



NIBLEY CITY COUNCIL
Thursday, January 3, 2019 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Selection of Mayor Pro-Tem and Opening Ceremonies (Councilmember Jacobsen)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report—No Report
6. Discussion and Consideration of Resolution 19-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council (First Reading)
7. Discussion and Consideration of Resolution 19-02: Appointment to the Nibley City Planning Commission and Appointments of the 2019 Planning Commission Chair and Vice-Chair (First Reading)
8. Discussion and Consideration of Resolution 19-03: Appointment to the Cache Valley Transit District (First Reading)
9. Discussion and Consideration of Resolution 19-04: Appointment to the Cache Mosquito Abatement District (First Reading)
10. Discussion and Consideration of Ordinance 19-01 (Formerly 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 (Second Reading)
11. A Public Hearing to receive comments regarding Resolution 19-05 (formerly Resolution 18-11): Updating the Nibley City Transportation Master Plan
12. Discussion and Consideration of Resolution 19-05: Updating the Nibley City Transportation Master Plan (First Reading)
13. Council and Staff Reports

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.



Nibley City Council

**Agenda Report for
January 3, 2019**

Agenda Item #6

Description	Discussion and Consideration of Resolution 19-01: Adopting the Annual Meeting Schedule for the Nibley City Council (First Reading)
Department	City Council
Presenter	David Zook, Nibley Manager
Recommendation	Move to approve Resolution 19-01: Adopting the Annual Meeting Schedule for the Nibley City Council and waive the second reading
Reviewed By	Mayor, City Manager, City Planner

Background

State law requires that the City Council meet at least once per month and that it should adopt an annual schedule of those meetings at its first meeting of the year. The proposed schedule plans for meetings to normally be held on the second and fourth Thursdays of the month, which is a change from the usual first and third Thursdays of each month. The meeting time remains at the usual 6:30 p.m. Some meeting dates are omitted from the schedule due to conflicts with holidays or with the Utah League of Cities and Towns conference.

The Planning Commission currently meets on the second and fourth Thursdays of the month but will adjust to the first and third if the Council adopts this new schedule. The City Planner has reviewed that change with the Planning Commission and found no concerns with the change.

RESOLUTION 19-01

**A RESOLUTION ADOPTING THE ANNUAL MEETING SCHEDULE
FOR THE NIBLEY CITY COUNCIL**

WHEREAS, the Open and Public Meetings Act, in section 52-4-202 (2) of the Utah Code, requires that a public body, which holds regular meetings that are scheduled in advance over the course of a year, shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, adopting an annual meeting schedule can make it easier for citizens to be involved in civic affairs by making them aware of normal City Council meeting times.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

Regular meetings for the Nibley City Council shall be held according to the dates and times listed on the attached schedule at Nibley City Hall, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

The City Council may also convene special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.

Dated this 3rd day of January 2019

, Mayor Pro-Tem

ATTEST

David Zook, City Recorder

The following is hereby adopted as the 2019 Nibley City Council meeting schedule.

The below meeting dates all fall on a Thursday and the normal meeting start time is 6:30 p.m.

2019 City Council Meeting Dates
January 3
January 24
February 28
March 14
March 28
April 11
May 9
May 23
June 13
June 27
July 11
July 25
August 8
August 22
September 26
October 10
October 24
November 14
December 12

The normal schedule for Council meetings is for meetings to be held at 6:30 p.m. on the second and fourth Thursdays of each month, beginning with the January 24, 2019 meeting. However, exceptions occur due to holidays, scheduling conflicts or other needs.

There may be circumstances that arise which may cause a meeting to be cancelled or for a special or emergency meeting to be scheduled, pursuant to the provisions of the Open and Public Meetings Act. Notification will be made as soon as reasonably possible in the event of a cancellation or special/emergency meeting.

Agenda Item #7

Description	Discussion and Consideration of Resolution 19-02: Appointment to the Nibley City Planning Commission and Appointment of the 2019 Planning Commission Chair and Vice-Chair (First Reading)
Department	City Council and Planning
Presenter	David Zook, City Manager, in lieu of Shaun Dustin, Nibley City Mayor
Recommendation	Move to approve Resolution Resolution 19-02: Appointment to the Nibley City Planning Commission and Appointment of 2019 Planning Commission Chair and Vice-Chair, and waive the second reading.
Reviewed By	City Mayor, City Manager, City Planner

Background

Mayor Dustin proposes to re-appoint Planning Commissioner Bret Swenson. His term expires the first Monday in February and Mayor Dustin has asked him to serve another five years.

Mayor Dustin also proposes that the 2019 Planning Commission Chair and Vice-Chair be Garrett Mansell and Tyler Obray, respectively. Pursuant to Nibley City code 3.02.030, these positions are appointed by the Mayor.

These appointments are submitted to the City Council for their advice and consent.

RESOLUTION 19-02

APPOINTMENT TO THE NIBLEY CITY PLANNING COMMISSION AND APPOINTMENT OF 2019 PLANNING COMMISSION CHAIR AND VICE-CHAIR

WHEREAS, Nibley City code 3.02.010 establishes and creates a planning commission of five (5) members. The Mayor, with advice and consent of the City Council, shall appoint all members and alternates to the Planning Commission; and

WHEREAS, it has become necessary for Mayor Dustin to appoint a new representative to the Nibley City Planning Commission; and

WHEREAS, Nibley City wishes to reappoint Bret Swenson as a representative to the Nibley City Planning Commission; and

WHEREAS, Nibley City code 3.02.020 establishes that the Mayor shall annually appoint a chairperson and such other officers of the Nibley City Planning Commission as deemed necessary with the advice and consent of the City Council; and

WHEREAS, it has become necessary for Mayor Dustin to appoint a new chairperson and vice-chairperson to the Nibley City Planning Commission; and

WHEREAS, Nibley City wishes to appoint Garrett Mansell as Chairperson of the Nibley City Planning Commission and Tyler Obray as Vice-Chairperson of the Nibley City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. Bret Swenson is hereby appointed to serve as a Nibley City Planning Commissioner to serve for a term of five (5) years, on the first Monday in February, 2024.
2. Garrett Mansell is hereby appointed to serve as a Nibley City Planning Commission Chairperson beginning January 1, 2019 and ending December 31, 2020.
3. Tyler Obray is hereby appointed to serve as a Nibley City Planning Commission Vice-Chairperson beginning January 1, 2019 and ending December 31, 2020.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2018.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

Agenda Item #8

Description	Discussion and Consideration of Resolution 19-03: Appointment to the Cache Valley Transit District (First Reading)
Department	City Council
Presenter	David Zook, City Manager, in lieu of Shaun Dustin, Nibley City Mayor
Recommendation	Move to approve Resolution 18-13: Appointment to the Cache Valley Transit District, and waive the second reading.
Reviewed By	City Mayor, City Manager

Background

Mayor Dustin proposes to appoint Nibley resident Gregory Shannon as Nibley City's representative board member for the Cache Valley Transit District to replace Councilman Norman Larsen, whose term has expired. The term will be four years.

This appointment is submitted to the City Council for their advice and consent.

RESOLUTION 19-03

APPOINTMENT TO THE CACHE VALLEY TRANSIT DISTRICT

WHEREAS, pursuant to Utah Code 17B-2-203, Nibley City adopted Resolution 10-00: Public Transit District Organization and Incorporation, resolving that public convenience and necessity require the organization and incorporation of a public transit district; and

WHEREAS, the Cache Valley Transit District operates in its own right and authority and exercises jurisdiction without being restricted to municipal corporate or county limits, governed by representatives of the governmental units lying with the districts; and

WHEREAS, Nibley City Mayor with the advice and consent of the City Council, shall appoint Nibley's representative to the Cache County Transit District Board of Trustees; and

WHEREAS, it has become necessary for Nibley City to appoint a new representative to the Cache Valley Transit District Board of Trustees; and

WHEREAS, Nibley City wishes to appoint Gregory Shannon as Nibley City representative to the Cache Valley Transit District Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. Gregory Shannon is hereby appointed to serve as the Nibley City representative on the Cache Valley Transit District Board of Trustees beginning January 1, 2019 to ???.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2018.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Agenda Item #9

Description	Discussion and Consideration of Resolution 19-04: Appointment to the Cache Mosquito Abatement District board (First Reading)
Department	City Council
Presenter	David Zook, City Manager, in lieu of Shaun Dustin, Nibley City Mayor
Recommendation	Move to approve Resolution 19-05: Appointment to the Cache Mosquito Abatement District board (First Reading), and waive the second reading.
Reviewed By	City Mayor, City Manager

Background

Mayor Dustin proposes Nibley resident Ken Allen as Nibley City's new board member for the Cache Mosquito Abatement District board.

This appointment is submitted to the City Council for their advice and consent.

RESOLUTION 19-04

**A RESOLUTION APPOINTING NIBLEY CITY'S REPRESENTATIVE TO THE
CACHE MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES**

WHEREAS, Nibley City Mayor with the advice and consent of the City Council, shall appoint Nibley's representative to the Cache Mosquito Abatement District Board of Trustees; and

WHEREAS, it has become necessary for Nibley City to appoint a new representative to the Cache Mosquito Abatement District Board of Trustees; and

WHEREAS, Nibley City wishes to appoint Ken Allen as Nibley City representative to the Cache Mosquito Abatement District Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. Ken Allen is hereby appointed to serve as the Nibley City representative on the Cache Mosquito Abatement District Board of Trustees beginning January 1, 2019 to December 31, 2022.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2019.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Agenda Item #10

Description	Discussion and Consideration of Ordinance 19-01: Zoning for the area contained within Annexation Petition 18-01; 120 acres located south of 3220 South and between 900 West and 1500 West. (Second Reading)
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Discuss applicable zoning and approve Ordinance 18-14: A zoning recommendation for area contained within Annexation Petition 18-01; 120 acres located south of 3220 South and between 900 West and 1500 West
Reviewed By	City Manager, City Planner

Background

An Annexation Petition was filed with Nibley City on October 2, 2018 which pertains to 120.08 acres located south of 3200 South and between 900 West and 1500 West. The Annexation Petition contains the following parcels: 03-018-0015, 03-018-0017, 03-050-0016, 03-050-0007, 03-050-001, 03-017-0013, 03-049-0007, 03-049-0008, and 03-049-0006. The City Council accepted Annexation Petition 18-01 on October 11, 2018 for further consideration. The City Attorney and Recorder were able to certify that the application complied with Utah law on November 9, 2018. The City Council approved Annexation Petition 18-01 on 12-20-18 and also approved the first reading of this ordinance at that meeting, with a zoning of R-2.

Review Criteria for Zoning

Nibley City Council, with a positive recommendation from the Planning Commission, passed Ordinance 18-11: Territory Annexed to the City on November 15, 2018. This Ordinance gives guidance on criteria for review of future zoning and states the following:

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*

That attached Annexation Petition Zoning and Land Use Comparison Table summarizes these factors.

The Future Land Use Map shows the whole area as medium density. Staff would interpret that to be approximately one-quarter-acre to half-acre lots under current zoning. The two zones that meet that criteria are R-2 and R-2A. R-2 and R-2A are the primary existing zoning for the surrounding area also, with R-2A to the North and West and R-2 to the East.

The next table highlights the key differences between Agricultural, R-2 and R-2A Zones:

	Agricultural	R-2	R-2A
Minimum Lot Size	5 Acres	1/2 acre	12,000 sq. ft. with 14,000 sq. ft. average
Frontage	200	100	100
Front Setback	30	30	30
Side Yard	15	10	10
Side Yard, Street	25	25	25
Rear Yard	30	25	25
Rural Preservation Subdivision	No	Yes	Yes, same density as R-2

There are also different uses that are allowed in agricultural zones compared to residential zones. The complete list can be found in [Nibley City Code 19.20 Land Use Chart](#). Some of the key differences include agricultural commercial uses such as Ag Implement Sales and Services, Government Services, College/University, Farmers Markets, Florist/Garden Centers, and Slaughterhouses are all permitted or conditional in agriculture zones and are either not permitted or have limited use in residential zones. Agricultural Production, single-family, and two-family dwelling units are a permitted uses in all Agricultural and Residential Zones. Another thing to consider is the type of subdivisions allowed in each zone. The following table is found in [Nibley City Code 21.10.010](#).

21.10.010 Type Of Subdivisions

A developer may subdivide under one of the following subdivisions:

<i>Type of Subdivision</i>	<i>Applicable Zones</i>	<i>Density</i>	<i>Open Space Requirements</i>	<i>Lot Size</i>
<i>Standard Subdivision</i>	<i>All zones</i>	<i>Density must comply with zoning</i>	<i>Open space is not required</i>	<i>Lot size must comply with zoning</i>
<i>Rural Preservation Subdivision</i>	<i>R-1, R-1A, R-2, and R-2A</i>	<i>Bonus density</i>	<i>Open space is required</i>	<i>Smaller lots are allowed</i>
<i>Cluster Subdivision</i>	<i>A, R-E, R-1, R-1A, R-2, and R-2A</i>	<i>Density must comply with zoning</i>	<i>Open space is required</i>	<i>Smaller lots are allowed</i>

- 1. Standard Subdivision must follow all zoning and subdivision code contained within Nibley City code and design standards, including lot sizes, frontages, setbacks, etc.*
- 2. Rural Preservation Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified within the Rural Preservation Subdivision requirements stated within Nibley City Code.*
- 3. Cluster Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified with the Cluster Subdivision requirements stated within Nibley City Code.*
- 4. Each subdivision must follow State law and the Utah Land Use Development Management Act.*

The Nibley City General Plan, in the Residential Development and Housing section, states the following for housing development:

While retaining the character and form of established neighborhoods, residential development in Nibley will emphasize the conservation of open space and, using that conservation process, will incorporate a variety of housing forms. (Nibley City, 2016 p. 24)

The Rural Preservation Subdivision is allowed in both R-2 and R-2A, but in R-2A the density is treated as if the zone were R-2, therefore providing less incentive for a developer with a parcel zoned for R-2A to develop it as a Rural Preservation Subdivision.

Planning Commission's Recommendation

The Nibley City Planning Commission, recommended that each parcel be zoned R-2 to incentivise the developer to use the Rural Preservation Subdivision method. The Planning Commission discussed zoning Mr. Blotter's property as agricultural use, but decided to recommended zoning it to R-2 since normal agricultural use is permitted in all zones and they wanted to avoid any of the more impactful uses allowed in agricultural zones. However, there was some debate about zoning the parcels on the west side of 1200 W as R-2A to match the surrounding zoning.

ORDINANCE 19-01

AN ORDINANCE ASSIGNING THE ZONES OF APPROXIMATELY 113 ACRES CONTAINED IN ANNEXATION PETITION 18-01.

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

Parcel 03-018-0017, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

THE E/2 OF LOT 11 BLK 15 MILLVILLE WEST FIELD SVY CONT 10 AC ALSO: BEG AT NW COR OF S/2 OF LOT 9 SD BLK 16, TH E TO PT N 1050 FT & W 480 FT FROM SE COR SEC 20 T 11N R 1E, TH S 60 RD W TO SW COR LOT 8 SD BLK N 60 RD TO BEG CONT 26.25 AC NET 36.25 AC IN ALL

Parcel 03-018-0015, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

ALL OF LOT 10 BLK 15 J.W. FOX SVY OF MILLVILLE WEST FIELD SVY CONT 10 AC LESS: BEG NE COR SD LOT 10 TH S 132 FT TH W 120 FT TH N 132 FT TH E 120 FT TO BEG CONT 0.36 AC (0028) NET 9.64 AC

Parcel 03-050-00016, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

THE E/2 OF LT 12 BLK 15 MILLVILLE CHURCH FARM SVY SIT IN NE/4 SEC 29 & SE/4 SEC 20 T 11N R 1E CONT 10 AC

Parcel 03-050-0007, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

ALL LOT 7 BLK 16 MILLVILLE WEST FIELD SEC 29 T 11N R 1E 20 AC B405

Parcel 03-050-0001, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

BEG NE COR LOT 13 BLK 15 S 20 RDS W 40 RDS N 20 RDS E 40 RDS TO BEG 5 AC NE/4 SEC 29 T 11N R 1E B417

Parcel 03-049-0008, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

W 9/20 OF LOT 13 BLK 15 W FIELD FARM SVY SEC 29 T 11N R 1E 9 AC G283

Parcel 03-049-0007, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

BEG AT NE COR OF NW/4 SEC 29 T 11N R 1E W 36 RDS S 27 RDS E 36 RDS N 27 RDS TO BEG BEING FRACTIONAL LOT 12 BLK 15 MILLVILLE WEST FIELD FARM SVY CONT 7.25 AC G282

Parcel 03-017-0013, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

BEG AT SE COR OF SW/4 SEC 20 T 11N R 1E, W 9.36 CHS N 30' E 2.09 CHS S88* E 9.34 CHS S 1.94 CHS TO BEG CONT 1.88 AC G275

Parcel 03-049-0006, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

BEG 36 RDS W OF&NE COR OF NW/4 SEC 29 T 11N R 1E W 80 RDS S 25 RDS E 80 RDS N 27 RDS TO BEG 13 AC G281

Passed by the Nibley City Council this _____ day of _____, 2018.

Shaun Dustin, Mayor

ATTEST: _____
City Recorder

Agenda Item #11 & 12

Description	A Public Hearing to receive comment regarding Resolution 19-05 (formerly Resolution 18-11): Updating the Nibley City Transportation Master Plan and Discussion and Consideration of Resolution 19-05 (formerly Resolution 18-11): Updating the Nibley City Transportation Master Plan (First Reading)
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Receive and address the public's comments Move to approve Resolution 19-02: Updating the Nibley City Transportation Master Plan for first reading.
Reviewed By	City Manager, City Planner

Background

Nibley City hired RSG to consult on drafting and updating the Nibley City Transportation Master Plan in December of 2017. The city has been working with the consultant since January of 2018 to write and update the plan. Input was given by staff, a steering committee, and a citizens advisory committee. Staff also conducted a survey for the plan in June of 2017 at Heritage Days and hosted an open house in December of 2017. Staff and RSG have gathered this input and have incorporated this data into the proposed plan.

The Planning Commission made several recommendations to staff, which were sent to and reviewed by the contractor. Those recommendations have been incorporated into the Plan. The Planning Commission made the following recommendation on November 29, 2018:

Commissioner Obray moved to recommend approval of the Nibley City Transportation Master Plan with the following condition: that definitions outlining when certain speed

limits are put in place be included in the Plan. Commissioner Logan seconded the motion. The motion passed unanimously 5-0.

Staff has submitted the recommendation to the contractor to ensure it is placed into the proposed plan.

Staff will give a presentation and review the proposed plan for the City Council to begin to consider the Transportation Master Plan. Before any Master Plan can be approved. The City Council will hold a public hearing to receive public comment on December 20, 2018.

Part of the scope of work for the Transportation Master Plan was to update the City's Road Impact Fees. Those fees are currently under review and will be brought to the City Council in a future meeting.

Engineering Concerns

This past week, the Nibley City engineer expressed concerns about the proposed cross section for 1200 W, TS-5. His concerns focus on emergency vehicles and their ability to get around traffic in case of an accident. Staff and the consultant are currently reviewing his comments and do not have a final recommendation at the time of this writing, however staff's initial response is that the cross section is adequate.

RESOLUTION 19-02

A RESOLUTION ADOPTING A NEW NIBLEY CITY TRANSPORTATION MASTER PLAN

WHEREAS, Utah law allows municipalities to create and plan for local infrastructure and transportation needs; and

WHEREAS, Nibley City has established a transportation system and network for its residents and other traffic to travel through the City; and

WHEREAS, large areas of land around Nibley City are unincorporated and will likely develop in the future; and

WHEREAS, Nibley City anticipates population growth and greater demand placed on Nibley City's roads, sidewalk and trails; and

WHEREAS, Nibley City wishes to update the Transportation Master Plan to plan for future growth and traffic patterns within Nibley City; and

WHEREAS, Nibley City desires to make changes to current transportation standards to address safety, traffic flow, and short term and long-term cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. That the attached Transportation Master Plan is adopted by the Nibley City Council.

Dated this ____ day of _____ 2019

Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder