

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING THURSDAY, December 7, 2006
The following motions were made during the meeting

Motion #1: Councilman Wells made a motion to approve Final Plat of Ashbury subdivision Phase I at approximately 600 West 3300 South with the following conditions:

- 1. Mention on the plat of prohibited placement of structures that would limit access by the city to an easement between lots 4 and 5.**
 - 2. Access from 3200 South needs to be finalized**
- Councilman Bryan Hansen made a second to the motion.**

Councilman Bryan Hansen, Jay Harrison and Scott Wells voted in favor of the motion. Councilman Mickelson and Councilman Larsen voted against the request. The motion passes.

Motion #2: Councilman Scott Larsen made a motion to table discussion regarding a request for preliminary approval of Ashbury Subdivision Phase II at approximately 600 West 3200 South. Councilman Mickelson made a second to the motion to table. The motion to table passed with councilman Hansen and Councilman Wells voting against the motion and councilmen Harrison, Larsen and Mickelson voting in favor.

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Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Pro-Tem Jay Harrison called the Thursday, December 7, 2006 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Thayne Mickelson, Scott Wells, and Scott Larsen. Mayor Knight arrived at 6:35 p.m. City Manager Larry Anhder and City Planner Conley Thompson were also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Mr. Harrison recognized local scouts in attendance and welcomed them.

Item 1: Approval of previous meetings minutes and evening's agenda. Councilman Scott Wells made a motion to approve the minutes as amended and the evening's agenda. Councilman Mickelson made a second to the motion which was approved unanimously.

Item 2: Discussion about possible annexation south of 3200 South to the USU Farm. Realtor Dennis Parry was introduced to the council. He presented information outlining the area of possible annexation. Mr. Anhder explained that the presentation is only preliminary. Ty Meason of Logan Outdoor Products. Mr. Meason is considering the purchase of property under discussion. Mr. Parry explained they are interested in discussing whether or not Nibley City would consider annexing the property to help determine whether or not to go forward with the project. Mr. Parry said the property is located next to Utah State University owned property. Mr. Parry said they have contacted USU and plan to continue discussions with them to better determine if they are interested in annexing. Other property located near the proposed annexation area is owned by the Zollinger family. Mr. Parry said it is his understanding Utah Code states if a property owner, in this cases USU, is interested there would be a 57% land owner interest in annexing, which would make it possible to annex the property under discussion as well as neighboring property. Mr. Anhder said there will need to be further discussion with other property owners in the county who own property near the proposed annexation.

Councilman Scott Wells said he is not opposed to the annexation, but would like the following matters addressed:

1. How does the plan incorporate a portion of property along 3200 South owned by the Zollinger family and the neighboring peninsula.
2. Ability of landowner/developer to obtain water and sewer services.
3. How to deal with property included in the proposal that is outside of the declared annexation area which may have to be included and would require a change in the city's annexation declaration ordinance.

Mr. Anhder suggested the four acres not included in the annexation declaration be removed from the request for the time being. This would allow the annexation process to move forward. Mr. Parry said he would consider that as a feasible option. There was discussion about sewer service. Councilman Larsen asked for clarification about why the Southern portion of the USU property in the proposed plan was not included. Mr. Parry said he failed to notice the property was part of the USU property. Including that portion of property or any of that property is up to officials from USU. Councilman Larsen said he is also concerned about the potential use of the property. He said it is his understanding that USU selected to move the farm to this area in order to get away from the increased development taking place at their North Logan site.

Mr. Parry turned the time over to Mr. Meason to give a brief outline of what might be built at the proposed site. He explained that the property would be used for commercial and retail development, not for homes. Mr. Meason is aware of the desire by the county to maintain the corridor. The development would be light industrial and could possibly house the CampChef production warehouse.

Councilman Wells said in his opinion the annexation seems possible as long as the sewer issues are resolved and the developer learns what neighboring land owners want to do in regards to annexing. Otherwise, the city will simply have to wait for an official request for annexation before further discussions can take place.

Councilman Larsen said the city's land use map does not outline what the use of this land would be if annexed. He said the city needs to better determine how this area of the city would look and whether or not commercial and industrial should be part of that plan.

Access to nearby properties and other access issues need to be addressed as part of the proposal according to the Councilman Mickelson. The council also recommended Mr. Parry and Mr. Meason review the city's commercial design standards to better determine if the type of proposed project they are considering will fit within city standards.

The council thanked Mr. Meason and Mr. Parry for their presentation.

Item 3: Final Plat Approval of Ashbury subdivision Phase I at approximately 600 West 3300 South.

Councilman Larsen asked about what has been determined as far as approval from the irrigation company when it comes to the proposed development. Mr. Anhder said there has not been a firm agreement between the developer and the irrigation company, but said that should not keep the council from making a decision regarding the proposal. Mr. Larsen said there is some question about whether or not the irrigation company is clear as to what is planned, even though the irrigation company president has signed a letter indicating approval of the plans. Mr. Larsen said during a conversation with a representative from the irrigation company, Jim Jensen, he was told that the irrigation company is not comfortable with a plan to syphon the water and/or move the irrigation ditch. Mr. Larsen said there are members of the irrigation company who have expressed opposition to any plans that might include moving the ditch or syphoning water. Mr. Ames said there is not any type of syphoning planned along the canal. Mr. Ames said he met with Roy Ropaletto and they, along with another representative from his farm, did a walk around to outline plans by the developer. Following the meeting, Mr. Ropaletto signed a paper indicating he had reviewed the plan and agreed with the design. However, during a telephone conversation with Mr. Anhder, Mr. Ropaletto said his understanding was that he signed the paper indicating he had reviewed that plan, not necessarily that he agreed with what is being planned.

Councilman Wells said he would like to see the irrigation company consider leaving the ditch open to

allow for increased wildlife. Councilman Larsen said the irrigation company is concerned about liability. Mr. Anhder said it is the responsibility of the irrigation company to manage the ditches, not the city's responsibility. He said this is an issue between the developers and the irrigation company. Councilman Wells asked the developer to work out the matter with the irrigation company.

Councilman Mickelson expressed interest in having the city do more to work with the irrigation company to require developers to meet the irrigation companies requests in this and in other matters. He said the council should consider delaying a motion to approve the final plat until irrigation matters are resolved.

Councilman Larsen said it is his understanding that the developers have not secured access to the property along 3200 South. Mr. Ames said the city has been given a copy of an agreement between the owner Ryan Zollinger of the property along 3200 South stating the developer does have access from 3200 South. Councilman Larsen said he spoke with Mr. Zollinger just last evening and Mr. Zollinger indicated access off of 3200 South will not be granted until after the property where his home is located is sold. Mr. Larsen is also concerned about the retention pond and access by the city through private property between lots 4 and 5. Councilman Wells said the property owner will have to be made aware of the easement and conditions related to allowing access by the city for maintenance. Mr. Anhder said there needs to be wording on the plat indicating the property cannot be fenced in order to allow access to the pond.

Mr. Anhder said he is concerned about the storm basin. Mr. Ames explained plans for the storm basin design.

Councilman Wells made a motion to approve Final Plat of Ashbury subdivision Phase I at approximately 600 West 3300 South with the following conditions:

1. Mention on the plat of prohibited placement of structures that would limit access by the city to an easement between lots 4 and 5.

2. Access from 3200 South needs to be finalized

Councilman Bryan Hansen made a second to the motion.

Councilman Larsen inquired about the hammer head at the end of the east road. Mr. Anhder said the developer of nearby property would be responsible for making final improvements to the road once further development takes place, or the city could require the current developer to make a cash payment for the curb and sidewalk once the road is developed at the hammer head and that the matter should be stated in a development agreement. The council agreed to have the the developer provide a bond for the curb and sidewalk. Councilman Larsen said he does not think it is fair to pass this development cost onto a future development. Councilman Mickelson said he feels this project is being pushed through too quickly and that matters with the irrigation company need to be resolved as well as access from 3200 South finalized. Mr. Anhder continued to express his desire for the city to allow the developer to resolve the irrigation canal issue saying it is not the city's responsibility.

There was a call for a vote on the motion.

Councilman Bryan Hansen, Jay Harrison and Scott Wells voted in favor of the motion.

Councilman Mickelson and Councilman Larsen voted against the request. The motion passes.

Item 4: Preliminary Approval of Ashbury Subdivision Phase II at approximately 600 West 3200 South.

Mr. Anhder explained that Planning and Zoning approved the plan at their last meeting. The city has asked the developer to refrain from completing curb, gutter, and sidewalk along 3200 South until future improvements to the road by the city have been completed. Mr. Ames presented to the council alternative plans for a portion of road that in previous plans included a "bulb" in the street to allow for the developer to meet frontage requirements. Councilman Larsen does not want the city to have to maintain and care for the portion of road as designed. Mr. Larsen said he contacted five different planners and they all advised against a "bulb" and suggested the plan be redesigned with one less lot. Mr. Ames presented seven ideas including variations of island space with the road running on either side of the island or to the left of the island. Councilman Hansen expressed his liking of the plan that resembles a round about. Councilman Larsen said he has talked with the city's

major service employees and they do not like the design nor did they want to plow around the island and would prefer a straight road.

Councilman Wells asked if the developer might be interesting in selling all of the lots on the east side, including lots 16, 17, and 18 to the city for possible placement of a future fire station or other use. Mr. Anhder said he does not think this is a good idea and that there is not near enough land for the city to use appropriately. Mr. Anhder suggested the matter be placed on a future agenda for further discussion. He added that he feels the bulb idea is a good one and will help to make the city appear to be more unique. He suggested elected officials not be afraid to do something different. Councilman Larsen said being unique is not always a good idea. Mayor Knight said in order to have a nicer community it can cost more financially and require additional maintenance. He said the city needs to be willing to pay a little more to be unique. Councilman Hansen agreed there is nothing wrong with doing something unusual. He said it would make for a nicer development.

Councilman Hansen made a motion to approve a request for preliminary approval of Ashbury Subdivision Phase II at approximately 600 West 3200 South with plans to include a quasi style round about with an island in the center along the access road near lots 19 and 20. Councilman Wells made a second to the motion.

Councilman Scott Larsen made a motion to table discussion regarding a request for preliminary approval of Ashbury Subdivision Phase II at approximately 600 West 3200 South. Councilman Mickelson made a second to the motion to table. The motion to table passed with councilman Hansen and Councilman Wells voting against the motion and councilmen Harrison, Larsen and Mickelson voting in favor.

Mr. Ames asked the council for guidelines on how to resolve the road issue in front of lots 19 and 20. Councilman Mickelson suggested looking into the proposed alternatives and to consider the public works department's desire to have the road run straight. Councilman Harrison asked the council to give them direction about whether or not to include a bulb in the road. The council agreed to meet with Mr. Ames to review a plan with a bulb in the street in two weeks.

Item 5: Adjourn. Councilman Larsen made a motion to adjourn. Councilman Harrison made a second to the motion which passed unanimously.

Signed _____
Mayor

Attest _____
Assistant Deputy Recorder