

NIBLEY CITY COUNCIL  
CITY COUNCIL MEETING THURSDAY, January 4, 2007  
The following motions were made during the meeting

Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, January 4, 2007 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Thayne Mickelson, Scott Wells, and Scott Larsen. City Manager Larry Anhder and City Planner Conley Thompson were also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South

**Motion #1: Councilman Wells made a motion to have the Nibley City Council hold regular council meetings on the first and third thursday of each month beginning at 6:00 p.m. Councilman Larsen made a second to the motion which was approved unanimously.**

**Motion #2: Councilman Wells made a motion to approve Ordinance 07-01, an ordinance changing the zone designation from Residential to Agricultural of approximately 40 acres between 300 West and 640 West at about 4000 South. Councilman Harrison made a second to the motion which was approved unanimously.**

**Motion #3: Councilman Hansen made a motion in favor of preliminary approval of Sunrise Meadows Subdivision, Phase II and III- Containing approximately 30 acres located between 1000 West and 1200 West, 2400 South and 2600 South. Councilman Wells made a second. Councilman Larsen voted against the motion which passed with councilmen Mickelson, Hansen, Wells, and Harrison voting in favor.**

**Motion #4: Councilman Hansen made a motion in favor of Final Platt Approval of Sunrise Meadows Subdivision, Phase II and III- Containing approximately 30 acres located between 1000 West and 1200 West, 2400 South and 2600 South. Councilman Wells made a second to the motion. Councilman Larsen voted against the motion which passed with councilmen Mickelson, Hansen, Wells, and Harrison voting in favor.**

NIBLEY CITY COUNCIL  
CITY COUNCIL MEETING THURSDAY, January 4, 2007

Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, January 7, 2007 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Thayne Mickelson, Scott Wells, and Scott Larsen. City Manager Larry Anhder and City Planner Conley Thompson were also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South

**Item 1: Approval of the minutes and evening's-** Councilman Scott Larsen made a motion to approve the minutes from the December 21, 2006 council minutes with necessary changes and the evening's agenda. Councilman Wells made a second to the motion which was approved unanimously.

**Item 2: Recognition and Appreciation to Larry Jacobsen and Shawn Del Hunsaker for service on the Planning & Zoning Commission.** Mayor Knight presented plaques of appreciation on behalf of Nibley City for years of service by Mr. Jacobsen and Mrs. Hunsaker on the Planning and Zoning Commission. Councilman Wells shared his best wishes to both retiring members, as did the remaining members of the council.

**Item 3: Discussion of Management Letter and recommendations from 2006 audit.** Mayor Knight asked for suggestions or comments from the council to help address concerns outlined by the accountant in the most recent audit. Councilman Larsen asked what steps are being taken to make sure any money at the city is deposited daily. City Manager Larry Anhder said there were three times when a daily deposit was not made, as a result of unusual circumstances. Mr. Anhder said the incidents are isolated and money is not being held overnight at the city offices. A purchasing policy is also being drafted according to Mr. Anhder who was asked to address the matter. Councilman Larsen also asked about what will be done to deal with inadequate funds in certain departments. Mr. Anhder explained that in most situations there is a surplus of funds in those departments, so in an effort to reduce a possible inappropriate percentage of funds at the end of the fiscal year some of those funds are adjusted and can sometimes result in a deficit. The council also discussed whether or not there needs to be a policy for building deposits. Mr. Anhder said there is some confusion about the building deposits and how they relate to unclaimed property. Mr. Anhder said there needs to be a policy for unclaimed property, but not in relation to building deposits.

Mr. Anhder explained to the council that he is also working to revise the way comp time is being reported. Currently, each department has been tracking comp time. Mr. Anhder said in the future the reporting will be more centralized. He said another change will be to have the mayor review city credit card charges made by Mr. Anhder. The auditor suggested this would be an appropriate practice to monitor the use of the credit card. Mayor Knight asked if Mr. Anhder was seeking direction from the council to deal with concerns about personal expenses by volunteers who help with Heritage Days and other city sponsored activities. Mr. Anhder does not feel a formal policy is needed but suggested it might be helpful in directing council members responsible for volunteers of various activities. Mr. Anhder will draft a simple policy to be adopted by the council at a later meeting.

Charging late fees for utility payments was also discussed. Mr. Anhder said he is working with staff to resolve the problem, which results when the due date falls on a weekend. The council agreed that city staff is doing all they can to be fair in collecting payments. Councilman Wells and Councilman Larsen suggest the city continue to try and be fair and allow flexibility when the due date falls on a weekend and payments are collected the following Monday. The council stated they did not feel it necessary to change the policy, despite the auditors recommendations.

Mr. Anhder thanked the council and Mayor Knight for their comments and recommendations regarding the audit. He reported the cost of the audit to the city was \$9,000.00. Mr. Anhder said having a yearly audit is helpful and said he feels the findings are helpful.

**Item 4: Meeting Schedule for 2007-** Mayor Knight asked council members to determine the 2007 city council meetings schedule. Councilman Harrison suggested the meetings not run longer than three hours, with a beginning time of 5:30 p.m. There were suggestions to restructure the agenda and include a workshop for the council a half an hour prior to the meeting beginning. It was decided the meetings would begin at 6:00 p.m. on the first and third Thursdays each month.

**Councilman Wells made a motion to have the Nibley City Council hold regular council meetings on the first and third thursday of each month beginning at 6:00 p.m. Councilman Larsen made a second to the motion which was approved unanimously.**

**Item 5: Public Hearing to receive comments concerning a request by Boyd Schiess to change the zone of approximately 40 acres from Residential (R-2) to Agricultural. Councilman Scott Larsen made a motion to open a public hearing to receive comments concerning a request by Boyd Schiess to change the zone of approximately 40 acres from Residential (R-2) to Agricultural. Councilman Wells made a second to the motion which was approved unanimously.** Mayor Knight asked for comments from the public. There were no questions or comments from the public. Mayor Knight allowed Mr. Schiess time to explain his reasons for making the request. Mr. Schiess told the council he wanted to maintain his land for use as agricultural to benefit his family and the community.

**Councilman Jay Harrison made a motion to close the public hearing. Councilman Scott Wells made a second to the motion which was approved unanimously.**

Mayor Knight allowed the council to comment on the request. Councilman Wells said he supports the request and said he enjoys having the wildlife and would also like to see the irrigation canals remain open to encourage habitat. Councilman Larsen asked why Mr. Schiess is not requesting to have land to the south included in the rezone. Mr. Schiess said that land is located in Cache County and he is unsure of how that land will be used in the future. Mr. Larsen asked if Mr. Schiess planned to include that property if he chooses to place the remaining land in an Agricultural Protection Zone? Mr. Schiess said he doesn't know what will happen to any of the land, except for the parcel under discussion. Councilman Larsen also asked Mr. Schiess to address his concerns about how the property was changed from agricultural to residential. Mr. Schiess said he is not certain how that happened, but said it is over and done and that his real concern is getting it back to agricultural. Councilman Mickelson said the benefit of having this open space in the city would cost Nibley over a million dollars should the city ever consider purchasing such a size of land for open space. He said the benefits of having the land undeveloped should cause the city to consider supporting Mr. Schiess in efforts to enhance that open space.

**Councilman Wells made a motion to approve Ordinance 07-01, an ordinance changing the zone designation from Residential to Agricultural of approximately 40 acres between 300 West and 640 West at about 4000 South. Councilman Harrison made a second to the motion which was approved unanimously.**

**Item 6:** Sunrise Meadows Subdivision, Phase II and III- Preliminary and Final Plat Approval (Containing approximately 30 acres located between 1000 West and 1200 West, 2400 South and 2600 South). Councilman Scott Larsen said the request for the subdivision should be required to go through preliminary approval processes again since it had been over a year since the initial request. Cache Landmark representative Steven Earl said there was a change in the phase lines in order to reach the south end of the property sooner. Councilman Larsen had questions about access to the areas under discussion. Mr. Anhder said there will actually be three connector roads when both phases are completed, including a portion of 2600 South. Councilman Larsen is concerned that those accesses are not finished now, but are just dirt roads. He feels there is a traffic flow problems be created.

**Councilman Hansen made a motion in favor of preliminary approval of Sunrise Meadows Subdivision, Phase II and III- Containing approximately 30 acres located between 1000 West and 1200 West, 2400 South and 2600 South. Councilman Wells made a second. Councilman Larsen voted against the motion which passed with councilmen Mickelson, Hansen, Wells, and Harrison voting in favor.**

**Councilman Hansen made a motion in favor of Final Platt Approval of Sunrise Meadows Subdivision, Phase II and III- Containing approximately 30 acres located between 1000 West and 1200 West, 2400 South and 2600 South. Councilman Wells made a second to the motion. Councilman Larsen voted against the motion which passed with councilmen Mickelson, Hansen, Wells, and Harrison voting in favor.**

**Item 7:** Resolution 07-01 setting fees for land use applications and business licenses. Mr. Anhder explained the reason for the resolution is to help encourage the cost of business developments to be covered by the developer and not the city. He said there will be changes in the commercial business license costs, which will be reduced. Mr. Anhder said the charge should include what it costs the city to license the business. Councilman Larsen asked if that would include the cost of increasing law enforcement? Mr. Anhder said there are other cities which have more complicated ways of administering such fees, but in our case with our administrative capacities Mr. Anhder said he feels what is being recommended in Nibley City is appropriate. Councilman Larsen questioned if the city is charging enough to cover the costs for various inspections. Councilman Mickelson asked why a home business in an accessory building costs the same to license a commercial business? It was explained by Councilman Larsen that the wording is wrong because current city ordinance requires a Conditional Use Permit in order to operate a business in an accessory building in a residential zone. Mr. Anhder said he will make that change and will also include an exception for fence applications. The purpose of a business license is not there to regulate land use according to Mayor Knight.

Mark Daines explained to the council that as a business owner he would like the city to keep rates lower in order to accommodate business owners who use one building to occupy more than one business. Mr. Daines said having only one building results in fewer impacts to the city and requires fewer inspections. He does not see the reasoning for charging a higher rate. Mr. Anhder suggested having a fee system where the business owner is charged differently based on the number of businesses is an option.

Councilman Mickelson suggested charging the commercial business a rate of \$225.00 with plans to review possibly dropping the rate to \$100.00 in the future.

Park reservation fees and building fees were also discussed as was adding an animal impound fee on the schedule. Mr. Anhder suggested he consider the recommendations by the mayor and council and draft a new fee schedule for consideration at the next city council meeting.

**Item 8: Planning & Zoning Commission Report** (nothing to report as the commission has not met since the last council meeting)

**Item 9: City Council Report-**

**Councilman Mickelson:** The irrigation company will hold an annual meeting next week. Mr. Mickelson asked for recommendations regarding city concerns. Mr. Harrison said he feels there needs to be better communication between the two groups. Mr. Mickelson agreed and said it might be necessary to wait until the board is elected to present city concerns and suggestions to work through matters. Mayor Knight suggested the city meet with current board members to address matters outlined in a memorandum by Councilman Mickelson. If the irrigation company board members are not willing to discuss concerns it might be necessary to try to elect new board members, according to Mayor Knight. Councilman Larsen said it might be necessary to have Councilman Mickelson serve as a mediator to work between the city and the irrigation company to keep "Larry the Lightning Rod" from making it more difficult.

**Councilman Hansen:** Asked for an update on plans to begin work on the Nibley City General Plan. Mr. Anhder said he will provide a current copy of the plan for review by the council. He said he has not been able to contact the firm to set up a time to discuss a plan of approach. Mr. Hansen would like to help outline the approach in order to advertise opportunities of public participation in the process. He also presented a list of possible names of residents who might be asked to represent different sections of the city during the process. There was some discussion about whether or not inviting representatives to participate in the process at this point would be helpful. The council seemed to agree it might be a way to address a variety of interests and concerns. Mr. Hansen suggested having the city mail out personal letters to about forty residents in hopes of encouraging public participation in the process. Mr. Anhder is concerned these residents won't have an adequate understanding of the existing general plan and could slow down the process. Mayor Knight said it will be necessary to make certain residents understand the city is seeking suggestions and that those citizens are not in a position to make policy.

The Hyrum Library will soon move into their new facility. Mr. Hansen said volunteers will be needed to help move books into the library.

**Councilman Harrison:** Mr. Harrison presented a document outlining suggestions to streamline actions during city council meetings. He asked the council to consider the suggestions in an effort to accomplish more in less time. Mr. Harrison reported that negotiations with Mr. Dee Gibbons have resulted in the purchase by Nibley City of the property where a barn and other historic amenities are included. The council discussed possible uses of the property. Mr. Anhder suggested the matter be included as a discussion item at a future meeting.

**Councilman Wells:** Mr. Wells asked about the securing of the dog pound. Mr. Anhder said yes, it is being secured. That was that!

**Councilman Larsen:** Mr. Larsen asked when the remaining seat on the P&Z Commission will be

filled? Mayor Knight said it probably won't take place until February. Councilman Larsen said he is still seeking volunteers to help with Heritage Days and with the Parks and Recreation program. Mr. Larsen said he is also wondering when certain projects on subdivision sidewalks, such as Tuscany, will be completed. He suggested developers be required to complete sidewalks at a certain time during the development process. Mr. Anhder said the developer cannot obtain a bond until the sidewalk is complete. Mr. Larsen said the fence along Clear Creek also needs to be installed. He asked that the city consider a way to help enforce conditions and requirements outlined in a Development Agreement.

In other matters, Ashbury Estates Phase II includes a "bulb" in a portion of the street. Mr. Larsen suggested the city consider making that road a private road in order to keep the city from having to worry about maintenance and snow removal in the "bulb" area. Mayor Knight asked the council to consider the suggestions with plans for further discussion when the request for Final Approval comes before the council

**Item 10: Adjourn**- Councilman Wells made a motion to adjourn. Councilman Harrison made a second to the motion which was approved unanimously.

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

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