A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, January 13, 2022.

The following actions were made during the meeting:

Councilmember Laursen moved to approve Resolution 22-03: A Resolution Appointing Nibley City's Representative to the Cache Mosquito Abatement District Board of Trustees and waived the second reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen and Councilmember Sweeten all in favor.

Councilmember Laursen made a substitute motion to approve Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council for first reading. Councilmember Sweeten seconded the motion. The motion passed 3-1; with Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten in favor. Councilmember Bernhardt was opposed.

Councilmember Bernhardt made a substitute motion to approve Resolution 22-05: Establishing a Policy for Council Actions and Minutes and waived the second reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Sweeten moved to adopt Ordinance 22-01: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions on second reading. Councilmember Larsen seconded the motion.

> **Councilmember Larsen moved the amend Ordinance 22-01 to include the instructions included in footnote 5 to the definition of HOUSING, TWO-FAMILY in section 19.04.010. Councilmember Sweeten seconded the motion.**
>
> > ***"For Two-family housing, one of the units shall be owner-occupied, except for bona fide temporary absences"***
>
> **The motion to amend passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.**

Voting on the motion was as follows:
Councilmember Bernhardt voted yea.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

Councilmember Bernhardt moved to approve Ordinance 22-02: Updating Nibley City Code in Reference to the Nibley City Consolidated Fee Schedule for first reading. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen and Councilmember Sweeten all in favor.

Councilmember Bernhardt moved to approve Resolution 22-01: Annual Amendments to Nibley City's Consolidated Fee Schedule for first reading. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen and Councilmember Sweeten all in favor.

Councilmember Bernhardt moved to approve Resolution 22-02: Resolution Appointing a Nibley City Personnel Appeals Board Chairperson and Board Member, amending "Normal" Larsen to "Norman" Larsen, adjusting the term to end December 31, 2023, and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion was as follows:
Councilmember Bernhardt voted yea.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

Councilmember Larsen moved to approve Resolution 22-06: A Resolution Approving of New Vision Animal Impound Contract; and waived the second reading. Councilmember Bernhardt seconded the motion.

Voting on the motion was as follows:
Councilmember Bernhardt voted yea.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

OFFICIAL MINUTES OF THE MEETING

City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Nathan Laursen discussed the influence and accolades of Martin Luther King Jr. He quoted Reverend King:

"Life's most persistent and urgent question is: 'What are you doing for others?'"

"The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education."

"The ultimate tragedy is not the oppression and cruelty by the bad people but the silence over that by the good people."

"Every man must decide whether he will walk in the light of creative altruism or the darkness of destructive selfishness. This is the judgment. Life's most persistent and urgent question is, 'What are you doing for others?'"

Councilmember Laursen thought Nibley's community could always reflect and think, what they were doing for others and that the Council, in their seats, needed to remember that this was their main purpose.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, January 13, 2022, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Darren Farar, Nibley City Engineer, and Steve Eliason, Nibley City Public Works Director was also present.

Approval of the January 3, 2022, Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the January 3, 2022, meeting minutes and the current agenda. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

Mayor Jacobsen noted that Councilmember Kathryn Beus was excused from the meeting as her family was dealing with illness.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:43 p.m.

Jamie Bradford of 399 West 3400 South in Nibley introduced herself and described her family. She described that both her and her husband coached competitive softball and baseball organizations and that her daughter participated in softball and baseball. Mrs. Bradford said was made aware of the fee structuring meeting. In Nibley City they had one baseball field and one softball field. She described the other fields in the Nibley City. She described the fee that non-affiliated softball and baseball teams had to pay to play on Nibley fields and that this fee for practice was only assessed in Nibley City. Mrs. Bradford described an instance with her daughter and friends playing at the park and being kicked off by the parks department for not reserving the fields and not having insurance. She described that Nibley's fees are almost as much as the fees Logan City charged for their quads. Mrs. Bradford questioned if this happened on all ballfields in Nibley City? Mrs. Bradford described that competitive tournament field rental fees were double in Nibley what other cities charged. Mrs. Bradford was concerned that softball and baseball fields were used for multi-sport use. Mrs. Bradfield discussed the competitive leagues in the valley and across Utah and the fees the leagues paid to play. She said there was money to be made in the sports the fields were designed for. Nibley City seemed to not want people on their fields, but Nibley needed to be careful because they were driving their residents out of Nibley City to play different sports in cities that were much more accommodating than Nibley City.

Councilmember Laursen asked Mrs. Bradford if there were any questions she needed answered? Mrs. Bradford wanted the City Council to know the impact fees were having on sports and kids. She said something needed to be done for the kids. She felt soccer came before softball and baseball in Nibley and that this was terrible.

Mayor Jacobsen introduced Rob Patterson, Nibley City's attorney. Rob Patterson said he was from 196 Shelly Louis Drive in Sandy. He introduced himself as Nibley's municipal attorney and described that he handled land-use matters and contracts and everything outside of criminal procedures for Nibley City. He asked the City Council to reach out to him directly if they had questions; or their questions could be passed through staff or Mayor Jacobsen.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:53 p.m.

Mayor Jacobsen asked the City Council for general consent to suspend the agenda, moving item #7 (Discussion & Consideration – Resolution 22-03: A Resolution Appointing Nibley City's Representative to the Cache Mosquito Abatement District Board of Trustees) to the next item on the agenda to accommodate Mr. Davis. General consent was indicated by the City Council.

Discussion & Consideration – Resolution 22-03: A Resolution Appointing Nibley City's Representative to the Cache Mosquito Abatement District Board of Trustees (First Reading)

Mayor Jacobsen said he'd asked Tom Davis, who was a candidate for Nibley City Council during the last election, to serve on the Cache County Mosquito Abatement District Board of Trustees. Mayor Jacobsen said he needed to replace himself on the board because the CMAD meetings were on the same evening as Nibley City Council meetings. Mr. Maughan asked for the City Council consent to appoint Tom Davis to the Board.

Tom Davis of 3311 South 1600 West in Nibley was present at the meeting and described himself. He described that he had lived in Nibley for about 10 years and was happy to serve the community in this capacity and in any way he could help.

Councilmember Laursen asked about Mr. Davis's proximity to mosquitos where he lived and how this would impact his decisions. Mr. Davis said this would help him to be very anti-mosquito. Mr. Davis said his objective was to help Nibley have a stronger presence on CMAD and at the County level, so Nibley's needs were being better met by the district. He understood that if there were better communication with CMAD about where Nibley's problem areas were, then they could be addressed.

Councilmember Bernhardt said there was a balance between mosquito lovers and mosquito haters and the debate about spraying influencing the butterfly population? He questioned how Mr. Davis would balance this. Mr. Davis said the first item of business was the methodology of requesting and respecting "no spray" areas and felt the balance was in treating the mosquitos when they were at the larvae phase and treating the water. Councilmember Laursen asked if Mr. Davis would be willing to participate in Town Hall and backyard meetings. Mr. Davis said that he would be willing to participate in these events and he'd try to stay abreast of situations and the sciences behind situations so that he could address questions.

Councilmember Laursen moved to approve Resolution 22-03: A Resolution Appointing Nibley City's Representative to the Cache Mosquito Abatement District Board of Trustees and waived the second reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen and Councilmember Sweeten all in favor.

Mr. Davis and his wife Laura left the meeting after this discussion.

Discussion & Consideration – Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council (First Reading)

Recorder Bodily summarized the proposed changes to Rule 5, paragraph 3 of the Rules of Procedure and Order for the Nibley City Council.

Mayor Jacobsen reviewed some of the rules and procedures described in the proposed resolution. He addressed Rule 3 and reference to be recognized by the Chair to have the floor and be able to speak. He felt this added a little formality to what they were doing, and a little formality would make the City Council more efficient. Mayor Jacobsen described how he proposed meetings and discussion would be conducted.

Councilmember Bernhardt moved to approve Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council, waiving the second reading. Councilmember Larsen seconded the motion.

The Council discussed including reference to show which previous resolution would be obsolete with the passing of the proposed Resolution 22-04.

Councilmember Laursen made a substitute motion to approve Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council for first reading. Councilmember Sweeten seconded the motion.

Councilmember Laursen didn't feel he'd done due diligence on the Resolution before the meeting. He said there were other Rules of Order and Procedure in Nibley City code that he felt had been ignored. He'd like to have further discission of where the code matched with the Resolution. He gave the example of votes needing to be in alphabetical order. He felt he wanted to verify this and would come back with more discussion and questions. Mayor Jacobsen said he'd not found anything in the Resolution that contradicted what was found in Nibley City ordinance but had found differences in the way things had been done and what was in ordinance.

Voting on the motion was as follows:
Councilmember Bernhardt voted nay.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

Recorder Bodily asked the City Council for direction to review the Resolution, making revision to language that may be gender specific. The City Council gave Recorder Bodily direction to make proposed revisions.

Discussion & Consideration – Resolution 22-05: Establishing a Policy for Council Actions and Minutes (First Reading)
Recorder Bodily summarized that the proposed Resolution made Council policy consistent with current practice and proposed current practice. The Resolution established policy on first and second readings on ordinances and resolutions and the

policy for waiving second readings. Recorder Bodily described that the Resolution proposed the proposed agenda and information packet would be supplied to the City Council the Friday before a City Council meeting and the final, proposed agenda would be supplied to the City Council and public on the Tuesday before a City Council meeting, including a revision summary. Recorder Bodily noted the Resolution superseded Resolution 11-12, which was noted in a footnote on the Resolution coversheet.

Councilmember Larsen clarified the proposed changes. Mr. Maughan said the intent of staff was to get the information to the City Council as complete as possible on Friday but there always seemed to be changes between Friday and when the meeting took place. The City Council discussed the schedule when Mayor Jacobsen met with staff to discuss the agenda. The City Council discussed possibly moving the final, proposed agenda deadline to Wednesday before a City Council meeting.

Councilmember Larsen moved to approve Resolution 22-05: Establishing a Policy for Council Actions and Minutes for first reading. Councilmember Laursen seconded the motion.

Councilmember Bernhardt made a substitute motion to approve Resolution 22-05: Establishing a Policy for Council Actions and Minutes and waived the second reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

Discussion & Consideration – Ordinance 22-01: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions (Second Reading)

Mr. Roberts let this discussion. He gave a summary of the proposed ordinance and the discussion that had taken place using an electronic presentation entitled *ADUs, Two-Family Housing, Mixed-Use* (a printed version of this presentation is included in the printed meeting minutes). The topics include in Mr. Roberts’ presentation included the following: Recommended code changes and Planning Commission recommendation.

Councilmember Bernhardt asked if there was discussion of setting the set-back of an ADU consistent with a property owners’ current home? Mr. Roberts said this wasn’t discussed and was made consistent with the State standard. Councilmember Sweeten questioned D-5. and providing off-street parking for two vehicles? She recalled that this would be changed to one parking stall. Mr. Roberts said the two-vehicle parking hadn’t been changed because state code only applied to attached accessory dwelling units and the code being debated referred to detached accessory dwelling units. The Planning Commission had recommended this requirement remain for detached ADUs.

Councilmember Sweeten moved to adopt Ordinance 22-01: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions on second reading. Councilmember Larsen seconded the motion.

Mayor Jacobsen said “good or badder, let’s get at her.” Mayor Jacobsen felt there was fear that ADU would create a town full of duplexes. This concern was mitigated for himself because one of these dwellings had to be occupied by the owner. This was a different type of business venture. He saw this as a way to not threaten what they had in Nibley. Councilmember Larsen also clarified that there would only be one utility hook up so this also discouraged duplexes. Mayor Jacobsen said he felt this was a great way to provide lifecycle housing and it worked fine from what he had observed.

Mayor Jacobsen encouraged the City Council to move the footnote for two-family housing into the definition of Two-Family Housing in section 19.04.010.

Councilmember Larsen moved the amend Ordinance 22-01 to include the instructions included in footnote 5 to the definition of HOUSING, TWO-FAMILY in section 19.04.010. Councilmember Sweeten seconded the motion.

> *“For Two-family housing, one of the units shall be owner-occupied, except for bona fide temporary absences”*

The motion to amend passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Bernhardt asked for clarification if you had a one-story house if you could build a two-story accessory dwelling unit? Mr. Roberts clarified that the accessory dwelling unit couldn’t be taller than the primary dwelling for detached ADUs. Councilmember Bernhardt felt the side setback of the detached accessory dwelling unit should be consistent with the setback on the primary home.

Councilmember Laursen questioned why so much parking was needed? Councilmember Bernhardt offered that he had four cars and four drivers. In theory he had enough room for two-cars in the garage and two-cars in the driveway and a side parking area, but the cars still started getting in the way. He felt you could almost never have too much parking and described with the current housing market it was difficult with young couples and each usually had a car. Councilmember Sweeten expressed that she didn’t know that every detached ADU needed two parking spaces. The likelihood of having at least one vehicle was high. She described car shuffling at her home. The City Council discussed the balance between making parking issues the neighbor’s problem.

Councilmember Bernhardt asked for the general feeling of the attached accessory dwelling unit being taller than the original home? He asked what feedback staff had gotten about this. Mr. Roberts said there had been some concern expressed particularly about an accessory dwelling unit attachment by Nibley Elementary school. It was hard to administer because typically these were considered an add on.

Seeing no further discussion on the propped ordinance, Mayor Jacobsen called for a vote.

Voting on the motion was as follows:
Councilmember Bernhardt voted yea.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

Rob Patterson left the meeting at 7:47 p.m.

Discussion & Consideration – Ordinance 22-02: Updating Nibley City Code in Reference to the Nibley City Consolidated Fee Schedule (First Reading)
Mr. Maughan led this discussion. The intent of the ordinance was to change Nibley City code references that included specific amounts of money and referred to fees and to change the wording to reference the Consolidated Fee Schedule (CFS) for the amount. All fees went on one list and staff would have one document to review to go over fees being charged to residents and developers. Mr. Maughan said during the process discrepancies had been found on the CFS where fees had been passed and had been changed in one place but not the other. The intent was to simplify the process and keep numbers straight so the correct fees, that were approved by the City Council, were charged.

Mr. Maughan said there was significant effort that had went into the proposed ordinance but there had been one change that had been found recently. He referenced section 7.12.080 A. Special Events. Nibley City ordinance designated that there was "no charge" and staff was proposing that the wording be replaced with "See the Consolidated Fee Schedule." Mr. Maughan clarified that there were still a couple fees specifically referenced in Nibley City ordinance that were in reference to impact fees. These fees were required to be in ordinance but were also included on the CFS for reference only. The City Council should be able to pull up the CFS and be able to do a yearly review of the fees, feeling confident they weren't missing fees buried in code.

Mr. Wright clarified that Youth Sports Fees were being presented in a different way. His colleagues suggested they changed the psychology of the way fees were presented and people would accept the pricing better. Mr. Wright said there was an "Early Bird" price and a regular price.

Councilmember Bernhardt moved to approve Ordinance 22-02: Updating Nibley City Code in Reference to the Nibley City Consolidated Fee Schedule for first reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt thought this was a good idea and fees weren't littered all throughout ordinance. He asked that staff (specifically Amy Johnson) be thanked for the time they had put into the proposal.

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

Recorder Bodily clarified and established procedure that no alphabetical, roll call vote would be required when the City Council was approving an Ordinance or Resolution for first reading.

Discussion & Consideration – Resolution 22-01: Annual Amendments to Nibley City's Consolidated Fee Schedule (First Reading)

Mr. Maughan led this discussion. He had an electronic presentation of the Consolidated Fee Schedule (CFS) for the Council to view (this presentation was included in the meeting packet). He reviewed the fees for the following: sewer rate, stormwater rate. Mr. Maughan said a lot of the fees were referenced in code but weren't referenced in the CFS so staff had put them in the CFS, but the fees were not actually changing. This included business licenses and fees and transportation impact fees. Mr. Maughan discussed the Wastewater Treatment Impact fee for Logan City and the handling and tracking of the fee. Staff felt this fee was too high and proposed the fee be dropped to $50. Mr. Maughan discussed the Animal Control Fine Schedule portion of the CFS and Charges for Service.

Mr. Eliason left at 8:03 p.m.

Mr. Wright reviewed the fees associated with Recreation.

Mr. Eliason returned at 8:04 p.m.

Mr. Wright described the increased fee for renting a park pavilion and the fee for renting the enclosed pavilion at Virgil Gibbons Heritage Park. He and the Council discussed staff maintenance required for park pavilions. Councilmember Bernhardt discussed the issue of people who are willing to pay having to pay for individuals who hadn't paid. Mr. Wright described the increased use of fields by personal trainers and the proposed costs for accommodating this use. Councilmember Bernhardt asked if field schedules were posted for everyone to see. Mr. Wright said those that rented the field had access to the schedules. If the schedules were posted then users tried to squeeze into any time slot that the field was not being used and this had been problematic. There was also consideration to be made if the fields were not in a condition for use.

Mr. Wright described the fees for a portable mound. Mr. Wright discussed the fees charged for recreation youth sports and the clarification of the fees being offered. Mr. Wright addressed the comments made by Mrs. Bradford. He described that the Vengeance competitive league teams, who Mrs. Bradford was associated with, had taken issue with the increased fees for competitive play.

Mr. Maughan questioned the priority use of fields for completive versus recreation sports. He felt Nibley City was set up for priority use for recreation sports. Mr. Wright said this had been adopted in the Parks and Recreation Master plan. Mr. Wright said priority was recreation, second was school use, and third was competitive or other commercial uses and he felt this was reflected in the CFS. Mayor Jacobsen clarified that the same fees were being charged to both resident and non-residents. Councilmember Sweeten referred to a comment made by Mrs. Bradfield regarding use of fields and having other events on the same field at the same time. Mr. Wright said she was referencing a single incident that was South Cache Soccer practicing at that time and they had been notified that they couldn't practice at the field on Fridays and the message was not shared. Councilmember Sweeten asked for clarification on Mrs. Bradford's comments that her daughter had been asked to leave a field. Mr. Wright said she might be referring to a Vengeance team that was playing on a field too early. Rod had not opened the fields, they were too wet, and there were no scheduled teams on the field. Them being on the field was a potential detriment to the field and a potential liability risk. Mr. Wright said he'd politely asked them to leave and encouraged them to schedule the field. Mr. Wright said the parks department were shy about sending people away and usually contacted Mr. Wright.

Councilmember Bernhardt moved to approve Resolution 22-01: Annual Amendments to Nibley City's Consolidated Fee Schedule for first reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt discussed the $150 fee for administration and collection of the Wastewater Treatment Impact fee for Logan City. He recalled the fee had been set because of the recording requirements that had to be maintained for years out. Mr. Maughan said there was some recording of the payment and accountant and staff time, but in discussion, staff still felt it was an average of 4-5 hours per month to cover the Nibley City Treasurer's time, so the fee was closer to $50. Councilmember Bernhardt encouraged the City Council to think twice about changing this. He didn't feel it was an egregious charge. Mr. Maughan said Councilmember Bernhardt debated who was assessing the charge to Nibley City residents. Councilmember Bernhardt asked for clarification on the solid waste fee going up by $1.00. He questioned if it was a Logan/County change or if there were something else. Mr. Maughan understood Nibley City was matching Logan's rates and committed to clarifying this information for second reading. Councilmember Laursen asked for the formula that was used to calculate building fees be added to the building permit fee summary.

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

Mayor Jacobsen asked if the City Council had objection to a five-minute recess. Seeing no objection, Mayor Jacobsen called for a five-minute recess at 8:39 p.m. The meeting resumed at 8:42 p.m.

Discussion & Consideration – Resolution 22-02: Resolution Appointing a Nibley City Personnel Appeals Board Chairperson and Board Member (First Reading)

Mr. Maughan summarized that the Nibley City Personnel Policy allowed a Nibley City employee to appeal a disciplinary decision of the City Manager. The process was outlined in the Personnel Policy and consisted of an appeals board. The Board consisted of a chairman and two other members. The chairman and one member were specified to be a member to of the City Council, with the third member being made up of an elected member of the city's full-time staff. Mr. Maughan said it was his knowledge that this board had never been convened and there were currently no issues to be discussed.

Mr. Maughan said these appointments were a matter of housekeeping and the appointments would be a two-year term to align with the City Council election cycle so the City Council wouldn't see the appointments again for another two years.

Mr. Maughan said the current appointed members were Councilmember Tom Bernhardt as Chairperson and Councilmember Norman Larsen as Board member.

Mayor Jacobsen said he was asking for the appointment of Councilmember Tom Bernhardt as Chairperson of the committee and Councilmember Norman Larsen as Board member of the committee.

Councilmember Bernhardt moved to approve Resolution 22-02: Resolution Appointing a Nibley City Personnel Appeals Board Chairperson and Board Member, amending "Normal" Larsen to "Norman" Larsen, adjusting the term to end December 31, 2023, and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion was as follows:
Councilmember Bernhardt voted yea.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

Discussion & Consideration – Resolution 22-06: A Resolution Approving of New Vision Animal Impound Contract (First Reading)

Mr. Maughan gave a brief history of impound services used by Nibley City. Mr. Maughan said Cache County was in the middle of constructing their own animal facility and had partnered with New Vison to run the impound services. The New Vision veterinary intake facility was the arm of a larger veterinary clinic and were supported financially through a private business. The intake arm was a non-profit organization that specialized in trying to unite individuals with their animals. They had an adequate facility and could immediately start taking Nibley's animals. Logan City had been using this service for approximately two years. Mr. Maughan felt this was a good move for Nibley City and would be a much cheaper option for residents and for Nibley City. Mr. Maughan said New Vision discussed reimbursing the city for the initial $15 impound fee and but Mr. Maughan felt the fee was so small that he was comfortable with New Vision retaining the fee and eliminating the tracking of the fee that would need to happen. There was no fee to Nibley City to partner with the facility, so he was comfortable with the facility collecting the fee. All fees collected were collected from the owner and there would be no fees to Nibley City unless an animal were abandoned. Mr. Maughan said the New Vision Impound services were willing to help Nibley City with making sure animals were licensed and that their rabis shots were updated. Mr. Maughan said staff felt comfortable moving forward with the contract with New Vision and described that Nibley City needed to give a 30-day notice to the Cache Humane Society to end services with them

Councilmember Sweeten asked if there were a maximum services charge to Nibley City for an abandoned animal. Mr. Maughan felt it was $18/day for a maximum of 4 days. So the fee should be $18 x 4 = $72. Councilmember Sweeten asked for the laws that described when a dog had been abandoned. Mr. Maughan didn't have the information and said he would find this information for Councilmember Sweeten.

Councilmember Larsen moved to approve Resolution 22-06: A Resolution Approving of New Vision Animal Impound Contract; and waived the second reading. Councilmember Bernhardt seconded the motion.

Mayor Jacobsen noted that Mr. Maughan would serve on a steering committee for the future Cache County facility. Mr. Maughan clarified that Cache county was attempting to create a centralized location for licensing and impound of animals for the entire County. Councilmember Bernhardt said he would like to discuss the fees charged for fixed dogs versus non-fixed dogs. He had a house dog that never got out and disturbed other dogs and he felt he paid the price for dogs that got out and impregnated other dogs. He felt there should be one fee for all.

Voting on the motion was as follows:
Councilmember Bernhardt voted yea.
Councilmember Larsen voted yea.
Councilmember Laursen voted yea.
Councilmember Sweeten voted yea.

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

Discussion – Discussion About shifting from Box to Teams

Mr. Maughan described that the city was at capacity with the current information sharing platform being used to share meeting information with the City Council and staff. Because the City was already paying for Microsoft software, staff was proposing the use of Teams to share meeting information.

Councilmember Bernhardt shared his experiences working in Teams.

Mr. Maughan described that there were a lot of communication tools in Teams and encouraged the City Council to not utilize them for purposes of the Open and Public Meetings Act. This was a way for the City Council to store files for the City Council to view. Mayor Jacobsen said he'd appreciated the Teams interactions with staff and described the ways Teams had been appropriately utilized with staff.

Councilmember Bernhardt directed staff to direct the City Council to Teams via the Box for the next 1-2 City Council meeting packets. Mayor Jacobsen clarified that the direction to staff was to move towards Teams.

Discussion – Discussion About Ranked Choice Voting and Public Follow Up

Recorder Bodily asked the City Council for direction on what follow up they would like to see regarding Ranked Choice Voting.

Mayor Jacobsen felt people would forget what they had experience with Ranked Choice Voting, so they needed to jump on this quickly. Councilmember Sweeten said there was a certain amount people would forget and this was fine. She knew staff had received a few negative comments but considering the number of people who had received ballots, the number seemed very small. Councilmember Sweeten relayed that in discussion she'd had with residents, most just wanted to know how to vote and were unfamiliar with the process of voting. She was not sure how much follow up they needed. Councilmember Bernhardt questioned if there would be confusion at the next election of having a regular election and then holding a Ranked Choice Voting process. Councilmember Laursen suggested that a lot of people wanted to know and do research on this and referred to Utah State University groups that might help with information gathering. He suggested staff reach out to these individuals/organizations. Councilmember Laursen said he would share this information with Recorder Bodily and would be willing to organize the effort to collect a post-mortem on Nibley City's Ranked Choice Voting exercise. Councilmember Laursen expressed that he felt they were behind schedule on conducting following up on feelings about Ranked Choice Voting.

Discussion – City Council Meeting Opening Ceremonies

Mayor Jacobsen felt opening ceremonies gave significance in kicking off a meeting with something solemn and showed the citizens and community that they were doing important work at City Council meetings. He noted that the opening ceremonies came before the roll call was conducted. Mayor Jacobsen felt the content of the opening ceremonies should be decided by the individual Council member that has responsibility for opening ceremonies including the guidelines that they can't deride or disparage an individual or group of people and they don't break the law with treason or sedition or slander.

Council and Staff Report

Councilmember Bernhardt said he'd noticed the light at Clear Creek Park by the Nibley City sign looked like the top had been popped off. He asked staff to submit a ticket to Rocky Mountain Power to have the light addressed.

Councilmember Bernhardt said he'd been conversing with his neighborhood about the Altitude development and what would happen with the Clear Creek pond on the Clear Creek Park property. Mr. Maughan described where the pond dispersed to and the involvement of the College Irrigation Company. Councilmember Bernhardt asked for staff to follow up on what would happen to the creek and pond. The City Council and Mr. Maughan also discussed a large pond of water near the south-east corner of the Zollinger property and the source of water to that pond.

Councilmember Laursen questioned there not being a Planning Commission report. Mr. Roberts reported that the previous Planning Commission meeting had cancelled.

Councilmember Laursen asked for an update on the boundary committee comprised of Councilmember Bernhardt and Councilmember Beus. Councilmember Bernhardt said there hadn't been a discussion since they'd last spoke with Logan. Mayor Jacobsen related discussions he'd had with Logan's Mayor about a boundary agreement. He questioned if the Council were interested in pursuing a common boundary with Logan. Councilmember Laursen expressed that he was interested. He wanted to do what they had done with Hyrum. He wanted to have a committee that would communicate and reach out when it was time to communicate with neighboring cities. Councilmember Larsen was not sure there was much left to discuss. Councilmember Bernhardt said he was not opposed to continuing these discussions but was not hopeful. Councilmember Sweeten felt it was important to keep the line of communication open. She wanted to improve the relationships and carry on the conversations.

Councilmember Laursen asked where they were with the discussion for a boundary line with Hyrum? Councilmember Laursen said he would like to see Nibley City try to do what they did with Hyrum with Logan. Mr. Maughan said in his last discussion with the Hyrum City Manager he'd said they had no desire to push the issue prior to the election. Mayor Jacobsen said he would approach Mayor Miller.

Mr. Maughan reported that the Nibley Children's Theatre had received a grant from Rocky Mountina Power for $3,000. They had received the grant from RMP for over 10 years. Mr. Maughan said he and staff had encouraged the NCT to reach out to the City Council in regards to the amount of money they got budgeted each year and communicate what they wanted and needed.

Mr. Maughan reported on a meeting of the Logan Wastewater Rate Setting committee. Mr. Maughan said Logan had all the power on the committee, but it was good informational meeting. Mr. Maughan informed the City Council that some rate information had been put into the Box that they could review.

Mr. Maughan reported that he would be out of town for a couple of weeks. He said Mr. Farar would be left in charge and directed the City Council to contact Mr. Farar, Steve Eliason, or Ms. Bodily if needed.

Mr. Roberts reported that they were planning to have a goal setting discussion at the next Planning Commission. He asked the City Council to send their direction or feedback on what they'd like to see the Planning Commission undertake in the next year.

Recorder Bodily reminded the City Council of the Monday, January 21 newsletter submission deadline and encouraged them to contribute to the newsletter including nominations for "Niblette in the News."

The Council thanked Mr. Eliason for plowing the snow.

Mr. Farar reported that construction on the hammerhead at Stonebridge was expected to start in the next week.

Mr. Farar said staff had shared Nibley City's plan for 1200 West with the Council of Governments and this seems to have gone pretty well.

Mr. Farar reported that he and Mr. Roberts had been working Ridgeline Park east and Nibley Farms. These projects would go to the Planning Commission in the next meeting.

Mr. Farar said there had been a kick-off meeting for the Ridgeline Park City Park concept plan.

Mayor Jacobsen said Malouf had invited the City Council to a facilities tour and lunch in their cafeteria so they could get to know the City Council and the City Council could get to know them.

Mayor Jacobsen reported that Local Official's Day at the Legislature was on January 19 and there was still time to register. Representative Casey Snider was also planning to attend. The Council discussed issues that were being discussed during the 2022 legislative session.

Mayor Jacobsen said he would be doing NibleyFit at 6:00 a.m. on Monday and asked the members of Council to join him there.

The meeting was adjourned at 10:24 p.m.

Attest: ______________________________
City Recorder