

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, February 13, 2020.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Beus moved to continue discussion & consideration of Ordinance 20-03: An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater.**

7
8 **Councilmember Larsen seconded the motion. The motion passed unanimously 5-0;**
9 **with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt,**
10 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

11
12 **Councilmember Larsen moved to approve Ordinance 20-04: Residential Planned Unit**
13 **Development Overlay Zone Application and Development Agreement for the**
14 **Proposed Firefly Estates Development, located at approximately 2200 South and 1200**
15 **West, for first reading. Councilmember Sweeten seconded the motion. The motion**
16 **passed 4-1; with Councilmember Larsen, Councilmember Sweeten, Councilmember**
17 **Beus and Councilmember Laursen in favor. Councilmember Bernhardt was opposed.**

18
19 **Councilmember Beus moved to continue discussion & consideration of a preliminary**
20 **subdivision plat for Firefly Estates, located at approximately 2200 South and 1200**
21 **West. Councilmember Bernhardt seconded the motion. The motion to passed**
22 **unanimously 5-0; with Councilmember Beus, Councilmember Bernhardt,**
23 **Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten.**
24

25
26 **OFFICIAL MINUTES OF THE MEETING**
27 Deputy City Recorder Cheryl Bodily took minutes

28
29 Councilmember Beus noted that it was the appointed time to begin the meeting.
30 Councilmember Larsen moved that Councilmember Beus act as Mayor Pro Tem.
31 Councilmember Laursen seconded the motion. The motion passed unanimously 5-0;
32 with Councilmember Bernhardt, Councilmember Laursen, Councilmember Beus,
33 Councilmember Larsen and Councilmember Sweeten all in favor.

34
35 **Opening Ceremonies**

36 Councilmember Sweeten led the meeting in the Pledge of Allegiance.

37
38 **Call to Order**

39 Mayor Pro Tem Beus called the Thursday, February 13, 2020, Nibley City Council
40 meeting to order at 6:31 p.m. Those in attendance included Councilmember Kathryn
41 Beus, Councilmember Thomas Bernhardt, Councilmember Norman Larsen,
42 Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Mr. Stephen
43 Nelson, Nibley City Planner and Marcus Simmons, Nibley City Engineer was also in
44 attendance.

1
2 **Approval of agenda; and approval of the January 23, 2020 meeting minutes**

3 Councilmember Bernhardt moved to approve the previous meeting minutes and the
4 evening's agenda. Councilmember Larsen seconded the motion. The motion passed
5 unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen,
6 Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all in
7 favor.

8
9 **Public Comment Period**

10 Mayor Pro Tem Beus gave direction the public present and opened the Public Comment
11 Period at 6:33 p.m.

12
13 Mike Tremayne of 3116 South 500 West asked for clarification of what comments were
14 appropriate during the Public Comment Period. Councilmember Beus and
15 Councilmember Bernhardt helped Mr. Tremayne understand when his intended
16 comments would be heard.

17
18 Seeing no further public comments, Mayor Pro Tem Beus closed the Public Comment
19 Period at 6:35 p.m.

20
21 **Planning Commission Report**

22 Mr. Nelson said Nibley Farms development would be coming to the City Council with
23 phases 1 and 2 at the next meeting. The Planning Commission had made a positive
24 recommendation on each plat. Mr. Nelson said the Planning Commission also reviewed
25 the P-PUD application for the Riggs property and had some concerns with the
26 development's layout. He anticipated the Planning Commission would send that
27 recommendation to the City Council in the next month. Mr. Nelson said the Planning
28 Commission would be discussing projected they wanted to work on in the next year.

29
30 **Presentation and Workshop—Ordinance 20-05: Proposed Zoning and Annexation of**
31 **Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S,**
32 **West of 1200 W, and East of Highway 89/91**

33 Mayor Dustin and David Zook, Nibley City Manager, arrived at 6:37 p.m.

34
35 Mr. Nelson summarized the petition for annexation.

36
37 Mayor Dustin left and returned at 6:38 p.m.

38
39 Mr. Nelson reviewed the steps the annexation request had been through in the
40 annexation process. He reported that the Nibley City Planning Commission had
41 recommended the annexation of the parcel to the City Council on January 16, 2020 and
42 recommended the zoning of the parcel be R-2.

1 Mr. Nelson said the annexation policy plan recommended the City Council consider the
2 following:

- 3
- 4 1. *The area is within the boundaries of an approved expansion area map (i.e. the*
5 *Annexation Declaration Boundary as shown on the Future Land Use Map).*
- 6 2. *Consistency with the general plan and the overall character of Nibley City;*
- 7 3. *The need for municipal services in developed and undeveloped unincorporated*
8 *areas:*
 - 9 a. *Plans for extension/expansion of municipal services;*
 - 10 b. *Plans to finance extension/expansion of municipal services.*
- 11 4. *An estimate of the tax consequences to residents both currently within the*
12 *municipal boundaries and in the area proposed for annexation.*
- 13 5. *The interests of all affected entities*
- 14

15 Mr. Nelson said that Nibley City was able to provide services to the annexation
16 boundary and described that the area was also included in Nibley's Annexation
17 Boundary Map, Annexation Declaration Boundary and Future Land Use Map. Mr. Nelson
18 discussed the parcel's impact on the community; including roadways that would go
19 through the parcel. Mr. Nelson said it was anticipated that the property would increase
20 the property taxes that would come into the City including anticipated commercial
21 development. The Planning Commission had also anticipated the commercial
22 development and future development of R-PUD housing on the remainder of the parcel.
23 Mr. Nelson said staff's recommendation was to approve the annexation with R-2 zoning.
24 Councilmember Larsen inquired about the rezoning process, which Mr. Nelson
25 summarized. Mr. Nelson reminded the City Council that the parcel included annexation
26 to the centerline of Highway 89/91. Logan had de-annexed to the centerline of the
27 highway so Nibley City had to annex to the center. UDOT would continue to maintain
28 the highway.

29
30 Mayor Pro Tem Beus turned the meeting over to Mayor Dustin at 6:48 p.m.

31
32 Councilmember Bernhardt asked if the applicant was aware of the process that they
33 would need to go through in the R-PUD overlay process. Mr. Nelson said the applicant
34 was aware of the R-PUD process. Councilmember Beus noted the City had seen the
35 annexation coming for a while and she felt it was pretty straightforward.

36
37 The applicant, Al Bingham was present at the meeting.

38
39 Mr. Bingham said his family was grateful to the City Council, Mr. Zook, and Mr. Nelson.
40 They were looking forward to the partnership with the City and seeing what they could
41 do for the City.

Public Hearing—Ordinance 20-05: Proposed Zoning and Annexation of Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S, West of 1200 W, and East of Highway 89/91

Mayor Dustin read the directions for public hearing to the public present. Mayor Dustin opened the public hearing at 6:54 p.m.

Mr. Nelson said the County surveyor had to review the plat. He had reviewed the plat and had no concerns.

Seeing there were no public comments, Mayor Dustin closed the public hearing at 6:55 p.m.

Presentation and Workshop—Ordinance 20-06: Residential Planned Unit Development Overlay Zone for Ridgeline Park, approximately 76 acres located in the area North of 3200 S, West of Highway 165, and East of City Hall

Mr. Nelson gave a presentation utilizing an electronic presentation entitled Town Center and Ridgeline Park (a printed version of this presentation is included in the printed meeting minutes). His presentation included the following topics: Town Center Planning, Town Center Concept 3, Future Land Use Map 2018, survey results from a public outreach event held during Heritage Days in 2018, Nibley City Property Taxes (displaying video that showed property tax per acre), Housing and the driving factor in developing a Moderate Income Housing plan and policies within the Moderate Income Housing plan, R-PUD Town Center, and Ridgeline Park.

Mr. Nelson described the amenities being proposed by the developer (16 acres of park space, 2 pavilions, 3 playgrounds, 2 pickle ball courts, 1 pool, and 1 clubhouse). The developer would need to include 2 swing sets, which staff would make sure was included. Staff and the Planning Commission felt the developer met the general requirements for open space and park amenities. Mr. Nelson reviewed proposed uses and site summaries for the Ridgeline Park overlay zone. He also reviewed utility (sewer and water line) capacity. He said Nibley City's Public Works Director and Engineer had determined that the utility lines in the area had sufficient capacity and the area would be served properly. Mr. Nelson reviewed wetland sensitive lands, and canal issues. Mr. Nelson said one of the biggest concerns would be roads. He displayed the Transportation Master Plan for the area. He said the applicant had shown the 250 West corridor with a changed alignment to avoid wetlands; 250 was a local road and under Nibley city code was given much more discretion on layout. Mr. Nelson said 2900 South would be developed with half-a roadway along the property's boundary. There was no plan for the applicant to push 2900 all the way out to SR 165. Mr. Nelson discussed a traffic study that was performed by the applicant. The traffic study dictated additional turn lanes. With the development and anticipated growth the intersection at 250 would be a service level C and the intersection at 3200 South and SR 165 would remain at a B service level. Mr. Nelson described that the open space maintenance plan had an HOA maintaining open space with exception of trail ways. The City wanted to ensure the

1 public had access to trails in the development. Mr. Nelson discussed the housing layout
2 in the development.

3
4 Mr. Nelson said the Planning Commission had given the City Council a positive
5 recommendation on the proposed P-PUD overlay zone. Their only concern had been to
6 figure out the housing issue to ensure homes were properly buffered. He described how
7 the housing layout had been altered to address those concerns.

8
9 The applicant, Benjamin Steele, representing Visionary Homes, was present at the
10 meeting.

11
12 Mayor Dustin reminded the public that the City Council would not be voting on the issue
13 and wanted to take the right amount of time to discuss and consider the item; it "was
14 big deal."

15
16 Councilmember Bernhardt had big concerns about traffic, mainly at the light at 3200
17 South. He was not convinced the light was operating at a C. He thought it was lower
18 than that. He'd had citizen complain to him about waiting for several minutes at that
19 intersection.

20
21 Councilmember Laursen said there were 7 considerations in their R-PUD ordinance. He
22 felt he applicant had addressed most of them but felt there were a few of the seven that
23 would be hard to vote on when they didn't see them; i.e. pavilions. He said going
24 forward with PUD's he'd like to see some of these things before they voted.

25
26 Mayor Dustin discussed that they'd moved to Nibley in 2006 and he'd always enjoyed
27 the property being discussed for R-PUD overlay. He said the Ropelatto's had the right to
28 develop the property and he questioned how they could balance with what had brought
29 them to Nibley in the first place with what it cost to pay for it. He projected what he
30 thought would happen to the area if it were developed in traditional R-2 zoning. He was
31 willing to work towards the idea of being able to preserve 30-35 acres as green space.
32 He hoped they could work out the details.

33
34 Councilmember Bernhardt asked for clarification on guest parking. He questioned what
35 the HOA would maintain in regards to public parking on the street. Mr. Nelson said the
36 City was discussing cutting the curb in and sometimes using different paving in the area,
37 such as concrete, so it would be clear what was parking and what was right-of-way. The
38 goal of the R-PUD was to provide on street parking but not have to maintain the parking
39 and making the parking different from the right-of-way. Mr. Nelson reviewed
40 restrictions of where on street parking could take place in R-PUD development.

41
42 Councilmember Larsen still liked the idea of having some commercial on 3200; small
43 restaurants or office buildings. He felt there was stuff that could work out really well.
44 Mr. Nelson said the R-PUD code allowed for up to 30% of the total property to be

1 rezoned as neighborhood commercial. Once it was rezoned as commercial it had to
2 follow the standards for neighborhood commercial zoning. Mr. Nelson described
3 current neighborhood commercial in Nibley City. Councilmember Bernhardt asked
4 where Councilmember Larsen would suggest commercial along 3200. Councilmember
5 Larsen said he would trade the townhouses along 3200 for commercial, at least off of
6 3200.

7
8 Mr. Zook left the meeting at 7:46 p.m.

9
10 Councilmember Beus discussed her memories of the property. She liked the green space
11 but questioned if the City was getting land that couldn't be built on anyway.

12
13 Mr. Zook returned at 7:48 p.m.

14
15 Mr. Nelson clarified that if the City, in the long run, decided they couldn't come to an
16 agreement on the park space, then the applicant had the right to re-file for an R-PUD
17 and include the section of proposed park space. If the R-PUD overlay zone got approved,
18 then the City would talk with the applicant about the park.

19
20 **Public Hearing—Ordinance 20-06: A Residential Planned Unit Development Overlay**
21 **Zone Application for Ridgeline Park, approximately 76 acres located in the area North**
22 **of 3200 S, West of Highway 165, and East of City Hall**

23 Mayor Dustin gave direction to the public present. He asked if any City Council had any
24 financial interests in the property being discussed. All members of the City Council
25 indicated they had no financial interests in the property.

26
27 Mayor Dustin opened the public hearing at 7:51 p.m.

28
29 Brian Anderson of 780 West and 3200 South said he appreciated what the City Council
30 did. He asked them to consider there were people on 3200 and safety should be a
31 consideration. The pressure was on 3200 and described that it was difficult to get out on
32 to 3200. He felt there should be some adjustments size-wise and controlling 3200.

33
34 Judge Jack Stevens of 3236 South 250 West requested the intersection at 250 West be
35 pulled up on the Cache Count parcel map. Mr. Steven discussed the history of 250 West.
36 He was concerned that there might be a turn lane at the intersection of 250 West and
37 3200, which would impact approximately 4 homes with their front yards and their
38 lifestyle. He discussed the loss of his front yard and 4 maple trees.

39
40 Mike Tremayne of 3115 South and 500 West was concerned with the area where
41 proposed Senior Citizen development would be placed. He said he lived right behind the
42 area. He said there was once a sawmill in that area and his land kept sinking. He had
43 sawdust and big chunks of wood on his property that was making his home sink. He was

1 concerned that if they built in that area that there would be problems with cement
2 foundations in the area.

3
4 Bruce Miller representing the Holly Trinity Lutheran Church wanted to know the plan for
5 2900 South. He said people would access 2900 South and the other side of 2900 South
6 would have approximately 50 lots.

7
8 Justin Smith of 3191 South 500 West said he was fine with the green space but what had
9 been proposed was a town center with commercial and public space. He hoped there
10 would be a commercial zone that wouldn't impact the driving on the highway. His big
11 concern was he wanted to see a City Center with public space. He was not a fan of the
12 HOA.

13
14 Chelsea Jackson of 2912 South 450 West asked about emergency services. She'd lived in
15 a high-density housing area for a long period of her marriage and had seen more
16 emergency services in the high-density area. Ms. Jackson was concerned that all of the
17 green space was not usable and was wet 90 percent of the time. She felt it was being
18 preserved because they couldn't do anything else with it. She said it might change the
19 topography and make her yard a lake. Ms. Jackson said property damage would be
20 inevitable with displaced rodents. She said the area would be beautiful and people
21 could walk around it but was not useful. She said a lot of the open space was not geared
22 towards the open citizens of Nibley City and was geared towards the HOA members,
23 which didn't sound like a city center to her; it sounded like lots of homes.

24
25 Kevin Jackson of 2912 South and 450 West was concerned with residents not being
26 aware of the development. He wondered why more residents hadn't been notified by
27 mail? Mr. Jackson said he would like to reemphasize his concern with the traffic at 3200
28 and backups at turn lanes. Mr. Jackson wanted to know if they would be notified of
29 future hearings and if they would be notified of when voting would take place. He
30 questioned the ratio between single-family home and condos and if it was Nibley City
31 ordinance or if it was the State. Mr. Jackson wanted to know which percentage would
32 be allowed to park on the roads versus having designated guest parking?

33
34 Gregg Shannon of 2929 South 5158 West liked the idea of the green and was concerned
35 with access if there were an HOA. He discussed he and his dog walking all over Nibley.
36 He would miss the cows. They needed areas that they could access and walk; that was
37 what drew him to Nibley. That should always be considered a high priority.

38
39 Marylyn Hillery of 3090 South 500 West agreed on the HOA but believed when an HOA
40 was brought in they impacted finances. She said there was an impact to the equity of
41 people's homes with potential transfer fees. Ms. Hillary had noticed activity on the
42 ground and asked if the development had already been approved and said it would be
43 hard to get title insurance.

1 Bonnie McBride of 244 West 3200 South was very concerned about the corner at 250
2 West. She said Nibley had a high water table and wanted this accounted for so there
3 was not water in basements.

4
5 Dave Milligan of 105 West and 3200 South said there were some water issues on the
6 southeast corner. He was going to irrigate his piece of ground, which was higher than
7 the surrounding area and those areas would get wet and they might have the developer
8 think about building up. He said the development would increase crime in Nibley. Crime
9 would increase with population and traffic accidents would increase with more traffic.
10 Mr. Milligan discussed his wife waiting through three traffic cycles to get out on to 3200
11 South. Mr. Milligan felt the City Center idea was a better idea. He discussed the green
12 space and asked if it would be given to Nibley City and how it would be developed?

13
14 Seeing no further comments, Mayor Dustin closed the public hearing at 8:15 p.m.

15
16 Mayor Dustin, Mr. Nelson, the City Council, and Mr. Steele addressed the questions
17 presented by the public.

- 18 • Mr. Nelson said additional turn lanes were on 3200 south and on 250 north of
19 3200 south. 250 south of 3200 south would not be expanded.
- 20 • Mr. Steele said he was not aware of issues with an old sawmill. Mr. Steel said he
21 appreciated the information and would look into it. He said there had been a
22 geotechnical study and they'd been surprised by how favorable the test had
23 come back. There were a lot of heavy soils on the eastern side and the western
24 side had a lot more gravel and drainage.
- 25 • Mr. Nelson said the developer had implied that they wouldn't do any basements
26 on the parcel. Mr. Steele confirmed this statement.
- 27 • Mayor Dustin said they had great relationships with police services. He said they
28 needed to keep a strong sense of community in new developments to keep
29 emergency services down. Mayor Dustin said the City was currently figuring out
30 fire and EMS. This was an open question they were struggling with citywide.
- 31 • Mayor Dustin said utility of green space and the functions of HOA's would be
32 determined.
- 33 • Mr. Nelson said there was no current policy on displaced rodents. He said he
34 would do some research on policy.
- 35 • Mayor Dustin discussed notification procedures and current Nibley City
36 ordinance. He told the public to be involved in the foundational policies of the
37 City. Mr. Nelson address what notification was sent for the evening's meeting.
- 38 • Mayor Dustin addressed 3200 traffic buildups. He questioned getting UDOT to
39 retime the light at SR 165 and 3200 South. Mr. Nelson said they'd done some
40 preliminary meetings to see if there were ways to make the light more efficient.
41 There were a few things they could do at the existing right-of-way to improve
42 the service of the intersection. These would probably have to be done whether
43 the Ridgeline Park development were done or not. Mayor Dustin said the City

1 Council typically had two readings on things. It could be approved as early as two
2 weeks but would more likely be voted on in four weeks. Councilmember
3 Bernhardt said it was likely they wouldn't hold another public hearing on the
4 item.

- 5 • Mayor Dustin addressed parking on roads.
- 6 • Mr. Nelson reviewed the breakdown of densities; single-family homes versus
7 townhomes and condos and density calculation across the country.
- 8 • Mr. Steele clarified the HOA structure anticipated in the property and said that
9 reinvestment or transfer fees always went to the HOA and not the developer. He
10 approximated the typical transfer fee would be about \$500.
- 11 • Mr. Steel described the dirt work that was currently happening. He said there
12 was no construction going. There was some dirt being deposited and stock piled
13 on the property from another development.
- 14 • Mayor Dustin said it would be determined who would pay for park space. Mr.
15 Nelson said the developer would pay for any park space within the R-PUD. It
16 hadn't been determined who would pay for the 18 acres of green space that
17 would be dedicated to the City within the development. Discussion had been to
18 waive park impact fees from the development and the developer would install
19 the equivalent amount of park and amenities in the dedicated open space.
- 20 • Mr. Nelson summarized discussions with UDOT about 2900 south.

21 22 **Presentation and Workshop—Resolution 20-03: An Update to the Nibley City Water** 23 **Master Plan**

24 General consent was given for a five minutes recess at 8:55 p.m.

25
26 The meeting resumed at 8:59 p.m.

27
28 Mr. Simmons gave this presentation. He utilized an electronic presentation entitled
29 *Water Master Plan Update* (a printed version of this presentation is included in the
30 printed meeting minutes). His presentation included the following topics: Jones &
31 Demille Engineering, the Budget, Key Take Aways, Water Model, Capital Improvement
32 Plan, Short-Term Planning, and Long-Term Planning.

33
34 Councilmember Larsen asked if there were a standard for water rights. Mayor Dustin
35 said that anytime there was a subdivision in the city the subdivider provides water to
36 the City that makes up for the additional demand on the primary system.

37
38 Mr. Simmons continued his discussion and discussed Proposed Rates according to Zion's
39 Public Finance, and a Conservation Plan including goals (public information program,
40 metering, leak detection and repairs, conservation pricing, and conservation).

1 Councilmember Beus questioned metering secondary irrigation systems. Mr. Zook said
2 there had been a push at the State legislature to meter all secondary water in the state.
3 There had been discussion of providing state funding to measure secondary systems.
4

5 Mr. Zook said if the City Council adopted the plan there would be a separate document
6 that would be presented to the City Council for adoption of the new rate. Mr. Zook said
7 the state required them to have a graduated rate schedule and the hope was to adopt a
8 rate so that most of Nibley's residents wouldn't see a change in their water rate.
9

10 Mr. Simmons said a lot of bigger improvements were based on impact so building new
11 tanks were paid for by impact fees. Rate structures were built around maintenance
12 coast the City had to do maintenance on systems.
13

14 Mayor Dustin suggested the addition of a column to a table in the proposed plan. He
15 said the increase in water rights and water shares should be proportional to the
16 assumptions in growth rate. Mayor Dustin referred to 7-4-1 Yeats's spring; that the last
17 sentence gave a recommendation that was against their Parks plan. Yeats's spring was
18 polluted when a diesel truck fell in and it hadn't been put back in the culinary water
19 system because they couldn't figure out how to protect the spring. The suggestion was
20 to turn over the spring and surrounding ground to the canal company and transfer the
21 water right. Mayor Dustin said he hadn't given up on taking the water down to the park
22 space on Hollow Road and putting a pond there and wanted the sentence suggesting
23 the transfer to the canal company deleted.
24

25 **Public Hearing--Resolution 20-03:An Update to the Nibley City Water Master Plan**

26 Mayor Dustin opened the public hearing at 9:24 p.m.
27

28 Kent Smith of 2316 South 1200 West questioned the proposed rates from the Master
29 Plan. He questioned the labeling of diameter of input pipe and he questioned the
30 numbers in the tears over time period. Mr. Nelson clarified that the table was gallons
31 per month or billing cycle. Mr. Smith questioned the possibility of residents drawing
32 from shallow wells on their own properties? He wondered if the City could provide
33 some guidance.
34

35 Mayor Dustin said as far as shallow wells, a resident had to buy a water right in order to
36 utilize a well. Councilmember Larsen asked if water rights had priority; the older the
37 water right the higher the priority. Mayor Dustin agreed that they did. Mayor Dustin and
38 Mr. Smith discussed the cost of water rights.
39

40 Seeing no other public comment, Mayor Dustin closed the public hearing at 9:29 p.m.
41

42 **Discussion & Consideration--Resolution 20-02:Appointment to the Nibley City Planning**
43 **Commission and Appointments of the 2020 Planning Commission Chair and Vice-Chair**

1 Mayor Dustin suggested the City Council continue discussion of Ordinance 20-03 and
2 Resolution 20-02 because he didn't have anyone to bring to the City Council at that
3 point and for Ordinance 20-03, he'd requested information from Logan City regarding
4 whether it was legal to charge an impact fee for infrastructure that didn't exist. Mr.
5 Zook reported he'd received information from Nibley's Attorney who'd said they could
6 charge the impact fee because part of what they were charging for was existing
7 infrastructure.

8
9 Councilmember Bernhardt moved to continue the evening's agenda past the appointed
10 stop time of 9:30 p.m. Councilmember Larsen seconded. The motion passed unanimous
11 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus,
12 Councilmember Laursen, and Councilmember Sweeten all in favor.

13
14 **Discussion & Consideration—Ordinance 20-03: An Impact Fee Facilities Plan and Impact**
15 **Fee Enactment for Wastewater**

16 Mr. Zook said he'd checked with Nibley City's attorney and the consultant that was
17 hired by Logan City if it was appropriate for he fee to be charged when the system was
18 not up and running yet. Both had said it was appropriate and legal for the fee to be
19 charged because part of the buy in was for the existing infrastructure including the
20 lagoons. Mr. Zook said he'd also asked if Nibley's attorney if Nibley City could or should
21 collect the fees themselves. Nibley's attorney had advised against this. Mr. Zook said
22 he'd asked the attorney if they could or should refund the impact fee should Nibley City
23 decided to do something else. The attorney and consultant said they shouldn't be
24 refunded.

25
26 Mayor Dustin said he'd requested Logan's justification for charging the impact fee.
27 Mayor Dustin was expecting this in writing. Councilmember Beus recalled they'd talked
28 about holding the impact fees. Mr. Zook said the attorney had advised that they
29 couldn't hold them and the impact fees should be sent to Logan. Councilmember
30 Bernhardt said he was down with paying Logan the actual impact fees they'd broke
31 down in their study. He said the other dollar amount felt weird. Mr. Zook said it he
32 hadn't broken down which portion was for existing infrastructure and which portion
33 was for existing capacity but said he could do this. Mayor Dustin said if the rate study
34 was designed to cover the cost for existing users for a 25-year design life of the plant
35 and the impact fee was for new users, which seemed to be double dipping.

36 Councilmember Bernhardt said he'd like to make sure they had those answers and
37 ensured that Nibley City had no choice. Mayor Dustin said Logan preferred that the
38 individual city's collected the fees.

39
40 Councilmember Beus moved to continue discussion & consideration of Ordinance 20-03:
41 An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater.
42 Councilmember Larsen seconded the motion.

1 Mr. Zook said Logan City hadn't adopted the ordinance and were waiting until the
2 individual cities had adopted the ordinance. Once Logan City adopted the ordinance the
3 impact fee would take effect 90 days later.

4
5 The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Larsen,
6 Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in
7 favor.

8
9 Mr. Zook stepped out at 9:39 p.m.

10
11 **Discussion & Consideration—Ordinance 20-04: Residential Planned Unit Development**
12 **Overlay Zone Application and Development Agreement for the Proposed Firefly**
13 **Estates Development, located at approximately 2200 South and 1200 West,**

14 Mr. Nelson summarized that the Firefly Estates development had 136 units with 28
15 single-family units with the remaining units being townhomes. Mr. Nelson said the
16 minimum amenity that was required was a 2.5-acre park, a swing set and playground,
17 and required trail spaces. Mr. Nelson showed that these amenities had been provided.
18 Mr. Nelson showed the City Council additional amenities the applicant had proposed,
19 including a gateway sign and a fit trail.

20
21 Mr. Zook returned at 9:45 p.m.

22
23 Mr. Nelson said the plan met all minimum requirement for single-family units, open
24 space requirements, and provided amenities. Mr. Nelson said that with any R-PUD
25 application a development agreement needed to be included. He said the proposed R-
26 PUD was under the number of units that could be proposed. The development
27 agreement ensured the developer didn't go over the agreed upon number of units. Mr.
28 Nelson said one of the biggest amenities to the development was the building of
29 Meadow Lane and enhancing Nibley's transportation system. Mr. Nelson described the
30 items that had been added to the development agreement:

31
32 *"4. Developer shall develop and construct all open space, landscaping, housing*
33 *units, utilities, amenities, roadways, and all other improvements in accordance*
34 *with the standards listed within Nibley City Design Standards, Nibley City Code*
35 *Title 21, Nibley City Code Title 21 Chapter 32, and as shown on the Preliminary*
36 *Plans.*

37 *a. The Developer shall submit full construction drawings as part of final*
38 *approval with each phase. The Developer shall be responsible for the*
39 *construction and building of all roadways within the development,*
40 *including Meadow Lane. The Developer shall also be required to make*
41 *improvements to 2200 S and 1200 W as required by Nibley City*
42 *Subdivision standards.*

1 5. Developer shall develop the park and amenities in proportional phases as
2 required in NCC 19.32.050(A). The development shall follow the phasing plan
3 outlined in the Preliminary Plans.

4 a. The Developer shall provide the following amenities: playground, swing
5 set, trails as shown in pedestrian plan and Nibley City Master Plans,
6 crossing flags at 2260 S and Meadow Lane, Fit-Trail Exercise Stations,
7 landscaped berm as shown on the preliminary maintenance plan, 500 sq.
8 ft. in the northwest corner of park space for a Nibley City to construct a
9 gateway sign and any other amenities and landscaping as required by
10 NCC 19.32 and as approved and contained in the Preliminary Plans

11 6. All proposed improvements, including roadways, park and recreation
12 amenities, Nibley City gateway sign, landscaping, trails, fencing, piping and
13 improvements of irrigation ditches, and all other improvements required by
14 Nibley Code and shown on the attached Preliminary Plans shall be built and paid
15 for by the Developer.”

16
17 Councilmember Beus noted that the proposed gateway sign should be on the northeast
18 corner of the parcel and not on the northwest corner. Mr. Nelson said the developer’s
19 berm plan didn’t have a detailed planting plan. He staff’s recommendation was that the
20 R-PUD buffering standard be used for the berm. Mr. Nelson listed his concerns with the
21 preliminary plat. Councilmember Larsen asked if the development met the transition of
22 lot sizes from existing development. Mr. Nelson said the Planning Commission had
23 recommended that the lots on the south end be 80% of the R-2A minimum lot size,
24 9,000 sq. ft. and the developer had come back with option B, which widened lots but
25 based off of discussion with the City Council at the previous meeting, staff and the
26 developer felt tee City Council had leaned towards option A.

27
28 The applicant, Ethan Poppleton showed pictures of the proposed fitness trail on the
29 northeast corner of the proposed park. He also discussed proposed berms on the
30 property. Mr. Poppleton said they’d discussed including a small dog park on a smaller
31 portion of park space

32
33 Councilmember Sweeten questioned how homeowners would be able to enforce
34 parking issues? Berk Nelson, with an HOA management company, said homeowners
35 would know that there was a number that could be called for HOA issues and parking
36 enforcement. The board of directors who were homeowners within the community
37 ultimately ran HOA’s. Mr. Poppleton pointed out some of the benefits the development
38 was bringing to Nibley City. He discussed the roadway value that would be brought to
39 the City; he summarized the property taxes that would be brought along with 1.3 million
40 in impact fees; the extension of the Firefly Park trail; development would control water
41 and mitigated flooding problems by controlling water that was percolating into the
42 ground; the development was developing 2 additional acres of ground; providing a
43 buffer from the high density being developed by Logan; the impact to the City would be

1 minimal because of the location of the development. Mr. Poppleton read through how
2 the proposed development had addressed each of 7 items in the R-PUD ordinance.

3
4 Mayor Dustin asked for help in understanding what the tradeoff was for Nibley City's
5 current residents. He understood that the amenities that had been offered could be
6 locked out because they were maintained by an HOA. He asked if the residents would
7 have access to the amenities. Mr. Poppleton said they'd received direction from staff
8 and the Planning Commission that there was enough park space in the area and didn't
9 want to take on the responsibility of maintenance of the open space. There was a lot of
10 open space that was not being maintained by the City. Mayor Dustin said public access
11 to open space was the tradeoff

12
13 Christopher Huffman, representing the developer, presented the option of reducing
14 HOA fees for the residents of the development and giving the large parcel of open space
15 over to Nibley City for public use and maintenance.

16
17 Councilmember Larsen moved to approve Ordinance 20-04: Residential Planned Unit
18 Development Overlay Zone Application and Development Agreement for the Proposed
19 Firefly Estates Development, located at approximately 2200 South and 1200 West, for
20 first reading. Councilmember Sweeten seconded the motion.

21
22 Councilmember Bernhardt asked how amenable the developer would be to cutting out
23 density. He suggested taking out town homes along the east side bordering Firefly Park.
24 Mr. Huffman said he did not know but asked what outcome Councilmember Bernhardt
25 hoped to accomplish. Councilmember Bernhardt said he hoped to buffer and protect
26 Firefly Park. He and Mr. Huffman debated this suggestion and discussed moving
27 townhomes within the development. Councilmember Bernhardt said he was not sure
28 what the benefit was to the City and didn't feel the development was "the gold
29 standard." Councilmember Beus said she was not being sold on the development; she
30 couldn't sell to the residents that they wouldn't have to pay to put a road in. Mayor
31 Dustin said he had no problem with taking on more park space. He could sell the
32 residents on that because the open space would be accessible. He said 90% of his issues
33 were resolved if the City took on ownership and management of the park. Mr. Simmons
34 said the open space ownership issue would be run in to over and over again and needed
35 to be decided on and addressed in the R-PUD ordinance. He suggested how the
36 townhomes could be shifted to provide more buffer space to Firefly Park. Mr. Zook he
37 didn't want to own the open space property and saw no value in the City owning the
38 property. He described the surrounding open space and said the only people who would
39 use the open space where the people in the development. He didn't want the parks
40 department to have to maintain the property; the parks department was the fastest
41 growing department in the City. The parks department had to keep up with all the green
42 space that was being thrown their way. Mr. Zook felt they would get the same benefit if
43 the City owned the space versus the HOA having ownership. He said they could view the
44 open space as a visual open space; this was better than the area being developed in

1 half-acre lots with all the open space being in homeowner's backyards. Councilmember
2 Larsen didn't see value in a little dog park and asked for more transition in lot sizes
3 adjacent to exiting development.

4
5 Councilmember Laursen listed his concerns with the overlay application:

- 6 • He wanted the wording "by the City" (referring to canal piping) removed from
7 the plat map.
- 8 • Trees per unit. He asked if each townhome had to have a tree in front of it. Mr.
9 Nelson said they did. Councilmember Laursen said he'd like that indicated in the
10 landscaping and development plan.
- 11 • He didn't see a HOA office indicated.
- 12 • He wanted HOA walkthroughs and inspected to be defined.
- 13 • He said it seemed like the biggest benefit was the development of Meadow
14 Lane. He questioned what means the City would have to complete the road
15 regardless of development in the area. Mr. Zook said they were in the process to
16 select and hire an engineering consulting firm to help design the road that had
17 not been built. The plan was to take the design to the Cache County Council of
18 Governments and ask for grant funds. Mr. Zook showed a section of road that
19 had to be built by Nibley City and said it wouldn't be built until they received
20 those grant funds. Mr. Nelson said the Transportation Master plan
21 recommended the project be done in the next five years.

22
23 Councilmember Sweeten said the HOA office was in code but when there was a
24 management program over the HOA then the office was not a need. Mr. Nelson
25 explained his interpretation of the R-PUD code and didn't feel they needed the onsite
26 management.

27
28 Voting on the motion was as follows: Councilmember Laursen was in favor,
29 Councilmember Sweeten was in favor, Councilmember Larsen was in favor, and
30 Councilmember Beus was in favor. Councilmember Bernhardt was opposed

31
32 The motion passed 4-1.

33
34 **Discussion & Consideration—A Preliminary Subdivision Plat for Firefly Estates, located**
35 **at approximately 2200 South and 1200 West**

36 **Council and Staff Reports**
37 Mr. Nelson reminded the City Council that this item couldn't be approved until the R-
38 PUD overlay zone was approved.

39 Councilmember Beus moved to continue discussion & consideration of a preliminary
40 subdivision plat for Firefly Estates, located at approximately 2200 South and 1200 West.
41 Councilmember Bernhardt seconded the motion.

42
43 Councilmember Bernhardt wanted a fence built along the existing neighbors to the
44 south; especially along the Orduno home. The meeting attendees discussed the location

1 and specifications of the fence. Councilmember Bernhardt also asked if the open space
2 was in the right place or if it could be relocated towards Firefly Park. Councilmember
3 Larsen said he didn't see the value of the smaller "dog park" and wanted to see more
4 transition of the homes and spread out the homes. The Council agreed with taking the
5 smaller park out and spreading out single-family homes on the south end of the
6 development. Councilmember Sweeten said with Logan's buildings coming in, they were
7 in the same school district as Nibley's kids and the community would have to figure out
8 how to incorporate the people coming in north of 2200 South or they would have more
9 conflict that resulted in needed police or having damages. Nibley was really good about
10 reaching out to new people and felt they could figure this out with people coming from
11 Logan. Councilmember Laursen said his biggest hesitation was with the R-PUD vote and
12 he was dealing with this first and foremost. He would rather see visual open space
13 towards Firefly Park with lots of trees. He would rather see visual open space closer to
14 the current park and residents, and shift the townhomes to the west as much as
15 possible. Mayor Dustin agreed that the fundamental question was whether this was the
16 right place for an R-PUD.

17
18 Mr. Zook left at 11:26 p.m.

19
20 The motion to continue passed unanimously 5-0; with Councilmember Beus,
21 Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and
22 Councilmember Sweeten.

23 24 **Council and Staff Reports**

25 Mr. Zook returned at 11:28 p.m.

26
27 Councilmember Beus said it was not her intent when the R-PUD was passed, for right-of-
28 way along sidewalks to count as open space. Councilmember Beus requested that this
29 item be included on a future agenda. Mr. Nelson said he also had a few other
30 suggestions for amendments to the R-PUD code that he'd like to bring to the Council.

31
32 Councilmember Larsen asked what the intent was for \$5,000 for public art in the 2019-
33 2020 budget. Mayor Dustin said he and Jim Reece had talked about having a Mayor's Art
34 Show and doing a clean air competition with the City keeping the top prizes.

35
36 Councilmember Laursen said that he wouldn't be physically present at the next meeting.

37
38 Councilmember Sweeten reported that she'd applied for received a business license to
39 teach piano in Nibley City.

40
41 There was general consent to adjourn the meeting at 11:34 p.m.

42
43 Attest: _____
44 Deputy City Recorder