

## **Nibley City Mayor's Report**

**22 January 2024 – 4 February 2024**

Larry Jacobsen

Greetings, boss! Thanks for reading this report. Please be sure to check the official public notifications on Nibley's website ([www.nibleycity.com](http://www.nibleycity.com)) and the Utah Public Notice website ([www.utah.gov/pmn/](http://www.utah.gov/pmn/)) for more information.

Here are the topics in this report.

- **Bear River Association of Governments (BRAG) Point-In-Time Count**
- **Utah League of Cities and Towns Legislative Policy Committee**
- **Cache Metropolitan Planning Organization Transportation Funding**
- **BRAG Board Meeting**
- **Nibley Blacksmith Fork Canal Shareholders Meeting**
- **City Park at Ridgeline Park Phase 1 Construction Bids**

### **Bear River Association of Governments (BRAG) Point-In-Time Count**

I participated, as did several other Nibley Residents, in last week's Point In Time (PIT) Count. This is an event that counts the number of unsheltered individuals in communities throughout the US, including communities in Cache, Box Elder, and Rich Counties. Documenting that need enables BRAG to receive aid from the federal government, and it provides a chance to inform people in need about local resources already in place. I was assigned, along with a couple of USU students, to the Nibley area. The PIT Count was conducted for three consecutive nights, and my crew worked between midnight and 2:00 am last Saturday morning. Despite looking in many out-the-way corners of Nibley, we did not find any unsheltered people on that night. I am encouraged by the increasing number of resources available to those in need in Cache County. Those resources include an increased number of temporary motel vouchers available through BRAG, and the William A. Burnard Warming Center, which is housed in the St. John's Episcopal Church. If you are interested, the Warming Center is staffed by volunteers from throughout our community.

While conducting our count, the USU students asked me what was the biggest challenge for local governance in Nibley. I described two challenges: continuing to build recreational space and the need for affordable housing. The affordable housing shortage is a state-wide problem, and Utah's Legislature continues to work on it. That work sometimes encroaches on regulations that have traditionally belonged to local municipalities.

### **Utah League of Cities and Towns (ULCT) Legislative Policy Committee (LPC)**

Justin Maughan, Nibley City Manager, and I participate in a weekly Legislative Policy Committee (LPC) meeting during the legislative session that aims to help the Utah Legislature understand

how proposed legislation affects local municipalities. As in previous years, this session emphasizes the need for affordable housing in Utah. The legislature has shown their seriousness in providing more housing, including proposing legislation that would require all residential zones in Utah to allow densities of at least eight units per acre. Except for special Residential Planned Unit Developments, this is twice the highest density currently allowed in Nibley. Because this type of legislation encroaches on municipal authority, the ULCT lobbies as a group against losing the ability to plan our own communities.

Last year, much of the housing legislation focused on increasing the number of entitled building lots, or lots that have completed the local approval process and are entitled to move forward with construction. With this year's high interest rates, the legislature is more focused on providing developers with access to lower-interest financing to develop subdivisions and build houses. Access to loans includes the liability of paying them back, and the LPC's role on these pieces of draft legislation is to ensure that the liability of increased access to financing is not passed to the municipality where the development will take place. The common theme for all housing legislation seems to be that if local municipalities don't do something to solve the housing issue, then the legislature will.

### **Cache Metropolitan Planning Organization (CMPO) Transportation Funding**

I participated with other mayors and the county executive in what I saw as a serious discussion about the process that awards funds for transportation projects in Cache County. These funds are available through a local-option sales tax approved by the voters in 2007, and they award between \$3M and \$7M each year. Nibley City's 1200 West project, including the roundabout at 3200 South and the future roundabout at 2600 South, was funded with this tax. In addition, there have been lots of recent projects in Logan and around Green Canyon High School. The discussion centered on how formulaic the process should be, with transportation engineers and planners making technical decisions, versus a more political process with mayors making the award. The intensity came for me when defending our 1200 West project that received a more favorable ranking from the technical process, only to be questioned by a few mayors during the political process. Personally, I'm happy with the current balance between the two approaches. While the discussion was serious and had some tense moments, I believe it was also respectful and productive.

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

We held a BRAG Board Meeting to review the annual audit report (no issues) and to hear about a grant from the state to fund a feasibility study for an agricultural production and processing facility (called an Ag-Port) in one of the three BRAG counties (Box Elder, Cache, or Rich). The grant is for \$150k and requires a 50-percent match from BRAG. While BRAG has always been a means to advocate for economic development, this opportunity realizes the importance of continuing agriculture-based economic development in northern Utah. I find this encouraging and will report with additional information as this progresses.

## **Nibley Blacksmith Fork Canal Shareholders Meeting**

Along with city staff, I attended the Annual Shareholders Meeting of the Nibley Blacksmith Fork Irrigation Company. I described the CMPO meeting in this report as serious, and this meeting was even more so, in part because Nibley City voted its ownership shares in the election for the company's Board of Directors. We have not previously done so. Nibley City is the largest shareholder in the company, so we had a large impact on the director election. Nibley City owns shares in the company as the result of requiring developers to give canal shares to the city as a condition of development. This practice is allowed by Utah Code, and I don't know of a municipality that does not have a similar policy. The reasoning is that municipalities cannot manufacture water to put in culinary water systems, so developers and landowners must provide that water as a condition of development. After Nibley City has acquired enough water shares, along with enough demand to require a new well, the city goes through a change-of-use process with the state that converts those surface water shares to well water rights for culinary use. Just as the city cannot manufacture water, the change-of-use does not destroy water, and the traded surface water stays in the canal system and is available for use by the other shareholders. The only requirement for this "traded-in" surface water is that it not be used to irrigate new land.

Nibley City's relationship with the canal company is multifaceted. First, Nibley City allows land development; that development could impact the canal company's ability to convey water to its shareholders. We force developers to work in concert with the canal company, but the company feels impacted by development activity and often blames the city for that impact. Second, storm water enters the canal system and represents a liability to the company. While that's not a new thing (a certain amount of storm water has drained into canals since they were built), developed land reduces the surface area where stormwater can percolate into the ground. This is the result of new rooftops, roads, and parking lots. Nibley City manages stormwater, and we have documented places where overflowed detention ponds can eventually flow into the canal company's system. While Nibley City has had a contract with the company to maintain the parts of the canal that can receive managed stormwater, Nibley City and the canal company don't see eye-to-eye on who should maintain what and the associated costs. Finally, Nibley City wants Nibley residents to have equitable access to their secondary water from the canal company and many of those shareholders feel underserved. Access to secondary water avoids the requirement to develop new wells at an expense to all residents. The specific residents with access to canal water are typically small shareholders or neighborhood secondary systems that were put in during development. Many of those neighborhood shares are now owned by Nibley City and leased back to the homeowners. Dissatisfaction expressed by these small shareholders, dissatisfaction of the USU farm southwest of Nibley (a large shareholder), combined with an apparent indifference by the canal board to deal equitably with all its shareholders, led Nibley City to vote its shares in last week's director election for the first time. I don't believe the current canal board expected this, and that added to the meeting's intensity. Regardless, we worked through it, and there are two new directors that I believe will bring new ideas and balance to the board. Nibley City recognizes the importance of cooperation with the canal company.

## **City Park at Ridgeline Park Phase 1 Construction Bids**

We have completed the engineering design for Phase 1 of the city park at the Ridgeline Park development, and Tom Dickenson (Nibley City Engineer) put out a bid for construction. We expected the base bid to be around \$2.2M. To help pay that, we have received a grant from the federal Land and Water Conservation Fund (LWCF) for about \$750k; we expect an additional \$350k award from LWCF, and in exchange for the park land, Nibley City committed to spending about \$400k of park impact fees from the Ridgeline development to this park. While that all sounds great, we had a dose of reality when the only construction bid came in at nearly double the expected construction cost of \$2.2M. This is a serious shortfall. Last week, the council decided to pump the brakes and not yet award the construction contract. Instead, we will try to pare the project back to what we can afford and work with LWCF to see if that puts our grant in jeopardy. High construction costs not only affect housing availability, they impact Nibley's ability to provide recreation space. Please stay tuned.

Hmmm ... These reports aren't getting any shorter. My thanks to you for having an interest in the goings on in Nibley City. If you would like me to email these reports directly to you, please let me know.

Thanks for reading,  
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My continued and sincere appreciation to volunteer Leslie Maughan for proofreading and reviewing these reports for clarity before you see them.