

NIBLEY CITY COUNCIL MEETING

Thursday, January 3, 2008

The following actions were made during the meeting

Action Item 1: Councilman Jacobsen moved to approve Ordinance 08-02, an ordinance establishing an Appeal Authority. Seconded by Councilman Hansen.

**Councilman Jacobsen moved to amend 10-3-3-B as follows: The Administrative Appeals Hearing Officer shall hear the appeal within 30 days of the date the appeal was filed and shall make a ruling on the appeal within 45 days of the date the appeal was filed. Seconded by Councilman Hansen
Motion to amend passed with Councilmen Jacobsen, Harrison and Hansen in favor and Councilman Larsen opposed to the motion.**

Motion as amended passed unanimously.

Action Item 2: Councilman Jacobsen made a motion to confirm Mayor Knight's appointment of Phil Utykanski as the Nibley City board member for the Cache Valley Transit District. Seconded by Councilman Hansen. Motion passed unanimously.

Action Item 3: Councilman Harrison made a motion to approve the Mayor's appointment of Carrie Cook to the Planning Commission. Seconded by Councilman Jacobsen. Motion passed with Councilmen Jacobsen, Harrison and Hansen in favor and Councilman Larsen opposed to the motion.

OFFICIAL MINUTES OF THE MEETING
Minutes taken and prepared by Deputy Recorder Jessica Lawes

Mayor Knight called the Thursday, January 3, 2008 Nibley City Council Meeting to order at 6:05 p.m. Those in attendance include City Council Members Scott Larsen, Larry Jacobsen, Jay Harrison, Bryan Hansen and Thayne Mickelson. City Manager Larry Anhder and Zoning Administrator Shari Phippen were also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Item 1: Approval of evenings agenda and previous meetings minutes.

Councilman Jacobsen made a motion to approve the previous meetings minutes and evening's agenda. Motion passed with Councilmen Jacobsen, Harrison and Hansen in favor of the motion with Councilman Larsen abstaining.

Item 2: Introduction of Garth Day, recently appointed County wide Planner for Cache County.

Mayor Knight introduced Garth Day to the City Council. He said he is the new Cache County wide Planner. Mr. Day said he is here for the City Council and if they ever need anything, he is there for them. He said he hopes to be back within the next month or two with a County wide general plan and he is just there to introduce himself. Mr. Day said he came from Box Elder County where he spent the last seven years as the County Planner and also had the opportunity to serve in north Ogden. He then said that the Cache County Comprehensive Plan is in dire need of an update, that it is ineffective and that it is his idea to go around to areas like College Ward, Nibley and other surrounding areas and get a series of community plans because the county is too diverse and will go a long ways to open communications between the communities. Mayor Knight asked Mr. Day at what stage is the Comprehensive Plan at right now. Mr. Day said that it was still in the proposed stage but would like it to be included in the Valley Vision 2020. Mr. Day said that transportation is a big issue for the new plan and somehow it has to be addressed for the future and that it was not a big issue in 1998 as it is now and is something that will take up to two and a half years to complete.

Councilman Larsen asked Mr. Day what appealed to him to come to Cache Valley. Mr. Day said that he lives in Box Elder County and Cache County is close enough that he does all his shopping here and it just seemed like a good fit for him.

Item 3: Public Hearing to receive comments on Ordinance 08-02 establishing an appeal authority.

General consent to move into public hearing. With no public present to comment Mayor Knight closed public hearing.

Item 4: Consideration of Ordinance 08-02 establishing an Appeal Authority.

Larry Anhder said his opinion was that they are better off contracting out to a person that has no ties to the city. Councilman Larsen asked who was on board with contracting with one person. Larry Anhder said North Logan and Hyrum both liked his idea of contracting out and going to one person rather than a whole board. Councilman Larsen asked what the term would be. Larry Anhder said it would be for each need and they could hire a person for a period of time or on a case-by-case basis. Mayor Knight said they can use one person and if they don't like them the next time they can appoint a new one.

Larry Anhder said the advantage of going to a single person instead of the old board of adjustment is that they are used so seldom that they were not well trained or it was hard for them to sit up there and have

somebody that is an acquaintance come in and be bias and this new way the appeal authority knows the laws, it is cheaper and they have no social connections.

Councilman Jacobsen moved to approve Ordinance 08-02, an ordinance establishing an Appeal Authority. Seconded by Councilman Hansen.

During discussion Councilman Larsen asked about appealing the land use authority decision. Can anybody appeal through this person? It says that until a decision is made the person appealing cannot go the Judicial Court and what if the appeal is not done in the time frame what is the outcome? Larry Anhder said they would then go with the original decision that was made.

Councilman Larsen then asked how much time a person has to make the appeal. Larry Anhder said the Ordinance did not say. Councilman Larsen said what if someone is appealing and is waiting to start his or her project. Larry Anhder said it would not hurt to put something in the ordinance that specifies. Councilman Larsen said the way he reads the ordinance someone would not hear the appeal for at least 15 days. Mayor Knight said it makes sure to give the appeals hearing adequate time to hear the appeal. Councilman Jacobsen asked if state code give a deadline. Mayor Knight said it was 45 days. Councilman Larsen said that if the person applying for the appeal is gunning for a decision, the ordinance says the appeals authority can wait 30 days or can do it the next day. Will they have adequate time to make the right decision? Councilman Jacobsen said if that person bends to pressure then he or she is not the right person for the position. Councilman Larsen said the next recourse is to take it to court if they make a rash decision and would like more time. He likes the idea to have 14 day period before the appeal is heard. This gives both the proponent and the appeal authority time to prepare for the issue.

Councilman Jacobsen moved to amend 10-3-3-B as follows: The Administrative Appeals Hearing Officer shall hear the appeal within 30 days of the date the appeal was filed and shall make a ruling on the appeal within 45 days of the date the appeal was filed. Seconded by Councilman Hansen Motion to amend passed with Councilmen Jacobsen, Harrison and Hansen in favor and Councilman Larsen opposed to the motion.

Motion as amended passed unanimously.

Item 5: Appointment of board member for Cache Valley Transit District from Nibley City.

Mayor Knight said he would like to nominate Phil Utykanski. He said that Mr. Utykanski has expressed interest in becoming more involved with his community and would like the opportunity to serve as a representative of Nibley City.

Councilman Jacobsen made a motion to confirm Mayor Knight's appointment of Phil Utykanski as the Nibley City board member for the Cache Valley Transit District. Seconded by Councilman Hansen. Motion passed unanimously.

Mayor Knight said he has asked Mr. Utykanski to report to the City Council after he has attended a couple of meetings and Mr. Utykanski said he would report as he sees a need arrive.

Item 6: Appointment of member to Nibley City Planning Commission.

Mayor Knight said he would like to propose same name as last time because of the way he feels about it. He said he does not want to make a big issue out of it but would like to try again. He then asked for a motion to accept Carrie Cook for a one-year term that will expire December 31, 2008.

Councilman Harrison asked if Ms. Cook was aware that she had not been appointed. Larry Anhder said she was aware and that she expressed regrets and was looking forward to serving on the Commission. He said the hardest people to work with are the developers developing their own land. Professionals know the rules. He said that Ms. Cook has been very open-minded and her personal experiences wetted her appetite to be involved. He said he also found her delightful to work with.

Councilman Larsen said he was spoken to by the Mayor about this and asked him he had anything new to change his mind. The Mayor has still not presented any new information or reasoning. Therefore he would still not favor this appointment. Councilman Jacobsen said he supported the confirmation of Carrie Cook in the past and still does. He said it is the Mayor that makes the decisions on who he thinks the best person will be. He said by reports from the Planning Commission they expressed disappointment that she was not appointed. Councilman Hansen asked Councilman Jacobsen if he, as a past Commissioner, thinks she can bring to the table what needs to be there. Councilman Jacobsen said he supports the nomination and thinks she can bring to the commission the representation of a homemaker, a woman, a woman who owns her own business and her own opinions. Other concerns were raised of her ability to deal with issues like her father's junk. Larry Anhder said it has come a long way and some of that is due to her influence.

Councilman Harrison made a motion to approve the Mayor's appointment of Carrie Cook to the Planning Commission. Seconded by Councilman Jacobsen.

Mayor Knight said what impressed him the most about Ms. Cook was that she came to him and asked what is required to be on the Planning Commission. He said he told her about it and then she said she would like the opportunity to be on it. He said it has been difficult to get people to serve and to have someone step up and ask meant something and exhibits a tremendous amount of courage in an environment that is not familiar. Councilman Larsen asked if she was still interested knowing that she was not appointed the first time. He is also concerned with how involved she will be considering her lack of effort when she ran for City Council recently. Larry Anhder said she is still interested and may have been intimidated by others running.

Motion passed with Councilmen Jacobsen, Harrison and Hansen in favor and Councilman Larsen opposed to the motion.

Item 7: Discussion and consideration of agreements with Nibley Blacksmith Fork Irrigation Co. concerning storm water and irrigation structures.

Councilman Mickelson arrived at 7:30 p.m.

Larry Anhder said the Canal Company would like a chance to review the canal above Quarter Circle drive before they will sign off on it and the City Council reviews the final approval and one thing that has been talked about is a time period for the Canal Company to respond and if there is not a response to go ahead anyway. Mayor Knight said there will be something for the City Council to review next meeting. Councilman Mickelson said they are still working out all the details. Mayor Knight said the annual meeting will be next Tuesday.

Item 8: Discussion of Ordinance 08-01 Conservation Residential Subdivision.

Mayor Knight said the Planning Commission would act on this Ordinance at their next meeting. He said has had calls with concerns and thinks they need an education process with the citizens to let them know how they will preserve the ground in perpetuity. Councilman Jacobsen said he was enlightened from the workshop they attended in January on way to keep the land preserved once it is set aside. He said that Jim

Carter explained it as a three legged stool and one way to keep land they way it was set aside is to never have one party ever be two legs of that stool.

Councilman Larsen asked about the additional chart staff was to prepare for the existing 1 and $\frac{3}{4}$ zones. Larry Anhder said there was a need to talk about how they were going to handle the area east of Highway 165. He said one way to do it was to zone it all $\frac{3}{4}$ acre. He said they could come up with a chart similar to the R2 that would give them an incentive. Mayor Knight said he would like to see it stay the same zone and not change it and set the incentive to entice them to use the Conservation Residential Subdivision. Mayor Knight said another hot topic was multi-family housing. Councilman Jacobsen said he did not like it until he understood it. He said the way he understands it is that if attached housing is put in then more open space has to be given. Councilman Larsen said he understood it as if more open space is given then more multi-family housing is given. Larry Anhder said there would only be one multi-family unit per every 10 acres. Councilman Mickelson said they should also make the requirements harsher.

Item 9: Council Reports:

Councilman Larsen

Councilman Larsen said he would like to see the minutes be earlier and brought up the fact of missing minutes and would also like to see those be finished.

Councilman Jacobsen

Councilman Jacobsen said he will not be able to make the next meeting which means he will miss the swearing in and the picture. Larry Anhder said he could be sworn in at any time.

Councilman Jacobsen asked what was being done about the people who signed the petition for the Nibley Parkway. Larry Anhder said he wrote up a letter and has given it to the Mayor for review. Mayor Knight said he has not yet sent it out.

Councilman Jacobsen asked about the Hal Fronk subdivision and did not know where the proposal was at and would like a briefing as to where the proposal sits, is his year up. Larry Anhder said he falls under the road ordinance and that he needed to talk to the City Council. Councilman Jacobsen said he does not want the road to become a public road. Larry Anhder said Mr. Fronk has been to the City Council for final approval. Councilman Larsen said his understanding is that it was in preliminary. Councilman Mickelson asked what Mr. Fronk's desires were. Councilman Jacobsen said he understood that he would like it to be a private road.

Councilman Jacobsen said the issue of Sunday beer sales keeps coming up and thinks a discussion should be held. Councilman Mickelson said he feels they owe it to the citizens to do so and asked if any council members would oppose him giving a presentation before hand on taking a more responsible approach or creating a coalition for a healthier community. Councilman Jacobsen said he doesn't want to make it a Sunday versus any other day of the week issue. Councilman Mickelson said the point of the matter is becoming a responsible citizen.

Councilman Harrison

Councilman Harrison said he has really enjoyed sitting on the Council for the last 14 years and will be sad to no longer attend. He said it has been a great opportunity to work with all the Council members.

Councilman Hansen

Councilman Hansen said he has gotten some complaints about the Gibbon's lane dip. He said he received a call from a woman who had sustained some car damage and was concerned that others were having the same problem. Larry Anhder said they periodically get them in the office as well. He said it should have

been built differently or piped and thought it could not hurt to have an engineer look at the cost of fixing the problem.

Councilman Mickelson

Councilman Mickelson asked Larry Anhder about grant possibilities for the sewer. Larry Anhder said he was waiting on numbers from the state and the phosphorus levels.

Item 10: City Manager’s Report:

Larry Anhder said the plans for 3200 South were coming along and the sidewalk all the way east of 500 West is a 6 foot sidewalk adjacent to the curb and does not know if it can be changed and he will not suggest to change it now but later in the construction stage. He said there are some problems with the telephone poles in some places. Another option would be to go with curvy sidewalks. He said that within the next week there would be final reviews of those plans. Councilman Larsen expressed concern about the sidewalk being next to the curb and doesn’t think we should wait to fix it. He said it could be costly to do a change order later on or impossible to change.

Item 11: Mayor’s report:

Mayor Knight said he would like to go over the responsibilities that were assigned to the Council members two years ago. Maybe stir it up a bit with the new Council. Councilman Jacobsen said he would no mind revisiting these items as well. Mayor Knight said he would bring them up at the next meeting.

Mayor Knight said he would like to propose some council rules. He said that they run off of parliamentary procedure and would like to see the Council be more observant of those rules. The rules are there to prevent chaos and he does not mid modifying some of those rules to fit them but he would like to allow a speaker to finish their thought before another starts. He said he would also like the Council members come more prepared to the meetings to make a motion on items that require actions and come prepared with recommended changes. He said he would like people to be recognized by the chair before they speak and a higher level of formality could move thing along better. He said if any of the Council members had any more ideas they could email them to him. Councilman Mickelson said he would like to recommend that a time be set for each agenda item. Councilman Larsen said they did that when he was first elected 4 years ago and it created some problems. They found it was hard to estimate the right amount of time need to be given to some items. Mayor Knight said with a little more preparation members would be much better able to contribute.

Item 12: Adjournment.

General consent was given to adjourn at 9:00 p.m.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder