

NIBLEY CITY COUNCIL MEETING

Thursday, November 1, 2007

The following actions were made during the meeting

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

Mayor Knight called the Thursday, November 1, 2007 Nibley City Council Meeting to order at 6:03 p.m. Those in attendance include City Council Members Scott Larsen, Larry Jacobsen, Thayne Mickelson and Bryan Hansen. Councilman Harrison was excused. Shari Phippen and City Manager Larry Anhder 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 meeting's minutes with necessary changes as well as the evening's agenda. Seconded by Councilman Mickelson. Motion passed with Councilmen Jacobsen, Mickelson and Hansen voting in favor of the motions and Councilman Larsen abstaining.

Item 2: Preliminary consideration of the following ordinances:

07-17 – an ordinance amending various parts of the Nibley City code dealing with exaction, vesting and minimum lot sizes.

Mr. Anhder said this ordinance has been strongly recommended by the League of Cities. The first one is on exactions, something that is taken from someone like roads, open space, sewer lines, water lines, etc. The second is vesting, this clarifies when somebody has a standing before the Council. And the third is lot size. He said the last part of the handout strikes Nibley's current ordinance language and puts in the new ordinance language. Councilman Larsen asked that in 11-3-3 if they were eliminating notifications of surrounding property owners. Mr. Anhder said it is being modified on the notification ordinance changing it from 500 feet to 300 feet.

Councilman Jacobsen said his intent on 10-6-C-2 was that they need to plan for the eventuality that a developer may start a subdivision, complete one phase that does not achieve the 14,000 square feet average and then never complete the rest of the subdivision and, therefore, the city has encumbered property that was suppose to be developed. He said his recommendation was to say: "... 12,000 square feet but the average lot size for the entire subdivision, phase, and portion thereof shall average 14,000 square feet". Mr. Anhder said that when the conservation subdivisions come in they will have to be done on the whole subdivision level then the whole subdivision will have to be considered and not just the phases. Councilman Jacobsen said there is an alternative by adding language to say that if any phase or portions of the subdivision does not achieve the 14,000 square foot require the proponent shall post a reasonable surety bond with the city. Councilman Larsen said he is worried that if a developer does go belly up, they are losing everything and is no big loss to them and has no consequences. Mr. Anhder said there has not been a subdivision that has gone bankrupt since the 1980's.

07-18 – An ordinance enumerating the powers and duties of the Planning Commission.

Mr. Anhder said the city's current ordinance does not enumerate the duties of the Planning Commission, state law does and most of this is recanting state law. Section 2 does allow the Planning Commission some latitude to designate some things to staff. Councilman Larsen said that in other cities, even in Cache Valley, most of these things are still handled by the City Council. Mr. Anhder said that nothing in this ordinance delegates to staff, it only allows the delegation and there has been comments about the routine building permits, accessory buildings and home occupations. Councilman Larsen said he does not agree with it and does not want it put into practice. Councilman Mickelson said he has a problem with some of the noticing practices. Councilman Jacobsen said there have been controversial issues but ninety-five percent of what comes through are really non-issues and a reasonable compromise is Option F on Part 2

that Planning Commission has the right to make that decision, as does the City Council. Mayor Knight asked Mr. Anhder if the Planning Commission authority to pass a resolution regarding their responsibilities as directed by the City Council. Mr. Anhder said he assumed that they did. Councilman Larsen said he strongly disagrees with that. Councilman Jacobsen said that Planning Commission and City Council relies on the Zoning Administrator and city staff to enforce and administer these guidelines and ordinances and put city staff in a better position of enforcement.

Councilman Mickelson said the only thing he would change or has a problem with is right for the Planning Commission to make changes on the duties of the Planning Commission, the Council needs to so. Councilman Jacobsen thinks that F should have specific time limits on anything staff approves, allowing any neighbor or citizen time to come forward and appeal the approval. Mr. Anhder said it is not staff's recommendation it was the Planning Commission's. Mayor Knight said it is important to allow staff to handle these types of things, who does it routinely and who is more familiar with the ordinances.

07-19 –An ordinance establishing requirements for public noticing.

Mr. Anhder said this is to bring the city's ordinances in compliance with the new land use development laws, LUDMA, as well as to put into one section the land use notification procedures that are necessary. The last section is the public notice for all meetings the city holds. It the postings from three to one and on the City's website.

Mayor Knight said the changes he would like to propose are in Section 154.A.1, stating public notices of meetings. A, B and C states a 24 hour (1 day) time frame. Councilman Larsen said he had requested a copy of the ordinance before the Planning Commission amended it. He asked Mr. Anhder to get that for him. Mayor Knight would like to propose that be a 72-hour (3 days) time frame. He has also asked that Mr. Anhder have the Council's packets ready by the Thursday prior to the meetings and the agenda will be posted on the website on the Monday prior to meetings. Councilman Mickelson said he would rather get the packet as complete so he knows what exactly to expect. Mayor Knight said they could have it so that there would be no changes to the agenda after Thursday giving the Council the weekend to go through it. Councilman Larsen said he is a proponent of having the packet beforehand and has a problem with having additional items on the agenda that he did not have time to prepare for and would like the agenda closed the week before and the only changes that could be made come from the Council.

Mayor Knight asked the rest of the Council how they felt about the proposal of closing the agenda the week prior to the meetings. Councilman Hansen said he was okay with it and Councilman Mickelson said he would like to think more about it. Councilman Jacobsen said he is concerned about the burden it would put onto city staff, it only give them one day to make things final on things that happen in the Planning Commission meetings. Mayor Knight asked if that would be a problem with staff. Mr. Anhder said they would be happy to do so.

Councilman Jacobsen asked for the chart on 10.19.6 to be explained. Ms. Phippen said the League of Cities and Towns has come up with a land use authority chart outlining who is the land use authority on the different types of actions. The chart outlines which body holds the public hearings for the different land use applications. Councilman Jacobsen said it would be helpful if there were a key for telling what is what.

Councilman Mickelson asked why on subdivision hearings it went from 500 to 300 feet for noticing. Mr. Anhder said it is used in the state law. Councilman Mickelson asked about conditional use permits. Mr. Anhder said it is an option depending on the conditional use the Planning Commission can decide whether they would like to hold the hearing. Councilman Mickelson said he would like it required for the person requesting the conditional use permit. Mr. Anhder said that 80% of conditional use permits are very routine and a line needs to be drawn somewhere. Councilman Mickelson said he feels the proponent

needs to do the work of mailings for the conditional use permit. Mayor Knight said he like the fact of notifying and if it were reasonable in cost and time to do so, he would be in agreement of doing so and would like to know the cost. Councilman Mickelson said he does not care of the cost, he only cares about the reasoning behind it.

Mayor Knight asked for a preliminary vote on the ordinance, two are against and two are for. The third is not present. Councilman Jacobsen said he does not like it but will go along with it and is for improving the public's image of the council. Councilman Larsen said he has not reviewed it thoroughly enough to make a decision right now. Councilman Mickelson said he has had comments from citizens saying there is not enough notice.

07-20 - An ordinance establishing requirements for door-to-door sales licensing.

Mr. Anhder said this has been before the Council before and was not passed, but now their insurer would like it done. Councilman Larsen said in the past discussions it was thought that the current ordinance was good enough with a few alterations and now the liability insurance wants this ordinance to be passed. He said, as is, he would oppose the ordinance and does not like someone telling the Council what it must pass in order to be insured by them. There are a few things he would like changed and will give the council copies of his proposed changes. Mr. Anhder said this ordinance is a combination of those that sued the cities and those that defended the cities. The basic agreement is that if this ordinance is passed the city will not be sued. Councilman Larsen disagrees according to his understanding it was written by Kirby's lawyers and they would not accept changes.

Item 3: Discussion about the proposed updates to the Nibley City General Plan.

During discussion the Council came up with the following accepted changes to the General Plan:*

- Page 5
 - Add the following to the list of plans/projects:
 - Storm water Master Plan
 - Commercial Design Standards
 - Engineering Design Standards & Specifications
 - 2 (beginning "The current revision....")
 - Revise the first three sentences to read: "The current revision to this plan was begun in 2007, and updates the plan that was passed in 2002. The City contracted with Cooper, Roberts, Simonsen & Associates of Salt Lake City to serve as consultants on the revision process. Residents from throughout the City participated in a public workshop and public open house."
 - Remainder of paragraph reads as is.
- Page 11
 - 2 (beginning "Nibley had experienced...")
 - Consider striking the following sentence: "Although many do move to Nibley for the community character described in this documents, many more come simply to find a place to live."
 - I never got a good feel for what you all decided to do with this sentence, so I included this consideration.
- Page 12
 - Just above 2.0- City Vision, revise the 2nd sentence on the page so that it reads: "Many acres of productive farmland exist in and around Nibley City."
- Page 13
 - 3 (beginning "There are certain aspects....")

- Drain Fields
 - Riparian Areas
 - Canals
- Page 41
 - Revise the last sentence of Parks System Development so that it reads:
 - “The city Future Land Use Map, found in the Land Use Component of this plan, indicates the location of current and potential future parks.”
 - Parks Classification: the 1st paragraph should be revised so it reads:
 - “Regional parks draw from multiple communities, and provide services for large groups, sports programs and area-wide events. Nibley does not currently have any regional parks; however, Nibley citizens are able to enjoy three city wide parks. Elkhorn Park, near the North boundary of the City, Old City Hall Park on 3200 South and the new Virgil Gibbons Heritage Park on 800 West. Each of these parks provides services the entire community can enjoy, including playground facilities, a bowery and ball fields. Additionally, the park on 3200 South has an amphitheater and a volleyball pit. Nibley has a variety...”
- Page 42
 - Revise the 3rd, 4th & 5th sentence of the first full paragraph to read:
 - “In the future, the City will need an additional city-wide park and may need a regional park. Additional community parks may be needed to serve specific areas of the city. In the long term, if the City begins to grow outside its current boundary into areas that are not able to access the current city-wide parks (such as a busy highway), additional city-wide parks may be necessary.”
 - Goal 1
 - Revise the goal to read:
 - Develop a Parks Master Plan that will enable Nibley City to provide facilities for a balanced program of physical and cultural activities for the residents of Nibley City.
- Page 51: Roadway Classifications
 - Strike the sentence that reads “Slight modifications have been recommended to fit the specific needs of Nibley City.”
- Page 52:
 - 3200 South Design
 - The last sentence should read: “In undeveloped rural residential areas...”
 - Town Center Design
 - Replace the word “roads” with “streets” in the second sentence
- Page 60
 - Policy 7 should read “Encourage law enforcement to police and enforce City speed limits, especially near residential areas.”

* Summary prepared by Shari Phippen.

Item 4: Council Reports:

Councilman Mickelson: Would like to consider the possibility of piping ditch from 1200 to 1600 West on 3200. He thinks it is too close to the edge for the maintenance crews to access and will create problems. He said he would be going to St. George in the next week and will be working with Blacksmith Fork Canal Company on the storm water agreement.

Councilman Jacobsen: Said he has two names to consider for the Planning Commission and will bring them to the mayor at a later date. Councilman Jacobsen then said he would volunteers to be on the Planning Commission if he was not voted back onto the Council.

Item 5: City Manager's Report:

Mr. Anhder said there are copies of the new Historic Barn Guide available. He then said that Ms. Phippen and he met with Jim Carter and they are enthused about his knowledge and excited to be working with him.

Mr. Anhder said an offer was made on the Gardner home contingent on the appraisal, price and approval of the Council and they have accepted the offer. He said the offer was to purchase over time.

Item 7: Adjourn: Adjournment by general consent at 11:15 p.m.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder