

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, May 17, 2012.

The following actions were made during the meeting:

Councilman Mickelson motioned to accept the preliminary plat of Moose Manor, located at 2280 S. Heritage Drive with the adjustment that all the improvements that need to be made to come to conformity be a condition of final occupancy. Councilwoman Cook seconded the motion. The motion passed 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Platt, Councilman Hansen, and Councilman Jacobsen, all in favor.

Councilman Hansen motioned to approve the preliminary commercial site plan for Moose Manor District. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Mickelson, Councilman Platt, and Councilwoman Cook all in favor.

Councilman Hansen motioned to approve first reading of Resolution 12-09—The Nibley City Legacy Tree Policy. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Mickelson, Councilman Platt, and Councilwoman Cook in favor.

Councilman Jacobsen motioned to adopt Ordinance 12-06—Setting criteria for Heritage Tree Designation, on its first reading. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt in favor. Councilman Mickelson was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, May, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilman Bryan Hansen, Councilman Thayne Mickelson, Councilman Shawn Platt, and Councilman Larry Jacobsen. David Zook, the City Manager, and Shari Phippen, the City Planner, were also in attendance. Commissioner Mark Lawver was also present.

Call to Order; Approval of Minutes and Agenda

Councilman Jacobsen made a motion to approve the May 3, 2012 minutes and the evening's agenda. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, Councilman Platt, and Councilman Jacobsen all in favor.

Bill Saunders, the Nibley Public Works Director, and Rod Elwood, the Nibley City Parks director, were present at the meeting.

1. Preliminary Plat approval for Moose Manor—a lot split of Lot 1 of Sierra Commercial Park located at 2280 S. Heritage Drive.

Mr. Andy Stroman and Mr. Tyler Shurtleff were present at the meeting. Ms. Phippen said CampSaver were currently the owner of four of the units the bank of commercial condos in that location. Their business had gone very well and they would like to expand and purchase just over four acres and develop their own commercial property at that location which was the reason for the lot split request. Ms. Phippen said this was their preliminary plat request. The infrastructure for the property was already in place. Ms. Phippen described the infrastructure in place and the infrastructure schematics. Ms. Phippen said her only concern, which could easily be reconciled before final approval, was that there was a condominium plat recorded with this bank of buildings and also two additional banks of commercial condominiums and because of that there were restrictive covenants in place that would need to be amended. Ms. Phippen said it met the preliminary plat requirements. She there were some outstanding items from the original subdivision developers. Ms. Phippen review the outstanding items; curb and gutter work at 2350 S. 1350 W. and a street light at that location, an approach to the cities lift station and a small amount of sidewalk, the exit onto highway 89/91 needed to be striped, a couple more street lights, and a fire hydrant which needed a height adjustment. Ms. Phippen said some of these items had been worked into the purchase price with CampSaver. Mayor Knight asked about the location of the missing street lights which Ms. Phippen addressed.

Councilman Mickelson asked if they had been given an explanation on why the development items had not been completed. Ms. Phippen said they were told they did not have enough money to complete them. Ms. Phippen said the current agreement was that the developer would have the outstanding items completed within 120 days of the closing of the lot purchase. Councilman Jacobsen noted the history of items not getting done. He wanted to know how they would ensure the items would be completed. He asked if there was a “what if”. Ms. Phippen said there were some standard enforceability clauses on development agreements; they are binding on their successors and if they default they have the option of taking them to court to get a judgment for the money it would take to finish the agreement. Ms. Phippen said the items of greatest concern that were outstanding would be completed in the agreement with CampSaver. They had the ability to get some if the items done with the sale of the lot to CampSaver but some of it might not get done. Ms. Phippen and the Council discussed the money it would take to complete the requirements. Mr. Saunders said he anticipated it would be around \$10,000.

Councilman Mickelson made a motion to accept the preliminary plat of Moose Manor, located at 2280 S. Heritage Drive with the adjustment that all the improvements that need to be made to come to conformity be a condition of final plat approval. Councilman Platt seconded the motion.

Councilman Mickelson clarified that his motion only included the items that would not be completed by Moose Manor District. Ms. Phippen said those items included two street

lights, the raised fire hydrant, a crosswalk, curb and gutter work and pavement striping. Mayor Knight recommended that they bond for those items to be completed and that Moose Manor would like to get final approval in two weeks.

Councilman Platt asked if there was an original time table to complete the development agreement. Ms. Phippen said the subdivision was approved just over five years ago. Mr. Saunders said commonly subdivisions were given two years to complete their agreements and discussed other actions that could be taken. Councilman Mickelson asked if there were bonds they could have taken. Mr. Saunders said if they did they would be expired. Ms. Phippen suggested it may be possible to ensure the items got done with an option of saying occupancy on the building would not be given unless those items are complete. Mr. Stroman, the owner of CampSaver, said the developer would not do it because they had no money and they were using the money they had given them to finish other things. He said they had agreed to complete several of the items and they would be no better off if they didn't agree with it. He discussed that 75% of the items would be done with their development. Mayor Knight said he thought the City Council prefer Moose Manor negotiate the remaining items into the purchase price of the lot. Councilman Jacobsen said he found that preferable to having everything done before final approval because it seemed the clear the seller did not have the money to follow through at least until they sold the property. Mr. Saunders said if they agreed to do this then their occupancy permit could be tied up until the outstanding items were completed.

Councilman Mickelson made a substitute motion to strike "final plat" and insert "occupancy". Councilwoman Cook seconded the motion.

The motion then read: Councilman Mickelson made a motion to accept the preliminary plat of Moose Manor, located at 2280 S. Heritage Drive with the adjustment that all the improvements that need to be made to come to conformity be a condition of occupancy. Councilwoman Cook seconded the motion. The motion passed 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Platt, Councilman Hansen, and Councilman Jacobsen all in favor.

2. Preliminary Commercial Site Plan Approval—Moose Manor

Ms. Phippen said because the project was in a commercial zone it fell under the guideline in the Nibley City Commercial and Institutional Design Standards and required the Planning & Zoning Commission and City Council to go through a site plan approval process. The reason for the placement of the building was so they had the ability to expand in the future. There was a public utility on the west side that would be landscaped appropriately and used as drainage. On the east side they would level the land and put in a mixture of native grasses; with the grasses factored in, they more than exceeded the 20% landscape requirement. They met all parking requirements. Ms. Phippen displayed the building design for the City Council and public present to review. She discussed that 60% of the primary facade had to be primary building materials with the remaining secondary building materials. She said after taking the windows out they fell just short of that requirement but the City Council was given the option of approving other building materials in the Design Standards. Mr. Shurtleff said they wanted to do architectural

stone on the wainscot and a split face cinder block with some designs. Mr. Stroman and Mr. Shurleff displayed examples and discussed the building materials on each elevation. The Council discussed the percentages of primary and secondary building materials and what constituted a primary or secondary building material. Mr. Stroman said the Planning & Zoning Commission had a concern with corrugated steel building materials but he noted that it could be done nicely, especially if it was used correctly. He also said they were spending a little more money to get a higher quality material. Councilman Platt asked about windows on the other elevations. Ms. Phippen said they were not included because the east elevation was where the building would be expanded so they did not feel they were necessary. Councilman Hansen recommended some programmed elements in the adjacent open space.

Councilman Hansen made a motion to approve the preliminary commercial site plan for Moose Manor District. Councilman Jacobsen seconded the motion.

Councilman Mickelson asked about the discretion in the city code that allowed them to accept the site plan without the primary building material requirement. Ms. Phippen left to retrieve that information. Ms. Phippen returned and read from the Commercial and Institutional Design Standards; "Other materials may be considered for use as a primary building material based on a review by the City," which gave the city the discretion to approve a plan. The Council asked Mr. Stroman and Mr. Shurtleff several general questions including what products they sold, why they chose Nibley, what type of sign they were considering, and their internet vs. retail sales percentage.

The motion passed unanimously 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Mickelson, Councilman Platt, and Councilwoman Cook all in favor.

3. Visioning Workshop re: Parks and Recreation

Mr. Zook discussed the purpose of holding visioning workshops. He said their purpose of to have a better understanding of the mission of the city, i.e. what they value, their vision for the future, the general plan and the parks and trails master plan. Mr. Zook directed the Council to, and discussed the Nibley City General plan.

Councilman Mickelson suggested developing an agricultural master plan. Councilman Hansen said he thought they should come up with a prioritized list, phased plan, and starting point for their trails plan.

Mr. Zook reviewed the Nibley City Parks and Trails Master Plan and survey results compiled in that plan. Mr. Zook referenced and reviewed the preferred parks plan and the regional sports complex. Mr. Zook discussed financing for parks and discussed the use of impact fees. Mr. Zook discussed the current recreation programs in the city and the cost and impact to city facilities, and the fees for using the fields. Mr. Zook asked for the Council's thoughts and vision for the future of Nibley's parks and trails looking 20 to 30 years down the road.

Councilman Mickelson read his thoughts from a journal type entry. He reflected that a community was not defined how it was developed but by how the define the undeveloped portions. He noted he was most proud of the defined open spaces in the community and its influence in the development of children. He noted celebrations, community events and clubs, and neighborhood friends were all part of the total successful community and when combined with services provided by the city increased the sense of community and a definition of Nibley.

Councilwoman Cook noted the fishing ponds and bird refuge which started with one local man and discussed the trails system around the wet lands and in the bird refuge and the nature and leisure she enjoyed in those areas. She said the trails systems allowed them to walk from park to park and neighborhood were joined allowing them to access many activities.

Councilman Hansen discussed his prioritized bulleted points: Gateway Park north and highway 165 and trial and project with Millville City, a trail along Blacksmith river that connects to Millville City Southeast Park and the Bonneville Shore Line trail with another trail sub-connection to Hollow Road Nature Park; gateways at 3200 So., and the south end of highway 165 making an impact with signage and planting design; a Hollow Road nature and fly fishing park with open area around the Blacksmith Fork River for fly fishing; the Morgan Farm Community Gardens with the inclusion of the Scarecrow Festival preserving an active farm and sustainability; Heritage Days continuing with the same format and the inclusion of the art show and included on the web; Elkhorn ranching site with historic signage and expanded parking as a possible site for a regional park with a possible partnership with a future high school; trial along Blacksmith Fork River, possibly behind the farm with an organically designed park with a mixed, passive, and active portion of the park; the location of the regional park. He wanted to establish a soccer and baseball tournament and club.

Councilman Jacobsen read his thought in a futuristic newspaper article manner which addressed Nibley's role in creating a civic environment that encouraged active, healthy lifestyles for its residents and the opportunity for quality outdoor activities which included a large regional park. He discussed a more health conscious population. He discussed the trail system which connected and tied to other trails at Nibley's boundaries and connected to the Bonneville Shoreline trail in State wide trail development.

Mayor Knight complimented Mr. Zook on effort and background information. Mayor Knight read his bullet list with included well planned parks for outdoor recreation with ample parking and complimentary road visibility in the form of parks with organized sports, casual sports, and neighborhood parks for picnicking and playgrounds; a covered amphitheatre; walk ability and connect ability to surrounding communities and activities specifically a fully integrated trail system that highlighted the natural features of the city with a Hollow Road trail connecting to the Bonneville Trail; a regional indoor recreation facility; and a detailed "Welcome to Nibley" flyer that addressed their trail system with markings along those trails.

Corlyss Drinkard commended Mr. Zook on his preparation. She said she was pleased with recognition of non-work related activities in the Council's discussion. She said Nibley was over recreated and had more than enough development for kids. She said with a highly mobile community they wouldn't see kids coming back to Nibley so she would like to see more emphasis on parks used for leisure and quiet. She appreciated the comments on preserving open space and agricultural land. She said she was impressed with the City Council's comments.

Mr. Zook displayed potential topics for discussion, specific projects that were in the current budget, and ideas to be thinking about for future discussion.

Councilman Jacobsen asked if they had adopted the right parks plan when reviewing the budgeted \$800K set aside for the regional park and with the data they reviewed. The Mayor and Councilman Mickelson were not sure the survey was a definitive answer. Mr. Zook agreed that it would be good to gather some scientific data. Councilman Hansen said he would like to find a way to lessen the impact of the regional park and see what else was needed. He reiterated that he wanted to do the Blacksmith Fork trail. Mayor Knight asked if they had the right location for a 50 acre regional park. Mr. Zook agreed and wondered if there was an opportunity to partner with the school district to share in the impact of the facility. Councilman Platt wanted to work towards amicable agreements with property owners to facilitate these activities. Rod Elwood agreed with the Mayor. He discussed the maintenance of a large park region and the cost of maintaining them. He said they needed to look to the future and plan for a large park before there was no more space available and referred to Providence. Mr. Saunders said the large regional park would take the impact off of the other city parks.

Corylss Drinkard noted the survey did not address how much time was spent recreating in areas outside of Nibley.

Councilwoman Cook asked how Providence recreation was functioning with the recreation spaces they had. Mr. Elwood addressed her question and said it was decreasing and they had split off from South Cache Soccer. The Council generally agreed that contacting the school district should be a priority.

4. Discussion and consideration of Resolution 12-09: A Resolution Implementing the Nibley City Legacy Tree Programs.

Mayor Knight read Resolution 12-09 to the City Council, staff, and public present.

Councilman Hansen made a motion to approve first reading of Resolution 12-09—the Nibley City Legacy Tree Program. Councilman Jacobsen seconded the motion.

Councilman Platt expressed his concern with removing the trees and the cost associated with relocation of a tree. Councilwoman Cook said that needed to be clarified. Councilman Platt asked if there had been any demand for this type of program. Ms. Phippen said it had been brought up to her by multiple people.

The motion passed unanimously 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Mickelson, Councilman Platt, and Councilwoman Cook in favor.

5. Discussion and consideration of Ordinance 12- 06: Setting the Criteria for Heritage Tree Designation

Councilman Jacobsen made a motion to adopt Ordinance 12-06—Setting criteria for Heritage Tree Designation, on its first reading. Councilman Hansen seconded the motion.

Councilman Mickelson asked if there was a list of trees that they did not have the option of planting on the property. Ms. Phippen said this was in regards to existing trees only. Councilman Mickelson asked if this kept him from planting trees on his property. Councilman Jacobsen said this had been looked at as a “big brother” action but noted the owner of the tree needed to apply to have this consideration on their tree. Councilman Platt asked for clarification if an owner changed their mind and wanted to remove a tree. Mayor Knight said they would need to come in for review.

The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt in favor. Councilman Mickelson was opposed.

6. Council and Staff Reports

Councilman Hansen gave an update on the Community Garden and noted a club meeting for the Nibley Sister City Club on the 24th at 7:00.

Councilwoman Cook asked for an update on the Meadow View property entrance. Ms. Phippen said she had nothing.

Councilman Mickelson asked for a Heritage Days update and requested Mrs. Haycock come to the next Council meeting.

Mayor Knight updated the Council on the Heritage Days Art Festival.

Mr. Zook updated the City Council on the radar signs they had purchased and had installed.

Mr. Zook said they had installed the Tree City USA signs and discussed the location of those signs.

Mr. Zook said the city had hired a new Information Technology company, Tharon Telecommunications. He discussed items they would be working on.

Mr. Zook updated the Council on the sewer meter calibration.

The meeting was adjourned at 10:40 p.m.