

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, August 20, 2009.

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

**Councilman Jacobsen motioned to approve Ordinance 09-10 with Boyd Shiess's rezone request of approximately 13 acres at 345 West 4000 South to agricultural. Councilman Hansen seconded the motion. The motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson in favor. Councilman Larsen was opposed.**

**Councilman Jacobsen motioned to approve Resolution 09-10—Naming of election judges and setting the rate of pay for their service. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Larsen 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, August 20, 2009 Nibley City Council meeting to order at 6:45 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner. Councilman Shawn Dustin was excused from the meeting for personal reasons.

**Approval of the evening's agenda and minutes of the August 6, 2009 meeting.**

Mayor Knight called for approval of the minutes and agenda. Councilman Mickelson made a motion to approve the minutes and agenda. Councilman Jacobsen seconded the motion. Mayor Knight asked for changes or additions to the minutes or agenda. There were none. The motion passed unanimously.

**6:30 Public Hearing—to receive comments concerning a proposal by Mr. Boyd Schiess to change the zone of approximately 13 acres at 345 West 4000 South from Residential (R-2) to Agriculture.**

Mr. Boyd Schiess was present at the meeting. Mayor Knight asked for comments on this proposal from city staff. Mr. Anhder showed the area under consideration to the public present. Ms. Phippen said it included everything that was in the previous rezone to residential. Mr. Schiess said it was everything on the north side of 4000 south that wasn't in agriculture besides the house and the lot. Mr. Anhder said they included that description and exempted the one lot subdivision. Ms. Phippen said there are three parcels but all are under the same tax ID number. Councilman Jacobsen asked if in light of the subdivision for the house, the proposal create non-conforming lots. Ms. Phippen said it did not. Councilman Jacobsen asked if the proposal would make a lot in an

agricultural zone under five acres. Mayor Knight said there is a lot, that is not part of the rezone, that is a half acre lot. Ms. Phippen said she is of the opinion that if it falls under one tax ID number it is considered one lot. For her mind it is all one piece. Mayor Knight opened the public hearing at 6:49.

Barbara Wildon said it was refreshing to see something zoned from residential to agricultural. There is far too much going the other way.

Corlyss Drinkard, who lives next to the Schiess's, said she seconded Mrs. Wildon's comments. She is in favor of the rezone to ag.

Susan Hepworth said she was in favor of this being rezoned agricultural. She said the road going through the property would not be adequate to bear the traffic connecting on to 4000 south. It would make Mr. Schiess's property too hard to farm.

Amy Platt thanked all the public that came out to support them and wished that this could be an easier process.

Mr. Boyd Schiess said the only reason it went in to residential was to sell Amy and her husband the farm house. At the time it was not possible to sell her five acres of land. He wants it back in agricultural where it started from. Mayor Knight closed the public hearing at 6:53.

**Consideration of Ordinance 09-10—An ordinance changing the zone of approximately 13 acres at 345 West 4000 South (Schiess Property).**

Mayor Knight asked what agricultural did for him on this property and what his benefit was. Mr. Schiess said he did not want to subdivide. He does not want houses. Mr. Schiess said his children could buy farm ground for a lot less than residential ground. He wants it farm ground. Mayor Knight said they have law to try and protect farm ground. In an Ag zone they have to have a minimum of five acres to have a house on it. That was to protect the farm ground. What Schiess has done is circumvent that by rezoning agricultural to residential, splitting the ground off and is now asking for the remainder to be put back to agricultural. Mr. Schiess said he did not want it to be residential. He wants it agriculture. Mayor Knight said the problem was he could do the exact same thing again and circumvent good planning that is in the form of ordinances in Nibley City. Mayor Knight said the road change was part of the subdivision that was split off. Mr. Schiess said he did exactly what they wanted and was asked to do when it was rezoned to residential. He doesn't understand the problem of putting it back to agriculture. He did not want to sell five acres. There is not law that says someone cannot come back and request a rezone.

Councilman Jacobsen made a motion to approve Ordinance 09-10 with Boyd Schiess's rezone request of approximately 13 acres at 345 West 4000 South to agricultural. Councilman Hansen seconded the motion. Councilman Jacobsen said if Mr. Schiess took this to the limit he could ping pong back and forth and essentially eat up farm land. He needed to hear if they were done. Mr. Schiess he cannot answer that. He did not want to do it in the first place. He has no idea what will happen in the future. He said he is not

going to come in tomorrow and request another rezone. There are a lot of costs involved. Councilman Jacobsen said he supported Mr. Schiess and wanted to see it go back to AG. Councilman Larsen asked if all the fees had been paid and where up to date. Ms. Phippen said they were. Councilman Larsen said this isn't the first rezone of the property while he has been on the Council. They rezoned to Ag from residential and when they rezoned it back they downsized the residential from R1 to R2 which he wasn't in favor of. The back and forth creates a problem because he is able to downsize to smaller lots and get what he wants. He said it is the citizen's right to ask for a rezone but the Council can deny a rezone—they are not required to grant a rezone, based on what is best for the city. He is concerned they will isolate the house on its' own creating an island zone. That is part of the problem along 165. Councilman Larsen said he is not in favor of the rezone and will vote as such. Ms. Phippen said at Planning & Zoning Commission they didn't think it was fair to deny the rezone was because the only reason he came in before was because they required it of him and they didn't want to penalize him for what he did before. Councilman Larsen said he sees it as "getting your cake and eating it too". Councilman Mickelson said he thought it was pretty clear in his mind that the intention was to allow this to go in this direction in full understanding that they would be addressing this issue at a later date, which they are now doing. This is concluding and finishing up what was started. Councilman Mickelson said he would be in favor of the rezone. Mr. Schiess asked how else he could put a house in there. He said he has no other place to get access. The Council pointed out that was not true and access can be gained between the Platt house and the Johnson house on 4000 south as well as to the north of the property. Councilman Hansen said the rules for the agricultural zones are different than residential and he thinks they could be a little more fluid in their AG requirement. Councilman Jacobsen said the idea they could have had was to have made this a five acre zone. Councilman Jacobsen said the process circumvented the rules. Councilman Larsen said when they subdivided that land they did not require the sidewalk which is required when they subdivide all land. He said there is an inconsistency throughout the whole process. They are doing whatever they want. The motion passed 3-1 with Councilman Larsen opposed.

**7:00 Public Hearing—to receive comments concerning a proposal to amend the regulations governing the types and number of animals that are permitted in the various zones of Nibley City.**

Mayor Knight opened the public hearing at 7:19.

Corlyss Drinkard said she wanted to apologize to the City Council, Planning & Zoning Commission, and Susan for not getting involved sooner. She understood the initiative for this proposal was that a neighbor complained about another neighbor's dog. She said the origin was important because the before mentioned problem was not resolved in this ordinance. She thought the animal use revisions were draconian. It was overkill. The Mayor pointed out that was not the origin. She noticed in the provisions that conditional use permits for household pets were only issued for helper dogs. She did not see a process or methodology to apply for a conditional use permit. She said in the grandfathering provisions she noted the condition that animal rights are lost after a non-consecutive time of 12 months. She said the average length of an LDS mission for Sr.

was 12-18 months. Did that mean they lost their grandfathered rights? She said it needed a definition of what interrupted meant. Mrs. Drinkard said this was a time to make concerns felt so they know what they are dealing with in the public at large. Mrs. Drinkard said the enforcement mechanism should be stated in the ordinance. It appears that the only rationale for enforcement is if you get complaints by neighbors.

Susan Hepworth asked if there was a way to review the steps that Planning & Zoning Commission had taken. Mayor Knight said to be efficient he would like to get the public comments first.

Barbara Wildon said she lived in Logan for 40 years and one of the main reasons they wanted to move was that they felt they had been zoned to death. They jumped at the chance to move to Nibley because it was rural, it was country. They felt like they would have a chance to have animals and feel like they were in the country and that meant stepping outside and smelling the country air.

Mayor Knight said one of the reasons this ordinance is being looked at again is because there were holes in the old ordinance. Councilman Jacobsen said the request for a revision of the animal use ordinance came to the Planning & Zoning Commission through City Council and he believed there was a disconnect regarding why this was going on. Councilman Jacobsen said the number one reason they ought to change the ordinance that was in place, was to eliminate conditional use permits, a mechanism that circumvents the ordinance—that was the essential motivation.

Barbara Wildon said they have a little over an acre of ground and they have chickens, horses some of the time, and cow some of the time. She is in compliance but there are a lot of people that would require more. They do not need the things that a young family might need. She said some of this is quite restrictive. She would be in favor of being a little more loose. She said she had a rooster named Elvis and he is considered the same amount of points as a horse or a cow. All he does is strut around and crow. She said that was excessive.

Richard Eversull said changing to the point system did not make much sense to him. He does not feel the rooster points should apply because they take so many points from other animals. He said they should just allow 1 rooster per acre. Mr. Eversull did not like the fact that they had a definition of household pets. He did not like the part that stated all other animals not specifically permitted are prohibited. He said there was nothing specific about that and did not know why it was necessary. He would like it removed. He did not like that they hold down the kinds and types of animals. He did not care how many different types of animals you have as long as they are taken care off.

Torri Rallison said she had a .53 acre lot which allows her to have 6 chickens. She went to IFA and got three chicks which all turned out to be roosters. She was able to get rid of two roosters but could not get rid of the last and according to the ordinance it is not permitted on a lot her size. She said the rooster makes noise in the morning but she has a neighbor that has dogs that bark all day long. She is not happy that she has a restriction

on her rooster but her neighbor did not have one on their dogs. She did not know why she could not have her rooster.

Corlyss Drinkard said based on some of the comments and what Councilman Jacobsen said about conditional use permits they needed to face that they were going to have to deal with them no matter how tightly they drew it. She said they needed to produce documentation on what information an applicant needed to produce to get a conditional use permit. She said she did not know how  $\frac{3}{4}$  acre and above get limited to 6 household pets. She did not understand the rationale. Mrs. Drinkard asked why they apply a point system to agricultural animals. If they are following the rules what difference did it make how many animals they have.

Susan Hepworth thanked the members of the animal land use committee. Mrs. Hepworth said she basically approved of the new draft but she said that at the Planning & Zoning Commission they were not willing to make changes regarding horses and they said if it went forward to produce more changes with horses it would fail. There were a couple of Commissioners that were not even interested in hearing what the options were. All options need to be looked at objectively. Everyone should be able to have the animals within reason, with proper restraint and maintenance. Mrs. Hepworth said the point system restricted horses to 1 per .75 acres. She thought that was too restrictive. She wanted to have a provision for land that has no residence on it. She thought it could hold more animals without a residence and should therefore get a larger point allotment. Mrs. Hepworth noted cities that allowed horses on a half-acre. Mrs. Hepworth liked the provision with the square footage for larger animals. If that is in place then there would be proper maintenance for the animal and the neighbors. Mrs. Hepworth said the Planning & Zoning Commission added provisions for setbacks on fences. They eliminated the possibility of having horses in a residential zone and for lots that had no residences on it. She would like a change there. Mrs. Hepworth noted West Valley City's animal ordinance and their point system. She thought a provision could be added for fences that would keep horses out. She recommended that fencing be specific for the animal and that they could raise the height requirement of a fence on horses. She said that people on acreage under .75 should choose what animals they wanted and not be restricted. Mrs. Hepworth said she liked the 36 months on non-conforming land use interruption but would like it to be a little longer and thought it needed to be retroactive.

Ann Jacobson asked if the animals people have right now would be grandfathered in. Councilman Jacobsen said they would be grandfathered in if they were legal under the current ordinance. Mayor Knight said they would be a legal, non-conforming. Councilman Jacobsen said he was elected to this side of the bench based on the other Larry Jacobson's reputation.

Mayor Knight closed the public hearing at 8:04.

Councilman Jacobsen made a motion to suspend the agenda to put the planned unit development public hearing off and take up consideration of Ordinance 09-12. Councilman Hansen seconded the motion. The motion passed unanimously with

Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Larsen in favor.

**Consideration of Ordinance 09-12—An ordinance establishing regulations for the number and type of animals that are permitted on lots in the various zones of the city.**

Councilman Mickelson said he had some bigger issues other than line by line review of the ordinance he would like to address. Councilman Mickelson said he sent some lengthy comments about land use issues to the committee. He said as they address things by points they need to look at things using expert advice. They never went and got any advice from those that had the expertise. He suggested they not use points but animal management units which is how the animal world functions from a perspective of water quality, air quality, and land usage. An animal unit is measured in 1,000 lbs. He said they are placing a lot of things on city staff once complaints start coming in. He asked what kind of enforcement they were going to use and if they are not going to enforce them then what good are they in this context. This should be a recommendation and then the enforcement comes. This should include a cost and a process for a complaint on someone abusing their animal rights. He said this should be a recommendation based on animal management units rather than by points. Councilman Mickelson said they have made it looser that it was, and easier to understand, but harder to manage and enforce. He would rather have a standard and then as problems come their handled through civil court, etc.

Councilman Hansen said he felt inadequate in this discussion because he is a domestic animal owner. He deferred to the other Councilmen.

Councilman Jacobsen said animal points in land use are not related to how many animals that land will sustain. It is about the impact of that animal to the neighbors. That is what the new ordinance is about. There is a perception that every time a government entity does something that it is more restrictive. He notes the list he distributed on more and less restrictive items in the new ordinance versus the old ordinance. Councilman Jacobsen said they limit agricultural land uses because 30,000 pigs is a lot to live with even in an agricultural zone. Councilman Jacobsen said if they have an ordinance that says conditional use permits are not allowed, such as this one, then conditional use permits are not allowed. Councilman Jacobsen said this is an issue of individual property rights and community property rights and the balance. Councilman Jacobsen said he called a couple of Councilmen from West Valley City and some of their main concerns were the looseness of their animal land use ordinance. Councilman Jacobsen went through his list of more restrictive/less restrictive points of the new ordinance. Councilman Jacobsen said he is happy to go back to the old ordinance. Richard Eversull said that sounded like a threat to him. Mr. Eversull said they wanted to take the new ordinance, make some changes, and adopt it.

Councilman Larsen said AMU's (Animal Management Units) are based on bio mass, water availability and not just the size of the animal. The west desert AMU is significantly larger than the AMU in Bear River Valley floor. He did not know if they could incorporate AMU's into this ordinance and thought they needed to keep it with the

units. Councilman Larsen said that this was his field of study in college and the city did not have an expert per say, but as a committee they did look at that. He agreed with Councilman Mickelson about enforcement. He said the current ordinance and this ordinance were hard to enforce. They have a hard time enforcing the regulations they have on their citizens. Councilman Larsen said it would be even harder to enforce recommendations. They cannot enforce a recommendation, they need more set numbers. He said the committee's draft restricted conditional use permits but felt this draft had no changes. In our society more and more there are exotics. There is that possibility and with this wording now this opens that up.

Mayor Knight said he liked the ordinance, it was easy to understand. To enforce the ordinance they make it easy to understand and then it will self-enforce. Councilman Mickelson asked what they thought of a formal complaint process so they can't just be fighting neighbor to neighbor. Ms. Phippen said she is not the best at enforcing things but she does not think it is right to penalize people and keep them from coming to the city with issues.

Susan Hepworth said they should include reference to the nuisance ordinance in the animal land use ordinance. She said not one person has complained about the number of animals—they have wanted more. Larry Jacobson said they have a granddaughter who is allergic to bees but they have a neighbor six feet away who has a bee hive. He considered that a nuisance.

Mayor Knight said he thought they needed to eliminate conditional use permits as much as possible.

Amy Platt asked why they couldn't put down a horse under their conditional use permits and eliminate half their arguments.

The Council reviewed the ordinance line by line making suggestions and adopting changes to the draft ordinance.

Councilman Larsen proposed under 10-17-2B to go back to the numbers the committee decided on which was (2) goats, (8) pigeons (line 6), and (8) game birds (line 8). Ms. Phippen said the Planning & Zoning Commission were trying to be consistent with the numbers. The change was approved; Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were in favor of the change.

Councilman Larsen proposed on line two that they change it to (2) lambs and (8) months. The change was approved; Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were in favor of the change.

Councilman Hansen proposed they add one rooster to the list on 10-17-2B. The change failed; Councilman Hansen and Councilman Mickelson were in favor of the change. Councilman Larsen, Councilman Jacobsen and Mayor Knight were opposed to the change.

Councilman Jacobsen proposed they have (2) pygmy goats on line one of 10-17-2B. The change was approved; Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen were in favor of the change.

Councilman Jacobsen proposed on the bullet points on 10-17-2B. that they go back to the committee version that would say “for lots greater than or equal to 12,000 sq. feet and less than or equal to 0.5 an acre two (2) different species are permitted at a time”. Councilman Jacobsen also proposed on bullet point two wording that said “for lots greater than 0.5 acres and less than 0.75 acres, a maximum of three (3) different species are permitted at a time”. The changes were approved; Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen were all in favor of the change.

Councilman Mickelson said they needed to come up with a point system for smaller lots. He said they should be able to choose the animals they want and limit the numbers. Councilman Mickelson said instead of placing the limit by species they limit by number. Councilman Mickelson proposed they use a point system on smaller lots. The change failed; Councilman Mickelson was in favor. Councilman Larsen, Councilman Jacobsen and Councilman Hansen were opposed.

Councilman Larsen said 10-17-2C. opened up conditional use permits again. He proposed they replace C. with “All animals not specifically permitted are prohibited”. The change was approved; Councilman Larsen, Councilman Jacobsen, and Councilman Hansen were in favor of the change. Councilman Mickelson was opposed.

Councilman Larsen proposed they go back to (3) dogs on 10-17-3A1. which limited the number of dogs per household with additional wordage that said “and a conditional use permit may be issued for a third dogs”. The change was approved; Councilman Larsen, Councilman Jacobsen, and Councilman Hansen were in favor. Councilman Mickelson abstained from voting.

Councilman Jacobsen proposed in 10-17-3E. that they add wording that said “A conditional use permit may be granted for species not listed in 10-17-3 B and C. The conditional use permit will consider the impact of the proposed species relative to impact of the species that are listed in this section”. The change was approved; Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen were in favor. Councilman Larsen was opposed.

Councilman Larsen proposed in 10-17-4A. line 3 they go back to the number (6) on household pets. Amy Platt said on agricultural land greater than or equal to five acres they are going to have a lot more mice than 4 cats can handle. The change failed; Councilman Larsen was in favor. Councilman Mickelson, Councilman Jacobsen, and Councilman Hansen were opposed.

Councilman Larsen proposed they strike 10-17-4A. line 3. The changed was approved; Councilman Larsen, Councilman Jacobsen, and Councilman Hansen were in favor. Councilman Mickelson was opposed.

Councilman Larsen proposed on 10-17-4B. that they change offspring less than (12) months to (8) months. The changed was approved; Mayor Knight, Councilman Jacobsen and Councilman Larsen were in favor. Councilman Hansen and Councilman Mickelson were opposed.

Councilman Jacobsen proposed they change 10-17-4E. to be consistent with 10-17-3E. The changed was approved; Councilman Mickelson, Councilman Hansen, Councilman Larsen and Councilman Jacobsen were all in favor.

Councilman Mickelson proposed on 10-17-5A. that they take out corrals and etc. The changed was approved; Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Larsen were all in favor.

Councilman Jacobsen proposed on 10-17-5A that they needed to rework it to adjust to smaller and larger lots. The Council directed city staff to rework the setback section of the ordinance.

Councilman Jacobsen proposed on 10-17-8-3 that they change (36) back to (12). Councilman Mickelson said they are moving to a less restrictive ordinance so there shouldn't be a problem. The changed was approved; Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Larsen are all in favor. Ms. Phippen said she would add a note that is runs with the land and not the person.

Councilman Larsen proposed they change roosters to 50 points on 10-17-4C. Ms. Phippen said Planning & Zoning didn't think things should be worth as much on AG because that is what it is there for. The changed failed; Councilman Larsen was in favor. Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen were opposed. Councilman Larsen proposed they changed rabbit to (10) points. The changed failed; Councilman Larsen was in favor of the change. Councilman Mickelson, Councilman Jacobsen, and Councilman Hansen were opposed to the change.

Susan Hepworth revisited the issue of lots with no residence on it and that they could hold a greater number of animal units. Councilman Jacobsen said it is a residential lot and it has residential land use associated with it. Councilman Mickelson said you have a problem with impacts on the neighbors especially when you have a lot of animals the land. Councilman Jacobsen said it is not worth writing an ordinance for just one specific case. Mrs. Hepworth thought there were other people with other situations that might come up and people that want it to be more rural. Councilman Jacobsen said if they want it rural they should make bigger lots.

Anne Jacobson revisited the issue of bee hives. She said the bee hive in her neighbor's yard renders the back corner of her lot useless. Councilman Jacobsen said he thought they could apply bee hives in the set back rules.

Councilman Larsen said currently on the ordinance they do allow a horse at a rate of one per half acre on lots of at least 0.75. He thinks that horses, mules, and donkeys are high impact and that they should think about that before they pass the ordinance. Councilman Larsen thought they should change the points on 10-17-3B. for those animals to (75) points. He asked the Council members to think about the impact of those animals.

Mayor Knight said they would continue consideration of this ordinance when Ms. Phippen came back with the changes to the set back rules.

Richard Eversull proposed some improvements in fencing to the Nibley farm which included a walkway where the public could enjoy the farm. Mayor Knight said he liked Richard's proposal and his understanding was that the \$4,000 budgeted in the annual budget would go towards the fence. Councilman Larsen said they had budgeted the money, but thought they were still going to have discussion on how to spend it. Back then there were some that wanted the fence and some that wanted to repair the barn. In talking with Mr. Eversull he learned that Richard had proposed the fence up the middle, while Mr. Ahnder suggested the outside, and the Mayor the one between Mr Gibbon's house. Since the Budget discussion, Councilman Larsen thinks that improving the watering system by developing the well and a sprinkler system. Now Mr. Eversull is watering with culinary and a hose sprinkler. Councilman Hansen proposed they give Mr. Eversull the \$4,000 to do whatever he deemed most necessary. Mayor Knight said they could not act on this issue because it was not on the agenda. Councilman Hansen withdrew his proposal. Mayor Knight said this issue would be put on the next agenda.

**8:00 Public Hearing—to receive comments concerning a proposal to amend the current ordinance establishing the criteria and guidelines for Planned Unit Developments.**

Mr. Anhder said they have a provision for planned unit development. The Mayor and Council requested the ordinance be reviewed and made more specific. This is that new ordinance. Mr. Anhder said a planned unit development is used to bring variety to a community. Rather than a traditional subdivision, planned unit developments are used for special purposes such as senior housing. The developer proposes to do something new or different but then gives something to the city as an additional amenity. There is a bonus point benefit that is offered to the developer in exchange for those amenities such as higher density.

Mayor Knight opened the public hearing at 10:26.

Corlyss Drinkard asked if there was a way to get a park with just park benches and trees and thing and not just soccer nets. Mayor Knight directed Mrs. Drinkard to participate in the survey directed at the parks master plan. Barbara Wildon asked how serious they were in Nibley about multi-living dwellings. She said that was the problem in Logan. The

houses were all divided and used for apartment dwelling. Barbara Wildon said she did not know enough about the proposed ordinance to comment. The Council directed the public to the city website to for copies of the city ordinances. Councilman Jacobsen told the public they could contact the Council members via email or telephone with their comments once they had review the ordinance. Mayor Knight closed the public hearing at 10:32.

Mayor Knight proposed they continue the consideration of Ordinance 09-08 at a later date and a better hour.

**Consideration of Ordinance 09-09—Establishing a policy and procedure for the approval or written minutes for the public meetings of the City Council and other public bodies of Nibley City.**

Councilman Larsen proposed they consider this Ordinance at the next meeting.

**Consideration and approval of election judges—Resolution 09-10.**

Councilman Jacobsen made a motion to approve Resolution 09-10—Naming of election judges and setting the rate of pay for their service. Councilman Hansen seconded the motion. Councilman Mickelson asked if it created a problem to have an office staff person as an election judge. Most of the Council said it did not. The motion passed unanimously with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Larsen all in favor.

**City Manager Report**

Mr. Anhder said in the budget they allocated \$150,000 to Heritage Park for asphalt. They will not use the entire amount and they will have enough left over to move over to Clear Creek but will not have enough to finish. He proposed they use a portion of the \$75,000 in the budget for Heritage Park to finish Clear Creek. Councilman Mickelson asked if that was the greatest need they have. Mr. Anhder said it was. Mr. Anhder said they will get a much better price on the asphalt if they continue on to Clear Creek. Councilman Larsen said he thought they still needed to decide what type of parking was going to be used. It was his recollection that they moved the sidewalk back so either an off street lot or slanted could be done. They said they would look at that later. Mr. Anhder said he had staff search the minutes and they reported the decision was made to have the on street type. Councilman Mickelson, Councilman Jacobsen, Councilman Larsen, and Councilman Hansen were in favor of that change.

Mr. Anhder said there was a new bond available for the Community Center at 2.275%.

Mr. Anhder said he distributed a memo to the Council regarding 450 west and that they need to read it carefully and consider it for the next meeting.

**Council Reports**

Councilman Hansen said he has a neighbor on Hollow Road who is still concerned with the speed limit sign on Hollow road. Councilman Hansen said in looking at it, it is justifiable to move that sign. It is hard to see.

Councilman Jacobsen said he will not be here for the next meeting. He will be in Australia. Mr. Anhder said they could hold the public hearing and have discussion but hold off action on 450 west until the next meeting.

Councilman Larsen said the movie in the park Monday night was a pretty good turnout. They have one more concert scheduled this year.

Mayor Knight said the Clear Creek Park has had some landscaping and they have upgraded the sign which looks very nice. The sidewalk is progressing.

The meeting was adjourned at 11:03 p.m.