

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on October 2, 2008.

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

**Councilman Dustin makes a motion to issue a permit for a fence at 816 W. 2730 S. on a corner lot expo facto with the condition that if this fence is ever modified or changed it be brought up to current ordinance standards. Councilman Mickelson seconds the motion. Councilman Dustin and Councilman Mickelson vote in favor. Councilman Hansen, Councilman Jacobsen, and Councilman Larsen vote against. The motion fails 2-3.**

**Councilman Hansen makes a motion to approve ordinance 08-16 abandoning an unused platted right of way at 3250 South. Councilman Jacobsen seconds the motion. The motion passed unanimously with Councilman Hansen, Councilman Jacobsen, Councilman Dustin, Councilman Mickelson, and Councilman Larsen all in favor.**

**Councilman Jacobsen motioned to approve final plat approval of Foxborrough subdivision phase 1 at 1500 West and 3200 South. Councilman Hansen seconds the motion. Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen are in favor. Councilman Dustin is opposed. The motion passes 4-1.**

**Councilman Larsen makes a motion to amend that if lot 25 is piped that lot 1 is subsequently piped by the developers of the subdivision. Councilman Dustin seconds the motion to amend. The amendment passes unanimously 5-0 with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all favor.**

**Councilman Hansen motions to accept the Nibley 2008 Consolidated plan. Councilman Mickelson seconds the motion. Councilman Mickelson, Councilman Jacobsen, Councilman Hansen are in favor. Councilman Larsen and Councilman Dustin oppose. The motion passes 3-2.**

**Councilman Dustin makes a motion to amend the Nibley 2008 Consolidated plan that \$250,000 be added for a public safety center by 2011, funded by a grant. The amendment is seconded by Councilman Mickelson. Councilman Hansen, Councilman Jacobsen, Councilman Larsen oppose. Councilman Dustin Councilman Mickelson in favor. The amendment fails 3-2.**

**Councilman Dustin makes a motion to not approve Resolution 08-06 allowing purchase of water shares and subsequently accepting money in lieu of water shares from developers. Councilman Jacobsen seconds the motion not to approve. Councilman Hansen, Councilman Mickelson oppose the motion not to approve.**

**Councilman Dustin, Councilman Jacobsen, Councilman Larsen favor the motion not to approve. The resolution was not approved 3-2.**

**Councilman Mickelson makes a motion to go to executive session for discussion of city employees. The motion is seconded by Councilman Larsen. The motion passes unanimously with Councilman Mickelson, Councilman Larsen, Councilman Dustin, Councilman Jacobsen, and Councilman Mickelson all in favor.**

---

## OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, October 02, 2008 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Thayne Mickelson, Councilman Brian Hansen, Councilman Larry Jacobsen, and Councilman Shaun Dustin. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, Zoning Administrator.

### **Item 1: Approval of evening's agenda and meeting minutes of September 4 2008 and September 18, 2008.**

Councilman Larsen motioned to approve the minutes of the September 18, 2008 meeting with his proposed changes. Councilman Jacobsen seconded the motion. It passed with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, and Councilman Hansen in favor. Councilman Mickelson abstains because he did not attend that meeting. Councilman Larsen makes a motion to approve the agenda with inclusion of the September 4, 2008 meeting minutes. The motion was seconded by Councilman Jacobsen and passed unanimously. Councilman Larsen motioned to approve the September 4, 2008 meeting minutes with his proposed changes. Councilman Jacobsen seconded the motion, which passed unanimously.

Councilman Jacobsen arrives at 6:04

Councilman Dustin arrives at 6:09

### **Discussion about fence ordinance—Dustin and Shelly Cazier requests a discussion about the fence ordinance on corner lots.**

Shelly Cazier states they live at 816 W. 2730 S. on a corner lot. She states that Neighborhood Non-Profit Housing Committee came to Nibley City and were told to cut the fence back at an angle and stay a foot away from the sidewalk. Shelly Cazier gives a description of her situation. Her concern is they have decorative curbing and landscape done. She believes a 4-foot fence is too small; a child could be taken over a 4-foot fence. Larry Anhder states this is a unique situation with the house being adjacent to three roadways. Councilman Dustin makes a motion to direct staff to issue a permit for this fence *expos facto* and that in doing so a condition be attached to this permit. The condition being that if this fence is ever modified or changed it be brought up to current ordinance standards. This motion is seconded by Councilman Mickelson. Councilman

Jacobsen state that the council gave staff orders to go and enforce the ordinance. They can't do anything but go by the ordinance. It is their sworn duty. The only way they can change it is if there is an encumbrance that affects the property through no fault of the owner. They came up with a good ordinance. Councilman Dustin states the he respects what Councilman Jacobsen said but if they were acting in good faith when the fence was built that is sufficient. Mayor Knight states they are bound by our ordinances. The interested parties need to see about getting an ordinance change. Councilman Larsen states he sides with Councilman Jacobsen as far as legalities. He also feels we have not allowed the new ordinance to work yet. If they don't follow this ordinance then they would have to follow the previous ordinance. Councilman Jacobsen states they would have to allow a 6 ft. fence on corner lots. Mayor Knight calls for a vote on the motion. Councilman Dustin and Councilman Mickelson vote in favor. Councilman Hansen, Councilman Jacobsen, and Councilman Larsen vote against. The motion fails 2-3. Mayor Knight states the ordinance is being enforced. Dustin and Shelly Cazier were given 20 days from today's date to comply unless they can get a change enforced.

**Public Hearing concerning the proposal to vacate a platted road at 3250 South starting at 1500 West.**

Mr. Anhder gives a brief description of the proposed vacated road by Foxborough subdivision. This is an ordinance abandoning an unused platted right of way at 3250 South. Mayor Knight moves into a public hearing on the vacation of the road and then closes the public hearing. Councilman Hansen makes a motion to approve ordinance 08-16. The motion is seconded by Councilman Jacobsen. Councilman Larsen states that through the vacation process they are supposed to notify the property owners that are affected. Brian Seamons states he notified them verbally. The motion passed unanimously.

**Final plat approval of phase 1 Foxborough subdivision (amended) 1500 West and 3200 South. (In attendance representing Foxborough: Michael Cook, Shawn Conquest, Brian Seamons)**

Councilman Jacobsen motioned to approve final plat approval of Foxborough subdivision phase 1. Councilman Hansen seconded the motion. Mayor Knight asks for discussion on the motion. Councilman Dustin asks how lot 25 has access to 3200 S. Brian Seamons states that it is unknown right now. He states that if the church falls through they would extend 1525 West to the N. a few hundred feet and propose an amendment. They are not proposing access off of lot 25. Councilman Mickelson asks if there are any pipes carrying storm water that leave this property to the canal. Brian Seamons states there is not. Councilman Larsen makes a motion to amend that if lot 25 is piped that lot 1 is subsequently piped by the developers of the subdivision. The amendment is seconded by Councilman Dustin. The amendment passes unanimously, 5-0. Mayor Knight asks for all in favor of the motion on floor. Councilman Dustin is opposed. Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen in favor. Motion passes 4-1.

**Final plat approval for Mountain View Planned Unit Development at 1000 West and 2750 South phase 1.**

Mayor Knight states this is pulled off the agenda because the applicant could not be here.

**Discussion about public works department**

Mayor Knight states this will be postponed until the next meeting because of a personal emergency.

**Consideration of Nibley Consolidated Plan, 2008 Capital Projects planned for the next 5 year period.**

Mr. Anhder states they do this for two reasons. One, it serves as long range plan for expenditures for the city. Second, they give it to the Bear River Association of Governments who put it on a region wide consolidated plan and there are some loans and grants that require the item to be on his plan. Councilman Larsen states he has concerns about the estimated cost. Mr. Anhder states these will be more concrete as they come up. Councilman Dustin states he does not feel they are ready to take action because there is no prioritization. Mr. Anhder states it will come in as they appropriate the budget and then he prioritizes the items. He states this does not appropriate any money. Councilman Hansen motions to accept the consolidated plan for 2008. Councilman Mickelson seconds the motion. Councilman Dustin makes a motion to amend that \$250,000 be added for a public safety center by 2011, funded by a grant. The amendment is seconded by Councilman Mickelson. Councilman Mickelson states he would be more comfortable with changing the date to as funding is available or as circumstances allow. He pointed out that the Council took this topic under advisement a few years ago and decided that it wasn't needed at this time. Councilman Dustin states from a public safety standpoint, he can't see anything on here that would be more important than public safety. Mayor Knight asks for those in favor of the amendment to add the public safety building. Councilman Hansen, Councilman Jacobsen, Councilman Larsen oppose. Councilman Dustin Councilman Mickelson in favor. The amendment fails 3-2. Councilman Larsen makes a motion to amend that a skidster be added to the plan. The motion to amend was not seconded. The amendment fails. Councilman Mickelson makes a motion to amend that they approve with the addition of the equipment list as soon as it can be added by staff. It was decided this did not need to be an amendment. Mr. Anhder notes this as an action item. Mayor Knight asks for those in favor of the motion. Councilman Mickelson, Councilman Jacobsen, Councilman Hansen are in favor. Councilman Larsen and Councilman Dustin oppose. The motion passes 3-2.

**Consideration of Resolution 08-06 allowing the purchase of water shares and subsequently accepting money in lieu of water shares from developers.**

Mr. Anhder states that a way to fund this would be to create a revolving fund. They would not get a lot, just small portions. Councilman Jacobsen notes ordinance 10-12-22, that the developer must bring water. Mr. Anhder states they become a broker. This does not circumvent the ordinance it is intended to compliment it. The intent of this is to buy the shares and then sell the shares later. Councilman Mickelson states they need to make sure this is for water shares and not water rights. Mr. Anhder states that he covered it to handle water shares and rights. Councilman Dustin makes a motion to not approve. The motion was seconded by Councilman Jacobsen. Councilman Dustin states he is concerned with getting into the business of water brokering. He is concerned this puts

them in a position of making it easier to develop land in the City of Nibley. Councilman Jacobsen states he is not excited about getting into the buying and selling game with water. They have a good ordinance concerning water. Mr. Anhder states the purpose is to create a revolving account that funds itself. Councilman Mickelson states it is better than a tax, it is legal, and it is something they need, and strengthens their position as a city and thinks they ought to consider it. Councilman Dustin states he does not have a problem with the current practice and that it is wise. Councilman Mickelson also states he can see a conflict with this if we give priority to one developer over another. Councilman Hansen, Councilman Mickelson oppose the motion not to approve. Councilman Dustin, Councilman Jacobsen, Councilman Larsen favor the motion not to approve. The resolution was not approved 3-2.

### **City Managers Report**

Larry Anhder notes the offer on the Leigh Gardner home was made and accepted for \$140,000 and that there is pavement on 3200 to the railroad tracks.

### **Discussion about current and future staffing levels for the city.**

Mr. Anhder states the listing the council has shows the department the individuals are charged to and the budgets they come out of and wants to discuss future staffing needs. The office needs a full-time accountant because the standards have changed for those that handle the financial aspects of the city. They could also make an argument for secretarial support and an administrative assistant. Bill Saunders has expressed a need for one full-time position for public works and more part-time work in the summer. Long term staffing needs are completely dependent on growth. Councilman Hansen asks if there could there be a recreations facilitator that could be combined with public works. Councilman Dustin states he would like to see more specific specialization and direct responsibilities given. Councilman Mickelson requests a closed session with the Mayor and the Council. He reiterates how well he thinks the city is being run but thinks there are some issues that need to be discussed. Councilman Dustin wants to reiterate, where it has grown from where was to where it is they have done a great job but his concern is setting up for the future. Mayor Knight suggests the council members make a suggestion on staffing or request to have Mr. Anhder come back with a proposal. Councilman Larsen asks if the could be more efficient and asks for job descriptions and evaluations. Ms. Phippen states she has finished a job evaluation form and has some training to do regarding doing those job evaluations. She also gave proposed job descriptions to Cynthia and Bill. Mayor Knight notes the council would like to have copies of those for reference.

### **Council Reports**

Councilman Mickelson discusses the signs that will be used for the medians. He would prefer a rural look.

Councilman Hansen sent opinions around about the signage on the medians. He is interested in what our city staff could come up with. He would like something that is unified to display information about the city. Councilman Larsen states they will be for our advertising. He likes the idea but is concerned about funding at this time. He also

feels we should wait until 3200 south is completed before we set where they will be placed. Councilman Hansen states placement of signs can coincide with the lighting.

Councilman Jacobsen states he went to a UDOT bicycle corridor planning project which he found did not answer their desires for bike and walk ability. They did identify potential opportunities. Highway 165 was listed as a high opportunity for UDOT. Councilman Jacobsen believes that UDOT resources could be used at no cost for consultation on bike paths.

Councilman Larsen states Clear Creek Park is being piped for irrigation. Councilman Larsen states he has had a few citizens approach him about the economic plans for our city. They would like to know our economic plan and goals. He feels we need to work on the economic plan talked about in our General Plan.

Mayor Knight states he had a request for an ATV ordinance. Mayor Knight will identify City Council member's assignments for next year the first meeting in December. Mayor Knight would like the council's goals. He received an email that suggests we put a fish pond in one of the parks.

Councilman Mickelson makes a motion to go to executive session for discussion of character and professional competence of employees. The motion is seconded by Councilman Larsen. The motion passes unanimously and the council moves into a closed executive session and then returns out of closed session.

Meeting adjourned at 10:56 p.m.

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

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

