

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, March 2, 2017.

The following actions were made during the meeting:

Councilmember Bernhardt motioned approve Ordinance 17-06—An ordinance revising the Nibley City Space Requirements Chart; first reading. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Ramirez all in favor.

Councilmember Hansen motioned to approve Ordinance 17-05—An ordinance revising the Master Road Plan Element of the Nibley City Transportation Master Plan for first reading. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Hansen motioned to approve Ordinance 17-07—An ordinance vacating portions of the road right-of-way for two roads, for first reading. Councilmember Jacobsen seconded the motion. The motion passed 3-1; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Bernhardt all in favor. Councilmember Ramirez was opposed.

Councilmember Jacobsen motioned to approve Ordinance 17-04: An ordinance prohibiting the provision of utilities outside Nibley City limits as presented. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Councilmember Bernhardt motioned to ratify the Declaration of Emergency Regarding Recent Flooding. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Hansen and Councilmember Jacobsen all in favor.

Councilmember Jacobsen motioned to adopt Resolution 17-04—Municipal Wastewater Planning Program Resolution for first and second reading. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Hansen, and Councilmember Ramirez all in favor.

Councilmember Bernhardt motioned to approve the bid from DWA at \$758,530; for the construction of the well house at 640 West. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with

Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Ramirez all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder, Cheryl Bodily

Opening Ceremonies

Councilmember Jacobsen opened the meeting by reminiscing about how the country is divided. He read from a speech made by John F. Kennedy in 1963. He described the United States in 1963.

“So, let us not be blind to our differences--but let us also direct attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity.”

He challenged everyone to make this his or her goal.

Councilmember Jacobsen led the meeting in the Pledge of Allegiance.

Call to Order

Mayor Shaun Dustin called the Thursday, March 2, 2017, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Shaun Dustin, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilman Thomas Bernhardt, and Councilmember Tim Ramirez. Mr. David Zook, the City Manager, Mr. Stephen Nelson, Nibley City Treasurer, and Justin Maughan, Nibley City Public Works Director were also in attendance.

Mayor Dustin recognized several Scouts in the audience:

Timothy Schwab, Troop Patrol Leader, introduced Troops 99 and 105 from Providence.

Peter Grunig said he was with the Nibley 12 Ward and there were working on their Citizenship in the Community Merit Badge.

Approval of agenda; and approval of the February 16, 2017 meeting minutes

Councilmember Jacobsen made a motion to approve the 2-16-17 meeting minutes and the evening’s agenda as presented. Councilmember Hansen seconded the motion.

Councilmember Bernhardt questioned the order of the agenda. He said that procedurally it made more sense to have item 9 after item 6 because it seemed the reason they would change the Master Road Plan was based on item 9. Mr. Zook

described the ordering on the agenda which satisfied Councilmember Bernhardt's question.

The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Public Comment Period

Mayor Dustin read directions for the Public Comment Period to the public present.

Mayor Dustin opened the public comment period at 6:38 p.m.

Seeing that there were no names on the Public Comment Sign-in Sheet and seeing no other public wanting to comment, Mayor Dustin closed the Public Comment Period at 6:38 p.m.

A Public Hearing regarding Ordinance 17-06—An ordinance revising the Nibley City Space Requirements Chart

Mr. Nelson described that the current Space Requirement Chart gave a breakdown of all setback and lot size requirements for each individual zone. Mr. Nelson said the first suggested change was a simply clarification change with the addition these requirement in the R-2A zone which had identical requirements as the R-2 zone. He said this change was for clarification and allowed the resident to navigate Nibley code easier.

Mr. Nelson said the second suggested change was in under the industrial zone requirements. He described that the change would increase the setback requirement for an industrial building adjacent to a residential zone to 50 feet. Mr. Nelson reported that the opinion of Nibley's Attorney was that 50 feet was the maximum number they could require without fear of legal trouble.

Councilmember Jacobsen said this requirement could be represented as a taking by the community; that they were impacting the value of someone else's private property.

Mayor Dustin described the purpose and rules of a public hearing to the public present and opened the public hearing for this agenda item at 6:47 p.m.

Seeing no public input, Mayor Dustin closed the public hearing at 6:47 p.m.

Discussion and Consideration of Ordinance 17-06—An ordinance revising the Nibley City Space Requirements Chart (First Reading)

Mr. Zook showed a satellite picture of an industrial lot next to a residential zone and illustrated the measurement of 50 feet.

Councilmember Bernhardt made a motion approve Ordinance 17-06—An ordinance revising the Nibley City Space Requirements Chart; first reading. Councilmember Jacobsen seconded the motion.

Councilmember Ramirez, Councilmember Jacobsen, and Councilmember Bernhardt expressed no concern with the addition of the R-2A addition to the Space chart calculations. Councilmember Hansen asked Mr. Nelson for clarification on a few references in the R-2A zone column.

Councilmember Ramirez asked if the increased setback in the industrial area was being considered because there was public concern? Mayor Dustin said this discussion was left from the Malouf subdivision. He said they had discussed buffering requirements and had never followed through on pinning the setback number down and requiring a certain number for a buffer zone. Mayor Dustin said they had talked to Malouf, they hadn't heard back from them, and the City had chose to move forward. Mayor Dustin said he intended to sit down with Malouf Fine Linens before the second reading of the ordinance.

Councilmember Jacobsen said he thought they ought to consider how far reaching this setback was and ought to let their industrial residents know what they would be requiring. Councilmember Jacobsen read from Nibley Code 10-12-17-2. and believed parking was not permitted in the setback. He referred to the lot Mr. Zook had put up as an illustration and noted that 1/5 of the lot would be required for landscaping. Mayor Dustin reported that they had considered shading in regards to building height and the intent was not to necessarily limit ground level uses. He suggested they could consider mitigating the impact by permitting parking in the setback while maintain a 20 foot landscaping buffer. Councilmember Jacobsen read from Nibley City Code 10-12-17, section C.-4.

“Adjacent To Residential Zones: All setbacks adjacent to the rear yard or side yard of an existing or proposed residential use shall be permanently landscaped. Setback areas adjacent to residential areas may be increased by the planning commission if, in their opinion, it is necessary to protect the atmosphere and integrity of the residential neighborhood.”

He noted that this would require the illustrated lot to have nearly 25% of the lot be landscaped.

Mayor Dustin suggested the City Council consider passing first reading and give staff direction on how to address vagueness in code and not allowing parking in setback areas. Mayor Dustin said they should consider idling trucks could be more of an annoyance to residential areas. Councilmember Jacobsen asked if City Staff had looked at this kind of detail with Logan Coach and EK Accessories.

The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Ramirez all in favor.

A Public Hearing regarding Ordinance 17-05—An ordinance revising the Master Road Plan Element of the Nibley City Transportation Master Plan

Mr. Zook showed a map with the proposed changes to the City Council and public.

Mayor Dustin presented background information and political changes outside of the city to described why these changes were being considered by the City Council.

Mr. Nelson said some concerns had been presented because of proposed development on the Malouf property and its connection into two adjacent residential neighborhoods and described that the change to the Master Road plan removed the road connecting the Meadow Brook (2930 South) subdivision to the Stonebridge (1500 West) subdivision. He said this connection could bring hundreds of vehicles through the residential subdivision depending on how the industrial zone was developed. Mr. Nelson described the actions the City Council had taken when the original Malouf plat was presented in 2014. Mr. Nelson described that 11-5-5-E and international fire code D-103-4 required a turn around point on a dead end road. Removing the connection at 1500 West would create a dead-end road. When the Stonebridge, Phase 1 plat was approved Stonebridge included an easement on lot 1 in order to accommodate the required turn around point with a plan to remove the easement once the road was put in. He said Nibley City might be required to purchase the land in order to provide the turn around point. He said Nibley's Attorney and Engineer were looking into this item to see what options Nibley City had.

Mr. Nelson described that removing the road would require all traffic from the industrial subdivision to exit from 2900 South. He noted that the City had already received concerns with the traffic going in and out of this intersection. Mr. Nelson said the city was talking with Logan and UDOT about changing the 3200 South alignment and connection. He described that Logan City has had problems negotiating with the property owner at the end of 3200 South and were considering rerouting the road and aligning 3200 South with 2900 South with a lighted intersection. Mr. Nelson described the new alignment of 3200 South to 2900 South. Mr. Nelson said the goal would be to help elevating pressure off the intersection out of the industrial zone. Councilmember Hansen asked if the intersection would be a right only turn or if there would be left turning also. Mayor Dustin said this would be a discussion that would need to be held with UDOT. He described that there were no specific recommendations at the current time.

Mr. Nelson described the Planning and Zoning Commission's consideration of the ordinance and reported on the Commissions recommendations.

Commissioner Bliesner motioned to recommend that the City Council not remove the loop connecting 2930 South to 1500 West from the Master Road Plan; but that if they do, they not take a square foot less than the equivalent amount of land that would be dedicated to the City for the roadway, to be used as a trail corridor. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Swenson, and Commissioner Albrecht all in favor.

Commissioner Bliesner motioned to recommend to City Council the realignment of 3200 South to connect to the road by Poulsen's Trailers at 2900 South. Commissioner Albrecht seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Albrecht, Commissioner Green, and Commissioner Swenson all in favor.

Councilmember Hansen noted the use of 3200 South by Miller's and said they should consider requiring Millers to find another route. Mayor Dustin said Millers would follow wherever the light was placed.

Mayor Dustin opened the public hearing for this agenda item at 7:29 p.m.

Seeing public comments, Mayor Dustin closed the public hearing at 7:29 p.m.

Discussion and Consideration of Ordinance 17-05—An ordinance revising the Master Road Plan Element of the Nibley City Transportation Master Plan (First Reading)

Councilmember Hansen made a motion to approve Ordinance 17-05—An ordinance revising the Master Road Plan Element of the Nibley City Transportation Master Plan for first reading. Councilmember Jacobsen seconded the motion.

Mayor Dustin reported about the original discussion that was held with Malouf regarding the third remainder parcel of land. He said Malouf had decided they had no interest in transferring or selling the remainder parcel to the City and intended to use this parcel in an industrial use. Mayor Dustin said that as it stood he didn't know how they could keep the residential roads from becoming accidental truck routes.

Councilmember Jacobsen asked if they had received dedication of right-of-way on the Malouf plat. Mr. Nelson said there was a utility easement. Councilmember Jacobsen clarified they wouldn't be abandoning City property by eliminating the curve. Councilmember Hansen asked if they could require a trail dedication. Mayor Dustin said he felt they would have a better sense if they had any leverage to negotiate this in the future. Mr. Zook said he and Mr. Nelson had met with Malouf where they had expressed that they were interested in providing some kind of trail for their employees to bike or walk to work. Mayor Dustin said his primary concern was creating unintended industrial traffic through a residential neighborhood. Councilmember Ramirez asked if they could address restricting truck traffic on

those roads. Mr. Zook said the only way to do this was to have an engineer show that the roads couldn't handle truck traffic. Mayor Dustin said they also needed to be concerned with employee shift changes and the impact those cars could have on the residential area. Councilmember Jacobsen said it didn't make sense for industrial traffic to move south and east. He said they should be moved toward the highway. Councilmember Ramirez expressed that he felt roads should connect. Councilmember Bernhardt said his biggest concern was originally he thought this was part of the City's right-of-way; that they owned the right. Councilmember Hansen reminded the City Council that they had gotten some good representation from the residents of those subdivisions that didn't want the connection. Councilmember Bernhardt reiterated that this left an unbuildable lot and the City would need to buy that parcel of land. The City Council discussed if Malouf wanted to build the road. Mr. Zook informed the City Council that he knew Malouf wanted to build the road. They wanted alternative access to their lot for their employees. Councilmember Hansen said the light at 2900 South would be a great gateway to Nibley's industrial area and could really enhance it. Councilmember Ramirez said he agreed with the light being moved up to 2900 South but didn't agree with the road being pulled out.

The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Discussion of Ordinance 17-07—An ordinance vacating portions of the road right-of-way for two roads (First Reading)

Mr. Nelson reported that in order to make taking the road loop off truly effective in accomplishing the City's goal they would need to vacate a section of road at both property boundaries. He described the complicated notices the City would be required to give to vacate both roads. Councilmember Hansen asked what the City would do with the road they vacated. Mr. Zook described the options the City had with the vacated portions of the road. He recommended the City keep at least the width of the sidewalk all the way up to the property line.

Councilmember Bernhardt said he would leave this as was. He wanted more information of what land the City might need to buy for a turn about in the Stonebridge subdivision and what the property line was they were vacating. Councilmember Bernhardt said he would like to see firmer proposals and the City's plan before they took any action. Mayor Dustin said they would have a discussion on the options at the next meeting and requested Mr. Zook put this discussion on the next meeting agenda.

Councilmember Hansen made a motion to approve Ordinance 17-07—An ordinance vacating portions of the road right-of-way for two roads, for first reading. Councilmember Jacobsen seconded the motion.

Councilmember Bernhardt said he would vote to advance to second reading but want things to very clear; what the City was signing up for and what the City was vacating.

The motion passed 3-1; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Bernhardt all in favor. Councilmember Ramirez was opposed.

Discussion and Consideration of Ordinance 17-04—An ordinance prohibiting the provision of utilities outside Nibley City limits (Second Reading)

Mr. Nelson noted the wording that had been added to the proposed Ordinance wording based on the City Council concerns at the last meeting.

“8-1-2-E. No landowner, person, subdivider or developer’s application to connect to Nibley City’s water and sewer system will be considered unless the property noted on the application is within Nibley City limits. No application for connection or service will be considered from outside Nibley City limits until the property is properly annexed into Nibley City. The City Council may make exceptions for public entities.”

Mr. Nelson said there hadn’t been any other changes made since the first reading of the ordinance.

Councilmember Jacobsen made a motion to approve Ordinance 17-04: An ordinance prohibiting the provision of utilities outside Nibley City limits as presented. Councilmember Ramirez seconded the motion.

Councilmember Bernhardt said he found it interesting that they were having this discussion when there was another city in Cache Valley that was having the exact opposite discussion. The City Council discussed Preston.

The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, and Councilmember Bernhardt all in favor.

Discussion and Consideration of Ratification of a Declaration of Emergency Regarding recent flooding

Mr. Zook said this consideration was regarding the recent flooding in Nibley City. He said the County had declared a countywide disaster and had recommended Nibley City do a disaster declaration should any funding become available. This was a requirement in order to be eligible for any funding. Mr. Zook said he had included \$30,000 flooding costs in his staff reported but said this number should go down because Logan City had agreed to normalize the three highest wastewater days from Nibley into the sewer system. Mr. Zook said the City’s infrastructure worked very well and described the damage to other infrastructure in the Valley. Mr. Zook described how well Nibley’s infrastructure functioned during the flooding and

discussed the snowpack that was still in the mountains and said they anticipated the Blacksmith Fork River would crest at the end of April or beginning of May.

Mayor Dustin said as a matter of practice, when they had something like this, he would like to make this a routine thing that they go ahead and do a disaster declaration.

Mr. Zook said the City had been discussing ways to address the problem of putting water into the sewer system. He said staff had decided to start with education. He described City Staff's public outreach campaign and reported that Public Works was also going to around the City, finding residents who were putting ground water into the sewer system using a camera truck.

Councilmember Bernhardt made a motion to ratify the Declaration of Emergency Regarding Recent Flooding. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Hansen and Councilmember Jacobsen all in favor.

Discussion and Consideration of Resolution 17-04—Municipal Wastewater Planning Program Resolution (First Reading)

Mr. Maughan described that this was a report that the City was required to fill out each year and submit to the State of Utah, which was basically a check up on the health of the sewer system. He said Nibley's sewer system had performed admirably in the past year.

Councilmember Jacobsen made a motion to adopt Resolution 17-04—Municipal Wastewater Planning Program Resolution for first and second reading. Councilmember Bernhardt seconded the motion.

Councilmember Bernhardt asked if there was ever a requirement to have an external auditor. Mr. Maughan expressed that there was not. Mr. Zook reported that the water system was audited and that Nibley City had recently completed an audit.

The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Hansen, and Councilmember Ramirez all in favor.

Discussion and Consideration of awarding a contract for the construction of the 640 West Well House

Mr. Maughan reported that they had finished the design for the building and the design had been reviewed by the State of Utah and well as Nibley's Engineer and JUB's particular engineer for wells. He Darrel W. Anderson construction was the low bid at \$785,530 with the high bid at \$919,500. Mr. Maughan said they had checked DWA references, particularly their electrical sub, and had not reason to not select DW Anderson.

Councilmember Jacobsen asked how they had come in compared against the budget. Mr. Maughan said the bid had come in a “spit” higher. Councilmember Bernhardt asked what went into the well house. Mr. Maughan said the building was a cinderblock building and described the pipe, pump, and specialized valves that handled pressure and moved the water out of the ground and into the distribution pipes. He listed the chlorinator for treatment, VFD, skated controls, generator, air conditioning system, and heating system. Mr. Maughan said the well would almost double the City’s capacity to generate water. Councilmember Bernhardt asked for a report on the completion of the well. Mr. Maughan said he was hopeful that it would be ready for the peak water season.

Councilmember Bernhardt made a motion to approve the bid from DWA at \$758,530; for the construction of the 640 West well house. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Ramirez all in favor.

Council and Staff Reports

Mr. Zook reported on the Spring League of Cities and Towns Conference. Councilmember Hansen and Councilmember Ramirez told Mr. Zook that they would be interested in attending.

Mr. Zook described the emergency drill taking place at Nibley City Hall the following day on Friday, March 3. He reported on who had been invited to attend the drill and invited the City Council to attend. He described the drill scenario and format. Mr. Zook said the City was anticipating a citywide drill on Saturday, April 15. Mr. Zook described the follow up meetings that had taken place with City staff following the flooding issues that had occurred.

Mr. Zook reported on RAPZ tax money. He said he had an agreement with the County and had met with the County and said he had negotiated the flow of funds and said Nibley should be receiving the lion’s share of the money this year. He was anticipating receiving \$215,000 RAPZ tax money this year.

Mr. Zook described that the next City Council was in two weeks but had not scheduled a meeting for the first meeting in April because of the League Conferences. He said he was anticipating the need for another meeting and asked for the City Council’s availability on March 30 or April 13. All the present City Council members expressed that they would be available on those dates.

Mr. Zook discussed weeds. He said the City addressed weeds by what happened on City owned property and what happened on private resident’s property. He described the County’s system for weed control and said he was negotiating having the County enforce Nibley’s weed issues. He described that the County wasn’t asking the City to enter into a formal agreement because of the laws that were already in place.

Mr. Zook reported on progress made with the Park Plan.

Mayor Dustin reported on meeting with Hyrum and Providence regarding wastewater. He said he was hopeful that he would have two numbers to compare in the near future.

Mayor Dustin informed the City Council that he was working with Lane and Kim Ropelato on subdividing five acres of land South from Nibley City Hall. Mayor Dustin he would do his best to keep his nose clean but this put him in a complicated situation and figured it was best to get it out in the open and be completely upfront about it. He reported that he proposal would be coming in as a conservation subdivision.

There was general consent to adjourn the meeting at 9:06 p.m.

Attest: _____
Deputy City Recorder