

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

**Motion #1:** Councilman Bryan Hansen made a motion to have Nibley City participate in the Bear River Health Department's Healthy Community Award Program with a goal to achieve the Gold Plus Status. Councilman Wells made a second to the motion which was approved unanimously.

**Motion #2:** Councilman Scott Wells made a motion to approve Resolution 07-04 Changing the monthly sewer rates from \$30.00 to \$35.00. Councilman Bryan Hansen made a second to the motion. The motion was approved unanimously.

**Motion #3:** Councilman Bryan Hansen made a motion to approve Nibley City's response to a water survey prepared by Cache County. The response will include a statement that Nibley City supports the establishing of a Water Conservancy District. Councilman Scott Wells made a second to the motion which passed with Councilmen Hansen, Harrison, and Wells voting in favor and Councilman Larsen voting against the motion.

Councilman Larsen made a motion to deny the request to rezone 29.18 acres West of 1200 West and South of 2600 South from Agricultural to Residential (R2-A). Councilman Hansen made a second to the motion. Councilman Wells moved to amend the motion to deny to include... "until the draft version of the revised Nibley City General Plan has been prepared.". Councilman Harrison made a second to the motion to amend. The amendment passes with Councilmen Hansen, Harrison and Wells voting in favor, and Councilman Larsen opposing the motion.

The approved motion reads of follows to include the amendment: to deny the request to rezone 29.18 acres West of 1200 West and South of 2600 South from Agricultural to Residential (R2-A) until the draft version of the revised Nibley City General Plan has been prepared.

**Motion #4:** Scott Larsen made a motion to deny Ordinance 07-02 Councilman Wells made a second to the motion which was approved unanimously.

**Motion #5:** Councilman Hansen made a motion to approve Ordinance 07-04 Amending the front yard set back requirement in Industrial Zones. Councilman Wells made a second to the motion. The motion failed with all council members in attendance voting against the motion.

**Motion #6:** Councilman Wells made a motion to approve a recommendation by the Nibley City Planning and Zoning Commission to allow Lots 2, 5, 6, & 7 of the Sierra West Commercial Park be allowed to follow commercial zone ordinances outlined at the time the original subdivision request was approved. Councilman Harrison made a second to the motion. The motion passed with Councilmen Hansen, Harrison, and Wells approving the motion. Councilman Larsen opposed the motion.

**Motion #5:** Councilman Larsen made a motion to approve item 7 of recommendations by the Nibley City Planning and Zoning Commission requiring developers of Foxborough subdivision to create an additional 10 foot easement across lots 1, 39, & 40 adjacent to 3200 South. The developer shall install a vinyl fence consistent with the fencing ordinance with the top one foot of the fence being a lattice work design. The fence will run along the south edge of the easement line (or fence line) and the edge of the gravel that will become the edge of pavement for 3200 South. The plan must coordinated with the design of the new 3200 South road. The fence must be installed by the developer at the time the detention landscaping is completed. Councilman Bryan Hansen made a second to the motion which was approved unanimously.

**Motion #6:** Councilman Hansen made a motion to require developers of Foxborough Subdivision to provide approximately a 15 foot easement from the property line and a foot trail along the canal adjacent to the west side of the subdivision. The Trail may have a road base gravel surface or an equally durable material at a five foot width. If/when installing a fence within 15 feet from the shoulder of the trail the fence must be lower than four feet. The ten foot utility easement must be stipulated on the plat as a trail along the West side of lot 17. Councilman Wells made a second to the motion which passes with Councilmen Hansen, Harrison, and Wells in favor and Councilman Larsen opposing the motion.

**Motion #7:** Councilman Hansen made a motion to support the request for \$2000.00 for the Youth City Council. Councilman Harrison made a second to the motion which was approved unanimously.

OFFICIAL MINUTES OF THE MEETING  
Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, March 1, 2007 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Scott Wells, and Scott Larsen. Councilman Thayne Mickelson was excused. 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 agenda. Councilman Scott Larsen made a motion to approve the evening's agenda and the minutes with necessary changes. Councilman Scott Wells made a second to the motion which was approved unanimously.**

**Item 2: Presentation on Healthy Community Award by Erin Crane and Kari Mortensen.** Ms. Mortensen told the mayor and council that obesity related deaths will surpass the number of tobacco related deaths in the near future. She presented ideas for plans to encourage Nibley City to participate in a healthy community program. Participation would include training by an intern on how to implement the program. The program is free, however there is the option of donating \$60.00 for a flag and to participate in a statewide recognition luncheon. Details of the program were presented and are available at the Bear River Department of Health. Ms. Mortensen asked if the City of Nibley would consider participating in the Healthy Community program.

**Councilman Bryan Hansen made a motion to have Nibley City participate in the Bear River Health Department's Healthy Community Award Program with a goal to achieve the Gold Plus Status. Councilman Wells made a second to the motion which was approved unanimously.**

**Item 3: Councilman Wells made a motion to suspend the agenda. Councilman Harrison made a second to the motion which was approved unanimously.**

**Item 4: Resolution 07-04 Changing the monthly sewer rates from \$30.00 to \$35.00.** City Manager Larry Anhder presented the resolution to the mayor and council.

**Councilman Scott Wells made a motion to approve Resolution 07-04 Changing the monthly sewer rates from \$30.00 to \$35.00. Councilman Bryan Hansen made a second to the motion. The motion was approved unanimously.**

**Item 5: Discussion about water issues in Cache County and Nibley City's response to a presentation by Evan Olsen regarding future water concerns.** Mr. Anhder has prepared the city's response to Mr. Olsen's request for city officials to share opinions and ideas about how to address possible water concerns in Cache Valley. Mr. Anhder asked the council to review the response and share their comments about the city's reply to the request. One of the questions is whether or not the city would support establishing a Water Conservancy District. Mr. Anhder said his feeling is there needs to be an entity to provide the necessary financial and legal backing to help protect water resources. Councilman Larsen said he feels Nibley City would not benefit by supporting such a entity where Nibley City would not have adequate say in what happens with the water resources available along the Bear River, for example. And he said he does not like authorized a board that has taxing authority. Councilman Larsen says there are options other than a water conservancy district that could obtain the same results. Councilman Harrison said the situation is such that there has not been any initiative to present alternatives for what has become a critical issue. Mr. Anhder said he would like to see Nibley City make a bold statement stating support for a Water Conservancy District.

**Councilman Bryan Hansen made a motion to approve Nibley City's response to a water survey prepared by Cache County. The response will include a statement that Nibley City supports the establishing of a Water Conservancy District. Councilman Scott Wells made a second to the motion which passed with Councilmen Hansen, Harrison, and Wells voting in favor and Councilman Larsen voting against the motion.**

**Item 6: City Manager Report-** Mr. Anhder reminded the council that there will be a special meeting with other city council representatives from nearby communities, including Millville, Providence and Nibley at 5:00 p.m. on March 8, 2007 to discuss the possibilities of constructing a sewer treatment plant to serve cities in the south end of Cache Valley. Mr. Anhder said one of the issues that needs to be considered by city council member is whether or not to begin setting aside money to help cover the cost of constructing the facility. In order to do that, Mr. Anhder said the residential sewer rates will need to be increased to pay for what could cost the city five million dollars.

Mr. Anhder said Sidewalk money should be spent to build sidewalks along the North side of 2300 South heading toward Nibley Elementary School. He said there is a limited amount of sidewalk money available from the state. Following completion of the sidewalk leading to the school, Mr. Anhder said the priority list includes completing sidewalks in front of other developed areas, and finally other areas where there is limited development.

Mr. Anhder said the city has applied for RAPZ tax money to complete the parking lot at the 800 West park. He expect the city to receive a portion, if not all of the requested money.

**Item 7: Mayor's Report-** Mayor Knight thanked Councilman Hansen for his efforts to make successful the Envision Nibley public meeting held February 23, 2007. Councilman Hansen prepared mailings and other advertising materials in an attempt to encourage public participation in the process to revise the general plan. The consultants will accept comments about the general plan until March 15, 2007 through a set up on the city web site.

**Item 8: Planning & Zoning Meeting Report-** City Planner Conley Thompson informed the mayor and council that the commission took action that includes a recommendation that the remaining lots included in the Sierra Commercial Business Park be allowed to conform to standards in place at the time the sub division was approved. Councilman Wells explained that the request by the developers of the business park to re-zone from commercial to industrial was denied by the commission. The commission also request the council revise the Design Standards so that commercial developments located in a commercial zone be excluded while Neighborhood Commercial developments be required to follow the design standards.

**Item 9: Public Hearing-** Scott Larsen made a motion to open the public hearing to hear comments on a requested change in zone from Commercial to Industrial for an area east of Heritage Drive and south of 2350 South, approximately 11.44 acres.

Jan Miller is president of Standers Incorporated which designs and manufactures equipment for elderly needs. She is interested in locating her business in the Sierra West Commercial Business Park, however she says unless design standards are altered, her company will not be able to afford the office and warehouse space. By allowing the rezone she said the developer will be able to provide affordable manufacturing space. Russ Hallam also works for Standers Incorporated. He shares Ms. Miller's concerns and said required features included in the commercial design standards are too expensive.

Cameron Hoyt represents the Spring Creek Hollow Development which border the business park. He said the developers of the subdivision feel it would be better for the business park to stay within the commercial boundaries with the allowance that the developer follow the standards in place at the time the subdivision was approved. Mr. Hoyt said developers of Spring Creek Hollow would be opposed to a re-zone that would make the property Industrial for fear those standards would allow for structures that are not suited near a housing development.

Mr. Daines owns the commercial business park under consideration for a rezone. He told the council that one perspective tenant has decided not to locate at the business park because of the costly standards requirements. Mr. Daines asked the city to consider the commission recommendations to

allow the development to be designed following ordinances in place at the time the subdivision was approved.

Mayor Knight closed the public hearing at 7:25 p.m.

Councilman Hansen said there are comments that the design standards are too strict for the commercial zone developments and are suited more the neighborhood commercial developments. However, Mr. Hansen wonders how the city can reduce the design requirements while at the same time encourage developments that are appealing and are similar to the commercial design Nibley City is hoping to achieve.

**Item 10: Public Hearing** - Councilman Scott Larsen made a motion to open the public hearing at 7:25 p.m. to receive comments to change the land use code to require a minimum 30 foot front yard setback in an Industrial Zone. Councilman Harrison made a second to the motion which was approved unanimously.

Mark Daines is a developer who owns commercial property in Nibley City. He says he feels to setback change is a good idea and would allow for improved landscaping options for developments in an Industrial zones.

The public hearing concluded at 7:30 p.m.

Councilman Wells told the council that the planning commission recommended approval of the land use change. Mayor Knight recommended the council await action on the land use change until additional information is given by the commission as to what they would like to see in regards to the parking lot set backs.

**Item 11: Public Hearing:** Councilman Wells made a motion to open the public hearing to receive comments concerning a change in zone from Agricultural to Residential (R2-A) for about 29.18 acres west of 1200 West and south of 2600 South. Councilman Larsen made a second to the motion to open the public hearing. The motion was approved unanimously.

Mayor Knight invited Bill Bertolio to make a presentation before the council to outline the request. Mr. Bertolio said a portion of the property is owned by the Catholic Church and Nibley City. He said there is a buyer for the additional property who would like to develop the property as residential and is requesting the zone change. Mr. Bertolio said the developer would not support re-zoning any of the property as commercial, as was recommended by the Nibley City Planner and the planning commission. Public hearing concluded at 7:35 p.m.

Mayor Knight asked Mr. Thompson to provide the council with details about the commissions recommendation that the city wait until revisions to the general plan and land use map are made before allowing for rezones within the city. Mr. Thompson explained that the commission approved the motion at their most recent meeting in order for the city to have the time to determine what type of zoning should occur in the city, including the property under discussion.

**Councilman Larsen made a motion to deny the request to rezone 29.18 acres West of 1200 West and South of 2600 South from Agricultural to Residential (R2-A). Councilman Hansen made a second to the motion.**

Discussion on the motion to deny included explanation by Councilman Wells as to the commission's recommendation that the city wait to hear rezone requests until after the draft of the revised general plan has been reviewed so as to help determine what types of development are considered best according to an updated Land Use Map.

Councilman Larsen said his motion to deny is based on the commissions recommendation, adding that he would like the city to wait until the revised general plan has been approved by the city council.

City Manager Larry Anhder recommended that in this case the council consider approving the request. He said the reason being that a regional storm water retention basin of five acres of the property is owned by the city with several other acres of property owned by Catholic Church. Mr. Anhder said in reality there is only about nineteen acres of developable property remaining. He said the request to have the property zoned R2-A is consistent with existing zoning. He said in his opinion the only property suited for commercial development in the proposed re-zone is owned by Nibley City. Mr. Anhder said it does not seem necessary to hold up the rezone at this time.

Councilman Wells said holding off to allow for rezones does seem like the safe thing to do, however he wonders if it fair to landowners. Mayor Knight said it is not uncommon to place holds when new territory is being chartered. Councilman Wells suggested having a time frame placed on any decisions to hold of an hearing requests for a rezone. He said while it is seems likely the general plan revision will be completed by late spring, it is not reasonable to keep landowners on hold for an undetermined amount of time.

**Councilman Wells moved to amend the motion to deny to include... “until the draft version of the revised Nibley City General Plan has been prepared.”. Councilman Jay Harrison made a second to the motion.**

Councilman Larsen opposes the amendment stating that he feels it is not responsible for the city to act on a draft plan that has not been approved and implemented. **The amendment passes with Councilmen Hansen, Harrison and Wells voting in favor, and Councilman Larsen opposing the motion.**

**The approved motion reads of follows to include the amendment: to deny the request to rezone 29.18 acres West of 1200 West and South of 2600 South from Agricultural to Residential (R2-A) until the draft version of the revised Nibley City General Plan has been prepared**

**Item 12: Ordinance 07-02** Changing the zone of property east of Heritage Drive and south of 2350 South of approximately 11.44 acres from Commercial to Industrial.

**Scott Larsen made a motion to deny Ordinance 07-02 Councilman Wells made a second to the motion which was approved unanimously.**

**Item 13: Ordinance 07-04** Amending the front yard set back requirement in Industrial Zones. **Councilman Hansen made a motion to approve Ordinance 07-04 Amending the front yard set back requirement in Industrial Zones. Councilman Wells made a second to the motion.**

Discussion: Mayor Knight asked that the council to consider continuing the item to allow for the commission an opportunity to provide the council with additional information regarding what is wanted in the Industrial Zone for set back changes. Mayor Knight asked for a vote on the motion which **failed with all council members in attendance voting against the motion.**

Commission Member Wells requested the commission make further recommendations regarding set back requirements for the Industrial Zone.

**Item 14: Presentation of the 150 Year Anniversary of the Cache County Sheriff Office** by Captain Chesire and local Deputies Zilles and Black. A video presentation was shown to members of the commission. Captain Chesire explained that the Sheriff's Department will begin celebrating 150 years starting in April and continuing through August 2007. Councilman Wells has been assigned to represent Nibley City on the committee to organize events to commemorate the 150 year event. Deputy Chesire asked Nibley City to consider how they might participate in celebrations. Deputy Zilles said the department will participate in Nibley Heritage Days.

**Item 15: Request by Mark Daines of Sierra West Commercial Park to have the city council allow him to develop commercial property following ordinances in the city books prior to approval of the Nibley**

City Commercial Design Standards.

**Councilman Wells made a motion to approve a recommendation by the Nibley City Planning and Zoning Commission to allow Lots 2, 5, 6, & 7 of the Sierra West Commercial Park be allowed to follow commercial zone ordinances outlined at the time the original subdivision request was approved. Councilman Harrison made a second to the motion.**

Councilman Wells said the intent is to have the remaining lots developed to the standards allowed for Lot 1 of the development.

Councilman Larsen questioned whether this action can take place at this time or whether the city needs to advertise a request to develop under an outdated ordinance. Councilman Larsen said the council had already taken action on the lots being discussed and that action included a 3-2 vote in favor of requiring the developer to follow the Commercial Design Standards.

Mr. Anhder said the motion could be seen as an alternate to a request presented earlier in the meeting for a zone change where the request was denied. Councilman Hansen said having the development be consistent with existing structures seems like the best option in this case. He said he does not see this development as being the typical commercial development where residents will mingle and walk from shop to shop. Councilman Larsen questioned what would happen to the Southwest area of the development when commercial design standards must be followed by developers of that property. Councilman Larsen wonders whether or not the business park will actually meet the expectation of the city as outlined in the Commercial Design Standards. Councilman Hansen said it would be different if there weren't already buildings in the commercial park that have been completed following ordinances applied at the time the subdivision was approved. But, he said, considering the situation it makes more sense to allow for a more cohesive look. Mr. Daines said Lot 1 includes a number of compromises between the developer and the city to allow for a development that is not necessarily included in any current city zone.

**Councilman Larsen made a motion to table discussion on the motion. The motion failed for lack of a second.**

Councilman Larsen said approving the request would be a mistake.

Mayor Knight asked for a vote on the original motion to grant approval for the request.

**The motion passes with Councilmen Hansen, Harrison, and Wells approving the motion. Councilman Larsen opposed the motion.**

Item 16 : Request for preliminary approval of Foxborough subdivision, 1500 West and 3200 South.

Mr. Anhder explained the request relates to several items included on a list of requirements made by the Planning and Zoning commission that need to be completed. It was recommended that the developer be required to do the following regarding Item #7 of the commissions requirements:

1. Developers of Foxborough subdivision are required create an additional 10 foot easement across lots 1, 39, & 40 adjacent to 3200 South. The developer shall install a vinyl fence consistent with the fencing ordinance with the top one foot of the fence being a lattice work design. The fence will run along the south edge of the easement line (or fence line) and the edge of the gravel that will become the edge of pavement for 3200 South. The plan must coordinated with the design of the new 3200 South road. The fence must be installed by the developer at the time the detention landscaping is completed.

Councilman Larsen told developers that the city will maintain the ten feet easement, but it will be owned by the property owner. he also told the developer that the sidewalk will need to be five feet wide.

Mayor Knight asked for a motion on item number seven of the preliminary lot

The developers said they do not want to install a five foot high vinyl fence along the side yards of lots 1, 39, & 40. They prefer to have the homeowner install fencing, which they say they can require at the time of purchase. Councilman Larsen said the requirement will keep the fencing consistent and will enhance the look of the area. There was discussion as to whether or not the fence should be four or five feet as it relates to the city fencing ordinance and corner lots. Mr. Anhder said it makes sense to require the fences to be installed when the homes are completed or when the subdivision is completed, whichever comes first. Councilman Larsen disagreed with that deadline plan saying that idea defeats the purpose of requiring them to install the fence for consistency.

Mr. Anhder said it may be a good idea to consider placing a sign or monument along the retention basin to advertise the subdivision.

**Councilman Larsen made a motion to approve item 7 of recommendations by the Nibley City Planning and Zoning Commission requiring developers of Foxborough subdivision to create an additional 10 foot easement across lots 1, 39, & 40 adjacent to 3200 South. The developer shall install a vinyl fence consistent with the fencing ordinance with the top one foot of the fence being a lattice work design. The fence will run along the south edge of the easement line (or fence line) and the edge of the gravel that will become the edge of pavement for 3200 South. The plan must be coordinated with the design of the new 3200 South road. The fence must be installed by the developer at the time the detention landscaping is completed. Councilman Bryan Hansen made a second to the motion which was approved unanimously.**

Item #10 from the overview of the Planning and Zoning Commission's recommendation included a requirement that developers of Foxborough Subdivision shall provide approximately a 15 foot easement and a foot trail along the canal adjacent to the west side of the subdivision. The trail may have a road base gravel surface. Mr. Anhder said if the council is going to commit to having trails installed in the city, the council needs to be committed to maintaining the trails. The council gave verbal support of having the city maintain the trail easement.

**Councilman Hansen made a motion to require developers of Foxborough Subdivision to provide approximately a 15 foot easement from the property line and a foot trail along the canal adjacent to the west side of the subdivision. The Trail may have a road base gravel surface or an equally durable material at a five foot width. If/when installing a fence within 15 feet from the shoulder of the trail the fence must be lower than four feet. The ten foot utility easement must be stipulated on the plat as a trail along the West side of lot 17. Councilman Wells made a second to the motion which passes with Councilmen Hansen, Harrison, and Wells in favor and Councilman Larsen opposing the motion.**

**Item 17: Youth Council Advisor, Trudy Knight, discussion about budget for Youth Council activities.**

Mrs. Knight said there are eight Nibley youth interested in serving on the Nibley City Youth Council. Mrs. Knight said the youth council members will participate in an upcoming conference at USU with cost of each participant being \$130.00. There will be two adult leaders participating with the total cost being \$1041.00. The cost includes materials, housing and meals. Mrs. Knight said in addition to the cost of the conference, the youth council will need funding to purchase shirts and possible materials for a float. Mrs. Knight is requesting \$2000.00 for the remaining fiscal year.

**Councilman Hansen made a motion to support the request for \$2000.00 for the Youth City Council. Councilman Harrison made a second to the motion which was approved unanimously.**

Councilman Larsen said he supports the organizing of the Youth Council and agrees with providing financial support of programs that benefit the community.

**Item 18: City Council Reports-**

**Councilman Hansen:** Mr. Hansen said a citizen suggested the old City Hall be renovated with

renovation plans to include knocking down the wall between the office space and the garage with plans to use the facility as a rental for residents to hold gatherings and for the city to hold community events. He will look into the idea.

Mr. Hansen said he plans to meet with consultants working to revise the city general plan sometime in March. Mayor Knight said there were an estimated 100 people in attendance at the Envision Nibley meeting on February 23, 2007. The council had several positive comments about the meeting.

Councilman Harrison: Mr. Harrison asked if rumors that all cities, including Nibley, have decided to participate in the countywide recycling program are warranted rumors. Mayor Knight said that is not the case and he plans to meet with Logan City to discuss whether or not waste could be dumped in their facility and at what cost. Councilman Larsen said it feels like the alternative recycling options have fizzled. He wondered what is being done to pursue the matter. Mayor Knight said it has been frustrating but it is the intent to push the matter. Mr. Anhder said Nibley City has been doing a lot of the work and other cities are simply hoping and waiting with the idea that Nibley will organize a program. Councilman Harrison said if there is a chance to fight the matter and win then the city should pursue the alternative. Mayor Knight said until Logan City has been given an opportunity to discuss options with Nibley, the issue is still worth pursuing. Mr. Anhder said with plans to build a transfer station in Brigham City where all cities can access the site for dumping makes it unnecessary for such a station to be build in Cache Valley.

In other matters, Mr. Harrison said he was contacted by a resident regarding land in Nibley purchased by the Cache County School District. The citizen wondered whether or not there are plans to actually construct a school on the property. Mr. Harrison contacted the district which indicated drafting of plans for a school will not begin until at least 2011.

Councilman Wells: Animal control concerns continue along 250 West according to Councilman Wells who said law enforcement in that area continues.

Councilman Larsen: Mr. Larsen suggested it might be a good idea for the city to tour sewer treatment facilities in other areas of the state to consider treatment plant options. He also commented on action by planning and zoning regarding approval of a request for a business license of a welding machine shop that was issued a conditional use permit, when that type of business is already permitted and does not require a conditional use permit.

**Item 19: Adjourn-** Mayor Knight asked for a motion to adjourn. Scott Wells made a motion to adjourn. Councilman Hansen made a second to the motion which was approved unanimously.

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

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