

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 25, 2023.

The following actions were made during the meeting:

Councilmember Larsen moved to approve Ordinance 23-22 – Amending NCC 15.08.050 Cross Connections, 15.08.080 Access For Inspection, 15.08.090 Certified Backflow Technician, 15.08.110 Records, 15.08.120 Violations. Councilmember Laursen seconded the motion.

Voting on the motion to approve Ordinance 23-22 was as follows:

Councilmember Bernhardt vote yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

The motion to approve Ordinance 23-22 passed unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Bernhardt, and Councilmember Mann all in favor.

Councilmember Laursen moved to 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 for first reading. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Mann all in favor.

Councilmember Larsen moved to approve Ordinance 23-25 – An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City for first reading. Councilmember Mann seconded the motion. The motion passed unanimously 4-0 with Councilmember Larsen, Councilmember Mann, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Councilmember Laursen moved to approve Ordinance 23-23: Rezone Parcel 03-125-0014, Located at 2700 South 800 West from P/S (Park/School) to A (Agricultural) and waived the second reading. Councilmember Bernhardt seconded the motion.

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

Councilmember Bernhardt voted yes.

Councilmember Larsen voted yes.

**Councilmember Laursen voted yes.
Councilmember Mann voted in favor.**

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

Councilmember Larsen moved to approve Ordinance 23-24: Modifications to the Definition of Dwelling Unit and Limits to Single Family Designation for first reading. Councilmember Mann seconded the motion. The motion to approve Ordinance 23-24 for first reading passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Bernhardt, and Councilmember Laursen all in favor.

OFFICIAL MINUTES OF THE MEETING
City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Mayor Jacobsen reported on the Dignity Index that was being promoted by Tim Shriver and facilitated by the University of Utah. Mayor Jacobsen described the purpose of the Dignity Index and how it worked. He said that baseball season had started, and he had umpired his first game in Logan. He believed that local umpiring and local City Council's had lot in common in how they treated each other with dignity and speaking to coaches with dignity. He contrasted the differences in applying to umpire at Nibley City versus Logan City and said "even in the community to the north, I think they respect dignity and they think we should treat one another when we are interacting, especially at a local level, with dignity." Mayor Jacobsen said he appreciated the way staff and the City Council approached this.

Mayor Jacobsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, May 25, 2023, Nibley City Council meeting to order at 6:36 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, and Councilmember Erin Mann. Levi Roberts, Nibley City Planner, Justin Maughan, Nibley City Manager, Cheryl Bodily, Nibley City Recorder, Amy Johnson, Nibley City Treasurer, and Chad Wright, Nibley City Recreation Director was also present.

Mayor Jacobsen recognized Cody Sorensen and Stacey Wright with the Nibley City Parks and Recreation Advisory Committee and Clair Schenk, Nibley City Planning Commission Alternate member.

Approval of the May 11, 2023, Regular and Executive Session City Council Meeting Minutes and the Current Agenda

Councilmember Laursen moved to approve the May 11, 2023 Regular and executive session meeting minutes and the evening's agenda. Councilmember Mann seconded the motion. The motion passed 4-0; with Councilmember Laursen, Councilmember Mann, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Planning Commission Report

Mr. Roberts reported that other than items #12-13 on the City Council current agenda, the Planning Commission had another workshop on the land use chart and had gotten through all the Commercial uses. He anticipated they would get through the Industrial uses at their next meeting and would prepare for a public hearing on the modified land use chart at the meeting after that for the recommended changes.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:40 p.m.

Mayor Jacobsen said he gotten a letter from Ted Heggeman. Mayor Jacobsen read the letter he'd received. The letter addressed a request to improve the T-pads at the Nibley City Disc Golf Course. Mr. Heggeman had thanked Nibley City Staff, volunteers, and the Nibley City Council for the support that had been given in addressing the issue.

Seeing no further public comments, Mayor Jacobsen closed the Public Comment Period at 6:43 p.m.

Public Hearing – Ordinance 23-22 – Amending NCC 15.08.050 Cross Connections, 15.08.080 Access For Inspection, 15.08.090 Certified Backflow Technician, 15.08.110 Records, 15.08.120 Violations

Mr. Maughan said that as a public water system they were required to follow many State guidance and regulations. Nibley City wants to ensure they are following regulations and ensure residents are receiving high quality, clean drinking water. The City wanted to ensure there was a backflow program which ensures once water left Nibley City's jurisdiction that that it did not enter back into the public system. Mr. Maughan described that the City wanted to ensure that no secondary water could enter back into the system from a ditch or canal or ground water well. The amendments to the code brought things into compliance with what Nibley City was currently practicing and allowed inspections and access and allowed inspections to be turned into third party consultants and to ensure residents were receiving the proper notification.

Mayor Jacobsen noted the City Council had seen the exact wording changes at the previous City Council meeting and Councilmember Larsen had pointed out an omission. Mayor Jacobsen clarified that 10.05.090 G had been deleted to designate that Nibley City did not tag meters.

Mayor Jacobsen opened the public hearing at 6:45 p.m.

Seeing no public comments and receiving no objection from the City Council, Mayor Jacobsen closed the public hearing at 6:46 p.m.

Discussion and Consideration – Ordinance 23-22 – Amending NCC 15.08.050 Cross Connections, 15.08.080 Access For Inspection, 15.08.090 Certified Backflow Technician, 15.08.110 Records, 15.08.120 Violations (Second reading)

Councilmember Larsen moved to approve Ordinance 23-22 – Amending NCC 15.08.050 Cross Connections, 15.08.080 Access For Inspection, 15.08.090 Certified Backflow Technician, 15.08.110 Records, 15.08.120 Violations. Councilmember Laursen seconded the motion.

Voting on the motion to approve Ordinance 23-22 was as follows:

Councilmember Bernhardt vote yes.

Councilmember Larsen voted in favor.

Councilmember Laursen voted in favor.

Councilmember Mann voted in favor.

The motion to approve Ordinance 23-22 passed unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Bernhardt, and Councilmember Mann all in favor.

Public Hearing – 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

Mayor Jacobsen gave direction to the public present and opened the public hearing at 6:49 p.m.

Cody Sorensen of 1460 West 3045 South and member of the Nibley City Parks and Recreation Committee thanked the staff for the considerations that had been put in and the budget. He loved the momentum he felt the City had right now, in favor or recreational activities. He appreciated the attention that had been given to recreation. There were a lot of people that were getting more and more ready to get behind investing in recreation. He said if the City Council needed help, the Parks and Recreation Committee was willing and ready to help. Mayor Jacobsen noted that Cody was the chair of the Parks and Recreation Advisory Committee.

Stacey Wright of 3319 South 490 West and member of the Nibley City Parks and Recreation Committee said she was there as a member of the committee and as a citizen. There were two things that stood out to her as benefitting the community: the first being libraries and the second, parks & rec. She described that parks & rec and

libraries could unite people and had a way of uniting and equalizing the city. This was invaluable in a community.

Mr. Maughan led a presentation entitled *Nibley City Draft FY 23/24 Budget; First Reading; Justin Maughan, City Manager; 5/25//2023*. The topics included in his presentation included the following: Changes Since Workshop, FY 22/23 GFOA Budget Award, 14 Different Funds, Balanced Budget, City Growth, General Fund Expenses, and General Fund Revenue.

Mayor Jacobsen said there was a statutory limit to the amount the City could transfer from the enterprise funds into the general fund. He asked if Nibley City was close to the limit. Mr. Maughan said he had tried to budget conservatively and not over-transfer and committed to finding the maximum amount that could be transferred.

Mr. Maughan continued his presentation with discussion of the following: Property Tax,

Councilmember Larsen questioned if the Cache County Assessor's office had ever been audited? Mayor Jacobsen said the County Council had pushed pretty hard on the Assessor's office about their accuracy and the Assessor's office had a defense and had gone into detail. Mayor Jacobsen said every landowner had the right to challenge the assessment on their property.

Mr. Maughan's presentation addressed the following: Property Tax Key Assumptions, Sales Tax, Key Sales Tax Assumptions.

Mr. Schenk asked if sales tax assumptions included online sales tax purchases. Mayor Jacobsen described how online sales tax and point-of-sale tax was distributed. The City Council joined this discussion with Councilmember Mann questioning if there were day-to-day, up-to-date information on sales tax revenues at the State level? Mr. Maughan said he could review some of the reports they received from the State.

Mr. Maughan continued his presentation with summaries of the Cost of Services, Cost of Living Adjustment, 4% Increase, 130,000; New Recreation Coordinator, \$60,000 Salary, \$30,000 Benefits; Court Prosecution, and Scheduled Municipal Election.

Mr. Maughan asked the City Council if they had any other questions regarding expenses from the General Fund? Councilmember Mann asked about the field behind City Hall being turned into a grass soccer field. Mr. Maughan said this was included in the proposed budget but was included in the Capital Projects Fund and not the General Fund. Councilmember Mann referred to page 26 of the proposed budget and asked about the Non-Departmental category? Mr. Maughan showed and described to Councilmember Mann what types of expenses were included in Non-Departmental expenses; general stuff (postage, utilities, etc.) that were not tied to a specific department. Councilmember Mann referred to page 32 of the proposed budget and

Miscellaneous Interest Earnings. Mr. Maughan said this was the interest the City was earning on the money the City had and said they were receiving unprecedented amounts from investment interest. Ms. Johnson described the PTIF (Public Treasurers' Investment Fund) account which was managed by the State.

Mr. Maughan continued discussion of the Municipal Building Authority, Class C Road Fund: Asphalt Preservation Program; Pavement Analysis Program, with the City Council discussing the rate of gas tax.

Mr. Maughan resumed his presentation with discussion of Capital Projects Fund – Revenue, Capital Projects Fund – Expenditures, with he and Councilmember Mann discussing the reimbursement of and projected costs of developing Firefly park and the budget line item for Public Art.

After this discussion, Mr. Maughan presented information regarding the Water Fund, Sewer Fund, Impact Fee Funds, Grants, and Truth in Taxation and potentially reducing the amount the proposed budget put into Capital Projects. The City Council and Mr. Maughan discussed more on their decisions in regard to holding a Truth in Taxation hearing.

Mayor Jacobsen reminded the City Council that a couple meetings prior they had done a performance review of Justin Maughan, at which he'd stated he would bring a proposed salary increase. The proposed budget moved Mr. Maughan's salary compensation from H10 (105,000/year) to an G11 (\$115,000/year) and would be amending the contract agreement with Mr. Maughan at a future City Council meeting. Mayor Jacobsen reiterated that the City Council set the compensation for Mr. Maughan.

Claire Peterson believed the 4% on the COLA was too low. There was a projection that the cost-of-living would be a 5.8% increase using the Consumer Price Index as a reference.

Seeing no additional public comments Mayor Jacobsen closed the public hearing at 9:03 p.m.

Seeing no objection, Mayor Jacobsen recessed the meeting at 9:04 p.m.

The meeting resumed at 9:11 p.m.

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 (First Reading)

Councilmember Laursen moved to 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 for first reading. Councilmember Larsen seconded the motion.

Councilmember Laursen started with capital projects. He described that when he looked at the Capital Projects Long-Range Plan, not one project they had budgeted that year was on this list. He felt the City Council needed to consider the next steps for projects on the Capital Long-Range plan. He wanted to see the projects start to be budgeted for. Councilmember Laursen also discussed budgeting for 65 building permits and asked how the anticipated building permits were calculated? Mr. Maughan showed the reports that had been supplied by the building inspector and discussed the projection that had been made by basically taking the average of the last few years.

Councilmember Mann asked for plans regarding the outdoor preschool and classroom. Mr. Maughan the original concept plan for the park had a dedicated space for seating for an outdoor classroom location. This was all conceptual until Ms. Yeager had gone out and sought the funds to complete this. Mr. Maughan described the general design of the outdoor classroom. He had budgeted the money to come into the Capital Projects Fund, but the expense was coming out of the Park Impact Fee fund. Mr. Maughan clarified what the space would be used for and described the various groups he felt would utilize the outdoor classroom space. Councilmember Mann noticed the training and education line-items in the budget. She questioned how these funds were being utilized. Mr. Maughan described what was covered with these line items and Mr. Roberts described the Planning Commission's use of the budget line item. Councilmember Mann questioned if there needed to be a bigger push towards training and education or whether these budget line items needed to be reduced to have money not sit there. Mr. Maughan described that historically they had budgeted high but were trying to get more specific. Mayor Jacobsen and Mr. Maughan discussed the Mayor's Discretionary Fund.

Councilmember Larsen discussed the rental properties the City owned and discussed if there were any maintenance issues that needed to be taken care of. Mr. Maughan said the management company put the rental money into a pot and then if there were any maintenance issue then money was taken out of this pot. Councilmember Larsen asked about the trees on the property next to City Hall. Mr. Maughan said he would discuss this with the Parks Department Manager. Councilmember Larsen also asked if there were funds to put a trail in with the proposed soccer fields behind City Hall. Councilmember Larsen suggested this be addressed when the soccer fields were constructed.

Councilmember Bernhardt said that every year the budget got better and better and was easier and easier to understand. He said it looked good and agreed that

Councilmember Laursen had brought up some valid points. Mayor Jacobsen expressed the City Council's appreciation of Amy Johnson and the all the work she had put in on the proposed budget. He said, "Way to go."

Councilmember Larsen discussed the popularity of the bike track at Anhder Park and questioned if there were property where another pump track could be placed. Councilmember Mann suggested Mr. Maughan look at the Snake Hollow pump track in Ivins.

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

Public Hearing – Ordinance 23-25 – An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City

Mr. Maughan described that in 2015 the City Council had implemented a policy to update the salary for the Mayor and City Council in coordination with the cost-of-living increase given to employees. He presented the numbers projected for increases to the Mayor, City Council, and statutory officers' compensation for fiscal year 2023-24.

Mayor Jacobsen gave direction to the public and seeing no objection, opened the public hearing at 9:43 p.m.

Seeing no public comments, the City Council closed the public hearing at 9:43 p.m.

Discussion & Consideration – Ordinance 23-25 – An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (First Reading)

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

Mayor Jacobsen and the Councilmember Mann discussed the number of hours/month put in by Mayor Jacobsen. Councilmember Larsen questioned the public comment that 4% COLA was too little but didn't feel that this discussion tied to the City Council. Mayor Jacobsen said there was no statutory requirement that tied the City Council's compensation to the COLA given to the staff.

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

Discussion and Consideration: Ordinance 23-23: Rezone Parcel 03-125-0014, Located at 2700 South 800 West from P/S (Park/School) to A (Agricultural) (First Reading)

Mr. Roberts described that Morgan Farm was currently owned by Nibley City and was currently zoned Park/School. The proposal was to rezone the property to Agricultural to bring the property into compliance with Nibley City's own animal land use ordinance.

They had been keeping animals on Morgan Farm for several years and the only zones that allowed animals were residential zones and agricultural zones. Morgan Farm seemed to be a unique place and they had discussed that they might not want to allow animals on all of their park space. Mr. Roberts said this discussion was held at the Planning Commission and there was a public hearing with a couple of comments from the public regarding allowing the keeping of animals the way the farm was being used now. The Planning Commission had recommended approval of Ordinance 23-25.

Councilmember Larsen asked if the grant they were apply for would be affected by the rezone Mr. Maughan said the grants that were being applied for were part of a larger grant application through USU to revitalize the community gardens. Mr. Maughan recalled that the grant was all about animals and livestock. Mayor Jacobsen said the new stewards of Morgan Farm were the individuals seeking the grant and were the same individuals that had spoken in favor of the rezone to Agriculture.

Councilmember Laursen moved to approve Ordinance 23-23: Rezone Parcel 03-125-0014, Located at 2700 South 800 West from P/S (Park/School) to A (Agricultural) and waived the second reading. Councilmember Bernhardt seconded the motion.

Councilmember Laursen suggested the city reach out to Stokes Nature Center to see if they intended to facilitate animals.

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

Councilmember Bernhardt voted yes.

Councilmember Larsen voted yes.

Councilmember Laursen voted yes.

Councilmember Mann voted in favor.

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

Discussion and Consideration: Ordinance 23-24: Modifications to the Definition of Dwelling Unit and Limits to Single Family Designation (First Reading)

Mr. Roberts said the main purpose of the ordinance was to modify the definition of a dwelling unit. There had been discussion of Accessory Dwelling Units (ADUs) and secondary dwellings that were part of a two-family dwelling, and what counted as an additional dwelling. This had some implication as far as moderate-income housing and additional units, of what counted as an additional unit, and of the number of animals that could be on a property. The current definition was a little convoluted and was open to interpretation. With the change they were trying to pull issues apart of what was a considered dwelling unit and how many unrelated individuals could live in a dwelling unit. Nibley's current ordinance was out of compliance with State code. The City can't regulate and say any less that 4 unrelated persons can live within a dwelling unit and Nibley City's current ordinance was 3. A city could only say 3 or less if it were in a city

with a university. Mr. Roberts described how current ordinance was a little unclear on how to regulate animals in multi-family units, secondary dwelling units and ADUs and they were attempting to clear this up with the proposed ordinance change. Staff had proposed to the Planning Commission to treat the additional dwelling unit the same as the primary dwelling unit. Depending on the lot size they could also have other large animals. The Planning Commission recommended saying that the primary dwelling unit was limited to 2 dogs and any secondary dwelling on a lot were allowed one additional dog. Mr. Roberts said the City Attorney had reviewed the ordinance and offered some clarifications.

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

Councilmember Mann noticed there had been a budget increase suggested to investigate making a part-time position with other cities to hire for code enforcement. She noticed that in the general fund income that there were a minimal number of fines collected and it was a negligible percent. She wondered if this was an appropriate use of money when their fines were so minimal. Mayor Jacobsen said code, animal, and law enforcement were funded to encourage a change of behavior and not make money. Mr. Roberts reported they typically had 60-80 code enforcement cases per year and approximately 85% of these were resolved after the resident received their first letter. Mr. Maughan described the code enforcement increase in the proposed budget. Mayor Jacobsen said he was very much in support of their code enforcement officer not being the City Planner. The Planner needed to be a friend of the citizen.

Councilmember Laursen said he liked the definition of the dwelling unit. He questioned that the other amendments were only referenced in residential lots less than twelve thousand square feet. Councilmember Laursen suggested the amendment needed to be applied or referenced in the other land use sizes or be included as a separate section.

Seeing no objection, Mayor Jacobsen called for a vote on the motion on the floor.

The motion to approve Ordinance 23-24 for first reading passed unanimously 4-0; with Councilmember Larsen, Councilmember Mann, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Council & Staff Reports

Councilmember Laursen reported that they'd met with the consultant for the updated Parks and Recreation Master plan. They'd discussed ideas of engaging the public. He encourage the Council to help with this process in seeking out input and not just focus on those they think might use recreation space; community members of all ages and activity types to get their input.

Councilmember Mann wondered if the City Council had ever discussed a Nibley cemetery. The Mayor, Council, and Mr. Maughan discussed the current situation with Millville/Nibley cemetery and how the special service district functioned.

Ms. Bodily reported that all of Nibley's seasonal workers had been hired. She reported that the City Council should have received an RSVP for the Community Dinner on June 16 and she reported on the upcoming June 1-7 open declaration period for City Council.

Mr. Maughan reminded the City Council that Heritage Days was coming. Mayor Jacobsen invited the City Council's children to ride in the wagon he would be pulling. He asked the Council to be thinking of ideas for their participation in the parade.

Mr. Maughan questioned if the City Council would like to hold a workshop to discuss code enforcement. He reported there was current debate about horses and grandfathering issues. Mayor Jacobsen said there was the letter of the law and enforcement of the law, and the City Council could help on enforcement. Councilmember Bernhardt felt they would never police animals other than based off neighbors' complaints. Mr. Roberts described the current approach to code enforcement. The Council discussed their ideal approach to nuisance violation issues.

Mr. Maughan told the City Council if they had any questions regarding the budget, he was happy to sit down and go through the budget and talk with them.

Mr. Roberts reported the City had received a rezone application from Nibley Development which was requesting to be rezoned to Commercial. There would be a public hearing for the rezone at the next Planning Commission meeting.

Mayor Jacobsen reported on surfacing work on the road at 2600 south.

Mayor Jacobsen reported on a resident complaint of dyers woad on City property. He notified Mr. Maughan and Mr. Roberts of the location of the parcel.

Mayor Jacobsen reported that he and Mr. Roberts had attend a UDOT Move conference the previous day and described the ideas that had been presented.

Mayor Jacobsen reported on an individual who had a huge influence on recreation in Cache Valley, so he was choosing him as Nibley's Citizen of Year, Larry Jacobsen.

Seeing no objection, Mayor Jacobsen adjourned the meeting at 11:04 p.m.

Attest: _____
City Recorder