

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, August 11, 2022.

The following actions were made during the meeting:

Councilmember Beus moved to approve Resolution 22-21 2021 Municipal Wastewater Planning Program Report and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion to approve Resolution 22-21 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted yes.

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

Councilmember Larsen moved to approve Ordinance 22-14 – Amending NCC 11.02.040 Parking Regulations to Create, Sign and Enforce a “No School Drop Off” Zone, and waived the second reading. Councilmember Sweeten seconded the motion.

Voting on the motion to approve Ordinance 22-14 was as follow:

Councilmember Bernhardt voted aye.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted in favor

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

Councilmember Beus moved to approve Ordinance 22-15 – Amending NCC 11.02.050 Driving Restrictions to Eliminate the Use of Trade-Marked Braking Systems and waived the second reading. Councilmember Sweeten seconded the motion.

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

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted in favor.

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

Councilmember Sweeten moved to accept the Millville letter of support for Cache Council of Governments (CCOG) Project, as presented. Councilmember Larsen seconded the motion.

Councilmember Bernhardt made a motion to amend changing the letter head “Kay Sweeton” to “Kay Sweeten” and “Normal Larsen” to “Norman Larsen.” General consent was given to accept the amendment.

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

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Kathryn Beus led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, August 11, 2022, Nibley City Council meeting to order at 6:34 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen, 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.

Mayor Jacobsen also recognized that Nibley City Planning Commissioners Garrett Mansell and Karina Brown were in the audience.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the July 14, 2022, meeting minutes. Councilmember Sweeten seconded. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Beus and Councilmember Bernhardt all in favor.

General consent was given to adopt the evening’s agenda.

Planning Commission Report

Mr. Roberts said the City Council had been at the joint meeting with the Planning Commission where a workshop had been held on the TDR ordinance, which was getting close to coming forward with a recommendation from the Planning Commission. Mr. Roberts reported that the Planning Commission had also considered Ridgeline Park Phase 4 Final plat. He said this item should be in the next City Council agenda. They’d

asked the applicant to tidy up a few items before it was brought forward to the City Council. The Planning Commission had recommended approval with a few conditions.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:37 p.m.

Aaron Bliesner a Nibley resident of 941 Garden Grove Ln. recalled that there had been some poorly timed storms that had taken a toll on many trees in Nibley City, which was one of the many challenges that had presented itself in taking care of that kind of public entity. He recalled his time on the Nibley City Tree Board and hadn't know the outcome of the Nibley City Tree board. He came with an entreaty to "get the band back together" and start looking at the issues with trees they had. He asked that the City Council spend some time on these issues and look at priorities in dealing with the city's trees. Mr. Bliesner said he was again at a point in his life when he had the time to serve the public interest.

Nibley resident Joe Cottrell of 3023 South 100 West said he was excited to see the ordinance regarding no parking zones. He'd been concerned about 1000 West for quite some time; especially on the backside of Heritage Elementary. He'd counted, with principal Robins, the number of students that walked through the back entrance to Heritage Elementary and the dozens that were being picked up at that unsupervised location. He said many students were also crossing at an inappropriate intersection. He said he was excited about the ordinance and said it was a major step forward in creating some safety. He asked the City Council to consider what this might mean for the residents that lived on the road and for them to consider how this would hold parents accountable. Mr. Cottrell said he was excited about the proposed ordinance and was in favor of it.

Asher Dustin of 169 West and 3300 South reported that he'd ask the City Council to build a bike park at Anhder park and it had been built. He said was thankful for the bike park that had been built. He said it was a nice thing they did. Mayor Jacobsen described the huge volunteer effort that had also a big part of that success story.

Mayor Jacobsen welcomed Shawn Milne with the Cache County Economic Development office.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:43 p.m.

Presentation – Children's Theater Report – Emily Rigby/Marianne Hale

Marianne Hale and Emily Rigby were present at the meeting.

Ms. Hale reported on the 2022 Nibley City Children's Theatre production of the Sister Wishes 2022. Ms. Hale had an electronic presentation to accompany her discussion (a printed version of this presentation is included in the printed meeting minutes). Ms. Hales' presentation was entitled *The Sister Wishes Nibley Children's Theatre 2022*. The topics she discussed were the impact the play had on certain participants; Charles Palmer, Nathan Hegeman, Rose Bair, Katie Hale and Kevin Rigby, the stage crew including Ben Hawkin and Thanyne Watkins, Garrett Hale, the narrators, Chloe Bertenshaw, Amia, who'd shown up to auditions in a wheelchair, King Calvin and Olivia Parker, Rose Hale and Jackson Lovell, and discussed the number of kids helping each other and the parents who'd helped coral kids and display their talents. She said she and her children had really found their belonging with Nibley City by being a part of the Nibley Children's Theatre. Emily took over the presentation and discussed stats including 192 Nibley City youth and 85 nonprofessional adult volunteers, 25 professional, adult volunteers for a volunteer work value of \$33,884.25 and over 2,000 volunteer hours donated. Ms. Rigby thanked the City Council for their support of the Nibley Children's Theatre.

Councilmember Bernhardt discussed the volunteer hours that had helped make the NCT successful. He thanked Ms. Hale and Ms. Rigby for taking the charge and for the time they'd donated. Councilmember Larsen asked if there were anything that could help them more? Ms. Rigby said they would love a sound system because every year they had problems with sound. She was working with Councilmember Laursen on a cooperation with USU but would love \$20,000 for a sound system. Councilmember Beus said her girls had participated and loved the confidence the NCT gave them. Mayor Jacobsen said Mr. Zook had told him this was the 40th year for the play although it had not been the 40th presentation because of Covid. He said the next year would be the 40th performance of the NCT. He said the NCT was huge for the whole valley and not just Nibley.

Presentation – Housing Crisis Task Force – Shaun Dustin

Mayor Jacobsen introduced former Nibley City Mayor, Shaun Dustin. Mr. Dustin had an electronic presentation entitled *Housing Crisis Task Force, Final Report, June 23, 2022* (a printed version of this presentation is included in the printed meeting minutes). The topics he discussed included: Why the Task Force? Committee Structure, Mandate, Report Content, Findings, "Utah's housing market faces a severe imbalance that creates record price increases of homeowners and renters," data from the Multiple Listing Service (MLS), data from the Bear River Association of Governments, Why the High Demand for Housing?, We do not have a free market for housing, What are the Consequences of Doing Nothing, Maintaining the Status Quo?, Housing Myths: We don't understand "High Density", Recommendations for Powers, Federal Government, State Government, County/CMPO/BRAG, and Cities.

Councilmember Bernhardt discussed the prices associated with affordable housing. He asked how they mitigated with the costs of construction and asked if the committee had

looked at the fees associated with owners, such as HOA fees. Mr. Dustin said they hadn't looked at HOA fees specifically. He said a lot of the problems lied with monetary policy and COVID. He thought people were uncomfortable and it would take a couple years for these issues to "shake out." Councilmember Bernhardt questioned HOA fees associates with a single-family home versus the fees associated with condos. As cities they encouraged developers to provide amenities and with amenities came cost. He questioned if cities were requiring too many amenities. Mr. Dustin said the general approach the committee had taken was that essentially there was a supply and demand problem. Once they got past the supply and demand problems, they could start looking at other factors. Councilmember Sweeten questioned if the committee discussed how to help share the information with the citizens in general?

Mr. Dustin continued his presentation with discussion of Overall Task Force Recommendations, and Top 3 Recommendations:

- Zoning reform at the county and city levels, limit zoning by referendum at the state level
- Public education campaign with an emphasis on reaching younger people who are close to or at home-ownership life-stages
- Coordinated county and city planning for growth

Councilmember Sweeten said she was aware of two families in Nibley City that had found themselves in a homeless situation and one family in Logan. She questioned if they could move fast enough to help them or whether they should be focusing on homelessness along with providing housing. Karina Brown described that one of the members of the Committee was Josh Ruhnar, the Director of Neighborhood Nonprofit Housing Corporation, who were actively working on this but had run into problems with getting outbid on properties. She described that those who are experiencing homelessness could go to BRAG however, their funding had recently run out. She also discussed additional zoning changes for hotel space to be converted into apartments. Ms. Brown said there had been a recommendation for homelessness that had been included in the committee's report appendixes and she said she was willing to share this recommendation with the City Council. Mr. Maughan asked if Mr. Dustin had specific recommendations for Nibley City. Mr. Dustin said to contact representatives and help to rewrite the legislation for referendum, to be pragmatic and speak out, avoid biases and preconceived notions for Planning Commission, City Council and even staff that may potentially go against the books of what existed in the city or county. He also suggested that housing projects that were in line with a city's code should not be delayed unnecessarily.

Mayor Jacobsen felt the transfer of development rights ordinance Nibley City was working on was a step in the right direction. He said Nibley had done well with diversified housing and the idea that Nibley was a diversified community. Mr. Milne described the interlocal agreement with a major employer in Nibley City which meant

they had some exciting work and a lot of value coming to them. Nibley had an employer who aspired to add hundreds of new jobs in just a few years and had been incentivized to bring the jobs and growth but were considering moving a substantial amount of those jobs outside of the state because of the housing problem. He invited the City Council to invite the opportunity and take part in the challenging conversations and if they wanted a healthy economy they needed to think about diversity and diversity of workforce.

Mayor Jacobsen said he'd spoken to residents about the success the valley was having and drawing them in to being part of the solution and he believed they were starting to understand that they were part of the situation that had created the problem. He discussed the number of residents he'd spoken to that asked him to stop growth in Nibley City and stop people from moving to Nibley; "We all want to preserve the places we live and love, right after we change them by moving there."

Councilmember Beus said that as the presumptive winner of the Cache County Council that will represent Nibley City, she appreciated the presentation. She said she felt one of the answers was talking to elected officials about having the conversations with residents. She also felt it was better to respond to state incentives instead of mandates and that not all communities were pulling their own weight. Mayor Jacobsen said he worried about public service, essential workers being able to afford to live in Cache County. Mr. Milne presented information on deed restricted housing in South Jordan City for public service workers. Mr. Maughan asked for example of where this problem had been solved anywhere in the Country. Mr. Milne said Austin, TX has an example of a different approach to zoning. Mr. Dustin described that he'd started to hear talk of a property tax freeze and told the City Council to look at California as an example of what would happen with a property tax freeze.

Councilmember Larsen asked for a short recess. Mayor Jacobsen called for a short recess at 8:17 p.m. The meeting resumed at 8:21 p.m.

Discussion and Consideration – Resolution 22-21 2021 Municipal Wastewater Planning Program Report (First Reading)

Mr. Maughan described this report. Mr. Maughan said the report was turned in to the State every year and was and brought before the City Council so that they were aware of the state of Nibley's sewer and could approve the report. Mr. Maughan said he was confident about the report; that it had been filled out correctly. He said the Nibley sewer system was in pretty great shape. He reminded the City Council that staff was excited to implement some acoustic sound technology that the City Council had approved in the current year budget. This testing would help pinpoint where staff needed to focus their efforts and free up time to look at other areas in the sewer system.

Councilmember Sweeten questioned part 3 of the report about capital improvement reserves for an additional 3, 10 and years. She asked if they were encouraged to develop

out this level of reserve. Mr. Maughan said he believed the State wanted them to be thinking about this. She questioned if they were allowed to have that amount in reserves? Mr. Farar said as the system got bigger, they needed to have reserves and having the ability for redundancy was important. Mayor Jacobsen asked what Mr. Eliason worried most would fail in the wastewater treatment system. Mr. Eliason said he worried most about pumps. He said the public work department was really excited about the technology the City Council had approved for sonar, acoustic technology. Mr. Maughan reiterated that the testing this would free up resources and time to target other issues and problems and staff would be available to address other areas of the city. If they could focus their efforts on areas other than cleaning, then they could go further looking for and sealing leaks and save money with infiltration into the sewer system.

Councilmember Beus moved to approve Resolution 22-21 2021 Municipal Wastewater Planning Program Report and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion to approve Resolution 22-21 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted yes.

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

Discussion and Consideration – Ordinance 22-14 – Amending NCC 11.02.040 Parking Regulations to Create, Sign and Enforce a “No School Drop Off” Zone (First Reading)

Mr. Maughan led this discussion. Mr. Maughan described discussions with Principal Robbins, members of the PTA, and concerned citizens. He described that students walked out the back of Heritage school and hit a stub road that was packed with parents picking up kids, some on the west side, so some children had to cross the street to get to their parent’s car. The Sheriff’s office and Nibley City attorney agreed that if the ordinance and “no school drop-off” zones were created, it would allow the Sheriff’s office to enforce and site individuals and pushed people to use the front roundabout, pick-up area. Mr. Maughan described the location of signs along 2980 and 3200 south along the entire area of 10th west, as well as the south side of 3200 South. Mayor Jacobsen said he was impressed with how the parents had been involved and helped find a solution to the problem. He appreciated the great parent/school involvement and said, “we’ll give it a try.” Councilmember Beus and Councilmember Sweeten asked if the school had provided their Safe Routes to School plan. Mr. Maughan said a clear plan had not been provided. Both Councilmember Sweeten and Councilmember Beus said the safe routes plan for Heritage school needed to be provided. The City Council

discussed the City's involvement in making Safe Routes to School plans and if providing more crossing guards was warranted.

Councilmember Larsen moved to approve Ordinance 22-14 – Amending NCC 11.02.040 Parking Regulations to Create, Sign and Enforce a “No School Drop Off” Zone, and waived the second reading. Councilmember Sweeten seconded the motion.

Mr. Cottrell thanked the City Council and felt this was a huge step. He also felt there was more to come. He said 10th west was a mess and he appreciated that the city was looking at traffic.

Councilmember Sweeten suspected that kids taking the back way was a combination of the construction at 3200 and there was a challenge with regards to the way people are taking and picking their kids up. She'd had reports of parents waiting for 45 minutes in the turnaround in front of the school. Partly, she saw this as they had another area that was struggling. The set-up of the school was difficult because it was difficult to turn in and in and turn out of the school. Mr. Eliason said he felt the addition of right- and left-hand turn lanes had helped the situation at the front of the school.

Voting on the motion to approve Ordinance 22-14 was as follow:

Councilmember Bernhardt voted aye.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted in favor

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

Discussion and Consideration – Ordinance 22-15 – Amending NCC 11.02.050 Driving Restrictions to Eliminate the Use of Trade-Marked Braking Systems (First Reading)

Mr. Maughan led this discussion. He reported the City had received a letter from Jacob Manufacturing Company that made engine compression brakes and systems that helped large vehicles to slow down by use of the motor instated of use of friction brakes. The problem was that they were quite loud. Mr. Maughan reminded the City Council of a gentleman in the city who come to the City Council with a problem with the loud noise and the Council approved an ordinance prohibiting their use. Jacob Manufacturing Company was not opposed to the ordinance. They were opposed to the use of their trademark name in the Nibley City ordinance. Mr. Maughan reported to the City Council that the existing Nibley City signs only referenced engine brakes. Mr. Maughan said the ordinance before the City Council removed the any reference to the Jacob Manufacturing Company trademark name.

Councilmember Beus moved to approve Ordinance 22-15 – Amending NCC 11.02.050 Driving Restrictions to Eliminate the Use of Trade-Marked Braking Systems and waived the second reading. Councilmember Sweeten seconded the motion.

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

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted in favor.

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

Discussion & Consideration – Millville letter of support for Cache Council of Governments (CCOG) Project

Mr. Maughan said Millville was asking for Nibley City's support in getting funds to hire an engineer for their project to tie onto 3200 South. Millville also had concerns with the bridge and were planning and looking to get money for engineering. Mr. Maughan described the recent changes for application for Council of Governments funds. Mayor Jacobsen said the letter expressed that Nibley City didn't feel they should throw away an adequate bridge, from a County taxpayer point of view.

Councilmember Sweeten moved to accept the Millville letter of support for Cache Council of Governments (CCOG) Project, as presented. Councilmember Larsen seconded the motion.

Councilmember Sweeten said she felt it was important to include the information about the bridge in the letter. She also reported that she'd been approached by the Ames family who would be impacted by development. Mr. Ames expressed that he was opposed to a road but was not opposed to a study finding out more details. He did not like the idea of building a road when there were already two bridges out of Nibley. He'd also expressed that he was prepared to fight if it were decided they wanted to build something through his property.

Councilmember Bernhardt suggested a wordsmith change.

Councilmember Bernhardt made a motion to amend changing the letterhead "Kay Sweeton" to "Kay Sweeten" and "Normal Larsen" to "Norman Larsen." General consent was given to accept the amendment.

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

Council and Staff Report

Councilmember Beus asked about the water retention basin at Mt. Vista. Mr. Eliason said the basin was working and felt there was so much water in the basin because of the amount of water they were putting on the sod. The developer needed to turn their water down. Councilmember Beus asked how much water they'd gotten in the previous weeks' rainstorm. Mayor Jacobsen reported readings ranging between 1" and 1.6" Councilmember Beus asked if property had been turned over to the HOA. Mr. Eliason said the basin hadn't yet been turned over to the HOA.

Councilmember Sweeten asked about information on Elkhorn Ranch and an overlay. Cache County records indicated that the first Elkhorn Ranch fort was located on Firefly and Virgil Gibbons Heritage Park. She asked about the possibility of having a plaque placed indicating this. Mayor Jacobsen felt the Cache County Historic Society ought to start taking these projects and suggested the Cache County Council could include them in their budget. Mayor Jacobsen said also felt the City could take this on and suggested a plaque be placed at the pavilion. Councilmember Sweeten also asked about permanent signs at Firefly indicating dog were not allowed.

Mr. Eliason reported on active and anticipated work at Ahnder Park after Labor Day and that the park would be mostly closed while this work was done. Mr. Eliason reported that the HA5 was done on 3200 South and the painter should be done by Sunday night; he would be working through the weekend.

Mr. Farar reported on the work that had taken place at the parking lot at Ahnder Park. Mr. Farar reported on laying out the sidewalk based on the grant funding received for sidewalk on 3200 South from 800 West all the way to the school. Mr. Farar reported he'd been diligently working on plans with Nibley Meadows, Ridgeline Park, and Firefly Park. Mr. Farar said his goodbyes to the Nibley City Council and described his goals of providing an engineering standard for the entire valley. He thanked the City Council for the opportunity to live and work in the community. The City Council thanks Mr. Farar. Mr. Maughan said staff would miss Mr. Farar greatly and wished him the best.

Ms. Bodily received confirmation that Mayor Jacobsen, Councilmember Sweeten, and Councilmember Larsen would attend the Utah League of Cities and Towns conference. Councilmember Bernhardt said he wouldn't be able to attend and Councilmember Beus said she would let Ms. Bodily know. Ms. Bodily also reported on the Summer Employee party scheduled for August 17, 2022.

Mr. Roberts updated the City Council on code enforcement, describing most issues were vehicles parked on front lawns.

Mr. Maughan reported the staff's thanks for the COLA pay increases approved by the City Council. He said there was a very positive outlook that Nibley would receive the Ridgeline Park grant application. Mr. Maughan said the RFP for a design consultant for

phase 1 of the park at Ridgeline Park had gone out. Mr. Maughan the CRA at both the Cache County School District and the Cache County Council had passed and would participate in the CRA with Malouf. Mr. Maughan reported that there had been a couple applicants for Nibley City Engineer. He also reported that Quinn Spackman had left for North Logan and Nibley City had hired Curtis Snelgrove to take this position. Mr. Maughan reported that he'd started visiting every business in Nibley City to ask how things were going in Nibley City and what the City could do to support them. He said the visits had been very positive.

Mayor Jacobsen reported on Young Truck and Trailer, who'd bought Poulsen Truck and Trailer. He was impressed with their organization and their outreach. He felt they would be a great public partner.

Mayor Jacobsen reported on garbage collection. An RFP had been put out and four vendors had attended and will have responded to the RFP by September 9 with numbers on replacing, hauling, and disposal fees for garbage. He said the most difficult process would be the creation of the special service district. Mayor Jacobsen said in the association of Mayor's, there had already been three cities that had pulled out: Smithfield, Richmond, and Lewiston. He felt Nibley would do better with the economies of scale.

Mayor Jacobsen reported that the Nibley Blacksmith Fork Canal company had piped behind Quarter Circle Drive and had planned to pipe up to their diversion. Beth Nelson, a USU water lab professor had been measuring flows and high and low levels showing that it wasn't necessarily beneficial to pipe canals.

Adjourn to Executive Session: To discuss Pending or Reasonably Imminent Litigation, Pursuant to Utah Code 52-4-205

After a brief recess and seeing no objection, the meeting moved to executive session at 10:10 p.m.

The regular City Council session was adjourned at 11:10 p.m.

Attest: _____
City Recorder