

1 The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley,  
2 Utah, on Thursday, July 18, 2013.

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4 The following actions were made during the meeting:

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6 **Councilmember Jacobsen motioned to postpone consideration of the final plat for**  
7 **Stonebridge Subdivision, Phase 2, until August 1, 2013. Councilmember Mickelson**  
8 **seconded the motion. The motion failed 2-1; with Councilmember Jacobsen and**  
9 **Councilmember Mickelson in favor. Councilmember Cook was opposed.**

10  
11 **Councilmember Mickelson motioned to approve Resolution 13-08—A Resolution**  
12 **establishing the polling place, appointing poll workers, and setting the rate of pay**  
13 **for their service; and to waive the second reading of Resolution 13-08.**

14 **Councilmember Cook seconded the motion. The motion passed unanimously 3-0;**  
15 **with Councilmember Mickelson, Councilmember Cook, and Councilmember**  
16 **Jacobsen all in favor.**

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20 **OFFICIAL MINUTES OF THE MEETING**

21 Minutes were taken by Assistant City Recorder Cheryl Bodily

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23 Councilmember Thayne Mickelson made a motion to appoint Councilmember Carrie  
24 Cook as mayor Pro Tempore for the evening's meeting. Councilmember Jacobsen  
25 seconded the motion. The motion passed unanimously 3-0; with Councilmember  
26 Mickelson, Councilmember Jacobsen, and Councilmember Cook all in favor.

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28 Councilmember Carrie Cook called the Thursday, July 18, 2013 Nibley City Council  
29 meeting to order at 6:30 p.m. Those in attendance included Councilmember Carrie Cook  
30 and Councilmember Thayne Mickelson. Councilmember Larry Jacobsen was  
31 participating remotely via telephone. Mr. David Zook, the City Manager, and the City  
32 Planner were also in attendance.

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34 **Call to order; approval of agenda; and approval of the June 20, 2013 and June 25,**  
35 **2013 meeting minutes**

36 Councilmember Mickelson made a motion to approve the 6-20-13 and 6-25-13 meeting  
37 minutes and the evening's agenda. Councilmember Jacobsen seconded the motion. The  
38 motion passed 3-0; with Councilmember Mickelson, Councilmember Jacobsen, and  
39 Councilmember Cook all in a favor.

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41 **Discussion and consideration of a final plat for Stonebridge Subdivision—Phase 2**  
42 **(31 lots) located at approximately 1290 West 2980 South (Applicant: Gary Nilson)**  
43 Mrs. Jan Nilson, part owner in the company, and Edward Chalfant were present  
44 representing the applicant. The City Planner said Neal Andersen had sold the second  
45 phase of Stonebridge subdivision to another developer. It would be developed in the same  
46 cluster type pattern; exactly the same as what was anticipated by the preliminary plat. She

47 said the city understood that the restrictive covenants of the subdivision would remain  
48 intact. The City Planner said according to their engineer there were some issues to be  
49 worked out on the construction drawings and that the plat met all the standards and  
50 requirements and there were no issues to be worked out. The City Planner said the  
51 application had been recommended by the Planning & Zoning Commission. The City  
52 Planner discussed the smaller frontages in the subdivision. She said this application met  
53 their engineer's approval and staff approval.

54  
55 Councilmember Mickelson asked if any of timelines for filing had lapsed. The City  
56 Planner said there wasn't a regulation between final phases. There were only regulations  
57 between preliminary and the first final approval. Councilmember Mickelson asked if they  
58 could be required to complete the open space development in this phase. The City  
59 Planner said they could not; because it was given preliminary approval to be put in place  
60 in the third phase. Councilmember Mickelson asked if they had legal recourse should the  
61 development be sold before the open space was developed in phase 3. The City Planner  
62 said they did not.

63  
64 Councilmember Mickelson asked if there were any canal issues on the property. The City  
65 Planner said the canal company saw and approved all the engineering that was done on  
66 the canal for the project. The City Planner said she had a letter from the canal company.

67  
68 There were communication issues with Councilmember Jacobsen at 6:45. Mr. Zook  
69 attempted to contact him via Skype.

70  
71 Councilmember Mickelson asked where the stormwater would be going for the  
72 development. The City Planner said there was a signed agreement from Mr. Anderson; he  
73 agreed to let the water temporarily go in to the portion of the land that was north; the  
74 anticipated phase 3. Discussing the open space, The City Planner said the way the land  
75 was marked, they are making potential buyers fully aware of the preliminary plans and  
76 what has been given preliminary approved and what development standards are expected.

77  
78 Communication was reestablished with Councilmember Jacobsen at 6:50 using Skype.

79  
80 Councilmember Mickelson and Councilmember Cook updated Councilmember Jacobsen  
81 on the issues that were being discussed. The City Planner clarified that they could hold  
82 them to the open space development in the third phase but that they could do nothing  
83 about the open space in the current (2<sup>nd</sup>) phase. They are bound by the preliminary plat  
84 approval to have the open space in the third phase. The City Planner said that was  
85 consistent with the requirements of the preliminary plat.

86  
87 The Council discussed stormwater in the first, second, and potential third phase of the  
88 development. Dave Davenport, a resident of Stonebridge said that stormwater for phase 1  
89 remained in the drains and didn't go anywhere. Councilmember Mickelson said he didn't  
90 feel the stormwater issues had been addressed to his satisfaction and was not ready to  
91 take action. Councilmember Jacobsen asked if they could give the developer specific  
92 actions to work on. Councilmember Mickelson said that stormwater for phase 1 and 2

93 were going to temporary places and they had heard from the audience that they had not  
94 sufficiently developed the stormwater retention. He said whatever was required to make  
95 the land drain properly and hold the stormwater sufficiently needed to be put into place.  
96

97 Mr. Zook, after talking to Bill Saunders, the public works director, said they would be  
98 required to build a second temporary retention basin for the second phase which was  
99 further north until a regional basin was completed and said that Mr. Saunders  
100 acknowledged that the current basin was not functioning property.  
101

102 Councilmember Mickelson said he still didn't feel comfortable going ahead with the  
103 development. He wanted to stormwater drains functioning as they should for the current  
104 development before they went ahead.  
105

106 Councilmember Cook asked Mr. Chalfant what development agreement they were under  
107 from phase 1. Mr. Chalfant said the only development agreement they had was that they  
108 would make themselves available to complete, at a discount, the road from 3200 South,  
109 northbound to the development at 1200 West (phase 2 of Stonebridge). He said as far as  
110 infrastructure or development requirements they were under none from phase 1. Mr.  
111 Chalfant said they were still taking about two different owners and that Mr. Nilson  
112 should be held by the agreements made with Neil Andersen. Councilmember Cook asked  
113 if they had that agreement in writing. The City Planner said development agreements  
114 were not done until final approval was given. Councilmember Mickelson said he still  
115 didn't feel ready to make a motion. He said they had property owners present who said  
116 their stormwater was not being taken care of on the phase that was being developed and  
117 he felt they would be adding to the problem. Councilmember Jacobsen said this seemed  
118 more complicated than could be taken care of with him participating remotely. He said it  
119 would be hard for him to get behind the application at this point. Councilmember Cook  
120 said she didn't feel they could hold developer two responsible for developer one to an  
121 extent. Councilmember Cook summarized the items that had been discussed and the  
122 proposed solutions. Councilmember Jacobsen said he felt the land was encumbered by  
123 the development agreements from phase 1.  
124

125 Mrs. Nilson said she thought this was to approve the lot placement so they could start  
126 clearing the land before construction started. She said it would be helpful to them if they  
127 could start doing that while working out the issues with the storm drain. Councilmember  
128 Cook said this was the last point that the City Council had any say in the development  
129 and it was their opportunity to address all of their concerns. She said after final approval  
130 everything was handled by staff and they didn't have any say in it again. Councilmember  
131 Mickelson said they had no indication of the placement or size of the temporary  
132 stormwater retention basins for phase 1 or phase 2. Councilmember Mickelson said in  
133 light of the fact that there was a problem that hadn't been solved he felt he could not  
134 move forward. Councilmember Jacobsen said he thought they needed a contingency plan  
135 if phase 3 never happened. He needed to know what happened to the stormwater in phase  
136 1 and 2 if phase 3 never happened. The City Planner said the storm water would be  
137 redirected into the regional detention pond. Councilmember Mickelson said he needed a  
138 clear understanding from staff on what was going on with stormwater retention; size, how

139 it would be kept, etc. Councilmember Mickelson said he had no other issues with the  
140 development. Councilmember Jacobsen agreed and said phase 1 stormwater issues  
141 needed to be resolved before they moved forward with phase 2.

142  
143 Councilmember Jacobsen made a motion to postpone consideration of the final plat for  
144 Stonebridge Subdivision, Phase 2, until August 1, 2013. Councilmember Mickelson  
145 seconded the motion. The motion failed 2-1; with Councilmember Jacobsen and  
146 Councilmember Mickelson in favor. Councilmember Cook was opposed.

147  
148 Dave Davenport, a property owner in Stonebridge subdivision since 2007 said that there  
149 were many promises and assurances made by Neil Anderson that had not come to pass.  
150 He said the stormwater came up through the grates and flowed onto the road. He also said  
151 if an issue was not put in writing then it didn't seem to happen. He said he knew there  
152 were good intentions but they had a significant investment that had been eroded by Neal  
153 Andersen and his actions or lack of actions. He said he appreciated the Council's action.

154  
155 Councilmember Jacobsen said he heard that representation had been made by the  
156 developer and he thought it was a great idea to get the expectations of Mr. Davenport  
157 written down. He thought if they identified those expectations then they could delineate  
158 what the city could help with and what they could not.

159  
160 **Discussion and consideration of Resolution 13-08—A Resolution establishing the**  
161 **polling place, appointing poll workers, and setting the rate of pay for their service**  
162 Mr. Zook said the city is required to appoint poll workers fifteen days before the election.  
163 This action set the polling pace as City Hall and appointed the poll workers and set the  
164 rate of pay for those poll workers.

165  
166 Councilmember Mickelson made a motion to approve Resolution 13-08—A Resolution  
167 establishing the polling place, appointing poll workers, and setting the rate of pay for  
168 their service; and to waive the second reading of Resolution 13-08. Councilmember Cook  
169 seconded the motion.

170  
171 Councilmember Jacobsen stated the names of the poll workers were; Lisa Ward, Connie  
172 Barr, Nancee Jabbs, Darci Johnson, Diane Marvin, Cheryl Bodily, with a 9/hour pay rate.

173  
174 The motion passed unanimously 3-0; with Councilmember Mickelson, Councilmember  
175 Cook, and Councilmember Jacobsen all in favor.

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177 **Council Reports**

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179 **Staff Reports**

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181 The meeting was adjourned at 7:32 p.m.