

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, December 12, 2019.

The following actions were made during the meeting:

Councilmember Bernhardt moved to accept an Annexation Petition for 55.992 acres, Contained Within Parcel Tax ID:03-007-0019, or Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91. Councilmember Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Ramirez.

Councilmember Bernhardt moved to approve the final plat and development agreement for Phase 1 of Nibley Farms, located at 1500 West and 3410 South: applicant, 7 Point Royal, LLC. Councilmember 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.

Councilmember Jacobsen moved to accept Resolution 19-13: A Resolution of the Nibley City Council Adopting the Survey Recorded as 2019-0083, Establishing the Right-of-Way on 640 West from 3200 South to 4000 South. Councilmember Bernhardt seconded the motion. The motion passed 3-2; with Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Beus in favor. Councilmember Ramirez and Councilmember Larsen were opposed.

Councilmember Larsen moved to approve Ordinance 19-17: An Ordinance Adopting an Impact Fee Analysis and Adjusting and Implementing Impact Fees for Transportation. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Jacobsen, Councilmember Beus, Councilmember Bernhardt, 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 to start the meeting, Councilmember Jacobsen nominated Councilmember Kathryn Beus act as Mayor Pro Tem for the evening's meeting. Councilmember Bernhardt seconded the nomination. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Beus, Councilmember Ramirez, and Councilmember Larsen all in favor.

Opening Ceremonies

Councilmember Jacobsen quoted from Albert Einstein. He said the first quote referred to himself:

"Light Travels Faster Than Sound. That's Why Some Folks Appear Bright Until They Speak"

He said the other quotes referred to the City as they planned the future:

"A clever person solves a problem. A wise person avoids it."

"What is right is not always popular and what is popular is not always right."

Councilmember Jacobsen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Pro Tem Beus called the Thursday, December 12, 2019, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Pro Tem Beus, Councilman Larry Jacobsen, Councilman Thomas Bernhardt, Councilmember Tim Ramirez, and Councilmember Norman Larsen. Nibley City Manager, David Zook, Nibley City Planner, Stephen Nelson, and Nibley City Public Works Director, Justin Maughan was also present at the meeting.

Approval of agenda; and approval of the November 14, 2019 meeting minutes

Councilmember Jacobsen moved to approve the evening's agenda and the November 14, 2019 City Council meeting minutes. 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.

Public Comment Period

Mayor Pro Tem Beus gave direction to the public present and opened the Public Comment Period at 6:34 p.m.

Kent Stevens of 3299 South 640 West comments were regarding the 640 West right-of-way. He wished the City Council had voted yes at the previous meeting; to agree to disagree. He wanted a settlement and wanted to get things moving along. Mr. Stevens said if the sidewalk were still to go in he thought there was sufficient room on the other side of the road. Mr. Stevens said his house was built to the property line that was agreed to by the City and the Planning Commission. Mr. Stevens also commented on the current EMS situation. He said it was an expensive system to run but it was more expensive to live without those services.

Seeing no further comment, Mayor Pro Tem Beus closed the Public Comment Period at 6:37 p.m.

Planning Commission Report

Mr. Stephen Nelson gave this report. He reported that the Planning Commission had held a public hearing and had opted to continue discussion of the Firefly Estates residential planned unit development overlay application and preliminary plat. He anticipated the Planning Commission would pass a proposed dark sky and neighborhood commercial zoning ordinance on the City Council in the near future.

Department Report: Snow and Winter Preparations

Mr. Justin Maughan gave this report. He utilized a PowerPoint presentation entitled *Nibley City Snow Removal 2019/2020* (included in the printed meeting minutes). His presentation included the following topics: Storm Progression Priorities, Clean Up, Equipment List, Bobtail Snowplow/Salt Spreader, Backhoe Snowplow, Front End Loader Snowplow, Pickup Snowplow/Salt Spreader, Backhoe Box, Sidewalks, Skid Steer Snowplow/Toro Snowplow/Blower, Snow Blowers, VW Settlement Grant, Kids in Right-of-Way, Mailbox Policy, and Trees.

Discussion and Consideration of Acceptance of an Annexation Petition for 55.992 acres, Contained Within Parcel Tax ID:03-007-0019, or Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91

The applicant, Al Bingham was present at the meeting.

Mr. Nelson said Nibley City received the annexation petition in October but the parcel was a bit unique. Wesley Nelson Farms, Inc. was currently part of Logan City and Logan City had decided to disconnect the property from Logan City. Nibley's attorney had directed Nibley City to hold off on the petition until Logan City had taken an official vote on the disconnection. Logan City had voted to disconnect the parcel on November 19, 2019 and the process should be finished by the end of the month so Nibley City could start moving forward.

Mr. Nelson said the City Council was considering whether or not the City should accept the annexation petition for further consideration. Mr. Nelson summarized the other steps in the annexation process.

1. Applicant submits petition for annexation
2. City Council considers annexation petition for further consideration
3. City reviews application and determines if it complies with State law; denies or certifies
4. Protest period: Affected entities can voice opposition
5. Planning Commission recommends zoning
6. City Council considers application; denies or approves

Mr. Nelson reviewed the items the City Council should consider for acceptance of an annexation petition.

1. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on Nibley's Future Land Use Map
2. Consistency with the general plan and the overall character of Nibley City;
3. The need for municipal services in developed and undeveloped unincorporated areas:
 - a. Plans for extension/expansion of municipal services;
 - b. Plans to finance extension/expansion of municipal services.
4. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
5. The interests of all affected entities.

Mr. Nelson said the primary reason the property owners wanted to annex into the City was for services. He described the location of the property for annexation consideration. He showed the location of sewer and water lines that abutted the annexation property. Mr. Nelson showed that the property was included in the Nibley City Annexation Declaration Boundary map. Mr. Nelson said the City wouldn't have to provide most of the future roadway that would be developed as part of the property and future developers would have to extend future utility line. He said the property owners plans coincided with what Nibley future land use plans were. Mr. Nelson summarized the interests of other effected entities.

Councilmember Bernhardt moved to accept an Annexation Petition for 55.992 acres, Contained Within Parcel Tax ID:03-007-0019, or Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91. Councilmember Larsen seconded the motion.

Councilmember Jacobsen directed comments to the property owner and suggested he work with the City to understand what would be involved in the R-PUD process. He said the R- PUD process was a relatively new process in the City and directed Mr. Bingham to work closely with the City to understand what was involved with the process. Mr. Bingham said he'd already had extensive discussion with the City and Mr. Nelson.

Mayor Pro Tem Beus asked for clarification on Nibley's current border. Mr. Nelson and Mr. Zook discussed historical property annexation and boundary lines. Mayor Pro Tem Beus asked if the land was considered contiguous. Mr. Nelson said the State was willing approve this type of boundary realignment as long as both cities and the County supported the adjustment. The State looked to local government to resolve these issues.

Councilmember Bernhardt said they needed to start looking at their sewer and water capacities to make sure they were able to maintain the service in Nibley based on the development of these areas. Mr. Zook and Mr. Nelson anticipated that they would revisit the Nibley City Sewer Master plan in the upcoming year.

Voting on the motion was as follows:
Councilmember Bernhardt was in favor.
Councilmember Larsen was in favor
Councilmember Beus was in favor.
Councilmember Ramirez was in favor.
And Councilmember Jacobsen was in favor.

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

Discussion and Consideration of Nibley Farms Phase 1 Final Plat and Development Agreement, located at 1500 West and 3410 South (Applicant: 7 Point Royal, LLC)

Mr. Nelson reminded the City Council they had approved the preliminary plat for Nibley Farms a couple months previously and described the location of the proposed plat (October 10, 2019). Mr. Nelson reviewed the acreage, lots and open space included in the preliminary plat and summarized the project.

Councilmember Ramirez noted the public present for item 10 on the agenda and felt it would be appropriate to move that discussion up on the agenda. Mayor Pro Tem Beus said she would accept a motion to suspend the agenda after they'd finished discussion on the current item.

Mr. Nelson said staff had found the plat complied with Nibley City standards and had been reviewed by the City planner, engineer, public works director and attorney. Mr. Nelson said the construction drawings were still under review and had recently been updated but felt there were no comments on the construction documents that would affect the plat. Mr. Nelson reviewed the proposed street tree plan for the proposed phase. He said Nibley City's arborist had gone through the trees that had been listed on the landscape-planting plan and had signed off on those trees. He also reviewed proposed landscaping for open space and retention areas. Mr. Nelson summarized the proposed development agreement. Mr. Nelson said the City had agreed to pay the cost difference to install a greater size sewer line than was required by the development in order to service homes to the east of the proposed phase.

Mr. Nelson said his recommendation was to approve the final plat with the development agreement, with the condition that staff sign off on the construction drawings before the applicant get the notice to proceed with construction

Councilmember Bernhardt moved to approve the final plat and development agreement for Phase 1 of Nibley Farms, located at 1500 West and 3410 South: applicant, 7 Point Royal, LLC. Councilmember Larsen seconded the motion.

Councilmember Bernhardt asked about open space and Nibley City's plan for the open space. Mr. Nelson that for the short term it was planned to be green space but long-term could possibly be developed into park space; there won't be any other amenities to the property. Mr. Nelson described sections were there could be potential trail space. Councilmember Jacobsen said it appeared that all the things they had asked for in preliminary had been addressed for the phase and felt it was ready to move forward.

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

Councilmember Ramirez moved to suspend the agenda to swap items 9 and 10. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Jacobsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Discussions and Consideration of Resolution 19-13: A Resolution of the Nibley City Council Adopting the Survey Recorded as 2019-0083, Establishing the Right-of-Way on 640 West from 3200 South to 4000 South (Second Reading)

Mr. Maughan said staff followed the Council's direction and had provided a copy of the resolution to all the residents. Mr. Zook said they had drafted a letter and sent it and the Resolution to the resident who lived along the roadway.

Councilmember Jacobsen moved to accept Resolution 19-13: A Resolution of the Nibley City Council Adopting the Survey Recorded as 2019-0083, Establishing the Right-of-Way on 640 West from 3200 South to 4000 South. Councilmember Bernhardt seconded the motion.

Councilmember Ramirez appreciated what the City had done to make this process as easy as possible but stand their ground. He said he would be voting against this item because he didn't agree with the survey. Councilmember Larsen also said he would vote against because he felt they'd gotten what they wanted with the sidewalks. Mayor Pro Tem Beus respected what staff had told them and didn't want to tie anyone's hand in the future and would vote to approve. Councilmember Bernhardt said he thought the City's survey was right but appreciated other opinions.

Voting on the motion was as followed:

Councilmember Beus was in favor.

Councilmember Ramirez was not in favor.

Councilmember Jacobsen was in favor.

Councilmember Bernhardt was in favor.

Councilmember Larsen was opposed.

The motion passed 3-2; with Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Beus in favor. Councilmember Ramirez and Councilmember Larsen were opposed.

Discussion and Consideration of Ordinance 19-17: An Ordinance Adopting an Impact Fee Analysis and Adjusting and Implementing Impact Fees for Transportation (Second Reading)

Mr. Nelson reminded the City Council of a question that was raised during their previous discussion of the item: What did they do if there were a change of use? Mr. Nelson said he had discussed this with Nibley's attorney and the impact fee consultant. If a business changed to a use that had a higher impact, Nibley had the ability to charge the impact fee that would make up for the difference between the original impact fee and the impact fee that needed to be added. State law gave the City the authority to do this. Mr. Nelson said this was normally caught during the building permit process but there was the possibility that someone would do a warehouse and add cubicles to it. They could catch these instances, as all commercial business in Nibley were required to do fire inspections.

Councilmember Larsen moved to approve Ordinance 19-17: An Ordinance Adopting an Impact Fee Analysis and Adjusting and Implementing Impact Fees for Transportation. Councilmember Jacobsen seconded the motion.

Voting on the Ordinance was as follows:

Councilmember Ramirez was in favor.

Councilmember Jacobsen was in favor.

Councilmember Bernhardt was in favor.

Councilmember Larsen was in favor.

Councilmember Beus was in favor.

Mr. Nelson said that per State law, the impact fee wouldn't go in to effect for 90 days. Impact fees were charged under building permits and would be assessed at the application of a building permit.

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

Council and Staff Reports

Mayor Pro Tem Beus thanked the City for the holiday turkey and for the jacket.

This was the last City Council meeting for both Councilmember Ramirez and Councilmember Jacobsen. Each Councilmember expressed their appreciation and thoughts of Councilmember Ramirez and Councilmember Jacobsen.

Councilmember Ramirez said Hyrum City had mentioned there were issues with parking citations. He said parking citations were a civil issue in their court and were a criminal issue with Nibley City. Mr. Zook said their agreement with Hyrum court included them handling parking tickets. Nibley City was considering changing their code enforcement and parking ticket process to more of an administration process.

Councilmember Larsen said his 18 year old wanted to know why Nibley City didn't do Christmas lights. Mr. Zook listed the events Nibley City hosted to celebrate the holidays and noted the winners of the Holiday Decorating Contest. He directed the City Council to the list of decorated properties.

Mr. Zook expressed his appreciation of the City Council, particularly Councilmember Ramirez and Councilmember Jacobsen.

Mr. Zook reminded the City Council of the city holiday party on Thursday, December 19 at the Riverwoods at 6:00 p.m.

Mr. Zook reported the swearing in ceremony for the new Councilmembers would be at the next City Council meeting in January. He said there would be new group/individual photos taken and he encouraged the Council to show up early and dressed appropriately.

Mr. Zook reported on discussions with property owners on 3200 South and 12th West regarding the future roundabout.

Mr. Zook reported on a meeting with the Governor's Office of Economic Development. He said there would be a meeting with GOED, the County, Malouf and the school board the following Monday regarding a community reinvestment area.

Mr. Zook reported on emergency medical services. He said the County had hired a consultant to give an outside opinion on the best way to provide emergency medical services. Councilmember Ramirez suggested there be an audit of budgets included in the consultant's review. Councilmember Larsen asked if there would also be an assessment of liabilities and all the people that pass through into Logan through the south end of Cache Valley.

Mr. Zook reported that Nibley City has issued a request for proposals for a Capital Project Master plan that was due the following Friday.

Mr. Zook said he'd met with the Utah Local Government's Trust about Nibley Workman's Comp liability. He reported that Workman's comp rates were going down because Nibley City had been safe.

Mr. Zook reported the Nibley City's application for Tree City, USA.

Mr. Nelson encouraged the City Council to participate in the economic development. Mr. Nelson thanked Councilmember Jacobsen and Councilmember Ramirez for their service.

Mr. Maughan thanked Councilmember Ramirez and Councilmember Jacobsen for their service and time.

There was general consent to adjourn the meeting at 8:21 p.m.

Attest: _____
Deputy City Recorder