

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, September 18, 2014.

The following actions were made during the meeting:

Councilmember Cook motioned to approve the petition from Brackon & Jamie Christensen (3401 South 1500 West) to hook on to the Nibley City Water and Sewer system. Councilmember Beus seconded the motion. The motion passed 5-0; with Councilmember Cook, Councilmember Beus, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Hansen all in favor.

Councilmember Hansen motioned to approve the final plat for phase 6 of Foxborough Estates subdivision. Councilmember Cook seconded the motion. The motion passed 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Beus, Councilmember Whittaker, and Councilmember Jacobsen all in favor.

Councilmember Hansen motioned to approve the preliminary plat for the River Meadows subdivision, a 13-lot subdivision located at approximately 3700 South 250 East. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen made a motion to amend that new rights-of way associated with the River Meadow subdivision conform to a 60-foot cross section; and that the floodplain, as adopted by FEMA 100 year flood elevation, be delineated on the final plat. Councilmember Cook seconded the motion. The amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, Councilmember Whittaker, and Councilmember Beus all in favor.

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

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, September 18, 2014 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Carrie Cook, Councilmember Amber Whitaker, Councilmember Larry Jacobsen, Councilmember Bryan Hansen, and Councilmember Kathryn Beus. Mr. David

Zook, Nibley City Manager, Shari Phippen, Nibley City Planner, and Justin Maughn, Nibley's Public Works Director, were also in attendance.

Call to order; approval of agenda; and approval of the September 4, 2014 City Council meeting minutes, and September 4, 2014 City Council executive session meeting minutes

Mayor Dustin said Councilmember Hansen had requested that Council reports be moved to the beginning of the agenda and noted that the Council members would be reporting on their insights from their attendance at the latest League of Cities and Towns conference. Mayor Dustin also said the Heritage report was not ready and the committee had requested the item be postponed.

Councilmember Whittaker made a motion to approve the previous meeting minutes of both the regular City Council meeting and the executive council meeting and the evening's agenda as amended. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Cook, Councilmember Beus, Councilmember Jacobsen, and Councilmember Hansen all in favor.

Council and Staff Reports

Councilmember Hansen reported on his attendance at a workshop dealing with trail systems. He said he had learned they should come up with an identity and to identify what made Nibley unique. He felt the trails could be integrated into Nibley's identity and tell Nibley's story.

Councilmember Jacobsen said he had attended workshops on trees and trails. He was particularly interested in improving the landscaping in the retentions basins along highway 165. Councilmember Jacobsen said he was interested in the utility of storm water and basins that could enhance land utility. Councilmember Jacobsen said he had learned from the "tree huggers" that government needed to get out of the way. He reported on a private entity in Davis County that had taken the initiative to deal with air quality. Councilmember Jacobsen said he had taken away that the way to get trails into the ground was to get non-profit organizations to take on projects.

Councilmember Whittaker expressed her appreciation of the information she had received at the League meetings. She discussed the three items that she had taken particular note of: opportunities for funding, a subdivision course and creating subdivision ordinances in small towns, and codification.

Councilmember Beus discussed her attendance at the trails meetings and creating a separate entity for trails. She discussed a workshop on conservation easements and creating places. Councilmember Beus said Nibley had great parks but she wanted to create places for congregating and getting together as a community.

Mayor Dustin summarized the workshops he had attended at the League conference. He discussed financing for renewable energy he said had found this was primarily for

commercial development. Mayor Dustin expressed his appreciation of the City Council and the time they had taken to go to the League of Cities and Towns conference.

Mayor Dustin said he had asked the sheriff's department to increase its patrols of SR 165 especially during peak travel times. He said Nibley would be negotiating their contract with the sheriff's department and he would like to ask them to put approximately 25% of their time into traffic patrol. Mayor Dustin asked the City Council if they had any concerns with doing this. He received no negative response from the City Council.

Mayor Dustin discussed giving assignments to each City Council member. He asked for input and interest in the following areas; sewer, the new high school/bridge, the crossing at 3200 South, connectivity/trail system, and the general plan. He asked the City Council for formal buy in within the next 30 days.

Discussion and consideration of a petition by Brackon & Jamie Christensen (3401 South 1500 West) to hook on to the Nibley City Water and Sewer system

Mr. Brackon & Jamie Christensen were present at the meeting. Mayor Dustin this had been reviewed by staff and they had recommended the City Council allow the petition. Mayor Dustin said he also supported this consideration.

Miss Phippen described the Christensen's property and said the applicant didn't need to request to be hooked onto the sewer. She said Nibley could actually require they hook onto the sewer because they lived within 300 feet of the Nibley's sewer and she noted territorial jurisdiction. She said the only issue was in hooking to the Nibley City Water system. Miss Phippen said the Christensen's had filed a letter of request and agreed to pay any cost that would be incurred should Nibley have to extend any lines to their property but that the public works department had demonstrated that the water and sewer lines were already there and Nibley wouldn't have to extend any lines. She said the Christensen's would need to pay the water and sewer impact fees. Miss Phippen said this came with the support of Nibley staff and noted the Christensen's were in Nibley declared annexation area. Mayor Dustin asked if there was any discussion with the Christensen's about annexation. Miss Phippen said there was no discussion when they filed their request in part because of the length of time involved in the annexation process. She said annexation was at best a 3-4 month process and the applicants were anxious to move forward with building their home.

Councilmember Jacobsen thought they could/would require pipes the size of a single resident. He said it looked as if the property could turn into more than one lot. Mr. Christensen said he wanted to keep his county animal rights and didn't feel it would be worth the effort to divide the property.

Councilmember Hansen asked Mr. Christensen how he felt about the trail that was proposed near his property along the Hyrum slew. Mr. Christensen said he had cattle and didn't want anyone getting hurt but didn't feel it would be too much of a liability.

Councilmember Beus asked about access to their house coming from a Nibley road. He asked if they were required to pay a road impact fee. Miss Phippen clarified that the access was a county road and that they weren't required to pay a road impact fee.

Councilmember Jacobsen asked Mr. Zook about property tax being paid to Nibley City. He asked if it was a revenue neutral service to extend service to residents outside the city when they were not contributing to the general fund through property tax that. Mr. Zook said technically those funds were enterprise funds and were self supporting based on the monthly charges and fees that were levied for water and sewer. They would be paying into those funds at the same rate. Those departments typically paid for themselves and didn't require funds from the general fund.

Mayor Dustin said he supported the petition but wanted it made clear that the Christensen property lay within Nibley's annexation plan and felt they should be aware that they would eventually be annexed into Nibley City. Councilmember Jacobsen clarified the proponents would be required to pay the water and sewer impact fees.

Councilmember Cook made a motion to approve the petition from Brackon & Jamie Christensen (3401 South 1500 West) to hook on to the Nibley City Water and Sewer system. Councilmember Beus seconded the motion.

Councilmember Jacobsen expressed his thoughts on annexation and what he felt could happen in the annexation process.

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

Mayor Dustin welcomed the scouts that were present at the meeting. He recognized scouts from troop 373.

Discussion and consideration of a final plat for Phase 6 of Foxborough Estates subdivision

Miss Phippen discussed the previous discussion had at City Council regarding this petition. She summarized the three items that hadn't been completed on the previous phase and told the City Council that those items had been completed and inspected by the city engineer. Miss Phippen said all lots sizes and frontages met with Nibley City ordinance and that this phase would finish the Foxborough Estates subdivision. Miss Phippen said the improvement to lot 25 (piping the canal and constructing the sidewalk) would be completed when lot 25 was built and would be required of the LDS church. Miss Phippen said the only way to have those improvements done now was to negotiate with the LDS church and have them pay Nibley City for the improvements. Miss Phippen said landscaping requirements along 3200 had changed when the design of the subdivision was changed; the landscape requirements had been removed. Miss Phippen said Nibley City staff recommendation was that this application be approved because the applicant had met all the city's requirements.

Mayor Dustin described what was being discussed for the benefit of the Scouts present.

Councilmember Hansen made a motion to approve the final plat for phase 6 of Foxborough Estates subdivision. Councilmember Cook seconded the motion.

Councilmember Whittaker referred to staff notes and asked if the infrastructure and required improvements from phase 3 had been constructed. Miss Phippen said she hadn't gotten to check and left the meeting at 7:21 to check on this item. Councilmember Beus asked if there was a date projected for the development of lot 25 from the LDS church. Mr. Zook said they had no proposed date. He said when growth and development slowed the LDS church had decided to hold off. Miss Phippen returned at 7:23 after talking to Austin with Nibley public works department. She relayed that he had indicated that the required infrastructure improvements in phase 3 were in.

Councilmember Cook felt they needed to discuss who was responsible for the maintenance of the sidewalk along 3200. Mayor Dustin felt this was something they needed to address as a city. He said "it was their bed and they would have to figure out how to lie in it". Councilmember Hansen question if the LDS church should be responsible for it. Mayor Dustin felt this was something they should take up with staff. He asked Mr. Zook to take this as an action item; the disposition of maintenance of 3200 South.

Councilmember Whittaker asked if the dedication of two drainage areas had been corrected. Miss Phippen said it had been corrected and that the plat had been updated.

The vote on the previous motion was as follows; Councilmember Beus said yes, Councilmember Jacobsen was in favor, Councilmember Whittaker was in favor, Councilmember Hansen was in favor, and Councilmember Cook was in favor. The motion passed unanimously 5-0.

Public Hearing—A public hearing to receive comment concerning a preliminary plat for the River Meadows subdivision, a 13-lot subdivision located at approximately 3700 South 250 East

Mr. Tyler Obray was present at the meeting.

Miss Phippen the developers had platted out a 13 lot subdivision but said their stated intent was to not build out the entire subdivision and hang on to the west portion as pasture. Miss Phippen said the lots met the 150 ft of frontage requirement and described how the frontage was calculated. She said lots 3 and 4 didn't have 150 ft. of frontage from the minimum setback line so she and the Planning & Zoning Commission felt it was an acceptable compromise to mandate an increased setback on those lots; it didn't give a lot of buildable area on the lot but did give them 150 ft. of frontage. Miss Phippen all lots met the minimum size of $\frac{3}{4}$ acre and discussed the cul-de-sac at the north end of the property. She and said the Planning & Zoning Commission, in line with the transportation master plan, had asked that it be reconfigure to connect through to 250

West when the adjoining property was developed. Miss Phippen said it looked like a cul-de-sac but it wasn't; she said there were places when a bulb out could be used in order to get necessary frontage. Miss Phippen discussed the width of the proposed right-of-way. She said 250 East and 3700 South going into the property were 50 ft rights-of-way but current Nibley City ordinance required a 60-66 foot right-of-way. She said the City Council had the right by Ordinance 11-5-5 to approve different cross section if the situation warranted it. She said she believed they should allow a 50 ft. right-of-way through this development and have the adjoining property to the north-west taper down into a 50 ft. right-of-way. She discussed that there was no change in pavement width between a 50 and 60 ft. right-of-way and that the difference was in the width of the sidewalk and the park strip.

Miss Phippen said she and Mr. Obray had discussed whether they would be required to pave from the end of the bulb out to the edge of the property. She recommended the developer provide the city with the funds to make the roadway improvements and when the property was developed the city could go in and make the roads match. Miss Phippen said the city engineer had reviewed this plat and that it met all. She said it came with a favorable recommendation from the Planning & Zoning Commission and that she also recommended approval.

Mayor Dustin gave direction to the public present and opened the public hearing at 7:37.

Barbara Wilden said she had followed this development since it had first come to Planning & Zoning Commission. She discussed the three problems that she felt had not been settled in her mind; 250 east going straight through; the width of the right-of-way and possible transition; and lots 1-4 having floodplain issues. Mrs. Wilden said the City Council needed to be sure that when people bought these lots that they wouldn't be fishing off their front porch.

Tyler Obray, the proponent, said there had been multiple changes to the plat. He said they originally wanted a cul-de-sac but had changed it so that it would comply with the transportation master plan. Mr. Obray discussed the setback and right-of-way issues and said the right-of-way became an aesthetic issue. He discussed floodplain requirements and said being in the floodplain was not a prohibitive factor in constructing a house noting that lots 1-4 had been removed from the flood plain because in 2001 FEMA had expanded the flood overlay maps had that home owners could hire a surveyor to state where the 100 year flood marks were. Mr. Obray said the economics of the northern road didn't make sense because it went through the floodplain. Mr. Obray said he was willing to escrow the funds for the road going north with the hopes that they would be getting those funds back when the city decided they didn't want a city street going through. Mr. Obray said he and his other partners had no intent to develop the 10 acres in the center part (west of 250 East) and the additional nine lots. He clarified that they were only asking for approval of phase 1.

Corlyss Drinkard said jurisdictions were getting praise from organizations that had to deal with flooding about smart planning along rivers and waterfront property. They were

discouraging allowing builders to build. Corlyss Drinkard referred to the ten acres that Mr. Obray had said were not going to be developed and asked if there would be a recording that this would be open space. Ms. Drinkard said she was in favor of open space in Nibley. She asked the City Council to consider this if they allowed this plat with the current description to move forward.

Richard Leishman asked about access by the Bishop property and fire truck access on a 25 foot lane. He asked about access off the highway at 250 and said there would be no access from a fire truck if there were two cars parked along that roadway. He said on the east half of the road was not to be developed then the proposal was totally out of line and said the applicant wouldn't need to come back with approval for those lots if the City Council were to approve this plat. He said the proposal was entirely wrong.

Michael Bishop described that they had two accesses to their home across the river and that the fire truck had access to their home. He said they enjoyed the access from Nibley to their home. He noted that he had sold the property to the proponent.

Seeing no further comment, Mayor Dustin closed the public hearing at 7:55.

Discussion and consideration of a preliminary plat for the River Meadows subdivision, a 13-lot subdivision located at approximately 3700 South 250 East
Councilmember Hansen made a motion to approve the preliminary plat for the River Meadows subdivision, a 13-lot subdivision located at approximately 3700 South 250 East. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen said he was interested in the flood plain issues and the Cache County FEMA flood plain map indicating that lots 1-3 were in the flood plan. Miss Phippen said the paperwork had been filed with FEMA; she said the flood plain didn't affect the developer's ability to build. She said there was a minimum elevation that structures had to be built at to remove a building from the flood plain; the base elevation needed to be a foot above the flood elevation. Councilmember Jacobsen read from Nibley City code 10-9-5 referring to conditional use permits for structures in a floodplain. Mayor Dustin said he was concerned from an emergency management standpoint and didn't know what the city could do to enforce this. Councilmember Jacobsen reminded the City Council that the subdivision approval was an administrative process and not a process where they wrote legislation. He thought there was a fine line; where they protected people from themselves. Councilmember Jacobsen asked for the timeline of getting a FEMA amendment. Mr. Obray said it was done according to the surveyor. Councilmember Jacobsen and Mayor Dustin expressed that they would like to see the amendment by FEMA and Councilmember Jacobsen felt the floodplain should be drawn on the plat. Miss Phippen expressed that this should be addressed on the final plat. Mayor Dustin asked about the intent of the proponent to not build 3700 South. Miss Phippen said the developers had stated their intent to do a road cut showing the intent of the road to connect. Mayor Dustin clarified that he was asking if the bulb out met the requirements of a cul-de-sac?

Mayor Dustin said he felt they have given a lot of concession and felt this could set a back precedent. Councilmember Jacobsen said they needed to address the length of road they could allow ending in a cul-de-sac. He said there needed to be timeline associated with how long the public safety issue would exist. Councilmember Cook said they needed to address the 50 ft. cross section. She said they no longer had this cross section in ordinance for this size of subdivision. Miss Phippen and the City Council discussed the specifics of a transition to a 50 ft. right-of-way; she said the City Council had the leeway to continue a current 50 ft. right-of-way as stated in Ordinance 5-5-5C.

The Mayor and City Council listed their concerns with the preliminary plat being presented; a bulb out functioning as a cul-de-sac and that they needed to address the maximum length of road into a cul-de-sac; the 50 ft. right-of-way; the lots included in the flood plain.

Councilmember Whittaker stated that based on the discussion of the intent of the proponent to only build three lots and with discussion about the width of the right-of-way that she felt they were helping the proponent develop a private road that did not meet their ordinance. Mr. Zook read the definition of a cul-de-sac and said he felt this bulb out was in compliance and was designed to eventually go through. He read from Nibley City code 11-5-5f. The City Council discussed the bulb out, the cul-de-sac requirements, and development of adjoining properties.

Miss Phippen said Section C. 11-5-5 gave the City Council the authorization to approve the 50 foot cross-section. Councilmember Cook asked if they were matching the sidewalk and park strip of the property that was currently on the ground. Miss Phippen said that was the case. Mr. Obrey asked the City Council if they could approve this development if the property lines that they intended not to develop were erased from the plat. The proponent and City Council discussed the requirements of a concept plat, preliminary plat, and final plat as they discussed the lots that were on the plat that the developer had stated would not be developed. Mr. Obrey described the original preliminary plat and the changes that had been requested by the Planning & Zoning Commission so that the plat would comply with Nibley's Transportation Master Plan. Councilmember Jacobsen said he understood the desire of the Planning & Zoning Commission to have 250 East continue through and then the "cul-de-sac" became a non-completed through street. Councilmember Jacobsen asked Miss Phippen to describe a 50 foot cross-section which she did.

Mayor Dustin said he felt their third concern would be resolved with notation and that the third issue had been resolved with the definition of a cul-de-sac which left the outstanding issue of their willingness and/or power to approve the 50 foot right-of-way. Councilmember Jacobsen quoted the ordinance as stated by Mr. Zook about City Council's ability to approve road width in exceptional cases. Councilmember Jacobsen discussed the property that the proponent had stated he didn't intend to develop. Councilmember Cook asked why they were asking the next developer to comply with the staging of the 60 foot right-of-way. Mr. Obrey said that the riverbank property would be the perfect location to naturally transition the sidewalk and park strip.

Councilmember Jacobsen made a motion to amend that new rights-of way associated with the River Meadow subdivision conform to a 60-foot cross section; and that the floodplain, as adopted by FEMA 100 year flood elevation, be delineated on the final plat. Councilmember Cook seconded the motion. The amendment passed unanimously. Councilmember Beus said yes, Councilmember Jacobsen said yes, Councilmember Whittaker said yes, Councilmember Hansen said yes, and Councilmember Cook said yes.

Councilmember Cook asked if the City Council would be creating a hazard by approving the River Meadows subdivision. Miss Phippen said a traffic study would need to be done. Councilmember Jacobsen said it was a road that was in the ground and didn't affect this proponent.

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

Discussion and consideration of Ordinance 14-01: An update to the Nibley City Subdivision Ordinance

Mayor Dustin suggested the City Council discuss the proposed subdivision ordinance in parts; he suggested they review first three sections and discuss the ordinance a few section as a time. Councilmember Whittaker said she would prefer Miss Phippen take the time to review the ordinance mentioned during the League of Cities and Towns conference and have those changes implemented into the subdivision ordinance before the City Council went through the ordinance. Mayor Dustin felt sections 1-3 were not impacted by those discussions and Miss Phippen agreed.

Mayor Dustin called for a recess at 9:07. The meeting resumed at 9:13.

Mayor Dustin informed the Council that there had been no progress made on agenda item 9 (Executive session to discussion of a potential real state purchase) and felt they could modify the agenda to move it to another meeting.

Mayor Dustin asked for specific comments or questions on sections 11-1-1: Purposes, 11-1-2: Violation, and 11-1-3: Permits. There were no comments or questions from the City Council.

There were no comments on 11-1-4: General Requirements.

There were no comments on 11-1-5: Site Preparation and Work Prohibited.

There were no comments on 11-1-6: Complete Submittal Requirement.

There were no comments on 11-1-7: Effect of Approval.

Nibley City staff, Mayor Dustin and the Council discussed section 11-1-8: Phasing. Councilmember Jacobsen thought they should have preliminary approval of the plat improved in its entirety which would include a phasing plan. He wanted to approve the final plat in its entirety and not allow anything in the ground until it was approved. Councilmember Cook wanted a priority put on connecting roads. Mayor Dustin also felt they should provide amenities before any properties were given occupancy. Councilmember Jacobsen felt they could require amenities in proportion to the phasing of the final product. The discussion shifted to public amenities and subdivision Home Owner Associations (HOAs). Councilmember Jacobsen said he wanted to see a schedule in the phasing. Councilmember Whittaker was concerned that the ordinance hadn't addressed having two separate developers involved in phasing. Councilmember Jacobsen thought final approval ought to outlive the owner of the property and would take care of that issue.

The City Council discussed section 11-1-9: Appeal. Councilmember Jacobsen felt this section didn't comply with section 11-1-4-F. Miss Phippen said she felt those comments would be easy to strike.

The City Council discussed section 11-1-10: Fees. Miss Phippen said she had discussed this with Mr. Zook and had agreed that they should assess a retainer fee that would be reimbursed if there were any remaining money. She said if there were excess charges they would be charged to and paid by the developer. She thought this would be an easier way to ensure fees were being paid.

There were no comments on 11-1-11: Enforcement.

When discussing 11-1-12: Inspection, Miss Phippen said she felt this was something that would change and be lumped in with the comments she would be bringing in with inclusions taken from the North Logan ordinance.

There were no comments on 11-2: Definitions

There were no comments on 11-3: Approval Process.

The City Council discussed section 11-3-1: Compliance Required. Councilmember Jacobsen said he was not sure why they should let the City Planner undo their ordinance. Miss Phippen said there were exceptions to this procedure in State code. The only exceptions to this procedure would be for minor subdivisions; which was included in State code. Mayor Dustin asked for there to be further definition with the addition of minor subdivisions and the addition of a reference to the State code regarding minor subdivisions.

There were no comments on 11-3-2: Standards and Lot Size.

There were no comments on 11-3-3: Concept Plan Review.

There were no comments on 11-3-4: Submission of Preliminary Plat.

The City Council discussed section 11-3-5: Councilmember Jacobsen said they were proposing to have only the Planning & Zoning Commission hold a public hearing. He said the City Council was supposed to have a public hearing. Councilmember Jacobsen said he wouldn't mind the Planning & Zoning Commission not having a public hearing. They should be less effected by public opinion but the City Council should be effected by public opinion. Councilmember Jacobsen said the Planning & Zoning Commission didn't want to not have a public hearing and that public hearing could give technical information to the Planning & Zoning Commission. Miss Phippen thought they should add something that said "they may" hold a public hearing as they feel necessary. Councilmember Jacobsen countered and said he though both Planning & Zoning Commission and City Council should be required to hold a public hearing.

The City Council discussed section 11-3-6: Notification of Adjacent Property Owners. Councilmember Jacobsen said if they did two public hearings then this would apply to both public hearing and the wording needed to reflect that.

There were no comments on 11-3-7: Authorization to Proceed.

The City Council discussed section 11-3-8: Final Plat. Councilmember Whittaker recommended the look at the North Logan plan to see how they laid it out because their ordinance included a check list and left very little room for questions. There were outline for what the city, Planning & Zoning Commission, developer and City Council needed to do. Mayor Dustin said he wanted to reserve the right to decide whether they would codify the checklists. Councilmember Whittaker read from the North Logan subdivision ordinance and said the final process needed to be included somewhere. Mr. Zook felt they could add to what was in the ordinance to the City's working checklist which they could add to. Councilmember Jacobsen felt this section conflicted with 11-4-1-F. on what they had already set as procedure.

There were no comments on 11-4: Standards of Approval.

There were no comments on 11-4-1: Preliminary Plat.

There were no comments on 11-4-2: Final Plat.

There were no comments on 11-4-3: Lot Line Adjustments.

There were no comments on 11-5-1: Infrastructure Improvements.

Mayor Dustin discussed section 11-5-2: Water Supply. He said he wanted to take the City Council's temperature on including secondary water in this section. He mentioned

incentivizing using secondary water. The City Council indicated that they wanted to discuss this in more detail and Mayor Dustin said he would come back with a proposal.

There were no comments of section 11-5-3: Sewage Disposal.

There were no comments on 11-5-4: Storm Drainage.

Councilmember Jacobsen discussed 11-5-5: Streets. Councilmember Jacobsen said State code was wimpy and unenforceable. Councilmember Jacobsen said he liked what they had written but wanted to make sure it wasn't more lenient than State code and requested a written interpretation by an attorney. The City Council didn't task Miss Phippen to work on this section. The general consensus was that the City Council needed to discuss this section further. Mayor Dustin said he wanted to get legal advice and include that advice in the ordinance to they could state their interpretation of the ordinance. Mayor Dustin said he wanted to add "Trails" to the street section and he also wanted to address connectivity. He tasked Miss Phippen with adding those notes.

Councilmember Jacobsen didn't feel the City Council should approve different street cross-sections and requested the cross-section pictures be added back into the proposed ordinance. Councilmember Jacobsen felt that they needed to talk more about gravel private roads.

There were no comments on 11-5-6: Blocks.

There were no comments on 11-5-7: Lot Layout and Design.

There were no comments on 11-5-8: Railroad.

There were no comments on 11-5-9: Ditches and Canals.

There were no comments on 11-5-10: Safety Fences.

There were no comments on 11-5-11: Street Signs.

The City Council discussed section 11-5-12: Landscaping. Mayor Dustin would like it if the city could require landscaping to be completed in residential.

There were no comments on 11-5-13: Monuments.

Councilmember Cook and Miss Phippen discussed section 11-5-15: Street Lighting. Councilmember Cook asked if they could allow different street lights. Miss Phippen said this was included in their engineering specs. Councilmember Cook asked if different options were allowed. Miss Phippen thought there were a couple different types allows. Councilmember Cook requested they give an option for a developer could choose from that could be more aesthetic.

Miss Phippen discussed section 11-5-16: Protection Strips. She said the City Attorney wanted to rework this section and provide the language. There were some very specific legal implications with protective strips and time limitations.

The City Council discussed section 11-5-16: Utilities. Councilmember Cook asked if they should be requiring developers to include an empty conduit for utilities for future use. She felt it was a great idea and profitable for the City and the developer. She also felt they should be using this concept on major roads.

The City Council discussed section 11-5-20: Performance Surety or Bond. Miss Phippen said the bulk of the North Logan ordinance would be driving this part of the ordinance. She requested the City Council allow her time to rework it.

Miss Phippen said section 11-5-21: Warranty on Improvements would be covered by the North Logan ordinance as well.

Councilmember Jacobsen referred back to section 11-4-1-E.4 regarding a representative of the Planning & Zoning Commission to come and talk to the City Council about their discussions. He said the Planning & Zoning Commission didn't want to be forced to do that. Councilmember Jacobsen thought the City Planner was their representative and the City Council and Mr. Zook agreed with his interpretation.

Mayor Dustin suggested that they include an establishment of ground water on the plat and that they establish a minimum finish floor elevation above the known groundwater level somewhere in the ordinance.

Council and Staff Reports

Mayor Dustin discussed the petition entitled "Petition to Stop the Demolition of Robert and Virginia Harris Home to replace the road attached to 3200 South." He read language from the petition which stated the desire to have the light at 3200 South changed to a three-way stop. Councilmember Jacobsen said the petition shouldn't be about the Harris Home it should be about the light and sent to UDOT. Mayor Dustin restated that this issue was about crossing people safely across SR 165. Mayor Dustin requested that contact information for Chris Peterson, the Nibley representative to UDOT, the State Senators, and Representative be included on Nibley's website and encouraged the public to contact these individuals.

Councilmember Beus discussed the City Council meeting schedule for October. She stated she would be out of town for UEA and the second City Council meeting.

Councilmember Beus asked for a status update of Nibley City's audit. Mr. Zook said it was underway and would be done soon. Councilmember Beus asked who and when the auditor was chosen. Mr. Zook said they were using the same auditor as last year. Councilmember Beus said she would like to consider an RFP for an auditor for next year. Mayor Dustin said he would look into the procedures. Councilmember Beus felt the City

Council should have the responsibility of who performed Nibley's audit. Mayor Dustin said he would come back with a plan.

Councilmember Whittaker discussed an issue with the Heritage Days Committee Chairs. Mr. Zook took responsibility for not contacting the Committee Chairs and said there was a miscommunication between himself and the Mayor.

Mr. Zook asked the City Council for their updated emergency contact list as soon as possible.

Mr. Zook reported on the candidate that had been hired as Nibley's office specialist.

Mr. Zook reported on Nibley's General Plan and schedule with the CIB.

Mr. Zook said State Senator Knudson had requested a meeting with the City Council. He said it was anticipated he would be at the next City Council meeting.

Mayor Dustin discussed his role in the past Heritage Days. He expressed his appreciation of Jill Galloway and Malia Roundy, Nibley previous Heritage Days Committee Chairs.

Councilmember Cook made a motion to amend the agenda to remove item 9; Executive Session; Discussion of Potential Real Estate Purchase pursuant to Utah Code 52-4-205. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Councilmember Beus, Councilmember Jacobsen, Councilmember Hansen and Councilmember Whittaker all in favor.

The meeting was adjourned at 10:40 p.m.