

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, September 8, 2022.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Beus moved to approve Ordinance 22-16: Exemption to Subdivision**
7 **Requirements for Combining Lots and Amending Subdivision Plat Amendment**
8 **Approval Authority and waived the second reading. Councilmember Sweeten**
9 **seconded the motion.**

10
11 **Councilmember Beus voted yes.**
12 **Councilmember Laursen voted yes**
13 **Councilmember Sweeten voted yes.**
14 **Councilmember Larsen was absent.**
15 **Councilmember Bernhardt was absent.**

16
17 **The motion passed 3-0; with Councilmember Beus, Councilmember Sweeten, and**
18 **Councilmember Laursen all in favor.**

19
20 **Councilmember Laursen move to approve Ordinance 22-17: Amending Subdivision**
21 **Submission Requirements for first reading. Councilmember Sweeten seconded the**
22 **motion. The motion passed 3-0; with Councilmember Laursen, Councilmember**
23 **Sweeten and Councilmember Beus all in favor.**

24
25 **Councilmember Laursen moved to approve Ordinance 22-18: Amending Mixed**
26 **Residential Zone R-M, Adding the Area Near 2600 S 1200 W to the Map of Eligible R-M**
27 **Areas, for first reading. Councilmember Sweeten seconded the motion. The motion**
28 **passed 3-0; with Councilmember Laursen, Councilmember Sweeten, and**
29 **Councilmember Beus all in favor.**

30
31
32 **OFFICIAL MINUTES OF THE MEETING**
33 **City Recorder Cheryl Bodily took minutes**

34
35 **Opening Ceremonies**

36 Councilmember Laursen noted that the world had lost an international leader. He
37 quotes the late Queen Elizabeth the II.

38
39 *"We may hold different points of view but it is times of stress and difficulty that*
40 *we most need to remember that we have much more in common than there is*
41 *dividing us."*

42
43 *"Our modern world places such heavy demands on our time and attention that*
44 *we need to remember our responsibilities to others is greater than ever."*

Councilmember Laursen compared these quotes to Nibley's mission of making life better for each other and that residents, business, and government, should be working together to develop the city in harmony with its surroundings and its environment. He reminded those in attendance at the meeting to remember to take care of each other and that they had more in common with each other than was dividing them . . . even on a soccer field.

Call to Order and Roll Call

Mayor Larry Jacobsen called the Thursday, September 8, 2022, Nibley City Council meeting to order at 6:31 p.m. Those in attendance included Mayor Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Steve Eliason, Nibley City Public Works Director was also present. Mr. Levi Roberts, Nibley Planner, participated in the meeting via an electronic link facilitated by Zoom.

Approval of the August 25, 2022, Meeting Minutes and Current Agenda

Councilmember Sweeten moved to approve the August 25, 2022, meeting minutes and the evening's agenda. Councilmember Laursen seconded the motion. The motion passed unanimously 3-0; with Councilmember Sweeten, Councilmember Laursen, and Councilmember Beus all in favor.

Public Comment Period

Mayor Jacobsen gave direction to the public present and opened the Public Comment Period at 6:36 p.m.

Treana Hunt was present at the meeting and said she was in attendance to observe.

Mayor Jacobsen shared insights he'd gained referring to public comments during his Open and Public Meetings Act training.

Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 6:38 p.m.

Planning Commission Report

Mr. Roberts said other than the items on the City Council's agenda the Planning Commission held a workshop on the Moderate-Income Housing Plan. The State had required cities over a population of 5,000 to do an update and cities were required to update their list of strategies, implementation strategies and to and come up with an implementation plan timeline. The Planning Commission discussed which strategies to pursue, and staff was working on updating the plan and taking the plan back to the Planning Commission the next week. He said it was likely the MIH plan would be on the next City Council agenda. Mr. Roberts reported that the Planning Commission had also held a workshop discussion of the Transfer of Development Rights ordinance. The

1 Planning Commission would have one more workshop on TDR and discuss the TDR map
2 in detail for sending and receiving areas. He projected holding a public hearing on the
3 ordinance in October with the ordinance coming to the City Council in November.

4
5 **Discussion and Consideration: Ordinance 22-16: Exemption to Subdivision**
6 **Requirements for Combining Lots and Amending Subdivision Plat Amendment**
7 **Approval Authority (First Reading)**

8 Mr. Roberts gave a presentation regarding this item. His presentation was entitled
9 Nibley City Council; September 8, 2022 (a printed copy of the presentation is included in
10 the record copy of the meeting minutes). The topics included in his presentation
11 included the following: Combining Lots exemption and Planning Commission
12 Recommendation.

13
14 Councilmember Laursen questioned language in section B of the proposed ordinance?

15
16 *“Combining Lots or Parcels: the combination of contiguous lots or parcels that*
17 *eliminates one or more boundary lines in common between the contiguous lots or*
18 *parcels and that does not otherwise adjust property boundaries are not considered*
19 *lot line adjustments, parcel boundary adjustments or subdivision amendments and*
20 *are not subject to the regulations of this chapter”*

21
22 He asked Mr. Roberts for a summary of lot line adjustments, parcel boundary
23 adjustments, and subdivision amendments as referred to in 21.08.030 B. Mr. Roberts
24 summarized each of these actions. Mr. Roberts said he felt the ordinance was straight
25 forward enough that it didn’t require a second debate.

26
27 *Councilmember Beus moved to approve Ordinance 22-16: Exemption to Subdivision*
28 *Requirements for Combining Lots and Amending Subdivision Plat Amendment Approval*
29 *Authority and waived the second reading. Councilmember Sweeten seconded the*
30 *motion.*

31
32 *Councilmember Beus voted yes.*
33 *Councilmember Laursen voted yes*
34 *Councilmember Sweeten voted yes.*
35 *Councilmember Larsen was absent.*
36 *Councilmember Bernhardt was absent.*

37
38 *The motion passed 3-0; with Councilmember Beus, Councilmember Sweeten, and*
39 *Councilmember Laursen all in favor.*

40
41 **Discussion and Consideration: Ordinance 22-17: Amending Subdivision Submission**
42 **Requirements (First Reading)**

43 Mr. Roberts gave a presentation regarding this item. His presentation was entitled
44 Nibley City Council; September 8, 2022 (a printed copy of the presentation is included in

1 the record copy of the meeting minutes). The topics included in his presentation
2 included the following: Subdivision Submission Requirements, Background, and Planning
3 Commission Recommendation.

4
5 Councilmember Laursen asked for a reference to the recent State code change. Mr.
6 Roberts didn't have this information at hand and said he would research it. Mayor
7 Jacobsen asked for the references that defined when a development agreement was
8 required. After further discussion the meeting attendees clarified that the incorrect
9 version of the ordinance changes had been advertised in the meeting.

10
11 *Councilmember Laursen move to approve Ordinance 22-17: Amending Subdivision*
12 *Submission Requirements for first reading. Councilmember Sweeten seconded the*
13 *motion.*

14
15 Mayor Jacobsen said he felt the amendments were "good stuff." He clarified that the
16 City Council weren't really making any amendments regarding the canal company. The
17 canal company would love for the city to police their canals.

18
19 Councilmember Laursen said he'd like the changes to the development agreement to be
20 reflected at the next reading and requested the reference to State code also be included
21 in the proposal at the second reading. Councilmember Sweeten clarified that when
22 everything was prepared and turned in, matching city code, the developer would be 14-
23 days from the next Planning Commission meeting. Mr. Roberts said the reality was they
24 would probably be given less time, but it would depend on the scale of the
25 development. Councilmember Laursen asked if the size of subdivision was discussed in
26 triggering requirements for the ordinance. Mr. Roberts said the recommendations came
27 primarily from the engineer. Councilmember Laursen asked for staff's thought on if it
28 would be easier for staff if the size of the development triggered documents needed
29 and the timeline required. He questioned if there should be two different timelines.
30 Councilmember Laursen and Mayor Jacobsen debated if this were already included in
31 the ordinance amendments and concluded that this timeline difference was already in
32 place. Mayor Jacobsen questioned determining compliance. He questioned if an
33 applicant disagreed if their project were complying? Mr. Roberts said they'd had
34 applicants push them. The Chair could put an applicant on the agenda and a majority of
35 the Planning Commission could put an item on the agenda but for the most part, staff
36 had indicated they could not recommend approval if items were put on an agenda
37 prematurely. The meeting participants debated the wording meanings of "will", "shall",
38 and "may." Councilmember Sweeten suggested there may need to be a progressed
39 response incorporated in the review process.

40
41 *The motion passed 3-0; with Councilmember Laursen, Councilmember Sweeten and*
42 *Councilmember Beus all in favor.*

1 Mayor Jacobsen called for a meeting recessed at 7:23 p.m. The meeting resumed at 7:25
2 p.m.

3
4 **Discussion and Consideration: Ordinance 22-18: Amending Mixed Residential Zone R-**
5 **M, Adding the Area Near 2600 S 1200 W to the Map of Eligible R-M Areas (First**
6 **Reading)**

7 Mayor Jacobsen noted that Al Bingham was present at the meeting and Joel Nelson was
8 participating in the meeting remotely. Both Mr. Bingham and Mr. Nelson represented
9 Wesley Nelson Farms and Nibley Development.

10
11 Mr. Roberts gave a presentation regarding this item. His presentation was entitled
12 Nibley City Council; September 8, 2022 (a printed copy of the presentation is included in
13 the record copy of the meeting minutes). The topics included in his presentation
14 included the following: R-M Zone near 2600 S 1200 W, Background, a concept plan of
15 the development at 2600 S and 1200 W submitted by the land owner, Current R-M Zone
16 Regulation, Proposed changes to the R-M Zone standards, a display of the Nibley City R-
17 M Eligibility Area map, and Planning Commission Recommendation.

18
19 Councilmember Laursen said the ordinance referenced twin homes. He reviewed that a
20 twin home was the same building, but the lot line went through the building. He
21 questioned if this was the correct definition of a twin home. Mr. Roberts agreed that it
22 was. Councilmember Beus and Mr. Roberts discussed the origination of the 13 units per
23 acre number maximum.

24
25 Mr. Roberts described that the zoning required the proposed development needed to
26 have at least two different housing types and there couldn't be more than 80% of a
27 single housing type. Councilmember Sweeten felt there needed to be clarification that
28 that 80% was in housing units. Councilmember Laursen said the list of housing types
29 gave a list and felt "condo/apartment" were two different housing types. Mr. Roberts
30 felt the intent was that they could be counted as different in the zoning if they were not
31 notated that way. "Condo/apartment meant a developer couldn't have just condos and
32 apartments. Mr. Nelson asked Mr. Roberts to explain the thinking of condos and
33 apartments being joined. Mr. Roberts said the intent was to have a different scale and
34 apartments and condos were a similar scale of development.

35
36 Mr. Bingham said the concern they had was with the open space requirements if was
37 forcing the development into condos which were a lot more transient. He questioned if
38 the need to have a couple complexes of condos. He questioned if it was better to have
39 condos or townhomes in the area.

40
41 Councilmember Laursen asked for clarification of net developable acres. Mr. Roberts
42 said this was based on the land that was developable and took out rights-of-way for
43 roads, etc. Mr. Roberts read from Nibley City Code (NCC) 19.32 G. 1-6. Mayor Jacobsen
44 gave a charge to the City Council that he felt the Planning Commission expected the City

1 Council to not “rubber stamp” their recommendation. They’d gone back and forth
2 between many items and wanted the City Council to make the decisions and not avoid
3 “diving into the details of this ordinance.”

4
5 *Councilmember Laursen moved to approve Ordinance 22-18: Amending Mixed*
6 *Residential Zone R-M, Adding the Area Near 2600 S 1200 W to the Map of Eligible R-M*
7 *Areas, for first reading. Councilmember Sweeten seconded the motion.*

8
9 Councilmember Laursen reminded the City Council of the height restrictions for
10 commercial buildings in Nibley City and pointed out that the height restriction in the R-
11 M zone was higher than commercial. He clarified a typo in the proposed ordinance and
12 revisited the issue of condos/apartments and redefining this provision. He agreed that
13 they had a similar impact and similar scale.

14
15 Mayor Jacobsen said he had discomfort with writing ordinance to a specific area but
16 said this was what they were doing and should just admit this. He questioned if they had
17 the right interface going back and forth between writing the rule and the people in the
18 area that had to live with the rules. They weren’t sure if the rules would really work. He
19 suggested those writing the rules and those following the rules sit down together and
20 there should be more back and forth. Mr. Roberts saw no issue with back-and-forth
21 conversation and Mr. Bingham thought it was a great idea. Mayor Jacobsen wanted to
22 divide and conquer the residential area separate from the commercial area. He
23 suggested the back-and-forth committee be three or four people; Mr. Bingham, the
24 City’s engineer, the City’s planner, a City Council member and maybe a Planning
25 Commissioner. Mayor Jacobsen asked Mr. Roberts to lead out on this committee. Mr.
26 Roberts suggested the applicant needed to review the ordinance and determine what
27 the issues were and then they could meet and discuss. Mr. Bingham said they could do
28 this and felt they could meet in the next 4-6 weeks. The City Council debated if major
29 changes came out of the working group, if the ordinance should be sent back to the
30 Planning Commission and perhaps have another public hearing. Mayor Jacobsen
31 directed to get Bret Swenson in the working group. Councilmember Laursen said the
32 City Council needed to question why they were zoning for specific plots of land. He said
33 his comfort level went up if they decided the ordinance was something they would
34 consider putting elsewhere. Councilmember Laursen also suggested the Transfer of
35 Development Rights consultants should consider the area.

36
37 Mayor Jacobsen discussed meeting with a commercial developer regarding a
38 commercial development concept plan.

39
40 *The motion passed 3-0; with Councilmember Laursen, Councilmember Sweeten, and*
41 *Councilmember Beus all in favor.*

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43 **Council and Staff Report**

1 Mr. Eliason reported that Anhder Park was still a work in progress. Park staff had put up
2 a lot of fencing. There was still a lot of work to do, including the playground. Mr. Eliason
3 asked the City Council to help keep the area clear.

4
5 Mr. Eliason reported on Public Works participation in the Public Works equipment
6 rodeo at Logan City.

7
8 Ms. Bodily reminded the City Council that she would be sending out disclosure
9 statement and asked to read the document and be ready to report any conflicts of
10 interest at their next City Council meeting. Ms. Bodily also reminded the City Council to
11 complete their Open and Public Meetings Act training.

12
13 Councilmember Laursen thanked the referees in the Nibley City Rec department. He
14 said they'd done a great job.

15
16 Councilmember Sweeten reported that the Nibley Children's Theatre was getting ready
17 for next year already.

18
19 Mayor Jacobsen discussed the letter that had been drafted and sent to the Cache Count
20 Auditor. Mayor Jacobsen reported that he was providing status reports again. Mayor
21 Jacobsen reported that the first Food Truck Round-Up was the following evening.

22
23 Seeing no objection, the meeting was adjourned at 8:45 p.m.

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43 Attest: _____
44 City Recorder