

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 13, 2021.

The following actions were made during the meeting:

Councilmember Larsen moved to approve the May 13, 2021 Consent Agenda. As outlined. Councilmember Laursen seconded the motion.

- 6-a. Resolution 21-12: Approving an Amended Interlocal Agreement Between Cache County and Nibley City for the Administration of 2021 Municipal Elections**
- 6-b. Approving a Construction Contract with LeGrand Johnson for 1200 West**
- 6-c. Approving a Construction Management Contract with JUB for 1200 West**
- 6-d. Approving a Construction Staking Contract with CRS**
- 6-e. Approving an Asphalt Contract with Dominion Energy for 3200 South**
- 6-f. Approving a Construction Management Contract with JUB for 3200 South**

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

Councilmember Bernhardt moved to approve Ordinance 21-07: Zoning parcel 03-067-0004, located at 4350 S Main St from R-2-Residential to C-Commercial, applicant: Juan Estrada, for first reading. Councilmember Sweeten seconded the motion.

Councilmember Larsen made a motion to amend to waive the second reading of Ordinance 21-07. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Councilmember Laursen moved to deny Ordinance 21-08: Rezoning Parcel 03-018-0002 and 03-018-0005, located at approximately 1145 W 3200 S from R-2-Residential and A-Agricultural to C-Commercial, applicant: Ebeco Properties, LLC. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and Councilmember Sweeten all in favor.

Councilmember Bernhardt moved to approve Nibley Farms Subdivision Phase 4, 5, and 6 Final Plat(s) located at approximately 1500 W and 3410 S., Applicant, 7 Point Royal,

LLC as presented and with staff's conditions. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Larsen, and Councilmember Laursen all in favor.

Councilmember Larsen moved to approve Resolution 21-13: Approving an Agreement Between the Cache County Sheriff's Department and Nibley City for Law Enforcement Services with option 2 and waived the second reading. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Opening Ceremonies

Councilmember Bernhardt led the meeting in the Pledge of Allegiance

Call to Order and Roll Call

Mayor Dustin called the Thursday, May 13, 2021 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Tom Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen and Councilmember Kay Sweeten. Justin Maughan, Nibley City Manager, Levi Roberts, Nibley City Planner, and Darren Farar, Nibley City Engineer was also present. Mayor Dustin noted that Councilmember Kathryn Beus would not be present at the meeting.

Approval of the Previous Meeting Minutes and Current Agenda

Mayor Dustin had no proposed amendments to the evening's agenda.

Councilmember Larsen moved to approve the April 15, 2021 regular and executive session and the April 29, 2021 regular and executive session meeting minutes and the evening's agenda. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Public Comment Period

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

Linda Barnes of 3099S 1000 West said she'd submitted a letter to the City Council about her feelings of rezoning the property in her backyard. Her greatest concern was for the school children that would have to cross the street at 1000 in order to get to school. She asked the City Council to remember that these children were 5-11 years old and were

just not responsible at this age. To put something commercial in the area could lure them away put the children in danger. The businesses could also bring in other people from out of town. Ms. Barnes was concerned with the welfare of children in allowing businesses to be there.

Seeing no further public comments, Mayor Dustin closed the Public Comment Period at 6:34 p.m.

Planning Commission Report

Mr. Roberts gave this report. Mr. Roberts said the Planning Commission had discussed items that were in the City Council's current agenda: the proposed rezone on 3200 South and 1145 West, and Nibley Farms phases 4-6 was recommended for approval. He said the Planning Commission discussed a handful of workshops; one was regarding open space and a transfer of development right ordinance. This ordinance would be a mechanism to preserve open spaces in Nibley City. The Planning Commission discussed adjusting setback requirements for accessory structures. There was some concern that accessory building, particularly ones that were tall were a bit out of scale with some neighborhoods. The Planning Commission discussed the prohibition of subdivision for City Council. He said the Planning Commission would probably discuss this again at their next meeting.

Approval of Items on the Consent Agenda²

- 6-a. Resolution 21-12: Approving an Amended Interlocal Agreement Between Cache County and Nibley City for the Administration of 2021 Municipal Elections

1200 West Roundabout Contracts

- 6-b. Approving a Construction Contract with LeGrand Johnson for 1200 West
- 6-c. Approving a Construction Management Contract with JUB for 1200 West
- 6-d. Approving a Construction Staking Contract with CRS

3200 South Asphalt Repave Contracts

- 6-e. Approving an Asphalt Contract with Dominion Energy for 3200 South
- 6-f. Approving a Construction Management Contract with JUB for 3200 South

Councilmember Bernhardt wanted to understand the process for the JUB contract. He wondered if this contract had been put out to bid and how the contract had been decided. Mayor Dustin said Nibley City was in transition with JUB Engineers, who had historically been Nibley City's engineer and now they had different city engineer. In the future construction management contracts would be handled by the city engineer. In the future, Nibley City would be going out and bidding directly. Councilmember Larsen questioned if the City Engineer would take over some of the proposed load. Mayor Dustin said the contract was structured as time and materials and if Mr. Farar felt they

needed less, they didn't have to pay out the entire contract; they were basically paying for the hours the engineers put in.

Councilmember Larsen moved to approve the May 13, 2021 Consent Agenda. Councilmember Laursen seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Discussion & Consideration – Heritage Days

Chad Wright, Nibley City Recreation Director was present for this discussion and presentation.

Mr. Wright said Heritage Days would be held June 12 through June 19. Mr. Wright said the 2021 Heritage Days would have many of the same events from the 2019 Heritage Day. He summarized the events that were planned for Nibley City's 2021 Heritage Days. Much of what Mr. Wright reviewed was taken from the city website (www.nibleycity.com).

Mr. Wright focused his discussion on the proposed Mayor's Dinner. He said summarized the discussion that had been held. Mr. Wright said staff's recommendation was to hold the dinner under the following conditions: simplifying the processing for those that wanted to participate in the meal and for those receiving a complimentary meal. Mr. Wright said they would utilize food trucks and would give the City Council and Mayor a space to hand out pre-packaged ice cream.

Mr. Wright asked for discussion and consideration of Grand Marshall for the Nibley City Parade. He shared that Councilmember Beus had suggested former City Manager, David Zook be Heritage Days Grand Marshal. Mayor Dustin said this invitation had been extended and accepted. Mr. Wright said Becky Yeager and Barbara Wilden had been suggested as Citizen of the Year. Mayor Dustin asked for other nominations and the City Council suggested other Nibley citizens. Mayor Dustin directed the Council to give their suggestions and stay below the quorum limit in the next 7 days; discussions needed to be held one-on-one and then be provided to Mr. Wright.

Mr. Wright reminded the City Council of a post-Heritage Days event: *Monarchs and Other Winged Creatures*.

Public Hearing – Ordinance 21-07: Rezoning Parcel 03-067-0004, located at 4350 S Main St from R-2-Residential to C-Commercial (Applicant: Juan Estrada)

Mr. Roberts led this presentation. His points were summarized in a PowerPoint presentation (a printed copy of his presentation is included in the printed meeting minutes). Mr. Roberts said the purpose of the request was to operate an auto repair shop in a separate building outside of the home. Any auto related business cannot operate as a home occupation, so the rezone was being requested. The topics in Mr.

Roberts's presentation included the following: Rezone – 4350 S Main St, a copy of the property plat, a GIS map graphic of the proposed parcel, a zoomed in view of the Nibley City Land Use map, General Plan Guidance, Rezone – 4350 S Main St, and Planning Commission Recommendation: approval of the rezone with the condition that the C-Commercial zoning designation be assigned to the entire parcel.

Mr. Juan Estrada was present at the meeting. He said he was okay with the entire parcel being zoned Commercial. He preferred it be separate but "if that's the only way, then that's the only way."

Mayor Dustin gave direction to the public present and opened the public hearing at 7:04 p.m.

Seeing no public comment, Mayor Dustin closed the public hearing at 7:04 p.m.

Discussion & Consideration – Ordinance 21-07: Parcel 03-067-0004, located at 4350 S Main St from R-2-Residential to C-Commercial (Applicant: Juan Estrada) (First Reading)

Councilmember Sweeten asked if there had been any concern expressed by the neighbor closest to the proposed rezone property. Mr. Roberts said they were notified but they hadn't heard anything. Mr. Estrada said he'd spoken with the neighbor and shared that the neighbor knew and was okay with what he was trying to get.

Councilmember Bernhardt moved to approve Ordinance 21-07: Zoning parcel 03-067-0004, located at 4350 S Main St from R-2-Residential to C-Commercial, applicant: Juan Estrada, for first reading. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt asked Mr. Estrada if he planned on building a new building or if he planned to use what was currently on the property. Mr. Estrada said he planned to use what he had. Councilmember Bernhardt questioned source water protection and appropriate conditions. Mr. Roberts said he'd discussed source water protection with the applicant and following State and Federal guidelines regarding fluid management and general safety with an auto shop. He felt his would be in consultation with the City Manager and City Engineer to determine the appropriate mitigation for being in the source water protection zone. Mr. Maughan said anything extra that the city would impose would come with the conditional use permit. Mr. Estrada questioned if they were in the aquifer zones. Mr. Maughan discussed that the location was close and there were concerns that would need to be handled. Councilmember Laursen asked if neighborhood commercial wouldn't work because of the type of commercial use that was being proposed? Mr. Roberts showed the Nibley City Land Use Chart and which showed which uses were allowed in Neighborhood Commercial versus Commercial zones. Councilmember Sweeten questioned if the same inspection and safety measures were required if the zone were Neighborhood Commercial versus Commercial. Mr. Roberts clarified that each zone had the same requirements.

Councilmember Larsen made a motion to amend to waive the second reading of Ordinance 21-07. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

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

Public Hearing – Ordinance 21-08: Rezoning Parcel 03-018-0002 and 03-018-0005, located at approximately 1145 W 3200 S from R-2-Residential and A-Agricultural to C-Commercial (Applicant: Ebeco Properties, LLC)

Mr. Roberts led this presentation. His points were summarized in a PowerPoint presentation (a printed copy of his presentation is included in the printed meeting minutes). The topics he discussed included the following: Rezone-1145 W 3200 S, the plat rendering of the property, and a GIS map overlay view of the property.

Mr. Maughan left at 7:17 p.m.

Mr. Roberts continued his electronic presentation which showed the Nibley City Future Land Use Map showing the property was proposed to be medium density residential, and Considerations and Planning Commission Recommendations.

Mr. Ezra Eames was present at the meeting. He said his proposal was for the future. He was getting ready for the growth that would happen in Nibley. He said 3200 South would be a busy corridor one day and he thought it would be a good place for some sort of commercial development. He didn't have a concept plan but felt he could have a concept in the future. Mr. Eames said this would have a good tax base and that subdivisions didn't have a tax base. He discussed that commercial would bring in tax base

Mayor Dustin gave direction to the public present and opened the public hearing at 7:23 p.m.

Mr. Maughan returned at 7:24 p.m.

Joe Cotrell of 3023 S 1000 W said his home bordered the property being discussed and he was concerned with pollution and gave statistics regarding automobile pollution. He had significant concerns with the traffic and pedestrian accidents that might happen. He said the vast majority of pedestrian traffic on 3200 S was students. He quoted pedestrian accident statistics from the Washington Post. Mr. Cotrell quoted statistics from the Journal of Environmental Psychology and discussed noise pollution and decreased home values. Mr. Cotrell was concerned that by allowing the property rezone, the city would be creating a new precedence for neighboring residents that

different properties could seek the rezone. Mr. Cotrell was not oppose to commercial businesses in Nibley but said the businesses should be on the periphery.

Ashley Cotrell of 3023 S 1000 W said as a mother of young children she had major concerns with the property being zoned Commercial. She said she understood that the property owner would generate more revenue from selling the land zoned for commercial and the city would generate tax dollars but having a business in the middle of a neighborhood didn't make sense and would have a major negative impact on all the people living in the neighborhood and the surrounding area. Mrs. Cotrell was concerned with pollution, increased traffic and increased pedestrian accidents. Mrs. Cotrell said a business would draw in outsiders that were unfamiliar with Nibley City and Nibley's roads. Mrs. Cotrell was concerned with increased crime and quoted from a study by the University of Washington that suggested a shift from Residential to Commercial uses, usually increased crime. She also quoted statistics from University of Pennsylvania Law Review. She felt they would see these same influences from high-density housing.

Courtney Metzler of 3131 S 1000 W said she'd gone to the County and said the proposed property was pretty wet. She wondered if there were any permits or testing of what the water table was or wetland protection. She also questioned the future roundabout and where the truck traffic for the Commercial zone would go. Ms. Metzler asked if money had been allocated for school zones or curb and gutter and questioned the appropriate number of crossing guards. Ms. Metzler didn't want commercial property in her backyard.

Deputy Recorder Bodily read a statement from Eric Christiansen that had been submitted electronically:

To the Nibley City Council,

I live in one of the homes abutting the property in question for rezoning. While I am not against the right type of development for the parcels in question, I would ask that the council not approve the rezoning of the said parcels along 3200 S. to commercial zoning for the following reasons:

1. Rezoning the property as commercial would go against the city's current Economic Development Plan as posted to the website, which states that one of the goals for the city is to discourage commercial development along 3200 S.
2. In my discussions with the former city engineer about the roundabout project, which recently bid and construction is occurring this summer, he made mention that in order to discourage semitruck traffic from Hyrum, at the mayor's and city staff's request, the roundabout has been specifically designed to inhibit the passage of large commercial trucks and vehicles. If such is the case, it makes little sense to zone the property commercial where semitrucks would then be required for pass through the difficult roundabout and possibly damage the city infrastructure which will be brand new.
3. As mentioned in the city staff reports, the general plan already calls for large commercial zoning along the highways and the future 4400 S. What is shown currently on the Future Land Use map I would say is sufficient, and I believe this is the correct placement for these zones.

4. While Mr. Eames application has generically mentioned shopping for the reason to rezone, it was clear during the Planning and Zoning meeting that he had given little thought to what would actually go on the property or what kind of commercial development he is seeking. I believe if he would like it to be considered for commercial, he should actually begin to develop a solid plan around a specific type of business, and then bring it to the city and neighbors to see if we would like it. Giving a “blank check” to allow anything to go in by rezoning the property without a specific plan I believe is a bad idea all around.

Erick Christiansen
3007 S. 1000 W.
Nibley

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

Mayor Dustin addressed the questions that had been asked during the public comment period.

Discussion and Consideration – Ordinance 21-08: Rezoning Parcel 03-018-0002 and 03-018-0005, located at approximately 1145 W 3200 S from R-2-Residential and A-Agricultural to C-Commercial (Applicant: Ebeco Properties, LLC)

Councilmember Laursen moved to deny Ordinance 21-08: Rezoning Parcel 03-018-0002 and 03-018-0005, located at approximately 1145 W 3200 S from R-2-Residential and A-Agricultural to C-Commercial, applicant, Ebeco Properties, LLC. Councilmember Bernhardt seconded the motion.

Councilmember Laursen explained that they’d seen the impact when a city ignored their plans and didn’t plan wise. There was still potential for the development but the shape, location, and timing was bad. The current status was not the time to rezone.

Councilmember Sweeten said she would prefer to see concrete plans for what exactly would happen on any proposed rezone. She said it was hard to gather support for an unknown. It was easier to gather support or address specific concerns with a clearer picture.

Councilmember Bernhardt said that depending on the outcome, the only way the residents could control what went on in the property would be to own the property. He felt this was not the last time they would see this particular parcel for an objectionable area.

Councilmember Larsen concurred there was a lot of growth. He had tried to buy the field behind his house but had been unable and it had turned into a desirable subdivision. With the demand for single housing, they would see a lot more traffic. Councilmember Larsen said was for commercial and he saw a little more commercial down the street but not in the parcel being proposed.

Mayor Dustin said the City Council had passed ordinances that recognized that 3200 S would develop commercially. However, it was Neighborhood Commercial, which was more restrictive than Commercial. Commercial was going to follow the people. There was a good chance that sometime in the future, someone would bring in a proposal that had homes or commercial and things would change. The question was how it was managed. Mayor Dustin directed Mr. Eames that he was not precluded from bringing back another proposal in the future.

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

Discussion and Consideration – Nibley Farms Subdivision Phase 4, 5, and 6 Final Plat(s) located at approximately 1500 W and 3410 S. (Applicant: 7 Point Royal, LLC)

Mr. Travis Taylor, representing 7 Point Royal, LLC was present at the meeting.

Mr. Roberts led this presentation. He showed the preliminary plat that was approved for Nibley Farms, which showed phases 1-3 (which had been approved previously) and phases 4-6. Mr. Roberts gave an overview of each proposed phase utilizing an electronic presentation. The topics he discussed included the following: Nibley Farms- Phase 4 Final Plat, a plat image, Nibley Farms- Phase 5 Final Plat, a plat image, Nibley Farms- Phase 6 Final Plat, a plat image, Nibley Farms- Phase 4-6 Final Plat summary, and Staff Recommendation. Mr. Roberts said the Planning Commission had recommended the removal of a right-of-way (a 15 ft. right-of-way that connected a cul-de-sac to 1200 West) in phase 6. Mr. Roberts said Nibley City code required the inclusion of the right-of-way. Mr. Roberts said Nibley City's attorney had recommended the right-of-way be included. Mr. Roberts and the City Council discussed the connectivity the right-of-way would provide.

Councilmember Bernhardt moved to approve Nibley Farms Subdivision Phase 4, 5, and 6 Final Plat(s) located at approximately 1500 W and 3410 S., Applicant, 7 Point Royal, LLC as presented and with staff's conditions. Councilmember Sweeten seconded the motion.

Councilmember Sweeten described living on a very similar cul-de-sac and the pedestrian use and pedestrians cutting across neighbor's properties at the end of her cul-de-sac. She discussed she saw the pathway between lots 62 and 63 in the proposed phase 6 being utilized; particularly as other development in Nibley Meadows and church property was put in place.

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

Discussion & Consideration – Resolution 21-13: Approving an Agreement Between the Cache County Sheriff’s Department and Nibley City for Law Enforcement Services (First Reading)

Lieutenant Mikelshan Bartschi arrived at 8:23 p.m. and was present for the following discussion.

Councilmember Larsen left at 8:25 p.m.

Lieutenant Bartschi shared some discussion that had been held in Mendon regarding Air B&B. Mayor Dustin said that the legislature, in their infinite wisdom, and in their great efforts to limit government, do such a good job passing laws that expand government. If you want to be an American Democrat, then you should be a Republican member of Utah’s legislature.

Mr. Maughan led this presentation. Mr. Maughan said the actual hours that the Sheriff’s department had worked in Nibley City were significantly more than had been contracted in the past. Mr. Maughan described that there were two options proposed by the Sheriff’s department.

Councilmember Larsen returned to the meeting at 8:28 p.m.

Mr. Maughan described that the first option was to increase the contracted hours by approximately 20% (\$103,444/1976 hours) and option two was to hire another officer (\$120,555/2274 hours). The cost for an additional officer to cover swing shift on the south end. This employee was proposed to be shared and the cost split between Nibley, Cache County, and Providence City. Providence hadn’t had a chance to weigh in on their participation in the second option.

Councilmember Bernhardt and Councilmember Sweeten expressed that they wanted to commit to the service that included an additional officer. Mayor Dustin said he felt this way as well. The City Council discussed the additional development that was occurring in or near Nibley.

Mr. Maughan questioned what would happen if Providence weren’t willing to commit to the additional officer. Lieutenant Bartschi said they could increase the hours but wouldn’t be able to do the dedicated car for the swing shift, but the hours would be covered. Councilmember Bernhardt said he was interested in increased presence. Mayor Dustin discussed the costs of Nibley City running their own police department. He felt it would be around 1 million/year. Mayor Dustin requested the Sheriff’s department provide more “out-of-the-car” presence in the city. Lieutenant Bartschi and Councilmember Sweeten discussed the Sheriff’s department pricing for services.

Councilmember Larsen moved to approve Resolution 21-13: Approving an Agreement Between the Cache County Sheriff’s Department and Nibley City for Law Enforcement

Services with option 2 and waived the second reading. Councilmember Bernhardt seconded the motion.

Voting on the motion was as follows:

Councilmember Laursen voted in favor.

Councilmember Sweeten voted in favor.

Councilmember Bernhardt voted in favor.

Councilmember Larsen voted in favor.

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

Lieutenant Bartschi left after this discussion.

Mayor Dustin called for a five-minutes recess at 8:43 p.m. He said the meeting would reconvene at 8:50 p.m.

The meeting reconvened at 8:47 p.m.

Discussion & Consideration – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)

Mr. Maughan led this presentation. He utilized an electronic presentation entitled 2021-2022 Nibley City Budget (a printed copy of this presentation is included in the printed meeting minutes).

Mr. Maughan discussed how the City Council would provide feedback and request budgetary amendment. Michelle Jensen, Nibley City Treasurer participated in the discussion via the meeting Zoom link. She said in the past the budget would be presented and the City Council would tentatively approve it. The city works off of this tentatively approved budget after July 1 and when the budget is brought back the second time, the changes from the first tentatively approved budget would be pointed out and summarized. Mr. Maughan questioned how often the City Council wanted him to bring an update. Mayor Dustin said the budget proposal was technically his budget proposal and the City Council can change and modify the budget through the legislative process. The Mayor and City Council discussed the budgetary process moving forward.

The topics Mr. Maughan discussed in his presentation included the following: Revenue, Big Expenses, General Fund Capital Projects (no order), Water Fund (next 5-10 years), Sewer Fund (next 5-10 years), and Storm Water Fund (next 5-10 years).

Mr. Maughan asked what the City Council wanted to focus on from the Capital Projects list. Councilmember Bernhardt asked that staff include the T intersection at 2980 by Malouf on the Capital Projects list. The City Council discussed the playground equipment at Elkhorn Park and the aerator at Clear Creek park. The Council discussed advisory lanes on Hollow Road. Mayor Dustin discussed the use of recovery act funds. He was considering a south lift station because this opened the south end for commercial and industrial development along the highway and 12th west and 15th west development.

Mayor Dustin directed the City Council to review the departmental portions of the budget and their specifically assigned section. He said there may be a significant impact in the parks department. Some of the capital projects that needed to happen between seasons wasn't happening because they were relying on seasonal workers. He felt they were falling behind on things and not giving themselves a chance to stay caught up. If they brought in a couple of people full-time to ensure these things happened, it was a significant cost. Mayor Dustin said the City Council may see this change brought back. Mayor Dustin said the City Council would see the budget brought back in two weeks with a public hearing and for first reading.

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 (Second Reading)

Councilmember Larsen 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. Councilmember Sweeten seconded the motion.

Councilmember Bernhardt said this was a hard vote because of all the development that was going on around the space. Mr. Maughan said the City Council would see this again because it needed to go through the subdivision amendment process. Mayor Dustin gave Mr. Maughan direction to contact Devron at Cache County to see if the city could just record a lot line adjustment. Mr. Maughan assured the City Council he would do the research and find the most streamlined process.

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

Council and Staff Report

Mayor Dustin reported that he and Mr. Farar had discussed the procurement policy for future engineering contracts and an engineering pool. Mayor Dustin said they would be looking for sample contracts. They may be looking at potential changes to procurement policy. He felt this would give the city more flexibility and access to more expertise.

Mayor Dustin discussed the history of a sidewalk that led up to a fence adjacent to an LDS church building.

Councilmember Bernhardt discussed the T at 2980 and said he'd like to see the city formalize a plan for what they'd like to do to finish the road out so that vehicles can turn around.

Councilmember Bernhardt said they needed to either embrace dogs at Firefly Parks or put signs up and have good communication with the residents at the Strata apartments to inform them that dogs are not allowed at Firefly park. The City Council discussed setting permanent signs at Firefly park. Councilmember Bernhardt discussed signage at the Strata apartments that was blocking the sightline for traffic. Mr. Maughan said he would follow up on the signage. The City Council discussed how the city should respond to dog waste on the sidewalks at Firefly park. Mr. Maughan said he understood from the discussion that the City Council wanted temporary signage that designated no dogs at the park.

Councilmember Laursen asked for direction on which staff he should approach about budgetary matters regarding water, impact fees, first responders, public safety and non-departmental. Mr. Maughan directed Councilmember Laursen to talk with him.

Councilmember Laursen said consideration of servicing road that were not Nibley's should be taken up in the future.

Councilmember Laursen discussed if Nibley City had the ability to annex property that is created as an island, without a petition.

Councilmember Sweeten reported on attendance at a Cache Valley Transit District meeting. They discussed growth and tentative changes in service.

Mr. Maughan reported on Nibley's classification as a Tree City for the past 10 years.

Mr. Maughan reported on vandalism at Nibley's parks and the City's response.

Adjourn to Closed Session – To Discuss Pending Litigation and to Discuss the Purchase, Exchange, or Lease of Real Property pursuant to Utah Code 52-4-205

Councilmember Bernhardt moved to adjourn to closed session to discuss the purchase, exchange, or lease of real property and to discuss pending litigation pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor.

The meeting moved to closed session at 10:11 p.m.

The meeting returned from closed session at 11:03 p.m.

Mayor Dustin reported that during the closed session the discussion City had drifted into a discussion of Ridgeline subdivision and the City Council would like to have the developers of Ridgeline come in and discuss the changes that had been made since the final plat had been approved for the first phases of Ridgeline subdivision.

The meeting was adjourned at 11:04 p.m.

Attest: _____
Deputy City Recorder