

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, February 11, 2021.

The following actions were made during the meeting:

Councilmember Beus made a substitute motion to establish a subcommittee to select the questions for the City Manager interviewing process. The subcommittee members include: Councilmember Laursen, Councilmember Kay Sweeten, Mayor Dustin, Mr. Zook, and Cheryl Bodily. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, Councilmember Sweeten all in favor.

Councilmember Laursen moved to approve the Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember Sweeten, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Bernhardt moved to approve Ordinance 21-03: Commercial Zoning Standards, for first reading. 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 moved to approve Ordinance 21-01: Amendments to the Nuisance Ordinance. 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.

Councilmember Bernhardt moved to approve direction to file protest for the Annexation of parcels 03-001-0010 & 03-001-0013 into the City of Logan; as listed in the Nibley City Council 2-11-2021 meeting agenda. 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 Beus led the meeting in the Pledge of Allegiance

Call to Order and Roll Call

Mayor Dustin called the Thursday, February 11, 2021 Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. David Zook, Nibley City Manager, Justin Maughan, Nibley City Public Works Director, and Michelle Jensen, Nibley City Treasurer, was also in attendance.

Approval of the Previous Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the January 28, 2021 and February 3, 2021 meeting minutes and the evening's agenda. Councilmember Laursen seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Public Comment Period

Mayor Dustin gave direction to the public present and opened the Public Comment Period at 6:34 p.m.

Lieutenant Mikelshan Bartschi introduced Nibley City's new Star Deputy, Deputy Matt Hansen. Deputy Hansen had been with the Sherriff's office for 14 years and Deputy Hansen had demonstrated great leadership qualities. Deputy Hansen introduced himself and reviewed his work history and his work with towns and other communities.

Seeing no further public comments, Mayor Dustin closed the Public Comment Period at 6:37 p.m.

Discussion & Consideration – Determination of the Process for Hiring a New City Manager

Mayor Dustin recalled that the City Council had established the process for hiring a new City Manager at their meeting the previous Wednesday. Mayor Dustin reviewed the Council's tentatively approved recruitment process:

City Manager Recruitment Process

- | | |
|-------|---|
| Feb 3 | Approve Job Posting |
| Feb 4 | Post Job |
| | <ul style="list-style-type: none">• Workforce Services• UCMA• ULCT• ICMA (~\$1,500)• LinkedIn |

Feb 19	Deadline for First Review
Feb 22-26	Review Applicants and Invite Candidates to First Interviews
Mar 1-5	Conduct First Interviews via Zoom • Questions, process, etc.
Mar 15-19	Conduct Second Interviews (In Person?)
Mar 22	Extend an offer
April 5+	New City Manager Begins

Mayor Dustin reviewed where the job announcement had been posted. The Council discussed whether interviews would be conducted in closed session and potential interview questions. Mayor Dustin asked the City Council to share their suggested questions with himself, the rest of the Council, Mr. Zook and Deputy Recorder Bodily. Councilmember Beus thought it made the most sense to hold the interviews in closed session. She hadn't been able to come up with a better solution.

The Mayor and City Council discussed establishing a subcommittee to finalize interview questions. Mayor Dustin suggested that otherwise, the City Council might want to established questions in closed session as well, so the applicant wouldn't have advanced notice of the interview questions.

Councilmember Beus moved to establish a subcommittee to select the questions for the City Manager interviewing process. Councilmember Larsen seconded the motion.

Councilmember Sweeten volunteered to be involved on the subcommittee. Councilmember Laursen said he was also happy to be involved in that part of the process.

Councilmember Beus made a motion to amend that Councilmember Kay Sweeten and Councilmember Nathan Laursen serve on the interview subcommittee. Councilmember Larsen seconded the motion.

Councilmember Beus made a substitute motion to establish a subcommittee to select the questions for the City Manager interviewing process. The subcommittee members include: Councilmember Laursen, Councilmember Kay Sweeten, Mayor Dustin, Mr. Zook, and Cheryl Bodily. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, Councilmember Sweeten all in favor.

Presentation – Stormwater Department

Mr. Maughan led this presentation. Mr. Maughan utilized a PowerPoint presentation entitled *Nibley City Stormwater Update* (a printed copy of this presentation is included in the official copy of the printed meeting minutes).

Mr. Zook left the meeting at 6:50 p.m.

Mr. Maughan's presentation included the following topics: Flood Control vs Water Quality, Municipal Separate Storm Sewer System (MS4), MCM5 – Long Term/Post Construction Stormwater Management, MCM5 – Long Term/Post Construction Stormwater Management, must retain 80% storm, and Low Impact Development (LID) costs less.

Mr. Zook returned to the meeting at 7:01 p.m.

Mr. Maughan and the City Council discussed the pros and cons of swales.

Public Hearing – Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen

Mayor Dustin described the proposal as a land swap between the City and Dell Loy Hansen. The City would trade the corner for a strip of land on the west side of 12th West and another strip that would allow the City to put a trail in and perhaps some stormwater retention on the north. Mr. Maughan led a presentation entitled *Disposal of Property and Right-of-Way Agreement* (a printed copy of this presentation is included in the official copy of the printed meeting minutes). Mr. Maughan displayed a satellite image of the property parcel and the area that fell in the right-of-way agreement. Mr. Maughan gave staff's recommendation: to approve disposal of the property located at 1221 West 3200 South, and the accompanying right-of-way agreement with Dell Loy Hansen.

Mayor Dustin gave direction to the public present and opened the public hearing at 7:11 p.m.

Seeing no public comment, Mayor Dustin closed the public hearing at 7:12 p.m.

Discussion & Consideration – Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen (Second Reading)

Councilmember Laursen moved to approve the Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen. Councilmember Sweeten seconded the motion.

Voting on the motion was as follows:

Councilmember Beus was in favor.

Councilmember Larsen was in favor.

Councilmember Bernhardt was in favor.

Councilmember Laursen was in favor.

Councilmember Sweeten was in favor.

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

Public Hearing – Ordinance 21-03: Commercial Zoning Standards

Mr. Maughan had a PowerPoint presentation to summarize his discussion. His presentation was entitled *Commercial Zoning Standards*. (a printed copy of this presentation is included in the official copy of the printed meeting minutes). Mr. Maughan's presentation included the following topics: site plan review process, current process, rear yard setbacks, side yard setbacks, photos showing examples residential property abutting commercial property and varying landscaping and setbacks, and a summary of recommended changes.

Setback Requirements

- Increase minimum side yard and rear yard setback to 30 ft for commercial zone development and 20 feet for neighborhood commercial zone development when abutting residential zone, increase by 1 ft for every 1 ft increase in height above the minimum.

Site Plan Review Process

- Clarify that site plan review is required for any commercial, institutional or industrial development which includes a new building or adds onto square footage of existing building.
- Clarify that site plan review may be conducted at the time of CUP for conditional uses. Separate application is not needed.
- Set thresholds of approval authority based upon square footage:
 - Less than 500 sq ft –City Planner
 - 500-10,000 sq ft-Planning Commission
 - Greater than 10,000 sq ft-City Council with Planning Commission Recommendation
- Streamline process by removing concept presentation for development less than 10,000 sq ft and preliminary site plan approval for all commercial development.

Mayor Dustin gave direction to the public present and opened the public hearing at 7:21 p.m.

Mayor Dustin noted that he would accept public comment that was submitted in writing, before the end of the meeting.

Seeing no public comment, Mayor Dustin closed the public hearing at 7:22 p.m.

Discussion & Consideration – Ordinance 21-03: Commercial Zoning Standards (First Reading)

Councilmember Bernhardt moved to approve Ordinance 21-03: Commercial Zoning Standards, for first reading. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt said he liked what they had done and thought it was a step in the right direction. Councilmember Laursen reminded the City Council of discussion he'd brought up during their workshop discussion. He wanted to think about what would trigger when a fence might be required and other things that might need to be considered, other than distance and height, and that this might not just be an administrative approval. Councilmember Sweeten had gotten feedback from a resident who'd liked the idea.

Mayor Dustin suggested requiring a fence in all cases when residential was adjacent to commercial. Mayor Dustin said he'd been discussing this with the Nibley City Planner. He asked the City Council to give this some thought and be prepared to make a motion or amendment at the next discussion

Voting on the motion was as follows:

Councilmember Sweeten was in favor.

Councilmember Laursen was in favor.

Councilmember Bernhardt was in favor.

Councilmember Larsen was in favor.

Councilmember Beus was in favor.

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

Discussion & Consideration – Ordinance 21-01 (previously numbered 20-17): Amendments to the Nuisance Ordinance (Second Reading)

Background and Purpose

Mr. Maughan had a PowerPoint presentation to summarize his discussion. His presentation was entitled *Nuisance Ordinance Update, FEBRUARY 11, 2021 CITY COUNCIL* (a printed copy of this presentation is included in the official copy of the printed meeting minutes). Mr. Maughan's presentation included the following topics: Background & Purpose, Provisions, Staff Recommendation. Mr. Maughan said staff recommended the City Council approve Ordinance 21-01: Amendments to the Nuisance Ordinance.

Councilmember Beus moved to approve Ordinance 21-01: Amendments to the Nuisance Ordinance. Councilmember Larsen seconded the motion.

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

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

**Discussion & Consideration – Ordinance 21-02 (previously numbered 20-20):
Establishing a Time Limit and Deposit to Install Landscaping for New Construction
(Second Reading)**

Mr. Maughan had a PowerPoint presentation to summarize his discussion. His presentation was entitled *Landscaping Ordinance, FEBRUARY 11, 2021-CITY COUNCIL*. (a printed copy of this presentation is included in the official copy of the printed meeting minutes). Mr. Maughan's presentation included the following topics: Background & Purpose, provisions, and Planning Commission Recommendation.

Councilmember Larsen moved to approve Ordinance 21-02 (previously numbered 20-20): Establishing a Time Limit and Deposit to Install Landscaping for New Construction Councilmember Beus seconded the motion.

Councilmember Laursen questioned what would be done with forfeited deposits? Mr. Zook said the money would go into Nibley's general fund and then the City could do what they wanted with it. The City could not go on to private property and landscape it; they could landscape the park strip. Mayor Dustin said he had concerns things he felt they could mitigate by educating builders and developers, but he was willing to try the ordinance. The City Council discussed how big a problem they anticipated property that was not landscaped to be. Mayor Dustin said he anticipated bringing another ordinance that addressed park strips specifically and would require builders to build out park strips as part of a development. Mayor Dustin said the current ordinance was not intended to solve Nibley's park strip problem; the ordinance addressed 60% of a property front yard.

Ms. Jensen reported on her experience with requiring a deposit in Hyrum. She said it had worked because property owners put in the front yard as part of their home loan. The discrepancies had been when a developer would install a front yard and a neighbor would find out about the deposit and would ask for the deposit. The deposit went back as given to whomever pulled the building permit. The hardest problems were with single, one-time home builders.

Mayor Dustin said low impact development (LID) was functional infrastructure for the City and needed to be completed and completed correctly. The primary issue was

making sure infrastructure went in right. Mayor Dustin shared feedback he'd gathered from developers.

Councilmember Laursen shared that he didn't love the ordinance as it was. He felt it was a little bit of overreaching and didn't feel there was enough specificity included in the ordinance. He and Ms. Jensen discussed that the deposit should be returned to whomever had paid it and the City shouldn't be in the position of redistributing someone else's money. Councilmember Laursen said the potential risk was too much and he was not likely to approve the ordinance as it was presented.

Voting on the motion was as follows:

Councilmember Bernhardt was opposed.

Councilmember Laursen was opposed.

Councilmember Larsen was in favor.

Councilmember Beus was in favor.

Councilmember Sweeten was opposed.

The motion failed 3-2; with Councilmember Larsen and Councilmember Beus in favor. Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten were opposed.

Workshop – Resolution 21-05: Transportation Master Plan Map Amendments

Mayor Dustin said he had directed staff to update the Transportation Master Plan to look for areas that needed to be fixed, corrected, or needed connectivity between areas; to generally update the plan so that it matched what had been approved with subdivisions. Mr. Maughan had a PowerPoint presentation to summarize his discussion. His presentation was entitled *Transportation Master Plan Map Amendments* (a printed copy of this presentation is included in the official copy of the printed meeting minutes). Mr. Maughan's presentation included the following topics: Background & Purpose, Provisions, Planning Commission Recommendation.

Mr. Maughan described potential roads that had been added to the master plan. Mayor Dustin clarified what lines meant on the map. Solid lines annotated definite placement of a road; a dotted or dashed line annotated a conceptual placement. Final alignment of a dashed/dotted road would depend on the City Council's approval on a plat. They wanted to ensure the lines were connected.

Discussion & Consideration - to file a Protest or Written comments for the Annexation of parcels 03-001-0010 & 03-001-0013 into the City of Logan

Mayor Dustin said Nibley City had received the annexation announcement from Logan City. The grounds for the protest were who could most successfully service the community and the impact of the annexation to the surrounding entities.

Councilmember Bernhardt said he'd already sent comments to Logan's City Council.

Mayor Dustin said they would be protesting to the Cache County Boundary Commission

and thought it was important that these issues were raised so the citizens knew that the Council knew what the rules were and were willing to stick up for Nibley's residents. He believed Logan's argument was that they could give more density than Nibley could. Councilmember Bernhardt was also concerned that 800 West was not capable to service the area and the planned developments that would be on 800 West. Mayor Dustin discussed that they could protest on several fronts; Nibley City plowed the road, Nibley had utilities, the school district was Cache County School District not Logan School District, and the financial impact was Nibley's impact (parks, neighborhoods, schools). Mayor Dustin thought they should file a protest and make a case. He wanted direction from the City Council to file a protest and If the City Council gave the direction, the case would be written and filed.

Councilmember Bernhardt moved to approve direction to file protest for the Annexation of parcels 03-001-0010 & 03-001-0013 into the City of Logan; as listed in the Nibley City Council 2-11-2021 meeting agenda. Councilmember Sweeten seconded the motion.

The City Council discussed if they would have the time to see and vote on the protest letter. Mr. Zook said there were four points in State Law that noted now annexation shall be done and the annexation proposal went against all four points. Mayor Dustin didn't feel there would be time for the City Council to vote on the protest document but did say he could provide the protest and the Council could provide feedback. Councilmember Sweeten said Nibley had spent the better part of that last three decades dealing with intense growth and had a better sense of planning for and preparing for doubling what they were used to. Nibley wouldn't have the time to prepare for the density like they'd done in the past. Mayor Dustin said if they were going to get the impact, they might as well get the impact fees.

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

Council and Staff Report

Mayor Dustin reported that he'd talked to each City Council member about taking on some responsibility with the budget. He asked the City Council to look at his assignment document when he sent it out and provide feedback or arrange to swap with another City Council member.

Councilmember Sweeten had a comment from Gail Bartholomew. She wanted to thank Nibley City for the work that had been done at Elkhorn Park; specifically, how it had been cleaned up.

Mayor Dustin reported that the sidewalk had been installed at Anhder Park and he was very disappointed in the quality of work that was done. It was ugly. The City hadn't paid

for the work yet and were looking at their options. He felt their options were to take the sidewalk out and replace it or to live with it. He was concerned that it was also not good concrete, and he would just as soon take the ugly concrete out now and replace it. He said he, Mr. Maughan and Mr. Zook were working on this.

Mayor Dustin said he, Mr. Zook, and Mr. Maughan had gone through the budget and anticipated suggesting extending the sidewalk from the south side of the roundabout and across to the new subdivision by the roundabout. He might be asking the City Council to reopen the budget so they could get the sidewalk contracted.

Mr. Zook delivered his resignation letter to the City Council. He said the City Council would need to appoint an interim City Manager after he left Nibley City employment at the end of the February and suggested the City Council discuss this at their next City Council meeting.

Mr. Maughan reported on several transportation related meetings he'd attended. He said UDOT had held a meeting where they'd discussed some of the big projects they had in the upcoming year; islands on 10th west and 2nd north, widening SR 252 north of 1400 to 1800, and some guardrail through Logan Canyon. The CTAK met and talked about potential funding opportunities for (Transportation Alternative) TAP and (Congestion Mitigation and Air Quality) CMAQ funds and trails was a big part of their funding. He anticipated trying for funding on the 2600 South trail or any other trail. Even perhaps a connection to the Logan trail system along 800 West. Mr. Maughan reported that 3200 was going to have heavy construction in the next year. Dominion Energy would be installing a high-pressure gas line to service the east side of Cache Valley, including a valve station near Grant's Hometown Auto. In conjunction with this and working with Dominion Energy, Nibley had been saving their class-C road funds to repair distressed and diminished asphalt on 3200 South. Mr. Maughan reported on anticipated 3200 South and 1200 West roundabout construction and described that he'd already reached out to Heritage Elementary about the roundabout construction and said traffic would be flagged and there would be times when the road would need to be shut down completely.

The meeting was adjourned at 8:38 p.m.

Attest: _____
Deputy City Recorder