

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 19, 2016.

The following actions were made during the meeting:

**Councilmember Jacobsen motioned to continue discussion and consideration of Ordinance 16-03 until the next Nibley City Council meeting. Councilwoman Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilman Bernhardt and Councilmember Ramirez all in favor.**

**Councilwoman Beus motioned to adopt Ordinance 16-04: An Ordinance providing for the compensation of elected and statutory offices of Nibley City for first reading. Councilmember Hansen seconded the motion. The motion passed 3-2; with Councilmember Jacobsen, Councilwoman Beus, and Councilmember Hansen in favor. Councilmember Ramirez and Councilman Bernhardt were opposed.**

**Councilwoman Beus motioned to continue discussion and consideration of Resolution 16-6: 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 until the next City Council meeting. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilwoman Beus, Councilmember Hansen, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.**

**Councilmember Hansen motioned to approve the bid to construct storm water improvements at the Nibley City Public Works Facility from DWA Construction. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Ramirez, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Bernhardt all in favor.**

---

#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

#### **Opening Ceremonies**

Mayor Dustin recited the Scout Oath. He said they were good words to live by.

#### **Call to Order and Roll Call**

Mayor Shaun Dustin called the Thursday, May 19, 2016, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Shaun Dustin, Councilman

Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Thomas Bernhardt, and Councilman Tim Ramirez. Mr. David Zook, Nibley City Manager, Shari Phippen, Nibley City Planner, and Justin Maughn, Nibley City Public Works Director, were also in attendance.

**Approval of agenda; and approval of the May 5, 2016, meeting minutes**

Councilmember Bernhardt made a motion to approve the May 5, 2016 meeting minutes and the agenda as outlined. 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**

Councilmember Hansen arrived at 6:33 p.m.

Mayor Dustin read the public comment period rules to the public present and opened the public comment period at 6:34 p.m.

James Boyd of 1229 West 890 South said he had gone through the general plan and discussed roadways called out in the general plan. He was most interested in the plans for 1200 West and proposed the City Council describe what the proposed use for this road was and have this discussion with citizens. Mr. Boyd said he had received a letter from the City of Logan regarding a rezoning. Mr. Boyd informed the City Council of a meeting where this zoning would be discussed. Mr. Boyd recommended the City Council put the current road map in the general plan.

Edward Chalfant of 858 West 2770 South expressed his appreciation of Nibley City Council. Mr. Chalfant informed the City Council that a lot of residents were putting their homes up for sale because of the issue with 1200 West. He said the community would hate to start losing people and for Nibley to get a bad name because the public felt they were not informed of a public hearing. He said he couldn't recall being notified of a public hearing regarding the road. He asked that there be information put in the newsletter to keep residents informed of public hearings.

Mayor Dustin closed the public hearing at 6:41 p.m.

Mayor Dustin asked for permission from the City Council to suspend the agenda and receive information from staff.

Ms. Phippen discussed the property that was requesting to be rezoned. She said the property was currently in Logan. The developer had asked Nibley City to hook onto Nibley's utilities. She said Nibley had told the developer they could if they were willing to de-annex into Nibley. She said it had been indicated to her by Logan that it was very premature for the property owner to request the rezone because of the uncertainty of what would happen in that area and that Logan was unlikely to grant the rezone. She said Logan didn't want that area to develop as a high-density project going between two different cities. Councilmember Jacobsen asked for confirmation

that the request for rezone was for 20 units per acre, attached multiple family. Ms. Phippen said it was. Mayor Dustin recalled that it was currently zoned agriculture.

### **Council Workshop Regarding Updates to the Nibley City General Plan**

The City Council moved to a round table set up in front of the City Council dais.

Mr. Jim Carter with Logan Simpson Design was present for this workshop.

The City Council reviewed the proposed general plan page by page and discussed it making suggestions and changes. They discussed including more Nibley City history, high density housing, that Nibley was a bedroom community, balancing the city budget, taxation and not burdening the citizens with taxes, diversity, future generations living in Nibley City, the conservation subdivision ordinance and planned unit developments. Councilmember Jacobsen said they needed to make sure they had a plan that gave them enough direction that they could write “marching orders” from it. The City Council gave consensus to use Ms. Phippen’s suggested wording *“while retaining the character and form of established neighborhoods, Nibley will provide a variety of housing that incorporates the conservation of open space and a range of housing forms”* as a starting point. The City Council continued to workshop topics including utilities and municipal services, Nibley’s identity and protecting and accessing the Blacksmith Fork river, identifying Nibley’s trailhead, updating the recreational routes plan, funding trails, and rural community. There was consensus to include the wording *“Nibley residents value the agriculture and rural feel of the community and future land use plans should reflect this”* to the Planned Uses section.

Mayor Dustin recessed the meeting at 8:01 p.m. The meeting resumed at 8:11 p.m.

After the meeting resumed, the City Council discussed roadway and neighborhood street design, buying Nibley residents a pony for transportation purposes, parks, trails, and open space, and specifically designating trailheads. They talked about franchise agreements, law enforcement and the types of policing they wanted. Ms. Phippen suggested a statement *“Nibley City looks to the Cache County Sherriff’s Office for review and for giving their input as changes occur in law enforcement practices and policies.”* Mayor Dustin said he wanted to add philosophy on how the city wanted to go forward working with canals. Mr. Carter said he felt they had enough information about the direction the City Council was going and could redraft the proposed plan to reflect the City Council’s new policy direction. Councilmember Jacobsen suggested text revisions to Ms. Phippen and Mr. Carter. The City Council debated whether they wanted to implement residential design standards. They also discussed infill development, multi-family in a conservation subdivision, commercial and economic development, including a disclaimer in the town center plan, removing the town center plan from the general plan or keeping the town center in the plan as an appendix. The City Council decided to keep the town center plan in the proposed general plan. The City Council discussed requiring the conservation subdivision ordinance in every zone. Ms. Phippen asked if the Council

wanted to open this development in every zone or change the zoning of properties to fit the ones the ordinance fell in line with in order to mandate subdivision development going under this ordinance. Mayor Dustin asked Ms. Phippen to have the Planning and Zoning Commission discuss this. Mayor Dustin and the City Council discussed Nibley City ordinances that they would need to amend. They briefly discussed economic development and transportation issues that would accompany the new high school. The Council talked about transportation, parks and open space, and Nibley's commitment.

At the conclusion of this workshop, the City Council moved a back to the Council dais.

**Discussion and Consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (Second Reading)**

Councilmember Jacobsen made a motion to continue discussion and consideration of Ordinance 16-03 until the next Nibley City Council meeting. Councilwoman Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilman Bernhardt and Councilmember Ramirez all in favor.

**PUBLIC HEARING: A public hearing to receive comment concerning Ordinance 16-04: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY**

Mayor Dustin stated the rules for the public hearing to the City Council, staff, and public present. Mayor Dustin reminded the City Council that two years ago they had established a policy where compensation would be ratcheted based on cost of living so they could de-politicize this process.

Mayor Dustin opened the public hearing at 9:52 p.m.

Mr. Zook said he had received an email from Corlyss Drinkard and Barbara Wilden stating their support of this action. They wanted to "register their support for the pay raise."

Seeing no further public comment, Mayor Dustin closed the public hearing at 9:54 p.m.

**Discussion and Consideration of Ordinance 16-04: AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY (First Reading)**

Mayor Dustin read Ordinance 16-04 to the City Council and public present.

Councilwoman Beus made a motion to adopt Ordinance 16-04: An Ordinance providing for the compensation of elected and statutory offices of Nibley City for first reading. Councilmember Hansen seconded the motion.

Councilwoman Beus asked where the COLA adjustment number came from. Mr. Zook said the city had historically given a 2% cost of living adjustment.

Councilmember Ramirez said he was uncomfortable voting to give himself a raise. He didn't feel like he needed. He said he did appreciate the convenience of the way they had done this. Councilman Bernhardt said he was with Councilmember Ramirez. He said Nibley citizens were being asked to make sacrifices in the upcoming year with the sewer and other upcoming changes. He felt it was fair that the City Council was asked to sacrifice as well and said the \$6/month was not a big deal to him. Mayor Dustin discussed how they could do small jumps or do a big jump in ten years and make it a political process. He said he understood the discomfort.

The motion passed 3-2; with Councilmember Jacobsen, Councilwoman Beus, and Councilmember Hansen in favor. Councilmember Ramirez and Councilman Bernhardt were opposed.

**PUBLIC HEARING: A public hearing to receive comment concerning the Fiscal Year 2016-2017 Budget**

Mayor Dustin opened the public hearing at 10:00 p.m. Seeing no public comment, Mayor Dustin closed the public hearing at 10:00 p.m.

**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)**

Mr. Zook summarized the modifications that had been made to the budget since the Council had reviewed the budget at the previous meeting. Mr. Zook said there would be some additional changes at the next Council meeting. He said city staff was close to getting the budget to look like the guidelines set forth by the Government Finance Officer's Association. Mr. Zook said they would be adding some wording that was set forth in those guidelines.

Mayor Dustin said there would be a fairly major change to the budget that he was proposing regarding the property tax rate. Mayor Dustin read the June 2016 Mayor's message to the City Council, staff, and public present.

*"Neil Gaiman wrote about a conversation that a man had with Death; he was complaining because he had died one day short of his millionth birthday, and really felt cheated. He had just wanted one more day because making it to a million was going to be his legacy, his heritage.*

*We talk a lot about Heritage in Nibley—we have Heritage days, Heritage elementary, Heritage park, Heritage pond (just kidding—I don't think we have a Heritage pond). This is kind of ironic; in the 2000 census, we had less than 2000 residents. With roughly 7,000 now, that means that at least 5 out of every 7 of us are new to Nibley. If we*

*define Nibley heritage as having roots here—living your whole life in one place—I think it's kind of fun to ponder that (click Read more below to see the rest of the message) almost all of the people that can make that claim are under 16 or over 60, and the rest of us are immigrants (except for me—as a politician, I'm not just an immigrant, I'm a carpetbagger).*

*Every May as we prep for Heritage Days I start thinking about Heritage and what it means in the context of Nibley. I'm not one of those people that grew up here. I do have some sort of sideways heritage—My cousins, Norm and Sandy Hansen (congratulations on your selection as the Utah Hunter's Safety Instructor of the Year Norm—that's awesome!) live here. My Dad grew up over the hill in Bear Lake. I used to eat squeaky cheese from the old cheese plant. But like most of you, I'm a transplant to this community. I've wondered how it applies to me and where I fit in. I've thought that this focus on heritage was kind of silly because really, what heritage do I, or most of us, have here? It made me feel left out and kind of phony—big heritage hat, no heritage cattle.*

*This year, I realized something though. When Death got around to answering the almost-million-year-old-man, she told him to be satisfied—that he was focused on the wrong thing. Missing a day was not the important thing. The value of a life can't be measured in days or years. In the end everybody got the same thing; one lifetime to make the best of. I think heritage is the same way.*

*It's not just about stuff that happened, it's also about shared values and purpose. I can't become a part of the past. As awesome as I think it is that this town was founded to get money from the federal government for the water system (and I do think that is awesome, and something we should embrace and celebrate), I wasn't here, I didn't participate, and I don't get to claim that. I wasn't here for the big flood in 2005, or before the sewer or when the City Council met in a cinderblock garage and church met in Little Wonders.*

*But I'm here now, and while our heritage may not be a common set of experiences that we've shared over the past 80 years, it is an amazing legacy of people who have been here for a long time making room for the rest of us and doing our best to build a community together. It's shared values of hard work, high standards, family, open space, and an appreciation for the rural past. This city works as well as it does because of these values and the grace and acceptance of the people who were here first in welcoming new immigrants from other parts of Cache Valley, Utah, the US, and even other countries like Mexico and California. And Texas. And our continued willingness to welcome newcomers who share those values and visions.*

*Heritage implies the past, but the past comes from choices we make and actions we take about our future. That answers for me the question about where all of us 16-60 year olds fit into this. Martin Luther King said that "We may have come in different ships, but we're in the same boat now." We create Heritage every day by living our values, and we live our values by preserving and sharing what is important to us.*

*If we want to save it, we need to put our money where our mouths are. I am proposing that we start setting aside funds to preserve some heritage. By that I mean the wild spaces that are left to us in Nibley that mean so much to the true Nibblers that were here before most of us showed up and that have spent their entire short lives here. This past year we set aside 20 acres as the new Serenity nature park. Over the next several years, I want to work with you to set aside some of the other important spaces—the ones your kids (the ones with a lifetime heritage in Nibley) call Terabithia or Apple Tree Fort, or the Shed or Lama Tree Fort or just That Ditch Behind That Guy's House That Mom Told Us To Stay Out Of.*

*This costs money. Your Council and Staff and I are doing our best to chase funds from other sources, and if we want to keep some of these open spaces open, we need funding. I'd like to set aside \$100,000 per year, a little over \$1 per resident per month, to buy trail rights of way and an additional \$50,000 to start funding the restoration of the barn at the Morgan Farm. I think we can leverage this money 2-1 by working with canal companies, conservation groups, UDOT, Rocky Mountain Power and other agencies to make this happen, but first we have to be willing to commit to it. I'm proposing an increase in the property tax rate to do this. If we value our heritage and really want to preserve it for our future then it is time to make that commitment. If we don't then someday the only heritage we have left will be on our signs."*

Mayor Dustin said he wanted the City Council to know where he was coming from and what he was asking for.

Mayor Dustin read Resolution 16-06 to the City Council, staff, and public present.

Councilwoman Beus said she didn't feel comfortable discussing this for a first meeting with the number of changes that had been presented.

Councilwoman Beus made a motion to continue discussion and consideration of Resolution 16-6: 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 until the next City Council meeting. Councilmember Jacobsen seconded the motion.

Mayor Dustin, Mr. Zook, and the City Council discussed the City Council meeting schedule for June.

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

### **Discussion and Consideration of the approval of a bid to construct storm water improvements at the Public Works Facility**

Mr. Maughn described the proposed storm water improvements at the public works facility with the main components consisting of paving of the public works yard and a place to wash public works vehicles down. Mr. Maughn summarized the bids that had been received and his work dealings with the company that gave the lowest bid.

Councilmember Hansen made a motion to approve the bid to construct storm water improvements at the Nibley City Public Works Facility from DWA Construction. Councilmember Ramirez seconded the motion.

Councilmember Bernhardt quoted from the staff report on this agenda item, "*Staff is also familiar with the work of DWA Construction and is confident in the work the company would provide.*" He asked if the city had any history or tracking of work the company had done in the past and the percentages they had come in near bid. Mr. Zook said the statement reflected the company's competence and not their ability to meet costs.

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

### **City Council and Staff Reports**

Councilmember Hansen had nothing to report.

Councilwoman Beus reported that she wouldn't be at the next City Council meeting.

Councilwoman Beus expressed some concern with the coordination of Heritage Days. Mr. Zook said there had been some problems and issues with the formation of a Heritage Days committee.

Councilmember Bernhardt brought a bridge in Clear Creek subdivision that had been damage to the City Council's attention. He said that Mr. Zook had suggested a Scout could repair this bridge as an Eagle Scout project. The City Council reviewed the Clear Creek States phase 3 & 4 development agreement. He said it appeared that both the city and the developer had been negligent. Mayor Dustin suggested the City Council acquire "quiet title" of the property and get the subdivision out of the HOA requirement and build the playground and in exchange persuade the neighbors to allow a right-of-way trail to the local elementary school. Councilmember Bernhardt described that he didn't see the city getting a right-of-way to the elementary school. Mayor Dustin said they needed to require right-of-ways through cul-de-sacs. He said the city had no incentive to take on the open space unless there was an incentive given.

Councilmember Jacobsen asked for a report on the Resolution to support the creation of a water conservation district.

Councilmember Ramirez asked for the issue of the Nibley City court to be put on an agenda. Mr. Zook reported on the status of partnering for a south-end court and discussed when it could be put on the agenda. Councilmember Ramirez said that Hyrum had added some additional safety features to their building. He described the additional safety.

Mr. Zook reported on Dignitary Days at Lagoon.

Mayor Dustin adjourned the meeting at 10:54 p.m.

Attest: \_\_\_\_\_  
Deputy City Recorder