

## **Mayor's Report**

**25 September 2023 – 8 October 2023**

Larry Jacobsen

Greetings, boss! Thanks for reading. I usually time these reports to be in sync with Nibley City Council meetings. This month there is no meeting on the usual second Thursday (October 12) because of school fall break, so I could give myself a pass on this report. However, I want to relay some information to you and avoid getting out of the habit of writing these reports.

As you might know, we are struggling to put new information on the Nibley City website, and you might not see this report as soon as it is written. We are working in an emergency mode to get the website squared away, and I apologize for the problems that have resulted.

Here are the topics in this status report:

- **US-89/91 Study to Solve Congestion on Logan's Main Street**
- **Council of Governments (COG) Funding Application**
- **2600 South**
- **Bear River Association of Governments (BRAG) Meeting**
- **Wetlands Protection in Nibley**

### **US-89/91 Study to Solve Congestion on Logan's Main Street**

For more than the past thirty years, there have been many attempts to mitigate congestion on Logan's Main Street, US-89/91. Although some of those attempts have helped, the problem isn't solved, especially at particular times of the day. Another effort is underway with a UDOT-funded \$52M study to deal with this congestion, and Nibley City has been invited to participate. We have had several meetings with UDOT and other municipalities, and Nibley City Manager Justin Maughan, Nibley Engineer Tom Dickenson, and I attended a meeting that identified potential strategies. Those strategies mostly concentrate on north-south routes that are parallel to Logan's Main Street, along with better east-west connectivity between these routes. Examples of north-south routes include 1000 West, 100 West, and 200 East. Nibley City's Master Transportation Plan works in conjunction with developing these parallel routes, especially 1000 West. There is more information on that in the next topic with Nibley's Council of Governments project application.

Taking a step back from strategy for a moment, several of the meeting attendees noted the contention built into the apparently conflicting goals of the study. Those goals are to create mobility and to create community spaces that encourage economic vitality. It seems difficult to achieve both of those goals simultaneously on the same road without some compromise. I noted another irony on those goals after the regular meeting during a discussion with a member of the Logan City Council. Nibley City desires those same two goals on "our" section of US-89/91. While Logan wants both mobility and economic vitality (perhaps some combination of

them), Logan also seems set on denying those same ideals to Nibley. Instead, Logan promotes mobility above all else outside of their municipal boundary. The Logan council member said that Hwy 165 (Nibley's Main Street) was our opportunity for economic development rather than US-89/91. However, I pointed out that while we can create that opportunity, private companies make the decisions about where to place their commercial development. Nibley City entertains many more commercial inquiries on US-89/91 than on Hwy 165. I suggested to the Logan council member that concessions between the two goals made for Logan should also be considered for Nibley.

### **Council of Governments (COG) Funding Application**

You might recall our previous discussions about a 0.25 percent local-option sales tax that Cache County voters approved in 2007. Since 2007, between \$3M to \$7M (depending on the year) in local sales tax has been collected and applied annually to pay for local transportation projects to alleviate congestion in Cache County. The Council of Governments (COG), which consists of the mayors and county executive, prioritizes these projects and then makes a recommendation to the Cache County Council. The COG process that prioritizes these projects is a combination of scoring by a technical committee of engineers and planners (40 percent of the total score) and ranking from the COG members (60 percent of the total). Last year, Nibley City applied for three phases of 1200 West that will be part of a connection from Hyrum to the Logan-Cache Airport via 1000 W in Logan. Nibley's 1200 West, which includes active transportation facets, fits well with the previous topic in this report to relieve congestion on Logan's Main Street. Last year, we received \$3.4M to fund two phases of 1200 West, and this year we asked again to fund the third, and final, phase. That application was accompanied by a second request for \$500k to make up for a shortfall on last year's award. Although we are not happy about needing to make up the shortfall, construction costs have soared during the past couple of years, despite Nibley City basing last year's funding request on a 90 percent engineering design. The need to make up for shortfalls in recent years has occurred on other COG projects as well.

Nibley Engineer Tom Dickenson prepared a technical proposal for the COG, and I made a presentation to the other COG members last week asking for \$2.3M of this year's \$6M available for projects in the Cache metropolitan area. Other cities made requests as well, and we will learn the results in the middle of October. Fingers crossed.

### **2600 South**

I have previously mentioned that 2600 South west of 1200 West is a private road, despite it currently being open to the public. This road is not complete because the curb, gutter, sidewalks, and landscaping are not finished. To avoid exposing Nibley citizens to the expense of finishing roads, we usually don't accept their dedication until they are completed. However, the road owner wants Nibley City to accept ownership of the road now. We have had a couple of negotiated and signed agreements over the past two years to accomplish that dedication while

still protecting Nibley citizens against finishing costs. Those agreements have not been fulfilled by the road owner. Nevertheless, we are still trying. The motivation for accepting road dedication is to allow a potential commercial development to move forward with their project. This commercial development hinges on road dedication, a commercial rezone, and a development agreement to accompany a four-lot subdivision that separates the commercial property from the remainder area. Based on a meeting last week with the road owner, the potential commercial developer, and Nibley City, our attorney has prepared documents that will let us move forward while guaranteeing the costs of finishing the road will be paid by the road owner or by the developer when development takes place. Although getting to this point has not been a particularly efficient process, it will benefit Nibley if we can make it happen.

### **Bear River Association of Governments (BRAG) Meeting**

I attended a Bear River Association of Governments (BRAG) Board meeting last week where we learned about grants available to the Associations of Governments for economic development intended to create jobs. BRAG is one of the seven Associations of Governments (AOGs) in Utah. I have mentioned previously that with one to two percent unemployment in Cache, Box Elder, and Rich Counties, perhaps we don't need to create more jobs at the moment. However, these particular grants are specifically tailored for rural areas and rural jobs. The BRAG Board supported applying for available rural grants with the intention of creating an agricultural park that supports active agricultural production. Agricultural parks such as this have been successful in other AOGs.

### **Wetlands Protection in Nibley**

The Clean Water Act of 1972 helped define the federal government's role in protecting water quality in the US. That protection of US bodies of water not only included streams, rivers, lakes, and oceans, but also wetlands. Over the years, the definition of wetlands that are federally protected has shifted back and forth. In May 2023, the US Supreme Court ruled that moving forward, the only wetlands that will receive federal protection are those that have a "continuous surface connection" to navigable waters and their tributaries. Why does this matter to Nibley? We have lots of wetlands in our city that have previously received federal protection through the US Army Corps of Engineers. Those wetlands not only affect water quality in Utah, they have also shaped Nibley City's land-use policy and ordinance. Our ordinance has protected wetland open space with federal, state, and municipal regulation. In light of the recent Supreme Court ruling, I am concerned about Nibley's ability to protect wetlands, and the associated open space, without the help of the federal government. Local governance draws the line between the rights of individual property owners (often represented by developers) and the rights of the community. With that concern, I wrote a letter of support for funding to the State Wetlands Coordinator with the Utah Geological Survey to investigate the state's role in wetlands protection. I am also contributing to draft legislation that will be considered in the upcoming Utah legislative session. It's early days on this topic, and I hope my concern is unfounded. However,

Utah legislative actions over the past few years have pitted the Property Rights Coalition, a collection of developers, against Utah municipalities over issues similar to this. I will keep you posted.

Please call, text, or write anytime.

Larry  
435-512-7495  
[larry@nibleycity.com](mailto:larry@nibleycity.com)

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