

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, December 2, 2010.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve the revision of the plat for Spring Creek subdivision. Councilman Jacobsen seconded the motion. The motion passed 3-1; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Larsen was opposed.

Councilman Jacobsen motioned to approve the purchase of 12 acre feet of water for \$4,000/foot and the accepting of an additional 12 acre feet of water as a donation from Mr. Cox with a purchase contract as outlined. Councilman Hansen seconded the motion.

Councilman Mickelson motioned to amend and suggested that the sale be conditioned on the availability to transfer and get all the transfers done correctly. Councilman Jacobsen seconded the motion. The amendment passed unanimously 4-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Larsen all in favor.

The amended motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor. Councilman Larsen was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, December 2, 2010 Nibley City Council meeting to order at 6:02 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen.

Call to order, approval of the evening's agenda and minutes of the 11-18-10 meeting.

Councilman Jacobsen made a motion to approve the 11-18-10 minutes and the evening's agenda. Councilman Hansen seconded the motion. Councilman Larsen proposed changes to the minutes and noted there were comments he wanted included. Councilman Larsen suggested the tape be reviewed. He said if they were approved tonight he would move to amend the minutes at a next Council meeting. The motion failed 0-3; with Councilman Jacobsen, Councilman Hansen, and Councilman Larsen opposed. Councilman Mickelson abstained from the vote. The minutes reviewed and considered again at the next meeting.

Councilman Jacobsen made a motion to approve the evening's agenda as presented. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Larsen all in favor.

Consideration of revision of plat for Spring Creek Crossing subdivision

Jason Christensen, the developer, was present at the meeting. Ms. Phippen the building for this development were included on the plat and the developers wanted to change two buildings on the plat to a different building type; from a patio building to an avenue building. Mr. Christensen said there were approximately 4-6 ft. narrower each way and gave more open space to the community. Ms. Phippen said it is not changing the density of the project, the boundaries of the project, or the phasing of the project. Mr. Christensen said this was also a scaled down version of the patio and for the middle, center section makes a lot more sense. No one will actually notice the difference but it does affect the cost making them a little more affordable. This also gives them a little more variety. Mr. Christensen said the external surfaces will be identical. Councilman Jacobsen asked what sort of landscaping would go in the space gained. Mr. Christensen said the same; more of what is there with grass and planter beds.

Councilman Mickelson made a motion to approve the revision of the plat for Spring Creek subdivision. Councilman Jacobsen seconded the motion.

Ms. Phippen said the Planning & Zoning Commission recommended approving this revision. Councilman Larsen said last time this came before the Council he noted that this project exceeded their units per acre allowed in the ordinance and since they have not changed the ordinance since that time it still exceeds it and as such he will vote consistently.

The motion passed 3-1; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Larsen was opposed.

Consideration of purchase of water rights

Mr. Anhder said Morley Cox, who was present, has proposed selling to the city 24 acre feet (24 acres of water, one foot deep) of water. Specifically the purchase of 12 acre feet and the donation of 12 acre feet at a cost of \$2,000/acre foot for a total of \$48,000 over a 4 year term with 12,000 paid now and over the three subsequent years. Mr. Anhder said the reason this is attractive to him as a city manager is that it is good, wet, usable water as opposed to water shares. The water right is north of the airport. The terms are such that it makes a minimal impact on the city water budget each year. Mr. Anhder said as they continue to put their parks under secondary irrigation they will need more water to transfer there. If they go to the table with an actual water right it makes it a simple change application and is done much easier than shares. Mr. Anhder this is also attractive because Mr. Cox seems to making a good profit on this but it is a paper project purely. He has committed to them that they would be the first entity to make future donations to; this is not contractual. The water is currently being priced at \$3-5,000; he had checked three sources on that. This needed to be approved before the end of the year for tax

purposes. Mr. Anhder said this would be the biggest block of water right the city would own.

Councilman Jacobsen asked what the current need was for secondary irrigation water. Mr. Anhder said they had put most of their parks on a shallow well and they need it for that. Councilman Jacobsen asked him to quantify that need. Mr. Anhder said this replaces what is used which is roughly 30%; this is used to cover the depletion. Councilman Larsen noted the line item in the budget for water shares. He said they had spent \$12,000 and had budgeted \$6,000.

Mr. Cox said the water comes from a law suit with his irrigation company that would not let him have water and would not let him drill the well on his shares. He probably has 96 acre feet to get rid of. He anticipated giving 12 acre feet a year away until it is gone. He wanted to make a sale to help establish a price for tax purposes and the rest will be gifted throughout his life; most likely the next 4-5 years.

Councilman Jacobsen made a motion to approve the purchase of 12 acre feet of water for \$4,000/foot and the accepting of an additional 12 acre feet of water as a donation from Mr. Cox with a purchase contract as outlined. Councilman Hansen seconded the motion.

Councilman Mickelson made a motion to amend and suggested that the sale be conditioned on the availability to transfer and get all the transfers done correctly. Councilman Jacobsen seconded the motion. The amendment passed unanimously 4-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Larsen all in favor.

Councilman Larsen said he valued the water but it was hard for him to see the direct need for the water at the moment. He also has a problem with the process. There is a process for budgetary purchases and this did not follow that process. Mr. Anhder said because this was regarding utility fund and not the general fund they only needed five days notice and they had five days notice with the agenda.

The amended motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor. Councilman Larsen was opposed.

City Manager Report

Mr. Anhder said in the Sunday's paper there was a call for bids for a sewer line to come out of the city hall and go north and hook on. There will be a budget opening for that at the next meeting before the awarding of the bids in case the Council did not approve it. It will come out of the sewer impact fund. Mr. Anhder said this will cross Ropeletto's property but they have a right-of-way through that property. Mr. Anhder said the sewer line would service all of that area east and north which is why it could be handled with impact fees.

Mr. Anhder said the Mayor and himself met with a couple of representatives from the Blacksmith Fork canal company and discussed working out an agreement for a storm

water agreement. Mr. Anhder said they were hoping to come to an agreement and will attempt in good faith to come to an agreement.

Council Reports

Councilman Jacobsen said he realized he will not be able to be at the next meeting. He said he was willing to participate electronically.

The meeting was adjourned at 6:39 p.m.