

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING THURSDAY, February 1, 2007
The following motions were made during the meeting

Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, February 1, 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 Hansen made a motion to approve Acceptance of Annexation Petition for approximately 35 acres south of 3200 South between 1200 and 1500 West. Councilman Wells made a second to the motion. The motion passes with Councilman Mickelson and Councilman Larsen voting against the motion.

Motion #2: Councilman Wells made a motion to approve the Consulting Agreement with Cooper Roberts Simonsen Architecture for review and update of the general plan. Councilman Hansen made a second to the motion which was approved unanimously.

Motion #3: Councilman Wells made a motion to approve Resolution 07-02 Amending the 2007 Budget. Councilman Harrison made a second to the motion which was approved unanimously.

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Item 1: Minutes and Agenda- Councilman Scott Larsen made a motion to approve the evening's agenda and previous minutes with necessary changes. Councilman Hansen made a second to the motion which was approved unanimously.

Item 2: Cooper, Roberts, Simonsen Architecture: Preliminary discussion about review of Nibley City General Plan. Soren Simonsen made the presentation before the council. He gave an overview of the process that will take place over the next six months to revise the city's general plan. Public scoping meetings and other community involved workshops for planning will take place as part of the process according to Mr. Simonsen who said there will also be public hearings scheduled prior to approval of the plan. The first meeting has been scheduled for February 23-24 with plans to meet with the advisory team and on Saturday at 9:00 a public meeting has been scheduled where those in attendance will have the opportunity to share their thoughts and ideas about what Nibley City should include in a general plan. Mr. Simonsen said there are several aspects that need to be considered when developing a plan, including public safety which includes ways to improve air quality. Trails, public parks, and transportation systems should also be explored as part of the process. Mr. Simonsen said ways to implement unused resources such as waterways and open space are among the elements that will be explored. Following his presentation Mr. Simonsen thanked the Mayor and council for the opportunity of working with the city to update and revise the general plan. Time was given to address questions. Most of the questions related to the upcoming Public Scoping Agenda for February 23-24. Councilman Mickelson suggested it might be helpful to have time for members of

the council to meet with the consultants individually to address concerns that have been mentioned by citizens who are not interested in participating in the process but would like the council to represent their interests. Mr. Simonsen said there would be opportunity for the sharing of information from all sources, including those given by residents to members of the council. Mayor Knight thanked Mr. Simonsen for his presentation and said he is looking forward to moving ahead on the project.

Item 3: Acceptance of Annexation Petition for approximately 35 acres south of 3200 South between 1200 and 1500 West. Steve Edwards of MV Developments met before the commission to represent the land owner making the request. Mr. Anhder explained that at this time they are dealing with a request to begin the annexation petition process. Councilman Wells asked Mr. Edwards why there is interest in annexing of the property into Nibley City. Mr. Edwards said there is a continued need for homes in the valley. He said the plan would include homes in the \$200,000-\$250,000 price range. Homes in the development would be on 1/3 acre lots. Mr. Edwards said he is interested in learning what Nibley City would like to see in a development. Mr. Anhder said there has been some discussion of land swapping between the developer and the city to allow for better use of nearby property for a possible park and to improve the layout of the housing development. Councilman Larsen said the city does not have a plan that clearly outlines what land use is appropriate for the area. Mr. Larsen suggested it might be better to wait until the general plan is updated before allowing the annexation of property in order for the land use to be identified. Mr. Anhder asked if there was any reason to suppose the land would not be zoned R-2A. He said the plan fits the R-2A zone. Councilman Harrison said it fits with nearby subdivisions in the area, which have been zoned to allow for 1/3 acre lots. Councilman Larsen said there is the possibility the general plan could require larger lots in that area of the city. Mayor Knight called for a vote on the motion.

Councilman Hansen made a motion to approve Acceptance of Annexation Petition for approximately 35 acres south of 3200 South between 1200 and 1500 West. Councilman Wells made a second to the motion.

During discussion on the motion Councilman Mickelson asked Councilman Larsen to further explain his reasoning for wanting to wait to allow for the annexation petition to be processed. Councilman Larsen said he did not feel it was something that should take place until after it has been decided what should allowed based on the updated general plan. Mayor Knight called for a vote on the motion.

The motion passes with Councilman Mickelson and Councilman Larsen voting against the motion.

Item 4: Approval of Consulting Agreement with Cooper Roberts Simonsen Architecture for review and update of the general plan. Councilman Wells made a motion to approve the Consulting Agreement with Cooper Roberts Simonsen Architecture for review and update of the general plan. Councilman Hansen made a second to the motion which was approved unanimously.

Item 5: 7:00 p.m. Public Hearing to consider changes in the 2007 Nibley City Budget. Mayor Knight called the public hearing to order at 7:06 p.m.. Councilman Wells made a motion to open the public hearing with Councilman Mickelson making a second to the motion which was approved unanimously. Mayor Knight asked Mr. Anhder to explain the request for changes to the budget. Mr. Anhder explained that \$400,000.00 will be transferred to the General fund and an additional \$400,000.00 transferred to the Capital Improvements fund. He said the money will be used to budget and authorize the purchase of 13 acres of property on 1200 West and property along 800 West near the Elkhorn Subdivision and for 1200 West road work. Councilman Mickelson asked why the request includes additional funds for legal work. Mr. Anhder said it is difficult to predict when that money might be needed and that a large portion of the money allocated for this year for legal expenses has already been spent. Councilman Larsen asked about the need for the increase to fund animal control. Mr. Anhder said that additional money will be used to help pay the contract with the county for animal control services. Councilman Wells suggested money from fines to dog owners should cover the cost of patrolling. Mr. Anhder said so far that has not been the case and the city is having to subsidize the service.

Item 6: Consideration of Resolution 07-02 Amending the 2007 Budget. Councilman Wells made a motion to approve Resolution 07-02 Amending the 2007 Budget. Councilman Harrison made a second to the motion which was approved unanimously.

A shortage of funds for the sewer system is an issue that needs to be addressed according to Councilman Wells who said since the city reduced the sewer rates there are not enough funds to maintain the system. Mr. Anhder asked when the council wants to make the increase. Councilman Wells said it might be a good idea to make the increase now and asked Mr. Anhder for his recommendation about what increase would be needed to cover the costs. Mr. Anhder said the city could bring in an extra \$60,000 a year if rates were to be increased by \$5.00 a month which he said would cover the costs of the existing sewer system. Mr. Anhder said there is still the possibility that it might make sense for the city to consider a sewer processing plant. Councilman Larsen said in that case the city might want to wait until the feasibility of such a facility is determined. Mr. Anhder agreed and said impact fees are helping to cover the costs now, but that might not be the case much longer. And, he said, the city has to use the impact fees before additional revenue is used.

Mayor Knight said it has been suggested Nibley City approve small increases every other year instead of large increases every year. Mayor Knight said whatever the decision the city will have to update the sewer system to meet difficult state standards. Mayor Knight said it might be a good idea to bank roll money now for the sewer facility and to increase impact fees and rates to help cover the cost of the plant. Mr. Anhder said it might make sense to use the current impact fees to cover current costs for the sewer system, with a rate increase to be made with the intention of setting that money aside to pay for future sewer needs, such as a possible sewer plant. Councilman Wells said he would like to limit the rates and do what is necessary to keep them as low as possible for as long as possible. Mr. Anhder said it will cost the city up to 400 million dollars to participate in a facility to serve the city's sewer needs, which he says will have to happen eventually.

Mr. Anhder suggested a joint meeting be held between the cities of Nibley, Millville, and Providence to review options for sewer facilities in this region before making a rate increase. Mayor Knight and the council agreed.

Item 7: Appointment of new member to Planning Commission. Mayor Knight said it will be the next meeting before the appointment will be announced.

Item 8: Discussion of the concept of requiring minimum house size requirements as part of the Nibley City Land Use Ordinance. Mr. Anhder said he has researched the possibility of making housing requirements in Nibley City. He has been told that it is legal to require housing standards, but there were sentiment that it might not be very moral. It has been suggested that a provision regarding multi family housing be included in the city's housing plan. It has also been suggested that other housing issues related to affordable housing be addressed. Mr. Anhder said by establishing standards it helps create value and without such housing requirements the city might find homes without adequate siding, porches, and other quality features. Councilman Harrison and Councilman Mickelson said they do not feel the city should tell people what type of home they should have if they want to live in Nibley. Councilman Harrison said having higher standards for homes will result in larger homes that are not necessarily well built. Councilman Larsen agreed that the city needs to have affordable homes available. Mr. Anhder said Nibley has been lucky that developers have wanted to build homes to attract buyers that want quality built homes. Having that type of home helps a community socially and in other ways. Councilman Hansen said the city needs to determine zones where a larger density development would be appropriate. Councilman Harrison said the city needs to have diversity. Mayor Knight said he has heard both sides of the issue from residents regarding the need to have areas where multi family dwellings should be located and where rental units are available. Mayor Knight said by having a housing standard the city will have more control over the quality of all types of housing. Councilman Larsen said the city should not tell home owners what color their home should be or that they have to use a certain type of material. There was discussion about manufactured homes. Mr. Anhder said the state does not allow the city to prevent manufactured homes from locating in the city and that there are such homes in the city. He said the city does require the manufactured home be placed on a permanent foundation. Councilman Wells

said he is also opposed to an ordinance that requires housing size. Councilman Mickelson said families need to be able to build a smaller home with the option of making improvements as they can afford improvements. He said minimum housing standards prevent that from happening. Councilman Harrison feels a minimum house size requirement is discriminatory. Mayor Knight said as elected representatives council members need to consider what residents living here now would want. Councilman Hansen said the city needs a plan that respects the current home owner who is trying to protect the value of their home, while at the same time meeting the needs of future homeowners. He said the market will determine what type of homes a developer will build in Nibley. Councilman Wells said the cost of property will keep developers from being able to build homes that don't appeal to individuals who can afford a nice home. However, he does not see there is problem that needs to be resolved and that the city should not dictate a home must be a certain size. He said it is possible to build a smaller home that is a quality product.

Mayor Knight said he appreciates getting a better feel for what the council would support or would not support in regards to a concept of requiring minimum house size requirements as part of the Nibley City Land Use Ordinance.

Item 9: Discussion of the Nibley City Mission Statement. Mayor Knight asked for the council to share their comments about a proposed mission statement. Councilman Mickelson said he would like to see the statement include something that indicates the city encourages and promotes quality life activities, such as participation in sporting activities and community recreation. Mayor Knight asked for further ideas to be included in the mission statement be submitted and reviewed at the next meeting. Mr. Anhder encouraged the council to limit the definitions of how to meet the goals, or mission, and to use the general plan to help outline ways to fulfill the mission. Councilman Hansen said the mission statement could also include mention that the general plan should be the resource for helping meet those goals. Mr. Anhder said his understanding of a mission statement is that it should be short and simple, with a basic outline of the values the city would like to provide. Councilman Wells said the city needs to provide for the safety, welfare, and health of a community without crossing the line by providing more than is necessary.

Brian Anderson asked to address the council as a member of the community and suggested the city not spend too much time on the statement, which is normally short and something that can be easily remembered and understood. Mayor Knight thanked Mr. Anderson and again asked the council to bring their ideas for a simple mission statement to be reviewed at the next meeting. Mayor Knight said the statement should include what is the responsibility of the council to Nibley citizens.

Item 10: City Council Reports

Councilman Mickelson: During council reports Councilman Mickelson asked how the city determines to whom and under what circumstances they lease farm land owned by the city. Mr. Anhder said he will outline the process at the next council meeting.

Councilman Hansen: Mr. Hansen has been working to outline districts throughout the city to better include residents in the general plan process. He presented a map with nine different sections identified where a district representative could be asked to help inform residents in those areas about what is taking place in regards to the plan and how the public can participate and share ideas. Councilman Hansen said he is working on the banners to help advertise upcoming public meetings regarding the plan.

Councilman Harrison: Shannon Rhodes is interested in working with the youth to establish a youth city council. Councilman Harrison asked the council to consider allocating money to help the council operate and to attend training conferences. Money has been included in the budget for the YCC. Mr. Harrison will work with the volunteer to provide information about how to get the youth council underway.

Councilman Wells: Asked to serve as a volunteer to help organize events to celebrate the Cache County Sheriff's Office sesquicentennial. He has agreed to serve as the Nibley City representative on the committee. The council agreed that Mr. Wells would be the appropriate representative for the city.

Councilman Larsen: Mr. Larsen is concerned that dog tag records are not available to residents to help facilitate the locating of pet owners. Mr. Anhder said he will look into the matter with city staff. In other matters, Councilman Larsen said he has learned of a junior high in another area of the state that is being built with the assistance of city funding to construct a building that is accessible to the city for community events. Councilman Larsen suggested Nibley City look into what arrangements could be made to have Nibley City assist in the building of a local junior high or middle school planned for Nibley. He said this could help ensure access to the facility by the city. Councilman Larsen also shared his ideas about what could be done with the Gibbons barn recently purchased by the city. He suggested it could be used as a 4-H facility where different agricultural activities could be held. Mayor Knight and the council agreed this would be a good use for the barn. Mayor Knight shared a letter from a citizen who would also like a walking trail implemented as part of the barn site plan. Councilman Harrison said he had received an e-mail expressing appreciation for the city purchase, which will help preserve the historic site.

Item 11: Mayor's report- Mayor Knight mentioned a letter from a citizen regarding input on the city general plan. He said the basis of the letter was to encourage the council to better listen to the citizens and implement citizen ideas in revising the general plan. A similar sentiment was heard earlier in the meeting by Mr. Baer, a local resident who said he feels the council does not implement citizen ideas when making decisions.

Item 12: Adjourn- Councilman Wells made a motion to adjourn at 9:10 p.m. Councilman Mickelson made a second to the motion which was approved unanimously.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder