

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,  
2 Nibley, Utah, on Thursday, March 23, 2023.

3  
4 The following actions were made during the meeting:

5  
6 **Councilmember Larsen moved to approve Resolution 23-05 — Nibley City Engineering**  
7 **Design Standards and Specifications for Water Systems, Sewer Systems, Street Signs,**  
8 **and Cold Weather Paving Standard as presented. Councilmember Bernhardt seconded**  
9 **the motion.**

10  
11 **Councilmember Mann made a motion to amend that the street sign**  
12 **specification be the large sign with the green color. Councilmember Laursen**  
13 **seconded the motion. The amendment passed 3-2; with Councilmember Mann**  
14 **and Councilmember Laursen in favor. Councilmember Bernhardt and**  
15 **Councilmember Larsen were opposed. Mayor Jacobsen broke the tie and voted**  
16 **in favor of the amendment.**

17  
18 **Voting on the motion to approve the amended Resolution 23-05 — Nibley City**  
19 **Engineering Design Standards and Specifications for Water Systems, Sewer**  
20 **Systems, Street Signs, and Cold Weather Paving Standard was as follows:**  
21 **Councilmember Bernhardt voted in favor.**  
22 **Councilmember Larsen voted in favor.**  
23 **Councilmember Laursen voted in favor.**  
24 **Councilmember Mann voted in favor.**

25  
26 **The amended motion passed 4-0; with Councilmember Larsen, Councilmember**  
27 **Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.**

28  
29 **Councilmember Bernhardt moved to approve Ordinance 23-12 — Amending NCC**  
30 **21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in**  
31 **Relation to Required Subdivision Improvements and Completion Assurance, and Form**  
32 **and Method of Guarantee of Improvements and waived the seconded reading.**  
33 **Councilmember Mann seconded the motion.**

34  
35 **Voting on the motion to approve the Ordinance 23-12 — Amending NCC**  
36 **21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit**  
37 **Issuance in Relation to Required Subdivision Improvements and Completion**  
38 **Assurance, and Form and Method of Guarantee of Improvements was as**  
39 **follows:**  
40 **Councilmember Bernhardt voted in favor.**  
41 **Councilmember Larsen voted in favor.**  
42 **Councilmember Laursen voted in favor.**  
43 **Councilmember Mann voted in favor.**  
44

1 The motion passed 4-0; with Councilmember Bernhardt, Councilmember Mann,  
2 Councilmember Larsen, and Councilmember Laursen all in favor.

3  
4 Councilmember Laursen moved to approve Ordinance 23-09 — Amending 21.12.060:  
5 Blocks, Connectivity And Trail Standards for first reading. Councilmember Larsen  
6 seconded the motion. The motion to approve Ordinance 23-09 for first reading passed  
7 4-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Bernhardt,  
8 and Councilmember Mann all in favor.

9  
10 Councilmember Larsen moved to approve Ordinance 23-13 — Amending NCC 5.02,  
11 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations for first reading.  
12 Councilmember Laursen seconded the motion. The motion passed 4-0; with  
13 Councilmember Larsen, Councilmember Laursen, Councilmember Bernhardt, and  
14 Councilmember Mann all in favor.

15  
16 Councilmember Larsen moved to approve Ordinance 23-14 — Amending NCC 1.08,  
17 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement  
18 for first reading. Councilmember Mann seconded the motion. The motion passed 4-0;  
19 with Councilmember Larsen, Councilmember Mann, Councilmember Bernhardt, and  
20 Councilmember Laursen all in favor.

21  
22 Councilmember Larsen moved to approve Ordinance 23-15 — Amending NCC  
23 7.16.010-050 Noise Regulations for first reading. Councilmember Bernhardt seconded  
24 the motion. The motion passed 4-0; with Councilmember Larsen, Councilmember  
25 Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.

26  
27 Councilmember Larsen moved to approve Ordinance 23-16 — Deleting NCC  
28 15.04.030.H Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of  
29 Building Sewer for first reading. Councilmember Bernhardt seconded the motion. The  
30 motion passed 4-0; with Councilmember Larsen, Councilmember Bernhardt,  
31 Councilmember Laursen, and cam all in favor.

32  
33 Councilmember Larsen moved to approve Resolution 23-06 — Review and Acceptance  
34 of the 2022 Municipal Wastewater Planning Program and waived the second reading.  
35 Councilmember Bernhardt seconded the motion.

36  
37 Voting on the motion to approve the Resolution 23-06 — Review and  
38 Acceptance of the 2022 Municipal Wastewater Planning Program was as  
39 follows:

40 Councilmember Bernhardt voted In favor.

41 Councilmember Larsen voted In favor.

42 Councilmember Laursen voted yes.

43 Councilmember Mann voted In favor.

1 The motion to approve Resolution 23-06 passed unanimously 4-0; with  
2 Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and  
3 Councilmember Mann all in favor.

4  
5 Councilmember Larsen moved to approve the contract with Daines and Jenkins for  
6 Nibley City Prosecution services. Councilmember Bernhardt seconded the motion.

7  
8 Mayor Jacobsen asked for general consent to amend the Prosecution Services  
9 Agreement from "June 31" to the following:

10  
11 "3. Compensation. City agrees to compensate Contractor \$1,500.00 per  
12 month for all prosecutorial services including any interaction and  
13 counsel with law enforcement and code enforcement officials, case  
14 screenings, arraignments, pretrial conferences, any and all motion  
15 practice, trials, and appeals de novo to the District Court, and  
16 expungements. Any services beyond the scope of the City's  
17 Prosecutorial needs, including code and ordinance review, Contractor  
18 shall be compensated by the City at an hourly rate of \$140.00per hour.  
19 At its sole discretion, Contractor may increase the compensation level  
20 beginning on June 30<sup>th</sup> of any given year, but in no event shall an  
21 increase in compensation level exceed three percent (3%) of the current  
22 compensation rate in a twelve (12) month period."

23  
24 General consent was given.

25  
26 The motion to approve the contract with Daines and Jenkins for Nibley City  
27 Prosecution services passed 4-0; with Councilmember Larsen, Councilmember  
28 Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.

29  
30  
31 OFFICIAL MINUTES OF THE MEETING  
32 City Recorder Cheryl Bodily took minutes

33  
34 Mayor Jacobsen excused Councilmember Kay Sweeten from the meeting.

### 35 36 Opening Ceremonies

37 Councilmember Mann noted that the first day of Spring was that week and recalled the  
38 recreation programs that happened during the Spring and Summer in Nibley. She said  
39 the warm months in Nibley were the best months because of all the rec programs and  
40 all the parks were nice to be at. Councilmember Mann shared news that the Houston  
41 Zoo and Mr. Pickles had welcomed three hatchlings. She said this was exciting news and  
42 that birth was alive everywhere.

### 43 44 Call to Order and Roll Call

1 Mayor Larry Jacobsen called the Thursday, March 23, 2023, Nibley City Council meeting  
2 to order at 6:32 p.m. Those in attendance included Mayor Larry Jacobsen,  
3 Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember  
4 Nathan Laursen, and Councilmember Erin Mann. Justin Maughan, Nibley City Manager,  
5 Levi Roberts, Nibley City Planner, Tom Dickinson, Nibley City Engineer, and Steve  
6 Eliason, Nibley City Public Works Director, Jared Pratt, Nibley Water and Wastewater  
7 Manager was also present. Jamie Gonzales, Nibley City Office Specialist was  
8 participating online.

9  
10 Commissioner Tyler Obray joined the meeting at 6:34 p.m.

11  
12 **Approval of the Previous Meeting Minutes and Current Agenda**

13 Councilmember Larsen moved to approve the 3-9-23 meeting minutes and the  
14 evening's agenda. Councilmember Laursen seconded the motion. The motion passed  
15 unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember  
16 Bernhardt, and Councilmember Mann all in favor.

17  
18 **Planning Commission Report**

19 Mr. Roberts reported that other than the few items that were on the City Council's  
20 agenda, that the Nibley City Planning Commission had started their review of the Nibley  
21 City Land Use Chart. They hadn't done too deep a review and were going to do some  
22 homework and review of the land use chart independently and then bring the item back  
23 for a workshop discussion.

24  
25 **Public Comment Period**

26 Mayor Jacobsen gave direction to the public present and opened the Public Comment  
27 Period at 6:36 p.m.

28  
29 Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:36  
30 p.m.

31  
32 **Presentation: CAPSA**

33 Mattie Soto, Community Engagement Coordinator with CAPSA gave the following  
34 statement and statistics:

35  
36 April is Sexual Assault Awareness Month. This year we are focused on HOPE.

37  
38 We know that HOPE begins when we start by believing. HOPE begins when  
39 survivors feel supported by their community. HOPE happens when we connect  
40 survivors to CAPSA and our supporting agencies.

41  
42 CAPSA has several programs and services that work collaboratively to support  
43 survivors. This month we want to highlight our outreach casework program.  
44

1 We have 6 outreach caseworkers and 4 outreach casework interns. Our  
2 caseworkers are often the first to have these hard and personal conversations  
3 with survivors of sexual assault and rape. During these conversations, our  
4 caseworkers go through a pamphlet with survivors to help them understand  
5 their feelings, their reactions, and their choices of resources, and help normalize  
6 all of it. We want to ensure that we help give power back to survivors.

- 7
- 8 1. On average in 2022, there were 3.25 Code R's per month, which are  
9 forensic medical exams for sexual assault and rape cases. But this range  
10 can fluctuate widely. Some months we may have 5 or 6 and some months  
11 we may have 0.
- 12 2. In 2022, CAPSA responded to 39 Code R exams at the Cache Valley  
13 Hospital.
- 14 3. In 2022, 52% of CAPSA clients disclosed sexual assault, either as a primary  
15 or secondary survivor.
- 16 4. In 2022, CAPSA assisted a total of 631 sexual assault clients.
- 17

18 In order to best support survivors, CAPSA has developed incredible relationships  
19 with law enforcement, investigators, and the hospital. CAPSA's caseworkers  
20 know these systems and processes and can prepare individuals and empower  
21 them to make decisions to help them.

22

23 I want to share a recent success story that highlights the value of these  
24 collaborations and CAPSA's efforts to support survivors of Sexual Assault.  
25 One of our caseworkers recently assisted a veteran who was making a report of  
26 sexual assault that occurred while she was in the military. The military flew in  
27 investigators to meet with the client. The client requested her caseworker join  
28 her for the interview. The investigators were able to use the police department  
29 as a space to conduct the interview. After the interview, the investigators asked  
30 the caseworker to stay back for a minute and expressed their gratitude to the  
31 caseworker for being present. They told the caseworker that the work we do is  
32 life-changing.

33

34 This collaboration, the collaboration we share with your community, is what it  
35 takes to give HOPE to survivors. Thank you!

36

37 Councilmember Mann asked if Ms. Soto statics were just Cache Valley. Ms. Soto said  
38 CAPSA served Cache County, Rich County and some parts of southern Idaho as well.  
39 Councilmember Mann asked how many locations CAPSA had. Ms. Soto said they had  
40 one location, and they were happy to give tours of the facility. Mayor Jacobsen said Ms.  
41 Soto had reported sobering numbers asked how they "got hopeful" from the numbers  
42 Ms. Soto had reported. Ms. Soto said CAPSA was always growing, and they have a much  
43 bigger program than a lot of people had the capacity to manage; they were in a unique

1 position to be able help in a wider range than a lot of places were. The hope came from  
2 what their CAPSA team was able to do.

3  
4 **Public Hearing: Resolution 23-05 — Nibley City Engineering Design Standards and**  
5 **Specifications for Water Systems, Sewer Systems, Street Signs, and Cold Weather**  
6 **Paving Standard**

7 Mr. Dickinson reported that the resolution proposed engineering design standards. For  
8 water systems, the sewer system and approved materials lists. It also included a street  
9 sign that would be incorporated into the transportation update, soon. Mr. Dickinson  
10 said there had been a revision in the Cold Weather Paving Standard that allowed the  
11 City to charge a contractor that had a deficient project and reserved the right to have  
12 the contractor remove the product and have it replaced.

13  
14 Mayor Jacobsen gave direction to the public and opened the Public Comment Period at  
15 6:43 p.m.

16  
17 Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:44  
18 p.m.

19  
20 **Discussion & Consideration: Resolution 23-05 — Nibley City Engineering Design**  
21 **Standards and Specifications for Water Systems, Sewer Systems, Street Signs, and Cold**  
22 **Weather Paving Standard (Second Reading)**

23 Councilmember Larsen asked about the availability of manufacturers for products so  
24 there wasn't a monopoly or sourcing issues. Mr. Dickinson said they had tried to limit  
25 the selection criteria, so staff didn't have to carry a whole bunch of parts for a bunch of  
26 different products. Mr. Dickinson the street sign that was presented was 38" x 8" blue  
27 sign with the white Nibley emblem and the larger font.

28  
29 *Councilmember Larsen moved to approve Resolution 23-05 — Nibley City Engineering*  
30 *Design Standards and Specifications for Water Systems, Sewer Systems, Street Signs, and*  
31 *Cold Weather Paving Standard as presented. Councilmember Bernhardt seconded the*  
32 *motion.*

33  
34 *Councilmember Mann made a motion to amend that the street sign specification*  
35 *be the large sign with the green color. Councilmember Laursen seconded the*  
36 *motion. The amendment passed 3-2; with Councilmember Mann and*  
37 *Councilmember Laursen in favor. Councilmember Bernhardt and Councilmember*  
38 *Larsen were opposed. Mayor Jacobsen broke the tie and voted in favor of the*  
39 *amendment.*

40  
41 *Voting on the motion to approve the amended Resolution 23-05 — Nibley City*  
42 *Engineering Design Standards and Specifications for Water Systems, Sewer*  
43 *Systems, Street Signs, and Cold Weather Paving Standard was as follows:*  
44 *Councilmember Bernhardt voted in favor.*

1 Councilmember Larsen voted in favor.  
2 Councilmember Laursen voted in favor.  
3 Councilmember Mann voted in favor.  
4

5 The amended motion passed 4-0; with Councilmember Larsen, Councilmember  
6 Bernhardt, Councilmember Laursen, and Councilmember Mann all in favor.  
7

8 **Discussion and Consideration: Ordinance 23-12 — Amending NCC 21.14.040, NCC**  
9 **21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in Relation to**  
10 **Required Subdivision Improvements and Completion Assurance, and Form and**  
11 **Method of Guarantee of Improvements (First Reading)**

12 Mr. Dickinson reported that the proposed code changes stemmed from legislative  
13 changes from 2022. The Legislature had changed the rules on when a municipality had  
14 to issue building permits. Mr. Dickinson described that way Nibley code was that certain  
15 infrastructure had to be in place. The State wanted to speed up the process and passed  
16 rules that the city couldn't withhold building permits if all life safety and fire codes are  
17 met and if there was a road to support a fire truck or EMS. Mr. Dickinson reported that  
18 the surety and warranty requirement in current code were lacking and were proposed  
19 to be updated. They could allow a letter of credit, a bond, or cash in an escrow account  
20 that is monitored by a title company. These forms of surety were offered to a developer  
21 in Nibley City and if they had life safety and they posed surety, Nibley City Council could  
22 issue the building permits. Mr. Dickinson discussed that the guarantee of improvements  
23 tends to expire sooner than the work being completed so provision had been put in with  
24 a three-year term limit on a letter of credit and would most likely get them through the  
25 initial construction period and in many cases through the one-year warranty period. Mr.  
26 Dickinson summarized some of the discussion held at the Planning Commission the  
27 previous week and read their recommendation:  
28

29 *"Form and Method of Guarantee of Improvements with a recommendation to*  
30 *City Council to explore the ability to secure the letter of credit by a senior lien*  
31 *position on the property"*  
32

33 Commissioner Tyler Obray said there was risk in the banking world. If a bank issued a  
34 letter of credit and the bank failed, then the letter of credit would be useless. If they  
35 were issuing building permits in a subdivision and the road was not finished, then the  
36 City Council couldn't issue a certificate of occupancy to move into the home and if there  
37 weren't a letter of credit to ensure there was cash available then there was no other  
38 way than to use the city's own funds and complete the subdivision. Mr. Maughan asked  
39 if the same rules applied or did not apply for a building permit as occupancy? Mr.  
40 Dickinson said yes, they cannot withhold occupancy if they have bond if they met all life  
41 safety. Mayor Jacobsen described that people could be living in a construction zone.  
42 Commissioner Obray said he felt a lot of this would be mitigated in the relationships  
43 between the banks and the developer. He described that it made sense to start the  
44 vertical construction as the exact same time as they started the horizontal construction

1 and finish at the same time. A bank would not approve construction on a home unless  
2 the infrastructure was significantly complete. The risk of a letter of credit failing was  
3 unlikely. The loan covenants between the developers and the end user would protect  
4 the city against a subdivision of completed homes that didn't have sidewalk and gutter.  
5 Mr. Dickinson, Mr. Maughan and the City Council discussed if a development were to  
6 provide cash.

7  
8 *Councilmember Bernhardt moved to approve Ordinance 23-12 — Amending NCC*  
9 *21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in*  
10 *Relation to Required Subdivision Improvements and Completion Assurance, and Form*  
11 *and Method of Guarantee of Improvements and waived the seconded reading.*  
12 *Councilmember Mann seconded the motion.*

13  
14 The City Council discussed who would oversee tracking assurances and guarantees of  
15 improvements. Mr. Dickinson said he was tracking this and was given direction to put  
16 together a spreadsheet and track using a spreadsheet. Commissioner Obray suggested  
17 that a surety bond should not be released with authorization from the City and not have  
18 a termination date.

19  
20 *Voting on the motion to approve the Ordinance 23-12 — Amending NCC*  
21 *21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance*  
22 *in Relation to Required Subdivision Improvements and Completion Assurance,*  
23 *and Form and Method of Guarantee of Improvements was as follows:*  
24 *Councilmember Bernhardt voted in favor.*  
25 *Councilmember Larsen voted in favor.*  
26 *Councilmember Laursen voted in favor.*  
27 *Councilmember Mann voted in favor.*

28  
29 *The motion passed 4-0; with Councilmember Bernhardt, Councilmember Mann,*  
30 *Councilmember Larsen, and Councilmember Laursen all in favor.*

31  
32 **Discussion and Consideration: Ordinance 23-09 — Amending 21.12.060: Blocks,**  
33 **Connectivity And Trail Standards (First Reading)**

34 Mr. Roberts led this presentation. He utilized an electronic presentation entitled Nibley  
35 City Council March 23, 2022; Trail Standards amendment (a printed version of this  
36 presentation in included in the printed meeting minutes). The topics included in Mr.  
37 Roberts presentation included the following: Background, and Peer Examples.

38  
39 Councilmember Laursen left the meeting at 7:23 p.m.

40  
41 Mr. Roberts ended his presentation by providing the Nibley City Planning Commission's  
42 Recommendation:

1           *"Approval of Ordinance 23-10: Amending 21.12.060: Blocks, Connectivity And*  
2           *Trail Standards"*

3  
4 Councilmember Laursen returned at 7:25 p.m.

5  
6 Mr. Maughan and the City Council discussed a second trail access to Heritage Elementary  
7 school. They also discussed the pros and cons of a walkable community. Mayor Jacobsen  
8 said he liked Mr. Dickinson's suggestion that they eliminate cul-de-sacs.

9  
10 *Councilmember Laursen moved to approve Ordinance 23-09 — Amending 21.12.060:*  
11 *Blocks, Connectivity And Trail Standards for first reading. Councilmember Larsen*  
12 *seconded the motion.*

13  
14 Councilmember Laursen thought there was a little more to think about since the City  
15 Council's discussion. He said didn't know how he felt about the concept of a gate. There  
16 was security by gates but also security by designs. He requested more time to think  
17 about the ordinance and research it.

18  
19 *The motion to approve Ordinance 23-09 for first reading passed 4-0; with*  
20 *Councilmember Laursen, Councilmember Larsen, Councilmember Bernhardt, and*  
21 *Councilmember Mann all in favor.*

22  
23 **Discussion & Consideration: Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08,**  
24 **5.10, 5.12 and 5.14 Business and License Regulations (First Reading)**

25 Mr. Roberts led this presentation. He utilized an electronic presentation entitled Nibley  
26 City Council March 23, 2022; Business Licensing Amendments (a printed version of this  
27 presentation is included in the printed meeting minutes). The topics included in Mr.  
28 Roberts presentation included the following: Background and Staff Recommendation.

29  
30 Mayor Jacobsen asked if the changes made Nibley City code enforceable and  
31 prosecutable? Mr. Roberts agreed that it did. Mayor Jacobsen asked who could write  
32 citations? Mr. Roberts said city staff could if it were an administrative citation and law  
33 enforcement could. Ms. Gonzales said it would be great to be able to write  
34 administrative citations. She liked the Nibley City nuisance process and thought it was  
35 effective and was in favor of administration of this code to follow that process.

36  
37 Councilmember Laursen gave direction to City Staff to replace and move to gender  
38 neutral language on the proposed ordinance. He also questioned sections about delivery  
39 of services or good and questioned how this worked with companies like Uber or  
40 DoorDash? Mr. Roberts said he hadn't contemplated this. The ordinance was somewhat  
41 related, and the State had changed so that mobile vendors or food trucks didn't need to  
42 be licensed with individual cities and just with one city. Mr. Roberts clarified that they  
43 were discussing a resident that worked for a delivery or driving company.

44 Councilmember Laursen directed staff to investigate this. Councilmember Laursen asked

1 for a quick survey of what larger cities handled in those situations and a way to  
2 encourage those that lived and operated in Nibley City to participate in Nibley's process.  
3 Mr. Roberts said he would do some research to see if this was legal and then look to see  
4 what other cities were doing.

5  
6 *Councilmember Larsen moved to approve Ordinance 23-13 — Amending NCC 5.02, 5.04,*  
7 *5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations for first reading.*  
8 *Councilmember Laursen seconded the motion. The motion passed 4-0; with*  
9 *Councilmember Larsen, Councilmember Laursen, Councilmember Bernhardt, and*  
10 *Councilmember Mann all in favor.*

11  
12 Councilmember Bernhardt moved to suspend the agenda and adjust item 16 to occur  
13 after item 11 on the agenda. After discussion of the remaining agenda items, the motion  
14 died due to lack of second.

15  
16 Seeing no objection, Mayor Jacobsen called for a meeting recess at 8:06 p.m. The  
17 meeting resumed at 8:13 p.m.

18  
19 **Discussion & Consideration: Ordinance 23-14 — Amending NCC 1.08, 9.02, 9.06,**  
20 **19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement (First**  
21 **Reading)**

22 Mr. Maughan reported on this item. He said these changes were brought on somewhat  
23 by the State code that an animal code violation could no longer be treated as a  
24 misdemeanor and had to be treated as an infraction. The City Attorney had taken a  
25 review of the ordinance and the Sheriff's office had given a couple comments, but Mr.  
26 Maughan had had a chance to sit down with the Sherriff's office but planned to do so.

27  
28 Mr. Maughan described that the proposal changed the appeal process to go to the  
29 administrative appeal authority and the dangerous animal section had been amped up.  
30 There may be "tweeks" to the contract from the potential prosecutor and the Sheriff's  
31 office comments at the next reading of the ordinance. Ms. Gonzales asked if they had  
32 addressed if animal control could enforce animal land use. Mayor Jacobsen suggested  
33 they could include language in NCC 09.02.180 that perhaps that was a good place to  
34 specifically put in that they add animal land use NCC 19.34 to the enforcement and  
35 penalty so that they could specifically back up their animal land use with enforcement  
36 and penalty in the animal land use part. Enforcing animal land use had been a difficulty  
37 because animal enforcement officers looked at the animal enforcement part and he was  
38 hoping a reference to the animal land use make it alright to write infractions against the  
39 land use code that involved animals. Mayor Jacobsen said he was not inclined to move  
40 the animal land use out of land use code because it had to do with the size of a lot. He  
41 felt they only needed a reference in the animal control part to that land use and make it  
42 enforceable with writing citations and the prosecutorial process. Ms. Gonzales said  
43 they'd also had trouble writing citations because there was no penalty. They had a  
44 penalty and a fine now but needed it referenced in the animal control code they'd be

1 fine and able to enforce the animal land use code. Mayor Jacobsen noted that the  
2 proposed code also allowed administrative enforcement. Mr. Roberts found the  
3 reference to administrative enforcement; it could be criminal or civil enforcement  
4 proceedings or both. Ms. Gonzales asked if this was referenced in the animal land use  
5 section as well? Mayor Jacobsen referenced the code that addressed sentencing and  
6 penalty for violation for violating animal control and if they said animal control involved  
7 animal land use, he believed that covered it. Mayor Jacobsen said he would follow up on  
8 this. Mr. Maughan described who he'd disseminated the proposed code changes to and  
9 described who he proposed to seek buyin from moving forward and felt they needed to  
10 work through Lieutenant Bartschi at the Sheriff's office.

11  
12 Councilmember Bernhardt asked staff to also make this ordinance gender neutral.

13  
14 *Councilmember Larsen moved to approve Ordinance 23-14 — Amending NCC 1.08, 9.02,*  
15 *9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement for first*  
16 *reading. Councilmember Mann seconded the motion. The motion passed 4-0; with*  
17 *Councilmember Larsen, Councilmember Mann, Councilmember Bernhardt, and*  
18 *Councilmember Laursen all in favor.*

19  
20 **Discussion & Consideration: Ordinance 23-15 — Amending NCC 7.16.010-050 Noise**  
21 **Regulations (First Reading)**

22 Mr. Maughan said this was like the previous item. They wanted the ordinance to be  
23 enforceable and prosecutable to help with citizens deal with unnecessary noise. Mr.  
24 Maughan said the code changes were written by the City Attorney and was an effort to  
25 get someone to write a ticket. Mayor Jacobsen said the ordinance amendment raised  
26 the allowed decibel units to 60 dba. He felt this was another good thing that dealt with  
27 the intermittent duty cycle and dealt with people who were mowing their lawn.

28  
29 *Councilmember Larsen moved to approve Ordinance 23-15 — Amending NCC 7.16.010-*  
30 *050 Noise Regulations for first reading. Councilmember Bernhardt seconded the motion.*

31  
32 Councilmember Bernhardt asked if law enforcement had to have a meter. Mayor  
33 Jacobsen said Nibley City had a meter and this had been given to complainants before.  
34 Councilmember Mann asked about a section of neighbors being allowed to write down  
35 instances of noise but now it had to be recorded. Mr. Maughan clarified that the  
36 complainant would have to record the complaint as well as note the noise. Mayor  
37 Jacobsen discussed a historical instance of noise enforcement that had been taken to  
38 court; they had used DbA readings.

39  
40 Ms. Gonzales disused typical noise infractions from construction companies. She asked  
41 if the ordinance allowed them to site contractors. Mr. Roberts reported they'd typically  
42 gotten cooperation from law enforcement for this enforcement, but it had been difficult  
43 to enforce the ordinance because it was hard to nail down who the offender was  
44 because of sub-contractors. Mr. Roberts didn't believe the proposed ordinance effected

1 that specific provision of Nibley City's code. Mr. Maughan clarified if Ms. Gonzales was  
2 looking into issuing an administrative citation. Ms. Gonzales said she was and Mr.  
3 Maughan said he would look into this.

4  
5 Councilmember Laursen asked if a semi-truck carrying cows late at night would fall  
6 under temporary short-term use? Mr. Maughan said they would have to investigate this  
7 too and felt it would be pretty hard to prohibit this. Councilmember Bernhardt felt this  
8 was different and described his proximity to 800 west and the amount of truck traffic  
9 that sometime occurred on that road.

10  
11 Mayor Jacobsen asked how all the penalties got into the shared master offence table  
12 (SMOT). Ms. Gonzales said she would get the adopted penalties in the SMOT.

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

16  
17 **Discussion & Consideration: Ordinance 23-16 — Deleting NCC 15.04.030.H Sewer**  
18 **Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer (First**  
19 **Reading)**

20 Mr. Dickinson the ordinance came about when they were doing updated to the sewer  
21 design standards. Mr. Dickinson described a sewer main. He said current code put the  
22 city responsible from the sewer main to the property line for any structural damage and  
23 blockage was purely the owners' responsibility from the structure to the main. It was  
24 hard to tell what caused a blockage or problem without getting a plumber or crew out  
25 and the question came up, "Who calls?" Mr. Dickinson said the sewer lateral portion of  
26 the code was under septic systems and really didn't belong there and proposed they  
27 delete that entire section and take and amend it and put into the correct code  
28 15.04.040 and add a new section that put the ownership and maintenance onto the  
29 owner of the building served. Mr. Dickinson said developers had a one-year warranty  
30 and the city had had a 23-year warranty on sewer lateral systems. Mr. Dickinson  
31 reported there hadn't been any structural failures in the Nibley sewer system. Mr.  
32 Dickinson said he had reached out to other cities and described their city code. Mr.  
33 Dickinson said the Utah Local Government's Trust had recommended they do away with  
34 the ownership and the portion of the maintenance. Mr. Dickinson said staff was set up  
35 to deal with the big stuff and to deal with laterals involved risk with city personnel  
36 entering private property, so it made sense to push the responsibility onto the owner.

37  
38 The City Council discussed scenarios and how they would apply under the proposed  
39 ordinance.

40  
41 *Councilmember Larsen moved to approve Ordinance 23-16 — Deleting NCC 15.04.030.H*  
42 *Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer for*  
43 *first reading. Councilmember Bernhardt seconded the motion. The motion passed 4-0;*

1 *with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and*  
2 *cam all in favor.*

3  
4 **Discussion & Consideration: Resolution 23-06 — Review and Acceptance of the 2022**  
5 **Municipal Wastewater Planning Program (First Reading)**

6 Nibley Water and Wastewater Manager, Jared Pratt led this discussion. He displayed the  
7 2022 MWPP USMP Annual report.

8  
9 Councilmember Larsen asked if many cities had their sewers back up into homes. Mr.  
10 Pratt said if he had a friend who were going to buy an older home, he would suggest  
11 that friend had the sewer cameraed to ensure the sewer was in good condition. Mr.  
12 Pratt discussed tree roots encroaching on pipes. Mr. Pratt said the City was required to  
13 report backups into sewer mains.

14  
15 Councilmember Laursen asked about the policy of continuing education and training for  
16 staff. He questioned if Mr. Pratt felt they were getting enough of this. Mr. Pratt reported  
17 his felt the staff was well educated and had the opportunity to go to annual trainings.

18  
19 Councilmember Larsen asked noted that staff had indicated there was no written  
20 emergency response plan and asked if this was something they needed to have. Mr.  
21 Pratt said they didn't have some written responses on how they took care of different  
22 things. They had this as one of their "to dos" and wanted to write an exact response and  
23 have it amended into their specifications.

24  
25 *Councilmember Larsen moved to approve Resolution 23-06 — Review and Acceptance of*  
26 *the 2022 Municipal Wastewater Planning Program and waived the second reading.*  
27 *Councilmember Bernhardt seconded the motion.*

28  
29 *Voting on the motion to approve the Resolution 23-06 — Review and Acceptance*  
30 *of the 2022 Municipal Wastewater Planning Program was as follows:*

31 *Councilmember Bernhardt voted In favor.*

32 *Councilmember Larsen voted In favor.*

33 *Councilmember Laursen voted yes.*

34 *Councilmember Mann voted In favor.*

35  
36 *The motion to approve Resolution 23-06 passed unanimously 4-0; with Councilmember*  
37 *Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Mann*  
38 *all in favor.*

39  
40 **Presentation: Sewer Line Rapid Assessment Tool Results**

41 Mr. Pratt led this presentation. He utilized an electronic presentation entitled This  
42 technology is based on Sound Science, SL-RAT (Sewer Line Rapid Assessment Tool) (a  
43 printed version of this presentation in included in the printed meeting minutes). The  
44 topics included in Pratt's presentation included the following: SL-RAT Assessment Scale,

1 Nibley City Council Sewer System, Nibley City SL-Rat 2022 Rating, Sewer Manhole  
2 Inspections, Layers, Collar Condition, Lid Condition, Riser Condition, Infiltration, Trough  
3 Condition, Condition Report, Photos, and Questions.

4  
5 Councilmember Laursen said it was important to utilize this technology to educate the  
6 community. Mr. Pratt and the City Council discussed encroachment of roots and the  
7 sewer system. They also discussed the placement of sewer manholes and different types  
8 of manhole covers.

9  
10 **Approval of Contract: Review and approval of contract with Daines and Jenkins for**  
11 **Nibley City Prosecution services**

12 Mr. Maughan reported there had been issues with enforcing Nibley City's code and the  
13 Cache County Attorney's office would like to be out of the contract and out of the  
14 business of being County prosecutor. Nibley City had received direction to try and  
15 contract with the same prosecutor that contracted with Hyrum to try and gain  
16 efficiencies of scale and to consolidate processing happening at the Hyrum courts. The  
17 contract went through 2026 and had a clause that they had to give a 90 notice if they  
18 wanted to get out of the contract. Councilmember Bernhardt noted the contract was  
19 written for June 31 of any given year. Mr. Maughan discussed the cost of prosecution  
20 services which was substantially more than they had been paying. Mr. Maughan said  
21 Mr. Jenkins had also been doing prosecution services for both North Logan and Hyde  
22 Park.

23  
24 *Councilmember Larsen moved to approve the contract with Daines and Jenkins for*  
25 *Nibley City Prosecution services. Councilmember Bernhardt seconded the motion.*

26  
27 *Mayor Jacobsen asked for general consent to amend the Prosecution Services*  
28 *Agreement from "June 31" to the following:*

29  
30 *"3. Compensation. City agrees to compensate Contractor \$1,500.00 per*  
31 *month for all prosecutorial services including any interaction and counsel*  
32 *with law enforcement and code enforcement officials, case screenings,*  
33 *arraignments, pretrial conferences, any and all motion practice, trials,*  
34 *and appeals de novo to the District Court, and expungements. Any*  
35 *services beyond the scope of the City's Prosecutorial needs, including code*  
36 *and ordinance review, Contractor shall be compensated by the City at an*  
37 *hourly rate of \$140.00per hour. At its sole discretion, Contractor may*  
38 *increase the compensation level beginning on June 30<sup>th</sup> of any given year,*  
39 *but in no event shall an increase in compensation level exceed three*  
40 *percent (3%) of the current compensation rate in a twelve (12) month*  
41 *period."*

42  
43 *General consent was given.*  
44

1 *The motion to approve the contract with Daines and Jenkins for Nibley City Prosecution*  
2 *services passed 4-0; with Councilmember Larsen, Councilmember Bernhardt,*  
3 *Councilmember Laursen, and Councilmember Mann all in favor.*

4  
5 **Council and Staff Report**

6 Councilmember Mann reported that she'd met with Josh Low and partners with the  
7 Watermark property. She felt there were interesting changes regarding their plan, and  
8 they'd come up with an amended site plan for Nibley. She described the plan that had  
9 been presented. The next step was to meet with the school and get their thoughts on  
10 Watermark's Nibley plan.

11  
12 Councilmember Mann reported on a meeting with Chad Wright, Mayor Jacobsen, and  
13 Mr. Maughan about indoor recreation facilities.

14  
15 Councilmember Mann said Mr. Maughan had found the cost for a flashing crossing sign  
16 was about \$10,000. She said wanted to pursue this further.

17  
18 Councilmember Laursen asked when they were scheduled to review Nibley City's  
19 stormwater plan. Mr. Maughan reported the stormwater master plan had been set in  
20 the budget for the next year. Councilmember Laursen felt the city would need to  
21 address some issues with stormwater. Mr. Maughan discussed some stormwater  
22 flooding issues in Maple View Estates and described mitigation that could take place and  
23 the cost for the mitigation.

24  
25 Councilmember Larsen discussed his impressions of current water conditions.

26  
27 Mayor Jacobsen offered to carpool to the upcoming Utah League of Cities and Towns  
28 conference in St. George.

29  
30 Mr. Maughan reported on staff's efforts to prepare for potential flooding, sandbags, and  
31 staff's duties if flooding were to take place.

32  
33 Mayor Jacobsen reported on the land acquisition process at 1200 west.

34  
35 Mr. Eliason described that on the past Thursday everyone on staff had gathered and  
36 collaborated and put the snowplows away for the season and had celebrated staff's  
37 response to 25 winter storms.

38  
39 Mayor Jacobsen saw no objection to move to closed session to discuss the Character,  
40 Professional Competence, or Physical or Mental Health of an Individual Pursuant to Utah  
41 Code 52-4-205.

42  
43 The meeting moved to closed session at 10:43 p.m.

1 The regular City Council returned from closed session at 11:57 p.m.

2  
3 Councilmember Laursen moved to adjourn the City Council meeting. Councilmember  
4 Mann seconded the motion. The motion passed unanimously 4-0; with Councilmember  
5 Laursen, Councilmember Mann, Councilmember Bernhardt, and Councilmember Larsen  
6 all in favor.

7  
8 The meeting was adjourned at 11:58 p.m.  
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Attest: \_\_\_\_\_  
City Recorder