A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, August 27, 2020.

The following actions were made during the meeting:

Councilmember Bernhardt moved to approve Resolution 20-10: ADOPTING THE FINAL 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 Beus moved to approve Resolution 20-11: A Resolution Updating Nibley City's Consolidated Fee Schedule, for first reading. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Laursen all in favor.

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

Councilmember Kathryn Beus noted that it was time to begin the meeting and moved to appoint Councilmember Norman Larsen to be Mayor Pro Tem for the evening's meeting. Councilmember Bernhardt seconded the motion. The motion passed 4-1; with Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten in favor. Councilmember Larsen was opposed.

Opening Ceremonies
Councilmember Bernhardt reflected on current world circumstances. He said the City Council should recognize all rights and be kind to each other. He said they should do the best they could with the information they had.

Councilmember Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call
Mayor Pro Tem Larsen called the Thursday, August 27, 2020 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Pro Tem Norman Larsen, Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. David Zook, Nibley City Manager, Nibley City Planner, Levi Roberts, Justin Maughan, Nibley City Public Works Director, Michelle

Jensen, Nibley City Treasurer, and Chad Wright, Nibley City Recreation Director was also present.

Approval of the Previous Meeting Minutes and Current Agenda
Councilmember Beus moved to approve the previous meeting minutes and the evening's agenda. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Sweeten, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Laursen all in favor.

Public Comment Period
Mayor Pro Tem Larsen gave direction to the public present and opened the Public Comment Period at 6:32 p.m.

The City Council recognized and chatted with a new Nibley City family that were observing the meeting.

Seeing no public comments, Mayor Pro Tem Larsen closed the Public Comment Period at 6:33 p.m.

Planning Commission Report
Mr. Roberts reported that the Planning Commission had recommended changed to the R-PUD ordinance. These changes would be discussed later in the City Council's meeting. Mr. Roberts said the Planning Commission discussed adding landlords to the business license requirements but had decided not to pursue this at that time.

Truth in Taxation Hearing
Mr. Zook led this presentation. He used a PowerPoint presentation entitled *Nibley City Truth in Taxation Hearing* (a printed copy of this presentation is included in the printed version of the meeting minutes). His presentation included the following topics: Tax Rate Fun Facts, How Truth in Taxation Works, Property Tax Increase as Percentage of Total Budget, and How does a small increase affect the City and Citizens. Mr. Zook took the opportunity to review the proposed changes to the 2020-21 budget: $60,000 for a half-year's EMS contract. Mr. Zook said an annual contract would be approximately $120,000 but this wouldn't start until January 2021. This amount would double in the next year's budget. Mr. Zook described that starting in January, Cache County would take over management of Nibley's First Responders which would take $20,000 out of the budget for First Responders. Mr. Zook said he anticipated adding a utility fee to Nibley's utility payment to participate in ambulance service. He anticipated this fee would be $5.00/month. Mr. Zook described the other changes to the proposed 2020-2021 budget: Money for the purchase of water shares primarily from the College Irrigation Company, Ridgeline Park design costs, CARES act money, an additional parks seasonal employee to assist in keeping Nibley beautiful to assist in keeping property values high, increasing a part-time recreation employee to full-time based on increased sales tax dollars, an adjustment to refuse collection charges based on actual receipts

and estimates, and an increase to the capital project fund and street fund based off a grant proposal that staff had applied for in the last week. Mr. Zook reviewed that staff had also proposed a maintenance cost for Morgan Farm in the parks budget.

Mayor Pro Tem Larsen opened the Truth in Taxation hearing at 6:53 p.m.

A new Nibley resident asked about a timeline for the Ridgeline Park development. Mr. Zook said he anticipated construction would start in the next spring. There were multiple phases in the development and the developer anticipated it would take about 10 years for full buildout.

Seeing no other comment, Mayor Pro Tem Larsen closed the Truth in Taxation hearing at 6:54 p.m.

Discussion & Consideration – Resolution 20-10: ADOPTING THE FINAL 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 Bernhardt moved to approve Resolution 20-10: ADOPTING THE FINAL 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 Bernhardt asked for and was given general consent on a typo (page 56, table vs. page 57) to Nibley Millville EMS payout. The numbering didn't match.

Councilmember Beus said she was hesitant to increase staff because it was taking money from other things. This was spending that was gone and they never pulled back. She asked for justification of another full-time parks and recreation employee. Chad Wright had a presentation addressing this for the City Council. His presentation was entitled *Staffing Considerations Nibley City Recreation Department* (a printed copy of this presentation is included in the printed version of the meeting minutes). His presentation reviewed the following: Meeting our Mission Matched with Values, 5 year Progress Report, Expanded Recreation Opportunities, Staffing = Revenue & Offsets Staffing Costs, Historic budget increase to match recreation needs, Selection for Cost Effective Revenue, Master Plan Recreation Goals (2016-2017), Master Plan Recreation Goals (by 2021), Recreation and Other Departments, Recreation Department Staffing, Cost of Training Part Time Vs. Full Time, Recreation Director and Auxiliary Organizations, Directors Time: Leveraging Skills and Training for efficiency, and Considerations Summary.

Councilmember Beus reiterated that she was hesitant because they were looking at perpetual forever funding when they added staff. She said the Parks and Recreation Department was amazing and was needed. Councilmember Bernhardt shared his perspective of the tremendous growth they'd had, and he didn't feel they'd grown too fast.

Mr. Zook said he viewed this as an investment in Nibley City and their ability to remain financially solvent. Nibley's strengths were that it was beautiful and safe and Nibley's recreation program was one of the reasons for this. He felt the more they invested in their recreation program the more people would want to be in Nibley. Councilmember Bernhardt said recreation should be a revenue neutral effort and there should be a hard look if they were doing the right thing if they started "bleeding into the red." Councilmember Laursen agreed that recreation was an investment in Nibley and didn't want to see Mr. Wright burn out. Councilmember Sweeten recalled before Mr. Wright came on staff and recalled how Mr. Wright had trained the interns that had been brought in. She said Mr. Wright was very fiscally conscious and thought this was a great thing to be training other recreation staff in. She said she had great confidence in Mr. Wright training whoever came in and training them well. Being involved was still a very important part of being part of Nibley's community.

Mr. Wright discussed the effect an effective recreation program had on public safety.

Councilmember Sweeten discussed that Mr. Wright still took the opportunity to pull in community volunteers and made space for community residents. She thought it was critical for resident's connections to Nibley; this had been the case with her own family. Councilmember Beus said she initially didn't support have a full-time parks and recreation employee but could be convinced. She would be interested to see how they could further bring in different types of revenue. She said she could be "sold on it." Mr. Wright was confident Councilmember Beus would be impressed and his department could serve and fill more needs.

Councilmember Bernhardt directed the Council to budget line item 58-40-7340 Park Impact Fees. He questioned if it was 170k that was set aside and asked what "bucket" that fell into in terms of the City recouping the funds. Mr. Zook said it hadn't been broken down and they were going to look over the initial numbers. Mr. Roberts said staff and the developer were still working out the agreement, but it looked as if the developer would pay the impact fees ahead of time. He anticipated they now had approximately 180k. Staff was working with the developer to get the park impact fees ahead of time.

Councilmember Beus asked if there were parameters for the Cares Act money. Mr. Zook the funds had to be used for something that was related to pandemic response and couldn't be something they were already planning on doing. He said there was not a ton of guidance. Mr. Zook said they were thinking about a pressure washer and Kabota vehicle for sanitizing parks and park equipment. He said they were discussing replacing the city phone system to ease forwarding messages for staff working remotely and replacing the flooring in the community room for ease of cleaning. Mr. Zook said they'd been told that all of the public safety personnel had made the assumption that all emergency response was Covid response and staff was investigating if CARES act money could be used to pay for emergency management contracts. Mayor Pro Tem Larsen suggested a bathroom at Morgan Farm to facilitate hand washing.

Councilmember Beus defended keeping Nibley's historic tax rate and keeping in pace with the economy and the cost of goods. She said Nibley had a good budget and she could easily defend it to residents. Councilmember Sweeten requested more explanation of Truth in Taxation info in the newsletter, on the website and perhaps social media. Mr. Zook and Councilmember Sweeten discussed using a promotional video.

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

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

Discussion & Consideration – Resolution 20-11: A Resolution Updating Nibley City's Consolidated Fee Schedule (First Reading)
Mr. Zook led this presentation. Mr. Zook said the proposed consolidated in pact fee schedule included a fee for collection of Logan's sewer impact fees ($150); he was researching to see if they could charge Logan for this fee. Mr. Zook said there was also a fee for payment for water shares; instead of developers/residents giving the City water shares, they could pay a fee instead. Mr. Zook said he and Mayor Dustin were also doing research on a fee for leased water shares. Mr. Zook said staff was still doing research on a couple of these fees and requested the City Council only adopt the Resolution for first reading.

Councilmember Beus moved to approve Resolution 20-11: A Resolution Updating Nibley City's Consolidated Fee Schedule, for first reading. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt said the reason he suggested collecting the $150 fee was because of reporting and retention requirements that would have to be done by staff for collecting the impact fee. Mr. Zook said there was definitely a lot of accounting and forwarding requirements.

Councilmember Laursen directed staff to correct a typo in the Resolution coversheet.

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

Workshop – Ordinance 20-16: An Update to Nibley City Code 19.32 Amending Residential Planned Unit Development (R-PUD) Requirements

Mr. Roberts led this presentation. He had a PowerPoint presentation entitled *R-PUD Ordinance Updates* (a printed copy of this presentation is included in the printed version of the meeting minutes). Mr. Roberts address the purpose of the R-PUD, the changes proposed by the Nibley City Planning Commission, and Planning Commission Recommendations.

Councilmember Bernhardt left the meeting at 7:45 p.m. Councilmember Bernhardt returned to the meeting at 7:47 p.m.

Mr. Roberts discussed that the Planning Commission had requested that the Council rescind the original R-PUD ordinance if the changes to the ordinances were not passed before the moratorium was lifted. Mr. Roberts discussed the timeline of upcoming City Council meetings and noticing of discussion of the R-PUD amendments. Mr. Roberts reported that Mr. Zook was discussing this with Nibley's attorney. Mr. Patterson said the City wouldn't need to rescind the ordinance as long as notice had been sent out that the City was going through the ordinance revision process; any potential applications wouldn't have standing.

Councilmember Bernhardt asked about the request to remove a potential onsite HOA office. Mr. Zook said it was not common for developments to have an onsite office until they reached a certain size. Up to a certain point it was not necessary. Councilmember Bernhardt discussed that a 20-acre parcel left little open space. He would prefer to see 40-60 acres. He was concerned with having a financially viable subdivision and felt they were in a world of hurt when the residents in those homes realized they were paying for a small park area and not much else. This was why he felt they needed more than 20 acres.

Councilmember Laursen said he knew they'd discussed whether they actually really needed the ordinance or if they were done. He questioned if what they had already approved was all they needed? Councilmember Bernhardt said they would be remiss to not address the signatures that were collected regarding this type of development. He felt residents were genuinely confused. Councilmember Beus expressed that she didn't hate the 20-acre parcel size because it facilitated more housing mix and there wouldn't be large tracts of just townhomes. If they were adjusting so that public right of ways didn't count for open space, then that only gave approximately 50% of the space that was developable. Councilmember Beus said she overall like the adjustments that had been made by the Planning Commission. The Council discussed areas that could still be developed at R-PUD.

The City Council, Mr. Roberts, and Mr. Zook discussed a grant to write an ordinance addressing trading development rights.

Mayor Pro Tem Larsen questioned if there were a flood of townhomes built and if they wouldn't sell. He questioned if staff felt the City needed more townhomes. Mr. Zook felt there would be a demand for the housing, especially with the cost of housing. He said Nibley had lost a lot of the wave in the townhomes and was behind in this market and felt this would be reflected in census numbers. The City Council discussed the right level of home to townhome ratio. Councilmember Sweeten said she appreciate that Nibley was requiring a variety of housing; she hadn't seen this in other communities. She said it was almost designed to be a city within itself. Mayor Pro Tem Larsen discussed amenities. He expected the developer to put in the majority of the park installs and roads. He thought this freed up more money for the city to use to develop later. Mayor Pro Tem Larsen wanted to include bathrooms in the amenities. If the City Council were worried, they were getting too many R-PUDs, they should make it uncomfortable on the amenities.

Council and Staff Reports

Councilmember Laursen said he'd talked to citizens on the west side about 2600 South becoming busy again. They discussed the stop sign at 2600 South and 10th West. Councilmember Sweeten thought the residents would prefer a four-way stop there. Councilmember Laursen asked for an update on future trails on 2600 South. He said the citizens had expressed they were willing to fund raise for the City.

Councilmember Laursen asked about temporary licenses for solicitors and problems with solicitors not showing identification. He asked how the City should direct citizens if they had concerns or problems with solicitors. Mr. Zook said the Council should direct residents to contact the Sheriff.

Councilmember Laursen asked for a summary of project updates. Councilmember Bernhardt said he'd received an Excel document. Mr. Zook said he and Justin Maughan would provide the link to the document to the rest of the Council. Mr. Zook reported that an engineering study was needed for the intersection at 2600 South and 10th West. He hoped once Nibley's inhouse engineer was in place that they could take this on. Mr. Zook said the City received a grant to do a bike lane or shared use path on the north side of 2600 South. There was a plan, but the grant was not big enough to do the whole path and the City was working with UDOT to try and acquire more money.

Councilmember Laursen asked about discussing, with the Accessory Dwelling Unit, an apartment or landlord registry. Mr. Roberts said the Planning Commission had expressed that they didn't think it was needed at this time.

Councilmember Sweeten said she'd had a resident call the City about Elkhorn Ranch Park. She said she'd had a hard time pulling out of Elkhorn Ranch Park because of the weeds that were obstructing her view.

Councilmember Sweeten had a resident approach her about 250 West and 3200 South and people making the corner. Cars had ended up in their driveway and buses where stopped there waiting for cars to pass.

Mayor Pro Tem Larsen had a discussion with a resident in the Mount Vista subdivision who'd suggested a park like Ryan's Place park that could be named after the Nibley City principal that had passed. The Council discussed that there wasn't enough parking in that area to accommodate that type of park. Mr. Zook said it would be nice to do a museum about him and use some of his NASA memorabilia. Councilmember Sweeten discussed that Mr. R's family had built the Morgan Farm barn and it would be nice to preserve and honor him at Morgan Farm. The Council discussed that it was Covid related and questioned if they could use Covid funds.

Councilmember Bernhardt asked if the radar street signs were out. Mr. Maughan said they were charging. Councilmember Bernhardt suggested they be placed on 2600 South east of 800 West and on 800 West.

Councilmember Bernhardt asked if there was anything on ordinance about walking sheep in the public rights-of-way. Mr. Zook didn't think this was covered in ordinance.

Mr. Zook reported that the League of Cities and Towns conference was going to be virtual. He distributed draft agendas for the conference and asked that the City Council let them know if they'd like to participate.

Mr. Zook described items he anticipated would be on the next agenda: An EMS Agreement, Sheridan Ridge Water Shares Agreement, Ethics Policies, the Nibley City Flag contest, and a joint meeting with the Logan City Council for the first hour.

Mr. Zook reported on the Nibley Summer Employee Party experience.

Mr. Zook reported that Mr. Roberts had attended a tour around all of norther Utah with a lot of government officials. He and Mr. Roberts had taken these officials on a tour of Malouf and had explained what was going on with that development.

Mr. Maughan reported on meeting with two individuals about the bike track. They were drawing up a plan/map for what they were going to do and anticipated that they could start dumping dirt in the next couple weeks. Councilmember Bernhardt asked for clarification on an email that had been sent by the Nibley Parks and Recreation Committee regarding the bike track (included in the written meeting minutes).

Councilmember Laursen said he'd like the PRAC to start identifying places that they felt a bike track might work.

Mayor Pro Tem Larsen received general consent for a meeting recess at 8:54 p.m. The meeting resumed at 9:00 p.m.

Councilmember Bernhardt moved to adjourn to a meeting of the Nibley Community Reinvestment Agency at 9:01 p.m. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten all in favor.

Meeting of the Community Reinvestment Agency

The City Council returned from the meeting of the Nibley Community Reinvestment Agency at 9:04 p.m.

Adjourn to Closed Session–To Discuss REAL ESTATE and PENDING LITIGATION, PURSUANT to Utah Code 52-4-205

Councilmember Beus moved to adjourn to closed session to discuss real estate and pending litigation pursuant to Utah Code 52-4-205. 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.

After returning from closes session, general consent was given to adjourn the meeting at 9:25 p.m.

Attest: ______________________________
Deputy City Recorder