

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING THURSDAY, November 2, 2006
The following motions were made during the meeting:

Motion 1: Councilman Bryan Hansen made a motion to approve a resolution to combine with Logan Transit District for a Countywide Transit District. Councilman Mickelson made a second to the motion which was approved by Councilmen Mickelson, Hansen, Harrison, and Wells. Councilman Larsen voted against the motion which was approved.

Motion 2: Councilman Mickelson made a motion to grant the appeal by Don Cooley for a Conditional Use Permit for an accessory building located at 3750 South 516 West. Councilman Hansen made a second to the motion.

Councilman Wells moved to Amend the original motion to include that buildings built on an easement will be removed at the homeowners expense if access to the easement is needed. Councilman Harrison made a second to the motion to amend. The motion passed unanimously.

Mayor Knight asked for a vote on the amended motion which now reads as a motion to grant the appeal by Don Cooley for a Conditional Use Permit for an accessory building located at 3750 South 516 West with the understanding that buildings built on an easement will be removed at the homeowners expense if access to the easement is needed. The motion passed unanimously.

Motion 3: Councilman Wells made a motion to approve a concept plan for Ashbury Estates Subdivision, Phase 2 located at approximately 600 West 3200 South. Councilman Hansen made a second to the motion. Councilman Scott Larsen voted against the motion to approve. Councilmen Wells, Hansen, Mickelson, and Harrison voted in favor of the motion which passed.

Motion 4: Councilman Wells made a motion to approve a request for preliminary approval of Property Division located at approximately 4150 South Hollow Road- dividing an approximate 6 acre lot into a 2 acre lot and a 4 acre lot. Councilman Larsen made a second to the motion which was approved unanimously.

Motion 5: Councilman Wells made a motion to approve a request for final approval of Property Division located at approximately 4150 South Hollow Road- dividing an approximate 6 acre lot into a 2 acre lot and a 4 acre lot. Councilman Larsen made a second to the motion which was approved unanimously.

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Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, November 2, 2006 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 Manger Larry Anhder and City Planner Conley Thompson were also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Mayor Knight introduced and welcomed Scout Leader Tim Poulsen and troop members Kasey Poulsen and Scott Adair.

Item 1: Review of evening's agenda and Minutes from the October 19, 2006 City Council meeting.

Councilman Scott Wells made a motion to approve the evening's agenda and the minutes from the October 19, 2006 City Council meeting with necessary changes. Councilman Thayne Mickelson made a second to the motion which was approved unanimously.

Item 2: Review and approval of Council Workshop Minutes. Councilman Scott Wells made a motion to approve the minutes from the October 19, 2006 Nibley City Council Workshop with necessary changes. Councilman Bryan Hansen made a second to the motion which was approved unanimously.

Item 3: Arthur Douglas, Candidate for Utah Senate from South Cache County. Mr. Douglas met before the council to present his platform for the upcoming election. Mr. Douglas gave the council members an opportunity to ask questions. Councilman Mickelson asked how cities can deal with pressure from the government regarding development? He expressed concern that local government is being diminished by laws. The need for an adequate water supply including the protection of "area of origin" was also an issue the council feels needs to be addressed by the state. Concluding Mr. Douglas's comments, Mayor Knight and the council thanked him for his introduction and review of issues.

Item 4: Cache Valley Transit District, Resolution to combine with Logan Transit District for a Countywide Transit District. Todd Buttler is the director of both the Logan and the Cache Valley transit districts. He told the council the transit district feels it is necessary to merge the countywide and Logan transit districts to help duplication of services and be more efficient. Mr. Buttler said the proposal is to annex the Logan district into the countywide system. He said this will make the program more efficient and will allow for additional federal money to help support the transit service. Mr. Buttler asked the council to consider approving a resolution to support the annexation of the Logan Transit District for a Countywide Transit District. Mayor Knight asked how the sales tax to help pay for the transportation service is be collected. Mr. Buttler said a one quarter of one percent sales tax is allotted from each city. Mayor Knight asked if the fact that Logan contributes more money through taxes is the reason for the majority of the board members being from Logan. Mr. Buttler said the board members are determined by the number of miles within a city being serviced by the transit district. Mayor Knight asked how the routing structure is determined. Mr. Buttler said in an effort to provide service to all cities in the county, the board and staff has to review what is most efficient. Councilman Larsen asked if there is a plan to add additional service to the county. Mr. Buttler said there are plans to purchase additional buses. In fact, he said there is a current need to have larger buses service the county because they are often times full to capacity.

Nathan Coates represents the company that services the two transportation districts. He said having two systems operate separately results in additional work that could be eliminated if the two districts were combined.

There was continued discussion about how the board members are selected. Councilman Larsen

said the resolution is not clear on who serves on the board. It was explained by Mr. Buttler that each city has a representative, but their votes are combined. Each city does not have an individual vote. There was discussion as to why each city is not being represented by a voting member on the board. Mr. Anhder suggested passing the resolution with a condition that the special service district for public transportation be required to present to the council a plan outlining how the board will be selected. Mayor Knight said he would also like to see each city involved have a voting representative serve on the board. Mr. Buttler said the state attorneys does not allow that based on the board members being representative of the miles serviced. He said the current members of the board represent a variety of interests and needs, not just those of Logan City. Councilman Larsen and Mr. Anhder said there should be language somewhere establishing board membership and how those members are selected. Mayor Knight suggested it might be necessary to postpone the vote on the resolution until the council can further review the proposal.

Councilman Mickelson asked how taxes from each city will be managed when the districts are combined. Mr. Buttler said Logan City currently maintains the books and then Mr. Buttler reviews the books. Mr. Buttler said the money is not used for anything other than a transit service.

Councilman Wells said he is also concerned about Logan City having more voting rights than the smaller cities. Mayor Knight asked if there is any way to adjust the statute to allow for additional representation by smaller cities. Mr. Buttler said the statute could be adjusted to reduce the required mileage for representation, which could result in as many as thirty board members, which he does not recommend. Mayor Knight agreed it would be difficult to go through the process of having all of the council's vote to change the statute/

Claye Leichty represents Nibley on the CVTD Board. He agrees with Mr. Buttler that combining district will provide better service to residents of Nibley and surrounding communities.

Councilman Bryan Hansen made a motion to approve a resolution to combine with Logan Transit District for a Countywide Transit District. Councilman Mickelson made a second to the motion which was approved by Councilmen Mickelson, Hansen, Harrison, and Wells. Councilman Larsen voted against the motion.

Item 5: Tyler Yorgason, Civil Science Consulting Engineers- Discussion regarding 3200 South reconstruction. Mr. Anhder introduced Mr. Yorgason to the council. Mr. Anhder explained to the council and the public the history of how the engineers were selected for the project. He reminded the council that although the UDOT is heavily involved in the process, it is a road improvement for residents in Nibley and governed by Nibley City. Mr. Anhder said it could be up to eleven months before studies and other engineering work is completed to the point that bidding for the actual construction work on the project can take place.

Mr. Anhder turned the time over to Mr. Yorgason to share information about his company and the work they do with municipalities. Mr. Yorgason said half of the work they do is for the UDOT but they are familiar with municipal projects. Councilman Hansen asked if there are plans by the firm to hold workshops to inform the public of the process and to accept public comments? Mr. Yorgason said there will be public hearings related to the environmental studies.

A Preliminary Design for the 3200 South project will be available for review by citizens during an informal open house. Councilman Wells suggested Mr. Yorgason contact the Cache County School District regarding plans for a junior high school along 3200 South. Councilman Mickelson also wondered if it is possible to incorporate free flowing water somewhere in the plan with the cooperation of the local irrigation companies. Councilman Wells said he wants the road to be safe and able to move traffic. Mr. Yorgason said there has not been a detailed look at what the project might cost, and that matter should be one of the first steps in the process.

Councilman Wells said he has questions about how the increase in traffic load will mesh with pedestrian traffic. He wants a safe street that will meet the community's need for walking and for vehicle traffic.

Councilman Hansen would like to see the aesthetics and identity of the area be something unique by incorporating a sign at the gateways initially with plans for making improvements and enhancements sometime in the future as funding permits.

Mayor Knight thanked Mr. Yorgason for his information and time spent meeting with the city council.

Item 6: Don Cooley- Appeal and Request for a Conditional Use Permit for an accessory building located at 3750 South 516 West, which was previously denied by the Planning and Zoning Commission. Mr. Anhder explained to the council that easements are located on most properties in the city. He suggested the council develop a policy that would allow for accessory buildings to be located on an easement with the understanding that the city has the right to require that easement for use of utilities if needed. Mr. Anhder said the possibility of the city or other utility provider actually requiring the use of the easement is unlikely.

Councilman Wells explained that Planning and Zoning cannot violate the ordinance which prohibits the construction of buildings on a utility easement. Mr. Anhder said that is why he is suggesting the council review the ordinance in order to allow for property owners to use their land. Councilman Wells said once the subdivision is established it may not be necessary to have the designated easements and in most cases the easements should be abandoned. Otherwise, he said it could become a problem if an accessory building is built on an easement and the owner moves and the new owners are required to remove the building for access to the easement.

Councilman Larsen said he could not find information stating there is a code prohibiting the building of an accessory building on an existing easement. He said if that is the case the council can take action on the appeal, otherwise he feels the council should follow the ordinance.

Councilman Mickelson made a motion to grant the appeal by Don Cooley for a Conditional Use Permit for an accessory building located at 3750 South 516 West. Councilman Hansen made a second to the motion.

Councilman Wells made a motion to Amend the original motion to include that buildings built on an easement will be removed at the homeowners expense if access to the easement is needed. Councilman Harrison made a second to the motion to amend. The motion passed unanimously.

Mayor Knight asked for a vote on the amended motion which now reads as a motion to grant the appeal by Don Cooley for a Conditional Use Permit for an accessory building located at 3750 South 516 West with the understanding that buildings built on an easement will be removed at the homeowners expense if access to the easement is needed. The motion passed unanimously.

Item 7: Rod Elwood was not able to meet with council.

Item 8: Consideration of Ordinance 6-12 Amending the Nibley City Code Concerning Door-to-Door solicitation. Mr. Anhder explained to the council that the ordinance is drafted after the ordinance approved by the ULCT and the Kirby Vacuum Company. Councilman Larsen said Kirby drafted the ordinance. He said he has talked with attorney's from cities involved in a legal suit with Kirby which included the passage of the ordinance as part of the settlement. Mr. Larsen said he has been told by several city representatives that the ordinance should be tightened and recommended Nibley City not pass the proposed ordinance. Councilman Larsen gave some background as to what led to the settlement. Councilman Larsen said bonding and fingerprinting requirements are not included in our city ordinance which he said were some of the requirements that led to the suite by Kirby. Councilman Larsen recommended Nibley City require an FBI background check to cover solicitors from outside of Utah. He said he feels the city can refine the city's existing ordinance rather than pass the one before the council. Mr. Anhder agrees the current Nibley City Ordinance is better, more simple and meets the city's needs. He offered to review the current ordinance with Councilman Larsen and present recommendations.

Councilman Wells said he wants to make certain the ordinance requires a license to help ensure safety, respect of those who have posted for no solicitation, and a way for the city to acquiring sales tax from the door-to-door sales.

The council asked Mr. Anhder to review the current ordinance and make recommendations and possibly incorporate Councilman Larsen's and Councilman Well's suggestions.

Item 9: City Manager's Report- Mr. Anhder suggested a change to the dog licensing procedure to include a yearly invoice charge to dog owners with a notification that rabies shots are due. This will eliminate dog owners from having to come to the office to pick up a tag and make payment. New dog tags will not be issued each year, rather the same tag and number will be used year after year. The council is concerned the numbers on the tags will wear off if the tags are not reissued at least every three years. Mr. Anhder said that is matter that needs to be addressed. Councilman Wells suggested having a microchip placed in the dogs. Mr. Anhder said he would continue a review of possible ways to streamline the dog licensing procedure.

Item 10: Concept Plan for Ashbury Estates Subdivision, Phase 2, located at approximately 600 West 3200 South. Brandon Ames met before the council to present a new concept draft which includes changes from the plan approved by the commission. The changes provide for conforming lots. Mayor Knight asked for a motion.

Councilman Wells made a motion to approve a concept plan for Ashbury Estates Subdivision, Phase 2 located at approximately 600 West 3200 South. Councilman Hansen made a second to the motion.

During discussion Councilman Mickelson asked about the irrigation canal running through the subdivision. Mr. Ames said he will meet with the irrigation company prior to preliminary approval and resolve any irrigation issues. Mr. Ames said he met with Mr. Ropeluto yesterday to discuss irrigation ditches on the property. The council also asked Mr. Ames to have the access on Lot #16 lead onto 620 West rather than 3200 South, with the driveway as far south as possible. Mr. Anhder said the drive way provision needs to be included as a condition of sale on the lot.

Councilman Larsen said he does not like a portion of the design with a turn out along 620 West. He is concerned it will not be snow plowed. He said in his opinion it is just an example of a developer trying to get as many lots as they can by pushing the road out for frontage.

Mayor Knight asked for a vote on the motion to approve a concept plan for Ashbury Estates Subdivision, Phase 2 located at approximately 600 West 3200 South. Councilman Scott Larsen voted against the motion to approve. Councilmen Wells, Hansen, Mickelson, and Harrison voted in favor of the motion which passed.

Item 11: Mr. Keith Yorgason- Request for preliminary approval of Property Division located at approximately 4150 South Hollow Road- dividing an approximate 6 acre lot into a 2 acre lot and a 4 acre lot. Councilman Wells outlined action on the request by Planning and Zoning which included several stipulations. Mr. Anhder suggested the council approve the request without requiring planning and zoning stipulations. With a simple division of property Mr. Anhder said there is no reason to require additional information on the plat map or need for utility easements unless the subdivision is going to be developed. However, Councilman Larsen said the ordinance treats this like a subdivision and would require the stipulations outlined by planning and zoning. Mayor Knight understood the state requires conforming lots and other typical subdivision matters be addressed. Mr. Anhder agreed that the lots should be conforming. After further discussion it was decided the property is not being developed by Mr. Yorgason, and therefore he should not be required to meet the subdivision development requirements.

Councilman Wells made a motion to approve a request for preliminary approval of Property Division located at approximately 4150 South Hollow Road- dividing an approximate 6 acre lot into a 2 acre lot and a 4 acre lot. Councilman Larsen made a second to the motion which was approved unanimously.

Councilman Wells made a motion to approve a request for final approval of Property Division located at approximately 4150 South Hollow Road- dividing an approximate 6 acre lot into a 2 acre lot and a 4 acre lot. Councilman Larsen made a second to the motion which was approved unanimously.

Item 12: Consideration of Ordinance 6-12 Amending approved activities in Drinking Water Source Protection Zone. Mr. Anhder outlined changes to the ordinance. No action was taken on the request pending further updates to the ordinances.

Item 13: Review of the 3rd quarter financial statement. Mr. Anhder explained that expenditures and income to the city are as they should be at this point in the fiscal year.

Item 14: Planning and Zoning Commission's Report- Councilman Wells outlined action by the commission at their last meeting. He told the council that a local preschool, "Little Wonders", made a request to install lights in their parking lot. Mr. Thompson said he met with individuals making the request prior to the meeting and informed them of what design standards should be met when making their request. Councilman Wells said he is concerned the discussion was too long and too imposing when it comes to requiring standards for a commercial development. He felt the city became too involved in trying to tell the business owner what to do rather than simply outlining the requirements. Councilman Wells asked that in the future related discussions be simplified to include what the requirements are and nothing further. Mr. Wells did say he agreed with the request to have them meet the design standards for lighting, including ways to protect the sky night light.

Item 15: City Council Reports-

Councilman Mickelson- Mr. Mickelson met with Hal Fronk to outline concerns by residents along Hollow Road regarding the Blacksmith Fork Subdivision. He said a lot of the concerns are justified but there are some concerns that are a result of misinformation. He will be meeting with Mr. Fronk and concerned neighbors on November 11th for a neighborhood meeting to address concerns and provide information.

Councilman Hansen- Mr. Hansen asked for recommendations for someone from Nibley to serve on the the Library Board. It was suggested the need for a representative on the board be included in the city news letter.

Councilman Harrison- Mr. Harrison asked if the city has ever considered operating a it's own power company. Mr. Anhder said that he and Mayor Knight are considering the possibility gathering information on the matter.

Councilman Wells- Councilman Wells mentioned his annual ride with the Sheriff's Deputy on Halloween night. He said the majority of problems were seen along 250 West. He said the Sheriff's department did mention a concern for emergency access on 800 West due to islands in the middle of the road. Councilman Wells was also informed by the deputy that it is illegal for residents to walk in the road when sidewalks are available. The department is also wondering how seriously the city wants them to enforce 4-wheeling usage along city streets in Nibley. Councilman Wells said there is also an option to have Nibley City request a dedicated reservist for special occasions.

Councilman Larsen- Mr. Larsen said he has received recommendations for the naming of the new park. He will present those ideas at a future meeting. He said work on the park is progressing.

Mayor Knight- Mayor Knight suggested that each council member bring in their own shirt to have a logo embroidered. But, the council asked the mayor to select a shirt of his choice...as long as it is a silk polo, with long sleeves, dark blue, taupe, with pen holder, cargo pockets and a partridge in a pear tree.

Item 16: Mayor Knight asked for a motion to move into executive session. **Scott Larsen made a motion to move into executive session at 9:15 p.m.. Councilman Hansen made a second to the motion which was approved unanimously.**

