

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, January 9, 2020.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Bernhardt moved to adopt Resolution 20-01: A Resolution Adopting**
7 **the Annual Meeting Schedule for the Nibley City Council; and waive the second**
8 **reading. Councilmember Laursen seconded the motion.**

9
10 **Councilmember Bernhardt made a motion to amend Resolution 20-01: A**
11 **Resolution Adopting the Annual Meeting Schedule for the Nibley City Council;**
12 **changing the July 23, 2020 meeting date to July 30, 2020. Councilmember**
13 **Larsen seconded the motion. Motion passed unanimously 5-0; with,**
14 **Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus,**
15 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

16
17 **The amended motion passed unanimously 5-0; with Councilmember Bernhardt,**
18 **Councilmember Laursen, Councilmember Beus, Councilmember Larsen, and**
19 **Councilmember Sweeten all in favor.**

20
21 **Councilmember Bernhardt moved to approve Ordinance 20-01: An Ordinance**
22 **Requiring All Nibley City Utilities to be in the Property Owners Name for First Reading.**
23 **Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with**
24 **Councilmember Bernhardt, Councilmember Beus, Councilmember Larsen,**
25 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

26
27
28 **OFFICIAL MINUTES OF THE MEETING**
29 **Deputy City Recorder Cheryl Bodily took minutes**

30
31 **Opening Ceremonies**

32 Councilmember Larsen opened the meeting with a prayer.

33
34 **Swearing-In Ceremony for Newly-elected Officials**

35 Nibley City Recorder, David Zook had Councilmember Tom Bernhardt repeat the
36 following:

37
38 *I, Tom Bernhardt, having been elected on November 5, 2019 to the*
39 *Nibley City Council*
40 *Do solemnly swear (or affirm) that I will support, obey and defend*
41 *The Constitution of the United States and*
42 *The Constitution of the State of Utah,*
43 *and That I will discharge the duties of my office with fidelity.*
44

1 Mr. Zook then had Nathan Laursen repeat the Oath of Office:

2
3 *I, Nathan Laursen, having been elected on November 5, 2019 to the*
4 *Nibley City Council*

5 *Do solemnly swear (or affirm) that I will support, obey and defend*
6 *The Constitution of the United States and*
7 *The Constitution of the State of Utah,*
8 *and That I will discharge the duties of my office with fidelity.*
9

10 Finally, Mr. Zook had Kay Sweeten repeat the Oath:

11
12 *I, Kay Sweeten, having been elected on November 5, 2019 to the*
13 *Nibley City Council*

14 *Do solemnly swear (or affirm) that I will support, obey and defend*
15 *The Constitution of the United States and*
16 *The Constitution of the State of Utah,*
17 *and That I will discharge the duties of my office with fidelity.*
18

19 **Call to Order and Roll Call**

20 Mayor Shaun Dustin called the Thursday, January 9, 2020, Nibley City Council meeting to
21 order at 6:39 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember
22 Kathryn Beus, Councilmember Thomas Bernhardt, Councilmember Norman Larsen,
23 Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Mr. David Zook,
24 Nibley City Manager, Stephen Nelson, Nibley City Planner, Justin Maughan, Nibley City
25 Public Works Director, and Michelle Jensen, Nibley City Treasurer was also in
26 attendance. Commissioner Garrett Mansell was also present at the meeting.
27

28 **Approval of agenda; and approval of the December 12, 2019 meeting minutes**

29 Councilmember Beus moved to approve the meeting's agenda and the previous meeting
30 minutes. Councilmember Larsen seconded. Councilmember Bernhardt

31
32 Councilmember Bernhardt noted some grammatical corrections to the minutes; "Mayor
33 Pro Tem Beau" needed to be replaced with "Mayor Pro Tem Beus" throughout the
34 document. General consent was given to make these changes.
35

36 The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen,
37 Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten in
38 favor.
39

40 **Public Comment Period**

41 Mayor Dustin gave direction to the public present and opened the Public Comment
42 Period at 6:41 pm
43

44 Seeing no comments, Mayor Dustin closed the Public Comment Period at 6:41 p.m.

1 **Planning Commission Report**

2 Commissioner Garrett Mansell gave this report.

3
4 Commissioner Mansell congratulated the new Councilmembers. Commissioner Mansell
5 recapped that the Planning Commission had accomplished most the goals the Planning
6 Commission had set out to do in the past year: modifying the subdivision ordinance, the
7 Rural Preservation ordinance, and the PUD ordinance. He said the Planning Commission
8 had been working on trying to make things simpler and a lot clearer in the language so it
9 wasn't so tedious to understand. Commissioner Mansell said at their previous meeting,
10 the Planning Commission had held a public hearing on a Dark Sky ordinance and there'd
11 been quite a few people show up. Commissioner Mansell said the first R-PUD
12 application had been submitted and had been recommended to the City Council with
13 some conditions. He said there were a number of other developments coming up on the
14 next Planning Commission agenda.

15
16 Mayor Dustin and Commissioner Mansell discussed which concerns residents expressed
17 about the Dark Sky ordinance.

18
19 **Discussion and Consideration of Resolution 20-01: A Resolution Adopting the Annual**
20 **Meeting Schedule for the Nibley City Council**

21 Nibley City Deputy Recorder, Cheryl Bodily gave this presentation.

22
23 Ms. Bodily reminded the City Council that section 52-4-202(2) of the Utah Code required
24 a public body, which holds regular meetings that are scheduled in advance over the
25 course of a year, should give public notice at least once each year of its annual meeting
26 schedule.

27
28 Ms. Bodily reviewed that the Council met the second and fourth Thursday of each
29 month and then summarized the meeting exceptions for the 2020-meeting schedule.

- 30
31
 - There is only one meeting scheduled in April so Councilmembers can attend the
 - 32 ULCT Mid-Year conference being held April 22-24.
 - 33 • There is only one meeting scheduled in September so Councilmembers can
 - 34 attend the ULCT Annual conference being held September 23-25.
 - 35 • The schedule proposes only one meeting in the months of November and
 - 36 December to observe Thanksgiving and Christmas Eve.

37
38 Ms. Bodily said the schedule presented to Council for adoption also proposed the
39 meeting time remain at 6:30 p.m.

40
41 Councilmember Bernhardt moved to adopt Resolution 20-01: A Resolution Adopting the
42 Annual Meeting Schedule for the Nibley City Council; and waive the second reading.
43 Councilmember Laursen seconded the motion.

1 Mayor Dustin described the first and second meeting reading process to the public
2 present.

3
4 Councilmember Bernhardt recommended the City Council alter the meeting schedule in
5 July and not hold a meeting on the 23rd of July. He noted the Utah holiday on the 24th of
6 July fell on a Friday. Mayor Dustin suggested they tentatively schedule the meeting for
7 the 22nd of July. Mr. Zook suggested another option would be the 30th because July had
8 five Thursdays.

9
10 Councilmember Bernhardt made a motion to amend Resolution 20-01: A Resolution
11 Adopting the Annual Meeting Schedule for the Nibley City Council; changing the July 23,
12 2020 meeting date to July 30, 2020. Councilmember Larsen seconded the motion.
13 Motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
14 Larsen, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all
15 in favor.

16
17 The amended motion passed unanimously 5-0; with Councilmember Bernhardt,
18 Councilmember Laursen, Councilmember Beus, Councilmember Larsen, and
19 Councilmember Sweeten all in favor.

20
21 **Discussion and Consideration of Ordinance 20-01: An Ordinance Requiring All Nibley**
22 **City Utilities to be in the Property Owners Name (First Reading)**

23 Michelle Jensen, Nibley City Treasurer, led this presentation.

24
25 Ms. Jensen said the ordinance would make it so all utility accounts would be billed to a
26 property owner, instead of to a renter or tenant. Ms. Jensen said she'd attend the Utah
27 Association of Public Treasure's Institute conference and the topic had been discussed
28 and was becoming a problem throughout the state of Utah and she could see the
29 potential for problem with the growth that was proposed in Nibley. Ms. Jensen said
30 private property owners in Nibley could check credit references before letting a tenant
31 or renter in, while Nibley City couldn't be selective of whom they provided utility
32 services to. If a renter leaves town with out paying utilities, a private property owner
33 has no responsibility for this and a new renter can sign up. If the ordinance were passed
34 then the responsibility would be with the landlord and not with the City, tenant or
35 renter. Ms. Jensen believed landlords wouldn't be in favor of the ordinance but were
36 asking the City to do something they themselves didn't want to do. She described that
37 landlords had better means in collect money owed from tenants. Ms. Jensen described
38 that Nibley City opened approximately 6 new utility accounts for renters and it became
39 a revolving process taking staff time.

40
41 Ms. Jensen address questioned she'd received from Councilmember Laursen. He'd
42 asked for how many tenant/landlord accounts Nibley had. She said she didn't have the
43 data but was trying to work with Cache County to get tax roll and get a better idea. She
44 said Councilmember Laursen also wanted to know how many that went to collections

1 were tenants versus landlords. She didn't have this data either. Ms. Jensen described
2 the utility shutoff process. Ms. Jensen said people would be grandfathered in to current
3 practices; the ordinance would be implemented when there was a need to do
4 something different. If a tenant moved out they would go in and sign the landlord on at
5 that time. She wanted to move forward implementing the process and putting it in
6 place.

7
8 Councilmember Larsen asked what kind of deposit Nibley City required? Ms. Jensen said
9 Nibley City didn't require a deposit and for a deposit to be effective they'd have to
10 charge \$400-500. She said it was an option. Mr. Zook said this would put the onus on
11 every single Nibley resident when it was a small percentage that went to collections.

12
13 Councilmember Beus asked if the occupant of the home would receive mail in the name
14 of the property owner? Ms. Jensen said the paper bill would go to the landlord/owner.
15 The landlord can give a tenant access to the utility through Express Bill Pay but this
16 would ultimately leave the landlord responsible for the utility. Mayor Dustin asked if the
17 residents would still receive a copy of the newsletter. Ms. Jensen said the paper copy of
18 the newsletter would go to the landlord but the tenant would have access
19 electronically. Mayor Dustin requested the resident receive a paper copy of the
20 newsletter. Mr. Zook and Ms. Jensen both felt this could be arranged.

21
22 Councilmember Bernhardt moved to approve Ordinance 20-01: An Ordinance Requiring
23 All Nibley City Utilities to be in the Property Owners Name for First Reading.
24 Councilmember Beus seconded the motion.

25
26 Councilmember Bernhardt said the homeowners and tenants were going to be more
27 upset or disgruntled with staff. He asked how they handled the landowners that were
28 renting but were in St. George. Ms. Jensen said the entire utility process could be
29 completed online and Nibley City never disrupted service in a transition of people. If it
30 took a day or two to process the occupant would still have access to utilities.

31 Councilmember Bernhardt suggested they might list examples of documentation of
32 ownership in the ordinance. Mr. Zook said staff typically went off County GIS ownership
33 records.

34
35 Councilmember Beus asked for a dollar amount that Nibley City had lost. Ms. Jensen
36 said Nibley City sent \$5,000-6,000 to collections per year. Once someone moved out of
37 State, Nibley City could no longer pursue collection. Mr. Zook said it ended up being 1-2
38 individuals being sent to collections per month, which was an onerous process. Mayor
39 Dustin said some of the stories were tragic and some were lazy. People were in a much
40 better frame of mind when they were moving forward and not moving back.

41
42 Councilmember Larsen described some of the ways tenants took advantage of utilities
43 being in a landlord's name. Mayor Dustin asked if the City could shut off utilities if the
44 landlord requested it. Ms. Jensen said they could; that could currently be done.

1 Councilmember Sweeten asked about the fees for disconnecting/reconnecting water
2 services. Ms. Jensen summarized this process. Councilmember Beus questioned if
3 residents were paying debt service toward sewer services. Mayor Dustin thought they
4 ought to cut treatment costs off the collection cost.

5
6 Mr. Zook said Ms. Jensen did a great job and dealt with some of the most difficult
7 situations that had to be dealt with as a City. He complimented and commended her for
8 doing a tough job.

9
10 Councilmember Bernhardt asked how they intended to let landowners know that this
11 was coming “down the pipe?” Mr. Zook said they would do a lot of public outreach using
12 the utility bill, Facebook, the newsletter and other avenues. Councilmember Laursen
13 said his biggest concern was that he foresaw a lot more rental properties and he was
14 concerned that the landlords would put that liability towards rent and would have an
15 impact on affordable housing. Most landlords would take the liability and tack the
16 collection fees on to rental rates. This was why he wanted to take another meeting to
17 consider the ordinance. Councilmember Bernhardt said landlords had shifted the
18 responsibility/liability on to the City and on to Nibley’s citizens. Councilmember Laursen
19 said the liability would enforce better tenant/landlord agreements.

20
21 The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
22 Beus, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all
23 in favor.

24 25 **Council and Staff Reports**

26 Mayor Dustin reported that Local Officials Day was January 29th. He would not be able
27 to attend because of a conflicting conference.

28
29 Mayor Dustin reported on a conversation with Mayor Miller about wastewater and felt
30 Hyrum was onboard to divert some of Nibley’s wastewater down to Hyrum. Mayor
31 Dustin said he and staff would figure out what costs were and bring them back to the
32 Council.

33
34 Mayor Dustin said that Mayor Miller had been working with Craig Buttars with EMS. The
35 County had put out an RFP to hire a consultant to see which were the best options.

36 Mayor Dustin said Mayor Miller was important to these discussions because Hyrum had
37 a fire station. He, Mayor Hair, and Mayor Miller all agreed that a countywide system
38 needed to be run by the County and not by Smithfield City or any other city. Mayor
39 Dustin said his first preference was a countywide system with Logan involved, second a
40 countywide system with headquarters in the Council and the Chief being paid directly by
41 the county, third was a south-County system. Mayor Dustin said each option became
42 progressively more expensive.

1 Councilmember Laursen reported on his attendance at the Utah League of Cities and
2 Towns training for newly elected officials.

3
4 Councilmember Larsen expressed a public appreciation for former Councilmember Ron
5 Hellstern.

6
7 Councilmember Laursen disclosed that his first-cousin, Mr. Maughan was the Nibley City
8 Public Works Director.

9
10 Councilmember Sweeten reported that she'd also attended the Utah League of Cities
11 and Towns training for newly elected officials. Mayor Dustin recognized that Mr. Zook
12 had been responsible for approximately an hour of that training.

13
14 Councilmember Beus asked what Nibley City intended to do for Ron Hellstern's family.
15 Mr. Zook said the City intended to plant a tree somewhere in Nibley in his memory.

16
17 Councilmember Bernhardt asked about enforcement of dogs at Firefly Park. He said
18 they should either enforce the law or forget it. He didn't feel dogs on a leash were a
19 problem. He felt it was individuals that let their dog run free that were the problem.

20
21 Mr. Zook congratulated the new City Councilmembers and encouraged them to attend
22 the spring and fall conference put on by the League of Cities and Towns. Mr. Zook asked
23 if any Council members would attend Local Officials Day. Councilmember Sweeten and
24 Councilmember Laursen said they would attend.

25
26 Mr. Zook said he'd forwarded the City Council an email that showed video trainings
27 from the State Auditor's office.

28
29 Mr. Zook said staff was moving forward with a Capital Projects Master plan. He and
30 Mayor Dustin were moving forward with details on a steering committee. He may ask
31 some of the City Councilmembers to participate on the committee.

32
33 Mr. Zook reported that the next City Council meeting would have several items and
34 asked the City Council to do their homework and study the issues.

35
36 Councilmember Bernhardt asked Mr. Maughan for an updated on Clear Creek pond and
37 park. Mr. Maughan didn't have an update at that time.

38
39 Mayor Dustin adjourned the meeting in remembrance of Ron Hellstern's service to the
40 City; and as a guy whose vision shaped a lot of what they did and influenced a lot of
41 people, at 7:42 p.m.

42
43 Attest: _____
44 Deputy City Recorder