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

The following actions were made during the meeting:

Councilmember Larsen moved to approve Resolution 19-07: A Resolution Approving Changes to Justice Court services, Authorizing Agreements Related Thereto, and Related Matters; and waived the second reading. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Jacobsen made a motion that the Nibley City Councils make a soft recommendation for option 2 as their first choice, option 1 as their second choice, and option 3 as their third choice; and expressed their willingness to continue this discussion this with the other jurisdictions involved; for realignment of 3200 South and US Highway 89-91. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Larsen moved to approve the Agreement with the Cache Humane Society for Animal Impound Services. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Jacobsen all in favor.

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

Councilmember Jacobsen called the meeting to order and nominated Councilmember Tim Ramirez to act as the meeting's Mayor Pro Tempore. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Opening Ceremonies
Councilmember Jacobsen let the meeting the Pledge of Allegiance.

Call to Order and Roll Call
Mayor Pro Tem Ramirez called for a roll call of the Thursday, March 28, 2019, Nibley City Council meeting at 6:33 p.m. Those in attendance included Councilmember Tim Ramirez, Councilmember Larry Jacobsen, Councilmember Norman Larsen, and Councilmember Thomas Bernhardt. Mr. David Zook, Nibley City Manager, Stephen

Nelson, Nibley City Planner, and Justin Maughan, Nibley City Public Works Director was also in attendance.

Approval of agenda; and approval of the March 14, 2019 meeting minutes
Councilmember Bernhardt moved the approved the evening' agenda. Councilmember Jacobsen seconded the emotion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Ramirez, and Councilmember Larsen all in favor.

Public Comment Period
Mayor Pro Tem Ramirez noted there were not signatures on the Public Comment Sign In Sheet and moved to the next agenda item.

Planning Commission Report
Commissioner Garrett Mansell reported that in the last month the Planning Commission had approve a conditional use permits: one for a third dog and a conditional use permit and business license for Ellis Equipment. He said the Planning Commission had been discussing the setback regulations for the highway 89/91 corridor. The Planning Commission had continued this discussion to the next Planning Commission meeting because they didn't feel "they were there yet." Commissioner Mansell said the Planning Commission was still working on the Subdivision and R-PUD ordinances and were trying to find options that kept the goal of rural living but were economically and fiscally responsible.

Councilmember Jacobsen said the City Council had heard a presentation from the County on what Nibley City should do on 3200 South and the intersection at highway 89/91. He asked if the Planning Commission had any recommendation on this matter. Mr. Nelson said he had reported to the Planning Commission but the issue hadn't gone before them for recommendation.

Discussion and Consideration of Resolution 19-07: A RESOLUTION APPROVING CHANGES TO JUSTICE COURT SERVICES, AUTHORIZING AGREEMENTS RELATED THERETO, AND RELATED MATTERS
Mr. Zook reported that Nibley had the opportunity to operate a justice court. He described what types of offences Justice Courts handled. He said Nibley City had a justice court and combined with an agreement with Mendon City. Mr. Zook described the combined courts in the Valley and how they were consolidated. Mr. Zook said this had been a topic of discussion in Cache Valley for at least a decade of combining a justice court into one. Mr. Zook said issues of security had been discussed and increased costs had been discussed as cost outsourced revenue. Mr. Zook said Nibley's court didn't currently outsource its revenue and operated at approximately $27,000 in the red from last year. Mr. Zook said the city had the opportunity to provide the service and have a positive cache flow and had been discussing an inter-local agreement to move court services to Hyrum City. Mendon's City Council had already voted to enter into an

agreement with Hyrum City and had asked Nibley City to release them from the agreement they had. Mr. Zook said this agreement had been discussed with Hyrum and they were on board. However, their City Council meeting would not take place for another week.

Mr. Zook detailed the list of items that would have to be done in order for the justice court to go to Hyrum. Mr. Zook said the Justice Court judge had verbally agreed to step down early from his term. The City had agreed to pay him for the rest of his term, additional pay for the income taxes he would have to pay for the larger lump sum payout, and $10,000 in severance pay, which added up to $90,0000. This was $25,000 more than Nibley City would pay the Judge for the remainder of his term. Mr. Zook said this would be included in the next fiscal year budget and would be paid out in the next fiscal year. Mr. Zook reported on his meeting with the State Administrative Office of the Court. Mr. Zook said Resolution 19-07 would authorizing giving notice to the State, would allow Nibley City to enter into the inter-local agreement with Hyrum City, and would authorize them to formally end Nibley's agreement with Mendon. Mr. Zook described the additional costs associated with operating a justice court.

Councilmember Jacobsen said it seemed there was not an optimistic view that they would be at a break-even point in one year. Mr. Zook agreed and said Nibley City wouldn't break even in the next year but would recognize the savings in the next fiscal year. Councilmember Larsen asked if they had to do the buyout and suggested the judge be paid his yearly salary to the end of his contract and act as a stand-by judge with Hyrum. Mr. Zook said if the judge voluntarily agreed to step down it was more likely the State would approve the agreement between Nibley and Hyrum. Nibley City would still be required to pay out approximately $65,000. Mr. Zook described the additional cost versus savings. Mr. Zook asked the City Council to waive the second reading of the Resolution in order to facilitate the transition of cases and the approval with the State Administrative Office of the Court. Mr. Zook described the status of Nibley City's current Court Clerk. He said there was another part-time Court Clerk and her position would end at the end of the fiscal year. Councilmember Bernhardt asked if Mendon was unhappy with what was going on in Nibley's Court or if they were approached? Mr. Zook said Hyrum's Mayor had approached Mendon and it was put on the Mendon agenda and the Mendon City Council had approved the agreement. Councilmember Bernhardt asked if the revenue from Mendon had been factored into the numbers. Mr. Zook said the revenue from Mendon was a very small number.

Councilmember Jacobsen said this made sense economically, logistically and that the economy of scale made sense. Councilmember Jacobsen asked if they weren't serving their citizens if they lost a local court?

Justice Trevor Cook said he shared the same feelings; that justice court served the citizens of Nibley. He said this was a goal of Councilman Hansen and former Mayor Knight. Judge Cook reported that he felt he treated people well. He understood the issues that had been brought to his attention by Mr. Zook and Mayor Dustin. He understood the City's standpoint of not wanting to have extra expenditures that they didn't want to incur. He though a court should serve the citizens but understood that City hadn't wanted to have a court for quite a while. Judge Cook said he'd never felt his safety was in danger but also agreed that another bailiff would make it safer and would be an added expense. Judge Cook said the court was a benefit to the citizens but knew the City had to consider everything else. Mayor Pro Tem Ramirez asked who Hyrum's judge was? Judge cook said it was Judge Larsen and he didn't know much about his temperament as judge. Councilmember Jacobsen thanked Judge Cook for his service.

Councilmember Larsen moved to approve Resolution 19-07: A Resolution Approving Changes to Justice Court services, Authorizing Agreements Related Thereto, and Related Matters; and waived the second reading. Councilmember Jacobsen seconded the motion.

Councilmember Bernhardt said the judge had pointed out that they talked about this issue every year. He understood where they were coming from and what they were trying to do. It seemed whatever answer the City Council had given, that staff or the Mayor wasn't happy with that answer. Mayor Pro Tem Ramirez thought it made more sense to consolidate; with costs and functionality. He said he supported the agreement for that reason. Councilmember Jacobsen asked if Mayor Pro Tem Ramirez felt the citizens of Nibley were served better with going to Hyrum and the economies of scale. Mayor Pro Tem Ramirez described the court facilities in Hyrum. He thought they could sufficiently handle the court and would make their court break even. Councilmember Jacobsen and Mr. Zook clarified the reduction of staff the resolution would entail.

Voting on the motion was as follow:
Councilmember Bernhardt was in favor.
Councilmember Larsen was in favor.
Councilmember Jacobsen was in favor.
Councilmember Ramirez was in favor.

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

Mr. Zook left the meeting at 7:11 p.m.

Discussion and Consideration of Options for the 3200 S/ US 89-91 Realignment
Mr. Nelson summarized the three alignment options that were discussed that the City Council's previous meeting. Mr. Nelson said the Technical Advisory Committee (comprised of staff from UDOT, Cache County, Nibley City and Logan) favored option 2 because of how it addressed the traffic concerns and the four-way working intersection. The City Council discussed the pros and cons of each option. Mr. Nelson reported that

UDOT had expressed their willingness to head this project and Cache County was offering to lead out with collecting funds; with assistance from the other entities.

Mayor Pro Tem Ramirez allowed comments from resident, Brian Anderson. Mr. Brian Anderson said he hadn't heard which options were safer and if any of the options came closer to the school or potential schools, and what would happen with traffic on 3200 South? Councilmember Jacobsen said every option addressed a safety concern as it addressed the intersection at Ted's (3200 South) and Highway 89/91. The City Council discussed truck traffic from JBS and Miller's.

Councilmember Jacobsen moved that the Nibley City Councils make a soft recommendation for option 1 as their first choice, option 2 as their second choice, and option 3 as their third choice; and expressed their willingness to continue this discussion with the other jurisdictions involved; for realignment of 3200 South and US Highway 89-91. Councilmember Bernhardt seconded the motion.

The City Council discussed the safety of each option and the proposed High-T intersections. Mayor Pro Tem Ramirez said he was leaning toward option 1. Councilmember Larsen said he liked option 2 because it stopped both lanes of traffic but all three were better than what they had now. Councilmember Bernhardt thought option 1 was the most fiscally responsible. Mr. Maughan said he felt both the County and Logan City's decision would weigh pretty heavily on the Nibley City Council's decision. Mr. Maughan said his preference was option 2 because of the four-way stop and he felt it stopped the western arterial section. In the long run it was cheaper than option 1. He felt the Mayor had nailed it, in that he didn't think Nibley would be financially strapped with an incredible amount of money with any of the options. Mr. Nelson agreed with Mr. Maughan from a traffic point of view. The City Council felt this information changed their opinion. Mr. Maughan discussed the functioning of high-T intersections versus four-way stop intersections. He said a four-way stop may not necessarily be safer because of the perception of safety.

Councilmember Jacobsen made an alternate motion that the Nibley City Councils make a soft recommendation for option 2 as their first choice, option 1 as their second choice, and option 3 as their third choice; and expressed their willingness to continue this discussion this with the other jurisdictions involved; for realignment of 3200 South and US Highway 89-91. Councilmember Larsen seconded the motion.

Councilmember Bernhardt was in favor
Councilmember Larsen was in favor
Councilmember Jacobsen was in favor.
And Councilmember Ramirez was in favor.

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

Discussion and Consideration of an Agreement with the Cache Humane Society for Animal Impound Services

Mr. Nelson presented that the liability of the City offering a kennel and the combined cost of staff time and the use of the area as a kennel cost the City more that if the City were to make an agreement with the Cache Humane Society. Nibley City would only pay the Humane Society if a dog weren't claimed and in the past years 90% of the dog that are impounded have been claimed. Mr. Nelson said the other advantage of partnering with the Humane Society was the convenience to Nibley residents. The human society was open more hours than Nibley City and also posted pictures of all animals impounded on their website. The Humane Society also offered spay and neutering and shots for animals. Mr. Nelson described the inconvenience of utilizing the Humane Society. They wouldn't handle animal registration and wouldn't require registration before releasing the animal to the owner. Mr. Nelson described the fees that would be incurred in an animal were impounded at the Humane Society. He reported that the Cache Humane Society would provide information to the resident that they were under obligation to register their animal with the City and would provide the name and contact information for the resident, to Nibley city. Mr. Nelson said animal control officers where also discussing allowing cats at the Humane Society. The Humane Society offered a Trap, Neuter, Release program. The idea behind the program was to stop the feral cat population growth.

Mr. Nelson said Nibley City's Attorney had found no issues with the agreement and also reported that office and public works staff supported the agreement with the Cache Humane Society.

Mr. Nelson said the agreement was good for one year and staff was authorized to renew the contract because of how limited the financial impact would be. However, because this was new policy, staff wanted the City Council's feedback and approval for the initial agreement. Councilmember Bernhardt asked when the agreement would be in effect. Mr. Nelson said it would take effect immediately.

Councilmember Jacobsen asked for data of if the reclaim rate would increase or decrease with the agreement. Mr. Nelson said he didn't feel the reclaim rate would be affected much. He noted the Humane Society was further away but also noted that Cache Humane Society was open more hours and residents could utilize their website. Mr. Nelson didn't know the overall reclaim rates for the Humane Society. Councilmember Jacobsen asked Mr. Maughan to leave the impound space at Nibley City available for an amount of time until they could determine if the reclaim rates were bad. Mr. Maughan said he could leave the space available. Mr. Nelson discussed the liability of holding animals at the City impound.

Councilmember Larsen moved to approve the Agreement with the Cache Humane Society for Animal Impound Services. Councilmember Bernhardt seconded the motion.

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

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

Mr. Nelson reviewed the changes that had been made to the proposed Residential Planned Unit Development (R-PUD) Overlay Zone since the City Council had last reviewed the zone. He felt they could hold a public hearing in the next couple meetings to get comment from the public.

Mr. Nelson displayed the map on which the City Council had designated areas that were suggested for the (R-PUD) Overlay Zone.

Councilmember Jacobsen and Mayor Pro Tem Ramirez discussed including areas that weren't incorporated in Nibley City on the map. Councilmember Jacobsen was not sure the area to the east of SR 165 made sense; it could go on or stay off. Mr. Nelson discussed obstacles the R-PUD zoning in this area. Mayor Pro-Tem Ramirez agreed with Councilmember Jacobsen. After further discussion, the City Council leave the proposed area on the map for the time being.

Mr. Nelson read the section wording that described how the (R-PUD) Overlay Zone application map would work.

Mr. Nelson reminded the City Council that they had discussed a minimum required density of units instead of doing land sizes. He read the minimum density requirements included in the proposed ordinance. He had talked to homeowners association management companies who'd described that once they got approximately 100 town homes or for single family homes there needed to be a minimum 30 units, for a homeowner's association to function correctly. Mr. Nelson said amenities for lesser units would only include park areas or trial and at these numbers and wouldn't include swimming pools or anything big. On-site management property management would be required for R-PUDs. Mr. Nelson asked for any clarification from the City Council regarding the placement, buffering, and landscaping of R-PUD zones in relation to single-family homes.

Mr. Nelson described that he had eliminated the 300-unit cap and had added provisions in the amenities table to provide park space at the rate the city provided park space, which was around 6 acres per 1,000 residents. Mr. Nelson said he added a couple lines to the amenities table and had capped the table at 500; mostly out of convenience in working in the table.

Mr. Nelson discussed the maintenance of amenities. To make sure the HOA functioned appropriately he had added the following wording:

"The Developer shall be a member of said Owners Association while the subdivision is being developed. The Owners Association for Mix developments shall have office space for the Owners Association constructed apart of the development."

Mr. Nelson said the developer would be the one responsible for installing all the improvements.

Mr. Nelson asked if the City Council felt the zone discussion was in a place that they could move discussion forward to the public. Councilmember Bernhardt felt they could take it forward and asked if the Planning Commission had had the opportunity to look at the ordinance? Councilmember Jacobsen suggested they could offer this to the Planning Commission, if wanted, and allow them to provide feedback. Mayor Pro Tem Ramirez wanted a presentation to be given to the Planning Commission of what had been changed and why it had been changed. Councilmember Bernhardt discussed the possibility of a developer going bankrupt while they were developing and the City being "on the hook" to go in and maintain amenities. Mr. Nelson said this was a difficult discussion but the City ran this risk with any development. Mr. Nelson said they'd tried to help with this by having the amenities developed and functioning in proportion to the phasing of the development. The developer is also required to bond for the amenities.

Mr. Nelson clarified the general feedback he'd gotten from the City Council. Councilmember Jacobsen directed Mr. Nelson to take the Residential Planned Unit Development (R-PUD) Overlay Zone to the Planning Commission and summarize what had changed and ask if they wanted to weigh in.

Council Training on the Open and Public Meetings Act
Cheryl Bodily, Nibley City Deputy Recorder conducted this training utilizing a Kahoot! quiz (a copy of the questions used in the quiz are included in the printed meeting minutes).

Ms. Bodily advised the City Council to refrain from sending text messages during a Council meeting as much as possible and reminded the City Council to be sure to conduct City Council business through their City provided email accounts which should be the only account subject to the Government Records Access Management Act (GRAMA).

Council and Staff Reports
Mr. Maughan reported on the design process of the future round about on 3200 South.

Mr. Maughan reported on the engineering study of the building at Morgan Farm. He said it was pretty bleak.

Mr. Maughan reported on a meeting with Dominion Energy who were planning to put a high pressure gas line down 3200 South from Ted's to Grant's Auto. He said it was likely that construction would begin next summer.

Mr. Maughan reported on brittle asphalt problems on 3200 South.

Mr. Maughan reported that public works was working on the design of sidewalk on 640 West between Scott's Farm and 3200 South. He felt they had enough money budgeted to get the project done before the end of the fiscal year.

Mr. Maughan reported that there had been concerns expressed about Firefly Park at the last City Council meeting. There should be a wetlands specialist on hand in the near future to give them a management plan for the wetlands.

Mr. Maughan said the streets were dusty and reported that the street sweeper had been taken in for yearly maintenance where problems had been found so they were waiting for parts and then the street sweeper would be up and running.

Mr. Maughan reported on the status of Nibley's Pickleball and tennis courts.

Mr. Maughan reported on getting internet at the tower on 2600 South in a partnership with USU and Campbell Scientific. Mr. Nelson said the data from the tower was online and shared the link with the Council.

Mr. Maughan said there was a weed problem in the City with weeds called Phragmites. They had been found in the retention pond by Thomas Edison and at the greenwaste recycle site. The weed would need to be sprayed and then burned. There was also a small amount at Firefly Park that would be handled differently. Staff had discussed the burning with the fire department and the City Council may see the weeds burning in the next couple weeks.

Mr. Maughan reported that the Water Master Plan was underway.

Mr. Nelson reported the Mr. Maughan and himself had met with the CMPO.

Mr. Nelson reported that the next meeting would be the Council's first review of the budget.

Mr. Nelson reported the Mayor Dustin and Mr. Zook had met with the school district to discuss growth and the impact to the elementary schools. Councilmember Bernhardt clarified that they had discussed the potential middle school addition at Heritage school. They had discussed the possibility of rec center in an agreement with Nibley.

Mr. Nelson said Malouf had submitted site plans for their facility expansion.

Mr. Nelson reported that the Riggs annexation had been officially recorded and he displayed the updated zoning map. He said the City Council would see the annexation petition for Firefly Park on the next City Council agenda.

Councilmember Bernhardt said if the City Council hadn't have a chance to walk around Firefly Park then they should; "it was pretty cool."

Adjourn to Closed Session to discuss the purchase of real property pursuant to Utah Code 52-4-205

Councilmember Bernhardt moved to adjourn to closed session to discuss the purchase of real property pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

The Council moved to executive 9:21 p.m.

The Council returned from executive session at 9:30 p.m.

There was general consent to adjourn the regular City Council meeting at 9:30 p.m.

Attest: ____________________________
Deputy City Recorder