

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, February 5, 2009.

The following actions were made during the meeting:

Item 1: Councilman Dustin motioned to approve the relocation of green waste and cardboard recycle containers and the expenditure of items 1 and 2 (retaining wall and gravel products). Councilman Jacobsen seconded the motion.

Councilman Dustin motioned to amend and add item 4 (a light pole). Councilman Jacobsen seconded the motion. The amendment passed unanimously 5-0; with Mayor Pro Tempore Larsen, Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

The amended motion passed unanimously 5-0; with Mayor Pro Tempore Larsen, Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Item 2: Councilman Hansen motioned to approve Ordinance 09-01, Land Use Chart of Permitted, Non-Permitted and Conditional Uses. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Mayor Pro Tempore Larsen, Councilman Hansen, Councilman Jacobsen, Councilman Dustin, and Councilman Mickelson all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Larsen called the Thursday, February 5, 2009 Nibley City Council meeting to order at 6:04 p.m. Those in attendance included Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance are Larry Anhder, City Manager, and Shari Phippen, Planning and Zoning Administrator. Mayor Knight was excused from the meeting.

Item 1: Approval of the evening's agenda and minutes of the January 15, 2008 meeting.

Mayor Pro Tempore Larsen asks if the Council has had a chance to review his changes to the minutes. Councilman Jacobsen also notes his changes. Councilman Jacobsen motioned to approve the amended meeting minutes and the evening's agenda. Councilman Hansen seconds the motion, which passed unanimously.

Item 1: Discussion about placement of green waste and cardboard bins on 3200 South.

Bill Saunders, Nibley City Public Works Director, gives his proposal regarding placement of the containers. Mr. Saunders states with the thought of upcoming construction of 3200 South and placement of sidewalks he proposes they place the containers at 450 W. with a simple retaining wall made of prefabricated concrete blocks and then back filled. They would raise the access to the dumpsters. The trucks can come in from the west side. There have been problems with illegal dumping and he recommends adding lighting, a camera, and possibly chain link. The retaining block, gravel, and back fill would cost approximately \$2400. That would get the site built and the containers moved. Lighting, asphalt, and fencing will be an additional cost. Mr. Saunders has given the Council a break down of costs. Mayor Pro Tempore Larsen asks if they need to go further to the west to have a truck back up. Mr. Saunders states they were told they would need 60 ft. Councilman Mickelson asked what the property is currently being used for. Mr. Saunders states it is used for pipe storage and pasture. Mr. Anhder states it may possibly be used as a staging area for 3200 construction. Mayor Pro Tempore Larsen asks about the cost of asphalt. Mr. Saunders states that is just an option. Mr. Anhder notes the nicer they make the area the better it will be treated. Mayor Pro Tempore Larsen said there are less expensive material that could be used instead of asphalt that will work well. They can then save that money to be used to pave other needed areas, like the parking lots at Clear Creek or the Old City Park. This will also allow this to be less permanent, in case it needs to be moved again. Councilman Dustin would like to see a sign. He would like to see something that will reward people for being there. He states it will be an asset. Mayor Pro Tempore Larsen asks when they can start this project. Mr. Saunders states they can start on it immediately—next week between storms. Councilman Jacobsen asks if there is any possibility of being subsidized by the Bear River Association of Governments or the Logan Landfill. Councilman Dustin made a motion to approve the expenditure of items 1 and 2 (to relocate the recycle site with retaining wall and gravel products). The motion is seconded by Councilman Jacobsen. Councilman Dustin amends his motion to add item 4 (a light pole). The amendment is seconded by Councilman Jacobsen. Mayor Pro Tempore Larsen thinks they should eliminate the asphalt. The amendment passed unanimously 5-0. Councilman Jacobsen asks for speculation on if the neighbors have any objections. Mr. Anhder said the City has not talked to the Harris or any other party. The motion to go ahead with items 1, 2 and 4 (retaining blocks, gravel, and light pole to the relocation of the recycle site) passed unanimously 5-0.

Mayor Pro Tempore Larsen recognizes Candace Mason from the HardNews Café, and Scout Troops 14 and 409.

Item 2: Discussion about RAPZ tax application.

Mr. Anhder states they anticipate making their application for their annual grant from the Restaurants, Art, Park, and Zoo tax, which is collected by the County. The city has two projects: Gibbons Heritage Park on 800 W. and Clear Creek Park. Bill Saunders has provided estimates on the next phase of these projects. For Heritage Park, this is to finish up everything to finish up the park, excluding the tennis courts and the playing field at about \$280,000. He suggested they apply for this when they start work on finishing the park. Mayor Pro Tempore Larsen states last year they did not make an application for

RAPZ tax money. The two years previous the city applied for this and was awarded money. Councilman Mickelson ask if the shortfall in the legislature has affected this. Mr. Anhder states no, this is a local tax that they as citizen have imposed upon themselves through a vote, and cannot be touched. Mayor Pro Tempore Larsen states if there is no further discussion they will let staff continue with action on this.

Item 3: Consideration of Ordinance 09-01 Land Uses Chart of permitted, non-permitted and conditional uses.

Councilman Hansen made a motion to approve Ordinance 09-01, Land Use Chart of Permitted, Non-Permitted and Conditional Uses. The motion was seconded by Councilman Jacobsen. Councilman Mickelson asks what can be done to change this in the future. Councilman Larsen states they have to go through steps; Planning & Zoning, public hearings, & City council. Mayor Pro Tempore Larsen states he has some concerns that they have a column regulating the flood plain and have several non-permitted items. He sees little impact on either the flood plain nor the flood plane on them when they can get flood plain insurance. Mayor Pro Tempore Larsen's second concern is that they have bypassed how they have addressed home occupation. He believes day-care and others will be adversely impacted. Councilman Jacobsen describes to the public present what is being addressed with this decision and the Land Uses Chart. Councilman Jacobsen states they are in fact doing home occupations the way home occupations have been done previously. They are only excluding activities that would have been previously permitted such as automobile sales/repair, etc.

Mayor Pro Tempore Larsen asks for a vote on the motion to pass ordinance 09-01. The motion passed unanimously 5-0.

City Manager Reports

Mr. Anhder states with the purchase of the new dump truck he wants to bring the council the policy on insurance. They only insure liability. They do not include collision. They do have a \$5,000,000 liability limit. Mayor Pro Tempore asked what the truck cost and was told \$32,000.

The 3200 Southeast project has been advertised for bids in the newspaper. Bids will open on March 2nd. They will have a required bidders meeting on Friday, March 13th at the city office. They have already heard from five interested parties.

Currently they are not capable of having a citizen pay their bill on-line. Staff has been reluctant to do that because of the increased work for staff but because of the increased demand they are considering moving towards on-line bill paying. They are considering the same firm that handles the city's credit card purchases. Councilman Jacobsen would like to know if they can one step further and have the city take the money out of individual checking accounts (automatic payment withdrawal). Mr. Anhder notes that would be a good next step. Mayor Pro Tempore Larsen would like that online payment to happen now. He would like to see what companies like the ones at ULCT conferences can do. For credit cards it cost roughly \$300/mo. Councilman Mickelson would like to know what the cost to the city will be. He would like to get data from other cities on how

this has worked for them. Councilman Dustin is also interested in continuous billing and automatic debit.

7:00 Public hearing on ordinance 09-02 Design Standards for Commercial and Institutional Uses.

Mayor Pro Tempore Larsen states the Design Standards for Commercial and Institutional Use was passed a few years ago in regards to what the city wants their commercial areas to look like. There are currently no buildings that have been built to this standard. Ms. Phippen introduces Mark Morris of CRSA who is present to give a short presentation. Mr. Morris notes he took their City's existing design guidelines and used their experiences with other cities and their design standards to develop a guideline that is more user friendly and simpler. The intent of the standards is to guide future development, establish community core, and ensure predictability for developers. There are three formats of the standards—architectural character, site design, and streetscape.

Architectural Character includes: Massing and Orientation, Height, Building Materials, Finishes, Fenestration, Details, Roofing, and Service Areas

Site Design includes: Setbacks, Parking, Circulation, Lighting, Signage, and Service Areas

Streetscape includes: Layout, Amenities (trees, landscaping, furnishings, etc.), Paths, and Lighting

Mayor Pro Tempore Larsen notes that the mayor would like the council to review this and discuss it in detail in a future meeting. If they find pictures that are a good representation of items they would like in the standards they should bring them for review. Councilman Dustin would be inclined to let the city develop its own character and just go for good design because it is good design. He does not want to take away from the ability to have diversity.

Mayor Pro Tempore Larsen opens the public hearing for review of Ordinance 09-02 Design Standards for Commercial and Industrial Uses at 7:22. Matt McNeal states that he agrees with Councilman Dustin and that they should let a developer come in and present an idea and see if it fits with the type of community that they want. He thinks it is a good idea to leave it open and not restrict it. Devin Overly states he believes it is a fine line, because they want a nice community to live in and be proud of, but if it is made too restrictive it may put off developers. They need to decide how they encourage commercial growth that the community can be proud of. They need to be flexible but allow creativity and growth. Jim Huska states all of this seems to speak to a sense of community but he has trouble identifying the city core. Mayor Pro Tempore Larsen states these standards would apply to all commercial and institutional uses in any zone. Mr. Huska asks if they are looking to have a "downtown" community. Councilman Jacobsen states they are. Mayor Pro Tempore Larsen notes the general plan calls it out at 250 W. toward 165. The city would like to develop it there. Councilman Jacobsen states they are looking for commercial developers to fund this and make it go, they are not looking to

use tax dollars. Devin Overly notes the RiverWoods Hotel, which is partially stucco, and that it is a very nice, attractive building. He would argue for leniency and flexibility. Citizens are clamoring for more parks, they want a lot of city services but do not want to pay for it. They need development to come in and provide sales tax revenue. The city needs to maximize their availability. Mayor Pro Tempore Larsen closes the public hearing for Ordinance 09-02 Design Standards for Commercial and Institutional Use at 7:34. The Council decides to meet with Mr. Morris again on March 5, 2009. Councilman Jacobsen asks Mark if they are tight in their guidelines. Mark states he does not think so-- it is a guideline the city council can evaluate. They can earn a reputation of being very strict or otherwise. Mayor Pro Tempore says these are standards not guidelines and doesn't see how you can not hold true to numbers and percentages. Councilman Dustin's concern is they are making it difficult for commercial to come into Nibley. He does not want to paint them selves into a corner at the expense of future economic development.

City Manager Reports (Continued)

Mr. Anhder inquires about the city using a collection agency to collect on overdue debts. They anticipate using CSL (Credit Service of Logan) mostly on personages that have moved out of state and have left unresolved bills. They charge 30% of what is collected for their services. There will be a resolution brought to the City Council that will allow the city to add that charge to the unresolved bill.

Mr. Anhder states NNHC has just completed their 150th home. 133 of those have been in Nibley. They had a tour and open house today. They are extremely complimentary of Nibley City and the City Council. They have one phase left of seven homes.

There are three things in the legislature that the city is concerned about. 1—A new law that would exempt new schools from paying impact fees. The local representative has voted against this at committee. 2—there is a proposed bill that would reverse this history of Utah water law. 3—there is a push by the Governor to increase the gas tax for road improvement. The city wants to be remembered if that tax increase goes through.

Council Reports

Councilman Jacobsen states they need to make a specific decision regarding the newsletter. Mayor Pro Tempore Larsen thinks they this has been decided and should continue as before until another decision has been made.

Mayor Pro Tempore Larsen makes note of an open house for Envision Cache Valley that will be held February 25, 2009 at 7:00 at the tabernacle. The focus is what do you want Cache Valley to look like in 30 years?

Councilman Dustin been working on getting people in town trained in disaster response. He talks about Citizen Emergency Response Training (CERT). They would like Nibley citizens to become CERT certified so they can have a community emergency response core. Mr. Anhder gathers this training group is a local organization and that they are a non-profit organization that works closely with the county fire department. Councilman Dustin spoke to an LDS church representative and they are interested in getting their

emergency response people trained. The cost is \$30/person for 2 ½ days. This will give everyone a common basis to start from. Mr. Anhder states Hyrum is interested in it also and they are working on making it a number of half-day sessions.

Councilman Dustin attended the TMDL study and will discuss it with anyone who would like more information. He has some issues with the study. Councilman Dustin thinks a letter from the city, to have something on record, would be advisable.

The meeting was adjourned at 8:33 p.m.