

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, May 7, 2009.

The following actions were made during the meeting:

Councilman Jacobsen motioned to accept the recommendation for the Parks, Trails and Recreation Plan Steering Committee as proposed by Mayor Knight. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilman Dustin, and Mayor Pro Tempore Larsen all in favor.

Councilman Jacobson made a motion to approve resolution 09-05. Councilman Dustin seconded the motion.

Mayor Pro Tempore Larsen made a motion to amend item two of Resolution 09-05 to say; For the review of multifamily lot proposed under the conservation subdivision ordinance, the fee shall be \$100 and \$10 per unit. Councilman Jacobsen seconded the amendment. The amendment passed unanimously 5-0 with Mayor Pro Tempore Larsen, Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Mickelson proposed an amendment to number one of Resolution 09-05 that included the following wording—In addition to the impound fee, a citation for \$50 shall be issued upon the third impound offence by the owner within a three year period. Councilman Jacobsen seconded the motion. The amendment passed 4-1; with Councilman Mickelson, Councilman Hansen, Councilman Dustin, and Councilman Jacobsen in favor. Mayor Pro Tempore Larsen is opposed.

Councilman Jacobsen motioned to amend to change wording in Resolution 09-05 from per owner to per dog. Mayor Pro Tempore Larsen seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Mayor Pro Tempore Larsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Jacobsen motioned to amend wording to say—For each offence after the second offence a \$50 citation shall be issued. Councilman Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Dustin, Councilman Hansen and Mayor Pro Tempore Larsen in favor.

The amended motion Resolution 09-05 passed 4-1; with Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson in favor. Mayor Pro Tempore Larsen was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Scott Larsen called the Thursday, May 7, 2009 Nibley City Council meeting to order at 6:05 p.m. Those in attendance included Mayor Pro Tempore Scott Larsen, Councilman Larry Jacobsen, Councilman Shaun Dustin, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner. Mayor Gerald Knight was excused from the meeting.

Item 1: Approval of the evening's agenda and minutes of the April 23, 2009 meeting.

Mayor Pro Tempore Larsen, Councilman Jacobsen, and Councilman Dustin discussed proposed changes to the previous meeting minutes. Councilman Jacobsen made a motion to approve the minutes of April 23, 2009 as amended. Councilman Dustin seconded the motion. The motion passed unanimously. Mayor Pro Tempore Larsen made a motion to approve the current agenda. Councilman Jacobsen seconded the motion which passed unanimously.

Item 2: Discussion and consideration of changes to the minutes of March 19, 2009 and March 26, 2009 Council meeting.

Mayor Pro Tempore Larsen said he arrived late to the last meeting and the minutes had passed without his proposed changes. Mayor Pro Tempore Larsen made a motion to adopt the proposed changes to the minutes of the March 19 and 26, 2009 meetings. Councilman Dustin seconded the motion. The motion passed unanimously 3-0 with Mayor Pro Tempore Larsen, Councilman Dustin, and Councilman Jacobsen all in favor.

Item 3: Approval of Parks, Trails, and Recreation Master Plan Advisory Board.

Mayor Pro Tempore Larsen read the names of the committee members Mayor Knight had recommended; Mayor Gerald Knight, Jared Harding (resident), John Swanton (resident), Casey Judd (Recreation Director), Ron Elwood (Parks Superintendent), Scott Larsen (City Councilman) Carrie Cook (Planning Commission Chair), Shari Phippen (City Planner), Larry Anhder (City Manager). John Swanton had background in the St. George parks department. He volunteered and lives in Nibley Gardens. Jared Harding also volunteered. He has no experience but wanted to get involved in the community. He lives in Clear Creek. Mayor Pro Tempore Larsen said his concern was that they had 9 members, seven of which are city employees and is concerned with getting citizen input. Councilman Dustin said he shared some of the concern with getting and using community input. Councilman Dustin said Nibley City has a phenomenal asset in the river on Hollow Road. The city has land down on Hollow Road and that is not represented on this committee except by the mayor and it needs to be considered. Ms. Phippen stated the consultants have been made aware of the pros and cons of using Hollow Road. Mayor Pro Tempore Larsen said hopefully this will give them direction for the next 10-20 years. Councilman Jacobsen said he would task Mayor Pro Tempore Larsen with getting citizen input, being a member of the committee. He also asked the committee to look at alternatives for funding that would not require bonding.

Councilman Hansen arrived at 6:20.

Councilman Jacobsen said he is in favor of developing Hollow Road for the benefit of Nibley City and developing a way alleviate the divide that separates the city. Councilman Jacobsen made a motion to accept the recommendation for the Parks, Trails and Recreation Plan Steering Committee as proposed by Mayor Knight. Councilman Hansen seconded the motion. The motion passed unanimously. Mayor Pro Tempore Larsen said he signed the contract with ASWN.

Mayor Pro Tempore Larsen said they would move to the presentation of the budget because there were individuals present to discuss the budget.

Mayor Pro Tempore Larsen recognized Kyle Jex and Ben Jex who are present representing Troop 373.

Item 5: Presentation of the proposed Nibley City budget for fiscal year 2009-2010.

Mr. Anhder reviewed the proposed budget with the council. The budget of \$5.6 million is \$750,000 larger than last year's budget but taking out two large capital projects; the completion of 3200 road construction and the new community center, it is actually about \$750,000 less than last year's presented budget. The sewer rate does reflect an increase that was due to the rate structure change that came from Logan City last year. There were no tax increases incorporated into the budget.

Councilman Mickelson arrived at 6:30.

Mr. Anhder said there were no new job positions recommended. Their building permits seem to on track to be at least the same or more than last year. There are a number of request for additional capital items—a new pick-up for the Public Works Department (\$25,000), 1200 W. sidewalks (\$25,000), construction and work on the medians along 3200 S. (\$30,000), landscaping of Nibley Gardens retention basin and trail system (\$50,000), community center account (\$30,000), and additional work for Herritage Park (\$75,000).

Item 6: Presentation of a proposed budget incorporating changes to the current year Nibley City budget.

Mr. Anhder said there is \$60,000 recommended in the current year's budget that they would like to propose an overlay in Brookfield Meadows (3850 S.) and \$25,000 in next year's budget to do a regular program of chip and seal on the asphalt of roads. Bill Saunders, Public Works Director, addressed the Council about the needed repairs for the road in Brookfield Meadows. Councilman Dustin asked Bill Saunders about cracks in the road where new road meets with old road. Mr. Saunders said that should be addressed with the new maintenance budget in July. Mayor Pro Tempore Larsen said he sees the need for a skid loader to plow snow, for park construction, and for projects currently in progress. He would like to look at that as a capital improvement. Mr. Saunders said he could not see a justification for it in the parks department right now but would like to have one at some point. Mr. Anhder asked the council to have a more in depth look at the

budget and be prepared to discuss it as a workshop item at the next meeting. A public hearing on the budget will be held on June 4th. Mr. Anhder said he projected ending this year with a \$150,000 surplus.

Item 4: Consideration of Resolution 09-05—setting a fee for impounding of animals picked up by animal control and setting a fee for the review of multifamily dwellings proposed in Conservation Subdivisions.

Mayor Pro Tempore Larsen said for future agendas they need to have a number for the resolution stated on the agenda. Mr. Anhder said currently if an animal is picked it is impounded until the owner comes and claims the animal. Then an officer comes out removes the animal from impound and issues a citation. Cache County has a proposed Nibley adopt an impound fee which will remove the citation which is \$50. This includes a \$15/day kennel fee, an impound \$40 fee, and licensure of the animal. The impounding of animals would be tracked and if it became a recurring problem the sheriff's department would be contacted to issue a citation. Councilman Dustin asked if they just impound dogs. Mr. Anhder said dog are the only animals that are licensed. Mayor Pro Tempore Larsen said the \$40 impound fee was high. He liked Brigham City's approach which has escalating fees for first offence, second offence, and third offence, etc. and a \$5 kennel fee and that perhaps Cache County was not the way to address their animal control needs. Mr. Anhder said the \$40 fee was a reduction from a \$50 fee.

Mr. Anhder said this resolution will set a \$45 fee for the plan review for multifamily dwellings. Mayor Pro Tempore Larsen said he will propose an amendment to the fee for a review of a multifamily site be set at \$100 and \$10 per unit. These numbers he said he based on the recommendation of our Planner, Shari Phippen, as recorded in the last meeting minutes. Councilman Mickelson asked if by setting the fee too high they would deter this type of development.

Councilman Jacobson made a motion to approve resolution 09-05. Councilman Dustin seconded the motion.

Mayor Pro Tempore Larsen made a motion to amend item two of Resolution 09-05 to say; For the review of multifamily lot proposed under the conservation subdivision ordinance, the fee shall be \$100 and \$10 per unit. Councilman Jacobsen seconded the amendment. The amendment passed unanimously 5-0 with Mayor Pro Tempore Larsen, Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor.

Mayor Pro Tempore Larsen motioned the following recommendations for the impounding fee portion of Resolution 09-05— the fee of impounding a dog shall be \$25 for the first offence, \$35 for the second offence, and \$45 for the third offence. After the third offence, the animal will be deemed a nuisance and a citation will be issued. Mr. Anhder said dogs are one of the biggest nuisances for the city and he said \$40 dollars was a nominal fee. Councilman Mickelson said he thought the fee was not enough. Mayor Pro Tempore Larsen asked what the \$14,000 was that they pay the county to come out and issue a citation. Councilman Mickelson said having a member of law enforcement

involved makes an impact. Mr. Anhder said they contract with the county for 10 hours a week and instead of coming out to issue a citation they could patrol the city. Mayor Pro Tempore Larsen's proposed amendment died due to lack of second. Mayor Pro Tempore Larsen made a motion to strike 1. The motion died due to lack of second.

Councilman Mickelson motioned to amend number one that on the third impound, per owner, a citation will be issued. Councilman Jacobsen seconded the motion. Mayor Pro Tempore Larsen asked what time period they would like. The Council decided on a three year time period. Mayor Pro Tempore Larsen asked what citation will be issued on the third offence. The current citation is for dog at large-a class C misdemeanor. Councilman Mickelson suggested they use the same citation with a fee set at \$50.

Councilman Mickelson proposed a second amendment to number one of Resolution 09-05 that included the following wording—In addition to the impound fee, a citation for \$50 shall be issued upon the third impound offence by the owner within a three year period. Councilman Jacobsen seconded the motion. The amendment passed with Councilman Mickelson, Councilman Hansen, Councilman Dustin, and Councilman Jacobsen in favor. Mayor Pro Tempore Larsen is opposed. Richard Jex said he thought it would be smart to tie it to the dog and not the owner. Mayor Pro Tempore Larsen agreed with Mr. Jex. Councilman Jacobsen said once you solve the dog escape problem you solve it for all the dogs you have. Mayor Pro Tempore Larsen disagreed and said some dogs are climbers, some are diggers, what works for one might not work for another.

Councilman Jacobsen motioned to amend to change wording from per owner to per dog. Mayor Pro Tempore Larsen seconded the motion. The motion carried unanimously.

Councilman Jacobsen motioned to amend wording to say—For each offence after the second offence a \$50 citation shall be issued. Councilman Mickelson seconded the motion with passed unanimously.

The amended motion Resolution 09-05 passed 4-1 with Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson in favor. Mayor Pro Tempore Larsen was opposed.

Mayor Pro Tempore Larsen moved to the city manager's report.

City Manager Reports

Mr. Anhder said they were preliminarily approved for the 3.5% loan for \$350,000 by the Community Impact Board.

Mr. Anhder said that 3200 S. construction has had some problems. As they go east they are running into soils that are not staying compacted. They are facing an additional cost of \$20,000 which will put them right at their grant amount from the county. The completion date is June 7, 2009. The sidewalk they hoped for as part of this project is not likely to happen.

They are waiting for word from Union Pacific and parts regarding putting crossing arms in at the railroad tracks at 3200. They were slightly under budget for the west end construction of 3200.

The region engineer had been suggesting the change of the speed limit along 165. He made a commitment to Nibley that if they kept the access the same, the speed limit would be left alone. For now the speed limit will stay at 45 mph through Nibley. The region engineer was very proud of the stoplight. He does not see the need to stop northbound traffic. He said there are no numbers to support the need for a pedestrian crossing. He moved the stop marking back for those making a left hand turn onto 165.

Council Reports

Councilman Hansen had a citizen request a speed limit sign relocation long Hollow Road. The citizen feels the sign is being covered by trees. The Public Works Director was fine with its current location.

Councilman Hansen said there was interest in a sidewalk or trail along Hollow Road.

Councilman Hansen said Councilman Mickelson came up with a theme that could work throughout the city and calling 3200 S. Garden Gate and using herb, flower, etc. on streets throughout the city. Councilman Hansen liked the idea of using the name of gateway on the main roads into the city such as Nibley Gateway.

Mayor Pro Tempore Larsen said they are now leaving the bathrooms opened at the parks in the city. He asked the Council to be aware of problems or vandalism throughout the city.

Mayor Pro Tempore Larsen reported on Heritage Days plans. He has a contract for \$2,500 dollars worth of fireworks which he will sign with approval from the council. They are included in the Heritage Days budget. He would like the council to consider who they would consider for a Citizen of the Year award at Heritage Days and have those names ready to discuss at the next meeting. He would like discussion on what the council members would like to do in the Heritage Days parade.

Mayor Pro Tempore Larsen discussed the H1N1 virus. The CDC's recommendations are they do not have any suspected or confirmed cases in Cache Valley.

Councilman Jacobsen noted that Nibley Elementary School teacher, Mr. Dunmeyer, was given the Huntsman Award. It is a \$10,000 award. Mayor Pro Tempore Larsen said we have quality teachers at our schools.

Ms. Phippen discussed what would be included at the next Planning and Zoning Committee meeting.

Mr. Anhder was excused from the meeting at 8:35.

Item 7: Consideration of Commercial and Institutional Design Guidelines.

Mayor Pro Tempore Larsen stated these should be considered design standards, not guidelines. Mayor Pro Tempore Larsen said they are still too loose. Councilman Dustin said his concern is if this is what they want Nibley's business district to look like. If so, he thought this was a pretty good standard. Councilman Dustin said he thought about 3200 and the City Center when he reviewed the standards and not 89/91 and 165. Councilman Hansen thought they were great. Councilman Jacobsen felt good about it. Mayor Pro Tempore Larsen asked Ms. Phippen to look at wording in neighborhood commercial language and compare it to wording on page 29 of the standards regarding storage and trash dumpsters. He wanted to follow the more stringent standard. Councilman Jacobsen suggested adding blanket wording that would note additional standards may apply on a per zone basis to the beginning of the standards. Mayor Pro Tempore Larsen asked the Council about their feelings on pages 37-40. Councilman Mickelson said he wanted more variety. Mayor Pro Tempore Larsen said he wanted to see more pictures. Councilman Jacobsen and Councilman Dustin thought they were good representations. Mayor Pro Tempore Larsen did not feel the standards addressed gas stations. Ms. Phippen asked the Council to bring specific changes to the next meeting.

The meeting was adjourned at 9:06 p.m. by general consensus.