

NIBLEY CITY COUNCIL  
CITY COUNCIL MEETING THURSDAY, OCTOBER 19, 2006

The following motions were made during the meeting:

**Councilman Scott Larsen moved to grant a building permit for Nathan Zollinger at approximately 4060 Hollow Road once changes are made to Nibley City ordinance as recommended by Nibley City Staff to allow for the placement of a septic tank in certain areas of the Water Source Protection Zone as outlined in the ordinance. Councilman Scott Wells made a second to the motion. Councilman Mickelson abstained and Councilman Harrison voted against the motion. The motion passes with approval from Councilmen Hansen, Wells, and Larsen.**

**Councilman Scott Wells made a motion to approve the preliminary plat for Ashbury Estates Subdivision located at 3300 South 600 West (10 acres) with access off of 3200 South. Councilman Jay Harrison made a second to the motion. Councilman Scott Larsen voted against the motion which passed with approval from councilmen Mickelson, Hansen, Harrison, and Wells.**

**Councilman Scott Larsen made a motion to allow for Nibley City Mayor Gerald Knight to enter into an agreement with UDOT and Civil Science Engineering for design of 3200 South Street reconstruction. Councilman Scott Wells made a second to the motion which was approved unanimously.**

**Councilman Scott Wells made a motion to approve an agreement with Cache County Sheriff's to provide animal control services for Nibley City as outlined in the contract, including ten hours a week of patrolling services. Councilman Hansen made a second to the motion which was approved unanimously.**

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Minutes taken and prepared by Deputy Recorder Kerry Bringhurst.

Mayor Knight called the Thursday, October 19, 2006 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Thayne Mickelson Scott Wells, and Scott Larsen. City Manager Larry Anhder and City Planner Conley Thompson were also in attendance. Nibley City Planning and Zoning Chairman Wayne Anderson arrived later in the meeting. The meeting took place at the Nibley City Hall, 625 West 3200 South.

**Item 1: Approval of previous minutes and evening's agenda- Councilman Scott Larsen made a motion to approve the minutes from the October 5, 2006 city council meeting with necessary changes and the evening's agenda. Councilman Hansen made a second to the motion which was approved unanimously.**

**Item 2: Nibley Elementary Youth 2000 Presentation-** Representatives from the Nibley Elementary Youth 2000 Student Council met before the council. The committee includes students in the 4th and 5th grades. The students presented verbal and written expressions of appreciation for the city's participation in helping provide equipment for the school playground. Mayor Knight accepted a book signed by students and framed photographs of the playground from the youth council on behalf of Nibley City. The mayor and council thanked those who made the presentation.

**Item 3: Nathan Zollinger- Request for building permit at approximately 4060 Hollow Road.** Mr. Zollinger outlined to the council his understanding of where the right of way to his home is located and explained that the plot map is misleading. Mr. Zollinger verified that the 22 foot right of way in question at a previous council meeting is accounted for on the plot map. There was discussion at the last meeting questioning whether or not the right of way to the proposed home was wide enough.

Jeff Black is a real-estate broker who asked to meet with the council. He expressed concern about the proposal which would include placement of a home near the Neilsen property. Mr. Black is representing the Neilsens. Mr. Black said there is a culvert located on the right of way that does not have a 20 foot driving surface. Mr. Black also noted there is a 90 degree corner near the Nielsen's property which is on the right of way. Mr. Black said the boundaries have been marked and he claims it will be difficult for vehicles, especially emergency vehicles, to be able to drive the corner safely. During the October 5, 2006 City Council meeting Mr. Black expressed concern that the proposed home will prohibit sportsman access to the Blacksmith Fork River. He said he still has that concern and says he is also concerned about the damage that has been done throughout the years by the Zollinger family to the river bed in an attempt to create more land for their personal use. Mr. Zollinger said in response to concerns about the 90 degree turn, there is the option to develop an alternative right of way. Mr. Black was informed that Nibley City Code does require a twenty foot right of way but no necessarily a twenty foot driving surface.

Mr. Black presented to the council a letter he received from the Bear River Department of Health regarding Mr. Zollinger's request to locate a septic tank on his property. He quoted the letter which addressed the matter of the proposed septic tank being located in zone 2 of the Source Protection Zone for Nibley City water systems. However, there are no recommendations made in the letter to direct the city. Mr. Zollinger said the health department will not take a stand on the matter because it is up to the city to determine whether or not to allow the septic tank. Councilman Larsen updated the council on what action took place at the previous meeting. Mr. Larsen said the council members in attendance expressed willingness to approve the septic tank once the ordinance has been changed to allow for a septic tank in the Water Source Protection Zone 2. Councilman Harrison asked why

the city has an ordinance that does not allow for a septic tank in zone 2 to help eliminate potential for contamination, when a representative from the State Water Division has indicated to the city that in her opinion the proposed septic tank would not present a substantial risk to the city water system? Mr. Anhder said considering the soil and the location of the well within zone 2 there is reason to consider the recommendation from the state as an adequate evaluation of the potential for contamination. Mr. Anhder said each city has the authority to decide whether or not to allow for a septic tank in zone 2.

Mayor Knight asked the council to discuss whether or not the city is going to require Mr. Zollinger to hook up to a sewer line that could be installed by the city to within 300 feet of his property. Councilman Mickelson asked the council to consider the potential for development in that area that would require a sewer line.

Councilman Wells said the city should only be concerned about public safety and how the development of the home will affect city water and how it will affect the river. And, he said, the river issue has been resolved so he suggested the council focus on the septic tank and water protection.

**Councilman Scott Larsen moved to grant a building permit for Nathan Zollinger at approximately 4060 Hollow Road once changes are made to Nibley City ordinance as recommended by Nibley City Staff to allow for the placement of a septic tank in certain areas of the Water Source Protection Zone as outlined in the ordinance. Councilman Scott Wells made a second to the motion.**

During discussion Mr. Black asked to address the council when he questioned them on a decision to allow for changes to the ordinance in this case without being able to justify changes for future requests. Councilman Wells said there are already septic tanks within the source protection zone. Councilman Larsen said the cost to run a sewer line to allow for Mr. Zollinger to hook to the system is too costly and if installed, should be paid for by developers.

Mayor Knight called for a vote on the motion. **Councilman Mickelson abstained and Councilman Harrison voted against the motion. The motion passes with approval from Councilmen Hansen, Wells, and Larsen.**

Item 3: Preliminary plat approval- Ashbury Estates Subdivision located at 3300 South 600 West (10 acres).

**Councilman Scott Wells made a motion to approve the preliminary plat for Ashbury Estates Subdivision located at 3300 South 600 West (10 acres) with access off of 3200 South. Councilman Jay Harrison made a second to the motion.**

During discussion Councilman Larsen reminded the developer to remove from the final plat any indication of an access from 3400 South.

Mayor Knight asked for a vote on the motion. **Councilman Scott Larsen voted against the motion which passed with approval from councilmen Mickelson, Hansen, Harrison, and Wells.**

Item 4: Approval for the Mayor to enter an agreement with UDOT and Civil Science Engineering for design of 3200 South Street reconstruction. Mr. Anhder said this is the beginning of the engineering process to make improvement to 3200 South. Mr. Anhder said representatives from the state will be available to hear comments from the city council and the community throughout the process.

**Councilman Scott Larsen made a motion to allow for Nibley City Mayor Gerald Knight to enter into an agreement with UDOT and Civil Science Engineering for design of 3200 South Street reconstruction. Councilman Scott Wells made a second to the motion which was approved unanimously.**

**Item 5:** Approval of an agreement with Cache County Sheriff's to provide animal control services for Nibley City. Councilman Scott Wells said the service will cost the city \$18.00 an hour and will provide for a uniformed officer to deal with matters related to animal control and public safety. The contract requires the city to house any animals and to deal with liability issues. Mr. Anhder suggested the hours be reviewed. Councilman Wells said there will be ten hours a week of patrolling with the option for additional services if needed.

**Councilman Scott Wells made a motion to approve an agreement with Cache County Sheriff's to provide animal control services for Nibley City as outlined in the contract, including ten hours a week of patrolling services. Councilman Hansen made a second to the motion which was approved unanimously.**

Councilman Larsen asked for a review on the program within four months to determine if the services are adequate.

**Item 6:** Planning and Zoning Commission's Report- Councilman Wells reviewed action from the September 27, 2006 Planning and Zoning Meeting. Mr. Wells said the request from Maverik for a store along Highway 165 was approved. He said there was discussion about the set back requirements. Councilman Larsen said the ordinance for set backs in a Neighborhood Commercial Zone needs to be reviewed and better defined by the council in the near future.

**Item 7:** City Council Reports-

Members of the council provided a report during the workshop portion of the evening.

**Item 8:** City Manager Report- Mr. Anhder updated the council on activities regarding possible alternatives for Solid Waste Disposal by communities located in the South end of Cache Valley. Several communities have expressed interest in investigating the cost and benefits of creating such a system.

Talks surrounding alternative garbage collection services continue. Mr. Anhder said there are still matters to be addressed before a plan can be implemented, including where the garbage will be dumped. Mr. Anhder said there has been discussion among mayors to approach Cache County the ask if they might consider ways to control the landfill to allow for access by cities who do not contract with Logan City for trash collection services. Mr. Anhder said this move would benefit the city and would allow Nibley residents to access the landfill. The meeting with county officials is scheduled for later in November. Mr. Anhder said Cache Trash will present a proposal to the city that will outline the costs for dumping at an alternative facility.

Mr. Anhder also reported that some surrounding cities are interested in investigating the possibility of joining together to provide sewer treatment for Nibley and those communities. City officials plan to meet to discuss interest and possible treatment plant options.

**Item 9:** Adjourn- Councilman Jay Harrison made a motion to adjourn the Nibley City Council Meeting for a council workshop. Councilman Hansen made a second to the motion which was approved unanimously.

Signed \_\_\_\_\_  
Mayor

Attest \_\_\_\_\_  
Assistant Deputy Recorder

