

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 14, 2020.

The following actions were made during the meeting:

Councilmember Beus moved to approve Resolution 20-05: A Resolution Amending the Budget for Various Funds of Nibley City for Fiscal Year 2019-20, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2020-21 and Adjusting Certain Fees and Payments for Services, for first reading.

Councilmember Laursen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Laursen, Councilmember Bernhardt Councilmember Larsen, and Councilmember Sweeten all in favor.

Councilmember Larsen made a substitute motion to approve Resolution 20-06: A Supplement to the Nibley City Emergency Operations Plan - Pandemic Response Plan, for second reading. Councilmember Beus seconded the motion.

Councilmember Bernhardt made a motion to amend 6-g-5 to read:

“Providing Logistical Support to Assist Public Health Officials with Providing Medical Care to the Public”

Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Councilmember Bernhardt moved to approve Ordinance 20-09: An Update to Nibley City Commercial and Neighborhood Commercial Zoning Standards. Councilmember Larsen seconded the motion.

Councilmember Bernhardt made a motion to amend Ordinance 20-09 to include the following definition of a commercial condominium:

“A commercial condominium (or condo) is an individually owned unit that is part of a larger multi-unit commercial building with various owners.”

Councilmember Laursen seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten all in favor.

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

Councilmember Larsen moved to approve Resolution 20-04: Interlocal Agreement Regarding Wastewater Services. Councilmember Sweeten seconded the motion.

Mayor Dustin made a motion to amend that Councilmember Nathan Laursen and Councilmember Kathryn Beus serve on the South Cache Valley Reclamation Board. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Councilmember Bernhardt moved to accept the favorable review of Nibley City Manager, David Zook. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Beus, Councilmember Larsen, and Councilmember Laursen all in favor.

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

Opening Ceremonies

Councilmember Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, May 14, 2020, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Kathryn Beus, Councilmember Thomas Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Mr. David Zook, Nibley City Manager, Levi Roberts, Nibley City Planner, Justin Maughan, Nibley City Public Works Director, Chad Wright, Nibley City Recreation Director, and Michelle Jensen, Nibley City Treasurer was also in attendance.

Mayor Dustin noted the State, with exception of a few Wasatch front Counties, was moving to yellow in regards to COVID-19 response. He said this wouldn't make many changes in regards as to how they were conducting City Council meetings.

Mayor Dustin said Malouf had been given incentives from the State and intended to stay around in Nibley. He said Malouf had also included Nibley in their GOED

(Governor's Office of Economic Development) presentation and taken Logan out of their slides.

Approval of the April 9, 2020 meeting minutes and Current Agenda

Councilmember Larsen moved to approve the previous minutes and agenda as outlined. Councilmember Beus seconded the motion.

Councilmember Laursen noted and listed several typos in the draft 4-9-2020 minutes. With general consent from the City Council, Deputy Recorder Bodily recorded and made his suggested changes.

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

Public Comment Period

Mayor Dustin gave direction to the public present and started the Public Comment Period at 6:35 p.m.

Kent Smith of 2316 South 1200 West in Nibley presented numbers he felt would be helpful to the Council as guidance in policy planning. Mr. Smith quoted from the 2013 Economic Development and Strategic Plan, the 2016 General Plan, and a visioning workshop. He discussed the recent political effort and stated there were 1,514 voters that were opposed to high density in Nibley City. He presented other statistics related to apartment and town home numbers and discussed moderate-income housing needs in Cache Valley. Mr. Smith quoted Theodore Roosevelt.

Brian Anderson of 780 West and 3200 South thanked the City Council for what they did. He discussed his observations of traffic on 3200 South, particularly truck traffic and his perception that traffic was going more than 35 MPH. He questioned if patrols had decreased with schools being out. He discussed subdivision construction and wondered if they would be staggered. Mr. Anderson asked for an update of moving mailboxes to both sides of 3200 South. He hoped the City would be installing and moving the mailboxes for the residents on 3200 South. Mr. Anderson said if there were major building projects being proposed in the City that the notifications should be mailed out to everyone.

Mayor Dustin closed the public hearing at 6:44 p.m.

Mr. Zook said the last time he had discussed the mailbox routes with the postal service they'd indicated they would change their route in the spring. He said each mailbox was private property so the residents would be required to move their own mailbox. The postal service had requested that all the post boxes be moved on the same weekend to facilitate sorting and delivery and had asked the City to facilitate getting the word out. Mayor Dustin said that subdivisions coming in at the same time were a function of the

subdividers, but he'd heard that COVID has slowed a lot of things down. Mayor Dustin said the City could get enforcement out on 3200 South. Mr. Zook suggested the City could put their radar signs out on 3200 South, which would record and provide data to the Sheriff's office.

Planning Commission Report

Mr. Zook introduced Levi Roberts, Nibley City's new City Planner. He said they were sad to lose the previous City Planner but happy to have a great replacement. Mr. Zook described Mr. Roberts's planning history, public government and educational background. Mr. Zook reviewed Mr. Roberts varied planning experiences.

Mr. Roberts expressed how excited he was to work for Nibley City.

Mr. Roberts reported that the Planning Commission was workshopping the following land-use items: Accessory Dwelling Units, Residential-Planned Unit Development, and Rural Preservation ordinances. He reported the Planning Commission was suggesting the name of the Rural Preservation ordinance be changed to the Open Space ordinance. He said the Planning Commission was still working through details of these ordinances and would hold workshops at the next Planning Commission meeting. He anticipated the ADU and Open Space ordinances would come before the City Council in June.

Presentation – The Nibley City Parks and Recreation Committee

Chad Wright introduced the members of the Nibley City Parks and Recreation Committee. He utilized an electronic presentation entitled *Nibley Parks and Recreation Advisory Committee May 14, 2020 Presentation* (a printed version of the presentation is included in the printed meeting minutes). Mr. Wright discussed the following topics: Committee Intro, Committee Work, and Committee Experience. Cody Sorenson took over the presentation next. He discussed the following: Community Park and Rec Priorities Recommended by the Nibley Parks and Rec Committee, Regional Park: Multi-Use Park – Place to Gather, Celebrate, Achieve, Enjoy; Core Value Match/Multi-Use Park, Demonstrated Interest in Recreation on Athletic Fields, Value Youth Sports @ Multi-Use Park, Multi-Use Park Opportunities, Considerations/Multi-Use Park, Efficiency & Value of Centralized Recreation, Centralized Athletic Fields City Standard, Urgency – Multi-Use Park, Location Considerations/Multi-Use Park, Funding Options/Multi-Use Park, Our Support/Multi Use Park. Sierra Nelson began her portion of the presentation. She covered the following topics: Morgan Farms, Why It Is Important, and What the Farm Could Be. Carter Hansen a member of the Nibley City Youth Council discussed Recommendations for the Morgan Farm property. Mr. Hansen shifted the discussion to a third priority, Trail System. Mr. Sorenson returned to the lectern and presented the PRAC's fourth and fifth priorities of an Indoor Multi-Use Facility and Splash Pad or Multi-Use Pad. He then discussed the Ridgeline Park Property Plan, a Conclusion, and took questions.

Councilmember Bernhardt said his priority was to take care of the recreation aspect of group sports and that competitive use was well below in priority. He felt an indoor use facility was an exclusionary space and didn't see it as a gathering space. Mr. Sorenson discussed all the options of a multi-use field and said an indoor facility would provide training opportunities and yoga or fitness options could use an indoor facility.

Councilmember Laursen asked if a recreation center came up in the Recreation Committee's priorities? Mr. Sorenson said a recreation center could fold right in to a multi-use facility.

Councilmember Beus said she wanted specifics and wanted to begin discussion about narrowing things down to phases the City Council could discuss in a budget. Mr. Sorenson discussed starting with phase 1 and felt this would start momentum and cause the community to get behind development moving forward.

Councilmember Larsen discussed Ridgeline Park and the trade off in park for denser housing and whether Nibley City residents wanted this.

Mayor Dustin asked the PRAC for their vision and described how Nibley City had to consider competing priorities such as water, sewer and roads and balancing those with the needs and wants of Nibley's residents. He said they needed public support to generate funding. He asked the PRAC to consider what they could do to generate community support. Ms. Nelson discussed the desire for a community based focus group to generate support. She discussed initial investment and the turn around of capital for the City.

Discussion & Consideration – Resolution 20-05: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2019-20, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2020-21 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)

Mr. Zook led this presentation. He used an electronic presentation entitled *Nibley City Budget Fiscal Year 2020-21* (a printed version of the presentation is included in the printed meeting minutes). Mr. Zook gave a brief overview of the budget and addressed some of the changes, projects, and proposals. His presentation included Overview and Updates, Budget Overview, Sources of Revenue, Overall Budget, Overall Budget, General Fund Revenue, Tax Revenue, Nibley City Sales Tax Revenue, General Fund Changes, General Fund – 11 Departments, Other Funds – 7 more Budgets, Impact Fee Funds – 5 More Budgets, Key Changes, Proposals and Projects, Capital Projects, Vehicles, Transportation Projects, Stormwater Pond Maintenance, Water, Park Impact Fees, Budget Amendments for FY 2019-2020, and Next Steps.

Councilmember Beus asked for and received clarification on grants received from VW for new dump trucks.

Councilmember Beus moved to approve Resolution 20-05: A Resolution Amending the Budget for Various Funds of Nibley City for Fiscal Year 2019-20, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2020-21 and Adjusting Certain Fees and Payments for Services, for first reading. Councilmember Laursen seconded the motion.

Councilmember Laursen requested a table showing levels of expertise and salary versus trade for what they would be contracting out for engineering services. The Council discussed needed engineer services in Nibley City. Mr. Zook directed Councilmember Laursen to the compensation table at the back of the proposed budget. Councilmember Laursen questioned if there would be an opportunity to talk about staff and compensation. Mayor Dustin and Mr. Zook discussed COLA (Cost of Living Adjustment) models. Councilmember Laursen questioned that there were no changes in emergency services in the proposed budget and asked if it was not foreseen that there would be changes with the current situation with Logan City emergency services. Mr. Zook reported that there were no numbers to report at that time. Logan and Smithfield City had both applied for ambulance service licensure. The County was also conducting a study to decide if they wanted to apply for a license. Mr. Zook said it was possible the County would provide services and they wouldn't have to provide funds because it would be funded by billing but it may also go the other direction. Councilmember Laursen also noted he didn't see changes with sewer and assumed there was nothing related to sewer services available.

Councilmember Bernhardt said it seemed like they had projects they signed up for each year that never seemed to get done. He questioned accountability. He said he would like to see a list of projects with anticipated start and end dates. He thought there should be a little more accountability to the City Council and citizens. Mayor Dustin reported that one of the goals of the upcoming year was to get more accountability at individual and department levels. They wanted to start a project management process that worked with all city processes across the board. Mr. Zook and Councilmember Bernhardt discussed having more accountability with the City Council and citizens.

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

General consent was given to suspend the agenda and move to item 11; a workshop to discuss reinstatement of the Nibley Redevelopment Agency and a plan for creating a project area and providing incentives

Chad Wright left the meeting at 8:48 p.m.

Workshop – Discuss reinstatement of the Nibley Redevelopment Agency and a plan for creating a project area and providing incentives

Jeff Steed, Chief Legal officer and Jeff Holyoak, Legal Team officer for Malouf were present at the meeting. Mr. Zook led this workshop. He utilized an electronic presentation entitled *Nibley Community Reinvestment Area (CRA) Project Stockton Malouf Headquarters Expansion Nibley, Utah May 2020* (a printed version of the presentation is included in the printed meeting minutes). His presentation included the following topics: Overview of Discussion, What is Tax Increment Financing?, Malouf Overview and Expansion, Estimated Uses of Tax Increment, Financial Model for Proposed Malouf CRA, Agency Creation Documents, Introduction: Community Reinvestment Agencies, and Community Reinvestment Area Process.

Mr. Steed described the anticipated addition to Malouf's headquarters. He said it would be a zero Impact energy building and would be very environmentally friendly and was being designed by the same architects that designed Google's headquarters. Mr. Steed offered to send the Council a design of what they were planning to build.

Councilmember Laursen asked about continuation of the Malouf foundations. Mr. Steed said it would absolutely continue and were in talks to build a family justice center, which would be given back to the community. He said Malouf intended to be good corporate citizens in any way they could. Councilmember Bernhardt asked about Malouf's Expansion Project Expenses and asked what the goals were for the Sport Park and Recreation Area. Mr. Steed said the goal was to give back to their stakeholders, employees and community. Mr. Holyoak said they wanted to make the Malouf land more beautiful to provide an incentive to attract more business and fill the plots of land. He also described that part of their agreement with the State was that they would provide 1,200 new jobs. Councilmember Sweeten asked the Malouf representatives if they had feedback from their employees as to the types of housing they would expects. Mr. Steed believed it was their employees dream to live the "American dream" to own a single-family residence.

Councilmember Bernhardt moved to suspend the evening's agenda to address items 8, 12, & 13 in the agenda. Councilmember Larsen seconded the motion.

Mayor Dustin amended the items he felt the City Council needed to address.

Councilmember Bernhardt made substitute motion to suspend the evening's agenda to address the remaining items on the agenda. Councilmember Laursen seconded the motion. The motion passed 3-2; with Councilmember Bernhardt, Councilmember Laursen, and Councilmember Larsen in favor. Councilmember Beus and Councilmember Sweeten were opposed.

Discussion & Consideration – Resolution 20-06: A Supplement to the Nibley City Emergency Operations Plan - Pandemic Response Plan (First Reading)

Councilmember Beus moved to approve Resolution 20-06: A Supplement to the Nibley City Emergency Operations Plan - Pandemic Response Plan, for first reading. Councilmember Larsen seconded the motion.

Councilmember Larsen made a substitute motion to approve Resolution 20-06: A Supplement to the Nibley City Emergency Operations Plan - Pandemic Response Plan, for second reading. Councilmember Beus seconded the motion.

Councilmember Bernhardt questioned section VI-5.

“Assisting Public Health Officials with Providing Medical Care to the Public

Public health officials may need assistance in providing medical care to those affected by the pandemic. This could include:

- Supporting Medical Testing
- Supporting Vaccinations
- Supporting Triage Locations
- Transporting Patients or Care Providers
- Transporting Supplies
- Supporting the siting, set up and operations of field hospitals
- Supporting Morgue Operations
- Providing traffic control and management around critical facilities
- Providing support to other first responders as needed”

Mr. Zook said he envisioned staff helping with setting up field hospitals or assistance tents.

Councilmember Bernhardt made a motion to amend 6-g-5 to read:

“Providing Logistical Support to Assist Public Health Officials with Providing Medical Care to the Public”

Councilmember Larsen seconded the motion. The motion passed 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Discussion & Consideration – Ordinance 20-09: An Update to Nibley City Commercial and Neighborhood Commercial Zoning Standards (Second Reading)

Councilmember Beus briefly left the meeting at 9:48 p.m.

Mr. Roberts led this presentation. He utilized an election presentation entitled He utilized an electronic presentation entitled *Commercial and Neighborhood Commercial Zoning Standards May 14, 2020* (a printed version of the presentation is included in the printed meeting minutes). His presentation included the following topics: Process, and Purpose – Commercial.

Councilmember Beus returned at 9:50 p.m.

Mr. Roberts continued his discussion; Purpose - Neighborhood Commercial, Changes Incorporated Since last meeting, and Recommendation

Ms. Jensen left at 9:53 p.m.

Councilmember Larsen asked if this would be like the other ordinance and they would have a flood of individuals wanting to build this type of development? Councilmember Bernhardt asked for clarification on commercial condominiums and where they could be included other than in the Nibley City town center. Mr. Zook described commercial condominiums on Nibley Parkway and other commercial condominiums development in Cache Valley

Mayor Dustin asked if Mr. Roberts could include a definition for Commercial Condominium that specified that it was a building of 100% commercial use? Where the whole building had to be commercial? Councilmember Bernhardt agreed and felt clarification would be useful.

Councilmember Bernhardt moved to approve Ordinance 20-09: An Update to Nibley City Commercial and Neighborhood Commercial Zoning Standards. Councilmember Larsen seconded the motion.

Councilmember Bernhardt made a motion to amend to include the following definition of a commercial condominium in Ordinance 20-09:

“A commercial condominium (or condo) is an individually owned unit that is part of a larger multi-unit commercial building with various owners.”

Councilmember Laursen seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten all in favor.

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

Discussion & Consideration – Resolution 20-04: Interlocal Agreement Regarding Wastewater Services (Third Reading)

Mayor Dustin said that the Resolution would set up an interlocal group that would discuss wastewater services so that they could come up with what the cost would be so that they could consider altering wastewater services.

Councilmember Larsen moved to approve Resolution 20-04: Interlocal Agreement Regarding Wastewater Services. Councilmember Sweeten seconded the motion.

Councilmember Larsen said the Resolution referenced a few agreements with Millville and asked for clarification on the references. Mayor Dustin, Mr. Zook and the City Council discussed the references. They also discussed the timeframe for moving forward on the agreement with Mayor Dustin noting that moving forward would depend on Hyrum and Millville adopting the Resolution. The Mayor and City Council discussed who should be appointed to sit on the South Cache Valley Reclamation Facility Board. Councilmember Laursen volunteered to sit on the board.

Mayor Dustin made a motion to amend that Councilmember Nathan Laursen and Councilmember Kathryn Beus serve on the South Cache Valley Reclamation Board. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Council and Staff Reports

Councilmember Laursen said he'd met with the owners and neighbors of Apple Creek Trail and he agreed with Mr. Zook; that they should never let a development go without putting in city owned or planned amenities.

Councilmember Laursen said he also agreed with Councilmember Bernhardt; that there should be accountability and was glad those items had been discussed.

Councilmember Sweeten reported that she'd spent a lot of time responding to the current Nibley City referendum.

Councilmember Larsen reported on meeting with new residents of the Mt. Vista subdivision.

Councilmember Bernhardt asked what was happening on 700 West with road and utility construction. Mr. Maughan updated the City Council on this project.

Mr. Zook reported that there would be a small tree planting for Ron Hellstern on Saturday at Firefly Park next to the pollinator garden. He said this was not a public event but the City Council was welcome to come at 10:00 a.m.

Mr. Zook reported that Governor Herbert had changed Cache County from orange to yellow on the COVID scale. He anticipated City Hall would be opened in the next week with staggered staff. Mr. Zook said there were Cares Act funds that the States was supposed to share with the cities. He said the State was still trying to decide how they were going to share the funds because there hadn't been many guidelines given.

Mr. Zook reported on 3200 south roundabout property acquisitions and the intersection at 3200 South.

Mr. Zook reported on renegotiating Rocky Mountain Power's franchise agreement.

Mr. Zook reported and discussed a Letter to the Editor that had been published regarding Nibley's Greenwaste Recycle site.

Mr. Zook reported the most recent data from the Cache County Clerk's office regarding the Firefly referendum process.

Mr. Zook reported that Cache County had give Nibley City an election dropbox that would be installed by June. Nibley City could also use this dropbox for its elections.

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

Councilmember Beus moved to adjourn to closed session to discuss personnel pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

The regular City Council meeting moved to closed session at 10:43 p.m.

Councilmember Bernhardt moved to accept the favorable review of Nibley City Manager, David Zook. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Beus, Councilmember Larsen, and Councilmember Laursen all in favor.

There was general consent to adjourn the meeting at 11:43 p.m.

Attest: _____
Deputy City Recorder