

Mayor's Report

14 January 2023 – 21 January 2023

Larry Jacobsen

Greetings, boss. Here is an update on some Nibley work for the week.

Bear River Association of Governments (BRAG) Board Meeting

When have I mentioned my attendance at BRAG Board meetings in the past, I might have expressed some angst with this group's focus on economic development. Certainly, we need to worry about that. However, many of the issues associated with growth that Nibley Citizens are concerned with are the side effects of overwhelming economic success in Cache Valley. It seems we are getting tired of winning. To that point, our housing shortage impacts our kids and grandkids and stems from unemployment rates in Cache Valley that hover around 1.5 percent. Part of this week's BRAG meeting was completely different from economic development because we spent time talking about community services that BRAG provides. Those services include programs for Cache Valley's aging population, mitigating our housing shortage, weatherization for existing houses, human services aimed at the homeless in our valley, and help for people struggling with mental health issues. I was appointed to the BRAG Board last year after the one meeting where these services received attention. It's taken me a year, but now I have a purpose for being on this board. If you, your family, or someone you know is struggling, please know that help is out there, and BRAG is one way to get that help. If I am able, I also hope to be part of connecting that help to the people that need it. I will follow up with details in future Reports and Nibley Newsletters.

Canal Company Shareholders Annual Meeting

Tom Dickenson, Nibley City Engineer, and I attended the Nibley Blacksmith Fork Irrigation Company's annual meeting this week. The city is a major shareholder in this irrigation company because of the requirement for developers to give water shares to the city during the development process. The city eventually converts the right to use surface water to deep well water rights so Nibley City can put water in its culinary system. I admit that the Canal Company and Nibley City are sometimes at odds with one another, but I felt this meeting showed an increased spirit of cooperation between the company and the city.

The historic contention between the canal company and the city is the result of a couple of issues. First, despite our attempts to design around it, there are places where Nibley's storm water utility discharges water into the irrigation system. That contention softened more than ten years ago when the city and the irrigation company reached an agreement on the city's responsibility to help maintain portions of the company's canal system where storm water is involved. An admitted shortcoming of the existing agreement is lack of specific engineering documentation related to storm-water impacts. It's time to update and renew that agreement. That timing, along with the canal company's investment in their own engineering services, have helped the two parties to work together. Several months ago, Nibley City asked the canal company to provide a proposed draft of an updated agreement, and we look forward to our ongoing discussions.

A second historic point of contention is the impact that development within Nibley City has on the irrigation company's ditches and canals. The irrigation company's easements (not necessarily the land,

but the right to use the land to convey water) are owned by the irrigation company. As a result, Nibley City is not able—nor responsible—to police those easements. However, the city has made serious efforts over the years to require developers to work with the irrigation company to minimize those impacts. There is still room for improvement, and sometimes it's easy to remember sins of the past. However, in the meeting the irrigation company acknowledged progress with the city's cooperation. At least that's my interpretation of the discussion. It might be that Nibley City is no longer “public enemy number one” to the irrigation company because the discussion came up in the context of increased concern with Millville City's sewer project.

While Nibley City has no authority in the discussion, I will mention information that the irrigation company shared regarding plans for piping their canal in the Nibley Hollow. The company has already piped the canal behind Quarter Circle Drive, and there has been pushback from residents on the proposal for the Hollow project. For now, the irrigation company has delayed the Hollow piping project, but they are not abandoning it. Part of the reason to hold off was based on data on canal seepage losses provided by Bethany Nielson from measurements she and her students took this past summer. Bethany is a Nibley resident, a professor at the USU Water Lab, and now a member of the Cache Water Board. Many thanks to Beth for her work to give the irrigation company quantified data before they launched their project.

In addition to seepage losses, the irrigation company has concerns about debris that finds its way into the canal as it flows through the Hollow. Some of that debris is the result of Hollow residents (accidentally or purposely) depositing yard waste in the canal. Before that concern was mentioned in the meeting, I had already suggested that there was a cooperative opportunity for the Hollow residents to help keep the canal clean. A couple of past weather events (big wind and early snow) showed the residents' willingness to help. I suggested Hollow residents could save the irrigation company cleaning costs and become better partners with the irrigation company if the residents organized work crews to clean the canal each spring. Because this is outside Nibley City's jurisdiction, I won't be organizing those work crews, but a couple of resident-shareholders at the meeting expressed willingness to do so.

Holy smokes! That's a lot to report from a 1.5-hour meeting. Thanks for hanging in there.

Planning Commission Action on a proposed Mobile Home Park

The Planning Commission is the land-use authority in Nibley on conditional-use permits, and they have been working on an application for a mobile home park on 800 West. Mobile home parks are currently allowed with mitigating conditions in Nibley's Industrial Zone, where the associated land is located. This application has received lots of attention, and I previously mentioned a Public Hearing on this application ([link below](#)). Over the years, the Utah Legislator has made it increasingly difficult to place mitigating conditions on—and certainly to deny—conditional use permits. Some of that difficulty is aimed at removing arbitrary conditions. Instead, the mitigating conditions or basis for denial must be supported by code in Nibley Ordinance. During their meeting, the Planning Commission asked the proponent about specific parts of the ordinance and whether they would agree to specific conditions. When the Planning Commission and proponent disagreed on required setbacks from street rights of way in the Industrial Zone, the Planning Commission acted to deny the conditional use permit. I was not the decider on this application, and—agree or disagree—I am pleased with the Planning Commission's dedication to our process as defined by Utah and Nibley code.

15 December 2002, at
<https://nibleycity.com/index.php/government/planning-zoning/planning-zoning-agendas-minutes>

Planning Commission on Transfer of Development Rights (TDR) Ordinance

The Planning Commission also acted on the TDR Ordinance that Nibley City has worked on for most of the past year (links to information below). The Commission advanced the draft ordinance to the City Council with a recommendation against approval. Again, agree or disagree, I am pleased with the Planning Commission's dedication to our process. I hope you will stay involved in this draft ordinance and keep up with the discussion as the Council picks it up. I will have the opportunity to share my opinion with the Council in upcoming meetings. I will also share my thoughts on the TDR draft ordinance in this forum if I can figure out a way to include opposing points of view. Please come to City Council meetings, keep up with those meetings through our minutes, and reach out to your elected Councilmembers (including me) to discuss the TDR proposal.

<https://nibleycity.com/index.php/latest-city-news/708-transfer-of-development-rights-study-ordinance>
<https://nibleycity.com/index.php/latest-city-news/709-tdr>

Miscellaneous

To finish this rather long report, the Cache Mayor's Association had a chance to talk our legislative representatives about issues that the Utah Legislature will deal with in their upcoming session. Water remains an important topic, and I will be paying special attention to those pieces of proposed legislation. Although not in my jurisdiction as Nibley Mayor, I have my own feelings about HB215, a taxpayer-funded school voucher-scholarship program. If you are interested, please have a look at it, form your own opinion, and let your representatives know how you feel.

Finally (I really mean it this time), the monthly Cache Historic Society had a great lecture by Ross Peterson. His topic was "The Beauty of Autobiography and Pitfalls." As many of you know, Dr. Peterson is a great storyteller, and he had a great message. Each of us has a story to tell. I had hoped to pick up a few tips that I could use in these status reports. Not sure that plan worked.

Thanks for reading, boss. Please call, text, or write anytime.

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Many thanks to Leslie Maughan for proofreading and giving feedback on this report.