



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, March 30, 2017 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Bernhardt)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)

5. Conflict Disclosure and Selection of Mayor Pro-Tem for Items 6 and 7

6. A public hearing to receive comment regarding a preliminary plat for the Tin Rope Subdivision, located at approximately 500 W and 3200 S

7. Discussion of a preliminary plat for the Tin Rope Subdivision, located at approximately 500 W 3200 S

8. A public hearing to receive comment regarding Ordinance 17-08: An Update to the Nibley City Landscaping Code

9. Discussion and Consideration of Ordinance 17-08: An Update to the Nibley City Landscaping Code

10. Discussion and Consideration of a Recommended Park Names List for the Park Master Plan Update

11. Staff report regarding the Anhder Park Building Remodel

12. Discussion of development north of Firefly Park

13. Discussion and Consideration of a Nibley City River Maintenance Policy

14. Council and Staff Reports

Adjourn Meeting

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.



**Nibley City Council
Agenda Report for
March 30, 2017**

Agenda Item # 5

Description	Conflict Disclosure and Selection of Mayor Pro-Tem for Items 6 and 7
Department	City Council
Presenter	Shaun Dustin, Mayor
Applicant	
Background	In compliance with the Municipal Officers and Employees Ethics Act, Mayor Dustin has filed a written disclosure with Nibley City disclosing his involvement as a partner in the Tin Rope subdivision. In addition to the written disclosure, the Ethics Act requires elected officials with a conflict of interest to also announce the conflict of interest at the Council meeting before the item is addressed. Agenda items 6 and 7 on this agenda will address the Tin Rope subdivision. The Ethics Act does not require Mayor Dustin to recuse himself from chairing the meeting while his item is addressed; however, Mayor Dustin has voluntarily chosen to recuse himself from chairing the meeting during that time. Therefore, a Mayor Pro-Tem will need to be selected to temporarily chair the meeting during items 6 and 7.
Findings	
Recommendation	Receive the disclosure from Mayor Dustin and select a Mayor Pro-Tem.
Reviewed By	Mayor and City Manager

Agenda Item #s 6 & 7

Description	<p>A public hearing to receive comment regarding a preliminary plat for the Tin Rope Subdivision, located at approximately 500 W and 3200 S</p> <p>and</p> <p>Discussion of a preliminary plat for the Tin Rope Subdivision, located at approximately 500 W 3200 S</p>												
Department	Planning												
Presenter	Stephen Nelson, City Planner												
Sponsor	N/A												
Applicant	Shaun Dustin												
Background	<p>The Tin Rope Subdivision is a 28-lot subdivision on 20 acres, including a remainder parcel, which is proposed as a conservation subdivision. The subdivision is located at approximately 3200 S and 800 W. The applicant, Shaun Dustin, also serves as Mayor of Nibley City and has filed the proper disclosure form with the City as required by Nibley Code and State Law.</p> <p>Conservation Land</p> <table border="1" data-bbox="430 1108 1430 1514"> <tr> <td>Total Gross Acres Subdivided Land</td> <td>14.79</td> </tr> <tr> <td>Total Developable Acres</td> <td>10.2</td> </tr> <tr> <td>Total Conservation Land</td> <td>2.22</td> </tr> <tr> <td>Conservation Percentage</td> <td>20%</td> </tr> <tr> <td>Incentive Multiplier</td> <td>18.75</td> </tr> <tr> <td>Total Lots allowed</td> <td>28</td> </tr> </table>	Total Gross Acres Subdivided Land	14.79	Total Developable Acres	10.2	Total Conservation Land	2.22	Conservation Percentage	20%	Incentive Multiplier	18.75	Total Lots allowed	28
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Contains 13.08 Acres, 28 Lots with 6.29 Remainder Parcel

	R-2 Zone 25% Conservation Subdivision	Tin Rope
Min Lot Size	12,000 sq. ft.	12,196 sq. ft.
Average Lot Size	14,673 sq. ft.	15,868 sq. ft.
Frontage	100 ft.	All lots comply
Total Lots Allowed	28	28

Engineer and Staff Review

The City engineer and staff have reviewed the lots and the proposed infrastructure changes. The plat contains all of the requirements that are set forth in Nibley City Code 11-4-1 Standards of Approval-Preliminary Plats. The plat shows all of the necessary infrastructure for water and sewer lines, ROW and trails. All of the frontages, minimum lot size, and average lot size meet Nibley City Code. When the 1.41 acres in the remainder parcel are included as developable land, the maximum number of lots allowed is 28 lots.

At the public hearing at the Planning and Zoning Commission meeting on March 22, members of the public expressed concerns about the size of these lots in contrast to half-acre lots in adjacent subdivisions.

Conservation Land

The developer has proposed 2.22 acres of Conservation Land. These areas are to serve as buffers zones and to maintain some of the natural areas surrounding the canal, wetland, and tree stands. These lots are being proposed to be privately owned and to be used as open space, natural landscape and could serve as overflow for stormwater.

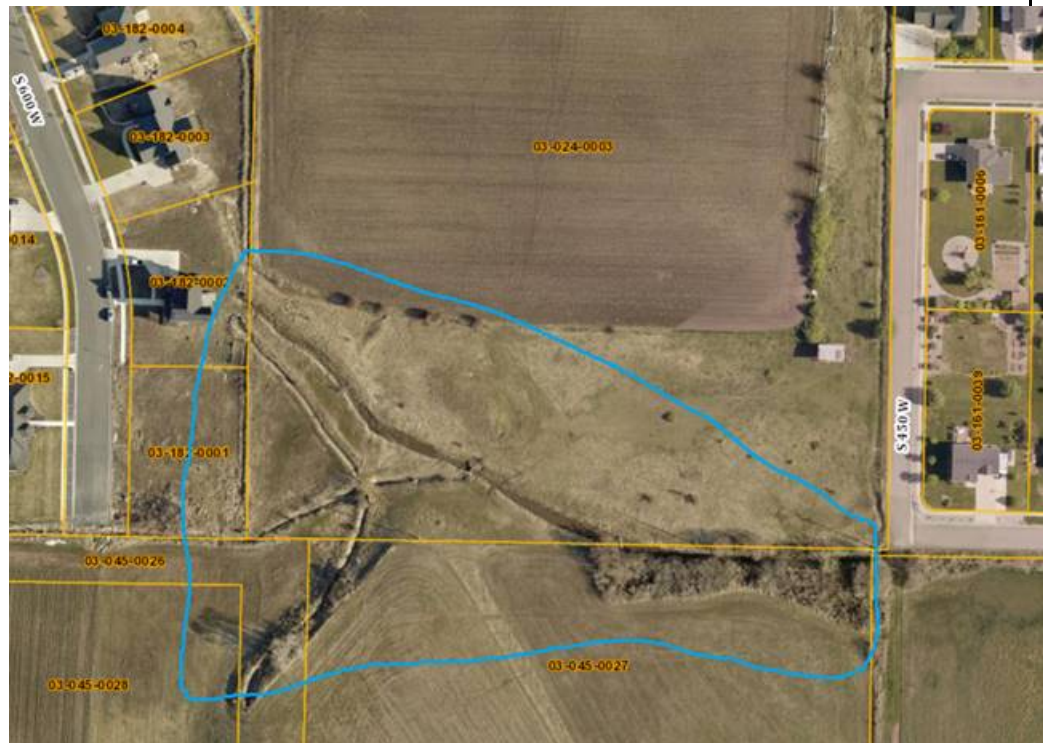
There are a couple of concerns that have been brought up by staff and the Planning Commission. The first concern is that one of the conservation spaces is located in the remainder parcel and not connected to the development. Staff is currently conducting research to determine if this disconnection is allowed in the Code. However, this conservation land does serve to protect wetland and canal space. A concern of the Planning Commission is that once the remainder parcel is developed, the wetland and conservation area may not be visible to the public as outlined in the Nibley City Code 10-18-14 (D). The Commission is also concerned that the two

conservation areas on the North side of the property do not provide the value and use they would like to see. Nibley City Code 10-18-13 (B) gives the Planning Commission the authority to approve conservation areas less than .5 acres. The Commission has recommended to the developer that that land be used as a buffer area from 3200 S.

The Commission has also requested that the Developer provide a plan on how each of these pieces of property will be maintained and watered. The Developer will need to submit a Maintenance Plan as outlined in Nibley City Code 10-18-17. This plan will outline ownership, cost, funding and other aspect of the plan for the conservation land within the subdivision.

Canal and Wetland

There are canals, ditches, wetlands and floodplain on the southern side of the property. As the wetland is currently mapped, it takes up a large space on the south end of the property. This area was originally planned to be developed as lots, but the proposed plat has been revised, after staff expressed concerns about having lots in this area, to show a remainder parcel in this area and another section to be persevered as conservation area. All of these features are clearly marked on the plat as required by Nibley City code.



Trails

There are several trails that are being proposed in the subdivision. The first trail is on the west side of the subdivision adjacent to Harry Street between lots 26 and 27. This trail connects to a stormwater pond owned by Nibley City. The City has a 20' maintenance access through parcel 03-182-0004 that connects 600 W to that pond. However, that access is not a public easement and was intended to be used by City workers to access, inspect and maintain the stormwater pond. In order to connect the trail from Ashbury Estates, the City may need to secure or clarify public access to the trail.

The next trail is in the middle of the subdivision and connects Scout Street and Harry Street. It runs between lots 16 and 17 then lots 12 and 13. Both Harry Street and Scout Street are shorter than 660 ft., so no trail is required by Nibley City Code; however, this trail could help enhance the development and pedestrian connectivity and is being voluntarily included by the developer.

The next trail is on Scout Street between lots 2 and 3. This trail's purpose is to provide a walkway to Anhder Park and to tie into the proposed trail system, as proposed in the new Master Trails Plan being developed by the City. The master trail system proposes a trail that would run from the Cottages development on 250 W and it would continue North up to 2600 S.



A couple of items that need to be considered are the safety for these trail crossings. None of these trails would cross at intersections to link to each other. City staff and the developer are currently looking into ways to provide

safe crossing between those connections.

At the public hearing at the Planning and Zoning Commission meeting, several members of the public spoke in opposition to the trails being added adjacent to their neighborhoods. They raised concerns about privacy, safety, maintenance and aesthetics.

Roads

The Transportation Master Plan calls for a local road with a 60 ft. Right of Way (ROW) to connect from 3200 S to 450 W across this parcel to create another North - South connection from 500 W to the South section of town. This plat proposes that connection and provides a 66 ft. ROW. Unlike the master road plan, the proposed connection goes through a couple of intersections and makes about four 90 degree turns. However, staff feels that the connection complies with the intent of the Transportation Master Plan because it makes a complete connection.

There are two lots proposed to be created on 3200 S and the developer has agreed to have those lots face the interior of the subdivision.

Stormwater and Utilities

The plat complies with Nibley City requirements for utility connections and utility service lines within the subdivision. For stormwater, the Developer has proposed a low impact design (LID) option of roadside swales. This option would help maintain the rural look of the area. However, Nibley City will require a percolation test to ensure the system meets Nibley City standards. The developer will also need to provide a plan for overflow needs within the system. One item that has been discussed is to use the conservation land on the north end of the subdivision as stormwater ponds. The need will be based on calculations that the City requires before the final plate approval.

At the public hearing at the Planning and Zoning Commission meeting, one members of the public spoke in opposition to swales being used.

Findings

The plat has not received a recommendation from the Planning Commission and is not yet ready for approval by the Council.

The lot frontages and sizes meet Nibley City conservation standards.

Staff and the Planning Commission are researching the use of the conservation land to ensure compliance with Nibley City Code.

	<p>All other aspects of the plat appear to comply with Nibley City Code for a preliminary plat.</p> <p>The public infrastructure complies with Nibley City's master plans and design standards as to the detail on a preliminary plat.</p>
Recommendation	<p>Because the plat has not been given a recommendation by the Planning Commission, no motion should be made by the City Council. The Council should accept public input, review the plat and provide feedback to the developer and staff.</p>
Reviewed By	<p>Planning and Zoning Commission, City Planner, City Manager, City Engineer, City Building Inspector and Public Works Director</p>

Agenda Item #s 8 and 9

Description	<p>A public hearing to receive comment regarding Ordinance 17-08: An Update to the Nibley City Landscaping Code</p> <p>Discussion and Consideration of Ordinance 17-08: An Update to the Nibley City Landscaping Code</p>
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	
Background	<p>This item was first presented to the City Council on March 16, 2017.</p> <p>When a new commercial or industrial development is created, Nibley City requires the developer to provide a landscaping plan for said development that complies with Nibley City Code 10-12-17. The City has received some feedback from a couple of the previous developers about some aspects of the code. Staff has research some of the recommendations and have made changes staff believes are appropriate.</p> <p>One of the main concerns that has been brought before staff is the tree size. Right now, our code 10-12-17 (C)(3) requires that developers plant 2” caliper trees. There are a couple of problems with this requirement. 1) Trees that are planted at 2” caliper tend to be sturdier, but also more likely to have problems after being planted. 2” caliper trees are not able to adapt to new ground as quick as smaller trees and take longer to recover. 2) 2” caliper trees also tend to cost more, normally ranging \$100-\$200 dollar more than trees of smaller caliper. When developers are required to plant upward to 50 trees or more, this can cost developer thousands of more dollars.</p> <p>Nibley City staff has done some research regarding these request and are proposing that the code be changed. The proposal changes the requirement from 2” caliper trees to 1.25” caliper. Nibley City staff has found when the City has planted trees, that generally trees planted 1.25” caliper are healthier and grow faster, and would outgrow a 2” caliper tree within the first 5 years.</p> <p>In addition to this change, City staff is recommending that trees planted in the ROW count towards the number of required trees by the developer. Nibley City code currently recommends that trees are planted in the ROW, but does not require it because trees in the ROW can be a safety concern for some lots. However, trees in the ROW can provide a buffer between the street and commercial or industrial development and shade for those on the sidewalks. This code change is to encourage planting in the ROW where appropriate.</p> <p>The other change that has been added is an item staff believes will help enforce landscaping requirements after a development has been approved. The new changes clarify that the City can withhold occupancy or a conditional use permit from a development that has not complied with the landscaping code.</p> <p>The Planning Commission voted to recommend the approval of the changes to</p>

	the landscaping code on March 22, 2017.
Findings	
Recommendation	Approve changes to Nibley City Landscaping Ordinance
Reviewed By	City Planner, City Manager, City Building Inspector, Parks Director/City Arborist and Planning Commission

Agenda Item #10

Description	Discussion and Consideration of a Recommended Park Names List for the Park Master Plan Update
Department	Planning and Parks
Presenter	Stephen Nelson, City Planner
Sponsor	N/A
Applicant	N/A
Background	Nibley City is currently working on finishing a new Parks, Trails, Open Space and Recreation Masterplan. The plan is scheduled for its final approval in May. As part of that plan, the steering committee has put together a list of proposed park names for future parks in the plan. This list is being presented to the City Council so that the Council might provide direction on which names to include in the final paln. This is not the final approval of these names because this list will be part of the finished masterplan. Staff is looking for recommendations and feedback about the names on this list before it is included in the final plan.
Findings	N/A
Finical Impact	N/A
Recommendation	Review and give recommendation to staff about the list of proposed park names to be included in the Parks, Trails, Open Space and Recreation Masterplan.
Reviewed By	The Parks, Trails, Open Space and Recreation Masterplan Steering Committee, City Manager, Mayor, City Planner, Park Director and Recreation Director.

Agenda Item # 11

Description	Staff report regarding the Anhder Park Building Remodel
Department	Parks and Recreation
Presenter	Chad Wright, Recreation Director and Rod Elwood, Parks Superintendent
Sponsor	N/A
Applicant	N/A
Background	<p>Nibley City Council gave a conditional budget approval of a remodeling project to repurpose the building on the North West corner of Anhder Park that is currently being used for storage. As presented in the 2016-2017 budget requests, the Nibley City Community Center at City hall does not have sufficient divided space to accommodate official public meetings, community organization meetings, and public rentals. The Community Center Space is also not suitable for various recreation activities that Nibley residents have demonstrated interest in through the Imagine Nibley public meetings and surveys. Relocating items currently stored in the Anhder Park building and remodeling the building will create an additional space available for official meetings, community rentals, and recreation meetings and classes. It is anticipated that revenue from community rentals will help to cover the cost of utilities and maintenance with the benefit of increased community connection.</p> <p>The City Council authorized \$40,000 in this year's Capital Projects Budget for the building remodel, which will include the following work:</p> <ul style="list-style-type: none"> • Window and door replacements • Heating and Cooling • Plumbing • Electrical and Lighting • Framing • Drywall repair • All-purpose flooring • Outdoor concrete replacement for entryway • Misc. paint and finish work

	<p>This creates a 520 square foot room.</p> <p>City staff has reviewed estimates from various contractors for the work listed and will confirm the best pricing for quality work and materials with additional bids before beginning work.</p> <p>Some additional projects that staff would like to consider in the future including creating a separate storage space for tables and chairs, and recreation program and event equipment with a storage shed.</p> <p>Other potential future improvements that might be considered for funding in later budget years could include:</p> <ul style="list-style-type: none"> • Outdoor concrete work and/or patio space • Kitchenette: sink, fridge, microwave • Additional exterior lighting • Sound System • Rubber floor mats
Findings	N/A
Financial Impact	\$40,000 included in the 2016-2017 capital projects budget
Recommendation	Provide staff with approval to proceed with the remodel as outlined above
Reviewed By	Nibley City Park Director, Recreation Director, City Manager

Agenda Item #12

Description	Discussion of development north of Firefly Park
Department	City Council
Presenter	Mayor Dustin and Councilmember Beus
Sponsor	N/A
Applicant	N/A
Background	Councilmember Beus requested that an agenda item be scheduled to discuss the pending development planned to occur north of Firefly Park in Logan City and the impacts such development could have on Nibley
Findings	N/A
Final Impact	N/A
Recommendation	Discuss concerns and provide direction to staff
Reviewed By	N/A

Agenda Item #13

Description	Discussion and Consideration of a Nibley City River Maintenance Policy
Department	City Council and Public Works
Presenter	Shaun Dustin, Mayor and Justin Maughan, Public Works Director
Sponsor	N/A
Applicant	N/A
Background	<p>Staff have been closely monitoring the flow of the Blacksmith Fork River during the current spring runoff conditions. The high flow of water has prompted staff to take action recently to remove items from the river that could pose potential flooding hazards. A common threat is a tree that has fallen into the river, which could collect additional debris, lodge under a bridge, and/or block or divert floodwaters. Some residents along the river have also requested City assistance with such work.</p> <p>Mayor Dustin proposed that the City adopt a policy to address when and how City resources be used on river maintenance.</p>
Findings	N/A
Financial Impact	Nibley City annually budgets \$5,000 for river maintenance
Recommendation	Discuss concerns and provide direction to staff on the policy
Reviewed By	Mayor, City Manager, Public Works Director

ORDINANCE 17-08

AN UPDATE TO THE NIBLEY CITY LANDSCAPING CODE

WHEREAS, Nibley City requires proper landscaping in order to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community; and

WHEREAS, landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees, and

WHEREAS, Nibley City requires trees to be planted around commercial and industrial buildings, and

WHEREAS, trees planted at a caliper of 1.25” inches grow faster and tend to be healthier than those planted at 2” inch caliper.

WHEREAS, 2” caliper trees place a higher financial burden on new commercial and industrial development.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY CITY, STATE OF UTAH, THAT:

1. The attached updated Landscaping Ordinance is hereby adopted.
2. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
3. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this _____ day of _____, 2017.

Shaun Dustin, Mayor

ATTEST: _____

10-12-17 Landscaping

A. Landscaping Requirements:

1. Purpose: The purpose of the landscaping requirements in this section shall be to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees.
2. Yard Requirements For Residential Zones: At least sixty percent (60%) of the area contained within a required front or side yard adjacent to a street in any residential zone shall be landscaped.
3. Scope Of Requirements: Where landscaping is required, such landscaping shall comply with the requirements set forth in this section for the specific use and location.
4. Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition.

B. Landscaping Recommended Of Public Street Rights Of Way:

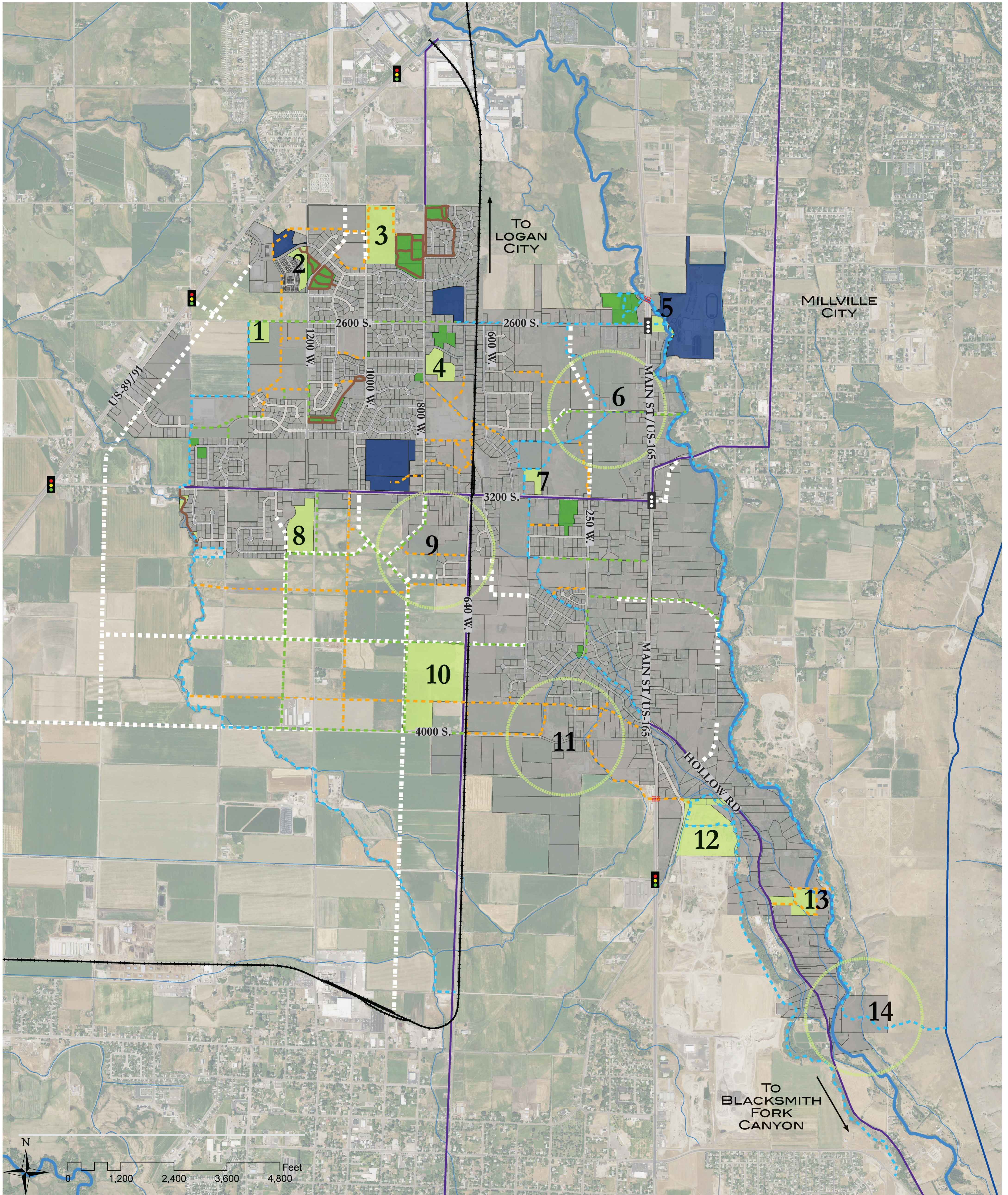
1. Purpose: The purpose of landscaping of public street rights of way is to enhance the beauty of neighborhoods and streets and to reduce the glare, heat and noise reflected from paved roadways.
2. Recommended Plants: Trees and lawn are recommended for street rights of way. Where public overhead utility easements run along the street right of way, only trees with a mature height of less than thirty five feet (35') shall be planted. Lower branches of trees planted in the street right of way shall be pruned to allow a clear view of sidewalks from the road. All plantings shall conform to section 10-12-11 of this chapter, clear view of intersecting streets.

C. Commercial And Industrial Zones:







1. Percentage Of Gross Area: Landscaping shall be required on twenty percent (20%) of the gross area of a lot or site located in the commercial zone. Landscaping shall be required on ten percent (10%) of the gross area of an industrial zone lot or site. Gross area is interpreted as the total site area remaining after any right of way dedication.
2. Setback: The minimum building and principal use setback from any street right of way shall be twenty feet (20') in commercial zones and fifty feet (50') in industrial zones. Parking shall not be allowed within this minimum setback area. Such areas shall be permanently landscaped except for approved access drives.
3. Tree Ratio: A mixture of evergreen and deciduous trees shall be planted at the ratio of one tree for each three hundred (300) square feet of the net landscape area. Trees shall have a minimum caliper of ~~1.25two~~ inches (1½"). The trees





planted in the City's Public Street Right of Way or other parts of the development may count towards the total number of trees required for landscaping.

4. Adjacent To Residential Zones: All setbacks adjacent to the rear yard or side yard of an existing or proposed residential use shall be permanently landscaped. Setback areas adjacent to residential areas may be increased by the planning commission if, in their opinion, it is necessary to protect the atmosphere and integrity of the residential neighborhood.
5. Irrigation: All landscaped areas shall be provided with an irrigation system, capable of complete coverage of the areas and designed to minimize runoff and other wasting of water. Such system shall be maintained in a fully operational condition. All landscaping shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. All paved areas, walls or fences shall be in good repair without broken parts, holes, potholes or litter.
6. Type Of Landscaping: All landscaped areas may be landscaped with a mixture of ground cover, grass, shrubs or trees, and may include sculptures, patios or fountains.
7. Plans And Designs For Approval: All landscaping plans and designs shall be submitted to the planning commission with other required plot plans for approval.
8. Screening Requirements: Where landscaped screening is required for other than residential use, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of from four feet (4') to seven feet (7').
9. Plot Plan Required: Where landscaping is required for other than residential uses, a plot plan showing the proposed landscape development, plant materials, watering system and use of the property shall be submitted to the planning commission. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, providing all proposed landscaping is detailed adequately on said plot plan. The planning commission may disapprove such plans if they determine that they are not consistent with the requirements and purposes of this title.
10. Conflicting Provisions: If requirements of this section are in conflict with other requirements of this title, the provisions of this section shall apply.
- ~~10.11.~~ The City may deny occupancy or conditional use permits to any commercial or industrial development that does not comply with this chapter.



LEGEND

-  Roadway Tunnels & Bridges
-  Future Major Trails - 12'
-  Future Roadside Trails - 10'
-  Future Connecting Trails - 8'
-  Future Roads
-  Existing Park Pathways

-  Existing Shared-Use Pathways
-  Bonneville Shoreline Trails
-  Water Ways
-  Identified Need for Future Park

-  Existing Parks
-  Future Parks
-  Schools
-  Parcels

Naming Proposed Parks & Trails

Park #& Description	Proposed Name
#1 (2600 S Parcel)	Hansen Park
#2 (West of Sunrise Meadows)	Disc'overy Park
#3 (West of Heritage Park)	Firefly Park
#4 (Morgan Farm)	Morgan Farm
#5 (by Ridgeline High)	RiverHawk Park
#6 (180 W 2900 S area)	
#7 (Nibley City Hall)	Veterans Memorial Park
#8 (1200 W Parcel)	West Park
#9 (900 W 3400 S area)	
#10 (Regional Park)	Nibley Regional Park
#11 (280 W 4000 S area)	
#12 (Gravel Pit & Access)	
#13 (Hollow Rd property)	Coyote Hollow Park
#14 (Connection to Bonneville Shoreline Trail)	

Nibley City River Maintenance Policy

Introduction

The Blacksmith Fork River runs through Nibley City along the City/County boundary on Hollow Road to just north of the bridge at Riverhawk Drive (2600 South).

The river is generally not a management problem and stays within its floodplain. Occasionally, with spring runoff, there is flooding along the river that impacts both private property and public infrastructure. The City policy on expending resources is that the river is a natural system in Nibley, and it will meander within its floodplain.

There is an inherent assumption of risk in choosing to live next to and invest in a dynamic natural system like a river. So long as the river does not pose a direct threat to life safety, public infrastructure or principal residences, the City will not put staff at risk or expend resources to protect private property. Nibley's City government represents all residents of Nibley and is responsible for ensuring that tax dollars of all residents are allocated and spent fairly, on principles of good stewardship, and in ways that benefit, directly or indirectly, all taxpayers. Spending tax dollars to protect private property that is specifically closed off to the public is an unwise and unfair use of public funds.

That said, Nibley does have an interest and a duty to occasionally do work along the River; this maintenance of the river and the flood channel is complicated by four things:

- 1) Much of the river bed is privately owned. Owners of the land adjacent to and under the river have been explicit in denying the City and the Public access to the channel.
- 2) Recent actions by the Utah Legislature and Courts have made the City's right to access the channel unclear.
- 3) In 2013, Nibley City, in cooperation with Cache County and the National Resource Conservation Service completed a number of projects along the river. Nibley has an obligation under the agreements entered into with NRCS and the County to maintain the structures installed under the project.
- 4) The river is a natural system, and "fixing" one problem (removing a tree, stabilizing a bank) may lead to unforeseen consequences that the City might then be responsible for.

Purpose and Principles

The purpose of this document is to provide guidance to City Staff in working in and on the river in accordance with the following priorities. These priorities, and in this order, establish a compelling public interest to expend city resources:

- 1) Life safety is paramount. No employees shall be placed in danger to preserve or protect property, public or private. Water rescue or life safety activities shall only be done under the guidance of properly trained individuals (i.e. swift-water rescue certified) and in accordance with applicable OSHA guidelines.

- 2) Public infrastructure, including roads, bridges, utilities, and other infrastructure owned by and benefitting the public.
- 3) Quasi-public infrastructure (canals, headgates, ditches, and levees that directly or indirectly impact public infrastructure)
- 4) Private homes (primary dwellings) and businesses

Private agricultural land and buildings, landscaping, outbuildings, vacation homes, fences, and developed or undeveloped land fall outside the scope of the City's services, and City staff and resources will not be involved in working on these properties except as incidental to satisfying a compelling public interest as outlined above. As the City Budget Officer, the Mayor or his designee shall make the determination as to whether expending City resources on private property is justified. No City staff shall commit resources without this authorization. Restricted city resources include staff time, equipment, fuel, funds, and materials (including plastic sheeting, sand and sandbags supplied by City regardless of labor source for filling and placing).

Guidelines

For work in and around the River, City staff shall comply with the following:

River Channel Maintenance Under NRCS and County Agreement: The time to perform work under this agreement is at low water. River bank and structure maintenance should not be performed in the spring or when the river is at high flow. City employees are specifically prohibited from maintenance activities during spring runoff. Failures of NRCS infrastructure should be recorded and noted, and referred to NRCS and Cache County for information. During normal maintenance season in a window outside of spring runoff and as determined by the City Public Works Director, channel maintenance shall be restricted to the following activities and principles:

1. To preserve public safety and the safety of Nibley City staff
2. To preserve public resources and ensure their efficient use
3. To preserve the river's ability to convey floodwaters within its banks, including
 - a. To prevent obstructions that might lead to damage to bridges or other city-owned infrastructure, including preventing water from damaging roads, sewers or stormwater systems
 - b. To prevent floodwaters from entering canal systems and flooding other parts of the City
 - c. To prevent obstructions that might lead to damage to homes
 - d. To prevent the buildup of debris in the river that could impede or redirect flow

General work for flood mitigation: If, in the opinion of the City Public Works Director and Mayor, there is a compelling public interest in work on the river during spring runoff, and if the following conditions are met, City staff may do work in the river:

- 1) Safety concerns are mitigated with OSHA and swift water best practices
- 2) There is a compelling public interest as defined above

- 3) The landowner authorizes the encroachment in writing and indemnifies the City against any and all activities on the land.

Emergency Flood Mitigation: The City may, to protect lives and public infrastructure, have a need to access private property to protect public assets or lives in accordance with the principles outlined above. If, in the judgement of the Public Works Director or City Manager, a declared emergency condition warrants the incursion, they may authorize City resources to be used without respect to property lines or ownership.