

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, June 27, 2019.

The following actions were made during the meeting:

Councilmember Larsen moved to approve Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone as presented with changes discussed. Councilmember Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Councilmember Jacobsen moved to continue discussion and consideration of Ordinance 19-06: Amendments to Nibley City Code, Title 21: Subdivision Regulations—Substantive Policy Changes to the next City Council meeting. Councilmember Larsen seconded the motion. The motion passed unanimously 3-0; with, Councilmember Jacobsen, Councilmember Larsen, and Councilmember Ramirez all in favor.

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

Noting that it was the appointed time and that a quorum was present, Councilmember Jacobsen called the meeting to order and nominated Councilmember Tim Ramirez act as Mayor Pro Tem for the meeting. Councilmember Larsen seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Larsen, and Councilmember Ramirez all in favor.

Opening Ceremonies

Councilmember Jacobsen quoted Henry Ford:

“If there is any one secret of success, it lies in the ability to get the other person's point of view and see things from that person's angle as well as from your own.”

Councilmember Jacobsen led the meeting in the Pledge of Allegiance

Call to Order

Mayor Pro Tem Ramirez called the Thursday, June 27, 2019, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Pro Tem Ramirez, Councilmember Larry Jacobsen, and Councilmember Norman Larsen. Mr. David Zook, Nibley City Manager, Stephen Nelson, Nibley City Planner, Justin Maughan, Nibley City Public Works Director and Rod Elwood, Nibley City Parks Superintendent was also in attendance.

Approval of agenda; and approval of the June 13, 2015 meeting minutes

Councilmember Larsen moved to approve the previous meeting minutes as well as the evening's agenda as outlined. Councilmember Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Public Comment Period

Mayor Pro Tem Ramirez opened the Public Comment Period at 6:33 p.m.

C.J. Pink of 571 West 2775 South in Nibley asked for a summary of the how the Public Comment Period worked. Mayor Pro Tem Ramirez summarized the purpose of Public Comment Period.

Mayor Pro Tem closed the public comment period at 6:34 p.m.

Planning Commission Report

Mr. Nelson reported that the Planning Commission was working on updating the conditional use permit and land use table and land use definitions. The Planning Commission had also workshopped a moderate-income housing plan that was required be adopted by December 31 by State law. The Planning Commission's goal was to have their recommendation to the City Council by the end of summer. Mr. Nelson reported that the Planning Commission had also started workshopping the fence ordinance. He reported there had been a lot of citizen feedback about Nibley City's fence code and based on some complaints and discussion with traffic engineers, the Planning Commission were planning to make a recommendation to the City Council in the next month.

Department Report: Parks

Mr. Maughan reported on the progress at Nibley City's Firefly Park, Nibley's Pickleball and Tennis courts, and Veteran's Memorials at Nibley City Hall and Nibley Elementary school. He had pictures to accompany his reports (these pictures are included in the printed meeting minutes.)

Councilmember Larsen questioned some of the reports of materials breaking off on the boardwalk bridge at Firefly Park. Mr. Maughan reported that it would be a continuing maintenance issue. They'd had to downgrade the quality of lumber because of cost so they would have to watch the pressure treated wood for cracks. Mr. Maughan reported the bridge would be deck sealed soon and they hoped to minimize the issue.

Councilmember Jacobsen noted that the nature park was well used already and there was excitement about what they were doing there. He was excited that the nature park could be used for science already. He discussed monarch butterflies and that the park was now a study site for Xerces (a monarch conservation society).

Mr. Maughan described what would be completed in phase 2 of Firefly Park. Councilmember Jacobsen said the park was doing what he believed they had in mind when they acquired the grant to buy the park property.

Mr. Zook reiterated that there was a grand opening for Firefly Park the upcoming Saturday. He described the planned events including a ribbon cutting, presentations by the Stokes Nature Center, Sunset Yoga, a Star Party at 10:00, and then capped off with the appearance of the Fireflies.

Discussion of Funding for Park Improvements

Mr. Maughan reminded the City Council that Councilmember Beus had secured \$100,000 in the budget for a splash pad but with staff had concluded they couldn't put in what they wanted in a splash pad with a \$100,000 budget and the recommendation changed to some sort of playground equipment with some misters. Mr. Maughan reported that they had come across that the development agreement with Clear Creek Park included playground equivalent to what was included at the Elkhorn Park. The Parks and Recreation committee had discussed this and recommended the budgeted \$100,000 be used to build a small playground equipment and a bathroom at Clear Creek Park. Staff agreed that this would be a great use for \$100,000.

Mr. Zook read from the Nibley City Park Master Plan.

"Nibley City owns several parcels within its boundaries that are currently undeveloped. The purpose of the Parks 2027 section is to give guidance on future signs and goals and strategies to develop the following parks (or parts thereof) in this order over the next 10 years:

- 1. Firefly Park*
- 2. Veterans Memorial Park*
- 3. Riverhawk Park*
- 4. Discovery Park (formerly Sunrise Meadows Park)*
- 5. Nibley Regional Park (Phase 1)*
- 6. River Hollow Park 7. Morgan Farm"*

Mr. Zook said he was not sure they were aware of the agreement they had with Clear Creek when the Master Plan was complete. He asked the City Council for direction of what should be put in the budget using the \$100,000 and the use of impact fee funds. Impact fees should be used to build new amenities and not improve existing amenities. Mr. Zook asked the City Council for direction on the use of money that had been allocated or for the use of some of the funds for a capitol projects plan. He asked if Councilmember Jacobsen, Councilmember Larsen, and Mayor Pro Tem Ramirez had a strong feeling of what they would like to do with the money now; or would they like to wait and have the discussion when the rest of the City Council was present? Mr. Zook and Councilmember Jacobsen discussed the appropriate use of impact fees.

Councilmember Jacobsen asked if the playground equipment at Clear Creek would be used by more than Clear Creek residents. Mr. Maughan reported that when soccer was being played at Clear Creek park there was nothing else for the younger kids to do.

Mayor Pro Tem Ramirez felt it would be best if the entire City Council was present for the discussion. Councilmember Jacobsen asked if the playground equipment would take the entire \$100,000. Mr. Zook said it probably would. Mr. Maughan described restroom facilities that they felt could be put in at Clear Creek. Mr. Elwood noted that a larger park and bathroom would use some for the soccer field size. Councilmember Jacobsen said he was fine with it. He said the boots were on the ground and the recreation committee had weighed in and he didn't see a problem. Mayor Pro Tem Ramirez and Councilmember Larsen agreed. Mr. Zook said they would plan on putting the money on the budget for use at Clear Creek. Councilmember Jacobsen said the rest of the Council could participate when they voted on the budget approval.

Discussion and Consideration of Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone (Second Reading)

Mr. Nelson led this discussion. Mr. Nelson reminded the City Council of questions and discussion that took place at the previous City Council meeting. The main question being the view site triangle compared to building built at 50' height with a 50' setback compared to a 70' building at a 300' set back. Mr. Nelson showed a diagram that showed what the site angles would be; a 45-degree angle versus a 13-degree angle. The angle at the 300' foot setback was much smaller. Mr. Nelson reviewed the other changes to the ordinance since the City Council's first reading.

Councilmember Larsen moved to approve Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone as presented with changes discussed. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen talked through the proposed changes to the ordinance and thanked Mr. Nelson for the angle comparison.

Voting on the ordinance was as follows: Councilmember Larsen was in favor. Councilmember Jacobsen was in favor and Councilmember Ramirez was in favor.

The motion passed unanimously 3-0; with Councilmember Larsen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Discussion and Consideration of Ordinance 19-06: Amendments to Nibley City Code, Title 21: Subdivision Regulations—Substantive Policy Changes (Second Reading)

Mr. Nelson described that staff had decided it would be appropriate to add a section about street trees in the ordinance. He summarized how street trees were addressed in current city code and said how it was worded made it difficult to implement. Mr. Nelson asked the City Council to clarify that the developer would be responsible for paying for

the street trees and would pay the City to plant them once homes went in. The number of trees would be included in the development agreement between the developer and the City. Mr. Nelson asked if the city wanted the change made in the subdivision code or if they would like policy change?

Mayor Pro Tem Ramirez thought it was a great idea to have the City plant trees. He believed the citizens weren't aware of the requirements most of the time and having the City plant the trees, with developers paying for the trees, meant they wouldn't have to go back and enforce. Councilmember Jacobsen didn't have a problem with the tree planting being adopted by policy; he hadn't read the ordinance with this in mind. Mr. Nelson summarized that current policy was that the developer was responsible to plant street trees every 50 feet in a new subdivision but didn't outline how this was supposed to happen. He said they had recently made a tree planning deal with Apple Creek subdivision. Mayor Pro Tem Ramirez said they would have better trees, that would be planted correctly and the holes would be dug properly; it was a great idea. Mr. Zook said he would prefer to have the procedure in ordinance. It made them more secure in their negotiations. Mr. Nelson said he would come back with proposed verbage in the next discussion of the subdivision code.

Councilmember Jacobsen said he couldn't get used to approval of the preliminary plat and waiting ten years, on large project, before final approval is made. To be frank, sometimes they did preliminary approval and if things came in several phases later, he felt they would have forgotten and lost all context. Mr. Nelson said 10 years would be the furthest he would recommend. A lot of their larger projects took 5-10 years to complete. The idea was to have larger developments that were interconnected and designed together than a bunch of smaller development all put next to each other that might not have connectivity or vision. Extending the time period allowed the developer to have more flexibility; especially with the R-Planned Unit Development.

Councilmember Jacobsen questioned lengthening the time to get the development built but staying with a relatively short time between approval of the preliminary plat and the final plat. He felt an appropriate number would be going from 1 year to 2 years for final approval of any phase. Councilmember Jacobsen said they should expect the developer to do a little more planning. Councilmember Jacobsen said they could give the developer more time to get things built. He was not sympathetic to developer's having to pay property tax. Mr. Nelson reminded the City Council that in the R-Planned Unit Development ordinance they were allowed to set a phasing schedule in the development agreement that was established when they did the R-PUD rezone. Mr. Nelson said he would come back with a proposal based on Councilmember Jacobsen's comments. Councilmember Larsen agreed that ten years was a long time and it should at least be cut back to 7. Mayor Pro Tem Ramirez didn't have a strong opinion. He felt Mr. Nelson's argument and Councilmember Jacobsen's arguments were both valid.

Mr. Nelson said he planned to advertise for a public hearing on Ordinance 19-06 for the next City Council.

Mr. Nelson said he'd like to know the City Council's feeling on the Proposed Approval Authority in section 21.06.060. Mr. Nelson read this section the City Council.

Councilmember Jacobsen moved to continue discussion and consideration of Ordinance 19-06: Amendments to Nibley City Code, Title 21: Subdivision Regulations—Substantive Policy Changes to the next City Council meeting. Councilmember Larsen seconded the motion. The motion passed unanimously 3-0; with, Councilmember Jacobsen, Councilmember Larsen, and Councilmember Ramirez all in favor.

Council and Staff Reports

Councilmember Larsen commented on Heritage Days and what a great activity it was. He appreciated the effort made by volunteers and staff.

Councilmember Jacobsen said Heritage Days was a good week.

Mayor Pro Tem Ramirez apologized for being gone during Heritage week.

Mr. Zook reiterated Firefly Park's grand opening on Saturday, June 29 at

Mr. Zook reported on discussion with Logan regarding boundary line realignment along Highway 89/91.

Mr. Zook thanked the City Council and staff for their support of Heritage Days.

Mr. Zook reported the City was looking at changing the business hours at City Council Hall. They were looking at potentially expanding hours to be more accommodating.

Mr. Zook reported on applying for more funds from the Council of Governments (COG) for road projects and a potential roundabout on 1200 West.

Mr. Zook reported the Rick Williams, Nibley City's Emergency Manager had retired. Mr. Zook said he had accomplished a lot in his time with Nibley City so emergency management would be scaled back. Chris Searle would be taking those responsibilities over.

Mr. Zook said court had wrapped up in Nibley City in the past week and would be moving over to Hyrum City. Mayor Pro Tem Ramirez questioned the prosecutor. Mr. Zook said he was drafting a Request for Proposals for a new prosecutor. In the interim they would use the County prosecutor.

Mr. Zook reported on a meeting with Rocky Mountain Power.

Mr. Zook reported that mail would now be delivered on the south side of 3200 South as well as the north side. He reported he had also asked about a zip code for Nibley again.

Mr. Zook reported on a meeting with the Bear River Land Conservancy about management of the wetlands at Firefly Park. They had talked about cattle coming back in to graze in the wetlands and chomp the vegetation down. The vegetation was choking the wetland area out. Councilmember Jacobsen said he would defer to the experts. Mr. Zook said they expected a written recommendation from a biologist. Councilmember Jacobsen said it seemed there was a lot of thistle at the park. Mr. Maughan said he had also talked to the biologist about this and would get a recommendation.

Mr. Zook reported the one of the candidates for City Council had dropped out, Rodney Tripp.

There was general consent to adjourn the meeting at 7:57 p.m.

Attest: _____
Deputy City Recorder