

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING THURSDAY, June 7, 2007
The following motions were made during the meeting

Action Item 1: Councilman Jacobsen made a motion to approve Resolution 07-08: A Resolution approving a ballot measure for Nibley City residents to vote on whether to increase sales tax to fund expanded public transportation. Councilman Hansen made a second to the motion which was approved unanimously.

Action Item 2: Councilman Hansen made a motion to approve the site plan for Maverik. Councilman Jacobsen made a second to the motion which was approved unanimously.

Action Item 3: Councilman Larsen made a motion to approve Resolution 07-06 as presented. Councilman Jacobsen made a second to the motion which was approved by Councilmen Hansen, Jacobsen and Larsen. Councilman Mickelson abstained.

Action Item 4: Councilman Harrison asked for a vote to approve a motion made by Councilman Mickelson to approve Ordinance 07-07: An Ordinance setting salaries of elected and appointed officials. Councilman Hansen made a second to the motion which was approved with Councilmen Mickelson, Hansen, Jacobsen and Harrison voting in favor and Councilman Larsen opposing the motion.

OFFICIAL MINUTES OF THE MEETING

Minutes taken and prepared by Assistant City Recorder Kerry Bringhurst.

Mayor Pro tem Jay Harrison called the Thursday, June 7, 2007 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Larry Jacobsen and Scott Larsen. Thayne Mickelson arrived later in the meeting. City Manager Larry Anhder and City Planner Conley Thompson were also in attendance. Mayor Gerald Knight was excused. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Item 1: Evening's agenda and previous minutes with necessary changes.

Councilman Larsen made a motion to approve the evening's revised agenda and previous minutes with necessary changes. Councilman Jacobsen made a second to the motion which was approved unanimously.

Item 2: Todd Buetler- Cache Valley Transit District presentation of resolution allowing Nibley City residents to vote on whether to increase the sales tax for transit funding.

Mr. Buetler met before the council to present information about increased growth in Cache Valley and how it will impact transportation. He said as the valley continues to see growth, there is a need for public transportation increases. Mr. Buetler said the Utah Governor's Office predicts a substantial increase in the valley during the next sixteen years. He said research shows that public transportation and bus use can bring communities together. An outline was presented that listed reasons residents don't ride the bus. They include:

1. Bus service is not convenient.
2. Mass Transit ends too early.
3. Takes too long to ride the bus.

Mr. Buetler asked the Nibley City Council to support a resolution to allow a proposed sales tax to help fund public transportation to appear on the ballot. In addition to seeking support from city officials, the CVTD will conduct public meetings asking residents about their wants and needs regarding bus service. Mr. Buetler said without public support of a funding increase through taxes, the CVTD cannot improve service. He said at this point, the city would simply need to allow for the request to seek a sales tax increase of a quarter percent which is expected to generate about three million dollars to help fund the CVTD. The increase would be about \$25 a year if \$10,000 was spent on sales tax items.

Councilman Scott Larsen asked what impact annexation of Logan into the CVTD had on the funding of the bus service. Curtis Roberts is the finance director for the CVTD. He said the CVTD receives the same amount of funding as it did when there were two separate transportation districts. Mr. Buetler said by combining the two districts, the CVTD will be able to improve service because Logan City is not in control and it is truly a county wide district.

Councilman Larsen asked how the sales tax increase will benefit Nibley residents. Mr. Buetler said they are still trying to determine what residents want, whether it be an increase in the number of stops, longer hours of service, and other changes to the system. An express route that could serve Hyrum into Logan with limited stops is another option, for example. Without

additional funding there isn't an option of considering improving productivity and consumer service.

Councilman Jacobsen asked at what point the CVTD would be prepared to present specific ideas and proposals for the use of additional tax generated funds. Mr. Buetler said general plans will be available in the near future, however, he said he does not want to limit options by implementing a plan that has not been reviewed and considered in detail and should the public approve a sales tax increase.

Conley Thompson said as a Cache Valley resident he sees improvements to public transportation as a great benefit. However, he is concerned about the type of fuel used by the CVTD and whether alternative fuels will be considered. Mr. Buetler said diesel/hybrid is something he would like to see the district investigate. He also said the current diesel models used were better for the needs of the district than the Natural Gas bus used by USU.

Mr. Buetler said another question is whether or not a fare-free system is the right approach, or if residents should be charged. But, he said by charging a quarter they would lose riders and would only receive a small income increase. Councilman Larsen said he personally rides the bus and believes that charging would decrease ridership on the current system. Mr. Butler went on to say that there is support to help fund the CVTD through a sales tax increase residents will be supporting a plan that will improve air quality and make the service more user friendly. Support for the tax would bring a forty percent operation budget increase.

Councilman Jacobsen made a motion to approve Resolution 07-08: A Resolution Approving a Ballot Measure for Nibley City Residents to Vote on Whether to Increase Sales Tax to Fund Expanded Public Transportation. Councilman Bryan Hansen made a second to the motion which was approved unanimously.

Item 3: Discussion and approval of Maverik Subdivision plan and site plan at 3100 South Main. Mr. Anhder said the city engineer has reviewed the plans and that recommended changes have been made according. He said there have been changes to the berm, but otherwise the plan has the support of the engineer. The council reviewed the landscape plan and the landscaping requirement exceeds the required percentage of landscape according to Mr. Thompson.

The council reviewed the plans, which include a new subdivision of lots 1 and 2. The plat presented will be recorded, if approved. Councilmen Larsen and Jacobsen said they feel if subdivision lines are being re-drawn the developer needs to go through the process of having the subdivision plan reviewed and approved as required by ordinance, including a requirement for final subdivision approval. Mr. Anhder said this will be done later. Dan Murray represents Maverik. He said they plan to have an access easement recorded on the subdivision plat rather than record it as an easement. This will allow for access to lot 2 through lot 1. When development of Lot 2 occurs, the developer of Lot 2 will be required to pave the right of way through Lot 1. Councilman Jacobsen said he does not want the easement to remain as a graveled access should there not be any development of Lot 2. Mr. Murray said Maverik would be willing to landscape the easement if after a determined amount of time lot 2 is not developed. Councilman Larsen suggested that be within three years.

Councilman Larsen said he wanted more detail on the plan indicating where the grease and oil separator is located. Councilman Larsen also asked if Maverik has made the necessary changes to receive approval from the UDOT. Mr. Anhder said the engineer has approved the separator on the plan. Mr. Murray outlined where the separator will be located. Councilman Larsen seemed to accept the explanation.

Mr. Husted is considering a plan to construct a car wash on lot 2 of the subdivision. Councilman Jacobsen asked Mr. Husted if he has had time to review the proposed subdivision and if the plan meets the needs of his development. Mr. Husted said the plans are adequate.

**Councilman Bryan Hansen made a motion to approve the site plan for Maverik
Councilman Jacobsen made a second to the motion which was approved unanimously.**

Item 4: Public Hearing for Proposed Budget for fiscal year 2007-2008. Councilman Harrison asked for any comments from the public regarding the proposed budget. There were not questions or comments, therefore, Councilman Harrison closed the public hearing.

7:15 p.m. Councilman Mickelson arrived at the council meeting.

Item 5: Resolution 07-06 A Resolution Adopting the Nibley City Budget for Fiscal Year 2007-2008.

**Councilman Scott Larsen made a motion to approve Resolution 07-06 as presented.
Councilman Jacobsen made a second to the motion which was approved by Councilmen Hansen, Jacobsen, and Larsen. Councilman Thayne Mickelson abstained.**

Item 6: Councilman Jay Harrison opened the public hearing to discuss Resolution 07-07: A Resolution Amending the Current 2006-2007 Budget. He closed the public hearing without questions or comments offered.

Item 7: Resolution 07-07 A Resolution Amending the Current 2006-2007 Budget.

Mr. Anhder outlined the remainder of this fiscal year's budget as part of a discussion regarding the resolution. He suggested the vote on the resolution should occur at the next city council meeting. Councilman Mickelson suggested that when considering capital improvements the city determine what residents want when it comes to how we spend city money. A cultural center is something else the city might consider funding in the future according to Councilman Mickelson. Councilman Mickelson said the city has purchased a number of properties. He wondered if the city should consider selling some properties to help fund upgrades to more useful properties. Councilman Larsen said if the city sells the existing property the city may have more money but not enough property. Councilman Mickelson said there are properties in the city he feels are not of much benefit to the city because they are either too small or not easily developed and referenced the property next to Councilman Hansen home. Councilman Larsen said he has received requests from residents who would like to see some of those smaller properties used for picnic areas, especially on the east side of highway 165 and the property by the Hansen home could be a Veteran's Memorial or something else. Councilman Harrison said the council should also consider the cost increase of purchasing property should the city decide

to sell property now and the difficulty to find more property when needed in the future. Councilman Mickelson said it might make more sense to sell property to help develop the open areas the city has so the city can service our public today. Councilman Hansen suggested waiting until a general plan is complete so that the recreation portion of the plan can be reviewed to help determine what is available and what needs can be met.

Mr. Anhder said he feels the city is making great progress with the recent development of the city pavilion and soccer fields. Councilman Mickelson encouraged the city to continue efforts to obtain grant money to help with projects to enhance city property.

Councilman Harrison thanked members of the council for their participation in the discussion. Mr. Anhder will take discussion items into consideration when presenting a final budget at a future meeting.

Item 8: Ordinance 07-07 An Ordinance Setting Salaries of Elected and Appointed Officials.

Mr. Anhder outlined and reviewed the ordinance, which includes the recommended salary of the city treasurer and city recorder. There is a five percent increase for the justice court judge included in the proposal. The ordinance also does away with a separate payment for travel reimbursement to member of the city council. That payment will be incorporated in the compensation payment to members of the council and Mayor. Councilman Mickelson noted that pay increases are based on merit as well as cost of living needs. There was discussion of when to implement the council increase, now or January 1st. Councilman Larsen stated that he didn't feel the council pay needed to be increased.

Councilman Thayne Mickelson made a motion to approved Ordinance 07-07 An Ordinance Setting Salaries of Elected and Appointed Officials. Councilman Hansen made a second to the motion.

Councilman Jacobsen moved to amend the motion to include that city council member's compensation at the rate of \$300 per month to become effective January 1, 2008. Councilman Jacobsen made a second to the motion. The move to amend failed with Councilman Larry Jacobsen voting if favor and Councilmen Mickelson, Hansen, and Larsen voting against the amendment.

Councilman Harrison asked for a vote to approve a motion made by Councilman Thayne Mickelson to approved Ordinance 07-07 An Ordinance Setting Salaries of Elected and Appointed Officials. Councilman Hansen made a second to the motion which was approved with councilmen Mickelson, Hansen, Jacobsen, and Harrison voting in favor and councilman Larsen opposing the motion.

Item 9: City Council Reports-

Councilman Mickelson:

Mr. Mickelson asked for an update on the Hal Fronk development project. Mr. Anhder and Mr. Thompson said a review of the Mr. Fronk's conditional use permit will take place at the next Planning & Zoning meeting. Councilman Mickelson asked if members of the council could help

in efforts to make sure developers are complying to a CUP. Mr. Anhder suggested residents should contact the city if problems are noticed. At that point, said Mr. Anhder, the city should review a claim of violation. He said he feels the city does a pretty good job when complaints like that occur. He agrees, however, that the city does not have the staff to go around and determine if all conditional use permits are being followed. Councilman Mickelson said as soon as the city becomes aware of a violation there needs to be action to resolve the violation. Councilman Larsen agreed and said the city may send letters about infractions but the city never follows up and so residents don't take the letter seriously. Councilman Mickelson suggested having an "unresolved item" list to be reviewed by the council at each meeting. Councilman Harrison said there may not be staff enough to help resolve all of the violations. Councilman Hansen said the list could be used as a tracking system and will help the council be able to answer questions about where the city is when it comes to enforcing violations. Councilman Harrison said the city might need to hire someone in the summer that can prepare the list and follow through on what the council wants to do to resolve the violation. Councilman Harrison said there appears to be more of a need as there seems to be more violations. Councilman Mickelson said having an update on code violations would help him be able to answer questions from constituents. Mr. Anhder said now that it appears the council would like to see an increase in code enforcement and resolution he will make an effort to take action when complaints are received.

In other matters, Councilman Mickelson said in order to protect the city council and staff there needs to be a stronger policy on rental/lease agreements on city owned property. Councilman Larsen said the reason for this discussion is because of the park property at the east end of 2600 South that was recently leased to Aaron Wiser. There was a previous agreement in place that some staff didn't know about. While the Mayor and Mr. Anhder were out of town it was leased. There have also been concerns about other properties getting special treatment to current or past council members. That is not the case. The 3200 South pasture has a long time lease to the Lowry's. Another piece is the Dee Gibbon's farm. Councilman Larsen said he disclosed before the city purchased the property that he leased the property. He said there have been comments made that Councilman Larsen should not be allowed to lease the property from the city, because he serves on the city council. Some members of the council suggested that if lease agreements already exist they should be honored; otherwise there is not a clear understanding of the policy. Having a defined policy is one of the issues that will be resolved in the near future, according to Councilman Larsen. Councilman Mickelson said there needs to be a formal agreement signed outlining what is expected and what will occur on city owned property. Councilman Harrison said verbal agreements can be used but it has to be in writing for the lease agreement to be enforced. Councilman Mickelson is concerned the city might be held responsible if the animal becomes a problem. Councilman Larsen said the owner of the animal would be held responsible. Councilman Harrison said the matter needs to be discussed at a future meeting to protect the city after getting some advice from the city attorney.

Bryan Hansen:

There will be a committee meeting to review maps and plans for the general plan. The land use plan needs to be refined and there needs to be some changes to the trail map according to Councilman Hansen. He said prospective zoning and possible annexation needs could be items to be discussed further. A narrative of the general plan and a land use proposal should be

available for review sometime in July. The Hollow Road Ten Acre Park is not identified properly on the plan, and Councilman Hansen said residents living in that area should be informed about what the city is planning for that property.

In other matters Councilman Hansen has spoken with owners of Cox Honeyland about them being part of the gateway to the city. Their business is in the county and Councilman Hansen asked what options are available to the Cox family if they should become interested in annexing into Nibley City.

Councilman Jacobsen:

Planning Commission held a public hearing about vacating a road, which was approved by the commission. The commission also discussed a request for consideration of approving a car wash in Nibley.

Councilman Jacobsen asked what needs to be done to allow for signs to be placed on Hollow Road. He wonders if the council would like the city to have the signs made and if so he will he will proceed. The council was in favor of moving forward with a plan to locate signs at the city entrance to Hollow Road.

Councilman Larsen made a motion to approve minutes from the Executive Session Minutes. Councilman Jacobsen made a second to the motion.

During discussion Mr. Anhder asked that time be given to review the minutes before approval.

Councilman Larsen made a motion to table approval of minutes from Executive Session. Councilman Jacobsen made a second to the motion which was approved unanimously.

Councilman Larsen:

Councilman Larsen outlined the responsibilities Casey Judd will have as the City Recreation volunteer. Right now he is helping to develop other recreational activities in the city. He is planning to have Mr. Judd attend the future council meeting to talk about things. He has had meetings with the sports this spring and Mr. Judd last week. He said they will meet to coordinate the sports program. Councilman Mickelson is concerned that city staff not be asked to assist directors of recreation and other programs. Councilman Larsen wants it to be in one central location and said it is city staff's responsibility to do this, especially scheduling of fields. Games, he said, need to be a priority and blacken those times out to avoid conflict. Mr. Anhder said he will work with city staff to clarify what is appropriate when it comes to city office participation in the recreation program. Councilman Larsen said he has written a policy for signing up participants for various recreation programs. He is also going to have more coordination meetings to keep everyone on the same page.

Development work at Ashbury Estates has begun and Councilman Larsen would like to make certain the developer realizes they are responsible for improvements at the 3200 South entrance. Mr. Anhder said there is written direction for the developer to complete that portion of the road. Also the Zollinger home has utilities come out the north side of the home that extend five or

more feet into the next lot. Landmark Engineering misinformed the construction company doing the utilities. We need to correct this and have Bill make sure everything is okay.

Councilman Larsen said he recently asked to cut hay at the Heritage Park to save the parks department time and wondered what should be done with the hay. The council gave Councilman Larsen permission to use the hay.

Item 10: City Manager Report:

Mr. Anhder said Mayor Knight has talked with land owners in the county included in the Nibley City annexation declaration boundaries that are considering annexing into Logan City. Mr. Anhder said if the property owners decide to annex into Logan this could become a big problem for Nibley City. He said in his opinion the move, at the least, would be a breach of gentleman's agreements that the boundaries were along 2200 South. He thinks the city should be prepared to voice concern that Logan City is not being fair by allowing for action of annexing property that is included in the Nibley City annexation declaration.

Mr. Anhder said the Cache County School District is requiring families who build homes in Stonebridge Subdivision and all homes built south of 3200 to send their elementary age students to attend Lincoln Elementary in Hyrum. Nibley City will provide new families moving into those homes with a notice informing them of the school districts policy.

In other matters, Mr. Anhder outlined changes to the election procedures. He said there will be more access to citizens wanting to vote, however the changes will require more election judge staffing and other increases in costs to operate the city run election. Both districts will vote in the Nibley City building.

Mr. Anhder said 3200 South discussions will continue with UDOT and engineers. Mr. Anhder said input has been helpful and the public is welcome to make additional recommendations.

Item 11: Adjourn.

Councilman Larsen made a motion to adjourn. Councilman Bryan Hansen made a second to the motion which was approved unanimously.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder