

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, January 15, 2009.

The following actions were made during the meeting:

**Action Item 1:** Councilman Jacobsen motioned that Nibley city sponsor the application by Habitat for Humanity for a community development block grant. Councilman Hansen seconded the motion. It passed 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen in favor.

**Action Item 2:** Councilman Dustin motioned to support the countywide library system. Councilman Jacobsen seconded the motion.

Councilman Jacobsen motioned to amend to include the wording “but the cost of the current proposal and the current economic conditions do not warrant moving forward with a specific proposal at this time.” Councilman Larsen seconds the amendment to the motion. The amendment passes 3-2; with Councilman Dustin, Councilman Jacobsen, and Councilman Larsen in favor and Councilman Mickelson and Councilman Hansen opposed.

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

Action Item 3: Councilman Larsen motioned that Nibley City requests representation on any committee charged with developing transition. Councilman Dustin seconded the motion. The motion passes unanimously 5-0; with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

**Action Item 4:** Councilman Dustin motioned to approve resolution 09-02 as presented. Councilman Jacobsen seconded the motion

Councilman Larsen motioned to amendment line one of resolution 09-02 to read \$75 and moves to strike bullets two and three. Councilman Mickelson seconded the amendment. The amendment passes 3-2; with Councilman Larsen, Councilman Mickelson, and Councilman Hansen in favor and Councilman Jacobsen and Councilman Dustin opposed.

Councilman Jacobsen motioned to amend resolution 09-02 and leave one alone as the first amendment made it, and add two to read, “Any addition time above and beyond the initial fee will be charged to applicants at one half the rate billed by the hearing officer”. Councilman Hansen seconded the amendment. The amendment passes 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Dustin are in favor and Councilman Larsen opposed.

The twice-amended motion passed unanimously 5-0; with Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen all in favor

**Action Item 5:** Councilman Mickelson motioned to approve the Nibley City Annual Budget for fiscal year 2008-2009 including an additional \$30,000 for a water line. Councilman Hansen seconded the motion. The motion passed unanimously with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilman Dustin, and Councilman Larsen all in favor.

Action Item 6: Councilman Dustin motioned to approve resolution 09-01. The motion passes with general consent.

**Action Item 7:** Councilman Mickelson motioned to enter into an agreement with the architect for the community center design. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Larsen all in favor. Councilman Dustin is opposed.

**Action Item 8:** Councilman Jacobsen motioned to affirm the appointment of Carrie Cook to a full term on the Planning & Zoning Commission. Councilman Hansen seconded the motion. The motion passes 4-0; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin all in favor. Councilman Larsen abstains from the vote.

**Action Item 9:** Councilman Hansen motioned to have the three most recently elected members of the City Council as officers of the Municipal Building Authority, with Mayor Knight as President, and Larry Anhder as secretary. Councilman Mickelson seconded the motion. The motion passed unanimously with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilman Dustin, and Councilman Larsen all in favor.

**Action Item 10:** Councilman Hansen motioned to approve the Nibley City Council assignments. Councilman Mickelson seconds the motion. The motion passes 4-1; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin in favor. Councilman Larsen is opposed.

---

## OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, January 15, 2009 Nibley City Council meeting to order at 6:02 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, Zoning Administrator.

**Item 1: Approval of the evening's agenda and minutes of the December 18<sup>th</sup> 2008 meeting.**

Councilman Hansen made a motion to approve the minutes and the agenda. Councilman Mickelson seconds the motion including his changes. The motion passes 3-0 with Councilman Hansen, Councilman Mickelson, and Councilman Dustin all in favor. Councilman Larsen and Councilman Jacobsen abstain from the vote. They were not present at this meeting.

**Habitat for Humanity, Duane Smith, request that Nibley City sponsor a Community Development Block Grant (CDBG), for a house to be built in Nibley.**

Mr. Scott Marshall was present instead of Mr. Smith. Mr. Marshall describes what Habitat for Humanity does. He is seeking a community development block grant sponsored by Nibley City to finance the lots for 2 homes expected to cost \$90,000. Currently, Habitat for Humanity finances the home at an interest free rate and decides on a payment for the individuals who occupy the home. Councilman Larsen asks why Mr. Marshall needs the City to sponsor this. Mr. Marshall states because the community block program requires it. There are certain requirements in the program that dictate what they can use the money for. The grant money is actually awarded to the city to decide what it will be used for. They cannot apply for the funds independent of the city. Mr. Anhder states CDBG money can only go to a city. Nibley has sponsored 3 CDBG grants. As a city there is very little risk. The city just needs to ensure that the proper paper work is done. Councilman Jacobsen asks what would specifically be expected of the city. Mr. Marshall states they (Habitat for Humanity) would fill out all of the paper work. The city is only required to turn over the grant money that is awarded to them. The grant they are requesting on behalf of Nibley is \$90,000. Councilman Jacobsen made a motion that Nibley city sponsor the application by Habitat for Humanity for a community development block grant. Councilman Hansen seconds the motion which passes unanimously.

**Public hearing and consideration of countywide library system as requested by Cache County Council.**

Mayor Knight opens the public hearing on the countywide library at 6:23. Cache County wants each city council to get feedback from their residents concerning a countywide library system. They would also like a non-binding vote indicating the Council's position on a countywide system and if the Council would like representation at the committee charged with a development plan of a countywide library system. Steven Krebs, a Nibley resident, states at this time in our economy he does not feel it is a good time to impose additional tax burden on those who may already be struggling. Ms. Phippen states she likes the idea but agrees with Mr. Krebs. Right now cities need to be looking at anything possible to make life easier for it's residents. Margie Larsen states she also feels it is the wrong time with the economy. Councilman Dustin asks what the suggested increased property tax amount would be? Councilman Larsen notes for a \$170,000 home it could be \$60.00-67.00/year additional property tax. Mayor Knight closes the public hearing at 6:28. Mayor Knight asks for a non-binding vote of the city's intentions toward a countywide library.

Councilman Dustin made a motion to support the countywide library system. Councilman Jacobsen seconded the motion so they can have further discussion. Councilman Hansen asks how much is currently being sent to Hyrum. Mr. Anhder states \$14,000/year or about \$12/household. This would increase to \$103,000/year. Councilman Dustin states he made the motion to support the county wide library system keeping in mind that this was a non-binding vote and the motion was for a concept without a specific timetable. He states libraries are an asset to the community. He does not feel there is enough information for a timetable but it is an investment in the future. Councilman Mickelson states there are libraries in the schools, information on the computer, and other avenues to gather information. He believes this issue should be taken to the citizen to be voted on. Councilman Larsen states he believes it is a greater burden than has been shown in the current study. More and more he uses the library less often. He suggests investing in better resources at the Hyrum Library. Councilman Jacobsen also supports a countywide library system but proposes an amendment to the motion that includes the wording “but the cost of the current proposal and the current economic conditions do not warrant moving forward with a specific proposal at this time.” Councilman Larsen seconds the amendment to the motion. Councilman Dustin, Councilman Jacobsen, and Councilman Larsen are in favor of the amendment. Councilman Mickelson and Councilman Hansen are opposed. The amendment passes 3-2. On the motion to support the countywide library system, Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Larsen are in favor of the motion. Councilman Mickelson is opposed. The motion passes 4-1.

Councilman Larsen motions that Nibley City request representation on any committee charged with developing transition. Councilman Dustin seconds the motion, which passes unanimously with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Mayor Knight notes they will move forward on the agenda and wait until 7:00 for the public hearing on the Nibley City budget.

**Consideration of Resolution 09-02--setting the fee for making an appeal of a land use decision to the Land Use Appeal Authority.**

Ms. Phippen states they have at least one appeal coming up. When the city first appointed Brian Cannell as the appeal officer they did not set a fee. Brian Cannell’s fee is \$150 for the first three hours and then \$25 for each additional hour. Her suggestion is to recoup the \$150 of Mr. Cannell’s fees. Mayor Knight states this is something they are not currently charging for and they should be. Mr. Anhder notes that this is often times a citizen of our community that has a problem. Mayor Knight states he thinks they should set it at \$150 and strike the last two bullets. Councilman Dustin moves to approve resolution 09-02 as presented. Councilman Jacobsen seconds the motion. Councilman Mickelson states he feel that is too high. If they set it too high the person using the service may see it as a way of diverting their complaint. Councilman Larsen moves to amend line one to read \$75 and to strike bullets two and three. The amendment was seconded by Councilman Mickelson. Councilman Jacobsen states he like splitting the cost 50/50. He believes they

should leave in item 3 and rewrite it to read, at one half the rate billed by the hearing officer.

The Council takes a vote on the amendment to the motion. Councilman Mickelson, Councilman Hansen, Councilman Larsen are in favor of the amendment. Councilman Jacobsen and Councilman Dustin are opposed. The amendment passes 3-2.

Councilman Jacobsen made a motion to amend and leave one alone as the first amendment made it, which is \$75, strike number 2 which was already done in the first amendment, and add two (which was 3) to read, "Any additional time above and beyond the initial fee, will be charged to applicants at one half the rate billed by the hearing officer". Councilman Hansen seconds the amendment. Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Dustin are in favor of the amendment. Councilman Larsen is opposed the amendment. The amendment passes 4-1. The motion passes unanimously with Councilman Dustin, Councilman Jacobsen, Councilman Larsen, Councilman Hansen, Councilman Mickelson all in favor.

**7:00 Public hearing to receive comments about a proposed change to the Nibley City budget.**

Mr. Anhder discussed the proposed changes to the budget that includes a salary increase for the Justice Court Judge.

Mayor Knight opens the public hearing at 7:21 and then closes the public hearing seeing no public comments.

Mr. Anhder states the water line that goes from 250 W. to main street wanders and goes under a curb and in some places is only underground three-and-a-half ft. Bill Saunders, the city Public Works Director, is concerned about frost in the line and those pipes and would like them to be at least five feet. Mr. Anhder recommends the Council amend this budget by \$30,000 to replace the water line from 250 W. to Main street from 8 in. to 10 in. pipe.

**Consideration of Resolution 09-01--adjusting the Nibley City Annual budget for the fiscal year 2008-2009 and changing the Justice Court Judge salary.**

Councilman Mickelson made a motion to approve the budget including the \$30,000 addition for the water line. Councilman Hansen seconds the motion. The motion passed unanimously. Councilman Dustin made a motion to approve resolution 09-01. The motion passes with general consent.

**Approval of agreement with architect for the Community Center Design.**

Councilman Hansen states they met with three individual from Design West, two architects and one interior designer. The proposed four different plans for the community center range in price from \$13,000 to \$19,000. Councilman Hansen describes the proposed designs for the community center to the Council. Mayor Knight states they need to approve a contract with the architect, which is roughly 6% of the city's portion of the additional cost to the school. Councilman Mickelson made a motion to enter into an

agreement with the architect for the Community Center Design. Councilman Hansen seconds the motion. The motion passes with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Larsen all in favor. Councilman Dustin is opposed. He does not like the idea of the community center.

**Consideration of an appointment to Planning Commission.**

Mayor Knight states he is asking for a full term appointment for Commissioner Carrie Cook to the Planning & Zoning Commission. She was appointed to fulfill the year left when Councilman Dustin was elected in 2007. Councilman Jacobsen moves to affirm the appointment of Carrie Cook to a full term on the Planning & Zoning Commission. Councilman Hansen seconds the motion. The motion passes with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin all in favor. Councilman Larsen abstains from the vote.

**Consideration of Ordinance 09-01—Land Use Chart of permitted, conditional, and not permitted land uses.**

The City Council reviews the entire land use chart, editing and revising some definitions. Councilman Jacobsen states he wants to see the completed Land Use Chart before a vote is made. The vote is scheduled for a later agenda. Ms. Phippen suggests adding a line for pest control with a definition, making it conditional in industrial and not permitted anywhere else.

**Update of officers of the Municipal Building Authority of Nibley City.**

Councilman Hansen makes a motion to have the most recently elected City Council members Shaun Dustin, Larry Jacobson, and Scott Larsen as officers, with Mayor Knight as President, and Mr. Anhder as secretary. Councilman Mickelson seconds the motion. The motion passed unanimously.

Mayor Knight notes the appointments of the Nibley City Council assignments. Councilman Larsen states the mayor has given himself a lot and that as a council they need to step up their responsibilities to take some of the burden off him. Councilman Hansen made a motion to approve the assignments. Councilman Mickelson seconds the motion. Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin are in favor. Councilman Larsen is opposed. The motion passes.

**City Manager Reports**

Mr. Anhder mentions a city employee that stopped and helped a citizen back into their house that had fallen down outside, instead of just driving by with the snow plow. The city made \$75,000 in interest earnings in the last 6 months. 3200 S. is close to going to bid. The City has sent letter inviting residents along eastern 3200 south to an open house to voice their opinions. Meeting notices are now on the state website. Councilman Larsen states they need to set their meeting times and agenda for the year.

**Council Reports**

Councilman Mickelson wants a follow up with a meeting that occurred with the canal company tonight. The TMDL is available for review and comment.

Councilman Hansen is working on the neighborhood committee for the trail on Hollow Road. He also needs the lighting committee to reconvene.

The meeting was adjourned at 11:05 p.m.