

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, October 10, 2019.

The following actions were made during the meeting:

Councilmember Bernhardt moved to approve Resolution 19-12: The Addition of a Moderate-Income Housing Plan to Nibley City's General Plan. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, and Councilmember Larsen all in favor.

Councilmember Bernhardt moved to approve Ordinance 19-16: An Update to Nibley City Code 19.32: R-PUD Town Center. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Councilmember Jacobsen moved to approve the Nibley Farms Subdivision Preliminary Plat, a 32.49-acre Rural Preservation Subdivision located between 1200 West and 1500 West at 3400 South; as well as the proposed maintenance plan. Councilmember Bernhardt seconded the motion.

Councilmember Jacobsen made a motion to amend that the final plat of Nibley Farms Subdivision include a note that lots 37 & 38 must front on to the proposed 60' right-of-way. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

The amended motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

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

Opening Ceremonies

Mayor Shaun Dustin led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, October 10, 2019, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Larry Jacobsen, Councilman Thomas Bernhardt, Councilmember Tim Ramirez, and Councilmember Norman Larsen. Mr. Stephen Nelson, Nibley City Planner

and Justin Maughan, Nibley City Public Works Director was also in attendance. Councilmember Kathryn Beus and Nibley City Manager, David Zook was excused from the meeting.

Approval of agenda; and approval of the September 26, 2019 meeting minutes

Councilmember Jacobsen moved to approve the evening's agenda and the previous City Council meeting minutes. Councilmember Ramirez seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Public Comment Period

Mayor Dustin gave direction for the Public Comment Period and opened the Public Comment Period at 6:33 p.m.

Noting there were no names on the Public Comment Sign-In sheet and noting there were no other public comments, Mayor Dustin closed the Public Comment Period at 6:34 p.m.

Planning Commission Report

Mr. Nelson reported that the Planning Commission had reviewed the first phase of the Mountain Vista plat and had recommended approval. There were no issues with the plat but staff was waiting for response from some engineering drawings before the plat was brought before the City Council. The Planning Commission had also continued discussion of the Rural Preservation Subdivision ordinance and Mr. Nelson anticipated the Planning Commission would recommend some changes to the ordinance in the upcoming months.

A Presentation from CAPSA regarding Domestic Violence Awareness Month

Bryce Langcaster, representing CAPSA was present and led the presentation.

Mr. Langcaster noted that October was Domestic Violence Awareness month. Mr. Langcaster presented statistics and described how CAPSA assisted victims of domestic violence and the services they offered. He also described statistics associated with CAPSA's services to victims of domestic violence.

Mr. Langcaster requested Nibley City assist CAPSA by allowing them to leave pamphlets, through social media. Mr. Langcaster distributed pamphlets and contact cards to the City Council.

Councilmember Bernhardt discussed a recent newspaper article he'd read regarding assault and students on college campuses. Councilmember Bernhardt hoped the City could offer something to its citizens. Mayor Dustin thought CAPSA was pretty well

known in the valley and appreciated the services they offered. Councilmember Jacobsen asked if Mr. Langacaster knew how clients found their way to CAPSA. Mr. Langacaster said most people found CAPSA through referrals. Councilmember Jacobsen said CAPSA showed up on Nibley City's website as a link. He wondered if staff would highlight CAPSA in the month of October and move the information up in prominence on Nibley City's website.

Discussion regarding a sidewalk on 640 West

Nibley City Public Works Director, Justin Maughan led this discussion. Mr. Maughan said he and the City Engineer had come up with a plan that moved the sidewalk out from the home within a foot of where the second surveyor felt the property line was located. Mr. Maughan said the sidewalk was approximately 12 feet off the asphalt and put the sidewalk where the current ditch was; the ditch would have to be re-dug behind the sidewalk. Mr. Maughan reported he had discussed the plan with all but one of the affected households and all property owners had expressed they liked the plan much better. Mr. Maughan said he wanted the green light to get the engineering going on detailed design and construction drawings so they could get a bid in the winter and construct early in the Spring.

Councilmember Bernhardt asked how much more expensive the sidewalk would be than if they had just done a normal sidewalk. Mr. Maughan said that any time he'd had to put a sidewalk in an existing neighborhood there had been added expenses. Councilmember Jacobsen asked for the change in cost between the sidewalk that would be placed with the City's surveyor versus the sidewalk that would be placed with the surveyor the residents had hired. Mr. Maughan said the biggest cost would be piping and reworking the ditch. Mr. Maughan estimated it would be at least \$22,000 and said he felt pretty comfortable that it wouldn't be more than \$22,000.

Councilmember Jacobsen said they weren't giving up their right-of-way if they went with staff's recommendation. The City was not abandoning what they felt and what the surveyor felt was the property owned by the citizens of Nibley. Councilmember Jacobsen said they were jeopardizing \$160,000 in terms of a financial investment if at some point the City or future City Council decided that the proposed plan was a bad plan and were going to reclaim the appropriate right-of-way. Councilmember Jacobsen said it was right to not abandon the right-of-way and asked how the lack of abandonment was documented. Mr. Maughan was not sure of the details but said it would be a letter delivered to the property owners and recorded at the County office.

Councilmember Bernhardt said it seemed this needed to be resolved at some point in time. He was okay with where the sidewalk was but was not sure how they moved forward without resolving the question at hand. The City Council debated moving forward with a resolution of the property line. Councilmember Jacobsen said this was an offer from the City of putting the sidewalk in the proposed location that didn't mean the City was abandoning what they felt was their right-of-way; the residents could choose to

accept the offer or not. Mr. Maughan and the City Council discussed locations of the disputed property lines.

Councilmember Jacobsen read wording that should be included in a letter to the landowners along 640 West and the County Recorder:

“The City believes the right-of-way line is where the City has had survey but the city has moved the sidewalk for our convenience at this time and that we reserve the right to move the sidewalk in the future if that becomes necessary.”

Councilmember Jacobsen said they should follow the City Attorney and City Staff’s recommendation.

The City Council agreed to take comment from the public present.

Michelle Johnson of 3269 South and 640 West said that when Mr. Maughan presented the drawing she felt it was a good compromise. She didn’t feel Nibley City was doing them a huge favor. She thought they were doing something to make it workable for everyone involved. She agreed with Councilmember Bernhardt that she would have a problem if she sold her home. She felt they might need to settle where the property line was. She didn’t want to jeopardize her position.

Councilmember Jacobsen said he meant no disrespect and he was not asking Mrs. Johnson to give up the claim to her property; that was her decision. He thought they were trying to find a compromise. Councilmember Ramirez also felt they were compromising. He said they should kick the property dispute down the road and build the sidewalk. Councilmember Ramirez didn’t think they needed to put a letter on the property owners title.

Mayor Dustin suggested the City Council authorize Mr. Maughan to move proceed with design and bids and he would talk with the resident about a way to resolve the issue and the attorney to see if an attachments to property titles was the appropriate way to move forward and he would bring the discussion back on another agenda. Councilmember Bernhardt and Councilmember Jacobsen both said this was fair. The City Council indicated they were in favor of proceeding in the manner set forth by Mayor Dustin.

Discussion and Consideration of Resolution 19-12: The Addition of a Moderate-Income Housing Plan to Nibley City’s General Plan (Second Reading)

Mr. Nelson led this discussion. Mr. Nelson reported that he’d attended a Planning Conference the week before and had learned that there were individuals at the State level that would be willing to go through Nibley’s plan before the December 1 deadline to ensure the plan met all the criteria set forth in State code. Mr. Nelson felt the proposed plan met all the criteria. He recommended the City Council continue the item

so they had the opportunity for the extra review. Mr. Nelson and Mayor Dustin discussed the State's availability to review so many plans.

Mr. Nelson reviewed the items in the current General Plan that would need to be changed with the inclusion of the proposed Moderate-Income Housing plan. Mr. Nelson reviewed the change in the last set of goals that referenced Neighborhood Housing Solutions. He said this reference had been taken out.

Mayor Dustin suggested the City Council consider the possibility of passing the plan so if the State didn't get around to reviewing the plan they will have still met the December 1 deadline. The City Council and Mr. Nelson debated whether they should continue discussion of the item.

Councilmember Bernhardt moved to approve Resolution 19-12: The Addition of a Moderate-Income Housing Plan to Nibley City's General Plan. Councilmember Ramirez seconded the motion.

Councilmember Ramirez believed they'd made a good-faith effort and believed it complied with code.

Voting on the motion was as follow: Councilmember Jacobsen was in favor, Councilmember Larsen was in favor, Councilmember Bernhardt was in favor and Councilmember Ramirez was in favor.

The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, and Councilmember Larsen all in favor.

Discussion and Consideration of Ordinance 19-16: An Update to Nibley City Code 19.32: R-PUD Town Center (Second Reading)

Mr. Nelson led this discussion. He described the changes that had been added to the code based on discussion with Mayor Dustin. Mr. Nelson described the addition of code that the city had some ability to require open space, trail space or amenities be dedicated to the City. Mr. Nelson said the City could require this because the code was an overlay or rezone request and the city had legislative ability to reject or accept an application. Mr. Nelson read and described proposed changes to the following sections of code:

19.32.060 General Requirements—F.:

"Amenities and Open Space: Maintenance and ownership of amenities and Open Space may be provided for under one of the following options as approved by the City Council in the City Council's discretion. The City may require any Amenities or Open Space within the R-PUD to be dedicated to Nibley City in order to fulfill goals listed in the Parks, Trails, Recreation and Open Space Master Plan, or to

further public good and advance goals within the General Plan or other Master Plans of the Nibley City: ”

and

19.32.070 Approval Process

Mr. Nelson said the attorney had reviewed the proposed changes and hadn't seen problems with the changes.

Councilmember Bernhardt moved to approve Ordinance 19-16: An Update to Nibley City Code 19.32: R-PUD Town Center. Councilmember Larsen seconded the motion.

Councilmember Bernhardt said the ordinance was big deal and had the potential to change Nibley for good or bad. Councilmember Jacobsen appreciated this but said the “big deal” was the ordinance that had already been passed; the proposal was a minor tweak. The City Council debated multi-family attached housing and condominiums.

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

The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Discussion and Consideration of the proposed Nibley Farms Subdivision Preliminary Plat, a 32.49-acre Rural Preservation Subdivision located between 1200 West and 1500 West at 3400 South

Mr. Nelson led this discussion. Mr. Nelson clarified that there had been an updated plat uploaded to the City Council's meeting information packet that same day. The updated plat addressed ownership of open spaces and trail spaces and the applicant had come back and recommended these spaces be dedicated to the City. Mr. Nelson discussed additional plat updates and clarifications made to the subdivision maintenance plan. Mr. Nelson questioned the applicants proposed improvements to open space and questioned references to a trail accesses and how the applicant would make a proposed trail walkable. Mr. Nelson said the plat complied with lot sizes, density, and frontages as required in the Rural Preservation subdivision. Mr. Nelson read the proponents proposed improvements for open space to be dedicated to the City: all open space property would be dedicated to the city, a trail that went through the property canal to the south side of the property, and the landscaping that met Nibley City code for two storm water ponds.

Councilmember Jacobsen moved to approve the Nibley Farms Subdivision Preliminary Plat, a 32.49-acre Rural Preservation Subdivision located between 1200 West and 1500

West at 3400 South; as well as the proposed maintenance plan. Councilmember Bernhardt seconded the motion.

Councilmember Bernhardt said he was concerned with lots 37-38 and 27-29 in terms of their proximity to roads. Mr. Nelson and the Council discussed the potential speed, size and setback along 1200 west.

Councilmember Jacobsen made a motion to amend that the final plat of Nibley Farms Subdivision include a note that lots 37 & 38 must front on to the proposed 60' right-of-way. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Bernhardt said he'd like the City Council to figure out what they would like to do with the largest open space parcel before it became a weed patch. The Council debated and discussed the largest open space parcel in the proposed Nibley Farm subdivision.

The amended motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Council and Staff Reports

Mayor Dustin reminded the City Council of the Pollinator Garden event occurring the following Saturday at Firefly Park. Councilmember Jacobsen said there was also a seed and perennial exchange.

Mayor Dustin discussed EMS issues in Cache Valley. He encouraged the City Council to reach out to Logan and Smithfield City Council members and that everyone in the County should have the opportunity to be taken care of. Mayor Dustin discussed partnering with Hyrum and Millville for paramedic services.

Mr. Nelson reminded the City Council of the subdivision open space tour the following Tuesday at 6:00 p.m.

Mr. Nelson reminded the City Council of early voting and Meet the Candidates night.

There was general consent to adjourn the meeting at 8:28 p.m.

Attest: _____
Deputy City Recorder