

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on September 4, 2008.

The following actions were made during the meeting:

Action Item #1: Councilman Dustin moves to grant final plat approval of Foxborough Subdivision, Phase 1. Located at 1500 West 3200 South approve Foxborough Estates Phase 1, number 2 contingent upon the inclusion of the existing right-of-way between lots 4 & 5 and the connection to the future 1525 West made a motion to amend contingent upon lots 4 & 5 still meeting requirements for the subdivision. Seconded by Councilman Hansen. Councilman Hansen, Councilman Dustin voted to approve. Councilman Mickelson, Councilman Jacobsen, Councilman Larsen oppose. Motion fails 2-3.

Councilman Jacobsen moves to amend the motion that if lot 49 is piped by the owner of that lot, the developers will also pipe the canal on lot 1. Seconded by Councilman Mickelson. The Amendment passes 3-2 with Councilman Mickelson, Councilman Hansen, & Councilman Larsen for and Councilman Jacobsen, & Councilman Dustin against.

Councilman Mickelson made a motion to amend that 46, 47, 48 to be piped as well. Councilman Larsen seconded. The amendment fails 2-3 with Councilman Mickelson & Councilman Hansen in favor. Councilman Larsen, Councilman Dustin, & Councilman Jacobsen against.

Councilman Larsen made a motion to amend that when lot 49 and lot 1 are piped that lots 46, 47, & 48 are piped. Councilman Mickelson seconded. Councilman Mickelson, & Councilman Larsen in favor. Councilman Jacobson, Councilman Dustin, & Councilman Hansen oppose. The amendment fails 2-3.

Action Item #2: Councilman Mickelson makes a motion for final plat approval for Blacksmith Heights subdivision located at 4900 Hollow Road with a contingency that lots 6 and 8 are excluded from building permits until adequate vegetation is established. Councilman Hansen & Councilman Jacobsen voted in favor. Councilman Mickelson, Councilman Larsen, Councilman Dustin oppose. Motion fails 2-3.

Councilman Mickelson makes a motion to reconsider final plat approval for Blacksmith Heights subdivision located at 4900 Hollow Road. Seconded by Councilman Hansen. Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen voted in favor. Councilman Larsen and Councilman Dustin oppose. Reconsidering motion passes 3-2.

Councilman Mickelson made a motion to amend that lots 6 and 8 are prohibited from building until revegetation is established on the hillside. Seconded by Councilman Larsen. Councilman Mickelson, Councilman Larsen are in favor.

Councilman Hansen, Councilman Jacobsen, and Councilman Dustin oppose. The amendment fails 2-3.

Councilman Mickelson makes a motion to amend that lots 6 and 8 will not be built upon until revegetation is complete and city staff makes an approval. Seconded by Councilman Larsen. Motion to approve passes unanimously. With Councilman Jacobsen, Councilman Larsen, Councilman Hansen, Councilman Mickelson, & Councilman Dustin in favor.

Mayor Knight asks all those in favor of final plat approval for Blacksmith Heights subdivision located at 4900 Hollow Road. Councilman Jacobsen, Councilman Mickelson, & Councilman Hansen in favor. Councilman Dustin & Councilman Larsen opposed. Motion passes 3-2.

Councilman Larsen moves to postpone final plat approval of Mountain View (Sunset Park) Planned Unit Development located on 2700 S. 1000 W. until proponent is present. Seconded by Councilman Jacobsen. Councilman Mickelson voted in favor. Councilman Dustin opposes. Councilman Hansen was not present for this vote. Motion passes 3-1.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, September 04, 2008 Nibley City Council meeting to order at 6:02 p.m. Those in attendance included Councilman Thayne Mickelson, Councilman Brian Hansen, Councilman Larry Jacobson, Councilman Shawn Dustin, and Councilman Scott Larsen. Also in attendance were Larry Anhder, City Manager, Rod Blossom, City Engineer, and Shari Phippen, Zoning Administrator.

Item 1: Approval of evening's agenda and minutes of August 21, 2008 meeting.

Mayor Knight calls for the approval of previous meeting minutes and agenda. Councilman Mickelson states he never received the attachment of the minutes and requests approval at the next meeting. Mayor Knight calls for approval of the agenda. He states we will move Jackie Gale until she comes. Motion to approve by Councilman Mickelson. Seconded by Councilman Hansen. Councilman Larsen, Councilman Hansen, Councilman Mickelson, and Councilman Dustin are all in favor.

Item 2: Final plat approval as amended for Foxborough Subdivision phase 1 at 1500 W. 3200 S. (In attendance: Brian Seamons, Michael Cook, Sean Cronquest)

Ms. Phippen states the plat given in the packet was the plat given to the planning commission without any of the changes that Rod Blossom made. Mr. Anhder has talked to Rod about the changes. Mr. Anhder states that Rod has approved this, there appear to be only two outstanding issues in Rod's mind. One is whether or not to pipe the canal along 3200 S. and the second is the placement of the fire hydrant.

Councilman Jacobsen arrives at 6:10

Mr. Anhder says the developer recommends that if lot 49 goes to the Church of Jesus Christ of Latter-Day Saints as it is currently proposed then the church is required and is amenable to put in the fire hydrant. If the church doesn't come in it would be the developers intention to the extend the cul-de-sac up in that area and make lots and he would be required to put a hydrant in elsewhere to service the cul-de-sac. Larry Anhder thinks it answers our needs because there are no other houses in that area. We have proper coverage and spacing for a hydrant as it is and if other houses go in we are o.k. When this subdivision was originally approved the council made the decision not to require the canal be piped. The Church of Jesus Christ of Latter-Day Saints says if they build there they want to pipe their frontage from 1600 W. to lot 1. Mr. Anhder's recommendation is if they do that, the developer be required pipe the side lot of lot 1 so we don't have that short distance of open canal. Mayor Knight states the staff is making a recommendation that they pipe the rest of it. Mr. Anhder states when the Church of Jesus Christ of Latter-Day Saints get its approval to build, the developer then be required to pipe adjacent to lot 1. Councilman Mickelson states there has been some discussion about canal use. Councilman Mickelson asks if this proceeds without those issues being resolved it could end up in court. Foxborough representatives state the only option we have is to detain the water permanently. Councilman Larsen states on your plat you have a detention facility already. Foxborough representatives state that from what he understands the canal company is concerned about polluting their water with clippings and such. They have taken all the water along 3200 S. across to 1600 into their larger pond and then into the slew. Their detention pond is designed to control that outflow as long as is stays in the boundaries they designed.

Mayor Knight asks to entertain a motion and discussion. Councilman Hansen made a motion to approve. Councilman Jacobsen seconded. Mayor Knight asks for discussion on the motion to approve. Councilman Dustin states for the record, in his opinion lots 47 and 48 still don't comply with the intent of our master plan. He doesn't like having 3 entrances on the 3200 S and can't support it on that basis. Councilman Larsen states that he asked that they look into the possibility of adjusting lot lines to make lots 6-10 larger. Mr. Anhder states the problem with adjusting is utilities are in. Councilman Larsen states there is supposed to be a walkway the goes all the way along the west side of the property. Discussion of easement on plans follows. Mr. Anhder states it would not be shown on there until construction drawings come in for that phase. Mayor Knight asks for other discussion on the motion. Councilman Larsen states that if it is a cul-de-sac and a church he would want the walkway to go between 26 and 27. Ms. Phippen relays the intentions the Church has regarding that. The church wants to be a good neighbor and doesn't want parking in the cul-de-sac. There was discussion in P & Z of homes and lots that it will serve. The church is hesitant because of impact it will have with parking among the neighbors homes. Councilman Larsen states we want to encourage walk ability as much as possible. Foxborough representatives state they don't have a problem with an easement there. Councilman Larsen states is in the best interest of the city to have easement. Foxborough representatives ask why don't we call it a right-of-way. Councilman Mickelson asks isn't there a security issue. They try to have entrances close

to the road. Mr. Anhder thinks it adds greatly to the walk ability of our community and thinks it should be open and would encourage somebody to appeal the conditional use permit given to the church and require them put in a pedestrian access. Councilman Dustin asks does the easement have to cross the property line or can the easement go strait to the property line and the church can put a fence across in front of the easement and therefore we have a sidewalk that dead-ends into a fence. Mayor Knight states two things need to happen, one we need to say whether we are going to require a right of way and the second to the conditional use permit that was granted to the church. They are items that need to be address in the future and asks for further discussion. Councilman Jacobsen asks about piping along the west, 46, 47, & 48. There is further discussion on piping.

Councilman Jacobsen moves to amend the motion that if lot 49 is piped by the owner of that lot the developers will also pipe the canal on lot 1. Seconded by Councilman Mickelson. Councilman Mickelson moves to amend that 46, 47, 48 to be piped as well. Councilman Larsen seconded. Amendment passes 3-2 with Councilman Mickelson, Councilman Hansen, & Councilman Larsen for and Councilman Jacobsen, & Councilman Dustin against.

Mayor Knight states now we have an amendment with lots 1, 46, 47, & 48 and asks for discussion on the amended amendment. Councilman Jacobsen is ok with lot 1 but not sure if we have the authority and is not sure if it goes along with the general plan. Mr. Anhder states we require lots of piping and we do have the authority to require it.

Mayor Knight states all in favor of the amendment to pipe 1, 46, 47, & 48 along 3200 if 49 is piped. Councilman Dustin asks who pays if 49 is piped. Councilman Jacobsen states the owner of 49 then Foxborough gets the others. Councilman Dustin points out the inconsistency there. That 49 is funded by the purchaser but 46, 47, 48 are funded by the developer. Mayor Knight states as far as we are concerned, we don't care. This is a proposed subdivision on our city and we are saying if this is done, then it is done. Councilman Jacobsen states he thinks it would be great if 49 didn't pipe the canal, maintain our rural heritage.

Mayor Knight asks all in favor of the amendment. Councilman Mickelson & Councilman Hansen in favor. Councilman Larsen, Councilman Dustin, & Councilman Jacobsen against. Amendment fails 2-3.

Councilman Jacobsen makes a motion if lot 49 is piped by the owner of lot 49 the developers with be responsible for piping lot 1. Second by Councilman Hansen. Councilman Jacobsen, Councilman Hansen, & Councilman Dustin in favor. Councilman Larsen, & Councilman Mickelson against. Amendment passes 3-2.

Councilman Larsen moves to amend that when lot 49 and lot 1 are piped that lots 46, 47, & 48 are piped. Councilman Mickelson seconded. There is discussion on the wording. Councilman Mickelson, & Councilman Larsen are in favor. Councilman Jacobson, Councilman Dustin, & Councilman Hansen oppose. The amendment fails 2-3.

Mayor Knight calls for approval of the motion on the floor. Councilman Jacobsen, Councilman Hansen in favor. Councilman Larsen, Councilman Dustin, Councilman Mickelson oppose. Motion to approve the final plat fails 2-3.

Councilman Dustin states his concern is with the extra entrances, where they came in with 1 originally and now there are 3 and in his view that doesn't meet with the intent of the master plan. Mr. Anhder states we create a problem for ourselves on that. It was approved by the city council. It received preliminary approval. They need to be told something that has changed between preliminary approval and this and what they can do about this. Councilman Larsen states we have to go through a process and have a public hearing saying that we are going to vacate a road. Councilman Jacobsen states we have had a public hearing on this proposal, we haven't had a public hearing on vacating. Councilman Mickelson states he would like an opinion from the canal company as to the piping along 3200. Ms. Phippen states Paul is fine with the whole thing being piped providing they work with the irrigation company on the size of the pipe. Councilman Hansen states he is concerned with lot sizes on 46-48 and having that much open canal on their property. Councilman Mickelson makes a motion that we put this on hold until we get the canal company in here to discuss this. Foxborough representatives state they talked with the canal company and they would not discuss it. Councilman Mickelson states he would like clarity on that. Mayor Knight states the only standing we have is the vacation of the road. There is no motion on the floor right now. Councilman Jacobsen states we need to give them what they need to do to get approval. Mayor Knight asks what else needs to be addressed by those that voted against this so that it can be approved. Councilman Jacobsen states we gave them preliminary approval without the requirement to pipe the canal. Councilman Larsen states at preliminary he voted in favor, at that time he talked about lot sizes and he brought up vacation of the road. That was brought up at preliminary. It wasn't taken care of before it was brought before them again. He disapproves of the canal thing. He would like to see the plans of what has been talked about tonight if lot 49 is not a church. The problem is he likes to follow all the rules all the way through. He cannot approve tonight because of the vacation of the road. He doesn't approve things on contingencies. Mr. Anhder recommendation is that there is no other recourse than to go through vacation. If they hadn't recorded it we wouldn't have to do it. Councilman Jacobsen states or they could bring a final plat that leaves that stuff in there. Councilman Dustin states for a path forward he might consider redrawing this, showing that road connecting to the cul-de-sac, then when you come into phase 2 prior to that go through the proceeding to abandon that, tie it into the other two lots then modify the plat at that point so you end up right back where you are now and that buys you time and gives you the ability to get approved. Councilman Larsen states he wants to follow the steps. Foxborough representatives state why can't we approve this as long as it is vacated. Councilman Larsen states because it isn't vacated.

Councilman Dustin moves to approve Foxborough Estates Phase 1, number 2 contingent upon the inclusion of the existing right-of-way between lots 4 & 5 and the connection to the future 1525 W. and contingent upon lots 4 & 5 still meeting requirements for the subdivision. Seconded Councilman Hansen. Mayor Knight asks for discussion. Councilman Jacobsen states he needs to see it. He can't take it on faith. He has to see it to

believe. He has to see it or it has to be abandoned. Mayor Knight states all in favor of the motion. Councilman Hansen, Councilman Dustin approve. Councilman Mickelson, Councilman Jacobsen, Councilman Larsen oppose. Motion fails 2-3.

Mayor Knight states the path forward is to vacate that road and come in again. Councilman Jacobsen states Councilman Dustin's proposal was to put the road back in and make sure lots 4 and 5 still meet the ordinance. He is not sure if he approves of the road. He wants to see it drawn before he can approve it. Councilman Larsen states if you put the road back in he won't be in favor of this. Foxborough representatives state we have a month to vacate that and that will be the only thing on the table. Councilman Dustin suggests they get a letter from the ditch company. Councilman Larsen suggests addressing the spacing. Councilman Jacobsen states that places them hostage to the canal company. Councilman Larsen states they won't be held hostage to it. He wants to know how they feel about it. City code states that you have to have a letter from them. Foxborough representative request a final list. Mayor Knight states a vacation of the public road. Councilman Larsen states Councilman Mickelson wants the opinion of the canal company. Mayor Knight states that is the direction they will move. Foxborough representatives ask what is the direction. Mayor Knight states vacation of road.

Item 3: Discussion of Heritage Days celebration by Jackie Gale, Heritage Days Chair

Mayor Knight introduces Jackie Gail, Nibley Heritage Day Chair to report on past Heritage Days. Jackie states the Miss Nibley City royalty pageant was held at the 3200 south LDS church. She would like input about having the pageant earlier. She doesn't think it should be part of Heritage days. Councilman Larsen states the girls help out with Heritage Days and it would be beneficial to their involvement if they had it earlier. Councilman Hansen states if they have it earlier they can be involved in other things like Dairy Princess. Jackie states the sidewalk art has less attendance in the afternoon. The 3 on 3 basketball is not well attended and is hard to get an event chair for and wonders if they should do away with it. Councilman Mickelson states they should try advertising better for it. Councilman Larsen states it is a tradition and has been there the entire time but it is hard to get people to chair. It is right during soccer/baseball time and it is hard to get them involved. Jackie states we are always trying to find a place for the baby pageant it was held at Little Wonders this year. Jackie stated we need a mike system for the baby pageant and it can be used at multiple functions. Mayor Knight thinks that is a good idea. Councilman Larsen states every year we have a sound guy come in for the play. Jaqui states family swim night was very well attended and works well. Councilman Hansen suggests having hot dogs, hamburgers, and maybe a band. Councilman Larsen states we don't need to entertain the entertainment. He also doesn't want to swim in a pool where kids have just eaten. As far as a band, it would not be beneficial. Maybe they should have two different kinds of events. Maybe a concert Saturday evening. Jackie stated they moved the flag ceremony to before the play and it was better attended so they will leave it where it is. Jackie said they moved the dinner and the play time on Thursday night they had the dinner afterwards and the biggest problem was the heat. They need something that will facilitate those things and provide shade. Councilman Larsen states Bonnie Darrington, the play director, does not want the arrangement the same. Jackie states the

environment was great. Mayor Knight asks if the play started at 5:30. Jackie states there just isn't enough shade out there for the kids. Mayor Knight suggests building a trellis or shade structure. Mr. Anhder suggests putting in some sort of canvass shade structure. Councilman Dustin suggests they look into a way to shade the amphitheatre. Jackie states that heat is the biggest problem with the children's play. She suggests we need to sell tickets to the Mayor's Dinner. They need to pre-sell tickets and she suggests doing some sort of raffle for pre-sold tickets. Councilman Mickelson states they would need to make sure it is done in the right way so it is not illegal. Jackie states the movie in park was great. She suggests a new parade route, everybody seemed to like it but we need a better exit route. Jackie thought the carnival turned out well. It was very positive at the new park. Councilman Mickelson states it will be better when we get more shade. Jackie states she sent out surveys and got this response: loved new area, wanted more vendors, need to have activities to keep people there. Councilman Dustin states you have to pick and choose what you are going to do. If they could consolidate Heritage Days then they could get better attendance. Jackie states she feels that the carnival was the highlight and efforts should be put in there. There needs to be a way to go through the city on the advertising. It reflects on the city. She wants to get the word out other than the newsletter. The events should have some city council attendance at every event. It was there at the carnival but the other events were not well attended. They needed more help with the chair positions. Councilman Larsen said that is why he introduced the idea of a assistant chair. Not only to help but also to train for future years chair. Jackie said they need to have someone there to all the meetings, including the Councilman in charge. They should have a binder of things that need to be known for Heritage Days, for example, first-aid. Jackie states they fixed the parade floats. It would be helpful to have the council get more volunteers. It would help the have a list of people to volunteer for the events. Councilman Hansen asks how can we do that as a council. How do we get people involved? Councilman Larsen encourages the council to submit names for volunteer positions, when they are asked to do so. The more they can spread out the sub-chairs across the City, the more likely they are to get more people out. Councilman Mickelson states who ever is in charge needs to bring that up with the council. Councilman Larsen states he does not feel we need to make this a paid position but that we do need more volunteers and still believes we can do that. Jackie states that hardest part was getting the word out. Networking need to be set up. Councilman Jacobsen asks is there an estimate on how many hours you gave us. Jackie states 12+ hours a day. We can consolidate a couple of things and try to get more people out. The attendance numbers have gone down but Nibley is larger. We need to come up with something that defines us. Councilman Jacobsen states the higher density of activities rings true. Councilman Larsen states we've always had the play and the dinner on the same night. There are a lot of things we didn't do before we were put on city council. He likes that things are spread out throughout the week. Councilman Jacobsen states thank you so much for your countless hours. Mayor Knight thanks Jackie.

Item 4: Final plat approval for Mountain View (Sunset Park) Planned Unit Development, located 2700 S. 1000 W.

Final plat approval for Mountain View (Sunset Park) Planned Unit Development, located at 2700 S. 1000 W. Mr. Anhder notes that there is no representation here and the reasons

for that. Councilman Larsen asks what conditions were put on it as a conditional use or if a conditional use permit was issued. Our ordinance states that a PUD is a conditional use so in my opinion there has to be a conditional use permit issued with conditions on it. Mr. Anhder states there is no permit issued here, but the conditions they have to meet are as proposed unless the city council wants to add others. Councilman Larsen asks what conditions they have proposed. Mr. Anhder states they proposed smaller lots, open space, private streets. Councilman Larsen asks how are those conditions. Those are benefits they get if they meet conditions. Councilman Larsen stated that is the fault with PUD's in the past. He would like to see conditions presented when planned unit development's that are conditional are approved.

Mayor Knight states he will entertain a motion for final plat approval of Mountain View (Sunset Park) Planned Unit Development located on 2700 S. 1000 W. Councilman Dustin made a motion to approve Mountain View (Sunset Park) Phase 1. Seconded by Councilman Jacobsen. Mayor Knight asks for discussion. Councilman Jacobsen asks can we itemize issues that were identified at preliminary. Councilman Larsen moves to postpone until proponent is present. Seconded by Councilman Jacobsen. Councilman Mickelson in favor. Councilman Dustin opposes. Councilman Hansen was not present for this vote. Motion passes 3-1.

Item 5: Final Plat approval for Blacksmith Heights subdivision located at 4900 Hollow Road. Hal Frong in attendance.

There is general discussion addressing of the right of way and easement. Mayor Knight asks if there are other concerns. Councilman Mickelson states there was an issue with a hill that has been drawn down and if it effects the sizes of these lots. One reason the hill was not used was because of slope. Does that create a problem for the city? Hal Frong states the slope is 12% that is an adequate slope. Councilman Mickelson asks if it is still a private road. Has the revegetation been taken care of? Without some barrier to hold that up, there is quite a bit of erosion. He would put a condition that reseeding be put in place before any homes are put there. Mayor Knight asks for a motion. Councilman Mickelson makes a motion to approve subdivision with a contingency that lots 6 and 8 are excluded from building permits until adequate vegetation is established but doesn't know how to define adequate. Councilman Dustin states the developer would ask for a letter from his engineer. Mayor Knight states the engineers are the ones to say this is a safe area to build on. Rod Blossom states there were recommendations by the engineers to make the hill steady. They didn't talk about revegetation. They talked about slope. Councilman Jacobsen states he doesn't believe growing grass on that hill will stabilize it. Vegetation will help with erosion but not a landslide. Councilman Larsen states just because you have something vegetated does not mean there will not be a landslide. Rod Blossom states we could go back as city engineer and verify the slopes were built correctly and this is in the process of being revegetated and hold security. We could have Cartwright Engineering come back and see if it meets their requirements. Councilman Mickelson states the developers have reduced slopes and agree with revegetation.

Councilman Mickelson makes a motion to approve the subdivision and that lots 6 and 8 are prohibited from building until revegetation is established on the hillside. Seconded by

Councilman Larsen. Councilman Jacobsen states he feels we need to name an authority for revegetation. Such as city staff. Councilman Larsen states you just need to make sure vegetation is there. Mayor Knight states all in favor of the motion. Councilman Mickelson, Councilman Larsen are in favor. Councilman Hansen, Councilman Jacobsen, and Councilman Dustin oppose. The Mayor let discussion continue before declaring the vote.

Councilman Larsen states he is not ok with the undefined and unresolved right-of-way and would like resolved before it is approved. He is reluctant to approve a subdivision with a right of way right through the middle of the building area of the lots. Mayor Knight argues it is not pertinent. Councilman Larsen states he has a problem that there is a private road and that there aren't any new lots. Councilman Jacobsen asks did we discuss that in terms of standing when Hal was here before. Do you think this council gave Hal standing? Councilman Larsen states he doesn't think it was settled. Councilman Jacobsen states he believes it was settled. Mayor Knight states we don't need to get approval for a private road and asks for those in favor of the motion. Councilman Hansen & Councilman Jacobsen in favor. Councilman Mickelson, Councilman Larsen, Councilman Dustin oppose. The motion fails 2-3.

Councilman Hansen states he will also go with revegetation. Councilman Mickelson makes a motion to reconsider. Seconded by Councilman Hansen. Councilman Mickelson Councilman Hansen, and Councilman Jacobsen in favor. Councilman Larsen and Councilman Dustin oppose. Reconsidering motion passes 3-2.

Councilman Mickelson requests to know what quantification the revegetation plan requires. Councilman Jacobsen states the city staff ought to say that it is done. Councilman Mickelson makes a motion to amend that lots 6 and 8 will not be built upon until revegetation is complete and city staff makes an approval. Seconded by Councilman Larsen. Councilman Mickelson states when we follow up on that that we make sure it is completed according to the revegetation plan. Councilman Dustin has an opposition to the private road and would like to see it become a public road. The city has absolutely no control over any future development that might access the city through that road. Mayor Knight asks all in favor. Amendment to approve subdivision with that amendment passed unanimously.

Councilman Larsen states he has a fear that we will not have control of the road and what happens above. Hal Fronk states they can work with the developer later to make that a public road. Mayor Knight states one of the things a private road can do is restrict development upon the hill. General discuss of the road follows. The city engineer Rod Blossom gives history of the planning and the road. Rod Blossom states they did upsize the pipes. A Nibley citizen states his concern about the city warning its citizens about potential problems and their lack of responsibility doing that. Mr. Anhder believes the city has done a commendable job in warning people. Councilman Larsen states he has a problem with the whole private road. Councilman Jacobsen states that is a decision of future council. If and when that needs to be a public road it can be. Councilman Dustin

states this road is access to this development but it is designed to open up access to further property.

Mayor Knight states all in favor of the motion to approve this subdivision. Councilman Jacobsen, Councilman Mickelson, & Councilman Hansen in favor. Councilman Dustin & Councilman Larsen opposed. Motion passes 3-2.

Item 6: Discussion of the proposed road cross section for the eastern part of 3200 S. Street.

Rod Blossom gives a general overview. They would like a recommendation for the cross section. Mayor Knight argues to put the sidewalk on both sides the full distance and get it in place. The additional cost will be minimal, still follows under what we are asking from the COG. The way the COG has recommended this, they approved the money needed to finish the project. Rod Blossom states there are a couple of additional costs. Mr. Anhder asks what we are going to do with the drainage. Rod Blossom suggests we take most of it to the state detention pond. There is general discussion about bike lanes curbing, and turning lanes. Councilman Dustin asks from a traffic standpoint, what do you recommend? Rod Blossom states 1 lane of traffic each direction. You could have a turn lane in the middle but all you have is residential so he is not sure if it would be helpful. Councilman Dustin states he prefers to do the extra asphalt for the bike lane because you could eventually go to 4 lanes. You have the possibility of doubling your capacity. Mayor Knight states lets talk about what is aesthetically pleasing. He is a proponent of the other design. There is general discussion of maintaining park strips. There is a general discussion on bike lanes. Mayor Knight asks which if these two plans they want. Councilman Larsen recommends bike lanes on the north side except Milligan's House to 165, then putting a sidewalk from Milligans' to Bob's. Mayor Knight asks who is in favor of that? The majority is in favor. Councilman Larsen states with the bike lanes, more asphalt, and the swell ends at Milligans'. There is general discussion on sidewalks. Mayor Knight states if the money is there we will put curb, gutter and sidewalks on both sides all the way down.

Councilman Dustin made a motion to suspend the agenda. Seconded by Councilman Hansen. Councilman Hansen, Councilman Jacobsen, & Councilman Dustin in favor. Councilman Mickelson opposed. Councilman Larsen abstains. Motion passes 3-1.

Item 7: Discussion about retaining a consultant to conduct an analysis for road impact fee,

Mr. Anhder states they can do the formal RFP process and get proposals but recommends they get Emily Sim. She is highly recommended. Her cost is \$6000 and would be less than anybody he talked to on an informal basis. He is asking for approval to make contact with her. She works for developers and for cities and she is so good because she works both sides of the fence. Councilman Dustin states he would prefer the RFP's. Mr. Anhder states that part of it is his time. He is highly confident she is as good as or better than any others. Councilman Larsen comments that City purchasing policy states that any expenditure over \$2500 goes one way. Mr. Anhder states unless approved by the council. That is why I brought it to the council. Councilman Dustin states he would be happy to

give time to write the RFP. Councilman Larsen states he would be willing to give time too. Councilman Jacobsen states he is ok with Larry's recommendation. Councilman Hansen states he has no feeling either way. Councilman Mickelson states to go with RFP. Mayor Knight states we will go RFP.

Item 8: Discussion of possible approval of the proposed new land use chart.

Discussion is postponed for a later agenda.

Mayor Knight asks Paul Leishman for any comments regarding the irrigation company before the city managers report. Paul Leishman states regarding any comments or information regarding the irrigation company, if it isn't presented in writing then it wasn't said or done. We need to work together on a storm water plan. We've had problems with storm water up on 250 with Jessop's. That has not been resolved. Mayor Knight states he will give him a call.

City Managers Report

Mr. Anhder describes the situation in front of Jessop's home. The plan for the sidewalk puts the sidewalk pretty close to her home on the hill. The current plan raises the sidewalk up and over her hill. With a block wall being built to hold the sidewalk up. We think that is a stupid plan. We are suggesting if there is a block wall that it be put on the other side. We are suggesting that the sidewalk be moved out towards the road, more the grade of the roadway. It would be started right about the Jessop's property line. The sidewalk will be flat and moved out towards the road, about 18 in. closer than it is now. It will be closer to the bottom of the slope so there will be much less interference from the slope. By moving it 1 ½ ft. we move away from most of the slope. Shelia Jessop states if you do it this way you won't have to move the water meter, it will go around the water meter. Mr. Anhder states by doing on a longer stretch it will phase out and in. Councilman Hansen and Councilman Larsen state they are in favor.

Mr. Anhder states the Ropelato property at about 475 west 3200 south, has a property line on an angle to the power poles and the fence line. There is a power pole that is smack dab in the middle of the proposed sidewalk. Our options are, buy property at our expense or wiggle it around the power pole. His recommendation is to buy the property. Mayor Knight states he hates bending sidewalks. Councilman Dustin would like to know what the cost will be.

Leigh Gardner home has come up for sale again. Larry Anhder sent a letter reiterating our interest in it at the appraised price. Council agrees to pursue Gardner property.

The recycling dumpsters will be in the way of the construction. Larry Anhder proposes moving them up city property between the back of the softball backstop and the Gardiner property on the south side of the road. The city won't have room to bring them out to 3200 again and had talked about approaching Ropelato. Councilman Mickelson asks about putting them on that property we own at 450 west 3200 south, where the pipe is. Councilman Dustin would like to see them out in the open. Having it on the road makes people less likely to dump couches and lawn mowers.

Council reports

Councilman Larsen appreciates those who attended the concert in park. Had a turnout of about 140 different people. This Sat. there is a movie in the park. Encourages all to attend. Councilman Larsen notes an addition on 2933 that was within ordinances, but needs to be looked at. Councilman Larsen discusses the specifics of the property. He states, I don't think this is something we want to do in the future. He thinks we should have P & Z talk about what we can do. The Council agrees to have P&Z review the issue and what can be done for the future.

Councilman Larsen has a question about the medians. Is there water to those medians? Mr. Anhder states there will be. Councilman Larsen asks are we going to plant in these medians? Mr. Anhder states yes, a combination of rock and vegetation.

Councilman Dustin compliments Councilman Larsen on the concert on the park. He relays comments from citizens on traffic on 1000 W. He called the sheriff and asked them to look into it and he called the contractor for the 3200 job letting them know they would be out there. He suggests they look at some traffic calming issues on that in the 2009 budget. He states we need some curb painting, a no parking zone, right where Nibley Parkway hits 1000 W. where a trailer is being parked and creating a blind spot. General discussion on painting the curb follows. Mayor Knight states we need to meet with Bill on painting the curb. Councilman Dustin comments the Top of Utah and Cache Valley Century both came through Nibley this week and it would be nice if we did something to let people know that they're in Nibley. He was thinking a banner and feels it's a good opportunity to promote the city. Councilman Mickelson & Councilman Hansen both feel it is a good idea.

Councilman Jacobsen has nothing to add.

Councilman Hansen wonders if all the access to the new school will be on 3200. Mr. Anhder states they have access on 10 W. and we anticipate some sort of access on 3200. Councilman Hansen asks do we think that will be a problem having a school on 3200. Councilman Larsen suggests approaching them about making a better auditorium or additional gymnasium so the city can utilize those facilities. The hundreds of thousands of dollars we spend to get those facilities will be hundreds of thousands of dollars saved by not having to build those facilities ourselves. He would like to see if they are interested in working with the city and to what extent.

Councilman Mickelson states he has four things. First, he will not be at the next meeting. He will be at a conference in Cedar City. Second, he would like a copy of the revegetation plan. Third, the League of Cities and Town's Meeting and some of the correlation things that need to happen. Fourth, he would like to talk about economic development. He says it seems pretty dead out there. Does the city need to get involved out there? Councilman Mickelson has been looking at different grants as a way to get economic development with agricultural. One of the comments in our general plan is to keep a rural atmosphere. He suggests some kind of business that highlights local artists, events in the valley, and

local products and then having a connected restaurant that uses those local products. Councilman Jacobsen suggests a fall harvest festival or a farmers type market. Councilman Larsen states Casey is working on a fall harvest festival and the Youth Council want to get involved. General discussion about a gardeners market follows. Councilman Mickelson asks if it is worth putting a group together to bring in these types of grants. Councilman Dustin states he is a big advocate for economic development. He would like to see, in the 2009 budget, to hire somebody full time. Councilman Larsen suggests going for the grants.

Meeting adjourned at 11:09 p.m.