

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on November 6, 2008.

The following motions were made:

**Concerning Hollow Road subdivision at 5050 Hollow Road as to whether it should be a private or dedicated road, Councilman Jacobsen makes a motion to affirm the planning commissions recommendation that the applicant has lost standing according to Section 11-3-6 of the city ordinance and must resubmit the preliminary plat if he wishes to move forward. The motion was seconded by Councilman Larsen and passes unanimously with Councilman Jacobsen, Councilman Larsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor.**

**Considering the petition to annex 2.36 acres of Vere Johnson Trust at approximately 4400 Hollow Road, Councilman Hansen makes a motion to approve the petition to annex. 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.**

**Regarding discussion about Nibley City meeting/reception room in conjunction with the new elementary school Councilman Hansen makes a motion that they have a public hearing and prepare a resolution for next week that allows this cooperation with the school board to move forward. Councilman Mickelson seconds the motion. Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen are all in favor of the motion. Councilman Larsen opposes the motion. The motion passes 4-1.**

**Councilman Dustin makes a motion to amend that there be two options presented to the council regarding the shared meeting/reception room at the new elementary school, one with a smaller addition that will still accommodate the city council but without a reception room. Councilman Jacobsen seconded the amendment. Councilman Larsen, Councilman Jacobsen, and Councilman Dustin are in favor of the amendment. Councilman Mickelson and Councilman Hansen are opposed. The amendment passes 3-2.**

#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, November 6, 2008 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Larry Jacobsen, Councilman Bryan Hansen, Councilman Thayne Mickelson, 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 minutes of October 16, 2008 meeting.**

Councilman Jacobsen moves to approve October 16, 2008 meeting minutes with his proposed change and the agenda. Councilman Hansen seconds the motion. Mayor Knight asks for discussion. Councilman Larsen makes a motion to amend with his proposed changes added. Councilman Jacobsen seconds the motion. The motion to amend passes unanimous with Councilman Jacobsen, Councilman Larsen, and Councilman Hansen all in favor. Councilman Mickelson abstains from voting because he was not present for the October 16<sup>th</sup> meeting. The motion to approve the minutes and agenda passes with Councilman Hansen, Councilman Jacobsen, and Councilman Larsen all in favor. Councilman Mickelson abstains from voting.

**Discussion with Ezra Eames concerning Hollow Road subdivision at 5050 Hollow Road as to whether it should be a private or dedicated road.**

Ezra Eames, and Darwin Maughn, a resident of Hollow Road are present at the meeting. Mr. Eames received a letter from Rod Blossom on February 6, 2008 that talked about the private road and ordinance 07-13. He states the bottom line is they have been working on this and then received a new ordinance. They are trying to establish a three lot subdivision. With that in mind, the three-lot subdivision doesn't need a public road. With his understanding they need a four-lot subdivision for a public road. Mr. Eames states he wants three lots total. Mr. Maughn states they do not want his home part of this. His home is on that lane. They need to discuss whether this will include three or four homes. Councilman Mickelson states on the ordinance now it states you can have three homes on a private lane. Councilman Jacobsen states there are two issues to discuss: the private road, and if the original submission has expired because of the one year limitation in 11-3-6. Councilman Jacobsen states they discussed this at a prior meeting and that the application did not make progress for one year and therefore lost standing and therefore has to start anew. Mayor Knight states now their requirements for the private road have changed. Councilman Jacobsen states the preliminary approval was given on June 3, 2004 and expired on June 3, 2005. Mr. Eames states he had no idea an extension needed to be granted. Councilman Jacobsen states a plat with a private road cannot serve more than 3 houses. Mr. Eames states the planning commission stated if they known he was this far into it they would have approved it and grandfathered it in. Mayor Knight asks Mr. Anhder about standards for a public vs. private road. Mr. Anhder states width, ownership, and maintenance. As staff, they concur that they don't have standing and suggests that the council consider changing the ordinance because the city does not want bridges or to maintain them and let the buyer beware. Councilman Larsen states first they need to address whether they have standing or not. Part of the private road is with the understanding that possibly in the future they become public roads. The more homes the more likelihood that that would take place. He is good with keeping with the ordinance to the three. Mayor Knight states lets establish the standing issue. Mr. Maughn states they are bound by law to start over. Councilman Jacobsen makes a motion to affirm the planning commissions recommendation that the applicant has lost standing according to Section 11-3-6 of the city ordinance and must resubmit the preliminary plat if he wishes to move forward. The motion was seconded by Councilman Larsen and passes unanimously. Mayor Knight states the next item is public vs. private and whether they should change the ordinance. Mr. Maughn states they need to know what direction to go from here. Is there any reason not to submit it? Mr. Anhder states because the road is

servicing Mr. Maughn's lot the planning commission said it has to be a public road. Councilman Hansen states they would have to redraw the plat to include three lots or make it a public road. Mayor Knight states the other option is for the council to entertain a change for the RE zone. They can come and request a change to the ordinance. Councilman Jacobsen states if there is ever a chance that the residents of Nibley are going to have to maintain this road it needs to be done to standard. Mr. Maughn states they engineered the bridge so if water were to come in it would not take the bridge out. Mayor Knight states they could add two lots instead of three and then later on with more lots and revenue come back and make this a public road. Mr. Eames states he would have hurried it up and done it faster if he knew this new ordinance was going to be in place. Councilman Mickelson states he is willing to discuss a change to the ordinance. Councilman Jacobsen states he is willing to think about a change to the ordinance.

Councilman Dustin arrives at 6:49

**Discussion with Todd Fenton concerning road access to proposed lot to be divided from his existing lot at 4220 Hollow Road.**

Todd Fenton states in 1978 he was on the planning and zoning commission and they developed a private lane. It was a 20 ft. road that could be dirt or gravel that can service two homes maximum. There are no engineering standards required. For safety issues it had to have a big enough space for a fire truck to go down and be able to turn around. He wants to sell a piece of land and wants to be able to tell the buyer what their options are. He wants to know if the council would consider changing the ordinance to include a private lane again. Councilman Jacobsen states private road/private lane are the same thing. It's not publicly owned. Councilman Larsen states they came up the new ordinance in the first place to get rid of ambiguity. Mr. Anhder states the current standards for a private road. Councilman Hansen states in the rural estate area gravel based road is very fitting and suggests they make a modification that they would not require a paved road in that area. Mayor Knight states that this definition under private lane should be taken out because they do not allow it. The subdivision ordinance does not call out private lanes. Mr. Fenton proposes the council reconsider and allow a road-based surface and that is not asphalt. Councilman Dustin states he is not in favor of changing the ordinance. Councilman Jacobsen asks what the cost to him would be to put asphalt in this area. Mr. Fenton does not know but has a rough idea of \$35,000. They could just allow gravel in the RE2 zone. Mr. Fenton points out that all up Hollow road there are private lanes that are not asphalt. Councilman Larsen states they have nothing against driveways being dirt but with this he has to have a certain frontage. Frontage is the issue. Councilman Hansen states he feels that they could make a modification in that zone. A gravel road fits naturally into that area. Councilman Mickelson would consider a discussion about it. Councilman Jacobsen states he is willing to think about it but fears that the rural estate zone is viewed as an elitist group of people that get special rules. He suggests telling any potential buyers the ordinance. Mr. Fenton discusses a beaver problem on the river with the council. Councilman Larsen asked Mr. Fenton if he would be willing to help the City map and solve this problem. He said he would be.

**Consideration of petition to annex 2.6 acres of Vere Johnson Trust at approximately 4400 Hollow Road.**

Mr. Anhder states they are requesting annexation of the property. The council's action tonight does not annex it but accepts their petition, which they have received and that starts the laborious annexation process. They will then come back to the council in the future. Councilman Hansen makes a motion to approve the petition to annex. The motion is seconded by Councilman Mickelson. There was discussion on the location of the property and the adjacent land ownership. Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin are in favor. Councilman Larsen is opposed. The motion passes.

**Discussion with Public Works department including review of equipment needs plan.**

Ms. Phippen arrives at 7:30

Bill Saunders, public works manager, is present at the meeting and has put together an equipment list for the next five years and gives the council an overview of the public works department that they go over. Mr. Saunders states their biggest enemy in the sewer department is infiltration of ground water in to the system because they have to pay Logan City for every drop. Councilman Jacobsen asks how they combat that. Mr. Saunders states their best offence is they check their lift stations, they have monitoring devises and see if they have infiltration coming in and find where the infiltration is coming from. Councilman Larsen asks what 3 subdivision need to be overlaid. Mr. Saunders states Meadow View subdivision, Scott Farms, and Brookfield Estates. Councilman Mickelson how much it is saving the city to upgrade water meters to radio read type? Mr. Saunders states it gives them a better way to manage their water. They can tell earlier when someone has a leak and it sometimes stops excess from going into the sewer system, which they have to pay for. Councilman Mickelson asks how many they have left to do? Mr. Saunders states they have about 600 left and it would take \$150,000 to finish it off and eliminate a meter reader.

Mr. Saunders states they have prioritized the equipment that they need. He recommends a vacuum trailer, which takes 3-4 tools and combines them into one unit. It will service all departments across the board. It will take care of cleaning the man holes, exercising the main valves, opens and closes fire hydrants exercising those valves, cleans out valve boxes, etc. at a cost of \$45,000.

He also passed out a preliminary bid on a reservoir of \$153,000. Mr. Saunders gave out a material inventory list of all he dirt, gravel, and clay sitting in the city and where it needs to be relocated. They need a larger dump truck at a cost of about \$40,000 used. There is \$50,000 dollars of material in the excavation of tank that they could utilize elsewhere. It would cost the city \$18,000 to dig the dirt out with back hoes. LeGrand Johnson would dig the hole for \$50,000 and back fill the tank for \$20,000. They would have a net saving of about \$50,000 but no material. Councilman Larsen states a couple of years ago he made a pitch to get a larger dump truck and at the time Mr. Saunders said it would take too long to fill with the back hoe. Mr. Saunders states a large truck is still a little

awkward in the city but this would be something with no snow equipment on it just used as a dump truck. Mr. Anhder states the proper way to do this is to go through a budget amendment and have a public hearing. They could not get that done until December because of advertising time. If the council wants to give preliminary approval they could go through that later. Mr. Anhder states the vacuum trailer would be charged to the storm water, water, sewer, and street departments. The dump truck could wait until they do the budget opening. He recommends they take that out of the water department. Councilman Larsen sees a need for item 5, the skidsteer, now. One need is in the park department and in the upcoming year they are going to have a lot of sidewalk without any development there. They are going to need to remove that snow along 165. Councilman Larsen thinks the best way to enforce their ordinance is to make sure the city's responsibilities are maintained. Councilman Larsen states if the whole \$45,000 is coming out now he is against it. His priority is 5 over number 1. Mr. Anhder's recommendation is that they pay for the tank with the impact fees and borrow the rest from the sewer and some of the water surplus. The vacuum trailer is more necessary than the truck right now. Mayor Knight asks if they can notify of a public hearing for the next meeting and then add the others in couple of months. Councilman Dustin states he supports the action but does not support the procedure.

**Discussion about Nibley City meeting/reception room in conjunction with the new elementary school.**

Scott Theobald with Design West and Bruce Parker with the Cache County School District are in attendance for this discussion. Ms. Phippen states that the school board at their meeting tonight was very encouraging and positive about sharing the school. Councilman Hansen describes the proposed uses and changes in the school. He states it eliminates their needs to purchase a parking area and bathroom facilities. Mayor Knight states they need a suggestion from the council and a suggestion to move forward and at what capacity. The school district needs a decision for this by November 30th. Mr. Anhder recommends that in the next meeting there be a resolution that the council can adopt which states they are in this for a cost of approximately \$350,000. Councilman Dustin states they are paying a premium for that square footage at \$175/sq. ft. Councilman Jacobsen states this frees this building up for office space, which is needed. Councilman Larsen notes it is going to also cost them to renovate this area for office space. Councilman Dustin states he is in this for the cooperation with the city but he does not support the reception area at this cost per footage. Councilman Mickelson disagrees and states having that space is valuable. Councilman Hansen states they have an opportunity to use a space that could be the center of our community for 10-15 years. Councilman Dustin states his concern is with having this large a space and does not see the need for it. He would like to be fiscally responsible about this. Mr. Anhder states in two weeks they need to have some sort of definitive action, possibly in the form of a resolution. He also suggested to the mayor having a public hearing. He suggests an agreement that includes structure for the city leaving the property. Councilman Hansen makes a motion that they have a public hearing and prepare a resolution for next week that allows this cooperation with the school board to move forward. The motion is seconded by Councilman Mickelson. Councilman Dustin makes a motion to amend that

there be two options presented to the council, one with a smaller addition that will still accommodate the city council but without a reception room. The amendment was seconded by Councilman Jacobsen. Councilman Larsen, Councilman Jacobsen, and Councilman Dustin are in favor of the amendment. The amendment passes. Councilman Mickelson and Councilman Hansen are opposed. Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen are all in favor of the motion. Councilman Larsen opposes the motion. The motion passes.

**Discussion of proposed Attached/Multi-family Housing Development Standards.**

Nathan Crane of Logan Simpson is in attendance. He, with his colleagues, designed the Attached/Multi-family Housing Development Standards. Councilman Larsen states he wants this ordinance to apply only to the conservation subdivision. Nathan states this was specifically designed to address a four-plex that exists on one lot. The Council and Mr. Crane review the ordinance page by page. The Council asks for clarification on some items. They discuss and propose changes to the standards. Mr. Crane will make the changes and get back to the Council.

Councilman Hansen is excused and leaves at 10:00 P.M.

**Consideration of Ordinance 08-17 Permitted, conditional or not permitted land use chart and associated definitions.**

Mayor Knight recommends we postpone until another meeting and has it put on the next agenda. Councilman Jacobsen wanted to clarify regarding home occupation, that if it meets the requirements of the existing ordinance it doesn't matter what you are actually doing.

**Discussion of sewer rate recommendations being made by Logan City and its effect on Nibley City rates.**

Mr. Anhder distributed a memo to the Council on this and asked the Council to look at it. He will bring a resolution the first of January.

**City Manager report**

Mr. Anhder states that 3200 S. is winding up. Some items will not be done this fall. The railroad crossing is not done because the city is waiting for Union Pacific.

The Blacksmith Fork Irrigation Company has filed a complaint against the city with the 1<sup>st</sup> District Court. Mayor Knight states he has been told the Canal Company will not act on this complaint if they feel that progress is being made with the city on reaching an agreement.

**Council reports**

Mayor Knight shows a quilt that was given to the city by Carol Johnson and would like it hung in the Council chambers. She is a nationally known art quilter who lives in Nibley. He had another letter from a citizen about the City getting green waste removed at curb clean up like Logan does.

Councilman Larsen states they need to update the building authority. He had a resident talk to him about park rentals and whether they are charging rental for outside group use.

Councilman Dustin asks if LeGrand Johnson is the contractor on 3200. They have been sending equipment through Nibley Garden going above the speed limit and requests Mr. Anhder talk to them about it. He asks the council to come up with ideas for response along the river in Nibley City. Councilman Dustin had considered sending a letter stating that they are responsible for the river bed. He notes Commissioner Bliesner asked about a committee for an animal rights ordinance. The Mayor said he has not set that up, but he will.

Councilman Jacobsen received a letter from a citizen in Nibley that expressed how much they appreciate Nibley. He responded that the response he got from her were exactly the feeling he was hoping to elicit with his article in last month's newsletter. He asks the council for suggestions on damage control and about a follow up in the news letter. The Council was fine with him submitting another follow article and saw no need to review it first.

Councilman Mickelson asks about a change in the fence ordinance and where that was. Mr. Anhder states Shari had not done anything about this because he wanted to discuss it with the council. Councilman Mickelson suggests changing the ordinance for unique circumstances where a lot is adjacent to three roads. Mr. Anhder suggests giving them a year to come into compliance. Councilman Mickelson states he advised them they have a right to ask for an ordinance change. Mayor Knight states he would recommend they not entertain a change. Councilman Mickelson asks about keeping a rural feel, such as small acreage farming, and how they can keep some of that going such as the farmers market, festivals, or competitions. He asks if the city wants any involvement in this. Councilman Jacobsen recommends offering incentives.

Meeting adjourned at 11:58 p.m.