

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING
THURSDAY, April 19, 2007

The following motions were made during the meeting

ACTION ITEM 1: It was decided by the council that a roll call vote be taken to elect a candidate to fill the city council seat vacated by Scott Wells. Thayne Mickelson voted to elect Larry Jacobsen. Jay Harrison voted to elect Larry Jacobsen. Scott Larsen voted to elect Larry Jacobsen. The vote to elect Larry Jacobsen to serve the remainder of the council member term until January, 2008 was unanimous.

ACTION ITEM 2: Councilman Harrison made a motion to approve a twelve month extension of Cody Springs Subdivision with the understanding that the Nibley City Council consider modifying City Ordinance 11-3-6 to allow for requests for a final plat approval extension when the 12 month deadline has expired. The motion failed for lack of a second.

Councilman Jacobsen made a motion to require the applicant, Kris Anderson of Cody Spring Subdivision, to make a re-approval request for a subdivision at 3550 South 250 West, when and if the existing approval expires, before the Nibley City Planning Commission. Councilman Mickelson made a second to the motion.

Councilman Jacobsen made an amendment to the motion that would allow Nibley City staff to levy appropriate fees for the reapplication. Councilman Larsen made a second to the motion. The amendment passed unanimously.

Mayor Knight called for a vote on the amended motion as follows:

Councilman Jacobsen made a motion to require the applicant, Kris Anderson of Cody Spring Subdivision, to make a re-approval request for a subdivision at 3550 South 250 West, when and if the existing approval expires, before the Nibley City Planning Commission and to allow city staff to levy appropriate fees for the reapplication. Councilman Mickelson made a second to the motion. The amended motion passes with Council members Mickelson, Jacobsen, and Larsen in favor and council member Harrison voting against the motion.

ACTION ITEM 3: Councilman Mickelson made a motion to approve the concept plan for Sunset Park Planned Unit Development 2, at 2600 South 1000 West. Councilman Harrison made a second.

Councilman Mickelson made an amendment to the motion to approve a plan allowing for the abandonment of the planned road known as 2730 South. Councilman Hansen made a second to the amendment. The amendment passed with Councilmen Mickelson, Hansen, and Harrison approving and Councilmen Jacobsen and Larsen opposing the amendment.

Mayor Knight called for a vote on the amended motion as follows: **Councilman Mickelson made a motion to approve the concept plan for Sunset Park Planned Unit Development 2, at 2600 South 1000 West and to approve a plan allowing for the abandonment of the planned road known as 2730 South. Councilman Harrison made a second. The motion passed with councilmen Mickelson, Hansen, and Harrison voting in favor, and Councilmen Jacobsen and Larsen voting against the motion.**

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

Mayor Knight called the Thursday, April 19, 2007 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Jay Harrison, Scott Larsen, Thayne Mickelson and Larry Jacobsen. Councilman Bryan Hansen arrived at the meeting around 7:30 p.m. , 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 with changes and evening's agenda. Councilman Thayne Mickelson made a motion to approve the minutes with necessary changes with councilman Jay Harrison making a second to the motion which was approved unanimously.

Item 2: Selection of a new Council Member. Mayor Knight explained that two residents, Denise Erwin and Bill Green, who were interested in the council seat currently vacated by Scott Wells, did not qualify for the running based on the fact that they do not meet the requirement to live in the community for a full 365 days. Mayor Knight then introduced candidates to be considered for the position to serve the remainder of the term until January, 2008. Residents Eric Bishop, Larry Jacobsen and Ben Watkins were introduced. They were each given two minutes to present their philosophy and reasons for their willingness to serve. Mayor Knight also outlined the process and procedure for the voting as advised by the League of Cities and Towns. He said they advise doing a vocal roll call vote by those council members in attendance at the time of the voting. Mayor Knight does have the right to vote should there be a tie in the voting.

Eric Bishop addressed the council first. He read a prepared statement expressing his interest in the appointment. Mr. Bishop was followed by candidate Larry Jacobsen who outlined his previous experience with city related matters. Candidate Ben Watkins presented his objectives for the time he would serve should he be selected. Members of the council then interviewed the candidates. Councilman Mickelson asked if any of the candidates planned to run for a permanent council seat. Each of the candidates said they did plan to run for office, with the exception of Larry Jacobsen who said he is definitely interested and will have a decision made by the July filing deadline. The candidates were also asked to outline their availability to meet regular meeting requirements and other community obligations associated with a position on the city council. Each candidate said they were able to commit to the meeting schedule. Councilman Larsen asked each candidate to answer a city related question. Council members Harrison, Larsen, and Mickelson expressed their appreciation for each candidates willingness to serve Nibley City. It was decided by the council that a roll call vote be taken to elect a candidate to fill the seat. Thayne Mickelson voted to elect Larry Jacobsen. Jay Harrison voted to elect Larry Jacobsen. Scott Larsen voted to elect Larry Jacobsen. The vote to elect Larry Jacobsen to serve the remainder of the council member term until January, 2008 was unanimous.

Item 3: Swearing in of newly elected council member Larry Jacobsen. City Recorder Larry Anhder performed the ceremony making Larry Jacobsen an official member of the Nibley City Council. Mr. Jacobsen was then invited to join the council in participating in the regular meeting.

Item 4: Cody Springs Subdivision (3550 South 250 West) request for extension of approval. Kris Anderson met before the council to explain that the extension on the subdivision approval will be needed in July if they are not able to record the plot. She says they cannot do that until their home, where the subdivision will be located, is sold. This, she said, is making it difficult for the process to go forward. Councilman Larsen questioned whether or not the city has the right to allow for an extension without going through the approval process as outlined in Nibley City Code. Councilman Harrison suggested the council grant the request to extend approval of the subdivision for another year. Councilman Mickelson said in order to meet code requirements the request for preliminary and final approval should go before the planning and zoning commission again.

Mayor Knight asked the council if they would like to consider modifying the ordinance for future requests for final plat approval extensions. Councilman Larsen said the modification should also consider whether or not additional fees will be required as part of the extension request. The council agreed to consider a change to the code sometime in the near future.

Councilman Harrison made a motion to approve a twelve month extension of Cody Springs Subdivision with the understanding that the Nibley City Council consider modifying City Ordinance 11-3-6 to allow for requests for a final plat approval extension when the 12 month deadline has expired.

The motion failed for lack of a second.

Councilman Jacobsen made a motion to require the applicant, Kris Anderson of Cody Spring Subdivision, to make a re-approval request for a subdivision at 3550 South 250 West, when and if the existing approval expires, before the Nibley City Planning Commission. Councilman Mickelson made a second to the motion.

During the discussion City Manger Larry Anhder suggested the council consider allowing for an extension when the plat and subdivision plan has not changed. Councilman Jacobsen said there is a recent instance when a subdivision approved along Hollow Road was required to go before the planning and zoning commission in order to get re-approval of the same project.

Councilman Jacobsen made an amendment to the motion that would allow Nibley City staff to levy appropriate fees for the reapplication. Councilman Larsen made a second to the motion. The amendment passed unanimously.

Mayor Knight called for a vote on the amended motion as follows:

Councilman Jacobsen made a motion to require the applicant, Kris Anderson of Cody Spring Subdivision, to make a re-approval request for a subdivision at 3550 South 250 West, when and if the existing approval expires, before the Nibley City Planning Commission and to allow city staff to levy appropriate fees for the reapplication. Councilman Mickelson made a second to the motion. The amended motion passes with Council members Mickelson, Jacobsen, and Larsen in favor and council member Harrison voting against the motion.

Mrs. Anderson asked Mr. Anhder to give her an estimate of the fee she will be assessed should she need to reapply for approval. Mr. Anhder estimated a fee of \$30.00 for each of the preliminary and final approval requests with a total fee assessment of \$60.00.

Item 5: Concept Plan for Sunset Park 2, an extension of an adult community at 2600 South 1000 West. Mr. Thompson explained to the council that the developers would like to incorporate adjacent property to their original adult community development. Councilman Larsen said the request should be considered as a request for a separate Planned Unit Development, not a second phase. Mr. Thompson said one proposal presented by Developers , Mr. Anderson and Mr. Gnem, would have an entrance coming off of 1000 West, rather than have a road divide the two developments. Mr. Thompson has recommended to the planning commission that a decision by previous commission members to not allow adult community developments to be located adjacent to each other be reconsidered. During an earlier commission meeting, members of planning and zoning gave verbal approval to allow for these two developments to be designed to appear as one subdivision according to Mr. Thompson. Mr. Anhder said it may be that the road has been recorded with Sunset Park, meaning that the developer will be required to go through a process to have that road vacated. Mr. Anhder will determine if the additional property under discussion has been recorded and where it is in the process in order to determine if that subdivision has to be vacated. If that is the case, the developer will be required to follow the process and pay necessary fees to clear the property. How the subdivision will relate to the Master Road Plan will need to be decided according to Mr. Anhder.

Council member Jacobsen suggested that in order to continue discussion to review a concept plan for the PUD the developer explain the reasons for the request. The developer said there has been a great demand for homes in the adult community and with the additional homes the cost of the community will be reduced with additional members to the association. They say the request is being made to help meet homeowners requests that the road be removed to allow for a community feel. Mr. Gnem and Mr. Anderson said the development is unique in that it provides services for a portion of population that does not want to own a home where they have to remove the snow or care for green space. Councilman Larsen said he worries because members of such a community have the right to change covenants and codes to allow for a change from an adult community and allow for families. Mr. Gnem said it would require the entire membership to support such action. Both councilmen Mickelson and Jacobsen said there are benefits and draw backs to allowing for such a development design. Mr. Anhder said the council does have the authority to determine if such a planned unit development meets a specific need in this community. Councilman Larsen said he may not be ready to commit to another adult community development. He said when the other two were approved it was said the city would wait and see before making another one. He added that the current PUD hasn't even sold half the lots.

Councilman Harrison said the proposal fits into the city plan perfectly and that home owner associations are wanted by some homeowners who require a certain lifestyle. The plan does call for a trail and open space, however, Mr. Jacobsen wondered if there were plans for a sidewalk or additional walking space. And, he wondered if the sidewalk would be available for access to those living outside the development. Mr. Gnem said there will be sidewalks on one side of the road and if the existing road plan is changed to vacate the road there will be additional walking options. There is also a plan for sidewalks to adjoin to other subdivision sidewalks and trails to make a nice walking route. Councilman Jacobsen asked developers to encourage homeowners in this gated community to allow walking access through the development by the public.

Councilman Mickelson made a motion to approve the concept plan for Sunset Park Planned Unit Development 2, at 2600 South 1000 West. Councilman Harrison made a second.

During discussion the council debated which of the two plans presented would be appropriate for the proposed PUD and adjacent adult community. Mr. Anhder said both plans would work. City Planner Thompson said he prefers the plan that does away with the planned road known as 2730 South and he suggest a sidewalk be placed where the abandoned road would have been.

Councilman Mickelson made an amendment to the motion to approve a plan allowing for the abandonment of the planned road known as 2730 South. Councilman Hansen made a second to the amendment. The amendment passed with Councilmen Mickelson, Hansen, and Harrison approving and Councilmen Jacobsen and Larsen opposing the amendment saying they are not certain about allowing for an additional PUD and that it is too early in the process to determine which of the two plans would be best.

Councilman Jacobsen said while he does not have a full understanding of the plan he could vote in favor of the concept with the intention of expecting a more detailed plan that will convince him that the plan will benefit the city.

Mayor Knight called for a vote on the amended motion as follows: **Councilman Mickelson made a motion to approve the concept plan for Sunset Park Planned Unit Development 2, at 2600 South 1000 West and to approve a plan allowing for the abandonment of the planned road known as 2730 South. Councilman Harrison made a second. The motion passed with councilmen Mickelson, Hansen, and Harrison voting in favor, and Councilmen Jacobsen and Larsen voting against the motion.**

Mr. Jacobsen said he is not opposed to the concept but would like a more detailed plan before deciding whether the road should be abandoned.

Item 6: Consideration of Ordinance 07-05, Establishing a Purchasing Policy for the acquisition of supplies, equipment and services for the city. Councilman Larsen said he is glad to see the council address the matter of creating an ordinance outlining a purchase policy for the city. He suggested changes to the proposed policy. Mr. Anhder said he will make the recommended adjustments for review and possible passage at a future meeting. Councilman Mickelson suggested the use of city credit cards be addressed in the policy. He also suggested the city elimination the use of petty cash to make city purchases. Mr. Anhder said there are some situations where cash is necessary. Councilman Larsen also questioned the bidding process outlined as part of the purchasing policy. Mayor Knight thanked the council for their comments and recommendations. Mr. Anhder said he will incorporate the suggested changes for review by the council.

Item 7: Discussion of purchasing property at 227 West 3200 South. Mayor Knight asked Councilman Hansen to outline some reasons for considering the possible purchase of the property. Councilman Hansen said there has been discussion during public meetings to have the city consider a location for a city center. Currently there is a portion of property on 3200 South that he suggested the city consider purchasing with the possibility of renting the home until the property is developed. Councilman Larsen said he is concerned there is potential for flooding on the property. He is aware of flooding occurring at least two times at this property. He also wonders if the city plans to demolish the home then the city would be paying \$144,000.00 for a quarter acre of property. Councilman Harrison said it would serve as an access property to adjacent ground that could better serve as property for a community center. City Manager Anhder said if the council decides to make the purchase it will require money to be used from the sewer fund. The city has already purchased \$700,000.00 in property so far this year according to Mr. Anhder. He said there are some benefits to purchasing the property. Councilman Larsen said he does not have a clear understanding of where a city center should be located. Councilman Hansen said he does agree that it might make sense to better determine where the city center might be located before making the purchase. Mr. Jacobsen said if the lot is a legally non-conforming lot the city will not be able to make any changes to the home. Councilman Mickelson suggested the city continue looking into the possible purchase but not jump into the acquisition if it is determined it is cost prohibitive. Councilman Harrison suggested asking a lower price. Mr. Anhder said he will work with Mr. Harrison to make an offer contingent on the council's approval.

Item 8: Discussion of possible annexation. Mr. Anhder said there is a developer who owns land in Logan near Nibley, The landowner is interested in annexing into Nibley City. The council agreed to consider and possibly support such requests.

Item 9: Misc. Discussion: Mr. Anhder announced that May 16th is the open house for the Nibley City General Plan. It will be held at the city office building during the evening from 6:00 - 8:30 p.m. Mr. Anhder also commented on the recent League of Cities and Towns Mid Year Conference. He said the meetings have led him to encourage city officials to consider planning that will encourage more physical activity and is more pedestrian friendly. Mayor Knight agreed there needs to be a shifting of lifestyle to reduce the amount of easy access to buildings, for example. This will, in some aspects, encourage more physical activity according to Mayor Knight. He and Mr. Anhder suggested future building of city facilities should have parking lots located further from the building to require more walking.

In regards to the league meetings Councilman Larsen said he was introduced further to the idea of making a Senior Center available in Nibley. He would like the city to consider pursuing a meeting place for Nibley senior citizens. He suggested the city could purchase and use an existing home for such a place.

Mayor's discussion: Mayor Knight presented a letter from a concerned citizen regarding a home business that provides ice cream and other sales by driving through the community. Mayor Knight asked the council if this and other complaints are an indication the city needs to have more strict requirements when allowing a home business. The council expressed a desire to support home businesses when ordinances are being followed. In this case, there was some concern regarding the level of music being played to announce the business. Mr. Anhder said the city has contacted the business owner and completed a back ground check on the the individual who applied for the license

and everything was in order. The business owner agreed to reduce the music level.

Item 10: Nibley City Youth Council- Adult Advisors Trudy Knight and Shannon Rhodes introduced members of the Nibley City Youth Council. Members of the youth council include Mayor Clarissa Peterson, Stuart Edgington, Maddison Irwin, Quinn Stephens, Alyssa Latimer, Erica Nelson, Brian Dransfield, Britten Shenk, Jake Hunsaker, Tyson Irwin, Shalise Knight, and Savannah Forsberg. The youth council recently attended a conference at USU designed to help youth councils operate. Mayor Peterson introduced the members and then presented a verbal thanks for the city's financial contribution allowing the council to attend the USU conference. Mayor Peterson said the youth council is looking forward to providing service for the community and learning more about how city government operates. Mayor Knight asked Nibley City Recorder Larry Anhder to perform swearing in ceremonies for the original eight members of the council. Trudy Knight expressed her appreciation for support of the youth council by the city council. Councilman Jacobsen asked if it would be appropriate to have the youth council participate in the the Nibley City Council meetings by possibly having a representative from the youth council serve on city committees including the city council and planning and zoning commission. The Youth Council agreed to look into how they could become involved as representatives at city meetings. In addition, Councilman Mickelson encourage the youth council to consider planning events and activities that encourage support for the benefit and well-being of the family. Mrs. Knight said she will work with the youth council with plans to meet with Nibley City council members to develop ways of meeting community needs and interest.

Item 11: Council Reports-

Thayne Mickelson- Councilman Mickelson said he would like to encourage the city to do more to support wholesome community and family oriented activities, whether it be continued sports events, social dancing, or concerts in the park. He also asked for a progress report on the Hal Fronk property near Hollow Road. Mr. Mickelson suggested the city send a letter of appreciation to citizens who took part in the selection process for a replacement to the Nibley City Council. He said the letter should encourage those residents to continue with an interest in serving Nibley City as well as express an appreciation for such qualified candidates willing to serve. Councilman Mickelson also shared his opinion on matters of sewer treatment. He recently attended a meeting sponsored by Logan City to discuss sewer treatment. He said he does not support an idea to contribute to a general fund to have Logan City provide additional sewer service. He said this does not make sense now that Nibley City is considering an alternative sewer service. Regional sewer impact fee were also discussed at the meeting.

Bryan Hansen- Councilman Hansen reported on the Easter Egg Hunt activity for the city. He suggested with the increase of children in Nibley the cost of the event will require at least \$1000.00 to provide adequate easter treats. The council agreed to providing an increase in funding for the event. In other matters, Mr. Hansen asked what type of advertising should be done to encourage attendance to the open house to discuss the city General Plan. It was decided post cards will be sent to residents in addition to placing signs throughout the community. It will also be advertised in the city newsletter and on the city web site. Councilman Hansen also began discussion on opinions when it comes to locating a High School in Nibley City. Mr. Anhder said there is little benefit to having a high school in a city when it comes to what it will cost in terms of law enforcement, the taking of open space, and he said there are tracks of property near Nibley that would be suitable for a high school. He also suggested that if the city should decide to consider having a high school locate in Nibley, it needs to be done considering all aspects.

Jay Harrison- Resurfacing of roads will begin soon in Nibley according to Councilman Harrison. He also said he is excited to see such a vibrant and energetic youth city council in Nibley. He said he looks forward to working with them and seeing what they will do as they work together. Mr. Harrison asked for an update on improvements to 3200 South. Mr. Anhder said he will be meeting with those involved during a meeting next week and should have more details. It is projected the road will be under construction a year from now.

Larry Jacobsen- Councilman Jacobsen told the council and mayor that he appreciates their vote of support giving him the opportunity to serve as a member of the council through January, 2008.

There was also discussion as to whether or not members of the council would like him to attend planning and zoning meetings representing the city council. No decision was made. Councilman Jacobsen asked if it would be appropriate for him to attend the commissions next meeting to gather input from members there as to whether or not they would like council representation at their meetings.

Scott Larsen- The need to outline Citizen of the Year criteria was discussed by Councilman Larsen. The Heritage Day Committee members want to know what is happening with this. Councilman Larsen said in the past, the parade has had a Grand Marshall that recognized someone with heritage in the city. Miss Nibley recognizes a woman of the year. Councilman Larsen feels Citizen of the Year should be a third person. Councilman Larsen presented a proposal that outlined the reason for recognizing someone for their time, talent, and resources benefiting Nibley City. This person would be recognized and honored during Nibley Heritage Day Celebrations. Councilman Hansen suggested the person recognized as Citizen of the Year should also serve as Grand Marshall of the Heritage Days parade. He also said it would be nice to have a variety of individuals considered for their contribution and then honored. Councilman Harrison would like to see two individuals recognized, with one being the Grand Marshall and the other being the Citizen of the Year. Mayor Knight did ask for recommendations of individuals to be honored.

In other matters, Councilman Larsen mentioned his concern that a recently installed sidewalk along 800 West is only 4 feet wide because, he said, it was approved before. He would like to see the city pay for the additional foot of concrete to provide a 5 foot wide sidewalk on major roadways in the future. The council said it seem reasonable to have the larger sidewalk and suggested the city take steps to decide on a case by case basis when a subdivision sidewalk is being installed whether or not it should be wider. Councilman Larsen asked about code violations by Maverik. Mr. Anhder said the city is working to address the problem which relates to the set back of the store. Mr. Anhder said it is the intent of the city to require Maverik to build to specifications as approved by the city council and planning and zoning. According to Scott Larsen the Mayor has reported that the building is twenty eight feet too close and the pumps are fourteen feet too close. In related matters, Councilman Larsen asked what is happening when other code violations are occurring in the city, such as fencing and weed ordinances. Mr. Anhder said to enforce code violations is very costly and time consuming. He wondered how much of a priority it should be and what resources should be used. Councilman Jacobsen suggested maybe hiring a zoning and code enforcement employee. Councilman Larsen said he would like to see the city follow through on enforcement requirements. Councilman Larsen would also like to see the city purchase a work trailer to house city employees. Mr. Anhder would like to discuss this at a time when the issue can be dealt with in detail. Councilman Larsen said he would like to see the city consider purchasing a work trailer before purchasing additional property.

Item 12: Mayor's Report- Mayor Knight asked the council's opinion on a suggestion that the council and mayor receive additional compensation for their service. There were a variety of opinions by the council, including support for a raise by Councilmen Mickelson and Harrison. Councilmen Hansen, Jacobsen, and Larsen said they would support an increase for the mayor but do not necessarily feel the council needs a pay increase. Councilman Harrison said with growth and increased responsibility by the mayor and council it is time to pay public servants a reasonable rate. Mr. Anhder will present a recommendation at the next meeting during the budget discussion.

Mayor Knight read several letters from residents who submitted ideas and suggestions on how to improve or maintain the quality of life in Nibley. Mayor Knight said he was appreciative and impressed with the number and quality of letters submitted. Again, he complemented the level of concern and interest by citizens who live in Nibley, which he said is what makes this such a great place to live.

Mayor Knight said North Logan is suggesting cache valley cities, including Nibley City, work together to hire a Hearings Examiner to replace the Board of Adjustments to deal with appeals regarding city action. Mr. Anhder said because they meet rarely, it is difficult for boards of adjustment to address appeals related to the city. He said he would investigate the cost of participating in the hiring of a Hearings Examiner for later review.

One final note, Mayor Knight thanked Becky Yeager for her work to prepare the city newsletter and web page.

Item 13: Adjourn- Councilman Larsen made a motion to adjourn at 11: 15 p.m. with councilman Harrison making a second to the motion which was approved unanimously.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder