

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, October 27, 2022.

The following actions were made during the meeting:

Councilmember Beus moved to approve Resolution 22-25—Accepting the 2022 Nibley City Audit and waived the second reading. Councilmember Bernhardt seconded the motion.

Voting on the motion to approve Resolution 22-25 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted if favor.

Councilmember Laursen voted in favor.

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

Councilmember Larsen moved to approve Resolution 22-24—Accepting the Fraud Risk Assessment for Fiscal Year 2021-22, waiving the second reading. Councilmember Laursen seconded the motion.

Voting on the motion to approve Resolution 22-24 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen in favor.

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

Councilmember Beus moved to approve Resolution 22-26—Amending the Consolidated Fee Schedule, Regarding Animal Licensing Fees and waived the second reading. Councilmember Larsen seconded the motion.

Voting on the motion to approve Resolution 22-26 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted in favor.

Councilmember Larsen voted yes.

Councilmember Norman Larsen voted yes.

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

Councilmember Beus moved to accept the Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-015-0004, located at approximately 1525 West 2960 South. (Applicant: MPI Group, LLC). Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Councilmember Larsen moved approve the Contract with Blu Line Designs for the Park in the Ridgeline Park Development. Councilmember Bernhardt seconded the motion. The motion passed 3-1; with Councilmember Larsen, Councilmember Bernhardt, and Councilmember Beus in favor. Councilmember Laursen was opposed.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Tom Bernhardt reminded meeting attendees that voting season was upon them. He encouraged meeting attendees to do their due diligence, to inform themselves about the candidates for election, and to vote.

Councilmember Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, October 27, 2022, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen, and Councilmember Nathan Laursen. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, and Tom Dickinson, Nibley City Engineer was also present.

Mayor Jacobsen recognized members of Nibley City Parks and Recreation Advisory Committee, Cody Sorenson and Kendal Welker and Kendal's husband, Nate Welker.

Approval of the September 22, 2022, Meeting Minutes and Current Agenda

Councilmember Laursen moved to approve the September 22, 2022, meeting minutes and the evening's agenda. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:33 p.m. Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:33 p.m.

Planning Commission Report

Mr. Roberts reported that the Planning Commission had a lively meeting with discussion and a public hearing regarding the proposed Transfer of Development Rights ordinance. Mr. Roberts said he expected the Planning Commission to continue discussion of the proposed ordinance for a couple more meetings before it was brought to the City Council. Mr. Roberts that the Planning Commission had also discussed the preliminary plat of a proposed flag lot subdivision and the Johnson Meadows subdivision located at 3400 South and 450 West.

Chad Wright, Nibley City Recreation Director arrived at 6:39 p.m.

Mayor Jacobsen commended the Planning Commission and Mr. Roberts for the way they had conducted the meeting and public hearing regarding the Transfer of Development Rights ordinance.

Introduction: Tomas Dickinson, Nibley City Engineer

Mr. Maughan introduced Mr. Dickinson and described his qualifications and his confidence in Mr. Dickinson in working with Nibley City's team as Nibley City's engineer.

Mr. Dickinson commended Nibley City and said everyone he'd worked with so far was phenomenal.

Mayor Jacobsen described the interview process when Mr. Dickinson was interviewed. Mayor Jacobsen asked about Mr. Dickinson's workload. Mr. Dickinson reported that he and Mr. Maughan had laid out a five-year capital project plan and he was keeping up with all of the current subdivision submissions. He felt he had plenty to do.

Presentation: Domestic Violence Awareness Month by CAPSA

Maddie Soto was present representing CAPSA. She read a statement from CAPSA that included statistics related to CAPSA and services CAPSA provided. She discussed CAPSA's services regarding domestic violence and encouraged the City to join them in supporting domestic violence survivors. Ms. Soto brought purple ribbons and asked the City Council to wear them as a show of support to survivors. Ms. Soto offered to provide support and training to individuals, groups, and businesses.

Councilmember Bernhardt asked how CAPSA was funded. Ms. Soto said their funding was through grants. She was not positive of where the grant funding came from.

Because Dr. Courtney Flint was not yet present, general consent was given by the City Council to suspend the agenda and address item 10 (Accepting the 2022 Nibley City Audit) of the evening's agenda.

Discussion & Consideration: Resolution 22-25—Accepting the 2022 Nibley City Audit (First Reading)

Mr. Jon Haderlie, representing Larson Certified Public Accountants participated and reported during the meeting via the Zoom electronic feed. He started by reporting on their firms Opinion Report on Financial Statements and his firm's responsibilities.

Amy Johnson, Nibley City Treasurer, arrived at 6:51 p.m.

Mr. Haderlie discussed the required supplementary information on Financial Statements and discussed Government Auditing Statements. He summarized their firm's Compliance with General State Compliance Standards. Mr. Haderlie reviewed their firms' communications to the City Council. This included the following: Planned Scope and Timing of Audit, Compliance With All Ethics Requirements Regarding Independence, Significant Risks Identified, Qualitative Aspect of the Entity's Significant Accounting Practices, Significant Accounting Estimates, Financial Statement Disclosures, Significant Difficulties Encountered During Audit, Uncorrected and Corrected Misstatements, Uncorrected and Corrected Misstatements, Disagreements with Management, Circumstances that affect the Form and Contents of the Auditor's Report, Management Representations, Management Consultations with Other Independent Accountants, Other Significant Matter, Findings or Issues. Mr. Haderlie reported that Nibley City had no Internal Control Findings or State compliance findings.

Mayor Jacobsen introduced Nibley City's Accountant, David Sanderson who was also participating in the meeting, online. Mr. Sanderson said the work Nibley did for Mr. Haderlie spoke for itself and his company did a very good job. It was a good relationship.

Mayor Jacobsen quoted auditor's the Letter to the Council:

"Opinion on General State Compliance Requirements

In our opinion Nibley City complied in all material respects, with the compliance requirements referred to above that could have a direct and material effect on the City for the year ended June 30, 2022.

Other Matters

The results of our auditing procedures disclosed no instances of noncompliance which are required to be reported in accordance with the State Compliance Audit Guide."

Mayor Jacobsen asked if there were issues the city needed to fix. Mr. Haderlie said as far as state compliance went, no. The report dealt specifically with the areas that they were required to look at. They had nothing that would merit a finding.

Ms. Johnson thanked Dave Sanderson and Jon Haderlie. She mentioned the Nibley City's audited financial were posted on the website so all of the public had access to this information in the name of transparency.

Mayor Jacobsen asked how many years Nibley City had been using Larsen Certified Accountants for their audit. Mr. Haderlie recalled that this was their 4th or 5th year working with Nibley City.

Councilmember Beus moved to approve Resolution 22-25—Accepting the 2022 Nibley City Audit and waived the second reading. Councilmember Bernhardt seconded the motion.

Voting on the motion to approve Resolution 22-25 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

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

Discussion & Consideration: Resolution 22-24—Accepting the Fraud Risk Assessment for Fiscal Year 2021-22 (First Reading)

Ms. Johnson, Nibley City Treasurer, led this presentation. She presented the Fraud Risk Management Questionnaire found at *auditor.utah.gov*. Ms. Johnson reported on and discussed the Fraud Risk Assessment. She also reported on the internal audit that was conducted for the first time in Nibley City. She displayed the Internal Audit Plan rubric that Nibley City had developed using a template from the State, that was used during the internal audit. Ms. Johnson reported on Councilman Kay Sweeten's suggestions, who'd participated in the internal audit. Ms. Johnson reported that Nibley City had achieved a perfect score on the Fraud Risk Assessment.

Councilmember Larsen moved to approve Resolution 22-24—Accepting the Fraud Risk Assessment for Fiscal Year 2021-22, waiving the second reading. Councilmember Laursen seconded the motion.

Voting on the motion to approve Resolution 22-24 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Beus voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen in favor.

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

Presentation: USU Wellbeing Survey, Dr. Courtney Flint

Dr. Courtney Flint with Utah State University was present at the meeting and gave a presentation with discussion.

Ms. Flint had a PowerPoint presentation entitled *Wellbeing in Nibley City; Results from the 2022 Utah Wellbeing Survey; October 27, 2022* (a printed copy of this presentation is included in the printed meeting minutes). The topics Ms. Flint included in her presentation included the following: 2022 Report in Online Now, Nibley Wellbeing Survey, Personal Wellbeing in Nibley, Community Wellbeing in Nibley, Average Rating of Personal and Community Wellbeing Over Time in Nibley, Nibley Wellbeing Matrix, Wellbeing Domain Ratings Over Time In Nibley, Community Action in Nibley, Community Connection in Nibley, Comparing Overall Wellbeing and Community Connection in Nibley, Participation in Recreation and Nature-Based Activities in Nibley, The Role of Landscape Features in Nibley Residents' Wellbeing, Populations Growth in Nibley, Economic Development in Nibley, Concerns in Nibley, Importance of Amenities in Nibley, Attitudes Toward Tax Increases for Amenities in Nibley, Hours of City Services and Programs, What do people value about Nibley?, and Thank You!

Councilmember Beus asked how Dr. Flint felt the survey was useful in policy making. Dr. Flint said messaging and aligning perceptions with what the city is actually doing. Dr. Flint suggested the city had base line data from a couple of years and as they had new changes, they could start tracking to see what stayed stable and what changed and might be the start of some sort of a campaign or some appreciation for a "get healthy" program. Mrs. Welker requested demographic information for Nibley City's respondents. Dr. Flint described that those demographic data were available but needed to be compiled. Councilmember Laursen how Nibley's total end-value compared to other cities. Dr. Flint said Nibley City was doing exceptionally well at getting residents to take the survey and they were more widely representative of Nibley's community than most cities. Mayor Jacobsen reminded the City Council that they would be updating their Parks, Recreation, and Trails master plan in the upcoming year and that the Parks and Recreation Advisory Committee was eager to be a part of the process. Mr. Roberts updated the City Council on the status of the master plan update.

Mr. Wright thanked Dr. Flint and her team. He said the data was valuable to him because it was a report card on his vision of a "Happy, Healthy, Connected Community. He wanted to take a deeper dive on 62% of respondents had some concern about recreation opportunities but at the same time, nearly all of Nibley did something with recreation in terms of recreation programs or events. He wondered if something were missing something of if they could tease out more indoor recreation facilities, athletics fields or trail development. He felt the community was hungry for more in terms of infrastructure.

Discussion & Consideration: Resolution 22-26—Amending the Consolidated Fee Schedule, Regarding Animal Licensing Fees (First Reading)

Ms. Johnson led this report. Ms. Johnson said it had been proposed that there be a restructuring of Nibley's dog licensing fees. Rather than have a late fee that was assessed after January 1st, they felt it was better to change the fees and have an early

bird discount. Anyone who paid before January 1 of the year due would get a \$10 discount. This would encourage on-time and early registration and accomplishing registration before December 31st.

Chad Wright left at 7:52 p.m.

Mr. Maughan described the time and efforts Nibley City staff and Cache County Animal Control went through for dog registrations. He described that most of why Nibley City wanted to get dogs registered was to check off on rabies vaccinations, which can be deadly. It is much easier for animal control to find a dog's owner if the dog were miss placed if the dog were registered and was so much easier than impounding the animal. The third issue for taking the time necessary to do dog registration was to cover the cost of animal control. In the past, the City had covered most of the cost for the contract for animal control, but Nibley staff had "cracked down" and had gotten enough registration to cover \$17,000 of the cost of animal control in Nibley City.

Mayor Jacobsen reported that the City Council had more work to do on animal legislation. Animal control had reported that Nibley City's ordinance was difficult to enforce, and they had some animal land-use parts of ordinance and some animal enforcement ordinance that might need to be consolidated or cleared up. Mr. Maughan had started communication with Nibley City's attorney who was reviewing Nibley City's ordinances and would make recommendations. Mr. Maughan described that Nibley City's ordinances needed to be in line with State ordinance changes. The Council debated if they wanted to shift the due date for dog registration.

Councilmember Beus moved to approve Resolution 22-26—Amending the Consolidated Fee Schedule, Regarding Animal Licensing Fees and waived the second reading. Councilmember Larsen seconded the motion.

The Council and staff discussed how residents could be notified of the early-bird pricing opportunity. Councilmember Laursen suggested a booth at recreation festivities between now and the end of the year

Voting on the motion to approve Resolution 22-26 was as follows:

Councilmember Bernhardt voted in favor.

Councilmember Beus voted in favor.

Councilmember Larsen voted yes.

Councilmember Norman Larsen voted yes.

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

The Council gave direction for staff to bring a proposal to shift the due date for Nibley dog registrations. Councilmember Bernhardt felt the fee should be combined for both altered and unaltered dogs.

Mayor Jacobsen called for a short recess at 8:11 p.m.

Amy Johnson left at 8:14 p.m.

The meeting resumed at 8:20 p.m.

Discussion & Consideration: Acceptance of an Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-015-0004, located at approximately 1525 West 2960 South. (Applicant: MPI Group, LLC)

Mr. Roberts showed the proposed annexation plat. The property was previously in Logan City and had been disconnected from Logan and was in unincorporated county area. The purpose of the annex was to be put into Nibley City and was also a part of their expansion plans for the area and specifically, the applicant wanted to put in a parking lot. The annexation didn't create islands or peninsulas and was included in Nibley City's Annexation Policy Plan. Mr. Roberts described that the city would still need to certify the annexation and put the annexation out for a protest period for all effected entities. Mr. Roberts said staff recommended the City Council accept the annexation petition for further consideration. Staff saw no reason to deny the petition.

Councilmember Beus moved to accept the Annexation Petition for further consideration for Real Property into the Municipal Boundaries of Nibley City for parcel 03-015-0004, located at approximately 1525 West 2960 South. (Applicant: MPI Group, LLC). Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Discussion & Consideration: Approval of the Contract with Blu Line Designs for the Park in the Ridgeline Park Development

Mr. Maughan reminded the City Council that Visionary Homes had fronted some park impact fees to hire a consulting firm for the park in the Ridgeline development. Mr. Maughan described the Request for Proposals and selection process that took place, and how and why Blu Line Designs was selected. The Blue Line Design was more detailed and per hour was less expensive than the other designer. Mr. Maughan reviewed that the fees were slightly over what had been budgeted but felt there was a good chance that items could be cut out of the design. Mr. Maughan reported that the Blu Line Design team had several sub consultants that Nibley City could utilize. He described the debate that had taken place on moving forward with the design of the park and described potential grant and match opportunities. Mr. Maughan said staff

was “fishing hard” for grants and grant opportunities and described a meeting with the outdoor recreation department for the State of Utah.

Councilmember Beus said she’d participated on the selection committee and reported that those that had worked and seen a lot of this kind of proposal said the completeness of Blu Line Design was much greater than that of the other firm, which was not as thorough or complete an application. She felt they were getting more services for more money. Councilmember Larsen questioned if Blu had experiences with dealing with the type of ground water that was on the property. Mr. Maughan described that they had already done some preliminary wetland work on the area and were on the same team as Civil Solutions, which had designed the subdivision on the property. Councilmember Laursen said he’d appreciated being able to reach out to members of the selection committee and speak with them. He was disappointed that they’d only had two bids submitted. He questioned if they had to move forward with only two bids. He proposed they could put the project out for Request for Proposals (RFP) again? Mr. Maughan validated that they could put the RFP out for bid again. Mr. Maughan said he was really comfortable with Blu and described the work that Blu had already helped with. The Council discussed the costs associated with the Blu Line Design bid.

Councilmember Larsen moved approve the Contract with Blu Line Designs for the Park in the Ridgeline Park Development. Councilmember Bernhardt seconded the motion. The motion passed 3-1; with Councilmember Larsen, Councilmember Bernhardt, and Councilmember Beus in favor. Councilmember Laursen was opposed.

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

Mayor Jacobsen reported that Logan had decided not to renew the contract to collect and dispose of landfill garbage. The remainder of Cache County had until the first of July to set up their own garbage collection. A consortium of Mayors, not including Logan, had solicited a bid for this service and were creating a governance that would set up another special service district and start defining how cities and unincorporated parts of the County would become members of the Cache Waste Consortium. Cache County Attorney, John Luthy had put together a draft. Thursday of last week the governance of the consortium was reconsidered by the mayors and they had rewritten draft bylaws, which would narrow the committee down from nine to five. Mayor Jacobsen said to award a contract, or take on debt, or start building assets would take a majority vote of the mayors involved. Mayor Jacobsen described that narrowing down from 9 to 5 had kicked him off the committee. The executive council was worrying about things like startup cost for the entity, constructing exit terms to leave, and the consortium taking on debt and ownership of assets.

Mayor Jacobsen said legislation by Casey Sneider had highly encouraged Logan City to work with the Cache County Council to find a fair and equitable use of the landfill, which was owned by Logan City but should be owned by Cache County. Mayor Jacobsen said

they knew they wouldn't have this propped up by June 30 of 2023 but Logan had offered to continue for as long as two years after while the consortium got things going. Mayor Jacobsen said the consortium consisted of all 19 Cache Valley municipalities plus the unincorporated portions of Cache County with the exclusion of Logan, Smithfield, Lewiston, Richmond, and Providence. Mayor Jacobsen discussed that Nibley City staff would be as involved with the process as he was.

Councilmember Beus relayed information of why some other entities had chosen to not be involved in the consortium. The Council generally discussed and debated future garbage collection issues.

Mayor Jacobsen gave the names of the five members of the consortium committee. He said they had the authority to negotiate but do not have the authority to sign a contract:

Lindsay Peterson, North Logan

Craig Hidalgo, Clarkston

Stephanie Miller, Hyrum

David Zook, Cache County Executive

David Erickson, Cache County Council

Presentation: Report of Findings and Awards from the Cache County Council of Governments (COG)

Mr. Maughan reported that the Cache County Council of Governments (COG) had awarded Nibley City \$3.5 million in funding to construct 1200 West in Nibley City. The COG had \$7.5 million to give out and Nibley staff had pushed hard to be ready to go to construction for 1200 West. He had hoped they would get all the funding and described why they hadn't gotten full funding; because the COG had allowed projects to be submitted for engineering. Nibley City had received almost half of the funds that were available and believed it was because the level of preparation that had taken place before submission to the COG. The Council discussed future funding for phase 5 of 1200 West. The Council and staff discussed other projects that had been submitted for funding. Mr. Maughan summarized the construction of each phase of 1200 West.

Council and Staff Report

Councilmember Laursen questioned increased water costs on his monthly utility bill? Councilmember Laursen said his water usage was really weird for the second month in a row. Mr. Maughan said he would have staff investigate this utility billing.

Councilmember Beus reported on illegal signs in the public right-of-way, especially on 2600 South.

Councilmember Beus thanked the Mayor, City Council and staff for their civility, leadership, and hard work. She discussed the Cache County Council's press release.

Mayor Jacobsen reported that they had a solution on 2600 South; on at least a culvert.

Mr. Roberts reported on a meeting with Nibley Development regarding RM Zone changes. He reported they'd tried to get at what the real "hang ups" were for the property owner. Depending on the scope of the changes the ordinance may go back to the Planning Commission.

Mr. Roberts said they'd received concept plan review for a mobile home park. Mobile homes are a conditional use in an industrial zone. He described the location of the industrial property. The applicant will need to subdivide the land and get a conditional use permit for the mobile home park. Mr. Roberts described where the applicant was in the process. Mr. Roberts said staff was struggling to decide what standards applied to a mobile home park and were doing the best they could to apply all the standards appropriately.

Mr. Maughan discussed the idea of supporting a local charity in Nibley as part of the employees Christmas celebrations. He described an organization that provide clean water and wells to villages that don't have clean water. He wanted to gauge the City Council's interest in raising funds for the organization as staff and community. Councilmember Bernhardt suggested mid-year would be a better idea. Councilmember Laursen expressed that the efforts could be combined with water conservation efforts. Mr. Maughan received a "head nod" from Councilmember Laursen and Mayor Jacobsen expressed that he liked tying water to summertime.

Ms. Bodily reported on staff, including herself, Amy Johnson, Jamie Gonzales, and Wendy Lindberg's participation at a vendor conference during the week.

Mayor Jacobsen ended the meeting saying, "That's the news from Nibley City, my adopted hometown. Where all the women are strong, all the men good looking, and all the children, above average."

The meeting was adjourned at 9:58 p.m.

Attest: _____
City Recorder