

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, June 23, 2022.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Larsen moved to continue discussion and consideration of the Hawk**
7 **Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South;**
8 **giving staff direction to better identify what the City would do by accepting the**
9 **development open space. Councilmember Beus seconded the motion. The motion**
10 **passed unanimously 3-0; with Councilmember Larsen, Councilmember Beus, and**
11 **Councilmember Bernhardt all in favor.**

12
13 **Councilmember Beus moved to approve Resolution 22-18: A Resolution Establishing**
14 **Rules and Regulations Concerning Practices Associated with Safety and Adopting the**
15 **Nibley City Safety Policy Manual, for first reading. Councilmember Larsen seconded**
16 **the motion. The motion passed unanimously 3-0; with Councilmember Beus,**
17 **Councilmember Larsen, and Councilmember Bernhardt all in favor.**

18
19 **Councilmember Larsen moved to approve Resolution 22-19: A Resolution Amending**
20 **and Updating Certain Portions of the Nibley City Personnel Policy, for first reading.**
21 **Councilmember Bernhardt seconded the motion. The motion passed unanimously 3-0;**
22 **with Councilmember Larsen, Councilmember Bernhardt, and Councilmember Beus all**
23 **in favor.**

24
25 OFFICIAL MINUTES OF THE MEETING

26 Assistant Recorder Jamie Gonzales took minutes;
27 City Recorder Cheryl Bodily prepared minutes

28
29 **Opening Ceremonies**

30 Councilmember Tom Bernhardt quoted the following:

31
32
33 *“I like to see a man proud of the place in which he lives. I like to see a man live so that his*
34 *place will be proud of him.”*

35 -Abraham Lincoln

36
37
38 “Ask not what your country can do for you – ask what you can do for your country.”
39 -John F. Kennedy

40
41 Councilmember Bernhardt said they were always looking to Washington to solve their
42 problems but maybe they could take a better hand in helping to solve their own
43 problems instead of leaving it up to the Federal government. Councilmember Bernhardt
44 led the meeting in the Pledge of Allegiance.

1

2 **Call to Order and Roll Call**

3 Mayor Larry Jacobsen called the Thursday, June 23, 2022, Nibley City Council meeting to
4 order at 6:31 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember
5 Kathryn Beus, Councilmember Tom Bernhardt, and Councilmember Norman Larsen.
6 Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Steve Eliason,
7 Nibley City Public Works Director, and Jamie Gonzales, Nibley City Assistant Recorder
8 was also present.

9

10 **Approval of the Previous Meeting Minutes and Current Agenda**

11 Councilmember Larsen moved to approve the June 9, 2022, meeting minutes and the
12 current evening agenda. Councilmember Beus seconded the motion. The motion passed
13 unanimously 3-0; with Councilmember Larsen, Councilmember Beus, and
14 Councilmember Bernhardt all in favor.

15

16 **Planning Commission Report**

17 Mr. Roberts reported that the Nibley City Planning Commission has considered the
18 Hawk Hollow preliminary plat, which would be discussed by the City Council on the
19 evening's agenda. Mr. Roberts said they'd also discussed changes to Nibley's Future
20 Land Use map focusing on areas on the Nibley City border; the Albison property as well
21 as areas on 3200 South and highway 89/91. There had been discussion of wanting to
22 expand the annexation boundaries west of highway 89/91 and in looking at areas Nibley
23 could serve with public utilities.

24

25 **Public Comment Period**

26 Mayor Jacobsen gave direction to the public present and opened the Public Comment
27 Period at 6:36 p.m. Seeing no public comments, Mayor Jacobsen closed the Public
28 Comment Period at 6:37 p.m.

29

30 **Discussion and Consideration: Recommendation for Hawk Hollow Subdivision
31 Preliminary Plat, located at approximately 1150 West 3200 South (Applicant: Bryce
32 Goodin)**

33 Mr. James and Mrs. Karen Blotter were present for this discussion.

34

35 Mr. Roberts discussed and presented the agenda item to the City Council utilizing an
36 electronic presentation entitled *Hawk Hollow Subdivision- Preliminary Plat* (a printed
37 version of this presentation is included in the permanent meeting minutes). His
38 presentation included the following topics: Background, a display of the preliminary plat
39 survey plan and civil plan, Utilities and Canals, Transportation, Open Space, a display of
40 the preliminary maintenance plan, 3200 South and 1200 West Park/Open Space, and
41 the following Planning Commission Recommendation.

42

43 Approval of Hawk Hollow Subdivision Preliminary Plat with the following
44 conditions:

- 1 1. The proposed Open Space to be dedicated to Nibley City and be
- 2 improved with Sod grass and trees.
- 3 2. The following to be addressed with the Final Plat application for the
- 4 subdivision. The results may impact the plat layout and the City reserves
- 5 the right to require changes to the Plat based upon the results.
- 6 a. The development will be responsible to contribute to building half
- 7 of the paved trail in the 1100 W alignment. To be included in the
- 8 development agreement.
- 9 b. Documentation of the existing stormwater discharge location
- 10 must be presented.
- 11 c. If approval is not granted by Nibley-BSF for discharging pre and
- 12 post construction stormwater, the difference in stormwater will
- 13 need to be stored and released according to standard stormwater
- 14 management standards.
- 15 d. All construction plans showing improvements to canal facilities,
- 16 locations and discharge details of stormwater into canals, will
- 17 need to be approved by signature of Nibley-Blacksmith Fork
- 18 Irrigation Company.
- 19 e. A geotechnical report shall be provided to the City in regard to the
- 20 subdivision improvements that addresses foundation / footing
- 21 design and construction standards, roadway structural sections –
- 22 residential street and 3200 South, historic high groundwater
- 23 surface elevations, and finish floor elevations.
- 24 f. Swale volume calculations need to show adequate retention.
- 25 g. The curb along 3200 South should stop at the existing asphalt
- 26 edge as the asphalt acts as a driveway for the property to the
- 27 west.
- 28 h. If grading for the lots is not planned to be included in the design,
- 29 the City will require a note on the Final Plat indicating that the lots
- 30 will either need to retain the full 100-year event on their property
- 31 or drain all stormwater to the street swale.
- 32

33 Councilmember Beus questioned the trail that was proposed to be half-paved by the
34 applicant. She questioned how they retained access to the home on the corner with the
35 trail. Mr. Roberts believed there was adequate width, and they would need to work with
36 the property owner to ensure there was driveway access. Councilmember Beus
37 questioned if it was prudent to require the applicant to pave the trail when the trail was
38 still being used for access to farmland. She suggested the trail be paved after there was
39 no longer need for access to the ag land. She suggested the money be put in escrow.
40 Councilmember Beus said she was not “sold” on the placement of the roads. Mr.
41 Roberts said the intersections were about 300 feet apart. The engineer referenced a
42 UDOT standard for that type of roadway and the standard was also used an applied at
43 the Heritage Crossing subdivision. The applicant had looked at other options of

1 configuring the roadways that had presented other issues. Mr. Roberts described
2 alternate roadway configurations. He said staff felt this was the best configuration given
3 the issues and constraints of the site.

4
5 Bryce Gooden, the property developer, was also available at the meeting to address
6 questions.

7
8 Mr. Gooden and the City Council discussed the trail the developer was being asked to
9 half-construct including farm equipment access and retaining access to an existing
10 home.

11
12 Councilmember Beus began debate of the City taking ownership of open space land
13 with restrictive covenants or deed restrictions. Mr. Gooden described the discussion
14 that had taken place regarding ownership of the open space land on the development.

15
16 Councilmember Bernhardt moved to approve the Hawk Hollow Subdivision Preliminary
17 Plat, located at approximately 1150 West 3200 South; Applicant, Bryce Goodin, for first
18 reading. The motion died due to lack of second.

19
20 The City Council continued discussion of dedication of the open space proposed for the
21 development. They debated providing parking for the space, private ownership versus
22 public ownership, which improvement can be required of the developer, including sod,
23 trees and an irrigation system. Councilmember Bernhardt asked Mr. Roberts to ensure
24 the requirement for an irrigation system was clear in the development agreement. The
25 City Council debated irrigation of street trees. Mr. Maughan suggested they bond until
26 occupancy and have the trees tied to occupancy. Staff and the City Council agreed that
27 the City had more homework to do regarding the requirement for street trees and
28 having live trees for the resident to take care of. Mr. Maughan recalled the recent
29 history of requiring street trees.

30
31 Councilmember Beus began debate of leaving the ditch/canal on the northern border
32 open. She liked the feel of open ditches; especially along long corridors.

33
34 The City Council continued debate of the shape and ownership of the open space on the
35 property. Councilmember Bernhardt stated he would prefer the City not take ownership
36 of the open space and would rather the land be privately owned. Councilmember Beus
37 countered that the open space was adjacent to existing open space and could be
38 maximized. Mayor Jacobsen clarified that it would take 3 votes from the City Council to
39 pass the preliminary plat.

40
41 *Councilmember Larsen moved to continue discussion and consideration of the Hawk
42 Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South;
43 giving staff direction to better identify what the City would do by accepting the
44 development open space. Councilmember Beus seconded the motion.*

1 Councilmember Larsen directed staff to investigate how the addition of the
2 development's open space would impact the overall park. Councilmember Bernhardt
3 asked that staff present the overall benefit to the Nibley Meadows area and how they
4 would utilize the extra space and would they be able to accommodate the area with the
5 right size parking lot. Councilmember Beus asked about investigating the feasibility of
6 including parking on the abandoned portion of 1200 west. Mayor Jacobsen clarified that
7 he was hearing they should justify the City accepting dedication of the open space with
8 some sort of concept of what they would do with the open space. Councilmember
9 Bernhardt asked that effort be made to true the property up.

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12 *The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Beus,*
13 *and Councilmember Bernhardt all in favor.*

14
15 Mayor Jacobsen asked for, and was given, a meeting recess at 7:56 p.m. The meeting
16 resumed at 8:04 p.m.

17
18 **Discussion & Consideration – Resolution 22-18: A Resolution Establishing Rules and**
19 **Regulations Concerning Practices Associated with Safety and Adopting the Nibley City**
20 **Safety Policy Manual (First Reading)**

21 Steve Eliason led this discussion. He described that he'd committed to putting together
22 a safety program as part of his goals when he'd gotten the position of Public Work
23 Director. He described the members of the safety committee he'd put together: himself,
24 Cheryl Bodily representing the office staff, Chad Wright representing the Recreation
25 department, Braxton Jenson with the Parks department and Austin Kimball representing
26 the water department. He described the process the safety committee had gone
27 through to put the proposed manual together.

28
29 Mr. Eliason described that the committee would meet monthly to discuss "near misses"
30 and review if there had been any accidents. Mr. Eliason described the process of
31 recognizing employees that followed safety procedures. The goal was to keep
32 employees and Nibley City equipment safe and in good operating condition. He
33 encouraged the City Council to look at the policy and suggest changes if they had them.

34
35 *Councilmember Beus moved to approve Resolution 22-18: A Resolution Establishing*
36 *Rules and Regulations Concerning Practices Associated with Safety and Adopting the*
37 *Nibley City Safety Policy Manual, for first reading. Councilmember Larsen seconded the*
38 *motion. The motion passed unanimously 3-0; with Councilmember Beus, Councilmember*
39 *Larsen, and Councilmember Bernhardt all in favor.*

40
41 **Discussion & Consideration – Resolution 22-19: A Resolution Amending and Updating**
42 **Certain Portions of the Nibley City Personnel Policy (First Reading)**

43 Mr. Maughan led this discussion. He described that the updates to the Nibley City
44 Personnel Policy had been large effort amongst the Nibley City team, an outside

1 consultant and the Nibley City Attorney to update the City's practices and bring them up
2 to industry standards. He described proposed compensation changes to on-call/stand-
3 by time, the change to bi-weekly pay, and accrual of holiday pay and benefit
4 disbursements. Councilmember Bernhardt asked if there were a mechanism in place
5 should someone need an advance of vacation hours? He described the process in place
6 at his workplace. Mr. Maughan described that Juneteenth was added as a paid holiday
7 because the Nibley City policy designated that all State holidays were paid holidays, he
8 said disciplinary actions and policies and procedures had been updated, and clarification
9 had been added for cannabis and marijuana use.

10
11 Councilmember Larsen questioned maternity leave and the City's policy with maternity
12 leave.

13
14 *Councilmember Larsen moved to approve Resolution 22-19: A Resolution Amending and*
15 *Updating Certain Portions of the Nibley City Personnel Policy, for first reading.*
16 *Councilmember Bernhardt seconded the motion.*

17
18 Councilmember Bernhardt questioned if they could do better about maternity leave.
19 Councilmember Beus had seen employees that offered 6-weeks of paid leave and 6-
20 weeks of unpaid leave. Councilmember Bernhardt said paternal leave should be
21 considered as well. Councilmember Beus described that the State of Utah offered two
22 weeks of paternal leave for birth or adoption. Mayor Jacobsen suggested the City
23 Council reach out to Mrs. Bodily to vet some of their ideas and come back with
24 amendments at the second reading.

25
26 *The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember*
27 *Bernhardt, and Councilmember Beus all in favor.*

28
29 **Council and Staff Report**

30 Councilmember Beus received clarification on the City Council's meeting schedule for
31 July. There was some discussion of the Council member's availability for meetings.

32
33 Councilmember Beus reported that Heritage Days was wonderful and asked that staff
34 be thanked for their efforts. She reported that residents had used Heritage Days to
35 report on things they wanted changed. There was a group of moms that wanted the
36 sidewalk changed on 2600 south and 800 west near Nibley Elementary. There was a
37 large, raised seam there and multiple kids had gotten hurt. She questioned if the
38 sidewalk could be widened?

39
40 The City Council and staff discussed negotiations and options in working with the Nibley
41 City canal companies.

42
43 Councilmember Laursen arrived at 8:41 p.m.

1 Councilmember Laursen said he thought Heritage Days was great. Mr. Maughan
2 reported on preliminary results of the survey the Parks and Recreation Committee had
3 conducted during Heritage Days. He also reported on preliminary data of the Transfer of
4 Development Rights booth and the booth for the park at Ridgeline Park. Mr. Maughan
5 reported on distribution of Nibley City flags during Heritage Days. He said the Heritage
6 Days fireworks had been rescheduled to July 15 and he'd gotten good feedback about
7 the shortened parade route. The City Council discussed the sound system at the Nibley
8 Children's Theatre. Mayor Jacobsen read a note submitted to the City Council from
9 Nancee Jabbs.

10
11 Councilmember Larsen instigated a report on Morgan Farm. Mr. Maughan said the City
12 Council needed to put together a committee and find a champion to move things
13 forward with Morgan Farm if anything was going to happen. The American West
14 Heritage Center was interested and there were a fair number of citizens that were still
15 interested in moving that property forward. Mr. Maughan said he would investigate an
16 issue of weeds on the property.

17
18 Mr. Eliason reported that Mitchell Turley would be joining Nibley City's staff in the
19 Streets department. Mr. Eliason reported that 3200 south would be sealed in the latter
20 part of July. He reported that construction on the parking lot at Anhder Park had started
21 and he reported on fire hydrants. Mr. Pratt had a plan to pull a couple crew from the
22 streets department to fix the hydrants.

23
24 Mr. Maughan asked the City Council to RSVP for the Logan Wastewater Treatment Plan
25 ribbon cutting if they planned to participate.

26
27 Mayor Jacobsen reported on solid waste collection negotiations.

28
29 Seeing no objection, the meeting was adjourned at 9:20 p.m.

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Attest: _____
City Recorder