A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, February 2, 2017.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to approve the preliminary plat for Green Acres subdivision, located at approximately at 250 West 3600 South. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilmember Beus and Councilmember Bernhardt all in favor.

Councilmember Hansen motioned to approve the preliminary plat for the Heritage Parkway Subdivision, located at approximately 1200 West and 2700 South with the following conditions: the developer add a trail outlet off of 2735 South connecting to the Stonebridge subdivision; and that the road width on 2600 South be 40-feet wide to make for an 80-foot cross section. Councilmember Bernhardt seconded the motion. The motion passed 5-0; with Councilmember Hansen, Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Beus and Councilmember Ramirez all in favor.

Councilmember Jacobsen motion to approve Resolution 17-03, giving the City Council's consent to the appointment of Justin Maughan as the Nibley City representative on the Cache Mosquito Abatement District Board of Trustees and waive the second reading. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilmember Bernhardt, and Councilmember Beus all in favor.

OFFICIAL MINUTES OF THE MEETING
Minutes were taken by Deputy City Recorder, Cheryl Bodily

Councilmember Larry Jacobsen noted that Mayor Shaun Dustin wouldn't be present at the meeting and motioned to appoint Councilmember Kathryn Beus as Mayor Pro Tempore. Councilmember Bryan Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Opening Ceremonies
Mayor Pro Tem Beus led the City Council and public present in the Pledge of Allegiance.

Call to Order

Mayor Pro Tem Beus called the Thursday, February 2, 2017, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Thomas Bernhardt, and Councilman Tim Ramirez. Mr. David Zook, Nibley City Manager, Stephen Nelson, Nibley City Planner, and Justin Maughan, Nibley City Public Works Director, were also in attendance.

Approval of agenda; and approval of the January 19, 2017 meeting minutes
Councilmember Jacobsen made a motion to approve the January 19, 2017 meeting minutes and the evening's agenda with the following changes: 1—following the public comment period, Mr. Zook is allowed to, as part of his Staff Report, to introduce Emergency Management leader; and 2—move items 7 & 8, public hearing and consideration of Green Acres subdivision following the introduction of emergency management staff. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilmember Beus, and Councilmember Bernhardt all in favor.

Public Comment Period
Seeing that there were no signatures on the Public Comment Period Sign-up sheet, Mayor Pro Tem Beus said the meeting would proceed with the next item on the agenda.

Mr. Zook introduced Mr. Rick Williams, Nibley's new Emergency Manager. He described Mr. Williams's background and credentials. Mr. Zook said he had just about every certification possible. He described that Mr. Williams worked for the State of Utah and as Cache County's emergency manager and had worked all over the United States.

Mr. Williams introduced himself to the City Council, City staff and public who were present at the meeting. He said the City needed to be commended for its ongoing emergency management efforts. He said he had personally witnessed the benefits that can come to a community when they put forth the effort to prepare for unexpected consequences. Mr. Williams said Nibley had demonstrated their commitment to ensuring the safety of Nibley City's residents and to protecting property and the environment. Mr. Williams said he was impressed with Nibley's current emergency operations plan. The guidance in the plan demonstrated that the City understood the threats and risk associated with Nibley and the challenges they would be faced with during these threats. Mr. Williams said he was proud to be a part of the City's ongoing emergency management program. He pledged his commitment to do the best job he could moving the emergency management program forward. He said he would address all the area of emergency preparedness and management: prevention, protection, mitigation, working with the City and neighboring communities, and having processes and policies in place to deal with emergencies after they had occurred.

Mr. Williams's wife, Beth Ann Williams, was in attendance at the meeting.

Mr. Zook described the assignments he had given to Mr. Williams. Mr. Zook said Mr. Williams would be conducting a couple of emergency drills in the near future; a table top drill and a community wide drill using flooding at the river as the example.

Councilmember Bernhardt suggested Mr. Williams contact him for information regarding the tabletop drill. He described that he had resources that could possibly be utilized Councilmember Ramirez said he would also like to be invited. Mr. Zook said the entire City Council would be invited to participate in any drills.

Councilmember Jacobsen and Mr. Zook discussed Mr. Williams's part-time employment status. He asked Mr. Williams if his retirement status would be messed if an emergency where to occur and his part-time status were instantly made full-time. Mr. Williams indicated he had no concerns with this.

A public Hearing to receive comment regarding a preliminary plat for Green Acres subdivision, located at approximately at 250 West 3600 South
The applicant, Bill Green was present at the meeting.

Mr. Nelson said Green Acres was a five-lot subdivision on Bill Green's property. Mr. Green was a Nibley resident and member of the Nibley City Planning and Zoning Commission. He noted that Mr. Green had recused himself from all decisions and stepped down from the dais when the Planning and Zoning Commission voted on this action. Mr. Nelson said that although it was not legally necessary, Mr. Green didn't vote.

Mr. Nelson said that most of the primary infrastructure was already in. The developer would need to cut into the road to add water and sewer laterals for each lot. Mr. Nelson said the City Engineer had reviewed the plat and had no concerns. Mr. Nelson described that the developer would need to do a lot line adjustment for Lot 1 to meet frontage requirements. Mr. Nelson read from City code 11-4-3:

"Lot Line Adjustment: The developer will need to do a lot line adjustment in order for Lot 1 to meet frontage requirements. Nibley City Code 11-4-3 states the following: 11-4-3 Lot Line Adjustments An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:

- *A. No new lot results from the lot line adjustment.*
- *B. No previously existing lot is eliminated as a result of the adjustment.*
- *C. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and Title 10 of the Nibley City code.*
- *D. No lot is made undevelopable without a variance or other special consideration.*

E. All property owners directly affected by the lot line adjustment give their consent.
F. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
G. The lot line adjustment does not result in the violation of any applicable zoning ordinance.
H. *The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment."*

Mr. Nelson said that provided the lot line adjustment conditions were met, no municipal land use authority approval was required. Mr. Nelson said the lot line adjustment met all the requirements and the developer was currently working with Cache County and other property owner to have the lot line adjustment recorded.

Mr. Nelson said the Planning and Zoning Commission recommended Green Acres for approval on January 11, 2016. Mr. Nelson said it was City staff's recommendation that the City Council make a motion to approve the preliminary plat for Green Acres subdivision

Mayor Pro Tem Beus opened the public hearing at 6:51 p.m.

Bill Green of 299 West 3650 South said this was his subdivision. He said he had already paid for the sewer, curbs, street and cutter and already had the water line installed and had paid for it. He described the vault for power lines on the northeast corner of the property that he had paid for. Mr. Green said he was subdividing this land so that he could give it to his kids.

Mr. Green described being a fire fighter.

Seeing no further public comment, Mayor Pro Tem Beus closed the public hearing at 6:55 p.m.

Mr. Zook said Bill had filed the necessary disclosure form with the City regarding his conflict of interest.

Discussion and consideration of a preliminary plat for Green Acres subdivision, located at approximately at 250 West 3600 South
Councilmember Jacobsen wanted clarification that there wasn't infrastructure in place that the city had escrowed. He wanted to ensure the Mr. Green had paid for the infrastructure. Mr. Green confirmed that he had paid for the additional infrastructure. Councilmember Jacobsen asked if there were adequate right-of-way for cross section on road. Mr. Nelson said the streets and sidewalks were already in and there would be more detail when they received construction drawings.

Councilmember Jacobsen made a motion to approve the preliminary plat for Green Acres subdivision, located at approximately at 250 West 3600 South. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilmember Beus and Councilmember Bernhardt all in favor.

A public hearing to receive comment regarding a preliminary plat for the Heritage Parkway subdivision, located at approximately 1200 West and 2700 South

Mr. Nelson excused the developer who he described hadn't come because of potential weather development. He said the developer didn't living in Cache Valley and had to travel from the Wasatch Front.

Mr. Nelson said Heritage Parkway was a proposed 40-lot subdivision located at approximately 1200 West and 2700 South. Mr. Nelson described that this was the second time the developer has proposed a development on this property. The original proposal was presented as a conservation subdivision. The developer was now proposing a standard subdivision. Mr. Nelson said all lots on the development met or exceeded 100 ft. frontage and complied with Nibley City Code in reference to lot sizes and frontage.

Mr. Nelson said the developer was proposing to construct the subdivision in three phases and that staff members were fine with the phasing that was being proposed and would ensure that the amenities and improvements are constructed proportionally with the phasing. Mr. Nelson described how public hearing rules were followed for consideration of the plat. Mr. Nelson said that storm water for a future regional detention basin located just northwest of the property would handle the development. The developer would have to pay per lot for their portion of the cost of the retention basin. Mr. Nelson described that the Stonebridge subdivision, which was south of this subdivision, would also tie into the regional detention basin on 2600 South, and there was a 20' ft. easement located along the west side of this subdivision for a stormwater pipe that would be installed in the future to connect Stonebridge to the future pond.

Mr. Nelson noted that Nibley City required that no driveways could connect onto 2600 South or 1200 West because these were arterial roads on the Transportation Master Plan He said the developer had already agreed to have no driveways pulling out onto those roads. Mr. Nelson said there was a canal that ran through the property. He showed where the canal ran on the property and said the developer would pipe the irrigation canal that ran along 1200 west to match the piping that had taken place in the subdivision south of the development, but was proposing to leave it open behind some homes. He said this was allowed under Nibley City Code 11-5-9.

Mr. Nelson said the current plat complied with the Street and Block code within the Subdivision ordinance. He read Nibley City code 11-5-5 (E) (1) - (4):

1. "*The subdivider shall provide a pedestrian ROW as outlined below linking the cul-de-sac to the nearest adjacent public ROW unless expressly prohibited by conflict with previously developed subdivisions or land uses.*
2. *In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.*
3. *All pedestrian ROWs shall be designed for compliance with the Transportation Master plan to maximize non-motorized transportation network efficiency.*
4. *The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5'landscaped area on each side of the sidewalk The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.*

Mr. Nelson said the cul-de-sac for 1230 West complied with this code and had a pedestrian access heading out to 1200 West. Mr. Nelson described the initial concern about compliance with Nibley City Code 11-5-6 at 2735 South:

"Road segments longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private street or cul-de-sac unless expressly prohibited by conflict with previously developed subdivisions or land uses."

He described that the road section didn't have a right-of-way out. He said the developer had agreed to put in a trail and described a trail that would connect into a future Stone Bridge subdivision. Upon development of the adjacent land, the sidewalk and right-of-way could be continued through the new subdivision to the nearest public trail or street. He described linking Heritage Parkway and Stone Bridge subdivisions and placement of trails. Mr. Nelson said City staff was alirhgt with how the trial was proposed on one of the cul-de-sacs but asked the City Council to pub the condition that a trail be place on the 2735 South cul-de-sac linking south to the Stone Bridge subdivision. Mr. Nelson said the developer had already agreed to this but was unable to have it reflected on the plat in time.

Mr. Nelson said the Planning Commission gave conditional approval on January 11, 2016 with conditions based on some corrections, which had been made. The plat had been changed to meet the condition set forth by the pz, except for the trail as mention above.

Mayor Pro Tem Beus opened the public comment period at 7:11 p.m. Seeing no public comments, Mayor Pro Tem Beus closed the public comment period at 7:11 p.m.

Discussion and consideration of a preliminary plat for the Heritage Parkway Subdivision, located at approximately 1200 West and 2700 South

The City Council discussed which road installation the developer would be responsible for. They discussed farm property at the end of 2600 South. The City Council remembered that they had amended the Transportation Master Plan to call for an 80-foot wide right-of-way. Mr. Nelson noted that this had been overlooked said this would need to be addressed with the developer. They would need to work this out with the developer or change the road master plan again. Mr. Zook felt this would be an appropriate condition to put on a motion.

Councilmember Jacobsen asked if Mr. Maughan and Mr. Nelson had looked at the subdivision's phasing and if stormwater would be complete before the phases were complete. Mr. Nelson described that he felt the phasing was appropriate to push stormwater in the right direction.

Councilmember Jacobsen said he had been a strong advocate of Nibley's conservation subdivision ordinance but couldn't figure out how to make it work in the R-2A zone without making really small lots and row houses. He said the lots were not big enough to make smaller to set aside the conservation space. He also said, however, that this was also a detractor to him to support rezones to R-2A.

Councilmember Hansen made a motion to approve the preliminary plat for the Heritage Parkway Subdivision, located at approximately 1200 West and 2700 South with the following conditions: the developer add a trail outlet off of 2735 South connecting to the Stonebridge subdivision; and that the road width on 2600 South be 40-feet wide to make for an 80-foot cross section. Councilmember Bernhardt seconded the motion. The motion passed 5-0; with Councilmember Hansen, Councilmember Bernhardt, Councilmember Jacobsen, Councilmember Beus and Councilmember Ramirez all in favor.

Discussion and consideration of Resolution 17-03: A resolution appointing Justin Maughan as the representative of Nibley City on the Cache Mosquito Abatement District Board of Trustees

Mr. Zook said Mayor Dustin had proposed Mr. Maughan serve in this capacity. Mr. Zook summarized the history and function of the Cache Mosquito Abatement District Board. Mr. Zook said the previous representative had stepped down in the middle of his term and if appointed, Mr. Maughan's would take up this term, which would run through Dec 31 of 2018.

Councilmember Jacobsen made a motion giving the City Council's consent to the appointment of Justin Maughan as the Nibley City representative on the Cache Mosquito Abatement District Board of Trustees and waive the second reading. Councilmember Ramirez seconded the motion.

Councilmember Jacobsen described wresting with the fundamental found principles of the constitution and drawing the line between individual property rights and the rights of community. He said there were people who didn't want their property sprayed. Councilmember Jacobsen said he had seen the CMAD requirement to

achieve a no spray zone on property and described the conditions that must be present to achieve a no spray zone delineation. Councilmember Jacobsen said he was convinced that Mr. Maughan would approach this with an open mind. Mayor Pro Tem Beus asked if Mayor Dustin had approached Mr. Maughan about doing this as part of his work duties or as part of serving Nibley as a resident of Hollow Road. Mr. Maughan said this hadn't been made clear but would function in either capacity. Councilmember Jacobsen said it was up to Mr. Zook as City Manger to manage the staff and assign duties and said this was fair game for employment. Mr. Zook said he agreed; that this was his interpretation.

Councilmember Jacobsen asked for general consent of the City Council that they were specifically voting on Resolution 17-03. General consent was given.

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

Council and Staff Reports

Councilmember Bernhardt asked that as the City Council looked at subdivisions moving into the city that staff look at the Parks Master plan and the annexation plan looking outside the city.

Councilmember Hansen described designing a Gateway park kiosk. He said it would include a "Welcome to Nibley" sign. He described the shape of the sign and the use of banners and making the signage interactive.

Mr. Zook reported on Local Officials Day at the State Capital. He said the Youth Council had participated in a mock debate and met with the Governor at the luncheon that followed.

Mr. Zook reported on meetings with the consultants with the Parks Master Plan.

There was general consent to adjourn the meeting at 7:43 p.m.

Attest: _____
Deputy City Recorder