

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, June 24, 2021.

The following actions were made during the meeting:

Councilmember Bernhardt moved to approve Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control. Councilmember Larsen seconded the motion.

Councilmember Laursen made a motion to amend Ordinance 21-14: Amending Nibley City Code 9.02; removing the wording “white” from the definition of Athletic Fields proposed in section 9.02.010. Councilmember Beus seconded the motion. The amendment passed unanimously 4-0; with Councilmember Laursen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

The amended motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus and Councilmember Laursen all in favor.

Councilmember Bernhardt moved to approve Resolution 21-16: Implementing a Fee for Emergency Medical Services. Councilmember Laursen seconded the motion.

Councilmember Larsen made a motion to amend to revise Resolution 21-16: Implementing a Fee for Emergency Medical Services, changing the fee start date to July of 2021. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

The amended motion passed 4-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus, and Councilmember Larsen all in favor.

Councilmember Bernhardt moved to approve Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES. Councilmember Larsen seconded the motion.

Councilmember Beus made a motion to amend to remove funds from 45-40-746 and put these funds back into Capital Improvements Funds. Councilmember Laursen seconded the amendment. The amendment passed unanimously 4-0; with Councilmember Beus, Councilmember Laursen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

The amended motion passed 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Laursen all in favor.

Councilmember Bernhardt moved to continue Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings with the direction to change the ordinance to read that if an accessory building is 15 feet or more then it must be 10 feet from the rear yard setback. Councilmember Laursen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus and Councilmember Larsen all in favor.

OFFICIAL MINUTES OF THE MEETING
Deputy City Recorder Cheryl Bodily took minutes

Noting that it was time to call the meeting to order, Councilmember Larsen nominated Councilmember Kathryn Beus be Mayor Pro Tem for the evening's meeting. Councilmember Laursen seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Beus and Councilmember Bernhardt all in a favor.

The Council discussed the procedure for moving to a meeting of the Nibley Municipal Building Authority. The Nibley City Council moved to a meeting of the Municipal Building Authority at 6:31 p.m.

The Nibley City Council returned from a meeting of the Nibley Municipal Building Authority at 6:34 p.m.

Opening Ceremonies

Councilmember Larsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Pro Tem Kathryn Beus called the Thursday, June 24, 2021, Nibley City Council meeting to order at 6:35 p.m. Those in attendance included Mayor Pro Tem Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen, and Councilmember Nathan Laursen. Justin Maughan, Nibley City Manager, Darrin Farar, Nibley City Engineer, and Chad Wright, Nibley City Recreation Director was also present.

Approval of the June 10, 2021, Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the June 10, 2021, Meeting Minutes and Current Agenda. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Beus, and Councilmember Laursen all in favor.

Public Comment Period

Mayor Pro Tem Beus gave direction to the public present and opened the Public Comment Period at 6:36 p.m.

Allen Cook discussed his issues with truck traffic along 3200 South and 1200 West and engine brake signage. He said there was no signage coming from the east saying that truck traffic was prohibited. Mr. Cook said there were a lot of laws that had been enacted that did not have a way to enforce. The only thing he'd found acceptable to stop truck traffic from happening was to take a ton of pictures. When a truck came down his road, he took pictures and he submitted them to the trucking company, and this seems to have worked 90% of the time. He relayed an instance of a truck driver running engine brakes on 3200 South and stopping. He is hoping the police department will do something. Mr. Cook described issues he'd had with Nibley's noise ordinance. Mr. Cook said as much as he hoped the City Council could do something about this, in the past, none of it had ever worked and he hoped when they passed the "stupid" laws they would take the time out figure out a way to enforce them and that they would be enforced the first time.

Randy Feser of 1268 West and 3200 South hoped that Nibley City would do something about engine brakes as it had been an issue since 1984. He said it didn't matter what time of day or night, there were trucks coming through the street and the Sheriff's department couldn't do anything about it unless they'd witness the event. Mr. Feser described a March 18, 2021, physical altercation he'd been involved in with a truck driver who had used engine brakes. Mr. Feser said things had gotten out of hand and the residents of 3200 didn't need to continue doing this. Mr. Feser said the Sheriff's Department had described to him that Nibley City had the power to eliminate the traffic on 3200 South and suggested the City Council eliminate truck traffic from 5:00 p.m. at night till 8:00 in the morning and then they could recreate and sleep. Mr. Feser suggested the city force the trucks to go down to the highway to a stop light. He said Cache County only needed a little push from the city and they would try to get 4400 put in which would be an established truck route. Mr. Feser noted the petition he'd submitted with many signatures from residents.

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

Department Report – Heritage Days

Chad Wright, Nibley City Recreation Director led this presentation.

Mr. Wright showed a video prepared by Nibley Children's Theatre Director, Emily Rigby. This video was titled "Nibley Children's Theatre." The YouTube link to the video was provided at <https://www.youtube.com/watch?v=tsBKpCoevfc>.

Mayor Pro Tem Beus noted that the theatre didn't ask for a lot from the City Council and felt a part of this was because they had so many volunteers. She asked if Mr. Wright saw any other needs? Mr. Wright said the theatre had purchased new mics. They were always working on sound, which had always been a big challenge. He discussed how they utilized the storage at Anhder Park and said the shipping container they currently utilized was critical to their needs and he would hate to see this go away. Marianne Hale agreed that storage and sound were big needs

Mr. Wright had an electronic presentation titled, "Spring & Heritage Days Report 2021" (a printed version of this presentation is included in the printed meeting minutes). His presentation included the following: Egg Run 5K Only, Spring Soccer/Baseball/Softball/T-ball, Heritage Days Returning Live, City Council Support, Parks & Rec Committee & Other Support, NEW for: Heritage Days, Heritage Days Expanded Experience, Heritage Days Sponsorships, Upcoming Events & Programs, and Questions.

Councilmember Laursen asked what Mr. Wright had learned from this year? He said he'd learned it was an incredible opportunity to start early to prepare for Heritage Days as he hadn't had much time to prepare because of changing Covid conditions. He learned that Nibley had a fantastic community who were willing to come out support and volunteer, particularly at Family Festivities. Mr. Wright felt the overall promotion of Heritage Days was lacking. He noted the lack of participation by "tweener" and teenage attendance. Mayor Pro Tem Beus asked what Mr. Wright needed from the City Council? Mr. Wright ask for anything the City Council could do as far as creating infrastructure that created opportunities for the community to gather. He felt they were starving for athletic field and would love to answer the question for indoor recreation space.

Discussion & Consideration – Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control (Second Reading)

Mr. Maughan said it had been difficult to enforce animal control issues in parks, specifically Firefly Park. He reported that staff had placed more signage per the direction from the City Council. Mr. Maughan summarized the definition of "athletic fields" that had been added to the proposed code per the Council's direction. Councilmember Larsen questioned if the issued presented by animal control had been addressed in the ordinance. Mr. Maughan said he believed animal control had helped in writing the ordinance. Mayor Pro Tem Beus and Mr. Maughan discussed coordinating the code with the Hyrum court. Councilmember Bernhardt asked if there would be some sort of grace period before fees were implemented. Mr. Maughan said staff could take this direction and work with animal control.

Councilmember Bernhardt moved to approve Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control. Councilmember Larsen seconded the motion.

Councilmember Laursen questioned if “white lines” were too specific. He didn’t want to be too specific so that people could get out of the ordinance. Mr. Wright suggested they take the “white” out.

Councilmember Laursen made a motion to amend Ordinance 21-14: Amending Nibley City Code 9.02; removing the wording “white” from the definition of Athletic Fields proposed in section 9. 02.010. Councilmember Beus seconded the motion. The amendment passed unanimously 4-0; with Councilmember Laursen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

The amended motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus and Councilmember Laursen all in favor.

Public Hearing – Resolution 21-16: Implementing a Fee for Emergency Medical Services

Mr. Maughan led a presentation on this discussion. He utilized an electronic presentation titled “EMS Fee” (a printed version of this presentation is included in the printed meeting minutes). His presentation included the following topics: Cache County Emergency Medical Services (CCEMS), Fire District, Benefits of Agreement, and Current Census Data.

Mayor Pro Tem Beus gave direction to the public present and opened the public hearing at 7:19 p.m.

Seeing no public comments, Mayor Pro Tem Beus closed the public hearing at 7:20 p.m.

Discussion & Consideration – Resolution 21-16: Implementing a Fee for Emergency Medical Services

Councilmember Bernhardt moved to approve Resolution 21-16: Implementing a Fee for Emergency Medical Services. Councilmember Laursen seconded the motion.

Councilmember Laursen questioned how long the interlocal agreement with Cache County was? He wondered at what point the city would want to invest in more services or a greater level of service and didn’t want to be locked into something. Staff determined that the term of the agreement was for 4 years. Councilmember Laursen and Councilmember Bernhardt debated a reciprocity agreement. The Council discussed the current level of service and whether the EMT agreement would be better service. Councilmember Laursen thought they needed to have something now and this would be great. Mayor Pro Tem Beus said she looked forward to getting data to understand if they were providing the best possible services for Nibley’s residents. Councilmember Laursen thought it was a good term; 4 years. Councilmember Bernhardt questioned where an additional \$9,000 collected would go? Mr. Maughan reported that Nibley’s accountant had suggested the amount go into the general fund. Councilmember Bernhardt wanted to adjust the rate to collect more in line to what the cost would be. Mr. Maughan said he had the same thought but would prefer the amount go down as opposed to up. Councilmember Larsen recommended the money stay in the CCEMS account in case the

costs were not covered. Councilmember Bernhardt said if they adjusted the budget and kept track of the \$9,000, he would keep it the way it was. If not, he wanted to adjust the amount down. Mr. Maughan clarified that Councilmember Bernhardt wanted to create a fund that the money went into that stayed in the emergency medical services fund and create a new general ledger (GL) number. Councilmember Bernhardt agreed that his was what he wanted or adjust the dollar amount to closer to what they thought it should be.

Councilmember Laursen pointed out a mistake in the Resolution that stated the fee would

Councilmember Larsen made a motion to amend to revise Resolution 21-16: Implementing a Fee for Emergency Medical Services, changing the fee start date to July of 2021. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

General consent was given to create an additional GL number in the 2021-22 Budget for the surplus collected emergency medical services fee.

The amended motion passed 4-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus, and Councilmember Larsen all in favor.

Discussion & Consideration – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (Second Reading)

Mr. Maughan let this presentation. He reviewed the changes that had been proposed to the potential budget. He used an electronic presentation titled “2021/2022 Nibley City Budget; Changes Since First Reading” (a printed version of this presentation is included in the printed meeting minutes). Mr. Maughan reviewed the proposed changes: Administrative Fines, Professional Services, Capital Equipment, Feasibility and Planning Studies, Anhder Park Parking Lot, Engineering Design, Water Shares, page 93 of the budget was being removed, and employee COLA increases were not tied to an index, but indexes had been consulted to come to a 2% COLA raise per year that was a medium and had been a historic rate.

Councilmember Bernhardt moved to approve Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES. Councilmember Larsen seconded the motion.

Councilmember Beus made a motion to amend to remove funds from 45-40-746 and put these funds back into Capital Improvements Funds. Councilmember Laursen seconded the amendment.

Councilmember Bernhardt questioned why Mayor Pro Tem Beus was proposing the fund be removed. Mayor Pro Tem Beus described that they weren't sure what was happening at City Hall and didn't feel they needed to set the money aside at this time. The Council discussed the proposed trail placement and options. Mr. Maughan suggested the trail could be put into the capital projects plan.

The amendment passed unanimously 4-0; with Councilmember Beus, Councilmember Laursen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Laursen questioned where Councilmember Bernhardt wanted the surplus Emergency Medical funds put in the proposed agenda. Mr. Maughan suggested the funds revert back in the Nibley/Millville First Responders Unit and be called the Cache County Emergency Medical Service Fund. It would have a revenue and an expense GL. Mayor Pro Tem Beus guided that this budget line item was 10-54-330. Councilmember Laursen suggested the City Council change the description of this line item in the budget and gave staff direction to change the description.

The City Council and staff discussed trail funds for the Apple Creek subdivision.

Voting on amended Resolution 21-14 was as follows:

Councilmember Laursen was in favor.

Councilmember Bernhardt was in favor.

Councilmember Larsen was in favor.

Councilmember Beus was in favor.

The amended motion passed 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Laursen all in favor.

Discussion & Consideration – Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings (Second Reading)

Mr. Maughan led this discussion. He described that the change that was suggested at the last meeting was to mirror what was in the commercial standards with regards to setback. For every foot higher than you go 10 feet the setback increases 1 foot from the standard setback up to a maximum setback of 10 feet. He reported that the Mayor and Nibley Planner, Levi Roberts has discussed going with the setback being what it was unless your building was over 15 ft and if so, the setback was 10 feet. Councilmember Bernhardt said this seemed simpler. It was the really big accessory buildings they were worried about.

Mr. Maughan reviewed the specifications of the proposed changes

Mr. Maughan suggested the City Council continue the item until the Mayor and City Planner were present for the discussion.

Councilmember Bernhardt moved to continue Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings with the direction to change the ordinance to read that if an accessory building is 15 feet or more then it must be 10 feet from the rear yard setback. Councilmember Laursen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus and Councilmember Larsen all in favor.

Workshop – Capital Projects Master Plan and Appointment of a Capital Projects Steering Committee

Mr. Maughan led this discussion. He described that the city had been working on the Capital Projects Master plan for some time now developing a list of projects they'd heard about, or staff thought was important. This information needed to be put in a list and prioritized before the list was passed along to a consultant to put into a financial model to see what was feasible and to see what they could hope to accomplish with what amount of money in the foreseeable future; with a planning horizon of 5 to 10 years. Mr. Maughan said staff had sent a project list and had taken the projects that were in the budget out and sent out a Google sheet with projects asking for high, medium, and low prioritization. This had been taken back to the Mayor who'd suggested a committee be put together to put together a finalized list to be brought back to the City Council for approval. Mr. Maughan said the committee would be made up of two council members, himself, Mr. Farar, and Mr. Roberts. Mayor Pro Tem Beus said the suggested council committee members were Councilmember Laursen and herself. Mr. Maughan suggested to potential members of the committee that they'd really like to get started on this. Mayor Pro Tem Beus asked that they include pictures.

Workshop – Discussion of Engine Brakes in Nibley City

Mr. Maughan and Nibley Engineer, Darrin Farar led this discussion. Mr. Farar had an electronic presentation titled "3200 South-Truck Traffic Engine (Jake) Brake" (a printed copy of this presentation included in the printed meeting minutes). His discussion included the following topics: JBS, a map of the most used truck routes that included 6 different routes, and Resident Concerns.

Councilmember Bernhardt asked for an explanation of what would drive a driver using a jake brake. Mr. Farar described that larger trucks had the option of using the engine breaking to slow the truck down. The challenge was that it made a very large noise. He said you would hear it most often on the freeway but trucks bringing in cattle would be weighted down and might use the jake brake. Councilmember Larsen suggested that engine brakes were mostly used on hills and the City Council discussed truck speed.

Mr. Farar presentation resumed with discussion of the following: City Actions to Date,

Mr. Maughan reported that he'd recently spoken with Deputy Hansen with the Cache County Sheriff's Department. He'd expressed frustration with resident's only recourse of action calling to report what had happened. He had a meeting set up with the prosecutor to see what other items there might be, so the Sheriff's deputies didn't have to sit there. The Sheriff's office could not issue citations unless the driver admitted they had used engine brakes, or the deputy had to witness the event. Mr. Maughan also reported the County had agreed to put up signage south of Nibley City limits on 12th west.

Mr. Wright left the meeting at 8:17 p.m.

Mr. Farar continued his presentation and reviewed the next electronic slides: Regulating or Prohibiting Specific Types of Vehicles, and Challenges with Regulating or Prohibiting. Mr. Maughan said he'd reached out to Cache County, and they'd expressed no interest in prohibiting truck traffic on 1200 West or in general. He said this would be a hurdle if they chose to go this route. Mr. Farar finished his presentation and addressed Staff Recommendations.: 1. Increase police presence over the night time hours; 2. Work on a program with JBS to encourage drivers to take alternate routes especially during sensitive hours; and 3. Work with UDOT to accelerate the potential realignment of Highway 101.

Councilmember Bernhardt questioned if it were possible to monitor from a camera perspective. Mr. Maughan said this could potentially be incorporated into the 1200 West roundabout, but he felt the roundabout would push the noise problem further south and they would have to figure out a way to put cameras further south. Councilmember Laursen said the greatest solution was funding 4400 South and that they should do whatever they needed to do to make this happen faster. He said he was super uncomfortable having Nibley citizens feeling like they had to enforce the ordinance. It sounded like the Sheriff wasn't equipped with what they had to do to enforce the ordinance. They had to catch them in the act, which meant more patrolling. He reviewed the pros and cons of the recommendations suggested by staff. He suggested if they restricted truck traffic to certain hours then they could allow the sheriff's office the ability to enforce better. Mr. Maughan thought the challenge with this was working with other municipalities and jurisdictions to allow Nibley to put up signage to enforce the restricted hours. He said it was possible but did involve a lot of leg work and politics. Councilmember Bernhardt questioned if they were willing to invest or encourage the Sheriff's department to invest in cameras to track this to enforce the restriction of jake brakes. He didn't feel they would get the coverage they needed from the Sheriff's department. If someone got ticketed, they would start paying attention. Councilmember Larsen felt the upcoming roundabout would help quite a bit. Councilmember Larsen suggested they could restrict truck traffic to different speed limits. He suggested it could be 25 miles per hour for all truck traffic coming through Nibley; particularly any truck that had more than three axels. Councilmember Laursen said he'd love for staff, City Council and citizens to look into if reducing truck traffic on 3200 be okay legally and if it would help. He also questioned the

use of incentive programs and if there were incentives that existed to deter truck traffic? Councilmember Laursen said there would be construction on 3200 again and they had to divert truck traffic that were going down to 1500. He was concerned when the roundabout was constructed that truck traffic would go down 1500 and he wanted to make sure this was not happening. Mr. Maughan relayed his discussions with JBS about the numbers of different drivers that came through JBS. He didn't believe training a group of core drivers would be effective. Councilmember Bernhardt also suggested the use of a 9:00 am to 5:00 p.m. regulation combined with speed limit. The City Council discussed if there had been success with this option and whether it would be effective.

Mr. Maughan clarified the City Council discussion and direction. Look into:

- Camera options
- Reducing the speed of trucks
- Incentive programs
- Planning and thinking of traffic calming measures on 3200 South
- Restricting truck traffic to a specific timeframe

Councilmember Laursen encouraged staff to also continuing working to find alternative and to continue to work to educate businesses. Councilmember Bernhardt directed staff to look at each option from a legal standpoint.

Council and Staff Report

Deputy Recorder Bodily reported on the Ranked Choice Voting booth at Heritage Days.

Mr. Maughan reported on the following: The Monarch Festival, Fall Flag Football and Soccer sign ups, placement of dog signs at Firefly Park and Congressman Moore holding a community outreach at Nibley City Hall on July 20th.

Mr. Farar updated the City Council about construction and repavement along 3200 South.

Mr. Maughan reported that the replacement of the sidewalk at Anhder Park was supposed to happen just after Heritage Days but due to the concrete shortage this project had been postponed.

Councilmember Laursen said he loved Heritage Days. He said he was grateful to live in Nibley.

Councilmember Laursen asked for an update on progress with swale properties. Mr. Maughan reported on progress with non-compliant swales. He felt a large portion of the problem properties had been taken care of. He was not sure how many properties were left that were non-compliant. Councilmember Larsen reviewed the information he as a Councilmember, should be sharing with residents that had questions about swales.

Councilmember Larsen apologized for being out of town for Heritage Days.

Mayor Pro Tem Beus reiterated how great Heritage Days was. She said, "Well done to everybody." Mr. Maughan requested the City Council reach out to Rod Elwood and express their appreciation of all the work he and his crew put in.

The meeting was adjourned at 9:01 p.m.

Attest: _____
Deputy City Recorder