

A Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, May 21 2015.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to approve the final plat for Phase 7 of Zollinger Acres located at approximately 3350 South 1350 West; contingent on correction of the addresses on the plat. Councilmember Beus seconded the motion. The motion passed unanimously 4-0. Councilmember Jacobsen was in favor, Councilmember Hellstern was in favor, Councilmember Beus was in favor, and Councilmember Whittaker was in favor.

Councilmember Jacobsen motioned to establish a committee to explore options for the design of Heritage Park West property with the objectives being to determine the definition of recreational use, establish ownership and allowed uses of one-site surface water, establish RAPZ funding issues, and bring at least three, well-considered alternative designs back to City Council; and the committee will be staffed with 7 members; 2 non-voting: Shari Phippen and Rod Ellwood and 5 voting members to be named by the Mayor and committee chair Ron Hellstern; with Ron Hellstern as chair. Councilmember Beus seconded the motion. The motion passed unanimously 4-0. Councilmember Beus was in favor, Councilmember Hellstern was in favor, Councilmember Whittaker was in favor, and Councilmember Jacobsen was in favor.

Councilmember Jacobsen motioned to approve LaRae and Barbara Wilden as Heritage Days Grand Marshalls. Councilmember Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hellstern, Councilmember Beus, and Councilmember Whittaker all in favor.

Councilmember Jacobsen recognized Amber Whittaker as Nibley City's Citizen of the Year. Councilmember Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hellstern, Councilmember Beus, and Councilmember Whittaker all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Noting that Mayor Dustin was not present and wouldn't be present for some time, Councilmember Jacobsen nominated Councilmember Amber Whittaker as Mayor Pro Tempore. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Whittaker, and Councilmember Hellstern all in favor.

Call to Order

Mayor Pro Tem Amber Whittaker called the Thursday, May 21, 2015, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Councilmember Larry Jacobson, Councilmember Kathryn Beus, Councilmember Amber Whittaker, and Councilmember Ron Hellstern. Shari Phippen, Nibley City Planner, and Justin Maughn, Nibley City Public Works Director, were also in attendance.

Approval of agenda; and approval of the May 7, 2015 meeting minutes

Councilmember Jacobsen made a motion to approve the last meeting's minutes and the evening's agenda with the following amendments; to strike item #2 from the agenda and move item #4 after item #6. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

Report from Bear River Association of Governments on mobility program

Allison Richman, representing the Bear River Association of Governments was present at the meeting. She discussed the details of the BRAG mobility program with the Council. Ms. Richman gave a printed presentation to the City Council. She said the mobility program was designed to improve people's ability or inability to get where they need to go and had a couple of different programs which specifically targeted seniors, low income, and disabled citizens who are unable to get to various personal appointments. This program would allow a neighbor, family member, or other care person reimbursement of .30/mile to assist getting people who otherwise couldn't get to their appointments.

Ms. Richman directed the City Council to the last page of the presentation which summarized the programs offered by BRAG. She summarized these programs and housing assistance and utility assistance. She said there was disaster mitigation plan assistance, tourism assistance, and ????. She said that BRAG was meant to be an extension of Nibley City's staff. Every city in the BRAG area pay a small amount to BRAG each month and she encouraged Nibley to reach out to BRAG for assistance. Ms. Richman described the Bear River Heritage Area office which was dedicated to protecting areas that were historic and needed to be protected. She described some of the projects that were being addressed by the Bear River Heritage Area office; famers market, older home registration, and historic places (barnes, homes, quilts, etc).

Ms. Richman continued to discuss accessibility ADA accessibility and mobility. She described ways that you could "think outside the box" when accommodating people with disabilities.

Councilmember Jacobsen asked Ms. Richman to pick two things she would like the City Council to do to assist with this program. Ms. Richman said the medical voucher program. Councilmember Jacobsen asked Ms. Richman to provide an article for Nibley's newsletter. Ms. Richman said she would like assistance in letting people know what is available at BRAG.

Discussion and consideration of a final plat for Phase 7 of Zollinger Acres (11 lots) located at approximately 3350 South 1350 West (Applicant: MV Properties)

There was no representation at the meeting for MV Properties.

Miss Phippen said this was the next to last phase of Zollinger acres and she discussed the requirements of the lot sizes/frontages in the R-2a zone, and how the proposed plat measures up to them. She said all lots met the 100 foot frontage minimum and that each lot met the 12,000 square foot minimum with the average lot size being 14,000 square feet. Miss Phippen said all necessary water shares had been turned over to the city. Miss Phippen described the items that were still incomplete from previous phases and described that the retention pond had not been completed because of the recent Nibley City mitigation with the Blacksmith Fork Canal company. She said with the resolution of that mitigation that the developer was aware that he would need to complete the pond as part of this phase of the development. Miss Phippen described the city owned property that was adjacent to the developer and said the city would negotiate with the developer on completing the city's portion of the road for Nibley City at Nibley City's cost. She said the developer seemed amenable to doing the complete road. Miss Phippen said the only item respective to the plat that needed to be corrected was the addressing of the lots; currently they all had the same address noted.

Miss Phippen said it was the Planning and Zoning Commission and staff's recommendation that the plat be approved pending correction of the addresses on the lots.

Councilmember Beus asked if the completed road included curb and gutter. Miss Phippen said it did. The city would compensate the developer for the full right-of-way improvements.

Councilmember Jacobsen discussed the 100 foot frontage requirement and asked why some of the lots showed less than 100 feet of frontage. Miss Phippen described that the curved line wasn't taken into account and explained how the frontage was calculated and said the lots fell within ordinance.

Councilmember Jacobsen made a motion to approve the final plat for Phase 7 of Zollinger Acres located at approximately 3350 South 1350 West; contingent on correction of the addresses on the plat. Councilmember Beus seconded the motion. The motion passed unanimously 4-0. Councilmember Jacobsen was in favor, Councilmember Hellstern was in favor, Councilmember Beus was in favor, and Councilmember Whittaker was in favor.

Discussion and consideration of a committee to explore options of the design of Heritage Park West property

Miss Phippen discussed a plan outlined by Mayor Dustin which had been emailed to the City Council and staff. She said the Mayor proposed the City Council form an advisory committee for the design of Heritage Park West which consisted of five voting members and two non-voting members. She said the non-voting members would be herself and Rod Ellwood. Miss Phippen

said the Mayor was proposing Councilmember Hellstern chair this committee and was asking the City Council to bring forward names for other members of the committee.

Miss Phippen said she felt they had some initial discussion with the Landscape Architecture and Environmental Planning Department at Utah State. She said they were on board to work with the city help create concepts of the property. Miss Phippen discussed the new city planning intern, Nick Tanner, who had just earned his masters degree in landscape architecture and was working on his thesis. He could help with planning, working with Utah State, and developing concepts of the park. She felt both Utah State and Mr. Tanner would be excellent resources for the committee. Miss Phippen said she would like to see the committee represented by three citizens, Councilmember Hellstern and a member of the Planning and Zoning Commission.

Councilmember Beus recommended the City Council and Mayor consider Malia Roundy and Larry Ahnder.

Councilmember Hellstern recommended the City Council and Mayor consider Dave Evans to be an advisor to the committee.

Miss Phippen said she had recommended Allen Haycock, for his recreational use perspective, and Annette Stonehouse or Derrick and/or Tami Jones as interested citizens, to the Mayor.

Councilmember Hellstern also recommended Nate Norman as a wetland specialist and the former senior wildlife biologist of Biowest, Becky Yeager. Councilmember Jacobsen stated that he had a conflict of interest and stated that he was married to Becky Yeager. He said that Ms. Yeager had expressed her interest in being an advisor as a wildlife biologist and not as a voting member of the committee. He felt the same may be true of Mr. Norman.

Councilmember Jacobsen said they needed to determine the definition of recreational use and said they needed to make sure their concept plans would be appropriate and conform to that definition. He used the example of the use of grazing as a management tool. He said they needed to ask the National Park Service how they defined recreation use. Councilmember Jacobsen listed the other items he felt needed to be addressed by the committee; establish ownership and allowed uses of one-site surface water; establish RAPZ funding issues (timeline to use RAPZ funds, are RAPZ funds dedicated to this park transferable to another park); bring at least three, well-considered alternative designs back to City Council. Councilmember Jacobsen said these would be his proposed objectives for the committee.

Councilmember Beus asked if Nibley City would be able to complete the tennis courts with the RAPZ tax funds or if it would need to be used for the new Heritage Park West property. Miss Phippen said the city hadn't received any RAPZ funds this year and would need to find alternative revenue to fund the completion of the tennis courts. Miss Phippen described how RAPZ funds are awarded and used. Councilmember Jacobsen felt they should get "rolling" on this and let the Mayor and committee chair staff the committee.

Councilmember Jacobsen made a motion to establish a committee to explore options for the design of Heritage Park West property with the objectives being to determine the definition of recreational use, establish ownership and allowed uses of one-site surface water, establish RAPZ funding issues, and bring at least three, well-considered alternative designs back to City Council; and the committee will be staffed with 7 members; 2 non-voting: Shari Phippen and Rod Ellwood and 5 voting members to be named by the Mayor and committee chair Ron Hellstern; with Ron Hellstern as chair. Councilmember Beus seconded the motion.

Miss Phippen played an .mp3 from UPR and Wild About Utah regarding fire flies and their existence in Utah and specifically in Nibley's Heritage Park.

Mayor Dustin suspended the agenda to read himself in to the meeting.

Mayor Dustin stated he was present at the meeting at 7:26 p.m.

Councilmember Whittaker reopened the agenda at that point.

Councilmember Beus was in favor, Councilmember Hellstern was in favor, Councilmember Whittaker was in favor, and Councilmember Jacobsen was in favor. The motion passed unanimously 4-0.

Discussion and consideration of Citizen of the Year and Heritage Days Grand Marshal

The Mayor said he had given residents until May 15th to submit nominations for Nibley's Citizen of the Year and the Heritage Days Grand Marshal.

Mayor Dustin said he was recommending LaRae and Barbara Wilden. Mayor Dustin specifically noted Mr. Wilden's participation on the cemetery board. He said Mrs. Wilden was always present at City Council meeting but also flew under the radar with the service she did for the community. Mayor Dustin thanked the citizens that brought those names forward.

Councilmember Jacobsen made a motion to approve LaRae and Barbara Wilden as Heritage Days Grand Marshall. Councilmember Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hellstern, Councilmember Beus, and Councilmember Whittaker all in favor.

Mayor Dustin said he had asked Councilmember Whittaker to sit as Nibley's Citizen of the Year and noted her service.

Councilmember Jacobsen recognized Amber Whittaker as Nibley City's Citizen of the Year. Councilmember Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hellstern, Councilmember Beus, and Councilmember Whittaker all in favor.

Staff and Council Reports

Mayor Dustin noted that Mr. Zook had been out sick for quite some time and the issue had risen of who would have administrative authority in the City Managers's absence. Mayor Dustin said he had consulted with the city attorney and had found that the authority fell to him.

Mayor Dustin reported on negotiations and meeting's about Nibley's sewer services.

Mayor Dustin discussed a proposed recognition dinner to give thanks for the help administered during the recent water emergency. He discussed that it was being proposed that the recognition be held during the Heritage Days Mayor's dinner. He said this was being proposed by Nibley City staff. The City Council expressed their approval with head nods and thumbs up.

Mayor Dustin recognized Councilmember Hansen at 7:47.

Miss Phippen described the design of an appreciative coin that would be given to those being recognized.

Mayor Dustin said he had been approached by a developer about multi-family development that was in Nibley's annexation area. Mayor Dustin said he was disappointed in how the update to the Master Plan was being presented. He said he would like the City Council to consider hiring a planner and said he would be bringing the recommendation to them at the next meeting. Miss Phippen said she agreed with the Major and expressed her concerns. Mayor Dustin said they needed to decide if they would spend the funds they had initially set aside to update the general plan or if they wanted to ride with their current general fund.

Nibley Public Works Director, Justin Maughn reported on discussions with Kim Datwyler on a curve in the road on 1200 West to go around the well in that area.

Miss Phippen reported on the building permit restrictions at Stonebridge subdivision because of the \$52,000 in stormwater fees that were owed by the developer and hadn't been paid in several years. She said the bank had gotten involved and paid the \$52,000 and the city had released the building permit restriction that were in place.

Councilmember Hellstern reported on his nomination of the crack willow tree on the Heritage Park West property as a State heritage tree. He reported on historical data he had collected on that area. He said this would be the 45th historically designated tree in Utah. The State would submit a voucher to Nibley City for \$250 to purchase additional trees and would provide a plaque.

Councilmember Hellstern reported on Nibley's progress in making Nibley the first designated community wildlife habitat city in the state of Utah.

Councilmember Hellstern reported on the Nation Wildlife Association's Butterfly Heroes program.

Councilmember Jacobsen reminded the City Council of the dates to file to run for City Council and that there were three seats available.

Mayor Dustin noted that today (May 21, 2015) was the 80th anniversary of the founding of Nibley City. Nibley City was incorporated on May 21, 1935. He said he wanted to recognize the day and note it in the meeting.

There was general consent to adjourn the meeting at 8:07 p.m.

Attest: _____
Deputy City Recorder