

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, October 24, 2019.

The following actions were made during the meeting:

Councilmember Beus moved to approve the Final Plat and Development Agreement for Phase 1 of the Mount Vista Subdivision, located at 600 West and 3400 South and to accepted the finding as presented in the Nibley City staff report. Councilmember Larsen seconded the motion.

Councilmember Bernhardt made a substitute motion to an amend the preliminary plat of the Mount Vista Subdivision, located at 600 West and 3400 South to include a road easement and to amend and clean up the landscaping plan and construction drawings to include the easement. Councilmember Jacobsen seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Beus, Councilmember Ramirez and Councilmember Larsen all in favor.

Councilmember Jacobsen made a motion to amend to go back to the original agreement with the Mount Vista Subdivision that the open space running north and sound not be irrigated and developer's money be spent developing the park to be dedicated to the City and that the development agreement be amended accordingly. Councilmember Larsen seconded the motion. The amendment failed 1-4; with Councilmember Beus in favor. Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen were opposed.

Mayor Dustin made a motion to amend that any portion of the money that was not spent on irrigating the HOA owned open space was specifically allocated to the Nibley City park open space and the Council's intent was, in a future budget, to allocate a portion of the impact fees derived from the development, to the development of the open space owned by Nibley City, and that the Nibley City Council receive a budget for the improvements the developer planned to make according to the develop agreement and maintenance plan. Councilmember Ramirez seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Beus, and Councilmember Larsen all in favor.

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

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

Opening Ceremonies

Councilmember Beus led the meeting in the Pledge of Allegiance

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, October 24, 2019, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Norman Larsen, Councilmember Thomas Bernhardt, Councilmember Kathryn Beus, Councilmember Tim Ramirez, and Councilmember Larry Jacobsen. 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 October 10, 2019 meeting minutes

Councilmember Beus moved to approve the previous meeting minutes and the evening's agenda. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen all in favor.

Public Comment Period

Mr. Ron Hellstern of Hollow Road expressed his appreciation of the members of staff and the Nibley City Council for their participation in a recent pollinator garden event and thanked them for the surprise bench dedication. He said he appreciated it. Mr. Hellstern described the importance of the pollinator garden describing that there would be a summit in California regarding the western Monarch butterfly population, which was reaching extinction west of the Rocky Mountains. Mr. Hellstern said there were zero monarch butterflies at Firefly Park; no butterflies, no eggs, no caterpillars. Mr. Hellstern described efforts that were planned for Firefly Park in the upcoming year.

Department Report: Planning

Mr. Nelson utilized an electronic presentation entitled *Nibley City Planning Department Report; October 24, 2019*. Mr. Nelson's presentation addressed the following topics: Planning Department Mission, Who is in the Planning Department, Planning Department Functions, Department Activities in 2019: Ordinances, Department Activities in 2019: Plans, Department Activities in 2019, 2019-2020 Master Plans and Other Plans, 2019-2020 Goals: Ordinances, 2019-2020 Goals: Other Projects, and Questions.

The City Council asked about creating recycle marketing zones. Mr. Zook said this was an incentive for companies that used recycled materials. Nibley City would have to designate the area for these marketing zones. Mr. Nelson said this was meant to help spur development. Councilmember Jacobsen asked if the businesses were typically manufacturing businesses. Mr. Zook and Mr. Nelson said they typically were.

Mr. Zook and several City Council members commended Mr. Nelson for a job well done and commended Nibley City's planning department.

Mayor Dustin said he wanted the Planning Commission to look into weed (hemp). He wanted to know what they could and couldn't do. Mayor Dustin wanted to ensure Nibley City put the proper controls on the production of hemp. Councilmember Ramirez offered his assistance in putting Mr. Nelson in contact with a person at the State who'd put together regulations regarding hemp production.

Discussions and Consideration of the Final Plat and Development Agreement for Phase 1 of the Mount Vista Subdivision, located at 600 West and 3400 South

Mr. Nelson led this discussion. He started by describing the approximate location of the development. Mr. Nelson reminded the City Council that the developer had gotten preliminary approval a couple months previous and had gotten final from the Planning Commission. Mr. Nelson described the items the developer had needed to fix on the plat that had been addressed. Mr. Nelson said all lots met the original lot sizes and standards within the preliminary plat. Mr. Nelson said staff was currently reviewing the construction documents. Construction drawing were approved by the City Engineer and Mr. Nelson felt it would be appropriate to include a condition of approval that construction document are approved by the City Engineer.

Mr. Nelson described changes to the plat since the plat was approved at the preliminary stage. The developer had suggested the addition of irrigation to open space property instead of providing playground equipment to park property in a later phase. Mr. Nelson said the developer had requested the City Council enter into an agreement to enable them to sell secondary water to irrigate property. Mr. Nelson said there was a checklist of items that needed to be provided as part of the property maintenance plan. The developer had completed the checklist.

Mr. Nelson moved to the development agreement. He said Nibley's attorney had reviewed the agreement and was good with the agreement. Mr. Nelson discussed the agreement to install street trees. He said street trees wouldn't be planted until there was a homeowner. They would be planted within one year of the homeowner taking occupancy. After the City planted the trees it was up to the property owner to maintain the trees. Mr. Nelson reviewed the plan to use secondary water to maintain five acres of open space including natural grasses. Councilmember Bernhardt asked what kind of grass the developer was planning to install in a future phase park open space. Mr. Nelson said it would be sodded and irrigated. They wouldn't provide a playground or pavilion.

Councilmember Beus moved to approve the Final Plat and Development Agreement for Phase 1 of the Mount Vista Subdivision, located at 600 West and 3400 South and to accepted the finding as presented in the Nibley City staff report. Councilmember Larsen seconded the motion.

Councilmember Bernhardt wanted to ensure the City maintained control of a road easement on the southern end of the development for a future right-of-way. Councilmember Bernhardt said the landscape plan didn't reflect the road; it was reflected more as a trail. Mr. Nelson showed where the developer planned to provide the easement for future right-of-way. Councilmember Jacobsen asked what the adopted preliminary plat showed? Mr. Nelson said the adopted preliminary plat didn't show the right-of-way but the City Council had made a condition that the right-of-way, continuing south, be shown on the final plat. Mr. Nelson believed this was acknowledged in the maintenance plan. Councilmember Jacobsen questioned how they negotiated so that the future right-of-way wasn't lost? Mr. Nelson described that the proposed maintenance plan talked about the required future road easement within the parcel said this would need to be added to the phase before final approval was given.

Councilmember Bernhardt made a motion to amend that as a condition of approval the developer include the secondary access easement for a road going south, with the first phase. Councilmember Ramirez seconded the motion.

The developer, Jeff Jackson with Visionary Homes, questioned recording something on phase 1. He expressed he was concerned with putting a random easement at the bottom of a field was not something they typically did. Mr. Jackson said he was fully aware of the right-of-way and that it needed to be there and when they came in with phase 2 it would be there. The City Council debated requiring the road on the current phase 1 plat. Councilmember Jacobsen suggested Mr. Jackson get the City Council an amendment to the preliminary plat, which includes the road easement, in conjunction with adoption of the first phase.

Councilmember Bernhardt made a substitute motion to amend the preliminary plat of the Mount Vista Subdivision, located at 600 West and 3400 South to include a road easement and to amend and clean up the landscaping plan and construction drawings to include the easement. Councilmember Jacobsen seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Beus, Councilmember Ramirez and Councilmember Larsen all in favor.

Mr. Nelson and Councilmember Larsen discussed the developer's access to 640 West across the railroad tracks adjacent to the proposed property. Mr. Nelson said the developer wasn't able to obtain access across the tracks but had proposed a secondary emergency access.

Councilmember Beus said what sold her on the idea of the park was the idea that they wouldn't just leave two acres of open space. She said it had taken too many years to get improvements to the Clear Creek Park. Councilmember Bernhardt said he had the same concerns and questioned if an HOA was the right way to go. Mayor Dustin said he would

be reluctant to give up the public access. Councilmember Ramirez agreed with Mayor Dustin and though the HOA idea was problematic. Councilmember Bernhardt questioned if the park would need to be included in the Nibley City Parks Master Plan. Mr. Nelson reminded the City Council that the city was requiring a water and sewer stub to the open space so there could be a future restroom at the park. The Mayor and City Council debated ways they could include amenities to the proposed park using park impact fees. Councilmember Beus indicated she would wait to address the issue when the phase was presented. The City Council generally agreed that they wanted the City to have ownership of the open space. Mr. Maughan asked if it would be a possibility to take both parks and put houses on them and use the open space in the downtown discussion. Mr. Zook said they would have to change their ordinance. Mr. Zook didn't think there would be much difference between irrigated natural grasses and non-irrigated natural grasses. He didn't think installing irrigation would add value to the open space in the middle of the development. Councilmember Jacobsen said he was swayed to the development of the park. He also discussed having money set in escrow for future amenities to the park. Mr. Zook suggested the City Council stick to the original plan to not irrigate the middle open space and put the developer's money into amenities for the future two-acre park.

Councilmember Jacobsen made a motion to amend to go back to the original agreement with the Mount Vista Subdivision that the open space running north and south not be irrigated and developer's money be spent developing the park to be dedicated to the City and that the development agreement be amended accordingly.

Mr. Jackson said his HOA guy had suggested the open space be irrigated and he was concerned that the HOA wouldn't be able to take care of the open space and wouldn't have the money to eventually add irrigation to the open space. He believed the City would need to step up and figure out how they would correct the problem they would leave to the HOA. He expressed that the City should work through its impact fees to fix the problem. Councilmember Jacobsen said they couldn't commit a future budget or City Council to fix the problem.

Councilmember Larsen seconded the motion.

The City Council debated either requiring irrigation of the north/south open space or requiring improvements to a future two-acre park dedicated to the City.

The amendment failed 1-4; with Councilmember Beus in favor. Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Ramirez, and Councilmember Larsen were opposed.

Mr. Zook and the City Council discussed wanted to see an actual budget for what was being spent in irrigating for the open space. Mr. Zook recalled that Mr. Jackson had

mentioned \$300,000 and wanted to ensure they were getting \$300,000 in amenities whether they were in either one open space or the other.

Mayor Dustin made a motion to amend that any portion of the money that was not spent on irrigating the HOA owned open space was specifically allocated to the Nibley City park open space and the Council's intent was, in a future budget, to allocate a portion of the impact fees derived from the development, to the development of the open space owned by Nibley City, and that the Nibley City Council receive a budget for the improvements the developer planned to make according to the develop agreement and maintenance plan. Councilmember Ramirez seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Jacobsen, Councilmember Beus, and Councilmember Larsen all in favor.

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

Workshop: Discussion with Visionary Homes regarding the development of 95 acres east of City Hall as a Town Center

Mr. Nelson reported that Visionary Homes was under contract for the Ropelato property that would be discussed and described the location of the property. He said this property was included in the Town Center portion of Nibley City's R-PUD ordinance. Mr. Nelson reported that initial discussion had included ways to create a public city park space as part of the development. Mr. Nelson said the City Council also ought to consider road alignment because of wetland spaces within the property. He asked the City Council to also consider housing types and density, open space and preservation of wetland.

Jeff Jackson, representing Visionary Homes was present for this discussion. He said their concept was approximately 11 unit/acre or 700 units on 95 acres with a variety of homes and 5-6 different uses. Mr. Jackson discussed a 20-acre park space that was being proposed to the City park area with wetland areas being their open space. Mr. Jackson assumed the City would take ownership of the 20-acre park and they wouldn't get the density that came from the acreage. He wondered if the City were open to purchasing the 20-acre park and discussed the City participating in the cost of developing some roads. Mr. Jackson and the City Council discussed the cost of the City being involved with Mr. Jackson stating that he was paying \$42,000/acre. They also discussed the cost of participating in the development of roads.

Councilmember Jacobsen said the plan didn't jive with his memory of their town center concept. He thought he remembered there needed to be commercial in the town center. Mr. Jackson the City Council and city staff discussed what drove commercial development and where commercial development could/should be. The also discussed a public/private partnership for a rec center. Councilmember Larsen suggested some

commercial along 3200 South, like dentist or barbers. He thought 3200 would only get busier and busier.

The City Council discussed a property swap with land owned by Nibley City on 640 West. Mayor Dustin asked if the City Council was interested in talking about the concept. Councilmember Beus said she thought it was cool and was willing to talk about it. She wanted 250 to connect and she wanted the price to be right. Councilmember Jacobsen questioned if they could meet the objectives of a sports complex at 640 West on the Ropelato property. Mayor Dustin discussed partnering on a rec center and said the City was a lot closer to developing a 4000 South park over building a rec center on their own. Councilmember Ramirez said he was interested and intrigued and he said it got his attention to talk about working together to get a rec center. Councilmember Bernhardt said he was interested and intrigued. He said investing in the development was a lot of money. Mayor Dustin liked the idea of the City maintaining control of the piece in the middle and adding some neighborhood commercial to the middle. Councilmember Beus said if they weren't able to put any sports in the middle land then she was not willing to give up the land on 4000 South.

Mayor Dustin summarized that he'd heard the City Council wanted to see some sport fields, said he wanted to see Sport fields, what they would build on their own as a rec center and what the budget would be, and a number from somebody on the 250 West connection.

Mr. Jackson asked if he needed to bring a hard number and Councilmember Bernhardt said he'd like to see a hard number. They needed to decide whether they were in or out. They needed a hard number for the land and a portion of the road costs. Councilmember Ramirez said it would be nice to see a concept of 35% open space. He asked Mr. Jackson if he was willing to provide this. Mr. Jackson said he'd be willing.

Council and Staff Reports

Mayor Dustin, the City Council and Mr. Zook discussed a meeting with Cache County regarding Emergency Medical Services. Councilmember Beus said the north end of the valley was set up pretty nice to take things one once Logan cut them off. The Cache County Executive had indicated there was no willingness on Logan's part to keep people on. Mayor Dustin felt they'd been put in a position of negotiating with Smithfield when they should all be on the same page and in the same system.

Councilmember Beus asked about the Cache Summit. Mr. Zook said it was on November 7 and all the City Council was invited to go. Nibley City had a table of 10 and if the City Council was interested they should let Mr. Zook know.

Councilmember Larsen said he'd attended Meet the Candidates and tipped his hat to those that were running.

Mayor Dustin reminded the City Council that the Boonanza was the following night from 5:30 to 8:00 p.m. He encouraged the City Council to attend and eat a pie.

Mr. Zook reported on a meeting with the County, UDOT, the CMPO and Hyrum about the 4400 South corridor. He said it was a good, cooperative meeting. He believed the key was having an agreement with Hyrum about where their shared boundary should be.

Mr. Zook reported on the Logan's meeting about the disconnect of Wesley Nelson Farms. There had been no negative comments about the disconnect. Mr. Zook reported on a County Council meeting who also discussed the property. Councilmember Jacobsen asked if the family had listed their reasons for wanting to leave Logan City. Mr. Zook said that it essentially came down to utility connection.

Mr. Zook reported regarding the sidewalk on 640 West and the disputed boundary line between residents and the City along 640 West. He said Nibley's Attorney had said the City Council had the option to adopt a resolution stating that they still felt the land was the City's property. Mr. Zook said this wouldn't necessarily keep a new owner in the loop.

There was general consent to adjourn the meeting at 9:41 p.m.

Attest: _____
Deputy City Recorder