

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, April 27, 2023.

The following actions were made during the meeting:

Mayor Jacobsen asked for the City Council to support him in declaring Friday, April 28, 2023, as Arbor Day in Nibley and urged citizens to celebrate Arbor Day and support efforts to protect Nibley's trees and woodlands. Mayor Jacobsen moved to adopt the Proclamation Recognizing Arbor Day in Nibley City. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Councilmember Laursen moved to approve the contract with MGB+A to Update the Parks, Recreation and Open Space Master Plan as given. Councilmember Sweeten seconded the motion. The motion passed 5-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Larsen moved to approve Ordinance 23-19: Amending NCC 17.02.010 and 17.02.030- Building Code Adoption and Permit Intake and waived the second reading. Councilmember Sweeten seconded the motion.

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

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

Councilmember Sweeten moved to approve Ordinance 23-18: FEMA Flood Insurance Rate Map (FIRM) update; Amending NCC 23.06.020 & 23.060.080- Nibley City Flood Control and adopting sections 23.12.010- SEVERABILITY and 23.12.020- CERTIFICATION and waived the second reading. Councilmember Laursen seconded the motion.

**Voting on the motion to approve was as follows:
Councilmember Bernhardt voted yes.
Councilmember Larsen voted yes.
Councilmember Laursen voted in favor.
Councilmember Mann voted in favor.**

Councilmember Sweeten vote yes.

The motion to approve Ordinance 23-18 was unanimous 5-0; with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Sweeten made a motion to approve Ordinance 23-12 — Amending NCC 21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in Relation to Required Subdivision Improvements and Completion Assurance, and Form and Method of Guarantee of Improvements. Councilmember Laursen seconded the motion.

Voting on the motion to approve was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted yes.

Councilmember Mann voted in favor.

Councilmember Sweeten vote yes.

Voting to approve Ordinance 23-12 was unanimous 5-0; with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Laursen made a motion to approve Ordinance 23-09 — Amending 21.12.060: Blocks, Connectivity And Trail Standards. Councilmember Sweeten seconded the motion.

Voting on the motion to approve was as follows:

Councilmember Bernhardt voted in favor

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten vote yes.

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

Councilmember Larsen made a motion to continue Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, Councilmember Sweeten and Councilmember Mann all in favor.

Councilmember Sweeten made a motion to continue Ordinance 23-14 — Amending NCC 1.08, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement. Councilmember Laursen seconded the motion. The motion passed unanimously 5-0; with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Councilmember Bernhardt made a motion to continue Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Councilmember Larsen made a motion to approve Ordinance 23-16 — Deleting NCC 15.04.030.H Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer. Councilmember Mann seconded the motion.

Voting on the motion to approve Ordinance 23-16 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted no.

Councilmember Mann voted in favor.

Councilmember Sweeten voted yes.

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

Councilmember Sweeten made a motion to approve Ordinance 23-17: Amending NCC 21.02.090 regarding Subdivision Fees Administration and waive the second reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt vote in favor.

Councilmember Larsen voted in favor.

Councilmember Laursen voted en favor.

Councilmember Mann voted in favor.

Councilmember Sweeten vote in favor.

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

City Recorder Cheryl Bodily took minutes

Joint City Council/Planning Commission Meeting

Opening Ceremonies

Councilmember Sweeten led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the joint Nibley City Council and Nibley City Planning Commission meeting to order on Thursday, April 27, 2023, at 6:30 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Kay Sweeten, Councilmember Erin Mann, Commissioner Garrett Mansell, Commissioner Tyler Obray, Commissioner Matt Logan, and Commissioner Karina Brown, who participated electronically. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Steve Eliason, Nibley City Public Works Director, and Rod Elwood, Nibley City Parks Division Manager was also present.

Approval of the March 23, 2023, Regular City Council Meeting Minutes and Executive Session Meeting Minutes and the Current Agenda (Chair)

Councilmember Mann moved to approve the regular and executive session minutes from March 23, 2023. Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Mann, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all In favor.

Planning Commission Report

Mr. Roberts reported that other than the items that were on the City Council's agenda that evening, the Planning Commission had a workshop to review Nibley City's Land Use Chart. They were taking plenty of time to review each use that was pertinent. So far, they'd gone through all the residential uses and Mr. Roberts anticipated the Planning Commission would be discussing this during their next couple meetings.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:34 p.m.

Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:34 p.m.

Discussion & Consideration: A Proclamation Recognizing Arbor Day in Nibley City

Rod Elwood, Nibley City Parks Division Manager was present and led this presentation. The proposed Proclamation Recognizing Arbor Day in Nibley City was made available for viewing.

Mr. Elwood discussed the benefits of trees and some of the statistics regarding trees. He gave a brief history of the trees in Nibley City and the number of trees currently in Nibley City. Mr. Elwood described the standards and requirements of being designated a Tree City USA.

Commissioner Brett Swenson arrived at 6:38 p.m.

Mr. Elwood discussed the goals and the future for trees in Nibley City, which included updating the tree ordinance, creating a plan for street tree trimming, continuing to be recognized as a Tree City USA and working on getting a Tree City USA growth award. He described the standards of a Tree City USA growth award. Mr. Elwood thanked Mayor Jacobsen and his wife for the support they'd given in providing trees in Nibley City.

Councilmember Mann asked if it was the city's responsibility to trim street trees? Was it the city's responsibility or the property owner's responsibility? Mr. Elwood said this was a current internal discussion but currently city ordinance said it was the city's responsibility and described some exceptions. Mr. Elwood said there would be more discussion on this with the City Council in the form of an ordinance.

Councilmember Laursen said he'd noticed that older trees in the city, that residents ripped them out due to sidewalk damage. He asked if Nibley's current plan address this. Mr. Elwood said it did and the new ordinance would also designate trees that wouldn't be allowed; it would be more clearly defined.

Mayor Jacobsen asked if Mr. Elwood felt they should just start the tree board. Mr. Elwood said he felt public input would be good and it would be beneficial. Mayor Jacobsen told Mr. Elwood that Aaron Bliesner had volunteered to help with a tree board.

Mayor Jacobsen asked for the City Council to support him in declaring Friday, April 28, 2023, as Arbor Day in Nibley and urged citizens to celebrate Arbor Day and support efforts to protect Nibley's trees and woodlands. Mayor Jacobsen moved to adopt the Proclamation Recognizing Arbor Day in Nibley City. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, Councilmember Sweeten, and Councilmember Mann all in favor.

Mr. Elwood left the meeting after this discussion.

Workshop: Housing Gap

Mr. Roberts led this discussion. He utilized a PowerPoint presentation entitled *Housing Gap Workshop* (a printed version of this presentation is included in the printed meeting minutes). The topics covered in Mr. Roberts' presentation included the following:

Allowable Housing Densities, the Nibley City Future Land Use Map, and Questions for discussion.

Councilmember Bernhardt questioned if they were trying to get to affordable housing or just try to get what developers wanted? He discussed affordable housing. Mr. Roberts said the goal was not to appease developers. Commissioner Obray said affordable housing number varied by communities and described the formula that calculated affordable housing and he discussed concentrated higher density and concentrating where the development was placed. He said they shouldn't just increase density, they should consider how they were constructing density. The City Council and Planning Commission attempted to calculate the affordable housing rate in Nibley City.

Councilmember Larsen said they didn't build the houses and couldn't control what the housing costs. He questioned if there weren't any types of market housing that weren't allowed in Nibley. Mr. Roberts said Nibley City didn't have apartments. The City Council and Planning Commission discussed condos and they discussed the amount of frontage that was required in each zone. Commissioner Brown suggested the acreage for the R-PUD zone should be reduced and reducing the minimum lot size for single family homes and an targeted area for apartments. She was concerned that Utah was the sixth least affordable state for new home buyers and that 75% of Utahans can't qualify to buy a home. She was concerned with the younger people leaving and going to other states.

Councilmember Laursen suggested they have a highway mixed zone on SR 165 and highway 89/91. He reminded the City Council that this was in their general plan already. The City Council and Planning Commission discussed mixed use of residential housing and commercial development. They discussed if Nibley's RN zone already accomplished what the City Council was seeking. Commissioner Obray suggested an overlay zoning that designated that a particular development was allowed but didn't force the zoning. He said shortened frontage and narrow lots was a good idea and also suggested density in 5-10 or 3-5 acres and develop really nice high-end regional parks; concentrate the density into a neighborhood and let the rest of the neighborhood build around it with regional parks. The problem with density was too much density but 3 acres of town homes incorporated into residential areas wasn't a problem and then they could take impact fees to build regional parks and trail systems around them. Mr. Roberts discussed a fee in lieu of providing open space.

Councilmember Sweeten thought they needed higher density in smaller areas without exacting more green space where individuals could be incorporated into and fit into the community. She's heard that people in Nibley had asked for options for elderly care that wasn't so far away. Mayor Jacobsen asked if they'd done a "post-mortem" with the people who had decided not to do an assisted living in Nibley City. Councilmember Mann said she'd talked to the developer and said it hadn't penciled well for him and they had other projects that were penciling better for him and had things that were better worth his time. Commissioner Brown said a lady in town wanted to build a four-

plex where seniors could live independently. Councilmember Mann felt they were missing 55+ housing and the older community. She felt there were multiple types of housing they could look at and see if they were making zoning available and enticing people. Councilmember Larsen felt they should identify the open space owned by the City and identify what development they wanted around the property. The developer could buy the rights to the open space. Mr. Roberts said this could happen under transfer of development. The City Council and Planning Commission discussed smaller lots and smaller homes with access to regional parks paid for by impact fees.

Mr. Roberts discussed the recent uptick in applications for ADUs. He said most of the applications were for aging or younger family members. Councilmember Laursen questioned why they didn't allow tiny homes that didn't have a permanent foundation? Commissioner Swenson said he felt Nibley City had a lot of variety or ordinances on the books that addressed the issue of affordable housing, and he was proud of the changes they had done over the last 10 years to make housing possible. He said developers didn't have the best interest of Nibley City in mind.

Mr. Roberts concluded that he felt from the discussion that there were a few tweaks they could make but they didn't need to "rock the boat."

Adjourn Joint City Council/Planning Commission Meeting

Seeing no objection, Mayor Jacobsen adjourned the joint City Council and Planning Commission meeting was adjourned at 7:56 p.m.

Regular City Council Meeting

Mayor Larry Jacobsen called the joint Nibley City Council meeting to order on Thursday, April 27, 2023, at 8:03 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, Councilmember Kay Sweeten, Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, Steve Eliason, Nibley City Public Works Director, and Chad Wright, Nibley City Recreation Director was also present.

Commissioner Garrett Mansell and Commissioner Matt Logan were present. Matt Logan and Kendal Welker were also representing the Nibley City Parks and Recreation Advisory Committee.

Seeing no objection, Mayor Jacobsen called for a break at 7:56 p.m. The meeting resumed at 8:03 p.m.

Workshop: Private Public Partnership for Indoor Recreation space

Nibley City Recreation Director, Chad Wright led this discussion. He utilized a PowerPoint presentation entitled *Public Private Partnerships City Council Meeting April 27th, 2023* (a printed version of this presentation is included in the printed meeting

minutes). The topics covered in Mr. Wright's presentation included the following: Top Performing Social Media, Response Connected with Community Needs, Recreation Solves Problems, SOLUTION: Indoor Recreation Space, \$ Funding Mechanisms \$, NRPA Revenue & Management School TAKE AWAY, Special Service District, Special Service District Considerations, and Public Private Partnerships (PPP)

Councilmember Bernhardt asked for clarification on negotiation of the waiver of lease payment. He didn't understand what this meant in terms of the public/private partnership. Mr. Wright said the private entity typically leased the land from the public entity. Councilmember Bernhardt questioned if a private facility on public property was taxed. Mr. Wright and Mr. Maughan said they would look into the taxing aspects.

Mr. Wright continued his presentation and discussed the NRPA Conference, Private Sector Partners, Typical Facility Arrangement:, Facility Items to Negotiate:, Expected Outcomes:, Funding Vehicle Comparisons, and Request:.

Councilmember Larsen asked if they advertised to get ideas from more than one person to build on the public property. Mr. Wright said this would be put out as a Request for Proposals (RFP). Councilmember Larsen asked if anyone had approached them now. Mr. Wright said there were a couple of potential possibilities. Councilmember Sweeten asked if there were an indicator of the balance of the use of the facility during the 5-7 months of peak use. Mr. Wright said they would have to ensure that the percentage of peak use was included and suggested this could be a Tuesday-Thursday night versus Monday-Wednesday-Friday. Councilmember Mann said she had two people who had come to her unsolicited that Nibley City was building an indoor recreation facility and had expressed excitement. Councilmember Bernhardt thought they already had public/private partnerships in the community with Nibley City's working with comp teams. He said they would need to understand the model of how the public/private partnership would work, using moms wanting to take their kids to play somewhere indoors as an example. Councilmember Mann asked if the updated Parks, Recreation and Open Space Master Plan would address an indoor recreation space use. Mr. Wright reported he anticipated doing an RFP separately for indoor recreation space and Mr. Roberts discussed how this there was crossover with public engagement and that they could coordinate what the public's needs were. Mr. Wright reported they were also planning a feasibility study for indoor recreation space; it was little more specific than a broader Parks, Recreation and Open Space mater plan.

Mr. Maughan felt they should go "lightning speed" on the feasibility study. They had budgeted money for the feasibility study in the upcoming budget. Councilmember Bernhardt directed staff to do a request for information and gather information on a public/private partnership. Sometimes those who responded to the RFI helped to craft the RFP. Councilmember Sweeten, Councilmember Larsen, and Councilmember Bernhardt all expressed the pursuing public/private partnership was a good idea. Mayor Jacobsen felt is was a good idea also and the "devil" was in the details.

Commissioner Mansell, Matt Logan, and Kendal Welker left after this discussion.

Discussion and Consideration: Approval of a Contract to Update the Parks, Recreation and Open Space Master Plan

Mr. Roberts reported that Nibley City had send out a Request for Proposals (RFP) and had received six proposals. A selection committee consisting of a member of the City Council, a member of Planning Commission, the Parks and Recreation Committee and staff had reviewed the received proposals. The selection committee had agreed and consensus was given to MGB+A that they were the most qualified and had shown a lot of expertise in master planning. Someone on their team had also worked as a park division manager and had the expertise of maintaining and designing parks.

Mr. Roberts described some of the qualifications that the proposed awarding company had displayed. Mr. Roberts shared his ideas for how he intended to gather input from the public.

Councilmember Laursen moved to approve the contract with MGB+A to Update the Parks, Recreation and Open Space Master Plan as given. Councilmember Sweeten seconded the motion.

Councilmember Laursen asked if they wanted to specify specifically the recreation in the request. Mr. Roberts felt they were stretched on the scope of work, but there was an opportunity to fold this in as needed. Mr. Roberts said they needed to keep in mind that this was a broad study, and they would learn things that would inform an indoor rec space with the current scope of work.

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

Public Hearing: Ordinance 23-19: Amending NCC 17.02.010 and 17.02.030- Building Code Adoption and Permit Intake

Mr. Roberts led this discussion. He utilized a PowerPoint presentation entitled *Building Code Adoption & Permit Intake* (a printed version of this presentation is included in the printed meeting minutes). The topics covered in Mr. Roberts' presentation included the following: Background and Staff Recommendation.

Mayor Jacobsen opened the public hearing at 9:05 p.m. Seeing no public comments in the audience or online, Mayor Jacobsen closed the public hearing at 9:05 p.m.

Discussion and Consideration: Ordinance 23-19: Amending NCC 17.02.010 and 17.02.030- Building Code Adoption and Permit Intake (First Reading)

Councilmember Larsen moved to approve Ordinance 23-19: Amending NCC 17.02.010 and 17.02.030- Building Code Adoption and Permit Intake and waived the second reading. Councilmember Sweeten seconded the motion.

Councilmember Laursen verified that the change was not the same as the International Residential Code (IRC). Mr. Roberts said this was adopted by the State of Utah but there were other manuals, so this stated they adopted everything the same as the State as far as building codes.

Voting on the motion as was follows:

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten vote in favor.

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

Discussion and Consideration: Ordinance 23-18: FEMA Flood Insurance Rate Map (FIRM) update; Amending NCC 23.06.020 & 23.060.080- Nibley City Flood Control and adopting sections 23.12.010- SEVERABILITY and 23.12.020- CERTIFICATION (First Reading)

Mr. Roberts led this discussion. He utilized a PowerPoint presentation entitled *FEMA Flood Insurance Rate Map (FIRM) and Nibley Flood Control ordinance update* (a printed version of this presentation is included in the printed meeting minutes). The topics covered in Mr. Roberts' presentation included the following: Background, the current FEMA Flood Insurance Rate Map (FIRM) update, FEMA Flood Insurance Rate Map (FIRM) update, Amending NCC 23.06.020 and 23.06.080 – Flood Control, date, and Adopting sections 23.12.010-SEVERABILITY and 23.12.020 – CERTIFICATION.

Councilmember Sweeten moved to approve Ordinance 23-18: FEMA Flood Insurance Rate Map (FIRM) update; Amending NCC 23.06.020 & 23.060.080- Nibley City Flood Control and adopting sections 23.12.010- SEVERABILITY and 23.12.020- CERTIFICATION and waived the second reading. Councilmember Laursen seconded the motion.

Voting on the motion to approve was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten vote yes.

Voting to approve Ordinance 23-18 was unanimous 5-0; with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

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

Mr. Roberts led this discussion. He utilized a PowerPoint presentation entitled *Building Permit Issuance and Subdivision Completion Assurance amendments* (a printed version of this presentation is included in the printed meeting minutes). The topics covered in Mr. Roberts' presentation included the following: Background.

Councilmember Laursen referenced the IRC again. He believed the State had their code but both the State and the City referenced the IRC before they allowed occupancy. He asked if they were in line? Mr. Roberts said the City required more than what the IRC required. They can require these but cannot hold up a building permit for these requirements.

Councilmember Sweeten made a motion to approve Ordinance 23-12 — Amending NCC 21.14.040, NCC 21.14.060 and NCC 21.14.070 Regarding Building Permit Issuance in Relation to Required Subdivision Improvements and Completion Assurance, and Form and Method of Guarantee of Improvements. Councilmember Laursen seconded the motion.

Voting on the motion to approve was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted yes.

Councilmember Mann voted in favor.

Councilmember Sweeten vote yes.

Voting to approve Ordinance 23-12 was unanimous 5-0; with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Discussion and Consideration: Ordinance 23-09 — Amending 21.12.060: Blocks, Connectivity And Trail Standards (Second Reading)

Mr. Roberts led this discussion. He utilized a PowerPoint presentation entitled *Trail Standards amendment* (a printed version of this presentation is included in the printed meeting minutes). The topics covered in Mr. Roberts' presentation included the following: Background.

Councilmember Laursen made a motion to approve Ordinance 23-09 — Amending 21.12.060: Blocks, Connectivity And Trail Standards. Councilmember Sweeten seconded the motion.

Voting on the motion to approve was as follows:

Councilmember Bernhardt voted in favor

Councilmember Larsen voted yes.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

Councilmember Sweeten vote yes.

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

Public Hearing: Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations

Mayor Jacobsen said they'd been working on getting better enforceability of Nibley ordinance. There was a new prosecutor who was looking at Nibley's ordinance and law enforcement was looking at Nibley's ordinance for enforceability of Nibley's ordinance. Mr. Maughan reported that staff hadn't gotten back changes the from the prosecutor in time to analyze and push to eh City Council. Staff's recommendation was to continue the new few items on the agenda. The only substantial change left to talk about was the appeal process. The Prosecutor was recommending an intermediate step between an appeal going to the appeal authority. The prosecutor felt this was more efficient and economical. Mr. Maughan said if the City Council felt they should have another public hearing after they had a firm proposal, staff would facilitate. Mr. Roberts also requested more time to review the proposed changes, specifically from the code enforcement and abatement procedures, which was significantly different from what they had done in the past. Their process in the past gave more opportunities for residents to clean things up. The proposed changes went towards citation a lot quicker, a lot sooner.

Mayor Jacobsen opened the public hearing at 9:29 p.m. Seeing no public comments in the audience or online and expressing disappointment in Christine Roberts, an online participant, Mayor Jacobsen closed the public hearing at 9:29 p.m.

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

Councilmember Larsen made a motion to continue Ordinance 23-13 — Amending NCC 5.02, 5.04, 5.06, 5.08, 5.10, 5.12 and 5.14 Business and License Regulations.

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

Public Hearing: Ordinance 23-14 — Amending NCC 1.08, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement

Mayor Jacobsen opened the public hearing at 9:31 p.m. and seeing no public comments in the audience or online, Mayor Jacobsen closed the public hearing at 9:31 p.m.

Discussion & Consideration: Ordinance 23-14 — Amending NCC 1.08, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement (Second Reading)

Mayor Jacobsen said they needed animal control to sign off on them being able to enforce the ordinance and they needed to resolve the animal land use question so they can do animal land use as well as animal control.

Councilmember Sweeten made a motion to continue Ordinance 23-14 — Amending NCC 1.08, 9.02, 9.06, 19.02.110, and 19.34.110 Regarding Nibley City Animal Code Enforcement. Councilmember Laursen seconded the motion. The motion passed unanimously 5-0; with Councilmember Sweeten, Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Mann all in favor.

Public Hearing: Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations (Second Reading)

Mayor Jacobsen opened the public hearing at 9:33 p.m. and seeing no public comments in the audience or online, Mayor Jacobsen closed the public hearing at 9:34 p.m.

Discussion & Consideration: Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations (Second Reading)

Councilmember Bernhardt made a motion to continue Ordinance 23-15 — Amending NCC 7.16.010-050 Noise Regulations. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, Councilmember Laursen, and Councilmember Mann all in favor.

Public Hearing: Ordinance 23-16 — Deleting NCC 15.04.030.H Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer

Mr. Maughan described that there was nothing new for this ordinance that wasn't covered in the last City Council meeting. He said the ordinance was taking one section of code and moving it to another and establishing ownership of the sewer lateral all the way to the sewer main.

Mayor Jacobsen opened the public hearing at 9:35 p.m. and seeing no public comments in the audience or online, Mayor Jacobsen closed the public hearing at 9:35 p.m.

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

Councilmember Larsen made a motion to approve Ordinance 23-16 — Deleting NCC 15.04.030.H Sewer Lateral Lines and Amending NCC 15.04.040.E Installation of Building Sewer. Councilmember Mann seconded the motion.

Councilmember Laursen said he loved this ordinance change as a city but didn't love the amendment as a landowner . . . so much. Mayor Jacobsen said it was easy to identify, when there was a meter, when the city's responsibility started and when the landowner's responsibility started but there was no meter on the sewer. The Water Department manager had told them this was how cities did this. The good news was Nibley City had a new system and there were not a lot of problems to fix between the right of way line and the lateral connection. Councilmember Mann started discussion of if the new sewer systems being installed in Millville City. She questioned if their system would have the same requirements. Mr. Eliason said it would be set up the same way. The Council discussed new build connections to the sewer system. Mr. Maughan said they required the line to be cameraed before the certificate of occupancy was given.

Voting on the motion to approve Ordinance 23-16 was as follows:

Councilmember Bernhardt voted yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted no.

Councilmember Mann voted in favor.

Councilmember Sweeten voted yes.

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

Discussion and Consideration: Ordinance 23-17: Amending NCC 21.02.090 regarding Subdivision Fees Administration (First Reading)

Mr. Roberts led this discussion. He utilized a PowerPoint presentation entitled *Subdivision Fees Administration* (a printed version of this presentation is included in the printed meeting minutes). The topics covered in Mr. Roberts' presentation included the following: Background and Planning Commission Recommendation.

"Approve Ordinance 23-17: Amending NCC 21.02.090 regarding Subdivision Fees Administration and waive second reading."

Councilmember Sweeten made a motion to approve Ordinance 23-17: Amending NCC 21.02.090 regarding Subdivision Fees Administration and waive the second reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt vote in favor.
Councilmember Larsen voted in favor.
Councilmember Laursen voted en favor.
Councilmember Mann voted in favor.
Councilmember Sweeten vote in favor.

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

Council and Staff Report

Councilmember Larsen reported that the Utah League of Cities and Towns was fun.

Councilmember Larsen reported that the Utah League of Cities and Towns had good stuff about being prepared as a City Council and having templated ordinances that they could sign off on, to get funding.

Councilmember Laursen discussed his references to IRC and said he'd done some research with concern on sump pumps and radon. He asked for insight on the standards and approval process on ground water and radon. Mr. Maughan described some of the approval process. The Council discussed radon in Nibley City.

Councilmember Sweeten said she'd heard great things about the Fun Run and had inquiries from several different people if Chad was being paid enough that Nibley City could keep him. The Council discussed the Nibley City Recreation program and the Recreation Director.

Councilmember Sweeten discussed that at any public meeting or gathering there was always a line to the ladies' room and had gotten questions if they could just have restrooms.

Councilmember Sweeten reported that the Utah League of Cities and Towns conference was good.

Councilmember Mann said the HOPstacle run was awesome. The Youth Council members were awesome.

Mayor Jacobsen described his takeaways from the League of Cities and Towns.

Mr. Roberts expressed his appreciation of his participation at the League of Cities and Towns.

Mr. Maughan described the forecasts for the Blacksmith Fork River runoff and said he was feeling comfortable. They were ready if there was an (flooding) event.

Mr. Maughan asked if the City Council had any questions about the County Attorney audit and Nibley City's part in it.

Mr. Maughan said he'd been interviewed by KSL regarding the Nibley City break in.

Ms. Bodily reminded the Council that the Nibley City Notice of Election was being posted. She reminded the Council that there were three 4-year seats and one 2-year seat open that would be on the ballot.

Mr. Eliason reported on helping Wellsville City with a maintenance problem with their sewer because it was overwhelmed.

Mr. Eliason discussed what they had figured out in conjunction with Blue Stakes on 165 regarding Nibley's sewer.

Seeing no objection, Mayor Jacobsen adjourned the meeting at 10:33 p.m.

Attest: _____
City Recorder