

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, February 28, 2019.

The following actions were made during the meeting:

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

Opening Ceremonies

Councilmember Ramirez led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, February 28, 2019, Nibley City Council meeting to order at 6:31 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, the Nibley City Manager, Stephen Nelson, Nibley City Planner, and Jake Carley, Nibley City STAR Deputy was also in attendance.

Mayor Dustin recognized the Boy Scouts and Cub Scout in the audience.

Approval of agenda; and approval of the January 24, 2019 meeting minutes

Mayor Dustin asked the City Council that item number 7 be removed from the agenda because he hadn't found the opportunity to speak with the proposed CMAD candidate.

Councilmember Beus moved to approve the evening's agenda, striking item 7, and the previous meeting minutes. 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.

Approval of Minutes and Agenda

Mayor Dustin gave direction to the public present.

Mayor Dustin opened the public comment period at 6:34 p.m.

Mayor Dustin noted there were no signatures on the public comment sheet. Mayor Dustin described, to the Scouts, how a public agenda works.

Brian Anderson of 780 West 3200 South or the "the freeway" as he described it, discussed mail delivery on 3200 South. He'd had discussion with Mayor Dustin about

this issue previously. He was seeking feedback. Mr. Anderson was concerned with the traffic on 3200 and that mail was only delivered on the north side of 3200 S. Mr. Zook reported that he had reached out to the postal service about the issue and had been told that so far that they didn't feel there was enough deliveries to deliver to the south side of 3200 South. He said it had been at least a year since this discussion and felt it was time they readdressed the issue. Mr. Anderson discussed how things had changed on 3200 S. and the amount of additional traffic. Mr. Zook said he would speak with the Postmaster again.

Dan Eames of 55 East 2500 South wanted to make sure further discussion of 3200 S going through to Millville was open to him. He requested a meeting with the elected officials. He wanted to make sure he was in the loop or in the know; this was very important to him. Mr. Eames said he had gotten conflicting information from Millville City. He said he would start paying closer attention and intended to attend Nibley City and Millville City Council meetings. Mayor Dustin told Mr. Eames he was available the next day. He and Mr. Eames made plans to meet at Mr. Eames property at 8:30 a.m. the next day. Mayor Dustin summarized Millville's plans for the alignment of 3200 S. and SR 165 with the City Council; Millville's plans were to go from 3rd south in Millville, across Mr. Eames property, and tie into 3200 South with a new bridge. Mr. Zook provided Millville's transportation map for the City Council.

Seeing no further public comment, Mayor Dustin closed the public comment period at 6:46 p.m.

Public Comment Period

Planning Commission Report

Commissioner Garrett Mansell led this presentation.

Commissioner Mansell described that the Planning Commission had recommended the Wallentine subdivision and had addressed a conditional use permit for a third dog at their last Planning Commission meeting. Commissioner Mansell described that the Planning Commission had received training from the Utah Land Use Ombudsman at their last meeting regarding conditional uses. Commissioner Mansell discussed items on the Planning Commission's agenda for the year. Commissioner Mansell said the Planning Commission would be working on the subdivision code, conditional use permit code and a workshop for a downtown overlay zone. Commissioner Mansell said the Planning Commission was waiting to see what the State would mandate on affordable housing before addressing an ordinance. Councilmember Jacobsen was encouraged that the Ombudsman had been at the last Planning Commission meeting.

Mr. Nelson described specifics of the Affordable Housing bill that was currently being debated at the Utah State legislature.

Department Report—Animal Control

Mr. Nelson led this discussion. Mr. Nelson showed an electronic presentation for the City Council entitled *Animal Control, Nibley City, February 28, 2019* (the printed version of the presentation is included in the written meeting minutes). He discussed the following: Dog Registration, Sheriff's Office: Animal Control, Nibley City Impound, Cache Humane Society, Fees and Budget, Future Impound, an article from the Herald Journal regarding impounded dogs, Pros and Cons, and Questions.

Councilmember Bernhardt asked if the distance to the Cache Humane Society would increase the cost of contracting with the Cache County Sheriff's Department. Mr. Nelson and Mr. Zook said it wouldn't. Mr. Nelson described that most cities already contracted with the Humane Society for impound services. Councilmember Jacobsen questioned money received from the Cache Humane Society. Mr. Nelson described that the Humane Society would collect the \$30.00 impound fee and pass the fee along to Nibley City. The Humane Society would keep and collect a fee of \$15.00 per day to offset the care of an impounded animal. Councilmember Jacobsen commented that it was a good move for his family to receive a reminder text and email for dog registration renewal; it was very appropriate. Councilmember Jacobsen described his wife's experience with Nibley City staff when licensing their dogs. Mr. Nelson described the good efforts put in by Nibley City clerk, Hannah Smith.

Public Hearing to receive comments regarding Ordinance 19-03: AN ORDINANCE RE-APPROVING AN ANNEXATION PETITION FOR 9 PARCELS ON 120 ACRES, LOCATED SOUTH OF 3200 SOUTH AND BETWEEN 900 WEST AND 1500 WEST.

Mayor Dustin described that there was a statutory requirement from the State that paperwork for annexation needed to be turned in by 30 days. By no fault of Nibley City staff, this had not been done, and so the petition needed to come back to the City Council.

Mr. Nelson said the Lieutenant Governor's office had to sign off on all annexation petitions. The annexation paperwork for these parcels had stayed with County too long and because of this the State had said the City Council would have to reapprove the ordinance. Nibley City Attorney had recommended the City Council hold another public hearing and that the City Council re-adopt the petition ordinance. Mr. Nelson described the reason the discussion and consideration of the annexation petition had been pulled from the evening's agenda. The applicant had asked that the item be pulled from the agenda; the applicant would like the city to reconsider the zoning that was assigned to the annexation area. Mr. Nelson said the original approved ordinance included the zoning language. Mr. Nelson hoped to meet with Mr. Riggs in the upcoming week to see if they could come to an agreement before the petition came before the City Council again.

Mayor Dustin gave direction to the public and opened the public hearing at 7:15 p.m.

Brian Anderson clarified that this was the Riggs property. He asked if the City was capable of monitoring and taking care of the property and if the owners provided what the intended use might be; was the annexation reviewed for roads, safety, etc?

Seeing no further public comment, Mayor Dustin closed the public hearing at 7:17 p.m.

Mr. Nelson described Nibley City's annexation policy and the annexation review process. He described that the applicant was able to request zoning for the annexed property but the ultimate zoning decision was with the City Council.

Workshop: Discussion of a Residential Planned Unit Development (R-PUD) Overlay Zone

Mr. Nelson led this discussion. Mr. Nelson displayed an electronic presentation for the City Council entitled *R-PUD, February 28, 2019* (the printed version of the presentation is included in the written meeting minutes). Mr. Nelson had given the City Council printed copies of the Nibley City zoning, subdivision, and streets map and a felt tip marker. Mr. Nelson reviewed the following topics: Density and Land Use.

Cache County Sheriff Chad Jensen and Lieutenant Mikelshan Bartschi arrived at 7:23 p.m.

Mr. Nelson said Nibley City staff's preferred density was 10 units per acre with 80% town-homes and asked for the City Council feedback. The City Council gave no feedback and Mr. Nelson said he would proceed with staff's preferred density. Mr. Nelson's presentation also included discussion of R-PUD placement and buffering. He questioned how deep the City Council would prefer buffering go? Councilmember Bernhardt said at least 2 lines of buffering; single family homes a road and then single-family homes. Councilmember Jacobsen felt they ran in to problems with the expectation that land wouldn't change after a resident moved in and with the expectation that the same or similar land use will go on around a resident. He described that appropriate buffering also depended on timing; changes that are already in place versus changes that came after existing development. Councilmember Jacobsen would like to see the ordinance be mixed use. Mr. Nelson described the diversity that was usually a part of a mixed-use or phased development and the advantages of the diversity of income and education. He also described how townhomes could uphold the property values of an area. Councilmember Jacobsen thought the amount of buffer depended on what currently existed next to an R-PUD and the design of the R-PUD would need to be incorporated appropriately. Councilmember Jacobsen and Councilmember Larsen discussed the scale of a 20-acre parcel. Mayor Dustin felt they needed to require some form of an internal maintenance organization and the units necessary to sustain an HOA. Councilmember Jacobsen questioned the number of units required to make on-site management feasible; he felt on-site management needed to be there and wanted to put this in code. He asked Mr. Nelson to address this issue. Mr. Nelson said it depended on what was being managed. He was concerned with regulating HOAs but wasn't necessarily

concerned with who was managing an HOA. Mr. Zook anticipated that it needed to be at least 60 units to maintain an on-site type of management.

Mr. Nelson led the City Council in a mapping assignment. He asked the Council mark areas that they would like to see R-PUD development on the map he had distributed marked *Nibley*. He said the other maps he had provided were for reference. The City Council colored their maps.

Mr. Nelson described updates the City Council would see in the proposed R-PUD ordinance.

Report from Cache County Sheriff Chad Jensen

Sheriff Chad Jensen introduced Nibley's new STAR Deputy, Jake Carley. Sheriff Jensen described the responsibilities of the Sheriff: investigate felonies; service the civil process in the civil division and duties such as bailiffs, search and rescue, and management of the jail. Sheriff Jensen summarized the divisions of the Sheriff's office: Administrative, Jail, Criminal, and Support Services. Sheriff Jensen described programs the office provided at the jail: work diversion, work release, GED, and narcotics and alcoholics anonymous. Sheriff Jensen said the patrol division had 31 full-time deputies, which included motors, bike, the STAR deputy program,

Sheriff Jensen said the Cache County Sheriff's office was directly responsible to more citizens than any other department in the state. Sheriff Jensen described that the Cache County Sheriff's office contracted with 14 different entities and the services provided under the Support Services department. Sheriff Jensen described future plans for animal control.

Councilmember Bernhardt asked what Sheriff Jensen felt the biggest challenge in the growing valley was. Sheriff Jensen felt traffic was horrible. There were small roads with no outlets. Traffic was a huge problem in the valley. Sheriff Jensen said there was an increase in the drug problems and described marijuana arrests in high school and middle schools. He said they had diminished the messages that were being sent to kids; it was more appealing and less dangerous.

Councilmember Larsen asked if Sheriff Jensen had an opinion of dense housing? Sheriff Jensen thought buffer space was outstanding and traffic flows would be very successful. He felt Nibley's planning would make Nibley's spaces successful.

Sheriff Jensen said he didn't anticipate an increase in Nibley City's contract rate with the Sheriff's office. He felt Nibley City was getting the service and paying for the hours they needed to.

Councilmember Jacobsen asked if the staff was being compensated enough to keep a top-notch staff running. Sheriff Jensen said they'd made great strides in compensation

and had a great pay-structure in place. He said they'd lost 13 people in the last year and hadn't lost them to other organizations. He said there was still work to be done.

Councilmember Beus asked for statistics of what had happened in Nibley in the last year.

With the Council's forbearance, Mayor Dustin left the meeting at 8:18 p.m.

Lieutenant Bartschi reported some of Nibley's law enforcement statistics and said, "Everyone speeds on 2600 South."

Councilmember Jacobsen moved that Councilmember Beus be appointed Mayor Pro-Tempore for the remainder of the City Council meeting. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Beus, Councilmember Ramirez, and Councilmember Larsen all in favor.

Councilmember Jacobsen asked what the one thing the City Council could do to increase safety in Nibley City? Lieutenant Bartschi discussed new regulations with Hyrum's parade and throwing out candy.

Council and Staff Reports

Mr. Zook reported that the Community Impact Board had awarded Nibley City a \$30,000 grant for the Water Master plan update. Mr. Zook said this would pay for half of Nibley City's Water Master plan. Mr. Zook said staff had done a Request for Proposals to update the Water Master plan. Staff had gone through the proposals and selected the firm of Jones & Demille. They were currently negotiating detail and price of the contract and felt the cost would end up around \$50,000.

Mr. Zook reported that City staff was currently working on the budget and requested the City Council provide input their input on the budget.

Mr. Zook said he and Mayor Dustin had met with Judge Cook about court. He felt the meeting was productive and Judge Cook was much more supportive of the direction they wanted to go. Mr. Zook said that as a heads up, no matter what happened with court, Nibley City was required to pay Judge Cook through his term. Mr. Zook said Nibley City lost approximately \$20,000/year on Nibley's court. He said they would be coming to the City Council with recommendations on partnering with Hyrum City for court services.

Mr. Zook reported on the kick-off meeting with the Parks & Recreation Advisory Committee meeting.

Mr. Zook reported that he and Mr. Nelson had attended the most recent County Council meeting and had presented on Firefly Park. They had asked for more funding for the park.

Mr. Zook reported that he and Rod Elwood had attended a workshop on fireflies put on by the Stokes Nature Center. He said fireflies were everywhere and more prevalent than previously thoughts.

Mr. Zook reminded the City Council of the Spring Utah League of Cities and Towns conference on April 24-26.

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

Attest: _____
Deputy City Recorder