

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, October 16, 2014.

The following actions were made during the meeting:

**Councilmember Cook made a motion to continue the consideration of a revised final plat for Phase 3 of the Maple View Estates Conservation Subdivision until the next City Council meeting (November 6, 2014). Councilmember Hansen seconded the motion. The motion passed 3-0; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, October 16, 2014 Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Carrie Cook, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Mr. David Zook, Nibley City Manager, Shari Phippen, Nibley City Planner, and Justin Maughn, Nibley City Public Works director were also in attendance. Councilmember Kathryn Beus and Councilmember Amber Whitaker were excused from the meeting.

#### **Call to order; approval of agenda; and approval of the October 2, 2014 meeting minutes**

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

#### **Discussion and Consideration of a Revised Final Plat for Phase 3 of the Maple View Estates Conservation Subdivision**

The developer, Kim Datwyler, with Neighborhood Nonprofit Housing Corporation (NNHC) was not present at the meeting. Miss Phippen discussed why no public hearing was required for the plat amendment. Miss Phippen described the preliminary plat and described the area that the developer was proposing to split into two lots; making another building lot. The plat was projected for the City Council to view. Miss Phippen said the Planning & Zoning Commission had recommended that NNHC be allowed to revise the plat for phase 3. Miss Phippen described the circumstances which had affected costs for the developer and had led to the need for the additional building lot. Miss Phippen said the nature of the Neighborhood Nonprofit Housing Corporation (NNHC) program was such that their costs of development needed to be fairly well fixed before going in to the project and that there had been a couple of actions of the city that had increased the cost to Neighborhood Nonprofit; the 1200 West road alignment and well relocation and a sprinkling system requirement on the 1200 West open space. She said the developer had no idea of the development costs requested by the City Council. Miss Phippen said it was

her recommendation that the City Council approve the revision and said the City Council had the authority to make the proposed changes under Ordinance 10-18-7.

Councilmember Jacobsen asked for the square footage loss of the conservation area. Miss Phippen said it go from .89 acres to .72 acres and the overall percentage of open space would drop from 25 to 24%. Councilmember Hansen asked if there would be access through the open space. Miss Phippen said the open space would be owned by whoever purchased the lot. Councilmember Jacobsen asked what mechanism Nibley had to keep the conservation space as conserved space. Miss Phippen said she would need to pull the maintenance plan. Councilmember Jacobsen recollected that the conservation space would be privately owned with development rights deeded to Nibley City. Councilmember Jacobsen felt he needed the remainder of his questions to be addressed by the developer.

Councilmember Jacobsen made a motion to suspend the agenda; to move on to item 3 and come back to item 2 if/when the proponent was available at the evening's meeting. Councilmember Cook seconded the motion. The motion passed 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.

#### **Discussion Regarding Possible Cache County EMS Authority Facility**

Mr. Zook summarized the history and discussion held on the Cache County EMS Authority regarding their ambulance housing facilities. He said the CCEMSA had a meeting on Tuesday and had discussed their options; which would include staying in Hyrum, partnering with Nibley City, or doing something somewhere else. Mr. Zook said the CCEMSA may be interested in having a facility in Nibley City next to the existing public works building and they had discussed owning a building or leasing a building from Nibley City but at this point, were not ready to make a decision.

#### **Discussion Regarding City Financial Report**

Mr. Zook addressed the two questions that Councilmember Beus had asked about the financial report.

Mr. Zook said the first question was about sales tax (page 3). Councilmember Beus has asked why no sales tax revenue was reflected two months into the fiscal year. Mr. Zook said the State allowed business a month to pay their sales tax a month late. Once it was paid to the State, the State then took about a month to process the taxes and send them to the city. He said when the city received sales taxes they are always 2 months in arrears.

Mr. Zook said the second question was about Nibley's Municipal building authority (page 11). Mr. Zook said the MBA was a separate legal entity that was set up to finance the building of Nibley's city hall. Nibley City leases this building from the MBA. Mr. Zook said Councilmember Beus was concerned with the large balances shown on the MBA page and he discussed that the numbers reflected the total assets value of Nibley city hall. Mr. Zook said they were looking at equity and value on the building but not actual cash on hand. Mr. Zook said they showed a negative value on the cash on hand

because the payment had just been made and that the city transferred money from the general fund monthly to compensate that negative balance.

### **Discussion and Consideration of a Revised Final Plat for Phase 3 of the Maple View Estates Conservation Subdivision**

Kim Datwyler, with Neighborhood Nonprofit Housing Corporation (NNHC) was recognized by Mayor Dustin at 7:03.

Councilmember Jacobsen asked Ms. Datwyler to explain to him why they should approve this consideration. Ms. Datwyler said this still preserved the majority of the open space, served another family with a building lot, and got NNHC back to the prices that would be supported by appraisals. Ms. Datwyler said that she could have proposed this subdivision either way; a conservation subdivision or standard subdivision. She said the conservation easement lots were not going to sell for what they had bought them for. Ms. Datwyler discussed the conservation maintenance agreement and said the type of sprinkling system they had been asked to put in was \$20,000 more than what NNHC had planned. She wanted to do what worked best for the city but had to face cost containment; she didn't know how she could pay for what the city wanted on 12<sup>th</sup>. She felt the city could meet them half way with the additional lot so that they could add the provisions that had been requested by the city.

Councilmember Jacobsen discussed his recollections from the original consideration of Maple View Estates Conservation subdivision. He felt the general plan had said they didn't have a choice and were required to do a conservation subdivision and applied to wording "As land is rezoned from agriculture to residential, the median residential density will only be achieved through the conservation overlay process." He felt the land wasn't developed in this manner at his request but was required by the general plan.

Councilmember Jacobsen read from Nibley City Ordinance 10-18-7. Councilmember Jacobsen and Ms. Datwyler discussed the development agreement for the sprinkling system which made reference to "Nibley City standards". Councilmember Jacobsen asked if the sprinkling system requirements were part of Nibley City standards. Ms. Datwyler conceded his point. Miss Phippen said there were no details in the commercial sprinkling system specs at the time Ms. Datwyler made the agreement. Councilmember Cook said Nibley couldn't hold the developer to their specs if they were not given or available to the developer when the agreement was signed. Councilmember Cook and Mr. Zook discussed the history of the street and well on 1200 West.

Mr. Zook said he was not sure this was a waiver request; he said they were slightly changing a ratio which was still within the limits of what they would allow in this type of development. He said there was no set number but felt in the future they could figure out the calculation to start with and which they could use as a baseline by which they could constrain the development. Councilmember Hansen asked if Mr. Maughn felt what was being proposed was insufficient. Mr. Maughn requested he and Rod Ellwood have the opportunity to look into the additional \$18,000 sprinkling system cost and difference in cost. Mayor Dustin asked if the city had an accepted standard for sprinkling systems. Mr.

Maughn said there wasn't to his knowledge; it was all add hawk. Councilmember Jacobsen discussed the accommodations Nibley City had made with NNHC and said he was frustrated with the City Council, as a body, not sticking to the deals they made. Councilmember Jacobsen expressed that he would not vote in favor of this consideration and suggested they could wait until they had a full council present to address this consideration again. Ms. Datwyler expressed that she would like to wait for a full council.

Councilmember Cook made a motion to continue the consideration of a revised final plat for Phase 3 of the Maple View Estates Conservation Subdivision until the next City Council meeting (November 6, 2014). Councilmember Hansen seconded the motion. The motion passed 3-0; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Councilmember Jacobsen requested staff provide detailed numbers on the incentive multipliers showing this would still be a legal conservation subdivision for the next meeting.

### **Council and Staff Reports**

Councilmember Cook reported on progress made for the annual "Santa Claus is Coming to Nibley" event held at Little Wonders.

Mayor Dustin reported on waste water report results.

Mayor Dustin said they had received the final report on the 3200 South realignment study. Mr. Zook said the final report had been posted online.

Mayor Dustin recognized Senator Peter Knudson at 7:34. Senator Knudson introduced himself and thanked the City Council for their service. He asked the City Council for input on issues that were important to Nibley. Representative Knudson discussed Medicaid expansion, construction of a new State prison, and the State budget. Councilmember Jacobsen asked Senator Knudson to share where he thought the increased revenue in the State budget had come from. Councilmember Jacobsen asked Senator Knudson his opinion of a rumored new gas tax. Councilmember Jacobsen asked Senator Knudson for his point of view on House Bill 148. Mayor Dustin asked Senator Knudson about severance taxes, discussed water quality in Cache Valley, and said that he was glad the Senate was tackling daylight savings time.

Mr. Zook reported on the 3200 South project. He said the next steps in that process was to address the plan in Nibley's general plan.

Mr. Zook updated the City Council on the two year contract renewal for Nibley City Engineer.

### **Discussion Regarding Potential County Park Funds**

Mr. Zook discussed the high school being built in North Logan by the Cache County School District and said that there were some revenue opportunities from the sale of that County owned land for that high school. Lance Andersen, with Cache Landmark Engineers, was present at the meeting. He said the property was originally purchased by the County with restricted park funds in anticipation of moving the fairgrounds to that location. Mr. Zook said when the property is sold the revenue from the sale will need to be used to purchase property elsewhere in the County for recreational use. Mr. Zook said they would have to enter into an inter local agreement with the County to receive any funding. Mr. Andersen was present to discuss the potential inter local agreement between Cache County and North Logan, Hyde Park, Newton, Wellsville, and Nibley. Mr. Zook summarized that they would have to buy the land fronting the money to purchase the land which they would later be reimbursed for. They could then develop the land with the reimbursement and a virtual guarantee of RAPZ money. Mr. Andersen had a property acquisition scenario which was displayed for the City Council and public present. Mayor Dustin and Mr. Lance discussed the parcel selection criteria and disqualifying factors.

### **Adjourn to Executive Session**

#### **Discussion of Potential Real Estate Purchase Pursuant to Utah Code 52-4-205**

Councilmember Cook made a motion to adjourn from the open meeting to executive session to discuss potential real estate purchases pursuant to Utah Code 52-4-205 at 8:28. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

The meeting adjourned to executive session at 8:28 p.m.

The meeting returned from executive session at 9:19 and there was general consent to adjourn at 9:19.