

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, December 20, 2018.

The following actions were made during the meeting:

Councilmember Jacobsen moved to approve Ordinance 18-13 and waive the second reading. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Councilmember Ramirez moved to approve Ordinance 18-14, zoning the area R-2; for first reading. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Beus, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Councilmember Beus moved to approve the preliminary plat for the Wallentine Subdivision, located at 173 West 4000 South; applicants, John and Janice Wallentine. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Larsen all in favor.

OFFICIAL MINUTES OF THE MEETING
Deputy City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Beus commented that the flag were at half-staff for the passing of George H. W. Bush and she had read up on his life. She commented on his rich legacy of service and quoted him.

"In crucial things, unity. In important things, diversity. In all things, generosity."

Councilmember Beus led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, December 20, 2018, Nibley City Council meeting to order at 6:34 p.m. Those in attendance included Mayor Shaun Dustin, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Ron Hellstern, and Councilman Thomas Bernhardt. Mr. David Zook, Nibley City Manager, Stephen Nelson, Nibley City Planner, and Justin Maughan, Nibley City Public Works Director was also in attendance.

Approval of agenda; and approval of the December 6, 2018 regular Council and Executive Session meeting minutes

Mayor Dustin noted that item 7 on the agenda was an annexation for the property proposed for zoning on item 9. So if the annexation were not approved and passed then the City Council would have to waive item 9.

Councilmember Jacobsen moved to approve both sets of minutes and the evening's agenda as presented. Councilmember Beus seconded the motion.

Councilmember Bernhardt noted there was a discrepancy with the evening's agenda that had been posted on the Nibley City website and the agenda posted to the Utah Public Notice website. Mayor Dustin said the agenda that had been posted scratched everything listed on the printed agenda before the City Council after item number 12. He said the appointments on items 13 and 14 were not critical. After discussion the City Council decided to move forward with the agenda that had been posted to the Nibley City website and to strike items 13 & 14 from the agenda.

Councilmember Jacobsen amended his motion; that the evening's agenda go through item 12 and eliminate items 13 and 14 to ensure proper notification before being addressed by the City Council. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Public Comment Period

Mayor Dustin gave direction to the public present and opened the public hearing at 6:46 p.m. Seeing no public comment, Mayor Dustin closed the public hearing at 6:46 p.m.

Planning Commission Report—No Report

A Public Hearing to receive comment regarding Ordinance 18-13: Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West

Mr. Nelson said the annexation petition involved three properties; one owned by Pete Riggs, one owned by the Church of Jesus Christ of Latter-Day Saints, and one owned by the Blotter family. Mr. Nelson summarized the annexation petition process. Mr. Nelson said the City Council should consider the infrastructure attached to the properties that would be the responsibility of Nibley City to maintain. He said a large portion of 1200 West would be coming in to Nibley City. Mr. Nelson said the city had planned for this area to be annexed into the city and the area was included in Nibley City's master plans.

Mayor Dustin opened the public hearing at 6:52 p.m.

Pete Riggs of said he would like to see the annexation move forward. He reported that the land to the west had a water feature that would lend well to a R-2A zone and a rural

preservation subdivision. Mr. Riggs said the Planning Commission had discussed the reasons they had wanted R-2 as opposed to R-2A. Mr. Riggs would like to see rural conservation because there would be less impact and more opportunity to develop a community to the east on his property. Mr. Riggs asked the City Council to waive the second reading of the ordinance.

Bart Norton of 1342 West and 3390 South asked about the water feature referred to by Mr. Riggs. Mr. Norton said Nibley was a lovely town and he loved it. He loved looking at the pheasants.

Mr. James Blottter of 160 South 200 West in Millville said he lived on the property on the corner of Miller Road. He described his property; that the front half was in Nibley City and the back end was in the proposal to be annexed in. He asked what the zoning for the front-half was. It was determined the front-half was zoned R-2 and that the agricultural use could continue on the property.

Mayor Dustin closed the public hearing at 6:59 p.m.

Discussion and Consideration of Ordinance 18-13: Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West (First Reading)

Mayor Dustin reminded the City Council that the proponent had asked the City Council to waive the second reading of the ordinance.

Councilmember Jacobsen moved to approve Ordinance 18-13 and waive the second reading. Councilmember Beus seconded the motion.

Voting on the motion was as follows:

Councilmember Beus was in favor.

Councilmember Ramirez was in favor.

Councilmember Jacobsen was in favor.

Councilmember Bernhardt was in favor.

And, Councilmember Larsen was in favor.

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

A Public Hearing to receive comment regarding Ordinance 18-14: Zoning for the Area Contained within Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West

Mr. Nelson said Mr. Blotter would prefer his property be zoned R-2A like the surrounding zones. Mr. Nelson compared R-2 and R-2A zoning. The current agricultural uses taking place on the property was permitted in all zones. However if the area were

zoned agricultural then there would be different use allowances attached with that zone. Mr. Nelson said the recommendation from the Planning Commission was that each parcel be zoned R-2. There was some debate at the Planning Commission of having the parcel on the west side zoned R-2A to match the adjacent property.

Mayor Dustin opened the public hearing at 7:08 p.m.

Pete Riggs said he liked the idea of smaller lots and discussed the cost of watering a larger lot.

Mr. Blotter said he was in favor of the smaller lots too. He said it as a nice idea to have smaller lots that people could take care of. He said if he were subdividing something that so much had to come out for roads then larger lots made it financially difficult.

Seeing no further comment, Mayor Dustin closed the public hearing at 7:10 p.m.

Discussion and Consideration of Ordinance 18-14: Zoning for the Area Contained within Annexation Petition 18-01; 120 acres located south of 3200 South and between 900 West and 1500 West (First Reading)

Mr. Nelson reported that the Planning Commission had discussed the agricultural use on the Blotter parcel and taxing on the Blotter parcel. Mr. Nelson understood that the parcel could still be taxed under green belt because the county taxed based on use on the property at the time and not on the underlying zone. Mr. Nelson described taxing assessments on residential and green belt, which he had confirmed with the County. Mr. Nelson said the Planning Commission recommendation was to zone the entire parcel R-2. Staff's recommendation was for the City Council to take everything listed under Nibley City code and base their recommendation off the code.

"19.02.070 Territory Annexed To City

At the time of the annexation of new territory to the city, the City Council, with a recommendation from the Planning Commission, shall classify such territory for zoning. The City shall consider the following when determining zoning for annexed territory.

- 1. The General Plan, including the future land use map and Nibley City Master Plans,*
- 2. Surrounding land use,*
- 3. The request of the applicant, and*
- 4. Any applicable State law or regulation"*

Councilmember Ramirez moved to approve Ordinance 18-14, zoning the area R-2; for first reading. Councilmember Beus seconded the motion.

Councilmember Ramirez was okay with smaller lots and wanted it developed under the Rural Preservation Subdivision ordinance.

Councilmember Jacobsen thought a liability of the rural preservation subdivision was the scale. They couldn't amass enough scale in the preserved areas to actually accomplish the intent. He appreciated the community interest in the water feature and thought it should be incorporated into a larger conservation area, which couldn't be accomplished in R-2A.

Councilmember Bernhardt wondered if the neighborhood had rural preservation in mind when they did his subdivision. He described his neighborhood. If they went to R-2A there was no incentive to keep the unique features of an area.

Voting on the motion was as follows:

Councilmember Larsen was in favor.

Councilmember Bernhardt was in favor.

Councilmember Jacobsen was in favor.

Councilmember Ramirez was in favor.

And, Councilmember Beus was in favor.

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

Councilmember Jacobsen encouraged Mr. Nelson to discuss zoning and preservation options with the proponents.

Mayor Dustin described the first and second reading process for the benefit of the applicant.

A Public Hearing to receive comment regarding a preliminary plat for the Wallentine Subdivision, located at 173 West 4000 South (Applicants: John and Janice Wallentine)

Mr. Nelson described the Wallentine parcel, proposed to be subdivided into three parcels and was currently in the R-1A zone. Mr. Nelson described that the first lot was not in compliance because there was a canal that ran along the property. The applicants were not able to provide the full frontage because of Nibley City code 19.24.230 and a canal ran north and south through the property. The applicants had applied for a variance and had been granted a variance in early December. Mr. Nelson said he had attached the minutes and findings for the variance hearing in the meeting packet. Mr. Nelson reported that the road in front of the development would need to be expanded and improved to meet the current requirements in the Transportation Master Plan. 4000 S is currently planned to be a 66' right-of-way. The subdivision plat showed dedication of the current roadway and the developer would be required to install curb, gutter and sidewalk as required by Nibley City Code 21.12.050

Mr. Nelson described that the subdivision area already had water and sewer lines that the developer will be able to connect to. The developer had shown a stormwater pond located on lot 2, but have considered switching to swales after discussions with city staff.

Mayor Dustin opened the public hearing at 7:28 p.m.

John Wallentine at 3968 South 250 West questioned Nibley City sidewalk requirements. Mr. Wallentine asked if the canal that extended across 4000 would be need to be extended and if this would be the responsibility of himself, the City, or the County. Mr. Maughan said this was a classic case of right-of-way that was dedicated and got encroached upon. Mr. Wallentine said the reason for his questions was there was a large cost to have the sidewalk so far to the north; they would have to take out mature trees, add a lot more pavement, and the sidewalk would be very close to the homes. Mayor Dustin restated Mr. Wallentine's concerns of where the sidewalk line would be drawn and that it would present a potential hardship in developing the lots. Mr. Wallentine asked about extending the canal.

Janice Wallentine of 3968 South 250 West said he understood the recommendations given by City staff and following the code however she didn't think it was a one size fits all. She said it made sense to not tear out mature trees and would benefit the neighborhood to keep the strait curb going.

Seeing no further comment, Mayor Dustin closed the public hearing at 7:42 p.m.

Discussion and Consideration of a preliminary plat for the Wallentine Subdivision, located at 173 West 4000 South (Applicants: John and Janice Wallentine)

Mr. Nelson addressed the applicant's concerns during the public hearing. Mr. Nelson described that the city had the power to exact certain things from the sub divider but these exaction had to be in proportion to the rough impact on the sub divider; he said this was hard to quantify based off of code.

Councilmember Beus moved to approve the preliminary plat for the Wallentine Subdivision, located at 173 West 4000 South; applicants, John and Janice Wallentine. Councilmember Ramirez seconded the motion.

Councilmember Larsen said it was nice to see big lots.

Councilmember Jacobsen said his first concern was the variance; how could they get a variance before they were told "no." He thought the proponent needed to be turned down first; but after consulting code he had found the applicant had followed code. He said he had learned something new. Councilmember Jacobsen said they needed to identify the things that needed to be worked about before they could adopt a final plat.

Councilmember Jacobsen said they needed to be careful and list the things that needed to be resolved before the subdivision was presented for final plat.

Councilmember Jacobsen said they needed to have the subdivision conform to the Transportation Master Plan; the dedication of land needed to happen. Councilmember Jacobsen said he expected what the City was supposed to pay for and what the proponent was supposed to pay for to be worked out before final plat.

Councilmember Bernhardt reminded the City Council of conditions on 2600 South. He said he was not opposed to making an adjustment based off of what had been done but wanted staff to take a look at the road.

Councilmember Jacobsen asked if there were other things that needed to be worked out. Mr. Nelson said the biggest change was the extension of the right-of-way. Councilmember Jacobsen said the city needed to retain ownership of the right-of-way and then take about sharing the cost of developing the infrastructure. Mr. Zook said he didn't see anything the City needed to be sharing and didn't feel this would be part of the conversation. Mr. Zook said the infrastructure improvements should be the responsibility of the sub divider.

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

A Public Hearing to receive comments regarding Resolution 18-11: Updating the Nibley City Transportation Master Plan

Mayor Dustin said the discussion and consideration of the Nibley City Transportation Master Plan had been pulled because of a procedural issue. He meant for it to not be on the agenda because there had been changes to the formatting of the plan and was a big enough change that it would be harder to find information that was being looked for. Mayor Dustin said he intended to have another public hearing when they presented the revised plan.

Mr. Nelson described that the overall layout of the plan and some of the graphics were taken apart and moved to different places. Mr. Nelson summarized the Transportation Master Plan.

Mayor Dustin opened the public hearing at 8:25 p.m.

Dave Anderson at 115 West 400 South Status on 3200 asked about the light at Highway 165. Mayor Dustin and the City Council discussed lighting issues on both the east and west sides of 3200 South.

Councilmember Jacobsen noted the City Council had received public comment via email from Erick Christiansen at 3007 South and 1000 West.

Mayor Dustin closed the public hearing at 8:28 p.m.

Council and Staff Reports

Mayor Dustin said he was proposing a different City Council meeting schedule. He said he would be out of the country for the first meeting of every month for the next 12 months. He had a proposed schedule that would shift the City Council meetings to the second and fourth Thursday's of each month.

Mayor Dustin said Logan was out of discussions regarding Ted's. He said there were three options. Mayor Dustin said he was okay taking on the project if the property were in Nibley City. His preference was to take on the project. Mr. Zook reported that UDOT was going to study all three options and bring cost estimates back to Nibley City for consideration.

The City Council decided they would meet on January 3 and would adopt the City Council meeting schedule.

Councilmember Jacobsen said it had been a good year and he appreciated working with the City Council and City staff.

Mr. Zook said "Merry Christmas" and thanked the City Council for the opportunity to serve.

There was general consent to adjourn the meeting at 8:49 p.m.

Attest: _____
Deputy City Recorder