A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Wednesday, September 10, 2025.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Nathan Laursen discussed the community's acts of violence they had recently gone through and thinking about the upcoming 9-11 anniversary. He quoted Dr. Martin Luther King, Jr.:

> *"The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. Through violence you may murder the liar, but you cannot murder the lie, nor establish the truth. Through violence you murder the hater, but you do not murder hate. In fact, violence merely increases hate. So it goes. Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that. . . . Nonviolence means avoiding not only external physical violence but also internal violence of spirit. You not only refuse to shoot a man, but you refuse to hate him."*

Councilmember Laursen said he was grateful for their community and hoped they could show more love instead of hate and violence in their lives.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Wednesday, September 10, 2025, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Kay Sweeten, Councilmember Nathan Laursen, Councilmember Erin Mann, and Councilmember Garrett Mansell. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, and Cheryl Bodily, Nibley City Recorder was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the August 21, 2025, meeting minutes and the current evening's agenda. 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.

Public Comment Period

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

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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 approved a development agreement for Heritage Parkway subdivision. They had already approved the preliminary plat and had gotten to the final plat phase but hadn't reviewed and discussed the development agreement. He said the subdivision was already under construction at 2600 S and 1200 W.

Mr. Roberts reported that the Planning Commission also discussed the open space subdivision in relations to the R-2A zone. He felt the Planning Commission would take a few meetings to discuss the item and once they had decided, their draft recommendation would be forwarded to the City Council.

Discussion and Consideration: Ordinance 25-29: Development Agreement for the Apple Creek Subdivision Phase 1 First Amendment, Amending Lot 35, Creating an Additional Building Lot and Amending the Conservation Area, Including Modifications to Development and Zoning Standards (Second Reading)

Nibley City Planner, Levi Roberts led a presentation. He used an electronic slide deck entitled *Nibley City Council; September 10, 2025; Apple Creek Amendment 1 Development Agreement & Preliminary Plat* to share information (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his discussion were as follows: Update

- *Inquiry about requirement to improve trail along south border of subdivision.*
- *Estimated cost: $67K - $75K*
- *Attorney's opinion: requiring trail improvements would almost certainly be overdoing out ability to perform exactions. The impacts of the single additional lot would have to generate enough traffic to warrant the trail.*

Mr. Roberts summarized what was being proposed with the amendment to the Apple Creek development agreement.

Mr. Shaun Dustin, the developer, was present at the meeting.

Mr. Roberts showed the slides entitled Development Agreement-Summary of Terms and Staff & Planning Commission Recommendation:

> *"Approval of Ordinance 25-29: Development Agreement for the Apple Creek Subdivision Phase 1 First Amendment, Amending Lot 35, Creating an Additional Building Lot and Amending the Conservation Area, Including Modifications to Development and Zoning Standards"*

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Councilmember Mann asked about a stream that came from the east. She questioned if the stream was in front of lot 37. Mr. Dustin said the stream was piped under the driveway area. The design challenge was they did not know what the canal company would require. They were trying to preserve as much open canal as they could, but this would be an ongoing negotiation with the canal company.

Councilmember Mansell said they were adding a flag lot which the ordinance said they were not allowed to have and asked if this bound the City to allowing additional flag lots in the future. Mr. Roberts said it was a legislative decision and they could allow it for a number of reasons, including allowing additional conservation land. Mr. Dustin said there was an heart shaped piece and there was ambiguity about where front plane was measured. The curve gave the setback from the frontage but was not providing the frontage. Councilmember Mansell also questioned the trail and the lot to the east where the canal ran. He remembered making a number of code changes to ensure that trails were installed. Mr. Roberts said he had consulted with the attorney, who had advised that the City Council look at the application as a new applicant and not to bring in the old subdivision and said the trial was not proportional to the impact.

Councilmember Laursen asked if this would be the end of the development. Mr. Dustin said part of the intent was to clear up any ambiguity if there was any other buildable area in the subdivision. He said the City Council would have to modify boundaries and claw back conservation space to allow buildable areas. Mr. Dustin said the intent was that all the buildable space was allocated after the amendment. Councilmember Laursen felt the concept that this was a done development once the subdivision happened that and they could exact the trail. Mr. Dustin discussed that he could not give more than 10 feet because of the geometry of the slope and the City's setback requirements. Mr. Dustin said he was willing to have the discussion but was not sure where it went. Councilmember Laursen said he liked to get at least what they could before the development were done. The City Council and Mr. Dustin discussed the potential development of a trail, the cost to develop the trail, fencing along trailways, the location of powerlines, and the property owner behind the current property.

Councilmember Larsen moved to approve Ordinance 25-29: Development Agreement for the Apple Creek Subdivision Phase 1 First Amendment, Amending Lot 35, Creating an Additional Building Lot and Amending the Conservation Area, Including Modifications to Development and Zoning Standards, with a fee in lieu of a trail for $37,000. Councilmember Mann seconded the motion.

Councilmember Laursen asked if it would be wiser to have the proposal continued and discussed with direction to come back with the fee in lieu in writing.

Councilmember Laursen made a substitute motion to continue Ordinance 25-29: Development Agreement for the Apple Creek Subdivision Phase 1 First Amendment, Amending Lot 35, Creating an Additional Building Lot and Amending the Conservation

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Area, Including Modifications to Development and Zoning Standards to allow discussion between staff and the proponent regarding a fee in lieu for a trail until the next City Council meeting. Councilmember Mansell seconded the motion.

Councilmember Laursen offered that two council members might be willing to be part of the discussions. Councilmember Larsen and Mayor Jacobsen offered to participate.

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

Discussion and Consideration: Ordinance 25-23—Amending NCC 19.24.160 Parking Requirements and NCC 19.24.250 Accessory Dwelling Unit Standards, Including Parking Requirements for Single-Family and Two-Family Dwellings (Second Reading)

Nibley City Planner, Levi Roberts led a presentation. He used an electronic slide deck entitled *Nibley City Council; September 10, 2025; Parking Requirements* to share information (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his discussion were as follows: Background and staff and Planning Commission recommendations:

"Staff Recommendation

- *Approval of Ordinance 25-23: Amending NCC 19.24.160 Parking Requirements and NCC 19.24.250 Accessory Dwelling Unit Standards, Including Parking Requirements for Single-Family and Two-Family Dwellings*

Planning Commission Recommendation

- *Approval of Ordinance 25-23: Amending NCC 19.24.160 Parking Requirements and NCC 19.24.250 Accessory Dwelling Unit Standards, Including Parking Requirements for Single-Family and Two-Family Dwellings with the modification that required parking be increased to 3 parking spaces for single-family dwellings and to 4 spaces for two-family dwellings"*

Councilmember Mansell moved to approve Ordinance 25-23—Amending NCC 19.24.160 Parking Requirements and NCC 19.24.250 Accessory Dwelling Unit Standards, Including Parking Requirements for Single-Family and Two-Family Dwellings with the Nibley City Planning Commission's recommendation. Councilmember Laursen seconded the motion.

Councilmember Sweeten asked for the flexibility between staff's recommendation and the recommendation of the Planning Commission. Mr. Roberts described that a lot of subdivision's had five-foot setbacks, and five feet was not enough room to park a car. If they only had a driveway in front of a one-car garage, there probably wouldn't be enough room for two cars. He agreed with the State's suggestions in terms of providing more affordable housing. Councilmember Sweeten said tighter, smaller lots would appeal to those who were hoping to purchase a home on one income or single people, who might only need one car and some were choosing to have only one vehicle and

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were choosing other modes of transportation. She said having flexibility was useful. Councilmember Mann said she agreed with staff's recommendation. Councilmember Mansell questioned if this would lead to more ticketing and more parking on lawns. He said parking was a big problem for him.

Voting on the motion to approve Ordinance 25-23 was as follows:

Councilmember Larsen voted in favor.
Councilmember Laursen voted in favor.
Councilmember Sweeten was opposed.
Councilmember Mann voted in favor.
Councilmember Mansell voted in favor.

The motion passed unanimously 4-1; with Councilmember Mansell, Councilmember Laursen Councilmember Larsen, and Councilmember Mann all in favor. Councilmember Sweeten was opposed.

Public Hearing: Ordinance 25-17—Annexation and Zoning Assignment of Parcel 03-049-0011 Located at Approximately 3601 S 1200 W, Containing 9 Acres and Assigning Zoning of R-2A (Residential) Applicant: Heritage Land Holdings, LLC

The applicant, Mr. Blaine Hamblin participated in the discussion electronically, via a Zoom link.

Nibley City Planner, Levi Roberts led a presentation. He used an electronic slide deck entitled *Nibley City Council; September 10, 2025; Annexation & Zoning Assignment for 3601 S 1200 W* to share information (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his discussion were as follows: Background, a parcel plat map, and Planning Commission Recommendation and Staff Recommendation:

*"**Planning Commission Recommendation***
Assign Zoning of R-2A to Parcel 03-049-0011 in conjunction with the proposed annexation
Staff Recommendation
Approve Ordinance 25-17—Annexation and Zoning Assignment of Parcel 03-049-0011 Located at Approximately 3601 S 1200 W, Containing 9 Acres and Assigning Zoning of R-2A (Residential)"

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

Discussion and Consideration: Ordinance 25-17—Annexation and Zoning Assignment of Parcel 03-049-0011 Located at Approximately 3601 S 1200 W, Containing 9 Acres

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and Assigning Zoning of R-2A (Residential) Applicant: Heritage Land Holdings, LLC (First Reading)

Councilmember Mansell questioned if they were annexed to R-2A and wanted to do an open space subdivision if there were a way to make the developer wait until they had amended the existing code. Mr. Roberts and the City Council discussed the potential for and R-2A Open Space subdivision being proposed in the potential annexed property. Mr. Hamblin stated he was looking to propose a standard R-2A subdivision. Mayor Jacobsen said he thought for something that wasn't an infill project, that R-2A open space could work

Councilmember Laursen asked about the process and if they could divide the annexation and zoning decisions. He said the default was they could zone was Ag and then the proponent would need to submit a separate process to rezone. Mr. Roberts said the City Council could do this and force the developer to go through the rezoning process.

Councilmember Mann asked for the location of a church that was proposed in the same area. Mr. Roberts oriented Councilmember Mann to the location of the church.

Councilmember Larsen moved to approve Ordinance 25-17—Annexation and Zoning Assignment of Parcel 03-049-0011 Located at Approximately 3601 S 1200 W, Containing 9 Acres and Assigning Zoning of R-2A (Residential) Applicant: Heritage Land Holdings, LLC and waived the second reading. Councilmember Mansell seconded the motion.

Councilmember Larsen said they were currently going through the future land use map and the general plan and the area in the draft was mixed residential or medium to high for the area and he didn't know if R-2A was enough. He agreed with the Mayor, that the area had no one around it and he didn't know if this was what he saw for this area in the future. The general plan committee was viewing that 1200 W had potential for more than just R-2A.

Councilmember Laursen made a motion to amend to approve Ordinance 25-17—Annexation and Zoning Assignment of Parcel 03-049-0011 Located at Approximately 3601 S 1200 W, Containing 9 Acres and Assigning Zoning of R-2A (Residential) Applicant: Heritage Land Holdings, LLC for first reading. Councilmember Mann seconded the motion.

The City Council discussed future zoning and the future land use map. Councilmember Laursen

The amendment passed 4-1; with Councilmember Laursen, Councilmember Mann, Councilmember Larsen, and Councilmember Sweeten in favor. Councilmember Mansell was opposed.

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

Discussion and Consideration: Ordinance 25-30—Amending NCC 21.08.030 Property Boundary Adjustments, Boundary Establishment, and Amendments to a Subdivision (First Reading)

Nibley City Planner, Levi Roberts led a presentation. He used an electronic slide deck entitled *Nibley City Council; September 10, 2025; Boundary Adjustment & Establishments* to share information (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his discussion were as follows: Background and Staff & Planning Recommendation:

> *"Approve Ordinance 25-30—Amending NCC 21.08.030 Property Boundary Adjustments, Boundary Establishment, and Amendments to a Subdivision"*

Councilmember Mann moved to approve Ordinance 25-30—Amending NCC 21.08.030 Property Boundary Adjustments, Boundary Establishment, and Amendments to a Subdivision and waived the second reading. Councilmember Mansell seconded the motion.

> *Voting on the motion to approve Ordinance 25-30 was as follows:*
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> *Councilmember Larsen voted in favor.*
> *Councilmember Laursen voted in favor.*
> *Councilmember Sweeten was in favor.*
> *Councilmember Mann voted in favor.*
> *Councilmember Mansell voted in favor.*

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

Council and Staff Reports

Councilmember Mansell deferred to Councilmember Mann to report on a neighborhood meeting conducted by himself and Councilmember Mann.

Councilmember Mann said the residents were concerned if there would be a crossing guard at 1200 West and Nibley Park Avenue for the kids crossing to Thomas Edison Charter school. Mr. Maughan said it was anticipated that the City Engineer would be doing research and staff would bring a solution back to the City Council.

Councilmember Mann said the residents had expressed a lot of love for Nibley's recreation.

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Councilmember Mann reported a resident had received a warning and the resident felt the warning was harsh and wondered if the warning could be toned down.

Councilmember Mann reported that concern was expressed for 3200 S where the middle school was and the amount of traffic at school drop-off and pick up. A right-turn-only had been suggested at the school's intersection. Mr. Maughan said they would need to convince the school's principal that a right-turn only was needed.

Councilmember Mansell reported that he'd had a couple of residents complain about receiving a warning that they'd parked in a bike lane. Their complaint was that the bike lane was not marked, and they didn't know they were parked in a bike lane.

Councilmember Mansell said a citizen had complained about getting a warning for a dog on a leash who had her dog on an electronic leash.

Councilmember Mansell said a citizen had asked if they had cameras for crossing guards. Mr. Maughan said some of their crossing guards had cameras. Crosswalks did not have cameras. Staff had discussed increasing camera surveillance throughout the City, but it was really pricey.

Councilmember Mann said she was excited about the crosswalk going in on 3200 South.

Councilmember Sweeten had noticed the painting on 2600 but at certain times of the day it was impossible to see the painting on the roads. Mr. Maughan shared the components of chalk paint and that is was not reflective. Mr. Roberts said the County was doing testing for the cache bikeway and they wanted to see if bike lanes would fit on 2600 south. They would assess if they were going to recommend a permanent bike lane there.

Councilmember Sweeten thanked City Council members who'd followed up with residents who were upset on 640 west. She said it seemed to help.

Councilmember Laursen asked for an update regarding an action plan for an indoor recreation special service district. Mr. Maughan said they were talking to other City Councils and Mayors.

Councilmember Laursen said he thought the signs on the intersection of 1000 W 2600 S looked great. Councilmember Mann said a resident reported that traffic tended to come to the stop sign and then speed quickly but she hadn't heard of any crashes or running through the signs.

Councilmember Laursen said their one-year since 1200 W design was coming up and asked for a report.

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Mayor Jacobsen thought they had a problem with sidewalks. He said 20 mph on an electric scooter was not compatible with pedestrians. He said there were reports of kids walking on the street because they did not feel safe on sidewalks. Mayor Jacobsen said they needed to solve this problem. Greg Henderson of Quarter Circle Drive suggested this might be a great suggestion for the Mayor's Message in the newsletter.

Mr. Roberts said they were hoping to do a joint workshop of the Planning Commission and the Nibley City Council on Thursday, September 18 in conjunction with the Planning Commission meeting.

Ms. Bodily asked the City Council to RSVP for the 2025 annual League of Cities and Towns conference.

Ms. Bodily reported on staff's participation in Bike to Work week.

Ms. Bodily reported the Heritage Days 2nd graders would be taking a field trip to City Hall the following day and asked for City Council participation.

Ms. Bodily reported on Nibley City's recent Day of Service.

Mr. Maughan reported on progress on 1200 West.

Mr. Maughan reported on the pedestrian crossing on 3200 south.

Mr. Maughan reported on well drilling and said it was going well.

Mr. Maughan reported that Nibley sewer department employee, James Cleverley had welcome a new baby in their family.

Mr. Maughan reported that the City was hiring for maintenance staff.

Mr. Maughan reported that the Utah Division of Drinking water was considering implementing a fee for drinking water.

Mr. Maughan described items that were coming to the City Council: amending the 25-26 budget to talk about purchase of software, and an official agreement to lease the Morgan Farm property as well as the property on Hollow Road west of the coyote farm.

Seeing no objections, Mayor Jacobsen adjourned the meeting at 8:58 p.m.

Attest: _____
City Recorder

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