

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, August 25, 2022.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Beus moved to approve Resolution 22-22: A RESOLUTION ADOPTING**
7 **THE FINAL BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2021-22,**
8 **AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER**
9 **BUDGETARY MATTERS FOR FISCAL YEAR 2022-23 AND ADJUSTING CERTAIN FEES AND**
10 **PAYMENTS FOR SERVICES as presented. Councilmember Laursen seconded the**
11 **motion.**

12
13 **Councilmember Bernhardt moved a substitute amendment to change the**
14 **2022-23 Budget to the certified tax rate. Councilmember Larsen seconded the**
15 **amendment. The amendment failed 2-3; with Councilmember Bernhardt and**
16 **Councilmember Larsen in favor. Councilmember Beus, Councilmember Laursen**
17 **and Councilmember Sweeten were opposed.**

18
19 **The motion passed 3-2; with Councilmember Beus, Councilmember Laursen, and**
20 **Councilmember Sweeten in favor. Councilmember Larsen and Councilmember**
21 **Bernhardt were opposed.**

22
23 **Councilmember Larsen moved to approve Ridgeline Park Phases 4 and A-D Final Plat,**
24 **located near 3150 South 250 West (Applicant: Visionary Homes) including condition #1**
25 **as recommended by the Planning Commission. Councilmember Bernhardt seconded**
26 **the motion. The motion passed unanimously 5-0; with Councilmember Larsen,**
27 **Councilmember Bernhardt, Councilmember Beus, Councilmember Laursen, and**
28 **Councilmember Sweeten all in favor.**

29
30 **Councilmember Beus moved to continue items 9-10 (Ordinance 22-16: Exemption to**
31 **Subdivision Requirements for Combining Lots and Amending Subdivision Plat**
32 **Amendment Approval Authority and Ordinance 22-17: Amending Subdivision**
33 **Submission Requirements) to the next City Council meeting. Councilmember**
34 **Bernhardt seconded the motion. The motion passed 4-1; with Councilmember Beus,**
35 **Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten in**
36 **favor. Councilmember Laursen was opposed.**

37
38
39 **OFFICIAL MINUTES OF THE MEETING**
40 **City Recorder Cheryl Bodily took minutes**

41
42 **Opening Ceremonies**

43 **Councilmember Larsen led the meeting in the Pledge of Allegiance.**
44

1 **Call to Order and Roll Call**

2 Mayor Larry Jacobsen called the Thursday, August 25, 2022, Nibley City Council meeting
3 to order at 6:30 p.m. Those in attendance included Mayor Larry Jacobsen,
4 Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman
5 Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Justin
6 Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Steve Eliason, Nibley
7 City Public Works Director, and Amy Johnson, Nibley City Treasurer was also present.

8
9 **Approval of the Previous Meeting Minutes and Current Agenda**

10 General consent was given for approval of the August 4, 2022, joint Planning
11 Commission and City Council meeting minutes.

12
13 General consent was given for the August 11, 2022, open session City Council minutes
14 and general consent was given for the August 11, 2022, executive session meeting
15 minutes.

16
17 Councilmember Bernhardt moved to approve the evening's agenda as outlined.
18 Councilmember Laursen seconded the motion. The motion passed unanimously 5-0;
19 with Councilmember Bernhardt, Councilmember Laursen, Councilmember Bernhardt,
20 Councilmember Larsen, and Councilmember Sweeten all in favor.

21
22 **Public Comment Period**

23 Mayor Jacobsen gave direction to the public present and opened the Public Comment
24 Period at 6:34 p.m.

25
26 Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:35
27 p.m.

28
29 **Planning Commission Report**

30 Mr. Roberts reported that the Planning Commission had approved a conditional use
31 permit for Lawn Specialist. The location of this business was recently rezoned and was
32 located next to Ginny's Pit Stop. This was a landscaping business. The Planning
33 Commission had also discussed applying the RM zone to the Wesley Nelson Farms
34 property (2600 South and 1200 West) as well as changes to the RM zone. The Planning
35 Commission was planning a public hearing on September 1, 2022, and the item should
36 be coming to the City Council at their next meeting. Quite a few adjustments regarding
37 density and lowering density had been discussed and there were several other changes.
38 Mr. Roberts reported that the Moderate-Income Housing Plan had been discussed,
39 mostly as a workshop, and would likely come to the City Council in September for
40 consideration. Regarding the RM zone discussion, Mayor Jacobsen clarified "lowering
41 density"? Mr. Roberts clarified that the current RM zone allowed 20 units per acres. The
42 amendment would lower to 10 units per acre.

43
44 **Public Hearing: Truth in Taxation Hearing**

1 Mr. Maughan led a presentation entitled *Nibley City Truth in Taxation Hearing; FY*
2 *2022/2023, Justin Maughan, PE, City Manager* (a printed copy of this presentation is
3 included in the printed meeting minutes). The topics included in his presentation
4 included the following: General Fund, How Truth in Taxation Works, Certified Taxable
5 Value = \$645,419,830, Certified Taxable Value = \$645,416; 37% increase from 2021, FY
6 22/23 Property Tax Rate: 0.001485, Revenue Sources for Nibley City = \$14,286,650, CPI
7 increase and inflation, Cache Valley Unemployment Rate (%), Capital Projects, Proposed
8 Rate 0.001485, Reasons to adopt proposed tax rate, and Questions?

9
10 Seeing no objection from the City Council, Mayor Jacobsen opened the public hearing at
11 6:53 p.m.

12
13 Dixie Page introduced herself as an appraiser for the Cache County Assessor's office. Her
14 79-year-old parents lived in Nibley City. She described her parents had moved in, in
15 2016 and since that time the tax rate had increase every year. She said the increase was
16 there forever, \$148 in 2016 to \$377 in 2022. They were senior citizens on a fixed-income
17 and everywhere they turn everything was going up. She said they all had to watch
18 where they were spending money. Ms. Page gave her assessment of taxes if Nibley City
19 continued to hold the rate. There came a point they needed to tighten their belts, and
20 this needed to be watched closer and not increased every single year.

21
22 Marylyn Hillary of 3090 South 500 West described that she had lived in Nibley for 25
23 years. Her tax portion will be \$354 Which is an 80% increase in the last six years. Nibley
24 City had received more taxes than expected in the past 7 years. She didn't understand
25 why an increase was needed at all. Nibley had received more and were going to get
26 more, and she didn't see a need for any increase.

27
28 Lowel Johnson of 4000 South described that he'd lived in Nibley for 49 years and had
29 kept track of his taxes. He showed a display of his tracked property taxes since 1973. His
30 graph showed an increase of 211%. He said this did not seem fair. Costs should not be
31 going up this much. He discussed Nibley City's historic rate and that Nibley City should
32 be careful with the money they'd been given. They needed to control the rates and not
33 increase 27% per year. Mr. Johnson said this had been going on in Nibley for 6 years. He
34 strongly asked the City Council to not increase the budget that year. A lot of people in
35 Nibley were living on their savings. Mr. Johnson thanked the City Council.

36
37 Lorin Peck of 1100 West and 3200 South said the only reason's he'd heard for
38 maintaining the increase that year was to keep up with inflation. He described that
39 property values outpaced inflation by 4 times. This couldn't be a justification to go
40 above the assessed property tax value that year. He questioned if this was this a good
41 time to piggyback on property taxes or if there was there a better time for capital
42 projects. He asked what capital projects were planned; they hadn't heard any of that.
43 This year was not like anything that had happened historically. He felt the assessor's had

1 appraised his house very generously and it was high. Tom Bernhardt described the
2 location of the Capital Projects Plan and the Master Plan for Nibley City.

3
4 Michael Peterson of 1405 West and 3310 South described that he'd lived in Nibley for 5
5 years and had enjoyed his time in Nibley. He discussed Utah and Cache County being a
6 light on the hill for the entire state. The State of Utah had the 2nd highest average
7 monthly increase in household costs in the nation at \$910/mo. The only other state that
8 was higher was Colorado. Mr. Peterson questioned ultimately how much the Council
9 would have to cut capital projects. He discussed residents on a fixed income or whether
10 he would be able to enroll his child in soccer and the increase could have a major effect
11 on the families in Nibley. He asked the City Council to buckle down and make hard
12 decisions. This year was a year they didn't need to do capital projects.

13
14 John Payne of 251 West 2600 South said he'd only lived in Nibley for 28 years. He was
15 glad to see the actual percentage rate went down, because it was based on assessed
16 property values. The market had made their assessed values go up. He questioned the
17 14.07% percent increase in their budget and asked why the City should get this. He
18 didn't get a 14% raise that year. He questioned why they needed a 14% increase. Mr.
19 Payne questioned if they had done zero based budgeting, which meant they started at
20 zero and built up to a budget number. Mr. Payne said no one had explained to him what
21 the City was doing better for the citizens, and they ought to be doing more for them. He
22 noticed that the speed hadn't gone down on his street and wanted an explanation and
23 what they were doing better for them now that they weren't doing a year ago.

24
25 Denice Buchanan of 472 West 3220 South said she'd gotten a letter that there was a
26 hearing on this "monstrosity" (it is believed Ms. Buchanan was referring to the Ridgeline
27 Park development). She questioned why she had received notice in her mailbox for the
28 development but had not received notice of the Truth in Taxation hearing in her
29 mailbox. She believed all Nibley City residents should have gotten a notice in the mail
30 and questioned, how this was fair when taxes would affect the whole city there were
31 only a few people who knew about it. She discussed her neighbor not being on
32 Facebook. She discussed that no one was reading newspapers anymore. She suggested
33 the city could email. She said the hearing should be standing room only but didn't
34 believe that 85-90% of the City knew the meeting was happening. She expressed that
35 the government was sneaky so that everyone wasn't informed.

36
37 Dustin Hansen of 2975 West 5265 South said they'd worked in Nibley for a year and a
38 half and described that he worked in the assessor's office, and they would not find a
39 group of more ethical people and the way the assessment on homes was completed
40 was very complicated and detailed. He said he liked solutions and functional
41 government was about finding solutions. His solution was not to lower the density on
42 "that" plot (Wesley Nelson Farms). Young people cannot afford to live in most of the
43 suburban homes in Nibley. The town homes were a critical thing for individuals of his
44 age in Nibley.

1
2 Kim Jensen of 499 West 3220 South said she was in the schools a lot and some of the
3 things that were proposed at the school, that if they were not needed to do an increase
4 in Nibley City, that the schools were needing increases in what they were doing. Schools
5 were busting at the gills. She suggested they save the \$4/month at Nibley City for
6 something that desperately needed to be done at the schools.

7
8 David Frandsen of 3556 South and 250 West he was not excited about paying taxes but
9 appreciated some of the services that were given by government. Capital projects had
10 more than doubled. It was discouraging to make things affordable for families. As values
11 had gone up, he was an advocate for trying to reduce the amount of taxes that were
12 being paid, even if it meant cutting services. There would be debate on what services
13 ought to be curtailed and there were subjective viewpoints. It was worth the work to
14 look at this and see if there were something to bring down the financial ask that was
15 being made.

16
17 Laura Frandsen of 3556 South and 250 West said she was here for the business tax rate.
18 Mayor Jacobsen said he believed Ms. Frandsen was operating a residential business and
19 she could look her tax notice and see if they were being taxed at 55% or at 100% of the
20 assessed value. The Nibley City rate was 0.014% of the assessed value. Ms. Frandsen
21 asked if a decrease in the residential rate would also be a decrease in the business rate?
22 Mayor Jacobsen said that was correct.

23
24 Seeing no further public comment, Mayor Jacobsen closed the public hearing at 7:32
25 p.m.

26
27 Mayor Jacobsen addressed the questions asked during the Truth in Taxation hearing. He
28 asked Ms. Page if she had looked at what she expected social security increases to be for
29 her parents. John Payne said this proposed increase was not announced until October.
30 Crystal Leishman said her social security went up \$10.45 in the past year. The insurance
31 increased more than this.

32
33 Mayor Jacobsen said Nibley City budget conservatively. They had to write a balanced
34 budget. He discussed Mr. Johnson's graphs. Mayor Jacobsen debated Nibley City' capital
35 projects. Mayor Dustin discussed that the population increase between 2010 and 2020
36 census was natural growth, that there was a high birth rate and they lived in such a
37 wonderful place that their kids want to live in Cache Valley, and there were jobs they
38 had to offer them. Mayor Jacobsen said employees were given a 7% cost of living
39 increase based on BLS inflation rates, but 7% was below the BLS rate. Mr. Maughan
40 described that in determining department budgets they started from zero and built up
41 to see what they could do better or cut. Mayor Jacobsen discussed permissions in using
42 email addresses associated with utility accounts for public notification. Mayor Jacobsen
43 and Councilmember Laursen discussed funding needed for the Cache County school
44 district and potential bonding at the school district level. Councilmember Laursen said

1 the school district had decided to stay with the certified tax rate. Mr. Payne asked what
2 more the residents were getting for \$118,000 additional dollars. Mayor Jacobsen
3 discussed additional parks and offered to discuss the additional amount in detail with
4 Mr. Payne.

5
6 **Discussion and Consideration: – Resolution 22-22: A RESOLUTION ADOPTING THE**
7 **FINAL BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2021-22, AND**
8 **ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER**
9 **BUDGETARY MATTERS FOR FISCAL YEAR 2022-23 AND ADJUSTING CERTAIN FEES AND**
10 **PAYMENTS FOR SERVICES (First Reading)**

11 Mr. Maughan presented that nothing had substantially changed in the 2022-23 budget
12 but the beginning balances from the previous year budget had been updated to reflect
13 the most accurate data to date. He shared a slide entitled *Changes to Budget since last*
14 *reading on 6/9/2022* (a printed copy of this slide is included in the printed meeting
15 minutes). The topics included in his presentation included the following: Changes to
16 budget since last reading on 6/9/2022.

- 17
- 18 • Beginning balances updated to most accurate data to date
- 19 • Removed firefly reimbursement from county, out of last FY 21/22 Revenue, and
- 20 put it into FY 22/23
- 21 • Corrected typo on Capital Projects Revenue Transfer from Gen Fund
- 22 • Updated year end expenses for FY 20/21 and FY21/22 expenses
- 23 • Added Stormwater Expense line item for watering of detention facilities
- 24 (Changed stormwater cleaning account since no money has been spent in that line
- 25 item for a few years)
- 26 • Updated pay table to 4 digits to avoid rounding errors
- 27 • Updated debt tables for Sewer and MBA to reflect most recent numbers
- 28

29 Mr. Maughan called out Amy Johnson for her hard work and how she'd organized the
30 budget document and made it so useful. He fully expected to submit the budget to the
31 Office of Governor's Finance and to receive an award for the budget and she deserved a
32 lot of this credit.

33
34 Councilmember Laursen asked about a reduction in the EMS service fee from \$6.00 to
35 \$5.00 that was in the packet. Mr. Maughan said the fee was reduced to \$5.00/month.
36 Citizens had started paying \$5 versus \$6.00/month starting in July. Ms. Johnson said this
37 was also reflected in the proposed budget.

38
39 *Councilmember Beus moved to approve Resolution 22-22: A RESOLUTION ADOPTING*
40 *THE FINAL BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2021-22,*
41 *AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER*
42 *BUDGETARY MATTERS FOR FISCAL YEAR 2022-23 AND ADJUSTING CERTAIN FEES AND*
43 *PAYMENTS FOR SERVICES as presented. Councilmember Laursen seconded the motion.*

1
2 Councilmember Larsen said of all the years of adopting and coming up with a new rate,
3 he felt it was best to stick with the county rate and suggested they look again next year.
4 Mr. Maughan said if they adopted the budget (with a reduced rate) they would have to
5 identify where the cuts would be made because they had to adopt a balanced budget.

6
7 Councilmember Sweeten discussed the changes to the budget that would affect long
8 term planning. She noted other residents that had come in throughout the year asking
9 the City Council to fund certain things. The City Council was trying to hear people and
10 find a balance between the fluxuations in what was needed and valued. She asked the
11 residents to start sharing their input in May when the budget was being formulated and
12 discussed; then was the most powerful time and it was much easier to make decisions.
13 She advised that the citizen's input was important and valuable but it was time-
14 consuming to the citizen. Councilmember Sweeten described research she had
15 completed on other communities with similar property values to get an average of
16 where rates fell. Nibley's current suggested rate was close to what they find most of the
17 other cities in the State of Utah that had similar property values. This was why she felt
18 comfortable bringing the rate down from Nibley's historic rate. Mayor Jacobsen
19 described that in 2008 or 2009 he was proud to vote for a lower rate than the certified
20 property rate because property values had gone down.

21
22 Councilmember Beus commend staff and said they were blessed to have the greatest
23 staff. Staff was always looking for creative other ways to save the City money. She gave
24 an example of the City Manager negotiating the resurface of 3200 South at half the cost.
25 She commended staff for stretching their dollars. She said the City Council agonized
26 over the budget process the most. Councilmember Beus discussed the Capital
27 Improvement Finance Plan using the public works yard and the need to expand the
28 public works yard as an example. She believed the City Council was taking the approach
29 to take on project and complete them incrementally using the historic tax rate.

30
31 Councilmember Laursen discussed the \$118,000 increase and increased home values
32 and the market. They needed to remember that the citizens had collectively built a great
33 community. Councilmember Laursen described the process staff and the City Council
34 had undertaken to get to the proposed tax rate. He said the County didn't assess
35 everyone's house every year. Mr. Hansen described that if you don't move, your house
36 is assessed every five years. If you do move, it is assessed every year.

37
38 Councilmember Bernhardt said he was with Councilmember Larsen on the rate. This
39 year they were so out-of-wack he was okay if they were to go back to the certified tax
40 rate. They could do it. There were things they were giving up. He suggested the
41 completion on half-roads could be pushed out. The budget from last years' budget
42 didn't bear out. Councilmember Laursen said he was willing to talk about going to the
43 certified tax rate, but he wanted to know where they would adjust the budget.
44 Councilmember Larsen suggested they could transfer a lower amount from the General

1 fund to Capital Projects, transferring the difference of \$118,000. Councilmember
2 Bernhardt said if sales tax were coming in higher than expected, they could do a budget
3 adjustment.

4
5 Kay Ray of 770 West asked if home prices hadn't increased the way they had she
6 wondered where the \$118,000 increase would have come from then? Where was the
7 need then? Mayor Jacobsen Councilmember Larsen described the allocation of funds to
8 receive grants and commitments to projects that would save money in the long-term.
9 Mayor Jacobsen described the truth in taxation process and tax increases including sales
10 tax.

11
12 *Councilmember Bernhardt made a motion to amend the 2022-23 budget to the certified*
13 *tax rate and adjusting line item 45-38-700 to be representative of the reduced dollar*
14 *amount of property tax and reducing the expenditure in 45-40-731 by \$118,000.*
15 *Councilmember Larsen seconded the motion.*

16
17 Mr. Maughan clarified the adjustments to the budget that would need to be made.

18
19 *Councilmember Bernhardt moved a substitute amendment to change the 2022-23*
20 *Budget to the certified tax rate. Councilmember Larsen seconded the amendment.*

21
22 The City Council debated the pros and cons of amending the budget to the certified tax
23 rate. Councilmember Laursen asked the City Council if they were willing to find a
24 solution to budgetary problem with higher density.

25
26 Bracken Burger of 2297 South 770 West asked if they were raising above the certified
27 rate. He said it sounded like if they kept the certified rate they would have enough
28 money but if they used more than the certified rate it was in excess. Mr. Maughan
29 explained they would be putting less than half of what they usually put in savings. He
30 clarified that it would slow down capital projects.

31
32 The City Council debated and decided that the original motion on the floor was waiving
33 the second reading and therefore the amendment was also for second reading.

34
35 *The amendment failed 2-3; with Councilmember Bernhardt and Councilmember Larsen*
36 *in favor. Councilmember Beus, Councilmember Laursen and Councilmember Sweeten*
37 *were opposed.*

38
39 *Seeing no objection, Mayor Jacobsen called for a vote on the motion. Voting on the*
40 *motion to approve Resolution 22-22 was as follows:*

41 *Councilmember Bernhardt voted opposed.*

42 *Councilmember Beus voted yes.*

43 *Councilmember Larsen voted opposed.*

44 *Councilmember Laursen voted in favor.*

1 *Councilmember Sweeten voted in favor.*

2
3 *The motion passed 3-2; with Councilmember Beus, Councilmember Laursen, and*
4 *Councilmember Sweeten in favor. Councilmember Larsen and Councilmember Bernhardt*
5 *were opposed.*

6
7 Seeing no objection, Mayor Jacobsen called a meeting recess at 9:04 p.m. The meeting
8 resumed at 9:11 p.m.

9
10 **Discussion and Consideration: Ridgeline Park Phases 4 and A-D Final Plat, located near**
11 **3150 South 250 West (Applicant: Visionary Homes)**

12 Mr. Ben Steele, representing Visionary Home was present at the meeting.

13
14 Mr. Roberts led a presentation entitled *Nibley City Council, August 25, 2022* (a printed
15 copy of this presentation is included in the printed meeting minutes). The topics
16 included in his presentation included the following: Ridgeline Park-Phase 4 & A-D Final
17 Plat, Ridgeline Park East Subdivision preliminary plat, an image of the final plat being
18 presented for phase 4, an image of the condominium for phase A, Ridgeline Park-Phase
19 4 & A-D Final Plat, Landscaping, Open Space Amenities and Maintenance including
20 street trees, club house, pool and playground, final maintenance plan and common area
21 maintenance by HOA and other details of areas to own or maintained by HOA, the
22 Planning Commission's recommendation including the following conditions:

- 23
24 1. The City Engineer provide final approval of the Construction Drawings and all
25 supportive materials
26 2. The maintenance plan needs to be updated to include the following information:
27 a. The stormwater basins and stormwater lines and facilities outside of the
28 public right-of-way will be owned and maintained by the HOA in
29 accordance with City, State, and Federal guidelines.
30 b. Detail that parcel B will be maintained by the HOA unless the City
31 completes additional improvements on this parcel after which the HOA
32 will just be responsible for any landscape related maintenance,
33 consistent with the note on the Plat.
34 c. Specify that the HOA will be responsible for all landscape improvements
35 within the ROW that is not in front of a single family detached home.
36 3. Easement dedications need to be signed and recorded in conjunction with Final
37 Plat.

38
39 Councilmember Beus said she'd noticed the property always seemed to be dealing with
40 ground water and questioned what the City was doing to protect leaks in the sewer
41 system. She asked what the City requirement were if the sewer pipes were sitting in
42 water. Mr. Elaison said the system was built to standard specification and the system
43 would be pressure tested. Mr. Maughan said Nibley's standard was to have the pipes
44 sitting in water.

1
2 *Councilmember Larsen moved to approve Ridgeline Park Phases 4 and A-D Final Plat,*
3 *located near 3150 South 250 West (Applicant: Visionary Homes) including condition #1*
4 *as recommended by the Planning Commission. Councilmember Bernhardt seconded the*
5 *motion.*

6
7 Councilmember Beus asked who Nibley City's interim engineer was. Mr. Maughan said
8 he was acting as the interim engineer. Councilmember Beus recollected the City
9 Council's discussion of on-street parking. Mr. Roberts said 250 West had on-street
10 parking. There was sufficient width for on-street parking on 250 West.

11
12 *The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember*
13 *Bernhardt, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten*
14 *all in favor.*

15
16 *Councilmember Beus moved to continue items 9-10 (Ordinance 22-16: Exemption to*
17 *Subdivision Requirements for Combining Lots and Amending Subdivision Plat*
18 *Amendment Approval Authority and Ordinance 22-17: Amending Subdivision Submission*
19 *Requirements) to the next City Council meeting. Councilmember Bernhardt seconded the*
20 *motion. The motion passed 4-1; with Councilmember Beus, Councilmember Bernhardt,*
21 *Councilmember Larsen, and Councilmember Sweeten in favor. Councilmember Laursen*
22 *was opposed.*

23
24 **Workshop: Discussion about potential amendments to Street Improvement and**
25 **Dedication Agreement with Nibley Development regarding 2600 South, west of 1200**
26 **West**

27 Mr. Al Bingham was present at the meeting. Joel Nelson with Nibley Development and
28 Rod Paterson, Nibley City Attorney were participating in the meeting electronically via
29 Zoom.

30
31 Mayor Jacobsen described that Nibley City and Nibley Development had an agreement
32 on constructing and the eventual dedication of 2600 South. They needed to decide
33 when they were ready to accept dedication of 2600 South. Nibley Development had
34 been negotiating some terms that he felt represented changed to the agreement the
35 City had with Nibley Development. He wanted to know how the City Council felt and get
36 their direction on some specifics items to get the road open. Mayor Jacobsen said he
37 had it down to about five items:

- 38
39 1. Field drains on the west side
40 2. How much asphalt?
41 3. Reimbursements from Nibley City to Nibley Development
42 4. Culvert in the road
43 5. When does Nibley City want to accept the road?
44

1 Mr. Bingham suggested they also consider restriping.

2
3 Mr. Bingham discussed a meeting with Stuart Thayne and Bill Gasgal regarding
4 commercial development on the property. Mr. Bingham described the circumstances of
5 a present culvert being installed under the constructed road. Mr. Bingham described
6 that there had been a culvert put in due to a situation with the the farming of Dave
7 Zillies and Gordy Zilles and Terry Hansen, to facilitate draining. Mr. Bingham said he and
8 Mayor had discussed extending the culvert 8 feet on each side until the development on
9 the north side came into play and then having the culvert filled in. He suggested utilities
10 could be run through the culvert and there wouldn't have to be bores in the road.
11 Mayor Jacobsen said they needed an engineered solution and city staff hadn't reviewed
12 a engineer's solution about how to connect the water on the two sides of the road. Mr.
13 Bingham said this was not put in the original plan.

14
15 Mr. Bingham distributed a document (included in the printed meeting minutes)
16 addressing the 6 items he proposed be discussed.

17
18 Mr. Bingham discussed field drains and relayed that one had been hit and had caused
19 some problems with water. Mayor Jacobsen said the field drains cause water issues that
20 could affect the integrity of the road that would need to be addressed. Mr. Maughan
21 said there needed to a stormwater solution for the entirety of the property.

22
23 Mr. Bingham discussed item three on his handout: Road—Additional 2" Asphalt. Mr.
24 Bingham said he believed this was the biggest issue and illuded to a situation which had
25 stopped the laying of asphalt on the road. He made note of a solution suggested by
26 former Mayor Shaun Dustin. He noted that Chris Beckman, who was the Geotech
27 engineer was participating remotely (There was a notation of Chris Backman on the
28 Zoom meeting screen. There was no video provided). Mr. Bingham reported that former
29 Mayor Dustin had suggested coming back in a couple years to determine if another 2
30 inches of asphalt was needed on the commercial part of the road. Mayor Jacobsen
31 clarified that the additional asphalt would be paid for by the commercial development
32 in an agreement with Nibley Development. Mr. Bingham distributed a traffic study
33 which Nibley Development had based the asphalt thickness on. Mr. Bingham and the
34 City Council debated commercial truck traffic on residential roads and regular traffic
35 loads. They discussed the aspects of laying down curb and gutter and then deciding an
36 additional 2 inches of asphalt was needed. Mr. Maughan said he questioned the
37 constructability of doing this. Brian Butterfield, with Johnson Construction described
38 how this process might happen and said it was constructable. He discussed other
39 specifications of paving additional asphalt later.

40
41 Mr. Maughan and Mr. Butterfield discussed the reasoning that the worked on 2600
42 South had been stopped the previous fall. Mr. Bingham said the road was perfectly fine
43 and could be opened the next day and then as the residential and commercial
44 development came, if there were additional inches, there was road to do and then they

1 could lay gutter and sidewalk and this gave them options to work with. There were a lot
2 of things they just didn't know yet. Mr. Maughan described that the road had been
3 reviewed by the engineer and if the road was built to what was agreed upon. There
4 wasn't necessarily a reason they couldn't take the road, but it was not a complete road
5 yet and they didn't know what was coming in yet and this presented challenges of how
6 they did this. Mr. Bingham felt the commercial portion of the road would need 5 inches
7 of asphalt at some point in time.

8
9 The City Council and Mr. Bingham discussed reimbursements from other landowners to
10 Nibley Development for road construction costs.

11
12 Discussion was held about details pertaining to construction of the road being halted in
13 the past fall. Councilmember Larsen reiterated that everyone agreed that it was the
14 right decision to stop work. Mr. Bingham asked how they could offset the additional
15 cost of laying down the extra layers of asphalt? Mr. Butterfield said the pavement
16 needed to happen soon. They wanted it on the schedule. Mr. Maughan discussed the
17 temperature spec of laying down asphalt. Mr. Maughan asked for the cost of the delay
18 of holding off on the last two inches of asphalt. Mr. Butterfield said he could look at the
19 numbers and get a number to Mr. Maughan. Mr. Maughan said he wanted those
20 numbers. Meeting participants discussed the specification of asphalt regarding the
21 percentage of recycled materials in asphalt.

22
23 Mayor Jacobsen said for the sake of discussion, the city made a mistake. If the city made
24 a mistake, for the sake of discussion, then the city was responsible for the costs of that
25 mistake. They were really talking about whether they did the additional two inches of
26 asphalt on the residential or not.

27
28 Councilmember Bernhardt said some members of the City Council had been accused of
29 "being in the developer's pocket." He didn't want to hear that regarding this
30 development and would weigh this in on his decision making.

31
32 Councilmember Beus said when the proposal for the road had first come in she felt
33 they'd gone backwards with the development of the road but she had felt they could
34 move forward because they were assured that the road would be built to Nibley City
35 standards. Her misgivings were calmed by this. She felt they knew they would only
36 accept the road that was built to Nibley City standards. Mayor Jacobsen echoed this and
37 said besides the road depth there was another part that needed to be completed with
38 curb, gutter, and sidewalk; this was when Nibley City typically accepted a road. Mr.
39 Bingham discussed how mad he was about work on the road being stopped.

40
41 Seeing no objection, Mayor Jacobsen recessed the meeting at 11:16 p.m. The meeting
42 resumed at 11:22 p.m.

1 Mayor Jacobsen directed the meeting participants that they should discuss steps
2 forward. Mayor Jacobsen felt the City Council could help Mr. Bingham form a proposal.
3 Mayor Jacobsen said the culvert piping had an engineering solution; they needed to put
4 the right engineers on it, and the City Council would trust the engineer's review. He felt
5 the field drains also needed an engineer and the assumed the City Council would also
6 accept the engineer's review on the drains. Mayor Jacobsen said the commercial portion
7 would have 5 inches of total asphalt paid for by the commercial developer and/or Nibley
8 Development and this would be spelled out in the development agreement with the
9 commercial developer. Mayor Jacobsen discussed the depth of asphalt on the
10 residential portion of the road. Councilmember Bernhardt asked what the city got in
11 return from walking away from an additional two inches of asphalt on the residential
12 portion of the road? He said he would be interested to see what the City got in return in
13 Mr. Bingham's proposal. Mr. Bingham said they had a concern with the cost of delay.
14 Mr. Bingham, the City Council, and Mayor Jacobsen discussed options.

15
16 Option 1

- 17 • Nibley City pay their proportion (130k)
- 18 • Nibley City pays for the extra 2" of asphalt on residential; Nibley Development
19 pays for the additional 2" of pavement on the commercial.

20 Option 2

- 21 • Nibley City pay 10% of the extra cost of asphalt on the entire road
- 22 • Split the cost of the extra asphalt for the delay

23 Option 3

- 24 • Nibley City pay their proportionality (130k)
- 25 • Split the cost of the extra asphalt for the delay
- 26 • Nibley Development pave everything at 5" of asphalt based off the existing
27 contract

28
29 Councilmember Beus said the only option she would most likely vote for was the third
30 option.

31
32 Councilmember Laursen said he had a really hard time switching from the requirement
33 of five inches. He wanted to know what the standards were in proportion of recycled
34 materials when the agreement was put in place. He also wanted an estimate of the cost
35 of delay. Mr. Butterfield felt he could verify that the proportion of recycled material was
36 15%. Councilmember Laursen said he didn't think he'd ever go lower than five inches of
37 asphalt and for him to change that he would need a lot of information of why. To
38 change the standard for him would take a lot of convincing.

39
40 Councilmember Larsen said what made this viable was what the area was zoned for.
41 They should determine how much residential they wanted to make the cash flow. They
42 may give a little more density and he felt they may have a win-win. He proposed Mr.
43 Bingham bring the proportion of density he would need to make the road work.

1 Councilmember Sweeten said she liked a lot of Councilmember Larsen's ideas in that
2 this was a space in the City that could handle a little more density and could bring a
3 certain level of balance between the cost of two more layers on the road. The road
4 needed to be five layers in the long-term. She said the road needed to be at 5" based on
5 the traffic that she already observed on 2600 South; it was heavily traveled.

6 Councilmember Sweeten agreed that splitting the cost of the delay was reasonable and
7 proportionality was reasonable.

8
9 Mayor Jacobsen said to move forward there should be numbers on the cost of delay and
10 the additional 2 inches of asphalt on the residential section. He said they would give the
11 City Council hard numbers to consider. Mr. Bingham said density would help offset the
12 cost. Mayor Jacobsen asked Mr. Bingham to let them know what density he was looking
13 for. Councilmember Laursen asked that Mr. Bingham be informed of the draft RM
14 ordinance.

15 16 **Council and Staff Report**

17 Mr. Eliason reported that public works staff had busted their butts the last two weeks
18 getting ready for school. They had gotten the utilities ready at Firefly Park and they
19 would be ready to set a restroom at Heritage Park on Monday. Rod Elwood and his crew
20 had also really been chomping down on Anheuser Park.

21
22 Ms. Bodily updated the City Council on their reservations for the Utah League of Cities
23 and Town Conference.

24
25 Ms. Bodily got the City Council's input on Open and Public Meetings Act training. Most
26 of the Council wanted to complete the training online. Ms. Bodily said she would
27 provide the City Council with the link and information on the training.

28
29 Mr. Maughan reported on participation at the Nibley City Summer employee party.

30
31 Mr. Maughan reported that the Request for Proposals for Ridgeline Park (RFP) was out
32 and they should be getting returns in the first part of September.

33
34 Mr. Maughan said the Council of Governments applications for three projects had been
35 submitted the previous day: 1- 1200 west 2-widening the intersection at 2600 South and
36 3- widening from 2600 north.

37
38 Mr. Maughan said they should be getting proposals for garbage collection on September
39 9.

40
41 Mr. Maughan reported that Tom Dickinson had been hired as Nibley City's new
42 Engineer.

1 Mr. Maughan reported that he would not be at the September 9, 2022, City Council
2 meeting. Mr. Roberts said he would be the APA conference in Lehi during the next
3 meeting.

4
5 Councilmember Beus and Mr. Eliason discussed the retention basin at Mt. Vista.

6
7 Councilmember Bernhardt said he would not be at the next City Council meeting.

8
9 Councilmember Larsen asked about a replacement position on the City Council. Mayor
10 Jacobsen updated the City Council of the process. The intent was for Councilmember
11 Beus to be a part of the process of choosing her replacement.

12
13 Councilmember Laursen said it would be nice to have visual changes reflected on plats.

14
15 Councilmember Sweeten thanked staff. A resident had a water issued and staff had
16 been very helpful.

17
18 Mayor Jacobsen discussed his displeasure with Cache County staff regarding how they'd
19 treated Nibley City in regard to the Malouf CRA process.

20
21 Seeing no objection, the meeting was adjourned at 12:38 a.m.

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43 Attest: _____
44 City Recorder