

NIBLEY CITY COUNCIL MEETING

Thursday, February 21, 2008

The following actions were made during the meeting

Action Item 1: Councilman Jacobsen made a motion to establish Brian Cannell as Nibley City Land Use Appeals Officer. Seconded by Councilman Dustin. Motion passed with Councilmen Larsen, Jacobsen, Dustin and Hansen in favor of the motion and Councilman Mickelson abstaining.

Action Item 2: Councilman Hansen made a motion to approve concept plan for Churchill Downs Subdivision. Seconded by Councilman Jacobsen. Motion passed with Councilmen Dustin, Jacobsen, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.

Action Item 3: Councilman Jacobsen made a motion to accept access management plan as amended. Seconded by Councilman Hansen. Motion passed unanimously.

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

Mayor Gerald Knight called the Thursday, February 21, 2008 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance include City Council Members Scott Larsen, Shaun Dustin, Larry Jacobsen, Bryan Hansen and Thayne Mickelson. City Manager Larry Anhder was also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Item 1: Approval of the evening's agenda.

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

Item 2: Recommendation and approval of Land Use Appeals Officer.

Larry Anhder said he had received three applications for the Land Use Appeals Officer:

1. Josh Runhaar, County Planning and zoning administrator for 2.5 years and the Logan City Planning Office for 1 year. An initial retainer of \$250 is requested and any subsequent years at \$100 plus \$50 per hour for work actually done.
2. Mark Teuscher, Brigham City Planner 2.5 years, Cache County Planner 1.5 years and West Valley City for 8 years for a total of 23 years of experience. No retainer and \$75 per hour for work performed.
3. Brian Cannell, Attorney at Hillyard, Anderson & Olsen. He presently performs functions for North Logan, Hyde Park and Newton. No retainer and a fee of \$150 per matter, but if a particular appeal requires more than 3 hours then \$25 per hour thereafter.

Larry Anhder said he did not really have a recommendation but there would be to hiring Josh Runhaar, that as the County Planner, he has a relationship and understands our laws a litter better. Councilman Hansen asked how often has there been a need for an Appeals officer. Larry Anhder said there was only one in the last six years and indicated on the proposals there was not much of a need for one.

Councilman Larsen said he thought Mr. Runhaar would not be the most logical route financially and would lean more towards Brian Cannell on the fact that he is in the valley. Mayor Knight asked if they could negotiate with Mr. Runhaar to bid more on the lines of the other two applicants. Larry Anhder said he thought it could. Councilman Dustin said he is not concerned about cost he is concerned about the potential of a conflict and experience. Councilman Jacobsen also thinks money is not an issue and if a board of appeals needs to be had then they need the most objective candidate and he is leaning towards Brian Cannell as well and would like to state a conflict of interest as he has done some legal work for his family. Councilman Mickelson said he also may have a conflict of interest as Mr. Cannell has done work for his company in the past.

Councilman Jacobsen made a motion to establish Brian Cannell as Nibley City Land Use Appeals Officer. Seconded by Commissioner Dustin. Motion passed with Councilmen Larsen, Jacobsen, Dustin and Hansen in favor of the motion and Councilman Mickelson abstaining.

Item 3: Concept Plan approval of Churchill Down subdivision 3100 South 1200 West.

Shari Phippen gave council a review of the Planning Commission recommendations. She said they thought they had a good concept plans and really had no concerns and voted unanimously to move on to City Council.

David Jensen, Wasatch Properties and Michael Cook, Cartwright Engineers meet before the City Council. Councilman Larsen asked if the property to the west was zoned R2 and wanted to know when the land was zoned R-2-A. Larry Anhder said they had looked it up and it was zoned R-2-A on the request of Willy Floyd. Councilman Larsen said he thought the map was incorrect and wanted it checked out again. Councilman Larsen also brought up the point of the house to the west is too close to the property line and wondered if that would be an issue in the future. Larry Anhder said it is a legal, non-conforming use and there was nothing to be done. Councilman Larsen said he would like to work this problem out in concept stage of this development. Mayor Knight asked what could actually be done to fix the problem; the home is not actually on the other property.

Councilman Hansen made a motion to approve concept plan for Churchill Downs Subdivision. Seconded by Councilman Jacobsen.

During discussion, Councilman Larsen wanted to clarify the zoning. Shari Phippen looked again at the zone and said it was changed to R-2-A May 4, 2006. Councilman Larsen said he still does not think that is correct and would like to have it researched more. He said his other concern are the lots accessing 3200 South and he thought they would not allow any more accesses on 3200 South. Larry Anhder said that is the reason they have combined accesses.

Motion passed with Councilmen Dustin, Jacobsen, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.

Item 4: Discussion of proposed Access Management Plan for Highway 165.

Larry Anhder said a recommendation was needed by the end of the month on the proposed Access Management Plan for Highway 165. During discussion Larry Anhder's recommendations discussed and the following changes and approvals were made:

- #1 – Remove planned light at Hollow Road and Highway 165.
 - Majority vote to leave planned light at Hollow Road and Highway 165.
- #2 – Recommendation of consultant to close off 3750 South (100 West) on left hand side of road.
 - Majority voted no and leave the way it was originally planned.
- #3 – Recommendation of not closing 3700 South.
 - Council majority to replace the inverted “L” with a proposed “T”
- #4 – 250 East Addition on West side of Highway 165.
 - Majority voted in favor.
- #5 – 3200 South and Highway 165 signal.
 - Council majority to leave in as planned.
- #6 – 2600 South signal.
 - Council majority to leave 2600 South the way it is planned.
- #7 – Removal of 2300 South.
 - Council majority to remove 2300 South from recommended plan.
- #8 – Access restriction from 12th South to 2600 South.
 - Majority ruled to restrict access.

Councilman Jacobsen made a motion to accept Access Management Plan as amended. Seconded by Councilman Hansen. Motion passed unanimously.

Item 5: Discussion of park plans and park construction financing.

Larry Anhder said there is a possibility of doing more for the city parks and after Councilman Larsen reported the number of baseball registration for the next year he called around to find out just how many children there are in Nibley. He said there is nearly 1000 kids between the ages of 3 and 11 and another 400 from 0 to 3 in the city of Nibley. He said that soccer registration has also gone up.

Larry Anhder said he and Rod Elwood have been talking about the cost and what needs to be done to resolve these problems. He said they have come up with a couple different options and estimates for park property. The first one is purchasing 10 more acres and developing the 20 acres of the Peterson's property on 640 West at an estimated \$2 million to build the type of facility of 8 soccer fields, 3 ball diamonds and a parking lot, or paying estimated \$6 million for a contractor. Larry Anhder said another possibility could be trading the Peterson's property for the Ropelato's property and get started on the City Center now. He said the Mayor has already approached the Ropelstos and they are taking it into consideration.

Larry Anhder said another possibility is building soccer fields in detention basins. Rod Elwood said he does not think they are the best place to put them because of the possibility of water. Councilman Larsen said the other problem with it is that there is not parking. Larry Anhder said the advantage is that it is relatively fast and cheap because the city already owns the land. He said there is a great need and needs to be addressed before impact fees can pay for it and if they start today it will be two seasons before they can be used. He said he is proposing a 20-year, Million dollar bond to get thing moving.

Larry Anhder said there are two way to raise the money needed the first is a general election and requires a vote and recommends to not do it in the November election. Mayor Knight said the June election would allow time to get moving on educating the public. Larry Anhder said the second idea is a sales tax revenue bond. He said it is a bit more costly and the City Council would have to commit to raise property tax by .000536 because there is no room in the budget to make the bond payment without making it up somehow. Councilman Mickelson asked Larry Anhder if there were the possibility of grants. Larry Anhder said there was not that option

Councilman Dustin asked what the cost differential between the two types and does not think it would be a hard sell in his neighborhood and would go over better in an election than the City Council deciding. He then asked what the priorities were and what is the city going to get for the million dollars that the people can hang their hats on. Larry Anhder said the election will cost between \$500 and \$800 and if legal council is needed it could cost between \$30,000 and \$60,000 but if they wait until June nothing will get done this summer.

City Council made the decision to do more research and have a decision by the next City Council meeting.

Item 6: Discussion of possible change in Park Impact Fees.

Larry Anhder said to do a park impact fee you have to do an analysis and the last one was done in 1997. He said the bottom line of this analysis is the recommendation of a \$1,600 per house park impact fee a change from the current \$1000.

Larry Anhder said he would have an ordinance ready one way or another for the next agenda and also for a public hearing.

Item 7: City Council reports:

Councilman Hansen

Councilman Hansen apologized for missing Nibley Heritage Days meeting he had some personal items to attend to. He said he would like to get the advertising for Easter egg hunt into the next month's newsletter.

Councilman Dustin

Councilman Dustin said he has scheduled the Summer Party for August 21 and the Christmas Party for December 4. He said he has checked with both Iron Gate Grill and The Coppermill and would like input as to what is wanted. He also said he would like to suggest inviting children to the Summer Party. Councilman Larsen said he would like to hear how the city employees feel about inviting children to the party. Councilman Dustin said he has asked a few and they said they wouldn't mind.

Councilman Dustin said the Easter program is being run by Jaden Bastin for his eagle project and that Logan City has a committee for a county wide library and would like input to let him know how the City Council feels about joining. He said that Jay Monson is the chair of that committee.

Councilman Larsen

Councilman Larsen said he just wanted to bring up some unfinished business. The first is the minutes. Larry Anhder said the recorder has talked to him and the issue will be resolved. The second is the picture of the new City Council. Larry Anhder said it would be done at the next City Council meeting.

Item 8: Adjourn: Adjournment by general consent at 10:03 p.m.

Signed _____
Mayor Gerald Knight

Attest _____
Assistant Deputy Recorder