

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, January 3, 2019.

The following actions were made during the meeting:

Councilmember Bernhardt made a substitute motion to approve Resolution 19-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council, and waive the second reading. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus and Councilmember Ramirez all in favor.

Councilmember Beus moved to approve Resolution 19-02: Appointment to the Nibley City Planning Commission and Appointments of the 2019 Planning Commission Chair and Vice-Chair, and waive the second reading. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Larsen moved to approve Resolution 19-03: Appointment to the Cache Valley Transit District, for first reading; and including notation of the four-year term on the resolution. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Beus and Councilmember Bernhardt all in favor.

Councilmember Ramirez moved to approve Ordinance 19-01: Zoning for the Area Contained within Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West, zoning the area R-2. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Beus, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Ramirez moved to approve Resolution 19-04: Appointment to the Cache Mosquito Abatement District for first reading as presented. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

Councilmember Ramirez moved to approve Resolution 19-05: Updating the Nibley City Transportation Master Plan and waiving the second reading. Councilmember Larsen seconded the motion.

Councilmember Ramirez amended his motion to approve Resolution 19-05 at first reading. Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Ramirez, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

The amended motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

OFFICIAL MINUTES OF THE MEETING
Deputy City Recorder Cheryl Bodily took minutes

Selection of Mayor Pro-Tem and Opening Ceremonies

Councilmember Ramirez moved to nominate Larry Jacobsen to act as Mayor Pro Tem. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Beus, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Mayor Pro Tem Jacobsen thanked the City Council for being present and thanked them for their service in the upcoming year.

Call to Order and Roll Call

Mayor Pro Tem Jacobsen called the Thursday, January 3, 2019, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Councilmember Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Thomas Bernhardt, Councilmember Tim Ramirez, and Councilmember Norman Larsen. Mr. David Zook, Nibley City Manager, Stephen Nelson, Nibley City Planner, and Justin Maughan, Nibley City Public Works Director was also in attendance. Mayor Shaun Dustin was excused from the meeting.

Approval of agenda; and approval of the December 20, 2019 meeting minutes

Councilmember Beus moved to approve the last meeting minutes and the evening's agenda. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Public Comment Period

Seeing no public, Mayor Pro Tem Jacobsen noted that the City Council and devoted city staff were present but there were no public present and proceeded to the next agenda item.

Planning Commission Report—No Report

Discussion and Consideration of Resolution 19-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council (First Reading)

Mr. Zook introduced this item. He said Utah State law required the Nibley City Council meet at least once per month and also required the Council, at their first meeting of the year, adopt a calendar of when they would meet throughout the year. Mr. Zook said the City Council had a proposed schedule in front of them that was similar to the schedule they'd had in the past. However, Mayor Dustin had asked that the meeting dates be changed from the first and third Thursdays of each month, to the second and fourth Thursday of each month. Mr. Zook described some of the meeting conflicts on the proposed meeting schedule. Mr. Zook recommended the City Council waive the second reading of Resolution 19-01.

Councilmember Bernhardt made a motion to approve Resolution 19-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Ramirez all in favor.

Councilmember Beus asked if Councilmember Bernhardt motion had included waiving the second reading. Mayor Pro Tem Jacobsen asked for general consent for reconsideration of the previous motion. General consent was given.

Councilmember Bernhardt made a substitute motion to approve Resolution 19-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council, and waive the second reading. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus and Councilmember Ramirez all in favor.

Councilmember Ramirez felt the newly adopted schedule was so much better than previous schedules and referred to the absence of a meeting conflict. Mayor Pro Tem Jacobsen responded, "No amount of planning beats dumb luck"

Discussion and Consideration of Resolution 19-02: Appointment to the Nibley City Planning Commission and Appointments of the 2019 Planning Commission Chair and Vice-Chair (First Reading)

Mr. Zook introduced this item. Mr. Zook said Mayor Dustin had asked him to present the following names to the City Council. He said one of the Nibley City Planning Commissioner's terms expired each year and Commissioner Bret Swenson's term was expiring. He described that Mayor Dustin had met with Bret Swenson and asked if he would be willing to serve an additional five years. Mr. Swenson had agreed to continue serving. Mayor Dustin wanted to present Bret Swenson name for reappointment to another five year term to the Nibley City Planning Commission.

Mr. Zook described that Nibley City code said the Mayor could select the Nibley Planning Commission Chair and Vice-Chairperson. He said Mayor Dustin wanted to proposed Garrett Mansell as Chairperson and Tyler O Bray as Vice-Chairperson. Mayor Pro Tem Jacobsen questioned if Mayor Dustin had met with Mr. Mansell and Mr. O Bray as well. Mr. Zook indicated the Mayor had met with them as well.

Mr. Zook said it was staff's recommendation that the City Council waive the second reading of the appointments on the evening's agenda. Appointments in the past had not normally been done by Resolution but staff had decided they wanted to have better record keeping. Mr. Zook said it might be good practice to do one reading about Resolutions that had to do with appointments.

Councilmember Bernhardt questioned Commissioner Swenson's previous term and was not sure his term was expiring. Discussion with Mr. Nelson and Mr. Zook clarified when Commissioner Swenson's term expired.

Councilmember Beus moved to approve Resolution 19-02: Appointment to the Nibley City Planning Commission and Appointments of the 2019 Planning Commission Chair and Vice-Chair, and waive the second reading. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Discussion and Consideration of Resolution 19-03: Appointment to the Cache Valley Transit District (First Reading)

Mr. Zook introduced this item. He reported that Nibley's current representation on the Cache Valley Transit District board was Councilmember Norman Larsen. Mayor Dustin had been informed the district that Councilmember Larsen term had expired and had asked the Mayor to appoint a new representative. Mr. Zook said Mayor Dustin would like to propose Nibley resident Gregory Shannon as Nibley's representative on the transit board. Mayor Dustin had said Mr. Shannon had a background in purchasing and Mayor Dustin felt Mr. Shannon would be a good representative to oversee the use of taxpayer funds on the transit district board. Mr. Zook said this was a four-year term.

Councilmember Beus questioned requiring more of a background on appointed individuals that the City Council didn't know personally? Mr. Zook said Mayor Dustin would usually be able to provide more background. Councilmember Ramirez asked Councilmember Larsen to describe his role on the CVTD board. Councilmember Larsen said mostly government workers sat of the board and he had recommended Councilmember Larsen said he had recommended the next appointment on the evening's agenda, Ken Allen, but Mayor Dustin had thought Mr. Allen would serve better on the mosquito abatement district because he was over cost analysis. Mayor Pro Tem Jacobsen agreed with the Council and said it would be nice to know if the potential appointee understood the mission of the board and agreed with the mission or if they

felt it ought to be changed. Councilmember Larsen described his involvement with the CVTD and felt some board members didn't know what they were getting in to. Mr. Zook said staff could coordinate with Mr. Shannon or Mayor Dustin could present more information on Mr. Shannon as the next City Council meeting and the City Council could approve the Resolution for first reading.

Councilmember Larsen moved the approve Resolution 19-03: Appointment to the Cache Valley Transit District, for first reading; and including notation of the four-year term on the resolution. Councilmember Ramirez seconded the motion.

Councilmember Ramirez said he would like to meet with Mr. Shannon. Mayor Pro Tem Jacobsen asked Mr. Zook to coordinate a meeting with Mr. Shannon.

The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Beus and Councilmember Bernhardt all in favor.

Discussion and Consideration of Resolution 19-04: Appointment to the Cache Mosquito Abatement District (First Reading)

Councilmember Beus moved to suspend the agenda to take up agenda item 9 at a later time the meeting. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Discussion and Consideration of Ordinance 19-01 (Formerly Ordinance 18-14): Zoning for the Area Contained within Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West (Second Reading)

Mr. Nelson said the City Council had approved the annexation of this area at their last meeting. The County and the State were in the process of being reviewed so it had not been recorded. The City Council had also considered zoning for the area at the last Council meeting and had approved zoning for R-2 on each parcel. Mr. Nelson said parcel owner Riggs had requested part of his property to the west be zoned R-2A to match the neighborhood to the north. Mr. Nelson showed the City Council the parcels the applicant wanted zoned R-2A. Mr. Nelson agreed with the general plan that they should encourage the use of the Rural Preservation subdivision. The developments right next to the parcels were zoned R-2A and from planning respects if made sense to continue that type of zoning. However, with the Rural Preservation subdivision you can achieve similar densities as a R-2A but suing the Rural Preservation process. He said it was a little more costly for a developer to get to the density because of amenity requirements. If it were done right, the amenities can add to property value. He understood why Mr. Riggs had requested the R-2A but the best path to implement the Rural Preservation Subdivision was through R-2 zoning.

Councilmember Ramirez moved to approve Ordinance 19-01: Zoning for the Area Contained within Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West, zoning the area R-2. Councilmember Beus seconded the motion.

Councilmember Bernhardt asked about the differences in lots, comparing the R-2 and R-2A zoning? Mr. Nelson said the Rural Preservation subdivision would allow them to do smaller lot sizes, however, the percentage density bonus would only allow for a certain percentage based on how much open space and rural preservation area was preserved. There would also need to be clustering of lots with some open space. R-2A required a minimum 12,000 sq. feet lot. Councilmember Bernhardt liked the idea of having open space there. Packing more people in without open space could be problematic depending if the open space were truly open space.

Ken Allen arrived at 6:58 p.m.

Councilmember Ramirez said they had taken nearly a year to approve the rural preservation subdivision for a reason. Mayor Pro Tem Jacobsen discussed water features to the east that might be nice for rural preservation. He thought it would be great to get coordination between all the landowners to amass some open space to actually mean something and get some synergy on conjunction with the water feather and other areas around it. Mr. Nelson said because there was such a large piece of ground there were advantages to the Rural Preservation subdivision they hadn't seen in other development. There were so many acres it could really allow some to be done with the open space to coordinate it. Councilmember Jacobsen said the landowners were willing to communicate during the annexation process but may not be willing to coordinate during the development process. Mr. Nelson summarized the three property owners; Riggs, Blotter, and the Church of Jesus Christ of Latter-Day Saints.

Councilmember Bernhardt said he was of the same opinion; that they should leave it zoned as R-2. He said this was a time they could have an influence and see what the Rural Preservation Subdivision ordinance could do. Councilmember Larsen agreed and said with the bigger parcels of land they should keep it zoned R-2.

Councilmember Beus asked if Mr. Riggs had told the city of any intentions he had planned with the property. Mr. Nelson said Mr. Riggs had the property for sale and Mr. Nelson said he had talked to some developers. Mr. Riggs had indicated he wanted to sell the entire property and have it developed

Voting on the motion was as follows:

Councilmember Bernhardt was in favor.

Councilmember Larsen was in favor.

Councilmember Jacobsen was in favor.

Councilmember Ramirez was in favor.

Councilmember Beus was in favor.

The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Beus, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Discussion and Consideration of Resolution 19-04: Appointment to the Cache Mosquito Abatement District (First Reading)

Mr. Zook introduced the item. Mr. Zook said the appointee had been Justin Maughan but his term had expired. Mayor Dustin made a recommendation to appoint Ken Allen based off of Councilmember Larsen's recommendation.

Mayor Pro Tem Jacobsen thanked Mr. Allen for being willing to serve on the district. Mr. Allen said he wasn't sure what his service entailed but was anxious to learn and was happy to help in any way he could. Mayor Pro Tem Jacobsen asked if Mr. Allen was aware of the CMAD mission; if he had visited their website and knew what they were trying to do. Mr. Allen said he had done some research but hadn't had the opportunity to meet with Mayor Dustin as of yet. Mr. Allen said done a brief review of the mission as well as the problems that come with the mosquito situation.

Councilmember Ramirez moved to approve Resolution 19-04: Appointment to the Cache Mosquito Abatement District for first reading as presented. Councilmember Larsen seconded the motion.

Mayor Pro Tem Jacobsen described the first/second reading process. He said the first reading meant they were interested in finding additional information. He said the first reading was a preliminary passage of Mr. Allen's appointment. Mayor Pro Tem Jacobsen described that the CMAD currently allowed landowners to request exemption from spraying on three conditions: certified organic farmer, spraying would be detrimental to someone's health, and for beekeepers registered with the Department of Agriculture. Mayor Pro Tem Jacobsen said Nibley City had a population of fireflies at a nature park and would be interested in living with mosquitos if it meant they could protect their firefly population. Mayor Pro Tem Jacobsen asked if Mr. Allen thought that it was a good or bad idea to continue these exemptions. Mr. Allen said when it came to exemptions you had to entertain the idea only in the matter that we all had different perspectives, needs and wants. If he had a member of his family that was allergic or became sick or ill because of spraying, he would want his voice to be heard. It didn't mean the choice were just his. He would want to entertain any situation that came about. Mr. Allen said he had a deep respect for fireflies and felt they needed to keep all these things in mind before making a decision. Mayor Pro Tem Jacobsen reported that his property had requested to be exempt from spray because they were registered beekeepers and to protect their monarch population. Mr. Maughan said the exemptions should continue until West Nile Virus was discovered, but at that point it became a little sticky with other

laws and regulations the district manager felt liable to maintain; until West Nile showed up all a landowner had to do was give the CMAD a call.

The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

A Public Hearing to receive comments regarding Resolution 19-05 (formerly Resolution 18-11): Updating the Nibley City Transportation Master Plan

Mr. Nelson introduced this agenda item. Mr. Nelson reviewed a PowerPoint presentation entitled *Transportation Master Plan Update; City Council; January 3, 2019*. The references in his discussion were to the proposed Transportation Master Plan. Topics Mr. Nelson discussed included the following:

Updates Since Last Time

Items to Think About

- Street Capacity: Level of Service Section 3.7 (PP. 17-20)
- Policy Recommendations (P. 30)

Mr. Nelson asked if the City Council had any other policy recommendation. None of the City Council members indicated they had recommendations at this point. Mr. Nelson continued his presentation:

Traffic Calming

1200 W Design, Figure 16 (P 37) AND TS 5 (P. 44)

Cross Sections, Section 5.9 (PP. 40-49) and Figure 14 (P. 31)

Cross Sections, Section 5.9 (PP. 40-49) and Figure 14 (P. 31)

Mater Street Plan, Figure 19 (P. 52)

- 1900 W/Heritage Drive
- 800 W, 900 W South of 3200 S
- 250 E

Moving Forward

Mayor Pro Tem Jacobsen opened the public hearing at 7:47 p.m.

Mr. Nelson noted the city hadn't received additional written comments from the public.

Seeing no public comment, Mayor Pro Tem Jacobsen closed the public hearing at 7:47 p.m.

Discussion and Consideration of Resolution 19-05: Updating the Nibley City Transportation Master Plan (First Reading)

Councilmember Larsen asked for the current lane width on 3200. Mr. Nelson said the lanes were currently 12 feet and would be taken down to 11-foot lanes. Mr. Zook said

there would still be additional width for bike lanes and pedestrian access. Mr. Nelson they would end up seeing a lot of arterial or collector roads with smaller asphalt width on the actual road but the roads would widen out at intersections to provide needed turning lanes and width for sidewalks and bike lanes.

Mayor Pro Tem Jacobsen questioned the Council's attempt to eliminate one spot to collect rainwater with a swale design. He asked if they had feedback on whether they continued down this path, from an engineering perspective? Mr. Maughan said some of the proposed cross-sections included swales and the consultant had said the swales needed to be designed. Mr. Maughan felt it was too early to decide if they should discontinue using swales. Mr. Nelson said they needed to address access points through swales; driveways caused less area to percolate. Mayor Pro Tem Jacobsen asked Mr. Zook or Mr. Nelson if money that came from the Council of Governments (COG) with development of 1200 West came with design strings. Mr. Zook said the COG wanted a road that was designed for 35 mph to provide traffic flow; so the road in the proposed Transportation Master Plan had been designed with that standard in mind.

Councilmember Bernhardt asked why they wouldn't want to look at bike lanes in and out of the City along 1200 West. He described that bikes along 800 West really backed traffic up. Mr. Nelson said the idea was that bike lanes would be implemented on the 12-foot trail on 12 West. Mr. Zook said the Transportation Master Plan didn't adopt certain cross-sections and only gave suggestions. Staff would come to the City Council later with proposed cross sections. Mayor Pro Tem Jacobsen noted there were a lot of cross-section choices included in the proposed plan. Councilmember Bernhardt and Mr. Nelson discussed the right-of-way width of 1200 South. Mayor Pro Tem Jacobsen said he really liked the idea that it wasn't the citizens of Nibley's responsibility to provide and maintain on-street parking. He discussed on-street parking and eliminating on-street parking. He wondered if there would be pushback? He noted some of the proposed 60-foot cross sections had no on-street parking; would they post sign on those streets and where would visitors park. Mr. Nelson thought they should require 29 feet of asphalt in residential areas because he thought people would park anyways. They had to option to switch to 25 feet and only have parking on one side. Mr. Nelson 25 feet also included a ribbon curb and couple other things where people could pull off to the side.

Councilmember Ramirez moved to approve Resolution 19-05: Updating the Nibley City Transportation Master Plan and waiving the second reading. Councilmember Larsen seconded the motion.

Councilmember Beus questioned the urgency of waiving the second reading. Mayor Pro Tem Jacobsen said he would rather do approval at first reading.

Councilmember Ramirez amended his motion to approve Resolution 19-05 at first reading. Councilmember Larsen seconded the motion.

The motion passed 5-0; with Councilmember Ramirez, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

The amended motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Bernhardt all in favor.

Council and Staff Reports

Mayor Pro Tem Jacobsen filled his opening ceremony assignment and read a quote from Henry Ford:

*"Coming together is a beginning; keeping together is progress;
working together is success."*

Mr. Zook reported that the next City Council meeting would be January 24, 2019.

Mr. Zook reported he had sent out an email inviting the City Council to Local Official's Day at the legislature scheduled for Wednesday, January 30. He said it was an early morning and they usually went with the Nibley City Youth Council. He said they normally returned to Nibley at approximately 5:00 p.m.

Mr. Zook reported that the spring Utah League of Cities and Towns conference would be April 24-26 in St. George. The fall conference would be September 11-13.

There was general consent to adjourn the meeting at 8:16 p.m.

Attest: _____
Deputy City Recorder