

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, March 3, 2016.

The following actions were made during the meeting:

Councilmember Jacobsen made a motion to adopt Ordinance 16-01 as presented. Councilmember Hansen seconded the motion.

Councilmember Jacobsen made a motion to amend 2-1-1 Established; A. "Membership" of Ordinance 16-01 to read: "A. Membership: There is hereby created a planning commission of five (5) members, and one alternate. The Mayor, with advice and consent of the City Council, shall appoint all members and alternates to the Planning Commission. Members of the city council may not be appointed to the Planning Commission." and 2-1-2 Terms of Office . . . "The term of the alternate shall be the same as terms for regular members . . . " and 2-1-3 Organization E. Alternate: "The Alternate member of the Planning Commission is encouraged to attend all Planning Commission meetings. Alternate members are encouraged to participate in the discussion of all meetings for which they are present but shall only vote in the absence of a regular Commissioner." Councilwoman Beus seconded the amendment. The amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Councilwoman Beus motioned to approve Resolution 16-03: Municipal Wastewater Planning Program Resolution; and waive the second reading. Councilmember Hansen seconded the motion. The motion passed 5-0 with Councilwoman Beus, Councilmember Hansen, Councilmember Jacobsen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Opening Ceremonies

Councilmember Ramirez asked one of the Scouts present to direct the Pledge of Allegiance. Tallin Takis lead the City Council and public present in the Pledge of Allegiance.

Mayor Dustin recognized Scouts from Troop 373: Tallin Takis, Chase Ward, Jackson Smith, and Josh Bryan.

Call to Order

Mayor Shaun Dustin called the Thursday, March 3, 2016, Nibley City Council meeting to order at 6:37 p.m. Those in attendance included Mayor Shaun Dustin, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Thomas Bernhardt, and Councilman Tim Ramirez. Ms. Shari Phippen, the City Planner, and Mr. Rod Elwood, Nibley City Parks Director, were also in attendance.

Approval of agenda; and approval of the February 18, 2016 meeting minutes

Councilman Bernhardt made a motion to approve the February 18, 2016 meeting minutes and the agenda as outlined. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilman Bernhardt, Councilmember Ramirez, Councilmember Hansen, Councilmember Jacobsen, and Councilwoman Beus all in favor.

Public Comment Period

Mayor Dustin read the rules for the public comment period.

Mayor Dustin opened the public comment period at 6:38 p.m.

Barbara Wilden of 660 West 3200 South said she had attended the Planning and Zoning Commission meeting where two alternates for the Planning and Zoning Commission were considered. She discussed what she recalled the discussion was at that meeting. She said all four Planning and Zoning Commission members present voted for a five member Planning and Zoning Commission with one alternate. She urged the City Council to listen to the recommendation from the Planning and Zoning Commission.

Mayor Dustin closed the public comment period at 6:42 p.m.

Discussion and Consideration of Ordinance 16-01: An Ordinance Amending the Nibley City Planning Commission (Second Reading)

Mayor Dustin read the agenda report regarding this consideration.

“The idea of amending the Planning Commission to allow for alternates had been informally discussed with the Commission. At the last Council meeting, the Council requested that this appear as a formal agenda item so there could be on the record discussion among Commissioners as to their thoughts regarding adding alternates.

Commissioners shared concerns about making sure the alternate was engaged and receiving adequate training. They did not make a motion to amend the ordinance, but suggested the following changes to the alternate(s):

1. Only one alternate should be appointed, and that alternate should be called in to participate any time a Commissioner is absent, not just to make a quorum. If 4 “regular” Commissioners are going to be attending, then the alternate would be called in to make a full Commission of 5. If three, then the alternate would make 4.

2. The alternate may not act as chair. When the chair and vice-chair are both gone, the remaining Commissioners will elect a chair at the beginning of each meeting.

They were supportive of the staff reporting to Council language and also of the change to not permit Council members to serve on the Planning Commission.

The Mayor’s recommendation is that Council adopt the ordinance as recommended by the Planning Commission, with the exception that the ordinance allow for the appointment of two alternates. After the discussion at Planning Commission this week, staff feels one is sufficient, but is comfortable with either direction. Financial Impact The salary budget for P&Z would need to be increased in FY16-17 by approximately \$1,200 per alternate to accommodate the possibility of every commissioner being present at every meeting.”

Mayor Dustin said the primary reason for the two alternates recommendation was that he had asked two people to serve and both had accepted. He said he would back up whatever decision the City Council made. Mayor Dustin asked why the Planning and Zoning Commission had decided on one alternate. Ms. Phippen reported that the Planning and Zoning Commission expressed that they were concerned about keeping two alternate engaged and that one alternate would be sufficient.

Councilmember Jacobsen made a motion to adopt Ordinance 16-01 as presented. Councilmember Hansen seconded the motion.

Councilmember Jacobsen said for him to get behind the idea of an alternate then they would need to be at all Planning Commissions meetings and be engaged in the discussion and involved from the beginning. He was opposed to the wording that the alternate would only be required to come when needed for a quorum. They needed to be ready and willing to take the position of a Planning and Zoning Commissioner if it became available. He said when the alternates were voting they needed to be well informed and participating even when they weren’t voting.

Councilwoman Beus said she felt the same as Councilmember Jacobsen and that the alternates needed to be engaged.

Councilman Bernhardt said he liked the idea of slow growth versus jumping to two alternates. He recalled that when he served on the Planning and Zoning Commission that they had a quorum more often than not and didn’t know if they should jump to two Planning and Zoning Commission alternates already.

Councilmember Jacobsen and Mayor Dustin discussed the ease or difficulty of finding Nibley citizens to serve on the Planning and Zoning Commission.

Councilmember Jacobsen made a motion to amend 2-1-1 Established; A. "Membership" of Ordinance 16-01 to read: "A. Membership: There is hereby created a planning commission of five (5) members, and one alternate. The Mayor, with advice and consent of the City Council, shall appoint all members and alternates to the Planning Commission. Members of the city council may not be appointed to the Planning Commission." and 2-1-2 Terms of Office . . . "The term of the alternate shall be the same as terms for regular members . . . " and 2-1-3 Organization E. Alternate: "The alternate member of the Planning Commission is encouraged to attend all Planning Commission meetings. Alternate members are encouraged to participate in the discussion of all meetings for which they are present but shall only vote in the absence of a regular Commissioner." Councilwoman Beus seconded the amendment.

Councilman Bernhardt said he liked the amendment and suggested a wording change to edit wording "members" to "member" and plural language in section 2-1-2. Councilmember Jacobsen asked for and was given general consent to edit this wording.

Mayor Dustin said he would be asking the City Council to modify the agenda because they will have substantially changed the duties of an alternate Planning and Zoning Commission member and he would want to confirm this out of a public meeting.

Ms. Phippen told the City Council that said the proposed document had been reviewed by Nibley City's attorney and he had no substantive concerns with the ordinance.

The amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Discussion and Consideration of the Appointment of Aaron Bliesner and Aaron Nielsen to the Planning and Zoning Commission as Alternate Commissioners

Because of the changes that had been made to the Ordinance 16-01, Mayor Dustin asked for and was given general consent to move this item to a future agenda.

Discussion and Consideration of Resolution 16-03: Municipal Wastewater Planning Program Resolution (First Reading)

Mr. Elwood said this was a self-assessment done by Nibley City as a requirement by the State. He said the Sewer Master Plan update of 2015 had confirmed the data presented in the self-assessment. Mr. Elwood summarized a few of the finding of the

self-assessment report. He described infiltration areas that had been found and fixed.

Councilmember Bernhardt asked about certification. He said he assumed they had people certified at grade 1. Mr. Elwood said grade 1 was the lowest grade and that all four of Nibley's operators were grade 2 or higher. He said Josh Hersey would be taking the test for grade level 4 and he assumed that Mr. Hersey would pass.

Councilmember Jacobsen noted that the numbers in the report could change if Nibley decided to throw in with Hyrum. Nibley would then need to have the money for co-ownership of a plant and for the piping to get there. Mr. Elwood said this report was done every year.

Councilwoman Beus made a motion to approve Resolution 16-03: Municipal Wastewater Planning Program Resolution; and waive the second reading. Councilmember Hansen seconded the motion. The motion passed 5-0 with Councilwoman Beus, Councilmember Hansen, Councilmember Jacobsen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Council and Staff Reports

Councilmember Jacobsen discussed \$500 tree grant from the National Wildlife Foundation. He wanted to know if Nibley intended to follow through and exercise that grant. He said it sounded like it would only cover approximately half of the trees. Ms. Phippen said it actually only covered about 10% (.10/\$1.00) so they would need to spend \$5,000. She said they proposed to purchase tree to give away to residents but said they were restricted from using public funds to improve private property. She said she had a hard time getting behind grants that were \$.10 for every dollar spent. She said they were only reimbursed on the actual cost of the trees and not for any additional cost.

Councilmember Hansen asked for an update on the city court. Mayor Dustin said there was no update.

Mayor Dustin gave the City Council a progress report on 3200 South. He felt that Nibley would have a functioning crosswalk by the end of the month. He reported that UDOT didn't anticipate any change to the high-T intersection.

Mayor Dustin reported a Council of Governments (COG) meeting and his opinion of getting funding from the COG for 3200 South.

Mayor Dustin discussed a water conservation district in Cache Valley. He anticipated that this issue would be on the ballot in November.

Ms. Phippen reported on the proceedings of the general plan update.

There was general consent to adjourn the meeting at 7:41 p.m.

Attest: _____
Deputy City Recorder