

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, September 22, 2022.

The following actions were made during the meeting:

Councilmember Larsen moved to approve Firefly Estates Phase 2A and 2B Final Plat, located near 1100 West 2200 South (Applicant: Heritage Land Development, LLC) to record at the same time with recommendation as presented. Councilmember Beus seconded the motion.

**Councilmember Bernhardt voted yes.
Councilmember Beus voted yes.
Councilmember Larsen voted in favor.
Councilmember Laursen voted yes.
Councilmember Sweeten vote yes.**

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

Councilmember Beus moved to approve Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan as presented and waived the second reading. Councilmember Larsen seconded the motion.

**Councilmember Bernhardt voted yes
Councilmember Beus voted yes
Councilmember Larsen voted yes
Councilmember Laursen voted yes
Councilmember Sweeten voted yes**

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

Councilmember Beus moved to approve an Underground Right of Way Easement with Rocky Mountain Power. Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Bernhardt moved to approve Ordinance 22-17: Amending Subdivision Submission Requirements. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt voted yes.

*Councilmember Beus voted yes.
Councilmember Larsen voted yes.
Councilmember Laursen voted yes.
Councilmember Sweeten voted yes.*

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

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Kay Sweeten shared her thoughts of gratitude and appreciation of where they lived, the beauty of where they lived, the people that had chosen to be part of Nibley and their actions with them, and the communities they were building. She said “it was nice to be a part of all of this.”

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, September 22, 2022, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen, and Councilmember Kay Sweeten. Levi Roberts, Nibley City Planner, and Steve Eliason, Nibley City Public Works Director was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Beus moved to approve the September 8, 2022 City Council meeting minutes. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Sweeten, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Mr. Justin Maughan, Nibley City Manager arrived at 6:34 p.m.

Councilmember Bernhardt noted the applicant for item #11 of the agenda was participating online and questioned if they might consider moving the item up on the agenda.

Councilmember Bernhardt made a motion to adopt the September 22, 2022, meeting agenda, moving item #11 to occur just after item #6 on the September 22, 2022, meeting agenda. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten all in favor.

Public Comment Period

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

Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:38 p.m.

Planning Commission Report

Mr. Roberts reported that other than the two items that were on the City Council's agenda, the Moderate-Income housing plan and Firefly Estates Phase 2A and 2B Final Plat, the Planning Commission had held a Workshop to discuss a Transfer of Development Right ordinance. They had reviewed the proposed map for sending and receiving areas and had discussed the feasibility of the TDR. There would be a public hearing held for the TDR ordinance on October 20, 2022. Mr. Roberts said there would be a lot of noticing for the public hearing because the sending and receiving areas in the TDR constituted a rezone, because they are considered an overlay zone, so everyone in Nibley City and the annexation areas would be getting a notice. The Planning Commission's recommendation regarding the TDR ordinance would be coming to the City Council shortly after the public hearing.

Presentation: Nibley City Emergency Preparedness and Management (Chris Searle)

Chris Searle, Nibley City's Emergency Manager was present at the meeting. He discussed items included on an electronic presentation entitled *Nibley City Emergency Management, Chris Searle, September 22, 2022* (a printed version of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Quarterly Employee Training, Community Engagement, and Engagement with Cache County.

Councilmember Laursen joined the meeting via the electronic Zoom link at 6:46 p.m.

Mr. Sear continued his presentation with discussion of Items Purchased.

Councilmember Sweeten asked if Nibley City staff had been trained in emotional resiliency during a big disaster. Mr. Searle said when something happened it was an emotion draw but from official training, nothing had taken place. He knew the city provided some emotional resilience counseling support. Mr. Searle they could draw on the County and State resources for debriefing support. Mr. Searle expressed that perhaps they would put this on the agenda for a future employee training. Councilmember Larsen asked what Mr. Searle felt their strength were. Mr. Searle felt there were a lot of natural disasters that could hit Nibley and thought they could do a little more outreach to the community themselves to help them get prepared, so they weren't so reliant on the City in times of emergency. He asked meeting attendees for suggestions. Mr. Maughan said you can never really be prepared for everything and he like the idea of focusing on the mental process of handling an emergency. He said it

really came down to how competent a person or a team was and how the team can continue to do better, communicate with each other, and build on each other. He said they needed to develop the skillsets and the people as much as planning and buying stuff and preparing; it was building the team to what it needed to be.

Mayor Jacobsen described a water main break that had occurred in the last week and described how calm city staff had handled the situation. Mr. Maughan described some of the process that had taken place in addressing the water main break.

Mayor Jacobsen and Mr. Searle discussed involvement in emergency management by faith-based groups and inclusion of more faith groups. Mr. Searle discussed meeting with the areas predominant faith about engaging with other faith groups and coordinating with those groups. The Stake leadership was very supportive of this and had individuals they knew that were very engaged in emergency management and had a desire to support this. Mr. Searle felt they could use publications like the City newsletter and Facebook to draw engagement as it was more of a City driven activity and not a faith-based activity. Mayor Jacobsen said he was incredibly appreciative to the LDS church for their organization in times of emergency and their ability to “rally the troops.” Mayor Jacobsen discussed an emergency situation when he’d joined the LDS church effort and expressed that he had felt as much a part of the community in times of emergency as much as in happy time. He liked what Mr. Searle was working on. Mayor Jacobsen asked what Mr. Searle felt the City Council’s role was in emergency. Mr. Searle said there was a small section in the Emergency Response Plan that was around the Emergency Operations Center and how it was put together and deployed. He felt they could do some training on this in the upcoming year so the City Council would know their specific role and function.

Mayor Jacobsen directed staff to put the Nibley City Emergency Management Plan on the Nibley City website.

Discussion and Consideration: Firefly Estates Phase 2A and 2B Final Plat, located near 1100 West 2200 South (Applicant: Heritage Land Development, LLC)

Levi Roberts, Nibley City’s Emergency Manager was present at the meeting. He discussed an electronic presentation entitled *Nibley City Council, September 8, 2022; Firefly Estates – Phase 2A & 2B* (a printed version of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Approved R-PUD, Phase 2A, Phase 2B, a final plat map of phases 2A and 2B, the final plat for both phase 2A and 2B of Firefly Estates, Zoning & Space Requirements, Streets, Construction Drawings, Landscaping, Open Space Amenities and Maintenance, and Recommendation of the Planning Commission.

“Recommend Approval of Firefly Estates Phase 2A and 2B Final Plat with the following condition:

- *The City Engineer provide final approval of the Construction Drawings and all supportive materials”*

Tami Midzinski, representing Heritage Land Development, LLC, was participating in the meeting electronically via the Zoom meeting link. Ms. Midzinski said when she’d spoke to Mr. Roberts, she’d expressed the developer’s full intention to develop phase 2 in whole. There was never an intent to divide into 2 phases. This was only done by the engineer and surveyor on the plat.

Councilmember Larsen asked about a small section of Meadow Lane that would need to be completed. Mr. Maughan said there would still be a gap in the road after Firefly was complete; 1200 West would not be connected all the way through. Mr. Roberts said there would be a connection to 10th West. Mayor Jacobsen noted that Mr. Farar had gotten the review on the Firefly submission before he “turned into a pumpkin” and they were confident they’d done the review that needed to be done? Mr. Maughan said summarized the review that had taken place.

Councilmember Larsen moved to approve Firefly Estates Phase 2A and 2B Final Plat, located near 1100 West 2200 South (Applicant: Heritage Land Development, LLC) to record at the same time with recommendation as presented. Councilmember Beus seconded the motion.

Councilmember Beus asked Ms. Midzinski if she had an anticipated timeline for buildout of the project. Ms. Midzinski said they had already started working on some preliminary items and described they anticipated starting construction in Spring of 2023.

Voting on the motion to approve Firefly Estates Phase 2A and 2B Final Plat was as follow:

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted yes.

Councilmember Sweeten vote yes.

Public Hearing: Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Levi Roberts, Nibley City Plann discussed an electronic presentation entitled *Nibley City Council, September 8, 2022; Moderate-Income Housing Plan* (a printed version of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: HB 462 required an update to moderate-income housing plan, Cache County Housing Crisis Task Force, Summary of amendments, Existing Strategies:

1. *Allow for a reduce regulation related to accessory swelling unites in residential zones.*
2. *Allow for higher density of moderate-income residential developments in commercial and mixed-use zones, town center, neighborhood commercial, and other employment areas.*
3. *Rezone for densities necessary to assure the production*
4. *Partner with organizations that offer grants or additional assistance in Housing affordability.*

Proposed Strategies

1. *Reduce regulations related to internal or detached accessory dwelling units in residential zones*
2. *Eliminate impact fees for any detached accessory dwelling unit*
3. *Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near commercial centers, or employment centers*
4. *Rezone for densities necessary o facilitate the production of moderation income housing*
5. *Implement zoning incentive for moderate income units in new developments*
6. *Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency to create or subsidize moderate income housing*
7. *Partner with Bear River Association of Governments (BRAG) and Neighborhood Non-profit Housing Corporation for programs or services that promote the construction or preservation of moderate income housing*

Mr. Roberts reviewed the Recommendations given by the Nibley City Planning Commission.

“Recommended approval of Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan”

Mayor Jacobsen opened the public hearing to receive comments regarding 7:41 p.m.

Troy Ribao of 1536 West 3250 South thought the items were fantastic. As the current generation of Nibley residents, looking out for their children and being able to live in a city they grew up in, with current housing prices, this allowed for children to live the in the city they grew up in.

Seeing no further public comments, Mayor Jacobsen closed the public hearing at 7:43 p.m.

Discussion and Consideration: Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan (First Reading)

Councilmember Beus moved to approve Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan as presented and waived the second reading. Councilmember Larsen seconded the motion.

Mayor Jacobsen said “by golly” when they showed a picture of moderate-income housing and talked about accessory dwelling units, instead of Thayne Mickelson’s barn, they needed his 74-year-old girlfriend’s tractor port picture there on the Moderate-Income housing plan. The Council discussed the Mayor’s 74-year old tractor.

Councilmember Beus said she liked the changes that had been presented and didn’t see a problem with approving the changes that night. Councilmember Bernhardt pointed out a discrepancy with the number of mobile home units that were represented on page 4 and page 6 of the Moderate-Income housing Plan. Mr. Roberts thought 27 was based on the number of units that were actually in the mobile home park. He believed one of the units was vacant. Councilmember Bernhardt said that overall he like the proposals.

Councilmember Sweeten asked what had motivated the change to eliminate the impact fees for accessory dwelling units. Mr. Roberts reported that the Planning Commission had never recommended impact fees be charged. The Planning Commission had also reviewed all the strategies recommended by the state and had agreed that the City shouldn’t charge impact fees. Mr. Maughan recommended they keep impact fees in place if the ADU were to cut into the road and adding utility connected then he felt an impact fee was important and would be a motivation to not cut into roads.

Councilmember Sweeten recalled that the current ordinance allowed impact fees to be waived if the unit were to be rented out at a moderate-income rate. She felt the removal of impact fees would remove the motivation to rent at a moderate-income rate. She wanted to create something else that would incentivize the moderate-income housing price point. Mayor Jacobsen suggested the City Council could deal with some of these issues when they amended the ordinance and reviewed that the City Council would need to amend the ADU ordinance to incorporate the changes to the Moderate Income housing plan. Councilmember Laursen pointed out that strategies 6-7 in the document were not labeled as such in the plan as it was presented.

Mayor Jacobsen asked for and general consent was given to make the appropriate amendments to the draft plan.

Voting on the motion to approve Resolution 22-23 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Sweeten voted yes.

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

There was a short meeting adjournment at 8:02 p.m. The meeting resumed at 8:07 p.m.

Discussion and Consideration: Approving an Underground Right of Way Easement with Rocky Mountain Power

Mr. Eliason described that Rock Mountain Power needed a right of way easement to run from the front corner of Brian Fritz's property, across to the exit to the Firefly parking lot and turning about 40 to the Firefly Park restroom.

Councilmember Beus moved to approve an Underground Right of Way Easement with Rocky Mountain Power. Councilmember Larsen seconded the motion.

Mr. Eliason said Public Works had gotten bids together and the prices were quite frightening. In three days, they had the pad, sewer, water, and power. Mr. Eliason showed the approximate location of the restroom at Firefly Park. He said the approximate cost was \$14,000 which was labor cost and the \$6,000 cost for the right-of-way. Mr. Eliason reported that the bathroom unit should be delivered the end of October.

The motion passed 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

Discussion and Consideration: Ordinance 22-17: Amending Subdivision Submission Requirements (Second Reading)

Levi Roberts, Nibley City's Emergency Manager was present at the meeting. He discussed an electronic presentation entitled *Nibley City Council, September 8, 2022; Subdivision Submission Requirements* (a printed version of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Background, Updates, Planning Commission Recommendation.

"Recommend Approval of Ordinance 22-17; Amending NCC 21.02.060, 21.06.040, 21.06.080, and 21.08.010 Regarding Subdivision Submission Requirements"

Councilmember Bernhardt moved to approve Ordinance 22-17: Amending Subdivision Submission Requirements. Councilmember Sweeten seconded the motion.

Councilmember Larsen asked how long it typically took for an applicant to get through the subdivision process. Mr. Roberts described a submission scenario and described that many times delays regarded an engineering question. Many times a developer hasn't

checked all the boxes of what needed to be submitted. It often took an additional 2-3 months and it also depended on how large the submitted subdivision was.

Voting on the motion to approve Ordinance 22-17 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Sweeten voted yes.

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

Workshop: Updates Regarding Garbage Collection and the Interlocal Agreement and Requests for Proposals

Mr. Maughan described the Cache County attorney had drafted a interlocal agreement to create a special service district to collect trash in all unincorporated area of the County and all municipalities in the County with the exception of Logan, Smithfield, and Lewiston. There was also a group of mayors that had discussed with private trash hauling companies and asked for a Request for Proposals and had received four RFPs, mainly to see if the companies were in the ballpark of what the municipalities were thinking in regards to trash collection fees. The numbers had come back favorably that they might not see a giant change. There was no legal entity to enter into negotiations to the Cache County attorney had worked on the agreement to form the special service district. The documents doing this had been forwarded to the Nibley's attorney for review. Mr. Maughan described that the City Council may potentially have to call a special City Council meeting to approve the special service district in order to approve the creation of the district. Mr. Maughan described that a special service district would set a governing board that could enter contract negotiations. Nibley City would continue to bill citizens as they did now and then pay the private company that would take care of the waste. They shouldn't feel a lot of change except for potentially the cost; which may go down. Mr. Maughan said he felt happy with where the agreement had landed. Logan City was trying to figure out what would happen with Representative Snyder's legislation that all revenue generated from the landfill had to go to the County. Logan had entered negotiations with Cache County for the landfill.

Mayor Jacobsen said the City Council would see details in the bylaws of the special service district and asked the City Council to pass a Resolution that authorized Mayor Jacobsen to enter into the Cache Waste Consortium on behalf of Nibley City. The City Council discussed what would be done with the current trash receptacles and the deadline with Logan City. They discussed the assigned seats on the proposed consortium board. Mayor Jacobsen and Mr. Maughan reported on how many municipalities Mayor's had included staff in the discussions regarding trash services. Mayor Jacobsen said

North Logan had pulled in staff but the rest of the towns don't have as good a staff as Nibley did.

Council and Staff Report

Ms. Bodily reported on the City Council and staff's accommodations for the Utah League of Cities and Towns conference.

Ms. Bodily reported on her and Jamie Gonzales attendance at the Utah Municipal Clerk's Association conference.

Ms. Bodily reminded the City Council to sign their conflict-of-interest disclosures after the meeting.

Mr. Eliason described how well Public Works had worked during the water main break the previous Wednesday. He described what a great team they had.

Mr. Eliason reported on attendance at the APWA Stormwater conference.

Councilmember Bernhardt reported on resident's complaints of the Mt. Visa retention pond. Mr. Eliason described the follow up that had taken place regarding the water in the basin. He also described the specifications of the pond and the factors he felt were contributing to the water in the pond. Mr. Maughan said they needed to put more pressure on Visionary Home or go take care of the problem themselves. Mr. Eliason was confident they could solve the problems. Mayor Jacobsen said if the City solved the problem, they needed to be compensated.

Councilmember Bernhardt reported that Heritage Park, close to the willow tree, had out of control weeds that might be worth cleaning up.

Councilmember Sweeten reported on completing Nibley City's internal audit.

Councilmember Beus left the meeting at 9:14 p.m. and returned to the meeting at 9:16 p.m.

Mr. Maughan reported on water meters and errors and last month's utility bill being a window that was larger than usual, which had caused quite a few issues and higher bills.

Mr. Maughan said a representative from the company that sold Nibley City their water meters had come up and met with staff that day. There was water being lost digitally because of meters and switches. He was going to hold an audit regarding Nibley's meters. Mr. Maughan was looking into real time access to water readings for the residents. Councilmember Bernhardt directed Mr. Maughan to a Cache Valley company called Next Century. Mayor Jacobsen suggested radios could be installed with the changeover of LED lights.

Mr. Maughan reported on Nibley City staffing.

Mr. Maughan gave a shout-out to Nibley City staff, Jamie Gonzales. Every single dog, Nibley City knew of in Nibley City had a current license.

Mr. Maughan reported on a meeting with Stokes Nature Center.

Mr. Maughan reported on recreation events that had taken place; the Food Truck Round-Up and Touch the Truck and Movie in the Park. Each event was well attended. Mr. Maughan said fall soccer and football was wrapping up and were also well utilized.

Mr. Maughan reported on a meeting regarding Morgan Farm. The needed to hold a conversation with Richard Eversull and felt they were moving forward with a Board of Directors for the farm and having more public use and making the farm visually more appealing.

Mr. Maughan reported that the formal audit was currently occurring.

Mr. Maughan reported that the Ridgeline Park RFP had only had two respondents. The Committee had those RFP and were scoring them. He hoped by the next meeting they could have a contract to propose for the City Council's approval.

Mr. Maughan said Council of Government (COG) application were recently due. Nibley City had submitted for three phases of 1200 South. He described that he felt the chances of all three phases might be approved and funded. They should know the outcome by the end of October.

Mr. Maughan reported on the Firefly Park agreement with Cache County that had been entered into by the Nibley City Council on 12-4-2014. He described that in the terms of the agreement Nibley City would be reimbursed for the Firefly property purchased, there would be a 50/50 match on the development of the property from RAPZ tax, and there was additional property in North Logan that was left to be commercially developed and when those properties were developed and sold by the County, Nibley City would receive a percentage of the profits to help pay for the park. However, there was no signed document that the agreement actually happened but all the entities had been acting like there was an agreement and the City Council had all passed the agreement so Cache County was not willing to cut Nibley City a check. Hyde Park, North Logan and Nibley and Cache County had all met together and were going to continue to meet together and summarized a final document to pitch to the County Attorney in the hope they wouldn't have to take the agreement back to the County Council. Mr. Maughan said it was between \$1 million and ¾ million dollars the County owed Nibley.

Mr. Roberts reported that the City Council had discussed meeting with Wesley Nelson Farms representatives to talk about changes to the RM zone. There was a meeting scheduled on October 3 to discuss this process. Mayor Jacobsen also updated the City Council on proposed amendments to the agreement with Nibley Development.

Mayor Jacobsen described a meeting of the Cache Valley Historic Society Board.

Mayor Jacobsen reported on a meeting of the Mayor's Association. They had discussed the Open Space Initiative.

Mayor Jacobsen reported that Nibley City had won 300 pollinator plants from UDAF. They would be planted on Saturday. He invited the City Council to attend and help plant the pollinators.

Mayor Jacobsen reported on a meeting with Malouf and Young Truck and Trailer.

The meeting was adjourned at 9:47 p.m.

Attest: _____
City Recorder