

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, March 6, 2014.

The following actions were made during the meeting:

**Councilmember Hansen motioned to approve Resolution 14-05—A Resolution Proclaiming April 2014 as Child Abuse Prevention Month. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus all in favor.**

**Councilmember Whittaker motioned to approve Resolution 14-06: A Resolution Authorizing Nibley City Participation in the Cache Valley Unplugged youth program. Councilmember Cook seconded the motion.**

**Councilmember Beus made a motion to amend to waive the second reading of Resolution 14-06. Councilmember Cook seconded the motion. The motion 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 Whittaker, Councilmember Cook, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.**

**Councilmember Hansen motioned to approve plat #3 of the preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West #3. Councilmember Jacobsen seconded the motion.**

**Councilmember Cook made a motion to amend that the final plat shall show 50 ft setbacks on both sides of the 90 degree road; in addition the final plat shall show a 50 ft building setback and landscape buffer on lots 1, 2, and 3 that are adjacent to currently zoned residential areas; and that the final plat show the buffer on the cul-de-sac on the east-west boundary so the setbacks would also be adjacent off the cul-de-sac. Councilmember Jacobsen seconded the motion. The motion to amend passed unanimously 5-0; with Councilmember Cook, Councilmember Jacobsen, Councilmember Hansen, Councilmember Whittaker, and Councilmember Beus all in favor.**

**Councilmember Beus made a substitute motion to approved plat #2 with traffic calming measures implemented. Councilmember Jacobsen seconded the motion. The substitute motion failed 1-4; with Councilmember Beus in favor. Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Whittaker were opposed.**

**Councilmember Jacobsen made a motion to reinstate the original motion as amended. Councilmember Hansen seconded the motion. The motion passed 3-2; with Councilmember Beus, Councilmember Hansen, and Councilmember Jacobsen in favor. Councilmember Whittaker and Councilmember Cook were opposed.**

**The amended motion passed 4-1; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Whittaker in favor. Councilmember Beus was opposed.**

**Councilmember Jacobsen motioned to return Ordinance 14-1 to staff to incorporate and mark additional changes that had been made past the Planning & Zoning Commission stage to the state of current recommendation by staff; and provide a document with shown changes from current ordinance to proposed ordinance; and format the document for final presentation. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, Councilmember Cook, and Councilmember Beus all in favor.**

**Councilmember Cook motioned to accept Ordinance 14-2—An ordinance updating the Nibley City land use chart and associated definitions. Councilmember Jacobsen seconded the motion.**

**Councilmember Jacobsen made a motion to amend to take industrial manufacturing in an industrial zone from conditional to not-permitted. Councilmember Beus seconded the motion. The motion passed 4-1; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker in favor. Councilmember Cook abstained from voting.**

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

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**OFFICIAL MINUTES OF THE MEETING**

Minutes were taken by Assistant City Recorder Cheryl Bodily

**Call to order**

Mayor Shaun Dustin called the Thursday, March 6, 2014 Nibley City Council meeting to order at 6:32 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.

### **1. Approval of Minutes and Agenda**

Councilmember Cook made a motion to approve the evening's agenda. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Councilmember Hansen, Councilmember Whittaker, Councilmember Jacobsen, and Councilmember Beus all in favor.

Councilmember Jacobsen made a motion to approve the February 20, 2014 City Council minutes. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, Councilmember Cook and Councilmember Beus all in favor.

### **2. Discussion and Consideration of Resolution 14-05: A Resolution Proclaiming April as Child Abuse Prevention Month**

Miss Hardy, a representative from the Child and Family Support Center, was present at the meeting. She recapped the services available at the Cache County Child and Family Support Center and asked the City Council to support their efforts by passing the resolution proclaiming April as Child Abuse Prevention Month. Miss Hardy summarized Cache County statistical data on child abuse.

Mayor Dustin thanked Miss Hardy and read the Child Abuse Prevention Proclamation.

Councilmember Hansen made a motion to approve Resolution 14-05—A Resolution Proclaiming April 2014 as Child Abuse Prevention Month. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus all in favor.

### **3. Discussion and Consideration of Resolution 14-06: A Resolution Authorizing City Participation in the Cache Valley Unplugged youth program**

Councilmember Whittaker gave a verbal overview of the proposed Cache Valley Unplugged youth program. She said this program was intended to take the place of total amount of television and video games children played during the summer. She said this would be a multi-year program with a one-time set up fee. She said it would be approximately \$250-300 for Nibley to participate and listed the Cache County communities that would be participating in the Unplugged program.

Councilmember Jacobsen clarified that there would be a \$500 cost for Nibley to participate with a "brag tag". He asked how optimistic Councilmember Whittaker or the Unplugged committee were about finding vendors the other tags. Councilmember Whittaker said the committee already had 58 vendors who had expressed interest and said the committee would make accommodations and make the program valley wide should they not reach the vendor projections that had anticipated. She listed a sample of vendors who had expressed interest in participating in the Unplugged program. Councilmember Hansen asked if they had a line item budget for this year or if it would need to be in next year's budget. Mr. Zook said the total cost would be \$250-300 plus the initial \$500 to cover the first block of "brag tag". He said they would program those costs into their

recreation program and would need to do a budget adjustment to set aside those funds. Mr. Zook said he didn't feel there would be a problem with finding those funds.

Mayor Dustin read Resolution 14-06.

Councilmember Whittaker made a motion to approve Resolution 14-06: A Resolution Authorizing Nibley City Participation in the Cache Valley Unplugged youth program. Councilmember Cook seconded the motion.

Councilmember Beus made a motion to amend to waive the second reading of Resolution 14-06. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Cook, Councilmember Jacobsen, Councilmember Hansen and Councilmember Whittaker all in favor.

Councilmember Jacobsen asked if there would be any further impact to the city to participate in this program. Mr. Zook said they hadn't determined what the city sponsored event would be and didn't know if city staff's time would be impacted to ensure participating children earned their "brag tag".

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

**4. 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 said he had received a petition that a town hall style public hearing occur but said it was his judgment that this was not the right way to approach the hearing however, he had made some modifications to the rules and recognition concerns that were brought forward with the petition. He said any previous comments regarding this subdivision still had standing and were a part of the meeting record and had been confirmed by the city attorney. Mayor Dustin gave direction to the public present. Mayor Dustin said they would start with a staff presentation and then move to public comment. He said if they had a group that wanted to make a presentation they could do so but that the proponent would also be given the same time to make a presentation. Mayor Dustin asked the public to focus on new information that was presented.

The City Planner addressed public notification and the concerns that had been presented at the previous public hearing.

Mr. Zook left the meeting at 7:02 and returned at 7:03.

The City Planner said there had been a fair amount of time spent on items such as buffering, parking, setbacks, etc. that were outside of the subdivision process. She said these were items that should be considered at site plan approval by the Planning & Zoning Commission. The City Planner read from current city subdivision code which

stated “The city council shall, within fifteen (15) days after receiving the preliminary plan with recommendations from the planning commission, approve or disapprove the preliminary plan. A representative of the planning commission shall meet with the city council to discuss and clarify the planning commission's position. The final conditions of approval or reasons for disapproval shall be stated in writing to the subdivider.” and said the City Council must act to either approve or deny the subdivision at this meeting. The City Planner summarized the zoning history of the proposed property and the properties surrounding.

Mr. Preston Freshnecht, legal counsel for Maulouf, said they had drafted a letter to City Council stating they were fine with the two bordering residents connecting and that they were also fine with the original application. He said Malouf was also fine with leaving the development of roads to correspond with development taking place on lots 2 and 3.

Mr. Troy Jaussi, of Sunset Circle, representing Nibley Citizens for Responsible Development (7 households), said they were in favor of the revised plat primarily because it would mitigate heavy truck traffic coming from lots 1 and 2 from accessing the two bordering subdivisions. He asked that the City Council have consideration when setting setbacks and buffering on the north and southern property lines to mitigate impact to the surrounding properties. He said the residents were still interested in using the remaining lots to further Nibley City’s parks and trails system.

Mayor Dustin gave further direction to the public present and opened the public hearing at 7:18 p.m.

Cody Sorenson said he had reviewed a lot of Nibley City’s plans and said most of them were in favor of the same things being advocated by Nibley Citizens for Responsible Development. He read several items from Nibley’s General Plan (A hard copy of Mr. Sorenson’s research been attached to the minutes).

Ryan Ward thanked the city for ensuring the public had proper notification this time around. Mr. Ward said he felt they needed to discuss what to do with lots 2 and 3; he said that was their main concern. He recommended the City make some sort of property tax discount in the form of concessions. He said if Malouf received concession from the City then they could possibly also receive concessions from the State which help subsidize the acquisition of lots 2 and 3.

David Tullis, of Sunset Circle said their concerns were lots 2 and 3. He said the area where 1500 met lots 2 and 3 had previously been identified as a wetland; he said this would change the use of lots two and three and requested it be looked in to. He suggested the City put forth a bond issue to purchase that land. Mr. Tullis said they had issues with soil erosion and ground water in the area and asked if the city would enforce permits in that area. Mr. Tullis asked if the subdivision was approved how they would approach making those areas conditional use.

Derrick Horrock, of 1500 West, said this was the most important stage of development. He noted that the road that led to the cul-de-sac would never be connected on. He discussed easements for utility use and wanted it noted that those roads could not be used at another time. He wanted conditions placed on that lot and he would like to see a park use for those lots. He wanted to know if the city intended to continue the road.

Bethany Tullis summarized Salt Lake City projections for truck traffic emissions. Mrs. Tullis said they were worried about diesel particulates and said if all 34 truck bays were used in the Malouf property then there could be up to 270 trucks entering that facility on a daily basis. She wanted to know if there would be an environmental impact study done on this project because it could adversely affect their health. She also asked about litigation and if the city was prepared for litigation should the road go through and if a truck were to hit a child.

Maria Horrocks said they were in favor of no connection between the industrial and residential and no north bound heavy traffic roads. Mrs. Horrocks, discussed lot 3, and said if it was not rezoned or acquired then she said the two subdivisions would be the only access to that lot. She asked to know the plans for a road going through the easement. Mrs. Horrocks asked that they consider flooding in the area during the site plan. She said their homes were already flooding. She asked the City Council to consider the water table rising.

Donna Sorenson said they didn't have a lot of parks and recreation on the west side and they didn't feel like a part of Nibley. She said they activity participated in Nibley's events. She relayed conversations from the last Planning & Zoning Commission about road benefits.

Erin McNeal said they had anxiety that this could be the last public hearing on this issue. She requested a public hearing when this site plan came before the Planning & Zoning Commission.

Erica Darley asked the City Council to take the time to look into their suggestions. She said this was a massive issue and required a lot of documentation. She said this needed to be done right and needed to be fixed now before it happened again.

Jeremy Devey asked what the city would make off of this property. He asked if it would add to the community at all.

Scott Larsen said that this had already been here. He suggested the proponent of the subdivision pull the subdivision from the table and build the building because the subdivision didn't need to be done for the building. He felt if they come back later they would have a better chance of this getting done right.

Mandy Hoth discussed the houses going up for sale all around them. She urged the City Council to try and think how they could make this as desirable a place to live as possible.

Regan Hoth reiterated about lots 2 and 3 and making them conditional use. He asked the City Council to put a lot of thought into lots 2 and 3. He said those lots could hurt many people. He was concerned that he would not like his neighbors in the future and asked the City Council to consider if those future residents would contribute and participate in Nibley City.

Chase Gibbons said he was in favor of the two residential neighborhoods connecting and asked if they could make it not possible to put an outlet to that road in the future. He thanked the City Council and Malouf.

Tyler Christensen, of Crimson Circle, supported David Tullis' statements. He asked if they could do a fundraiser or bond to raise money to buy lots 2 and 3. He said if they tried to sell their home they would lose money. He said the City Council could consider raising his property tax to pay for those lots.

Amy Jones discussed the possibility of a continued north road especially if Logan City were to put a road through. Mrs. Jones requested answers to the public's questions.

Seeing no further comment, Mayor Dustin closed the public hearing at 7:46.

Mayor Dustin addressed the public's questions. He addressed a possible wetland on the property, soil erosion, and storm water mitigation with assistance from the City Planner. The City Planner also addressed conditional uses and the conditional use processes made by the Planning & Zoning Commission. Mayor Dustin addressed the question of if the easements were restricted to utilities and said it depended on which plat they were considering. He gave the specifications of each plat. Mayor Dustin said an environmental impact study was not usually required on a plot of land that had recently been farmed. Mayor Dustin asked if 1500 had been built for semi traffic. The City Planner said she would imagine that 1500 had sufficient sub base to carry some semi traffic. She said it was anticipated that this road would continue north to 2600 so she would anticipate that it had sufficient sub base. The City Engineer, Ross Wilson, said 1500 had been built to the standards of a collector road which meant it was built to carry truck traffic. Mayor Dustin addressed traffic access to lot 3 and said this was the tradeoff to what they had been asked to do. Mayor Dustin asked the City Planner for requirements for a public hearing at Planning & Zoning Commission in relations to the site plan. The City Planner said the public is welcome to submit comments directly to the Planning & Zoning Commission but it was the Planning & Zoning Commission who decided if there would be a public hearing at the site plan. The City Planner felt there had been sufficient comments and that the practice of having a public hearing for a site plan set the precedence of planning by committee. Mayor Dustin asked about revenue projection of what would be received by the proposed property. Mr. Zook said they didn't take that into account when they looked at developments. He summarized the tax assessment that would take place and said Nibley would receive additional property tax when the property was improved. The City Planner said the business didn't anticipate having a retail sales facility so the city wouldn't be receiving any sales tax. Councilmember Hansen addressed the question of Logan building a road through the property. Councilmember Whittaker referenced a

website address, EDCUtah.org, which gave Utah business incentives on line and in relation to development. Councilmember Jacobsen said that a property tax concession would actually result in less money to the city and explained how that would happen. Councilmember Jacobsen informed the residents of a special taxation district. He said if they felt they had a community that could approach the city about a special taxation district that they could use that money to purchase land. The City Planner said a rough estimate of the purchase price would be that each home would be assessed \$2500 to \$3000 if no other homes were built.

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

The City Planner projected the plat recommended by the Nibley City Planning & Zoning Commission and said this was the plat that currently had standing before the Council.

Councilmember Jacobsen discussed setbacks, roads, property values and property rights. Councilmember Jacobsen disagreed that setbacks were not required as part of a preliminary plat and felt they had to be part of the preliminary plat. He encouraged the City Council to consider landscape buffers and building setback requirements at preliminary plat. The City Planner felt increasing the setbacks was not the City Council's responsibility; it was the Planning & Zoning Commissions.

The City Council numbered the proposals; with #1 being the original plat presented to the Planning & Zoning Commission by the proponent; #2 being the plat that currently had standing and was recommended by the Planning & Zoning Commission; and #3 the most recent modified plat.

Councilmember Beus made a motion to approve plat #2 (as presented by the Planning & Zoning Commission) of the preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West. The motion died due to lack of a second.

Councilmember Hansen made a motion to approve plat #3 of the preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West #3. Councilmember Jacobsen seconded the motion.

Councilmember Beus' problem with plat #3 was that lot 3 would have no other option than to access through the bordering subdivisions. Councilmember Whittaker recognized Malouf for being willing to work with the city in mitigating the concerns of their citizens. Councilmember Beus asked for the opinion of Nibley City's engineer. Mr. Peterson said his opinion was that this valley needed north-south roads. He said the city master plan and county master plan had 1500 west as a collector road collecting Hyrum all the way up through Logan. He said they had the option to cut that off but it was his opinion that 30 years from now they would be unhappy that they had done that. Mr. Peterson felt that truck traffic could be mitigated on that road; they could build the road so that large truck traffic couldn't traverse it. Mr. Peterson said 1500 west was not a CMPO road. Councilmember Cook asked Mr. Peterson about infrastructure standards of 1500 west.

Mr. Peterson gave his explanation of the truck traffic road standards. Councilmember Hansen discussed safety and sight issues regarding 1500 west and said he felt 1500 west was not an important collector road; he felt that 1200 west and the frontage road would be better options. Councilmember Jacobsen referred to ordinance 11-5-5 which referred to developers and how and why streets should be built. He did not feel putting the north-south road in would benefit the residential areas the way Nibley City ordinances said they ought to design streets.

Councilmember Jacobsen made a motion to amend that the final plat shall show 50 foot setbacks on both sides of the 90 degree road; in addition the final plat shall show a 50 foot building setback and landscape buffer on lots 1, 2, and 3 that are adjacent to currently zoned residential areas. Councilmember Hansen seconded the motion.

Councilmember Jacobsen clarified that lot one would buffer to the east, lot 3 would buffer to the east and south, and lot 2 would buffer to the south. Councilmember Cook asked if they had landscape buffer from road to lot 1.

Councilmember Cook made a substitution motion to amend that the final plat shall show 50 ft setbacks on both sides of the 90 degree road; in addition the final plat shall show a 50 ft building setback and landscape buffer on lots 1, 2, and 3 that are adjacent to currently zoned residential areas; and that the final plat show the buffer on the cul-de-sac on the east-west boundary so the setbacks would also be adjacent off the cul-de-sac. Councilmember Jacobsen seconded the motion.

Commissioner Bliesner said they were not entirely sure how much a preliminary plat could change prior to it being required to come back to the Planning & Zoning Commission as preliminary. He said this plat was not what the Planning & Zoning Commission recommended. Councilmember Jacobsen said he believed the City Council had the right to change the recommendation of the Planning & Zoning Commission. Mayor Dustin ruled the motion in order. Commissioner Bliesner said he would like to have a feedback on what a Planning Commissioner's responsibility was when asked to make decisions on final plat when it was not the plat the was recommended or alternately have to look at out of appeal.

Councilmember Beus discussed her belief that they needed to look at the needs of Nibley 30 years from now. Nibley needed stick to their plan and needed to be orderly now and orderly in the future. Mayor Dustin discussed his historical recollection of Nibley's Roads Master Plan. He did not see the need for the east-west connectivity. Councilmember Beus thought they should consider looking at the round-a-bout option again. She said they needed connectivity. There was further discussion as to whether the City Council could move forward with a plat that was not recommended by the Planning & Zoning Commission.

Councilmember Jacobsen moved for previous question on the substitute motion to amend. There were no objections.

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

Councilmember Beus made a substitute motion to approved plat #2 with traffic calming measures implemented. Councilmember Whittaker asked what calming measures this included. Councilmember Beus said a smaller, narrow road, round-a-bout, height restrictions or whatever was recommended by the city engineer with the intent of eliminating all heavy truck traffic. Councilmember Jacobsen seconded the motion.

Mayor Dustin interpreted Councilmember Beus motion intended to go back to plat #2 with the addition of a requirement that they implement such measures as are necessary to eliminate heavy truck traffic in residential neighborhoods. Councilmember Beus said that was correct. Councilmember Jacobsen said could keep trucks from leaving the industrial use but didn't see how they could keep them from entering and getting stuck in a residential neighborhood.

The substitute motion failed 1-4; with Councilmember Beus in favor. Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Whittaker were opposed.

Councilmember Jacobsen made a motion to reinstate the original motion as amended. Councilmember Hansen seconded the motion.

The Council continued to discuss if they could vote on a plat that wasn't recommended by the Planning & Zoning Commission. Councilmember Beus asked why they had a Planning & Zoning Commission if the City Council didn't listen to them. Councilmember Jacobsen said they received a recommendation from the Planning & Zoning Commission but that they were the elected body and made the final decision. Councilmember Cook said she felt they could work of the recommended plat and get to the same conclusion working within their own rules. Councilmember Jacobsen discussed property values and property rights. He believed this wouldn't devalue residential property values; he said they could find the line that would not devalue property.

The motion passed 3-2; with Councilmember Beus, Councilmember Hansen, and Councilmember Jacobsen in favor. Councilmember Whittaker and Councilmember Cook were opposed.

The Mayor and City Council continued to discuss and express their opinions of the legality of voting on the plat referred to in the current motion.

The amended motion passed 4-1; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Whittaker in favor. Councilmember Beus was opposed.

Councilmember Cook asked the Planning & Zoning Commission to carefully consider this at site plan approval and to take full advantage of the landscape buffer requirements. Commissioner Lawver said he was much more concerned with what lot 3 was going to be and Mayor Dustin said they had really rolled the dice.

Mayor Dustin called for a recess at 9:32. The meeting resumed at 9:44.

**6. PUBLIC HEARING—A public hearing to receive comment concerning Ordinance 14-1: An ordinance updating the Nibley City subdivision ordinance**

The City Planner summarized and discussed the proposed update to the subdivision ordinance. She discussed requirements on proposals for phasing and required that phasing be laid out to provide the greatest connectivity, specified what was required on a final plat, eliminated superfluous items, and bonding requirements for infrastructure improvements.

Mayor Dustin opened the public hearing at 9:49.

Scott Larsen said it was great that the City Council was looking at the subdivision ordinance. He said some of the proposed changes were beneficial but that half the time they didn't follow their ordinances anyways. He appreciated the time that the City Council took to review the ordinance.

Dave Davenport recalled discussions that took place on phase 2 of the Stonebridge Subdivision in September or October of 2013. He asked if this proposal fixed the issue of infrastructure improvements between phases.

Seeing no further comment, Mayor Dustin closed the public hearing at 9:52.

The City Planner addressed Mr. Davenport's question. She said she felt this particular issue should be addressed in the cluster subdivision ordinance. She said the subdivision ordinance didn't necessarily incorporate open space. Councilmember Jacobsen asked if the proposed ordinance had any general language that addressed other infrastructure provided in phase and the total plan, but didn't come until the last phase, and if they never got to the final phase. The City Planner said the total infrastructure was required to be put in for each phase and would be shifting with how they handled and held the mylar and would ensure that phase's infrastructure and an improvement were completed.

**7. Discussion and Consideration of Ordinance 14-1: An ordinance updating the Nibley City subdivision ordinance (Third Reading)**

The City Planner summarized the changes, and thought process for each change made to the subdivision ordinance, going through the proposed ordinance page-by-page.

Councilmember Jacobsen questioned 11-4-2 section c. which referred to the City Council's approval of a final plat. Councilmember Jacobsen said he would like a marked copy so that he could work incrementally. The City Planner said it appeared that something was unintentionally left out. The City Council discussed inconsistencies

between the current and proposed ordinance specifically referring to final plat approval. Councilmember Jacobsen said the City Planner had suggested some substantial changes that were not in the document.

Councilmember Jacobsen made a motion to return Ordinance 14-1 to staff to incorporate and mark additional changes that had been made past the Planning & Zoning Commission stage to the state of current recommendation by staff; and provide a document with shown changes from current ordinance to proposed ordinance; and format the document for final presentation. Councilmember Whittaker seconded the motion.

Councilmember Whittaker suggested the City Planner use tracked changes in a Word document. Mayor Dustin instructed the Council to send any suggested changes to the City Planner to incorporate into the proposed document and to be marked accordingly. Councilmember Beus suggested if they were redoing that document that they needed to have another public hearing. Mr. Zook felt the changes wouldn't be substantial enough to require another public hearing.

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

#### **8. PUBLIC HEARING: A public hearing to receive comment concerning Ordinance 14-2: An ordinance updating the Nibley City land use chart and associated definitions**

The City Planner summarized the reasons and thought processes for the proposed changes to the land use definitions.

Mayor Dustin opened the public hearing at 11:10.

Commissioner Aaron Bliesner said this recommendation came from the Cache County Planner. The Planning & Zoning Commission thought was a great idea and allowed them to have latitude. He said this shifted all land uses to conditional. Commissioner Bliesner felt their ordinances needed to be reviewed by the city attorney to know whether or not the attorney felt they could defend their ordinances. He said their process needed to incorporate a review by the city attorney to make sure their ordinances were enforceable.

Corlyss Drinkard said that because some of these changes were significant she wondered if there were some way city staff could put down the ordinances that had changed in Sterling so that it became evident to the resident what had changed and to have the approved ordinance readily available. Ms. Drinkard thanked the Planning & Zoning Commission for their hard work and suggesting everything be changed to conditional. She recommended three changes; making heavy industrial not permitted, parking commercial be made not permitted, and suggested that storage facilities not be put at the foot of Nibley city. Ms. Drinkard said the City Council should allow congratulatory applause to happen.

Seeing no further public comment, Mayor Dustin closed the public hearing at 11:19.

**9. Discussion and Consideration of Ordinance 14-2: An ordinance updating the Nibley City land use chart and associated definitions (Third Reading)**

Councilmember Cook made a motion to accept Ordinance 14-2— An ordinance updating the Nibley City land use chart and associated definitions. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen said the problem with the chart wasn't with what was in the chart but was with what wasn't in the chart. Councilmember Jacobsen said if it wasn't on the land use chart then it was not permitted. The City Planner said every deletion that was taken out was referenced in the broader definitions. The City Council discussed the pros and cons of incorporating broad categories into the land use chart. Commissioner Bliesner and Commissioner Lawver were also part of this discussion. There was general consent among the City Council that the switch from permitted to conditionally permitted was good. Mayor Dustin said what had been proposed was better than what they had now because he liked the flexibility of having the conditional use on the general application. He said he was willing to try it and thought it was a move in the right direction.

Councilmember Jacobsen made a motion to amend to strike fast food from the restaurant use in the land use chart. There was general consent for that amendment.

Councilmember Jacobsen made a motion to amend to take "manufacturing, heavy" in an industrial zone from conditional to not-permitted. Councilmember Whittaker seconded the motion.

The City Planner suggested the City Council wanted to not permit industrial manufacturing because it was more intense than heavy manufacturing. She explained the difference between heavy manufacturing and industrial manufacturing. She said heavy manufacturing would be something like Logan Coach. The City Council agreed that it could be interpreted by size of products or the volume of product that was shipped from a facility.

The motion failed unanimously 0-5; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, Councilmember Cook, and Councilmember Beus all opposed.

Councilmember Jacobsen made a motion to amend to take industrial manufacturing in an industrial zone from conditional to not-permitted. Councilmember Beus seconded the motion. The motion passed 4-1; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker in favor. Councilmember Cook abstained from voting.

The City Council discussed where the land use chart would be placed in Nibley City Ordinance. The City Planner proposed they be placed at the beginning of zone code in Title 10.

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

#### **10. Appointment of City Council Member to the 3200 South & State Route 165 Realignment Committee**

Mayor Dustin said they were in the process of putting together an RFP (Request for Proposals). Mayor Dustin suggested Councilmember Whittaker be the Council Member appointed to this committee. Councilmember Whittaker said she was willing to serve on the committee.

#### **Council Reports**

Councilmember Beus reported on the Nibley City business owner's breakfast. She wanted to give the event a name and she wanted the City Council to decide on what they hoped to accomplish at the event. There was general consent to call the event "CW" This was suggested by Councilmember Hansen. He said Charles W. Nibley signed document with CW. Councilmember Beus said the breakfast would be April 26 at Nibley City hall.

Councilmember Jacobsen requested Josh Ruhnhar come to the City Council to talk about river re-vegetation.

Councilmember Whittaker requested a list of veterans and their points of contact.

Councilmember Cook asked for a report on the proposed stop light at 3200 and highway 89/91.

Mayor Dustin reported on sewer issues and said the State had proposed that they would help fund a study if enough communities were involved.

#### **Staff Reports**

Mr. Zook said the Cache Metropolitan Planning Organization (CMPO) had given Nibley a favorable recommendation for a \$10,000 grant to update the Nibley City General Plan.

Mr. Zook reported on the MOU with the Cache County School District.

Mr. Zook reported on several grant opportunities including the deadline for a RAPZ tax grant.

Mr. Zook informed the City Council of a law enforcement academy opportunity.

The meeting was adjourned at 12:09 a.m.