

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, May 1, 2008.

The following actions were made during the meeting:

Action Item #1: Councilman Mickelson made a motion to approve Ordinance 08-08: Community Development Agency (CDA); Dustin seconded the motion, which passed unanimously.

Action Item #2: Councilman Jacobsen made a motion to postpone consideration of Ordinance 08-09: Regarding land uses that are permitted, not permitted or conditional in Nibley City, until the next meeting. Councilman Larsen seconded the motion, which passed unanimously.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Renee Nelson

Mayor Gerald Knight called the Thursday, May 1, 2008 Nibley City Council meeting to order at 6:02 p.m. Those in attendance include Councilman Scott Larsen, Larry Jacobsen, and Thayne Mickelson. Also in attendance are Mayor Gerald Knight, Larry Anhder (City Manager), and Mark Edminster of *Lewis Young Robertson & Burningham Investment Bankers*.

Item 1: Approval of evening's agenda and minutes of May 1, 2008 meeting.

Councilman Bryan Hansen joined the meeting at 6:15 p.m.

Councilman Shaun Dustin joined the meeting at 6:20 p.m.

Councilman Larsen made a motion to approve the minutes of the April 17, 2008 meeting with his and Councilman Jacobsen's proposed changes and to approve the agenda as presented; Councilman Jacobson seconded the motion, which passed 4-0. Councilman Dustin abstained from voting due to arrival time.

Item 2: Presentation by Larry Anhder, City Manager, concerning a Community Development Agency, CDA.

Mr. Anhder stated that Nibley has been approached about the possibility of creating a Community Development Agency, CDA. A CDA is a separate legal entity that can be established by a city. The board of directors are the City Council members. It allows for tax increment financing. The next step would be to identify an area. We do not propose to identify an area tonight, just to create the agency. The agency would be created for if and when we are

approached by prospective developers for the establishment of an area. The current value of the property is frozen in place. Any new construction and the associated tax that goes with it, the tax increment can go to pay off infrastructure or other qualified expenses incurred by the agency as in agreement with the developer. A CDA is not an all or nothing, it is very flexible. Once things are in place the agency knows what it has to entice, help, or cooperate with the developer. It becomes a good financing tool. Tonight's action would just create the agency, nothing else. We show that we have taken the first step.

Item 3: Consideration of Ordinance 08-08 to establish a Community Development Agency, CDA.

Mayor Knight called to review Ordinance 08-08 and receive a motion. Councilman Mickelson made a motion to approve Ordinance 08-08, Dustin seconded the motion.

Discussion:

Councilman Mickelson asked if there would be any personal liability? Mr. Anhder answered no. Councilman Larsen asked when we accept this CDA can we reject any proposals? Mr. Anhder stated that this creates the agency to be in place, but there is no obligation. We don't have to agree or enter into an agreement. Zoning requirements have to be met first, this is a financial tool. There will be incentive to come to Nibley, but they will still have to pay the tax. One option would be to relieve the tax, or use the taxes and we'll put in the roads and waterline to have you come to our community. Councilman Dustin stated his understanding that this doesn't obligate us, just gives us some additional flexibility without being constrained by what's on the map. Councilman Mickelson stated that where the development is put has to do with zoning. Councilman Jacobsen stated that anyone wanting to build has to meet our ordinances, we're not obligated to help.

Mayor Knight called for a vote, which passed unanimously.

Item 4: Presentation of the proposed 2008-2009 Nibley City Budget and proposed amendments to the 2007-2008 Budget.

Mr. Anhder stated that we are doing a fantastic job with the resources we have. We have nearly a \$5 million total budget being presented that includes all the funds; \$1.4 general, water, storm water, and all other utility funds are listed. The document serves as two separate budget proposals. Recommended amendments to this year's budget and the future budget beginning July 1st. We are proposing \$75,000 for a new back hoe and \$22,000 for a quarter ton pickup. It is allocated under public works and we'll pay for it out of this year's money. 3.5 % increase for permanent employees. Historically, every other year we have adjusted our property tax rate so that it stays constant. We will have to publish it as a tax increase. We'll hold a public hearing in August. Councilman Mickelson asked if this is the year to do this? Mr. Anhder stated this is the year we do it. We have enough money to do our share of 3200 South. We should have enough money to finish the road because of two things, if the bids come in lower and the Mayor's efforts

to get additional money.

Item 5: A public hearing to receive input from the public with respect to the issuance of \$1,600,000 in General Obligation bonds and potential economic impact that the improvement, for which the bonds will pay all or part of the cost, will have on the private sector.

The public hearing was opened by Mayor Gerald Knight at 7:16 p.m.

Robert Latham stated that for many young families funds are tight with inflation, gas, and rising food prices. Wonders if it is wise to go into debt for recreation? I do know there are many young children, could we use it as a pay as we go? Could we just build one field or can we use the school's fields? Mayor Knight stated that we do use Nibley Elementary's fields. Mr. Latham stated he lives across from a field and it is rarely used. Mayor Knight commented that the season is short. Mr. Latham stated that he hasn't seen all the fields being used for soccer this year. How many soccer fields can we get on 12 acres? We could probably use this as pay as you go instead of bonding. Not all kids are going to play sports or continue to play sports as they get older. Mr. Latham asked if we anticipate the soccer season going later? Mayor Knight explained that organizations are on a region wide level and they set the schedules, not the city. There is competitive soccer in the spring and fall. Mr. Latham asked if there are other fields in the region that could be used? Mayor Knight stated that these are for our citizens. Councilman Larsen stated that with District 7 we get money to paint lines on the field, it's beneficial to the city. There was an increase of 48% kids in soccer. Most kids do stop playing, some continue, some quit because we don't have the community resources. Mr. Latham asked why this field doesn't work (referring to the field down the street from City Hall)? Councilman Larsen stated that it doesn't meet requirements. Mayor Knight stated that we have been using other communities. They are becoming more strict as to saying what teams, who can register, and charging extra fees. Hyrum is saying they are being used by other communities who have killed their fields and they're becoming more strict. Mr. Latham asked if two baseball fields are really necessary? Mayor Knight said there is a problem if we don't have the fields. Councilman Larsen said we try to utilize it the best we can, our parks people say our parks are 95 percent utilized. There are seasons to the sports. We need an additional field now to have older kids play in the community. Councilman Dustin said these are valid comments and it's a matter of prospective. Councilman Larsen said depending on the size, can twelve acres become a combination of three to four fields.? Councilman Jacobsen stated that in this process, your vote will count as much as ours. Mr. Latham said it is wise to let citizens vote and appreciates that it is left up for a vote. Councilman Larsen said things have changed with the economy. We're in the same boat as everyone else, we all share the same concern. Mr. Latham asked how long is the bond for? Mr. Anhder answered a 20 year bond is planned.

Mayor Knight closed the public hearing at 7:30 p.m.

Discussion as to how the city budget process flows. Councilman Dustin asked if it would it be a

problem to have a chart showing the flow? Mr. Anhder stated that when you pay your bill the money comes in and it is allocated to the various budget accounts. Councilman Hansen stated when we have our workshop it will become more clear. Councilman Dustin stated that it should be easy, draw it out, how does the money flow? Where does the money come from and where does it go? Councilman Larsen stated that it comes from taxes and fees-sewer goes to sewer, water goes to water, some fees go to the general fund.

Councilman Hansen took leave of the meeting at 7:46 p.m.

Councilman Dustin will go over budget and sit down with Mr. Anhder. Mr. Anhder stated that this is a very simplified budget. Our budget should be more sophisticated than it is. Some things are lumped and some things are more specific. Administrative areas are really what should be more detailed. Councilman Dustin stated that he is not asking for a line by line. Mr. Anhder stated that this does work. Councilman Larsen asked if we are going to have a workshop? Mayor Knight said that there won't be a separate workshop. The Mayor won't be here on June 5th and 19th. Councilman Larsen said he plans to meet with Mr. Anhder before than to ask some questions. He said Councilman Dustin is welcome to com then to see if that helps his understanding of the budget.

Item 6: Consideration of Ordinance 08-09 regarding land uses that are permitted, not permitted, or conditional in Nibley City.

Councilman Jacobsen stated that this is really important and will have a big impact on individuals. Councilman Larsen agrees. Councilman Jacobsen motioned to postpone consideration of Ordinance 08-09 until the next meeting. Councilman Larsen seconded the motion, which passed unanimously.

Item 7: Ordinance 08-10 Design Standards for multifamily residential buildings (presented for review and discussion only-not action)

Discussion Councilman Larsen addressed the fact that this has come about as part of the Conservation Subdivision ordinance. He referred to Shari's note from P&Z that they thought multi-family housing outside of a Conservation Subdivision would require a PUD. He didn't like that idea. Councilman Jacobson voiced his concerns about our current PUD ordinance. Councilman Larsen agreed.

Mr. Anhder stated I like Planned Unit Development ordinance, but we need to do a better job administrating. When things come in a PUD, we need a detailed written summary of what we need to do, not just minutes from meetings. Would prefer to keep current PUD, but with more detail in the future. The Pud ordinance revision is on the list of things we're doing.

Councilman Hansen arrived back at 8:36 p.m.

Councilman Larsen said if we are using PUD's because we can control them better, what

happened with the Cottages? They said they'd build a clubhouse and didn't. Need to look into the issue. It was decided that this will be on a future agenda and Mr. Anhder will contact this developer with a letter saying we have concerns.

Item 8: Discussion about water right allocation to Nibley City for Nelson well and use of water shares for mitigation purposes.

Mr. Anhder stated that there is depletion and replacement, water that leaves the system (depletion) and water that replaces it (replacement). In Nibley, much water is lost through the lagoon system. Our depletion is about 38 %, and we need to account for it. Each share carries a duty of 3 acre feet of water. We are in the process of ordering and installing devices to show how much water's going in the system (Bear/ Blacksmith Fork) As we use more water, we will need records. Ground and surface water is the same system. Senior water right holders are protected. We currently have a right to 17 hundred acre feet, 1 home per acre foot. Councilman Jacobsen asked if we are doing what we need to do to protect our water rights? Mr. Anhder said we have come up with a plan to help us get caught up.

City Manager's Report

Road impact fees are possible, Suzy Becker, of Lewis Young Consultants, acknowledges they can be hard to justify. Commission Becker to do the study, less than \$10,000. She could come in July. Councilman Mickelson asked if we need to have a study? Mr. Anhder stated we do have to have one in order to charge a impact fee. We could discuss it later. We're in the process of doing a traffic study of 3200 south. Councilman Jacobsen asked what we're using this for? Mr. Anhder stated to provide data for our application for funds for the east part of 3200 South.

City Council Reports

Councilman Mickelson discussed irrigation issue. Mr. Anhder stated there's conflict coming from pitting against each other. The city will notify the canal company of proposed subdivisions. On a development we should receive certification that the plans have been presented to irrigation company. Councilman Jacobson stated that we should trust one another, irrigation company and city. It's not Nibley city's roll to work out irrigation issues.

Councilman Hansen asked about changing the parade route for the Heritage Days Parade. Mr. Anhder stated that not much should happen on 3200 South before then, we could do the traditional parade route. Trailers aren't to be on Heritage Park. Councilman Hansen asked who would be available on Saturday for a dunking booth? Mayor Knight won't be here. Councilman Dustin can be there. There will be a watermelon bust. Councilmen Jacobsen will be here. The swim night will be on Wednesday and Councilmen are needed to hand out wrist bands at the gate. Councilmen will be serving the food at the dinner. Councilman Jacobsen asked if we are they able to find enough help to staff Heritage Days? Councilman Hansen stated yes, but it's a challenge. Our community is involved in a lot of things. Walmart is stepping forward. Councilman Mickelson stated that youth counsel should be involved. Councilman Larsen pointed out that they are already and so is the Miss Nibley Royalty.

Councilman Jacobsen discussed dark sky compliance and possibility of expanding to residential. There's money being spent on crack and seal of roads throughout the city. Discussed Sunrise subdivision, legally changed the covenants, homes may not have garages. There was no expectation from the residents or builders for the city to become involved.

Councilman Larsen took leave of the meeting at 9:38 p.m.

Councilman Dustin discussed emergency book downloaded. Asked how we get stuff on agenda? Concerned about the pipe and we should consider getting it looked at. Mr. Anhder said it's good for 5 years.

Mayor Knight talked to Becky, \$300 a month 15 hours a month. The County Committee Library wants to make a presentation to us. They have what a county wide system would look like, cost, and how it would affect our community.

General consent to adjourn at 10:15 p.m.