

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, May 21, 2009.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve phase 2 of Zollinger Acres subdivision. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilman Dustin, and Councilman Larsen all in favor.

The Councilman Larsen motioned to recognize Darrel Anderson as their Nibley Citizen of the Year for 2009. Councilman Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilman Larsen, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin all in favor.

Councilman Hansen motioned to change the CNI on the Road Impact Fee Analysis to 2.5% and make no change to the roadways table (Table 1). Councilman Mickelson seconded the motion.

Councilman Jacobsen motioned to amend to remove 1200 W. from 2200 S. to 2400 S. from the roadways table (Table 1) on the Road Impact Fee Analysis. Councilman Hansen seconded the amendment. The amendment passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Larsen and Councilman Dustin in favor. Councilman Mickelson was opposed.

The amended motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Larsen and Councilman Dustin in favor. Councilman Mickelson was opposed.

Councilman Mickelson motioned to pursue a cemetery and start planning for it. This included that it be identified in the general plan, addressed in the parks department, and places of interest identified. The motion was seconded by Councilman Dustin. The motion passed 4-1; with Councilman Mickelson, Councilman Dustin, Councilman Hansen, and Councilman Larsen in favor. Councilman Jacobsen was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, May 21, 2009 Nibley City Council meeting to order at 6:05 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. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner.

Item 1: Approval of the evening's agenda and minutes of the May 7, 2009 meeting. Councilman Larsen noted he had recently sent out changes on the minutes. He proposed his changes. Councilman Larsen made a motion to approve the minutes with his proposed changes and the evening's agenda. Councilman Jacobsen seconded the motion. The motion passed unanimously.

Mayor Knight recognized Scout Troop 379 who were present at the meeting.

Final approval of phase 2 of Zollinger Acres subdivision—9 lots at 3310 South 1400 West

Mr. Anhder had a large copy of the plat of the proposed subdivision. The construction drawings for the entire subdivision had been approved. The addresses had been corrected since being approved at the Planning and Zoning Committee. Mr. Jared Nielsen, the contractor, is present. Councilman Mickelson made a motion to approve phase 2 of Zollinger Acres subdivision. Councilman Hansen seconded the motion. Councilman Larsen appreciated that all the lots where over 12,000 sq. ft. The motion passed unanimously.

Discussion of the citizen of the year for Nibley City

Councilman Mickelson said he appreciated Mr. Anhder's recommendation. Councilman Larsen said he had reviewed past criteria for Nibley Citizen of the Year. He noted a couple of nominations that could still be considered from the first year, such as Bill Saunders. He reviewed some of the criteria required to be considered Nibley's Citizen of the Year; they have to be a citizen in Nibley, and are recognized for their time, talents, and resources that they have contributed to Nibley City over the past year, and that they would be willing to serve as such over the next year. He also feels Becky Yeager would be a good nominee. Councilman Hansen thought both those names were great.

Councilman Jacobsen said he believed Ms. Yeager had a lot of good years left. Mayor Knight said he felt the same about Mr. Saunders. Councilman Dustin felt they should firm up the criteria. Councilman Hansen suggested Carol Johnson. He also liked Darrell Anderson. Councilman Larsen said Darrell Anderson had made significant contributions to the city as an executive as well as his company had designed several of the features of the city. Councilman Larsen made a motion to recognize Darrell Anderson as their Nibley Citizen of the Year for 2009. Councilman Mickelson seconded the motion. The motion passed unanimously. The Council determined that the Mayor should contact Mr. Anderson. Councilman Larsen said he will be recognized at the Mayor's Dinner Friday evening (June 19th) and be in the parade on Saturday (June 20th).

Discussion of Draft of Road Impact Fee analysis

Emily Simm was present for the discussion. A draft of the road impact fee analysis has been distributed to the Council. Ms. Simm said when someone wants to build a house or business in Nibley they have to pay an impact fee to Nibley. These fees reflect the impact the property will have on Nibley; i.e, water, sewer, and parks. The city takes these fees to improve the water, sewer, and parks facilities. They are now considering a road impact fee. Ms. Simm said there were some assumptions in the analysis that needed to be

considered. The biggest assumption was the roads they are going to put in. According to legislation, for a road to be considered construction must be started within six years. If any of the roads listed here are not going to be here in six years they should not be included. She would hold off consideration of the last two roads. Mr. Anhder said he felt they had pushed their limits on 2200 S. to 2400 S legally—it has an 80 ft. right-of-way. Regarding the 2200 S. portion, he does not see a need to get serious until Logan does their part. Mr. Anhder does not feel they will get enough money in the six year time period. Councilman Larsen pointed out that the money doesn't have to actually be spent to build the road. It can be used for engineering, purchasing right of ways, or other things as Mrs. Simm pointed out. Mr. Anhder recommended they eliminate the bottom two road projects. Councilman Dustin asked if they would reevaluate their capital projects every year. Ms. Simm said they need to decide if they are going to keep requiring developers to build roads and that they should review this every year. The Council discussed current and future road projects. Ms. Simm said the second assumption is that the populations is going to grow at 5.5%. She said 5.5% is very defensible considering Nibley's residential growth but they need to consider that number for commercial also. Ms. Simm recommended they have a number that they feel good about considering how their commercial is going to grow. Councilman Larsen said he thought 5.5% was high. Bill Saunders asked if they could utilize the impact fees for potential hazards. Mayor Knight asked for recommendations on any road projects they wanted added or removed (4 have been recommended) and a recommendation on the percent growth on CNI. Ms. Simm said whatever number they chose that is the maximum they can charge; they can charge less. That percentage sets the upper limit. The Council was comfortable with the residential percentage of 5.5%. Mr. Anhder said that road impact fees are hard to calculate and hard to defend legally. Councilman Hansen made a motion to change the CNI on the Road Impact Fee Analysis to 2.5% and make no change to the roadways table (Table 1). Councilman Mickelson seconded the motion. Councilman Dustin asked how much it would cost to update the analysis every year. Ms. Simm said they could change it themselves. Mr. Anhder said all the formulas are in place. Councilman Jacobsen made a motion to amend to remove 1200 W. from 2200 to 2400 S. from the roadways table (Table 1) on the Road Impact Fee Analysis. Councilman Hansen seconded the amendment. The amendment passed 4-1 with Councilman Mickelson opposed. The motion passed 4-1 with Councilman Mickelson opposed. Ms. Simm said the next step is a final draft. That draft will be on the agenda for June 4, 2009.

Ms. Phippen arrived at 7:45

Discussion and workshop concerning the proposed budget for July 2009 and proposed amendments to the current year budget

Bill Saunders was present for discussion on the budget. Mr. Anhder distributed a new budget to the Council. The only addition to the budget from the last meeting was a column that addressed what was spent the previous year. Mr. Anhder said the city had been funded \$150,000 for Heritage Park on RAPS, which is what they expected. They anticipate completing the parking lot with that money in the next 12-13 months. The remainder of the budget was consistent with last year. Councilman Mickelson asked about funding for the water storage unit. Mr. Anhder said that \$1,000,000 had been set

aside for that and they will bid on it this fall. Councilman Larsen said that since the last Council meeting he had talked to Rod about a skidster and he suggested it would help with back fill along 4000 S. with the water line. Bill Saunders said a skidster was a great piece of equipment to have but he could not see a need for it in the parks department this year for the projects they have. It would be ideal for future parks projects. Councilman Larsen said he wanted a skidster this year for snow removal and help in park construction and maintenance and aid in the completion of the planters on 3200 south. Mr. Saunders said a skidster would help in snow removal and parks construction but they could function without it. Mayor Knight said the anticipated public hearing for the budget is in two weeks (June 4, 2009) and he would like it passed. He asked the Council members for their suggestions for the budget. Councilman Dustin said he would like to reallocate some sidewalk money. Mayor Knight proposed tying together some missing sidewalks. Councilman Hansen proposed side road on Hollow road and suggested crushed gravel as a material. The Council discussed various proposed sidewalk projects.

Discussion about the possibility and desirability of creating a Nibley City cemetery

Ms. Phippen had distributed a summary to the Council. Ms. Phippen said whatever entity created the special service district has to approve the de-annexation. Mayor Knight asked which body would hear their request to de-annex. Mr. Anhder said the district or the County Council. Ms. Phippen said the district is funded by property taxes which would be about a \$1 for every \$100 of property tax. The Council discussed placing a sign at the current cemetery location. Councilman Dustin asked about the motivation behind a cemetery. Councilman Larsen said he believed the motivation was community awareness and pride and a sense of history and belonging. He liked prominent locations for a cemetery. Councilman Mickelson would like the issue pursued. Mayor Knight is against the cemetery. Councilman Dustin said the tradition is the Millville/Nibley cemetery. Councilman Hansen thought that in the interim they should create a sign that identified the Millville/Nibley cemetery. Mr. Anhder encouraged the Council to appoint directors to the Millville/Nibley cemetery. Mayor Knight said the issue will be addressed in the Parks, Trails, and Recreation plan. They will be asked what impact a cemetery would have on their plan. Councilman Mickelson made a motion to pursue a cemetery and start planning for it. This included that it be identified in the general plan, addressed in the parks department and parks master plan, and places of interest identified. The motion was seconded by Councilman Dustin. Councilman Jacobsen thought the Millville/Nibley cemetery worked. Councilman Larsen said they are a different generation that does not have ties to Millville. Councilman Hansen said their immediate need was to create an identity with the Millville/Nibley cemetery. He saw a cemetery in the 15-20 year plan. The motion passed 4-1 with Councilman Jacobsen opposed.

Consideration of Ordinance 09-02—An ordinance setting Design Standards for Commercial and Institutional buildings

Ms. Phippen said she realized they had not discussed the site plan approval process. She said she took additional reference pictures and submitted them to Josh Morris; who will include them in the next draft as requested by the Council. Ms. Phippen needed specific proposals. Councilman Jacobsen said he was happy with what they had and was ready to pass it. Ms. Phippen asked if they needed reference to the Nibley Access Management

agreement included in the standards. The Council all agreed on including that reference. Councilman Larsen is not sure this is what they want but could live with what it is. They currently have nothing that works. Ms. Phippen described the new site plan approval process to the Council. It is similar to what is required in a plat. The Council will review the final draft of the Design Standards for Commercial and Institutional Buildings at the June 4th meeting.

City Manager Reports

Mr. Anhder said they have had two calls about the trash pile from the irrigation company on the bridge at 250 W.

Mr. Anhder said a week from Monday they should start paving 3200 S.

Mr. Anhder told the Council that Larry Slade had generously given \$250 dollars to the Children's Theatre.

Ms. Phippen said the Planning and Zoning Commission had elected to hold a public hearing on the Animal Rights Ordinance. The hearing will be next Wednesday. She discussed the amendment that will be proposed to change the definition of a corner lot.

Council Reports

Mayor Knight made note that Eric Jones had approached him about his fence and that he could be coming to the Council with a proposed fence ordinance change.

Councilman Larsen showed a flyer advertising Heritage Days activities. He has a meeting next week with the Heritage Days Committee. He encourages the Council members to attend as many events as possible.

Ms. Phippen asked if the City Council was going to require temporary business licenses for individuals participating in the Gardner's Market at Peterson's. Mr. Anhder suggested not burdening the process and amending their ordinance to exempt them. Ms. Phippen suggested getting a list from Peterson's of who is participating in the Farmer's Market. Mayor Knight gave Ms. Phippen direction to see how Logan handled their farmer's market.

Mayor Knight said they have been awarded a \$4,000 grant from Wal-Mart. Someone needed to be present on June 17th at 7:00 to receive the award. Mr. Anhder and Councilman Jacobsen will attend.

The meeting was adjourned at 10:00 p.m.