

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, March 24, 2010.

The following actions were made during the meeting:

Commissioner Heidt motioned to approve the application for a conditional use permit and business license for Carol Johnson for Quilted Western View located at 295 W. 4000 S. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Heidt, Commissioner Bliesner, and Commissioner Cook all in favor.

Commissioner Green motioned to approve the application for a conditional use permit and business license for Heather Overly for Music Train Preschool located at 3124 S. 1600 W. Commissioner Heidt seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Carrie Cook called the Wednesday, March 24, 2010, Nibley City Planning Commission meeting to order at 7:03 p.m. Those in attendance included Commissioner Carrie Cook, Commissioner Marina Heidt, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present. Commissioner Aaron Bliesner was excused from the meeting.

Approval of 3-10-10 meeting minutes and agenda.

There was general consent on the evening's agenda and the previous meeting minutes.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Quilted Western Views—application for conditional use permit and business license for a home-based quilting business located at 295 W. 4000 S. (Applicant: Carol Johnson)

Mr. and Mrs. Johnson were present at the meeting. Commissioner Cook asked if this was all done in their homes and asked if customers would be coming to her home for pick-ups. Mrs. Johnson said the products would be mailed to the customer. Ms. Phippen directed the Commission to the quilt hanging in the city office and told the Commission Mrs. Johnson had done that quilt. Mrs. Johnson said she was not doing quilts; she is selling quilting patterns. She said it is too hard to get fabric together for kids on a continual basis. Commissioner Green noted Mrs. Johnson had indicated nobody would be coming to her house. Mrs. Johnson said it would be a very small business and if it got too big she would turn it over to her children.

Commissioner Heidt made a motion to approve the application for a conditional use permit and business license for Carol Johnson for Quilted Western View located at 295 W. 4000 S. Commissioner Green seconded the motion. The motion passed unanimously with Commissioner Heidt, Commissioner Bliesner, and Commissioner Cook all in favor.

Music Train Preschool—application for a conditional use permit and business license for a home occupation (day care) located at 3124 S. 1600 W. (Applicant: Heather Overly)

Mrs. Overly was present at the meeting. Commissioner Cook asked how many classes she would be doing each day. Mrs. Overly said she would have one class a day ?????. The classes will be 9:30-11:30. She said this would be a music preschool. She will teach 4 and 5 years olds kindergarten readiness through music. That will be at least half of her curriculum. Commissioner Green said he was worried about the street being plowed in the winter time. Mrs. Overly said it was well taken care of in the winter time. She said she will have a drop off. She will stand outside and the kids will be taken to the vehicles. There is no parking needed. Mrs. Overly said the maximum she will have at one time is six (6) children. Commissioner Green asked about the locks she had on the doors. Mrs. Overly said they had child proof locks on the doors.

Mr. Mike Smith had an issue he wanted to make the city aware of. He showed the Commission pictures of the recycling containers and the mess that is left there. He said the mess was ridiculous. He said he had also email his complaint to Mayor Knight. He also wanted to bring up the people of Nibley dumping grass on vacant lots. He lives on 2600 S. 1000 W. and people are dumping garden waste and leaves in that area. There are people dumping grass, garden waste, and garbage in the unfinished portions of 1000 W. Commissioner Cook said her opinion was that they pull the whole recycling container out because it was just being abused. The Commissioners agreed with Mr. Smith and said they would address the issue and get something official. She thanked Mr. Smith for bringing the issue up.

Ms. Phippen asked Commissioner Green to try and set up an email account so she could communicate with the Commission in a faster, easier way. Commissioner Green said he would try.

WORKSHOP ITEMS

Discussion on advisability of requiring developers to map field and land drains on property proposed for development.

Ms. Phippen said they worked with the conservations district to map out field and land drains. Mr. Anhder told her if a developer buys property and develops it they may not know about drains until a hole is dug because they are not recorded. Only the ones they know about are mapped and included on the plat. Commissioner Cook said there is what is called an “as builds”; it is a plat that is recorded after the building is done where those discrepancies are recorded. Ms. Phippen said that Commissioner Cook was saying on the “as builds” that the field drains and land drains need to be platted or accounted for. Commissioner Cook said anytime you have construction, if there are field drains, you are going to find them.

Commissioner Cook provided a copy of the email she had sent to Ms. Phippen and the members of the Commission. In that email she said: “I am thinking we need to draft an ordinance for Field Drains/Land Drains. . . I think as a Planning Commission we need to

look into adding some language to our subdivision ordinance that would require developers to: locate and map field drains, move and re-route to utility easements and roads, upgrade the pipe, provide locations on the plat maps, and also provide clean out boxes at the entrance and exit of the property or put them in the road way.”

“Given the nature of Nibley with our high water table we need to have something in our ordinance that gives the developer the responsibility to upgrade the pipe so we are not relying on pipe that may be 50 plus years old.”

“I believe we are going to be seeing a lot more problems in the future where the west side of Nibley is growing at such a rate. We need to make sure we have our attorney look into making the developer upgrade and map the lines then transfer the maintenance to the city just as we do the road and other utilities”

Commissioner Cook said if a developer comes across a field drain it is the subdivision’s requirement and obligation to trace it back to the beginning and ending of the subdivision and put it into a utility easement around a property if they cannot put it in the road where sewer or water is. The benefits of this are they will know where every field drain is, they will be built to code, and they will be maintainable. Commissioner Cook said the field drain map should be going to every developer. She would like this put in the subdivision ordinance. Ms. Phippen suggested putting them in the engineering specs. Commissioner Cook suggested they put it in both. Commissioner Cook said if you talk to the excavators they say that 9 times out of 10 when they hit a pipe they do not call the city because it will take more time and it cost more. The honesty factor in that will not be very high. The verbage needs to be in the proper place. Commissioner Cook said if they cannot put a cleanout at the curb then they should put a cleanout at the beginning and end of that development so they can flush that drain out if necessary. If they have the cleanouts then they will know if there is a problem with the drain before there is a problem.

Commissioner Cook said they need to put together the language as part of the subdivision requirement and then send it on to City Council. Ms. Phippen asked if Commissioner Cook had talked to Bill Saunders about this. Commissioner Cook said she had talked to Bill Saunders about this and he agreed completely. Ms. Phippen said she saw the issue more clearly now. Commissioner Cook explained the use of field drains by the farmer. She said even though there are very few farmers the water is still there. Commissioner Cook illustrated some of the issues that occur with field pipes and drains. She would like to be proactive and put something in the works that required action. She said it would be well worth their time especially where they have already gone through the work to have someone map them; it is negligent on their part by not creating the proper outlet to take care of them.

Ms. Phippen told Commissioner Cook to pitch it to the City Council. She advised Commissioner Cook to contact Mayor Knight. She said the Mayor is the one who ultimately sets the agenda. She did not want the Planning & Zoning Commission to put a lot of time and effort into the issues and have it kicked out by the City Council. Commissioner Cook said she would feel really angry if they got to the point where City Council said it was not necessary when they see the plats first. Commissioner Cook said they need to have something in there with teeth for those who are not honest and report

them. If they are reported then Bill Saunders has to inspect them and pass them off but the developer has to be honest.

Annual training on Utah's Open & Public Meetings Act.

Ms. Phippen said Utah code required the Planning & Zoning Commission and City Council receive training on the Utah Open and Public Meetings Act. Ms. Phippen got this information from the Attorney General's office. She typed the booklet into a PowerPoint presentation. Ms. Phippen reviewed a printed version of a PowerPoint presentation on the Open and Public Meetings Act with the Commission. Commissioner Heidt asked about the "act properly" portion and questioned if that was referring to individual responsibility. Ms. Phippen said she thought it referred to actions as a body as opposed to individual actions. Commissioner Heidt said she had questioned their appearance and issues like wearing hats and wondered if that was what was addressed in the OPMA. Ms. Phippen said they could include a dress code in their bylaws but thought this was more about actions of the body.

Ms. Phippen discussed reasons why a closed meetings can be called: to discuss and an individual's character, professional competence, or physical or mental health; when discussing union contracts; if the city is aware of pending or reasonably imminent litigation; to discuss the strategy for the purchase or sale of real property; discussion regarding security personal or systems; or investigative proceedings regarding allegations of criminal misconduct. Even if an entire meeting is closed it must be advertised, called to order, and someone must make a motion to go into executive session. The meeting must be opened publicly. 2/3 of the public body must vote in the affirmative for a meeting to be closed. You may not approve an ordinance, resolution, rule, regulation, contract or appointment or take final action in a closed meeting.

Ms. Phippen reviewed the requirements for notification on a public meeting. The notice has to outline the agenda, date, time, and place of the meeting. Dave Church counseled them to provide "reasonable specificity" on items they will be discussing so the public can decide if they are interested and want to attend the meeting. Ms. Phippen said they also have to post their annual schedule once a year. There are exceptions to when you give notice; in an emergency. Even in an emergency meeting minutes must be taken.

Ms. Phippen reviewed minutes. Minutes must be taken in all open and closed meetings. The minutes of a closed meeting only have to include the names of the people present unless it infringes on the closing of the meeting.

Ms. Phippen reviewed ways the OPMA can be broken. District court can invalidate any action taken during a meeting where the OPMA was broken. There is a statute of limitation of 90 days to file suit.

Planning and Zoning Reports

Commissioner Cook asked about the cardboard and garbage issue and asked how they bring that to City Council's attention. Ms. Phippen said she would speak to the mayor about it first.

Commissioner Heidt asked about an update on the Comstock variance. Ms. Phippen said the variance was granted and she was working on updating the ordinance. Ms. Phippen said Cosmo Cricket was going to be a great asset to the city.

Commissioner Heidt asked about the design standards for commercial and industrial and the setback regulations. Ms. Phippen said it was turning into a bigger project than originally planned. Ms. Phippen said she intends to take each zone and make a bigger set of regulations and instructions for each zone in their zoning code; with design standards, site plan approval process, codes, and regulations all in one place.

Commissioner Heidt asked if Nibley had started on the park at 650 W. Ms. Phippen said they were not doing anything on it right now.

There was general consent to adjourn at 9:00 p.m.