

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, January 20, 2011.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve Ordinance 11-02. Councilman Hansen seconded the motion.

Councilman Larsen motioned to amend Ordinance 11-02 to state “parcel 0302200110”, “the west five (5) acres to neighborhood commercial”. Councilman Hansen seconded the motion. The amendment passed unanimously 5-0; with Councilman Larsen, Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin all in favor.

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

Councilman Mickelson motioned to approve the site plan for the church on 130 West and 2600 South. Councilman Jacobsen seconded the motion.

Councilman Dustin motioned to amend to mitigate potential parking demand issues and improve community safety and access, add a 5 foot pedestrian access easement at rear center line of property with access through fence. Councilman Hansen seconded the motion. The amendment passed unanimously 5-0; with Councilman Dustin, Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.

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

Councilman Dustin motioned to approve staff recommendation and give staff the authorization, depending on the outcome of negotiations with Ropeletto, to accept either alternate two with Ron Foster Construction or alternate one with Willow Valley Construction for the sewer line at 400 West. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen all in favor.

Councilman Hansen motioned to approve the representatives for Nibley City for the South Corridor Study. Councilman Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Dustin, and Councilman Larsen all in favor.

Councilman Hansen motioned to approve the contract with Hyrum City for library services. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Dustin, Councilman Larsen, and Councilman Mickelson in favor.

Councilman Dustin motioned to give consent to the council assignments. Councilman Jacobsen seconded the motion. The motion passed 4-1; with Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen in favor. Councilman Larsen was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, January 20, 2011 Nibley City Council meeting to order at 6:04 p.m. Those in attendance included Mayor Gerald Knight, Councilman Shawn Dustin, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilman Scott Larsen, and Councilman Thayne Mickelson. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen.

Call to order, approval of the evening's agenda and minutes of the January 6, 2011 meeting.

Mayor Knight called for approval on the minutes and agenda. Councilman Larsen noted he had sent some corrections and revision to the minutes. Councilman Larsen made a motion to approve the revised minutes and the evening's agenda. Councilman Dustin seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Hansen, and Councilman Jacobsen all in favor.

Report of Deputy Black, Cache County Sheriff Office, Star Deputy

Sheriff Deputy Black was present at the meeting. Deputy Black said he thought things were going pretty well. He said they had taken care of their crossing guard situation; the department got really busy around 2:00 but they had made more of an effort to be on site at the school to assist the crossing guards. He said the other areas in town that they typically wrote citation at were "drying up". Mayor Knight said he had not seen officers on highway 165 in a while. Mr. Anhder said Deputy Black had been the best Star Deputy they had ever had; he checks in with the city regularly. He encouraged the Council to bring any concerns to the city and he could pass those concerns along to Deputy Black. Councilman Jacobsen referenced that they had budgeted an electric speed sign in their last budget. Mr. Anhder said that had to be cut to put sidewalks in on 3200. Deputy Black discussed the speed trailers and troubles they were having with them. Councilman Jacobsen asked if he saw that as a speed deterrent. Deputy Black said he did. Councilman Hansen made Deputy Black aware that there would be a dance hall in Nibley in the near future. Deputy Black said he would pass that along and they would keep track of that area. He said their emphasis would be to keep drunk drivers off the road. Ms. Phippen said she believed Mr. Cornia planned to have a designated driver on site to take patrons home if necessary. She said Mr. Cornia was very familiar with the Utah liquor laws.

Councilman Mickelson arrived at 6:18.

Mayor Knight thanked Deputy Black and told him to keep up the good work.

City Manager Reports

Mr. Anhder said their building permits were down a bit. They had issued 63 residential building permits this year; as compared to the mid 70s for the last three years. For their fiscal year they were at half of last year's rate.

Mr. Anhder explained he gave the Council a copy of a report they submit to the state treasurer of their city investments. He said the State pays less than .5% and they were able to get 1 and even 2.2% on money's they invest other places.

Council Reports

Mayor Knight said the Sutherland Institute and put together a ranking of the cities of the state of Utah; they received a D. They gave them a list of ten things they expected to see on their city website; budget, audit, building permits, general tax information, and organizations they belong to that lobby for them. He proposed they update their website to include those items and look into how much it would cost. Mr. Anhder said most of the items would be pretty easy to do. Councilman Larsen expressed that he would like to include information on subdivisions and their locations. He said they could develop a page that they could update each month. Mayor Knight said he would like to have a periodic review of the website so they could make improvements. Councilman Larsen said he thought they should give the website administrator as much support as they could. Councilman Larsen said paying the Nibley City bill was the most cumbersome bill he had to pay online. He believed it was the system they used that cost them so much money. Since everything is moving online then everybody wants a cut. Councilman Hansen suggested they get a design company to come in and do a presentation on the website and perhaps show what is available out there. They could give the city training on updating and maintaining the city website. Councilman Larsen said he worried about getting a sales pitch and not good information; he wanted someone who didn't have a vested interest in the city's business.

6:30—Public Hearing—to receive comments concerning the proposal to change the zone of 5 acres at 400 West on 3200 South (site of new City Hall) from Residential R-2 to Commercial

Mayor Knight said in order to have the new city hall in Nibley the land needed to be in a commercial zone. This land needed to be rezoned from R-2 to commercial in order for it to be permitted in that area.

Mayor Knight opened the public hearing at 6:39.

Barbara Wilden said this was covered thoroughly at Planning & Zoning Commission and she had no comment.

Seeing no other public comment, Mayor Knight closed the public hearing at 6:40.

Consideration of Ordinance 11-02—to change the zone of 5 acres at 400 West 3200 South

Councilman Mickelson made a motion to approve Ordinance 11-02. Councilman Hansen seconded the motion.

Councilman Larsen said when they did the land use chart, he did not know if they necessarily considered a new city hall at the time, but it did call out a government services land use. He looked back at the general plan and that they have all along touted that this was part of their future town center. On page 26 of the general plan it talked about this being their town center and a town center overlay being on 3200 South. It categorized it as being the high density residential mixed development with commercial and civic uses. The land use is an overlay of other residential land uses; the conditional use for the increased density may be required. It never talked about rezoning property from to commercial or even recommends it. He figured they would develop an overlay; at least in that area. He understood an overly to allow them to do things that are usually not permitted in that area. Councilman Larsen said this was his neighborhood and commercial was not desirable to him; he does not want it to be commercial. He thought commercial would be a greater impact on him and his neighbors. He would rather wait and look to neighborhood commercial; which restricts commercial growth. He encouraged the Council not to rezone it this way and explore it a bit. He said he had talked to a few of his neighbors and they were not happy about it being commercial either.

Councilman Mickelson asked for the Planning & Zoning Commission discussion on the issue. Ms. Phippen said this was only presented to them as commercial and that was how it was discussed. She said neighborhood commercial was allowed conditionally; they would put conditions on themselves. Ms. Phippen said the Planning & Zoning Commission did not discuss the possibility of neighborhood commercial. She said they did not foresee any problems with it being commercial because the property is all owned by the city. Councilman Mickelson said he thought Councilman Larsen brought up a good point to consider: he thought their experience with Maverick allowed them to evaluate the impact on the neighborhood and he thought they had less of an opportunity to consider those items if it was commercial. Ms. Phippen said the Planning & Zoning Commission would issue the city a conditional use permit. Councilman Mickelson said he was not concerned with the property the city was using; he was concerned with the property going east. Mr. Anhder said they had talked for quite a while on that whole area being a residential/commercial mix.

Councilman Hansen said he did not have a problem with neighborhood commercial and he did not know if they would have to re-notice this to proceed with that.

Councilman Jacobsen conceded that Councilman Larsen raised a good point. He said he was not worried about that five; it was their land and they held the power to zone it what they want; but it did give momentum to what happened to land around those five acres.

He thinks it was a matter of looking at the bigger context. He is not interested in shutting down an opportunity for economic development in the city.

Councilman Dustin said it was “sixes” to him. Councilman Larsen made valid points but at the same time when he got involved in the general plan process he understood that the city center would be a mixed use.

Mayor Knight brought up three points; he thought neighborhood commercial could be a good transitional zone; he did not think they should shut down their commercial opportunity there and neighborhood commercial was limited to 5 acres continuously and would prelude zoning anything adjacent to it neighborhood commercial but not commercial; and he thought by taking the interim step of neighborhood commercial it would mitigate some impact and direct, if not force them, to develop their city center overlay. Mayor Knight asked Mr. Anhder if based with what was on the agenda, if it was out of order to consider this as neighborhood commercial. Mr. Anhder said the absolute safe way would be to vote this consideration down and bring it back to the Planning & Zoning Commission and City Council.

Councilman Jacobsen said given that neighborhood commercial can only be a five acre continuous piece of property and given that he was interested in commercial development within their city that is done responsibly and low impact; if they did neighborhood commercial here it would likely be commercial on the piece of property if there was an opportunity for a business development and that that seemed like a bigger impact to the residents in that area. If they do this as neighborhood commercial then the next piece cannot be neighborhood commercial. He would rather the next piece be neighborhood commercial because they did not have the same control over that piece. Mayor Knight said the town center overly area was much larger than five acres.

Councilman Larsen explained that he understood that part of the purpose of neighborhood commercial was to provide a buffer between residential and other established zones; or to soften the blow. He said they did not need to rezone the entire parcel neighborhood commercial. Councilman Larsen read in the general plan that in the town center overly “neighborhood commercial is an allowed component of this land use”. In correspondence with Commissioner Bliesner it was noted that including other lands in the recommendation were never discussed; they did not consider any other options because no other options were presented to them. He said they needed a firmer development of what they want in their town center so that when issues come up they can know what they are doing and have direction.

Councilman Dustin asked for clarification on the neighborhood commercial zone wording. He said if it was a deeply held concern for a few people and it’s something that others are not worried about one way or another he did not have any problems procedurally with approving it at neighborhood commercial.

Councilman Mickelson said he felt that they should work on the overlay for future use. He said he would prefer to leave it as commercial and not split off the piece. Councilman

Jacobsen said he was hung up on zoning this neighborhood commercial because then they were done. He did not want this five acre piece of land to be the end of their opportunity to have commercial in this area. The smallest impact to the neighborhood would be to go commercial on these five acres and neighborhood commercial on everything else.

Councilman Larsen made a motion to amend Ordinance 11-02 to state “parcel 0302200110”, “the west five (5) acres to neighborhood commercial”. Councilman Hansen seconded the motion.

Councilman Jacobsen asked what they would do if a proponent came to them with a good economic development plan on another piece of property they don’t own. He would rather have the option of neighborhood commercial on the next piece where they would not have as much control. Mayor Knight asked if he thought the neighborhood commercial they were proposing now could be a buffer to the residential to the west and not adversely affect any commercial to the east because of their direction to do a town center overlay which would probably involved commercial in all 100 acres. Councilman Jacobsen said they would not get the overlay written. Mayor Knight said this could be the catalyst that would push them to get that done. Councilman Jacobsen said he did not feel they had the insight to design the overlay. Councilman Dustin said given that they can only have the five acres continually he asked if they would do five acre strips or chunks. Councilman Larsen said the only thing he saw that was continuous was in 7-A-5 which talked about frontage. He asked why the next piece couldn’t be neighborhood commercial. Councilman Jacobsen read that “each neighborhood commercial zone shall be small in area containing from 2 to 5 acres”. Councilman Larsen expressed that the unique thing about the property is the process it takes to rezone is the same for any other property; they can restrict the next property by having theirs either commercial or neighborhood commercial and they can rezone their property again. Councilman Mickelson said he thought back to when they made the zone and whether it pertained to per property or per zone. He asked if it would limit the size of a building or just the continuous use of zones. According to what he had heard and read he did not feel they limited the use of more than one continuous zone of neighborhood commercial. Councilman Jacobsen clarified that point for Councilman Mickelson.

Councilman Larsen said if they could either way they should side with him. He said he was proud of his voting record; he could speak to the times he voted with the majority and he could speak to the times when he was the only dissenting vote. He stated he was proud of how he served. He said it did not affect him when people questioned him but that it did affect some. He is not concerned how someone else perceives him. However, he was pained when people he cares about are negatively affected by what he does. Councilman Jacobsen he never thought Councilman Larsen had done anything less than what he felt was right for the city.

The amendment passed unanimously 5-0; with Councilman Larsen, Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin all in favor.

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Preliminary and Final approval of site plan for church on 130 West 2600 South

Mr. Dean Bolton, with Architectural Nexus, was present at the meeting. Mr. Bolton said they were proposing a standard meeting house on the property that was owned by Mr. Pope on 2600 South. The church had come to the point that they had standard plans for all of their buildings and they had even come to the point that they have standard site plans. He said the plans they saw were church approved plans; he noted there was less grass on the plan to use less water. Councilman Hansen asked if they had considered a rear access with the possibility of have a subdivision to the back of the property. Mr. Bolton said as a policy the church did not allow access from the rear on to their sites; it was a liability issue. Councilman Mickelson asked Mr. Bolton's opinion of a pedestrian access and if he knew the Church's opinion of pedestrian access. Ms. Phippen said the parking was in compliance with the ordinance that was on the books when the conditional use permit was issued. Ms. Phippen said she had reviewed the plan and that it met all requirements.

Councilman Larsen said part of the design standards ordinance dictated the facade and a 60/40 use of materials. Ms. Phippen said that applied to commercial and this was institutional. Ms. Phippen said she had reviewed the design guidelines and she determined that the site plan met those requirements. There were some parts in the design standards that specifically referenced commercial standards and some that referenced institutional standards; some referenced both.

Councilman Mickelson made a motion to approve the site plan for the church on 130 West and 2600 South. Councilman Jacobsen seconded the motion.

Councilman Dustin made a motion to amend to mitigate potential parking demand issues and improve community safety and access, add a 5 foot pedestrian access easement at rear center line of property with access through fence. Councilman Hansen seconded the motion.

Councilman Mickelson asked Mr. Bolton if he had any insight that would recommend or not recommend the amendment. Mr. Bolton, being the architect, said he is told to not allow access to the back side of the property by the church; he was not an attorney and did not know if there were legal issues there. Councilman Dustin defended his amendment and said the intention was to have a walk able community. Councilman Dustin asked for general consent to revise the amendment to a 5 ft. access. Seeing no objection the amendment was changed to a 5 ft. access. After reviewing the zones Councilman Dustin realized that it might be better to require the access on the side. Councilman Larsen expressed his concern that this would fall through the cracks with a future council.

The amendment passed unanimously 5-0; with Councilman Dustin, Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.

Councilman Larsen asked if they reviewed this and it did not meet the design standards if they could bring it back. It was decided that they could bring it back.

The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Dustin, Councilman Hansen, and Councilman Jacobsen all in favor.

Consideration of Nibley City Parks Master Plan

Councilman Mickelson proposed they discuss this until 9:00 and then finish other Council business then they could take what was considered and bring it back for discussion. Mayor Knight conquered and set this as a time limit.

Mayor Knight recessed the City Council meeting for five minutes at 8:13.

Ms. Phippen introduced Stephanie Zollinger, a student with USU representing the Hard News Café and covering Nibley City.

The Council meeting reconvened at 8:18.

Mr. Anhder said he had made one amendment to the plan; putting in the trails plan the soccer field in conjunction with Heritage Elementary School; the school is not donating the land; it is providing the land. He proposed putting that change on page 22.

Mayor Knight asked for the City Council's proposed changes. He reviewed changes that had already been proposed; statement on procedure for naming parks, better definition of current parks use, a more specific timeline on implementation for other parks as well; not just the sport complex, and a map showing general areas of neighborhood parks.

Councilman Dustin asked for some reconsideration of the general conclusions and more specific interpretation of the survey data and statistical analysis. He said he had started to recognize a need for the sports complex and wanted to have data to support why resources were being pooled in that direction.

Councilman Hansen noted that nowhere in the plan referenced baseball, only softball. He felt they needed to develop a trail signage plan and a trail pamphlet referencing their trails. He wanted to address passive parks; an ornamental park, perhaps behind the new city hall; a community garden; and a trail implementation, phased plan.

Councilman Larsen asked how procedure for changes to the document in the future would work. Mayor Knight was of the opinion that procedurally that it would go through the Planning & Zoning Commission, have a public hearing, and then come to City Council.

Councilman Dustin specifically he wanted them to address crossing highway 165 as a pedestrian access to have connectivity in the city and potential 89-91; plans for all the

properties; the community garden and whether that would be addressed specifically in the plan; and a prioritized capital spending plan.

Councilman Larsen said they needed to address all of the parks;

Councilman Dustin would like to see a budget allocation so that conceptually they can keep everything rolling. Councilman Mickelson said if they box themselves into doing projects it extends out the time it takes to getting things done when they could finish one and begin using that asset. Councilman Mickelson said he would like to have the concept of functionality before aesthetics. Councilman Jacobsen said it brings reality to the plan when you can see a budget.

Ms. Phippen requested specific ideas. Mayor Knight said he would sit with her and go over the parks plan.

Councilman Jacobsen wanted to try and encourage more cooperation between the city and the school district for joint use in the plan; he thought they should include the school in the list of existing facilities. Mr. Anhder said one of their goals could be to formalize that on a contractual basis. Councilman Larsen said that both schools seemed to be willing to work with them. He said he and Casey Judd intended to sit with both principals and come to an agreement.

Councilman Larsen said for the plans for each property they needed to set priorities which should include dates and goals; these could be modified and adjusted. He also wanted to have some more conceptual ideas; he wanted to address the Morgan Farm specifically with goals for what they wanted to happen at that property; he had been approached by the Stoke's Nature Center about connecting with Nibley and he would like to reference and include that in the plan; include public involvement with service days, Eagle Scout projects, beautification committees, etc.; have some ideas on designs of pocket parks; and he wanted "teeth" and direction in the trails plan.

Councilman Mickelson expressed he did not want to close the door on an idea of a cemetery. Councilman Jacobsen said he did not want to have a cemetery in Nibley. Councilman Mickelson noted that the survey had addressed that almost 40% saw that as an issue they were somewhat interested in. Councilman Jacobsen said that left 60% that were not interested. Councilman Larsen said they could at least reference the cemetery they have.

Approval of bid for sewer line at 400 West

Mr. Anhder gave the Council a list of bids and alternatives; alternative one was back filling the trench with compacted gravel and alternative two was back filling the trench with the native material. Mr. Anhder said they reason they had both alternatives considered was because of an open negotiation on the Ropeletto property and the easement. Mr. Anhder said he was asking for approval for either alternative; alternate one with Willow Valley Construction of 43,214 with gravel or 34,908 with native materials.

Councilman Hansen said he thought they should take Willow Valley because they won either way. Mr. Anhder said then they would have to be able to justify why they did not take the lowest bid. Councilman Hansen said it would mean they took the lowest bid on alternate one. Mr. Anhder said if they did the gravel base then they would take Willow Valley and if they don't then they would go with Ron Foster. Councilman Dustin discussed if this was bid lump sum or per lineal foot.

Councilman Dustin made a motion to approve staff recommendation and give staff the authorization, depending on the outcome of negotiations with Ropeletto, to accept either alternate two with Ron Foster Construction or alternate one with Willow Valley Construction for the sewer line at 400 West. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilman Larsen all in favor.

Approval of Nibley City representatives for the South Corridor Study

Mayor Knight proposed that Ms. Phippen, Councilman Larry Jacobsen, and himself Mayor Gerald Knight to be the representative from Nibley for the South 89-91 Corridor Study.

Councilman Hansen made a motion to approve the representatives for Nibley City for the South Corridor Study. Councilman Mickelson seconded the motion.

Councilman Larsen brought an email to the Council's attention from Corlyss Drinkard and Barbara Wilden which admonished that the Council to look out for the best interest of their city and represent them well.

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

Approval of contract with Hyrum City for library services

Mr. Anhder said the old contract goes back to 1980. The contract basically had not changed. The fee was \$30/per user family/per year.

Councilman Hansen made a motion to approve the contract with Hyrum City for library services. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Dustin, Councilman Larsen, and Councilman Mickelson in favor.

Discussion of assignments for Council Members

Mayor Knight discussed his goals from last year which would be continued into 2011: Adopt a Park and Trails Master Plan; Organize a beautification committee, approve an updated planned unit development ordinance; develop an emergency preparedness plan; improve Nibley's communication with residence; update road master plan; update the Public Works Master Plan; create an economic development plan; update the light ordinance; create a City Center Plan with an accompanying ordinance.

Councilman Larsen read these as Mayor Knight's goals and he was setting staff and resources in this direction to meet his goals. He thought others thoughts did not get any focus or priority because they did not come from him. Mayor Knight said he had asked for Council input in the past; he had not done that this year but thought it was appropriate that the Council, when they saw a need, to pursue it.

Councilman Larsen was assigned Mayor Pro-Tempore and Community Embodiment (pageants, fair booth, floats, & special districts).

Councilman Jacobsen was assigned Economic Plan liaison and General Plan (South 89/91 Corridor Committee).

Councilman Mickelson was assigned Public Utilities Plan liaison and Community Embodiment (volunteers-preserving farming heritage).

Councilman Hansen was assigned General Plan liaison and Community Embodiment (City celebrations).

Councilman Dustin was assigned Travel Plan liaison; Public Safety Plan liaison; and Public Utilities Plan liaison.

Mayor Knight was assigned Public Relations liaison; Parks, Trails, and Recreation Plan liaison; and Community Embodiment (volunteers, beautification and historic preservation committee, and library).

Councilman Larsen said when he said he didn't want to do Heritage Day was because 1- he had done it and, 2-he did not plan on running again and thought someone else needed to learn it. He was a little disappointed that the Mayor had chosen not to give that assignment to a Council Member; he thought they should have a Heritage Days liaison. Councilman Mickelson said he had suggested giving each Council member a portion of Heritage Days. Mayor Knight said he chose to address this and he felt it was too much on for one Councilman to take on. They hired a recreation director and had discussed extending his scope of work and pay; he felt it may be time to hire someone for that responsibility.

Councilman Dustin made a motion to give consent to the council assignments. Councilman Jacobsen seconded the motion. The motion passed 4-1; with Councilman Dustin, Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen in favor. Councilman Larsen was opposed.

Council Reports

Councilman Larsen asked for clarification on the Legends Billiards Hall that was approved at the Planning & Zoning Commission. He asked if it came in as a billiards hall and how they could put conditions on a permitted use. He asked how they would deal with a dual use business license.

Councilman Larsen noted that last time he wanted to have a meeting schedule published and noted that it had not been done. It was decided that it would be included on the next agenda.

Councilman Larsen had discussed, with persons he felt appropriate, sensitive land issues. He read from the general plan (page 30, Objective 9). He asked if the Council felt they needed to do something with the site they were using to build the new city hall and specifically the spring on the property. He noted that this was one of his specific goals. He wanted to study that issue a little bit so they did what was best for them, the citizens, and the site.

Councilman Larsen said a citizen contacted him about the lights at the new school and the law ordinances; the lights lit up the whole area. Mayor Knight suggested they could talk to the school.

Councilman Larsen also brought up communications he had with Commissioner Aaron Bliesner; he contacted Dave Church, legal counsel, and got the following reply: "There was neither a limitation nor requirement regarding personal communication between the individual Council members and Commissioners. The misconception on these types of issues all comes out of the laudable efforts to avoid violation of the open meetings law and the protection of the rights of due process of applicants for permits. Sometimes we go overboard in trying to avoid mistakes." Councilman Larsen said he understood this to mean that they could communicate with the Planning & Zoning Commission members. Mr. Anhder expressed that he thought it was highly inappropriate to communicate with them before a decision is made. Councilman Jacobsen said sometimes discussion between the two bodies start and end defensively and while he agreed with Dave Church, he had also expressed the risk and that the City Council wanted to have an autonomous, independent, thinking body in the Planning & Zoning Commission. They appointed them and they should let them do their job.

Councilman Jacobsen said Becky (Yeager) treated her job very professionally and welcomed any ideas. He said they needed to compartmentalize his job as a Council member and her job as Web Master and newsletter. Mayor Knight said he believed she did a tremendous job and hesitated to bring any negativity up. Councilman Jacobsen said some if the issues may be IT issues that were beyond her capability.

Councilman Hansen said the issues on the website came down to having a whole new look and feel for him. He would like to brainstorm ideas and perhaps get some different graphics or photographs.

Councilman Mickelson asked with the recent snow buildup about materials if sandbags where needed. He said they did have a situation this year where that may be an issue and they will be needed.

The meeting was adjourned at 10:17 p.m.