

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, April 15, 2021.

3
4 The following actions were made during the meeting:

5
6 **Mayor Dustin moved to approve the items on the April 15, 2021 Consent Agenda.**

7
8 **6-a. A Proclamation Recognizing Arbor Day in Nibley City**

9 **6-b. Amendment to the Current Lease Agreement with Blue Springs at the**
10 **Nibley City Reservoir Site**

11 **6-c. Approving an Interlocal Agreement Between Cache County and Nibley**
12 **City for the Administration of 2021 Municipal Elections**

13
14 **Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with**
15 **Councilmember Beus, Councilmember Bernhardt, Councilmember Larsen,**
16 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

17
18 **Mayor Dustin moved to approve Ordinance 21-06: Mixed Residential Housing**
19 **Ordinance and waive the second reading and amending the ordinance to allow vinyl**
20 **siding with a minimum 40-year warrantee. Councilmember Larsen seconded the**
21 **motion.**

22
23 **Mayor Dustin made a motion to amend Ordinance 21-06: Mixed Residential**
24 **Housing Ordinance, to include the relevant lot parcel numbers. Councilmember**
25 **Larsen seconded the motion. The motion passed unanimously 5-0; with**
26 **Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt,**
27 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

28
29 **The amended motion passed unanimously 5-0; with Councilmember Larsen,**
30 **Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and**
31 **Councilmember Sweeten all in favor.**

32
33 **Mayor Dustin moved to approve Resolution 21-10: Future Land Use Map Amendments**
34 **and waive the second reading. Councilmember Larsen seconded the motion. The**
35 **motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Beus,**
36 **Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all**
37 **in favor.**

38
39 **Councilmember Bernhardt moved to approve Resolution 21-06: Designating**
40 **Significant Surplus Property and Authorizing the Sale of City-Owned Parcels Located at**
41 **Nibley Park Ave and 800 West; Parcel Tax ID: 03-170-0001 & 03-173-0052, for first**
42 **reading. Councilmember Laursen seconded the motion. The motion passed 5-0; with**
43 **Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus,**
44 **Councilmember Larsen, and Councilmember Sweeten all in favor.**

1 Councilmember Laursen moved to allow staff to award the acceptance of the lowest
2 bid for 1200 West and 3200 South Roundabout, to LeGrand Johnson. Councilmember
3 Sweeten seconded the motion. The motion passed unanimously 5-0; with
4 Councilmember Laursen, Councilmember Sweeten, Councilmember Beus,
5 Councilmember Bernhardt, and Councilmember Larsen all in favor.

6
7 Councilmember Laursen moved to approve Resolution 21-09: Noticing Nibley City's
8 Intent to Participate in Ranked Choice Voting During the 2021 Municipal Election.
9 Councilmember Larsen seconded the motion. The motion passed unanimously 5-0;
10 with Councilmember Laursen, Councilmember Larsen, Councilmember Beus,
11 Councilmember Bernhardt, and Councilmember Sweeten all in favor.

12
13
14 OFFICIAL MINUTES OF THE MEETING
15 Deputy City Recorder Cheryl Bodily took minutes
16

17 **Opening Ceremonies**

18 Councilmember Sweeten led the singing of Happy Birthday to Councilmember Larsen
19 and then led the meeting in the Pledge of Allegiance.
20

21 **Call to Order and Roll Call**

22 Mayor Dustin called the Thursday, April 15, 2021 Nibley City Council meeting to order at
23 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Tom
24 Bernhardt, Councilmember Norman Larsen, and Councilmember Kay Sweeten. Justin
25 Maughan, Nibley City Manager, and Levi Roberts, Nibley City Planner, Levi Roberts was
26 also present.
27

28 Councilmember Kathryn Beus arrived at 6:32 p.m.
29

30 **Approval of the Previous Meeting Minutes and Current Agenda**

31 Councilmember Larsen moved to approve the evening's agenda and the previous
32 meeting minutes. Councilmember Sweeten seconded the motion. The motion passed
33 unanimously; with Councilmember Larsen, Councilmember Sweeten, Councilmember
34 Beus, Councilmember Bernhardt, and Councilmember Laursen all in favor.
35

36 **Public Comment Period**

37 Mayor Dustin gave direction to the public present and opened the Public Comment
38 Period at 6:33 p.m.
39

40 Seeing no public present and noting there were no public comments via the Zoom
41 meeting link, Mayor Dustin closed the Public Comment Period at 6:33 p.m.
42

43 **Planning Commission Report**

1 Mr. Roberts reported that the Planning Commission had recommended the Mixed
2 Residential Housing ordinance and the rezone of a property at 4350 South Main Street
3 which had been recommended with approval pending the entire parcel were zoned
4 Commercial. The applicant was reassessing this condition to decide if it were possible
5 and would work for operating his business. Mr. Roberts said the Planning Commission
6 also considered a conditional use permit for a Dominion Energy utility substation. The
7 request had been continued and would be considered at the next Planning Commission
8 meeting. Mr. Roberts reported the Planning Commission had also recommended the
9 amendment to the Future Land Use map, which was on the City Council's current
10 agenda.

11
12 **Approval of Items on the Consent Agenda**

13 **6-a. A Proclamation Recognizing Arbor Day in Nibley City**

14 **6-b. Amendment to the Current Lease Agreement with Blue Springs at the**
15 **Nibley City Reservoir Site**

16 **6-c. Approving an Interlocal Agreement Between Cache County and Nibley**
17 **City for the Administration of 2021 Municipal Elections**

18 Mayor Dustin moved to approve the items on the April 15, 2021 Consent Agenda.
19 Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with
20 Councilmember Beus, Councilmember Bernhardt, Councilmember Larsen,
21 Councilmember Laursen, and Councilmember Sweeten all in favor.

22
23 **Public Hearing – Ordinance 21-06: Mixed Residential Housing Ordinance**

24 Mr. Roberts presented on this ordinance. He utilized an electronic presentation entitled
25 *Mixed Residential Housing Ordinance, Nibley City Council April 15, 2021* (a printed
26 version of this presentation is included in the printed meeting minutes). The topics Mr.
27 Roberts discussed were Background & Purpose, Public Engagement, Summary of
28 Proposed Elements, a map showed the designated area for Mixed Residential Housing,
29 Density & Space Regulations, Open Space & Amenities, Architectural Design Standards,
30 Site Design Standards, Use Regulations, Approval Process, Planning Commission
31 Recommendation, and a copy of the Future Land Use Map.

32
33 Mayor Dustin opened the public hearing at 6:53 p.m.

34
35 Seeing no public comments, Mayor Dustin closed the public hearing at 6:53 p.m.

36
37 **Discussion & Consideration – Ordinance 21-06: Mixed Residential Housing**
38 **Ordinance (First Reading)**

39 Mayor Dustin moved to approve Ordinance 21-06: Mixed Residential Housing Ordinance
40 and waive the second reading and amending the ordinance to allow vinyl siding with a
41 minimum 40-year warrantee. Councilmember Larsen seconded the motion.

42
43 Mayor Dustin said and he'd been looking into vinyl siding and it was not the same
44 material it had been in the past. Current industry standards were not the same and

1 what he was seeing in the industry was a lot better quality and that it came in a lot more
2 “flavors” than it used to.

3
4 Councilmember Larsen said he’d talked to quite a few peoples and that Councilmember
5 Laursen had done a cottage meeting done felt the citizens understood the City Council
6 motivation to do the ordinance. Councilmember Beus questioned whether this
7 ordinance could be applied for in other areas. Mayor Dustin and Mr. Roberts clarified
8 that the future land use map and the ordinance would have to be changed.

9 Councilmember Bernhardt questioned the 40-acre minimum in Nibley’s R-PUD
10 ordinance and felt this might be out-of-whack. He questioned if the City Council out to
11 revisit this ordinance. Councilmember Bernhardt and Councilmember Beus discussed
12 the frustrations being expressed by some residents with two cities being pitted against
13 one another. Councilmember Laursen questioned some of the use regulations,
14 processes, and authorized site plans. Mr. Roberts clarified his questions about site plan
15 approval. Councilmember Laursen expressed that he didn’t see that the designated area
16 had been designated by lot number or address. Mr. Roberts said he’d thought of
17 including the parcel number, but parcel numbers changed if the lot were subdivided.

18
19 Mayor Dustin made a motion to amend Ordinance 21-06: Mixed Residential Housing
20 Ordinance, to include the relevant lot parcel numbers. Councilmember Larsen seconded
21 the motion. The motion passed unanimously 5-0; with Councilmember Larsen,
22 Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and
23 Councilmember Sweeten all in favor.

24
25 Councilmember Laursen questioned if Commercial would be considered a dwelling unit.
26 Mr. Roberts clarified that they were not and said they wanted to make sure the parks
27 were where the people were. Not necessarily commercial. Councilmember Laursen
28 questioned if the City Council wanted to put an expiration date on the ordinance if the
29 parcel were to be taken out of Nibley City. Councilmember Bernhardt said he would
30 rather go through the procedure to have the ordinance taken off the books.

31
32 Voting on the motion was as follows:

33 Councilmember Beus voted in favor.

34 Councilmember Larsen voted in favor.

35 Councilmember Bernhardt voted in favor.

36 Councilmember Laursen voted in favor.

37 Councilmember Sweeten voted in favor.

38
39 The amended motion passed unanimously 5-0; with Councilmember Larsen,
40 Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and
41 Councilmember Sweeten all in favor.

42
43 **Public Hearing – Resolution 21-10: Future Land Use Map Amendments**

1 Mr. Roberts explained that the amended Future Land Use Map designated the parcel for
2 Mixed Residential Housing. He said Nibley already had a designation on the Future Land
3 Use Map called Medium to High Density Residential and he and the Planning
4 Commission felt this was the most appropriate designation because it allowed
5 Commercial and High Density. This amendment only changed the designation on the
6 Campbell parcel to Medium to High Density Residential.

7
8 Mayor Dustin gave direction to the public present and opened at 7:08 p.m.

9
10 Seeing no public comment, Mayor Dustin closed the at 7:08 p.m.

11
12 **Discussion & Consideration – Resolution 21-10: Future Land Use Map**
13 **Amendments (First Reading)**

14 Mayor Dustin moved to approve Resolution 21-10: Future Land Use Map Amendments
15 and waive the second reading. Councilmember Larsen seconded the motion.

16
17 Voting on the motion was as follows:

18 Councilmember Sweeten voted in favor.

19 Councilmember Laursen voted in favor.

20 Councilmember Bernhardt voted in favor.

21 Councilmember Larsen voted in favor.

22 Councilmember Beus voted in favor.

23
24 The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Beus,
25 Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in
26 favor.

27
28 **Public Hearing – Resolution 21-06: Designating Significant Surplus Property and**
29 **Authorizing the Sale of City-Owned Parcels Located at Nibley Park Ave and 800 West;**
30 **Parcel Tax ID: 03-170-0001 & 03-173-0052**

31 Mr. Maughan led this discussion. Mr. Roberts showed a satellite view of the two parcels
32 being discussed and Mr. Maughan described the parcels. He described the history of the
33 parcels and how they'd been designated to Nibley City. He said there had been
34 restrictions held on the parcels regarding continuation of Heritage Park or the funds of
35 the sale of the parcels being used for park purposes. Mr. Maughan felt the Trust that
36 had donated the property was willing to remove the restriction and allow Nibley City to
37 sell the lots. Mr. Maughan said the sale of the parcels had been planned for quite some
38 time and the funds had already been included in the current budget. Councilmember
39 Laursen asked if the restriction was that the funds were only used for Heritage Park. Mr.
40 Maughan said that it was not restricted to just Heritage Park.

41
42 Mayor Dustin opened the public hearing at 7:15 p.m.

43
44 Seeing no public comments, Mayor Dustin closed the public hearing at 7:15 p.m.

Discussion & Consideration – Resolution 21-06: Designating Significant Surplus Property and Authorizing the Sale of City-Owned Parcels Located at Nibley Park Ave and 800 West; Parcel Tax ID: 03-170-0001 & 03-173-0052 (First Reading)

Councilmember Larsen questioned if a second reading of the Resolution were needed. Councilmember Bernhardt said he'd like to see things get cleaned up; if they would adjust and clean up the lot lines, sewer and water stubs.

Councilmember Bernhardt moved to approve Resolution 21-06: Designating Significant Surplus Property and Authorizing the Sale of City-Owned Parcels Located at Nibley Park Ave and 800 West; Parcel Tax ID: 03-170-0001 & 03-173-0052, for first reading.

Councilmember Laursen seconded the motion.

The City Council discussed that the money from the sale of the property was required to be spent on park space. Councilmember Beus questioned if there were plans for the proceeds of the sale of the property. Mr. Maughan said his intent was to include the proceeds in the 2021-22 Nibley City budget for the City Council to decide what they wanted to do with it. Councilmember Beus expressed that she liked the undeveloped open space along 800 West for the sake of open space, but it was just a field of weeds. She didn't see it paying off to put something there. The City Council discussed other options for the property. Mr. Maughan said his opinion was that they had this sort of park property all over Nibley City. He felt the City Council should sell the property and put an amenity in somewhere else.

Mayor Dustin said staff would clean up the proposal. Mayor Dustin directed the City Council that if they had a specific idea for allocation of the money from the sale of the properties, to bring this discussion to the second reading of the Resolution. Otherwise, they should bring it to their 2021-22 budget discussion. Councilmember Sweeten said the Nibley City Parks and Recreation Committee already had specific ideas for the funds. Mr. Maughan clarified that the City Council wanted an amended plat showing the acreage and resolve the question of utility stubs. Mr. Maughan said he was 90% sure they didn't exist, and it would cost a significant amount to camera the sewer main. Councilmember Beus said this was the property buyer's due diligence and Councilmember Laursen said he trusted staff to make a smart decision. Councilmember Laursen asked staff to make sure funds from the sale of the Property was not restricted to just Heritage Park.

Voting on the motion was as follow:

Councilmember Bernhardt voted in favor.

Councilmember Laursen voted in favor.

Councilmember Beus voted in favor.

Councilmember Larsen voted in favor.

Councilmember Sweeten voted in favor.

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

3
4 **Discussion & Consideration – Presentation of Bid Results for 1200 West and 3200 South**
5 **Roundabout and Awarding and Acceptance of the Lowest Bid**

6 Mr. Maughan led this presentation. He said the low bid was LeGrand Johnson with a bid
7 of \$2, 475,299.45. Mr. Maughan did quick review of the process that had been
8 completed for construction of a right-of-way at 1200 west and 3200 south. Mr.
9 Maughan said the Council would still need to approve a construction engineering
10 management contract. He would like Nibley's new engineer to review this contract and
11 give his input. Mr. Maughan said the total of the project had been brought up to \$3.2
12 million and the Council of Governments (COG) had awarded Nibley up to \$3.15 with a
13 7% match from Nibley City; so just shy of \$400,000 would have to come out of Nibley
14 City's pocket. Mr. Maughan reviewed the bid process, history and results with the City
15 Council. Mr. Maughan said the City Council would give LeGrande Johnson a notice of
16 award with their vote.

17
18 Mayor Dustin calculated that they were approximately \$400,000 under budget. He felt
19 they may want to go back to the COG to extend further to the north or south or to
20 switch out the asphalt for concrete.

21
22 Councilmember Larsen left the meeting at 7:31 p.m.

23
24 Mr. Maughan and the City Council discussed alternate use of funds for the project and
25 Nibley's past experience with LeGrande Johnson and Nibley's confidence in LeGrande
26 Johnson's quality.

27
28 Councilmember Larsen returned to the meeting at 7:39 p.m.

29
30 Councilmember Laursen moved to allow staff to award the acceptance of the lowest bid
31 for 1200 West and 3200 South Roundabout, to LeGrand Johnson. Councilmember
32 Sweeten seconded the motion.

33
34 Councilmember Beus asked if there were any landscaping included in the roundabout.
35 Mr. Maughan said there would be. Councilmember Beus asked for a size comparison to
36 other roundabouts in Cache County. Mr. Maughan said the roundabout would be a little
37 bit bigger than the roundabout in Logan City near the CVTD station at 500 North. Mr.
38 Maughan described some specifications of the roundabout.

39
40 Voting on the motion was as follows:
41 Councilmember Sweeten voted in favor.
42 Councilmember Laursen voted in favor.
43 Councilmember Bernhardt vote in favor.
44 Councilmember Larsen voted in favor.

1 Councilmember Beus voted in favor.

2
3 The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember
4 Sweeten, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen
5 all in favor.

6
7 **Discussion & Consideration – Resolution 21-09: Noticing Nibley City’s Intent to**
8 **Participate in Ranked Choice Voting During the 2021 Municipal Election (Second**
9 **Reading)**

10 Councilmember Laursen moved to approve Resolution 21-09: Noticing Nibley City’s
11 Intent to Participate in Ranked Choice Voting During the 2021 Municipal Election.
12 Councilmember Larsen seconded the motion.

13
14 The City Council was shown a brief infomercial about Ranked Choice Voting entitled;
15 *Voter Ranked Choice Voting Explainer Animation Video* found at
16 <https://www.youtube.com/watch?v=YEpVejN1FZ4>.

17
18 Councilmember Beus said she believed going with RCV was worth it because of the cost
19 savings. Mayor Dustin listed that his benefits were, 1-the financial benefit, and 2-more
20 civil elections. You didn’t want to be contentious because if you weren’t a residents first
21 choice, you wanted to be their second choice. Councilmember Sweeten shared the
22 research and statistics she’d learned about Ranked Choice Voting.

23
24 The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember
25 Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten
26 all in favor.

27
28 **Council and Staff Report**

29 Councilmember Beus had a resident reach out to her about excess property adjacent to
30 Ridgeline Park. She asked the Mayor that this be addressed in an upcoming meeting.
31 The resident would like to purchase the property, or it could be incorporated and
32 landscaped into the Ridgeline Park property. The resident would like to plant an
33 orchard. Mr. Maughan reported that Ridgeline would like to incorporate the property
34 into their storm drain design and had volunteered to implement it into their HOA
35 maintained landscaping.

36
37 Councilmember Larsen discussed the swales in Apple Creek subdivision. He had
38 community volunteers who were willing to help removed current landscaping so the
39 City would be able to dig down. He asked for a buffer to be able to get volunteer labor
40 organized. Councilmember Laursen said he and Councilmember Larsen would like to
41 have a conversation with staff about this project. Mr. Maughan reported on the
42 response to letters that had been sent to residents that were in violation. Mayor Dustin
43 discussed that he felt they had more time to address this issue because Nibley’d had
44 such a dry water year.

1
2 Mr. Maughan reported that staff was working hard on the budget and hoped to have a
3 draft of the budget to the City Council soon. They planned to have the first presentation
4 at the first City Council meeting in May.

5
6 Mr. Maughan reported about his experience and discussion on the radio program *For*
7 *the People*.

8
9 Mr. Maughan reported on pavement on 3200 South. The potential contract with
10 LeGrande Johnson would allow them to pave the entire road using class-C funds that
11 had been saved. The cost should be approximately \$1.1. million. Mr. Maughan reported
12 on the current Dominion gas line project along 3200 South and on the current
13 conditional use permit application for their utility substation.

14
15 Mr. Maughan reported that the Nibley Community Clean-Up was planned for May 8 at
16 Anhder Park. He planned to include a metal recycling bin along with three refuse bins.

17
18 Mr. Maughan reported that Mr. Roberts had been out and about doing code
19 enforcement so the City Council may start hearing about this from residents.

20
21 Mr. Maughan reported on enforcement with backflow and secondary irrigation system
22 inspections.

23
24 Mr. Maughan reported that Nibley's attorney had emailed the written official ruling on
25 the Firefly referendum. Mr. Patterson said the court had ultimately decided that not all
26 the materials were part of the mailer and the link to the website was just not enough.

27
28 Mr. Maughan reported on Nibley Fit classes had been being moved out to Mt. Peak
29 Volleyball. There had been some issues with Millville City requiring a business license
30 but those issues had been addressed.

31
32 Mr. Maughan reported that Nibley Soccer had started and was going well.

33
34 Mr. Maughan reported on some statistics gathered during a recent Nibley Wellness
35 survey that had been conducted by a professor at Utah State University. He forwarded
36 this information to the City Council Chad Wright, Nibley's Recreation Director, would
37 like to look at the information and see what programs Nibley should target.

38
39 Mr. Maughan reported that Nibley City was still seeking part-time seasonal parks
40 employees and had decided to offer the positions to individuals that were 16 or older.
41 Mr. Maughan reported that the City also had a maintenance position open. He asked
42 the City Council to spread the word and send individuals their way. He felt the person in
43 this position needed to be at least 18 years old.

1 Mr. Maughan reported that Nibley's Engineer, Darrin Farar, would be starting on the
2 26th of April.

3
4 Councilmember Sweeten questioned if the community center were open for rentals.
5 Mr. Maughan reported that it was.

6
7 Mr. Maughan discussed current community center maintenance and potential upgrades
8 to the audio-visual system.

9
10 Councilmember Larsen reported on resident complaints and issues regarding dog
11 licensing.

12
13 **Adjourn to Closed Session – To Discuss Pending Litigation pursuant to Utah Code 52-4-**
14 **205**

15 Councilmember Beus motioned to move to closed session at 8:37 p.m. Councilmember
16 Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember
17 Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and
18 Councilmember Sweeten all in favor.

19
20 Mayor Dustin called for brief recess at 8:37 p.m. After returning from recess, the City
21 Council moved to closed session.

22
23 The City Council returned from closed session at 9:53 p.m.

24
25 Deputy Recorder Bodily reminded the Mayor and City Council members attending the
26 mid-year Utah League of Cities and Towns conference of their requirements regarding
27 Covid testing and vaccinations.

28
29 The meeting was adjourned at 9:56 p.m.

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42
43 Attest: _____
44 Deputy City Recorder