

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, June 4, 2009.

The following actions were made during the meeting:

Councilman Jacobsen made a motion to approve resolution 09-06. Councilman Hansen seconded the motion.

Councilman Dustin motioned to amend to include the suggest changes to the budget and the sidewalks with the exception of the sidewalk along 2600 S. Councilman Mickelson seconded the amendment. The amendment passed 4-1; with Councilman Dustin, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen in favor. Councilman Larsen was opposed.

Councilman Larsen made an amendment to the amendment to strike the 800 W. (\$7,200) sidewalk project. Councilman Mickelson seconded the amendment. The amendment failed 2-3; with Councilman Larsen and Councilman Jacobsen in favor. Councilman Dustin, Councilman Hansen, and Councilman Mickelson were opposed.

Councilman Larsen made an amendment to raise page 7, line 400 to \$4,000. Councilman Mickelson seconded the amendment. The amendment passed unanimously 5-0; with Councilman Larsen, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin all in favor.

Councilman Mickelson made a motion to amend to allocate \$70,000 for future capital improvement projects. Councilman Jacobsen seconded the amendment. The amendment passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, Councilman Dustin, and Councilman Larsen all in favor.

The motion to approve Resolution 09-06 passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen all in favor.

Councilman Dustin made a motion to adopt resolution 09-07 with the budget, salary schedule, and the Justice Court Judge annual rate as presented. Councilman Larsen seconded the motion.

Councilman Jacobsen motioned to amend the budget to \$3,000 for Youth Council, a revenue account for \$600, and \$4,000 for a pole fence for the property at Morgan farm. Councilman Dustin seconded the amendment. The amendment passed 4-1; with Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson in favor. Councilman Larsen was opposed.

Councilman Jacobsen motioned to amend the amendment from pole fence to property improvements on the farm. Councilman Larsen seconded the motion. The amended amendment failed 1-4; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin opposed. Councilman Larsen was in favor.

Councilman Larsen made a motion to amend to put \$1,000 on page 7, line 69-400. Councilman Jacobsen seconded the motion. The amendment passed unanimously 5-0; with Councilman Larsen, Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor.

The motion to approve Resolution 09-07 passed unanimously 5-0; with Councilman Dustin, Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Mickelson motioned to directed staff to put together a proposed ordinance for a private road. Councilman Hansen seconded the motion. The motion passed 3-2; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Larsen and Councilman Dustin were opposed.

Councilman Jacobsen made a motion to have a public hearing on the Road Impact Fee Analysis. Councilman Dustin seconded the motion. The motion passed 4-0; with Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor. Councilman Larsen abstained from the vote.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, June 4, 2009 Nibley City Council meeting to order at 6:06 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 21, 2009 meeting. Councilman Mickelson made a motion to approve the agenda and the May 21st minutes with Councilman Larsen's proposed changes. Councilman Hansen seconded the motion which passed unanimously.

City Manager Reports

Mr. Anhder said there is a city election this year. He proposed holding the election in the 3200 Church of Jesus Christ of Latter-Day Saints for consistency and because it is ADA accessible and the county's new touch voting procedures can be used there. He has not gotten permission yet. Councilman Mickelson said he thought there would be a parking

problem if the election was held at the city building. Councilman Mickelson thought that they should do the election at the church. Mr. Anhder said early voting is available at the City offices two weeks prior to the election. Councilman Jacobsen said as a card-carrying Lutheran he had no problem voting in an LDS church. Mr. Anhder said 3200 is almost done.

Mr. Anhder said they had a meeting with the railroad and a soft date of June 22nd had been set when the road will be closed for two weeks to install the railroad crossing.

Mr. Anhder said they have had a portable bathroom at the school for soccer games and other activities. The facility had been vandalized and had been pulled from the site.

Councilman Larsen arrived at 6:15.

Mr. Anhder said a radio station in North Nibley, England called and were looking for namesakes. The man he spoke to was very complimentary to the city's web page. Their web page is now linked on the Nibley City website.

6:15 Public Hearing to receive comments concerning the recommended adjustments to the current 2008-2009 budget.

Councilman Dustin arrived at 6:17.

Mayor Knight opened the public hearing at 6:18. Mr. Anhder gave a summary of the adjustments to the current year's budget. He said they are running a surplus on the current budget to allocate to other projects. He suggested \$25,000 for a new pick-up, \$30,000 to start the construction on the medians, \$30,000 to go to the community center, and \$60,000 for the asphalt overlay on 3850 S. and a number of minor changes. Casey Judd, Recreation Director, said he would like a new pitching machine. They did not use much of their budget for equipment this year. They have found a machine that will work for both baseball and softball. Mayor Knight closed the public hearing at 6:22.

Consideration of Resolution 09-06—A resolution adopting an amended budget for the fiscal year 2008-2009.

Mayor Knight read the resolution aloud. Councilman Jacobsen made a motion to approve resolution 09-06. Councilman Hansen seconded the motion. Councilman Mickelson asked if there was anything pertaining to the water development project that could be done this year. Mr. Anhder said these projects were covered under the general fund. The money Councilman Mickelson was talking about was budgeted in the water impact fee fund. Mr. Anhder suggested they not use money in the general fund for utilities. Councilman Mickelson also wondered if they should use some of this money for parks. Councilman Larsen said he is not in charge of parks but saw a great need there. Mr. Anhder distributed another sheet of budget items to the council. He had identified \$65,000 in which they could finance the shirts for the Youth Council, a tractor, and a pitching machine. Councilman Larsen said they needed a storage container to put the pitching machine in. The amount for that expenditure was raised to \$2,000. Councilman Dustin asked how long the pitching machine was supposed to last. Casey Judd said the

machine had a 5 year warranty on it and he anticipated that it would last much longer than that. Mr. Anhder discussed various sidewalk projects and appropriating sidewalk money. Mr. Anhder said he would like the remaining surplus be used for a building to house machinery in the public works department. Councilman Larsen asked what building they were looking at. Bill Saunders said it would be a steel building that could be built modularly. Councilman Larsen wanted to address the sidewalk issues. He thought the 2600 S. area was undeveloped and they could take that money and use it somewhere else. He also does not want to expend the money on the sidewalk on 800 W.—he said at least that sidewalk exists.

Councilman Dustin made a motion to amend the motion on the suggested budget to include the suggest changes and the sidewalks with the exception of the sidewalk along 2600 S. Councilman Mickelson seconded the amendment. Councilman Larsen made an amendment to the amendment to strike the 800 W. (\$7,200) sidewalk project. Councilman Mickelson seconded the amendment. Councilman Dustin said the problem with that sidewalk is that is it very heavily traveled and the concern is the elevation of the concrete which is always under the snow, gravel, and trash. Bill Saunders said it is a maintenance issue. Councilman Larsen said raising the sidewalk did not resolve the issue. He said the greater need is for the city to remove the snow. Mayor Knight said the sidewalks along 800 W. were poorly done and did not think that piecing would work. Councilman Jacobsen asked for a professional opinion from Bill Saunders. Bill Saunders said structurally the sidewalk was functional but sat 18 inches below the road and did get more snow. The amendment failed 2-3; with Councilman Larsen and Councilman Jacobsen in favor. Councilman Mickelson, Councilman Hansen, and Councilman Dustin were opposed. Councilman Hansen said he would like to include crushed gravel along Hollow Road. Bill Saunders said that technically the property owners own to the center of the road. Mayor Knight said they cannot improve privately owned property. Councilman Hansen would like a cost estimate done by the city. The amendment passed 4-1 with Councilman Larsen opposed. Councilman Larsen said he wanted to have their sound system purchased by the end of the fiscal year. He asked if it was budgeted and Councilman Larsen made an amendment to raise page 7, line 400 to \$4,000. Councilman Mickelson seconded the motion. The amendment passed unanimously. Councilman Jacobsen said he commended staff on their fiscal conservativeness. Councilman Mickelson made a motion to amend to allocate \$70,000 for future capital improvement projects. Councilman Jacobsen seconded the motion. The amendment passed unanimously. The motion to approve Resolution 09-06 passed unanimously.

6:30 Public Hearing to receive comments concerning the proposed budget for the fiscal year beginning July 1, 2009 to June 30, 2010.

Mayor Knight opened the public hearing at 7:14. Mr. Anhder said there was not much out of the ordinary in the next year's budget vs. last year's budget. He noted the sewer rate increase, equipment for the backhoe, and the salary increases which adopted the salary schedule. Mr. Anhder noted sales tax receipts for May were down 6% from last year. He thought they had been conservative enough in their revenues for the general fund. Mayor Knight opened the public hearing at 7:22. Mr. Todd Fenton said they needed to use a

more aggressive method for snow removal, especially on the main arteries. Mayor Knight closed the public hearing at 7:24.

Consideration of Resolution 09-07—A resolution adopting the budget and salary schedules for Nibley City for the fiscal year 2009-2010.

Mayor Knight noted the items they would be approving with adopting this resolution. They were the budget, as well as the attached salary schedule, and the Nibley Justice Court Judge annual rate. Councilman Dustin made a motion to adopt resolution 09-07 with the budget and salary schedule and the Justice Court Judge annual rate as presented. Councilman Larsen seconded the motion. Councilman Mickelson asked how they determined the salary scale. Mr. Anhder said 3-4 years ago they adopted a pay schedule like this. They did a number of salary surveys. They also determined the relative value of each person within the organization and then came up with a schedule. Councilman Mickelson wanted another review of the salary schedule done for next year. Mr. Anhder discussed items that needed to be amended. Mr. Anhder said the Youth Council needed another \$1,000. They had more kids. The manager at the Morgan Farm would like to put a pole fence along the farm. He will donate the labor if the city provided the materials. He has appropriated \$4,000 into the budget for that. Councilman Larsen said he did not think that was enough. Councilman Mickelson did not think it would be enough and thought they should throw in \$1,000 extra. Councilman Larsen said that \$3,000 for Youth Council is a significant investment. Councilman Larsen made reference to Mrs. Knight's spending. He thought that was too much money. He thought it could be done with less money. Councilman Hansen thought it was a worthwhile investment in the city's youth and that they should not hold back. He said it was a great opportunity for the youth to get involved with the city. Councilman Dustin said he would like to see some them do some budgeting.

Councilman Jacobsen made a motion to amend the budget to \$3,000 for Youth Council, a revenue account for \$600, and \$4,000 for a pole fence for the property at Morgan farm. Councilman Dustin seconded the amendment. Councilman Dustin thought they needed analysis on the barn at the Morgan Farm and its structural soundness. Mayor Knight suggested putting that on a future agenda. Councilman Larsen said the fence was a cosmetic thing. He thought they should utilize the \$4,000 dollars to review the barn. Councilman Jacobsen made a motion to amend the amendment from pole fence to property improvements on the farm. Councilman Mickelson said there is value in having a citizen who is willing to put such time and effort into the city. Councilman Larsen seconded the motion. Councilman Jacobsen said it is worth budgeting \$4,000 to keep that property up. Mayor Knight said Mr. Eversull wanted to work on the fence right away. Mr. Anhder suggested they make the budget amount \$8,000. Mayor Knight said Mr. Eversull wants the fence so they do not encroach on Dee Gibbon's property. The fence is a good delineator. The amended amendment failed with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin opposed. Councilman Larsen was in favor.

The amendment passed 4-1 with Councilman Larsen opposed. Councilman Larsen made a motion to amend to put \$1,000 on page 7, line 69-400. Councilman Jacobsen seconded

the motion. Councilman Mickelson wanted discussion on what the money will be used for. Councilman Larsen said the recreation program has some plans for next year such as a Fall Festival, etc. Councilman Mickelson said there should be an approval process on community activities. The amendment passed unanimously. The motion to approve Resolution 09-07 passed unanimously.

Concept approval of lot split/division of property for Tod Fenton at 4220 Hollow Road.

Todd Fenton is present at the meeting. Ms. Phippen drew a picture of Mr. Fenton's property for the council's review and discussed Mr. Fenton's proposed lot split. Mr. Anhder said when they did the new road ordinance they did not anticipate a road that serviced one house. They need to amend the ordinance. Councilman Jacobsen agreed that they need to perhaps deal with a private road that serves one. He did not think that you need to pave 800 ft. that serves one lot but he did want to see the first 100 ft. off of a public road paved. Councilman Dustin said his concern with private roads is infill. Councilman Larsen said he thought that they discussed it would be 1-3 houses. With his interpretation of the books he did not see this split as possible. Mayor Knight said staff had mulled this over at length and did not have a recommendation to fix Mr. Fenton's problem. Mr. Anhder said they would have to change the ordinance for a private lane for one home on one lot. Councilman Hansen said he would be willing to entertain a private lane. Councilman Mickelson said there needs to be some pavement going back and they need to make adjustments to the ordinance to make it work. Councilman Jacobsen said he thought it would be o.k. to draft and pass a private lane ordinance that addresses one lot. They need to address what they would need for a single lot service in general not just for this circumstance. Councilman Mickelson motioned to directed staff to put together a proposed ordinance for a private road. Councilman Hansen seconded the motion. Councilman Dustin said the reason they settled on the current ordinance is because the road will eventually become the city's problem. Councilman Dustin said if they change the ordinance they are permitting infill in some zones. They are asking how they want to develop in the future. The motion passed 3-2 with Councilman Larsen and Councilman Dustin opposed.

Review and discussion of Draft Road Impact Fee Analysis for Nibley City.

Ms. Sim is present at the meeting. Mayor Knight said the bottom line adjustment is that the most they can charge is \$467.52. Ms. Sim described how they did the analysis that came to that conclusion. Ms. Sim said she changed the projects that were listed. She took off 1200 W and took off the estimated bid of resurfacing 3200 S. She said they did not want to charge new development for maintenance to roads. They could charge the cost of resurfacing and maintenance to existing residents. Mayor Knight said the business before the Council was to give Ms. Sim more to look at or say nothing and go about the process of implementing this action. Councilman Mickelson would like to see the information on fueling stations. Ms. Sim said they need to have a public hearing and then they can still make changes after the public hearing. Councilman Jacobsen made a motion to have a public hearing on the Road Impact Fee Analysis. Councilman Dustin seconded the motion. The motion passed 4-0. Councilman Larsen abstained from the vote.

Consideration of Ordinance 09-02—Design standards for Commercial and Institutional uses.

Ms. Phippen said they needed to talk about the site approval process. She said Mark Morris included the pictures they wanted. There were some references to Neighborhood Commercial she thought he included. Councilman Larsen had asked if Councilman Hansen would like a sketch made public that noted the kind of layout they would like to see. Councilman Hansen said he did not want the sketch included as is but would be o.k. if it was worked on. The Council discussed the site plan approval process.

Councilman Mickelson was excused at 9:19 taking personal privilege.

The Council discussed the amount of time it would take a developer to get a site plan approved. Councilman Dustin proposed that going to City Council should be eliminated from the site plan approval process. He thought staff had the expertise and could handle it. He would not have it come to City Council until final approval. Councilman Jacobsen thought they protected the proponent a little by making it come to City Council for preliminary approval. Mayor Knight recommended they eliminate final approval at Council. Councilman Larsen said this document was better than what they have and is good the way it is. The Council decided not to eliminate preliminary review at Council. The Council removed a line requiring the site plan be recorded with the County recorder. They changed wording from final plat approval to final site plan approval. Ms. Phippen was given direction to correct the document.

City Managers Report (Cont'd)

The Cache County Planning office has implemented a GIS program that records important information: i.e. road, utilities, etc. The city needs to identify locations and data to be included. The city intends to use a full time intern for the summer to update and gather data to build the GIS system which will be available on a GPS unit. The end result is that all this data will be available with GPS coordinates.

Council Reports

Councilman Hansen had nothing to report.

Councilman Jacobsen updated the council on the Animal Land Use Ordinance. The Planning and Zoning Commission did not act on it and set it for another agenda.

Councilman Dustin discussed the windmill issue. He asked for permission from the Council to refer the issue to Planning and Zoning and get their feedback. The Council decided to have staff research if a windmill fits in Nibley's ordinance. Mr. Anhder will ask the city attorney.

Councilman Larsen said the advisory committee met for the Parks plan. They set up the website that included a blog to get public opinion. They brought up the river trail and the cemetery. Councilman Dustin asked about including trails that crossed the highways on the trails master plan. Councilman Larsen said Heritage Days is 10 days from now. He has T-shirts and would like to charge \$4.00 but has a committee member that wants to

charge \$5.00. Councilman Larsen encouraged the Council to participate in as many events as possible.

Mayor Knight noted there would be two city council members and the mayor up for re-election. Darrell Anderson will be the Nibley Citizen of the Year. Mayor Knight said the cemetery sign would not be a bad idea. Mayor Knight received a letter from Weather Shield that they will be closing their doors in July. Councilman Dustin and Mr. Anhder will talk to Weather Shield about their plans after shutdown.

The meeting was adjourned at 10:43 p.m.