

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, July 14, 2022.

The following actions were made during the meeting:

Councilmember Larsen moved to approve Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South, applicant: Bryce Goodin, dedicating the open space parcel to Nibley City, and those conditions of the Planning Commission to be solved before final approval would be warranted. Councilmember Sweeten seconded the motion.

Councilmember Laursen made a motion to amend the Hawk Hollow Subdivision Preliminary Plat, to include an easement along lot 5, with the proponent's agreement. Councilmember Sweeten seconded the motion. The amendment passed unanimously 3-0; with Councilmember Laursen, Councilmember Sweeten, and Councilmember Larsen all in favor.

Voting on the amended motion was as follows:

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Sweeten voted yes

The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Sweeten, and Councilmember Laursen all in favor.

Councilmember Larsen moved to approve Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial); applicant, Shane Johnson, and waived the second reading and including the condition that the zoning for parcel 03-026-0014 will revert back to R-2 zoning if it is not subdivided and assigned a separate tax ID # prior to March 1, 2023 as recommended by the Nibley City Planning Commission. Councilmember Sweeten seconded the motion.

Voting on the motion was as follows:

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted in favor.

The motion passed 3-0; with Councilmember Larsen, Councilmember Sweeten, and Councilmember Laursen all in favor.

Councilmember Larsen moved to approve Resolution 22-20 Future Land Use Map Amendments and waived the second reading. Councilmember Sweeten seconded the motion.

**Voting on the motion was as follows:
Councilmember Larsen voted in favor.
Councilmember Laursen voted in favor.
Councilmember Sweeten voted in favor.**

The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Sweeten, and Councilmember Laursen all in favor.

Councilmember Larsen moved to approve Resolution 22-18: Resolution 22-18: A Resolution Establishing Rules and Regulations Concerning Practices Associated with Safety and Adopting the Nibley City Safety Policy Manual. Councilmember Laursen seconded the motion.

**Voting on the motion to approve was a follows:
Councilmember Larsen voted in favor.
Councilmember Laursen voted in favor.
Councilmember Sweeten voted yes.**

The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Sweeten moved a substitute motion to approve Resolution 22-19: Resolution 22-19: A Resolution Amending and Updating Certain Portions of the Nibley City Personnel Policy. Councilmember Larsen seconded the motion.

**Voting on the motion to approve was a follows:
Councilmember Larsen voted in favor.
Councilmember Laursen voted in favor.
Councilmember Sweeten voted yes.**

The motion passed unanimously 3-0; with Councilmember Sweeten, Councilmember Larsen, and Councilmember Laursen all in favor.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Mayor Jacobsen discussed an article by Jeff DeMoss, in the Tremonton Leader about a new monument at the Box Elder Golden Spike National Historic park entitled *New sculpture at Golden Spike park honors unsung heroes of railroad*. Mayor Jacobsen quoted statistics from the article, including the following:

“To build the 1,776 miles of railroad, the Union and Central Pacific Railroad Companies enlisted the help of tens of thousands of workers from across the country and world. . . . estimated 10,000 to 20,000 Chinese immigrants were recruited by the Central Pacific Railroad to build the section from Sacramento, California, through the treacherous Sierra Mountains and then through the Nevada and Utah deserts to Promontory. Approximately 10,000 Irish workers had to overcome hostile weather, lack of supplies and suffering from dysentery to lay hundreds of miles of track for the Union Pacific.”

“While Chinese and Irish workers made up the largest parts of the workforce, they were joined by many others. African American workers, including some recently freed by the Emancipation Proclamation, toiled to move the tracks ever further west. Mormon workers organized by Brigham Young found themselves working for both competing railroads as they raced through Utah.”

“The diverse workers of the railroad demonstrated to the world that great things are possible with vision, hard-work, dedication, and collaboration,”

Mayor Jacobsen led the meeting in the Pledge of Allegiance. He prefaced this with the thought that when he looked at the flag, he was reminded that there were heated debates on both sides that use our flag to divide them. The monument was an effort to show us how we could celebrate our diversity and remind ourselves that we can achieve good things if we are united towards a common and worthy goal, despite our differences, and maybe even because of our differences.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, July 14, 2022, Nibley City Council meeting to order at 6:34 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Norman Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, and Darren Farar, Nibley City Engineer Director was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the previous City Council meeting minutes and the evening’s agenda. Councilmember Laursen seconded the motion. The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

Planning Commission Report

Mr. Roberts reported that, other than the items included on the evening’s agenda, the Planning Commission had a workshop for granting an exception when combining lots. He reminded the process of combining lots with the Bill Green subdivision. The Planning Commission also discussed a Transfer of Development Rights (TDR) joint workshop with the City Council. This workshop had been rescheduled to August 4, 2022.

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 6:37 p.m.

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

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

Mr. Roberts led this presentation and discussion. He utilized and presented an electronic display entitled *Hawk Hollow Subdivision – Preliminary Plat* (a printed copy of this presentation is included in the printed meeting minutes). The topics presented and discussed in his presentation included the following: Background, Updates, Hawk Hollow Subdivision Preliminary Plat, a plat showing civil improvements in the subdivision, Utilities & Canals, Transportation, Open Space, a schematic of the 3200 S & 1200 W Park/Open Space, Planning Commission Recommendation (see below),

- 1) Recommend Approval of Hawk Hollow Subdivision Preliminary Plat with the following conditions:
- 2) The proposed Open Space to be dedicated to Nibley City and be improved with Sod grass and trees.
 - a) The following to be addressed with the Final Plat application for the subdivision. The results may impact the plat layout and the City reserves the right to require changes to the Plat based upon the results.
 - b) The development will be responsible to contribute to building half of the paved trail in the 1100 W alignment. To be included in the development agreement.
 - c) Documentation of the existing stormwater discharge location must be presented.
 - d) If approval is not granted by Nibley-BSF for discharging pre and post construction stormwater, the difference in stormwater will need to be stored and released according to standard stormwater management standards.
 - e) All construction plans showing improvements to canal facilities, locations and discharge details of stormwater into canals, will need to be approved by signature of Nibley-Blacksmith Fork Irrigation Company.
 - f) A geotechnical report shall be provided to the City in regard to the subdivision improvements that addresses foundation / footing design and construction standards, roadway structural sections – residential street and 3200 South, historic high groundwater surface elevations, and finish floor elevations.
 - g) Swale volume calculations need to show adequate retention.
 - h) The curb along 3200 South should stop at the existing asphalt edge as the asphalt acts as a driveway for the property to the west.

- i) If grading for the lots is not planned to be included in the design, the City will require a note on the Final Plat indicating that the lots will either need to retain the full 100-year event on their property or drain all stormwater to the street swale.

Bryce Gooden, the property developer, was available at the meeting to address questions.

Councilmember Laursen questioned if the developer was to put in another trail system to the north of lot 5 if this would impact their ability to meet with the ordinance? Mr. Roberts said that seemed to be a logical improvement, but the trail could get into the buildable area of the lot as well and he was not sure they could require the trail. Councilmember Laursen believed there was a canal on the southern border and if they wanted to merge space, the City would need to figure out what to do with the canal. Mr. Gooden said it would be piped and built over. He said the ditch was a Blacksmith Fork canal and would need to remain open. The City Council and Mr. Farar discussed the agreement Nibley City had with canal companies and subdivision approval. Councilmember Sweeten asked about trees being included in swales. She recalled conversations from residents at Apple Creek subdivision regarding taking care of trees in swales. She asked if there could be discussion of putting trees on residents' property instead. Mr. Roberts said the ordinance didn't speak to putting trees on private yards. He was not aware of the challenges of maintaining trees in a swale. The City Council discussed issues and learning curves regarding swales on properties.

Councilmember Larsen moved to approve Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South, applicant: Bryce Goodin, dedicating the open space parcel to Nibley City, and those conditions of the Planning Commission to be solved before final approval would be warranted. Councilmember Sweeten seconded the motion.

The City Council discussed the current price of piping a canal. The City Council discussed an addition dedicated easement on the north of lot 5. They also further discussed the open canal in place on the south side of the open space that would be dedicated to the City and potential plans for the canal. Mr. Goodin expressed his willingness to include an easement along lot 5 for future or potential connectivity and use.

Councilmember Laursen made a motion to amend the Hawk Hollow Subdivision Preliminary Plat, to include an easement along lot 5, with the proponent's agreement. Councilmember Sweeten seconded the motion. The amendment passed unanimously 3-0; with Councilmember Laursen, Councilmember Sweeten, and Councilmember Larsen all in favor.

*Voting on the amended motion was as follows:
Councilmember Larsen voted yes.*

*Councilmember Laursen voted yes.
Councilmember Sweeten voted yes*

Discussion and Consideration – Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial)(Applicant: Shane Johnson) (First Reading)

Mr. Roberts led this presentation and discussion. He utilized and presented an electronic display entitled *Shane Johnson Rezone Application* (a printed copy of this presentation is included in the printed meeting minutes). The topics presented and discussed in his presentation included the following: General Plan Guidance, an older plat map of the property, a GIS display of the property with the Nibley City zoning overlay applied, context with surrounding zoning, General Plan Guidance, and Other Considerations, a map showing the area staff and the Planning Commission propose be rezoned, and Staff Recommendations. Mr. Roberts said the Planning Commission had recommended the following condition:

“The zoning for parcel 03-026-0014 will revert back to R-2 zoning if it is not subdivided and assigned a separate tax ID # prior to March 1, 2023”

Councilmember Larsen said he was surprised the location wasn’t already zoned commercial.

Shane Johnson was present at the meeting. He said the slide that included the pink parcel contained island residential parcels. Mayor Jacobsen thought when they looked at zoning they ought to plan their community and the “right thing to do in this area.” Led by Councilmember Laursen, the City Council and Mr. Roberts discussed the location of 250 West in relation to the property and discussed if it could still be useful as a collector road and the future alignment of 250 west.

Councilmember Larsen moved to approve Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial); applicant, Shane Johnson, and waived the second reading and including the condition that the zoning for parcel 03-026-0014 will revert back to R-2 zoning if it is not subdivided and assigned a separate tax ID # prior to March 1, 2023 as recommended by the Nibley City Planning Commission. Councilmember Sweeten seconded the motion.

Voting on the motion was as follows:

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted in favor.

The motion passed 3-0; with Councilmember Larsen, Councilmember Sweeten, and Councilmember Laursen all in favor.

A meeting recess was called at 8:05 p.m. The meeting resumed at 8:09 p.m.

Discussion and Consideration – Resolution 22-20: Future Land Use Map Amendments (First Reading)

Mr. Roberts led this presentation and discussion. He utilized and presented an electronic display entitled *Future Land Use Map Updates* (a printed copy of this presentation is included in the printed meeting minutes). The topics presented and discussed in his presentation included the following: Four area that faced development pressure on the fringe of the City, Future Land Use Map Updates, and Planning Commission Recommendation.

The City Council discussed the proposed zoning designations for each area proposed in the amendment. Mayor Jacobsen said the Planning Commission talked about things on the west side of 89/91 and Mr. Roberts had redirected that this was a great future discussion, but the area would need to be put on Nibley's future annexation plan before they could talk about a future land use. Mr. Roberts said this would likely be considered; the Planning Commission wanted to discuss it.

Councilmember Larsen moved to approve Resolution 22-20 Future Land Use Map Amendments and waived the second reading. Councilmember Sweeten seconded the motion.

Voting on the motion was as follows:

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted in favor.

The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Sweeten, and Councilmember Laursen all in favor.

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

Mr. Maughan said staff hadn't received any comments or notes back from the City Council or department heads since it was presented to the City Council at their last meeting and staff was ready to move forward.

Councilmember Larsen moved to approve Resolution 22-18: Resolution 22-18: A Resolution Establishing Rules and Regulations Concerning Practices Associated with Safety and Adopting the Nibley City Safety Policy Manual. Councilmember Laursen seconded the motion.

Councilmember Larsen said he appreciated the efforts that had gone into the policy the expertise that had been put into the policy. Mayor Jacobsen said he appreciated the

commitment to the policy. Mr. Maughan said the key would be the commitment and the commitment had to be from more than management and had to come all the way from the bottom and he put this on Mr. Eliason and Mr. Farar to get buy in. He felt they had buy in.

Voting on the motion to approve was as follows:

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted yes.

The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Nibley City Recorder and HR Director led this discussion. Ms. Bodily presented the changes that had been proposed to the Nibley City Employee Policy Guidebook. She discussed changes to on-call or standby time, bi-weekly compensation, calculations and accrual of holiday pay and Health Savings Account (HSA) contributions.

Councilmember Laursen suggested the words “in writing” be added to the following instruction regarding vacation use:

Section 5; Article 1.A.2.

“Employees will begin accruing annual leave immediately based on their work start date. Employees may not use vacation leave until day 91, unless authorized by the City Manager in writing. If the employee leaves employment prior to 91 days, the employee is not eligible for the vacation accrual and will not be compensated for such accrual.”

Ms. Bodily continued discussion of Juneteenth as a paid holiday, direction regarding suspension, disciplinary action, conducting an investigation, and the use of cannabis and marijuana. Mr. Maughan described new policy in attaining a Commercial Drivers License (CDL). Ms. Bodily discussed Nibley City’s current policy regarding maternity and paternity leave and the inclusion of hyperlinks in the Employee Policy Guidebook.

Councilmember Larsen moved to continue Resolution 22-19: Resolution 22-19: A Resolution Amending and Updating Certain Portions of the Nibley City Personnel Policy. Councilmember Sweeten seconded the motion.

Councilmember Laursen said in reading the document there were a few comments that hadn’t been addressed and wanted to continue so that staff had more time. He referenced the payout of sick leave. Ms. Bodily described her research into Accumulated Sick Leave

Credit Programs. The City Council discussed if there were any direction for staff in continuing the discussion and consideration of the employee handbook.

Councilmember Sweeten moved a substitute motion to approve Resolution 22-19: Resolution 22-19: A Resolution Amending and Updating Certain Portions of the Nibley City Personnel Policy. Councilmember Larsen seconded the motion.

Voting on the motion to approve was as follows:

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Sweeten voted yes.

The motion passed unanimously 3-0; with Councilmember Sweeten, Councilmember Larsen, and Councilmember Laursen all in favor.

Council and Staff Report

Councilmember Sweeten reported on her involvement in the Wesley Nelson Farms development group. She said she'd sent out summary of what had been accomplished and hadn't gotten any feedback that the summary was different than what they felt was accomplished.

Councilmember Laursen agreed with Councilmember Sweeten's assessment and encouraged the City Council to look at Nibley's ordinance for mixed use. He said they should ask if this was something they wanted and where they wanted it. He suggested the City Council go to the next Planning Commission meeting or at least read the mixed-use ordinance.

Councilmember Laursen reported he'd gone to the Parks and Recreation Committee meeting held right after Heritage Days. He'd made public comment about Nibley City having very little bike or bike mobility racks in key areas and close to services. He said Nibley was doing a great job of being bikeable and walkable. He disused where he takes his bike if there are no bike stations available. He wanted to see Nibley City start considering these things. Councilmember Laursen said he'd told the Parks and Recreation Committee how good they'd done with Heritage Days.

Councilmember Larsen said he liked to drive his bike to work, and he enjoyed biking around Nibley and seeing the improvements to blighted areas. He also noted the use of the blocked off portion of 2600 being used as pedestrian walkway. Councilmember Larsen questioned how Nibley City was doing with water use

Mr. Farar reported staff was wrapping up loose ends with the roundabout regarding barbwire fence for one of the neighbors and some missing pavement. He said he was currently reviewing a lot of development plans. He also reported on the pavement of the parking lot at Anhder Park. Mayor Jacobsen asked about removing the asphalt at a

resident's property? Mr. Farar reported on internal discussion regarding the asphalt removal

Ms. Bodily reminded the City Council of the upcoming League of Cities and Towns annual convention occurring October 5-7. She asked the Mayor and City Council to let Mr. Maughan or herself know if they were planning to attend.

Mr. Maughan reported on progress with the Community Reinvestment Agency.

Mr. Maughan reported on Truth in Taxation advertising that had been published. He said the public had been directed to staff for questions, but the City Council may be getting some inquiries from residents.

Mr. Maughan said there had been notification of roadway maintenance that was out. The city was back to the schedule of resurfacing roads on a set schedule. They were putting stuff on new roads to keep them nicer and to extend their use.

Mr. Maughan described that he anticipated bringing a No School Drop-Off ordinance to the City Council. Several members of City Council indicated their support of considering this ordinance.

Mr. Maughan properties that would be dedicated to Nibley City on the east side of river. He wanted to see if there could be some commercial development on the west side of the river.

Mr. Maughan said the City had received a letter from the attorney who claimed the City was infringing on their intellectual property. She was objecting to the use of the term "jake brake" in their Nibley City ordinance.

Mr. Maughan reported on Nibley's water system. He said they were a little better off that where they were at the same time in the past year. He saw no need to implement water restrictions.

Mr. Maughan said they had gotten an email about Logan and City and Cache County getting together to discuss solid waste. There was an RFP that had been sent out for the Cache Conglomerate of Governments. Mayor Jacobsen described that the intent was to create a special service district however at this time there was no entity in place to accept a contract. Mayor Jacobsen determined that the meeting would be on July 21, 2022, at 5:00 at the Logan City Environmental building.

Mr. Maughan gave a shout out for the next nights movie in the park and fireworks display. He said the events that had been rescheduled from Heritage Days would occur at the movie.

Mayor Jacobsen told the City Council that the highest frequency of calls he got from citizens were about traffic speed.

Mayor Jacobsen reported that the canal company had put a pipe in on Quarter Circle Drive. She thanked Beth Nelson, a resident and engineer at USU, for the efforts she had made in measuring flows through the canal.

Mayor Jacobsen said there had been progress on getting 2600 south open. Mayor Jacobsen said he didn't believe there was any way for the City to accept a fully beautiful, well done, road on what had been done there. He said it would be a substandard road.

Mayor Jacobsen congratulated Councilmember Beus on being the presumptive winner of a seat on the Cache County council.

Seeing no objection, the meeting was adjourned at 9:40 p.m.

Attest: _____
City Recorder