

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, March 14, 2019.

The following actions were made during the meeting:

Councilmember Jacobsen moved to approve Ordinance 19-03 as presented: An Ordinance Re-Approving an Annexation Petition for 9 Parcels on 120 Acres, Located South of 3200 South and between 900 West and 1500 West. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

OFFICIAL MINUTES OF THE MEETING
Nibley City Clerk Hannah Smith took minutes

Opening Ceremonies

Councilmember Bernhardt noted recent news about other cities and was grateful for the relationships and staff at Nibley City. Councilmember Bernhardt led the meeting in Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, March 14, 2019, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Thomas Bernhardt, Councilmember Norman Larsen, Councilmember Larry Jacobsen, Councilmember Tim Ramirez, and Councilmember Kathryn Beus, 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 February 28, 2019 meeting minutes

Mayor Dustin asked the City Council's permission to move item 7 on the agenda to follow the Planning Commission report; essentially swapping items 6 and 7 on the evening's agenda.

Thomas Bernhardt moved to approve the previous City Council meeting minutes and the evening's agenda with the changes as requested by Mayor Dustin. Councilmember Norman Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, 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 6:33 p.m.

Pete Riggs of 3162 South 1000 West was re-proposing to make his parcels a R-2A zoning rather than R2 zoning, particularly on the western portion. Mr. Riggs argued his points to the City Council. Mr. Riggs also argued for pursuit of an easier way for the citizens of Nibley City to pursue different zoning and construction standards.

Ron Hellstern of 4766 Hollow Rd. spoke about the situation in Firefly Park, especially the local wildlife and fowl. In particular he spoke of bird species disappearing and asked the Council to consider ways to change Nibley City park development to include more water space. Mr. Hellstern argued his points. Mr. Hellstern also commented about monarch butterflies and the scarcity of the species. He commended the pollinator park.

Seeing no further public comment, Mayor Dustin closed the Public Comment Period at 6:41 p.m.

Planning Commission Report

Mr. Nelson gave the Planning Commission Report on behalf of the Committee and the Chair. Mr. Nelson described setback uniformity with Logan City, as well as a planned unit development ordinance for a Town Center. Mr. Nelson described that an animal conditional use permit was given at the last Planning Commission meeting as well.

Discussion and Consideration of Ordinance 19-03: AN ORDINANCE RE-APPROVING AN ANNEXATION PETITION FOR 9 PARCELS ON 120 ACRES, LOCATED SOUTH OF 3200 SOUTH AND BETWEEN 900 WEST AND 1500 WEST (First Reading)

Mr. Nelson gave the City Council an overview of the ordinance which was being considered again due to a paperwork error with the State. Mr. Nelson also recapped Mr. Riggs request for the City to reconsider the zoning on Mr. Rigg's lot to be R-2A on the west side of 1100 West. Mr. Nelson said the developments on the west side of 1200 West were R-2A developments and thought it was important for the City Council to consider the surrounding land-use and to match that land use. Mr. Nelson reminded the City Council that R-2A zoning provided very little incentive to so the Rural Preservation subdivision, which was why the City Council chose to zone the area R-2 the last time. Councilmember Ramirez asked for clarification of Mr. Riggs request. Mr. Riggs and Mr. Nelson provided further information on the matter. Mayor Dustin also asked Mr. Nelson for clarification concerning the location of the requested zoning. Mr. Nelson and Mr. Riggs had different recollection of the zoning recommend by the Planning Commission for the property with Mr. Nelson clarifying that the Planning Commission had recommended the entire parcel be zoned R-2.

Councilmember Jacobsen moved to approve Ordinance 19-03 as presented: An Ordinance Re-Approving an Annexation Petition for 9 Parcels on 120 Acres, Located South of 3200 South and between 900 West and 1500 West. Councilmember Ramirez seconded the motion.

Councilmember Jacobsen clarified that the ordinance outlined R-2 zoning. He explained why the motion originally passed as R-2 zoning rather than R-2A zoning, and why it should be passed as R-2 zoning this time. He reminded the City Council of the Nibley citizen's mandate to preserve open space and the rural feeling of Nibley. He felt the best way of doing this was through the Rural Preservation process. If the property were zoned R-2A they would lose any leverage they might have to make this happen. Councilmember Jacobsen clarified again that the Planning Commission recommendation was to zone the entire parcel R-2. Mayor Dustin discussed the need for housing and questioned how they got more housing supply in Nibley and argued for making a portion of the annexation on the west side R-2A, and asked the Council to consider the idea. He preferred to have a planned unit development ordinance in place because it would provide for some rural preservation, noting that Nibley City currently had no planned unit development provisions. Councilmember Ramirez asked about the rural preservation points of Mayor Dustin's argument, to which Mayor Dustin had no answer. Councilmember Thomas Bernhardt argued for the entire annexation being R-2, as there is more an incentive to create amenities and open parks. Mayor Dustin and the City Council debated R-2 versus R-2A zoning. Mayor Dustin explained he would accept the motion as moved if, in the future, other more populous zoning was considered with new annexations. He didn't want to get hung up that the only legislative path moving forward was the R-2 development. He didn't see this as a sustainable future for the city and didn't feel it would take the city in the good direction; he didn't see going R-2 as a practical matter.

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

Discussion and Consideration of Options for the 3200 S/ US 89-91 Realignment

Jeff Gilbert gave the project overview of the intersection realignment. Mr. Gilbert works for the Cache Metropolitan Planning Organization (CMPO). Mr. Gilbert discussed ownership of the project and the abandonment of an intersection at Ted's Service Station. Mr. Gilbert presented and discussed three alternatives for realigning 3200 South and US 89-91. He spoke of the warrant study done in 2013 to see if the City was in need of a signal. The signal was indeed needed, however several problems arose when the project was attempted to move forward. The project so far had been unsuccessful, however some alternatives are being proposed. Mr. Gilbert explained some alternatives would have financial consequences both immediate and in the future. Mr. Gilbert explained a few of the alternative alignments proposed. Mayor Dustin asked for some clarification with Heritage Dr. and a possible rear access solution. Mr. Gilbert noted that Alternative 2 was the most accommodating and manageable solution. Mr. Zook asked for clarification on financial disparities between the alternative solutions. Mr. Gilbert explained that there was uncertainty concerning the financial side of Alternative 2, but most likely the COG was going to help the city with financial support.

Mayor Dustin explained how all of these alternative solutions are going to be COG funded mechanisms. Mr. Zook also asked about the property that the RIGHT-OF-WAY was going to run through. Mr. Gilbert spoke on some willingness on the part of Mr. Zyllis (the owner of the property) to allow the City to buy the land. As Mr. Gilbert was explaining Alternative 3, Mr. Zook explained how Malouf might be willing to help with the right-of-way costs by donating land, which would greatly reduce the cost of Alternative 3. Mr. Gilbert opened himself for questions. Councilmember Larry Jacobsen asked concerning Alternative 1 and if it would be a “High T” intersection with the road on the west not being built yet. Darin Frstrup explained that it was going to be a “High T” intersection, but gave assurances that it would be better than a full stop. He also explained that Alternative 3 would also most likely be a “High T” intersection.

Councilmember Larry Jacobsen also asked about environmental issues concerning Ted’s and asked who would take up ownership for resolving the environmental issues. Mr. Gilbert did agree that the environmental issues had not yet been resolved, but would most likely be a landowner liability. He said it essentially had been put out of all their hands.

Mayor Dustin asked for time be given to discuss each Alternative, and Mr. Gilbert agreed, however, he asked for a decision be made in a timely matter. A joint Council meeting was proposed. Mayor Dustin observed that Alternative 1 was the worst alternative, however it would be the direction he would recommend if Nibley had to go it alone. He preferred Alternative 3 as it would put most of the project in Nibley, however it would hinge on Malouf giving the land for the right-of-way. Mayor Dustin also liked Alternative 2, however it all had to be done at once, which would have far reaching financial impact. Mayor Dustin suggested Alternative 2 or 3, but recognized that all would require a few COG cycles. Mr. Frstrup also made mention that UDOT might be able to take on more of a fiscal responsibility than shown in the Alternatives, especially with Alternative 2. Mayor Dustin asked about the traffic coming to and from Malouf, and if Heritage Dr. could also be added to Alternative 2 and be added to the construction package. Councilmember Bernhardt asked about the truck drivers and how Alternative 2 would impact them. Mayor Dustin and Mr. Gilbert explained a few options concerning them. Councilmember Ramirez voiced concerns with the “slums” that would be created at the end of the drive, but agreed 2 and 3 are the preferred alternatives. Mr. Zook spoke about a possible redevelopment happening in the future. Councilmember Larsen and Mayor Dustin discussed the financial issues concerning Alternative 2. Mr. Zook asked for clarification on a west arterial. Mr. Gilbert explained that the western arterial would be needed in the future. Mr. Zook also asked on the most logical corridor, and Mr. Gilbert explained that this wasn’t certain, but was at least there would be a placeholder in the future. Councilmember Larry Jacobsen mentioned Logan City wouldn’t be excited about Alternative 3 if it meant they would give up the possibility of a light at 2600 South.

Mayor Dustin asked that this discussion be put this on the next City Council agenda.

Workshop: Discussion of a Residential Planned Unit Development (R-PUD) Overlay Zone

Per the request of Councilmember Ramirez, Mayor Dustin called for a meeting break at 8:07 p.m. The meeting resumed at 8:14 p.m.

Mr. Nelson headed the report. He summarized that each councilmember had been given maps at the previous City Council meeting and had marked their preferred R-PUD overlays on the map. Mr. Nelson said he had consolidated the maps and highlighted the areas that were to be discussed as a part of the R-PUD process. Mr. Nelson said each area had pros and cons that he discussed with the City Council. In particular, Area 3 asked for an exception to have more than 300 units in that particular area; the Town Center. Councilmember Ramirez asked about Area 4 and the concerns of traffic there. Mr. Nelson explained about the access to the highway in this development. Mr. Nelson summed up the questions of the R-PUD committee and explained to the Council possible future changes to code that would assist in the development in each area. Mr. Nelson asked the City Council to discuss where they wanted R-PUD development to be, the minimum acreage, and the maximum units.

Councilmember Jacobsen wanted each PUD to have enough acres to have some sort of on site management, and argued for his point. Mr. Nelson explained that there were many different types of site management, and most don't have on-site management as Councilmember Jacobsen was suggesting unless there are more units. Councilmember Bernhardt stressed that someone who enforced the CCNRs was the most important detail in PUD developments and described his experiences with CCNRs when living in Texas. Councilmember Jacobsen questioned how the CCNRs had been enforced? Mr. Zook thought the main factor was the size of a development and explained that CCNR's were enforced when dues are paid and were dependent on shared amenities and ownership and/or owner occupants. Councilmember Ramirez argued that good management was better than the problems small housing would bring. Mr. Nelson said good management was one of the key factors in multiple-family and affordable housing. Good management was a factor in a development maintaining its value and the value of the properties around it. Mr. Nelson said the City could facilitate the development in good management in the development and maintenance agreements.

Mayor Dustin directed the discussion towards minimum number of units. Councilmember Ramirez said they would need enough lots to kick-start the HOA; the developer was forced to form an HOA that ran well. The Mayor and City Council discussed the size of each area that was mapped out by the City Council.

Mr. Nelson was directed to bring a more formal draft map back to the City Council. Councilmember Jacobsen asked that ambiguity be included in the maps.

The City Council continued discussion of maximum allowed dwelling units. Mr. Nelson reminded the City Council that they should avoid large concentrations of these developments; he said they had addressed this by requiring a certain percentage of units to be single-family and by laying the areas out on a map. Mr. Nelson said the City Council might want to consider higher density on a town center. Mr. Zook discussed that the number of units would be driven somewhat by the economy. Councilmember Bernhardt suggested not capping the number of units, but to leave each PUD open to discussion.

Mr. Nelson said he would come back to the City Council with ideas about HOA management and ensuring an HOA was run well. He suggested he could have an HOA manager speak with the City Council; he struggled with how they could ensure an HOA was run well. Mr. Nelson suggested the City Council could talk about buffering at their next meeting. He suggested he would go through the code and more clearly define buffering.

Council and Staff Reports

Councilmember Jacobsen discussed reaching out to Ron Hellstern concerning the development of Firefly Park and Ron's possible supposed false expectations. Mr. Zook agreed to meet with Mr. Hellstern at a later date.

Councilmember Ramirez asked about swales and the problem of over running swales with too much snowmelt and the option of possibly not putting more swells in new developments until the swells can be examined.

Mr. Zook spoke about the upcoming League of Cities and Towns Conference and asked which Councilmembers wanted to go. Councilmember Larsen and Mayor Dustin elected to go.

Mr. Zook reported on discussions with the Nibley City Justice Court judge and how the paperwork for moving the court to Hyrum was almost finished.

Mr. Zook reported on Millville's sewer system. They had been directed they couldn't do more septic systems and were looking to installing a sewer system.

Mr. Zook said the first draft of the 2019-2020 budget should be presented to the City Council the first meeting in April.

Mr. Zook reported that the Transportation Master Plan had been finalized and staff was working on the transportation impact fee. He anticipated the impact fee for streets would probably triple.

Mr. Zook reported that housing bill, SB-34, had passed the Utah State Legislature. He was not sure of what requirements had been imposed on the cities.

There was general consent to adjourn the meeting at 9:27 p.m.

Attest: _____
Deputy City Recorder