A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, June 8, 2023.

The following actions were made during the meeting:

Councilmember Bernhardt moved the approve RESOLUTION 23-08 –A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2022-23, AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2023-24 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES; adopting the Cache County Certified Tax Rate of .001464 and transferring $287,750.00 from the General Fund to the Capital projects fund as part of the budget. Councilmember Larsen seconded the motion.

Voting on the motion to approve Resolution 23-08 was as follows:
Councilmember Bernhardt voted yes
Councilmember Larsen voted in favor.
Councilmember Mann voted in favor.

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

Councilmember Bernhardt moved to approve Ordinance 23-25 – An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City. Councilmember Mann seconded the motion.

Voting on the motion to approve Ordinance 23-25 was as follows:
Councilmember Bernhardt voted yes.
Councilmember Larsen voted yes.
Councilmember Mann voted in favor.

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

Councilmember Bernhardt moved to approve Ordinance 23-24: Modifications to the Definition of Dwelling Unit and Limits to Single Family Designation. Councilmember Larsen seconded the motion.

Voting on the motion to approve Ordinance 23-24 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted yes.
Councilmember Mann voted in favor.

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

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Councilmember Bernhardt moved to approve Ordinance 23-26: Rezone of Parcel #03-007-0019, located at 2352 S Hwy 89/91 and containing approximately 25.6 acres, from Residential (R-2) to Commercial(C) (Applicant: Al Bingham), and waived second reading; with the condition that the rezone does not go into effect until the property is legally subdivided according to Nibley City Code, Chapter 21. Councilmember Larsen seconded the motion.

Voting on the motion to approve Ordinance 23-26 was as follows:
Councilmember Bernhardt voted yes.
Councilmember Larsen voted in favor.
Councilmember Mann voted in favor.

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

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Meeting of the Community Reinvestment Agency

Discussion & Consideration – Resolution CRA 23-01: A Resolution Adopting the Fiscal Year 2023-2024 Budget

See CRAMinutes06-08-23.pdf

Meeting of the Municipal Building Authority

Discussion & Consideration – Resolution MBA 23-01: A Resolution Setting the Officers of the Nibley City Municipal Building Authority and Adopting the Fiscal Year 2023-2024 Budget

See MBAMinutes 06-08-23.pdf

Opening Ceremonies

Councilmember Mann presented some family history regarding James and Jean Nibley from Scotland and their immigration to the United States. One of their sons was Nibley's namesake, Charles Nibley. Councilmember Mann hoped the City Council could work for good principles and put in the time and effort to make them come to fruition for Nibley City.

Councilmember Mann led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

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Mayor Larry Jacobsen called the Thursday, June 8, 2023, Nibley City Council meeting to order at 6:40 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Norman Larsen, and Councilmember Erin Mann. Justin Maughan, Nibley City Manager, Levi Roberts, and Tom Dickinson, Nibley City Engineer was also present.

Approval of the May 25, 2023, Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the May 25, 2023, meeting minutes and the evening's agenda as proposed. Councilmember Bernhardt seconded. The motion passed 3-0; with Councilmember Larsen, Councilmember Bernhardt, and Councilmember Mann all in favor.

Planning Commission Report

Mr. Roberts reported that the Planning Commission had discussed the Land Use Chart again. They had gotten through Industrial uses and suggested changes. A public hearing would be hold at the next Planning Commission meeting, which would be held the first week of July.

Public Comment Period

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

Denise Buchanen of 472 West 3220 South discussed the miscommunication she and her husband Eldon had gotten regarding their conservation lot and home in Nibley City from Visionary Homes and the City had told him he could. Mrs. Buchanen gave the example of the swales included in her conservancy subdivision. She discussed what was communicated to her about what could be included in the swale areas of her subdivision. She said a staff member had told her she could have to two animals "but you could probably have three. But we just want to know they are well taken care of ." Mrs. Buchanen discussed how well her property was taken care of. She said she had two steers, which they had gotten rid of and a 5-year old filly and they had purchased another animal so she and her husband would each have an animal to ride. Mrs. Buchanen distributed the letter that she had received from the City regarding the animals on her land. She described that the animals had been moved to 2 acres so they were currently in compliance with Nibley City ordinance but asked the City Council to adjust the ordinance because there was not a fair assumption of what an animal could live on and be happy. She offered to get door-to-door signatures. She requested the city look at the ordinance and adjust it to allow two large animals on .88 acres.

Mayor Jacobsen described that Mrs. Buchanen had come to the right body to address her issue. He clarified what Mrs. Buchanen was asking the City Council for. Councilmember Bernhardt reported he and Councilmember Laursen were currently taking a look at this issue. Mrs. Buchanen questioned the process when she had asked in advance if she was in compliance with two animals.

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Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:55 p.m.

Workshop--Waste Management

Blake Leonelli, representing Waste Management was participating in the meeting electronically via the Zoom meeting link.

Mr. Leonelli reported that Waste Management had an official contract with the Cache Waste Consortium (CWC) and anticipated to start on October 1, 2023 and had just taken occupancy of their building in North Logan. They were very excited to be a part of the community. He asked if the City Council had any questions?

Councilmember Bernhardt asked what would happen with the existing Logan City trash cans? Mr. Leonelli described that the plan was to purchase the existing cans from Logan City and as they were phased out they would be replaced with Waste Management containers. Mayor Jacobsen asked if their services included all cart services; solid waste, recycles and optional cart service on green waste? Mr. Mr. Leonelli said this was correct and they wanted to maintain the same services that were currently being provided by Logan City. Mr. Maughan and Mr. Leonelli discussed the availability of bulk green waste. Mr. Leonelli said this option was being left up to individual cities in the CWC. Councilmember Mann asked where the company Waste Management was based out of. Mr. Leonel described that the company was based out of Houston. They were the largest land filler, recycler, and hauler of waste in North America. They had the predominant market share in Utah and said the size of the municipalities they serviced varied in size. Mayor Jacobsen asked for an outline of customer/client education that would be provided to Nibley consumers? Mr. Leonelli said they residents would be notified at their home and Waste Management would utilize text blasts if they had that contact information. They could community route changes and other information to customers via text messaging. He said their communication was very robust. Mr. Leonelli described that Waste Management would be purchasing some of Logan fleet and would purchase some new fleet. He also described their plans for employing truck drivers that met their qualifications and they had some current employees who'd expressed interest in transferring to the Cache Valley area. Mr. Leonelli described some of their smart truck technology. Mayor Jacobsen asked for plans for the recyclables stream? Mr. Leonelli said they would currently be processing as was. Down the road, Waste Management had just installed the strongest, most state-of-the-art materials recovery facility in the country, in Salt Lake City. They would like to get recyclables to the Salt Lake facility and this was their end-goal. Mayor Jacobsen asked if a direct contact could be lined up between Nibley City and Waste Management. Mr. Leonelli said he would be Nibley City's direct contact and said each individual city should have his contact information. Mayor Jacobsen asked Mr. Leonelli to make direct contact with Nibley City. Mr. Maughan said the direct contact would be Wendy Lindberg and asked Mr. Leonel to also 'cc himself on the back end of things. Mr. Dickinson said Nibley was

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growing like crazy and described special trash removal policies that had been in place with the previous trash removal provider. He asked for an immediate contact to ensure Nibley's development was meeting Waste Management's requirements.

Discussion & Consideration – RESOLUTION 23-08 –A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2022-23, AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2023-24 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (Second Reading)

Mr. Maughan described the changes that had been made to the budget since the City Council had last been apprised of the 2023-24 budget at the June 8, 2023, meeting. Mr. Maughan reported that they had received the certified tax rate from Cache County just a few hours ago. The certified tax rate was being set at .001464 which was very close to the rate the City Council set last year (.001485).

Mayor Jacobsen discussed definitions of Certified Taxable Value, Certified Tax Rate, Truth in Taxation, and displayed and discussed graphs that showed aggregate increase in certified taxable value ignoring new growth, a $200k property growing at a rate equal to the change in no-growth certified taxable value, and a graph that showed change in value and change in property tax revenue (These graphs are included in the printed meeting minutes). Mr. Maughan described that the city would transfer about $280,000 from the General Fund to the Capital Projects Fund with the certified tax rate (which would be a decrease in tax rate from 2022-23), $318,000 with the same tax rate as the previous year, and if they went back to the historic tax rate the transfer amount would be just under $400,000.

Councilmember Bernhardt felt they should go either with the .001464 or the .001667 tax rate. He leaned personally towards the .001464 but would like to taper off and settle into a more consistent rate. Councilmember Larsen suggested they go with the .001464 and continue to take advantage of their high interest savings and continue to pursue grants. He said the staff was good with their budget and he believed they could make up $14,000 they wouldn't get from taxes. Councilmember Mann shared that Councilmember Laursen had been texting her and recommended he would go with the rate that was adopted the previous year. Councilmember Mann also agreed with Councilmember Larsen that it seemed they had a lot of income coming from other sources.

Mayor Jacobsen discussed how the City funded itself. He said the historic tax value had funded the City and they had weathered the ups and downs of sales tax and. Mayor Jacobsen said his vison for the City and city finance was that as they had other sources of funding, such as full-rate commercial property tax, and point-of-sale sales tax, that they could compute a formula that established a more reasonable tax rate; other than what they had always done in the past. He believed they had big plans to do big things and had so far taken the approach to save for those but he didn't feel they would get

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there. He was seeing reasons to justify public debt. The Council discussed the potential need for the City to go into debt. Mayor Jacobsen said he recommended the City Council go with the current certified tax rate.

Mr. Maughan said the certified rate was justifiable and they had looked at what to budget needed to be increased and had fine-tuned what they needed to spend. They had enough money to do the certified tax rate and it came down to how much money they wanted to put into savings. There were well ahead in their bottom-line balance. They were ahead of where they wanted to be in their capital projects, and he was in favor of going with the certified tax rate. Mayor Jacobsen described how accurately Mr. Maughan had presented the budget.

Mr. Maughan suggested the City Council make a motion to adopt the certified tax rate of .001464 and that the balance left-over be transferred to the Capital Projects Fund.

Councilmember Bernhardt moved the approve RESOLUTION 23-08 –A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2022-23, AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2023-24 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES; adopting the Cache County Certified Tax Rate of .001464 and transferring $287,750.00 from the General Fund to the Capital projects fund as part of the budget. Councilmember Larsen seconded the motion.

Councilmember Bernhardt said the budget had gotten better and better each year. He expressed appreciation of the time and effort that was put into the compiling and preparation of the budget. He thanked the "whole team" for their efforts.

Councilmember Mann discussed the issue brought forward by Commissioner Claire Schenk regarding the Cost-of-Living increase being put forth by the Social Security administration. Councilmember Larsen received clarification that the City's portion of 2600 South was accounted for in the proposed budget. Councilmember Mann discussed the Capital Improvement Projects list included in the budget. She had chatted with 10-12 neighbors over the last couple years and had garnered their feedback. She shared their responses and relayed that a couple people had mentioned opening the bathrooms sooner at Firefly Park, they wanted the Nibley Meadows park to be pushed along, they wanted the indoor rec space to be pushed along, they wanted the sidewalk along Firefly park to 8th west pushed along, and three people had indicated they wanted more money to be put into trails, more designated trail routes, or more significant scenery on their trails. Most people indicated they loved the parks and wanted more money put into the parks and had requested more pickleball courts. Mayor Jacobsen said it was correct for staff to present a budget that didn't commit to specific projects. This needed to be a process they could get to with a realistic Parks, Recreation, Open Space planning process. Councilmember Mann gave kudos to everyone on staff.

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Voting on the motion to approve Resolution 23-08 was as follows:
Councilmember Bernhardt voted yes
Councilmember Larsen voted in favor.
Councilmember Mann voted in favor.

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

Seeing no objection, Mayor Jacobsen called for a short meeting break at 8:22 p.m.

The meeting resumed at 8:29 p.m.

Discussion & Consideration – Ordinance 23-25 – An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)
Mr. Maughan described that the ordinance applied the same Cost of Living Adjustment to the Council and Mayor's compensation as did the rest of Nibley City's staff. Councilmember Bernhardt said he liked the salary survey that had been provided by John Drew and said he felt good where they were at.

Councilmember Bernhardt moved to approve Ordinance 23-25 – An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City. Councilmember Mann seconded the motion.

Voting on the motion to approve Ordinance 23-25 was as follows:
Councilmember Bernhardt voted yes.
Councilmember Larsen voted yes.
Councilmember Mann voted in favor.

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

Discussion and Consideration: Ordinance 23-24: Modifications to the Definition of Dwelling Unit and Limits to Single Family Designation (Second Reading)
Mr. Roberts reported that the ordinance gave clarification and some modification to the definition of a dwelling unit which staff felt was more appropriate and was easier to administer and communicate with people. The ordinance also provided thresholds on animal land use, particularly with accessory dwellings and secondary dwellings. Mr. Roberts said an additional section had been added called Accessory Dwelling Units and Secondary Dwellings. The ordinance limited the maximum animals to 1 dog and 1 cat in accessory and secondary dwellings. Councilmember Bernhardt and Mr. Roberts discussed the numbers of cats allowed on residential lots in Nibley City per Nibley City ordinance

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Councilmember Bernhardt moved to approve Ordinance 23-24: Modifications to the Definition of Dwelling Unit and Limits to Single Family Designation. Councilmember Larsen seconded the motion.

Mayor Jacobsen said the amendments cleared things up for him and felt the Planning Commission had the right advise and the ordinance was in line with what the Planning Commission had recommended. Mr. Roberts agreed with Mayor Jacobsen that the amendment to the proposed ordinance were in line with what the Planning Commission had recommended.

Voting on the motion to approve Ordinance 23-24 was as follows:
Councilmember Bernhardt voted in favor.
Councilmember Larsen voted yes.
Councilmember Mann voted in favor.

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

Discussion and Consideration: Ordinance 23-26: Rezone of Parcel #03-007-0019, located at 2352 S Hwy 89/91 and containing approximately 25.6 acres, from Residential (R-2) to Commercial(C) (Applicant: Al Bingham)

Al, Joel Bingham and Trent Nelson, representing Wesley Nelson Farms and Nibley Development were present for this item. Mr. Roberts had an electronic presentation to accompany his discussion. His presentation was titled *2352 S Hwy 89/91 Rezone* (a printed copy of this presentation is included in the printed meeting minutes). The topics included in his presentation included the following: Background, a concept plat map of the area proposed for rezone, the Cache County parcel viewer view of the parcel proposed for rezone, the Future Land Use Map, and Staff Recommendation.

Mr. Roberts said the Planning Commission had recommended approval of the ordinance with the condition that the rezone does not go into effect until the property is legally subdivided according to Nibley City Code, Chapter 21.

Councilmember Bernhardt asked if staff saw any reason for this application to be held for a second reading. Staff didn't see any reason for the ordinance to be held. Mr. Roberts reported

Councilmember Bernhardt moved to approve Ordinance 23-26: Rezone of Parcel #03-007-0019, located at 2352 S Hwy 89/91 and containing approximately 25.6 acres, from Residential (R-2) to Commercial(C) (Applicant: Al Bingham), and waived second reading; with the condition that the rezone does not go into effect until the property is legally subdivided according to Nibley City Code, Chapter 21. Councilmember Larsen seconded the motion.

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Voting on the motion to approve Ordinance 23-26 was as follows:
Councilmember Bernhardt voted yes.
Councilmember Larsen voted in favor.
Councilmember Mann voted in favor.

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

Council and Staff Report

Councilmember Bernhardt shared kudos with the citizens who had decided to file for election the City Council and discussed why he had chosen not to run for election during the recent declaration period. He again expressed his appreciation of City staff putting together the budget.

Councilmember Larsen and Councilmember Bernhardt discussed the issue that had been brought to their attention by the Buchanens'.

Mr. Maughan told the City Council that Chad Wright would get an email to the City Council regarding Heritage Days.

Mr. Roberts said there would be a survey available for the public regarding the Parks and Rec master plan, in the next week. The City and the consultant wanted as much input from the community as they could get. He encouraged the City Council to take the survey and for them to encourage other citizens to take the survey. Mr. Roberts described the booth that would be available at Heritage Days.

Ms. Bodily described the special election called by Governor Cox that would amend the Primary and General election dates in 2023 and would alter the financial disclosure deadlines as well. She reported Nibley's Declaration period

Mr. Dickinson reported that the CIB grant application was in and would require a public hearing so the City Council would see a public hearing on the grant at their next meeting. Mr. Dickinson reported that they were stalled on the 1200 West project with regards to the Wesley Nelson property.

Seeing no objection from the Council, Mayor Jacobsen adjourned the meeting at 9:09 p.m.

Attest: _____
City Recorder

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