

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, February 20, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to adopt Resolution 14-4—Resolution Approving the Nibley City Annual Wastewater Report. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, Councilmember Beus, and Councilmember Whittaker all in favor.

Councilmember Hansen motioned to adopt Resolution 14-2—A Resolution Approving the Nibley City Investment Policy. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Beus, Councilmember Cook, Councilmember Whittaker, and Councilmember Jacobsen all in favor.

Councilmember Jacobsen motioned to give consent to the appointment of David Davenport's to the Nibley City Planning & Zoning Commission. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, Councilmember Whittaker, and Councilmember Beus all in favor.

Councilmember Hansen motioned to continue discussion and consideration of a preliminary plat for Malouf subdivision—an industrial subdivision located at approximately 2960 South 1500 West due to public notification issues until the next City Council meeting. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus in favor.

Councilmember Jacobsen motioned to pursue RAPZ tax grant money for the sports courts at Heritage Park. Councilmember Hansen seconded the motion.

Councilmember Beus made a motion to amend to add funding for a splash pad to the location and proposal for RAPZ tax money. Councilmember Cook seconded the motion. The amendment passed unanimously 5-0; with Councilmember Beus, Councilmember Cook, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Whittaker all in favor.

The amended motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, Councilmember Whittaker, and Councilmember Beus all in favor.

Councilmember Whittaker motioned to adjourn to executive session to discuss personnel matters pursuant to Utah Code 52-4-205. Councilmember Cook seconded

them motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Cook, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, February 20, 2014 Nibley City Council meeting to order at 6:34 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Carrie Cook, Councilmember Kathryn Beus, Councilmember Larry Jacobsen, Councilmember Amber Whitaker, and Councilmember Bryan Hansen. Mr. David Zook, the City Manager, was also in attendance.

Call to order; approval of agenda; and approval of the February 6, 2014 meeting minutes

Mayor Dustin requested the council move items 7 and 8 up on the agenda to accommodate staff that was present at the meeting.

Councilmember Jacobsen made a motion to approve the 2-6-14 minutes and the modified agenda; moving items 7 & 8 in front of items 1 & 2 to accommodate staff present at the meeting. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, Councilmember Beus, and Councilmember Cook all in favor.

Discussion and Consideration of Resolution 14-4—A Resolution Approving the Nibley City Annual Wastewater Report (Second Reading)

Brock Nelson, a member of staff in the Nibley City sewer department, was present to address this item. He said this report was a self-assessment of Nibley's waste water system.

Councilmember Jacobsen thanked Mr. Nelson for the report and said it looked like great performance. He asked Mr. Nelson what Nibley needed to do to improve. Mr. Nelson said everything was going well. He said their flows were exactly where they wanted them to be. Councilmember Jacobsen asked Mr. Nelson about leaks into the system. Mr. Nelson said they quickly fix any leaks they find and they had seen their rate drop drastically.

Mayor Dustin read Resolution 14-4.

Councilmember Jacobsen made a motion to adopt Resolution 14-4—A Resolution Approving the Nibley City Annual Wastewater Report. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, Councilmember Beus, and Councilmember Whittaker all in favor.

Discussion and Consideration of Resolution 14-2—A Resolution Approving the Nibley City Investment Policy (Second Reading)

Nibley City Treasurer, Stephen Nelson, was present at the meeting to discuss this item. Councilmember Beus asked Mr. Nelson about the Prudent Man Rule. Mr. Nelson addressed Councilmember Beus' question.

Mayor Dustin read Resolution 14-2.

Councilmember Hansen made a motion to adopt Resolution 14-2—A Resolution Approving the Nibley City Investment Policy. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Beus, Councilmember Cook, Councilmember Whittaker, and Councilmember Jacobsen all in favor.

Discussion and Consideration of Appointment to the Planning and Zoning Commission

Mayor Dustin said the candidate for consideration was David Davenport. Mayor Dustin reported on his experiences working with Mr. Davenport saying he was very ethical.

Mr. David Davenport was present at the meeting. Councilmember Jacobsen read from Utah code 10-9a-509, and Legal council from the Utah League of Cities and Towns regarding subdivision approval. He asked how Mr. Davenport would react to a request for a subdivision that met with ordinances of Nibley City and Utah State code. Mr. Davenport said he would have to act with the law. Councilmember Jacobsen described how the Planning & Zoning Commission did not make policy and read from legal council from David Church. He referenced Planning & Zoning Commissioners who made well thought out and studied recommendations and were a great asset to the city opposed to those may be acting with special interests and specific neighborhoods and may actually hinder planning. Mr. Davenport said he agreed with this Councilmember Jacobsen's statements. Councilmember Hansen asked for Mr. Davenport's background. Mr. Davenport introduced himself and highlighted his background.

Councilmember Whittaker asked for Mr. Davenport's understanding of the Planning & Zoning Commission's duties. Mr. Davenport said he understood that the Planning & Zoning Commission administered planning and zoning ordinances and planned for the growth of Nibley city in a safe and planned out manner which provided basic services and protected property values. Councilmember Cook said he appreciated Mr. Davenport's willingness to serve and learn. Mr. Davenport shared the reasons why he wanted to fill the seat on the Planning & Zoning Commission. Councilmember Beus asked Mr. Davenport if he would be willing to make the sacrifices to adhere to the Planning & Zoning Commission meeting schedule. Mr. Davenport said he was willing and had discussed this with Commissioner Lawver.

Councilmember Jacobsen made a motion to give consent to the appointment of David Davenport's to the Nibley City Planning & Zoning Commission. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember

Jacobsen, Councilmember Cook, Councilmember Hansen, Councilmember Whittaker, and Councilmember Beus all in favor.

The City Planner said Mr. Davenport's term expired at the end of 2016.

Public Hearing—A public hearing to receive comment concerning a preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West

Mayor Dustin asked for the City Council's consent to allow a group representing most of the neighborhood body to make a 10 minute presentation. He said the developer would also be allowed to respond with a presentation. He said they would hold the public hearing after the presentations had been made. The City Council gave their consent. Mayor Dustin gave instructions to the public regarding the format of the public hearing.

The City Planner introduced the consideration. She read to motions and recommendations regarding this proposal made at the last Planning & Zoning Commission. The City Planner said if the City Council was willing to cut accesses to lot 1 then they couldn't legally require the developer of lot 1 to provide that infrastructure. The City Planner asked the Council to bear in mind that Nibley City ordinance regulated the length of a cul-de-sac and discussed a cul-de-sac ending on 2930 S. She said the same concern applied at 1500 W. The City Planner said this proposal met minimum lot sizes, frontage requirements, and stormwater requirements for the proposed roads. She discussed connectivity requirement for EMT services.

Mayor Dustin allowed a presentation given by Nibley Citizens for Responsible Development. Troy Jaussi acted as a spokesperson for this group of individuals. Mr. Jaussi said the wanted the greatest good for the City of Nibley to be achieved. Mr. Jaussi said their major concerns were traffic impact and semi-trailer traffic through their neighborhoods. He said they were also concerned with property values. Mr. Jaussi said this group had reviewed this proposal and had recommendations on road placement. He displayed proposal #1 which he said was their preferred proposal and said the purpose of these proposals was to limit traffic access to residential subdivisions. Mr. Jaussi then displayed proposal #2. He said the least preferred proposal was the one being presented by the Planning & Zoning Commission. Mr. Jaussi summarized discussion that had been held with Cache County law enforcement about prohibition and enforcement dealing with truck traffic. Mr. Jaussi discussed buffer zones. He asked the City Council to increase the 20 foot buffer zone for the residents who bordered this development.

Randy Spalding said he lived on the lot closest to the proposed subdivision in Stonebridge. He summarized conversations held with a realtor about property values. He also summarized the research he had done on residential properties bordering industrial zones and referred to "The Impact of Industrial Sites on Residential Property Values" from 2005 by deVor and Groot. Mr. Spalding referenced the possibility of a land swap. Mr. Spalding thought it would be wise to not offer incentives or tax breaks to developments that impacted residents.

Preston Freshnecht, general counsel for Malouf, was present at the meeting. Mr. Freshnecht said he was a Nibley resident and shared the history of Maulouf and discussed the employment opportunities that the development would bring. Mr. Freshnecht said Malouf had outgrown their business spaces both in warehousing and business offices. He said they were not creating a manufacturing facility. He said this would be a warehouse and executive office space. Mr. Freshnecht addressed perceived misconceptions; he said their current operations had 3-4 trucks a day and that their hours of operation were 8 a.m. to 6 p.m. Mr. Freshnecht said they wanted to be good neighbors and had worked with the Planning & Zoning Commission within the constraints of their needs, the needs of the residents, and the general plan of Nibley City and had increased the buffers between the development and the residents, and that they had suggested the single access for ingress and regress.

Mayor Dustin opened the public hearing at 7:25.

Lad Darley, of Nibley parkway, agreed with Mr. Freshnecht, that this was a great company but said it was the loss of property value; minimum 10% value of his house. He said it came down to that.

Barbara Jensen, of Stondbridge Drive, said she was not against the Malouf Business but said they had put their property up for sale in October but had buyers walk because of this proposal. She said they had lost more than 10% and that people were losing money.

Erin McNeil, living on 1500 West, said she was concerned about the current traffic. She said the developer was moving to this property to grow his business and the truck traffic would grow. She also stated her concerns with the property later changing hands.

Emily Rigby said she had found a solution for the proposed setback. She referenced Nibley City code 10-12-17 c.4 which said that “setback areas may be increased by the Planning Commission, if in their opinion, it is necessary to protect the atmosphere and integrity of the residential neighborhood.” She asked the City Council to consider increasing the setback to at least 100 ft. or more.

Jeremiah Dursch, of Sunset Circle, said lots 2 and 3 were very problematic. He said it was time for Nibley City to develop an acquisition plan that resulted in the purchase of lots 2 and 3 for the development of recreation and nature use. He said they stood ready to help them in this effort.

David Tullis, of Sunset Circle, said that the way the road was laid out would increase truck traffic. He discussed property values. He encouraged the City Council to make this subdivision conditional before approving it.

Corlyss Drinkard who lived off of 4000 said she had a vested interest in the City Council and knew they would make the correct decision. She encouraged them to eliminate commercial and industrial from the interior of Nibley City and limiting commercial development to the 165 and 89/90 corridors. Ms. Drinkard was concerned that more than

20% of Nibley going to low income housing that they were becoming a low income housing ghetto.

Bethany Tullis said they were in a room full of conservatives who loved job-creating companies. She had nothing against Malouf. She asked Malouf to move to a different location. She said she didn't accept any of the proposals and that the only way she would accept this was if Malouf lived in the subdivision with her.

Derick Croggs, seconded turning lots 2 and 3 into recreational uses and gave road alignment suggestions.

Randy Hoth, of Stonebridge Drive, said this would put her upside down on her mortgage. She asked that there be conditions put in place and suggested a wall to block the view.

Kristin Spaulding, of Stonebridge, asked City Council to limit the hours of operations and limit the number of trucks coming to the development. Mrs. Spaulding referenced the 2-20-14 Herald Journal referring to the consolidation of Malouf business operations.

Mayor Dustin reminded the public that this was a subdivision consideration and not a land use consideration.

Ryan Ward asked the City Council about proper public notification and referenced to Nibley City code A10-1a-7c and the proper notification of hearings regarding all subdivision of property. He felt the notification had not been done.

Maria Horrocks gave a diagram to the City Council. She referenced intersections that were blind intersections. She said if this became a heavy traffic road then there would be more danger and accidents would happen. She asked the City Council ensure that the roads be built property and that all through traffic be stopped.

Jedd Grunig encouraged the City Council to not connect 2930 or 1500 and to consider the proposal by Jeremiah Dursch. He felt the general plan was not connected to the Nibley City ordinance and felt Nibley City should purchase lots 2 and 3.

Greg Ellis discussed road connectivity. He discussed traffic coming from the west. He asked that the City Council not connect the roads.

Matt McNeil said the concerns of the EMT first responders should not be a consideration because this land was currently farmed.

Carrie Jaussi reiterated that lots 2 and 3 needed to be park land. She discussed property values. She asked the City Council to not connect the roads.

Mark Lawver said he was not at the Planning & Zoning Commission when this was recommended. He said connectivity was very important for safety and future

development. He said the roads needed to be connected. He discussed his 15 years driving truck and said truck drivers would not go through neighborhoods.

Eric Darley asked the City Council to consider the financial impact they would feel and that people were trapped. She said she didn't want to live next to a warehouse.

Audrey Hoffman of 1500 West discussed truck traffic coming down her road and truck driver's reliance on GPS. She said they would use 1500 West, right in front of her house, if GPS directed them to. She asked the City Council to not connect the roads.

Chase Gibbons proposed the City Council make lot 1 smaller and made into two separate lots. He asked that they not connect the roads. He said the City Council had the power to approve or not approve this.

Mayor Dustin closed the public hearing at 7:54.

Mayor Dustin thanked the public for their comments.

Discussion and consideration of a preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West

Councilmember Jacobsen addressed the question of proper notification of the public hearing. Mayor Dustin asked if the notification was done per city code. The City Planner said she used a County website that had a parcel and zoning viewer that was publicly accessible. She put markers on the corners of the property which created a 300 buffer and gave a list of those addresses requiring notification. The City Planner said the notices were mailed out 10 days prior to the public hearing. Councilmember Cook said the notification also needed to be posted on 4 x 4 ft. post that is physically staked in the ground. She said the last notification was still up but that this one was not. Mayor Dustin asked for the implications if this were improperly notified. Mr. Zook said he believed that if someone attends a meeting then it is implied that they have received notice. He said it was the duty of the proponent to post the notification. Mayor Dustin said they could proceed at risk that this was not publicized properly or they could continue this discussion at a later date. Councilmember Jacobsen suggested they proceed with the discussion.

Councilmember Jacobsen made a motion to approve the preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West. Councilmember Beus seconded the motion.

Councilmember Hansen said everyone in the city was opposed to having an industrial area in their backyard. He said he was in favor of looking at and indentifying, and perhaps creating appropriate buffers. Councilmember Hansen was in favor of looking at the other lots and creating open space and perhaps a trail system. He would consider looking at phasing lot 1 in the farthest east portion of lot 1. Councilmember Hansen addressed connectivity and felt 12th west fulfilled the need of connectivity from south to north. He said 1500 was a minor arterial and personally felt it was not necessary. Councilmember

Hansen said he would like to pursue making a business loop. Councilmember Hansen felt proposal #1 given by the Nibley Citizens for Responsible Development was a viable option.

Councilmember Jacobsen displayed a PowerPoint presentation. He discussed a trail system he ran in Boise, ID which took him into an industrial zone bordering a residential zone; based on this discussion he felt they could find a solution. He felt the keys were connectivity and buffering. Councilmember Jacobsen reminded the City Council that this was not a legislative action; that they were administering policy that had been made 30 years ago. He referenced Utah code 10-9a-509 which said if a subdivision proposal met their ordinances, then it had to be approved. Councilmember Jacobsen discussed a proposal in which the City Council denied subdivision of land that met Nibley City ordinance. He said they needed to live inside their ordinances.

Councilmember Cook also felt they could come to a solution and also understood property values. Councilmember Cook said it was their job to mitigate the impact to surrounding neighborhoods and that she had a lengthy list of suggestions to mitigate the impact.

Councilmember Jacobsen said he felt the City Council's ethics and morals had been implicated in this discussion. He referred to a message sent by David and Bethany Tullis to the Mayor in which the City Council was copied on. He read this letter sent by the Tullis' to the public present and City Council. Councilmember Jacobsen responded with this statement: "Your message implies that when we are considering a Malouf Fine Linens application for a subdivision of property that the City Council would be influenced by concern over the loss of a possible donation for Heritage Days fireworks event. That implication causes me grief. I assure you that a donation or the possibility of a donation, from an entity towards any city sponsored event will not influence me or my fellow Council members as we make our decisions as representatives of Nibley citizens. If you have something to show that contradicts this assurance I encourage you to bring it to light so that it may be fully evaluated. Relevant to your message, the Heritage Days committee reported during our last Council meeting that they would not be approaching Malouf Fine Linens for a donation to this year's Heritage Days celebration. I believe the committee has made a responsible decision. Moreover, to my know knowledge, Nibley City has not accepted donations from proponents that stood to win or lose from a decision before city staff, the Planning Commission, or the City Council. I promise you that I will do whatever I can to continue that practice. As you can tell, I feel strongly about the suggestion you made in your message. In the end all I have is my integrity and my reputation. Your implication that I might be influenced by a financial donation, let's quit mincing words, a bribe, has placed my reputation in jeopardy. That is unfortunate." Mr. and Mrs. Tullis said this was a privately communicated letter that was not meant to be made public in front of his neighbors; that could have been responded to privately. Councilmember Jacobsen said everything sent to him was public record. Mrs. Tullis said Councilmember Jacobsen had acted irresponsibly. Mr. Tullis said this was not an effort to call ethics to question. He said it was his understanding that Malouf had donated to Heritage Days and there was a witness who heard members of city government concern

that this would cause Malouf to not donate again. Mr. Tullis said Councilmember Jacobsen should have not made this public. Councilmember Jacobsen said he would respond vigorously to anyone who would implicate liability on his reputation.

Councilmember Cook said they needed to find the best solution to mitigate truck traffic and suggested they look at roads first. She liked the suggestion of not connecting to 15 west said they needed to escrow the cost of the original developer and asses the value of building the road. Mayor Dustin said he didn't see the necessity for that connection and he would like to see no direct connection between the two properties. Councilmember Beus said they had a road plan and a connectivity issue in Nibley. She thought they could diffuse the traffic over more channels. She said she was advocating the 2930 and 1500 connections. Councilmember Hansen felt that 12 west served as a north to south arterial and was a viable option. He said that industrial and residential zones didn't need a direct connection and liked a separation of the two areas.

Councilmember Whittaker referred to proposal #2 given by Nibley Citizens for Responsible Development. She asked the City Planner and Commissioner Lawver what the impact would be if they moved the cul-de-sac and connected the two residential areas. The City Planner address Councilmember Whittaker's question. Councilmember Hansen said he liked proposal #1 suggested by the Nibley Citizens for Responsible Development.

The City Council discussed the projected costs associated with purchasing lots 2 & 3 of the industrial subdivision. Councilmember Jacobsen referenced Ordinance 10-12-17 and building setbacks and the right they had to increase the landscape buffer between residential and industrial uses. He wondered if increasing the buffer would make lots 2 & 3 unusable and could influence how the developer used the lot. Councilmember Jacobsen asked for a straw poll and discussed a goal of the Nibley City General Plan and multi-family housing. He asked for a straw poll from the audience on making lots 2 & 3 multi-family housing. The general consent of the audience was that they did not see multi-family housing as an appropriate buffer. Councilmember Hansen asked for a straw poll of an open space buffer as an option. The general consent of the audience was that this was a viable option.

Mayor Dustin asked the public to understand that this land couldn't be rezoned at this time but that the city would follow the laws on the books and come up with the best solution possible. The City Council continued to discuss road alignment and buffering. The City Council discussed cul-de-sac requirements. The City Planner referenced Nibley City code 11-5-5 referring to minimum cul-de-sac length (1/8 mile). The City Planner said buffering is typically done when landscaping came in and during the site approval process at the Planning & Zoning Commission; she referred to Nibley City code 10-12-17 addressing set-back requirements. Councilmember Jacobsen pointed out an inconsistency in Nibley City ordinance between 10-12-17C.2 and 10-11-1 but 10-1-3 said they could govern by the most restrictive ordinance. He said they should consider 50 ft. setback from all streets, roads, and transportation right-of-way in the industrial zones if it could be justified from a reasonable point-of-view. Councilmember Hansen felt they should continue this discussion so that they could look into the possibility of proposal #1

by the Nibley Citizens for Responsible Development and the costs associated with it. Mayor Dustin said they couldn't approve something that wouldn't meet Nibley's ordinances; however mitigating options were available but they weren't cheap. Councilmember Hansen proposed that Nibley Parkway coming off of highway 89/91 connect up to 15 West and exit on to 2600 South and creating an industrial loop. The City Council continued the placement of roads on the industrial subdivision. Councilmember Jacobsen discussed options of connecting the two buffering subdivisions together.

Councilmember Hansen made a motion to continue discussion and consideration of a preliminary plat for Malouf subdivision—an industrial subdivision located at approximately 2960 South 1500 West due to public notification issues until the next City Council meeting. Councilmember Cook seconded the motion.

Councilmember Hansen wanted to continue the discussion so that they could clarify public notification; look at the options they had to connect Stonebridge to Meadow View on 1500 West; abandon the access going north off of 1500 west; creating a cul-de-sac to access lots 1 and 2; creating consistent 50 ft. setback in lots 1, 2, and 3 off the setbacks and right-of-way; and to look at potential costs to the city. Councilmember Jacobsen Councilmember Jacobsen stated that in the interest of full disclosure, Nibley's ordinance required that any landscape buffer they imposed between industrial and residential needed to be landscaped, not fallow ground, to be maintained by the land owner. He said they needed to make sure the proponent had this information. The City Planner said they couldn't legally require the landscaping on lots 2 and 3 as part of lot 1 development. Councilmember Hansen said he also wanted to look at the possibility of the Malouf building to be built on the far east side of lot 1. The City Planner said that was already the developer's intent. The Council discussed moving the truck bays to a different location and asked for that information to be brought back at the next discussion.

The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus in favor.

Councilmember Jacobsen requested a five minutes recess. Mayor Dustin called for a five minutes recess at 9:57. The meeting resumed at 10:08.

Discussion of Ordinance 14-1—An ordinance updating the Nibley City subdivision ordinance (Second reading)

The City Planner said she was currently talking to bankers, finance institutions, and developers on the ability to develop under the bonding issues presented in the proposed ordinance.

Councilmember Whittaker discussed phasing and asked if it was addressed in the proposed ordinance. The City Planner said phasing was addressed in 11-1-8. Councilmember Whittaker wanted the possibility of different developers completing phasing addressed; is developer 2 held responsible for improvements required of developer 1. The City Planner said the proposed ordinance would address this because all

the improvements would have to be included in a phase before a lot could be sold. Councilmember Jacobsen clarified that this was on a phase-by-phase basis. Councilmember Cook wanted the verbage regarding phasing to reflect that if phasing was chosen then connecting roads had to be done first. The City Planner suggested wording to accomplish this intent. Councilmember Cook said she had several revisions that she would be comfortable sharing via email.

General consent was given to move on to the next agenda item.

Discussion of Ordinance 14-2—An ordinance updating the Nibley City land use chart and associated definitions (Second reading)

Councilmember Whittaker said she had reviewed previous year's minutes when the latest changes to the land use chart were made and she felt they were going in the opposite direction. Commissioner Aaron Bliesner was present at the meeting. He stated the Planning & Zoning Commission felt the genesis for this change came from a discussion with the County Planner who was concerned that Nibley was causing problems in their efforts to cover all the bases. The County Planner suggested that their level of specificity was not required and that by going back to a more general version covered some holes. The City Planner said when Planning & Zoning Commission decided to change the land uses to conditional then there was no more need for so many levels of permissibility. Councilmember Jacobsen felt the higher level of specificity allowed for less interpretation. Councilmember Whittaker said she also felt they may not be specific enough to avoid unwanted uses.

There was general consent to move to the next agenda item.

Discussion of Potential Projects for RAPZ Grant Application

Mr. Zook discussed Nibley's historical grants from RAPZ tax. He discussed a sports court at Heritage Park (\$120,000), a Memorial Park for Michael Alleman (\$50,000) which Mr. Zook found would not be eligible for RAPZ money, and a splash pad at Heritage or Nibley Park (\$100,000).

Councilmember Jacobsen made a motion to pursue RAPZ tax grant money for the sports courts at Heritage Park. Councilmember Hansen seconded the motion.

Councilmember Hansen said he would really love to fund a park for Michael Alleman and expressed his respect for Mr. Alleman, who was his son's teacher. He didn't feel the funding needed to come through RAPZ tax and wanted to pursue this regardless of where the funding came from. Councilmember Beus wanted to integrate sports courts and a splash pad. Councilmember Hansen recommended they take the additional bathrooms off the proposal.

Councilmember Beus made a motion to amend to add funding for a splash pad to the location and proposal for RAPZ tax money. Councilmember Cook seconded the motion. The amendment passed unanimously 5-0; with Councilmember Beus, Councilmember

Cook, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Whittaker all in favor.

The amended motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, Councilmember Whittaker, and Councilmember Beus all in favor.

Discussion and Consideration of a Memorandum of Understanding between Nibley City and the Cache County School District Regarding Access to and Development of a new High School

The City Council had all received a copy of the revised MOU. Councilman Dustin thought there was nothing in the MOU that required Nibley to take ownership of the bridge. Mayor Dustin said Nibley had the flexibility to designate an inspector and reviewer or they could choose to go with the inspector and reviewer chosen by the School District. Mayor Dustin thought the MOU they had before them gave them the standing they were asking for. Councilmember Jacobsen said there were several places that called Nibley out as the bridge owner. Mayor Dustin said he was OK with the MOU. Councilmember Whittaker asked about references to the cost of signalization. She felt it needed to be put in the MOU that Nibley would not bear the cost of signalization. Mayor Dustin updated the City Council on the alternatives regarding the proposed signal for the school. Mayor Dustin read item 9 from the MOU which stated that Nibley City would seek funding from COG for the cost of signalization and Mayor Dustin's interpretation was that if the COG funds failed then the issues was back open for discussion.

Councilmember Hansen made a motion to approve the Memorandum of Understanding between Nibley City and the Cache County School District Regarding Access to and Development of a new High School. Councilmember Beus seconded the motion. The motion failed unanimously 0-5; with Councilmember Hansen, Councilmember Beus, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Cook all in favor.

Councilmember Jacobsen proposed the following wording be added to #9 of the MOU; "Nibley city will not contribute, with funding or in-kind, to the constructions of signalization beyond funding awarded by the COG to Nibley City." There was general consent to add this wording.

Councilmember Whittaker asked that the CCSD specify the parcel of land they would be dedicating to the city under item 11 of the MOU. Mr. Zook suggested they add an appendix which referenced a map that would call out the parcel of land.

The City Council directed Mr. Zook to send the edited MOU on to the school district.

Council Reports

Councilmember Whittaker reported on the Cache Valley Unplugged meeting held on February 13. She asked that this item be put on the next agenda so that the City Council could approve the licensing agreement.

Councilmember Whittaker reported on the benefits that are available to Veterans. She reported that there was information now posted on the Nibley City website.

Mayor Dustin reported that there was a new push from the South Corridor study group. He felt this push was coming primarily from Logan. He reviewed Resolution 11-04 which were the items that Nibley had felt were pertinent during previous discussions about the South Corridor study.

Mayor Dustin reported on discussions about new sewer district. He said Logan was definitively not interested in participating in a sewer district.

Adjourn into Executive Session

Councilmember Whittaker made a motion to adjourn to executive session to discuss personnel matters pursuant to Utah Code 52-4-205. Councilmember Cook seconded them motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Cook, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

The meeting adjourned to executive session at 11:55.

The meeting returned from executive session at 12:14.

Councilmember Cook made a motion to adjourn the meeting. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Councilmember Hansen, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus all in favor.

The meeting was adjourned at 12:14 a.m.