

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, January 24 2019.

The following actions were made during the meeting:

Councilmember Jacobsen moved to approve Resolution 19-03: Appointing Gregory Shannon to the Cache Valley Transit District, as presented. Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Ramirez moved to continue Resolution 19-04: Appointment to the Cache Mosquito Abatement District, to the next meeting. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Jacobsen moved to approve Resolution 19-06: A Resolution Appointing Members of the Nibley City Parks & Recreation Committee, as presented and waiving the second reading. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Beus moved to approve Resolution 19-05: Updating the Nibley City Transportation Master Plan. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

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

Opening Ceremonies

Councilmember Larsen discussed his New Year's resolution to recognize the things he was grateful for. He said he was grateful for the nice community they lived in. He was also grateful for his son Nate, whom he asked to lead the Pledge of Allegiance.

Nate Larsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, January 24, 2019, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Shaun Dustin,

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, Justin Maughan, Nibley City Public Works Director, and Chad Wright, Nibley City Recreation Director was also in attendance.

Approval of agenda; and approval of the January 3, 2019 meeting minutes

Councilmember Bernhardt moved to approve the last meeting minutes and the evening's agenda as outlined. 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.

Public Comment Period

Mayor Dustin gave direction to the public present and opened the Public Comment Period at 6:34 p.m.

Pete Riggs of 3162 South 1000 West discussed the planned unit development. He commented that when he annexed his land they had talked about the R-2 and R-2A zones. He said they had come back and forth about what the City was going to do. Mr. Riggs said he was promoting that if the City didn't want to do multi-family or smaller dwellings then they were on a fast track of consuming all the land that was available. If the City Council wanted an opportunity to create open space then they were going to have to allow some sort of concentrated living. He believed the City Council was being contradictory promoting urban sprawl and wouldn't get open space and were being confining to what was available. Mr. Riggs thought the planned unit development was a good plan to put a concentrated amount of people and have half a chance to leave some open land available.

Cheryl Alder said she was at the end of her career in public education. She was applying for a business license to do a preschool in her home. Her grown daughter was supposed to teach with her. Ms. Alder said Nibley City ordinance allowed up to 8 children, which was perfect, but didn't allow outside employees. She asked that the City Council consider allowing this on a case-by-case basis. Ms. Alder wanted her grown daughter, who would be parking in her driveway, to be allowed as one employee.

Mayor Dustin closed the Public Comment Period at 6:42 p.m.

Planning Commission Report

Mr. Nelson reported that the Planning Commission was in the news on Friday, January 18, 2019. Mr. Nelson said the Planning Commission had discussed their goals for the upcoming year and their main undertaking would be revising the Nibley city Subdivision ordinance; some of the revision would be based off the changes recommended on the proposed Transportation Master plan. Mr. Nelson said the Planning Commission also

wanted to focus on a couple general plan items; updating the zoning map and affordable housing plan. The affordable housing plan was on hold until after the Utah legislative session took place and they could see which sort of details were coming from the State. Mr. Nelson reported the Planning Commission would be looking into some ordinance changes and listed some of the bigger ordinance changes; Subdivision ordinance, Residential Landscape ordinances, new code enforcement system (changing it from a criminal enforcement to civil enforcement system). Mr. Nelson said the Planning Commission would also be addressing the Dark Sky ordinance policy and a Park ordinance.

Councilmember Bernhardt asked if it was on the Planning Commission docket to look into the home base business ordinance. Mr. Nelson said it was. He described occasions when businesses had been denied because a relative not living at the home wanted to work for a home based business because it was in violation of Nibley City code.

Department Report—Fitness/Recreation

Chad Wright, Nibley City Recreation Director gave this report. He utilized an electronic presentation (a printed copy is included in the written meeting minutes) 2018 Final Qtr Recreation Staff Report—Fitness Highlights. His presentation including the following: Start with Mom, Exercise = Healthy Brain, Hits on Nibley Fit Web Page, Objectives: Nibley Fit Classes, Certified Nibley Fit Instructors, Nibley Fit Testimonial, Processing Efficiency, Fitness Participation, Average Class Size, Participant Donation: Mike Liechty, Scarecrow Fun Run, Objectives: Community Runs, Affordable Community Runs, Financial Peace University, Other Community Fitness Events Support, 2018 Healthy Snacks Campaign, Utah Outdoor Recreation Match Grant \$40K, Recreation Interns, and Looking Forward. Mr. Wright took questions from the City Council and gave each Councilmember a recreation report.

Councilmember Bernhardt said he appreciated the effort the Nibley recreation team put forth. He appreciated the energy they brought. Mayor Dustin discussed correlation and causation and pointed out that their police bill every year was less than \$100,000 per year. He felt keeping kids engaged in the community and giving people a sense of place, belonging, and ownership in the community helped contribute to that.

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

Mayor Dustin introduced Greg Shannon. Mr. Shannon stood up to the lectern. Mayor Dustin said one of the main reasons he had brought Mr. Shannon forward as a nominee for the Cache Valley Transit District board was because he thought Mr. Shannon had the capacity to pursue some of these issues brought forth by Councilmember Larsen during his service on the CVTD board.

Mr. Shannon said he had 40+ years in the business field and a wide range of experiences. Mr. Shannon said he had retired in 2017, which was wonderful; he walked

his dog everyday in Nibley and was building his home in Nibley. Mr. Shannon said he was not afraid to rattle cages and asked pointed questions and expected answers to those questions and was a bit of a bulldog. He had been given the opportunity to do a lot of business plans. Mr. Shannon described some of his 40-year business experiences. Mr. Shannon said he wanted to give service; if you lived in a community you need to give service. He needed to do something and wanted to keep his brain very active. Mr. Shannon said he would represent Nibley's best interests. He posed the following questions: Were they receiving a fair amount of representation? How can public transportation help Nibley City? Would they have the routes and stops to support their recreation? Could they get Nibley citizens using the services? Mr. Shannon believed it would take about a year to understand what was going on and how to work effectively on the Transit District Board. He also believed it was important to attend Nibley City Council meetings so he could have an understanding of what was going on and what was needed.

Councilmember Jacobsen said he was impressed and thanked Mr. Shannon for his service and commitment. He wondered how Mr. Shannon believed the CVTD could assist with Cache Valley's air quality issues? Mr. Shannon said nothing came to mind but he would be sure to look into this and include this on his agenda.

Councilmember Larsen dittoed what had been said. Councilmember Larsen's concern was that the CVTDs ridership was not tied into their income (sales tax); ridership was going down but income was going up.

Councilmember Jacobsen moved to approve Resolution 19-03: Appointing Gregory Shannon to the Cache Valley Transit District, as presented. Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

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

Mayor Dustin said he hadn't had the opportunity to speak with Mr. Allen about this commitment and asked the City Council to table the item. Mayor Dustin wanted to make sure Mr. Allen had a complete understanding of what he wanted him to do. Mayor Dustin discussed the issues he felt were important; operations, fogging and issues with requests no to fog in particular areas, and he felt the mosquito district was a black box district and he was interested in where was the money coming from and where was it going.

Councilmember Ramirez moved to continue Resolution 19-04: Appointment to the Cache Mosquito Abatement District, to the next meeting. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember

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

Discussion and Consideration of Resolution 19-06: A Resolution Appointing Members of the Nibley City Parks & Recreation Committee (First Reading)

Mr. Wright led this discussion. He described the process undertaken in choosing the proposed members of the Parks and Recreation committee. Mr. Wright introduced the proposed members of the Nibley City Parks & Recreation Committee individually.

Sierra Nelson	Proposed Legacy Chair	1 year
Stacy Wright	Proposed Community Events Chair	2 year
Pam Chapman	Proposed Health and Wellness Chair	3 year
James Reese	Proposed Arts Chair	3 year
Alicia Ingersoll	Proposed Nature, Conservation, and Outdoor Recreation	2 year
Rodney Tripp	Proposed Parks, Trails, and Open Space Chair	1 year
Cody Sorensen	Proposed Athletics Chair	3 year

Councilmember Bernhardt said there were a lot of chairs but hadn't noticed this on the ordinance and questioned how they captured the knowledge of how they would staff the committee? Mr. Wright said the ordinance stated there could be a minimum of five members with a maximum nine. He said they were suggesting seven because they believed seven covered the full breadth of what they hoped to offer in recreation. Councilmember Bernhardt asked how Mr. Wright had selected what the chair would be in charge of and where this was captured? Mr. Wright said this was reviewed from the chair's questionnaires' and felt as the committee matured, their responsibilities might change some. Councilmember Bernhardt asked how the knowledge would move forward should something happen with Mr. Wright; because it wasn't spelled out in the parks committee ordinance? He questioned if they needed to do this? Mr. Zook said they were trying to make sure they had diversity in the group and what Mr. Wright meant was they had selected a people who would represent a certain category of recreation; who would be a representation and a voice for those avenues. Councilmember Bernhardt asked if they needed to have distinct categories outlined in the ordinance? Councilmember Ramirez recalled they had talked about this when discussing the ordinance and felt they would leave this up to Mr. Wright. Mr. Wright said needs in the community would continue to change and what was being proposed was what they currently wanted to focus on in the community; he felt this was why this was left open. Councilmember Bernhardt wanted this outlined somewhere (a transitional document) for ease in transition.

Councilmember Jacobsen was impressed Mr. Wright could bring forward such a well qualified group of people who shared the recreation enthusiasm and instructed Mr. Wright to not let the City Council get in the committee's way. He said they would step in and do oversight that was appropriate.

Councilmember Ramirez appreciated the work Mr. Wright had put in the meeting materials in describing each candidate. He said this was helpful to see why Mr. Wright had put the individuals where he did.

Councilmember Beus described her participation with Nibley City recreation. She was excited to see what the Committee would come up with. She thought it was a great group that had been assembled and felt they could do great work.

Councilmember Jacobsen moved to approve Resolution 19-06: A Resolution Appointing Members of the Nibley City Parks & Recreation Committee, as presented and waiving the second reading. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

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

Mr. Nelson reported that the City Council had reviewed this plan at their last meeting but had wanted to give Mayor Dustin a chance to have a final review of the plan before it was approved. Mr. Nelson said the County Planner, a Complete Streets Engineer, the City Engineer and the plan consultant had been contacted about including bike lanes on 1200 West and 3200 South. The basic recommendation was that bike lanes should be included on these roads and these changes had been made. The 12th West cross-section reflected the change and the notes on 3200 South recommended the road could also have bike lanes.

Councilmember Beus moved to approve Resolution 19-05: Updating the Nibley City Transportation Master Plan. Councilmember Jacobsen seconded the motion.

Councilmember Bernhardt questioned the placement of section 5-4 and the conceptual traffic calming recommendations for 1200 West. He questioned if the traffic calming for 12th West belonged there or if it was there because it was an immediate concern. Mr. Nelson said 1200 West and the completion of the road through the city, was one of the higher priorities for Nibley City's internal traffic. The road had connection to industrial areas with bigger trucks and higher speed traffic so there was a general recommendation to have the road available to traffic but they might also want to put a couple factors that would discourage larger trucks or higher speed traffic on the road. This was why the road was listed in the traffic calming section of the TMP. Mayor Dustin said he liked the idea of moving the plan closer to the Cache County Regional Transportation Plan. The County has a plan they can make suggestions to but Nibley City didn't have control for what was in the plan. Councilmember Bernhardt wondered if it would be better as an appendix? He was fearful that if it were in the plan it would be laid out that way and wouldn't but the 1200 West section in the traffic calming section of the Transportation Master Plan.

Councilmember Bernhardt moved to take 1200 West out of section 5 (including figure 16) and move it to an appendix. The motion failed due to lack of second.

Voting on Resolution 19-05 was as follows: Councilmember Beus was in favor, Councilmember Ramirez in favor, Councilmember Jacobsen in favor, Councilmember Larsen in favor, and Councilmember Bernhardt in favor.

The motion passed unanimously 5-0.

Mayor Dustin said he was excited about the implications of what the plan would do for public safety, for aesthetics in the City and for Mr. Maughan's plow budget; they were doing some pretty innovative things in the transportation cross-sections.

Presentation and Discussion regarding Planned Unit Developments

Mr. Nelson led this presentation. He utilized an electronic presentation entitled "Overlay Zone vs. Standard Zone" (a printed copy is included in the written meeting minutes). His presentation included the following: Introduction, Overlay Zone Pros and Cons, Standard Zone Pros and Cons

Mr. Nelson posed the following questions to the City Council:

- Would you like the Council to have legislative authority over an application?
- Do you want to pick locations for these developments beforehand, or have it based on application?
- Would you like these types of developments to be clustered in few spots, or have smaller developments spread across the City?
- Would you favor a more simplified application process with less legislative control, or a more complicated application process with more legislative control?

The Mayor and City Council discussed

Councilmember Jacobsen thought the City Council needed to understand that there was a huge difference between the rural preservation subdivision process and the planned unit development process; the rural preservation process was actually part of Nibley City code. He requested if this distinction wasn't made clear with Mr. Riggs when he annexed his land into Nibley City? Mr. Riggs said this was never inferred and he never felt it was part of the process; those were his general thoughts.

Mayor Dustin and the Council debated the pros and cons on an overlay zone process and a standard zone process.

Councilmember Beus suggested having some area with a mixed-use zone and some areas with a contingency for an overlay zone. If there were enough written ordinance it

made it easier to administer these zones or overlays. Councilmember Beus said they would need carefully decided standards to avoid picking winners but not completely rule out an overlay. Councilmember Jacobsen questioned if there were somewhere halfway between to try and pick the pros of an overlay zone and a standard zone and combine them. Mr. Nelson described the debate the Planning Commission had discussed when preparing the latest proposed planned unit development ordinance. Mr. Zook felt they could create a hybrid between the two approaches by creating a mixed-use residential zone. The council could pre-zone certain areas as mixed-used residential zone and the City creates different overlays that could only be applied in a mixed-use residential zone (i.e. residential planned unit development, neighborhood commercial). Mr. Zook said this would allow them some of both pros of standard zoning and overlay zoning. Councilmember Jacobsen said this was where he was trying to head. Councilmember Ramirez, Councilmember Beus and Councilmember Jacobsen indicated they wanted to see something similar to what Mr. Zook had presented. Mr. Nelson said he was concerned with writing the base zoning.

Mayor Dustin and the City Council discussed transferring development rights.

Mr. Nelson summarized that the direction he had gotten from the City Council's discussion was to establish areas where an overlay zone could be applied. He pointed out that almost all these areas were currently outside City limits. Mr. Nelson asked if it was the City Council's goal to establish these areas throughout the community? Councilmember Jacobsen didn't think they could write code for something that was outside the city. The overlay needed to be something that could be applied in the City. Councilmember Jacobsen wanted to see a buffer from where the overlay could be applied that was between existing development and parts of town that weren't as established and where the overlay would be.

Mayor Dustin allowed further comments from Mr. Riggs regarding planned unit development.

Council and Staff Reports

Mayor Dustin extended an invitation to any City Council member who'd like to attend Local Officials Day the following Wednesday.

Mayor Dustin said a few Jr. citizens had approached him on how long the sled hill at Larry Anhder Park would be closed. He asked Mr. Maughan to give consideration to the kids that wanted to sled on the hill. Mr. Maughan said he would look in to the matter.

Mr. Zook reported the Utah League of Cities and Towns Spring Conference was scheduled in St. George, April 24-27.

Mr. Zook reported that he and Councilmember Jacobsen had attended an event with Nordic United that was a good community group that Nibley City built some good partnerships with.

Mr. Zook teased the City Council and reported that Nibley City had won an award but they hadn't received it yet.

Mr. Zook said the Request for Proposals for the Water Master Plan had been released.

Mr. Zook updated the City Council on the City's relationship with their new attorney.

Mr. Zook said staff was working on the budget and said now was the time for the City Council to let them know if they had any requests or concerns.

Mr. Zook reported on meeting with Logan regarding 89/91 and a gentleman that wanted to take his property out of Logan.

Mr. Zook reported on Nibley City staff's quarterly wellness lunch.

Mr. Zook reported about the Riggs variance hearing. He said the variance was granted so that two houses could be split off onto different parcels. Nibley city felt it was better to have each home on its own lot.

Mr. Zook reported that the Bear River Association of Governments as doing a homeless count. If the City Council knew of any homeless living around they city, they should pass this information along.

Mr. Zook reported on a meeting with Senator Romney's office. They may be working on Nibley City's zip code issue.

Mr. Zook reported on his tour of CAPSA.

Mr. Zook reported that he and Mr. Nelson had attended land use, economic development, and harassment and violence prevention training.

Mr. Zook reported Nibley's insurance company had come out and reappraised all of Nibley City's facilities to ensure they were being insured adequately.

There was general consent to adjourn the meeting at 9:24 p.m.

Attest: _____
Deputy City Recorder