

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, July 3, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to adopt Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan; changing 2960 from a collector road (colored blue) to a local road (colored yellow); referencing the June 25, 2014 map. Councilmember Cook seconded the motion. Councilmember Beus was opposed. Councilmember Jacobsen was in favor. Councilmember Whittaker was in favor. Councilmember Hansen was in favor. Councilmember Cook was in favor. The motion passed 4-1.

Councilmember Whittaker motioned to approve the final plat for Phase 1 of the Malouf Subdivision; an industrial subdivision located at approximately 2960 South 1500 West. Councilmember Hansen seconded the motion.

Councilmember Jacobsen motioned to amend the south line water easement on the final plat for Phase 1 of the Malouf subdivision to 20 feet. 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 was in favor, Councilmember Hansen was in favor, Councilmember Whittaker was in favor, Councilmember Jacobsen was in favor, and Councilmember Beus was in favor. The motion passed unanimously 5-0.

Councilmember Hansen motioned to approve the appointment of Councilmember Larry Jacobsen to the Nibley City Tree Board. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Cook, and Councilmember Beus all in favor.

Councilmember Whittaker motioned to approve the appointment of Gerald Knight as Heritage Days Committee Chairman. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Beus, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Cook all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, July 3, 2014 Nibley City Council meeting to order at 5:31 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember

Carrie Cook, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Miss Shari Phippen, the City Planner, was also in attendance.

1—Call to order; approval of agenda; and approval of the June 12, 2014 meeting minutes

Councilmember Cook made a motion to approve the evening's agenda and the 6-12-14 meeting minutes. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Councilmember Whittaker and Councilmember Beus arrived at 5:33.

2—Discussion and Consideration of Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan (Third Reading)

Miss Phippen described the discussion and recommendation made by the Planning & Zoning Commission at the June 25, 2014 Planning & Zoning Commission meeting; the change of 2960 from a collector road to a local road; clarification of the roads in Spring Creek Crossing; and they felt strongly that the roads needed to stay as they were currently planned regarding to the Malouf subdivision.

Councilmember Jacobsen made a motion to approve Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan. Councilmember Cook seconded the motion.

Councilmember Hansen said he wanted to make sure that 2600 would be going straight through. He noted that he didn't see it on the map being proposed. Miss Phippen displayed the 6-25-14 Planning & Zoning Commission map that showed that 2600 was shown as going through. The City Council discussed which map had the correct information showing.

Councilmember Hansen made a motion to amend to reference the map from June 25, 2014 for approval. 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 Jacobsen referenced State code 10-9a-406 "**Public uses to conform to general plan.** After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan." Councilmember Jacobsen read from an email send by Commissioner Lawver to the City Council. Councilmember Jacobsen referred to Commissioner Bliesner's statements from the 6-12-14 meeting which also referenced the same state code. Councilmember Jacobsen referenced Commissioner Bliesner motioning for all new roads added since the last adoption of the Master Plan be included on the new master plan at the 6-25-14 meeting. He questioned if the Planning & Zoning Commission had ever recommended to the City Council, for

approval, any subdivisions that included roads that were in any way deviations from the current Transportation Master Plan and he felt based on Commissioner Bliesner motion that the answer was yes. Councilmember Jacobsen asked if the Planning & Zoning Commission would never recommend roads associated with a subdivision that was not specifically drawn on the Master Plan. Miss Phippen felt Councilmember Jacobsen was talking about two different things; it was one thing if there were no roads planned for an area on a Master plan and someone came in with a subdivision versus something that alters what has been long established as a road through a property. Councilmember Jacobsen discussed additions and deletions and conforming to a general plan and then asked if they were to automatically reject any proposal for development that didn't exactly line up with the Transportation Master Plan. Councilmember Jacobsen discussed the definition of "conform" taken from Miriam Webster's dictionary and as referred to conforming to the general plan.

Councilmember Beus stated her concerns with creating a general plan that they felt was best and throwing that plan out the window. She asked why they even had a plan if it was just going to get thrown out and changed when things got "hot". She was concerned that Nibley had a lot of roads to nowhere.

Councilmember Whittaker read from the Nibley City Master Plan referring to the creation of an industrial zone. She also read from Nibley's Transportation Master Plan referring to truck routes. She felt what was being proposed was still in compliance with the verbage of what was being proposed in the Transportation Master plan. Councilmember Jacobsen referred to Commissioner Bliesner discussion of best practices and felt best practice meant they made a general plan, starting at the top and working their way down to details and considering the specifics of each individual case as they put things in the ground and they may need a tweak here or there. Councilmember Jacobsen felt they had a good product considering the specific circumstances that the Roads Master Plan may not have anticipated for that area.

Mayor Dustin thanked the City Council, city staff, and the public who had done so much work on this decision. He said whatever was done tonight was done with a lot of thought and consideration. Mayor Dustin commentated on how they couldn't see what the future would bring. Councilmember Beus discussed that lot 3 would only have access through the residential area. Miss Phippen discussed the restrictions that had been put on the developer on the preliminary plat as a condition of development and said she believed that created a different problem with how little of the land was developable now.

Councilmember Jacobsen thanked the Planning & Zoning Commission for their service to the community and said they had lived up to their duties of providing the City Council with advice that did not cater to special interests of individual neighborhoods. He hoped the Planning & Zoning Commission realized that part of the City Council's job was to listen to the citizens. He hoped the Planning & Zoning Commission could see that the City Council was doing its best to live up to its duty.

Councilmember Beus was opposed.

Councilmember Jacobsen was in favor.

Councilmember Whittaker was in favor.

Councilmember Hansen was in favor.

Councilmember Cook was in favor.

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

Miss Phippen and the City Council discussed adopting the other changes recommended by the Planning & Zoning Commission. Councilmember Jacobsen said they could make a motion to reconsider.

Councilmember Jacobsen made a motion to reconsider the adoption of Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan. 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 Jacobsen made a motion to adopt Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan; changing 2960 from a collector road (colored blue) to a local road (colored yellow); referencing the June 25, 2014 map. Councilmember Cook seconded the motion. Councilmember Beus was opposed. Councilmember Jacobsen was in favor. Councilmember Whittaker was in favor. Councilmember Hansen was in favor. Councilmember Cook was in favor. The motion passed 4-1.

3—Discussion and Consideration of a Final Plat for Phase 1 of the Malouf Subdivision (1 lot)—an industrial subdivision located at approximately 2960 South 1500 West

Miss Phippen said Malouf had chosen to only record a portion of the subdivision. She said the plat had been reviewed by the city engineer and complied with the specifications for the plat. The construction drawing had been delayed based on the final decision of the road configurations. Miss Phippen said this complied with the preliminary plat the City Council had adopted and the newly adopted Transportation Master Plan. Miss Phippen said it was not recommended by the City Council based on their concerns with the Transportation Master plan which was now a moot point. Miss Phippen said based the fact that it complied with the Master Plan and previously approve preliminary plat, staff recommended approving the plan as well

Councilmember Whittaker made a motion to approve the final plat for Phase 1 of the Malouf Subdivision; an industrial subdivision located at approximately 2960 South 1500 West. Councilmember Hansen seconded the motion.

Miss Phippen said there was a 10 foot water line easement along the south line that the city engineer said needed to be widened out. Councilmember Jacobsen what it needed to be widened to? Miss Phippen said 20 ft.

Councilmember Jacobsen made a motion to amend the south line water easement to 20 feet. 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 Beus asked what could be included in the 50 ft. buffer. Miss Phippen said industrial site plans came before the Planning & Zoning Commission and not the City Council. She said the 50 ft. would be landscaped. Miss Phippen said the Planning & Zoning Commission would give general ideas. She said when a site plan was submitted they are given a pretty detailed idea of the types of trees and groundcover that would be used. Councilmember Cook asked if the Planning & Zoning Commission would give direction of the size of trees to be used. Miss Phippen said she believed the trees would need to be at least 2 inch caliper based on Nibley City ordinance. She displayed the landscape plan. Councilmember Jacobsen said Nibley ordinance was not silent on landscaping. He referenced ordinance 10-12-17C which listed the commercial and industrial zone landscaping requirements. He said it addressed tree ratios, landscaping, and irrigation. Councilmember Cook asked if they were allowed to require fencing. Miss Phippen said they were not. Councilmember Jacobsen said there was a screening requirement

Councilmember Cook was in favor.
Councilmember Hansen was in favor.
Councilmember Whittaker was in favor.
Councilmember Jacobsen was in favor.
Commissioner Bliesner was in favor.
The motion passed unanimously 5-0.

4—Discussion and Consideration of Appointment of Larry Jacobsen to the Nibley City Tree Board

Councilmember Jacobsen said he wanted to be on the Tree Board. He said they had a tree board established by ordinance in order to be compliant with Tree City USA requirements and that this was something he would like to put some energy in to. Mayor Dustin said the Tree Board and some of the things they did established the type of community that people wanted to live in and he appreciated Councilmember Jacobsen willingness to serve in that capacity. Councilmember Jacobsen said Ordinance 2-3-2 created the Tree Board and consisted of a member of the City Council, a member of the Planning & Zoning Commission (Commissioner Aaron Bliesner), one citizens trained in forestry (Clain Lichty), two citizens at large (Steve Stowers & Ron Helstern), the City Planner (Shari Phippen) and City Park Superintendant (Rod Elwell) and he was replacing Mayor Dustin as the City Council representative.

Councilmember Hansen made a motion to approve the appointment of Councilmember Larry Jacobsen to the Nibley City Tree Board. Councilmember Whittaker seconded the motion.

Councilmember Jacobsen said for the record that he had a conflict of interest voting for himself.

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

5—Discussion and Consideration of Appointment of Gerald Knight as Heritage Days Committee Chairman

Councilmember Whittaker made a motion to approve the appointment of Gerald Knight as Heritage Days Committee Chairman. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Beus, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Cook all in favor.

Council and Staff Reports

Councilmember Jacobsen reported on a request by Ron Hellstern to construct a subdivision sign welcoming people to Hollow Road. Councilmember Jacobsen said he was not sure if Nibley ordinance permitted that. Miss Phippen said she couldn't see where the sign would fit under the city sign ordinance and said it went back to the statement in the ordinance that said if it wasn't specifically permitted it was prohibited, but said she would look again.

Councilmember Whittaker reported on a meeting with a Veteran's representative that worked for the Department of Labor in Logan and the option of a Veteran's Resource Center in Cache Valley that would serve 9,000+ Veterans.

Councilmember Hansen and Councilmember Cook had nothing to report.

Councilmember Beus thanked everyone who was involved with Heritage Day.

Mayor Dustin also thanked those involved in Heritage Days. Mayor Dustin reported on the reception for Bill Saunders and reported on interviews to replace the Public Works Director.

Mayor Dustin reported on activities regarding the sewer and the options that were being pursued.

Mayor Dustin said the contract for the study of the realignment of 3200 South and Hwy 165 was awarded to a local company, Civil Solutions.

Mayor Dustin relayed discussion held with Mr. Zook about the intersection at 2600 South.

Miss Phippen reported on the dates of the fall conference for the League of Cities and Town; September 10-12 of 2014.

Mayor Dustin reported on a lunch with Representative Rob Bishop.

Councilmember Jacobsen said a motion to reconsider only needed a majority to pass.

The meeting was adjourned at 6:45 p.m.