

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 23, 2019.

The following actions were made during the meeting:

Councilmember Bernhardt moved to approve Ordinance 19-07: Zoning an Annexation Petition for 20 acres, Contained Within Parcel Tax ID:03-008-0004, or Firefly Park, Located South of 2200 South and Between 1000 West and 800 West and waived the second reading. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Beus, Councilmember Jacobsen, and Councilmember Larsen all in favor.

Councilmember Larsen moved to approve Ordinance 19-09: Nibley City Design Standards and Specifications, for first reading. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Jacobsen, and Councilmember Beus all in favor.

Councilmember Beus moved to approve Ordinance 19-03: Residential Planned Unit Development (R-PUD). Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Jacobsen moved to approve Ordinance 19-05: Amendments to Nibley City code, Title 21: Subdivision Regulations—Minor Editing/Changes; for first reading and to schedule a public hearing. 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 Jacobsen moved to continue Ordinance 19-06: Amendments to Nibley City code, Title 21: Subdivision Regulations—Substantive Policy Changes, till the next 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.

Mayor Dustin moved to approve Ordinance 19-08: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY, for first reading. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Jacobsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Beus moved to approve Resolution 19-09: A Resolution Regulating the Use of Fireworks within Nibley City Limits and waive the second reading. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Larsen moved to continue Ordinance 19-04: Highway 89/91 Setbacks and Commercial Node Definition. Councilmember Bernhardt seconded the motion. The motion passed 3-2; with Councilmember Larsen, Councilmember Bernhardt, and Councilmember Beus in favor. Councilmember Ramirez and Councilmember Jacobsen were opposed.

Councilmember Jacobsen moved to accept the favorable recommendation of David Zook, Nibley City Manager, for his past year's performance. 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.

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

Opening Ceremonies

Councilmember Bernhardt discussed being a good neighbor and quoted

"Neighbors are alright but I wouldn't want to live next door to one."

Councilmember Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, May 23, 2019, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Thomas Bernhardt, and Councilmember Norman Larsen. Mr. David Zook, Nibley City Manager, Mr. Stephen Nelson, Nibley City Planner, and Justin Maughan, Nibley City Public Works Director was also in attendance.

Approval of agenda; and approval of the May 9, 2019 meeting minutes

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

Public Comment Period

Mayor Dustin opened the Public Comment Period at 6:33 p.m. Seeing no signatures on the Public Comment Sign-In Sheet and no comments from the public present at the meeting, Mayor Dustin closed the Public Comment Period at 6:33 p.m.

Planning Commission Report

Mr. Nelson reported that the Planning Commission had been very busy in the last couple of meeting. Mr. Nelson said the Planning Commission had a lot of administrative things that they had taken care of in the last week. He noted the Planning Commission had recommended the annexation and zoning of Firefly Park, reissued the conditional use permit for Guardstrong Storage, the Riggs Minor subdivision, and had held a workshop on the conditional use permit and land use table and open space requirements in subdivisions. Mr. Nelson said the Planning Commission had held a public hearing to receive comments about changing the maximum building height of a building in an industrial zone.

The City Council diverted from the regularly scheduled agenda because Mr. Watterson had not arrived. The City Council gave Mayor Dustin permission to move to the next item on the agenda.

A Public Hearing to receive comment regarding Ordinance 19-07: Zoning and Annexation Petition for 20 acres, Contained Within Parcel Tax ID:03-008-0004, or Firefly Park, Located South of 2200 South and Between 1000 West and 800 West

Mr. Nelson reported that the property owners and all other effected entities had been notified of the annexation; this included the County, neighboring cities, the school district and cemetery districts. No official protests had been filed with the County or the City. The Planning Commission gave a positive recommendation of annexation and recommended that the parcel be zoned according the Nibley City zoning map as Park/School. Mr. Nelson summarized the reasons Nibley City was considering annexation of the property.

Mr. Nelson said staff recommended the City Council consider zoning the property as the Parks/Schools zone as found on the City's Zoning Map. This zone didn't have any standards within written code, but was established on the City's zoning map, which was adopted as part of the City Code. Mr. Nelson read Nibley City code 19-08-020:

"19.08.020 Zoning Map; Boundaries Of Zones

The boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled zoning map of Nibley or as hereafter amended, and all boundaries, notations and other data as shown on said map are made by this reference as much a part of this title as if fully described and detailed herein. The said map shall be filed in the custody of the city recorder and may be examined by the public subject to any reasonable regulations established by the city recorder."

Mayor Dustin gave direction to the public present and opened the public hearing at 6:43 p.m.

Seeing no public comment, Mayor Dustin closed the public comment period at 6:44 p.m.

Presentation by the Utah Local Governments Trust

Mr. Jason Watterson with the Utah Local Governments Trust was present at the meeting. Mr. Watterson presented the City Council with the Trust Accountability Program Award for the fifth year in a row. He described that the Trust Accountability Program was all about risk management, safety and building programs that kept Nibley City out of trouble. He said Mr. Zook and Mr. Maughan had put together programs that avoided common, costly types of loss, including a safety committee that met regularly, and were very open to suggestions. Mr. Watterson said the city had already received a check for \$664.95, which was discount on the City's liability premium. Mr. Watterson reported on some of the items the Nibley City Public Works team did really well.

Mr. Zook said Mr. Watterson had a great amount of expertise in the field and was a good advisor for the program. He also said Mr. Maughan was a great leader and did a great job of rotating through different public works employees so everyone was aware of safety and brought their own perspective.

Discussion and Consideration of Ordinance 19-07: Zoning an Annexation Petition for 20 acres, Contained Within Parcel Tax ID:03-008-0004, or Firefly Park, Located South of 2200 South and Between 1000 West and 800 West (First Reading)

Mayor Dustin suggested the City Council waive the second reading of the ordinance because it was a land use issue that hadn't been controversial at any stage and there were some enforcement issues at the property.

Councilmember Bernhardt moved to approve Ordinance 19-07: Zoning an Annexation Petition for 20 acres, Contained Within Parcel Tax ID:03-008-0004, or Firefly Park, Located South of 2200 South and Between 1000 West and 800 West and waived the second reading. Councilmember Beus seconded the motion.

Councilmember Beus voted in favor, Councilmember Jacobsen voted in favor, Councilmember Larsen voted in favor, and Councilmember Bernhardt voted in favor of Ordinance 19-07.

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

Discussion and Consideration of Ordinance 19-09: Nibley City Design Standards and Specifications (First Reading)

Mr. Maughan led this discussion and summarized the history of the Nibley City's Design Standards. He said most of the document had been in place in Nibley City since he had worked for the City but state law had recently come out requiring the standards be adopted by ordinance. He anticipated there would be a couple changes to the standards between the first and second reading of the ordinance but said he would make sure the City Council was made aware of the changes. Mr. Maughan asked the City Council to review the document and note any questions they had.

Councilmember Larsen moved to approve Ordinance 19-09: Nibley City Design Standards and Specifications for first reading. Councilmember Bernhardt seconded the motion.

Mr. Zook said the document was important because it ensured things were built properly in Nibley City.

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

Discussion and Consideration of Ordinance 19-03: Residential Planned Unit Development (R-PUD) (Second Reading)

Mr. Nelson said he anticipated going through the proposed ordinance to discuss the items the committee (that had met the previous evening) felt needed change. Mr. Nelson reviewed each change suggested by the committee. There were recommended changes to buffering requirements, landscaping requirement, the R-PUD area map, and the density requirements for townhomes.

Councilmember Ramirez arrived at 7:02 p.m.

Mr. Nelson continued his review of changes suggested by committee; including phasing deadlines, the addition of a splash pad definition, a development committee meeting, clarifications to data in the total number of lots and units table, organizational changes, composite siding was added to building materials and the prohibition of vinyl siding was removed from townhomes, further clarifications to section 7 of the ordinance, the removal of evergreen trees, street design and buffering standards.

Councilmember Beus moved to approve Ordinance 19-03: Residential Planned Unit Development (R-PUD). Councilmember Larsen seconded the motion.

Councilmember Bernhardt asked that a legend be included on the R-PUD Overlay Zone map.

Voting on the ordinance was as followed: Councilmember Beus was in favor, Councilmember Ramirez was in favor, Councilmember Jacobsen was in favor, Councilmember Larsen was in favor, and Councilmember Bernhardt was in favor.

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

Discussion and Consideration of Ordinance 19-05: Amendments to Nibley City code, Title 21: Subdivision Regulations—Minor Editing/Changes (First Reading)

Mr. Nelson shared that he'd been concerned with splitting the subdivision changes into two ordinances because of the difficulty in keeping track of changes; that when one ordinance was adopted that all changes get adopted into the policy change ordinance. Mr. Nelson reviewed the simple, grammatical and clarification changes made to subdivision regulations as included in Ordinance 19-05.

Mayor Dustin suggested that procedurally the City Council consider tabling the substantive subdivision ordinance changes until the minor changes were passed so the Council was working from a clean copy. Mr. Nelson said this would help address his concerns. Councilmember Jacobsen and Mr. Nelson clarified that the current ordinance discussion still required a public hearing.

Councilmember Jacobsen moved to approve Ordinance 19-05: Amendments to Nibley City code, Title 21: Subdivision Regulations—Minor Editing/Changes; for first reading and to schedule a public hearing. 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 Ordinance 19-06: Amendments to Nibley City code, Title 21: Subdivision Regulations—Substantive Policy Changes (First Reading)

Councilmember Jacobsen moved to continue Ordinance 19-06: Amendments to Nibley City code, Title 21: Subdivision Regulations—Substantive Policy Changes, till the next 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.

Discussion and Consideration of Ordinance 19-08: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY (First Reading)

Mr. Zook led this discussion. He reminded the City Council that in 2015 the City Council established the policy of adjusting elected official stipend annually, at the same time as salaries are adjusted for other employees, which is done during the budget process every year. Mr. Zook said the policy was to adjust this at the same rate as salaries are adjusted for employees. A 2% cost of living adjustment was proposed in the budget for employees and therefore elected official compensation was also proposed to be adjusted by 2%. Mr. Zook said Ordinance 19-08 listed the changes in compensation.

Mayor Dustin moved to approve Ordinance 19-08: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY, for first reading. Councilmember Beus seconded the motion.

Councilmember Bernhardt said he thought it was important to keep up with other cities or the time that was put in. Mayor Dustin said he would rather do compensation eight bucks at a time. Councilmember Ramirez said they were doing future City Councils a favor so they wouldn't have to ever deal with a huge raise.

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

Discussion and Consideration of Resolution 19-09: A Resolution Regulating the Use of Fireworks within Nibley City Limits

Mr. Zook led this discussion. Utah code gave the City Council the authority to ban fireworks in certain areas of the City. It was referred to as a special fire hazard mitigation measure because there some areas of cities that was a little more dangerous for fireworks activity. Mr. Zook gave the example of areas where there might be forest or dry brush. Mr. Zook said the majority of Nibley City was pretty flat and developed, however the east side of the city was denser with a lot more brush. Mr. Zook said this was the same area were regulations were imposed in the past year.

Councilmember Beus moved to approve Resolution 19-09: A Resolution Regulating the Use of Fireworks within Nibley City Limits and waive the second reading. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Discussion and Consideration of Ordinance 19-04: Highway 89/91 Setbacks and Commercial Node Definition (Second Reading)

Mayor Dustin led this discussion. Mayor Dustin reported on his discussion with Mayor Daines and Logan City; they were aware of the City Council discussion at the last Council meeting and Mayor Daines felt their decision was something they could work with. Mayor Dustin told Mayor Daines he would recommend the City Council continue the ordinance until they saw Logan City moving through their process. Mayor Dustin said this was his recommendation to the Council. Logan City's attorney was supposed to be putting a time-line together for Logan's Council for the boundary line adjustment, which should be run by Nibley City staff and Council. Mayor Dustin said he would prefer to pass the ordinance at the same time they finalized the boundary line adjustment. Mr. Nelson reported that Logan City staff had contacted Nibley City to start moving forward.

Councilmember Larsen moved to continue Ordinance 19-04: Highway 89/91 Setbacks and Commercial Node Definition. Councilmember Bernhardt seconded the motion.

Councilmember Jacobsen said he didn't see any point in dragging the ordinance out. He didn't think it was fair to Nibley and felt they should deal with the ordinance.

Councilmember Bernhardt said he wasn't too far off from Councilmember Jacobsen. He had reviewed some of the Logan Council minutes and their workshop. He would like to see Logan City make more of a good-faith effort.

The motion passed 3-2; with Councilmember Larsen, Councilmember Bernhardt, and Councilmember Beus in favor. Councilmember Ramirez and Councilmember Jacobsen were opposed.

Mayor Dustin said the ordinance would be brought back to the City Council when they started seeing some progress from Logan. Councilmember Jacobsen thought if there was a message to carry to Logan that represented his opinion; this wasn't a "W."

Concept Review with Visionary Homes of a Rural Preservation Subdivision, located south of 3400 south and between 600 West and 450 West

Dallas Nicoll was present at the meeting representing Visionary Homes.

Mayor Dustin described the approximate area of the subdivision being discussed. Mayor Dustin said there was no statutory reason for the discussion; it was a courtesy. Any advise or input given by the City Council was not binding. He felt Visionary Homes understood this.

Mr. Nicoll displayed two concepts. He, the City Council, Mayor Dustin and staff discussed the road configuration and connections and open space as presented in the concepts. Mayor Dustin and the City Council noted the concept they preferred. Councilmember Jacobsen thought the proposals were missing the point of what the rural preservation was supposed to do. He said the park didn't benefit anyone who didn't have a backyard on the park. The native open space wasn't viewscape accessible to anyone who already lived in Nibley and he felt they'd made the point about open space paralleling the railroad tracks. The idea of preserving the rural setting of Nibley wasn't just about preserving it for the people who would live in the subdivision, but also for the people who already lived in Nibley and would be impacted by the development. Councilmember Jacobsen wasn't sure there was anything special to be preserved in the area and asked if Mr. Nicoll had looked at the standard subdivision. Mr. Nicoll said they hadn't; that wasn't what they wanted to develop. Mr. Nicoll said they were trying to capture the additional density the rural preservation subdivision allowed. The City Council agreed with the suggestion that open space be moved more towards the exterior of the subdivision. Councilmember Bernhardt suggested an interior park be moved to the exterior to be enjoyed by adjoining subdivisions. Councilmember Ramirez liked the idea of buffering 450 West with park space. Mayor Dustin suggested Mr. Nicoll

review Nibley City's Parks and Trails Master plan and look at his design in the overall context of the Parks and Trails Master plan. Mr. Nicoll and the City Council discussed a road and the options of having the roadway offset or aligned. The City Council agreed that if the road had to be offset to provide for a park then they were alright with it being offset. Mayor Dustin suggested he wanted to see a 5,000 foot view as opposed to a 500 foot view. He wanted Mr. Nicoll to show the development in a way that tied it in to Nibley and provided context.

Council and Staff Reports

Mayor Dustin reported on sidewalk plans for 640 West. He reported there were issues with approximately 6 homes along 640 West whose landscaping had encroached in the City's right-of-way.

Mayor Dustin reminded the City Council of the Micheal Alleman Memorial unveiling on Friday, May 24.

Councilmember Bernhardt discussed budgeting for signage for Firefly Park and including signage that might prohibit or limit dogs in the park.

Councilmember Larsen said he'd like to discuss light commercial, such as a dental office, in areas like long 3200 S.

Mr. Zook reported on wind damage from the previous evening's windstorm.

Mr. Zook reported on upcoming recreation events and asked the City Council to take note of the flyers that had been placed at their seats.

Mr. Zook showed the City Council mock up signs and brochures for signs to be placed at Firefly park.

Mr. Zook reported there was a tentative date planned for an event for Firefly Park the last Friday in June on the 28. Mr. Zook said he would prefer to not allow dogs in Firefly Park.

Mr. Zook reported on Public Works projects; the sidewalk on 640 West, the round-about at 3200 south and 12th west and the home purchased by the city at the round-about location.

Mr. Zook reported on fire response and contracts with Hyrum City.

Mr. Zook reported on working with Hyrum in taking over court

Mr. Zook reported that Nibley City's Treasurer had her baby and Nibley City's front-desk clerk was about to go on maternity leave. The City was growing.

Referring the justice court, Mayor Dustin reported on discussion with Nibley's prosecutors and Hyrum City. He liked the idea of Nibley City maintaining some control over their prosecution; Hyrum had offered Nibley just use their prosecutor. Mayor Dustin said he would like to put out an RPF for a City Prosecutor and go through a formal selection process. Councilmember Ramirez thought the prosecutor was probably more important than the judge and felt Mayor Dustin was thinking correctly. He said Hyrum's attorney was their prosecutor and he believed that was a huge conflict of interest and described why he felt that way. The City Council indicated they were alright with presenting a Request for Proposals for prosecution services.

Mr. Zook said an analysis of Nibley's streets had been done by the State. He anticipated reporting their results to the City Council at a future meeting.

Mr. Zook reported on meeting with Nibley City's benefits broker and reported that benefit prices were not going up.

Mr. Zook reminded the City Council of the upcoming candidacy declaration period.

Mr. Zook gave the City Council a flyer regarding a

Adjourn to Closed Session to discuss personnel pursuant to Utah Code 52-4-205

Councilmember Larsen moved to adjourn to closed session to discuss personnel pursuant to Utah Code 52-4-205. 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.

The City Council moved to closed session at 8:57 p.m.

The City Council returned from closed session at 9:08 p.m.

Mayor Dustin said he had reviewed David Zook's performance as a City Manager over the past year and would like to give a favorable recommendation, to the City Council, of his performance and his vote of confidence. He asked the City Council for a motion to accept the favorable recommendation.

Councilmember Jacobsen moved to accept the favorable recommendation of David Zook, Nibley City Manager, for his past year's performance. Councilmember Ramirez seconded the motion.

Each City Councilmember gave their favorable comments of Mr. Zook's performance as Nibley City manager over the past year.

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

There was general consent to adjourn the meeting at 9:15 p.m.

Attest: _____
Deputy City Recorder