

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 12, 2022.

The following actions were made during the meeting:

Councilmember Larsen moved to approve Ordinance 22-08: Rezone of a Portion of Parcel 03-019-0003 from Industrial (I) to Commercial (C). Councilmember Bernhardt seconded the motion.

Mayor Jacobsen made a motion to amend that a rezone be approved in conjunction with a concurrent process of subdivision, in accordance with Nibley City code. Councilmember Larsen seconded the motion. The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Voting on the motion to approve Ordinance 22-08 was as follows:

Councilmember Beus voted yes.

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

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

Councilmember Laursen moved to approve the substitute Resolution 22-12: Amending the Nibley City Engineering Design Standards and Specifications Relating to Public Infrastructure. Councilmember Beus seconded the motion.

Voting on the motion to approve Resolution 22-12 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

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

Councilmember Beus moved to approve Resolution 22-14: Regulating the Use of Fireworks Within Nibley City and waived the second reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt made motion to amend Resolution 22-14 to strike item 1. Councilmember Beus seconded the motion. The amendment passed 3-1; with Councilmember Beus, Councilmember Larsen, and Councilmember Bernhardt in favor. Councilmember Laursen was opposed.

**Voting to approve Resolution 22-14 as amended was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Beus voted yes.
Councilmember Larsen voted yes.
Councilmember Laursen voted yes.**

The amended motion to approve Resolution 22-14 passed 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Councilmember Larsen moved to approve Resolution 22-15 Adopting the Fraud Risk Assessment of Nibley City for 2022 and waived the second reading. Councilmember Laursen seconded the motion.

**Voting on the motion to approve Resolution 22-15 was as follow:
Councilmember Bernhardt voted yes.
Councilmember Beus voted yes.
Councilmember Larsen voted yes.
Councilmember Laursen voted in favor.**

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

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Mayor Jacobsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, May 12, 2022, Nibley City Council meeting to order at 7:01 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Tom Bernhardt, and Councilmember Norman Larsen. Nibley City Manager, Justin Maughan introduced Jared Pratt, Water/Wastewater Manager, Steve Eliason, Public Works Director, Rod Elwood, Parks Manager, Austin Kimball, Water/Wastewater Operator, Chet Olsen, Streets/Stormwater Manager, Darren Farar, City Engineer and Amy Johnson, City Treasurer.

Councilmember Nathan Laursen arrived at 7:02 p.m.

Mayor Jacobsen noted the presence of Cheryl Bodily, City Recorder, Levi Roberts, City Planner and Justin Maughan, City Manager.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the previous meeting minutes and the evening's 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 Jacobsen gave direction to the public present and opened the Public Comment Period at 7:04 p.m.

Ashely Kotrell a Nibley resident at 3023 South and 1000 West discussed a traffic concern on 1000 West. She described that she lived right behind Heritage Elementary school and that a large part of the students used the back entrance to Heritage Elementary School. There stated that there were no stop signs along the whole span way of 1000 west and there is a speeding problem. Drivers are using the residential road of 1000 west as a through street. Ms. Kotrell had observed at 8:45 a.m. there were 17 cars and 13 pedestrians. The young pedestrians were judging where to shooting the gap between cars. She suggested slowing down traffic and discouraging through traffic on the road. She suggested a stop sign at the intersection of 2980 South and 1000 West. Sower speed of traffic where students were crossing, and cars would be required to stop at the heavily used crosswalk. She felt a stop sign would make a life-saving difference. Ms. Kotrell offered her help in getting the process moving forward.

Mayor Jacobsen told the City Council they had a problem to solve. The back door of the school had become a problem and Mayor Jacobsen said they would work with Ms. Kotrell and work with the school and would "get busy" on this.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 7:09 p.m.

Planning Commission Report

Mr. Roberts reported that there were two action items on the Planning Commission agenda. The Rigby minor subdivision at 250 West and 3450 South would be amended and adding two additional lots from what was there from 5-7 and to do this they needed to do a subdivision. The other item was a conditional use permit for a dog grooming business, which the City Council had approved an ordinance change at their last meeting. The dog grooming business was in the Heritage Animal Hospital. Mayor

Jacobsen commended staff and the Planning Commission for enforcing Nibley City's street tree ordinance and requiring the minor subdivision to plant street trees.

Presentation – Award for Jared Pratt for Outstanding Collections Operator from the Water Environment Association of Utah

Mr. Maughan described the Water Environment Association of Utah which was similar to the Rural Water Association of Utah. The Utah chapter was part of a much larger organization and have a large water and wastewater conference. Mr. Jared Pratt was nominated as an outstanding collections operator in the state of Utah and as awarded the award at the last State conference. The organization had asked Mr. Maughan to present the award to Mr. Pratt.

Mr. Maughan presented the award for Outstanding Collections Operator from the Water Environment Association of Utah to Nibley Water/Wastewater Operator Manager, Jared Pratt.

Discussion & Consideration – Ordinance 22-08: Rezone of a Portion of Parcel 03-019-0003 from Industrial (I) to Commercial (C) (Second Reading)

Mr. Roberts said the proposal was to rezone the norther portion of the Logan Coach property from Industrial (I) to Commercial (C). The reason for the request was to facilitate a development that included an assisted living center and smaller lot duplex and single living units on smaller lots. The Commercial zone allowed for an assisted living facility and didn't have a minimum lot size. Mr. Roberts shared images of similar concepts.

Mr. Roberts reported that the Planning Commission's recommendation was to approve the rezone with the condition that the rezone area be assigned its own parcel ID prior to the rezone.

Councilmember Larsen questioned the process the developer would have to go through to have the concept plan approved. Mr. Roberts described that the developer would need to go through a site plan review process and the subdivision process. The City Council would review the site plan for a potential assisted living facility and most likely for the entire parcel. The applicant had indicated that they would look to design the development so that the connection at 660 west was not necessary and had indicated they would work with the planning department on connectivity.

Rolando Galar representing the proponent, Capital Group, said he had nothing to say and was present for the City Council's questions.

Councilmember Larsen moved to approve Ordinance 22-08: Rezone of a Portion of Parcel 03-019-0003 from Industrial (I) to Commercial (C). Councilmember Bernhardt seconded the motion.

Mayor Jacobsen made a motion to amend that a rezone be approved in conjunction with a concurrent process of subdivision, in accordance with Nibley City code. Councilmember Larsen seconded the motion.

The City Council discussed the subdivision and rezone process and these processes happening concurrently and Nibley City code.

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

Councilmember Beus described that the amendment said they allowed them to rezone but they would see the City Council a lot more because they were required to subdivide according to Nibley City's code. Councilmember Laursen thought staff, the Planning Commission, the city and the proponent were well aware of the concerns the public had.

Voting on the motion to approve Ordinance 22-08 was as follows:

Councilmember Beus voted yes.

Councilmember Bernhardt voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

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

Discussion & Consideration – Resolution 22-12: Amending the Nibley City Engineering Design Standards and Specifications Relating to Public Infrastructure (Second Reading)

Mr. Farar led this presentation. He described that the City Council had been provided a complete standard that incorporated changes to the standards. Mr. Farar said he'd proposed the Council adopt an approved materials list that was administratively managed. However, Mr. Maughan had suggested this be reviewed by the City Attorney who had indicated that there were a lot of hoops they would need to follow. Mr. Maughan suggested it would be simpler to incorporate the materials into the Engineering Design Standards in item 1. Staff would need to come back to the City Council on a regular basis to make changes. Mr. Farar distributed an amended resolution to staff and the City Council. The amendment removed item 2 from the prior resolution, removing the following wording:

The City Council finds that there is good cause and that it is in the interest of the public welfare, health, and safety to adopt the program of establishing and regularly maintaining a list of approved construction materials that maybe updated and revised administratively by the Nibley City Public Works Department from time to time as necessary.

Councilmember Laursen moved to approve the substitute Resolution 22-12: Amending the Nibley City Engineering Design Standards and Specifications Relating to Public Infrastructure. Councilmember Beus seconded the motion.

Mr. Maughan asked if Mr. Farar would write engineering standards for irrigation convenances or if he would put this requirement on the canal companies. Mr. Farar said this should be on the canal company because it was their facilities, and they owned the facilities.

Councilmember Larsen questioned if the standards had multiple vendor options for materials and wouldn't designate a monopoly for certain vendors. Mr. Farar said on the approved material there were a lot of options for most materials but there were a few that were very specific. He said the approved materials list gave new manufacturers new opportunities to try their equipment in the City for possible incorporation of materials in future standards. Councilmember Laursen questioned how often the state would require the standards be adopted. Mr. Maughan said his vision was to stay on top of the standards and bring them back for small revisions or review. Staff would bring the standards back to the City Council when needed. Mr. Farar reminded the City Council that developments that were in the review process or approved development was grandfathered under the old standards. Mr. Maughan said the standards had been referenced heavily with the American Public Works Association Standards and Specification that had been put out by the Utah chapter and a lot of the items had been taken directly from those standards and tweaked to what worked for Nibley City.

Voting on the motion to approve *Resolution 22-12 was as follows:*

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Mayor Jacobsen said, "that was a riveting subject."

Discussion & Consideration – Resolution 22-14: Regulating the Use of Fireworks Within Nibley City (First Reading)

Mr. Maughan said the State of Utah required the County fire marshal provide a map of different municipalities and the use of firework restrictions that may take place across the county for people to look at and understand the rules that were in place. Historically Nibley City adopted that standard of prohibiting fireworks east of Highway 165 and in the past year, because it had been really dry, Nibley City had restricted the use of aerial fireworks. The resolution before the City Council had stuck with those provisions and had added the provision that official licensed and insured shows were exempt from the resolution, which would apply to the Heritage Days show and in the past Malouf had done their own show for their employees.

Councilmember Beus moved to approve Resolution 22-14: Regulating the Use of Fireworks Within Nibley City and waived the second reading. Councilmember Larsen seconded the motion.

Councilmember Beus descried that in the past she'd been an advocate of the ban on aerals last year but were many aerals that were lit off and she wondered if banning the prohibition on aerals only complicated the matter and if it was of any use and complicated matters. Mayor Jacobsen shared his discussion regarding fireworks with law enforcement. If the ban were not put in a resolution, then law enforcement wouldn't be able to tell individuals to stop.

Councilmember Bernhardt made motion to amend Resolution 22-14 to strike item 1. Councilmember Beus seconded the motion.

Councilmember Laursen said he was fine banning aerial fireworks because it gave teeth for when things went wrong or if there were problems. Councilmember Beus said she felt there were a lot of people that were unintendedly breaking the law. Councilmember Laursen noted that they were still in a drought and felt they would have fire risk.

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

Voting to approve Resolution 22-14 as amended was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

The amended motion to approve Resolution 22-14 passed 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Discussion & Consideration – Resolution 22-15 Adopting the Fraud Risk Assessment of Nibley City for 2022 (First Reading)

Mr. Maughan said this was a requirement from the State of Utah and something that Nibley City staff took very seriously; to protect the public's money. The City Council had passed formal policies to eliminate fraud and eliminate the misuse of public funds. David Sanderson, Nibley City's Accountant had taken the first look at the form and city staff had taken a second look and let him know of procedures that were in place he didn't know about, which had gotten Nibley City a better score.

Amy Johnson said the city had written policies in place so that employees had a certain standard they had to meet; conflict of interest, procurement, the ethical behavior,

reporting fraud and abuse, travel, credit and purchasing cards, personal use of entity assets, IT and computer security, cash receipting and deposits. These policies were in place and provided for the audit that had taken place in the fall. Ms. Johnson described the requirements that had not been met; no licensed CPA as part of the management team or a formal internal audit function. Mayor Jacobsen pointed out that Nibley City's score indicated that the city was at very low risk of fraud. Councilmember Laursen said staff had done a good job on the separation of duties, especially with a small staff.

Councilmember Larsen moved to approve Resolution 22-15 Adopting the Fraud Risk Assessment of Nibley City for 2022 and waived the second reading. Councilmember Laursen seconded the motion.

Voting on the motion to approve Resolution 22-15 was as follow:

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

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

Seeing no opposition, Mayor Jacobsen called for a recess at 8:15 p.m. The meeting reconvened at 8:19 p.m.

Workshop—Resolution 22-16: A Resolution Amending the Budget for Various Funds of Nibley City for Fiscal year 2021-22, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal year 2022-23 and Adjusting Certain Fees and Payments for Services

Mr. Maughan led a presentation entitled Nibley City Budget Draft FY 2022-2023, Justin Maughan, City Manager, 12 May 2022 (a printed version of the presentation is included in the printed meeting minutes). The topics addressed by Mr. Maughan included the following: Government Finance Officers Association Award for FY 21/22, FY 21.22 Amendments; General Concept: Revenue's Low, Expenses High; All Revenue Sources (\$11,648,650); General Fund Revenue (4,713,650); General Fund Taxes (\$2,255,000), Property Tax, Truth in Taxation, best guess; Sales Tax 2022-2023 Estimate; Other General Fund Revenue Changes; General Fund Expenditures; Salaries; US CPI increase; Cache Valley Unemployment Rate; Cost of Living Adjustment;

Ms. Johnson left at 9:21 p.m. and returned at 9:23 p.m.

Mr. Maughan presented continued with discussion of Public Works; Non-Departmental; Public Safety; Planning and Building; Exponential GROWTH! YOUTH PROGRAMS; Parks; Community Development and Recreation, General Fund Expenditures; Class C Street Funds; Municipal Building Authority; Community Reinvestment Agency; Emergency

Medical Services Fund; Capital Projects; Capital Projects Revenue; Capital Projects Expenditures; Minimal Changes to Water Department Budget; Sewer Expenditures; Minimal Changes to the Stormwater Department; Impact Fee Funds; Questions?

Councilmember Laursen questioned the significant memberships and dues increase to the public works memberships and dues. Mr. Maughan believed the budget was increased because if the intent to have the public works department attend a snow removal conference. Mr. Maughan said he would look closer at the item and felt the amount could go down significantly.

Council and Staff Report

Councilmember Laursen said the roundabout was fun and a cool experience. Councilmember Laursen said that based on the public comments, he felt they should look at 10th West and consider stop signs and education. Councilmember Laursen directed staff to consider routes to school as they looked at transportation around schools, particularly Heritage and Ridgeline. Mr. Maughan said they'd talked a lot about the location at Heritage and were looking into the issue.

Councilmember Larsen had a question about a crosswalk on 3200 and having a crossing with lights on 3200 South. Mr. Maughan reported that as part of the grant for putting in sidewalks it was anticipated to have signage and flashing lights.

Councilmember Larsen reported that Wendy Saunders was looking for some help with the Nibley pageant and royalty and discussed his participation with the royalty float and trailer.

Councilmember Beus reported on a dip by the new pavilion on 800 West. Steve Eliason said the road was scheduled to be milled.

Councilmember Beus reported on some maintenance that needed to be done in open space at Mt. Vista. Mr. Roberts reported that the maintenance was the responsibility of the Homeowner's Association.

Chad Wright reported that Heritage Days was coming up on the 11-18 of June with a Community Dinner on the 17th of June. He needed a Citizen of the Year and Mayor Jacobsen had some ideas about City Council/Community engagement during Heritage Days. Mayor Jacobsen said his idea was to have an identifying mark letting the public know they were members of City Council and were approachable for questions or comments. Chad Wright discussed vendors that would provide food at the Community Dinner.

Mr. Farar discussed the roundabout at 1200 West and 3200 South. He discussed having 1200 opened by Thursday of the following week. The contractor was finishing up the sidewalk, landscaping, lights, and signage. Mr. Farar said the Ridgeline Park, park grant

had been submitted. Mr. Farar reported there would be a public open house on the 24th of May for the plan for the park at Ridgeline park.

Steve Eliason described the lack of participation at Nibley's annual Spring clean-up on April 30.

Mayor Jacobsen disclosed he'd received a gift of the loan of an e-Bike from Bike Utah for four days, which exceeded the value of \$50. He described he'd received the gift for public service and to research active transportation.

Mayor Jacobsen reported that he had some ideas for ordinance work. He didn't want to burden staff with it if it was only on his agenda.

Mayor Jacobsen reported that baseball had started so he was about to be a happy umpire.

Mayor Jacobsen reflected that he never thought he would die on the hill of recommending someone for the Cemetery board, but this was how he would describe what had gone down.

Seeing no opposition, Mayor Jacobsen adjourned the meeting at 10:08 p.m.

Attest: _____
City Recorder