

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, March 9, 2023.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Laursen moved to approve Ordinance 23-11 Adopting an Impact Fee**
7 **Analysis and Adjusting Impact Fees for Water, Sewer and Parks, with the maximum**
8 **impact fees, as recommend by staff. Councilmember Sweeten seconded the motion.**
9

10 **Voting on the motion to approve Ordinance 23-11—Adopting an Impact Fee**
11 **Analysis and Adjusting Impact Fees for Water, Sewer and Parks was as follows:**
12 **Councilmember Bernhardt voted in favor.**
13 **Councilmember Larsen voted in favor.**
14 **Councilmember Laursen voted in favor.**
15 **Councilmember Mann voted in favor.**
16 **Councilmember Sweeten voted in favor.**
17

18 **The motion passed 5-0; with Councilmember Laursen, Councilmember Sweeten,**
19 **Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in**
20 **favor.**
21

22 **Mayor Jacobsen moved to adopt Ordinance 23-05—Amending NCC 19.24.250 to**
23 **Remove Requirements for Impact Fees for Accessory Dwelling Units with the**
24 **proposed changes. Amending 19.24.250.D.11, to read:**
25

26 **“Impact Fees: Accessory dwelling units shall be subject to impact fees as set**
27 **forth in the latest associated Impact Fee Ordinance adjustment”**
28

29 **And include back into the ordinance:**
30

31 **a. “Owners may petition the City for a rebate of impact fees for accessory**
32 **dwelling units which provide rent that is considered affordable, as described**
33 **below. The maximum rebate amount shall be set at 20% annually of the total**
34 **collected impact fee for a period of five (5) years. City Staff shall determine**
35 **if documentation of rent collected is acceptable. If documentation is not**
36 **provided within 30 days of each anniversary of the issuance of the certificate**
37 **of occupancy, the rebate shall be forfeited for that year. The rebate shall be**
38 **non-transferrable.**

39 **1) The unit’s rent is considered affordable to a household of four (4) earning**
40 **50% of the area median income of the Logan, UT-ID Metropolitan**
41 **Statistical Area (MSA), according to income limits set by the US**
42 **Department of Housing and Urban Development (HUD) for a period of**
43 **five (5) years.**

- 1 2) The rent limit shall be set using the following calculation: HUD annual 4-
2 person 50% AMI Income Limit * 0.3 (30 %) – \$150 (for utility expenses)”
3

4 Councilmember Bernhardt seconded the motion.
5

6 Councilmember Mann made a motion to amend that the maximum
7 rebate amount shall be set at 33.3% for a maximum of 3 years.
8

- 9 a. Owners may petition the City for a rebate of impact fees for
10 accessory dwelling units which provide rent that is considered
11 affordable, as described below. The maximum rebate amount
12 shall be set at 33 1/3 annually of the total collected impact fee
13 for a period of five (3) years. City Staff shall determine if
14 documentation of rent collected is acceptable. If
15 documentation is not provided within 30 days of each
16 anniversary of the issuance of the certificate of occupancy, the
17 rebate shall be forfeited for that year. The rebate shall be non-
18 transferrable.”
19

20 Councilmember Larsen seconded the motion. The amendment passed
21 5-0; with Councilmember Mann, Councilmember Larsen,
22 Councilmember Bernhardt, Councilmember Laursen, and
23 Councilmember Sweeten all in favor
24

25 Voting on the amended motion to approve Ordinance 23-05—Amending NCC
26 19.24.250 to Remove Requirements for Impact Fees for Accessory Dwelling
27 Units was as follows:

28 Councilmember Bernhardt voted yes.

29 Councilmember Larsen voted in favor.

30 Councilmember Laursen voted yes.

31 Councilmember Mann voted in favor.

32 Councilmember Sweeten voted in favor.
33

34 The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
35 Larsen, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann
36 all in favor.
37

38 Councilmember Larsen moved to approve Ordinance 23-08—Amendment to Nibley
39 City R-PUD Development Agreement Between Nibley City And 7 Point Royal, LLC for
40 Nibley Meadows Subdivision. Councilmember Sweeten seconded the motion.
41

42 Voting on the motion to approve Ordinance 23-08—Amendment to Nibley City
43 R-PUD Development Agreement Between Nibley City And 7 Point Royal, LLC for
44 Nibley Meadows Subdivision was as follows:

1 Councilmember Bernhardt voted yes.
2 Councilmember Larsen voted in favor.
3 Councilmember Laursen voted yes.
4 Councilmember Mann voted in favor.
5 Councilmember Sweeten voted yes.
6

7 The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember
8 Sweeten, Councilmember Bernhardt, Councilmember Laursen, and Councilmember
9 Mann all in favor.
10

11 Councilmember Bernhardt moved to approve Ordinance 23-09—Park Development
12 Agreement Between Nibley City And 7 Point Royal, LLC for Nibley Meadows
13 Subdivision. Councilmember Larsen seconded the motion.
14

15 Voting on the motion to approve Ordinance 23-09—Park Development
16 Agreement Between Nibley City And 7 Point Royal, LLC for Nibley Meadows
17 Subdivision was as follows:
18 Councilmember Bernhardt voted yes.
19 Councilmember Larsen voted in favor.
20 Councilmember Laursen voted yes.
21 Councilmember Mann voted in favor.
22 Councilmember Sweeten voted in favor.
23

24 The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
25 Larsen, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann
26 all in favor.
27

28 Councilmember Bernhardt moved to approve Ordinance 22-19—Transfer of
29 Development Rights (TDR) Ordinance and Zoning Several Parcels as a TDR Sending
30 Overlay Zone or a TDR Receiving Overlay Zone. Councilmember Mann seconded the
31 motion.
32

33 Councilmember Bernhardt made a motion to amend Ordinance 22-19 to
34 remove the red designation from the Nibley TDR Overlay Designation map on
35 the 2200 South 800 West are. Councilmember Laursen seconded the motion.
36 The amendment passed 5-0; with Councilmember Bernhardt, Councilmember
37 Laursen, Councilmember Larsen, Councilmember Sweeten, and Councilmember
38 Mann.
39

40 Mayor Jacobsen made a substitute motion to amend Ordinance 22-19 to
41 remove the sending and receiving areas that the City had record of that had
42 requested to be removed from the TDR overlay map. Councilmember Mann
43 seconded the motion. The substitute amendment passed 4-1; with

Councilmember Mann, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten in favor. Councilmember Laursen was opposed.

Mayor Jacobsen made a motion to amend Ordinance 22-19: D.1. Sending Areas Identified, to read as follows:

“Sending Areas are property that have been zoned with the Transfer of Development Rights Sending Overlay Zone, which overlay zone confers special rights and obligations as set forth in this chapter in addition to the underlying zoning regulations. Once a Deed of Severance and conservation easement is recorded, no uses other those expressly permitted herein are permitted, regardless of the underlying zoning. The Transfer of Development Rights Sending Overlay Zone may be applied to agricultural lands and open spaces as shown on the Official Zoning Map of Nibley City and parcels that dedicate trail easements that are shown on the Nibley City Trails Master Plan. Trail easements that are included as a requirement of a development project shall not be considered as potential sending areas. For agricultural parcels, Sending Areas shall be no smaller than ten (10) acres. For planned City parks or areas of historical significance, Sending Areas shall be no smaller than five (5) acres.”

Councilmember Bernhardt seconded the amendment. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Mayor Jacobsen made a motion to amend Ordinance 22-19: D.1. Sending Areas Identified, to read as follows:

“Sending Areas are property that have been zoned with the Transfer of Development Rights Sending Overlay Zone, which overlay zone confers special rights and obligations as set forth in this chapter in addition to the underlying zoning regulations. Once a Deed of Severance and conservation easement is recorded, no uses other those expressly permitted herein are permitted, regardless of the underlying zoning. The Transfer of Development Rights Sending Overlay Zone may be applied to agricultural lands and open spaces as shown on the Official Zoning Map of Nibley City and parcels that dedicate trail easements that are shown on the Nibley City Trails Master Plan. Trail easements that are included as a requirement of a development project shall not be considered as potential sending areas. For agricultural parcels, Sending Areas shall be no smaller than ten (10) acres. For planned City parks or areas of historical significance, Sending Areas shall be no

1 smaller than five (5) acres. ~~For areas identified as sending areas along~~
2 ~~the Blacksmith Fork River, an undisturbed area at least 150' in depth~~
3 ~~from the high water mark and at least 200' in length or a trail easement~~
4 ~~at least 200' in length shall be eligible as a Sending Area, as long as it is~~
5 ~~located parallel to the River and covers the length of the subject~~
6 ~~property from property line to property line. Connecting parcels smaller~~
7 ~~than the minimum may be considered on a case by case basis, by the~~
8 ~~City Council where such connections provide a continuous, usable trail~~
9 ~~segment.~~ "

10
11 Councilmember Laursen seconded the amendment. The amendment passed
12 unanimously 5-0; with Councilmember Laursen, Councilmember Bernhardt,
13 Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann
14 all in favor.

15
16 Mayor Jacobsen made a motion to amend Ordinance 22-19: 4.d. to read as
17 follows:

18
19 "For parcels with public access, including trails and planned parks, the
20 per acre potential development units to transfer shall be 5. If only a trail
21 easement is dedicated, it shall be eligible for a minimum of 1 credit
22 regardless of area of the dedicated easement. All parcels participating
23 in the TDR program which include trail(s) identified in the Nibley City
24 Trails Master Plan shall provide a minimum 20' wide public trail
25 easement(s) from property line to property line. Unimproved park areas
26 identified in the Nibley City Parks Master Plan shall be eligible for the 5
27 credit per acre transfer ratio. Proposed park, trail or other publicly
28 accessible open space areas not identified in the Parks Master Plan
29 must be approved by Nibley City Council in order to receive the 5 credit
30 per acre transfer ratio."

31
32 Councilmember Mann seconded the amendment. The amendment passed 5-0;
33 with Councilmember Mann, Councilmember Bernhardt, Councilmember
34 Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

35
36 Mayor Jacobsen made a motion to amend Ordinance 22-19: 5. Table, changing
37 the RM ordinance to match and change 20 units to 10 units in the R-M eligible
38 areas. Councilmember Larsen seconded the amendment. The amendment
39 passed unanimously 5-0; with Councilmember Larsen, Councilmember
40 Bernhardt, Councilmember Laursen, Councilmember Sweeten, and
41 Councilmember Mann all in favor.
42

1 **Voting on the amended motion to approve Ordinance 22-19 Transfer of**
2 **Development Rights (TDR) Ordinance and Zoning Several Parcels as a TDR**
3 **Sending Overlay Zone or a TDR Receiving Overlay Zone was as follows:**
4 **Councilmember Bernhardt voted in favor.**
5 **Councilmember Larsen voted in favor.**
6 **Councilmember Laursen voted yes.**
7 **Councilmember Mann voted in favor.**
8 **Councilmember Sweeten voted opposed.**

9

10 **The amended motion passed 4-1; with Councilmember Bernhardt, Councilmember**
11 **Mann, Councilmember Larsen, and Councilmember Laursen in favor. Councilmember**
12 **Sweeten was opposed.**

13

14 **Councilmember Bernhardt moved to not recommend approval to the Cache County**
15 **Planning Commission regarding Clair & Jennifer Anderson Rezone request of Parcel 03-**
16 **050-0002, located at 3600 S 1200 W from Agricultural (A10) to Commercial (C).**
17 **Councilmember Larsen seconded the motion. The motion passed unanimously 5-0;**
18 **with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen,**
19 **Councilmember Sweeten and Councilmember Mann all in favor.**

20

21 **Councilmember Bernhardt moved to approve Resolution 23-04—Interlocal Agreement**
22 **Between Cache County and Nibley City for the Administration of 2023 Municipal**
23 **Elections and waived the second reading. Councilmember Larsen seconded the**
24 **motion.**

25

26 **Voting on the motion to approve Resolution 23-04 —Interlocal Agreement**
27 **Between Cache County and Nibley City for the Administration of 2023**
28 **Municipal Elections was as follows:**
29 **Councilmember Bernhardt voted in favor.**
30 **Councilmember Larsen voted in favor.**
31 **Councilmember Laursen voted in favor.**
32 **Councilmember Mann voted in favor.**

33

34 **The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember**
35 **Larsen, Councilmember Laursen, and Councilmember Mann all in favor.**

36

37 **Councilmember Laursen moved to approve Resolution 23-05— Nibley City Engineering**
38 **Design Standards and Specifications for Water Systems, Sewer Systems, Street Signs,**
39 **and Cold Weather Paving Standard for first reading. Councilmember Mann seconded**
40 **the motion. The motion passed 4-0; with Councilmember Laursen, Councilmember**
41 **Mann, Councilmember Bernhardt and Councilmember Larsen all in favor.**

42

1 Councilmember Laursen moved to approve Resolution 23-03—Adopting Annual
2 Amendments to the Nibley City Consolidated Fee Schedule, amending and deleting
3 the fee-in-lieu of water rights. Councilmember Bernhardt seconded the motion.

4
5 Voting on the amended motion to approve Resolution 23-03—Adopting Annual
6 Amendments to the Nibley City Consolidated Fee Schedule, amending and
7 deleting the fee-in-lieu of water rights was as follows:
8 Councilmember Bernhardt voted in favor
9 Councilmember Larsen voted in favor.
10 Councilmember Laursen voted in favor.
11 Councilmember Mann voted in favor.

12
13 The amended motion passed 4-0; with Councilmember Laursen, Councilmember
14 Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

15
16
17 OFFICIAL MINUTES OF THE MEETING
18 City Recorder Cheryl Bodily took minutes
19

20 **Opening Ceremonies**

21 Councilmember Laursen reported that it was 16 years ago that day that he became his
22 wife's husband. Councilmember Laursen discussed International Women's day that was
23 the day before. He expressed his appreciation for the women in his life and their positive
24 impact and influence in their lives.

25
26 Councilmember Laursen quoted Utah's first woman senator, Martha Hughes Cannon:

27
28 *"Women have the same rights and duties as men, but they are not the same.*
29 *Women can do some things better than men, and men can do some things better*
30 *than women. It takes both men and women working together to build a strong*
31 *society. Women have an important role in society, and it is important that we are*
32 *able to fulfill our potential and contribute to the betterment of our communities."*

33
34 **Call to Order and Roll Call**

35 Mayor Larry Jacobsen called the Thursday, March 9, 2023, Nibley City Council meeting
36 to order at 6:34 p.m. Those in attendance included Mayor Larry Jacobsen,
37 Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember
38 Nathan Laursen, Councilmember Kay Sweeten, and Councilmember Erin Mann. Justin
39 Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Tom Dickinson, Nibley
40 City Engineer, and Steve Eliason, Nibley City Public Works Director was also present.

41
42 Mayor Jacobsen recognized Clair Schenk, Nibley City Planning Commission Alternate
43 was also in attendance.
44

1 **Approval of the Previous Meeting Minutes and Current Agenda**

2 Councilmember Sweeten moved to approve the February 23, 2023, meeting minutes.
3 Councilmember Laursen seconded the motion. The motion passed unanimously 5-0;
4 with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt,
5 Councilmember Larsen, and Councilmember Mann all in favor.

6
7 Councilmember Bernhardt moved to approve the evening's (3-9-23) agenda and amend
8 the agenda so item number 15 (*Discussion: Design of Ridgeline Park*) was discussed
9 immediately following item 7 (*Discussion & Consideration: Ordinance 23-11—Adopting*
10 *an Impact Fee Analysis and Adjusting Impact Fees for Water, Sewer and Parks*).

11
12 Councilmember Bernhardt felt if they adopted the impact fees they would also be
13 looking at the increase of the design of a pavilion at Ridgeline Park. He felt these were
14 back-to-back items that were closely tied.

15
16 Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with
17 Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen,
18 Councilmember Sweeten, and Councilmember Mann all in favor.

19
20 **Planning Commission Report**

21 Mr. Roberts reported that the Planning Commission hadn't had a meeting the previous
22 week and he had nothing to report.

23
24 **Public Comment Period**

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

27
28 Clair Anderson who lived in Wellsville said he was present regarding item number 16
29 (*Discussion and Consideration: Recommendation to Cache County Planning Commission*
30 *regarding Clair & Jennifer Anderson Rezone request of Parcel 03-050-0002, located at*
31 *3600 S 1200 W from Agricultural (A10) to Commercial (C)*) on the evening's agenda. He
32 reported that he'd gone to the Cache County Planning Commission to request a rezone
33 of his property and had good discussion but there had been no clarity in the letter from
34 Nibley City if they would support the rezone. He requested he be allowed to be a part of
35 the discussion. He also requested the item be moved further up the agenda.

36
37 Mayor Jacobsen recognized Kendal Welker from the Nibley City Parks and Recreation
38 Advisory Committee and her husband.

39
40 Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period
41 at 6:41 p.m.

42
43 **Public Hearing: Ordinance 23-11—Adopting an Impact Fee Analysis and Adjusting**
44 **Impact Fees for Water, Sewer and Parks**

1 Mr. Maughan used the presentation used by Zion Public Finance at the previous
2 meeting entitled *Nibley Impact Fees, February 23, 2023* (see the 2-23-23 printed
3 meeting minutes). The topics of his presentation included the following: What is an
4 Impact Fee? Impact Fee Analysis, Water Impact Fees, Sewer Impact Fees, clarified what
5 a project park was and what a local park was, Parks Impact Fees, Maximum impact fees
6 and City Comparisons.

7
8 Councilmember Larsen asked if there had been discussion of accessory dwelling units.
9 Mr. Maughan reported that both the consultant and the City attorney had suggested
10 the City assign impact fees to accessory dwelling units at the same rate as the multi-
11 family impact fee. Mayor Jacobsen clarified that this would apply to a detached
12 accessory dwelling unit.

13
14 Mayor Jacobsen opened the public hearing at 6:52 p.m.

15
16 Kendal Welker a member of the Parks and Recreation Advisory Committee and resident
17 residing on Hollow Road said Nibley City had a great recreation program and were
18 finding outside entities were joining Nibley's rec program, so they'd had to outsource
19 fields. She was in agreement of raising park impact fees because Nibley parks were used
20 a lot. She said people that moved to Nibley because they liked Nibley.

21
22 Travis Taylor, representing Nibley Meadows subdivision and who lived outside of
23 Morgan County had calculated the amount of money generated by Nibley Meadows
24 with the updated impact fees with the just the basics of 4.4 acres of development that
25 was turfed with sprinkler system and smoothed out would be \$600,000 roughly and
26 using the proposed fees, they would collect \$2.1 million dollars out of their
27 development which would already have a lot of private manicured open space. In
28 addition to just building the infrastructure and completing their open space, the City
29 would collect approximately \$2.1 million dollars. Mr. Taylor felt the impact fees were
30 really, really high and were disproportionate. Mr. Taylor said he would appreciate the
31 City Council not adopting the maximum impact fee.

32
33 Seeing no other comments and seeing no objection, Mayor Jacobsen closed the public
34 hearing at 6:59 p.m.

35
36 **Discussion & Consideration: Ordinance 23-11—Adopting an Impact Fee Analysis and**
37 **Adjusting Impact Fees for Water, Sewer and Parks (Second Reading)**

38 *Councilmember Laursen moved to approve Ordinance 23-11 Adopting an Impact Fee*
39 *Analysis and Adjusting Impact Fees for Water, Sewer and Parks, with the maximum*
40 *impact fees, as recommend by staff. Councilmember Sweeten seconded the motion.*

41
42 Councilmember Bernhardt expressed that they should charge the full impact fee. He
43 discussed the projected costs of park amenities and the costs associated with those
44 amenities. Councilmember Larsen recalled that the City Council had allocated a majority

1 of impact fees in the area of Nibley Meadows. Mr. Roberts clarified that 50% would be
2 in Nibley Meadows and the remainder would be allocated within a half-mile.
3 Councilmember Laursen said he'd appreciated both comments that were made. He was
4 concerned what impact this would have on someone who wanted to improve property.
5 He said Nibley was great because of the level of service they provided. Councilmember
6 Mann felt one of the reasons people came to a city was because of the park. She
7 discussed how she would sometimes drive to a different community for a park. She was
8 in favor of leaning on the higher end so they could provide these great parks for a city
9 whose population was 45% 18 and under. Councilmember Sweeten said she'd noticed
10 the demand on the park seems to have diminished some of the use of the parks. There
11 was so much use on the parks and the Parks and Recreation Committee had struggled to
12 maintain what had been. There was a huge demand on the current parks, and she didn't
13 see how they maintained that park level without setting the impact fee at the highest.

14
15 Mayor Jacobsen asked about the impact fee analysis and if the analysis also brought in
16 operating cost. Mr. Maughan said the analysis was only to build new parks and not for
17 operating cost.

18
19 Councilmember Laursen asked Mr. Taylor how the impact fees impacted his desire to
20 develop in Nibley. Mr. Taylor said the impact fees would go into their analysis of if they
21 would buy property to develop. He said the impact fee was painful. He asked how they
22 had calculated donated land. Mr. Maughan said staff and the consultant had gone
23 through the laundry list of parks land that had been donated to the City. Councilmember
24 Bernhardt said the last 7-8 years he'd been on City Council they'd maintained the tax
25 rate but had raised taxes with home prices shooting up. He said current citizens were
26 paying to maintain just the parks they had now, and they were barely "eeking" by.

27
28 Councilmember Mann asked if developers that already had development going on were
29 grandfathered in with the old impact fees. Mr. Roberts said impact fees were assessed
30 at the time building permits were pulled or when the builder pulled the building permit.

31
32 *Voting on the motion to approve Ordinance 23-11—Adopting an Impact Fee*
33 *Analysis and Adjusting Impact Fees for Water, Sewer and Parks was as follows:*
34 *Councilmember Bernhardt voted in favor.*
35 *Councilmember Larsen voted in favor.*
36 *Councilmember Laursen voted in favor.*
37 *Councilmember Mann voted in favor.*
38 *Councilmember Sweeten voted in favor.*

39
40 *The motion passed 5-0; with Councilmember Laursen, Councilmember Sweeten,*
41 *Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in*
42 *favor.*

43
44 **Discussion: Design of Ridgeline Park**

1 Mr. Dickinson showed a schematic of Ridgeline Park Pavilion Options. He discussed
2 potential grants that Nibley City had sought and acquired for the park and Ridgeline
3 park construction. Mr. Dickinson showed different larger and smaller options for the
4 proposed pavilion. Mr. Dickinson described the programming options for the pavilion.

5
6 Mayor Jacobsen and Mr. Dickinson discussed the phasing and the amount of money
7 being asked of the City Council. Mr. Dickinson described what was anticipated in phase 1
8 and phase 2 of the future park at Ridgeline Park.

9
10 Mayor Jacobsen directed the City Council that staff was looking for direction from the
11 City Council regarding the budget and if these amenities should be included in the
12 upcoming budget. Mayor Jacobsen said the City Council would vote and make the
13 decision regarding the pavilion in the budget process. Councilmember Sweeten asked if
14 staff had looked at grant opportunities for indoor recreation space. Mr. Dickinson
15 reported that he was looking to get a feasibility or needs analysis starting in May or June
16 for an indoor recreation facility. He felt from there they would have a better
17 understanding of cost and could bring funding options back to the City Council. Mr.
18 Maughan said the pavilion discussion was to get the City Council thinking about what
19 they wanted and when they wanted them to happen. Councilmember Mann discussed
20 providing a space that was more utilitarian other than iconic and discussed private
21 versus public ownership of iconic facilities. Mayor Jacobsen discussed the proper role of
22 government and what made people proud to live in Nibley. Councilmember Bernhardt
23 asked staff if they had sneak peaks of what would show up in the budget. Staff said they
24 didn't have this available.

25
26 **Discussion & Consideration: Ordinance 23-05—Amending NCC 19.24.250 to Remove**
27 **Requirements for Impact Fees for Accessory Dwelling Units (Second Reading)**

28 Mr. Maughan reported that in the original Moderate Income Housing Plan they'd talked
29 about looking at impact fees for detached accessory dwelling units. Staff felt they'd
30 initially had direction to waive impact fees from ADU and this had been taken to the
31 Planning Commission. The Planning Commission had been okay with waving the ADU
32 impact fees. Then at the first reading of amending Nibley City's impact fees, the City
33 Council had felt that it might be more appropriate to make impact fees the same as a
34 multi-family unit. Based on the impact fee analysis the City Council had just approved it
35 was appropriate to make recommended motions to sync the impact fee ordinance for
36 ADUs with the impact fee analysis. Mr. Roberts said the City Council might consider that
37 the changes shown deleted all consideration for a rebate on impact fees and the City
38 Council might consider leaving the rebate considerations in.

39
40 *Mayor Jacobsen moved to adopt Ordinance 23-05—Amending NCC 19.24.250 to Remove*
41 *Requirements for Impact Fees for Accessory Dwelling Units with the proposed changes.*
42 *Amend 19.24.250.D.11, to read:*

1 “Impact Fees: Accessory dwelling units shall be subject to impact fees as set
2 forth in the latest associated Impact Fee Ordinance adjustment”

3
4 *And include back into the ordinance:*

5
6 b. *“Owners may petition the City for a rebate of impact fees for accessory
7 dwelling units which provide rent that is considered affordable, as described
8 below. The maximum rebate amount shall be set at 20% annually of the total
9 collected impact fee for a period of five (5) years. City Staff shall determine if
10 documentation of rent collected is acceptable. If documentation is not
11 provided within 30 days of each anniversary of the issuance of the certificate
12 of occupancy, the rebate shall be forfeited for that year. The rebate shall be
13 non-transferrable.*

14 3) *The unit’s rent is considered affordable to a household of four (4) earning
15 50% of the area median income of the Logan, UT-ID Metropolitan
16 Statistical Area (MSA), according to income limits set by the US Department
17 of Housing and Urban Development (HUD) for a period of five (5) years.*

18 4) *The rent limit shall be set using the following calculation: HUD annual 4-
19 person 50% AMI Income Limit * 0.3 (30 %) – \$150 (for utility expenses)”*

20
21 *Councilmember Bernhardt seconded the motion.*

22
23 Councilmember Laursen clarified that this would clarify the coversheet. Mayor Jacobsen
24 that this motion included the *Whereas* language included in the ordinance coversheet.

25
26 *Councilmember Mann made a motion to amend that the maximum rebate
27 amount shall be set at 33.3% for a maximum of 3 years.*

28
29 a. *Owners may petition the City for a rebate of impact fees for accessory
30 dwelling units which provide rent that is considered affordable, as
31 described below. The maximum rebate amount shall be set at 33 1/3
32 annually of the total collected impact fee for a period of five (3) years.
33 City Staff shall determine if documentation of rent collected is
34 acceptable. If documentation is not provided within 30 days of each
35 anniversary of the issuance of the certificate of occupancy, the rebate
36 shall be forfeited for that year. The rebate shall be non-transferrable.”*

37
38 *Councilmember Larsen seconded the amendment. The amendment passed 5-0;
39 with Councilmember Mann, Councilmember Larsen, Councilmember Bernhardt,
40 Councilmember Laursen, and Councilmember Sweeten all in favor*

41
42 *Voting on the amended motion to approve Ordinance 23-05—Amending NCC
43 19.24.250 to Remove Requirements for Impact Fees for Accessory Dwelling Units
44 was as follows:*

1 *Councilmember Bernhardt voted yes.*
2 *Councilmember Larsen voted in favor.*
3 *Councilmember Laursen voted yes.*
4 *Councilmember Mann voted in favor.*
5 *Councilmember Sweeten voted in favor.*

6
7 *The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember*
8 *Larsen, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all*
9 *in favor.*

10
11 Seeing no objection, Mayor Jacobsen called for a short recess at 8:06 p.m. The meeting
12 resumed at 8:12 p.m.

13
14 **Discussion and Consideration: Resolution 23-03—Adopting Annual Amendments to**
15 **the Nibley City Consolidated Fee Schedule (Second Reading)**

16 Amy Johnson, Nibley City Treasurer reviewed and summarized the proposed changes for
17 the City Council. Mr. Dickinson said when he'd come on board at Nibley City, a lot of
18 fees seemed subdivision and residential oriented so many of the changes allowed them
19 to collect fees for impacts of reviewing commercial development, or things other than
20 residential subdivisions. The City Council reviewed all fees that were designated at To Be
21 Determined (TBD) and clarified those fees. Ms. Johnson summarized the last page of
22 proposed fee amendments.

23
24 *Councilmember Larsen moved to approve Resolution 23-03—Adopting Annual*
25 *Amendments to the Nibley City Consolidated Fee Schedule with the changes as*
26 *presented by staff. Councilmember Mann seconded the motion.*

27
28 *Voting on the motion to approve Resolution 23-03 Resolution 23-03—Adopting*
29 *Annual Amendments to the Nibley City Consolidated Fee Schedule with the*
30 *changes as presented by staff, was as follows:*

31 *Councilmember Bernhardt voted in favor.*
32 *Councilmember Larsen voted favor.*
33 *Councilmember Laursen voted yes.*
34 *Councilmember Mann voted in favor.*
35 *Councilmember Sweeten voted in favor.*

36
37 *The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Mann,*
38 *Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in*
39 *favor.*

40
41 **Discussion and Consideration: Ordinance 23-08—Amendment to Nibley City R-PUD**
42 **Development Agreement Between Nibley City And 7 Point Royal, LLC for Nibley**
43 **Meadows Subdivision (Second Reading)**

1 Mr. Roberts gave a presentation. He used an electronic presentation entitled *Nibley City*
2 *Council, March 9, 2023* (a printed version of this presentation is included in the written
3 meeting minutes). The topics of his presentation included the following:
4 Nibley Meadow DA Amendment, Update (3/9/2023), Summary of Terms, a printed of
5 the amended R-PUD plat, a clip of the amended R-PUD plat, and Staff Recommendation.

6
7 *Councilmember Larsen moved to approve Ordinance 23-08—Amendment to Nibley City*
8 *R-PUD Development Agreement Between Nibley City And 7 Point Royal, LLC for Nibley*
9 *Meadows Subdivision. Councilmember Sweeten seconded the motion.*

10
11 Councilmember Bernhardt asked if they'd spent \$3,712.00 to figure out the loss of .12
12 acres? He thought the value of the land would be more and discussed the amount of
13 land for acquiring property for right-of-way.

14
15 *Voting on the motion to approve Ordinance 23-08—Amendment to Nibley City R-*
16 *PUD Development Agreement Between Nibley City And 7 Point Royal, LLC for*
17 *Nibley Meadows Subdivision Was as follows:*

18 *Councilmember Bernhardt voted yes.*

19 *Councilmember Larsen voted in favor.*

20 *Councilmember Laursen voted yes.*

21 *Councilmember Mann voted in favor.*

22 *Councilmember Sweeten voted yes.*

23
24 *The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember*
25 *Sweeten, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann*
26 *all in favor.*

27
28 **Discussion and Consideration: Ordinance 23-09—Park Development Agreement**
29 **Between Nibley City And 7 Point Royal, LLC for Nibley Meadows Subdivision (Second**
30 **Reading)**

31 Mr. Roberts gave a presentation. He used an electronic presentation entitled *Nibley City*
32 *Council, March 9, 2023* (a printed version of this presentation is included in the written
33 meeting minutes). The topics of his presentation included the following:
34 Nibley Meadow Park DA; Background, Update (3/9/2023), Summary of Terms, and Staff
35 Recommendation.

36
37 Councilmember Laursen asked Mr. Taylor what he felt was an equivalent amenity to a
38 splash pad for \$150,000. Mr. Taylor said he would look at the age that the amenity
39 supported.

40
41 *Councilmember Bernhardt moved to approve Ordinance 23-09—Park Development*
42 *Agreement Between Nibley City And 7 Point Royal, LLC for Nibley Meadows Subdivision.*
43 *Councilmember Larsen seconded the motion.*

1 *Voting on the motion to approve Ordinance 23-09—Park Development*
2 *Agreement Between Nibley City And 7 Point Royal, LLC for Nibley Meadows*
3 *Subdivision was as follows:*
4 *Councilmember Bernhardt voted yes.*
5 *Councilmember Larsen voted in favor.*
6 *Councilmember Laursen voted yes.*
7 *Councilmember Mann voted in favor.*
8 *Councilmember Sweeten voted in favor.*
9
10 *The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember*
11 *Larsen, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all*
12 *in favor.*
13
14 **Discussion & Consideration: Ordinance 22-19—Transfer of Development Rights (TDR)**
15 **Ordinance and Zoning Several Parcels as a TDR Sending Overlay Zone or a TDR**
16 **Receiving Overlay Zone (Fourth Reading)**
17 Councilmember Mann said she thought TDR was a really useful tool to accomplish a goal
18 and while they were not completely comfortable with the map, or that people felt the
19 map needed to change still, she still felt that TDR would be a useful tool for preserving
20 open space in their community. Mayor Jacobsen agreed with Councilmember Mann but
21 said one of things they lacked was that they hadn't gone through the planning process
22 to identified what they really wanted to preserve in their town. He said having the
23 ordinance in place put them one step closer to being able to do this. They could then go
24 through the legislative process to "color" a designated area on the map. Mayor
25 Jacobsen discussed the other development tools the City had and felt they would still be
26 utilized. Mayor Jacobsen discussed stewardship of conservation easements.
27 Councilmember Bernhardt questioned that the conservation easement was not a
28 permanent thing and they may not be preserving open space in the future.
29
30 *Councilmember Bernhardt moved to approve Ordinance 22-19—Transfer of*
31 *Development Rights (TDR) Ordinance and Zoning Several Parcels as a TDR Sending*
32 *Overlay Zone or a TDR Receiving Overlay Zone. Councilmember Mann seconded the*
33 *motion.*
34
35 *Councilmember Bernhardt made a motion to amend Ordinance 22-19 to remove*
36 *the red designation from the Nibley TDR Overlay Designation map on the 2200*
37 *South 800 West are. Councilmember Laursen seconded the motion. The*
38 *amendment passed 5-0; with Councilmember Bernhardt, Councilmember*
39 *Laursen, Councilmember Larsen, Councilmember Sweeten, and Councilmember*
40 *Mann.*
41
42 Councilmember Larsen questioned if they really needed a map. Mayor Jacobsen made a
43 motion to amend Ordinance 22-19 to remove the sending areas that the City had record
44 of that had asked to be removed. Councilmember Bernhardt seconded the motion.

1
2 *Mayor Jacobsen made a substitute motion to amend Ordinance 22-19 to remove*
3 *the sending and receiving areas that the City had record of that had requested to*
4 *be removed from the TDR overlay map. Councilmember Mann seconded the*
5 *motion. The substitute amendment passed 4-1; with Councilmember Mann,*
6 *Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten*
7 *in favor. Councilmember Laursen was opposed.*
8

9 Mayor Jacobsen said the specific references to Blacksmith Fork needed to go away and
10 asked the City Council if they wanted to give sending area credits to someone who
11 would dedicate a trail easement or not? Mayor Jacobsen explained the argument for
12 doing it was that they would get a trail, and the argument against it was that it didn't
13 guarantee they would get from point a to point b and they may be "wasting a bullet" on
14 giving them sending units if they can't even build a trail. Councilmember Larsen said
15 he'd leave it in. It was like a smaller farm with the goal of having a larger viable farm.
16 Councilmember Bernhardt said they were playing the "long game." Mr. Roberts said it
17 didn't hurt to have some of those easements in place and they might be able to build
18 segments of a trail. Councilmember Laursen wanted to include sending area trails,
19 Councilmember Mann wanted to include trails. Councilmember Sweeten said as long as
20 it aligned with the Master Trails Plan that it would actually incentivize.
21

22 *Mayor Jacobsen made a motion to amend Ordinance 22-19: D.1. Sending Areas*
23 *Identified, to read as follows:*
24

25 *"Sending Areas are property that have been zoned with the Transfer of*
26 *Development Rights Sending Overlay Zone, which overlay zone confers*
27 *special rights and obligations as set forth in this chapter in addition to the*
28 *underlying zoning regulations. Once a Deed of Severance and conservation*
29 *easement is recorded, no uses other those expressly permitted herein are*
30 *permitted, regardless of the underlying zoning. The Transfer of*
31 *Development Rights Sending Overlay Zone may be applied to agricultural*
32 *lands and open spaces as shown on the Official Zoning Map of Nibley City*
33 *and parcels that dedicate trail easements that are shown on the Nibley City*
34 *Trails Master Plan. Trail easements that are included as a requirement of a*
35 *development project shall not be considered as potential sending areas. For*
36 *agricultural parcels, Sending Areas shall be no smaller than ten (10) acres.*
37 *For planned City parks or areas of historical significance, Sending Areas*
38 *shall be no smaller than five (5) acres."*
39

40 *Councilmember Bernhardt seconded the amendment. The amendment passed*
41 *unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen,*
42 *Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all*
43 *in favor.*
44

1 Mayor Jacobsen made a motion to amend Ordinance 22-19: D.1. Sending Areas
2 Identified, to read as follows:

3
4 “Sending Areas are property that have been zoned with the Transfer of
5 Development Rights Sending Overlay Zone, which overlay zone confers
6 special rights and obligations as set forth in this chapter in addition to the
7 underlying zoning regulations. Once a Deed of Severance and
8 conservation easement is recorded, no uses other those expressly
9 permitted herein are permitted, regardless of the underlying zoning. The
10 Transfer of Development Rights Sending Overlay Zone may be applied to
11 agricultural lands and open spaces as shown on the Official Zoning Map
12 of Nibley City and parcels that dedicate trail easements that are shown on
13 the Nibley City Trails Master Plan. Trail easements that are included as a
14 requirement of a development project shall not be considered as potential
15 sending areas. For agricultural parcels, Sending Areas shall be no smaller
16 than ten (10) acres. For planned City parks or areas of historical
17 significance, Sending Areas shall be no smaller than five (5) acres. ~~For~~
18 ~~areas identified as sending areas along the Blacksmith Fork River, an~~
19 ~~undisturbed area at least 150’ in depth from the high water mark and at~~
20 ~~least 200’ in length or a trail easement at least 200’ in length shall be~~
21 ~~eligible as a Sending Area, as long as it is located parallel to the River and~~
22 ~~covers the length of the subject property from property line to property~~
23 ~~line. Connecting parcels smaller than the minimum may be considered on~~
24 ~~a case by case basis, by the City Council where such connections provide a~~
25 ~~continuous, usable trail segment.”~~

26
27 Councilmember Laursen seconded the motion. The amendment passed
28 unanimously 5-0; with Councilmember Laursen, Councilmember Bernhardt,
29 Councilmember Larsen, Councilmember Sweeten, and Councilmember Mann all
30 in favor.

31
32 Mayor Jacobsen made a motion to amend Ordinance 22-19: 4.d. to read as
33 follows:

34
35 “For parcels with public access, including trails and planned parks, the per
36 acre potential development units to transfer shall be 5. If only a trail
37 easement is dedicated, it shall be eligible for a minimum of 1 credit
38 regardless of area of the dedicated easement. All parcels participating in
39 the TDR program which include trail(s) identified in the Nibley City Trails
40 Master Plan shall provide a minimum 20’ wide public trail easement(s)
41 from property line to property line. Unimproved park areas identified in
42 the Nibley City Parks Master Plan shall be eligible for the 5 credit per acre
43 transfer ratio. Proposed park, trail or other publicly accessible open space

1 *areas not identified in the Parks Master Plan must be approved by Nibley*
2 *City Council in order to receive the 5 credit per acre transfer ratio.”*

3
4 *Councilmember Mann seconded the amendment. The amendment passed 5-0;*
5 *with Councilmember Mann, Councilmember Bernhardt, Councilmember Larsen,*
6 *Councilmember Laursen, and Councilmember Sweeten all in favor.*

7
8 *Mayor Jacobsen made a motion to amend Ordinance 22-19: 5. Table, changing*
9 *the RM ordinance to match and change 20 units to 10 units in the R-M eligible*
10 *areas. Councilmember Larsen seconded the amendment. The amendment passed*
11 *unanimously 5-0; with Councilmember Larsen, Councilmember Bernhardt,*
12 *Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all*
13 *in favor.*

14
15 Councilmember Laursen discussed allowing for partial development rights. He
16 questioned if a current zoning or potential zoning options had been considered as
17 opposed to a credit-based option. Mr. Roberts said this had been discussed but not
18 considered because a lot of the area were outside of Nibley City and had no zoning
19 designation and a lot of the areas could easily get a rezone and be developed as
20 subdivisions. Even if the current zoning limited their development potential.

21
22 *Voting on the amended motion to approve Ordinance 22-19 Transfer of*
23 *Development Rights (TDR) Ordinance and Zoning Several Parcels as a TDR*
24 *Sending Overlay Zone or a TDR Receiving Overlay Zone was as follows:*
25 *Councilmember Bernhardt voted in favor.*
26 *Councilmember Larsen voted in favor.*
27 *Councilmember Laursen voted yes.*
28 *Councilmember Mann voted in favor.*
29 *Councilmember Sweeten voted opposed.*

30
31 *The amended motion passed 4-1; with Councilmember Bernhardt, Councilmember*
32 *Mann, Councilmember Larsen, and Councilmember Laursen in favor. Councilmember*
33 *Sweeten was opposed.*

34
35 Councilmember Laursen moved to suspend the rules and move agenda item 16
36 (Recommendation to Cache County Planning Commission regarding Clair & Jennifer
37 Anderson Rezone request of Parcel 03-050-0002, located at 3600 S 1200 W from
38 Agricultural (A10) to Commercial (C)) after item 12. Councilmember Larsen seconded
39 the motion.

40
41 **Discussion and Consideration: Recommendation to Cache County Planning**
42 **Commission regarding Clair & Jennifer Anderson Rezone request of Parcel 03-050-**
43 **0002, located at 3600 S 1200 W from Agricultural (A10) to Commercial (C)**

1 Mr. Clair Anderson, the property owner or parcel 03-050-0002 was present for this
2 discussion.

3
4 Mr. Roberts led discussion with a presentation. He used an electronic presentation
5 entitled *Nibley City Council, March 9, 2023* (a printed version of this presentation is
6 included in the written meeting minutes). The topics of his presentation included the
7 following: Clair & Anderson – County Rezone Recommendation, Background, a view of
8 the parcel using the Cache County Parcel Viewer, the property as reflected on Nibley
9 City’s zoning map, and Staff Recommendation.

10
11 Mr. Anderson described that he intended to put storage units on the parcel and
12 expressed his desire the have a family legacy. He argued that storage units would
13 preserve property value because of the number of units going in the area and the need
14 for storage in the area.

15
16 Councilmember Larsen asked if there would be utilities including water and sewer on
17 the property. Mr. Anderson said there would be anything that was required. Mr.
18 Anderson said he would like to be annexed into Nibley if he were to be able to do what
19 he wanted on the property and discussed the location of a hydrant owned by Nibley City
20 right next to his property. Councilmember Mann asked if Mr. Anderson had ever
21 considered building an indoor sporting facility to accommodate youth sports. Mr.
22 Anderson said he hadn’t considered this but used to be an athletic director and was very
23 tied to that world. Councilmember Mann discussed the strong need for that type of
24 facility. Councilmember Mann felt storage units were a visual blight but it was Mr.
25 Anderson’s right to do storage units. Referring to higher density residential
26 development next to to Mr. Anderson’s property, Councilmember Bernhardt’s felt HOA
27 might help self-police clutter in people’s yards. He also expressed that he felt storage
28 units were not attractive. Councilmember Sweeten said her concern was seeing people
29 wanting to live right next to a storage unit. She asked how Mr. Anderson would suggest
30 making this facility appealing so a resident might want it as a neighbor. Councilmember
31 Bernhardt discussed that there might be decreased value to 7-points Royal development
32 who was in Nibley City’s boundaries

33
34 *Councilmember Bernhardt moved to not recommend approval to the Cache County*
35 *Planning Commission regarding Clair & Jennifer Anderson Rezone request of Parcel 03-*
36 *050-0002, located at 3600 S 1200 W from Agricultural (A10) to Commercial (C).*
37 *Councilmember Larsen seconded the motion.*

38
39 Councilmember Larsen discussed that he ran mechanics shops in the valley and ran
40 under a conditional use and said everyone needed a mechanic but no one wanted them
41 near them. He felt Mr. Anderson’s pain.

42
43 Mayor Jacobsen gave Mr. Anderson suggestions about what he could do with the
44 property if he were interested in being in Nibley.

1
2 Councilmember Laursen said they saw an opportunity for Mr. Anderson to come to
3 Nibley and felt staff would give him some ideas of what was allowed in Nibley and could
4 motivate him to chat with his neighbors. He felt he could come up with a plan that was
5 better for him and for the City. Councilmember Mann agreed with Councilmember
6 Laursen, that there were a lot of options if they came to Nibley.

7
8 *The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember*
9 *Larsen, Councilmember Laursen, Councilmember Sweeten and Councilmember Mann all*
10 *in favor.*

11
12 Seeing no objection, Mayor Jacobsen called for a short meeting recess at 10:07 p.m.

13
14 Councilmember Sweeten left at 10:09 p.m.

15
16 The meeting resumed at 10:11 p.m.

17
18 **Discussion & Consideration: Resolution 23-04—Interlocal Agreement Between Cache**
19 **County and Nibley City for the Administration of 2023 Municipal Elections (First**
20 **Reading)**

21 Dustin Hansen, Election Supervisor with the Cache County Election office and Nibley City
22 resident, was present for this discussion.

23
24 Ms. Bodily described that she'd reached out to Rich, Weber and Box Elder Counties
25 who'd all indicated they would not offer alternative voting methods in their county
26 boundaries. She also presented that Salt Lake County was offering alternative voting
27 methods or Ranked Choice Voting (RCV) but they were unwilling to contract with an
28 entity outside their boundary because of logistics and complication. Ms. Bodily
29 reminded the City Council the Cache County was also not offered Ranked Choice Voting
30 so if the City Council voted to enter the Interlocal Agreement they would essentially be
31 choosing to not use Ranked Choice Voting for the 2023 Nibley City municipal election.

32
33 Ms. Bodily reviewed the cost and variations of costs included in the interlocal
34 agreement for election services with Cache County. Ms. Bodily said the City attorney
35 had reviewed the agreement and seen no issues. Ms. Bodily said unless the City Council
36 had further direction regarding Ranked Choice Voting and she saw no reason the City
37 Council couldn't pass the resolution and waive the second reading of the agreement.

38
39 Mayor Jacobsen asked Mr. Hansen how he felt about Ranked Choice Voting. Mr. Hansen
40 said in terms of voter participation it was harder because it was different. Empirically,
41 there was more choice and led to better, more democratic outcomes.

1 *Councilmember Bernhardt moved to approve Resolution 23-04—Interlocal Agreement*
2 *Between Cache County and Nibley City for the Administration of 2023 Municipal*
3 *Elections and waived the second reading. Councilmember Larsen seconded the motion.*

4
5 Mayor Jacobsen asked if the City Council could negotiate the cost of the contract with
6 Mr. Hansen. Mr. Hansen described the biggest cost was the price of postage. The
7 County had tried to negotiate the cost of postage with the USPS but had been
8 unsuccessful.

9
10 *Voting on the motion to approve Resolution 23-04 —Interlocal Agreement*
11 *Between Cache County and Nibley City for the Administration of 2023 Municipal*
12 *Elections was as follows:*

13 *Councilmember Bernhardt voted in favor.*

14 *Councilmember Larsen voted in favor.*

15 *Councilmember Laursen voted in favor.*

16 *Councilmember Mann voted in favor.*

17
18 *The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember*
19 *Larsen, Councilmember Laursen, and Councilmember Mann all in favor.*

20
21 **Discussion & Consideration: Resolution 23-05—Nibley City Engineering Design**
22 **Standards and Specifications for Water Systems, Sewer Systems, Street Signs, and Cold**
23 **Weather Paving Standard (First Reading)**

24 Mr. Dickinson presented that in the process of renewing Nibley's authorization from the
25 State of Utah Division of Drinking Water, they had denied Nibley's standards. This had
26 given him the opportunity to update them to meet State standards and make tweaks. It
27 was a collective effort between water, wastewater, the Public Works Director, himself,
28 and the City Manager, who'd done a final review. Mr. Dickinson showed the City Council
29 the street sign standards and wanted the City Council's direction on which standards
30 they wanted to adopt. Mr. Dickinson described that they also had a cold weather paving
31 standard. Mr. Dickinson described the push developers had done in the past year to
32 complete roads in cold weather.

33
34 Mr. Dickinson summarized the standards for the water system and the sewer system
35 standards. Mr. Dickinson had spec samples of the proposed street signs for display for
36 the City Council. Mr. Dickinson and Mr. Maughan summarized the cold weather paving
37 standards. Mr. Dickinson had the City Council members express their preferences
38 between a blue versus green street sign and a longer, larger sign versus a smaller,
39 shorter sign. Councilmember Mann liked the large size in green. Councilmember
40 Laursen liked the large size in green, Councilmember Larsen liked the large sign with
41 blue, and Councilmember Bernhardt liked the large size in blue. Ms. Bodily reminded
42 the City Council that at the last City Council meeting, Councilmember Sweeten had
43 expressed that she liked the large, blue sign spec. The City Council directed that they
44 liked the private street sign.

1
2 *Councilmember Laursen moved to approve Resolution 23-05— Nibley City Engineering*
3 *Design Standards and Specifications for Water Systems, Sewer Systems, Street Signs, and*
4 *Cold Weather Paving Standard for first reading. Councilmember Mann seconded the*
5 *motion. The motion passed 4-0; with Councilmember Laursen, Councilmember Mann,*
6 *Councilmember Bernhardt and Councilmember Larsen all in favor.*
7

8
9 *Mayor Jacobsen moved to reconsider the adoption of Resolution 23-03—Adopting*
10 *Annual Amendments to the Nibley City Consolidated Fee Schedule.*
11

12 Mayor Jacobsen felt the City Council had missed an important point. Specifically, if they
13 brought water or fee-in-lieu of water. What was in the fee schedule did not reconcile
14 with Nibley City Ordinance.
15

16 *Councilmember Laursen seconded the motion.*
17

18 Mayor Jacobsen said Nibley City ordinance used to say that people could bring money
19 for development instead of water. This had been removed from the ordinance and the
20 fee schedule needed to align with Nibley City ordinance.
21

22 *The motion passed 4-0; with Councilmember Laursen, Councilmember Bernhardt,*
23 *Councilmember Larsen and Councilmember Mann all in favor.*
24

25 *Councilmember Laursen moved to approve Resolution 23-03—Adopting Annual*
26 *Amendments to the Nibley City Consolidated Fee Schedule, amending and deleting the*
27 *fee-in-lieu of water rights. Councilmember Bernhardt seconded the motion.*
28

29 The Council discussed the alternative things a developer could do if they were unable to
30 bring the City water shares for development. They discussed the possibility of Nibley
31 City being the brokers of water. Councilmember Mann and Mayor Jacobsen discussed
32 the appropriate role of government. Mr. Roberts reported that developers had
33 expressed that there had been complaints from developers that Nibley Cit required too
34 much water, but the State was changing their prescribed method and some of those
35 concerns may be resolved. Mr. Dickinson said there was risk either way. They were not
36 putting shares the City had in the Blacksmith Fork Canal company to beneficial use and
37 there was a risk those would go away because they were not being used. Alternatively,
38 the price for water shares could go sky high for lack of shares and the City might be out
39 a lot of money in the future. Mayor Jacobsen said cities had more leeway in terms of
40 protecting and collecting water shares even if they were not put to beneficial use. Mr.
41 Dickinson said this applied to water rights and not water shares; the shares would have
42 to be converted to rights.
43

1 *Voting on the amended motion to approve Resolution 23-03—Adopting Annual*
2 *Amendments to the Nibley City Consolidated Fee Schedule, amending and*
3 *deleting the fee-in-lieu of water rights was as follows:*
4 *Councilmember Bernhardt voted in favor*
5 *Councilmember Larsen voted in favor.*
6 *Councilmember Laursen voted in favor.*
7 *Councilmember Mann voted in favor.*

8

9 *The amended motion passed 4-0; with Councilmember Laursen, Councilmember*
10 *Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.*

11

12 **Council and Staff Report**

13 Councilmember Bernhardt asked for an update regarding sandbags. Mr. Maughan
14 described Nibley City’s anticipated process for allowing residents to fill sandbags. Mr.
15 Maughan described some of the proactive advertising staff had completed to
16 disseminate information. The City Council and staff discussed at which point the city
17 would offer sandbag filling to residents. They also discussed flooding potential and
18 conditions that might contribute to flooding.

19

20 Councilmember Larsen thanked the public works crew for their continued efforts with
21 snow removal.

22

23 Councilmember Laursen complimented staff on snow removal and getting people ready
24 for weather conditions.

25

26 Councilmember Laursen asked for an update on city owned properties that were being
27 rented on a future agenda.

28

29 Councilmember Mann asked if Mr. Maughan had the chance to follow up on the cost of
30 Yield to pedestrian signs? Mr. Maughan said he would follow up on this.

31

32 Mayor Jacobsen discussed the Watermark property. He reported that Watermak had let
33 the City know their expectations of 15 units per acre and setbacks to achieve that
34 density on their property.

35

36 Mr. Roberts reported that there had been quite a few changes regarding land use at the
37 State legislature. He specifically described processes regarding subdivision approval.

38

39 Ms. Bodily and the City Council discussed attendance at the Utah League of Cities and
40 Town conference.

41

42 Seeing no objection, the meeting was adjourned at 11:19 p.m.

43

44

1
2
3
4

Attest: _____
City Recorder

Draft Minutes