

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, June 30, 2020.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Larsen moved to approve Ridgeline Park Phases 1-3 Preliminary Plat,**
7 **located at approximately 340 West 3200 South. Proposing 128 units on 28.11 acres;**
8 **applicant, Visionary Homes, as presented; including the Planning Commission**
9 **recommendations. Councilmember Beus seconded the motion. The motion passed**
10 **unanimously 5-0; with Councilmember Larsen, Councilmember Beus, Councilmember**
11 **Bernhardt, Councilmember Laursen, and Councilmember Sweeten all in favor.**

12
13 **Councilmember Larsen moved to approve Firefly Estates, Phase 1 Final Plat, located at**
14 **approximately 1200 W and 2200 S; applicant, Return Development LLC; conditional on**
15 **the City's rejection of the referendum on the approval of the R-PUD not being**
16 **successfully challenged in court and with the developer accepting all the risks of**
17 **moving forward with the plat while litigation regarding the referendum is ongoing.**
18 **Councilmember Sweeten seconded the motion.**

19
20 **Councilmember Larsen made a motion to amend to move the phase 1 line over**
21 **to include the south portion of Meadow Lane; including down to the original**
22 **plat line. Councilmember Beus seconded the motion. The amendment passed**
23 **unanimously 5-0; with Councilmember Larsen, Councilmember Beus,**
24 **Councilmember Bernhardt, Councilmember Laursen, and Councilmember**
25 **Sweeten all in favor.**

26
27 **The amended motion passed unanimously 5-0; with Councilmember Larsen,**
28 **Councilmember Sweeten, Councilmember Beus, Councilmember Bernhardt, and**
29 **Councilmember Laursen all in favor.**

30
31 **Councilmember Beus moved to approve Ordinance 20-13: Accessory Dwelling Unit**
32 **Standards, for first reading. Councilmember Larsen seconded the motion. The motion**
33 **passed 3-2; with Councilmember Beus, Councilmember Larsen, and Councilmember**
34 **Sweeten in favor. Councilmember Bernhardt and Councilmember Laursen were**
35 **opposed.**

36
37 **Councilmember Larsen moved to approve Ordinance 20-14: Update to Nibley City**
38 **Code 21.10.020, for first reading. Councilmember Beus seconded the motion.**

39
40 **Councilmember Bernhardt made a motion to amend that H.4. of the ordinance**
41 **be amended; ensuring the wording "were possible" is deleted from the end of**
42 **the first sentence and included at the beginning of the sentence; and the**
43 **wording "As directed by the Planning Commission and City Council" be**
44 **included in some form in the sentence. Councilmember Larsen seconded the**

1 motion. The amendment passed unanimously 5-0; with Councilmember
2 Bernhardt, Councilmember Larsen, Councilmember Beus, Councilmember
3 Laursen, and Councilmember Sweeten all in favor.
4

5 The amended motion passed unanimously 5-0; with Councilmember Larsen,
6 Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and
7 Councilmember Sweeten all in favor.
8

9 Councilmember Bernhardt moved to approve Resolution 20-09: Adding a Name to a
10 Portion of 2400 South to 2350 South in Nibley: Firefly Circle; and waived the second
11 reading. Councilmember Beus seconded the motion. Motion passed unanimously 5-0;
12 with Councilmember Bernhardt, Councilmember Beus, Councilmember Larsen,
13 Councilmember Laursen, and Councilmember Sweeten all in favor.
14

15 Councilmember Beus moved to Accept an Annexation Petition for Real Property into
16 the Municipal Boundaries of Nibley City for parcel 03-014-0025, located at
17 approximately 1525 West 3200 South; applicant, Malouf. Councilmember Laursen
18 seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus,
19 Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and
20 Councilmember Sweeten all in favor.
21

22
23 OFFICIAL MINUTES OF THE MEETING
24 Deputy City Recorder Cheryl Bodily took minutes
25

26 **6:30 p.m. – JOINT MEETING WITH THE NIBLEY CITY PLANNING COMMISSION**
27

28 Call to Order and Roll Call—Mayor Dustin called the joint Nibley City Council and Nibley
29 Planning Commission meeting to order at 6:33 p.m. Those in attendance included
30 Mayor Shaun Dustin, Councilmember Tom Bernhardt, Councilmember Kathryn Beus,
31 Councilmember Norman Larsen, Councilmember Kay Sweeten, Councilmember Nathan
32 Laursen, Commissioner Tyler O Bray, Commissioner Karina Brown, Commissioner Bret
33 Swenson, Commissioner Garrett Mansell. Commissioner Matt Logan was not present at
34 the meeting. Nibley City Manager, David Zook, Nibley City Planner, Levi Roberts, and
35 Justin Maughan, Nibley City Public Works Director was also present.
36

37 **1. Approval of the Agenda**

38 Councilmember Bernhardt moved to approve the agenda for the joint meeting
39 of the Nibley City Council and Nibley City Planning Commission. Councilmember
40 Larsen seconded the motion. The motion passed unanimously 9-0; with
41 Councilmember Bernhardt, Councilmember Norman Larsen, Councilmember
42 Beus, Councilmember Laursen, Councilmember Kay Sweeten, Commissioner
43 O Bray, Commissioner Brown, Commissioner Swenson, and Commissioner

1 Mansell all in favor.

2
3 **Workshop – Residential Planned Unit Development (R-PUD)**

4 Commissioner Obray discussed parcels that could have the R-PUD overlay zone
5 assigned to it. He felt it was unlikely that the parcel on the east side of SR 165
6 would ever come before the City for rezone. He wondered if they only had one
7 parcel that would presented for R-PUD if they would want to go through the
8 process of amending the R-PUD ordinance? Did they want townhomes or did
9 they not want townhomes; in addition to the townhomes that had been already
10 been built or approved in Nibley City.

11
12 Mr. Roberts gave a presentation to the City Council and Planning Commission
13 entitled *Residential Planned Unit Development (R-PUD) Ordinance* (a printed
14 copy of his presentation is included in the printed meeting minutes). His
15 presentation included the following subjects: Background and Goals of Session,
16 Why R-PUD Ordinance?, 2040 Population, Past and Projected Growth, Financial
17 Sustainability, Property Tax Per Acre, Utility Fee Connected, Housing Needs, 5
18 Factors That Minimize Negative Impact for Affordable Housing, Preserve Open
19 Space, Development of Local Business, Current R-PUD provisions, and Potential
20 Revisions.

21
22 Commissioner Obray reiterated that they were looking at potentially one more
23 development and questioned how much effort was put into the ordinance
24 redraw because there was only one more parcel that could be considered for R-
25 PUD. Councilmember Beus and Commissioner Obray discussed and questioned
26 how many more developments were eligible for R-PUD with Commissioner
27 Obray conceding that there was more than one development on the table. They
28 determined there were three eligible parcels left.

29
30 Councilmember Beus said she understood that with the current ordinance they
31 kept things open, which gave them the flexibility to negotiate. However, she did
32 not agree with the open space calculation and being able to double-dip. She said
33 mandated open space like parking strip shouldn't be included in the calculation
34 of open space. She wanted tighter interpretation of what was considered open
35 space. Mayor Dustin discussed that he felt it was his interpretation that had
36 taken them in this direction. He said it was ambiguous in the current ordinance.
37 He had no problem with clarifying the open space calculations. Councilmember
38 Beus said she envisioned, moving forward, excluding those open spaces in the
39 open space calculations. Councilmember Bernhardt discussed the various
40 housing types that had been presented in the Ridgeline Park proposal. He felt
41 the problem was the speed that the developments had come before the City
42 Council. He questioned if there were "brakes" they could include in the
43 ordinance. He felt Nibley City needed to do their part in providing affordable
44 housing.

1
2 Commissioner Logan arrived at 6:59 p.m.
3

4 Councilmember Laursen felt the direction they should go was what had been
5 presented in Mr. Robert's Potential Revisions slide. He questioned the 80/20
6 ratio and agreed with Councilmember Bernhardt in that the size of their canvas
7 was a big deal.
8

9 Mayor Dustin said the fundamental question was if Nibley wanted townhomes
10 and if the answer to this was no, then they had nothing else to talk about.
11 Commissioner Obray said he didn't feel the City had done a very good job of
12 presenting the facts and impactful justifications like Mr. Roberts had just
13 presented with sewer lines on Hollow Road versus in Spring Creek Crossing.
14 Councilmember Sweeten said they got a monthly report from the Sheriff's
15 department and discussed some of the statistics she'd looked at; comparing
16 Spring Creek Crossings and other areas of Nibley. She said a lot of the responses
17 were traffic. Councilmember Sweeten spoke to affordable housing and the
18 demand for affordable housing, saying if they wanted to keep Nibley open for
19 people in the affordable price range, they needed to look at townhomes as one
20 of the very few options. She said even the affordable price range was not
21 matching up to people's incomes. Mayor Dustin polled the City Council, asking if
22 they wanted townhomes: Mayor Dustin said he did for the preservation of open
23 space and for Nibley being open to young families; not necessarily affordable
24 housing. Councilmember Laursen said townhomes preserved Nibley better than
25 other alternatives. Councilmember Sweeten said she was alright with more
26 townhomes. Councilmember Larsen discussed controlling and developing the
27 areas where townhomes were built. He said this was why he had voted yes on
28 the areas they had decided on. Councilmember Beus said yes. Councilmember
29 Bernhardt said he'd voted for R-PUD and still believed in it and thought it could
30 work but the citizens had said they were not in favor of it. He wondered if they
31 could find a more meaningful way to distribute the actual burden of townhomes
32 that were in the City. He wondered how much benefit the townhomes were to
33 the City. He said he was still in favor of the R-PUD.
34

35 Commissioner Logan asked what ratios the City Council would be happy with.
36 Councilmember Beus said it depended on the proposal, development, and the
37 surrounding area. Commissioner Obray said it depended on the market and what
38 was available. He believed people lived where they could afford. Mayor Dustin
39 said he would want to see the minimum development size boosted to 40 acres
40 and codifying that open space that was in the dedicated right-of-way, didn't
41 count as open space designation. Commissioner Mansell questioned if the Rural
42 Preservation subdivision accomplished enough of what they wanted and if the R-
43 PUD ordinance was needed. He discussed open space having a designated
44 purpose. Councilmember Bernhardt said he hoped the Planning Commission

1 wouldn't pass things on to the City Council if they saw something wrong. He said
2 the Planning Commission was the first line of defense. He asked them to be
3 meaner.

4
5 The City and Planning Commission discussed extending the R-PUD Moratorium
6 another time. Mr. Zook said he would research if this was a possibility.

7
8 The joint meeting of the Nibley City Council and Nibley City Planning Commission was
9 adjourned at 7:32 p.m.

10
11 Mayor Dustin called for a five-minute recess at 7:33 p.m.

12 13 **REGULAR NIBLEY CITY COUNCIL MEETING**

14 15 **Opening Ceremonies**

16 Councilmember Laursen read the Nibley City Mission Statement and Core Values:

17
18 "The mission of Nibley City is to make live better for its citizens by fostering
19 community cooperation so residents, businesses, and government work together
20 to develop the City in harmony with its natural environment, historical
21 surroundings, and in accordance with the values and vision of the community as
22 set forth in the General Plan. The City will provide fiscally sound municipal
23 services for safe, attractive, creative, and viable community"

24
25 Nibley's core values:

- 26 • Pride in the City's history and heritage
- 27 • The rural character, scenic beauty, and natural resources of the area
- 28 • Nearby recreation opportunities
- 29 • Agricultural fields and open spaces
- 30 • A transportation system that promotes safe and efficient travel
- 31 • Recognizing and respecting private property rights
- 32 • Aesthetically pleasing design of development and public facilities"

33
34 He said it was important to remember the mission statement and values as they went
35 through their meeting.

36 37 **Call to Order and Roll Call (Chair)**

38 Mayor Shaun Dustin called the Thursday, July 30, 2020 Nibley City Council meeting to
39 order at 7:38 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember
40 Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman Larsen,
41 Councilmember Nathan Laursen, and Councilmember Kay Sweeten. David Zook, Nibley
42 City Manager, Levi Roberts, Nibley City Planner, and Justin Maughan, Nibley City Public
43 Works Director was also in attendance.

1
2 **Approval of the Previous Meeting Minutes and Current Agenda (Chair)**

3 Councilmember Beus 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 Beus, Councilmember Larsen, Councilmember
6 Bernhardt, Councilmember Nathan Laursen, and Councilmember Sweeten all in favor.

7
8 **Public Comment Period**

9 Mayor Dustin gave direction to the public present. And opened the Public Comment
10 Period at 7:42 p.m.

11
12 Brian Anderson thanked the Mayor and City Manager for helping residents get
13 mailboxes on both sides of the road on 3200 south. He requested some speed control
14 changes on 3200 south and asked the City Council to remember 3200 as they
15 considered the housing before the Council.

16
17 Bonnie McBride wanted to know if there was a plan for the corner of 250 west and 3200
18 south. She said there were already residents cutting the corner into her yard and she
19 had trash in her yard. She said it HAD to be addressed with all the housing coming in.

20
21 Seeing no further public comments, Mayor Dustin closed the Public Comment Period at
22 7:44 p.m.

23
24 Mayor Dustin informed Ms. McBride that there was a plan for the corner of 450 west
25 that was currently being reviewed by traffic engineers.

26
27 **Planning Commission Report**

28 Mr. Roberts reported that the Planning Commission had approved Ridgeline Park phases
29 1-3 at their last meeting. He noted this item was on the current City Council agenda.

30
31 While there were Planning Commissioners still present, Councilmember Bernhardt
32 asked Commissioner Obray about the Accessory Dwelling Unit ordinance. He questioned
33 how the Planning Commission had come up with the vision and how they'd come up
34 with 12,000 square-feet for the parcel lot. Commissioner Obray said the idea was to
35 leave things in the hand of the free market but keep people from doing something
36 stupid. The Planning Commission had felt a quarter acre lot was the minimum lot size
37 that and Accessory Dwelling Unit (ADU) should be built on. He reviewed the calculations
38 of not more than 25% of the rear yard and 10-foot setbacks. If the ADU were on a one-
39 acre lot, there could be up to a 12,000 square foot ADU. They'd decided to provide the
40 mathematical calculations and the ability to regulate something they didn't want.
41 Councilmember Bernhardt and Commissioner Obray debated whether the ADU
42 regulations were a 300 square foot footprint or 300 square feet total. Commissioner
43 Swenson clarified that it was square area and Councilmember Beus pointed out that the
44 ordinance spelled out that the ADU couldn't be higher than the primary residence.

1
2 Commissioner Obray said the Planning Commission didn't want on-street parking. Their
3 intent was to have additional parking. They'd felt the biggest ADU encroachment on a
4 neighborhood could be additional vehicles. Commissioner Obray said the ADU ordinance
5 provided more flexibility for housing and for elder care for the citizens. Commissioner
6 Obray said this ordinance gave options to increase the density to Hollow Road without
7 rewriting zoning. Commissioner Obray also discussed that the ADU only worked if the
8 primary occupant was living in the home. He asked the City to keep this tight and clean.
9 The Planning Commission suggested there be no exceptions. There seemed to be a fear
10 from the residents of renters in control of renters. Commissioner Obray suggested two
11 degrees of consanguinity in terms of relationships to a primary residence.

12
13 **Public Hearing – Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately**
14 **340 West 3200 South. Proposing 128 units on 28.11 acres. (Applicant: Visionary**
15 **Homes)**

16 Mr. Roberts gave an overview of what was being proposed. He used a presentation
17 entitled *Ridgeline Park Phases 1-3 Preliminary Plat* (a printed copy of his presentation is
18 included in the printed meeting minutes). His presentation included the following
19 topics: a copy of the preliminary plat, a summary of the plat calculations and statistics,
20 Transportation & Parking, Utilities, Stormwater and Canals, Open Space, Amenities &
21 Maintenance, and Planning Commission Recommendation. Mr. Roberts reported that
22 the city and developer were close to having a park development agreement in place.
23 The City had gotten direction from their attorney that they didn't need to have this
24 agreement in place until final plat.

25
26 Commissioner Bernhardt discussed an additional road connection from the
27 development on to SR 165. He didn't want the City Council to forget that they had
28 decided to discuss this connection with each phase. He didn't believe they were to the
29 point of needed the connection but wanted to ensure it was discussed. Mayor Dustin
30 reminded Mr. Roberts to ensure this discussion was held with each plat proposal.

31
32 Mr. Roberts ended his presentation with a summary of the Planning Commission
33 Recommendation. Mr. Roberts said the Planning Commission had recommended
34 approve of Ridgeline Park, Phases 1-3 Preliminary Plat with the conditions that parking is
35 restricted on all interior roads of the proposed development and that there will be no
36 City funds used to pay for any portion of the cross-section of the proposed Ropelato
37 Drive.

38
39 Mayor Dustin gave direction and opened the public hearing at 8:10 p.m.

40
41 Seeing no public comments, Mayor Dustin closed the public hearing at 8:11 p.m.

Discussion & Consideration – Discussion and Consideration of a recommendation of approval for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 West 3200 South. Proposing 128 units on 28.11 acres. (Applicant: Visionary Homes)

Mr. Benjamin Steele, representing the developer, was present at the meeting.

Councilmember Larsen moved to approve Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 West 3200 South. Proposing 128 units on 28.11 acres; applicant, Visionary Homes, as presented; including the Planning Commission recommendations. Councilmember Beus seconded the motion.

Councilmember Beus questioned if the City Council would see the park development agreement. Mayor Dustin said it would come to the Council and wouldn't be handled on only the staff level. Councilmember Beus and Mr. Roberts discussed the open spaces that were included in phases 1-3. It was clarified that all the open space here HOA maintained.

Mayor Dustin was concerned that historically Nibley City had had the practice that whomever owned the property adjacent to a road would be responsible to develop the road. He was concerned with the Planning Commission requiring the developer to develop the road fronting on to city owned property. He felt this was a concession that they could require of the developer but didn't feel this could be required of the developer and a requirement wouldn't stand if taken to the State Ombudsman. He said this would need to be resolved before final plat; it couldn't be forced on the developer but could be a concession. He said this should be resolved in the park development agreement. Mr. Zook said he believed they could require the development of the road. The City Council debated if they could require the developer install the half-road adjacent to the park that would be owned by the City. Councilmember Laursen asked what restrictions were on the active adult portion of the plat? Mayor Dustin asked Mr. Roberts to take determination of active adult living as an action item. Councilmember Bernhardt and Mr. Steel discussed townhomes that were alley loaded versus townhomes with front driveways. Councilmember Beus said she'd like to see an agreement that the two 1-acre commercial lots along 3200 south be landscaped or maintained.

Voting on the motion was as follows: Councilmember Bernhardt was in favor, Councilmember Beus was in favor, Councilmember Larsen was in favor, Councilmember Sweeten was in favor, and Councilmember Laursen was in favor.

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

Discussion & Consideration – Firefly Estates, Phase 1 Final Plat, located at approximately 1200 W. and 2200 S. (Applicant: Return Development LLC)

1 Mr. Ethan Poppleton, representing the developer, was present at the meeting.

2
3 Mr. Roberts presented information on the agenda item using an electronic presentation
4 entitled *Firefly Estates Phase1-Final Plat* (a printed copy of his presentation is included
5 in the printed meeting minutes). His presentation included the following topics:
6 Background, slides showing the proposed final plat and specifications, and
7 Recommendation.

8
9 Mr. Roberts said staff's recommendation was to approve the final plat conditional on
10 the City's rejection of the referendum on the approval of the R-PUD not being
11 successfully challenged in court and with the developer accepting all the risks of moving
12 forward with the plat while litigation regarding the referendum is ongoing. Mr. Zook
13 said they were hoping the judge would hear the referendum before the meeting, but it
14 had been rescheduled to the following Wednesday. He discussed the timeframe in
15 which the City could receive a decision from the judge.

16
17 Councilmember Larsen moved to approve Firefly Estates, Phase 1 Final Plat, located at
18 approximately 1200 W and 2200 S; applicant, Return Development LLC; conditional on
19 the City's rejection of the referendum on the approval of the R-PUD not being
20 successfully challenged in court and with the developer accepting all the risks of moving
21 forward with the plat while litigation regarding the referendum is ongoing.
22 Councilmember Sweeten seconded the motion.

23
24 Mayor Dustin and the City Council discussed if the developer had captured the phases
25 that were required at approval of the preliminary plat. Mr. Roberts said he'd verified
26 that it captured the motions that had been made regarding phasing. Councilmember
27 Larsen questioned the phasing of Meadow Lane being built. Mayor Dustin expressed
28 that he was concerned was that if phase 1 were built without Meadow Lane, that
29 phases 2 and 3 wouldn't be developed. He said the City was most interested in the build
30 out of phase 2, which included Meadow Lane. The City Council discussed requiring a
31 bond for Meadow Lane in conjunction with phase 1.

32
33 Mr. Poppleton clarified that all single-family that butted up against the existing single-
34 family home were include in phase 1. He said the phases had been passed through the
35 former planner, Stephen Nelson and had been given the go-ahead. He discussed the
36 direction they'd been given to delay installing Meadow Lane to avoid putting traffic on
37 to 1200 West and Nibley City streets and had provide a temporary access to 2200 south
38 for that reason. Mr. Zook said he wanted the realignment of 1200 to happen before
39 there was connection with Meadow Lane. He discussed that they may be able to require
40 a deposit on the road but would want time to consult with an attorney. Mayor Dustin
41 said one of the biggest benefits of the development was the road connection and they
42 needed assurance that the road connection was going to happen. He felt the developer
43 had packed 50% of the value of the subdivision into phase 1 with minimal infrastructure
44 requirements. Mayor Dustin suggested the phase lines be moved to address

1 proportionality; half the townhomes were in phase one and roughly a third of the single-
2 family lots, which were all saleable and would make money for the developer. Mayor
3 Dustin described the City's history with the Stonebrook development.

4
5 Councilmember Larsen made a motion to amend to move the phase 1 line over to
6 include the south portion of Meadow Lane; including down to the original plat line.
7 Councilmember Beus seconded the motion.

8
9 After consulting with Nibley's attorney, Mr. Zook reported the City would have to meet
10 the rough proportionality test. They would have to look at roughly how much of the
11 housing was being developed

12
13 The amendment passed unanimously 5-0; with Councilmember Larsen, Councilmember
14 Beus, Councilmember Bernhardt, Councilmember Laursen, and Councilmember
15 Sweeten all in favor.

16
17 Voting on the motion was follows: Councilmember Laursen was in favor,
18 Councilmember Sweeten was in favor, Councilmember Larsen was in favor,
19 Councilmember Beus was in favor, and Councilmember Bernhardt was in favor.

20
21 The amended motion passed unanimously 5-0; with Councilmember Larsen,
22 Councilmember Sweeten, Councilmember Beus, Councilmember Bernhardt, and
23 Councilmember Laursen all in favor.

24
25 **Public Hearing – Ordinance 20-13: Accessory Dwelling Unit Standards**

26 Mayor Dustin opened the public hearing at 8:53 p.m.

27
28 Commissioner Obray left at 8:53.

29
30 Seeing no public comments, Mayor Dustin closed the public hearing at 8:53 p.m.

31
32 **Discussion & Consideration – Ordinance 20-13: Accessory Dwelling Unit Standards**
33 **(First Reading)**

34 Mr. Roberts had an electronic presentation entitled *Accessory Dwelling Unites (ADUs)*,
35 which addressed the updates to Ordinance 20-13 the City Council had requested during
36 their previous meeting (a printed copy of his presentation is included in the printed
37 meeting minutes). His presentation included the following topics: Provisions and
38 Updated Provisions including background and recommendations by the Planning
39 Commission and staff.

40
41 The City Council, Mr. Roberts and Mr. Maughan debated the amount of impact fees
42 charged to ADU units.

43
44 Commissioner Obray returned at 8:57 p.m.

1
2 Mr. Roberts said staff's recommendation was to approve the Accessory Dwelling Unit
3 ordinance as drafted. Mr. Zook said Nibley's attorney had advised that they could
4 charge additional impact fees because ADU were an additional impact.

5
6 Councilmember Beus moved to approve Ordinance 20-13: Accessory Dwelling Unit
7 Standards, for first reading. Councilmember Larsen seconded the motion.

8
9 Councilmember Beus said she'd thought they were trying to create balance and not
10 create something too onerous. They didn't require an additional impact fee on
11 basement apartments. She felt charging the full impact fee was an overreach. Mr. Zook
12 reported that Nibley's attorney had directed that they could also adjust the impact fees
13 for accessory dwelling units. Councilmember Beus asked for the justification of
14 extended setbacks for an ADU. Mr. Roberts said there was a difference from a shed
15 setback because an ADU was living space and could make more impact to adjacent
16 properties if someone were living right up next to a property line. Councilmember Beus
17 asked staff to come up with an option that would require half the impact fees for ADUs.
18 Councilmember Sweeten suggested they could consider a square footage valuation.

19
20 Commissioner Obray left at 9:06 p.m.

21
22 The City Council continued to debate the calculation of impact fees for ADUs.
23 Councilmember Bernhardt questioned the impact ADUs would have. He anticipated
24 there might be quite a few ADU applications and felt this could be a bigger impact to
25 Nibley residents than the R-PUD. He said he wanted to fix the R-PUD ordinance and then
26 tackle the ADU.

27
28 Councilmember Beus asked staff to comeback with a graduated impact fee suggestion
29 for the next reading. Mayor Dustin also asked that definition of *bona-fide temporary*
30 *absence* be tightened up and reviewed to ensure they weren't doing something
31 discriminatory. He also wanted to ensure they had the correct mechanisms to enforce
32 the ordinance. Councilmember Larsen asked that schematics of a couple examples of
33 ADUs be presented to the City Council at the next reading. Mayor Dustin said he wanted
34 to discuss making the ADU application a conditional use instead of a permitted use.

35
36 The motion passed 3-2; with Councilmember Beus, Councilmember Larsen, and
37 Councilmember Sweeten in favor. Councilmember Bernhardt and Councilmember
38 Laursen were opposed.

39
40 **Public Hearing – Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the**
41 **Rural Preservation Subdivision**

42 Mayor Dustin opened the public hearing at 9:22 p.m.

43
44 Commissioner Swenson and Commissioner Brown left at 9:22 p.m.

1
2 Seeing no public comment, Mayor Dustin closed the public hearing at 9:22 p.m.

3
4 **Discussion & Consideration – Ordinance 20-14: Update to Nibley City Code 21.10.020**
5 **Amending the Rural Preservation Subdivision (First Reading)**

6 Mr. Roberts used an electronic presentation entitled *Rural Preservation Subdivision*
7 *Code Revisions* (a printed copy of his presentation is included in the printed meeting
8 minutes) to summarize the Purpose and Provisions of the proposed ordinance.

9
10 Councilmember Larsen moved to approve Ordinance 20-14: Update to Nibley City Code
11 21.10.020, for first reading. Councilmember Beus seconded the motion.

12
13 Councilmember Bernhardt had trouble with #H.4. and the wording “Open Space Land
14 Coordination: Open space land shall be consolidated and located on the border of
15 proposed subdivision and be located adjacent to undeveloped or open space land
16 where possible.” He had concerns with the words “where possible” at the tail end of the
17 sentence. He and Mayor Dustin suggested this section of the ordinance be
18 wordsmithed.

19
20 Councilmember Bernhardt made a motion to amend that H.4. of the ordinance be
21 amended; ensuring the wording “were possible” is deleted from the end of the first
22 sentence and included at the beginning of the sentence; and the wording “As directed
23 by the Planning Commission and City Council” be included in some form in the sentence.
24 Councilmember Larsen seconded the motion. The amendment passed unanimously 5-0;
25 with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus,
26 Councilmember Laursen, and Councilmember Sweeten all in favor.

27
28 The City Council debated the name of the subdivision.

29
30 Voting on the motion was as follow: Councilmember Bernhardt was in favor,
31 Councilmember Beus was in favor, Councilmember Larsen was in favor, Councilmember
32 Sweeten was in favor, and Councilmember Laursen was in favor.

33
34 The amended motion passed unanimously 5-0; with Councilmember Larsen,
35 Councilmember Beus, Councilmember Bernhardt, Councilmember Laursen, and
36 Councilmember Sweeten all in favor.

37
38 **Discussion & Consideration – Resolution 20-09: Adding a Name to a Portion of 2400**
39 **South to 2350 South in Nibley: Firefly Circle (First Reading)**

40 Mayor Dustin said the item should have been on an agenda a while ago, but he’d
41 forgotten. He suggested the City Council waive the second reading. The residents of the
42 street had asked that the street be renamed and had offered to pay for the expenses.

1 Councilmember Bernhardt moved to approve Resolution 20-09: Adding a Name to a
2 Portion of 2400 South to 2350 South in Nibley: Firefly Circle; and waived the second
3 reading. Councilmember Beus seconded the motion.

4
5 Councilmember Bernhardt made sure that Mr. Mickey Duke, who was present at the
6 meeting, was still alright with paying for the cost of new street signage. Mr. Duke
7 indicated he was still alright with this. Mayor Dustin said the City's job was to make sure
8 everything was recorded legally.

9
10 Motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Beus,
11 Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in
12 favor

13
14 Mayor Dustin called for a five-minute meeting recess at 9:33 p.m. The meeting resumed
15 at 9:39 p.m.

16
17 **Discussion & Consideration – Acceptance of an Annexation Petition for Real Property**
18 **into the Municipal Boundaries of Nibley City for parcel 03-014-0025, located at**
19 **approximately 1525 West 3200 South. (Applicant: Malouf)**

20 Mr. Roberts had an electronic presentation entitled Annexation Petition: Parcel 03-014-
21 0025 (Applicant: Malouf) (a printed copy of his presentation is included in the printed
22 meeting minutes). Mr. Roberts' presentation included a parcel view of the area to be
23 annexed, Background and Recommendation.

24
25 Mr. Roberts recommended the City Council make a motion to accept the annexation
26 petition for further consideration.

27
28 Councilmember Beus moved to Accept an Annexation Petition for Real Property into the
29 Municipal Boundaries of Nibley City for parcel 03-014-0025, located at approximately
30 1525 West 3200 South; applicant, Malouf. Councilmember Laursen seconded the
31 motion. The motion passed unanimously 5-0; with Councilmember Beus,
32 Councilmember Laursen, Councilmember Bernhardt, Councilmember Larsen, and
33 Councilmember Sweeten all in favor.

34
35 **Council and Staff Reports**

36 Sweet asked the City Council to get addresses to her so she could deliver gifts to the
37 homes that made the best attempts to keep their lighting minimal during the firefly
38 season.

39
40 Mr. Zook reported on discussions with a joint meeting with Logan. He said it was still in
41 the works.

42
43 Mr. Zook said the Firefly referendum court hearing was scheduled for the next
44 Wednesday morning. He hoped the judge would make a decision that day.

1
2 Mr. Zook reported that the Utah League of Cities and Towns was still planning to have
3 their fall league conference on September 23-25, 2020.

4
5 Mr. Zook reported that normally there would be an employee appreciation picnic during
6 the summer. He and the Mayor had discussed other options to show their appreciation
7 of employees.

8
9 Mr. Zook reported that the Nibley City audit was underway.

10
11 Mr. Zook reported the Nibley City Truth in Taxation hearing was approximately a month
12 from that time.

13
14 Mr. Zook reported on discussions about EMS services. The plan had been that the
15 County would take over EMS services for the South end of the Valley excluding Logan
16 and the North end would do their own thing. County He said the North end of Cache
17 Valley had expressed their intent to be part of the County EMS service. He said this
18 meant EMS services should stay intact without Logan. Mr. Zook said thought there
19 would be the formation of an inter-local or SIMS agency and he hoped this would give
20 Nibley some sort of voice. He said the cost was approximated to be \$100,000/year. Mr.
21 Zook and Councilmember Bernhardt clarified current EMS responses. Mr. Zook thought
22 the expansion of more of a county-wide service was a good thing. They had discussed
23 that a county agency would take over management of Nibley's first responders. Millville
24 was also supportive of this.

25
26 Mr. Zook reported that they'd done interviews for a City Engineer and there had been
27 some very good candidates. It would be another month before a decision would be
28 made.

29
30 Mr. Zook reported that Mr. Maughan was working on submitting an application for a
31 grant from the COG for the expansion of 1200 West and the round-about.

32
33 Mr. Zook reported on a hearing held by UDOT regarding the intersection and alignment
34 at 3200 South. He thought funding from the COG and CMPO would be available to
35 widen the connection with Nibley and the intersection at Highway 89/91.

36
37 Mr. Zook said the County had hired a new trails planner. He said the position had been
38 vacant for some. Nibley staff had met with her and were discussion changing the
39 striping on Hollow Road to one lane; essentially taking Hollow Road down to one lane.

40
41 Mr. Zook reported that the Nibley City office was open to the public.

42
43 Mr. Zook reported that there would be street projects going on in the City with some
44 street closures on the following Monday.

Councilmember Bernhardt asked what was being dug at Clear Creek Park. Mr. Maughan reported that they were digging for sewer pipes for the restroom.

Mr. Zook reported that the towers at Firefly Park were done.

Adjourn to Closed Session–To Discuss REAL ESTATE and PENDING LITIGATION, PURSUANT to Utah Code 52-4-205

Councilmember Sweeten moved to adjourn to closed session to discuss real estate and pending litigation pursuant to Utah Code 52-4-205. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Sweeten, Councilmember Bernhardt, Councilmember Beus, Councilmember Larsen, and Councilmember Laursen all in favor.

The City Council moved to closed session at 10:04 p.m.

The City Council returned from closed session at 10:25 p.m. and adjourned their meeting at 10:26 p.m.

Attest: _____
Deputy City Recorder