

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING THURSDAY, December 21, 2006
The following motions were made during the meeting:

Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, December 21, 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 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 Hansen made a motion to approve Ordinance 06-14 changing the method in which water and sewer impact fees are calculated. Councilman Harrison made a second to the motion. The motion was approved unanimously.

Motion #2: Councilman Hansen made a motion to remove from the table a motion made by Councilman Scott Larsen regarding a request for preliminary approval of Ashbury Subdivision Phase II at approximately 600 West 3200 South during the December 7, 2006 Nibley City Council meeting. Councilman Wells made a second to the motion which was approved unanimously.

Motion #3: Councilman Hansen made a motion to allow preliminary approval of Phase 2 of Ashbury Subdivision located at approximately 600 West 3200 South. Councilman Scott Wells made a second to the motion. The motion passed with Councilmen Wells, Hansen, and Harrison voting in favor and Councilmen Larsen and Thayne opposing the amendment.

Motion #4: Councilman Wells made a motion to approve the appointment of Marina Heidt to a five year term as a member of the Nibley City Planning and Zoning Commission. Councilman Hansen made a second to the motion which was approved unanimously.

Motion #5: Councilman Scott Wells made a motion to approve the appointment of Kathy Miller as the Nibley Representative to the Hyrum Library Board. Councilman Hansen made a second to the motion which was approved unanimously.

Motion #6: Councilman Mickelson made a motion for Nibley City to contract with Cooper Roberts Simonsen Associates to consult with Nibley City to begin work on an updated general plan. Councilman Wells made a second to the motion which was approved unanimously.

Motion #7: Councilman Scott Wells made a motion to approve an additional full time equivalent Clerical Position. Councilman Hansen made a second to the motion. The motion passed with Councilmen Mickelson, Hansen, Harrison, and Wells voting in favor and Councilman Larsen abstaining from the vote.

Motion #8: Councilman Wells made a motion to authorize Mayor Knight to negotiate the purchase of property A as outlined in Executive Session discussion. Councilman Hansen made a second to the motion which was approved unanimously.

Motion #9: Jay Harrison made a motion to authorize Mayor Knight to negotiate and purchase property B as outlined in Executive Session discussion. Councilman Wells made a second to the motion which was approved unanimously.

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Mayor Knight called the Thursday, December 21, 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 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 minutes and evening's agenda. Councilman Mickelson asked that the minutes be discussed later in the meeting when all members of the council are in attendance. Mayor Knight agreed and called for a motion to approve the evening's agenda. **Scott Wells made a motion to approve the evening's agenda with Jay Harrison making a second to the motion which was approved unanimously by those in attendance. Scott Larsen and Bryan Hansen were not in attendance for the vote.**

8:00 p.m. Councilman Larsen made a motion to approve the minutes with outlined changes. Councilman Wells made a second to the motion which was approved unanimously.

Item 2: Senator Peter Knudson- Mayor Knight introduced the senator to the council. Senator Knudson told the council that the Utah State Legislature will deal with tax cuts in the upcoming legislative session. He said transportation infrastructure needs will also be addressed as will efforts to improve the state's education system. The senator said the state does have excused funds that will be managed to benefit the state, including possible increases for higher education. Councilman Wells asked how the flat tax proposal will impact Utah tax payers. Senator Knudson said a tax package that includes a flat tax will attract businesses to Utah to help improve economic development. There was discussion about the Legacy Highway. Senator Knudson said the highway should be completed in 2008. City Manager Larry Anhder presented to the senator items of interest to Utah cities, including the Land Use Development Act. Mr. Anhder suggested the senator urge other members of the legislature to slow down on changes to the act. Sales Tax Redistribution is an issues that needs to be reviewed according to Mayor Knight who said interests of cities like Nibley that are in the process of developing, need to be considered. Senator Knudson said there is not a lot of support by the senate for the redistribution of sales tax money. Mr. Anhder said he is also aware of a projected six billion dollars for transportation needs in the state of Utah over the next ten years. He encouraged lawmakers to deal with the transportation issues now and not wait until the problem increases. Senator Knudson thanked the council and mayor for their comments and suggestions. Mayor Knight thanked the senator who then took leave of the meeting.

Item 3: Presentation of the Annual Audit, Fred Burr of Wiggins & Company- Mr. Burr made a review of Nibley City's 2005-2006 fiscal year financial activities as found during a recent audit. A full 2005-2006 fiscal year financial report for Nibley City is available for public review at the Nibley City Office during regular office hours. During his review he commended the city for their management of funds and city financial planning. A review of impact fees and the fees being charged to operate the city sewer system indicate the city needs to charge higher rates for sewer services. Mr. Anhder said in order to cover the bond payments, the city should charge an additional five dollars a month per resident/household for sewer services. Mr. Anhder said there is no hurry to pay the bonds early, because the bond is interest free, however the city should work to recover the costs of the system in order to avoid financial shortfall in the future. Mr. Burr did make recommendations to the city to help improve the management of Nibley City's financial records. In his management report, Mr. Burr sighted insignificant concerns that can be addressed if the report is reviewed regularly and suggestions followed to improve the management of the fiscal records. Mr. Burr did recommend that additional staff in the office would benefit the city as far as maintaining accurate records. The mayor and council thanked Mr. Burr for his report.

Item 4: Public Hearing to receive comments concerning changing the method in which water and sewer impact fees are calculated.

Mayor Knight asked for a motion to open the public hearing.

Councilman Hansen made a motion to open a public hearing to receive comments concerning changing the method in which water and sewer impact fees are calculated. Councilman Mickelson made a second to the motion which was approved unanimously.

Mayor Knight opened the public hearing at 7:05 p.m. Mr. Anhder explained that the ordinance will have an impact on commercial development more than residential development. He recommends a change to the ordinance to help alleviate confusion over what to charge for nonresidential water and sewer impact fees. He said the fee will be based on the size of the municipal water meter and the waste water meter size if the ordinance is approved. Mr. Anhder said this seems to be a more fair means of charging water and sewer impact fees. Mayor Knight asked for comments from the public. Seeing none he called for a motion to close the public hearing.

Councilman Scott Larsen made a motion to close the public hearing at 7:20 p.m.. Councilman Wells made a second to the motion which was approved unanimously.

Item 5: Consideration of Ordinance 06-14 changing the method in which water and sewer impact fees are calculated. Mayor Knight called for a motion.

Councilman Hansen made a motion to approve Ordinance 06-14 changing the method in which water and sewer impact fees are calculated. Councilman Harrison made a second to the motion.

During discussion Councilman Larsen said he was concerned that it may be necessary to address the potential for residents to run a larger line to their homes. Mr. Larsen said residents who request a larger meter should also be charged more for the potential increase of water use. Mr. Anhder said an increased charge for residents who need a two inch line in order to obtain the same amount of water used by residents who use a one inch line does not seem appropriate. Councilman Larsen said a review of the ordinance shows a section that allows for adjustments to be made if deemed necessary.

Mayor Knight called for a vote on the motion by Councilman Hansen **to approve Ordinance 06-14 changing the method in which water and sewer impact fees are calculated. Councilman Harrison made a second to the motion. The motion was approved unanimously.**

Item 6: Preliminary Approval of Phase 2 of Ashbury Subdivision located at approximately 600 West 3200 South. Project developers presented to the council and mayor a plan outlining a "bulb" on a section of road on the west side of the access road leading off of 3200 South. Councilman Hansen said a review of the proposed road design for a one hundred foot section of road is not appealing. Councilman Larsen does not like the idea of what appears to be a private driveway for two houses with what some describe as an island between that public road and the city through street. Councilman Hansen said the island could cause traffic confusion. Councilman Mickelson asks why the city does not require the developer to follow the standard rule and require them to lose one lot in order to comply with the setback requirements. Mayor Knight encouraged the council to consider working with the developer to meet their needs while at the same time providing a unique traffic pattern for this particular development. Mayor Knight said he liked the idea of moving away from what he says can sometimes be a "cookie cutter" subdivision. Councilman Wells said he has seen other cities that benefit from allowing subdivisions to have this type of "bulb" in their development. He does not see this plan as being a hazard to children living along that road, nor will it cause traffic confusion. Councilman Wells said he would like to see the city allow the project. City Planner Conley Thompson said the plan could reduce the the speed of traffic along 600 West. Councilman Mickelson said he is concerned about problems with traffic flow and suggested the city consider taking steps to determine if the city is helping create a law enforcement problem should there be a traffic accident. Councilman Larsen asked for comments as to how this type of road plan

will benefit the city. Councilman Hansen said he can see the road design could have some benefits, however he simply does not like the design.

Councilman Hansen made a motion to remove from the table a motion made by **Councilman Scott Larsen regarding a request for preliminary approval of Ashbury Subdivision Phase II at approximately 600 West 3200 South** during the December 7, 2006 Nibley City Council meeting. Councilman Wells made a second to the motion which was approved unanimously.

Councilman Hansen made a motion to allow preliminary approval of **Phase 2 of Ashbury Subdivision located at approximately 600 West 3200 South**. **Councilman Scott Wells made a second to the motion. The motion passed with Councilmen Wells, Hansen, and Harrison voting in favor and Councilmen Larsen and Thayne opposing the amendment.**

Item 7: Appointment of new Planning and Zoning Commission members. Mayor Knight presented to the council the name of Marina Heidt to serve a five year appointment to the Planning and Zoning Commission with plans to continue advertising an additional appointment. Mayor Knight asked Mr. Thompson to contact Mrs. Heidt to provide preliminary training prior to her meeting with the commission beginning in January.

Councilman Wells made a motion to approve the appointment of Marina Heidt to a five year term as a member of the Nibley City Planning and Zoning Commission. Councilman Hansen made a second to the motion which was approved unanimously.

Item 8: Appointment of Nibley Representative to the Hyrum Library Board. Mayor Knight recommended to the council the name of Kathy Miller to serve as the Nibley representative to the Hyrum Library Board.

Councilman Scott Wells made a motion to approve the appointment of Kathy Miller as the Nibley Representative to the Hyrum Library Board. Councilman Hansen made a second to the motion which was approved unanimously.

Item 9: Selection of a Planning Consultant to update the Nibley City General Plan. Councilman Wells presented to the council an outline of a committee meeting held to help select a consultant. He said there were three presentations including the firms of Cache Landmark, Landmark Design, and Cooper Roberts Simonsen Associates. Councilman Wells said the committee is recommending the city work with Cooper Roberts Simonsen Associates to help update the Nibley City General Plan. Councilman Mickelson said the council needs to continue working with the consultant to make updates to the general plan. Councilman Hansen there needs to be a consistent effort to involve the public and advertise opportunities to participate in the process. Mayor Knight asked for a motion on the recommendation for a planning consultant.

During discussion councilman Larsen requested the city take the necessary time to adequately inform the citizens to allow for input throughout the process. He suggested the city encourage residents to attend meetings where the plan is being discussed so that issues can be addressed prior to an official public review of a proposed update. Mayor Knight added the need to have the council and planning commission become familiar with the existing general plan for the city. Councilman Hansen suggested dividing the city into districts and inviting those district to select a representative to attend the meetings where the plan will be discussed. Mayor Knight said he liked the idea of sending personal invitations to be sent to those who might be interested in attending the meetings where the general plan could be discussed. Mayor Knight asked members of the council to bring at least one name to the next council meeting of someone who could be contacted to let them know when the process will begin. Councilman Hansen said he would be responsible for having advertising banners made and placed throughout the city.

Councilman Mickelson made a motion for Nibley City to contract with Cooper Roberts Simonsen Associates to consult with Nibley City to begin work on an updated general plan. Councilman Wells made a second to the motion which was approved unanimously.

Item 10: Discussion of 1 full time equivalent Clerical Position. Mr. Anhder outlined to the mayor and council the need to have additional staff to assist in Nibley City business. He suggested the city consider hiring two part time staff. Mr. Anhder reviewed the duties of what could be a half day employee to help with building permits and assist in answering phone calls and addressing public needs. Accounting and book keeping responsibilities could be handled by another part time employee. Housing the employees is something that could be a challenge considering the limited office space available. Mr. Anhder said a petition will be placed in the front office to help separate the front. He said he will discuss at a later meeting possible ideas for future plans to help meet the need for additional office space. Councilman Larsen asked why the city was planning to hire two part time employees instead of one full time employee. Mr. Anhder said it will save the city money when it comes to benefit requirements for full time staff. He said it will also open up opportunities for employees interested in being home for school children in the afternoon.

Councilman Scott Wells made a motion to approve an additional full time equivalent Clerical Position. Councilman Hansen made a second to the motion. The motion passed with Councilmen Mickelson, Hansen, Harrison, and Wells voting in favor and Councilman Larsen abstaining from the vote.

Item 11: Planning and Zoning Commission's Report- Mr. Thompson presented to the council a report of the planning and zoning commission meeting. The commission met with developers of the Spring Creek Crossing project. Mr. Thompson outlined the commission's concern about parking of oversized vehicles within the development. Mr. Thompson said the commission also was concerned about the need to provide sidewalks that include additional safety features for those with disabilities. These and other matters will be addressed throughout the subdivision process.

Item 12: City Council Reports

Councilman Larsen- Mr. Larsen told Councilman Harrison that his article in the recent city newsletter was very well done and he appreciated his comments. In other business, Councilman Larsen requested a hard copy of the information needed to prepare for upcoming city council meetings. Mr. Larsen said he is willing to come in earlier to pick up the packet if it can be prepared prior to the weekend. Mr. Anhder said he will prepare and provide the packets the Friday prior to the next meeting if that is the desire of the council.

Mr. Larsen asked for an update on the garbage collection services program. Mr. Anhder said the city is still trying to address the matter with Logan City to obtain access to the landfill. Mayor Knight met with the Cache County Council to address issues of concern by Nibley City. Mr. Anhder said Cache Trash is still awaiting the results of discussions and efforts to obtain access to the landfill. Mr. Larsen said he is also concerned about recent media reports that Logan City is working to contract with Box Elder County to dump refuse at their site. Mr. Anhder said Mayor Knight has encouraged the county council to be the entity to deal with issues related to the landfill, not Logan City. Mr. Larsen said tip fee matters are also something that need to be further researched.

Councilman Wells- Mr. Wells requested the city take necessary measures to better secure the city dog pound. He mentioned a situation where a dog owner was able to come to the pound located behind the building and simply released their dog that had been picked up.

Councilman Wells said the city needs to advertise what residents should do in various cases of emergency, such as a dog incident, a water break, or other problems. Mr. Anhder said he will make sure emergency contact information is included in the newsletter. He said the numbers and process of contacting someone in an emergency situation will be included in future newsletters.

Councilman Harrison- Mr. Harrison mentioned the city has placed a notice on doors of homes located along 3200 South informing them about upcoming work on the road. He has had residents contact him about the notice, which he added has been a good thing.

Councilman Hansen- Mr. Hansen told the council that the Nibley City Christmas Celebration held December 9, 2007 at the Little Wonders Preschool was well attended. He said there were approximately 175 kids and 50 parents in attendance. Mayor Knight and the council thanked Mr.

Hansen for the activity. Mr. Anhder said there has been positive comments about the activity heard by employees of the city. Mr. Hansen said he would like to see Nibley City sponsor the event next year.

Councilman Mickelson- Mr. Mickelson asked where the city is as far as any matters of litigation. Mr. Anhder said there is no pending litigation. Mr. Mickelson thanked Mr. Anhder for his help with an article he has prepared for the city newsletter. Mr. Mickelson reminded the council that the yearly irrigation meeting will be held next month. He wondered if the city had any matters that need to be discussed prior to the meeting. Mr. Anhder said in order for the city to better work with the irrigation company there needs to be a change in members of the irrigation board. Mr. Mickelson suggested it might be helpful to outline a policy regarding what Nibley City is willing to do when it comes to supporting the irrigation company and canals. Mayor Knight said the city has made an effort to work with the irrigation company. The council agreed there needs to be some type of agreement to help manage the canals. Councilman Mickelson suggested a plan outlining what the city is willing to do to support the company or what services can be provided by the city based on a fee. Mayor Knight said the city has approached members of the board to present ideas to help manage the problems, including an offer to take full responsibility of the canals and the irrigation company, which was not an accepted option by members of the irrigation company. Councilman Wells agreed that there needs to be a change in members of the board in hopes of negotiating an agreeable resolution. Mayor Knight would like to meet with current board members the first part of January to help hammer out some type of agreement prior to the upcoming board meeting. Councilman Wells asked why Nibley City does not have a representative on the board, since the city is the third largest shareholder. Mayor Knight said the city needs to follow the rules of representation and work to have someone elected to the board that will allow for the city's positions to be considered.

Item 13: City Manager's Report- Mr. Anhder discussed the purchase of pipe for future projects now that the price has come down again to about \$20.00 a foot. The council agreed this would be a good idea and supported the purchase. The city advertised the sale of the old city dump truck. In a sealed bid Mr. Anhder said the highest bid for the truck was \$378.00. The council agreed to the sale.

Mr. Anhder asked if the council is receiving his email notices. Councilman Larsen said he does not know if he is not receiving them and that because he is not receiving them he cannot respond as to whether or not he is receiving them!

Item 14: Executive Session to discuss the purchase of real property. Councilman Hansen made a motion to go into executive session. Councilman Harrison made a second to the motion which was approved unanimously.

Item 15: Councilman Wells made a motion to close the Executive Session and move back into the regular agenda. Councilman Hansen made a second to the motion which was approved unanimously.

Item 16: Possible Purchase of Property by Nibley City as outlined during Executive Session discussion. Councilman Wells made a motion to authorize Mayor Knight to negotiate the purchase of property A as outlined in Executive Session discussion. Councilman Hansen made a second to the motion which was approved unanimously.

Item 17: Possible Purchase of Property by Nibley City: Jay Harrison made a motion to authorize Mayor Knight to negotiate and purchase property B as outlined in Executive Session discussion. Councilman Wells made a second to the motion which was approved unanimously.

Item 18: Adjourn- Councilman Wells made a motion to adjourn. Councilman Mickelson made a second to the motion which was approved unanimously. The meeting adjourned at 10:05 p.m.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder

