

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, June 11, 2020.

The following actions were made during the meeting:

Councilmember Laursen moved to approve Ordinance 20-11: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

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

Councilmember Bernhardt moved to approve Ordinance 20-12: An Ordinance Granting Rocky Mountain Power A Power Franchise. 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.

Councilmember Beus made a substitute motion to continue discussion & consideration of Ordinance 20-07: Residential Planned Unit Development Overlay Zone and Development Agreement for Nibley Meadows, located at approximately 1000 W and 3200 S. Proposing 301 units on 54.6 acres. Councilmember Larsen seconded the motion. The substitute motion passed 4-1; with Councilmember Beus, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten in favor. Councilmember Bernhardt was opposed.

Councilmember Beus moved to approve Resolution 20-07: Setting Water Rates for Nibley City, for first reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt made a motion to amend Resolution 20-07 to be implemented on October 1, 2020. 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 amend motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

Councilmember Larsen moved to approve Resolution 20-08: Updating Nibley City's Consolidated Fee Schedule, for first reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in favor.

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

Mayor Dustin led the meeting in the Pledge of allegiance.

Mayor Dustin quoted from Nibley's Engineer:

"We may have come in different ships, but we're all in the same boat now."

Mayor Dustin said this was self-evident they could figure out ways to work together

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, June 11, 2020, Nibley City Council meeting to order at 6:36 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, Rod Elwood, Nibley City Parks Superintendent, Michelle Jensen, Nibley City Treasurer, and Chad Wright, Nibley City Recreation Director was also in attendance.

Approval of agenda; and approval of the May 28, 2020 meeting minutes

Councilmember Larsen moved to approve the May 28, 20 meeting minutes and the evening's agenda. Councilmember Beus seconded the motion. 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. Mayor Dustin opened the public comment period at 6:42 p.m.

Ross Jacobson of 3904 Hollow Road asked about the Council receiving a letter from Lowel Johnson. Most of the Council indicated they'd received and read the letter. He

said Mr. Johnson's letter expressed a lot of the feelings residents had about high density that was coming into the community. He questioned how much density was needed and if they had enough. He asked if the City Council had experiences living in townhomes. He said townhomes were cracker rooms that were cold and uncomfortable. He discussed the impact of high density on property values, roads, sewer, police, and EMTs. Mr. Jacobsen said Nibley didn't have to cater to the developer. Mr. Jacobsen said high-density housing would change the whole picture of Nibley.

Kay Jacobsen of 3904 Hollow Road said they'd lived in Nibley a long time. She said it was one ward when they moved here and citizens had always stated they wanted the country, town feel with big lots and single-homes and she didn't feel this had changed. She felt things were changing to a city feel. High-density housing brought new things and she questioned if they could meet the infrastructure needs. Mrs. Jacobsen said it felt Nibley had met their quota with affordable housing. She wanted to continue to draw people to Nibley but not at the expense of the country feel.

Dave Nyman of 3250 South 250 West reiterated what had been said from Mr. and Mrs. Jacobsen. He didn't feel the City Council was representing Nibley's citizens; there was a disconnect between what citizens wanted and what was happening. He said there was too much, too fast and too high density. He questioned whose interested the City Council was working for. Mr. Nyman felt the public comment period should be moved to the end of the meeting so that citizens could make comment on what was going on. He asked the City Council to address whose interests they were representing by having the subdivisions approved.

Wendy Droge of 2346 S. Clear Creek Road said she understood that growth was going to happen and questioned which rate was safe and what rate was necessary. She discussed emergency services and fire response times. Growing the city population so fast without growing the infrastructure was not safe and was irresponsible. She was worried about the school systems and said higher numbers meant increased crime. She discussed the sewer system and said as elected representatives they should represent the people. She discussed that she'd walked the streets for the Firefly referendum and less than 10 people had wanted high-density development. She loved the wonderful rural feel and asked if it needed to be filled up. She asked that the City Council fiscally think of the city as well as the residents as well as the goals of the City.

Jen Weeks of 752 Clear Creek Road reported that she'd walked for the Firefly referendum and discussed the sentiments she'd gotten from the residents. She said 95% of the citizens were on the same page and described the citizens concerns that were relayed to her. She said everyone was for building neighborhoods that were not high-density housing and were for the small town feel. She asked the City Council to take a step back and ask if they were representing the community, the reasons they lived in Nibley and what they stood for.

Brittany Hawks of 1179 West 2800 South echoed what had been said. She had also walked the streets and talked to many residents. She said Nibley would lose a lot of good citizens if high density were coming to Nibley because many had said they would leave. She understood they needed affordable housing but didn't feel they needed to turn into mini-Logan City. Mrs. Hawks loved Nibley because of the community feel and felt they would lose the community feel with high-density housing. Mrs. Hawks agreed that citizens needed to be more educated.

Mr. Mickey Duke of 1012 West 2400 South stated he was a referendum sponsor. Mr. Duke received hundreds of emails with signatures. He relayed some of the messages and wants that were sent with the signatures. He discussed the housing types that the citizens had indicated they wanted during a public outreach exercise. Mr. Duke said the City Council needed to be more attentive of what Nibley wanted and not what they wanted.

Thanyne Sweeten of 550 West 2625 South discussed how his grandfather had helped settle the area. He said it would continue to grow as long as people had children. Those children needed a place to live and questioned if they were welcome in Nibley. If someone didn't have a lot of money, were they welcome in Nibley? He felt this was a moral issue. He questioned the purpose of Nibley and felt it was grow people.

Mayor Dustin closed the public comment period at 7:01 p.m.

Mayor Dustin addressed the questions that were asked during the Public Comment Period. He discussed that Nibley City Council was prohibited by law to participate in development activity or benefitting from development activities in Nibley City. No member of the body could have an interest in a subdivision, development, or company that works on subdivisions or developments in Nibley. The Council was required to disclose any interests in developments or development companies and include these interests on the public record. He was not aware of any disclosures at that time. There were no financial or personal interests involved in a development. Mayor Dustin discussed how larger lots were subsidized by smaller development. Mayor Dustin discussed how the City Council was representing the will of the citizens. He said no one was trying to deceive anyone. They were trying to balance natural pressures and where they were going to have their kids live and big open lots. They questioned how they could preserve enough land that was significant and could still have an open feel with cows and other wildlife. He said they had done their best to get public input with discussions and public outreach and hearings that had been going on for at least six years. Mayor Dustin asked that everyone cut each other some slack and try to have productive discussions.

Councilmember Bernhardt said public hearings were one of the worst ways to engage with citizens and the City Council. More engaging discussion could be held via email, visits, or phone calls. He agreed with most of what Mayor Dustin had said.

Councilmember Laursen said he appreciated the discussions that had been had. He said the City Council must remain neutral when they had these conversations. The context of messages was very important. It took a long time to gain the understanding needed to understand and talk about the complexity of these issues. Councilmember Laursen was asking that those that had concerns reach out to the City Council.

Department Report: Parks

Mr. Maughan and Mr. Rod Elwood gave this presentation. They utilized a PowerPoint presentation entitled *2020 Parks Update* (a printed version of the presentation is included in the printed meeting minutes.) Mr. Elwood introduced the Nibley City employees that worked in the parks department. Mr. Elwood then discussed park maintenance. Councilmember Bernhardt asked if the Parks department was good with the equipment they had. Mr. Elwood said there were a couple of pieces of equipment they'd like to update but with the way the budget had worked out they may not request them. Councilmember Laursen discussed service opportunities for residents available with park staff being shorthanded. Councilmember Beus asked for and was given clarification on weed prevention and weed control. Councilmember Beus also asked what COVID precautions had been taken. Mr. Elwood said there hadn't been specific direction given from the Health Department. They had closed and were disinfecting playgrounds often and were cleaning and disinfecting the boweries more than they had in the past. They hadn't proven that contact surfaces where the issues were. Mr. Maughan took over the presentation and discussed 2017 Park Master Plan Accomplishments and the upcoming Clear Creek Park playground and restroom, Firefly pavilion, Firefly Observation Tower, Firefly interpretive signage, and Anhder Park sidewalk.

Mr. Elwood left after this presentation concluded.

Public Hearing – Ordinance 20-11: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)

Mr. Zook led this presentation. He said in 2015 the City Council established a policy to adjust elected official stipends annually at the same rate that salaries were adjusted for other employees. There was a 2% adjustment proposed in the 2020-21 budget. He reviewed the new compensation rates for Mayor, City Council, and Treasurer.

Mayor Dustin opened the public hearing at 7:36 p.m.

Seeing no public comment, Mayor Dustin closed the public hearing at 7:37 p.m.

Discussion & Consideration – Ordinance 20-11: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)

Councilmember Laursen moved to approve Ordinance 20-11: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City. Councilmember Larsen seconded the motion.

Voting on the motion was as follows: Councilmember Laursen in favor, Councilmember Beus was in favor, Councilmember Sweeten was in favor, Councilmember Larsen was in favor and Councilmember Bernhardt was in favor.

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

Public Hearing – 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

Mr. Zook led this presentation. Mr. Zook said the Resolution was before the City Council for second reading. It would still be a tentative budget because the City Council would be holding a Truth in Taxation hearing at the second meeting in August. Mr. Zook said staff had received the certified property tax rate from Cache County; Nibley's historic rate was .001667 and the certified rate was .001620, which was slightly changed and required a Truth in Taxation hearing for Nibley to leave their property tax at the same level. Mr. Zook reviewed the minor changes to the budget since the City Council had last seen the budget; one was emergency medical services. Nibley City currently received emergency services through the Cache County Emergency and Medical Services agency but this agency would not exist at the end of the year. There had been discussion with Cache County that they would service the south end of the valley and unincorporated portions of the south valley. Based on discussions with Cache County it looked like Nibley's cost for this service would be approximately \$100,000. Hyrum, Nibley, Millville, Mendon, Wellsville, Paradise and unincorporated areas, would share this service. Staff had not changed the revenue amounts to cover this cost. There were surplus funds in the Nibley City First-Responders account that would cover the first year contribution. Mr. Zook in the next year's budget they would have to find the funds to cover the full annual amount. Mayor Dustin said at this point they were planning for a contingency but most likely the first-responders would be wrapped into the umbrella of the County system. Mayor Dustin and the City Council discussed medical services and the calculation of associated fees. Mr. Zook assumed there would be a mutual aid agreement between services on the north and south ends of the valley and Logan. Mr. Zook said the other budget adjustment was in the park impact fee budget for the Clear Creek park restroom and playground. Mr. Zook said it was likely there would be additional changes when the budget was brought before the City Council before it was finalized in August. Mr. Zook said the proposed budget included a change of the stormwater rate for an additional \$.25 per month. This fee had been increasing for past 6 years years based off of the financial feasibility that was conducted by Zion's Bank

Public Finance Division. Mr. Zook said the proposed budget anticipated a property tax rate of .001667.

Councilmember Beus left the meeting at 7:50 p.m.

Mayor Dustin opened the public hearing at 7:51 p.m.

Councilmember Beus returned at 7:53 p.m.

Dave Nyman of 3250 S. 250 W. said there seemed to be a portion of the budget that was surplus and noted the surplus was rolled over into the General fund. He said in his mind this told him they didn't spend all the money they'd asked for and questioned why they were asking for more if they hadn't spent what they'd already asked for. Mr. Zook said the budget showed \$500,000 would be rolled over into the Capital Projects fund. Mr. Nyman wanted to know why the excess being rolled into the general fund that was not being spent in the current year.

Kent Smith of 2316 South 1200 West said the City did a good job of balancing the budget and allocating to great projects. Mr. Smith asked if the city was balancing the budget with current residents and were able to fund projects, how high density was necessary component moving forward. He didn't feel high density was necessary. He didn't feel a lot of the citizens were worried about taxes. His sense was that people valued rural character more than being subsidized by high density housing or increasing the City revenue in order to fund projects. Mr. Smith said he had strong feelings about using high-density housing to fund projects.

Seeing no further public comments, Mayor Dustin closed the public hearing at 7:58 p.m.

Councilmember Bernhardt said if they looked at the budget, in his opinion they were in quite a bit of debt. He noted the sewer debt and the amount of things they would spend on the projected projects in the Nibley City Master Plan. He felt the City had taken a pretty conservative approach on the projects they'd undertaken. Councilmember Beus discussed how, because of all the new building, everything in the City was new and the Council was looking forward to the future when they would have to replace infrastructure. They took this into consideration as the City grew.

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 (Second Reading)

Mr. Zook described the necessity of adopting a tentative budget.

Councilmember Bernhardt 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. Councilmember Laursen seconded the motion.

Councilmember Beus asked about contributions to the Hyrum Senior Center. Mr. Wright talked about the center's use and appreciation of the funds allocated to them by Nibley City.

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

Discussion & Consideration – Ordinance 20-12: An Ordinance Granting Rocky Mountain Power A Power Franchise (Second Reading)

Mr. Steve Liechty, Regional Business Manager for Rocky Mountain Power was present for this discussion. Mr. Zook led this presentation. Mr. Zook said the agreement before the Council authorized Rocky Mountain Power ("RMP") to operate in the City's rights-of-way. There was also an agreement that Nibley City power lines must be put underground. Mr. Zook said the agreement granted them the non-exclusive right to construct, maintain and operate electrical distribution facilities in Nibley City. If they happened to have lines that were in Nibley's City right-of-way and Nibley needed them to be moved, RMP would move their line free of charge. Nibley City could pay the difference in charge to have the line moved underground. This offer did not extend to a development or developer. They would have to pay the cost to move a RMP utility.

Mr. Zook said this was the second reading of the agreement. It was a long-term agreement for 20 years. Staff's recommendation was that the ordinance be recommended for approval

Councilmember Bernhardt asked if the agreement covered street light service and maintenance. Mr. Zook reported that RMP was typically very good about replacing lights that had been blown out or damaged. He said they had discussed changing streetlights for energy efficient bulbs and lights that were compliant with Nibley's Dark Sky ordinance. Mr. Zook said the agreement allowed RMP to trim trees near power lines. The primary reason for this was safety. Councilmember Laursen asked about the maintenance and inspection before installing. He wondered if there was anything in the agreement that allowed staff to be involved in this process. Mr. Zook said the agreement hadn't been brought before the City Council before they were satisfied at staff level that it included everything the City needed. The City attorney had also reviewed it.

Councilmember Bernhardt moved to approve Ordinance 20-12: An Ordinance Granting Rocky Mountain Power A Power Franchise. Councilmember Sweeten seconded the motion.

Councilmember Beus asked how new energy technology and solar panels were affecting the service RMP provided to Nibley City. Mr. Liechty addressed that it wasn't changing the way RMP served their customers. RMP was expanding dramatically in their renewable energy resources. For curiosity, Councilmember Beus asked where Nibley City's energy was generated. Mr. Liechty said all in the western states were interconnected.

Chad Wright left at 8:19 p.m.

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

Discussion & Consideration – Ordinance 20-07: Residential Planned Unit Development Overlay Zone and Development Agreement for Nibley Meadows, located at approximately 1000 W and 3200 S. Proposing 301 units on 54.6 acres (Second Reading)

Mr. Travis Taylor was present for this discussion. Levi Roberts led this presentation. He reviewed the specifications of the subdivision. He reviewed that the open space met the minimum requirement for open space and the development still met the open space standard with open space calculations for park strips and right-of-ways taken out. Mr. Roberts said the applicant had given a greater range of lot sizes with the current proposal with a minimum 6,700 square feet. Mr. Roberts described the overall layout and buffering of the proposed development and felt the applicant had met the Council's buffering standards. Mr. Roberts said the applicant had submitted architectural renderings of the anticipated townhomes and the design standards and architectural guidelines had been met. Mr. Roberts described that traffic and parking included streets that were identified in Nibley City's Transportation Master plan and the development met connectivity standards that were in the ordinance. Mr. Roberts said the Planning Commission had recommended a pedestrian connection with connectivity to Heritage Elementary School and described the location of a potential pedestrian cross walk. He also discussed relocating a proposed park.

Mr. Roberts said staff's recommendation was to approve the R-PUD ordinance. The applicant had met the standards of the R-PUD ordinance and had developer had demonstrated the ability to complete the project. Mr. Roberts reviewed that staff had recommended a finding that the proposed development, during preliminary and final plat approval, shall not substantially deviate from the concept plan. Mr. Roberts said he had spoken to the City Attorney who'd indicated this would cover the City.

Councilmember Beus asked Mr. Taylor to sell her on the development. Mr. Taylor described how he'd taken the City Council comments and changed the proposed development.

Councilmember Bernhardt moved to deny approval of Ordinance 20-07: Residential Planned Unit Development Overlay Zone and Development Agreement for Nibley Meadows, located at approximately 1000 W and 3200 S. Proposing 301 units on 54.6 acres. Councilmember Laursen seconded the motion.

Councilmember Bernhardt said he would like to wait and get the new R-PUD ordinance in place. Councilmember Laursen "ditto'd" this and wondered why this hadn't been done with the previous two R-PUD developments. It was hard to pass something when they'd decided the ordinance was flawed. Councilmember Bernhardt felt they were out of balance with their ordinance with an 80/20 split. He questioned how fast developers had grabbed on to the R-PUD and ran with it. He questioned if the ordinance could be more tightly aligned with Nibley's Moderate Income Housing plan. Mayor Dustin said the R-PUD gave the City Council 100% flexibility. Revising the ordinance didn't change the substance of the proposal. The City Council made the decisions about what the R-PUDs would be.

Mayor Dustin and the City Council discussed if the proponent should be held to the current ordinance or submit under a new ordinance after a moratorium period. They debated how much flexibility they had with the current R-PUD ordinance. Councilmember Laursen said he liked the proposal a great deal better than what they'd gotten from the first proposed layout but didn't understand the objectives of the R-PUD ordinance: did they want diversity of housing because of moderate income housing or because they didn't want all quarter-acre housing? Mr. Taylor said he got the feeling that the new ordinance wouldn't be that far off from the proposal that was currently being presented to the Council. Mr. Taylor presented alternate ideas he'd had for the project layout. Mr. Taylor anticipated the project to be completed in 6-10 years. Councilmember Laursen said he didn't want to continue the ordinance. He said they needed to start having the discussions to get on the same page. He addressed the public present, asking for their preference between having all single-family lots or leaving some open space. He asked them to send him an email. He said the land was going to be developed. Councilmember Bernhardt discussed that he'd thought of the cost of housing when the City Council passed the R-PUD ordinance. His fear was that in 15-20 years, Nibley would only be affordable to older people. He also felt they couldn't just point to Logan and have them solved their problems. There was a demand for moderate-income housing that they needed to balance with the resident's vision of the City.

Councilmember Beus made a substitute motion to continue discussion & consideration of Ordinance 20-07: Residential Planned Unit Development Overlay Zone and

Development Agreement for Nibley Meadows, located at approximately 1000 W and 3200 S. Proposing 301 units on 54.6 acres. Councilmember Larsen seconded the motion.

Councilmember Beus directed Mr. Taylor to take the density ratios down. Mr. Taylor said he'd like input on the overall look and feel of the proposed design and if he was headed in the right direction. He said he was willing to tune the proposal up a bit. He would welcome input the City Council got from residents. Councilmember Bernhardt said he would take the townhomes from 1100 West to 1200 West and turn them into quarter acre lots. Councilmember Sweeten said Lowel Johnson had expressed that when townhomes were in the City he wanted to see them surrounded and supported by single-family homes for connectivity and support. Mayor Dustin reviewed the five areas, which were 10% of the land in Nibley, which had been set aside for consideration as R-PUD. He didn't feel the developments would fundamentally change the look and feel of the community. Councilmember Laursen agreed with Councilmember Bernhardt's suggestion to deal with the townhomes on the west side of the development.

Voting on the motion was as follows: Councilmember Beus was in favor, Councilmember Larsen was in favor, Councilmember Laursen was in favor, Councilmember Sweeten was in favor. Councilmember Bernhardt was opposed.

The substitute motion passed 4-1; with Councilmember Beus, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten in favor. Councilmember Bernhardt opposed.

Mr. Roberts left the meeting after this discussion concluded.

Discussion & Consideration – Resolution 20-07: Setting Water Rates for Nibley City (First Reading)

Mayor Dustin called for a two-minute recess at 9:25 p.m. The meeting resumed at 9:32 p.m.

Mr. Maughan led this presentation. He said the State of Utah passed a law that required Nibley to have a culinary water structure to incentivize conservation. The idea was to have increasing blocks of water rates so essentially the more water you used the more you paid. Mr. Maughan utilized an electronic presentation entitled *Nibley City Water Rate Analysis June 2020* (a printed version of the presentation is included in the printed meeting minutes.) The topics of his presentation included the following: 73-10-32.5 Culinary Water Pricing Structure, plans the City Council had approved, Goals of a Rate Change, Base Rate Proposed Change, Proposed Usage Rate, Residential Rates, Commercial Rates, 2019 Well Withdrawals, Financial Outlook/Model, Questions?

Councilmember Beus moved to approve Resolution 20-07: Setting Water Rates for Nibley City, for first reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt suggested the City Council delay implementation of the rate structure because they were headed into the summer months. He suggested they get the rate information out to the public before it was implemented.

Councilmember Bernhardt made a motion to amend Resolution 20-07 to be implemented on October 1, 2020.

Mr. Zook said the 2020-21 budget was calculated using current rates so delaying the implementation of the water rate structure wouldn't effect the 2020-21 budget.

Councilmember Laursen seconded the amendment.

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

The amend 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 continue the evening's agenda and address the remaining items on the agenda.

Discussion & Consideration – Resolution 20-08: Updating Nibley City's Consolidated Fee Schedule (First Reading)

Michelle Jensen led this discussion. Mrs. Jensen directed the City Council to the anticipated new fee schedule and noted that anything highlighted in yellow was a change. Mrs. Jensen discussed the proposed changes, which were all additional fees; new water rates, if passed by the City Council, would be implemented into the schedule, building permits and impact fees, asphalt preservation, the Logan Wastewater Impact Fee which was set by ordinance passed by the City Council in March, and charges for services including R-PUD applications.

Councilmember Larsen moved to approve Resolution 20-08: Updating Nibley City's Consolidated Fee Schedule, for first reading. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt discussed the R-PUD application fee. He suggested the fee be raised to around \$500 because of the amount of staff time that was taken to review those applications. Mayor Dustin asked if an analysis had been done on what other cities charged for those fees. Councilmember Bernhardt directed staff to take a look at some of the application fees to ensure Nibley was keeping at market and the costs were not born by the City.

Councilmember Laursen made a motion to amend the R-PUD application fee to be \$200. The motion died due to lack of a second.

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

Council and Staff Reports

Councilmember Bernhardt reported he'd reached out to Trout's Unlimited about getting fish into Clear Creek pond. He reminded the City Council that he'd had a younger citizen reach out to him about this and wanted to put some effort into this and perhaps get the young man involved in the process.

Councilmember Beus discussed an email from Frank Smith regarding a few trees in Nibley City.

Councilmember Beus reported on the Logan City Council request to come to Nibley City's July 9, 2020 City Council meeting to discuss both city's boundary line and the Malouf development. Mr. Zook described that he wouldn't want discussions with Logan to hold up expansion projects for Malouf. The Mayor and City Council decided to write the agenda item and invite accommodate Logan City at the 7.9.2020 meeting.

Councilmember Sweeten reminded the Council of the flyers for Firefly Park. She also encourage them to make sure residents who made an effort to keep their lights were recognized.

Councilmember Sweeten reported that she'd spent time chatting with people who were willing to chat and getting letters from people who weren't willing to chat.

Councilmember Laursen thought they should look at asking questions with development about conserving trees, wildlife and streams. He considered he might need more education on the processes used legislatively before approving plans.

Councilmember Laursen said he'd had citizens question construction noise and ordinance. Mr. Zook directed Councilmember Laursen to City Planner, Levi Roberts who could follow up with those complaints.

Councilmember Beus left the meeting at 10:33 p.m.

Mr. Zook reminded the City Council to complete auditor training. He said it was now a requirement.

Mr. Zook reported that Nibley City was supposed to receive \$631,000 from the CARES Act to address COVID related expenses. He said they had until December 31, 2020 to

spend he funds and welcomed the Council's input on how the City could use these funds.

Mr. Zook reported that Heritage Days had started. He reported on the activities that where anticipated to take place. He said there would be a radio interview about Heritage Days the following Day.

Councilmember Beus returned to the meeting at 10:36 p.m.

Mr. Zook said a meeting had been set with the City, the Property Rights Ombudsman and the property owners at 1200 West, for the following week. Staff would come to the City Council with recommendations of what they felt should be done with the property at 1200 West and 3200 South.

Mr. Zook had samples of the interpretive signage that would be placed at Firefly Park for the City Council to review.

The City Council discussed Heritage Days fireworks.

Councilmember Bernhardt asked for an update on the Firefly referendum. Mr. Zook reported that Nibley City had received the referendum signatures. There were over 1,400 signatures, which was well over the requirement. He said the packets had been reviewed by the Nibley City attorney, who had concerns with the legality of the signatures. He reported that letters had been sent to the referendum sponsors laying out the City's concerns with the legality

Mayor Dustin reported on sewer treatment discussions with Millville and Hyrum. He felt that discussion was essentially dead.

Mayor Dustin said they were doing a flag design contest in Nibley City. He encouraged the City Council to each submit a flag and review the TED talk regarding flag design.

Mayor Dustin said Council of Government (COG) applications were coming due. He anticipated Nibley City would submit for 1200 West funds.

Mr. Zook said there was an article posting in the Herald Journal about testing sewage to anticipate COVID outbreaks. Mr. Zook said he'd requested City specific COVID data from the Bear River Health Department.

There was general consent to adjourn the meeting at 10:46 p.m.

Attest: _____
Deputy City Recorder