



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, June 2, 2016 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Hansen)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)

5. Discussion and Consideration of a Nomination for the Nibley Citizen of the Year
6. Discussion and Consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (Second Reading)
7. Discussion and Consideration of Resolution 16-04: A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT (Second Reading)
8. Discussion and Consideration of Ordinance 16-04: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY (First Reading)
9. Discussion and Consideration of Resolution 16-06: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR THE FISCAL YEAR 2015-16, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2016-17 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)

10. Council and Staff Reports

Adjourn Meeting

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.

¹ *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*



Nibley City Council Agenda Report for May 19, 2016

Agenda Item #5

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| Description | Discussion and Consideration of a Nomination for the Nibley Citizen of the Year |
| Department | City Council |
| Presenter | Shaun Dustin, Mayor |
| Sponsor | n/a |
| Applicant | n/a |
| Background | Mayor Dustin will present his nomination for the Citizen of the Year, who will serve as the Grand Marshal in the Heritage Days Parade and be honored at the Heritage Days Mayor's Dinner. |
| Recommendation | Provide advice and consent to the Mayor on the nomination. |
| Financial Impact | A small token of appreciation, such as a bouget, plaque or gift card is often provided to the honoree at the Mayor's Dinner. |
| Reviewed By | Mayor, City Manager, Recreation Director |

Agenda Item #6

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| Description | Discussion and consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (Second Reading) |
| Department | Planning and Zoning |
| Presenter | Shari Phippen, City Planner |
| Sponsor | n/a |
| Applicant | n/a |
| Background | <p>Utah Code 10-9a-401 requires that: "...each municipality shall prepare and adopt a comprehensive, long-range general plan for the present and future needs of the municipality and growth and development of all or any part of the land within the municipality."</p> <p>Nibley City's General Plan was last updated in December 2007. In late 2015, Nibley City contracted with Logan Simpson Design ("LSD"), a Salt Lake based land use consulting firm, to prepare an update to the Nibley City General Plan.</p> <p>Over the past several months, LSD has conducted a number of public open houses and information gathering sessions, reviewed and analyzed current and past City master plans, and has spent many hours in meetings with various public bodies and also with staff.</p> <p>The General Plan, as presented, is broken down into four sections:</p> <ol style="list-style-type: none">1- Our Vision2- Our Foundation3- Our Framework4- Our Commitment <p>The first two sections, Our Vision and Our Foundation, discuss the history of the City and provide valuable demographic information and trends which lay the foundation for the final two sections. Our Framework outlines the goals and policies that the City will use to guide how we develop policies, projects and ordinances for the next 7-10 years. Our Commitment outlines the projects that the City will undertake to accomplish those goals and policies.</p> <p>Based on the recommendations in the General Plan, as it stands, having been reviewed and favorably recommended to Council by the Planning Commission, staff has begun to work on a number of ordinances and maps that will implement those goals.</p> <p>Staff met with Logan Simpson Design this week and incorporated the changes Council discussed in the May 19, 2016 workshop. Additional clarifying language was incorporated based on the overall tone of the</p> |

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| | workshop. Staff has noticed a few minor grammatical errors and those will be corrected. |
| Recommendation | Provide direction to staff on any desired changes and/or approve the ordinance and plan when ready. |
| Financial Impact | There is no direct financial impact in the adoption of the General Plan. There will be an undetermined financial impact in implementing the components of the plan. The cost to update the plan and associated downtown plan was \$35,000. |
| Reviewed By | Mayor, City Manager, City Planner, Public Works Director |

Agenda Item #7

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| Description | Discussion and Consideration of Resolution 16-04: A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT (Second Reading) |
| Department | City Council |
| Presenter | David Zook, City Manager |
| Sponsor | Cache County and Mayor Dustin |
| Applicant | n/a |
| Background | Cache County is proceeding with the steps necessary to form a water conservancy district. One of the steps in that process is to have each of the municipalities that desires to be part of the district adopt a resolution proposing creation of the district. The Cache County Council and about a dozen cities in the county have already voted to put this matter on the ballot and held the first public hearing regarding the ballot measure on May 24. After adoption, the Nibley City Council will need to hold a public hearing between July 1 and July 14. |
| Recommendation | Adopt the resolution and schedule a public hearing. |
| Financial Impact | The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache County is \$201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the annual tax on a \$201,182 residence would be \$11.07 using a tax rate of 0.0001, \$22.13 using a tax rate of 0.0002, and \$33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts. |
| Reviewed By | Mayor, City Manager, Cache County |

Agenda Item #8

| Description | Public Hearing and Discussion and Consideration of Ordinance 16-04: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY (First Reading) | | | | | | | | | | | | | | | | | | | | |
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| Department | City Council and all Departments | | | | | | | | | | | | | | | | | | | | |
| Presenter | Mayor, City Manager and Department Heads | | | | | | | | | | | | | | | | | | | | |
| Sponsor | n/a | | | | | | | | | | | | | | | | | | | | |
| Applicant | n/a | | | | | | | | | | | | | | | | | | | | |
| Background | <p>The first drafts of the budget for the next fiscal year were presented to the Council and public at the May 5 and 19 Council meetings and a public hearing regarding this ordinance was held on May 19. Staff reviewed various changes in the budget, including a Cost of Living Adjustment for employees and elected officials.</p> <p>In 2015, the Council's gave expressed its intention to operate under an ongoing policy of adjusting elected official stipends annually at the same rate as it is adjusted for other employees. A 2% COLA is being proposed in this budget for employees.</p> <p>The compensation of the elected and statutory officers is proposed as follows:</p> <table border="0"> <thead> <tr> <th>Office:</th> <th>Present Salary:</th> <th>Proposed Salary:</th> <th>Increase:</th> </tr> </thead> <tbody> <tr> <td>Mayor</td> <td>\$765/month</td> <td>\$780/month</td> <td>\$15/month</td> </tr> <tr> <td>Council</td> <td>\$306/month</td> <td>\$312/month</td> <td>\$6/month</td> </tr> <tr> <td>Judge</td> <td>\$1082/month</td> <td>\$1114/month</td> <td>\$32/month</td> </tr> <tr> <td>Treasurer</td> <td>\$34,408-\$50,616/yr</td> <td>\$35,096-\$51,628</td> <td>\$688-1013/y</td> </tr> </tbody> </table> | Office: | Present Salary: | Proposed Salary: | Increase: | Mayor | \$765/month | \$780/month | \$15/month | Council | \$306/month | \$312/month | \$6/month | Judge | \$1082/month | \$1114/month | \$32/month | Treasurer | \$34,408-\$50,616/yr | \$35,096-\$51,628 | \$688-1013/y |
| Office: | Present Salary: | Proposed Salary: | Increase: | | | | | | | | | | | | | | | | | | |
| Mayor | \$765/month | \$780/month | \$15/month | | | | | | | | | | | | | | | | | | |
| Council | \$306/month | \$312/month | \$6/month | | | | | | | | | | | | | | | | | | |
| Judge | \$1082/month | \$1114/month | \$32/month | | | | | | | | | | | | | | | | | | |
| Treasurer | \$34,408-\$50,616/yr | \$35,096-\$51,628 | \$688-1013/y | | | | | | | | | | | | | | | | | | |
| Recommendation | Make a motion to advance the ordinance to the second reading. | | | | | | | | | | | | | | | | | | | | |
| Financial Impact | The impact to the City budget for the increases for the Mayor and Councilmembers will amount to \$540 per year. | | | | | | | | | | | | | | | | | | | | |
| Reviewed By | Mayor, City Manager | | | | | | | | | | | | | | | | | | | | |

Agenda Item #9

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| Description | Discussion and Consideration of Resolution 16-06: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR THE FISCAL YEAR 2015-16, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2016-17 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading) |
| Department | City Council |
| Presenter | David Zook, City Manager |
| Sponsor | n/a |
| Applicant | n/a |
| Background | <p>The first drafts of the budget for the next fiscal year were presented to the City Council and public at the May 5 and 19 Council meetings and a public hearing regarding the budget was held on May 19.</p> <p>Resolution 16:06 would adopt the budget for the next fiscal year, as well as make any final adjustments to the current year budget.</p> <p>Approval of this resolution would increase the stormwater fee from \$6.50 to \$6.75 per month per residence and would propose the property tax rate as 0.001667. If Cache County certifies a tax rate lower than this rate, this rate will not become the final adopted rate until after the City holds a truth in taxation hearing on August 4.</p> <p>Some of the changes made to the budget document since its last presentation include the following:</p> <ul style="list-style-type: none">• The addition of budget policy information• A change in the cost share between Millville and Nibley for First Responder contributions• An increase in the budgeted amount for the park master plan <p>Additional changes are expected before final adoption in June, including adjusting the Water Department budget to carry over well project funds for those portions of the project that were anticipated to be completed this year but will be done next year instead, a final proposal from Mayor Dustin on the property tax rate, the addition of the budget message, and an update of year-to-date numbers.</p> |
| Recommendation | Provide staff with direction on any proposed changes and make a motion to advance the resolution to the second reading. |

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| Financial Impact | The total City budget for the next fiscal year is proposed to be \$6.7 million dollars. This is a decrease from \$7.5 million in the current budget year. The majority of that decrease is due to the well project, which increased the budget significantly in the current budget year, however the budget also proposes to decrease the budgets of most general fund departments. |
| Reviewed By | Mayor, City Manager, All Departments |

ORDINANCE 16-03

AN ORDINANCE ADOPTING AN UPDATED GENERAL PLAN FOR NIBLEY CITY

WHEREAS, Utah Code Annotated §10-9a-401 requires that all municipalities located within the State of Utah adopt a General Plan; and

WHEREAS, the purpose of the Nibley City General Plan is to plan for current and future needs of the municipality in regards to growth and development; and

WHEREAS, from time to time, it is necessary for cities to amend their general plan to reflect changes that have occurred within the city and to reflect the current values and vision of that city; and

WHEREAS, Nibley City has undertaken to revise its general plan to reflect such changes and growth that have occurred; and

WHEREAS, the attached document reflects the vision of Nibley City and will serve as a guide for growth and development for the near future.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

The attached document, entitled "Nibley City General Plan" is adopted and

1. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
2. Should any provision, clause or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply, The valid part of any provision, clause or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
3. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this _____ day of _____, 2016.

Shaun Dustin, Mayor

ATTEST: _____
City Recorder

RESOLUTION 16-04

A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT

WHEREAS, Cache County is referred to herein as the "County"; and

WHEREAS, Amalga Town, Clarkston Town, Cornish Town, Hyde Park City, Hyrum City, Lewiston City, Logan City, Mendon City, Millville City, Newton Town, Nibley City, North Logan City, Paradise Town, Providence City, Richmond City, River Heights City, Smithfield City, Trenton Town, and Wellsville City, are referred to herein collectively as the "Municipalities"; and

WHEREAS, pursuant to the Bear River Development Act, Utah Code Ann. § 73-26-101, et seq. (the "Act"), the Utah Division of Water Resources is directed to develop the surface waters of the Bear River and its tributaries through the planning and construction of reservoirs and associated facilities that are authorized and funded by the Legislature; and

WHEREAS, water resources developed by the Division of Water Resources pursuant to the Act may be made available by contract exclusively to the existing water conservancy districts that serve Box Elder, Salt Lake, and Weber Counties, as well as to Cache County and any water conservancy district that may be formed in Cache County-by law, this developed water cannot be made directly available to municipalities in Cache County, and there is currently no water conservancy district in Cache County whose mission is to serve all of the municipalities and unincorporated areas within the County; and

WHEREAS, the creation of a water conservancy district in Cache County will allow for the full implementation of the Cache County Water Master Plan prepared by J-U-B Engineers, Inc. dated August 2013 and will allow the district to plan and manage a system that protects and conserves the County's long-term agricultural, environmental, and municipal water interests with an emphasis on securing its Bear River allocation entitlements pursuant to the Act; and

WHEREAS, the County and some or all of the Municipalities desire to create a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-10 et seq., as provided in this Resolution, to plan for and facilitate the long-term conservation, development protection, distribution, management and stabilization of water rights and water resources for domestic, irrigation, power, manufacturing, municipal, recreation and other beneficial uses at a reasonable cost to meet the needs of the residents and growing population of Cache County and to provide any services enumerated in the Water Conservancy District Act; and

WHEREAS, once created, the local district will be governed by an eleven member board of trustees, ten of whom will be elected by the voters of Cache County; and

WHEREAS, to have a functioning board of trustees pending elections, the Cache County Council will appoint trustees who will serve until their successors are elected by the voters; and

WHEREAS, Cache County currently imposes a property tax that is budgeted and utilized for the development of water resources; and

WHEREAS, the proposed local district will have taxing authority, but will not implement that authority until a majority of the members of the board of trustees of the district are officials elected by the voters; and

WHEREAS, the Cache County Council intends to reduce the portion of the County-wide property tax that is utilized for water development by an amount equal to any property tax imposed by the new local district, which will result in a combined county and local district property tax rate that is revenue neutral and will not increase the property tax burden on any property for at least four (4) years; and

WHEREAS, Utah Code Ann. § 17B-1-203 provides that the process to create a local district may be initiated by a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed local district; and

WHEREAS, the proposed local district will be created only after its creation has been approved by the voters residing within the district; and

WHEREAS, Nibley City, being one of the Municipalities located within the boundaries of the proposed local district, desires to join with Cache County and other Municipalities in formally proposing the creation of the local district.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. In order to allow the citizens of Nibley to vote on the creation of a water conservancy district, Nibley City, concurrently with the County and other Municipalities, proposes the creation of a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-10 et seq., which will include all of the incorporated and unincorporated areas within the boundary of Cache County, Utah, as depicted in the map which is attached as Exhibit "A" and incorporated as part of this Resolution, conditioned upon each Municipality located within the proposed boundary of the district passing a similar Resolution. If the legislative body of any Municipality fails to adopt a similar Resolution, that Municipality may be excluded from the district.
2. The district that is proposed to be created will be known as the "Cache Water District," a water conservancy district located in a county of the third class.
3. The service proposed to be provided by the Cache Water District is the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, irrigation, and culinary water, whether the system is operated on a wholesale or retail level or both, as provided in Utah Code Ann. § 17B-1-202(1)(a)(xii).
4. The type of specialized local district that is proposed to be created is a water conservancy district, as provided in the Water Conservancy District Act, Utah Code Ann. § 17B 2a-10 et seq.
5. The anticipated method of paying the costs of providing the proposed service is through the collection of ad valorem property taxes, service fees and charges, and/or levied assessments. It may be some time before the district will be able to provide water service and collect fees and charges for that service. Consequently, the district initially will be funded through Cache County, until the district establishes its own property tax assessment, at which time Cache County is to reduce its property tax rate by an equivalent amount as stated in the foregoing recitals.
6. The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache

County is \$201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the annual tax on a \$201,182 residence would be \$11.07 using a tax rate of 0.0001, \$22.13 using a tax rate of 0.0002, and \$33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts.

7. The number of members of the board of trustees of the proposed water conservancy district, consistent with Utah Code Ann. § 17B-1-302(2), will be eleven. The board of trustees will consist of ten elected trustees and one appointed trustee who will be elected or appointed, respectively, pursuant to the procedures set forth in Utah Code Ann. Title 17B, Chapter 1, Part 3 and § 17B-2a-1005. Seven of the elected Trustees will be elected from districts, with one trustee to be elected to represent each of the seven Cache County Council districts, as those districts may be established and modified from time-to-time pursuant to applicable law. The three remaining elected trustees will be elected County-wide. The one Trustee who is appointed by the Cache County Council will, pursuant to Utah Code Ann. § 17B 2a-1005(2)(d), be a person who owns irrigation rights and uses those rights as part of that person's livelihood. Regarding the ten elected trustee positions, the initial trustees will be appointed by the Cache County Council pursuant to Utah Code Ann. §§ 17B-1-303 and 20A-I 512, with staggered terms and subsequent trustees to otherwise be elected as provided herein.

Approved and passed as of the date set forth below

Dated this _____ day of _____, 2016

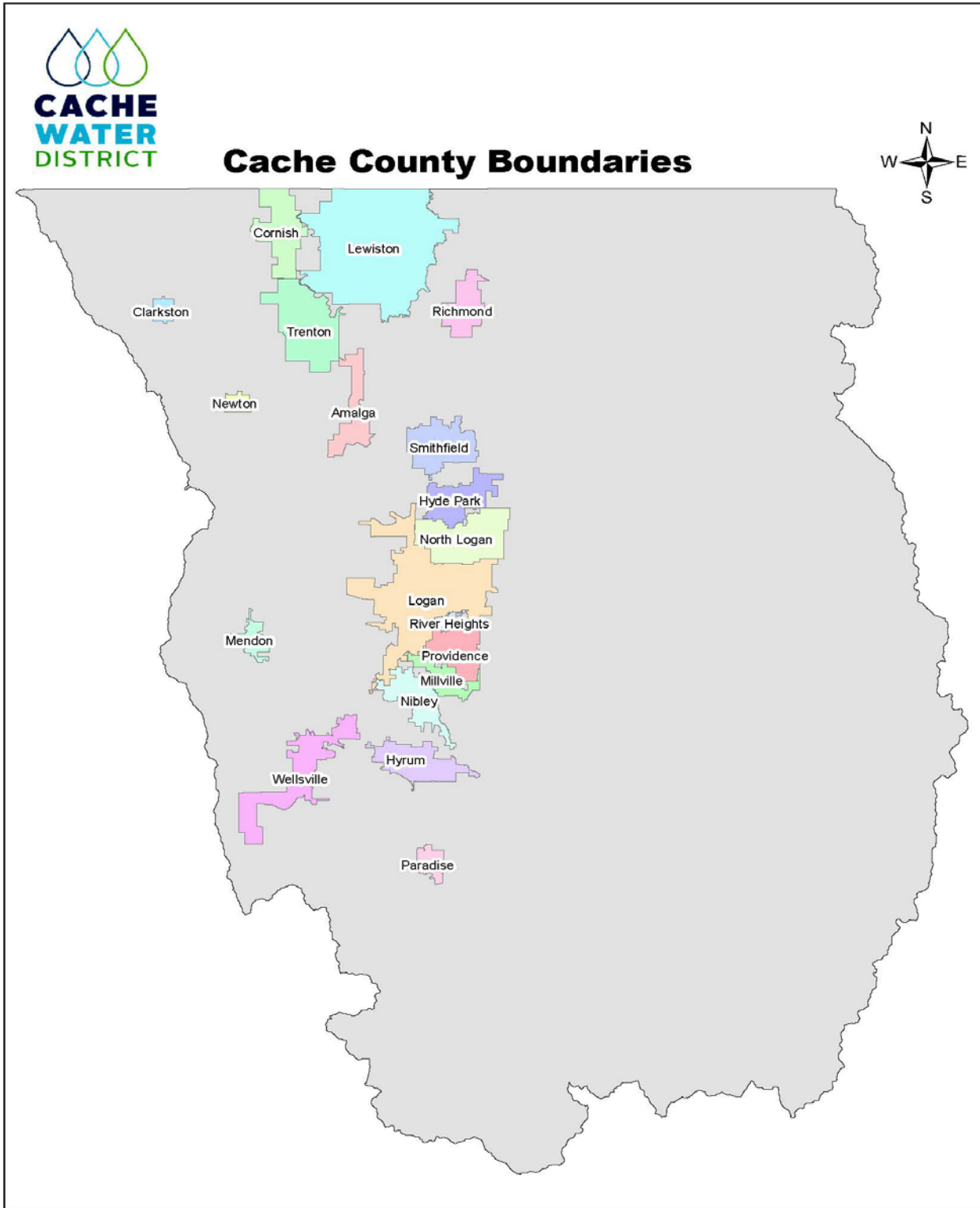
Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder

EXHIBIT "A"

Map Depicting the Boundaries of the Cache Water District



ORDINANCE 16-04

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY

WHEREAS, elected and statutory officers are required to devote a significant amount of time and talent to the effective administration of Nibley City; and

WHEREAS, elected and statutory officers should be fairly compensated for their time and expenses; and

WHEREAS, the Nibley City Council established a policy in 2015 of annually adjusting City Council Member compensation commensurate with the cost of living adjustment provided to other City employees.

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. All previous salary or compensation ordinances regarding the elected and statutory officers below are hereby repealed.
2. The compensation of the elected and statutory officers shall be as follows:

| Office: | Present Salary: | Proposed Salary: | Increase: |
|---------------------|------------------------|-------------------------|------------------|
| Mayor | \$765/month | \$780/month | \$15/month |
| Councilmember | \$306/month | \$312/month | \$6/month |
| Justice Court Judge | \$1082/month | \$1114/month | \$32/month |
| Treasurer | \$34,408-\$50,616/yr | \$35,096-\$51,628 | \$688-1013/year |

3. Elected and statutory officers shall be paid on the same schedule as other municipal employees.
4. The compensation listed above is not inclusive of per diem, mileage or other expenses which may be incurred in the course of conducting Nibley City business.
5. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this ____ day of June, 2016.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

RESOLUTION 16-06

A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2015-16, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2016-17 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES

BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. The attached Fiscal Year 2015-16 current-year budget is hereby adopted and approved as the amended budget for the current fiscal year ending June 30, 2016, with amendments, if any, as reflected in the attached budget document and the minutes of this meeting.
2. The attached budget entitled Final Budget FY 2017 is hereby adopted and approved for the fiscal year July 1, 2016 to June 30, 2017, with amendments, if any, as reflected in the budget document and the minutes of this meeting.
3. The monthly charge for storm water shall be \$6.75 per month, per residential utility customer.
4. The proposed property tax rate is 0.001667.

Dated this _____ day of June, 2016

Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder