A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 3, 2018.

The following actions were made during the meeting:

Councilmember Jacobsen moved to approve a preliminary subdivision plat for River Hawk Subdivision, located at approximately 2600 South and SR 165; applicant Nibley City, as presented. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Jacobsen moved to approve Resolution 18-05: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2017-18, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2018-19 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES, for first reading. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Councilmember Jacobsen moved to adjourn to executive session to discuss Potential Real Estate Purchase pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

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

Opening Ceremonies
Councilmember Larsen discussed an email he had received that discussed making history. He encouraged people to take advantage of where we live and to do our part to make history. Councilmember Larsen led the meeting in the Pledge of Allegiance.

Mayor Dustin excused Councilmember Kathryn Beus.

Mayor Dustin welcomed the Boy Scouts present at the meeting; Caden Bernhardt with Troop 811, Josh Arnell with Troop 385, and Tate Forsberg with Troop 316 introduced themselves. They indicated they were working of their Communications and Citizenship in the Community merit badges.

Call to Order

Mayor Shaun Dustin called the Thursday, May 3, 2018, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Larry Jacobsen, Councilmember Thomas Bernhardt, Councilmember Tim Ramirez, and Councilmember Norman Larsen. Mr. David Zook, Nibley City Manager, Stephen Nelson, Nibley City Planner, and Justin Maughan, Nibley City Public Works Director, was also in attendance.

Approval of agenda; and approval of the April 19, 2018 regular and executive session meeting minutes

Councilmember Jacobsen moved to approve both the executive session and regular meeting minutes from the previous meeting and the evening's agenda. . Councilmember Larsen seconded the motion. The motion passed 3-1; with Councilmember Bernhardt abstaining from the vote.

Public Comment Period

Louise Silver of 700 West said she had been meeting with contractors about her property. She had also met with Mr. Nelson and Austen Powel to figure things out. The contractor had informed her of national and state building codes. Cities make lots of rule and some of these rules don't make a lot of sense. Ms. Silver said she had learned that she might have to seek a variance. Ms. Silver asked the City Council about zoning and asked the City Council to consider an easier way of getting something adapted. She was discussing adding a mother-in-law house behind her existing house for when she was old and in a wheelchair.

Brian Anderson of 3200 South commented that he was concerned about traffic on 3200 south and asked that in any discussion that took place regarding a change to 3200 South, the City Council consider 3200 South from Ted's all the way to Bob's service stations. He was concerned with what they currently had on 3200 saying there were moments when it was a bit hairy getting out of his driveway. He said safety was a concern and wondered when there would be too much traffic for 3200 to handle. He hoped there would be a task force that looked at 3200 South. He brought attention to the kids on 3200 South. He asked at what point they would slow the road down, put in more crossing guards, or contract for more law enforcement? He asked if there were a meeting held regarding 3200 that he be informed so he could participate.

Presentation by the Utah Local Governments Trust

Mr. Jason Watterson, with the Utah Local Governments Trust, Loss Prevention Department was present at the meeting.

Mr. Watterson presented Nibley City with its fourth consecutive Trust Accountability Program award. He said the program was initiated to encourage members to have good risk management programs in place. He reported that this award refunded Nibley City $664.94 of their liability premium back and gave Nibley City discounts on worker's compensation premiums as well. Mr. Watterson said the most important requirement for this award was to have an active safety committee.

He was pleased to report that Mr. Zook's team had done a great job of working together. He appreciated the City Council and Mayor Dustin support of Nibley's staff.

Planning Commission Report
Mayor Dustin said the Planning Commission Chair and Vice-Chair were unable to be at their City Council meeting and noted that Mr. Nelson would handle the Planning Commission Report.

Mr. Nelson reported that the Planning Commission had been debating the minor subdivision ordinance that would allow landowners subdividing into three lots or less a quicker and easier review and approval process. The goal of the ordinance was to allow Mom N' Pop subdivisions or someone wanting to divide off a lot for a family member or child, an easier process. Mr. Nelson said there was also a provision in the ordinance to include flag lots as part of the minor subdivision; a flag lot was any lot that didn't meet the required frontage in Nibley's subdivision code. Mr. Nelson reported that the Planning Commission's recommendations were to add a strict time limit for parcel divisions and whether or not they should include a flag lot provision in the minor subdivision ordinance. The general recommendation was to remove the flag lot portion from the minor subdivision code and look at it as a separate issue.

Mayor Dustin asked if the Planning Commission was planning to remove the flag lot from the minor subdivision ordinance but planned on keeping the flag lot ordinance on the same schedule as the minor subdivision ordinance. Mr. Nelson was not sure and said he had some ideas to address some of the issues the Planning Commission had with flag lots. Mr. Nelson said he would like to have it to the City Council as quickly as possible. Mayor Dustin thought one of the major drivers for the minor subdivision ordinance was to address the flag lot question; so even if it was a down recommendation, the Planning Commission needed to give them a recommendation. Mr. Nelson said because the Planning Commission had recommended the flag lot be removed which was essentially a recommendation for "no", if the City Council had a different opinion, the City Council could always add the flag lot back in to the minor subdivision ordinance.

A public hearing to receive comment regarding a preliminary subdivision plat for River Hawk Subdivision, located approximately at 2600 South and SR 165 (Applicant: Nibley City)
Mr. Nelson described that a subdivision was when one piece of land that is registered as one parcel, lot, or unit was made into two or more parcels. The parcel is changed so the lot is registered as two or more pieces and State laws gave cities a lot of discression on how the subdivision process was ran and the subdivision had to adhere to the land use law governed by the City.

Mr. Nelson said the River Hawk subdivision was a subdivision within both Millville City and Nibley City with lots 5 and 6 in Nibley City boundaries. Mr. Nelson said Nibley owned the parcel and the parcel was designated park space. However, when

Ridgeline High School came in they had to punch through the property with a road accessing the high school and 2600 South. To clear up how the property was recorded, Millville and Nibley wanted to do a subdivision plat to make the subdivision clearer and have a designated right-of-way through the parcel. Mr. Nelson reported that Cache Landmark Engineering had drawn the plat for Nibley City. Mr. Nelson said to officially record the road dividing the parcels; Nibley City needed to go through the subdivision process. Lots 3 and 4 were being given to Nibley City with the river being the boundary. Mr. Nelson reported that most of the improvements had already been put in on both properties however; there was conversation about potential changes of use with the southern parcel. Mr. Nelson said the parcel would have to be rezoned for potential economic development but the current proposed use was fine and there were no issues with the subdivision.

Mr. Nelson described that there was a slight issue with a water line. The water line stopped just slightly south of the development that the property was tied in to that connected both pieces of property for irrigation. If one of the lots were developed to more than the current proposed use, then the water line would have to be built out to service the property. Mr. Nelson said the water line, services, and improvements that were place were sufficient for the proposed use. Councilmember Jacobsen clarified that the majority of the development improvement weren't put in at Nibley City's expense but were put in at the developer's expense, the Cache County School District. Councilmember Bernhardt asked for clarification on zoning on the property. Mr. Nelson said under the current master plan the parcel was in R-1 zoning.

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

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

Discussion and Consideration of a preliminary subdivision plat for River Hawk Subdivision, located approximately at 2600 South and SR 165 (Applicant: Nibley City)

Mr. Nelson clarified that he had misspoke. He said the southern parcel and a section of the north parcel was currently in Nibley's park zone and part of the parcel was zoned for residential use. Park space was a permitted use in a residential zone.

Councilmember Jacobsen moved to approve a preliminary subdivision plat for River Hawk Subdivision, located at approximately 2600 South and SR 165; applicant Nibley City, as presented. Councilmember Ramirez seconded the motion.

Councilmember Bernhardt asked about the timeframe of the subdivision process. Mr. Zook said the applicant was really the school district with Nibley City presenting the subdivision as a joint venture. Mr. Zook said staff had been waiting for the school district to deliver the plat so they could begin the subdivision process. Councilmember Jacobsen was interested to note that Nibley City owned property

outside of its political jurisdiction. He recalled an ordinance that said they wouldn't extend Nibley City's service beyond the boundary of its political jurisdiction. Mr. Nelson described the exceptions to the ordinance; Nibley can make an agreement with other public entities. Councilmember Jacobsen said he was glad to have a way to extend their utilities to these properties. Councilmember Jacobsen asked if there was any reason to move forward with a city municipal boundary line adjustment with the proposal. Mayor Dustin said they could open up informal discussion with Millville about annexation.

Councilmember Ramirez clarified that rezoning had nothing to do with the subdivision process; the City was not doing this as a first step of making this a commercial property. Mayor Dustin said there had been discussion of commercial use in a public meeting but this was not part of the current subdivision proposal. Mr. Zook said the subdivision process would make the rezoning process easier.

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

Discussion and Consideration of Resolution 18-05: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2017-18, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2018-19 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)
Mayor Dustin and Mr. Zook presented the 2018-19 proposed fiscal year budget to the City Council.

Mr. Zook recognized Nibley City Treasurer, Michelle Jensen, for her assistance and efforts in preparing the proposed budget.

Mr. Zook discussed the budget timeline, current debt balances which totaled $5,080,378, an overview of changes, a budget overview using a pie chart, a pie chart reflecting general fund revenues, a pie chart reflecting tax revenue, a bar chart reflecting Nibley's sales tax revenue current to 2010, and budget highlights with a proposed tax rate of 0.001667 which would remain the same from the previous year's rate but property values had gone up. Mr. Zook discussed budget highlights and wanting to get more data on dog license fees separating them into multi-dog, impound, and kennel fees, and refuse collection fees that Logan City had recently proposed would increase.

Mayor Dustin continued budget highlights with discussion about Nibley City's Sheriff's contract, the fire contract in which Hyrum is raising their rate from $8 to $9 per person, storage for the Nibley Children's Theatre, and an increased budget for Heritage Days for fireworks.

Mr. Zook presented a potential $40,000 Utah Outdoor Recreation Grant for outdoor trail programs at Firefly and Heritage Parks and a yurt and trail grooming vehicle.

Mayor Dustin summarized proposed City Hall payoff that included an extra $10,000 per year expenditure and would pay off the building debt approximately 7 years earlier, a first responders truck, 1200 West and fronting money for a $1.9 COG grant being used to realign the intersection at 1200 west and 3200 south with a match of $143,180 from Nibley City, trails and sidewalks, and property sales and acquisitions.

Mr. Zook presented the proposal to hire a full-time stormwater employee and for budgeted funds to build a new pond on the west end of 2600 South.

Councilmember Jacobsen requested page 66 of the budget have a column headings on the sewer debt service table. He would also like to see a column similar to the table on the municipal building authority that showed interest.

Councilmember Jacobsen, Councilmember Ramirez, and Councilmember Bernhardt complimented staff on the budget.

Councilmember Bernhardt asked what was budgeted for the Nibley Children's Theatre and if they felt the City was providing enough support for the needs they had. Councilmember Bernhardt referred to a letter that had been given to the City Council from the NCT asking for money for storage (included in the written minutes). He thought perhaps as a City they could accommodate the NCT a little better. Mayor Dustin reported he'd had specific discussion with Emily Rigby about support from the City and had asked them to write a letter. Mayor Dustin said he would like to discuss storage with the NCT. Mr. Zook said the NCT's budget was $6,000 and they were asking for an additional $1,000. He reported that the NCT got $4,000 of their own money in grants. Mr. Zook compared that the NCT was of the most expensive programs they had in the Nibley City budget.

Councilmember Jacobsen moved to approve Resolution 18-05: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2017-18, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2018-19 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES, for first reading. Councilmember Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Council and Staff Reports

Councilmember Jacobsen discussed that even though Nibley City's zoning map had a park zone, he didn't think it existed. Nibley City didn't say there were any conditional or permitted uses. It wasn't a sanctioned zone, except for on the zoning map. Mr. Nelson said it was on his list of items to fix.

Councilmember Larsen questioned surveying on 640 West, 800 West, and 2600 South. Mayor Dustin said these were trail corridors that were included on the Trails Plan. He had asked Mr. Maughan to find the money in his engineering budget to do the surveys to find the City's right-of-way.

Councilmember Bernhardt thanked the City Council for the card and plant for his father-in-law's funeral.

Mayor Dustin reported on the Utah League of Cities and Towns conference that was held in St. George. He said Mr. Zook and Mr. Nelson had represented Nibley City well.

Mayor Dustin told the City Council that he intended to have the reports on 1200 West history and the conservation subdivision ordinance on the next agenda.

Mr. Zook reported on the Utah League of Cities and Towns conference. He said he and Mayor Dustin had presented on the Mayor/City Manager relationship. Mr. Zook said the Fall League conference was on September 12-14. He said rooms had already been reserved and asked the City Council members to let staff know if they would be going as soon as possible. Councilmember Ramirez, Councilmember Jacobsen, Councilmember Larsen, and Mayor Dustin all said they planned to go.

Mr. Zook reported of a kick-off meeting with UDOT, Nibley's engineers, and the County trail planner about the 2600 South bike lane project.

Mayor Dustin reported on a discussion with Al Bingham who would be meeting with Logan City on the municipal realignment.

Mr. Zook reported that Mr. Nelson had received his Water Right certification.

Mr. Zook reported that there would be training on attorney/client privilege and the public hearing related to the budget at the next City Council meeting.

Mr. Maughan reported that there was a chlorine reading of .3 that they had determined was coming from Nibley Elementary School that had led them to their water softener. He said Nibley's chlorination system had made the school aware that there was an issue with their water softener.

Adjourn to Executive Session

Councilmember Jacobsen moved to adjourn to executive session to discuss Potential Real Estate Purchase pursuant to Utah Code 52-4-205. Councilmember Larsen seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Mayor Dustin called for a five-minute meeting recess.

The meeting moved to executive session at 8:44 p.m.

The meeting returned from executive session at 9:14 p.m.

There was general consent to adjourn the meeting at 9:14 p.m.

Attest: _____
Deputy City Recorder