

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, March 5, 2009.

**The following actions were made during the meeting:**

**Item 1: Councilman Hansen motioned to pass ordinance 09-03 for the attached/multi-family design and development standards in conservation subdivisions. Councilman Jacobsen seconded the motion. The motion passed unanimously; with Councilman Hansen, Councilman Jacobsen, Councilman Larsen, Councilman Dustin, and Councilman Mickelson all in favor.**

**Item 2: Councilman Larsen motioned to approve resolution 09-04 regarding the Utah State legislature's utilization of current transportation funding. Councilman Hansen seconded the motion which passes 4-0. Councilman Larsen, Councilman Hansen, Councilman Jacobsen, and Councilman Mickelson are in favor. Councilman Dustin abstains from the vote.**

**Item 3: Councilman Larsen motioned to refer the Nibley City Animal Husbandry Ordinance to committee, existing of the suggested members. Councilman Hansen seconded the motion. The motion passed unanimously; with Councilman Larsen, Councilman Hansen, Councilman Dustin, Councilman Jacobsen, and Councilman Mickelson all in favor.**

**Item 4: Councilman Mickelson motioned to accept the Staker & Parson Co. bid for 3200 South reconstruction and proceed as the bid indicates with alternates one and two, and the entire project cost estimate. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Larsen, Councilman Dustin, and Councilman Mickelson all in favor.**

**Item 5: Councilman Mickelson motioned to approve the contract with Cache County to provide prosecution services for Nibley City. Councilman Dustin seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Dustin, Councilman Larsen, Councilman Jacobsen, and Councilman Mickelson all in favor.**

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OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, March 5, 2009 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Shari Phippen, the Zoning Administrator, was also present. Mr. Larry Anhder, City Manager, was excused from the meeting.

**Item 1: Approval of the evening's agenda and minutes of the February 19, 2008 meeting.**

Councilman Jacobsen made a motion to approve minutes with Councilman Larsen changes and the evening agenda. Councilman Dustin seconds the motion which passes unanimously.

**6:05 Report on Fire Department activity in Nibley from Cardell Nielsen, Chief, Hyrum Fire Department**

Ray McBride, Fire Dept. Secretary, Dave Roberts, Battalion Chief, and Blake Christensen, Battalion Chief are also present.

Councilman Mickelson arrives at 6:03

Chief Nielsen stated currently the fire department has 26 members. They are taking application for more positions. They are looking for as many new positions as possible. Chief Nielsen states last year they had 154 calls in zone 8 which covers Millville, Hyrum, Nibley, & some of the unincorporated area of the county. 54 of those calls came to Nibley. Councilman Mickelson asked how much each call costs. Chief Nielsen gave an example that the first call had 10 firefighters respond. Each Firefighter that responds to a call from Hyrum is being paid 8\$/per hour. Most calls to Nibley were CO<sup>2</sup> calls. They had only one or two that any levels of CO<sup>2</sup> were found. The Hyrum City budget for firefighters last year was \$95,000. First responders are separate from the fire department. They had a budget of \$34,000. Every firefighter put on the force requires and \$7,000 equipment investment. Chief Nielson asks the Council for questions or comments. Mayor Knight asked Chief Nielson if there is anything they can do as a city to educate the public on CO<sup>2</sup> detection. The Chief could give no recommendations. Dave Roberts recommended pulling cars out of the garage, shut the garage doors, and not let cars idle in the garage. Chief Nielson recommends changing the batteries in CO<sup>2</sup> detectors often. They pointed out that they don't want to discourage people from calling though. Councilman Jacobsen thanks the firefighters for their service.

**Consideration of Ordinance 09-03—An ordinance providing for the attached/multi-family design and development standards in conservation subdivisions.**

Mayor Knight noted they are to the point of ensuring last week's corrections and additions had been included and approving the ordinance. Councilman Larsen stated he believed his changes had been made and that it looked good. Councilman Hansen made a motion to pass ordinance 09-03 for the attached/multi-family design and development standards in conservation subdivisions. Councilman Jacobsen seconded the motion. The motion passed unanimously. Councilman Larsen asked if the fee had been set. Mayor Knight stated that will be included in the standard fee chart. Ms. Phippen will have that fee ready for the next meeting.

Mayor Knight noted that the ordinance for group homes is included in their packets. The public hearing on this will be at the next meeting. He encouraged the council to review the ordinance and be prepared for the next meeting.

**Consideration of Resolution 09-04—A resolution encouraging the state legislature to utilize current transportation funding distribution formula for any increase in the statewide gas tax so that the entire transportation network may benefit.**

Mayor Knight stated they wanted to pass this and forward it to that state legislature.

Councilman Larsen asked if the increase gas tax had been passed. Ms. Phippen stated it had not. It had not made it out of committee. Mayor Knight stated it appeared that the state will collect the additional tax money, give them what they are obligated to through the B and C, and they will keep the rest to distribute according to their wishes.

Councilman Dustin stated he is not opposed to a redistribution of different transportation modes but is opposed to a redistribution of transportation funds. The Council reads through the resolution. Councilman Larsen moves to approve resolution 09-04 regarding the Utah State legislature's utilization of current transportation funding. Councilman Hansen seconded the motion which passes 4-0. Councilman Dustin abstains from the vote.

**Discussion and consent on a committee to study Nibley's ordinance concerning the right to keep animals.**

Mayor Knight would like it called the Nibley City Animal Husbandry Ordinance. Mayor Knight has asked Councilman Jacobsen, Councilman Larsen, Commissioner Heidt, Commissioner Bliesner, and Nibley citizens, Ron Hedin and Susan Hepworth to be on the committee. He has asked Councilman Jacobsen to chair the committee. He would like to see this completed by May. Councilman Mickelson asked what has happened to make this come about. Councilman Larsen stated the Planning & Zoning Commission had some concerns about things that are already included in the ordinance. In particular, there is some push to do away with kennel licenses and there are a lot of people that want fowl, they wanted to update that a little better. Ms. Phippen said anything under  $\frac{3}{4}$  acre requires a conditional use permit and they cannot turn down a conditional use permit, they can only put conditions on them. There is no maximum to the number of animals you can have on a lot. Councilman Mickelson proposed Bill Player also be included on the committee. Mayor Knight is not inclined to include him on the committee. Councilman Mickelson thought he had some good ideas about equity in numbers. Councilman Larsen stated he shared similar concerns with Mr. Player. Councilman Jacobsen asked what representation they did have. Mayor Knight stated Ron Heaton owns pigeons and Susan Hepworth lives on 250 and 3800 S. and owns horses and is looking for somewhere to put them in the city. Mayor Knight stated that several members on the committee will fill multiple roles. Ms. Phippen stated they need to more clearly define the numbers and types of animals allowed. Councilman Larsen asked who this committee will report to. Mayor Knight believed they should report to both City Council and the Planning & Zoning Commission. Councilman Mickelson asked if there is any person on the committee who has an interest in farming and larger groups of animals. Councilman Larsen stated he will work to protect the farming community.

Councilman Larsen moved to refer the Nibley City Animal Husbandry Ordinance to committee, existing of the suggested members. Councilman Hansen seconded the motion. The motion passed unanimously.

### **Selection of contractor for 3200 South street reconstruction**

Bill Saunders, public works director, and Rod Blossom, City Engineer are present. Mr. Blossom distributed a summary of bids. He believes they received good bids from qualified people. Mr. Blossom and Mr. Saunders reviewed the bids with the Council. There were 5 bids reviewed. A group of three were an average of \$200,000 above the two lower bids. Mr. Blossom stated they want to sit down with the low bid and discuss doing groove and paint on the line painting and thermal plastic for turn lanes, pedestrian crossings, and bike lanes.

Councilman Hansen is excused from the meeting at 6:45.

Mr. Blossom stated both low bidders were very qualified. His recommendation was they take the low bid because they are the low bid and they are qualified. They want to continue to have very qualified people making bids. The bids do reflect the current economy. Councilman Larsen asked about item eight which is the continuation of the sidewalk on the North side to 500 W. Councilman Larsen talked to Mr. Anhder about continuing the sidewalk on the South side up to Ashburry. Mayor Knight stated there is some sidewalk money available. Councilman Larsen stated if they continue the sidewalk they want to make sure there is an access to the recycling facility. Mr. Blossom stated that had been addressed in the bid.

Councilman Mickelson made a motion to accept the Staker & Parson Co. bid for 3200 South reconstruction and proceed as the bid indicates with alternates one and two, and the entire project cost estimate. Councilman Jacobsen seconded the motion. Councilman Larsen stated he appreciated what LeGrand Johnson has done on the current road and he would have gone with them to make things match up, if there wasn't the increased difference with the alternatives. He appreciated their bid.

Councilman Dustin asked if Mr. Blossom is satisfied that items 5-8 have been sufficiently negotiated. The way he interpreted this, is that they are approving this on a budget up to this amount subject to further negotiation. Councilman Dustin would like to know if the construction bid is a lump sum bid. Mr. Blossom stated that it is and any changes are on a unit price basis. Councilman Dustin stated he would prefer they go with the less expensive alternate on stripping and put more money into asphalt. The motion passed unanimously.

They will send a notice of award tomorrow and expect to sign a contract on Monday. Mr. Blossom stated they expect to start the first of April and expect to be done the first of June.

### **Consideration of Ordinance 09-02—Design Standards for Commercial and Institutional Uses.**

Mark Morris is present from Cooper, Robert, and Simpson. He gave a presentation to the Council. He gives an explanation of what the standards can and cannot do and examples of what the design standards are regulating

Design Standards can:

- Improve the quality of physical changes
- Protect the value of investment
- Protect existing architectural characteristics
- Act as a base for objective decision making
- Increase public awareness of architectural quality

Design Standards cannot:

- Regulate growth
- Control non-exterior changes
- Guarantee good design

Mr. Morris addressed using streets as a multi-use public space and not a conduit for automobiles. He stated if they plan for people and not cars they are not excluding anyone. Mr. Morris asks the Council for questions on the design guidelines. Councilman Jacobsen stated the Council feels this is important to be a “standard” not a “guideline” and wants to make sure this is what they are. Mr. Morris stated these are standards but they also want them to be flexible. Councilman Dustin asked how other cities implement these: as guidelines or standards. Mr. Morris stated it depends on the city; and that they want to pick their battles and not to focus on the style of the building but on the form. Councilman Dustin feels strongly about designing for people and designing for access. Mr. Morris states you use the standards as leverage to get other amenities. Councilman Mickelson asks if these standards would create any problems for a store like Target. It is discussed and decided they will not. Councilman Larsen asked about discrepancies in the standards referring to using historic styles. Mr. Morris stated the intention was not to discourage people from using traditional or historic style but to deter from copying historic buildings or pasting on a historic facade. Councilman Larsen stated the less they have to explain their vision the better their standards are. Mr. Morris stated he can reword this and make it clearer. Mayor Knight recommended they address this line by line in the next meeting and asked the Council to come prepared for that. Ms. Phippen stated the way they have the standards set up is that they would be treated similar to the engineering standards which are not codified, that way if percentages need to be changed they can be. It provides flexibility in modifying them. Councilman Larsen questions if the Council would need to vote on any changes to the standards. He would like them codified. Mayor Knight will follow up on the process for changing the standards if they are not codified.

### **Consideration of a contract with Cache County to provide prosecution services for Nibley City.**

Mr. Anhder provided in the meeting packets a copy of the contract with Cache County to provide prosecution services for Nibley City to the members of the City Council. Councilman Larsen wonders if he is paying taxes as a member of Cache County and Nibley City and if they are “double dipping”. He is happy that the County Attorney is going to charge the city the amount that he would have charged personally. Mayor Knight stated as long as the current administration is there they will get a great deal—they are very mindful of the “little guy”. Councilman Mickelson made a motion to

approve the contract with Cache County to provide prosecution services for Nibley City. Councilman Dustin seconded the motion. The motion passed unanimously.

**Discussion about gravel roads and the possible ordinance governing them.**

Ms. Phippen provided notes to the City Council. Ms. Phippen stated the Planning & Zoning Commission is not necessarily opposed to this but feel they need a philosophical basis for why they are doing this. Councilman Dustin stated the question is if they want to allow flag lots or not.

Councilman Hansen returns at 8:47

Ms. Phippen stated the before they bought the Gardiner House the city was approached about selling the back half-acre and they were told no because they could not have a flag lot with no frontage. Councilman Mickelson stated the Fenton's should be required to be paved to their property and then the remainder could be gravel. Mayor Knight stated they need to decide if they want to have infill and give direction to the Planning & Zoning Commission. Councilman Hansen stated he believes there should be a non-paved road in the rural estate zone. Ms. Phippen asked if they would put a limit on the ordinance stating that it can only access 1-2 lots. Councilman Jacobsen stated that gravel lanes do not detract from the zone. Councilman Hansen stated it should be zone specific ordinance. Ms. Phippen stated Bill Saunders wants a paved approach to the paved road. Councilman Mickelson stated his concerns are emergency vehicle access, maintaining the main road, and minimizing nuisance to the neighbors. The Council decided not to have Planning and Zoning address gravel roads and to do nothing at this time.

**City Manager Reports**

Ms. Phippen stated they have an address for the new elementary school: 925 W. 3200 S. The updated pub ordinance should go through the Planning & Zoning Commission next week but given the agenda for the next City Council meeting it will be put on the first April agenda.

The RFP for the parks master plan will be going to the Herald Journal, Utah Parks and Recreation Association, Design Workshop, and newspapers in the Salt Lake City area.

**Council Reports**

Councilman Mickelson questions an incident on the fire report that apparently existed at his home. He wonders how accurate their recording is and if they are being charged. The mayor stated they are charged \$5/resident/year.

Councilman Hansen asked for a price estimate on what they wanted to spend on a P.A. system. The Council believes Mr. Anhder was going to look into it. Councilman Larsen said he had talked with the Recreation Director about this last year. He will approach Casey Judd about a system he recommended and give that information to Ms. Phippen.

Councilman Jacobsen went to the Peterson's Farmers Market Meeting. The individuals that are showing an interest in this are the ones that have had issue with the Logan

Farmer's Market. He felt they are charging too much for a space and that they are intending to have it too often (6 days/week). April 25<sup>th</sup> is their first day. There will be a petting zoo vendor.

Councilman Dustin would like to make a gesture to rename the Old City park Veterans Memorial Park for all veterans. He does not want to put it off. This is their most visible park. Councilman Dustin stated he appreciated the Scouts and their efforts with the Alleman funeral. The school is going to have something to honor Mr. Alleman and he would like to see the City involved in that. He received suggestions of a plaque at the flagpole or a memorial bench. Councilman Larsen doesn't agree with the renaming this park and feels we should wait and do something nice and not in hastily. Mayor Knight stated that some sort Veterans Memorial Park will be included in the parks and recreation master plan.

Councilman Dustin leaves at 10:10

Councilman Larsen has issue with a business license that was approved at Planning & Zoning Commission. He asks for Ms. Phippen's interpretation of the action. He does not feel the applicant fits a home occupation business. The Council discusses whether the definition needs to be changed. Mayor Knight suggested this issue be put on an agenda. Councilman Larsen asks about the second meeting in April. There will be no second meeting in April due to a conflict with conference Council members will be attending. Councilman Larsen stated that Barb Farris contacted the city about the Stokes Nature Center doing a fun run along 2600 S. and was asking about any conflicts with the city. They are doing a short mile run for kids and a 5k for the adults. Mrs. Farris and the City are still working out the details. He received a good response from his call for volunteers to help with Nibley Heritage Days. He is still looking for volunteers and would appreciate the Council's continued help. Councilman Larsen stated they are discussing doing a concert that Saturday night followed by fireworks.

The meeting was adjourned at 10:34 p.m.