

NIBLEY CITY COUNCIL  
CITY COUNCIL MEETING THURSDAY, August 16, 2007  
The following motions were made during the meeting

**Action Item 1: Councilman Harrison made a motion to approve 07-13: A Resolution authorizing the trading of certain parcels of land between Nibley City and MV Development. Seconded by Councilman Hansen. The motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.**

**Action Item 2: Councilman Mickelson made a motion to accept preliminary plat approval. Seconded by Councilman Harrison.**

**Councilman Mickelson moved to amend to accept on a letter of approval from a wetlands specialist and if that can not be obtained, then a delineation will be required. Seconded by Councilman Larsen. The motion passed unanimously.**

**Motion as amended passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.**

**Action Item 3: Councilman Jacobsen made a motion to approve the amendment of the subdivision of Four Point Plaza. Seconded by Councilman Harrison. The motion passed unanimously.**

**Action Item 4: Councilman Jacobsen made a motion for final approval of phase 4 of Sunrise Meadows Subdivision. Seconded by Councilman Hansen. Motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.**

OFFICIAL MINUTES OF THE MEETING  
Minutes taken and prepared by Deputy Recorder Jessica Lawes

Mayor Knight called the Thursday, August 16, 2007 Nibley City Council Meeting to order at 6:02 p.m. Those in attendance include City Council Members Jay Harrison, Larry Jacobsen, Scott Larsen and Thayne Mickelson. Councilman Bryan Hansen came in at 6:35. City Manager Larry Anhder was also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

**Item #1: Approval of Minutes and Evening's agenda:**

**Councilman Larsen made a motion to approve the agenda and the minutes with the necessary changes. Seconded by Councilman Jacobsen. The motion passed unanimously.**

**Item #2: Public Hearing to receive comments on proposed exchange of property.** Nibley City will trade to Zollinger Acres Subdivision (MV Properties) approximately 6.23 acres and receive in return approximately 6.72 acres in the area of 3300 South and 1200 West.

**Councilman Mickelson made a motion to open public hearing. Seconded by Councilman Larsen. Motion passed unanimously.**

Mr. Anhder explained what areas are being proposed for trade. Mr. Anhder said there are three reasons this trade is being proposed.

- 1- It creates a visually much more open park area, nearly 1200 feet.
- 2- It creates a much better subdivision.
- 3- It leaves south of the wetland, an open place of about 400' x 600'.

Public Comment:

Phil Takis, representing the baseball program, said the number of teams versus the number of fields is outnumbered. This year there were 14 teams using two fields, next year it is proposed to have around 20 teams and so on. From Mr. Takis's perspective, he would rather see baseball fields put in. Mr. Takis sees the only other alternative is to limit the number of teams and turn it into a select baseball program and that is not what a city recreation program is about.

**Hearing no other public comments, Mayor Knight closed the public hearing.**

**Item #3: Consideration of Resolution 07-13 authorizing exchange of land with MV Properties, LLC.** Councilman Jacobsen asked Mr. Takis if from a baseball perspective, he sees it more advantageous for the city to have parks that are broken up or one continuous piece of land. Mr. Takis said the from the basic baseball field design, the fields should be kept as close together as possible. The biggest concern for baseballs fields is that the city needs fields large enough for the bigger kids. Councilman Larsen said he agrees with Mr. Takis as to fields being as close together as possible so that facilities can be shared. Mr. Anhder suggested building a quadraplex on the Peterson property. Councilman Larsen said that there is not enough room on that property to build a quadraplex. Also, the Peterson property has a swell down through it and the land would have to be brought up, but the land being proposed to trade is flat and less earth

moving would have to be done. Councilman Mickelson said this property might not even be the best property to put a baseball field on and Councilman Larsen asked Councilman Mickelson what other properties could fit baseball fields. Councilman Mickelson said the Peterson's and the Gibbon's properties. Councilman Larsen said the Peterson property slopes and there would have to be filling brought in to bring up to grade. Same as will the Gibbon's property. Mayor Knight said what is needed is a little more vision and park planning. There is adequate space around to fill the needs of the city. Councilman Larsen said he could argue that point because when the property was first looked at, it was looked at as a park and now it is wanted to be a subdivision.

**Councilman Harrison made a motion to approve 07-13: A Resolution authorizing the trading of certain parcels of land between Nibley City and MV Development. Seconded by Councilman Hansen.**

During discussion Councilman Larsen said that according to Bob Stott, there is a well in the middle of the property, extending from the middle of his property to the adjacent field. Councilman Harrison asked if he has a water right for the well and Councilman Larsen said that Mr. Stott said he did.

Councilman Larsen said as far as 1200 West, it has always been the position of the city that roads that adjacent development are required to pay some of the cost of the road so why is the city not requiring this development to pay anything for this road. Mr. Anhder said that it was he, not the developer that proposed the exchange on a basis that it creates a much better park for the city and is unfair to put the developer on the hook. Councilman Larsen said that because the land is being traded, the citizens foot the whole bill. Mr. Anhder said that depends on what changes need to be done to 1200 West.

Councilman Jacobsen said he sees more options with the land trade for use of a park than having it disjointed the way it sits now and the concepts seen for athletic fields, if the trade takes place, make sense to him. He then said a master plan for athletic fields should be worked on and it is true that the city and the citizens will be developing and making improvements along 1200 West, but it is the city's park and that is what is done when a park is developed next to a road.

**The motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.**

**Item #4: Preliminary Plat approval of Zollinger Acres Subdivision.** 42 acres with 90 lots between 1200 West and 1500 West and south of 3200 South. Mr. Anhder said the plan has changed just a little bit from concept plan by straightening out the north-south road and staff did not have any other comment on it. Councilman Jacobsen said that since concept, the proponent and his engineers have work street widths out with the city engineer and weighed in favor of the plan. Councilman Mickelson asked if there was a plan to pipe the ditch at 3200 South. Mr. Anhder said there was not because: one, that stuff does not show up until final approval and two, at this point, none of 3200 South is being piped.

**Councilman Mickelson made a motion to accept preliminary plat approval. Seconded by Councilman Harrison.**

During discussion Councilman Larsen asked if the subdivision was split up into phases. Steve Edwards, MV Properties, said it was and they have been meeting with Foxborough and city engineers to be able to do the entire road work in conjunction with Foxborough so that later roads will not have to be torn up. There might even be four phases. Councilman Mickelson asked if it was known if any existing field drains were on the property. Adam Mackelprang, engineer for MV Properties, said that he had talk to the city's engineer, Rod Blossom, and he said there were not any. Mr. Anhder said he was not aware of any either but will look into it and find out. Mr. Mackelprang said they have met with the irrigation company and talked about how the drainage ditches will be piped. Councilman Larsen said that it is important, if they are piping, to put it on the plat so it is not fenced across it and the easement is noted. Councilman Mickelson asked if the maintenance to the drainage ditch will belong to the city or Irrigation Company and Mr. Anhder said it was the irrigation company's responsibility. Councilman Larsen said the drain is not the irrigation company's until the water enters their ditch. Councilman Mickelson asked then whose problem is it. No definitive answer was provided.

Councilman Jacobsen asked if the city was planning on taking a dedication on the storm water detention areas and Mr. Anhder said it was. He then asked Mr. Edwards if there has been any wetlands delineation work on any of the property that is being proposed to trade. Mr. Edwards said they have not, but they have had a wetlands person walk it and he did not see any problems or a need to do delineation. Councilman Larsen said he would be in favor of delineation. Councilman Jacobsen asked Mr. Edwards if he would get Dennis Wanger to sign a letter stating in his professional opinion as a wetland specialist, the property does not require delineation to bring to final approval and Mr. Edwards said he could not speak for Mr. Wanger but he will talk to him and see what can be done.

**Councilman Mickelson moved to amend to accept on a letter of approval from a wetlands specialist and if that can not be obtained, then delineation will be required. Seconded by Councilman Larsen. The motion passed unanimously.**

**Motion as amended passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.**

**Councilman Larsen made a motion to adjourn. Seconded by Councilman Mickelson.**

Mr. Anhder asked what was to be done with the rest of the items on the agenda. Councilman Larsen said that a motion is in order. The motion has been seconded so there is no debate. Councilman Jacobsen said that by approving the agenda it was agreed to talk about the items on the agenda. Councilman Larsen said a meeting can be ended at anytime. Mr. Anhder said the agenda was approved with an adjournment time so the council either needs to move to amend the agenda so that the adjournment time is postpone or vote in favor of the motion before the council and end the meeting.

**Motion failed with Councilman Larsen in favor and Councilmen Jacobsen, Harrison, Hansen and Mickelson opposed to the motion.**

**Councilman Jacobsen made a motion to amend the agenda long enough to discuss the items on the agenda. Seconded by Councilman Hansen. The motion passed with Councilmen**

**Jacobsen, Harrison, Hansen and Mickelson in favor of the motion and Councilman Larsen abstaining.**

**Item #5: Amendment to Four Pointe Commercial Subdivision to split into 2 lots the previously approved single lot subdivision located at 2700 South Highway 89-91.**

Mr. Anhder said this is just a lot split with the construction drawings and the landscaping requirements staying the same. Councilman Mickelson had a question about the strip of property on the east side of the road and wanted to know what was going to happen to it. Mr. Anhder said it was there as a protection strip and done to save space.

**Councilman Jacobsen made a motion to approve the amendment of the subdivision of Four Point Plaza. Seconded by Councilman Harrison.**

During discussion Councilman Larsen said he wanted to secure access easement to lot 1 for when future development comes in.

**The motion passed unanimously.**

**Item #6: Final Plat approval of Phase 4 of the Sunrise Meadows Subdivision. Ten lots at 1075 West and 2580 South.** Mr. Anhder said the construction drawings have all been approved and this is just the next phase of the subdivision. Councilman Larsen asked which phase has not been approved and Mr. Anhder said that phase 5 has not.

**Councilman Jacobsen made a motion for final approval of phase 4 of Sunrise Meadows Subdivision. Seconded by Councilman Hansen. Motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.**

**Item #7: Council Report:**

**Councilman Larsen:**

Councilman Larsen said that on August 21, 2007 Shadowbrook Park will have a citizenship participation to complete the park by raking and prepping the soil for grass to be planted. Trees will also be planted. Councilman Harrison asked what to do with the money that was saved by Kim Datwyler to have the city/citizens finish the park. Councilman Larsen said that Ms. Datwyler will reimburse the city.

**Councilman Jacobsen:**

Councilman Jacobsen asked Mr. Anhder if he received the sign for the Hollow Road and Mr. Anhder said the public works department has the sign and is working on getting it put up.

Councilman Jacobsen said that Planning Commission members Aaron Bliesner and Shawn Dustin weighed in on the options on city planner and would rather have the city employ a city planner than contract it out on a piece by piece basis. Councilman Jacobsen said that he feels there is a completely different attitude at the Planning & Zoning meetings than there was a couple of months ago. He feels it is because of the changes made.

**Councilman Harrison:**

Councilman Harrison had no comments.

Councilman Mickelson:

Councilman Mickelson said he would like to start towards meeting with the Blacksmith Fork Canal Company to start resolving some issues, maybe around October. Mr. Anhder said that Paul Leishman will call the city around October. Councilman Mickelson said he was looking off of 1200 West and 3200 South and there is a large pipe laying there and it look like to him that it was going to be drainage pipe off the street headed to the ditch across the street. Mr. Anhder said it for the springs on 1000 West, to replace what is already there.

**Item #8: Manager's report:**

Mr. Anhder said that 966 square feet of wetland was determined along 3200 South corridor and is not sure if anything will be made to do with it at this point. Mr. Anhder said he has signed up for two slots for the Conservation Subdivisions tour at the League of Cities meeting and is there a need for more and four more council members said they would like to attend. Mr. Anhder said there is a Utah League of Cities board position open and he encourages someone from Nibley City to apply.

**Item #9: Adjourn:** Adjournment by general consent at 7:18 p.m.

Signed \_\_\_\_\_  
Mayor Gerald Knight

Attest \_\_\_\_\_  
Assistant Deputy Recorder