

NIBLEY CITY COUNCIL  
CITY COUNCIL MEETING THURSDAY, August 3, 2006

The following motions were made during the meeting:

**Motion 1: Councilman Bryan Hansen made a motion to approve minutes of the July 20, 2006 City Council Minutes with changes and evening's agenda. Councilman Scott Larsen made a second to the motion which passed with all of those present voting in favor. Councilman Scott Wells was not present for the vote.**

Motion 2: Councilman Bryan Hansen made a motion to approve Ordinance 06-08- An Ordinance amending sections of the Nibley City Land Use Code Concerning Half Streets and Cluster Subdivision. Councilman Thayne Mickelson made a second to the motion.

Proposed Amendment to Motion 2: Councilman Wells made an amendment to the motion and moved to strike the portion of Section 11-5-5 reading "Half streets (completed only to centerline).....issues have been satisfied.". Councilman Scott Larsen made a second to the motion. The amendment to the motion failed with Councilmen Scott Wells and Thayne Mickelson voting in favor and Councilmen Jay Harrison, Scott Larsen, and Bryan Hansen opposing.

Mayor Knight asked for a vote on the original motion to adopt ordinance 06-08. The ordinances was adopted with Councilmen Jay Harrison, Scott Wells, and Bryan Hansen voting in support and Councilmen Thayne Mickelson and Scott Larsen opposing.

Motion 3: Councilman Scott Wells made a motion to approve Resolution 06-09: A Resolution setting the certified tax rate for Nibley City for the fiscal year 2006-2007. Councilman Jay Harrison made a second to the motion which was approved unanimously.

Motion 4: Councilman Thayne Mickelson moved to adopt Resolution 06-10 adopting and amending the current year budget. Councilman Wells made a second to the motion . Councilman Scott Larsen voted against the motion. Councilmen Scott Wells, Thayne Mickelson, and Jay Harrison voted in favor of the motion which was approved. Councilman Bryan Hansen abstained noting a conflict of interest.

Motion 5: Councilman Wells made a motion to adopt Resolution 06-08 with item #2 to include a salary rate based on the pay scale 10 E/ \$30.05 per hour. Councilman Scott Larsen made a second to the motion. Councilman Scott Wells, Thayne Mickelson, Bryan Hansen, and Jay Harrison voted in favor of the resolution 06-08. Councilman Scott Larsen voted against the motion which was approved.

**Motion 6: Councilman Bryan Hansen made a motion to approve and allow Mayor Knight to sign an agreement with UDOT for 3200 South. Councilman Scott Wells made a second to the motion which was approved unanimously.**

Motion 7: Adjourn. General consent was given to adjourn at 11:15 p.m.

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Minutes taken by City Clerk Cynthia Fredrickson, who was present at the meeting, and transcribed by Kerry Bringurst, Deputy Recorder.

Mayor Knight called the thursday, August 3, 2006 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Thayne Mickelson Scott Wells, and Scott Larsen. City Manger Larry Anhder and City Planner Conley Thompson were also in attendance. Nibley City Planning and Zoning Chairman Wayne Anderson and commission member Larry Jacobsen were among members of the audience. The meeting took place at the Nibley City Hall, 625 West 3200 South. Assistant City Recorder Kerry Bringhurst was excused.

**Item 1: Review of Minutes for July 20, 2006. Councilman Bryan Hansen made a motion to approve minutes of the July 20, 2006 City Council Minutes with changes and evening's agenda. Councilman Scott Larsen made a second to the motion which passed with all of those present voting in favor. Councilman Scott Wells was not present for the vote.**

Mayor Knight began the meeting by informing the council about a free course dealing proposed tax issues. The course is scheduled by the Utah State Tax Commission for August 21-22, 2006. Council member Thayne Mickelson said he is concerned about possible tax increased being proposed.

The ULCT will hold their regular workshop in September. Council members Jay Harrison, Scott Larsen, Bryan Hansen, and Scott Wells plan to attend as does Mayor Knight. Councilman Mickelson will let Mr. Anhder know if he is able to attend.

**Item 2: Jeremy Garcia @ 3151 South 1500 West regarding discussion about Fencing Ordinance.** Mr. Anhder explained to the council that Mr. Garcia has questions regarding a new fence ordinance and the city's request that his fence comply while there are several examples of fences in the city that are in violation of the ordinance. Mayor Knight explained that the city is in the process of requiring owners of fences that are in violations to make adjustments to meet the new requirements. During the discussion audience participant Christ Heishman said he was also concerned about burms that is located on the property so as to make it difficult to install a fence. Mr. Anhder said he will discuss the matter with Rod Elwood. The council did not take action on the item and will require Mr. Garcia to follow the ordinance.

**Item 3: Rod Blossom, City Engineer-** Discussion about engineering duties and presentation or proposed new construction specifications and standards for Nibley. Mr. Blossom met before the council to give them the opportunity to learn more about his role in the city. He reviewed the statutes in the state that require the city to have an engineer. Mr. Blossom presented the council with an updated volume of Design Specification for construction. Mr. Blossom explained the standards should be reviewed by the council for adoption. Mr. Blossom is an employee of Cache Landmark, he explained that Dan Turner reviews any properties that could result in a conflict of interested. Mr. Blossom said he has worked very hard to maintain an honest and quality product for the city.

Mayor Knight asked Mr. Blossom what he feels are issues facing Nibley City that need to be addressed. Mr. Blossom said water pressure in Nibley City is an issues, he also said improvements to the road along 3200 South will take a lot of involvement. Mr. Blossom said the city does need to address the installation of a new well. Matters of ground water and new construction have been addressed by the engineering department which has included on the building permit a disclaimer making it the home buyer and developers responsible for determining if ground water is an issue, therefore relieving the city of responsibility. He said

the guidelines do allow for a test hole to be dug is the engineer or city council feels it is necessary.

Councilman Mickelson asked Mr. Blossom to share his thoughts on potential plans to develop a subdivision along the Blacksmith Fork bench and if it is an appropriate location for a subdivision? Mr. Blossom said the bench there is very nice and that Nibley would benefit from having the land annexed into Nibley. Mr. Blossom said any development of the bench would require a reservoir and a second access road completed to city standards.

Councilman Larsen asked Mr. Blossom to share his opinion on whether or not a stop light would be better placed at 2300 South or 2600 South should there be a light placed in that area. Mr. Blossom said it is difficult to predict what might happen in that area. He said Nibley City does need to plan ahead and said one thing the city needs to do is to include in the Master Plan a major road in front of Heritage Drive that will lead into 3200 South.

Scott Larsen also wondered if Nibley City should work with Matt Petersen, who is developing a commercial project along that will require a lift station large enough to serve more than his developments needs. Mr. Blossom is proposing Mr. Petersen build the station to city specifications with the possibility of the city taking over the lift station in the future. Mr. Blossom said there are a number of other issues related to this project that need to be addressed including a water and sewer line.

Mr. Blossom was also asked his opinion on the east side of 165 at 3200 South. Mr. Larsen said it is his understanding the UDOT has indicated it will be difficult to have the road curve onto the existing road onto 3100 South because there is enough room but Mr Blossom suggested the city might take the road straight across SH 165 and construct a new bridge. Additional advice given to the city by Mr. Blossom was a reminder to stay ahead of the Cache Metropolitan Planning Organization by having road plans prepared and by always know what the city needs and wants.

Mr. Blossom concluded his presentation to the council. Mayor Knight and the council thanked Mr. Blossom for his time and his work for Nibley City.

Item 4: Report on Planning and Zoning- Chairman Wayne Anderson. A review of the July 26, 2006 Planning and Zoning minutes were reviewed.

Item 5: City Business- Larry Anhder.

1. Mayor Knight and City Manager Larry Anhder are scheduled to meet with Nate Zollinger and an ombudsmen to review the city council's decision to reject a request for a septic tank to be located in Zone 2 of a water protection area and requiring him to pump to the city sewer system. Mr. Zollinger is claiming the decision places an undue hardship him as a property owner. The meeting is scheduled for August 4, 2006 at 10:00 a.m.

2. Mr. Anhder said four cities in the South end of Cache Valley have indicated an interested in an alternative garbage collection service. Attorney Scott Wyatt has suggested going ahead with an RFP seeking to have services provided by an alternative collection company. However, it was also his opinion that the company has to have arrangements for a landfill for dumping the garbage. Solid Waste will be discussed during a meeting between Mayor Knight and Logan City. Mayor Knight said Nibley City is hoping to begin providing education information about recycling in the city newsletter.

Item 6: 7:45 p.m. Public Hearing to receive comments on amending the 2006-2007 budget to allow assistance in purchasing play ground equipment for the Nibley Elementary School.

Nibley resident and Nibley Elementary School Community Council Member Becky Yaeger met before the council to make a request for the city to contribute money to help pay the cost of purchasing playground equipment for the school Mr. Anhder explained the public hearing was held as a result of changes to the budget that will allow the city to meet a request from the

Nibley Elementary School Community Council for money to help complete the purchase of playground equipment. Mr. Anhder said the city will contribute \$3,700 from the Miscellaneous income portion of the budget. He said city employees will also install the equipment at the playground site. The budget changes would increase the Miscellaneous income portion of the budget from the current \$8,000.00 to a proposed \$11,700.00.

Councilman Mickelson asked if the showing of support to the school will lead to an increase in cooperation by the school to allow for community activities to be held at the school? Mayor Knight said there have been some verbal agreements by Principal Lindauer with plans to meet with Mayor Knight to schedule use of the gymnasium. Mayor Knight said there will still be costs associated with the use of the building. Councilman Wells said he agrees with working to develop a partnership between the school and the city. However, he feels the gymnasium should be accessed by the community without a large payment being required.

Mayor Knight asked for comments concerning the budget request. There was a question about whether or not the city should charge the school for use of the park for school activities. Cynthia Fredrickson gave an example of a group of educators who wanted their school students to have access to the city pavilion and water fountain during a school activity. The school was not willing to pay the rental fee, leaving the educators to pay the bill. Mrs. Fredrickson asked the council's advice on these types of situations.

Mayor Knight suggested the council review the matter and make a recommendation.

Mayor Knight closed the public hearing and asked the council for any discussion on the resolution 06-10 which will come before the council for possible adoption at a later time during the evening's meeting. Councilman Wells suggested it would be appropriate for the council member to indicate their intentions on whether or not they plan to support the request by the school to have the city donate \$3,700.00 for the purchase of playground equipment.

Councilman Mickelson asked there be additional wording added to the resolution that would show the city's intent to develop a cooperative agreement between the city and the school for better access to school facilities for community events.

Some members of the council indicated their support for the requested money. Councilman Wells asked Mr. Anhder to prepare the resolution with necessary wording as requested by Councilman Mickelson. Mr. Anhder said it would be appropriate to make an amendment to the resolution when the item comes before the council later in the evening.

Becky Yaeger and members of the Nibley Elementary School Community Council thanked Mayor Knight and the Nibley City Council for their support to the school playground project.

Item 7: 8:00 p.m. Public Hearing to receive comments concerning amendments to the land use code clarifying the use of half roads and clarifying provisions for the application of cluster subdivisions in R2-A zones. Mayor Knight read through the proposed Ordinance 06-08. Mr. Anhder said the proposed ordinance is a result of development activity in the city that has resulted, in his opinion, in a few select places in the city needing the completion of at least a portion of the street. He gave the example of the area between Shadow Brooke and Sunset Park Subdivision. He said the city knew both subdivision were in the works and it made sense to have half streets. Mr. Anhder outlined several other examples of streets where half streets have been allowed in other areas of the city where 80 foot streets are expected. Mr. Anhder questioned the Planning & Zoning Commissions wording in the ordinance which allows for half streets when the city engineer has reviewed the proposed half street design and can attest that public safety issues have been satisfied. Mr. Anhder asked commission member Larry Jacobsen to discuss the wording. Mr. Jacobsen said there was not a consensus on the decision to include the wording. Mr. Jacobsen said he reason for voting in favor of the review resulted in his lack of expertise in being able to determine whether or not half street are safe for both vehicles, pedestrian traffic, and bicycle traffic. He felt it is more appropriate to place that determination on someone who is trained, rather than the Planning and Zoning Commission or the City Council. Planning and Zoning Chairman Wayne Anderson voted against the

engineers safety review saying it is not necessary and he would support striking the wording as well as support anything that would prohibit half streets in the city.

Mayor Knight asked for additional comments. Seeing none he closed the public hearing.

Mayor Knight reminded the council the ordinance also dealt with matters related to cluster subdivision being allowed in R2-a zones. There was a question from an audience member. Carrie Cook asked for a definition of a cluster development.

Mayor Knight asked for a motion on the proposed ordinance.

Councilman Bryan Hansen made a motion to approve Ordinance 06-08- An Ordinance amending sections of the Nibley City Land Use Code Concerning Half Streets and Cluster Subdivision. Councilman Thayne Mickelson made a second to the motion.

During discussion Councilman Scott Larsen said he liked the added language requiring an engineer safety review for half streets. However, he said he does not like the idea of allowing cluster subdivisions in every zone. Mr. Larsen thinks the smaller lots in an R2-A are small enough and that a cluster subdivision will work better in zones with larger lots. He also wonders how the open space of a proposed cluster in an R2-A zone will benefit Nibley City in regards to no public access. Mr. Larsen read from the city code on cluster subdivisions where it says it is not meant for everywhere but only when certain things apply.

Scott Wells said he feels cluster subdivisions are reviewed on a case by case request and that there is a place for this type of development, even in an R2-a zone if it is planned properly. As far as open space and parks, Councilman Wells says even if the parks are not to be used by the public, it will reduce the pressure on city parks. Councilman Wells said he supports simple wording in regards to Section 11-5-5 and changes that would allow for half streets but recommends doing away with the safety review.

**Councilman Wells proposed an amendment to the motion and moved to strike the portion of Section 11-5-5 reading “Half streets (completed only to centerline).....issues have been satisfied.”. Councilman Scott Larsen made a second to the motion. The amendment to the motion failed with Councilmen Scott Wells and Thayne Mickelson voting in favor and Councilmen Jay Harrison, Scott Larsen, and Bryan Hansen opposing.**

**Mayor Knight asked for a vote on the original motion to adopt 06-08 ordinance. The ordinance was adopted with Councilmen Jay Harrison, Scott Wells and Bryan Hansen voting in support and Councilmen Thayne Mickelson and Scott Larsen opposing.**

**Item 8: 8:15 p.m. - Resolution 06-09: Public Hearing to receive comments concerning a proposed adjustment to the City portion of the property tax rate.** Mayor Knight explained the adjustment is needed to account for cost of living increases. Mayor Knight asked for public comment and discussion among the council. Seeing none he asked for a motion on the resolution.

Councilman Scott Wells made a motion to approve Resolution 06-09: A Resolution setting the certified tax rate for Nibley City for the fiscal year 2006-2007. Councilman Jay Harrison made a second to the motion which was approved unanimously.

**Item 9: Resolution 06-10 adopting and amending the current year budget.** Council Scott Larsen questions the appropriateness of using city money to fund projects already being paid for by tax dollars, such as those in the public schools. Mr. Larsen also feels the city should follow the advice Mr. Anhder gave from the ULCT hand book where it suggests cities not be a charity giver. Mr. Larsen asked where the giving ends and who does the city refuse?

Councilman Thayne Mickelson moved to adopt Resolution 06-10 adopting and amending the current year budget. Councilman Wells made a second to the amendment .

During discussion Councilman Wells said he feels this is an inexpensive way to provide recreation to the youth of Nibley City without having to maintain or being liable. Councilman Larsen did ask about liability since the city is installing the equipment. Councilman Mickelson reminded the council of his desire to have additional wording included in the resolution indicating a desire to improve cooperative relations to use school facilities. Councilman Larsen reminded the council of points Mr. Wells made the first time this was discussed by the council and how the city does not want to give any indications that the city is trying to buy their way into a better relationship. Mayor Knight said this is a concern and that Mr. Lindauer appears to be willing to work with the city, despite any financial support for the playground.

Mayor Knight called for a vote on the motion.

Councilman Scott Larsen voted against the motion. Councilmen Scott Wells, Thayne Mickelson, and Jay Harrison voted in favor of the motion which was approved. Councilman Bryan Hansen obtained noting a conflict of interest.

**Item 10:** Resolution 06-08 adopting a Salary Schedule for City Employees and Vehicle Reimbursement amount. Mayor Knight read the resolution. During discussion Councilman Scott Larsen recommended to fill in the blanks of #2 that an employee working for the city for nine years and is currently making \$26.53 an hour receive an 8.8% increase to \$28.87 an hour which equates to about \$60,250.00, and not the \$32.50 recommended.

Councilman Wells suggested a flat increase to \$30.00 an hour based on the middle between Mr. Larsen and the suggestion from the survey. Councilman Harrison agrees with Councilman Wells that Mr. Anhder is a high end city manager that needs to be retained at a rate that is fair. Councilman Wells also cited Mr. Anhders ability to find grant money and other resources that benefit the city financially and professionally. Mayor Knight said a review of Mr. Anhders responsibilities as city manager clearly indicate Mr. Anhder is a professional and should be paid a professional salary, not hourly.

Councilman Wells made a motion to adopt Resolution 06-08 with item #2 (Nibley City Manager) to be compensated at a 10 E/ \$30.05 per hour pay scale. Councilman Scott Larsen made a second to the motion.

During discussion Councilman Mickelson said he does not feel comfortable discussing an employee in a public setting. He feels a review should occur in a private setting and he does not agree with the process. Councilman Wells explained that with changes in the Nibley City Government the city manager answers to the council and the council has the responsibility of determining the positions pay rate. Councilman Larsen presented to the council an alternative pay scale chart saying he does not feel comfortable with 5% step increases or the time between steps. His plan has a 3% step and broken out in 1 year, 2 year, and 3 year steps based on time of service. Also, he said each position would fall into two grades. His scale had 15 grades and 10 steps.

Mayor Knight asked for a vote on the motion.

Councilman Scott Wells, Thayne Mickelson, Bryan Hansen, and Jay Harrison voted in favor of the resolution 06-08. Councilman Scott Larsen voted against the motion which was approved.

Mayor Knight asked if the council would be willing to hold an executive session at this time or at a later date? Councilman Mickelson said he would like to prepare for the evaluation. Mayor Knight suggested scheduling an executive session on September 7, 2006 to discuss personnel matters.

**Item 11:** Discussion of acquisitions of Right-of-Way on 1200 West. Mr. Anhder explained to the mayor and council that Nibley City has contacted the owner of property along 1200 West in an

attempt to obtain an easement along the road for an expansion project. However, the property owner, Mr. Hudson has refused to deed the property to the city. Mr. Anhder said there is a sixteen and a half foot dedication on either side of the section of line the city needs for the project. Mr. Hudson said he would be willing to sell the right of way to the city at a cost of about \$1.80 per foot. Mr. Anhder said the total cost to purchase the right of way would be about \$30,000.00, including the portion the city feels already belongs to Nibley. Mr. Anhder said the council will have to make a decision whether or not to pay the asking price. Another option would be to take the matter to an arbitrator. Mr. Anhder said one of the concerns is that there have been many instances in Nibley City where residents have donated the right of way and have even paid for the curb and gutter while others have been paid a portion of money for the land. Mr. Anhder said in the case with Mr. Hudson the city is willing to pay for the portion of the right of way where it is determined the city does not have an easement. The cost to purchase that portion of property from all owners would be about \$15,000.00. Mr. Anhder said he would continue to look into the matter to help the council determine what action would be most appropriate. Councilman Harrison said if the city has the right to the easement, the city should take action to get the right of way. But, said Councilman Harrison, if the city is going to pay Mr. Hudson for property that rightfully belongs to the city, then the city needs to make the effort to do the same in other situations where property has been donated. Mr. Larsen said he would support the idea of the city continuing to insist on being given the property that was deeded to Nibley by Brigham Young, with the option of paying a little higher rate for the other half of the property, which is owned by Mr. Hudson. No action was taken. However, Mr. Anhder was directed to talk with Craig Hall during an upcoming meeting about the matter.

**Item 12:** Discussion about Crossing Guard on 800 West for the upcoming school year. Mr. Anhder explained that money has been set aside to hire a crossing guard. He said there have been requests for an additional crossing guard along 800 West. However, Mr. Anhder said it might make more sense to place a guard at 2600 South. But the lack of sidewalks for students to use for walking does cause a problem. Mayor Knight took a straw poll to determine how many crossing guards to hire. It was decided the city should hire two full time crossing guards. Councilman Larsen suggested placing one guard at the opening of Shadow Brook and one at Verail's place until the city can just use one at 800 West and 2600 South.

**Item 13:** Approval of Agreement with UDOT for 3200 South. The contract basically states that Nibley City is contracting with UDOT to hire a consultant.

**Councilman Bryan Hansen made a motion to approve and allow Mayor Knight to sign an agreement with UDOT for 3200 South. Councilman Scott Wells made a second to the motion which was approved unanimously.**

**Item 14:** City Manager and Council Report-  
Mr. Anhder has nothing to report.

Scott Larsen: Councilman Larsen asked about 600 West sidewalks. Nothing has changed. The council agreed this sidewalk needs to become a priority. Mr. Larsen also asked what the time frame is for Emily and Jared Taylor to complete their sidewalk. Mr. Anhder said the city will keep a thousand dollar deposit until the sidewalk is completed. They have ninety days to complete the sidewalk. Councilman Larsen also asked about a sidewalk along 250 West in front of the Lowry's home and Smith's home that needs to be installed as part of the Cody Springs Subdivision. Mr. Anhder said the city needs to contact the Smith family also, and that when contacted the Lowry's did show some interest in helping complete the sidewalk project. Mr. Larsen suggested that unused fill from around the city could be used to help fill in some areas along 250 West to help those owners complete that sidewalk. Mr. Anhder said that was a good idea. Also, Mr. Anhder said 250 West will be improved during the next few weeks as a result of several cuts in the road because of construction. It was suggested the work be completed before school begins to allow for school bus access. Mr. Larsen also asked who was doing work on the sidewalk along 800 West along the Clear Creek Subdivision? Mr. Anhder said the developer is responsible for doing the work and for paying the cost. Mr. Larsen also asked about an agreement with the Clear Creek Subdivision developers to install a fence along the railroad tracks. Mr. Anhder will remind them of that agreement.

Scott Wells: Nothing to report.  
Jay Harrison: Nothing to report.

Bryan Hansen: Councilman Hansen presented invites to the upcoming Nibley City summer party.

Thayne Mickelson: Mr. Mickelson asked for an update on the Blacksmith Fork Subdivision dust control plan. Mr. Anhder said a request by Nibley resident Mr. Cokinis to obtain a copy of the plan and other requests has led to a cease and desist order on the project until the plan is scheduled.

Mayor Knight: Mayor Knight made a request to the council to submit items for the newsletter. Mayor Knight also asked the council what should be done in regards to stewardship assignments. Councilman Larsen said he would rather not shift the responsibility to city staff.

**Item 15: Adjourn.** General consent was given to adjourn at 11:15 p.m.

Signed \_\_\_\_\_  
Mayor

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