

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, June 2, 2016.

The following actions were made during the meeting:

Councilmember Hansen motioned to give consent for the nomination of Rolland and Glenda Parent for Nibley Citizen of the Year. Councilmember Jacobsen seconded the motion. The motion passed 3-0; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen motioned to adopt the Nibley City General Plan dated June 2016 as presented. Councilmember Hansen seconded the motion.

Councilmember Jacobsen made a motion to amend the map on page 16 to show the preferred future roadway alignment to augment the future transportation master plan of 2011. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor

Councilmember Jacobsen made a motion to change wording on page 14 from "Nibley City recognizes the importance of a regionally unified and cohesive approach to transportation planning, with the admission that Nibley City's transportation network affects other communities, and vice versa." to "Nibley City recognized the importance of a regionally unified and cohesive approach to transportation planning, with the understanding that Nibley City's transportation networks affects other communities, and vice versa." Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen made a motion to amend the paragraph on Town Center Option on page 26 to read "The Town Center Design Study is not a specific plan for current action, but represents initial thinking and evaluation of a potential future town center in order to convey the key components and possible locations of a town center, should one become a reality. This plan does not anticipate the town center development be funded at tax payer expense." Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

The amended motion passed 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen motioned to adopt Ordinance 16-04: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley as presented. Councilmember Hansen seconded the motion. The motion passed 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen motioned to adopt Resolution 16-04: A Resolution to Initiate the Creation of the Cache Water District and hold a Nibley City public hearing on July 7, 2016 at 6:30 p.m. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen motioned to approve Resolution 16-06: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 2015-16, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2016-17 and Adjusting Certain Fees and Payments for Services for the first reading. Councilmember Jacobsen seconded the motion. The motion passed 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Councilmember Jacobsen called the meeting to order at 6:34 p.m. and motioned for Councilman Thomas Bernhardt to act as Mayor Pro Tempore. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Opening Ceremonies

Councilmember Hansen gave a prayer.

Call to Order and Roll Call

Mayor Pro Tempore Thomas Bernhardt called the Thursday, June 2, 2016, Nibley City Council meeting to order. Those in attendance included Councilman Bryan Hansen, Councilman Larry Jacobsen, and Councilman Thomas Bernhardt. Mr. David Zook, the City Manager and Shari Phippen, the Nibley City Planner, were also in attendance.

Approval of agenda; and approval of the May 19, 2016 meeting minutes

Mr. Zook clarified an error on the agenda. He also said that Bob Fotheringham had requested the City Council wait to hold discussion on the conservation district resolution until he could be present. He had requested the City Council push that agenda item.

Councilmember Jacobsen made a motion to accept the minutes from the May 19, 2016 meeting minutes and moved to adopt the evening's addenda with corrections to items 8 and 7. Councilmember Hansen seconded the motion.

Mayor Pro Tem Bernhardt requested that clarifying discussion be added to the previous meeting's minutes.

Councilmember Bernhardt made a motion to amend the minutes. Councilmember Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilmember Bernhardt, Councilmember Jacobsen, and Councilmember Hansen in favor.

The amended motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Public Comment Period

There were no names presented for the public comment period.

Discussion and Consideration of a Nomination for the Nibley Citizen of the Year

Mr. Zook said Mayor Dustin had suggested the nomination Rolland Parent and his wife Glenda for Nibley Citizen of the Year. Mr. Zook said Mr. Parent had been serving as Nibley Utah Stake President for over 10 years and his wife had supported him in this role. Mr. Zook described some of the service Mr. Parent had given over the past ten years.

Councilmember Hansen made a motion to give consent for the nomination of Rolland and Glenda Parent for Nibley Citizen of the Year. Councilmember Jacobsen seconded the motion.

Councilmember Hansen said that Rolland Parent was a very well respected addiction counselor for the Bear River Health Department.

Councilmember Jacobsen asked about the schedule required to make the nomination. Mr. Zook said they had discussed having another City Council meeting next week so the discussion could be put off until next week but city staff also needed time to do some ground work.

Councilmember Jacobsen said he had some hesitation with the city choosing a secular leader for their Citizens of the Year. He realized in their standing as Stake President they had done service for the community as well.

Councilmember Jacobsen made a motion to continue this item until the next City Council meeting agenda so that the entire City Council would express their vote. Councilmember Hansen seconded the motion.

Councilmember Jacobsen said he would vote “yes” if asked to vote tonight because he didn’t want to stand in the way of Mr. and Mrs. Parent receiving this awards. They could let him stand on his secular/non-secular opinions he felt confident that a full Council would give the extra vote necessary to make the nomination. Councilmember Hansen expressed his concern with holding off the nomination and not giving enough notice for scheduling. He also felt if the other City Council members were present that the vote would pass.

Corlyss Drinkard said she was a member of the LDS church and had felt a twinge at this nomination. She said if the City Council was going to select a religious leader it should be his community service that should take the lead in the nomination independent of his religious role.

Councilmember Jacobsen said he understood the incredible community response and preparedness that was made available through the LDS church but said there was more opportunity for all of us to be more inclusive than to assume that everyone knew what was going on. Councilmember Jacobsen said he would vote to postpone and he would vote to confirm the Citizens of the Year.

Nibley City Public Works Director, Justin Maughn arrived at 6:43 p.m.

The motion to continue this item failed 0-3; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

The motion to give consent passed 3-0; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Bernhardt all in favor.

Discussion and Consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (Second Reading)

Ms. Phippen said she had sat with the Logan Simpson Design team and had gone through the recommendations and changes the City Council had made and incorporated them into the amended general plan. She reviewed the items that had been changed in the draft document.

Nibley City Treasurer, Stephen Nelson arrived at 6:59 p.m.

Councilmember Jacobsen made a motion to adopt the Nibley City General Plan dated June 2016 as presented. Councilmember Hansen seconded the motion.

Councilmember Jacobsen asked for general consent to give Ms. Phippen editorial license to correct any grammatical or punctuation errors found in the document. He directed her to a punctuation error. General consent was given.

Councilmember Jacobsen asked for general consent to give Ms. Phippen the authorization to appropriately label “average household income in Nibley and Cache County” (page 10) and “area median income” (page 12). General consent was given.

Councilmember Jacobsen made a motion to amend the map on page 16 to show the preferred future roadway alignment to augment the future transportation master plan of 2011. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen made a motion to change wording on page 14 from “Nibley City recognizes the importance of a regionally unified and cohesive approach to transportation planning, with the admission that Nibley City’s transportation network affects other communities, and vice versa.” to “Nibley City recognized the importance of a regionally unified and cohesive approach to transportation planning, with the understanding that Nibley City’s transportation networks affects other communities, and vice versa.” Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen proposed that the wording on page 15 under emergency access “Occasionally, concern is expressed over emergency vehicle access on narrower streets, this assumption is unfounded. It is possible for narrow streets can accommodate emergency vehicles without sacrificing safety. A street width of 26’ (pavement width, not total right-of-way) is wide enough to accommodate on-street parking and comply with the requirements of the Uniform Fire Code” striking the first sentence and removing the wording “It is a possible for.” General consent was given.

Councilmember Jacobsen asked for general consent to have the wording “Studies show that” removed from “Studies show that residential streets that are connected have faster emergency response times than neighborhoods with dead ends (cul-de-sacs) and limited access points. Avoiding cul-de-sac style street design will do more to improve emergency response times than trying to compensate with overly-wide roads. Neighborhoods within the City that have a well-developed street grid fit within this description” on page 15. General consent was given.

Councilmember Jacobsen asked for general consent to change the wording on page 19 from “Yeates Spring is no longer being used due to contamination that occurred in 2015” to “Yeates Spring is not currently being used due to contamination that occurred in 2015.” General consent was given.

Councilmember Jacobsen referred to page 26 which referred to the town center option. He asked if wording had been included that they didn’t intend for the town center option to be funded at taxpayer’s expense.

Councilmember Jacobsen made a motion to amend the paragraph on Town Center Option on page 26 to read “The Town Center Design Study is not a specific plan for current action, but represents initial thinking and evaluation of a potential future town center in order to convey the key components and possible locations of a town center, should one become a reality. This plan does not anticipate the town center development be funded at tax payer expense.” Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen referred to page 41 and asked for general consent to strike one of the headings that read “Project 2.” General consent was given. Councilmember Jacobsen also asked to strike “See Transportation Map on page 16 for reference” from Project 3. General consent was given.

With no further discussion a vote was taken on the amended motion: Councilmember Jacobsen was in favor, Councilmember Bernhardt was in favor, and Councilmember Hansen was in favor.

The amended motion passed 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Discussion and Consideration of Ordinance 16-04: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley (Second Reading)

Councilmember Jacobsen made a motion to adopt Ordinance 16-04: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley as presented. Councilmember Hansen seconded the motion.

Councilmember Jacobsen said he understood Mayor Pro Tem Bernhardt’s issues with this compensation but felt it was an administrative thing that needed to be done.

Mayor Pro Tem Bernhardt said the six dollars was not a “make or break thing” but said it was more about the principal of asking Nibley Citizens to make sacrifices and referenced the sewer fee specifically. Councilmember Jacobsen said he would look for Mayor Pro Tem Bernhardt to make an amendment that would just change the City Council increase the compensation and leave the other officers intact so that the ordinance didn’t fail. Mayor Pro Tem Bernhardt said he was willing to move the item forward as he had thought about it a lot over that last two weeks. Councilmember Hansen said he looked at this as a cost of living raise and felt it was equitable across the board. He felt they should set the precedence of adjusting things with the economy. He said it was a reasonable way to approach this. Councilmember Jacobsen references the consumer price index change from the Bureau of Labor Statistics and said this increase was inline.

The vote on Ordinance 16-04 was as follows: Councilmember Jacobsen was in favor, Councilmember Bernhardt was in favor, and Councilmember Hansen was in favor.

The motion passed 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Discussion and Consideration of Resolution 16-04: A Resolution to Initiate the Creation of the Cache Water District (Second Reading)

Bob Fatheringham, Water Engineer for Cache County, Chris Slater with JUB Engineers, and Gordon Zilles with the Cache County Council were present for this discussion.

Mr. Zook said approval of this item would put consideration of the creation of the Cache Water District on the ballot. He said if the Resolution were approved the city would need to hold a public hearing between July 1 and July 14 or participate in a county public hearing. Councilmember Jacobsen asked Mr. Fatheringham if Nibley City could “piggy back” on the advertising for the county-wide public hearing? Mr. Fatheringham said Nibley could.

Mr. Fatheringham discussed the previous public hearings and the communities that had participated in the hearing. He discussed the communities that would hold their own public hearing. Mr. Fatheringham said the public had given a lot support but there had been some who voiced their concerns with the bylaws not covering their concerns; they had been invited to additional meetings to discuss their concerns. Mr. Zilles said people who were against this when it was on the ballot before had said they were now for the conservation district because there would be an elected board. Mr. Fatheringham said the purpose statement included the issues that were of concern of the citizens of the County; additional water, environmental needs, and agriculture needs. He said the Board of Trustees would address these issues and he didn't know on any other board in the State that had elected trustees. Councilmember Hansen asked if anyone from the district would be able to attend Nibley's public hearing. Mr. Fatheringham said there was a suggested outline to follow with a short presentation prior to the public comments. Councilmember Jacobsen described what he felt they could learn from the public hearing.

Mr. Zook and the City Council discussed when they would hold the public hearing. Mr. Zook recommended they hold the hearing at the City Council meeting on July 7.

Councilmember Jacobsen made a motion to adopt Resolution 16-04: A Resolution to Initiate the Creation of the Cache Water District and hold a Nibley City public hearing on July 7, 2016 at 6:30 p.m. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen asked for general consent to add “at 6:30 p.m.” to the seconded motion. General consent was given.

The vote proceeded as follows: Councilmember Jacobsen was in favor, Councilmember Bernhardt was in favor, and Councilmember Hansen was in favor.

Discussion and Consideration of Resolution 16-06: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 2015-16, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2016-17 and Adjusting Certain Fees and Payments for Services (First Reading)

Councilmember Jacobsen made a motion to approve Resolution 16-06: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 2015-16, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2016-17 and Adjusting Certain Fees and Payments for Services for the first reading. Councilmember Jacobsen seconded the motion.

Mr. Zook discussed the changes that had been made to the document: the addition of budget policy information (included on page 4), a change in the cost share between Millville and Nibley for First Responder contribution, and an increase in the budgeted amount for the park master plan. Mr. Zook said he anticipated a couple more changes before the budget was brought to the City Council for final adoption. He said the biggest change would be a carry over from the water department for the well construction project. He said there would also be a change in the tax rate. He said Mayor Dustin was asking for an increase in the tax rate but to date hadn't given that number.

Mayor Pro Tem Bernhardt referred to page 18 of the proposed budget

"10-34-440 Facility Rentals –This includes Field Rental, Nibley Park building rental. This is tied into expenditure account 10-75-235."

Mayor Pro Tem Bernhardt said he hadn't found any reference to 10-75-235 in the proposed budget. Mr. Zook couldn't find the item and said city staff would fix this and add this line item.

Councilmember Jacobsen wondered how it would be received to adopt the budget for capital projects as outlined and then give the City Council a chance to have better understanding of how those capital expenditures would head them in a different direction. He feared they lost resolution when they looked at the big budget picture. Mr. Zook said there hadn't been a lot of discussion of prioritizing these projects and comparing them to other needs in the budget. He felt they could have an overall capital projects plan. He agreed that the plan didn't have the depth of analysis and review and felt they could have those discussions. Councilmember Hansen felt they could recommend that the departments come and make some sort of effort in prioritizing these projects. Councilmember Hansen said he felt they should recommend putting a 1 in front of right-of-way acquisition-trails (from 75,000 to 175,000). He said Nibley citizens had said they wanted trails time and time again and felt they should take advantage of the opportunities that were available to them.

He recommended making this a top priority. Mr. Zook said a lot of the capital projects would line up when the Parks Master Plan update was done. Councilmember Jacobsen said he didn't want to say, "We have the money. We've adopted the budget. Let's spend it." Mayor Pro Tem Bernhardt said he felt the same as Councilmember Jacobsen but went further and said that every dollar they spent in the budget was another dollar they didn't spend alleviating debt. The City Council discussed Nibley City's debt repayment. Mr. Zook said that city staff would like to have clear direction.

Councilmember Jacobsen said he would like to talk about the capital projects more at the next budget discussion and he discussed putting an asterisk next to the items that could change with completion of the updated Parks Master Plan. Councilmember Jacobsen said he would specify to staff which items he felt should have an asterisk next to them.

The motion passed 3-0; with Councilmember Jacobsen, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Council and Staff Reports

Mr. Zook reported on Heritage Days.

Mr. Zook discussed RAPZ funds. He said their RAPZ grant was approved and Nibley had received \$100,000 in RAPZ money.

Mr. Zook reminded the City Council that the next Council meeting would be the next week, June 9.

Mr. Zook reviewed items that would be coming to the City Council.

Ms. Phippen presented information on a potential annexation of a piece of property currently in Logan City.

Ms. Phippen informed the City Council of the Planning and Zoning Commission's reaction to the conservation subdivision ordinance being mandatory for all residential development. Councilmember Jacobsen asked if the City could delay the application process further since there had been discussion on the Planning and Zoning Commission's agenda. Ms. Phippen said they had to accept applications but could delay approval up to 180 days under the Pending Ordinance Doctrine.

Councilmember Jacobsen said he recalled that if the City Council received any gift or recognition of service that exceeded \$50 they needed to make public disclosure of this. He stated that the City Council had each received an offer to take advantage of a discount from Lagoon during Lagoon Dignitary Days and the discount offered was up to \$34.95 per family member, up to 8 members of the family.

Mayor Pro Tem Bernhardt discussed a tree that had been knocked down by EK Accessories. He thanked Public Works for taking care if this tree so quickly.

There was general consent to adjourn the meeting at 8:33 p.m.

Attest: _____
Deputy City Recorder