unexpected work obligations, or physically unable to shovel snow within the given timeframe?*
- * Weather unpredictability: Snowstorms can be unpredictable, making it difficult to always comply with the ordinance, especially for those with early morning commutes.*
- * High fees: The escalating fee structure, starting at \$75 and doubling thereafter, seems excessively punitive. I urge the council to reconsider the following:*
- * Increased flexibility: Allow for exceptions in cases of travel, illness, or other unavoidable circumstances.*
- * Extended timeframe: Provide a more reasonable timeframe for snow removal, considering the unpredictable nature of winter weather.*
- * Reduced fees: Re-evaluate the fee structure to ensure fairness and affordability for all residents.*

Thank you for your time and consideration."

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:51 p.m.

Planning Commission Report

Mr. Roberts reported that, other than the items on the current City Council agenda, the Planning Commission had discussed the Hawk Hollow subdivision at 3200 South just south of Heritage Elementary. The Planning Commission had approved the preliminary plat with conditional approval because there was a consideration to trade land with the City. The development agreement proposal to trade this land was also considered and would be in front of the Council at their next meeting. Mr. Roberts reported that the Planning Commission had discussion and held workshop on the R-M zone without any clear direction. He said the item would be continued on the next Planning Commission agenda.

Discussion & Consideration: Resolution 25-03—Appointing Members of the Nibley City Parks and Recreation Advisory Committee (First Reading)

Mr. Wright said there had been turnover in their Parks and Recreation Advisory Committee as members had moved out of the community. They had gone through the regular process to recruit new members and staff had two recommendations. Mr. Wright described Mr. Leybas and Mr. Hayden's qualifications. He would be thrilled to have these members as part of the Park and Recreation Advisory Committee and contributing to the health and wellbeing of Nibley's community.

Mayor Jacobsen thanked the candidates for their willingness to serve and asked the City Council to confirm his appointments of Manny Leybas and Mr. Hayden to the Nibley City Parks and Recreation Advisory Committee.

Councilmember Laursen moved to approve Resolution 25-03—Appointing Members of the Nibley City Parks and Recreation Advisory Committee and waived the second reading. Councilmember Mansell seconded the motion.

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

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Mann voted yes.

Councilmember Mansell voted yes.

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

Discussion & Consideration: Resolution 25-04—Appointing Bret Swenson to the Nibley City Planning Commission (First Reading)

Mayor Jacobsen described that Bret Swenson was a great asset to the Planning Commission. Each year he had a discussion with Mr. Swenson if he was willing to serve another year. Mayor Jacobsen asked for the City Council's consent to the appointment of Mr. Swenson to the Nibley City Planning Commission.

Councilmember Mansell moved to approve Resolution 25-04—Appointing Bret Swenson to the Nibley City Planning Commission and waived the second reading. Councilmember Mann seconded the motion.

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

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Mann voted yes.

Councilmember Mansell voted yes.

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

Discussion & Consideration: Resolution 25-05—Appointing the Nibley City Representative to the Cache Mosquito Abatement District (CMAD) (First Reading)

Mayor Jacobsen said the Cache Mosquito Abatement District allowed Nibley City to have an appointed representative. They had been served by Gregory Shannon during the previous year and he was up for reappointment as shown by the Resolution. Mayor Jacobsen recommended the City Council appoint Gregory Shannon to the Cache Mosquito Abatement District board.

Councilmember Larsen moved to approve Resolution 25-05—Appointing the Nibley City Representative to the Cache Mosquito Abatement District (CMAD) and waived the second reading. Councilmember Laursen seconded the motion.

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

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

*Councilmember Mann voted yes.
Councilmember Mansell voted yes.*

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

Public Hearing: Ordinance 25-01–Amendments to Nibley City Code NCC 15.02.070, 15.02.140, 15.02.180 And Creation Of 15.02.210, Relating to Water Theft and Infringement of City Staff Access to Water Meter Vaults

Mr. Maughan described, that as reported at the last meeting, the City had experienced issues with contractors hooking up to fire hydrants in the city, unmetered and unprotected from backflow prevention devices. They'd also had some issues with landscapers and some residents covering up residential water meters and making it difficult to access meters to read and maintain them.

Mayor Jacobsen gave direction to the meeting participants and opened the public hearing at 7:03 p.m.

Seeing no public comment, the public hearing was closed at 7:03 p.m.

Discussion & Consideration: Ordinance 25-01–Amendments to Nibley City Code NCC 15.02.070, 15.02.140, 15.02.180 And Creation Of 15.02.210, Relating to Water Theft and Infringement of City Staff Access to Water Meter Vaults (Second Reading)

*Councilmember Laursen moved to approve Ordinance 25-01–Amendments to Nibley City Code NCC 15.02.070, 15.02.140, 15.02.180 And Creation Of 15.02.210, Relating to Water Theft and Infringement of City Staff Access to Water Meter Vaults, as presented.
Councilmember Larsen seconded the motion.*

Councilmember Laursen asked if the City had safety issues with entering private property to access water vaults. Mr. Maughan reported that most meters were in the public right-of-way. He discussed that some were behind the sidewalk but in a utility easement. He said water meters were kind of all over the place. The standard was to put them between the curb and gutter and the sidewalk. Councilmember Larsen asked how staff anticipated enforcing the ordinance. Mr. Maughan reported on staff's anticipated enforcement. Mr. Maughan reported that some meters were found quickly with a metal detector but others, that had been significantly buried, took several hours to find. Councilmember Mansell asked that staff use the newsletter for educating the public about water meters and not covering meters. He said they needed to do a better job of education first and foremost.

*Seeing no objection to voting, the vote proceeded as follows:
Councilmember Larsen voted yes.
Councilmember Laursen voted yes.
Councilmember Mann voted yes.*

Councilmember Mansell voted yes.

The motion to approve Ordinance 25-01 passed unanimously 4-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Mann, and Councilmember Mansell all in favor.

Public Hearing: Ordinance 25-06—Notice to Adopt or Amend an Impact Fee Facilities Plan; Logan City Wastewater Impact Fees

Mr. Maughan said Logan City had gone through the process of studying the water usage of multi-family units as opposed to single-family units and had discovered that multi-family units produce less wastewater. Logan had calculated and justified a reduction in the multi-family wastewater treatment impact fee that Nibley City collected and turned into Logan. Mr. Maughan said this first item was to adopt the plan and report that was put together by LRB Public Finance who had taken the data and done the calculations shown in the report.

Mr. Maughan also described the next item on the agenda, which he noted was adopting the wastewater impact fee for multi-family residential, which was \$1,703 as opposed to \$2,340 which was charged to single-family residential.

Mayor Jacobsen gave direction to the meeting participants and opened the public hearing at 7:14 p.m.

Seeing no public comment, the public hearing was closed at 7:14 p.m.

Discussion & Consideration: Ordinance 25-06—Notice to Adopt or Amend an Impact Fee Facilities Plan; Logan City Wastewater Impact Fees (First Reading)

Councilmember Larsen moved to approve Ordinance 25-06—Notice to Adopt or Amend an Impact Fee Facilities Plan; Logan City Wastewater Impact Fees, for first reading. Councilmember Laursen seconded the motion.

Mayor Jacobsen asked where Logan City was in the impact fee adoption process. Mr. Maughan said the issue had been taken to workshop and he had the understanding that their timeline was the middle of February.

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

Public Hearing: Ordinance 25-02— Notice of Intent to Adopt an Impact Fee Enactment; Adjusting Logan City Wastewater Treatment Impact Fees for Residential Multifamily Units

Mr. Maughan described that impact fees were paid when development came in, to offset the impact of new development on a public system. Mr. Maughan said the proposed impact fee was specific to studying multi-family. Traditionally impact fees had

been charged by meter size and from city to city there was different standards on how many units could go onto a single meter. The new impact fee for a townhouse or condo or anything attached to a larger grouping of units would pay the lower impact fee for Logan City's wastewater treatment facility. Mayor Jacobsen asked if all communities that sent wastewater to the Logan City wastewater treatment plant paid the same impact fees. Mr. Maughan agreed that they did.

Mayor Jacobsen gave direction to the meeting participants and opened the public hearing at 7:19 p.m.

Seeing no public comment, the public hearing was closed at 7:19 p.m.

Discussion & Consideration: Ordinance 25-02– Notice of Intent to Adopt an Impact Fee Enactment; Adjusting Logan City Wastewater Treatment Impact Fees for Residential Multifamily Units (First Reading)

Councilmember Larsen asked for clarification if the proposed impact fee was entirely a passthrough impact fee or if Nibley City retained some impact fee. Mr. Maughan said this was a pass-through fee to Logan. Nibley City adopted Logan's fees, studies, and their plan. Impact fees were structured and defined, and they would want to make sure they had studies to back up impact fees.

Councilmember Larsen moved to approve Ordinance 25-02– Notice of Intent to Adopt an Impact Fee Enactment; Adjusting Logan City Wastewater Treatment Impact Fees for Residential Multifamily Units, for first reading. Councilmember Mann seconded the motion. The motion passed 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Laursen, and Councilmember Mansell all in favor.

Public Hearing: Ordinance 25-03–Amendments to Nibley City Code NCC 15.10.020 Definitions and 15.10.050 Stormwater System Operation and Maintenance

Mr. Maughan described that Nibley was required to have a municipal stormwater system by the State of Utah and were required to have a Municipal Separate Storm Sewer System Program, which was a program about how they made sure water that got into rivers and stream was not polluted. There were also a host of things they had to do for public education, inspections, construction inspection, and street sweeping. The State of Utah was mandated to oversee this and held audits. Mr. Maughan described that the proposed ordinance changes were a because of Nibley City's audit.

Mayor Jacobsen opened the public hearing at 7:25 p.m. Seeing no public comment, Mayor Jacobsen closed the public hearing at 7:25 p.m.

Discussion & Consideration: Ordinance 25-03–Amendments to Nibley City Code NCC 15.10.020 Definitions and 15.10.050 Stormwater System Operation and Maintenance (Second Reading)

Councilmember Larsen moved to approve Ordinance 25-03—Amendments to Nibley City Code NCC 15.10.020 Definitions and 15.10.050 Stormwater System Operation and Maintenance. Councilmember Mansell seconded the motion.

Councilmember Larsen said he sometimes questioned the stormwater rate he found on his utility bill but had gained an understanding of how complicated a service it was.

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

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Mann voted yes.

Councilmember Mansell voted yes.

The motion to pass Ordinance 25-03 passed unanimously 4-0; with Councilmember Larsen, Councilmember Mansell, Councilmember Laursen, and Councilmember Mann all in favor.

Discussion and Consideration: Ordinance 25-04—Amending NCC 19.24.160, 19.24.260, 19.12.040, 19.32.080, 19.24.250; Parking requirements, including amendments to minimum parking spaces with new development, establishing minimum bicycle parking, and allowing for alternative parking plan (First Reading)

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Parking Requirements* (a printed copy of this presentation is included in the printed meeting minutes). The topics in Mr. Roberts' presentation included the following: Background, Parking Requirements, a recommended parking chart, Alternative Parking Plan, Bike Parking, and Planning Commission Recommendation:

"Approval of Ordinance 25-04: Amending NCC 19.24.160, 19.24.260, 19.12.040, 19.32.080, 19.24.250; Parking requirements, including amendments to minimum parking spaces with new development, establishing minimum bicycle parking, and allowing for alternative parking plan"

Mr. Roberts said the recommendation from the Planning Commission as well as staff was for the City Council to approve the ordinance.

Councilmember Mansell questioned adding an additional requirement for bike parking. Mr. Roberts said they had leaned on a consultant for their background and expertise on this data.

Councilmember Laursen moved to approve Ordinance 25-04—Amending NCC 19.24.160, 19.24.260, 19.12.040, 19.32.080, 19.24.250; Parking Requirements, Including Amendments to Minimum Parking Spaces with New Development, Establishing Minimum Bicycle Parking, and Allowing for Alternative Parking Plan, for first reading. Councilmember Mann seconded the motion.

Councilmember Mann asked if the new school being built by Heritage Elementary would fall under the new requirements or if they would be grandfathered under old requirements. Mr. Roberts said the city didn't regulate land use for schools and described that city regulations may apply with a charter school or private school. Councilmember Laursen echoed the praise of Commissioner Ribao. He said making parking regulations reasonable was a step toward creating more value and wealth in the City. Councilmember Laursen said he'd attended a Providence City Council meeting and noted they were dealing with some of the same issues as Nibley City. In commercial areas they were having employees parking on the road to allow parking for clients, and were receiving parking citations. It was creating an issue of having the time of that citation changed. He questioned transportation and which uses would have employee that were likely to drive and using alternate methods. He said the location and what was available on the street in the summer may or may not have as much demand in the winter. He suggested good master planning of streets and their commercial areas. Councilmember Laursen discussed accesses to rights-of-way and snow that may be pushed into a right-of-way. Councilmember Laursen also brought up the issue of parking other transportation items such as one-wheels or other alternate methods. He'd like this definition included in bicycle parking. Councilmember Larsen said they might look at what was being applied for and taking considerations for those types of use.

After the vote, the motion passed 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Mann, and Councilmember Mansell all in favor.

Seeing no objection, the City Council took a short break at 8:01 p.m. The meeting resumed at 8:07 p.m. Councilmember Mansell was not present.

Public Hearing: Resolution 25-02—Adopting the Nibley City Active Transportation Plan

Mr. Roberts led a presentation utilizing an electronic presentation entitled *Active Transportation Plan* (a printed copy of this presentation is included in the printed meeting minutes). The topics in Mr. Roberts' presentation included the following: Background.

Councilmember Mansell returned at 8:08. p.m.

Mr. Roberts continued his presentation and discussed the following topics: Steering Committee, Plan Elements, Vision Statement, Existing Conditions, maps including several destinations in Nibley and a map of supported land uses, Existing sidewalks, Key Destinations & Corridors, Survey Results, Web map results, Public Involvement, Spot Improvements, Active Transportation Facility Recommendations, Traffic Calming & Sidewalks, Policy & Program Recommendations, and Planning Commission and Staff's Recommendation:

“Approval of Resolution 25-02—Adopting the Nibley City Active Transportation Plan”

Mayor Jacobsen opened the public hearing at 8:28 p.m. Seeing no public comment, Mayor Jacobsen closed the public hearing at 8:28 p.m.

Discussion and Consideration: Resolution 25-02—Adopting the Nibley City Active Transportation Plan

Councilmember Laursen moved to approve Resolution 25-02—Adopting the Nibley City Active Transportation Plan, for first reading. Councilmember Mann seconded the motion.

Councilmember Laursen said he would like to see prioritization included in the plan and didn't see where weather had been addressed in the plan. He would like to see a plan as to how Nibley could overcome weather. Mr. Roberts discussed how well the Nibley Public Works team cleared the City in the winter and wasn't sure if this was a big problem that was identified in the City. Councilmember Larsen described the opportunity that was given to the then Cache Vally Transit District for warming huts. Mayor Jacobsen said he was excited about the plan and felt parking in bike lanes needed to be cleared up in ordinance because it defeated the purpose of a bike lane. Mayor Jacobsen directed staff to a typo on page 20 of the ATP.

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

Discussion & Consideration: Resolution 25-06 —Amending the Nibley City Transportation Master Plan, Removing 2500 South Between 1200 West and 1300 West (Third Reading; previously Res 24-20)

Mr. Roberts led a presentation utilizing an electronic presentation entitled *TMP Amendment Request – 2500 S Removal* (a printed copy of this presentation is included in the printed meeting minutes). The topics in Mr. Roberts' presentation included the following: Background, the submitted configuration of the property surrounding 2500 South, Updates for 1/30 meeting, the preliminary plat submittal, a more recent preliminary plat submittal, Summary of comments, Table 6: Existing (2023) Plus Project Peak Hour LOS, Staff Analysis, and Planning Commission Recommendations with Recommended Findings:

“Recommend denial of Resolution 24-20 - Amending the Nibley City Transportation Master Plan, removing 2500 South roadway between 1200 West and Heritage Drive with the recommended findings noted below

1. 2500 S improves street connectivity in the area, which would help disperse traffic, provide direct connections for all street users, improve emergency access, and support effective street maintenance.
2. Without 2500 S connection, the Road configuration provides only private benefit for the development.

3. Elimination of 2500 S may force less ideal driveway connections.”

Mr. Al Bingham was present at the meeting. Mr. Bingham introduced the members of his family in the audience including Joel Nelson. Mr. Bingham recognized Trent Williams from Ensign Engineering, Scotty Duclose from Hale Engineering, who'd done the traffic study, and Stuart Thayne, who were all participating online. Mr. Bingham said the church had advocated that they didn't want the road behind the church because it isolated the road and how the road was a detriment to the commercial property.

Mr. Williams addressed some of their reasonings for removing 2500 South. He said most of the minimal traffic that would go through the road would be connecting directly to the commercial and they wouldn't want to increase volume traffic on the residential road and with driveway accesses. He said they had 2600 south and Heritage Drive that were collector roads that were intended to pass traffic through and connect to a commercial traffic center. Having two points of ingress and regress and the build out of Heritage Drive needed to be completed. Mr. Duclos recommended that there was a safety perspective in removing 2500 south. He said the level of service F was primarily due to cueing off Highway 89/91. They were suggesting addressing this with a lighted signal on US Highway 89/91. A projected road for the area wouldn't provide better connectivity because the number of cars that would use the road from the project area was minimal and the road would primarily be used as a cut through for traffic. It was not recommended from safety perspective because of increased cut-through speed and driveways along the corridor. Stuart Thayne said he had been working with Al and his family on the project for over three years. He said a light at 89/91 would give them the ability to do a commercial development. He said they needed as much traffic as they could on 2600 and to get as many folks as they could to commercial with 2600 being the main access and the main thoroughfare.

Councilmember Larsen moved to approve Resolution 25-06 —Amending the Nibley City Transportation Master Plan, Removing 2500 South Between 1200 West and 1300 West and Including an item #3 on the Resolution with a Prohibition of Access onto 1200 West between 2500 S and 2600 S. Councilmember Mansell seconded the motion.

Councilmember Larsen discussed Nibley City being a rapid growing city with a great staff. He pointed out the road location on the Cache County Parcel Viewer map and described the reasons for his motion. He noted the amount of traffic anticipated on 1200 West that would connect Logan's airport road to Hyrum. He said eliminating connections to 1200 West would protect 1200 West and the developer would have to design a traffic flow to go onto Heritage. Mayor Jacobsen and Mr. Bingham debated how having a road next to a proposed church, isolated the church. Mr. Duclos said the church would be surrounded on all four sides by a road and would have to be accessed by crossing a road. Mr. Bingham said the creation of 2500 South would create a dangerous "S" curve to connect.

Staff took the time to amend the proposed resolution to align with Councilmember Larsen's motion.

"#3 This Resolution is subject to the condition that access on 1200 West between 2500 South and 2600 South is prohibited"

Councilmember Laursen asked for clarification if the property proposed for a church had been sold and subdivided. Mr. Roberts clarified that it had not been sold or subdivided. Mr. Bingham said the church would not buy the property if 2500 South was included in the Master Road Plan. Mr. Bingham redacted and said the church had stated vehemently that they did not want the road on 2500 South. Councilmember Laursen said there was no way he would remove 2500 South without the timing of Heritage Drive being resolved because they needed the second access point for the residential development. Councilmember Mann asked Mr. Duclos for the technical verbiage of an "S" curve? They'd had traffic engineers tell them that curved roads slowed down traffic. Mr. Duclos said an "S" curve was a road that curved both ways. They could slow down vehicles but caused safety issues and he noted sight distance and icy roads.

Councilmember Laursen asked what it would take for an analysis of the traffic impact study to include 2500 South to see what would be required to move the level of "F" from the road. Mr. Maughan said the City would have to work with Mr. Bingham's consultant or hire their own consultant to do a traffic study and it would take a month or two and cost some money. Councilmember Laursen asked if Mr. Bingham had a conversation with the Utah Department of Transportation (UDOT) about a light coming in at 2600 South. Mr. Bingham said they'd met with UDOT a year and a half ago that they would have a light there. Mr. Bingham said that UDOT had approved a light at 2600 South if they got the traffic up at that road. Mr. Bingham said they had it in writing about the light if the developer paid for it. UDOT had said verbally that they had the money set aside to put the light in and UDOT would pay for the light if they got the traffic volume there. Mayor Jacobsen asked for clarification that UDOT had said they would pay for the light if the light was warranted? Mr. Bingham said as soon as the traffic volume was there, UDOT would pay for a light. Mr. Bingham offered to send over what UDOT had sent him. Mayor Jacobsen said he looked forward to seeing it in writing; that UDOT would pay for the light. Councilmember Mansell said he had some issues about 2500 South and the proximity of the road to the roundabout. He also had issues with how the road connected on the north boundary and that there were no connections to Spring Creek in the master plan. The Council discussed Councilmember Mansell and Councilmember Larsen's concerns with the proximity of 2500 South to the roundabout at 2600 South.

Mayor Jacobsen and Mr. Bingham discussed the commercial opportunity on Heritage Drive. Mayor Jacobsen had trouble understanding how property that was on the east and west of Heritage Drive, currently zoned commercial and currently matching the concept plan that the potential commercial developer had shown the Council, would

benefit the commercial by being rezoned to residential. Mayor Jacobsen asked Mr. Bingham to go on the record and tell if Mr. Bingham's potential commercial developer had said that he wanted the property, current zoned commercial, to be rezoned residential? Mr. Bingham said they were trying to put something together for the City. Councilmember Laursen described that the threshold for him to remove something from a master plan was very high. They had gone down the path at the proponent's request to see if it met that threshold. He said the items that staff had brought up had not been resolved and removal of the road had not met the threshold. He suggested there was more Mr. Bingham could do in the area if he looked at who they were proposing to sell to.

Councilmember Laursen made a substitute motion to deny Resolution 25-06 — Amending the Nibley City Transportation Master Plan, Removing 2500 South Between 1200 West and 1300 West. Councilmember Mann seconded the motion.

Councilmember Larsen disagreed and noted the plan wasn't followed all the way through on another section of 2500 South and they were not consistent. He didn't think they needed to put a road in just to put a road in. The road needed to flow, and the subdivision didn't need it. There was more value in putting Heritage Drive in. Councilmember Laursen and Councilmember Larsen debated the necessity of 2500 South.

Mayor Jacobsen told Mr. Bingham that he and the City Council all wanted commercial development in Nibley City. When a commercial developer told the City Council that they wanted land zoned commercial, redeveloped to residential, he was all ears. Mr. Bingham said the city was infringing on contracts with private individuals.

Councilmember Laursen moved to call to question. Councilmember Mann seconded the motion. The motion passed 3-1; with Councilmember Laursen, Councilmember Larsen, and Councilmember Mann all in favor. Councilmember Mansell was opposed.

Joel Nelson discussed his experience with the Salt Lake City Department of Airports and that they had a number of master plans that were updated. A master plan was a vision, and they had developers that wanted to do different things. They were always willing to amend a master plan when they had a specific project, and the project made sense to make a change to the master plan. They did not let the master plan rule everything.

*Councilmember Larsen voted no.
Councilmember Laursen voted yes.
Councilmember Mann voted no.
Councilmember Mansell voted no.*

The motion failed 1-3; with Councilmember Mann, Councilmember Larsen, and Councilmember Mansell opposed. Councilmember Laursen was in favor.

Councilmember Larsen moved to approve Resolution 25-06 —Amending the Nibley City Transportation Master Plan, Removing 2500 South Between 1200 West and 1300 West and Including an item #3 that the Resolution is subject to the condition that access on 1200 West between 2500 South and 2600 South is prohibited by deed restriction on Parcels #03-227-0003 as of January 30, 2025. Councilmember Mansell seconded the motion.

Councilmember Laursen asked about Councilmember Larsen's thoughts on the timing of Heritage Drive. Councilmember Larsen felt that by limiting the access onto 1200 West it forced Heritage Drive. Councilmember Laursen asked if staff agreed with this. Mr. Maughan said he was hesitant to say one way or another. Mr. Williams said they understood they had to have two access points for the number of homes they had, and the timing may be wrapped up with the commercial development, but they wanted to allow the commercial developer the control and design of Heritage Drive.

Mayor Jacobsen made a motion to amend Resolution 25-06 that adoption of this Resolution neither guarantees nor implies land use entitlements beyond those in place at the time of adoption of this resolution or those with standing as a result of application date. Councilmember Larsen seconded the motion.

Mr. Bingham described how the commercial developer had changed this proposal around many times, and they had tried to accommodate the commercial developer. Mayor Jacobsen asked Mr. Bingham to tell the commercial developer "if the commercial developer can tell me what he wants, I will 'carry the flag' . . . and carry that to the Council."

Councilmember Laursen clarified the current zoning on Mr. Bingham's current parcels.

Mayor Jacobsen asked for Mr. Yellowhorse's opinion of his amendments. Mr. Yellowhorse gave suggestions to edit.

General consent was given to edit the amendment to read "*those applicable as a result of application date.*"

Voting on the amendment to Resolution 25-06 was as follows:

The amendment to Resolution 25-06 passed unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Mann, and Councilmember Mansell all in favor.

Councilmember Larsen moved to call to question. Councilmember Mansell seconded the motion. The motion passed 3-1; with Councilmember Larsen, Councilmember Mann and Councilmember Mansell in favor. Councilmember Laursen was opposed.

Seeing no opposition, voting on the amended motion was as follows:

Councilmember Larsen voted yes.

Councilmember Laursen voted no.

Councilmember Mann voted yes.

Councilmember Mansell voted yes.

The motion passed 3-1; with Councilmember Larsen, Councilmember Mansell and Councilmember Mann in favor. Councilmember Laursen was opposed.

General consent was given for a meeting break at 11:06 p.m. The meeting resumed at 11:11 p.m.

Workshop: Water Rate Review

Councilmember Mann moved to suspend Workshop: Water Rate Review, to the next City Council meeting. Councilmember Larsen seconded the motion. The motion passed 4-0; with Councilmember Mann, Councilmember Larsen, Councilmember Laursen, and Councilmember Mansell all in favor.

Council and Staff Report

Councilmember Mansell asked the best way to address ticketing for snow removal? He asked how was the best way to address this when residents were out of town? He and Mr. Roberts discussed how the snow removal code was currently enforced.

Councilmember Mann reported on her and Councilmember Larsen meeting with the Morgan Farm 501(c)(3).

Mayor Jacobsen reported on the Cache Valley Historical Board where he'd met with someone involved with historic preservation throughout the State, who'd offered information on possible ways to get money to keep the Morgan Farm barn.

Mayor Jacobsen reported that he and Mr. Maughan had sat in on a legislative policy committee with the Utah League of Cities and Towns. He reported on some of the issues that had been discussed.

Mayor Jacobsen reported that he had gone to a CMPO meeting and the 89/91 study was complete and the next step was a 89/91 agreement. He'd asked for Nibley to be included in the drafting of the agreement. UDOT had said "yes" and a consultant would reach out to Nibley staff.

Mr. Roberts reported that he and a selection committee were narrowing down the selected consultant for the General Plan. He hoped to have this to the City Council at their next meeting. They had received 4 proposals.

Ms. Bodily asked the City Council's temperature in pursuing Ranked Choice Voting and described that Cache County would be sending an election contract soon. She also said she was able to run the election for Nibley City if it was the City Council's choice.

Ms. Bodily requested the Mayor and City Council turn in their Conflict-of-Interest Disclosures.

Mr. Maughan reported that the Blacksmith Fork Irrigation Company had a new board. Mayor Jacobsen said they appreciated Mr. Maughan's service.

Closed Meeting: To Discuss Pending or Reasonably Imminent Litigation and to Discuss the Purchase, Exchange, or Lease of Real Property, Pursuant to Utah Code 52-4-205
Councilmember Mann moved to go to closed meeting to Discuss Pending or Reasonably Imminent Litigation and to Discuss the Purchase, Exchange, or Lease of Real Property, Pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion. The motion passed 4-0; with Councilmember Mann, Councilmember Larsen, Councilmember Laursen, and Councilmember Mansell all in favor.

The meeting moved to closed session at 11:27 p.m.

The City Council returned from closed session at 11:51 and resumed the regular meeting at 11:51 p.m.

Seeing no objection, the meeting was adjourned at 11:51 p.m.

Attest: Cheryl Bodily
City Recorder