

The Meeting of the Nibley City Council held at Nibley Elementary School, 2545 South 660 West Nibley, Utah, on Thursday, September 17, 2009.

The following actions were made during the meeting:

Councilman Hansen made a motion to approve resolution 09-11. Councilman Larsen seconded the motion. The resolution passed unanimously 5-0; with Councilman Hansen, Councilman Larsen, Councilman Dustin, Councilman Mickelson, and Councilman Jacobsen all in favor.

Councilman Hansen made a motion to approve Ordinance 09-11. Councilman Mickelson seconded the motion.

Councilman Jacobsen motioned to amend to add number three (3) to Ordinance 09-11 which read: Nibley City shall prepare an alternative master road plan to mitigate the deletion of this road. Councilman Dustin seconded the motion. The amendment passed unanimously 5-0; with Councilman Jacobsen, Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Larsen all in favor.

Councilman Larsen motioned to move to previous question. Councilman Dustin seconded the motion. The motion passed unanimously 5-0; with Councilman Larsen, Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Mickelson all in favor.

The amended motion passed 3-2; with Councilman Hansen, Councilman Mickelson, and Councilman Jacobsen were in favor. Councilman Dustin and Councilman Larsen were opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, September 17, 2009 Nibley City Council meeting to order at 6:03 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner.

Approval of the evening's agenda and minutes of the September 3, 2009 meeting. Councilman Larsen made a motion to approve the minutes with his proposed suggestions and the evening's agenda. Councilman Larsen read his proposed changes. Councilman Dustin seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Dustin, and Councilman Hansen all in favor. Councilman Jacobsen was not present at the last meeting and abstained from the vote.

6:10—Report from Kathy Miller, Nibley City representative on the Hyrum Library Board.

Kathy Miller was present at the meeting. Mrs. Miller said the number of Nibley residents with library cards were 575 with an increase of 83 after Nibley paid their assessment in April of 2009. That assessment was \$30/family. The amount paid was \$14,760. Mayor Knight said those fee are paid by the city out of the general fund, there is no direct cost to Nibley residents. Nibley is the fastest growing with regard to library card holders. The library has received two grants: LSTA (Library Service Act Grant) of \$6,975 which was matched by the city. The library opened a new copy center with that money. The center is available for any patron use. It is stocked with multiple office supplies. The second grant was the CLEF grant (Community Library Enhancement Fund) of \$7,879. This grants was used to purchase additional sunscreens for the entrance to the library and the closing activities that library had which included a carnival. Mrs. Miller noticed quite a few from Nibley there.

Councilman Mickelson arrived at 6:07.

Mrs. Miller said they also bought Play Aways which are MP3 players with one book on them. They bought a receipt printer that prints current and previous check-outs helping patrons keep better track of their library usage. Mrs. Miller said they also bought new chairs for the children’s area. With the stimulus payment that was given they were able to hire two part-time helpers. The library has quite a few volunteers which includes a great volunteer from Nibley, Kathy Everly. Mrs. Miller distributed a Statistical Annual Report from the State to the Council. The State was asking for an increase in the assessment for each area but as a library board they voted it down. Councilman Jacobsen thanked Mrs. Miller for her report. He asked if there was a process as to what material was provided at the library: children’s books or book for adults, etc. Mrs. Miller said patrons could discuss it with staff and then it would be brought to the library board. Councilman Hansen asked if there was anything they could do to advertise things better as a community. Mrs. Miller said they have a children’s reading program in the summer and they are talking about doing that for adults. Mr. Anhder said every Spring Jenny Tremain gave them information on what was going on at the library. Councilman Dustin said he appreciated what they do at the library and he really liked the receipt print out. Mayor Knight thanked Mrs. Miller for her time.

Council Reports

Mayor Knight asked for their reports on the League of Cities and Towns conference.

Councilman Larsen said he sits on the mosquito board of trustees. Last night was the last abatement treatment in their community. They spent more funds on the larva sitting which is to kill mosquitoes in the water before they take flight. They have done a good job with the abatement. It was contracted through the Bear River Health Department. That contract was a little less than \$200,000 this year. Their operating budget goes almost completely to that contract. They had zero cases of West Nile virus this year in Cache Valley; human or horse. They purchased a system called RAMPS: it tests for the West Nile virus and it seems to be more sensitive than the state system for testing.

Councilman Hansen said he thought the meeting with the Youth Council from Bountiful was very interesting. They had some very good ideas. The amount of projects they are working on is amazing. Bountiful is pulling from three different high schools. He realized they needed some other options to utilize that group within our community. He noted that Utah has weathered the storm in the travel industry and economically. The tourism perspective showed there are a lot of unique things about Utah. From the perspective of economic development—those options are there but Nibley is still premature in bringing new business into Nibley.

Councilman Mickelson said he thought it may be worth entertaining the discussion on getting a student at USU doing a master's program or internship to look at economic development in Nibley. Councilman Mickelson said he attended the meeting "The Grid System Still Works". They referenced Brigham Young often. It showed to him that they could run into a problem with buildings placed right on the road once a town grows beyond their original design—there is no room for additional lanes of traffic. Councilman Mickelson noted a comment that in 1980 education incomes differed by 25%. This year the average difference in wages from high school to college education is 90%. He thought they needed additional programs in Nibley to promote the value of educational decisions. Mayor Knight thought they should make people aware of that statistic and the sacrifices they are making. He thought they could also address health issues.

Councilman Dustin gave his thoughts on the League of Cities and Towns conference. Councilman Dustin said he thought there was a lot they could do as a Council to make the city more responsive. They should plan around the laws as well as around community values. The League meetings suggested more planning and less time mitigating a lack of planning. It was suggested one of the biggest problems in cities is land use planning and the best way to mitigate that is with communication and improving the way they communicate. They suggested using a blog. Councilman Dustin said he was willing to do a blog. Councilman Dustin noted he also went to the grid seminar and thought it could be a viable option for their city. He said the planning for transportation is moving towards not just moving cars but moving people.

Consideration of Resolution 09-11—to express support for an application to the LeRay McCallister Fund for the funding of a grant for the purchase of a conservation easement on property owned by Boyd Schiess.

Mayor Knight said at the League meetings he ran into John Bennett, who is the State person responsible for funding this easement. He is the Executive Director for the Utah Quality Commission. Mr. Bennett said if they had not received Mr. Schiess's application by Monday he could not be considered this year. Mr. Bennett indicated that whether there were conditions or not on a recommendation it should not affect the decision for funding. Mayor Knight suggested to Mr. Bennett that they would send the first resolution and a note that it was being reconsidered tonight. That information was sent to Mr. Bennett so that the easement could be considered this year. Mayor Knight read the resolution before the Council tonight. Mayor Knight said this resolution removed the condition that existed on the previous resolution.

Councilman Hansen made a motion to approve resolution 09-11. Councilman Larsen seconded the motion. Councilman Mickelson said this indicated part of where they needed to go—but he felt it did not resolve any of the issues that they needed to deal with tonight. Councilman Hansen said they needed to discuss what it did do. It did say that the Council is in favor of open space within the community and backing Boyd Schiess in his desire for an easement and this process. It does not address the road but it does show true interest in the project. Councilman Larsen said based on the current resolution before them tonight and study of the Utah code and how easements worked—he had no reservations as to passing this resolution. Councilman Mickelson said he is less certain regarding the discussion with John Bennett. He feels it is less likely that approval will be given for funding because it lowers the ranking if the road is included. Councilman Jacobsen said he wanted to make sure they were not side stepping an issue. He said he supports the resolution and felt very seriously last time that he could only support the resolution that gave a qualified support to the cities opinion on the easement because that was in their master plan. Councilman Jacobsen said they first need a motion to reconsider before they can take this matter up. Councilman Jacobsen said if it nullified the effect of the previous resolution then it needed to be reconsidered. Councilman Larsen said he did not feel it undid anything but reaffirmed their position. Mayor Knight said he would let the motion stand based on the understanding he has that this is reaffirming the previous resolution. Councilman Jacobsen requested the resolution be read to the public. Mayor Knight read the resolution being debated on the floor to the public present.

Councilman Larsen made a motion to amend to strike “wholeheartedly” on number 1 of the resolution to come more in line with the previous resolution passed. The motion fails due to lack of second.

The resolution passed unanimously 5-0; with Councilman Hansen, Councilman Larsen, Councilman Dustin, Councilman Mickelson, and Councilman Jacobsen all in favor.

Mayor Knight described to Mr. Schiess what had occurred and what was sent to John Bennett.

7:00—Public Hearing—to receive comments concerning a proposal to amend the Nibley City General Plan and Master Road Plan to eliminate that portion of 450 West that lies south of approximately 3850 South from the plan.

Mayor Knight gave instructions to the public present. He gave the public rules. He asked the public to come to the microphone and speak clearly. He limited each speaker’s time to three (3) minutes and asked the public to limit repetition. He said he would not allow duplicate speakers until everyone in the audience had a chance to speak. He would then give the public an additional one minute per speaker. He noted the Council was here to debate this issue after hearing the public comments. They were not here to debate with the public. Mr. Dave Forbush asked to extend his and Mr. Schiess’s comments beyond the three minutes because of the information they had and the time they had put into this issue. Mayor Knight gave them to opportunity to give an opening statement. Mayor Knight read Ordinance 09-11 to the public. Councilman Jacobsen said it is entirely possible that the public wanted to talk about the resolution that gave support for the

easement with the road. He noted they had just passed a resolution that wholeheartedly gave their support for the conservation easement.

Mayor Knight opened the public hearing at 7:06 and asked Dave Forbush and Mr. Schiess to make their opening statements.

Boyd Shiess said he was getting tired and hoped this would be resolved tonight. He said this meeting was strictly for land rights, personal rights, and open space. He is interested in protecting his land. His main concern is keeping his land the way it has been since the 1940's and sees this as the only way to protect it. He said all he wants to do is farm and he wants it kept that way for future generations. He said he would hope the meeting would be under control and that the public would respect the Council. He thanked the public for coming.

Mr. Dave Forbush gave background on the issue. He was pleased with the strong resolution that had been passed in support of the easement. Mr. Forbush described the McCallister fund. There were 14 applications for the McAllister fund. Mr. Schiess was unsuccessful in getting those funds. Mr. Forbush read an email sent by John Bennett, the Executive Director for the Utah Quality Commission to a member of the city government: The Quality Growth Commission requires that any funds expended from the LeRay McCallister fund be supported by the local government where the proposed acquisition is located. This means that we will need to receive a letter of support from Nibley City to consider this application. I understand that a hearing regarding a general plan amendment is scheduled. I recommend that you complete that hearing and then make a determination about whether and under what conditions you can support this application. Please send us a letter of support for the application, including any conditions as soon as you can. The road easement would not necessarily disqualify the parcel from consideration. The Commission would however, want to see the terms of the road easement so we can understand the impact on the agricultural operation. As we discussed, different types of roads would have a different impacts on the property and the values we want to protect . . . the proposed road easement will be one of the issues the Commission will consider as they make a decision about which projects to fund this year. I do not know what the Commission's decision will be, but a continuous parcel is usually viewed more favorably than a bisected parcel. Mr. Forbush discussed the importance of this open space to the community and the desirability of it from the community.

The public asked the mayor to point out the property on the aerial map which he did.

Stanley Sheen said whatever decision is made is going to affect people. He lives on 3650 South and said when development occurs, which it probably will, there needed to be a definite plan to take care of the traffic on those new homes. His concern is what the City Council and Planning and Zoning Commission can do to make allowances for the additional traffic for those new homes besides what is here. Mayor Knight said they would not discuss questions now but would address them after the public statements were finished.

Paul Howel said he was on the Nibley City Council in '78-79. The General Plan lasted two administrations and was then changed. He felt city government should be a service to the people who elected them. He is in favor of a man owning his property and doing what he wants to do with it and unless he is present for the drawing up of the master plan it should not even be considered. He thinks Mr. Schiess's property should stay the way it is.

Lee Hopkins said he had the same feelings that had just been said. He felt they are trying to enable the developers. He said there had been too much development. He is for property rights. He had heard comments about a road being put across the railroad tracks and he said Mr. Schiess had just as many property rights as the railroad.

Larry Slade said he called Fred Hunsaker and Lyle Hillyard to see if they had anything to say. They advised that if any action was taken against a property owner without notification being given to that property owner then it is null and void. Mr. Slade said that Mr. Hunsaker said it had to be in writing and that if Mr. Schiess had not gotten notification then there was a problem.

Gilbert Blau said he did not live in Nibley City. He said he had heard of the master plan and asked if it was available. Councilman Jacobsen gave Mr. Blau his copy of the master plan to review. Mayor Knight noted that the master plan was also available on the city website.

Ardy Smith said she lived on 3700 South and when they submitted their subdivision plan to Nibley city they petitioned for a cul-de-sac at the end of 3700 South and in doing that were turned down. The Mayor told them they could not put in a cul-de-sac because the road would be taken to the river. They have several problems because they do not have a cul-de-sac in their subdivision. Mrs. Smith said the things that happen to them in a growing community cannot be controlled. The rights of the person who own that property should prevail.

Darwin McPhie said he condones the things that have been said tonight. The property owner does have the right to do with his property what he wants as long as it does not affect the ordinances of the town. The master plan is not necessarily an ordinance. He looked at the development that would occur to the South on the aerial map. He said they needed open space. He said Mr. Schiess had done a lot for the community and he wants to make the Council aware that this land would serve Nibley for many years to come. He said it could be walking paths and horse trails and if they put a road through that it will create too many problems with gates and maintenance. He felt they could preserve this land for Nibley forever.

Ron Hellstern said he taught about open space. He liked all the green on the aerial map. He read results from some Envision Cache Valley meetings highlighting conservation as a goal. He said converting anything back to green space is virtually impossible. He encouraged the Council to make history and change the master plan.

Cynthia Fredrickson said she worked with the city. She said she is not speaking for or against the city. She noted some of the purposes of the master plan and the roads included on the master plan. She said with the knowledge of the proposed subdivision to the west of 450 it becomes more pertinent to leave the road on the master plan. Mrs. Fredrickson said the majority of citizens could enjoy the open space on both side when driving down the road. On a personal note, she has a handicap child and knew that they had planned riding trails for 8 years and wondered if they would every come to fruition. She noted the handicap program was not voluntary but that it was a business; the kids pay to go there. She thought they needed to consider that they all needed some organization in the city and in doing that it sometimes steps on toes. She hoped when all was said done that they keep the road.

Amy Platt said she lived on the property. She thanked Mrs. Fredrickson for her opposing comment and said she would like to set the record straight. She said she is the director of the handicap program. She said they had many plans for the handicap program that had been put on hold because her parents, Mr. and Mrs. Schiess, were going on a mission and they were setting up for their absence. Mrs. Platt discussed that the handicap program was not for profit and completely run on a voluntary basis. Mrs. Platt said the road would make it impossible to run her handicap program on the other side of the road. She said she and her siblings had every intention of keeping this property rural. She hoped her kids would enjoy it. She said they welcomed children on her property at all times. She said they were moving forward with their handicap program.

Joan Schenk said she has been a resident since 1972. She said the master plan had changed drastically. She said they needed to look ahead to the future and she said she needed to see more open space. She said it is critical not just to Mr. Schiess but to Nibley. She asked if they wanted to keep this planning going in Nibley and suggested they make developers responsible for the roads and let them plan and pay for them.

Wes Smedly said that any person in the city who is trying to preserve open space or agricultural space should be supported. He said they moved here because there was room to breathe. He made note of requirements in Oregon. He said they can limit growth in a city by law. He said they should work around anyone who is willing to create open space. He said it should be a requirement to create multiple access points for subdivisions.

Ryan Harper said he moved here for the spirit of the community. He had a carrot and said he grew it. It brought agricultural society in to focus for him. He said he never liked gardening but he enjoyed eating a salad that he had grown. He said they lived in a world where 800 million went to bed hungry. He said it was a wonderful thing for someone to want to preserve agriculture.

Mayor Knight redirected the public comments and asked them to be more concise.

Mr. Harper stated they had one who was for keeping the road and the rest had been against.

Mr. Robert Sidwell said he was for taking the road out of the master plan. He was once on the Planning & Zoning Commission. He said the feeling now and then is that the city is for keeping open space. He did not recall a plan for a road going through the property. He recalled that everyone on the Planning & Zoning Commission a few weeks ago was for taking out the road if they could come up with an alternate road. He suggested requiring the developers that come in take care of the alternative.

Toni Miller said she is a fourth generation in Nibley City. She is for the road being taken out. She said Nibley did not have a main street or a museum but what they do have is their farmland.

Jenna Oakie said there was a lot of history with this land and talked about that history. She felt this land was a part of their heritage and Nibley City's heritage. She is not in favor of the road going through that land because of her sons and daughters who want to work that land. She thanked the members of the public present who had supported their family.

Angelika Gardner said the property should remain intact. She grew up in a house in Germany that was over 300 years old. The government made offers to them to buy the house to take it down. They had generations of her family raised in the house. The government offered \$5,000 for the house and gave them to option to take it or leave it. Mrs. Gardner said this is America and people should have the right to keep their property the way they want. She commended the Council on their service to the community and asked them to let Mr. Schiess keep his land intact.

Lyle McNeil said he had been here over 30 years. He had been involved in agriculture all his life. He taught students how to use sustainable agriculture. He is uncomfortable with a man having his property rights taken away. He said in 2007 they transferred to using more water for golf courses than for agriculture. He said they need to respect the rights of the farm owner. Mr. McNeil said the Schiess's have done well with their volunteer organization and putting a road in would be unsafe. He said they have beautiful dirt. Mr. McNeil said in 1995 they tried to implement a countywide sustainable conservation movement for Cache County and they were overrun by developers and out voted. He said he sees development as greed. He supported the removal of the road.

Cami Jacobson said she is for Boyd Schiess keeping his land the way he wants it. She is not from Nibley but had the opportunity to enjoy Mr. Schiess' riding program. She expressed her appreciation for open space. She has been a volunteer in Mr. Schiess' riding program and said the road will interfere with that program.

Mark Oakie said he looked at where the road was going and said if this was about money Mr. Schiess would have put a road in a long time ago. He is strongly opposed to keeping the road on the master plan. He said it is a breath of fresh air to see someone who does not want to develop their land. He wants green space for his kids.

Todd Snyder said it is beyond comprehension that they are having this meeting. It defied logic and explanation. He said most of them envision Nibley having this parcel intact. He said the only counter argument they have had is that this road has been on a plan for 32 years.

Jeff Peterson said he chose Nibley because of the fields and open space that was here. He is in favor of removing the road from the master plan.

Corlyss Drinkard asked for a head count of the people here so that they could be counted regardless of if they wish to speak publicly. She moved here six years ago because of the view. She would have 450 abutting her property. She said 66 ft. eats a significant portion of Mr. Schiess's property that he wants to set apart. Mrs. Drinkard put in a good word for crooked roads and cul-de-sacs. She said straight roads breed traffic and traffic breeds high speeds. She suggested future road decisions be based on crooked roads. She is in favor of crooked roads that slow people down. Mrs. Drinkard referred to Central Park in New York City. Mrs. Drinkard said now is the time to protect the open space they have and that road should be removed from the master plan.

Denis Murray said he is a developer. He said he did not feel bad developing land in certain areas because is it rocky and good for houses. He said he is in favor of Mr. Schiess. He said the land Mr. Schiess is trying to preserve is good farmland and as a developer he would think twice about developing on that land.

Barbara Willden said that this was democracy in action. She said she was happy to be a part of it. She reviewed both sides of the argument. She said if they remove the road it will promote open space and more green. If they do not do away with it, development will happen and there is no going back. Mrs. Willden charged the Council with doing what is best for the citizens of Nibley city.

Randy Hugie said he is for removing the road from the master plan. He is strongly in favor of preserving open space for himself and his children.

Richard Leishman said it was '77 when the plan was introduced. He was on one of the first Planning & Zoning Commission in the city. He said the master plan is one of the major things that shape a city. Without a master plan and the ordinances to enforce the master plan they have nothing. Mr. Leishman said all of their ordinances and plans can be changed to fit the needs of the people and the city.

Gilbert Blau said he has watched a lot of change. If people come land goes. He suggested they go for it and winner take all.

Becky Bryner said she would like to see a win-win. She is in favor of an extension of 450. She lives on 250 West and there is a lot of traffic through there. She wants to see an alternative.

Tom Wilson said he lives on 3650 S. and he supports the Schiess proposal and said there is no renewal of the green area that is evaporating.

Mayor Knight gave direction for a 5 minute recess at 8:36. The meeting reconvened at 8:41.

Arron Gillingham said he drives a big vehicle. The biggest danger along roads is traffic. He pointed out to the Council that they have a lot of homes along this road that will be impacted by that traffic. He said making developers go in a different direction would be his opinion. He recommends keeping traffic off the most congested areas and said it is a better plan to develop it where they have the open space. He is highly in favor of open space.

Richard Eversull said he is involved in a group called the Utah Barn Alliance. They are looking for ways to preserve history through barns and farms. Mr. Eversall discussed plans for the barn on 800 West. Mr. Eversall is hoping that people will keep the rural history of the city intact. He would like the goal to make this a rural community.

Kim Zarco is for the road being taken off the master plan. She said the traffic is not that bad along 250 West. She said the strait road will bring heavy, fast traffic. She said to take it off the plan and then everyone will know it is not planned.

Marnie Criddle said she loved the open spaces. She said while they have the opportunity they should find other routes.

Cheryl Hugie “dittoed” Kim Zarco.

Barbara Blau said she is in favor of Mr. Schiess. She would like to do with her property what she would like to do with it.

Vonda Jomp-Norman said to develop that land would bring in close to 2 million dollars and that Mr. Schiess is basically giving a very generous gift to the city. She supports Mr. Schiess’ offer.

Jeanie Griffin “dittoed” Kim Zarco said she supports Mr. Schiess. Mr. Schiess should be able to do what he wants with his land.

Richard Stevens said this is a unique opportunity and the momentum the City Council can make is putting a precedence down on where the majority of Nibley wants the city to go. He is in favor of the open space. He said what Mr. Schiess is starting can be contagious.

Deloy Parkinson said Mr. Schiess should do what he wants with his land.

Mayor Knight invited anyone who wanted to readdress the Council to speak.

Corlyss Drinkard said this would not cost Nibley residents one dime to have this land set aside.

Lee Hopkins said the overwhelming majority of the people he has talked to have been soundly in favor of the open space.

Larry Slade corrected his previous statement and said the city does not have to inform the property owner until the action is taken. They can have it on the plan. Mr. Slade wrote a poem, it read:

Boyd doesn't want to have a road
Crossing o'er his land.
He wants to keep it free and clear,
Let's give 'ole Boyd a hand.

He wants to leave some open space
For everyone to use -
Whether on a walking trail,
or enjoying splendid views.

Open space is a treasure,
When it's built on, it can't change.
Please fix the Master Plan now—
And leave Boyd with open range.

Darwin McFee said he had not found anyone who was against the open space.

Mayor Knight stated he would not take public comment after the hearing was closed. He closed the public hearing at 9:09.

Consideration of Ordinance 09-11—to amend the Nibley City General Plan and Master Road Plan to eliminate that portion of 450 West that lies south of approximately 3850 South to 4000 South from the plan.

Councilman Hansen made a motion to approve Ordinance 09-11. Councilman Mickelson seconded the motion.

Councilman Jacobsen thanked the public for coming. He said this was the fine line between individual property rights and public property rights. He cautions anyone to reconsider the idea that you get to do whatever you want to on your own property. There is a community property right held by the public. There is a fine balance between the two. There are ordinances that take away individual property rights and he supports those ordinances. Councilman Jacobsen read from page 11 of the general plan. Councilman Jacobsen said he has to think about what is best for the residents. The road in question on the master plan is labeled a local street. He thinks of a local road as one that handles the traffic it generates. It is not one that collects traffic from one area or an arterial. He read wordage from page 51 of the general plan which said: Local neighborhood streets should

provide vehicular and pedestrian access to all land parcels. With the movement of traffic being a secondary function, local neighborhood streets should be designed to minimize traffic and add to privacy and identity to a neighborhood. Councilman Jacobsen said if Mr. Schiess is able to get the conservation easement then they have no neighborhood to provide for.

Councilman Jacobsen said he supports the removal of the road and made a motion to amend to add number three (3) to the ordinance which reads: Nibley City shall prepare an alternative master road plan to mitigate the deletion of this road. Councilman Dustin seconded the motion.

Councilman Mickelson said he agreed. He thought they need to look at more alternatives than were listed in their documentation. Councilman Dustin said he seconded Councilman Jacobsen's proposal because this is not the first time the values of the city had come in conflict with the general plan. Councilman Dustin asked that they look at the city as a whole and see what they can do to tie this community and its values together with the master plan. They have a tendency to try to move cars and what they are really trying to do is move people and if they can do that then Nibley has a bright future. Mayor Knight said if this ordinance passed the Council was committing the public to get involved in the process. Councilman Mickelson said cars are how they really move through streets. He said to sustain their families it comes down to shelter and food and the basics of life. Their plan addresses all those things except for food. Since 1997 over 1 million acres in Utah has been developed and taken out of production. The population has increased 22% so they have more people to feed and less acreage to do it on. Mayor Knight redirected the Council to the amendment. Councilman Dustin asked if it would be appropriate to put a timeline on the amendment. The amendment passed unanimously 5-0; with Councilman Jacobsen, Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Larsen all in favor.

Councilman Mickelson said the property owner seeking funds from the LeRay McAllister fund, some conservation easement funds require improvements. It is a gift. It is a gift in perpetuity. Councilman Mickelson said there is a good example of the importance of a piece of property and the value of getting rid of a road in Salt Lake City at Temple Square because the general public took that as a greater value and has created a great open area. He has not seen traffic altered in that area. Councilman Mickelson said the documentation that the engineer presented did not address all alternative avenues and gave examples of several other traffic pattern possibilities.

Councilman Larsen said he encouraged them to look at the general plan from 1979. Councilman Larsen said there had been references that they could cross the railroad tracks. Councilman Larsen said they have been told repeatedly they cannot cross the railroad tracks at all except for 4000 south, 3200 south, and 2600 south. Union Pacific said they will not allow future development due to cost and liability issues. He said that is not an option. People have talked about mitigating this. He wondered what they would do if they eliminated this road. Mrs. Willden said they need to do what is best for Nibley and Councilman Larsen said he had also canvassed the community and there are people who

are against the removal of this road. Councilman Larsen said agriculture is deep in his blood but he is torn with that and what he perceives is best. He commends Mr. Schiess for wanting the easement but it is hard for him to reconcile the removal of the road. Councilman Larsen said Planning & Zoning Commission had a hard time with this removal because they could not see an alternative. Councilman Larsen said he wanted to see traffic in both directions. He said they have been advised by their city planner and manager that it is an unwise choice to remove the road. The city engineer recommended they do not remove the road. The engineer sited they needed at least two continuous corridors. Councilman Larsen said an outside planner strongly discouraged them from removing the road and Councilman Larsen gave examples of the repercussions of removing the road. Councilman Larsen said there may be a solution to move the road to the west. Councilman Larsen said if they removed the road now, without any alternatives, it was unwise. Councilman Larsen said he cannot support the Ordinance proposed tonight without an alternative.

Councilman Hansen thanked everyone who came out tonight and said it showed a commitment to their community. He commended the grassroots effort. Councilman Hansen said they have a plan that involved all of Nibley and what they want; and they have a plan that is effective in communicating that to developers. Councilman Hansen said a general plan is never carved in stone because their community changes. One of the things that would make them want to change is a lasting living legacy that can define them for a very long time. He knows there are options for traffic flow in that area. Councilman Hansen said he is in favor of removing 450 West from this plan.

Councilman Dustin said it is important that they understand that they are making a decision on values. Councilman Dustin said this is not an area that everyone will have access to. This is Mr. Schiess's property—this is not a city park. He asked if they valued the views cape more than they value traffic flow traffic issues that will be derived. He said they do not have the horsepower to take on Union Pacific. He said he is grateful the amendment has been attached to the ordinance. He thinks it is important that they take into account those people who may not understand the impact this will have. It will inevitably impact those people on 250. He is troubled if they don't have anything in place to deal with the issue before they make the decision. Councilman Dustin said he is opposed to the removal of the road tonight.

Councilman Larsen said he is big on the process. Without something in place they are shortchanging the process. Councilman Larsen made a motion to move to previous question. Councilman Dustin seconded the motion. The motion passed unanimously 5-0; with Councilman Larsen, Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Mickelson all in favor.

The amended motion passed 3-2; Councilman Hansen, Councilman Mickelson, and Councilman Jacobsen were in favor. Councilman Dustin and Councilman Larsen were opposed.

Mayor Knight said the public now has an obligation to come to these hearings and be involved in the goings on in the city. Mayor Knight said what has been put in place will impact every one of them. Mayor Knight said it is important to remember that they need roads. Roads move people. They need roads where they are going. Mayor Knight addressed the public who have lived in Nibley less than 30 years and said they are the reason they need roads.

Councilman Larsen said that part of the ordinance that was passed was the amendment that they look for alternatives and he advised the public to get involved and to be part of that process.

Mayor Knight called for a five minute recess at 9:57. The meeting reconvened at 10:11.

Discussion and consideration of purchase of .61 acre of rail road right of way adjacent to city hall.

Mr. Anhder said the map the Council had before them was the property on the west side of the city offices. He has negotiated with Union Pacific to purchase .61 of an acre for \$60,000. It is twice what he thinks it is worth but they do not have to sell it and the city wants it. Mayor Knight said they are using the land and asked what they were going to do with it. Mr. Anhder said they had a lease on a portion of the property. They needed the land for the buildings that Bill Saunders had proposed for the city. Councilman Jacobsen asked how much they were paying for the lease. Mr. Anhder said \$300/year but that did not include all the land, just a portion. Councilman Larsen said they did not have the funds to building the buildings so the land was not needed now. Mr. Anhder said they had a plan to propose the building on next year's budget. Mr. Anhder said staff said these building would serve the city for the next 10 years. Mr. Anhder discussed the city machinery that needed to be housed. The long term plan is for public works to make the current city hall the public works headquarters. Mr. Anhder said they would pay for this out of their capital improvement fund. Councilman Larsen said they could take the \$60,000 and perhaps purchase 3 acres elsewhere. Mr. Anhder said they would have to be in an industrial zone to build sheds and that land is more than \$20,000/acre. Councilman Jacobsen asked who they are negotiating with. Mr. Anhder said Union Pacific. Councilman Mickelson asked if there was a possibility to negotiate another public access across the railway. Mr. Anhder said there was no possibility. Councilman Dustin asked if anyone else was bidding on the property. Councilman Mickelson said he would be interested in additional negotiation. Mr. Anhder said they would not.

City Manager Report

Mr. Anhder said Richard Eversall would like to put the fence in at the Elkhorn Park farm. Councilman Mickelson said he felt the money had been appropriated and that it could be acted on. Councilman Larsen said he disagreed and that the Council needed to vote on how it would be used. Mr. Anhder said he would be put on the next agenda as a budget item.

Mr. Anhder said the dip on Highway 165 has 7.5 acres. Mr. Anhder said the current person with rights to the property is Curtis Knight, Mayor Knight's brother, and in an

offside comment Mr. Anhder suggested to Hyrum, that Hyrum and Nibley could buy that land together and keep it as open space. Brent Jensen, Hyrum City Manager, Mr. Anhder, and Ms. Phippen went and looked at the property together. Curtis Knight said he would sell the two cities the property for \$245,000 or \$35,000/acre. Mr. Knight is going to the County to propose building storage facilities. Mr. Knight said Mr. Knight would hold up a couple of weeks until the purchase of the land gets on an agenda, if there was expressed interest from the Council. Mr. Anhder said there is a significant risk they will not get funding and they will be responsible for the entire amount. Mayor Knight said they are talking property rights again. The land is in the County, which does not have the strict design standards that Nibley has. They will have the opportunity to annex the land later. Councilman Dustin said they need to weigh it against the opportunity costs—they could be stuck with the entire \$245,000. Councilman Dustin asked if they were building their city for people to pass through or to come here. If they are going to make an investment in open space he wants to make sure it is the best open space. The Council decided they would like to talk about it on a future agenda. Mr. Knight is against a time line with County ordinance.

Council Reports (cont'd)

Mayor Knight noted that Eric Corrington, one of the Scout Masters that attended the last city council meeting, tasked his scouts to email the mayor with their problems and concerns. He told the Council that they could view those comments and his responses.

Mayor Knight learned to continue planning from the League of Cities and Towns conference. Mayor Knight said he wanted more communication with the residents. The League proposed a blog site or Twitter. He also got the idea to keep dreaming—there is always a new way to do things. Mayor Knight had a goal of defining their streetscape in the next year. Councilman Jacobsen encouraged them to look at the Utah Water Conservation and alternatives to turf grass. Mayor Knight addressed organizing a subdivision ordinance improvement workshop. Mayor Knight noted from the League meeting that zone change is a great opportunity to get more out of the developer. They do not need to change things. They should not rezone unless they have extracted something of benefit to the city.

Councilman Jacobsen said he appreciated the way the Mayor handled the meeting tonight.

Councilman Dustin requested that they put the reconsideration of the master roadways plan on a future agenda.

The meeting was adjourned at 10:52 p.m.