

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, July 2, 2009.

The following actions were made during the meeting:

Councilman Jacobsen motioned to adopt Resolution 09-09—adopting the property tax rate of .001426. Councilman Larsen seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin all in favor.

Councilman Jacobsen motioned to approve Ordinance 09-07—An amendment to the Nibley City campaign finance disclosure law. Councilman Larsen seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin all in favor.

Councilman Jacobsen made a motion to postpone the preliminary plat of Pleasant Haven subdivision until the developers present plan for the set aside land and how they are going to improve it. Councilman Dustin seconded the motion.

Councilman Jacobsen made a motion to amend to work out access issues on the preliminary platt of Pleasant Haven subdivision. Councilman Mickelson seconded the motion. The amendment passed unanimously 4-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen all in favor.

The motion to postpone passed unanimously 4-0; with Councilman Jacobsen, Councilman Dustin, Councilman Larsen, and Councilman Mickelson all in favor.

Councilman Larsen motioned to adopt Resolution 09-08. Councilman Dustin seconded the motion.

Councilman Jacobsen motioned to amend Resolution 09-08 to keep the same whereas and has retyped the original with strikethroughs and deletions that read:

- 1. The Council wholeheartedly supports and encourages the conservation easement for the Schiess property with the reservation that a 66-foot wide corridor be exempted from the easement for the eventual southward continuation of 450 West Street.**
- 2. Same as before.**
- 3. The Council realized that it may be many years before the street corridor is needed by there is a large quantity of land to the south of the Schiess property that may develop and the street will eventually be an integral part of the transportation needs of that area of our community. The Council will not move to acquire the property until development to the south of 4000 requires the construction of 450 West. The current Council has no intention**

to acquire the property to construct 450 West by eminent domain (condemnation), and the current Council encourages future Councils to consider and respect the landowner's wishes.

- 4. The Council is aware that the proposed road will eventually split the property in question but it feels that it will not hinder the placement of the easement of the desired preservation of the open space. On the contrary, the Council feels that the proposed road, and its proximity to the proposed conservation easement, will give a large number of Cache Valley residents and visitors the opportunity to enjoy and appreciate the preserved open space.**

Councilman Dustin seconded the motion. The amendment passed 3-1; with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin in favor. Councilman Mickelson was opposed.

Councilman Jacobsen made a motion to postpone Resolution 09-08 indefinitely. Councilman Mickelson seconded the motion. The motion to postpone failed 1-3; with Councilman Jacobsen, Councilman Dustin, and Councilman Larsen opposed. Councilman Mickelson was in favor.

The amended motion passed 3-1; with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin in favor. Councilman Mickelson was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, July 2, 2009 Nibley City Council meeting to order at 6:02 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner.

Item 1: Approval of the evening's agenda and minutes of the June 4, 2009 meeting.

Councilman Jacobsen motioned to approve the minutes of the June 4, 2009 meeting as presented and the evening's agenda. Councilman Dustin seconded the motion. The motion passed unanimously with Councilman Jacobsen, Councilman Dustin, and Councilman Larsen in favor.

6:05 Lance Hopkins—presentation to Nibley City from Walmart

Mr. Lance Hopkins, representing Wal-Mart, gave the city \$4,000 for the city to use to purchase a defibrillator for First-Responders. The Mayor thanked Mr. Hopkins for Wal-Mart's generosity.

Consideration of Resolution 09-09—A resolution setting the property tax rate for the General Fund budget for fiscal year 2009-2010.

Mr. Anhder said there was no projected change in the property tax. The auditor had said they needed to set a resolution for property tax. The rate was set at .001667%. Mr. Anhder anticipated \$7,000 in additional revenue at a lower rate due to new growth at .001426%. Mr. Anhder asked for the Council to pass the resolution. Councilman Jacobsen made a motion to adopt Resolution 09-09 adopting the property tax rate of .001426. Councilman Larsen seconded the motion. The motion passed unanimously; with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin all in favor.

City Manager Reports

Mr. Anhder said he presumed they would continue with the same auditor. They had not set a time for the audit to be conducted. Mr. Anhder asked Councilman Larsen about the expenses coming in for Heritage Days. Mr. Anhder said the pads were in on the railroad tracks along 3200. The signals would be put in next week and the road will be closed for three days. Johnson's will be behind the signal workers to do the asphalt. Mr. Anhder is working with Congressman Bishop's office on a ribbon cutting for 3200 South.

6:15 Public Hearing—to receive comments on the Roadways Impact Fee Analysis and Ordinance 09-06, an ordinance adopting an impact fee for roadways in Nibley City

Mayor Knight told the public present that the ordinance is for new growth and how it impacts our roads; for roads that are being built or widened for their benefit. Mr. Anhder said for a single family home the fee is \$467.00, \$2,800/1,000 sq. ft. for retail, \$1,100/1,000 sq. ft. for office, and \$242.00/1,000 sq. ft. for warehouse space. There is an appeal process if they do not like how the fee was computed. Mayor Knight opened the public hearing at 6:15. Seeing no public comment, the mayor closed the hearing at 6:16.

Consideration of Ordinance 09-06—Adopting an Impact Fee Analysis and Imposing Roadways Impact Fees—providing for the calculation and collection of such fee, providing for appeal, accounting and severability of the same.

Councilman Larsen said their other impact fees did not have waivers included and wondered if this would cause a lot of requests for waivers. Mr. Anhder said they needed to include the waiver for situations like Neighborhood Non-Profit. Mr. Anhder said someone would have to come in with a very good public purpose that the Council would have to agree with to get a waiver. Mayor Knight was concerned with the appeal process. Mayor Knight read in 7-6B that he has veto power and does not feel comfortable with it. Mr. Anhder said he did not think that was the intent. Mr. Anhder said in section 6 it said the "Council may authorize exceptions determined as such to be a benefit to the community as a whole." Councilman Dustin noted section 7 that says you can go to the mayor with any fee question or problem you may have with the city. Councilman Dustin asked if they could strike section seven. Mr. Anhder said the he thought the intent was to allow a developer to appeal if they develop additional roads. The Council decided to get clarification on section 7 before passing Ordinance 09-06. Councilman Larsen asked why an apartment had higher road impact fees than a condominium. Councilman Dustin said his best guess would be that most apartments are occupied by more than one car. Mr.

Anhder distributed a definition to the Council on fueling stations. Mr. Anhder said he had reservations because for the time being they have very little commercial and thinks they should be commercial friendly. He encouraged the Council to be easy on the numbers for commercial. They would like the tax revenue from commercial and did not want the road impact fee to be a deterrent. Mayor Knight said they would consider this ordinance again at the next council meeting.

Consideration of Ordinance 09-07—An amendment to the Nibley City campaign finance disclosure law.

Mr. Anhder said when their disclosure law was initially passed in 2001 it was good but they had changed significantly. This ordinance updated the ordinance to make it consistent with state law. The dollar limit had been eliminated. Everything needed to be reported now. A disclosure statement must be filed. Stiff penalties had been added. The City Recorder can take someone off the ballot if they are not in on time. Councilman Jacobsen made a motion to approve Ordinance 09-07—An amendment to the Nibley City campaign finance disclosure law. Councilman Larsen seconded the motion. Councilman Dustin asked if they had to enforce the penalty. He was concerned with the city being held liable. Mr. Anhder said he would start issuing a receipt that they would need to provide. The motion passed unanimously with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin all in favor.

Councilman Mickelson arrived at 6:40.

Mr. Anhder said the state Lieutenant Governor's office will maintain a website with information about candidates running for office. It is not required but is a good service.

City Manager Report (cont'd)

Mr. Anhder said the parks and trails master plan subcommittee met this week. Their next meeting is the first Tuesday in August at 5:00. The committee discussed how few people had taken the survey. There have been 18 to date. He encouraged the Council to take the survey. One idea that came up was to make a paper survey. The survey website was in the utility bills and the newsletter and reminders had been distributed during Heritage Days. Mr. Anhder asked the Council for suggestions about some sort of reward for taking the survey. Councilman Larsen said the response he got at Heritage Days was that the city needed to take care of the parks they have. Mayor Knight said they have a big need. Councilman Jacobsen suggested dividing the city in to five and having the Council members distribute them. Councilman Dustin suggested including the survey in the city billing. Councilman Larsen would like a code put on the survey so they can track where the surveys are coming from for future reference. Councilman Dustin said it would help to put a general address on the parks included on the survey.

Mayor Knight read a card from Jessie Datwyler. She thanked the city for the Children's play, for sharing the costumes with Smithfield, and for recognizing her at the parade.

7:00 Public Hearing—to receive comments concerning a proposed preliminary Plat for Pleasant Haven subdivision located between 450 West and 640 West and between 3400 South and 3600 South. This is proposed as a conservation subdivision.

Mayor Knight asked Ms. Phippen to give an explanation of the project and a conservation subdivision to the public. Ms. Phippen said a conservation subdivision allows for the city to grant a developer extra density so they can get more lots and in exchange the developer has to set aside land for open space and provide an easement. It results in smaller lots. The open space can be a pasture, an equestrian park, etc. Ms. Phippen said this project is on Dale Johnson's property. This project proposed land use of 39.5 acres with 82 building lots. There is a total of 11 acres of open space. It is proposed that the open space be dedicated in phases so as each phase of the project comes in a portion of the open space is dedicated. The mayor gave the public instructions. Bill Matthews, the developer, was present at the meeting. Mayor Knight opened the public hearing at 7:07.

Kurt Jenkins said he had three concerns. First, density, it seemed to him the open space concept has changed those lots into smaller spaces. He said there were three phases that had only one exit and entrance. He said the reason why most of them moved to Nibley was for open space in their yards. The density creates small homes, on small lots with 3+ cars per lot. It will look like all the smaller lots in the valley. Second, he thought there were a lot of homes going through one access point. Finally, he was concerned with the open space concept. He did not understand the perpetuity of open space. In one year—this could change. He wondered who was in charge of the open space. He said 11 acres of agriculture is not a viable amount of open space. He was concerned with the agricultural point of machinery. Carl Fredrickson agreed with Mr. Jenkins and did not see how the areas they were not doing anything in where accessible. They are zoned half acre lots and did not understand why they have loop holes to get out of that. Gilbert Blau liked the open land and wondered what they would do with the open land. Mayor Knight said there would be an agreement between the city and the developer. Mr. Blau said it would be a nice place to live and he would be pleased with it. Mr. Jenkins corrected Mr. Blau and said they would be quarter acre lots. Dave Forbush asked what the smallest lot and biggest lot would be. Ms. Phippen said the smallest was 1/5 acre and the largest would be 1/3 acre. The average would be just under 1/4 acre.

Kathy Kennington said she was told that this meeting was of no value and wondered if that was true. Mayor Knight assured her it was not. She also questioned the process of having the meeting on a holiday weekend. She said there would be a lot more people here if it weren't a holiday weekend. She wanted another meeting scheduled for another time. Mrs. Kennington asked if this plan were to go through if it would set a precedence for other land. Mayor Knight said a conservation subdivision is limited to acreage over 10 acres. They want to set a precedence to try and preserve open space. It is to fight urban sprawl. Mrs. Kennington said she bought here for the half acre lots. She was told that this area was zoned for larger lots. She does not want to live by tiny lots that have young families, that are not going to stay, and are not maintained the way she hopes they would be. Mr. Jenkins said the regular patrons to the city should have access to the open space. He said they are creating open space that does not benefit the regular patrons of the city. Mr. Forbush said both areas serve purposes that are appropriate. He asked the developer

what objectives they are trying to achieve with the open space. Mr. Matthews said they are looking at horse property for the open space. Mr. Forbush asked the developer what they were looking at financially. Mr. Matthews said Dale Johnson had been trying to develop for years but did not feel he could answer what his financial goals were. He said a lot would sell for about \$40,000. Cynthia Frederickson said that she was glad that Nibley City held up on their landscaping for Mavrick. She would like to see a plan for the open space before it is approved. She said she would like the plan determined beforehand. She got the feeling it would be a field full of weeds. She shared the same concern with her neighbors about the numbers of homes. Brian Hickman said he is pro-owners rights but he would like to see the city stand up for their master plan. He also said the open space in conservation subdivisions is just wasted ground. The city is going to have to take it over one day. He said his main issue was that he had kids and the access to all the homes concerns him. The master plan has more access but he felt there needed to be more access before this came in. Kathy Kennington said during development there would be too many construction vehicles and it would be too dangerous. Barbara Blau asked who determined and maintained the open space. Mayor Knight said that would be determined by the City and the developer. The Council told Mrs. Blau it would not affect her property. Carl Fredrickson asked how the open space was accessible. Mayor Knight said that would be addressed in the maintenance plan. Mr. Jenkins said they are not opposed to a subdivision going there but they as a city and the City Council need to ask what they want the community to look like in the future. Carl Fredrickson said the proposed size was the size of the lots in California. You could hear your neighbor go to the toilet. They do not want to live like that. Mr. Blau said he will accept development. He does not like it but will accept it. Kathy Kennington said she is concerned that the city needs to stand up for the citizens and not for the developer. She said they are opposed to the small lots and the density of people. Mr. Forbush said if there is a contingency plan it should be in place and with something that is attractive. Brian Chambers said it is a nicer feel and nicer look to have more open space and that those lots seem to be maintained better. He would like to think it will entice good families that will take care of their lots. He would have to believe, over the course of time, that that type of development will not be maintained and become an eyesore. Kathy Kennington had a letter that she wrote to Dale Johnson that she distributed to the Council. Mr. Janelle Winward asked if they had consulted with other people who had done conservation subdivisions in the past. She had a father who was in government in Wellsville and they removed their ordinance because it did not work and became "weed zones". Mayor Knight said they had consulted others. Mayor Knight said they had worked hard as a council to address all their needs and recognize concerns from property owners and residents. He said the ordinance followed the general plan. This was the first subdivision proposed under this ordinance. Lee Hopkins said he is opposed to lowering the lot size half way through. Dave Oblock said the access roads are limited for the amount of housing there. He would be very affected with 600 becoming a major road. Carl Fredrickson said not to practice this kind of subdivision on one of the nicest neighborhoods in Nibley. Kathy Kennington said she would like to keep the land around her to half acre lots. She said that the Mayor lived with a lot of land around him and would not want this development around him. Mrs. Frederickson asked if the plan for the open space will be in place before this is approved. Mayor Knight said yes, it would be. Mrs. Amy Schiess-Platt asked how much the money

the Council would get for this opposed to making it half-acre lots. Mayor Knight stated none. Mr. Matthews said he loves this area and does not plan to make it into a junkyard and they will have a good plan in place. Mr. Matthews said the property rights of the open space stay with Dale Johnson. Mr. Forbush said Mr. Johnson does not drive by this property day and night and will not be concerned with how it looks in the future. Mayor Knight closed the public hearing at 7:56.

Consideration of preliminary plat of Pleasant Haven subdivision.

Councilman Mickelson said he is in the process of working with conservation easements. He sees some serious flaws in the design of this subdivision. There are some situations that limit the use of the open space such as having one access. Mr. Matthews addressed that there was more than one access. Councilman Mickelson said he has not heard the plans for the open space but thought it limited the ability for use. Mr. Matthews said the way the ordinance read is that the open space remains privately owned with the developer and that public access does not need to be given. Councilman Jacobsen said it can be given public access. Mayor Knight said they are not obligated to approve a conservation subdivision. It is a give and take. If the city council does not think it improves the city they will not give approval. Councilman Mickelson said if they shove all the development into this kind of space they lose the value of the open space. Councilman Jacobsen said the public had said what he had already planned to say. The whole idea of a conservation subdivision is that they can live in a rural area. He said a key step in the application of a conservation subdivision is to identify open spaces that are valuable to the community. He said he had not seen that planning take place yet. They needed to decide if that space is worth preserving. He cannot get behind it without seeing a plan. He said they want the open space to be to the benefit of the community. Councilman Dustin said he appreciated the input. He shares the concern about when the decision is made and what to preserve. Councilman Dustin said for this to work there needs to be a demonstrated value to the community at large and the neighborhood. Councilman Larsen gave reference to the public about where they could find the conservation subdivision ordinance. He had the same concern with already zoned half-acre lots. The Council does not want to rush through this—it was their first one. He had concerns about the accesses. They needed to be developed better. The acreage is viable but would have to be done right and that process is spelled out in the ordinance. Councilman Mickelson said the plan for the open space has not been worked into the community and the value had not been shown. Dave Forbush said he is pleased that they are working on the perfect template. He said the mission of the agricultural set-aside should be established first and then that should drive the development. Mr. Blau said on his mission the City of San Antonio decided to beautify their streets and planted pecan trees that the public could carry away as many as they wanted in their pockets. He suggested planting apple trees and doing the same. Councilman Jacobsen said if they grant preliminary approval that gave the developer the right to spend. Morally they cannot make a lot of changes at final approval. He suggested they bring back a plan which included a plan for the open space. Councilman Jacobsen made a motion to postpone the preliminary plat of Pleasant Haven subdivision until they have a plan for the set aside land and how they are going to improve it. Councilman Dustin seconded the motion. Councilman Larsen said there are a lot of issues that need to be addressed by staff before going to motion such as the layout

at 3400 S. and how it meets with the piping of the canal, working with adjacent property owners on roads, and Mr. Anhder recommended before preliminary was granted that property is purchased or some sort of formal agreement is made with adjacent property owners.

Councilman Dustin said if the plan that comes back on the open space is not acceptable then all of the other directions were mute. Councilman Jacobsen thought it might be possible that the developer will decide this does not work as a conservation subdivision. Since they are just post-poning they can ask for other items before preliminary approval. He would not discourage working on the other items that staff has issue with before the plan comes back. Councilman Larsen said the two main concerns that have been voiced tonight are the use of the open space and its maintenance and access issues. Councilman Jacobsen said he would feel differently if they were granting preliminary approval. Councilman Jacobsen made a motion to amend to work out access issues on the preliminary plat of Pleasant Haven subdivision. Councilman Mickelson seconded the motion. The amendment passed unanimously 4-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen all in favor. The public present were still concerned with density. They requested the Council include density in their motion. Councilman Jacobsen said it is a question of the plan for the open space whether that be open space or bigger lots. Mayor Knight said you can have a nice subdivision on quarter acre lots. Councilman Jacobsen said he hears that the concern is that they will have smaller lots next to them. He hears that it is going to take a heck of a plan for them to accept the smaller lots. He said the Council had a lot of power here. Mayor Knight said if he were the developer he might get with the public and see if there would be anything valuable enough to take this size of lot next to them. Ms. Phippen said the change in density would be about 10 lots from half to quarter acre lots. Brad Call asked if the retention pond was in that open space. Mayor Knight said it was and that was an issue that needed to be addressed. Mr. Matthews said he planned to send surveys out to the neighborhood. Mr. Jenkins said it would be helpful to send the letter to all residents of Nibley because it affects everyone. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Dustin, Councilman Larsen, and Councilman Mickelson all in favor. Mrs. Kennington asked if there would be another public hearing. Mayor Knight said there didn't need to be but they could attend any City Council meeting. Mayor Knight said the ordinance had been very well written and gave them a lot of latitude.

Consideration of Resolution 09-08—Expressing both support and concerns for a conservation easement along the north of 4000 South West of about 300 West to 640 West on land owned by Boyd Schiess.

Mr. Schiess is present at the meeting. Boyd Schiess came to the city requesting a letter of support for a conservation easement for approximately 28 acres of land. Mr. Anhder said he emailed the Council about it. There were mixed views on the idea. At the suggestion of Council members, neither a decision was made, nor a letter sent. There are two resolutions that have been drafted that may be used as templates. The concerns were that a conservation easement was a good idea, except for the 450 W. corridor which could be purchased and developed by the city in the future. Councilman Jacobsen asked Mr.

Schiess if excluding the easement for 450 W. kills the deal for the conservation easement. Boyd Schiess said it did for him. He said a conservation easement is land that is put aside for open space to never be developed on again. He does not want to develop. He has a lot of plans for that space, such as a walking trail, but he does not want a road. If he does not get approval for a conservation easement he will not develop. Mayor Knight said the resolution says they are in support of the conservation easement except for a 66 ft. wide corridor that would be developed for the southward continuation for 450 W. Councilman Jacobsen expressed that a road might make the easement more desirable. He proposed wording to number 4 that says the road will give a larger number of Cache Valley residents and visitors the opportunity to enjoy and appreciate the open space. Amy Schiess-Platt said 4000 S. goes right past it and so does the back road with the railroad tracks. Mr. Schiess said he is not interested in selling or having a road there. He is interested in having 50 complete acres and agriculture. He said they will have to condemn the land to run a road through. Mayor Knight said the city is trying to address all the options. Mr. Schiess said nobody has the right to infringe on anyone else's property to make their subdivision work. Councilman Mickelson asked if Mr. Schiess was open to putting a road up the edge of the property. Mr. Schiess said he is not sure if he would support that anymore but that land was not included in the conservation easement. Councilman Mickelson asked what they were giving up and gaining. He did not see the need to have the 1000 ft. of road to handle their traffic. Councilman Dustin said they need to be consistent in following the intent of the master plan and how they deal with everyone. He said they are asking for a letter of support for a conservation easement and how he reads it, the letter directly contravenes the master plan in both areas. He does not see how in good conscience they can support something that goes against the master plan. Mr. Schiess said the only way they would get the land was to condemn it. He will not sell. Amy Schiess-Platt asked Councilman Dustin who decided what land was slotted for open space. Councilman Dustin said it went through multiple processes. Amy Schiess-Platt asked why the open space couldn't be added to the general plan. Mayor Knight said that it can, but is a long process that they are up against. Councilman Dustin said they need to address what is best for the city. Mrs. Schiess-Platt asked if they could get a petition. Councilman Jacobsen said that was not the process. Mayor Knight said it was a process of public hearings, approval by Planning & Zoning, and the City Council. If they do make the change to the master plan it will be the City Council's decision. Dave Forbush said a plan is driving the development but opportunities come up and plans need to be modified. It is curious that something is driving the decision other than what the community values. What should be driving this is the value of the open space to the community. Councilman Mickelson said the viability of the open space is hurt by a road. Councilman Larsen said their general plan talks about agricultural preservation. He commended Boyd on his desired preservation. The road had been on the master plan for six plus years, before he was on the council. He has understood Mr. Schiess's stand since he has been on the Council but he has to look at the benefit for all of Nibley—agricultural preservation of all the land and the land being open to be enjoyed by the masses. He is in favor of the resolution that is before them; that they support the conservation of the land with the exclusion of the 66 foot right of way. Councilman Larsen made a motion to adopt resolution 09-08. Councilman Dustin seconded the motion. Councilman Larsen said the resolution as written leaves the door

open. Councilman Mickelson said as proposed this is doing more harm for them trying to do an easement versus if they didn't do a letter at all. Shawn Platt read a portion (3) of the resolution and asked for clarification. Mayor Knight gave an example of the benefit of a road in Nibley and said that is why they have a master plan. Councilman Jacobsen made a motion to amend to keep the same whereas and has retyped the original with strikethroughs and deletions that read:

1. The Council wholeheartedly supports and encourages the conservation easement for the Schiess property with the reservation that a 66-foot wide corridor be exempted from the easement for the eventual southward continuation of 450 West Street.
2. Same as before.
3. The Council realized that it may be many years before the street corridor is needed by there is a large quantity of land to the south of the Schiess property that may develop and the street will eventually be an integral part of the transportation needs of that area of our community. The Council will not move to acquire the property until development to the south of 4000 requires the construction of 450 West. The current Council has no intention to acquire the property to construct 450 West by eminent domain (condemnation), and the current Council encourages future Councils to consider and respect the landowner's wishes.
4. The Council is aware that the proposed road will eventually split the property in question but it feels that it will not hinder the placement of the easement of the desired preservation of the open space. On the contrary, the Council feels that the proposed road, and its proximity to the proposed conservation easement, will give a large number of Cache Valley residents and visitors the opportunity to enjoy and appreciate the preserved open space.

Councilman Dustin seconded the motion. Councilman Jacobsen read his entire addition. Councilman Mickelson said the amendment did not accomplish anything. He cannot comprehend that they are against someone wanting to preserve land. Councilman Dustin said he thought the last sentence on paragraph four is the best they can do to show their support for the easement. Councilman Mickelson suggested they not issue a letter and address changing the master plan. Councilman Larsen said he liked the added sentence in three but the added sentence in four was fluff. Montee Criddle said he like the open space and didn't know if he needed to see the open space to enjoy it. He liked the open space. Dave Forbush said national parks were not stipulated. They were set aside regardless of what happened in the future. Mrs. Schiess-Platt asked why their flow of traffic couldn't combine. She wanted to connect 450 over the bridge. The amendment passed with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin in favor. Councilman Mickelson was opposed. Councilman Mickelson made a motion to drop the letter and go back to the process. The motion failed due to lack of second. Mr. Schiess said if he does not pursue this it may never happen and be lost forever. He is giving the community something they don't often get. Their only choice is to condemn the land. Mayor Knight

asked if Mr. Schiess had the time to go through the process. Mr. Schiess said they can go through the process and the community will fight for it. Councilman Jacobsen made a motion to postpone Resolution 09-08 indefinitely. Councilman Mickelson seconded the motion. Mr. Schiess said he wanted them to bring the community in for a public hearing. Councilman Mickelson said the public hearing would be to change the master plan. Councilman Dustin said his question is if they don't take action do they do the residents an injustice by not taking action. He said the City Council needed to express their position. The motion to postpone failed 1-3 with Councilman Mickelson in favor. The motion passed 3-1 with Councilman Jacobsen, Councilman Larsen, and Councilman Dustin in favor. Councilman Mickelson was opposed. Shawn Platt said by not agreeing to preserve open space based on a road that may or may not happen is a dangerous precedence.

Consideration of Ordinance 09-02—An ordinance setting design standards for commercial and institutional buildings.

Mayor Knight said they would table this Ordinance until they had the entire ordinance.

Presentation of Ordinance 09-08—An ordinance amending the Planned Unit Development.

Mayor Knight asked the council to review the ordinance and said they would hold a public hearing at the next meeting.

Council Reports

Councilman Larsen said Heritage Days went well. He has an appreciation for the Chairperson. The children's bike parade went well. There was a good turnout. He got great feedback on the fireworks. Mr. Anhder said they had positive comments at the city too. Brett Swensen was the one in charge and he reorganized his schedule to be there for the rescheduled event. The concert had a good turnout even though it was rescheduled. Councilman Larsen was disappointed with the RAPS tax process. Councilman Larsen asked the Council to keep tabs of problems on the sidewalks in the city.

Councilman Dustin thanked Councilman Larsen for Heritage Days. He said he still thought it could be scaled down to a couple of days. He appreciated all the work and volunteers that went in to Heritage Days. Councilman Dustin thought walking the parade was great.

Councilman Jacobsen thanked Councilman Larsen for Heritage Days. Councilman Jacobsen said he is going to write another letter to RAGNAR.

Councilman Mickelson said he had a citizen call Ms. Phippen several times and she had not returned his call. He thought they should be sure to respond to the citizens of Nibley.

The meeting was adjourned at 10:39 p.m.