

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, December 16, 2021.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Larsen moved to approve the December 16, 2021, Consent Agenda.**

7 **-- Approving the Design Contract for Ridgeline Park**

8 **-- Approving the Contract for Nibley City's Impact Fee Analysis**

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

12
13 **Councilmember Larsen moved to approve Ordinance 21-20: Short-term Rental**
14 **Regulations. Councilmember Beus seconded the motion. The motion passed**
15 **unanimously 5-0; with Councilmember Larsen, Councilmember Beus, Councilmember**
16 **Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.**

17
18 **Councilmember Beus moved to approve Resolution 21-27: Adopting a Nibley City Flag.**
19 **Councilmember Larsen seconded the motion. The motion passed unanimously 4-0;**
20 **with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and**
21 **Councilmember Laursen all in favor.**

22
23 **Councilmember Beus moved to approve Ordinance 21-21: Ordinance 21-21: Amending**
24 **Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions and advance**
25 **the ordinance to second reading. Councilmember Laursen seconded the motion. The**
26 **motion passed unanimously 4-0; with Councilmember Beus, Councilmember Laursen,**
27 **Councilmember Bernhardt, and Councilmember Larsen all in favor.**

28
29 **Councilmember Larsen moved to approve Resolution 21-28: Appointment to the**
30 **Nibley City Planning Commission and waived the second reading. Councilmember**
31 **Beus seconded. The motion passed unanimously 4-0; with Councilmember Larsen,**
32 **Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in**
33 **favor.**

34
35
36 **OFFICIAL MINUTES OF THE MEETING**
37 **Deputy City Recorder Cheryl Bodily took minutes**

38
39 **Opening Ceremonies**

40 Councilmember Norman Larsen talked about the time of year and traditions with
41 neighbors, friends, and customers and doing acts of service. He discussed the true
42 reason for the season and talked about how this may not be a time of happiness for
43 many people and asked the City Council to remember them and do what they could to
44 prevent tragedy. He encouraged the City Council to reach out to those individuals.

1
2 **Call to Order and Roll Call**

3 Mayor Dustin called the Thursday, December 16, 2021, Nibley City Council meeting to
4 order at 6:37 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember
5 Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen,
6 Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Justin Maughan,
7 Nibley City Manager, Levi Roberts, Nibley City Planner and Darren Farar, Nibley City
8 Engineer was also present.
9

10 **Approval of the November 18, 2021, Meeting Minutes and Current Agenda**

11 Councilmember Sweeten moved to approve the November 18, 2021, meeting minutes
12 and the current agenda. Councilmember Larsen seconded the motion. The motion
13 passed unanimously 5-0; with Councilmember Sweeten, Councilmember Larsen,
14 Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in
15 favor.
16

17 **Public Comment Period**

18 Mayor Dustin gave direction to the public present and opened the Public Comment
19 Period at 6:38 p.m.
20

21 Kathryn Beus of 386 Sheridan Ridge Lane, Nibley said how much she appreciated Mayor
22 Dustin as their Mayor and that the past eight years had been hard, and he had made
23 many hard decisions for the City. She said his service had been appreciated. She said he
24 had gone to bat for the City and defended the City and she said she really liked his
25 glasses. She thanked Mayor Dustin for everything he had done for her as a resident and
26 for the rest of the residents of the City.
27

28 Norman Larsen of 640 West 3200 South echoed Ms. Beus' comments. He appreciated
29 Mayor Dustin giving him the opportunity to start out by representing the City at the
30 CVTD. He looked forward to continuing to be Mayor Dustin's friend and thanked him for
31 all he had done for his family and the citizens of Nibley.
32

33 Nathan Laursen of 1425 South Sunset Circle thanked Mayor Dustin for his years of
34 service to the community, both in an official capacity and other capacities. He said he
35 appreciated his mentorship and the time he'd taken and the opportunities he'd given to
36 develop him and challenging him to be a better person and the trust and patience that
37 had been shown for years. Mr. Laursen said it had been a joy and honor working with
38 Mayor Dustin to try and make the City better. Mr. Laursen said his best memories were
39 observations of Mayor Dustin unapologetically standing up for the residents and the
40 community but never losing his dignity or professionalism. Mr. Laursen talked about the
41 time they'd spent coming up with a design or symbol to represent the values and
42 missions of Nibley City to put on a flag, but in the end, it was the selfless services and
43 passion of people like Mayor Dustin that represented what the City was about. He
44 appreciated Mayor Dustin being the embodiment of those values.

1
2 Tom Bernhardt of 2364 South 770 West, Nibley City resident and Councilman, discussed
3 his history in deciding to start entertaining the idea of coming into public service and the
4 process he'd gone through to be on the City Council. Mr. Bernhardt said he appreciated
5 everything Mayor Dustin had done for the City. He discussed the light on 3200 South
6 and Safe Routes to School and other things Mayor Dustin had championed for
7 representing everyone and not the just the ones who were the most vocal. Mr.
8 Bernhardt wished Mayor Dustin the best in moving forward to the next phase of his life.

9
10 Kay Sweeten of 550 Wet 2625 South and Nibley resident, said she'd first heard and
11 learned about Mayor Dustin through her children and family and was thrilled to know
12 that she would get to know him individually. Mrs. Sweeten said she appreciated how
13 she perceived the way which he held his office; either as councilmember or mayor. Mrs.
14 Sweeten said she appreciated the honesty she felt he emanated and the hard work and
15 the preparation and efforts he'd made. She appreciated the way he'd stood up for their
16 community as a whole and how when it came to making decisions, that his decisions
17 were based upon what was best for the whole community. She said they'd seen some
18 great things as a community that Mayor Dustin had encouraged and pushed for. Mrs.
19 Sweeten wanted to say, "thank you" and wished Mayor Dustin the very best of luck and
20 best of everything in his next adventure.

21
22 Mayor Dustin thanked the residents for their comments. He said it had been an honor to
23 serve with people who cared so much about the community. He said he hadn't agreed
24 with the City Council decisions all the time but never felt the citizens had been short-
25 changed.

26
27 Seeing no further public comments, Mayor Dustin closed the Public Comment Period at
28 6:48 p.m.

29 30 **Planning Commission Report**

31 Mr. Roberts reported that a conditional use permit was approved for an artisan shoppe.
32 The applicant was Larry Jacobsen and several conditions had been placed on the artisan
33 shoppe. Mr. Roberts said the Planning Commission had discussed recommendations for
34 changes to Accessory Dwelling Unit provisions that the City Council would discuss later
35 on their agenda. Mr. Roberts said the Planning Commission had adopted a schedule for
36 2022. Mr. Roberts said a large portion of the Planning Commission meeting had been
37 devoted to training on Land Use Development and Management Act and was happy to
38 report that each member of the Planning Commission had received the required 4 hours
39 of training required by the State for 2022. All the Planning Commissioners were on
40 board and well informed.

41 42 **Approval of Items on the Consent Agenda**

43 **6-a. Approving the Design Contract for Ridgeline Park**

44 **6-b. Approving the Contract for Nibley City's Impact Fee Analysis**

1 Councilmember Larsen moved to approve the December 18, 2021, Consent Agenda.
2 Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0;
3 with Councilmember Larsen, Councilmember Bernhardt, Councilmember Beus,
4 Councilmember Laursen, and Councilmember Sweeten all in favor.

5
6 **Discussion & Consideration – Ordinance 21-20: Short-term Rental Regulations (Second**
7 **Reading)**

8 Mr. Roberts, Nibley City Planner, gave a presentation on the ordinance. Mr. Roberts had
9 an electronic presentation entitled *Short-term Rentals* which summarized his discussion
10 (a printed version of the presentation is included in the printed meeting minutes). His
11 presentation included the following topics: Background, Recommended Provisions, and
12 Planning Commission Recommendation. He said the Planning Commission
13 recommended Approval of Ordinance 21-20: Short-term Rental Regulations

14
15 Mayor Dustin expressed his struggle with approving a short-term rental ordinance. His
16 recommendation was the City Council pass this ordinance. Mayor Dustin discussed that
17 the State legislature was going into session in a few weeks, and he felt both items on the
18 City Council's agenda would be discussed at the State legislature. He relayed that Mr.
19 Roberts had suggested the ordinance be put in place and then modified once
20 recommendations came from the State.

21
22 Councilmember Sweeten asked how staff had come up with the numbers equal to the
23 stalls for off-street parking. Mr. Roberts said it was based off discussion and what was
24 logical. Often with short-term rental there would be more than two people come and
25 often there were families that came. He said it seemed logical that 4 people was
26 appropriate for one vehicle.

27
28 Councilmember Laursen reiterated that he'd asked for discussion of the difference
29 between a home occupation and commercial. He said it had been discussed that it was
30 mostly a fee. Mr. Roberts said a commercial license typically required a fire inspection,
31 but this was required anyway. He said with both home occupation and commercial, the
32 city ensured the rental was licensed with the State. Councilmember Laursen clarified
33 that he'd read the section that talked about fire marshal and clarified that it was the
34 same fire inspection standards for both types of short-term rental; an annual inspection.

35
36 Councilmember Larsen moved to approve Ordinance 21-20: Short-term Rental
37 Regulations. Councilmember Beus seconded the motion.

38
39 Councilmember Larsen said he didn't see where "annually" had been added to the
40 language. Mr. Roberts directed Councilmember Laursen to the correct version of the
41 ordinance language. Councilmember Laursen said there was hesitation because he'd
42 read findings that short-term rentals were impacting ADUs or long-term rentals. He said
43 they should be mindful of the number of requests they were getting for each one. He
44 didn't want to see this destroy their goal of affordable housing. Mayor Dustin said staff

1 and the City Council would be wise to watch this. He'd been nervous of this because of
2 unintended consequences but he didn't know where to look for examples.

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

7
8 **Discussion & Consideration – Resolution 21-27: Adopting a Nibley City Flag (Second**
9 **Reading)**

10 Mayor Dustin turned the discussion over to Councilmember Laursen.

11
12 Councilmember Sweeten left at 7:03 p.m.

13
14 Councilmember Laursen said not a lot had changed in the resolution other than the
15 symbolism wording that was discussed at the last City Council meeting. He reminded the
16 City Council that the flag had started with a contest and about two-year's worth of
17 rework had gotten them to the proposed flag.

18
19 Mayor Dustin read the proposed Resolution 21-27.

20
21 Councilmember Beus moved to approve Resolution 21-27: Adopting a Nibley City Flag.
22 Councilmember Larsen seconded the motion.

23
24 Councilmember Larsen thanked Mayor Dustin and Councilmember Laursen for all or
25 their hard work.

26
27 Councilmember Bernhardt said he didn't know that he really identified with the flag. He
28 thought in general there wasn't a great cry out from the community for a flag. He was
29 fine voting for it, but he questioned if they were creating something just to create
30 something.

31
32 The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen,
33 Councilmember Bernhardt, and Councilmember Laursen all in favor.

34
35 **Discussion & Consideration – Ordinance 21-21: Ordinance 21-21: Amending Accessory**
36 **Dwelling Unit, Two-Family Housing and Mixed-Use Provisions (First Reading)**

37 Mr. Roberts, Nibley City Planner, gave a presentation. Mr. Roberts had an electronic
38 presentation entitled *ADUs, Two-Family Housing, Mixed-Use* which summarized his
39 discussion (a printed version of the presentation is included in the printed meeting
40 minutes). His presentation included the following topics: Background, Issues,
41 Recommended Code Changes:

- 42
43 1. Amend the definition of 'Two-family housing' to be inclusive of IADUs
44 2. Amend the ADU ordinance to only apply to detached ADUs.

3. Require that one of the units for Two-family housing be owner occupied
4. Delete provisions for 'attached ADUs' in commercial building and replace with allowance for 'commercial/residential mixed use' in all zones as a conditional use.
 - a. Commercial/residential uses are limited to those allowed in the zone.
5. Amend parking requirements to be compliant with State Code.
6. Adjusted setbacks for ADUs so they are not more restrictive than primary dwelling (10').

And Planning Commission recommendations.

Mr. Roberts said the Planning Commission recommended approval of Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions.

Mayor Dustin reiterated that he believed there would be changes in the next legislative session regarding this ordinance. Councilmember Beus asked if there was any direction of addressing the additional impact fees for these residences. Mayor Dustin said he understood the legislation as written that duplexes were allowed in any zone and thought if they changed the ADU impact fees then they could potentially give everyone or developers a twofer. Councilmember Bernhardt felt the bigger problem was from a tax collecting standpoint. Were school districts losing out on tax dollars? Mayor Dustin said this ordinance had a big impact on city land use policy.

The City Council discussed the assessment of impact fees. Mr. Maughan said this was partly the reason he was excited to have the impact fee study done. Mr. Roberts said the City Council hadn't received one application for Accessory Dwelling Unit in the last year since the ADU ordinance was passed. They weren't sure why this was the case, but they didn't want to create unnecessary barriers. Staff was reviewing whether impact fees were a barrier. Mr. Maughan said that typically impact fees were charged per meter. He discussed the desire for meters using developers, who wanted less meters versus building managers, who would prefer each unit have its own meter. Mr. Maughan discussed how he anticipated impact fee structure and impact fee codes would be changing after the impact fee study was done.

Councilmember Beus moved to approve Ordinance 21-21: Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions and advance the ordinance to second reading. Councilmember Laursen seconded the motion.

Councilmember Beus said they should come into compliance with State law for now.

Councilmember Laursen said they have reasons for charging impact fees, and they'd given incentives for providing affordable housing and felt this accomplished the goal of having ADUs. He liked where they were at with impact fees for now.

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

3
4 **Discussion & Consideration – Resolution 21-28: Appointment to the Nibley City
5 Planning Commission (First Reading)**

6 Mayor Dustin said he and Mayor-Elect Jacobsen had discussion about the appointment.
7 Technically it was Mayor-Elect Jacobson's appointment to make, but both he and
8 Mayor-Elect Jacobson had no difference of opinion on the candidate and the candidate
9 wanted certainty about where he was at. Mayor-Elect Jacobsen said he and Mayor
10 Dustin agreed and he'd asked the Planning Commission to make recommendations on
11 their officers and who they'd like their chair and vice-chair to be. Mayor Dustin said the
12 proposed appointment was the reappoint of Commissioner Tyler Obray

13
14 Councilmember Larsen moved to approve Resolution 21-28: Appointment to the Nibley
15 City Planning Commission and waived the second reading. Councilmember Beus
16 seconded. The motion passed unanimously 4-0; with Councilmember Larsen,
17 Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in
18 favor.

19
20 **Council and Staff Report**

21 Councilmember Beus asked for clarification on emails she'd been copied on regarding Al
22 Bingham.

23
24 Councilmember Larsen thanked the City for the recent holiday party.

25
26 Mr. Maughan reported that Nibley City's Public Works Director was now a grandfather
27 and reported that Levi had recently welcomed a new baby to their families.

28
29 Mr. Maughan asked the City Council to keep Amy Johnson and her daughter in their
30 thoughts and prayers as her daughter had undergone some major surgery. Mr.
31 Maughan reported that she seemed to be doing well but had a bit of a road to recovery.

32
33 Mr. Maughan reported on snow removal and the recent snowstorm. He said there were
34 four new plow drivers, 2 fairly-rookie plow drivers, and 3 veteran plow drivers on Nibley
35 City's snowplow staff. He reported that there'd only been one complaint regarding the
36 sidewalk to the high school. The City Council discussed the north side of 2200 South.

37
38 Mr. Maughan reported on the Live Nativity.

39
40 Mr. Maughan reported on Nibley City's Holiday Light Tour.

41
42 Mr. Maughan reported that there was currently a push for dog licensing. He directed
43 the City Council to watch for a combined rabies vaccination/dog licensing partnership
44 with the Heritage Veterinary clinic.

1
2 Mr. Maughan said staff was exploring moving towards using Microsoft Teams instead of
3 using the Box.
4

5 Mr. Maughan reported that the next City Council meeting would be on January 3, 2022,
6 at 6:30 p.m. He asked if the City Council would like to have a photographer come and
7 update the City Council's pictures. The City Council expressed that they'd like to have a
8 photographer attend to take pictures of the new Council including Mayor-Elect
9 Jacobsen.
10

11 Mr. Maughan updated the City Council regarding the road at 2600 South between
12 Highway 89/91 and 1200 west and discussions with Al Bingham.
13

14 Mayor Dustin let staff and the City Council know how blessed and lucky he felt to be a
15 part of the process. He said he wouldn't miss the mayoral chair or writing the agendas
16 or being the Mayor but he would miss the opportunity to interact with everyone as
17 directed as he currently did, doing the business they did. Next to his family this had
18 been the honor and privilege of his life. Mayor Dustin thanked staff for being patient
19 with him. He said he'd loved it.
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21 The meeting was adjourned at 8:05 p.m.
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Attest: _____
City Recorder