

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, May 2, 2013.

The following actions were made during the meeting:

Councilmember Mickelson motioned to approve the preliminary plat for Heritage Parkway, a cluster subdivision located at approximately 2700 South 1200 West with stipulations: that the final plat require an agreement with the canal company to rectify piping of the canal and grading specific to the development property; and that the sidewalk and passive park recreation plan be complete and in place on the final plat at approval; and that something be in place to prohibit the division of larger lots in the future. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen made a motion to amend that an agreement with the canal company be in place if reasonable terms can be negotiated. Councilmember Mickelson seconded the motion. The amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Mickelson, Councilmember Platt, Councilmember Cook, and Councilmember Hansen in favor.

Councilmember Cook made a motion to amend that Heritage Parkway developer make 1350 West 1350 West meet up with the current plat of Stonebridge to make the roads connect. Councilmember Platt seconded the motion. The amendment passed unanimously 5-0; with Councilmember Cook, Councilmember Platt, Councilmember Mickelson, Councilmember Hansen, and Councilmember Jacobsen all in favor.

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

Councilmember Cook motioned to approve Phase 2 of Maple View Estates, a conservation subdivision located at 2800 South 1200 West with the requirements; that all field drains be redirected to property lines and/or utility easements; and that clean-out access points be put at the east and west property lines of the full subdivision; and that field drain construction be listed on the construction drawing as “as builds”. Councilmember Platt seconded the motion.

Councilmember Mickelson made a motion to amend: that clean-out access points be placed as appropriate and sufficient to maintain the system. Councilmember Jacobsen seconded the motion. The amendment passed 4-1; with Councilmember Mickelson, Councilmember Platt, Councilmember Jacobsen, and Councilmember Hansen in favor. Councilmember Cook was opposed.

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

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, May 2, 2013 Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Larry Jacobsen, Councilmember Thayne Mickelson, and Councilmember Bryan Hansen. Mr. David Zook, the City Manager, the City Planner, and Bill Saunders, the Public Works Director, were also in attendance.

Call to order; approval of agenda; and approval of the April 18, 2013 meeting minutes

Mayor Knight called for a motion approving the evening's agenda and both the executive and regular meeting minutes from the previous meeting.

Councilmember Hansen made a motion to approve the minutes of April 18, 2013 and the evening's agenda. Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, and Councilmember Mickelson all in favor.

Public Hearing—A public hearing to receive comment concerning a preliminary plat for Heritage Subdivision, a proposed cluster subdivision located at approximately 2700 South 1200 West (Applicant: River Valley Development)

Mr. Brian Lyons was present representing River Valley Development. The City Planner said this property was at about 2700 South and 1200 West. The applicant brought the proposal to the City Council a few months ago requesting a rezone from agriculture to R2A. She said they approved the rezone with the understanding that the applicant would be proposing a cluster subdivision and that this was the preliminary plat for that cluster subdivision. The plat had been through the Planning & Zoning Commission and had been recommended by the Planning & Zoning Commission to the City Council. The City Planner reviewed some of the requirements for a cluster subdivision. She said the lot size on the subdivision averaged 14,283 square feet and there was a great variety of lot sizes because of the unusually shape of the land and how the roads were laid out. The City Planner said the frontages in a cluster subdivision are smaller than in a typical subdivision. She said in the proposed subdivision there were no frontages smaller than 90 ft.

Councilmember Platt arrived at 6:38.

The City Planner discussed the setback requirements for a cluster subdivision. She said she and the Planning & Zoning Commission had recommended a reduced setback for this cluster subdivision; this provided for more effective clustering. The City Planner discussed setbacks for lots 1, 9, 12, 46 and 47. She said there were some issues with the roads that would need to be taken care of in conjunction with the subdivision that was

proposed next on the agenda. The City Planner reviewed the canals on the property. She said she had discussed with the developer that they needed to communicate the plat to the canal company. She discussed open space on the property that was anticipated to be dedicated to Nibley City. She also summarized a strip of land adjacent to the open space between two building lots. She said the Planning & Zoning Commission and staff suggested they require a sidewalk be placed in the open space during development of the all sidewalks so the lot purchasers would have full knowledge of the sidewalk at the time of purchase. The City Planner said the preliminary plat had support from the Planning & Zoning Commission and city staff.

Mayor Knight asked how much open space was being dedicated to the city. The City Planner said it was approximately 1.3 acres adjacent to the five acres owned by the city. Councilmember Cook asked about canals and if they could legally require piping of something that wasn't owned. After discussion, there was the understanding that the canal companies preferred the canals be piped.

Mayor Knight gave instructions to the public present.

Mayor Knight opened the public hearing at 6:47.

Barbara Willden discussed when this came before the Planning & Zoning Commission and that she was present at that meeting. She said she was absolutely opposed to taking the land out of agriculture and losing the rural flavor. She relayed the definition of "rural" from the dictionary. Mrs. Willden referred to information in Nibley's general plan and the references to rural. Mrs. Willden said she had a discussion with a person who helped develop the General Plan in 2007. She stated that person had relayed to her that she thought they had forgotten what was discussed in the meetings when the general plan was developed. She asked the Council to keep the agriculture development of this region in the future. Mrs. Willden read from Planning & Zoning Commission minutes of March 13, 2013 and discussion involving Glen Hansen. She relayed discussion with the City Planner. Mrs. Willden read from the April 10, 2013 minutes. Mrs. Willden discussed private property rights and said that development should only occur under the parameters that had been set under Nibley City ordinance.

Corlyss Drinkard reiterated that she hadn't seen anything this "hideous" since the Pleasant Haven subdivision was brought before the City Council. She said if the City Council cared about the rural character of Nibley then they wouldn't want any part of this subdivision. She said this development was a "future slum" and she said the City Council had made more than enough accommodations for "future credit risks" and low income housing.

Seeing no further comment, Mayor Knight closed the public hearing at 6:59.

Preliminary Plat—Discussion and consideration of a preliminary plat for Heritage Parkway (47 lots), a cluster subdivision located at approximately 2700 South 1200 West (Applicant: River Valley Development)

Councilmember Mickelson asked about the requirements in an R2A zone. The City Planner said the lots had to be a 14,000 sq./ft. average with a 12,000 sq./ft. minimum. Councilmember Mickelson discussed canal issues and that they needed to have an agreement from the canal company or they would never have a better relationship with the canal company. The City Planner relayed discussion with Mr. Lyons who said he had met with Gordon Zilles on the project site and that Mr. Zilles was O.K. with what was on the plat. Mr. Lyons said Mr. Zilles needed to take the plans to the canal board. Councilmember Mickelson said he would not be in favor of moving forward with the plat unless there was some sort of agreement with the canal company in place.

Mr. Lyons showed the City Council and public present where the canal was on the property and how they proposed to deal with those canals. Councilmember Mickelson said that could pose a problem because if there were future problems with the canal then they would have to deal with who would pay to have the problems dealt with. Councilmember Jacobsen said the canal companies preferred to have the canals piped. He said he felt they needed to be careful in their dealings with the canal company and make sure that “reasonable issues” were worked out with them. Councilmember Cook asked if it was possible to show adjacent subdivisions and how the roads would tie in. The City Planner discussed roads and the Stonebridge development. Councilmember Mickelson asked where the drainage for the property would go. The City Planner said it would go into the city property. The City Planner said a fee for drainage was calculated for each lot which the developer typically built into the property. Bill Saunders said the fee was \$3,000 per lot. Councilmember Mickelson expressed his concern with the larger lots in the subdivision. He was concerned with splitting those lots in the future and having even more small lots. The City Planner said they would have to change the zoning of the property before they could do that said she felt those lots would actually be smaller.

Ms. Drinkard asked for clarification and instruction regarding the displayed plat.

The City Council and city staff discussed the issues presented by Ms. Wilden during the public hearing and determined that the proposed plat followed Nibley City ordinance.

Councilmember Jacobsen addressed the rural and density issues brought up during the public hearing. He discussed public opinion from the community visioning exercises that were part of the general plan update. He reminded the Council that they could not legislate away an individual’s property rights. He discussed the conservations options open to the city; buying land and controlling that land, conservation subdivisions, and cluster subdivisions. Councilmember Jacobsen and the City Planner discussed the intended uses for the open space in this subdivision. The City Planner said the open spaces were intended for passive recreation use.

Councilmember Mickelson made a motion to approve the preliminary plat for Heritage Parkway, a cluster subdivision located at approximately 2700 South 1200 West with stipulations: that the final plat require an agreement with the canal company to rectify piping of the canal and grading specific to the development property; and that the sidewalk and passive park recreation plan be complete and in place on the final plat at

approval; and that something be in place to prohibit the division of larger lots in the future. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen made a motion to amend that an agreement with the canal company be in place if reasonable terms can be negotiated. Councilmember Mickelson seconded the motion. The amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Mickelson, Councilmember Platt, Councilmember Cook, and Councilmember Hansen in favor.

Councilmember Jacobsen suggested wording to be added to the plat that would inform future developers of the subdivision requirements so that no larger lots could be split in the future. Councilmember Mickelson said he liked and agreed with Councilmember Jacobsen's suggestion.

Councilmember Cook made a motion to amend that Heritage Parkway developer make 1350 West meet up with the current plat of Stonebridge to make the roads connect. Councilmember Platt seconded the motion.

The City Planner relayed a solution to make the roads align given to her by Mr. Lyons.

The amendment passed unanimously 5-0; with Councilmember Cook, Councilmember Platt, Councilmember Mickelson, Councilmember Hansen, and Councilmember Jacobsen all in favor.

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

Final Plat—Discussion and consideration of a final plat for Phase 2 (27 lots) of Maple View Estates, a conservation subdivision located at 2800 South 1200 West (Applicant: Neighborhood Non-Profit Housing Corporation)

Ms. Kim Datwyler was present at the meeting. Ms. Datwyler said all concerns had been addressed and that NNHC owned all the property now. The City Planner said there were four field drains on the property and city staff had a concern with where the water would go. The City Planner said they received an email from Gordon Zilles that said he (the canal company) would allow the drains to go into the canals.

Councilmember Cook asked about the locations of the field drains. Ms. Datwyler said they would reroute the field drains. Bill Saunders said the drains would be terminated into a box with an access on the top. Councilmember Cook and Mr. Saunders discussed piping of the subdivision.

Councilmember Cook made a motion to approve Phase 2 of Maple View Estates, a conservation subdivision located at 2800 South 1200 West with the requirements; that all field drains be redirected to property lines and/or utility easements; and that clean-out access points be put at the east and west property lines of the full subdivision; and that

field drain construction be listed on the construction drawing as “as builds”. Councilmember Platt seconded the motion.

Councilmember Hansen left at 8:21.

There was extensive discussion of the field drains in the proposed subdivision area.

Councilmember Hansen returned at 8:27.

Councilmember Mickelson made a motion to amend: that clean-out access points be placed as appropriate and sufficient to maintain the system. Councilmember Jacobsen seconded the motion.

The City Council and city staff discussed clean out accesses for field drains.

The City Planner suggested the addition of an engineering specification that would give directions on field drains. Mayor Knight agreed with this suggestion.

The amendment passed 4-1; with Councilmember Mickelson, Councilmember Jacobsen Councilmember Platt, and Councilmember Hansen in favor. Councilmember Cook was opposed.

Councilmember Jacobsen tasked Mr. Saunders with finding a solution to field drain issues.

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

The City Council took a recess at 8:50. The meeting reconvened at 8:58.

Preliminary Budget Discussion

Saundra Liddell, Nibley’s Accounts Payable Clerk, was present for the budget discussion. Mr. Zook said Ms. Liddell and most other city staff had been instrumental in preparing the budget. Mr. Zook said the budget would need to be adopted by June 20th because the 21st was the legal deadline to adopt the budget. Mr. Zook gave instructions on the documents that had been given to the Council members and an explanation of the four columns included in the preliminary budget. He then gave a summary overview of the preliminary budget documents.

Councilmember Hansen left at 9:40 and returned at 9:42.

Discussion on the preliminary budget concluded at 11:06.

Council Reports

Councilmember Cook asked if Maverick had approached the city about having their alcohol sales hours adjusted. Mr. Zook said that was still in the works.

Councilmember Hansen said he had worked with Dick Knight on their annual trail head ideas. Mayor Knight said he would also like to include landscaped medians.

Mayor Knight reported on the Nibley Heritage Days schedule and committee.

Mayor Knight reported on his communications with David Church.

Mayor Knight said the Tree Board and Wildlife Committee's had requested line items in the budget with small amounts for education materials.

Mayor Knight reported on the Cache County Fair and Rodeo. He said the volunteers of the last few years did not intend to return and if Nibley wanted a fair booth they would need to find help.

Staff Reports

Mr. Zook reported on a meeting with UDOT. They discussed the 2600 South intersection, pedestrian crossing options, 3200 South intersections, etc. He felt positive about the meeting.

Mr. Zook said they had applied for a grant from the Council of Governments (COG) for a spot improvement; to do a study on the 3200 intersection and possible realignment.

Mr. Zook reported on an update with Ms. Fisher.

Mr. Zook said the state had done an audit of their retirement contributions. It was determined that they were paying the appropriate amount of retirement benefits for Nibley's employees with the exception of one employee which they may have to pay up to six years of back retirement benefits.

Mr. Zook informed the Council that he may be out of state for the weekend.

The meeting was adjourned at 11:34 p.m.