

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on September 18, 2008.

The following actions were made during the meeting:

Action Item #1: Councilman Dustin moved to approve the Highway 165 Corridor Agreement. Councilman Hansen seconded the motion. The motion passed unanimously with Councilman Dustin, Councilman Hansen, Councilman Larsen, and Councilman Jacobsen all in favor.

Action Item #2: Councilman Hansen moved to approve a consultant to review the proposed sewer rate increase from the point of view of 4 of the cities that participate in Logan's treatment plan. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Dustin, Councilman Hansen, Councilman Larsen, and Councilman Jacobsen all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, September 18, 2008 Nibley City Council meeting to order at 6:15 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Scott Larsen, Councilman Shaun Dustin, & Councilman Brian Hansen. Councilman Thayne Mickelson was excused from the meeting. Ms. Phippen, Zoning Administrator and Larry Anhder, City Manager, were also in attendance.

Item 1: Approval of evening's agenda and minutes of August 7, 2008, August 21, 2008, and September 4th, 2008 meetings.

Councilman Larsen moved to approved the minutes from the August 21st, 2008 meeting, with his proposed changes. Seconded by Councilman Jacobsen. The motion passed unanimously. Councilman Jacobsen moved to approve the minutes from the August 7th, 2008 meeting. Councilman Larsen seconded the motion. The motion passed unanimously. Mayor Knight stated, regarding the agenda, that Mr. Neal Anderson would not be here and that final plat approval for Mountain View Planned Unit Development will be moved to another meeting. Councilman Larsen made a motion to approve the evening's agenda minus those changes. Councilman Dustin seconded the motion. The motion passed unanimously.

Item 2: Consideration of proposed permitted and conditional and land uses chart revision.

This is a review and consideration of the types of land use activities that will be permitted, conditional, or not permitted in Nibley. The Council addressed every item individually and proposed changes. The council asked specifically for more detailed definitions on the following items: medical services, open storage uses, outdoor storage and operations, recreation center, recycling collection facility, research and development, research service, temporary office/model home. Councilman Jacobsen suggests getting definitions for all land uses. Ms. Phippen noted all changes and decisions of the council. Councilman Jacobsen states that Ms. Phippen edited, modified list was sufficient for the written record to summarize this discussion.

Item 3: Consideration of Highway 165 Corridor Agreement. A proposed agreement that will define and control access to the roadway. (Jeff Gilbert, Transportation Planner with the Cache Metropolitan Planning Organization in attendance)

Mr. Anhder states the council has seen this before and made suggestions but none of the ideas were accepted. They left all potential signals in the agreement. The agreement is favored by UDOT. Mayor Knight states that Larry Anhder's recommendation is that they accept the agreement so that they can become a signatory and participate in the future. Councilman Dustin made a motion to accept the agreement as written. Councilman Hansen seconds the motion. Councilman Larsen asks how binding the agreement is? Jeff Gilbert states UDOT has a variance process where the applicant can say he has no other reasonable access. Usually in that variance process, UDOT will try to get the applicant to explore joint access. If the applicant can't establish that, UDOT, by law, cannot land lock them. Councilman Jacobsen asks for clarity on what is being proposed and asks if they are locked into access spacing (Item 9). Councilman Larsen states that he reads it that they are supposed to follow what is in the transportation corridor study or otherwise ask for a variance. Jeff Gilbert states the agreement is asking for a commitment to UDOT's access management policy. Councilman Jacobsen states that it seems to him that they are signing on for the maximum that will ever be signalized. Councilman Larsen asks if they can still do what is in the best interest of the city? Mr. Anhder states that they have not been able to do what is in the best interest of the city because it is a state road. It affects Nibley very little. Councilman Dustin states that he appreciates knowing what UDOT wants and appreciates that this binds Providence, Millville, and Hyrum too. He states his support of it. Mayor Knight states that it is great leverage with the developers they have coming in the future. Councilman Larsen states that this does not affect their ability to zone. Jeff Gilbert states that the corridor study document was to orient them, and give reference to the planning that has gotten them here. Nothing in there is binding. He states they are agreeing to the master plan and some of the technique in there. The next stage in this is getting the jurisdictions together. The motion passed unanimously with Councilman Jacobsen, Councilman Larsen, Councilman Dustin, and Councilman Hansen approving.

Item 4: Discussion about review of proposed sewer rate increase Logan City is proposing a rate increase. It is proposed to hire a consultant to review the proposed increase from the point of the 4 cities that participate in Logan's treatment plant.

Mr. Anhder states that Logan City hired HDR Engineering to do a rate study for them. The study recommends a substantial rate increase for all cities that participate in the treatment. It recommends for Nibley City a rate increase from 1.15/1000 gal. to 1.34/1000 gal. If money were set aside for phosphorus treatment, which they are recommending, the increase would be 1.85/1000 gal. A group of cities want to hire someone to look at the study from their point of view. Sunrise Engineering at \$10,000 and Skyline Engineering at \$1,000 responded to their inquiry. Smithfield, No. Logan, and Providence would like to hire Skyline Engineering to look at this report from their point of view to look for flaws and make sure it is fair. It will review the report that was done by Logan City. Larry Anhder asks the councils permission to proceed. Mayor Knight asks what if the analysis comes back and says they are not being treated fairly? Mr. Anhder states they could approach Logan City and they would have something to come back to and we can understand the study. Councilman Hansen made a motion to go forward and finance this with the other cities. Councilman Jacobsen seconds the motion. Mr. Paul Howell, a citizen of Nibley, states that they have a council, city manager, and mayor who could do that. He does not feel it necessary to hire an outside firm. Mayor Knight states he feels that they do not have the engineering expertise. They are hoping to lower the amount of a sewer rate increase. Mr. Anhder states that their proposed increase would put our \$30/mo. sewer bill up to roughly \$48/mo. The motion passes unanimously with Councilman Jacobsen, Councilman Dustin, Councilman Larsen, and Councilman Hansen in favor.

Reports from City Managers

Mr. Anhder proposes they set aside a little money to buy water shares at \$3000/share and then we use that to sell to developers for \$4000/share. It would be a way to capture some of that water or they could use the water themselves. The advantage is it captures the water that is available now. This gets them the shares at a \$1000 profit. Councilman Jacobsen states he sees an opportunity to make money for the city. We could broker water and make money for the citizens of Nibley. Mr. Anhder states they would want to create a revolving fund. Councilman Larsen said he looks at this as another way we are trying to aid developers. He gave the example if a 5 acre piece is being developed and we have five shares of water. Why would we not want to keep our five and make the developer bring five more. That way we would have 10 shares of water at the end. If we are valuing water at say \$3000 per share that means we have \$30,000 in worth. We would also own more shares in the company. If we have five sell them and get them back (in essence the credit in #2 of the ordinance) we have \$20,000 in worth (five shares at \$3000 each and \$5000 in cash) or \$10,000 less. I don't think developers need our help.

Larry Anhder states that they will start laying 3200 So. asphalt tomorrow. They will do a 10,000 ft. test strip. By next week they should be paved to the railroad track. He proposes that the city sod some of the swells on the condition that the property owners maintain it. The property owners are required to seed it. Councilman Jacobsen asks for an estimate on the cost of that. Mr. Anhder encourages them to make it look good.

City Council member reports

Councilman Larsen requests to be on the next agenda the issue of City staffing. Councilman Larsen comments on the financial crisis in the nation and relays information he heard about when government gets involved in deregulation it is for their interests. He states the lack of regulations can come back and hurt us as a City too.

Councilman Jacobsen wants to discuss the sidewalk in front of Mr. David Oblock's house. Mr. Oblock states he wants to hold the council to the commitment that the sidewalk not be axed completely. There are a lot of people that are accessing his property. For safety it is critical to get that sidewalk in. Mayor Knight makes a commitment to put the sidewalk in this spring.

Councilman Hansen discusses use for the school and partnering with the Cache County School District. He discusses possible uses for the school. He would like to see if they could visit No. Logan and look at their facilities. Mr. Anhder suggests looking at Mendon.

Mayor Knight received an email about a citizen in the old portion of town that feels disconnected and mistreated and asks how they better that situation. Councilman Hansen states he thinks 3200 S. will do a lot of that. Councilman Larsen said he doesn't see how?

Meeting adjourned at 9:34 p.m.