

NIBLEY CITY COUNCIL MEETING

Thursday, October 18, 2007

The following actions were made during the meeting

**Action Item 1: Councilman Harrison made a motion to approve Ordinance 07-16 an ordinance increasing the transit sales tax within the city of Nibley, Utah, from one-quarter of one percent (.25%) to three tenths of one percent (.30%). Seconded by Councilman Mickelson. Motion passed unanimously.**

**Action Item 2: Councilman Harrison made a motion to approve the Consolidated Plan for 2007. Seconded by Councilman Hansen. Motion passed unanimously.**

**Action Item 3: Councilman Harrison made a motion to give Larry Anhder authorization to sign a contract with James Carter on the conservation subdivision ordinances. Seconded by Councilman Mickelson.**

**Councilman Mickelson made a motion to amend to set a limit of \$10,000.00 for the Jim Carter work. Seconded by Councilman Hansen. Motion to amend passed unanimously.**

**Motion as amended passed unanimously.**

**Action Item 4: Councilman Jacobsen made a motion to approve Resolution 07-15, a resolution setting travel per diem rates with changing the wording on Item# 2 to say “exceptions to the State policy”. Seconded by Councilman Hansen.**

**Councilman Mickelson made a motion to amend that reimbursement for all out of state travel shall be approved by city council. Seconded by Councilman Hansen. Motion to amend passed unanimously.**

**Motion as amended passed unanimously.**

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

Mayor Knight called the Thursday, October 18, 2007 Nibley City Council Meeting to order at 6:04 p.m. Those in attendance include City Council Members Jay Harrison, Larry Jacobsen, Thane Mickelson and Bryan Hansen. City Manager Larry Anhder was also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Mayor Knight recognized Scout Troop 385, from the Nibley 4<sup>th</sup> Ward, and thanked them for presenting a flag ceremony.

**Item 1: Approval of the evening's agenda:**

**Councilman Jacobsen made a motion to approve the evening's agenda. Seconded by Councilman Hansen. Motion passed unanimously.**

**Item 2: Consideration of Ordinance 07-16. Increasing the sales tax for transit to three tenths of a percent.**

Todd Beutler, with the Transit District, gave the council a presentation explaining what the tax is for. He said that at the last Utah State Legislative Session it was decided to take tax off of non-prepared food, and in an effort to keep the transit at a revenue neutral position, the Legislature has allowed cities to change sales tax to 0.3% instead of 0.25%.

Councilman Jacobsen asked if there was any indication from the State Legislature that in taking sales tax off of non-prepared food that that action was intended to be revenue neutral for Transit Districts or Education or anything else. Mr. Beutler said that was the point of the change and it is up to the City Councils to do so. Mr. Beutler said the Transit District is estimating a \$550,000.00 decrease because of this tax decrease.

Councilman Jacobsen asked Mr. Beutler if other municipalities have weighed in on the issue yet and Mr. Beutler said that none have voted on it yet, but they are in the process of going around to all the cities and hope to have them soon. Councilman Jacobsen then asked if Nibley were to adopt this ordinance and another city did not, then Nibley would have a higher sales tax than the other cities. Mr. Beutler said that is exactly what it would mean and that their objective is to keep the district at a unity level so that all cities are the same within the district. Mr. Beutler told the council they could, in reality, vote this in at a later date but the tax commission can only enforce this once a quarter and if the Council were to wait the district would lose out on the sales for the first quarter.

Bill Green asked what happens if the Council votes for the sales tax increase and no other city does, could the city be voted back out. Mr. Beutler said that it is his understanding that the Council could at some point come back and change the ordinance.

**Councilman Harrison made a motion to approve Ordinance 07-16 an ordinance increasing the transit sales tax within the city of Nibley, Utah, from one-quarter of one percent (.25%) to three tenths of one percent (.30%). Seconded by Councilman Mickelson. Motion passed unanimously.**

**Item 3: Discussion of public works projects and priorities.**

Bill Saunders gave a presentation to the Council of what the Public Works Department has been able to accomplish over the last year and what will be accomplished in the future. Mr. Saunders said they have

the 1200 West road under construction and it will be paved this next spring along with 3200 South. He said they were able to install 700 feet of the 24 inch storm drain along with the new water line. He said this year has been a busy year in the water department and they have upgraded some of the water capabilities by installing and upgrading a little over half the city with the new water meters which allows them to walk by with a hand held meter reader, saving large amounts of time and energy. Councilman Mickelson asked if they have found any accuracy problems with the new system. Mr. Saunders said they are about 99% accurate and one of the biggest improvements is that if a home has a water leak, they can pick up on it instantly and then notify the homeowner of the problem saving homeowners and the city money.

Justin Pope set up a mock water system to demonstrate how the old and new water systems work. He said the meters are powered by Lithium batteries and should last for about 20 to 25 years and all that has to be done to read the meter manually is shine a flashlight down and recharge the display. Mr. Pope said they are going to test the new systems throughout the year and they should be able to read the meters through four feet of snow.

Bill Saunders said they have taken about 3000 yards of material off the Dee Gibbons Park, material left over from the sewer project. He said that by taking material from one park and using it for other project within the city it has saved the city money. Mr. Saunders said they finished the 3200 South park and all that is needed is a little more landscaping and a few more trees will be added in the future. They also installed a small irrigation system that takes the ground water and waters the park taking the burden off the culinary system. Mr. Saunders said they also completed Shadowbrook Subdivision Park for a total of a little over three acres of landscaped this year. Mr. Saunders said the public works department has replaced 13 of the 24 water services along 3200 South in preparation of the new road along with new saddles up to the meter service. He said that to date, they have issues 142 building permits, 111 of them are for new homes and 7 new commercial buildings.

Mr. Saunders went on with what they are hoping to complete within the year. He said the Virgil Gibbons Park should be finished this fall or early next spring. They will also install a shallow irrigation system. He said that over the next couple of months they would be taking the remaining fill out of the Dee Gibbons Park and using it for the 800 West Park. Mr. Saunders said he is hoping to get approval to landscape Nibley Gardens detention pond, about four acres. He said that it is basically a maintenance problem at this point and is hoping it can be used as a soccer field or for other sporting events.

Mr. Saunders said the Public Works Department takes a beating from the general public and the consensus is that they never get anything done. But what they are doing is taking on three or four projects at once and trying to manage their time. They are trying to use foresight to see what needs to be done and not moving material two or three time, making them very inexpensive and efficient.

#### **Item 4: Approval of Consolidated Plan for 2007.**

Mr. Anhder said the consolidated plan is not required but he has suggested it in the past as a management tool, keeping everybody on the same page about projects and funding. He said these things have been talked about in previous meetings and that all of it is contingent on budgeting.

**Councilman Harrison made a motion to approve the Consolidated Plan for 2007. Seconded by Councilman Hansen. Motion passed unanimously.**

#### **Item 5: Discussion about a consultant to assist in writing new land use ordinances.**

Mr. Anhder said the implementation of the general plan will happen when the ordinances are written and has proposed that staff will take responsibility of writing those ordinances but need help in doing so. He said that James Carter of Logan Simpson Design Company was recommended. Mr. Carter is the person

that has and will continue to consult with Farmington, Utah on their conservation subdivisions. He is an attorney and a planner by trade and comes highly recommended. Mr. Anhder said staff would do the first draft and then send it to Mr. Carter and then to the Planning Commission. His fees run \$132.00 per hour.

Councilman Jacobsen asked if James Carter had estimated the number of hours that would be needed so the council would know what kind of bill to expect. Mr. Anhder said he did not but he would be used on an ongoing basis throughout the next year and has \$30,000.00 budgeted for the writing of new ordinances. Mr. Anhder said he and Ms. Phippen would be doing the bulk of the work.

**Councilman Harrison made a motion to give Larry Anhder authorization to sign a contract with James Carter on the conservation subdivision ordinances. Seconded by Councilman Mickelson.**

During discussion Councilman Mickelson said they have been taking about the budget and how tight it is and wondered how this will all fit into where they would like to be. Mayor Knight said there is \$30,000.00 set aside in this year's budget for these types of issues. Councilman Mickelson would like the council to consider having a limit to keep things in check. Mayor Knight said it is already approved in the budget and in order to overspend the council would have to approve it anyway and the money was put in there for the purpose of updating the general plan, a part of a long range plan.

**Councilman Mickelson made a motion to amend to set a limit of \$10,000.00 for the Jim Carter work. Seconded by Councilman Hansen. Motion to amend passed unanimously.**

**Motion as amended passed unanimously.**

**Item 6: Consideration of Resolution 07-15. Setting travel per diem rates.**

Mr. Anhder said the per diem rates were set in 2002 and is now inadequate. He said the State publishes per diem guidelines every year and with a little research he has proposed a resolution that authorizes Nibley City to use the State guidelines. The resolution adopts the State guidelines as the City's guidelines.

Councilman Jacobsen asked why Item# 2 on the proposed resolution deviates from the States guidelines. Mr. Anhder said he felt there were things on the State's guidelines that do not apply to Nibley City and is open to any ideas for change.

**Councilman Jacobsen made a motion to approve Resolution 07-15, a resolution setting travel per diem rates with changing the wording on Item# 2 to say "exceptions to the State policy". Seconded by Councilman Hansen.**

During discussion Councilman Mickelson said he would like to read through the resolution a little more before any action is made. Mr. Anhder said there are just some things that do not apply. The only things Nibley really uses are meals and mileage. Councilman Mickelson would like more requirements on excessive or out of state travel. Mr. Anhder said they do not really have out of state travel.

**Councilman Mickelson made a motion to amend that reimbursement for all out of state travel shall be approved by city council. Seconded by Councilman Hansen.**

**Motion to amend passed unanimously.**

**Motion as amended passed unanimously.**

**Item 7: Discussion about proposed General Plan.**

Mr. Anhder said the Planning Commission held a public hearing at their last meeting to which only one person attended. He said they are trying to be more proactive for the City Council's public hearing scheduled for November 15, 2007.

Mr. Anhder said the basic and biggest change of this new general plan is the new conservation overlay which can be used anywhere in the city, but will have to be used south in all new areas that will be annexed into Nibley. He said the trails plan is also brand new and there is a good transportation plan that slightly deviates from the old plan.

Councilman Harrison said he has received both copies of the revised general plan and has not come onto anything of concern as of yet. Mayor Knight asked Shari Phippen what she felt from the Planning Commission was. Ms. Phippen said there were some concerns from Commissioner Dustin about Nibley Parkway. His concerns are that the Parkway will become a major truck route for the city's industrial zones and business parks and outlines those and other concerns in his comments the council received. Councilman Mickelson said he has concerns about the conservation overlay that they could be developed into something and is fearful the open spaces will not be managed. Mr. Anhder said there are three possibilities for those open spaces; park, pasture and managed open spaces. Councilman Jacobsen said the first step in a conservation subdivision is usually the last step in a normal subdivision, what about the land has community value. Mayor Knight asked if the Council would be comfortable not fully understanding all the specifics in the conservation subdivision overlay ordinance, but still be able to approve it according to the concept. Councilman Mickelson said the problem they will run into is that there will be three new council members come January. Councilman Jacobsen said he is excited about the whole idea of the conservation subdivision overlay and is out campaigning for it. He said the idea is bigger than any individual and whoever is sitting on the council in the future will have to carry the ball. Mayor Knight said it is an enduring concept.

Councilman Jacobsen said he is worried about a sentence that says residential cluster areas with multiple unit developments and multiple family dwellings. He does not want this conservation idea to be used to sprinkle multiple family housing throughout the city. Mr. Anhder said the reason the language is there is that full gamete housing is wanted in the city but the bulk wanted is single-family housing. Councilman Harrison said the way the city is now without any multi-family units; someone could come in and cause the city to let them put one in where it was not wanted and with this it allows for that type of housing where it will fit.

Mr. Anhder said that the conservation overlay, as proposed, is that density would not increase but the diversity of the housing would be greater. Councilman Hansen said there has been some new ways to blend buildings together to make them appear they are single units when in fact they are not. Councilman Mickelson said he has one problem with that concept that people come to this city because of the lack of density and then this new concept comes along and now apartments and town homes come in and change everything imposing as to what they thought they were getting. Councilman Jacobsen said that is exactly what he was talking about; the wording needs to be changed so that that scenario would not happen.

Councilman Mickelson asked how the proposed restrictions would be enforced. Mr. Anhder said the restrictions go onto the deed and the only person that can take that bond is the city council. Councilman Mickelson said he wished there were a way to say that the land could never be touched again. Mr. Anhder said policies will always change and nothing can be done about that. Councilman Mickelson said the more he hears about the proposed conservation overlay, the less he likes it. He thinks it will create problems down the road and that people push and push until they get what they want and he would like to make it to be more difficult than one meeting of the council to change things. Councilman Jacobsen said that anything that can be done by one body of government can be undone by that same body. Councilman Mickelson said it is such an important decision that he has to think beyond his term on the Council.

Councilman Harrison said it will not actually be Nibley's ground so they could not have a whole lot of say. Mayor Knight said his vision is that there will be a mixed use of housing throughout the city, which will become life cycle housing.

**Item 8: Council Reports:**

Councilman Mickelson:

Councilman Mickelson said he is working with and making progress communicating with the Blacksmith fork Canal Company and Paul Leishman. It will all come down to the details and how it will be agreed upon. They are closer than ever to having plans of a working agreement and hope to have an agreement by January of 2008.

Councilman Mickelson said they are about done with the mapping of the field drains and that they found new information recently as to where more are.

Councilman Hansen:

Councilman Hansen would like to remind everybody that the Christmas party on December 6, 2007, which will take place after the council meeting. He would like entertainment options and recommendations.

Councilman Harrison:

Councilman Harrison said he would like to thank Dale Johnson for the donation to the city of the tractors. He also has talked to Bill Saunders about the crack sealant and it will be done next spring.

Councilman Harrison said that next to the Peterson Farm Store there is a concern about the lighting from the parking lot. He said he went down to see for himself and the lights are too bright. He would like to see if something could be done to help out the neighbors.

Councilman Jacobsen:

Councilman Jacobsen said he had read about the Stokes Nature Preserve in the newspaper and was wondering if there was any objection to putting something about it in the City's newsletter. There was no objection by the Council.

Councilman Jacobsen said the Charter School came in and suggested they would like to make a safe walking plan for their school as well.

**Item 9: City Manager Report:**

Mr. Anhder said the 3200 South construction contract has been elongated because of some environmental needs that needed to be approved. He said it still looks to be on track for January to get the advertising out for bidding.

Mr. Anhder said the school district is still actively looking for land for a grade school and high school.

**Item 10: Adjourn:** Adjournment by general consent at 9:16 p.m.

Signed \_\_\_\_\_  
Mayor Gerald Knight

Attest \_\_\_\_\_  
Assistant Deputy Recorder