

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

The following actions were made during the meeting:

OFFICIAL MINUTES OF THE MEETING

Deputy City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Larsen talked about the opportunity the City Council had to receive applicants from all over the United States to come work in Nibley. This had made him reflect on how grateful he was to live in a great community and said he appreciated the opportunity he had to serve on the Council.

Councilmember Larsen let the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Dustin called the Thursday, March 11, 2021 Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen and Councilmember Kay Sweeten. Justin Maughan, Interim Nibley City Manager, and Levi Roberts, Nibley City Planner was also present.

Approval of the 2-25-2021, 3-2-2021, 3-5-2021 Regular Meeting and Executive Session Meeting Minutes and Current Agenda

Councilmember Larsen moved to approve the evening's agenda and the minutes from the 2-25-2021, 3-2-2021, and 3-5-2021 regular and executive session meetings.

Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen and Councilmember Sweeten all in favor.

Councilmember Beus arrived at 6:32 p.m.

Public Comment Period

Mayor Dustin gave direction to the public present and opened the Public Comment Period at 6:33 p.m.

Deputy Recorder Bodily read a public comment from Nibley resident, Jen Weeks into the meeting record:

"I'm here to address Nibley City's policy regarding Dog licensing renewals. Nibley City's current policy is NOT to bill residents. It is the current policy that the homeowner should intuitively pay the fee without notification. There are problems with this policy on many levels.

1. If my dentist wants me to pay him, he bills me. If my phone provider would like money, they bill me. Heck, Nibley City sends me a paper bill ever month. This notifies me that I owe money. I, as a consumer, cannot pay some one if I am unaware that there is an outstanding balance.

2. As a first time dog owner, I was completely unaware that the license needed to be renewed yearly, because I was never notified. If I had been notified that there was a fee to pay, the bill would have been payed in a timely manner. A bill would be a perfect notification of an outstanding balance. Without notification, we as citizens will remain unaware.

3. Nibley City's current policy is to NOT send a bill, but then to enforce a late payment when the bill remains unpaid. It is completely unethical to enforce a late payment when no notice of the bill was given. Nibley City needs to send bills to give citizens the opportunity to pay the bill before enforcing the late fee.

I urge you to reevaluate your billing policies regarding dog license renewals. It is impossible for me to pay a bill that I don't know exists. Billing your citizens is a completely reasonable request as it allows us to be aware that a balance is due, thus providing us the opportunity to pay the bill. Please, bill us dog owners so that we can register our dogs before the deadline.

*Thank you
Jen Weeks"*

Seeing no further public comments, Mayor Dustin closed the Public Comment Period at 6:35 p.m.

Planning Commission Report

Mr. Roberts reported that the Planning Commission had considered a cup for Dominion Energy to put in a regulator station on 3200 South at 75 West; just west of Grant's Auto. This item had been tabled over concerns of tying up the corner the possible prohibition of future commercial development. There were also setback issues that had been discussed. Mr. Roberts discussed that the Planning Commission had also had workshop discussion on a mixed residential housing ordinance targeting the area north of 2200 South. In general, there was support for the ordinance among the Planning Commission and they understood the need for the ordinance. Mr. Roberts felt the Planning Commission would hold a public hearing on the proposed ordinance on April 1, 2021.

Mr. Roberts said there would be an update on the future land use map in conjunction with the ordinance discussion.

Council Training – Open and Public Meetings Act (OPMA)

Deputy Recorder Bodily said the Open and Public Meetings Act was found in Utah State code 52-4-104 and required all public bodies, both elected and appointed, to participate in OPMA training annually. The Planning Commission and the Nibley Parks and Recreation Advisory Committee would also have to complete the training.

Deputy Recorder Bodily showed an OPMA training video entitled, *“Open & Public Meetings Act, An LG Digital Short”* provided by the Utah State Auditor and had the City Council sign that they had participated in the training.

Mayor Dustin reminded the City Council to be careful they ensure a social discussion didn’t turn into a policy discussion and appreciated the way the City Council managed their emails and conversations to stay in compliance with OPMA.

Discussion & Consideration – Process for Hiring a New City Manager

Mayor Dustin said he’d met with Mr. Maughan. They’d gone through the proposed contract, which was essentially the former City Manager’s contract with a proposed salary and some proposed milestones. The duties were the same and the expectations were similar. An annual review would be conducted every March and he anticipated that specific goals would be set each year. The contract had been sent to the City Attorney and they’d received Mr. Patterson’s comment the previous evening. Neither Mayor Dustin or Mr. Maughan expressed any concerns with changes the attorney had made to the contract.

Councilmember Bernhardt said he had concerns with section 2.04. He thought a vehicle stipend was more in line with liability and rules being clear regarding business use versus personal use. He suggested having Mr. Maughan be responsible for the overall maintenance and upkeep of his own vehicle. Mayor Dustin said this had been discussed and because Mr. Maughan had driven a city vehicle in his previous position, they had stuck with his preference. Mr. Maughan said when he’d run the numbers on both options it was sixes. Councilmember Bernhardt said he’d looked at it from an insurance point of view. He described that with the University, there couldn’t be any family use inside a company vehicle. Councilmember Bernhardt said it was cleaner from a stipend policy. Councilmember Larsen thought Councilmember Bernhardt made a good point and it did cause him pause to see “EX” vehicles being driven for personal use. Mayor Dustin said they could rewrite that section of the contract.

Mayor Dustin asked the City Council to contact him in the next week if they had any other items in the contract they’d liked looked at or changed.

Public Hearing – Resolution 21-05: Transportation Master Plan Map Amendments

Mr. Roberts led a brief presentation on this item. He displayed the Transportation Master Plan Map that included road amendments highlighted in bright yellow (a printout of this map is included in the written meeting minutes). Mr. Roberts reviewed each of the proposed changes. He described that some of the proposed alignments could be changed as needed, however, the map reflected the preferred alignment of most roads.

Mayor Dustin opened the public hearing at 7:06 p.m.

Seeing no public comment, Mayor Dustin closed the public hearing at 7:06 p.m.

Mayor Dustin reminded the public if they had any comment they'd like to make, it could be submitted before the end of the meeting and the City Council would take their comment under advisement.

Adjourn to a Meeting of the Community Reinvestment Agency

Councilmember Beus moved to adjourn to a Meeting of the Community Reinvestment Agency. 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.

The Council returned from the meeting of the Community Reinvestment Agency and resumed their City Council session at 7:27 p.m.

Council and Staff Report

Councilmember Sweeten reported on discussion with Shawn Johnson with the Nibley Church of Jesus Christ of Latter-Day Saints, West Stake as far as housing and what had been development had been approved. Mr. Johnson had said the information would also be shared with the Nibley Stake. Councilmember Sweeten described the information that she'd shared. She said the Stakes were trying to make a five-year plan.

Councilmember Sweeten said she had called the City Council individually about the members individuals that were potential members on the Parks and Recreation Advisory Committee. Those individuals wanted to ensure Nibley residents knew what was happening just past Nibley's border on 2200 north and how this information could be shared, the impact this would have on Nibley, and help residents understand why the Council was making some of the choices they were making.

Councilmember Laursen reported that the boundary commission for the County was looking at a public meeting on March 18 at 4:00 p.m. He planned on going. Councilmember Bernhardt clarified that this meeting was specifically addressing the Campbell property.

Councilmember Bernhardt said he wanted to send notifications out to the Nibley residents who owed a dog fee. He was not opposed to increasing the price to cover the postage to notify residents. He wanted to incentivize people to register their dogs and not penalize them. Mayor Dustin thought this could be done in the consolidated fee schedule. The City Council indicated they would like to see this fee added to the consolidated fee schedule.

Councilmember Larsen said he'd like to be ahead of the game as far as park development. He didn't want to see subdivisions developed and have them wait to have the parks designed. Mayor Dustin said everything was up in the air because of reorganizing. He felt they could have a member of the parks department present at the next City Council meeting.

The City Council discussed their meeting schedule in April. Councilmember Bernhardt and Councilmember Larsen said they wouldn't be available on the 8th. Councilmember Beus, Councilmember Sweeten, and Councilmember Laursen said they would be available. Councilmember Laursen said he would be fine with a meeting on the 15th.

Mr. Maughan notified the City Council that the Utah League of Cities and Town midyear conference was April 21-23. He asked the City Council to let Deputy Recorder Bodily know if they'd like to be registered by the following Friday, March 19.

Mr. Maughan reported on Cache County's fire response during a recent house fire in Nibley. Chief Maughan said the direction had never been given to not respond to a Nibley fire but that their primary responsibility was ambulance, medical service and they could not leave on a fire call until they have backup coming and can cover the medical part of their responsibility. It was a staffing issue. This was why a fire truck hadn't immediately rolled out of the County shop.

Mr. Maughan said the EMS service contract was coming and was expected to be around \$100,000 in the next year. This essentially meant a raised property tax or implementing a fee. Staff and the Mayor thought it would be more transparent to assess a fee. This proposed fee would be brought to the City Council (approximately \$4-7/month per utility bill).

Mr. Maughan reported on the construction project underway on 3200 South by Dominion Energy. He discussed the crumbling asphalt on 3200 South and the agreement for asphalt for a full-half lane of traffic. The costs had come in staff thought it was a great deal and were negotiating doing all of 3200 South this year, instead of half with dominion energy covering 1/3 to a 1/4 of the costs. Mr. Maughan said they could cover the remaining cost with cash flow from class C road funds the City had been collecting and saving for that purpose.

Mr. Maughan discussed increased costs for the upcoming municipal election with the new state mandate that all elections be conducted by mail.

Councilmember Beus moved to adjourn to executive session to discuss the Purchase, Sale or Lease of Property pursuant to Utah Code 52-4-205 at 7:56 p.m. Councilmember Larsen seconded. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

Mayor Dustin called for a brief recess at 7:56 p.m.

Adjourn to Closed Session – To Discuss the Purchase, Sale or Lease of Property pursuant to Utah Code 52-4-205

The meeting was adjourned at 9:31 p.m.

Deputy City Recorder