

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, October 2, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen nominated Councilmember Whittaker to act as Mayor Pro Tempore. Councilmember Hansen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Beus, and Councilmember Whittaker in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, October 2, 2014 Nibley City Council meeting to order at 6:35 p.m.

Mayor Dustin recognized the scouts in the room which included scouts from Troop 409.

Those in attendance included Mayor Shaun Dustin, Councilmember Kathryn Beus, Councilmember Larry Jacobsen, Councilmember Amber Whitaker, and Councilmember Bryan Hansen. Councilmember Carrie Cook was excused from the meeting. Mr. David Zook, the City Manager, Shari Phippen, the Nibley City Planner, Justin Maughn, the Nibley City Public Works Director, and Stephen Nelson, the Nibley City Treasurer, were also in attendance.

Call to order; approval of agenda; and approval of the September 18, 2014 meeting minutes

Councilmember Whittaker made a motion to approve the previous meeting minutes and the evening's agenda. Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Whittaker, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Heritage Days Report

Malia Roundy, the 2014 Heritage Days Co-chair was present at the meeting. Mrs. Roundy had provided the City Council with a copy of the 2014 Heritage Days budget. She summarized the budget for the City Council. Mayor Dustin had a copy of a more detailed Heritage Days budget which he shared with the City Council. Mrs. Roundy discussed the businesses that had helped to sponsor Nibley's for Heritage Days. Mrs. Roundy gave her personal evaluation of Heritage Days. She talked about the sponsors and said she was very happy with having only a three day event. She discussed the pros in scheduling for the three day event. Mrs. Roundy discussed areas that she thought could have been improved; low attendance, filling the Heritage Days committee and lack of support, consistency in organizing the Heritage Days benefit breakfast, and conflicts and lack of support with the Mayor. Mrs. Roundy discussed a conflict with Little Wonders and the lack of physical support from members of city staff. Mrs. Roundy suggested the

extra money left from last year's budget be rolled over to next year's budget. Mrs. Roundy said Junelle Winward had offered to head the benefit breakfast at the next Heritage Days for any community need that should come up in the next year.

Mayor Dustin thanked Mrs. Roundy for her service.

Councilmember Hansen asked about events that had been cut from Heritage Days and asked Mrs. Roundy if there had been any comments about those events. Mrs. Roundy said their intent was to have the most money go where the most people were supported or effected.

Councilmember Whittaker expressed her appreciation of Mrs. Roundy and Mrs. Galloway for their service and time in running Heritage Days.

Councilmember Beus asked if there was feedback about the cost per plate for the Mayor's dinner. Councilmember Whittaker said there was less attendance at the Mayor's dinner and said she felt there should be a personal invitation to the Mayor's dinner given to every Nibley resident. Councilmember Beus expressed her appreciation of the work Mrs. Roundy and Mrs. Galloway had given.

Councilmember Jacobsen recognized Gerald Knight, the 2015 Heritage Days Chair, who was present at the meeting. Mr. Knight asked for the Council's help in resolving conflicts that may typically happen during Heritage Days. Mr. Knight said he anticipated coming back to the City Council with a presentation.

Presentation of Community Impact Board—Rural Planning Group Regarding General Plan Update

Mike Hansen, with the Community Impact Board (CIB) Rural Planning Group (RPG) was present at the meeting. Mr. Hansen described his planning background. Mr. Hansen discussed Nibley City's history of proactive planning and Nibley's history of coming to the CIB for funds. He said the RPG was prepared to partner with Nibley to assist in its general plan update and which would result in an updated general plan for Nibley and a refined toolkit for the RPB.

Mr. Hansen discussed and summarized the five basic phases in updating a general plan: scoping and mobilization, background and existing conditions, planning and visioning, finding synthesis and final report, and implementation support.

Councilmember Hansen said he felt it was great that the RPG was creating a template or toolkit but said he wanted to see something that was uniquely Nibley and fit with Nibley and its identity. Mr. Hansen said this would be addressed in the socio-economic profile during the background and existing conditions phase. He agreed that this absolutely needed to be present. He said the toolkit was more of a procedural and step process with data sources.

Councilmember Beus asked how often communities updated their general plan. Mr. Hansen distinguished between should and could and said it was never enough. He said Nibley definitely needed to update their plan now and said typically city's along the Wasatch Front updated their plan every five years.

Councilmember Jacobsen asked how Mr. Hansen reconciled what he knew was right as a planner versus what Nibley's citizen would tell him. Mr. Hansen said the planner's job is to gather every idea and then rank and study those ideas out. He discussed the importance of public participation, his use of data, and how he gathered data. Councilmember Jacobsen asked about Mr. Hansen's timeframe. He said he wanted to drive his team to have a draft plan to the City Council by December.

Councilmember Hansen discussed going outside Nibley's boundaries and looking at the stake holders. He said it would be great to include some connectivity with those groups.

Mayor Dustin asked how the general plan update would impact Nibley's infrastructure planning. Mr. Hansen said if there were huge friction point with the general plan and infrastructure improvements then he would bring those conflicts back to Nibley City. Mayor Dustin asked about further grant funding from the CIB for further plan updates. Mr. Hansen said he didn't know the impact of available grant money from the CIB. Mayor Dustin asked if there would be a section in the updated general plat that addressed funding; i.e. taxation. Mr. Hansen said he intended to have a super high level fiscal component. Mayor Dustin asked if Mr. Hansen's office would be open to the idea of helping to reviewing other plans Nibley took on in regards to the general plan. Mr. Hansen said they had a vested interest in putting their best product to Nibley and wanted Nibley to give others a good recommendation so he planned to stick with Nibley into the future. Mayor Dustin addressed the "silent majority" and how Mr. Hansen intended to get their input. Mr. Hansen discussed the use of direct mailers and using interns from Utah State to reach the "silent majority". Mayor Dustin said he wanted to ensure that the RPG presented choices and the cost of each choice when presenting options to the public. Finally, Mayor Dustin asked how the Uinta Basin railroad project would impact CIB funding. Mr. Hansen said the increase in revenue was order of magnitude. He said there was 3.5 billion of capital money at the Federal side that they could leverage with 150 million. He said instead of product being pulled out the basin and driven out there would be a pipeline going south that would be publically owned and could be taxed. Mr. Hansen said Nibley having an updated general plan as a rational for a request would have more impact as implementation of policy when presenting to the CIB and made Nibley that more competitive.

Mayor Dustin asked what Mr. Hansen needed from Nibley. Mr. Hansen said the RPG had drafted a Memorandum of Understanding (MOU) with Nibley City that would need to be signed and then Nibley's input and participation in public outreach and gathering public data. Councilmember Jacobsen said he felt an MOU was a sign of commitment and show of force.

Councilmember Hansen asked if Mr. Hansen could brand the plan with a name to inspire public participation. He said the last plan was presented as “Envision Nibley”.

Miss Phippen summarized her initial discussions with Mr. Hansen and his RPG team and she expressed that she had gone from skeptical to cautiously optimistic. Miss Phippen said she would be able to serve in the process and be an advocate for the residents from a lot of different perspectives. Mr. Zook expressed that he was excited about the RPG plan and said Nibley would get a great value out of this update. He said Mr. Hansen and his team would make this a great plan because it would be setting an example for what they wanted to follow and what their planning assistance would be. Mr. Zook discussed four other city’s that had gone to the CIB for general plan update grants and thought by doing this they were putting Nibley in a really good position with the CIB moving forward for future funding.

Justin Maughn discussed the places he felt Nibley would benefit from the RPG assistance with the general plan update and also expressed that he was excited for the final result.

Discussion and Consideration of Ordinance 14-01: An update to the Nibley City Subdivision Ordinance

The Mayor, City Council, and Mr. Zook discussed if the executive session needed to be held.

Miss Phippen reviewed the changes she had made: she discussed 11-1-7: Phasing, and the direction of the City Council to require submitting an entire subdivision for final approval within a year, including phasing, which could be completed in phases. Miss Phippen discussed the wording she had included in section 11-3-8: Final plat approval. She expressed that she was concerned with construction drawings. She said their engineering and design standard could change and that the best management practices might no longer support previously approved construction drawings. Miss Phippen said she didn’t make changes to 11-5-5-I.: Gravel driveways because she hadn’t received direction from the City Council and noted they had expressed that they intended to discuss gravel driveways further. Miss Phippen discussed the section on “Inspection and Guarantee of Work” and said this wording would be clearer for developers and Nibley city staff to know what they had to do and when they had to do it by formalizing and laying out the process. She said it would be easier to manage. Miss Phippen then discussed the infrastructure guarantee and the warranty period. Miss Phippen described her interpretation and the hesitation she had with section 11-6-6-D, pg. 23 (Form and Guarantee of Improvements) and said she would rather do authorized releases through a bank. Mayor Dustin said he didn’t necessarily interpret the payment as cash and suggested Miss Phippen discuss this section with the City Attorney and said he would be alright with deleting that section. Councilmember Jacobsen requested there be a legal review on the entire additional section.

Councilmember Whittaker refereed to Stonebridge subdivision and commented that the issue of having multiple developers within the phasing hadn’t been addressed. She felt with parts 1-3 and releasing the funding could work towards mitigating this issue and

asked Miss Phippen how her wording would mitigate this issue. Miss Phippen said she felt requiring the entire development to come in for final approval within a year would offset this issue because the construction drawings and plat would be approved and they had changed the wording in Nibley development agreements; she also felt a section on development agreements needed to be added to the proposed subdivision ordinance. Miss Phippen said Nibley had always done development agreements at final approval on a phase by phase basis. She said it may be worth switching development agreements to preliminary approval and based on the entire subdivision because then when it was signed it would be binding on successors because the original developer would have also entered into an agreement that covered the entire project. Councilmember Jacobsen felt the development agreement needed to be included at final approval when construction drawings were available.

Councilmember Jacobsen asked if the last eight pages dealt with phasing adequately. He expressed that they needed to avoid what had happened at Stonebridge. He discussed the “Financial Guarantee” and questioned if they were covering the guarantee of performance and how they included phasing. Councilmember Jacobsen said he appreciated the work on 11-1-7-C. and suggested the wording “Subdivision development may include constructing of amenities within the proposed subdivision.” Councilmember Jacobsen said he was impressed with the enforcement of the financial guarantee on getting infrastructure and utilities in and said he became concerned with the enforcement of getting amenities which were part of the required subdivision. Mayor Dustin suggested they add “the subdivision’s amenities ‘dollar value basis’ are required to be constructed along with that phase prior to acceptance.” Mr. Maughn, the City Council, and Mayor Dustin discussed the inclusion of a definition of improvements which would include references to amenities, utilities, and infrastructure.

Mayor Dustin read his discussion points: ground water, pedestrian connectivity, and wetland and water course preservation. He also discussed the requirement of maintaining HOAs through final lot sale and asked for a legal review on what the city attorney suggested the city do. Miss Phippen said she felt the city shouldn’t get into HOA issues unless they intended to enforce and maintain all HOAs in the city. Mayor Dustin wanted legal review on the legality of having construction drawings due at final plat and a time limitation on the completion of a subdivision; he wanted to a notice to proceed suspension and the plans would need to come back in for review. Miss Phippen suggested the following wording “If it has been more than xxx number of years since the developer received final approval prior to the city releasing the mylar for recording and construction the city engineer shall review the construction drawings again. The developer shall be required to make any changes consistent with updated Nibley City design standards.”

Councilmember Jacobsen asked for legal interpretation of State code 10-9a-406 and what was being proposed in 11-5-5-B: Streets. Councilmember Jacobsen expressed that he didn’t feel they were “there” regarding gravel roads. The City Council decided that they would discuss this issue at a later date.

Council and Staff Reports

Councilmember Hansen reported on a citizen's request to have a coordinated email blast to UDOT to communicate Nibley's position and issues with 3200 South.

Miss Phippen left at 9:07 p.m.

Councilmember Whittaker reported on a Veteran's Day concert being coordinated by Brie Corrington. She requested Nibley include an invitation to Veteran's in the Nibley City Newsletter. Councilmember Whittaker reported on her contact with local Veterans.

Councilmember Whittaker reported on her new work position and reported on the dates of City Council meetings she (Nov. 20, Dec 18, and Jan 15) would be participating in via electronic media.

Councilmember Beus said she had questions about the current financial report regarding the funds from the State and monies from the Municipal Building Authority but said she would wait until the next report. Mayor Dustin and the City Council decided to hold this discussion at the next City Council meeting.

Stephen Nelson reported on the Mayor's sponsored goats head competition.

Mayor Dustin noted that they needed to elect a Mayor Pro Tempore. He said he would be out of town October 4-14. Councilmember Jacobsen nominated Councilmember Cook as Mayor Pro Tempore. Councilmember Hansen seconded the motion. Mayor Dustin denied the nomination on the basis that he was not sure Councilmember Cook was available on those dates.

Councilmember Jacobsen nominated Councilmember Whittaker to act as Mayor Pro Tempore. Councilmember Hansen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Beus, and Councilmember Whittaker in favor.

Mr. Zook reported on reaching out to UDOT about 3200 South. He said he had met with staff from State Senator Knudson, Senator Hillyard, and Nibley's State representative Kurt Webb who had all said they would ensure that the light on 3200 would be taken care of. Mr. Zook said he would follow up with these representatives and keep the City Council posted.

Mr. Zook reported on meeting with the school district and UDOT about the proposed bridge at 3200 South.

Mr. Zook said the city was still waiting for the canal company to formalize their agreement. He reported on a canal flooding issue.

Mr. Zook reported on the sewer and proceedings with the State.

Mr. Zook reported on Nibley's Emergency Preparedness plan. He said he had talked to the Nibley's Stake representative, Thayne Mickleson, and said he had planned to roll out CloudSpeaker in the near future.

Mr. Zook reported on a meeting with the Stokes Nature Center and a road right-of-way.

Mr. Zook reported on discussions with the Cache County ambulance service.

There was general consent to modify the evening's agenda to delete the executive session and the discussion of potential real estate purchase pursuant to Utah Code 52-4-205.

The meeting was adjourned at 9:30 p.m.