

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,  
2 Nibley, Utah, on Thursday, June 10, 2021.

3  
4 The following actions were made during the meeting:

5  
6 **Councilmember Laursen moved to approve the June 10, 2021 City Council Consent**  
7 **Agenda. Councilmember Larsen seconded the motion.**

8  
9 **Resolution 21-15: Amending Nibley City's Consolidated Fee Schedule (Updating**

10  
11 **The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember**  
12 **Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember**  
13 **Sweeten all in favor.**

14  
15 **Councilmember Beus moved to continue Resolution 21-16: Implementing a Fee for**  
16 **Emergency Medical Services and to hold a public hearing on the item. Councilmember**  
17 **Bernhardt seconded the motion. The motion passed unanimously 5-0; with**  
18 **Councilmember Beus, Councilmember Bernhardt, Councilmember Larsen,**  
19 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

20  
21 **Councilmember Bernhardt moved to approve Resolution 21-17: Regulating the Use of**  
22 **Fireworks Within Nibley City and including a ban arial fireworks within Nibley City;**  
23 **excluding the Nibley City Heritage Days fireworks show. Councilmember Beus**  
24 **seconded the motion. The motion passed unanimously 5-0; Councilmember**  
25 **Bernhardt, Councilmember Beus, Councilmember Larsen, Councilmember Laursen,**  
26 **and Councilmember Larsen all in favor.**

27  
28 **Councilmember Beus moved to approve Ordinance 21-09: Rezone of Parcel 03-021-**  
29 **0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential, and waived the**  
30 **second reading. Councilmember Laursen seconded the motion. The motion passed**  
31 **unanimously 5-0; with Councilmember Beus, Councilmember Laursen, Councilmember**  
32 **Bernhardt, Councilmember Larsen, and Councilmember Sweeten all in favor.**

33  
34 **Councilmember Beus moved to approve Resolution 21-14: A RESOLUTION AMENDING**  
35 **THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21,**  
36 **ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER**  
37 **BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND**  
38 **PAYMENTS FOR SERVICES, for first reading. Councilmember Larsen seconded the**  
39 **motion. The motion passed unanimously 5-0; with Councilmember Beus,**  
40 **Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and**  
41 **Councilmember Sweeten all in favor.**

42  
43 **Councilmember Larsen moved to approve Ordinance 21-05: An Ordinance Providing**  
44 **for the Compensation of Elected and Statutory Officers of Nibley City, and waived the**

1 second reading. Councilmember Beus seconded the motion. The motion passed  
2 unanimously 5-0; with Councilmember Larsen, Councilmember Beus, Councilmember  
3 Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.

4  
5 Mayor Dustin made a substitute motion to approve Ordinance 21-11: Ordinance 21-  
6 11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones;  
7 Setback Standards for Accessory Buildings for first reading; and instructing staff to  
8 revisit the language, making it consistent with what was done with commercial  
9 properties about proportionality of setback, and clean up language to make it clear  
10 that it was the roof plan that controlled the setback. Councilmember Bernhardt  
11 seconded the motion. The motion passed unanimously 5-0; with Councilmember  
12 Bernhardt, Councilmember Beus, Councilmember Larsen, Councilmember Laursen,  
13 and Councilmember Sweeten all in favor.

14  
15 Councilmember Laursen made a motion to deny Ordinance 21-12: Amending Nibley  
16 City Code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City  
17 Council/Mayor to Subdivide Property, with the stipulation the item is put on a future  
18 agenda; by the end of 2021. Councilmember Bernhardt seconded the motion. The  
19 motion passed unanimously 5-0; with Councilmember Laursen, Councilmember  
20 Bernhardt, Councilmember Beus, Councilmember Larsen, and Councilmember  
21 Sweeten all in favor.

22  
23 Councilmember Larsen moved to approve Ordinance 21-13: Amending Requirements  
24 Related to Public Notice and Public Hearing Requirements and waived the second  
25 reading. Councilmember Beus seconded the motion. The motion passed unanimously  
26 5-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt,  
27 Councilmember Laursen and Councilmember Sweeten all in favor.

28  
29 Councilmember Laursen made a substitute motion to approve Ordinance 21-14:  
30 Amending Nibley City Code 9.02: Animal Control for first reading and give direction to  
31 clarify "athletic fields". Councilmember Larsen seconded the motion. The motion  
32 passed unanimously 5-0; with Councilmember Laursen, Councilmember Larsen,  
33 Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in  
34 favor.

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35  
36  
37 OFFICIAL MINUTES OF THE MEETING  
38 Deputy City Recorder Cheryl Bodily took minutes  
39

40 **Opening Ceremonies**

41 Councilmember Beus led the meeting in the Pledge of Allegiance.

42  
43 **Call to Order and Roll Call**

1 Mayor Dustin called the Thursday, June 10, 2021 Nibley City Council meeting to order at  
2 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Tom  
3 Bernhardt, Councilmember Kathryn Beus, Councilmember Norman Larsen,  
4 Councilmember Kay Sweeten, and Councilmember Nathan Laursen. Justin Maughan,  
5 Nibley City Manager, and Levi Roberts, Nibley City Planner, was also present.

6  
7 **Approval of the Previous Meeting Minutes and Current Agenda**

8 Mayor Dustin suggested consideration of item 17 on the current evening's agenda be  
9 moved to item 9 and following the public hearing for that item, if the proponent were to  
10 come to the meeting.

11  
12 Councilmember Bernhardt moved to approve the evening's agenda moving item 17 to  
13 item the new item 9 if the proponent were present at the meeting, as well as the  
14 meeting minutes and the executive session meeting minutes. Councilmember Sweeten  
15 seconded the motion.

16  
17 Mayor Dustin noted the items included on the consent agenda and directed that if the  
18 Council wanted those items moved off the consent agenda, then this was the time to do  
19 that.

20  
21 Councilmember Bernhardt made a motion to amend that items 21-16 and 21-17 be  
22 moved from the consent agenda. Councilmember Larsen seconded the motion. The  
23 amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember  
24 Larsen, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all  
25 in favor.

26  
27 The amended motion passed 4-1; with Councilmember Bernhardt, Councilmember  
28 Sweeten, Councilmember Larsen, and Councilmember Laursen all in favor and  
29 Councilmember Beus abstaining from the vote.

30  
31 **Public Comment Period**

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

34  
35 Seeing no public comments, Mayor Dustin closed the Public Comment Period at 6:33  
36 p.m.

37  
38 **Planning Commission Report**

39 Mr. Roberts led this presentation. He described that the Planning Commission had seen  
40 several items on the evening's City Council agenda that they'd recommended for  
41 approval. The Planning Commission had an applicant come before the Commission to  
42 ask that miniature pigs be treated as pets and not livestock.

43  
44 **Approval of Items on the Consent Agenda**

1           **6-a. Resolution 21-15: Amending Nibley City's Consolidated Fee Schedule**  
2           **(Updating**  
3

4 Councilmember Laursen moved to approve the June 10, 2021 City Council Consent  
5 Agenda. Councilmember Larsen seconded the motion. The motion passed unanimously  
6 5-0; with Councilmember Laursen, Councilmember Larsen, Councilmember Beus,  
7 Councilmember Bernhardt, and Councilmember Sweeten all in favor.  
8

9           **Resolution 21-16: Implementing a Fee for Emergency Medical Services**

10 Mr. Maughan said what was known as SIMS had been dissolved and put the County in a  
11 quandary of what to do for the rest of the valley for ambulance services. The City had  
12 weighed options and the County and decided to pick up ambulance serves on the south  
13 end of the valley. The City Council had approved this contract with the contract amount  
14 being \$15.00/person/year to cover ambulance service. Mr. Maughan said it had been  
15 decided that the best way to cover the fee to cover this service and had decided it was  
16 most clear and transparent to implement a fee on residential utility bills so that  
17 individuals could see exactly what they were paying for. Mr. Maughan described that  
18 they had tried to balance what was believed to happen when new census data came  
19 out. He believed the City Council would see an amendment to the contract with Cache  
20 County that would stipulate the residential number be based on the census data  
21 number at the time the entity budgeted the money for the ambulance fee. Mr.  
22 Maughan described how staff had calculated the fee that would be included on each  
23 utility account; \$6.00/per utility account/ per month.  
24

25 Councilmember Beus expressed why she was pleased this item had been taken off the  
26 consent agenda.  
27

28 Councilmember Bernhardt talked about increase property tax valuations and question if  
29 it had been considered to use increased property taxes and using some of the increase  
30 to offset EMS. He felt the citizens would question this. Mayor Dustin said his preference  
31 was to tie an expense directly to the user and was not a fan of general funding things.  
32 He felt this tended to hide things. Councilmember Bernhardt and Councilmember Beus  
33 said they would like to have a public hearing. Councilmember Sweeten said she'd had  
34 public reach out to her about the fee and question if they were paying more in taxes,  
35 why the fee was needed. She agreed that it was clear and direct, but she wanted to  
36 explain why it was necessary when there was already a tax increase taking place.  
37

38 Councilmember Beus moved to continue Resolution 21-16: Implementing a Fee for  
39 Emergency Medical Services and to hold a public hearing on the item. Councilmember  
40 Bernhardt seconded the motion.  
41

42 Councilmember Larsen said he liked the fee aspect that could be adjusted but if it were  
43 lumped into the general fund, it was less clear.  
44

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

4  
5 **Resolution 21-17: Regulating the Use of Fireworks Within Nibley City**

6 Councilmember Bernhardt said he wanted to ban the use of fireworks in Nibley City. He  
7 was spooked and from an arial standpoint he wanted to ban at least arial fireworks.

8  
9 Councilmember Bernhardt moved to approve Resolution 21-17: Regulating the Use of  
10 Fireworks Within Nibley City and including a ban arial fireworks within Nibley City;  
11 excluding the Nibley City Heritage Days fireworks show. Councilmember Beus seconded  
12 the motion.

13  
14 Councilmember Beus said this would put a burden on staff to get the communication  
15 out and educate the public but felt it was worth it.

16  
17 The motion passed unanimously 5-0; Councilmember Bernhardt, Councilmember Beus,  
18 Councilmember Larsen, Councilmember Laursen, and Councilmember Larsen all in  
19 favor.

20  
21 **Public Hearing – Ordinance 21-05: An Ordinance Providing for the Compensation of**  
22 **Elected and Statutory Officers of Nibley City**

23 Mayor Dustin gave direction to the public present and opened the public hearing at 6:51  
24 p.m.

25  
26 Mr. Maughan noted that the treasurer's salary had been adjusted down some because  
27 of the necessity of hiring a new City Treasurer. He described that duties had been  
28 shifted around in the front office because the treasurer position had been vacated.  
29 Mayor Dustin summarized the proposed increases/decreases.

30  
31 David Nyman of 3250 S 250 W wanted to compare cost of living allowances to what he  
32 got. He described what he got with cost of living on Social Security (1.7%). He thought  
33 Nibley's cost of living allowance should be tied to what he got as well.

34  
35 Seeing no further public comment, Mayor Dustin closed the public hearing at 6:52 p.m.

36  
37 Mayor Dustin said they would figure out what cost of living index was used. He knew is  
38 wasn't the same index the Social Security administration used. Mayor Dustin said he  
39 knew it was tied to a standard calculator and said he would get back with Mr. Nyman.

40  
41 **Public Hearing – Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700**  
42 **W from I-Industrial to R-2A-Residential**

43 The applicant, , was present at the meeting.

1 Mr. Roberts had a PowerPoint presentation to accompany his presentation (a printed  
2 version of this presentation is included in the written meeting minutes). Rezone-3105 S  
3 700 W, the plat the applicant had filed, a GIS presentation of the parcel, general plan  
4 guidance, Nibley City's zoning map, Considerations, and Planning Commission  
5 Recommendations.

6  
7 Mayor Dustin gave direction to the public present and opened the public hearing at 6:59  
8 p.m.

9  
10 Seeing no public comment, Mayor Dustin closed the public hearing at 6:59 p.m.

11  
12 **Discussion & Consideration – Ordinance 21-09: Rezone of Parcel 03-021-0003, located**  
13 **at 3105 S 700 W from I-Industrial to R-2A-Residential**

14 The applicant, Derik Page said when he got his conditional use permit the zoning  
15 commission required him to provide an easement for trail. Given that he was trying to  
16 set up a subdivision, the easement location would change, and he felt staff had agreed  
17 that the easement location would change and provide better access to future trail if the  
18 trail were ever developed to the properties to the west. He felt this would likely take  
19 place during the subdivision.

20  
21 Councilmember Bernhardt discussed historic concerns with traffic. He questioned how  
22 many potential homes could be on the property. Mr. Roberts said with the current  
23 construction it wouldn't be feasible to have more than 10 homes because of constraints  
24 with the roundabout. The applicant was proposing an additional two homes.

25  
26 Councilmember Beus moved to approve Ordinance 21-09: Rezone of Parcel 03-021-  
27 0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential, and waived the  
28 second reading. Councilmember Laursen seconded the motion. The motion passed  
29 unanimously 5-0; with Councilmember Beus, Councilmember Laursen, Councilmember  
30 Bernhardt, Councilmember Larsen, and Councilmember Sweeten all in favor.

31  
32 **Public Hearing – Ordinance 21-10: Addendum to the Development Agreement for**  
33 **Ridgeline Park Subdivision Regarding Water Assessment Requirements**

34 Mr. Roberts had a PowerPoint presentation to accompany his presentation (a printed  
35 version of this presentation is included in the written meeting minutes). His  
36 presentation included the following topics: Ridgeline Park Water Agreement  
37 Background and Planning Commission Recommendation.

38  
39 Mayor Dustin gave direction to the public present and opened the public hearing at 7:13  
40 p.m.

41  
42 Seeing no public comment, Mayor Dustin closed the public hearing at 7:13 p.m.

43  
44 Mr. Maughan described how the water assessment requirement had been calculated.

1  
2 **Discussion & Consideration – Ordinance 21-10: Addendum to the Development**  
3 **Agreement for Ridgeline Park Subdivision Regarding Water Assessment Requirements**  
4 **(First Reading)**

5 Councilmember Bernhardt moved to approve Ordinance 21-10: Addendum to the  
6 Development Agreement for Ridgeline Park Subdivision Regarding Water Assessment  
7 Requirements and waived the second reading. Councilmember Larsen seconded the  
8 motion.  
9

10 The Council agreed that that there had been a great deal of due diligence done by staff  
11 regarding the ordinance.  
12

13 Ben Steele, representing the Ridgeline Park developer, was present at the meeting. He  
14 said he felt the City Council and staff could feel comfortable with the calculation  
15 because it was based off the full build out at 498 units, and they were going to try and  
16 get close to this but didn't know if they could do it entirely. Some of what was based in  
17 the calculation wouldn't be built and could be some sort of a buffer.  
18

19 The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember  
20 Larsen, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all  
21 in favor.  
22

23 **Public Hearing – Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory**  
24 **Buildings in Residential Zones; Setback Standards for Accessory Buildings**

25 Mr. Roberts had a PowerPoint presentation to accompany his presentation (a printed  
26 version of this presentation is included in the written meeting minutes). His  
27 presentation included the following topics: Background and Planning Commission  
28 Recommendation.  
29

- 30 • Setback standards for accessory buildings that are taller than 20 feet to be  
31 increased to 10 feet to mitigate visual impacts on surrounding properties.
- 32 • A clarification to be added that no part of the building may encroach within 1  
33 feet of the property line
- 34 • Clarification that maximum building size & height is based upon lot size (not  
35 zone designation).  
36

37 Mayor Dustin gave direction to the public present and opened the public hearing at 7:18  
38 p.m.  
39

40 Seeing no public comment, Mayor Dustin closed the public hearing at 7:18 p.m.  
41

42 **Public Hearing – Ordinance 21-12: Amending Nibley City Code 21.02.130: Prohibition**  
43 **on Subdivision; Exceptions to Prohibitions for City Council/Mayor to Subdivide**  
44 **Property**

1  
2 Mr. Roberts had a PowerPoint presentation to accompany his presentation (a printed  
3 version of this presentation is included in the written meeting minutes). His  
4 presentation included the following topics: Prohibition on Subdivision and Planning  
5 Commission Recommendation.

6  
7 Mayor Dustin gave direction to the public present and opened the public hearing at 7:20  
8 p.m.

9  
10 Deputy Recorder Bodily read a submitted comment from Mr. Erick Christiansen.

11  
12 *"To the Nibley City Council,*  
13 *I would like to make it known that I am opposed to changing the ordinance for*  
14 *prohibition of subdivisions for the Mayor and City Council. While there could be*  
15 *loads said about the initial approval of the Mayor's Apple Creek subdivision, I*  
16 *believe continuing to allow concessions on it by changing the ordinance*  
17 *specifically for the Mayor would defeat some of the purpose the ordinance was*  
18 *intended for, namely, so city staff can look at subdivisions objectively, and not be*  
19 *put in a compromising position of having to choose between satisfying the*  
20 *subdivision ordinance requirements or angering their boss. I believe completely*  
21 *that any current or future elected official should not be associated with the*  
22 *creation of subdivisions for their personal use or gain, no matter how small. No*  
23 *matter who it may be, if they want to be a developer in the city, then they should*  
24 *not hold office. I believe if Mayor Dustin wishes to have his lot split he should*  
25 *finish out his term and then not run again, or resign if he wishes to have it*  
26 *considered earlier. Let's just put this one away. The ordinance is fine as it is.*

27  
28 *Erick Christiansen*  
29 *3007 S. 1000 W.*  
30 *Nibley, UT"*

31  
32 Dave Nyman of 3250 S 250 W ditto'd Mr. Christiansen's comment and said if someone  
33 were on the City Council or Mayor, it was a conflict of interest and inappropriate. It  
34 would be best to resign or wait until they were out of office to make a change to  
35 existing subdivisions.

36  
37 Seeing no further public comments, Mayor Dustin closed the public hearing at 7:22 p.m.

38  
39 **Public Hearing – Ordinance 21-13: Amending Requirements Related to Public Notice**  
40 **and Public Hearing Requirements**

41 Mr. Roberts had a PowerPoint presentation to accompany his presentation (a printed  
42 version of this presentation is included in the written meeting minutes). His  
43 presentation included the following topics: Public Hearing Requirements Background  
44 and Planning Commission Recommendation.

1  
2 Mayor Dustin gave direction to the public present and opened the public hearing at 7:26  
3 p.m.  
4

5 Seeing no public comment, Mayor Dustin closed the public hearing at 7:26 p.m.  
6

7 **Public Hearing – Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control**

8 Mr. Maughan presented that the City Council had discussion about dog in Nibley City  
9 parks, particularly Firefly Park. Staff had discussion with Animal Control about better  
10 enforcements and staff had learned that code needed to be changed so Animal Control  
11 could issue citations and fines for dog in parks. The ordinance covered these things,  
12 outlined what the fines were and gave the authority to levy the fines. Mr. Chad Wright,  
13 Nibley's Recreation Director had also brought up the concern of problems with animal  
14 waste inside playing fields. He'd asked that a regulation be included that dogs are not  
15 allowed inside a marked athletic field. Mr. Maughan reported that signs at Firefly Park  
16 had been moved and were still being ignored and showed a mockup of signs that were  
17 being produced to help educate people.  
18

19 Mayor Dustin gave direction to the public present and opened the public hearing at 7:31  
20 p.m.  
21

22 Thanyne Sweeten said the reason for the ordinance was perhaps to protect the fireflies.  
23 There were no signs that a dog killed fireflies. He said people liked to walk their dog and  
24 now there was an imaginary line and not dog were not allowed. He said it was a little bit  
25 of dog discrimination. He didn't feel there was a good rationale for the ordinance, and it  
26 was more emotional. He felt a better resolution would be to provide bag so that  
27 individuals would pick up the poop.  
28

29 Mayor Dustin clarified that the City Council had discussed the birds and muskrats and  
30 other animals that lived in the park and the biggest issue was off-leash versus on-leash.  
31

32 Seeing no further public comment, Mayor Dustin closed the public hearing at 7:33 p.m.  
33

34 **Public Hearing – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR**  
35 **VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET**  
36 **FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR**  
37 **FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES**

38 Mr. Maughan had a PowerPoint presentation to accompany his presentation (a printed  
39 version of this presentation is included in the written meeting minutes). His  
40 presentation included the following topics: 2021/2022 Nibley City Budget, General Fund  
41 Revenue, Property Tax-10-31-110, Sales Tax-10-31-130, American Rescue Plan Act  
42 (ARPA), RAPZ Reimbursement for Firefly—45-38-720, CCOG Reimbursement for 1200  
43 Roundabout—45-38-725, Building Permits—10-32-210, Planning Review and  
44 Inspection—10-34-420, Development Fees Reimbursed—10-34-422, EMS Charges—10-

1 34-435, ???, ???, General Fund Expenses, City Council—10-41, Court—10-42,  
2 Administration—10-43, Elections—10-47, Public Works—10-48, Non-Department—10-  
3 50, Public Safety—10-54-320, Emergency Medical Services—10-54-330, Streets—10-60,  
4 Sanitation—10-62, Planning—10-68, Parks—10-70, Community Development and  
5 Recreation—10-75, Class C Fund—11-30, Municipal Building Authority—20-30, First  
6 Responders Fund—24-36, Capital Projects—45-38, Capital Projects Cont., Water  
7 Department, Revenues, Expenses—51-40-335 & 51-40-443, Capital Outlay  
8 Improvements 51-40-730, Well Loan—51-40-810 & 51-40-820, Sewer Department,  
9 Revenues 52-38-690 & 52-38-719, Expenditures steady, Capital Outlay Improvements—  
10 52-72-730, Capital Outlay Equipment (\$472k)—52-72-740, Debt Service—52-72-810,  
11 Stormwater Department, Revenues—52-37-710, Expenditures, Capital Outlay  
12 Improvements—53-40-730, Capital Outlay Equipment—53-40-740, Impact Fees, Water  
13 Impact Fee—55-37 & 55-40, Park Impact Fee—56-37 & 56-40, Sewer Impact Fees—57-  
14 37 & 57-40, Stormwater Fund (for Northwest area of town)—58-37 & 58-40, Employee  
15 Salary Chart.

16  
17 Councilmember Bernhardt questioned if there were money in the proposed budget to  
18 finish the landscaping at the new pavilion at Heritage Park. Mr. Maughan described that  
19 the Park Superintendent was coming up with a plan with money that was in the current  
20 year budget.

21  
22 Mayor Dustin gave direction to the public present and opened the public hearing at 8:30  
23 p.m.

24  
25 David Nyman of 3250 S 250 W asked to see any cost increases associated with a cost  
26 benefit analysis so that citizens could see the justification for more money. He lived in  
27 an older area felt a lot of projects were tied to parts of the City that had more growth  
28 and new developments. He questioned why he had to pay for this when it didn't affect  
29 him at all. He asked if there were a reason they couldn't have a cost/benefit analysis.  
30 Mayor Dustin said it would be helpful if Mr. Nyman could give the Council something  
31 specific that would go beyond the City Council's process of staff helping Council and  
32 Council responding to staff and discussion among the Council; these were the  
33 cost/benefit discussions that came in. Mr. Nyman said in general, if the Council were  
34 asking for money from the citizens, they should provide the benefit that justified the  
35 expense. He would like a better feel as to how things were really helping Nibley citizens  
36 versus developers. Mayor Dustin felt they could do a better job of this in their budget  
37 report.

38  
39 Seeing no further public comment, Mayor Dustin closed the public hearing at 8:36 p.m.

40  
41 **Discussion & Consideration – Resolution 21-14: A RESOLUTION AMENDING THE**  
42 **BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING**  
43 **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)**

Councilmember Beus moved to approve 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, for first reading. Councilmember Larsen seconded the motion.

The City Council discussed the proposed historic tax rate. Councilmember Sweeten discussed the tax rate and the proposed additional fee for emergency services. She wondered about adjusting the property tax rate to equal the fee that would come out for emergency services. Mayor Dustin recalled his recollection of dropping from Nibley's historical tax rate, one time in his 12 years of service, just after the 2008 recession. He felt this might be a good gesture, especially with the way the housing market had fluxuated. He would support it with the caveat that it was a one-time deal.

Councilmember Laursen said his preference was to maintain the historic rate.

Councilmember Beus thought it made it a whole lot easier on next year's Council if they maintained the historic tax rate. Councilmember Bernhardt was in agreement and discussed that the cost of goods had also gone up. He said he appreciated the discussion the City Council had about the property tax rate each year because he wanted to ensure the City Council were being good stewards of the public's money.

Councilmember Larsen directed staff to page 32 and a line item regarding the CVTD. Staff determined there was a typo and made note to adjust the number.

Councilmember Larsen questioned if the EMS fee could be offset by the individuals that were passing through and not paid for by the citizens. He questioned how many people traveling through town needed ambulance services. Councilmember Larsen questioned the parade float and said he knew they'd put new tires on it but that there was no way to back the float up. He wanted to put a new royalty float trailer in the budget.

Councilmember Sweeten said there was some money that had been put in the current budget, but the trailer hadn't been purchased because they had to have a place to store the float, so it made no sense to purchase the trailer. Councilmember Larsen wanted at least \$7,000 for a new float and some decorations. Councilmember Sweeten recalled there was approximately \$2,000 in the current year budget.

Councilmember Sweeten said she'd like to see a part-time grant writer position added to city staff. Councilmember Beus said this could be a contract position. Councilmember Sweeten agreed it could be a contracted position. The Council discussed how the City had received grants in the past.

Voting on the motion to approve Resolution 21-14 for first reading was as follows:

Councilmember Sweeten was in favor.

Councilmember Laursen was in in favor.

1 Councilmember Bernhardt was in favor.

2 Councilmember Larsen was in favor.

3 Councilmember Beus was in favor.

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

9 **Discussion & Consideration – Ordinance 21-05: An Ordinance Providing for the  
10 Compensation of Elected and Statutory Officers of Nibley City (First Reading)**

11 Councilmember Larsen moved to approve Ordinance 21-05: An Ordinance Providing for  
12 the Compensation of Elected and Statutory Officers of Nibley City, and waived the  
13 second reading. Councilmember Beus seconded the motion.

15 Councilmember Sweeten said she appreciated Mr. Nyman's comments and did want to  
16 show where they'd come up with the 2% COLA increments. Councilmember Beus said  
17 this action kept the City from having to make big jumps in compensation; it was some  
18 way to depoliticize the Council's compensation and made it a gradual increase.  
19 Councilmember Sweeten agreed that this action was to avoid an overwhelming  
20 increase.

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

26 **Discussion & Consideration – Ordinance 21-11: Ordinance 21-11: Amending Nibley City  
27 Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for  
28 Accessory Buildings (First Reading)**

29 Councilmember Beus moved to approve Ordinance 21-11: Ordinance 21-11: Amending  
30 Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards  
31 for Accessory Buildings. Councilmember Larsen seconded the motion.

33 Mayor Dustin made a substitute motion to approve Ordinance 21-11: Amending Nibley  
34 City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for  
35 Accessory Buildings, for first reading; and instructing staff to revisit the language,  
36 making it consistent with what was done with commercial properties about  
37 proportionality of setback, and clean up language to make it clear that it was the roof  
38 plan that controlled the setback.

40 Mr. Roberts said this had been discussed by the Planning Commission and they had felt  
41 this was too restrictive for people's sheds; to require the same commercial setback. Mr.  
42 Roberts asked that is be a proportional adjustment to this approach. Mayor Dustin said  
43 he would propose that up to ten feet high the existing ordinance was fine, but higher  
44 than that it needed to be proportional.

1 Councilmember Bernhardt seconded the motion.

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

6  
7 **Discussion & Consideration – Ordinance 21-12: Amending Nibley City Code 21.02.130:**  
8 **Prohibition on Subdivision; Exceptions to Prohibitions for City Council/Mayor to**  
9 **Subdivide Property (First Reading)**

10 Mayor Dustin didn't think they should be restricting anyone from serving on City Council  
11 and he felt he was proposing a reasonable modification of the ordinance as it stood.  
12 Councilmember Laursen received clarification that a Minor subdivision was a subdivision  
13 of 5 homes or less.

14  
15 Councilmember Bernhardt questioned if Mayor Dustin could subdivide a lot in the Apple  
16 Creek subdivision and if it would still fall in the development agreement for the  
17 subdivision. Mayor Dustin said Apple Creek had two lots left that could be subdivided  
18 and still fall in the development agreement and still meet the Conservation Subdivision  
19 ordinance it was developed under. Councilmember Bernhardt and Mayor Dustin  
20 debated if this fell under a legislative decision process. Mayor Dustin said he would  
21 argue that it was an administrative decision. Councilmember Laursen felt the ultimate  
22 question they had was, should there be exceptions to the existing code? He said the  
23 Mayor had an example they might should consider. Councilmember Beus said she was  
24 on the City Council when the ordinance was constructed and approved and she didn't  
25 agree with it. She felt they were depriving someone of their right to property while they  
26 served.

27  
28 Councilmember Laursen made a motion to deny Ordinance 21-12: Amending Nibley City  
29 Code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City  
30 Council/Mayor to Subdivide Property, with the stipulation the item is put on a future  
31 agenda; by the end of 2021. Councilmember Bernhardt seconded the motion.

32  
33 Mayor Dustin suggested the City Council not take up the issue again until after the next  
34 election. He discussed running or not running in the next Mayoral race.

35  
36 The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember  
37 Bernhardt, Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten  
38 all in favor.

39  
40 Deputy Recorder Bodily noted that the City Council was past their 9:30 p.m. stop time.

41  
42 Councilmember Larsen moved to continue the 6-10-2021 meeting and discuss the  
43 remaining agenda items. Councilmember Laursen seconded the motion. The motion  
44 passed 3-2; with Councilmember Larsen, Councilmember Laursen, and Councilmember

1 Bernhardt all in favor. Councilmember Beus and Councilmember Sweeten were  
2 opposed.

3  
4 **Discussion & Consideration – Ordinance 21-13: Amending Requirements Related to**  
5 **Public Notice and Public Hearing Requirements (First Reading)**

6 Councilmember Larsen moved to approve Ordinance 21-13: Amending Requirements  
7 Related to Public Notice and Public Hearing Requirements and waived the second  
8 reading. Councilmember Beus seconded the motion.

9  
10 Councilmember Laursen asked for clarification on discussion given during the public  
11 presentation regarding for additional public engagement and engaging beyond State  
12 law. Mr. Roberts said the Ordinance freed up resources to do this because staff spent a  
13 lot of time a lot of time meeting current notification requirements. Staff was currently  
14 working on and researching a plan for public engagement. The ordinance also allowed  
15 staff to go above the noticing requirements earlier in the process.

16  
17 The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Beus,  
18 Councilmember Bernhardt, Councilmember Laursen and Councilmember Sweeten all in  
19 favor.

20  
21 **Discussion & Consideration – Ordinance 21-14: Amending Nibley City Code 9.02:**  
22 **Animal Control (First Reading)**

23 Councilmember Larsen moved to approve Ordinance 21-14: Amending Nibley City Code  
24 9.02: Animal Control and waived the second reading. Councilmember Bernhardt  
25 seconded the motion.

26  
27 Councilmember Beus felt Mr. Sweeten's comment was a good point. She questioned if  
28 they would enforce the ordinance. Councilmember Bernhardt questioned the public  
29 clamor that may occur. He also questioned the terminology that was used. He said they  
30 needed to clarify the definition of athletic fields.

31  
32 Councilmember Laursen made a substitute motion to approve Ordinance 21-14:  
33 Amending Nibley City Code 9.02: Animal Control for first reading and give direction to  
34 clarify "athletic fields". Councilmember Larsen seconded the motion.

35  
36 Mayor Dustin said they weren't going to win this by creating an adversarial relationship  
37 with dog owners. He thought the best thing they could hope for was to get people to be  
38 responsible and keep their dogs on a leash and pick up after them. He said this would be  
39 done with public education and not "whip cracking." The Council wanted to hear  
40 discussion on this issue from Mr. Wright and Mr. Elwood.

41  
42 The motion passed unanimously 5-0; with Councilmember Laursen, Councilmember  
43 Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten  
44 all in favor.

1  
2 **Workshop – Capital Projects Master Plan**

3 Mr. Roberts had an electronic spreadsheet he presented (a printed version of this  
4 presentation is included in the written meeting minutes).. He was directed to present  
5 the data that accompanied the spreadsheet. Mayor Dustin said there were items on the  
6 spreadsheet that weren't in the proposed budget, and he wanted to know if the Council  
7 wanted those items included in the proposed budget.  
8

9 Councilmember Sweeten left the meeting at 10:10 p.m.  
10

11 The Council directed staff to take all the projects out that were already proposed in the  
12 next fiscal year budget, continue to compile input and prioritize the projects.  
13

14 **Council and Staff Report**

15 Councilmember Bernhardt said the fireflies were looking good. He hadn't realized  
16 Stokes Nature Center was charging \$8.00 for a tour of the fireflies.  
17

18 Mayor Dustin said he'd had a talk with Hyrum. He said Mr. Roberts and the Hyrum City  
19 Planner were going to look at 4400 South and see what boundary lines made sense.  
20 Their job was to identify the stuff that definitely belonged in Nibley and what definitely  
21 belonged in Hyrum. The other stuff should be thrown to the politicians. Mayor Dustin  
22 said the planners could be "technicratty" about it.  
23

24 Mayor Dustin reported on lines for Utah Power along 4400 South.  
25

26 Mayor Dustin said he and Mayor Miller had started discussion about trash management  
27 with an independent company and were waiting for numbers on how much it would be  
28 versus going to Logan.  
29

30 Mayor Dustin said the City Council may hear some things about court. He told Hyrum  
31 City that Nibley City felt strongly about maintaining a court. He felt the push was to have  
32 a south-end justice court. Mr. Maughan said Providence was interested in reducing their  
33 court cost and the court system.  
34

35 Mr. Maughan reported on Heritage Days.  
36

37 Mr. Maughan told the City Council about elected official's day at Lagoon.  
38

39 The meeting was adjourned at 10:39 p.m.  
40  
41

42 Attest: \_\_\_\_\_  
43 Deputy City Recorder