

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, July 7, 2016.

The following actions were made during the meeting:

Councilwoman Beus made a motion to approve the preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West for first reading. Councilman Bernhardt seconded the motion.

Councilman Bernhardt made a motion to amend that final approval was contingent of the City Council looking at the Transportation Master Plan and figuring out the correct roadway. Councilmember Jacobsen seconded the motion. The amendment passed 4-0; with Councilman Bernhardt, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

The amended motion passed unanimously 4-0; with Councilwoman Beus, Councilman Bernhardt, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Councilman Bernhardt made a substitute motion to nominate Councilmember Bryan Hansen to act as Mayor Pro Tempore of Nibley City with Councilman Tim Ramirez to act as alternate from July 15-21. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilman Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, and Councilwoman Beus all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Councilmember Larry Jacobsen called the Thursday, July 7, 2016, Nibley City Council meeting to order at 6:34 p.m. He recognized the Mayor Shaun Dustin was present at the meeting and turned the meeting over to him.

Opening Ceremonies

Councilmember Ramirez asked one of the Scouts from Troop 373 present at the meeting to lead the meeting in the Pledge of Allegiance.

Call to Order

Mayor Dustin asked for roll call. Those in attendance included Mayor Shaun Dustin, Councilman Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Thomas Bernhardt, and Councilman Tim Ramirez. Shari Phippen, Nibley City Planner, Stephen Nelson, Nibley City Treasurer, and Chad Wright, Nibley City Recreation

Director were present at the meeting. Mayor Dustin excused City Manager, David Zook.

Approval of agenda; and approval of the June 9, 2016 meeting minutes

Councilmember Bernhardt made a motion to approve the minutes from the previous meeting. Councilmember Jacobsen seconded the motion.

Councilmember Bernhardt questioned the motion noted on page 8, lines 1-5. Councilmember Bernhardt asked Deputy Recorder Bodily to review the audio recording from the meeting and clarify the motion.

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

Councilmember Bernhardt made a motion to approve the evening's agenda. Councilwoman Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilwoman Beus, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Public Comment Period

Mayor Dustin gave direction to the public present. Mayor Dustin opened the public comment period at 6:40 p.m.

Angelica Gardner of 2670 South Main Street commented to the young men who had led the Pledge of Allegiance. Mrs. Gardner said she appreciated the professionalism as her corner was under construction. She appreciated the way a small incident had been handled and appreciated that the City Council was trying to preserve the trees on her street. Mrs. Gardner said she appreciated the way City Council meeting were conducted.

Seeing no further comment, Mayor Dustin closed the public comment period at 6:42 p.m.

A report and discussion on the 2016 Nibley Heritage Days

Nibley Recreation Director gave a presentation. He discussed historical elements of Heritage Days that had been retained in 2016, historical elements that had been cut for 2016, new Heritage Days elements for 2016, monetary donation sponsors, in-kind donations, Heritage Days outreach and promotion, beneficial community involvement, other key Heritage Days support, recommendations, and the job description for the recreation and community services director.

Mayor Dustin said he appreciated all the work that went into this year's Heritage Days. Councilmember Hansen and Councilmember Bernhardt also expressed appreciation.

Councilwoman Beus commented that she felt the event was “awesome” at Elkhorn Park. Councilwoman Beus commented on the declining numbers at the Mayor’s Dinner. Councilwoman Beus discussed the Firefly Walk that was held the same evening as the Saturday festivities. Ms. Phippen discussed how this event occurred.

Public Hearing —A public hearing to receive comment concerning the creation of a Cache Water Conservancy District

Bob Fotheringham, Cache County Water Manager was present at the meeting.

Mayor Dustin gave direction to the public present. Mayor Dustin read the following statement

“The proposal for the voters to vote in the creation of the Cache Water District is the subject of a series of public hearings to be held by the Cache County Council and by the legislative body of each participating municipality within Cache County. Following the public hearings, the question of whether the Cache Water District will be created will be placed before the voters during the November, 2016, general election. Owners of private land or registered voters residing within a participating municipality who do not want the proposition to be placed before the voters may file a protest with the clerk or recorder of that municipality and the owners of private land or registered voters residing within unincorporated portions of Cache County may file a protest with the Cache County Clerk. All protests must be filed by no later than September 12, 2016, which is 60 days after the last public hearing. If sufficient protests are timely filed, either the election will not be held or the municipality or unincorporated Cache County, for which adequate protests have been timely filed, will be removed from the proposal to create the Cache Water District and from the election. Protests are adequate if filed by the owners of at least 25% total private land area and at least 15% of the private land value within the subject municipality or unincorporated Cache County (each of which is an “applicable area”) or by registered voters residing within the applicable area equal in number to at least 25% of the number of votes cast in the area for the office of President of the United States at the most recent election prior to the adoption of the Resolution. If adequate protests are not filed, the election will be held and the voters will decide whether the Cache Water District will be created.”

Mayor Dustin introduced Bob Fotheringham and Barbara Tidwell.

Mr. Fotheringham gave a presentation going over the purpose of the Cache Water Conservancy District.

“The purpose of a District in Cache County is to protect and conserve our long-term agricultural, environmental and municipal water interests with an emphasis on securing our allocation entitlements pursuant to the Bear River Development Act. The County has experienced increased demands related to water issues and reduced resources to meet the demand. A district would promote water conservation and safeguard adequate amounts of water for the inhabitants of the areas included within the District at a reasonable cost and in a reasonable manner of delivery.”

Mayor Dustin opened the public hearing at 7:13 p.m.

Dannis Adderly of 2962 S South 600 West said he wanted to know what the conservancy district would provide.

Corlyss Drinkard asked the City Council to talk into the microphones. Ms. Drinkard wanted to know what the conservancy district was preserving. She was under the impression that Cache County had already lost 60% of its water. She wanted to know if this statistic was true She wanted to know who would do the “heavy lifting” before a board was elected? She also wanted to know when the election would take place?

The City Council suggested the public received answers to their questions directly from Mr. Fotheringham.

Mr. Fotheringham and Ms. Tidwell answered the questions posed from the public. Mr. Fotheringham discussed the differences between and water manager and a water district. He said a district would provide continuity in water management so there would sources of supplies in the future. He directed the public to the Cache County webpage. Mr. Fotheringham discussed the Bear River Development Act of 1991. Mr. Fotheringham said the state of Utah would manage water for the best use of the public. He said the County would put the dollars paid to the water manager into the efforts of the Water Conservancy District. He said elections would follow city elections; of the 11 board members, one would be someone in agriculture with the remainder being elected from the same districts as the County Council and three elected at large. The appointed member would have to be an elected official. Mr. Fotheringham said that after four years the choice might be made to levy a tax to fund the conservancy district. Mr. Fotheringham addressed what was at risk and discussed the success that had occurred in St. George after a water district was formed. Councilmember Jacobsen asked Mr. Fotheringham for clarification from the Bear River Development Act.

Barbara Tidwell said they wanted the choice of what to do with their water. She said she didn't know if they would see an immediate advantage but said they were working towards what would be needed in the future.

Mayor Dustin read the following statement:

“As stated at the beginning of this pubic hearing, any owner of private land and any registered voter who desires that the election on the question of the creation of the Cache Water District not take place may file protest with the Cache County Clerk, if the land is located or the registered voter reside in the unincorporated portion of Cache County, or with the municipal clerk or recorder if the land is located within a participating municipality or the registered voter resides within the municipality. The protest must be filed on or before September 12, 2016, which is 60 days after the date

of the last series of public hearings dealing with the proposed creation of the Cache Water District.”

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

Public Hearing—A public hearing to receive comment concerning a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West

Ms. Phippen displayed the plat that accompanied this proposal. She discussed the development standards for the R-2A zone and discussed that the proposed plat met the development standards for this zone. Ms. Phippen said the developer would be required to submit construction drawings for roads, stormwater, and infrastructure. Ms. Phippen said this was the first proposal that would include the required pedestrian right-of-way as required by Nibley City ordinance. Ms. Phippen said that because of the pedestrian ROW requirement, in order for the developer to maintain the required minimum lot size and to retain the original number of lots presented, they propose purchasing a small portion of City-owned property on the south-west corner of the project with was not being used. Ms. Phippen said that city staff was supportive of this purchase and asked for the City Council’s approval. Ms. Phippen said she would prefer to see the right-of-way trail connect all the way through, connecting 10th and 11th west but said the developer had met the requirements of the ordinance and the city could not mandate that the developer make the second connection. Ms. Phippen said the Planning and Zoning Commission had reviewed the plat on June 22, 2016. The Planning and Zoning Commission had approved of the proposal and suggested the City Council also approve the plat and said the Planning and Zoning Commission also recommended the City Council approve the sale of the southwest property.

Mayor Dustin gave direction to the public present.

Mayor Dustin opened the public comment period at 7:49 a.m. and seeing not public comment, declared the public hearing closed at 7:49 p.m.

Mayor Dustin stated that he was concerned they were “double dipping” with the sale of the open space.

Discussion and consideration of a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West. (First Reading)

The developer, Kelly Loosle and project engineer, Steve Earl were present at the meeting.

Councilmember Bernhardt asked who had would have ownership of the right-of-way on the development. Ms. Phippen said the right-of-way would be a public right-of-way and would be dedicated to the city.

Councilwoman Beus made a motion to approve the preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West for first reading. Councilman Bernhardt seconded the motion.

Councilmember Jacobsen said that when they considered a preliminary plat it was the green light to let the developer go spend money and develop a final plat. Councilmember Jacobsen asked about a right-of-way on 2600 South. He asked how the 66 ft. right-of-way on the plat “jived” with the city’s plan for an arterial road. Ms. Phippen said this was consistent with the previous right-of-way development. Councilmember Jacobsen said it was consistent with what they had done but was not consistent with their plan. Ms. Phippen said she believed it was a correction that needed to be made in the Master Plan. Councilmember Jacobsen said it was hard to approve a subdivision that didn’t have a right-of-way as was included in their Master Plan. Councilmember Jacobsen said he felt comfortable asking for a contingency of final approval being that the road match with the Nibley City Transportation Master plan. Ms. Phippen said the City Council could delay preliminary approval until the transportation Master Plan was amended. Councilmember Jacobsen said he felt they were “stuck” with the 66-foot right-of-way.

Mr. Earl presented the history of this property. He discussed the utilities that would need to be relocated should the City require a wider right-of-way.

Mayor Dustin asked if it was the wish of the City Council to have the Planning and Zoning Commission look at the Transportation Master Plan

Councilmember Jacobsen made a motion to amend to include a contingency that the right-of-way width on 2600 South matches the Transportation Master Plan; either by redesigning the preliminary plat or by amending the Transportation Master Plan. The motion died due to lack of second.

Councilmember Jacobsen made a motion to deny approval until the proposal matched the Nibley City Transportation Master Plan. The motion died due to lack of second.

Mayor Dustin gave direction to Ms. Phippen that he wanted to see a proposal as to what the Planning and Zoning Commission thought should be on the stretch at 2600 South between 800 West and Highway 89/91. Mayor Dustin said the right-of-way should be 66 feet and there needed to be a plan to match 66 ft. Mayor Dustin said the Planning and Zoning Commission needed to look at this and make a recommendation with a public hearing and proposal. Mayor Dustin said the City Council would also need to have a public hearing and consider a proposal. He said they needed to start a formal process. Mayor Dustin clarified that he was asking the Planning and Zoning Commission to look at the stretch at 2600 South between 8th west and highway 89/91.

Mr. Earl suggested that the developer could change the front setback to 37 ft. to accommodate any future widening of the road.

Councilman Bernhardt made a motion to amend that final approval was contingent of the City Council looking at the Transportation Master Plan and figuring out the correct roadway. Councilmember Jacobsen seconded the motion. The amendment passed 4-0; with Councilman Bernhardt, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

Councilmember Jacobsen asked for more information on the piece of the property the proponent wanted to buy from the city. Councilmember Jacobsen described the right-of-way ordinance and said his interpretation was that the City didn't have to make any accommodations for the land used in the right-of-way. Councilmember Jacobsen said the right-of-way was not a concession; it was required. He said they had made a promise to leave this property open space and he was not inclined to sell the property. Councilmember Jacobsen also said it would be nice to have the pedestrian right-of-way connect to 1100 West.

Mr. Loosle discussed issues that could occur when they had a right-of-way going all the way through. Councilmember Ramirez agreed that it might become an issue of creating future alleyways. Ms. Phippen presented ideas that could mitigate the creation of alleyways that included right-of-way design and fencing. Mayor Dustin asked Ms. Phippen to add discussion on the fence ordinance to the Planning and Zoning Commission's agenda.

Councilmember Jacobsen said he would need to see the proponent mitigate for the loss of the City owned open space before second reading.

Councilmember Ramirez also said he would also like to see the right-of-way trail go all the way through to 1100 West.

The amended motion passed unanimously 4-0; with Councilwoman Beus, Councilman Bernhardt, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Review and discussion of a Request for Proposals for the Nibley City Parks, Trails, Recreation and Open Space Master Plan

Ms. Phippen reviewed that as part of the City's ongoing commitment to update a master plan each year, staff had prepared an Request for Proposal (RFP) for an updated Parks Master Plan. Staff had reviewed the RFP with the Mayor, the City Manager and other department heads affected by the master plan. Ms. Phippen said it was her understanding that the Council had requested the opportunity to review master plan RFPs and give input prior to it being issued. The Parks Master Plan was adopted in 2010/11 and focused primarily on the development of a large regional park. Ms. Phippen said the City should take this opportunity to do an analysis of

what Nibley had and ways to maximize existing park properties, in addition to looking at where future parks properties may be acquired.

Ms. Phippen emphasized two items in the Request for Proposal; the emphasis on public involvement and on analyzing existing park properties and the financial impacts of ongoing maintenance and improvements to those properties. She said this should be emphasized so that Nibley ensured they were getting the most out of what we already have prior to spending additional tax dollars. Ms. Phippen reviewed that Mayor Dustin had proposed that the selection committee for the master plan be comprised of: the City Planner, the Parks Superintendent, the Cache County Trails Coordinator, 2 City Council members, and 2 Planning Commissioners. Ms. Phippen reviewed that once the consultant had been selected, the steering committee would work with the consultant on preparing the plan prior to it going to the Planning Commission and Council for their review. Ms. Phippen said the City had budgeted \$35,000 for the preparation of the Master Plan. Ms. Phippen reviewed the inclusion of a scoring matrix in the RFP.

Mayor Dustin asked the City Council to allow staff to issue the Request for Proposal and asked the Council for any comments The Council should give comment to staff on any needed changes to the RF

Councilmember Jacobsen made a motion to put forth the Request for Proposal for the Nibley City Park's Master Plan. Councilmember Ramirez seconded the motion.

Councilmember Jacobsen expressed that he wished they had made more progress on Nibley's current plan but felt that they hadn't because it wasn't a good plan. He discussed the focus on the large regional park in the last master plan. Barbara Wilden suggested the inclusion of everyday citizens in preparation of the master plan and the steering committee. Ms. Phippen said they had included at-large citizens in previous steering committees. The City Council and Corlyss Drinkard clarified the differences between a steering committee and a selection committee. Councilwoman Beus expressed her desire to be on the steering committee. Ms. Phippen said she felt that Councilmember Hansen would be interested in being involved. Councilman Bernhardt said he would be considered as an alternate.

Councilman Bernhardt made a motion to amend and nominate Councilwoman Beus and Councilmember Hansen as members of the Request for Proposal section committee; with Councilman Bernhardt was an alternate for the committee. Councilmember Ramirez seconded The motion passed 4-0; with Councilman Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, and Councilwoman Beus all in favor.

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

Selection of a Mayor Pro Tem for the July 21, 2016 City Council meeting

Mayor Dustin said he would be out of the country from July 15 through the 21.

Councilmember Ramirez made a motion to nominate Councilmember Bryan Hansen as Mayor Pro Tem for July 21. Councilwoman Beus seconded the motion.

Councilmember Ramirez made a motion to amend that Councilman Thomas Bernhardt act as an alternate for Mayor Pro Tem for July 21. Councilwoman Beus second the motion. The amendment passed 3-1; with

Councilmember Bernhardt discussed that he was not sure he would be available to act as an alternate.

Councilman Bernhardt made a substitute motion to nominate Councilmember Bryan Hansen to act as Mayor Pro Tempore of Nibley City with Councilman Tim Ramirez to act as alternate from July 15-21. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilman Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, and Councilwoman Beus all in favor.

Council and Staff Reports

Ms. Phippen said she and other members of Nibley City staff were going to start working on city engineering standards for bridges because of a request to access property via a bridge that was considered substandard.

Ms. Phippen said Justin Maughn was starting the interview process to replace B.J. Nelson. Ms. Phippen reported that Dianne Marvin was also leaving the City.

Ms. Phippen said she Austin and were looking to amend the fee structures. Ms. Phippen said she intended to have a fees implemented through a fine included on utility bills. Ms. Phippen said she intended to have a Resolution to present to the City Council at next meeting.

Councilman Bernhardt discussed concerns with traffic on 2600 South and 12th West. Ms. Phippen said she would ask Public Works to post speed limit signs.

Councilwoman Beus asked staff for an update on weed enforcement. Ms. Phippen said final letters were sent out the previous week.

Mayor Dustin reported that Nibley City's Attorney had passed away.

Mayor Dustin adjourned the meeting at 10:02 p.m.

Attest: _____
Deputy City Recorder