

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, January 21, 2010.

**The following actions were made during the meeting:**

**Councilman Mickelson motioned to give preliminary approval to Brook Hollow Subdivision. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Hansen, Councilman Dustin, and Councilman Jacobsen in favor. Mayor Pro Tempore Larsen was opposed.**

**Councilman Mickelson motioned to give final approval for Brooke Hollow subdivision. Councilman Jacobsen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Dustin in favor. Mayor Pro Tempore Larsen was opposed.**

**Councilman Hansen motioned to approve Resolution 10-02. Councilman Jacobsen seconded the motion.**

**Mayor Pro Tempore Larsen motioned to amend the motion to adjust lines 5 and 10 to the current budget of \$4,200 and the corrections of the new budget so that they balance as well as the stipulation of the purchase of both the Gibbons property and the purchase of the railroad property be brought back before the Council. The motion was seconded by Councilman Jacobsen. The motion passed unanimously 5-0; with Mayor Pro Tempore Larsen, Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Dustin all in favor.**

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

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**OFFICIAL MINUTES OF THE MEETING**

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Scott Larsen called the Thursday, January 21, 2010 Nibley City Council meeting to order at 6:02 p.m. Those in attendance included Mayor Pro Tempore Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Judge Jack Stevens, Larry Anhder, City Manager, were also in attendance.

**Approval of the evening's agenda and minutes of the January 7, 2010 meeting.** Councilman Jacobsen made a motion to approve the minutes. Councilman Hansen seconded the motion. Mayor Pro Tempore Larsen proposed his amendments to the minutes. The motion passed unanimously with Councilman Jacobsen, Councilman

Hansen, and Mayor Pro Tempore Larsen all in favor. Mayor Pro Tempore Larsen made a motion to approve the agenda striking the concept approval of the Pleasant Haven subdivision. Councilman Jacobsen seconded the motion. The motion passed unanimously with Mayor Pro Tempore Larsen, Councilman Jacobsen and Councilman Hansen all in favor.

**Swearing in of Youth Council members.**

Mayor Pro Tempore Larsen introduced Trudy Knight as Youth Council advisor. Mrs. Knight said they have 25 kids on the 2010 Youth Council. The members of the 2010 Youth Council include; Landon Knight, Austin Pugmire, Sam Briggs, Alex Nielsen, Brad Hillyard, Jared Nielsen, Jordan Spidle, Vincente Perez, Ashley Peterson, Brynn Foster, Shelby Rudd, Kenzi Irwin, Kenzi Fuller, Amanda Nalder, Adrienne Swensen, Hailey Bishop, Sara Smedly, Sam Jenkins, Saddle Nielsen, Jaci Stucky, Juliette McCann, Roxanne Anderson, Angela Rigby, McKelle Hansen, and Krista Winward.

The members of the youth council present stood as a group. Judge Stevens said they had a copy of a certificate which they would be asked to swear to. Judge Stevens asked them to raise their right hands and repeat the following: I do solemnly swear that I will support, obey, and defend the constitution of the United States and the constitution of the state of Utah, and that I will discharge the duties of my office of Nibley City Youth Council member with fidelity. Judge Stevens had the youth council sign their certificates.

**Preliminary and Final approval of Brook Hollow Subdivision 3850 South 250 East.**

Mr. Mark Peterson was present at the meeting. Mayor Pro Tempore Larsen said this was given preliminary approval on October 1, 2009 but had since been amended. He was not present for that meeting and addressed some questions he had after reading minutes from that meeting.

Councilman Mickelson arrived at 6:11.

Mayor Pro Tempore Larsen asked Mr. Peterson about the underground irrigation system, the bond for the easement strip, and restrictive covenants.

Councilman Dustin arrived at 6:12.

Mayor Pro Tempore Larsen asked Mr. Peterson if he had an agreement in place for the restrictive easement. Mr. Peterson said he had an agreement in place. He said it was a one foot strip going along the north and east boundary. Mayor Pro Tempore Larsen asked about the irrigation system. Mr. Peterson said that Diane Hall had asked that they not hook into the underground irrigation system. He did not intend to do that. Mayor Pro Tempore Larsen asked about the restrictive covenants. Mr. Peterson said Diane Hall's subdivision had restrictive covenants and had asked that they adopt the same ones. Mr. Peterson's subdivision does not have restrictive covenants. Mayor Pro Tempore Larsen asked how, in the future, they would rectify the road. He was concerned with how the road would be built beyond lot three seeing that it was a straight line. They had talked about the remainder parcel and the burdening of someone else with that road and they

were back to the issue of how that would take place. Councilman Jacobsen said it was a valid point and that last time they had decided that they would not deal with it right now. Councilman Hansen said he thought it was determined that with only three lots the impact did not justify the construction of the additional portion of the road. As other areas develop those portions could be developed at that time. Councilman Hansen said if Mr. Peterson were actually accessing his property from that road that it would be different. Mr. Anhder said if Mr. Daines develops first then he can develop the road accordingly and then when the Peterson remainder parcel develops they can develop the other half of the road or pay into the part the other developer has done. Councilman Jacobsen said he is willing to not have a solution at this point. Councilman Dustin said he did not see this as conflicting with what the needs of the people are. Mayor Pro Tempore Larsen noted that in the amendments from the previous preliminary approval that they required all existing structures be removed from the utility easement. The amendment had passed 3-0 and asked the Councilmen that were present for that meeting if they knew it had been done. Councilman Jacobsen asked Mr. Peterson if he had done that. Mr. Peterson said he had not but that he could move it easily and would move it. Councilman Jacobsen asked Mr. Peterson if the remainder parcel was divisible. Mr. Peterson said it was. He said it is 1.5 acres. Mayor Pro Tempore Larsen pointed out some inconsistencies with zoning maps and said they needed to address the zoning map and decide what they truly want to have in the city.

Councilman Mickelson made a motion to give preliminary approval to Brook Hollow Subdivision. Councilman Hansen seconded the motion. The motion passed 4-1 with Councilman Mickelson, Councilman Hansen, Councilman Dustin, and Councilman Jacobsen in favor. Mayor Pro Tempore Larsen was opposed.

Councilman Mickelson made a motion to give final approval for Brooke Hollow subdivision. Councilman Jacobsen seconded the motion. Mayor Pro Tempore Larsen said he was really concerned about the road and said they need to figure out what they are going to do, especially for situations like this in the future. He said he would hate to burden future councils with their indecision. The motion passed 4-1 with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Dustin in favor. Mayor Pro Tempore Larsen was opposed.

### **6:30—Public Hearing to receive comments concerning proposed amendments to the 2009-2010 Nibley City budget.**

Mayor Pro Tempore Larsen opened the public hearing at 6:32 p.m. Councilman Jacobsen asked that a summary of the budget be presented to the public.

Mr. Anhder they are expecting some surplus revenue from sales tax, vehicle tax, building permits, class-C road funds, and restaurant taxes (\$7,000-\$35,000 in each of those categories) equaling a total surplus to the general revenue of \$134,000. They propose spending that to demolish the old Gardner home and start a tree farm. They currently have a tree farm along the highway and are proposing to move the farm to land on 3200 south. They would like to buy a trailer mounted compressor as well as an in-place compressor for the shop. The largest appropriation is to purchase the property from Tim

Gibbons along 800 W. for \$60,000. Mr. Anhder anticipates getting the bulk of that amount back when they sell the second building lot. Mr. Anhder said the amended budget starts the process of putting money aside to buy the right-of-way from the railroad. It puts \$80,000 aside to buy the right-of-way and start building shops. Mr. Saunders has a good plan to build the shops in stages. The city is continuing negotiations to purchase the right-of-way from the railroad and get the best deal possible for that land. Mr. Anhder said he wanted to improve the capital improvement budget with the surplus from the water budget.

Mr. Anhder said they had devised a formula to split up the costs for shared expenses: 35% general fund, 30% water fund, 30% sewer funds, and 5% from the storm water fund. Councilman Jacobsen asked if they adopt the budget amendment, specifically the \$80,000 for the purchase of the right-of-way from the railroad, if that constituted approval to buy the property. Mr. Anhder said that would depend on guidance from the Council. It will only be purchased with approval by the Council.

Mayor Pro Tempore Larsen asked for comments from the public present and gave them instruction. Seeing no public comment, Mayor Pro Tempore Larsen closed the public hearing at 6:40.

**Consideration of Resolution 10-02—Adjustments to the Nibley City Budget for the current fiscal year 2009-2010.**

Mayor Pro Tempore Larsen read resolution 10-02—Adjustments to the Nibley City Budget for the fiscal year 2009-2010 and asked for discussion.

Councilman Hansen made a motion to approve resolution 10-02. Councilman Jacobsen seconded the motion. Councilman Dustin asked for explanation of the Gibbon's property purchase. Mr. Anhder said Tim Gibbons had come to them willing to sell two building lots along 800 west and 20 shares of irrigation water valued at \$170,000. He is asking for \$60,000 cash and he will show the balance as a donation to the city. Mr. Anhder said they proposed taking the corner lot and landscaping it as an extension of the park and then selling the second lot. Mayor Pro Tempore Larsen said that Councilman Hansen had suggested making the corner lot a location for a Veteran's memorial. Councilman Dustin said if it wasn't for the water shares he thought that was a high price for the land. Mayor Pro Tempore Larsen said the Council gave Mr. Anhder direction to continue negotiation.

Mayor Pro Tempore Larsen asked about the first note on the last page on the building of a shop and doing it in phases. He asked if it would cost more than \$150,000 to build the shop in phases and if they should just save up and build all at once. Mr. Saunders described the building and the phasing of the building. Councilman Mickelson asked how badly the city needed the extra property from the railroad. Mr. Saunders said the purchase of that property would give the city all the property the public works department would need for the foreseeable future. Mr. Saunders and the Council discussed the pros and cons of purchasing the property.

Mayor Pro Tempore Larsen motioned to amend the motion to adjust lines 5 and 10 to the current budget of \$4,200 and the corrections of the new budget so that they balance as well as the stipulation of the purchase of both the Gibbons property and the purchase of the railroad property be brought back before the Council. The motion was seconded by Councilman Jacobsen. The motion passed unanimously 5-0; with Mayor Pro Tempore Larsen, Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Dustin all in favor.

Mayor Pro Tempore Larsen asked for further discussion. Councilman Dustin said he did not see the necessity of the purchase of the Gibbons Property at all. He did not see the benefit to it. Councilman Hansen said they should look at the Tree City U.S.A. award. Councilman Dustin asked about line 18 and the transfer to the general fund. He asked where that transfer was coming from. Mr. Anhder said it was from the water department to cover the water department's share of the expenses.

Councilman Mickelson asked why the two lots on the Gibbons property were not developed. Mr. Saunders said it was anticipated to be developed with the entire subdivision but not finished. Mr. Anhder said he had been working with Tim Gibbons on the water rights for 5-6 years. It was 21 shares of water. Mr. Anhder valued it at \$3,500 per acre. Councilman Jacobsen said they have a mechanism to get the water shares. Mr. Anhder said the price for the whole package is a very good deal. For something that is almost revenue neutral to them. Councilman Dustin said he did not want to own those two lots. He thought that the park was big enough. Councilman Dustin said he would rather sell both lots and have a "pocket park" in some other subdivision in the city. He said they are concentrating all their parks resources in one area. He is not interested in spending an additional \$60,000 in furthering that. Councilman Dustin said it is a good fiscally for the city. Mayor Pro Tempore Larsen said the motion passed was only to move forward with negotiations.

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

### **City Manager Report**

Mr. Anhder said 176 out of 1,500 (almost 13%) accounts were paid on-line. Councilman Jacobsen asked if they ever purchased the software to reconcile the checking account. Mr. Anhder said they never appropriated the money for that.

Mr. Anhder said the mid-year league meetings were April 8<sup>th</sup> and 9<sup>th</sup> which is also spring break for Cache County schools. He asked the Council to let him know if they wanted to go.

Mr. Anhder noted the letter they received from Dell Johnson. He provided the Council with a copy of the letter with the Mayor's response. Councilman Jacobsen asked if he was charged the application fee every time he brought a new proposal. Mr. Anhder said

he hadn't been. Councilman Jacobsen said they should and might decide what he is doing.

### **Council Reports**

Councilman Mickelson asked if he had been signed up for the meeting at the Capitol next week.

Councilman Dustin noted they had gotten copy on emergency preparedness from Linda Barnes, a citizen who has volunteered to organize some citizen emergency response training. Councilman Dustin had offered her the city building on the weekends. She had also asked about help with funding (\$30/person). Councilman Dustin asked the Council to allocate \$900 in funding. Councilman Dustin said it would be good for the community and the city as an entity. Mayor Pro Tempore Larsen said his fear would be that everyone that is certified would be a concentrated group. Councilman Dustin said since everyone is a volunteer that they could not dictate who would receive the training. Councilman Jacobsen said they could limit the density. Councilman Dustin said he understood that the idea behind CERT training was that they go out into the community and take care of the entire community. It is not just a neighborhood watch. Councilman Mickelson said it teaches how to organize people and skills and keeping additional people out of harm. Mayor Pro Tempore Larsen said it should be an agenda item and he was sure Mrs. Barnes would be willing to come and address the Council. Councilman Dustin asked for the Council's support on using the City Council building on the weekends. Mr. Anhder said it would just need to be scheduled.

Mayor Pro Tempore Larsen said Mayor Knight had dinner with the Scout troop that Connor Davis was part of at the Golden Corral.

They have had their parks meeting and are planning to do an open house on February 25<sup>th</sup> from 6:00-7:30. They will have data from the survey and some proposals. There are multiple baseball and soccer fields, trails, shade parks, pavilions, etc. He asked the Council to spread the word.

Mayor Pro Tempore Larsen asked for data from the new crossing guard and if someone had been hired. Mr. Anhder said someone had been hired.

Mr. Anhder introduced William Wilson, the new student reporter from Utah State University. William is from Lake Point.

Mayor Pro Tempore Larsen made a motion to adjourn. Councilman Mickelson seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:37 p.m.