

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, October 24, 2024

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Kay Sweeten discussed her experiences at the Punch Bowl military cemetery in Hawaii and at Gettysburg. She quoted a speech from Abraham Lincoln:

"This nation under God shall have a new birth of freedom and that the government of the people, by the people, and for the people shall not perish from the earth"

Councilmember Sweeten said their meeting was a part of what happened when they had this sort of government and being involved in our communities as a way of showing honor to those who had gone before and created the foundation of which our nation was built on. She felt a deeper sense of gratitude for the people who had gone before.

Councilmember Sweeten led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, October 24, 2024, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Kay Sweeten, and Councilmember Garrett Mansell. Councilmember Erin Mann was participating in the meeting remotely via a Zoom meeting link. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Tom Dickinson, Nibley City Engineer, and Cheryl Bodily, Nibley City Recorder was also present.

Planning Commission Chair, Clair Schenk was also participating in the audience and Mayor Jacobsen recognized Nibley City staff Office Specialist, Talon Bigelow in the audience.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the October 3, 2024, and October 9, 2024, meeting minutes. Councilmember Mansell seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Mansell, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Councilmember Kay Sweeten moved to approve the October 24, 2024 agenda as presented. Councilmember Larsen seconded the motion. Passed unanimously 5-0; with

Councilmember Sweeten, Councilmember Larsen, 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 6:37 p.m.

Kyle Audd shared his thoughts on the naming of Nibley City parks. He said he was in Idaho the past weekend and had noticed that every park was named after a Veteran who had lost their life in service or a noted member of the community. He felt this would be some insight the City Council could consider in the future.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:38 p.m.

Planning Commission Report

Commissioner Schenk said Nibley Coach had submitted their final plat and it had been approved. Their plans were moving forward. The remainder of the Planning Commission agenda would be covered on the current City Council agenda.

Public Hearing: Resolution 24-24 – Commitment to 1200 West Traffic Calming Measures

Mr. Maughan led a presentation prior to hearing the public's comments. He utilized an electronic presentation entitled 1200 West (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: History – How we got to where we are, Why Traffic Calming, is there really a problem? 800, 100 West and 2600 South, 1200 West will function more like 3200 South, History – How we got to where we are (4 pages), Due to:, CRS Engineers, Scott Shea, Phd.

Mr. Scott Shea with CRS Engineers was present at the meeting and resumed the presentation. He discussed the following: Executive Summary, CMPO Safe Street and Roads for All, WHERE TO START ON THE ROAD TO VISION ZERO, The SAFE SYSTEM APPROACH (2 pages), the Zero Fatalities campaign, Prioritize Safety - A Safe System, Effect of Speed on Injury, Self-Explaining/Self-Enforcing Roadway, Why Traffic Calming? Sample Traffic Calming Applications, Why Mountable Islands? Design Vehicle, Control Vehicle, Managed Vehicle, Why Mountable islands and curb extensions? Why chicanes/horizontal shifts? Why narrow lanes? Why NOT Stop Signs? The Paradox of Street Design; If It Feels a Bit Dangerous, It's Probably Safer, 1200 West planning discussions at City Council, History - How we got to where we are, a video showing how the road worked, and Public Concerns Expressed at Public Comment Period.

Mr. Maughan showed drone footage video of the intended use of the intersection at 1200 West and the Stonebridge subdivision.

Councilmember Mansell asked for the suggestion if there were an accident or flat tire in the area, because there was no shoulder, and how this would be addressed. Mr. Shea said the spacing of the blocks was that a person could drive off a block and pull over onto a side street. He also suggested the getting a flat tire at 35 mph was a lot safer than getting a flat tire at 45 mph. Councilmember Larsen asked if larger vehicles were designed to drive up on the mountable islands. Mr. Maughan said this was correct, but they were designed for use only if a driver needed to.

Mayor Jacobsen discussed agenda publication and reasonable specificity and gave direction to the public present and discussed the practice of not using straw poles during the meeting and suggested the public present could reach out for information on straw poles.

Mayor Jacobsen opened the public hearing at 7:34 p.m.

Kyle Audd of 2984 Stonebridge Dr. thanked the City Council for the last meeting's extended Public Comment Period. He also expressed his appreciation of Mr. Shea. He said the real world was not the same studies and described dash cam footage of individuals navigating the road. He was frustrated that Stonebridge subdivision was the only subdivision that was forced to navigate the road and the poor design. He also appreciated the bus manager's stance that was sitting behind a desk and wasn't actually having to drive a bus. Mr. Audd discussed that he felt his property values were decreased because of the road.

Robert Monson of 1330 West 2890 South said every time he went into the bumps, he had to stop and wait for someone coming into the sides. He had a Ford Explorer and was not going to go over the bump because he felt it would damage his vehicle. He believed they had 60 ft. of roadway going north and 40 ft. was strictly for bike lanes. What if they had two fair size trucks going south and north? It would be an extremely tight fit. He felt there were things they could do to modify the bumps instead of waiting to see who was going to go through now. He said the young children going to school made him nervous and made him slow down.

Jake Rigby of 2997 Stonebridge Drive said the videos showed perfect scenarios but really life was not perfect. He said people did not stay back behind the lines and cars had to back up. He said his daughters bus driver was concerned about the intersection and the bumps and did not want to drive over the bumps with kids strapped in on the bus. He said he and his wife did not feel safe. He expressed his concerns with people that would not slow down and liked a scenario when he could get out of harm's way. Mr. Rigby said he liked 3200 South and felt safe on 3200 South and felt they could have a scenario like 3200 South on 1200 West.

Randy Spaulding of 1384 West 2930 South said if there were not changes, the Spaulding family would not be using 1200 West. HE did not feel like it was safe. He'd read about the CMPO and that 1200 West was a collector road and described it as a road with two lanes and a median. He did not see a median. He felt they had put all the calming features and instead of creating calming they had created the opposite. He should not be worried about what was coming left into Stonebridge. He had to wait for the intersection to be cleared. Mr. Spaulding said the cement barrier was concerning, and he felt there was safety in providing a shoulder. Mr. Spaulding was terrified for anyone heading north on the stormy day and sliding. He wanted the citizens, Council, and engineers to come together to protect Nibley City and its citizens.

Nate Nagle of the Stonebridge subdivision said the islands had been there since they moved in and they hadn't known any difference. They had a 30-ft trailer they towed and the truck and trailer video was a great vehicle. They had gone over the curb and had hit the islands, and they knew they the islands were there. Mr. Nagle said #1-he was huge pro-safety. He questioned if there was something they could eliminate or modify to make things feel safer. He said the right-hand turn was the biggest problem for him.

Amie Earl of 922 West 2770 South discussed a Facebook chat for the people on the west side of 1200 West. She had seen children playing on the cement barriers and said it was not safe if a child were to fall over the cement barrier. She said it was a poor design and agreed with the people of Stonehenge.

Garrison Saegers of 1326 West Nibley Parkway described that on May 7, 2021, a boy that had been struck by a truck while crossing the street. The truck was going 25 mph so speed was not a factor. He said this was his son and he didn't want that for anybody. When he pulled to the intersection, he wanted to feel something had been done to prevent this, he didn't feel they had done this. He said the intersection had too many things to capture attention and it didn't feel safe at all, and visibility was a big problem. When the road was completely open, he was worried for what would happen and felt strongly that what was there now was not the answer.

Theresa Saegers of 1326 West Nibley Parkway handed over a petition to the City Council. Mrs. Saegers felt there was too much of a good thing. They had thrown everything at the problem. They needed a risk versus benefit evaluation. She suggested making more space, having a shoulder, a median, and a four-way stop would be a lot better way to go. They could not force people not to speed and make the right choice, they had to trust people to make the right choice.

Cameron Boehme of 2985 Stonebridge Drive said this was the ugliest, stupidest design he had seen, and it was dumb. Mr. Boehme said he had observed two 13-14 year old kids on bikes jumping off the bumps onto the barrier. When the road was opened someone was going to be killed. He'd only seen kids jumping off the bumps or playing balancing beam on the concrete barriers. There was no safety, it was stupidity.

Travis Danser of 1222 West 2890 South described what had stood out to him in the presentation. What was presented in the presentation was not the same as what had been built in the neighborhood. He said to make a right-hand turn you had to look in all directions. Mr. Danser had gone on the bike roadway with his kid and he could only see 6-inches of his head above the barriers. The barriers naturally created a challenge for kids to walk on. He said this was a very dangerous situation. Kids would not be concerned with traffic. He suggested using a small curb could be a better solution.

Brady Hanks of 1396 Nibley Parkway said he was annoyed by the whole thing and specifically video 2. The video showed that traffic making a right-hand turn would impede the left-hand traffic. He discussed that he had to make the turns at 2-3 mph to not go into oncoming traffic. He questioned the validity of Nibley City reaching out to the school district and Hyrum City and to the Sheriff's department. He cited a letter from a neighbor that said he had discussed the road with the Hyrum Fire Department stating their concerns with 1200 West. Mr. Hanks felt they should address a four-way stop. They may increase accidents but described that these were not fatal accidents.

Nick Spaulding a frequent visitor to Stonebridge said the cement barriers were things that children could hide behind. As someone that had ridden a bike before, bicyclists were forced to drive into oncoming traffic and lastly, snowplows would not be able to navigate into Stonebridge.

Jeff Lasseter of 1383 Nibley Parkway described a few fatal pedestrian/traffic fatalities. He discussed 1200 West and kinetic energy. The jersey barricade on the side stopped the kinetic energy. He said the intersections at 1200 West were not a calming effect. They were road rage and discussed scenarios with children on the road. He felt it would take a fatality to show that this was not a good idea.

Dan Rigby of 2994 Stonebridge Drive agreed with the perfect scenarios, but residents were seeing how normal scenarios went. He was concerned with talking to the bus district and his niece being in a bus, in a wheelchair, and strapped into the bus. The bus driver had said he could not make the turn without driving over the islands and had been told to shut up by the district. Mr. Rigby said they did not like the look of it but were also driving it dealing with real life situations. He asked the City Council to take their concerns into consideration.

Dale Chapell of 1327 Nibley Parkway said the City had created a nuisance. He understood the collector park and appreciated that they had done something to make this a highway, but the "turtles" and where they were placed were unreal. The mountable islands were not effective with where they were sitting. He said he was a CDL instructor and said there was no way to get in or out of the intersection without hitting an island.

Seeing no further public comments, Mayor Jacobsen closed the public hearing at 8:17 p.m.

Discussion and Consideration: Resolution 24-24 – Commitment to 1200 West Traffic Calming Measures (First Reading)

Mayor Jacobsen responded to the accusations that Nibley staff had not told the truth and verified the contacts that had been made with the Hyrum Fire Department, the bussing District and local law enforcement agencies. Councilmember Laursen asked how a biker was supposed to navigate the islands. Mr. Shea described how bicyclist were directed to go through the islands and stayed in bike lanes that would be painted greens. Councilmember Larsen asked what other painting would be done in the intersection. Mr. Dickinson said the green paint would be installed as well as bike icons. Councilmember Larsen clarified the City's decision to avoid opening and closing the road multiple times. Mr. Dickinson described the frustration with doing this and the reasons they had decided to keep the road closed. Councilmember Mansell asked if the mountable islands were designed for a car to easily fit around. He said Nibley was still considered rural and described the larger vehicles that he felt the rural culture drove. He questioned if the mountable islands could be altered so he would feel comfortable driving over them. He said if they were truly a rural community, then the mountable islands should be designed for rural vehicles. He felt they should be redesigned to accommodate a bigger vehicle. Councilmember Mann when the striping for the east and west roads painted for the stop bars. Mr. Dickinson said it was a week ago and a couple days ago. She wondered if the comments made about the turning had been since the stop bars were put in place. Councilmember Mansell discussed moving the mountable islands with Councilmember Mann debating that the mountable islands provided safety to pedestrian traffic. Mayor Jacobsen discussed the problem of bicyclist experiencing a right hook with vehicle traffic. The elimination of right hooks was to the benefit of pedestrians and bicyclists. Councilmember Larsen discussed his experience going over the mountable island in his tow truck. He questioned making the islands smaller.

The City Council discussed the schedule for the opening of the road and the completion of phase 5. Councilmember Sweeten asked what would come up in phase which might make a difference in how the road was navigated and how residents might feel about navigating the road. Mr. Dickinson said phase 5 would bring full utilization of the road with connection to Logan's 1000 west and projected it would be about a year before they had normalization associated with the road. Councilmember Mann and Mr. Dickinson clarified additional mountable curbs that would be installed at other intersections to the north. Councilmember Mann said she had heard a lot that the traffic calming measures were different and felt uncomfortable. She felt it would be hasty as a City Council to make changes to the design of the road before they gave normal traffic patterns a chance to drive; it they saw improved safety or decreased safety. She owed the staff's time and time and effort to look at normal traffic patterns to see how these features worked.

Councilmember Laursen moved to approve Resolution 24-24 – Commitment to 1200 West Traffic Calming Measures for first reading with the following amendments:

#1 The traffic calming measures along 1200 west will remain in place for a minimum of one year after reopening of the 1200 west project, without Phase 5, at which time the roadway and its effectiveness will be reevaluated. Reevaluation will consist of multiple public comment opportunities, as well as educational campaigns hosted by the City, in addition to the usual design process.

Councilmember Larsen seconded the motion.

Councilmember Larsen suggested the City Council explore the possibility of making the right turn mountable islands a little smaller. He felt the school buses could make the turn if minor adjustment were made. Councilmember Mansell said he struggled with the intersection and suggested getting a second opinion and asked that the intersection be designed with a bigger vehicle in mind so there was a little more room for the residents to feel safe. Mr. Shea said it was designed for a 22-foot-long vehicle. He said it was possible to run the template with a 25-foot-long vehicle. Councilmember Mann asked if Councilmember Mansell wanted to see the second profession opinion happen now. Councilmember Mansell wanted to see the second opinion addressed as soon as possible. He suggested an additional 2-feet on all four of the mountable curbs. Councilmember Laursen felt if the Resolution were passed, it would allow them to make adjustments and tweaks as they saw fit and as they gathered more information.

Councilmember Laursen made a substitute motion to approve Resolution 24-24 – Commitment to 1200 West Traffic Calming Measures and waived the second reading, with the following amendments:

"#1 The traffic calming measures along 1200 west will remain in place for a minimum of one year after reopening of the 1200 west project, without Phase 5, at which time the roadway and its effectiveness will be reevaluated. Reevaluation will consist of multiple public comment opportunities, as well as educational campaigns hosted by the City, in addition to the usual design process."

Councilmember Mann seconded the motion.

After further discussion and seeing no opposition to voting, the vote proceeded as follows:

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

*Councilmember Mansell voted no
Councilmember Sweeten voted yes*

The motion passed 3-2; with Councilmember Laursen, Councilmember Mann, and Councilmember Sweeten in favor. Councilmember Larsen and Councilmember Mansell were opposed.

Seeing no objection, the City Council took a five-minutes recess at 9:22 p.m.

The meeting resumed at 9:29 p.m.

Public Hearing: Ordinance 24-13— Adjusting The Municipal Boundaries of The City of Nibley, Adding Parcels, or Portions Thereof, 03-007-0023, 03-007-0011, 03-007-0010, 03-007-0022, 03-007-0009, 03-007-0013, 03-007-0027, Located at Approximately 2200 South & U.S. Highway 89/91, to Nibley City and Assigning Zoning to Subject Properties
Mr. Roberts led a presentation prior to hearing the public's comments. He utilized an electronic presentation entitled Nibley City Council Meeting; October 24, 2024 (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Nibley/Logan Boundary Adjustment, a proposed annexation plat, and Staff Recommendation

"Approve Ordinance 24-13— Adjusting The Municipal Boundaries of The City of Nibley, Adding Parcels, or Portions Thereof, 03-007-0023, 03-007-0011, 03-007-0010, 03-007-0022, 03-007-0009, 03-007-0013, 03-007-0027, Located at Approximately 2200 South & U.S. Highway 89/91, to Nibley City and Assigning Zoning to Subject Properties and Waive Second Reading"

Mayor Jacobsen opened the public hearing at 9:34 p.m.

Seeing no public comment, Mayor Jacobsen closed the public hearing at 9:34 p.m.

Discussion & Consideration: Ordinance 24-13— Adjusting The Municipal Boundaries of The City of Nibley, Adding Parcels, or Portions Thereof, 03-007-0023, 03-007-0011, 03-007-0010, 03-007-0022, 03-007-0009, 03-007-0013, 03-007-0027, Located at Approximately 2200 South & U.S. Highway 89/91, to Nibley City and Assigning Zoning to Subject Properties (First Reading)

Councilmember Mansell moved to approve Ordinance 24-13— Adjusting The Municipal Boundaries of The City of Nibley, Adding Parcels, or Portions Thereof, 03-007-0023, 03-007-0011, 03-007-0010, 03-007-0022, 03-007-0009, 03-007-0013, 03-007-0027, Located at Approximately 2200 South & U.S. Highway 89/91, to Nibley City and Assigning Zoning to Subject Properties and waived the second reading. Councilmember Sweeten seconded the motion.

Councilmember Larsen thought they should address bringing the Ted's property into Nibley and clarifying some of the lines. Mayor Jacobsen said they would feel out Logan on this.

Having no opposition to voting, the vote proceeded as follows:

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

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

Discussion & Consideration: Resolution 24-22—Naming the City Park Located in the Ridgeline Park Development; Parcel Tax ID: 03-020-0034 (Third Reading)

Mr. Dickinson led a presentation. He reminded the City Council that they were naming a 18 acres park with grant money to construct phase 1, which had been reduced in scope because of bids that had come in. Mr. Dickinson said during the wetland permit process with the Army Corps of Engineers, Ute Ladies' Tresses had come into play and the Corps didn't agree with the delineated area of the wetlands. Nibley City got their final plans and went to bid and went into the environmental phase where the Ute Ladies' Tresses came in and the Army Corps challenged the delineation. Mr. Dickinson said they were in a new phase of redelineating areas. The area they thought was delineated was about double the size of what was in the permit for the development. This meant they were putting the brakes on and holding off on construction of the bike park had a little more time to name the park if wanted.

Mayor Jacobsen asked how much of a delay they were working with on naming the park. Mr. Dickinson said he felt it was around a 6-month delay. Councilmember Sweeten had a new suggestion for a park name, Ladies' Tresses Park. Councilmember Mann recalled that Councilmember Laursen had suggested writing an ordinance that would suggest and give guidelines on the naming of parks and other City assets. Councilmember Mann asked for the status of Councilmember Larsen's suggestion or ordinance. Councilmember Laursen said the status was the same and with the new information he didn't see a reason to name the park.

Councilmember Larsen moved that they approve Resolution 24-22—Naming the City Park Located in the Ridgeline Park Development; Parcel Tax ID: 03-020-0034 and name the park, Nibley City Center park. Councilmember Mansell seconded the motion.

Councilmember Laursen asked why Councilmember Larsen preferred Nibley City Center Park. Councilmember Larsen felt the park was their center. Councilmember Mansell said

he felt this park would be a central feature to their city and it made sense to him. Mayor Jacobsen reminded the City Council that they could undo anything the City Council did and said he would not discourage codifying how they named Nibley City assets. Councilmember Larsen said the park was big enough and said there were enough iconic features that could be named.

Having no opposition to voting, the vote proceeded as follows:

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

The motion passed unanimously 3-2; with Councilmember Laursen, Councilmember Mansell, and Councilmember Mann in favor. Councilmember Laursen and Councilmember Sweeten were opposed.

Discussion & Consideration: Ordinance 24-11—Amendment 2 of the Ridgeline Park Subdivision Development Agreement, Allowing for a Payment In-Lieu of Required Improvements for the 2900 South Access Road (First Reading)

Mr. Roberts led a presentation. He utilized an electronic presentation entitled Nibley City Council; October 24, 2024 (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Background, a Cache County parcel viewer image of the access, images of what the access currently looked like, Background, Staff Recommendation

“Recommend approval of Ordinance 24-11: Amendment 2 of the Ridgeline Park Subdivision Development Agreement, allowing for a payment in-lieu of required improvements for the 2900 South access road”

And Planning Commission Recommendation

“Recommend approval of Ordinance 24-11: Amendment 2 of the Ridgeline Park Subdivision Development Agreement, allowing for a payment in-lieu of required improvements for the 2900 South access road with the modification that it is based upon actual costs as required by UDOT which may include the right-in/eight-out only restrictions and with the recommendation that the payment is determined by the city’s cost estimate analysis.”

Jeff Jackson with Visionary Homes was present for this discussion. He believed the fee in lieu for the road was the only option and would allow the City to use the money in any way they chose. He suggested they could use the fee to move the mountable islands on 1200 west. They felt the project was going well and was a great addition.

Councilmember Mansell asked how they had estimated the current \$312,000. Mr. Jackson described that estimation process.

Councilmember Laursen asked if staff had completed any of the calculations that were discussed at the joint City Council and Planning Commission meeting. Mr. Dickinson said this had not occurred and there would be a cost associated with the construction bid. Mr. Jackson discussed that without engineered and detailed drawings, it was impossible to get a bid. They felt the engineered estimate was the best they could provide for what they had available. Councilmember Mann asked if the City Council or the developer had discussed purchasing the Fuentes/Rodriguez household, the house on the west side of 165 where the intersection would need to be realigned, and gauged their willingness to sell? Resident Randy Archibald of 2915 Main Street described that his family's business, R&B Cultured Marble, was behind the home and realignment of the intersection would take out the business, a mini, platted subdivision and residential homes. It was determined that no one had approached the homeowner. The City Council discussed other intersection realignment options.

Mr. Roberts discussed the corridor study initiated by Cache County regarding highway 165 from Hyrum to Providence. Councilmember Laursen asked for clarification of getting approval for access to the highway from the Utah Department of Transportation (UDOT). Mr. Dickinson provided this clarification. Councilmember Laursen requested a copy of the application sent to UDOT for the access. He also requested a copy of the memo from UDOT that set the conditions on the application. He questioned if the right-in, right-out requirement would be thrown out if the application were withdrawn? Mr. Dickinson said UDOT wouldn't enforce anything until they wanted to improve the access. Councilmember Laursen asked if the developer was bound to help realign; they were bound to do what UDOT was asking? Mr. Roberts didn't feel they could hold the developer to do any of the other options and Councilmember Laursen asked staff to inquire of the attorney if that was what he felt.

Councilmember Mansell asked if Mr. Dickinson felt the \$312K was fair? He still felt the City would be left holding the bag because they were going to need an access. Mr. Dickinson felt the developer could get the improvements done for that cost but didn't know that the City would be able to do it for. Mayor Jacobsen asked what no access meant for the safety of Nibley citizens and Nibley City? Mr. Dickinson referenced to traffic impact studies that were done on the project; one assuming no access at 2900 S and the other assuming 250, 450 and the highway. He described the findings of the traffic impact studies. He said the studies showed that there wouldn't be an adverse impact to diverting traffic to 3200 south. Mr. Maughan questioned if the City accepted the fee in lieu, if there would also be a crash gate put at 2900 south so that the current residents could continue to access 2900 south. Mr. Dickinson discussed historic rights on accesses and said he would like to consult with an attorney if UDOT would require anything for the historic uses. Mr. Jackson said there would need to be a crash gate put in place to prohibit the use of the access by the residents of Ridgeline Park. Mr.

Dickinson said if this were the case, he would not recommend they take the payment in lieu and would require the developer to make the improvements.

Councilmember Laursen moved to approve Ordinance 24-11—Amendment 2 of the Ridgeline Park Subdivision Development Agreement, Allowing for a Payment In-Lieu of Required Improvements for the 2900 South Access Road for first reading. Councilmember Sweeten seconded the motion.

Mr. Dickinson read the instructions that the City Council had given to staff:

- Application that was submitted to UDOT
- The results of the application that was submitted, either memorandum or conditional permit
- Confirm with the attorney and UDOT that they don't need the crash gate or if they do that the landowners would be okay. That they had the legal right to put a crash gate in place
- Find out if UDOT could make them put in a crash gate
- Can they hold the developer responsible for realignment

Mr. Dickinson asked if there was any direction from the City Council on the monetary value or fee in lieu. Councilmember Laursen said he was not okay with the fee after Mr. Dickinson informed the City Council that it would be more expensive to the City versus the developer.

Councilmember Sweeten seconded the motion.

Councilmember Laursen said he appreciated that Visionary was trying to work with the City and their willingness to figure the road out. He requested, in writing, that UDOT was okay with the access if they realigned. Mr. Maughan didn't think they would get this; particularly with the UDOT 165 corridor study. Councilmember Laursen said the City need to look at the town City Master Plan and wanted them to consider a frontage road in the area all the way to 2600, like Heritage Drive. Councilmember Laursen said he would like a more updated cost. He would like a cost estimate of what the developer would have to do considering the right in/right out. Mr. Roberts clarified that the 312K included the cost of the right in/right out. Councilmember Laursen asked for a second confidence look at cost from staff.

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

Discussion & Consideration: Resolution 24-23—Appointing Members of the Board of Directors for the Morgan Farm 501(c)(3) (First Reading)

Mr. Maughan reminded the City Council that the Morgan Farm was now a 501(c)(3) and according to the bylaws, the City Council needed to appoint a board of directors. The

City Council should also consider the City Council member appointments. He said the terms needed to be staggered so that they didn't all expire at the same date and time and so the appointment moved around.

Mayor Jacobsen asked for some time to approach individuals who he felt would be appropriate on the board. He felt there were strong members of the community he felt would do a really good job. Mayor Jacobsen said he felt they could get appointments nailed down by the next meeting. Mike Christensen said he didn't feel they needed to rush. He wanted to take the time to make the right decision. Mr. Christensen said he had a couple people in mind. Mr. Christensen said that he or Roxie Christensen would like to be on the board. Mayor Jacobsen said the bylaws said that 2 members of the board would be from the City Council and there would be three at-large members. Councilmember Laursen recalled that they had removed that they needed to have two City Council members. He asked staff to double-check this. The requirements for the members of the board was verified.

Councilmember Larsen moved to approve Resolution 24-23—Appointing Members of the Board of Directors for the Morgan Farm 501(c)(3) for first reading. Councilmember Mansell seconded the motion. The motion unanimously passed 5-0; with Councilmember Larsen, Councilmember Mansell, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Discussion & Consideration: Acceptance of an Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West (Applicant: Dan Larsen, Kartchner Homes)

Councilmember Mansell disclosed that he had done all the title work on the properties that were being discussed. He did not believe his knowledge of the property would affect his ability to function as an impartial councilmember.

Mr. Roberts led a presentation prior to hearing the public's comments. He utilized an electronic presentation entitled *Kartchner Annexation Petition* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: a plat of the properties proposed for annexation, Staff Recommendation

“Accept Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West”

Councilmember Larsen moved to accept the Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West. Councilmember Sweeten seconded the motion.

Councilmember Laursen requested the Planning Commission review the trails plan for this annexation property.

Having no opposition to voting, the vote proceeded as follows:

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

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

Council and Staff Report

Councilmember Sweeten reported that she had a brand-new stop sign at the end of end of her cul-de-sac. There were three cul-de-sacs with new stop signs. She asked staff to investigate this.

Councilmember Mansell thanked staff, particularly Mr. Dickinson for his help with a resident and new developer. Councilmember Mansell asked if there was a bug problem at the park at Mt. Vista. The grass seemed to be dying in a weird shape.

Councilmember Laursen thanked staff and the City Council for taking a lot of time and going above and beyond in listening to the residents.

Councilmember Larsen thanked staff for helping the City Council along.

Mayor Jacobsen referred to Meadow Lane in the Firefly development said it was great to see the road that on the west side of Firefly Park. He asked if there was a stop sign when they ran into 2100 south. Mr. Dickinson said there was a stop sign on order and he anticipated it would be in soon.

Councilmember Mann had nothing to report.

Mr. Dickinson said the 1300 West half road was well on its way. The permit had been approved by the Army Corps of Engineers. He also reported that 3200 South sidewalks were getting their final touches with landscaping and sod. All the homeowners were content with the results of it.

Ms. Bodily reported that the City Council would be getting new email addresses the following Monday. She also reported that the City Council was invited to the 2nd annual staff Soup Off at noon on Halloween and that the Public Works department was hosting

a Truck or Treat on Halloween from 4-6:00 p.m. Mayor Jacobsen said it would be a nice gesture to reach out to Nate Welker, who had historically secured the .com domain name for Nibley City and had given it to the City.

Commission Chair Schenk and Mr. Bigelow had no reports.

Seeing no objection, the meeting was adjourned at 11:25 p.m.

Attest: Cheryl Bodily
City Recorder