

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, February 3, 2011.

The following actions were made during the meeting:

**Councilman Jacobsen motioned to approve Resolution 11-02 amending the budget for fiscal year 2010-2011. Councilman Mickelson seconded the motion. The motion tied 2-2; with Councilman Jacobsen and Councilman Mickelson in favor. Councilman Dustin and Councilman Larsen were opposed. Mayor Knight voted in the affirmative and broke the tie 3-2.**

**Councilman Larsen motioned to approve Resolution 11-03. Councilman Dustin seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Mickelson, and Councilman Jacobsen all in favor.**

**Councilman Dustin motioned to approve the maintenance plan for Maple View Estates with the following changes: 1) strike references to maintenance funding via impact fees; 2) page 5 B.2. the conservation easement is to be held by the city; 3) page 5 D. & E. strike the last sentences regarding pavilions; 4) page 5 G. strike references to a neighborhood association; 5) and accessory building size question as follows; accessory building size calculation shall be based on the building lot not the building lots plus the conservation lot; sizes shall be determined per existing Nibley City code requirements and the references to those requirements shall be added. Councilman Mickelson seconded the motion**

**Councilman Larsen motioned to amend that it be noted that the sidewalk would be place by the developer. Councilman Mickelson seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Mickelson, Councilman Dustin, and Councilman Jacobsen in favor.**

**The amended motion passed 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.**

**Councilman Mickelson motioned to approve the final plat for Maple View Estates Conservation Subdivision phase 1 at 2600 South and 1200 West. Councilman Jacobsen seconded the motion. The motion passed 3-1; with Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin all in favor. Councilman Larsen was opposed.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, February 3, 2011 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Shawn Dustin, Councilman Larry Jacobsen, Councilman Scott Larsen, and Councilman

Thayne Mickelson. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen. Councilman Bryan Hansen was excused from the meeting.

**Call to order, approval of the evening's agenda and minutes of the January 20, 2011 meeting.**

Mayor Knight called for approval of the minutes and the evening's agenda. Councilman Jacobsen made a motion to approve the minutes from January 20<sup>st</sup> and the evening's agenda. Councilman Dustin seconded the motion. The motion passed 3-0; with Councilman Jacobsen, Councilman Dustin, and Councilman Larsen in favor.

**Council Reports**

Mayor Knight introduced representatives from the Nibley Youth Council. Mrs. Trudy Knight, Youth Council Advisor was present with Jaycee Lynn Stucky, Secretary and Crystal Winward, Mayor Pro Tempore. Miss. Winward said they recently helped with the live nativity; they raised \$800 and helped unload food. They also helped with the Santa Workshop in December. Miss Stucky said they also participated with the Day with the Legislature in Salt Lake. Mrs. Trudy Knight was also present at the meeting. She said they had 35 on the Youth Council and 14 went to the Day with the Legislature. Miss Winward said their next activity would be going to Utah State University for leadership training. Mrs. Knight said they had to be on the Council for one full year with shown attendance and activation before they could participate in that. Councilman Dustin asked what more they could do to help with the live Nativity. Miss Winward thought it went really well. The Council thanked the Youth Council present for their participation. Corlyss Drinkard suggested a member of the Youth Council be present at each City Council meeting. Mrs. Knight said they had representatives that were required to attend one quarterly. Mr. Anhder asked how many 18 year olds were registered to vote and encouraged them to do so. He said they could be voting for three new City Council members next year. Mrs. Knight said they were a great bunch of kids and she appreciated being able to work with them.

Mayor Knight noted that a legislative update was being held in the Cache County Council multi-purpose room every Saturday at 7:30 A.M.

Mayor Knight said the Tree Board met on Tuesday and elected officers and were in the process of putting together bylaws and ordinance directed plans for trees in public areas; once approved by the Council this will be the official, comprehensive tree plan for the city. They are also looking at doing an Arbor Day celebration in April. Then they will work on Nibley heritage trees. Mayor Knight asked them to look at streetscape ordinance regulation and 3200 South beautification. Councilman Jacobsen recommended the tree board look to a web site called Rip Your Strip which gave suggestions on plants that work well on park strips while minimizing turf grasses. Mayor Knight said those meetings will be noticed and will be held the first Tuesday at 6:30 P.M., monthly.

**City Manager Report**

Mr. Anhder said the water tank had been filled and tested and did not leak; it seeped.

Mr. Anhder said they chose the lower of the two sewer contracts that were discussed at the last meeting; they will start work on that next week.

Mr. Anhder said Hall Peterson they have had at least two comments on his property and the condition it is in. They will start talks with Mr. Peterson to see if he will do something on a friendly basis. Mr. Anhder said they would like to avoid having it declared a nuisance. Councilman Larsen offered help from his Boy Scouts who needed service hours.

Mr. Anhder said they have the final bid for the New City Hall; it came in at a little over \$1.190 million for construction. He thought they were ready to sign a contract.

### **Council Reports**

Councilman Larsen said he was contacted by Malia Roundy and she said they would not be able to do the pageant this year; leaving no one to do the pageant this year. Raquel Fuller, the mother of the reigning Miss Nibley also called and said she would be able to help but could not be in charge.

Councilman Jacobsen said regarding scoring they received on their website; he believed a lot of those items had been improved but it could be even better and he wondered if they should take a more active role in making it even better.

Councilman Mickelson arrived at 6:27.

### **6:30—Public Hearing—to receive comments concerning a proposal to amend the current fiscal year budgets**

Mr. Anhder said the recommendations were in the general fund appropriating their surplus \$350,000 to the general funds contribution to the new city hall. It also anticipates an additional \$20,500 in sales tax and an additional \$4,000 additional miscellaneous revenue. The expenditure accounts they increase by \$10,000; in the street supplies and maintenance they had spend all their money on crack sealing last year so they were adding \$10,000 there to cover the balance of the fiscal year. Previously the Public Works Director recommended an overlay on the west part of town which was approved by the Council but came in \$12,000 higher than expected; it was measured wrong. \$12,000 was being moved to cover that. Some of last years' Heritage Days expenses got put into this years' budget so the \$2,500 does not increase their budget it only makes them whole. The municipal building authority budget shows the bonded money, and transfer from the general fund, water fund, and sewer fund totaling \$1,400,000 for the construction of the new city building.

The water fund had budgeted \$250,000 to go towards the reservoir and as bids came in they did not need that. It was suggested they use \$100,000 for the contribution to the municipal building authority and \$70,000 to pay off an outstanding water bond. In the 6-7 months of the fiscal year they have paid off 3 of the city's bonds; two of which were the water department. He recommended they do a periodic prepayment and pay off bonds as

funds allow; this budget will pay off the 2002 water revenue bond. By paying this off the annual cash flow increase is higher than paying off some of the older bonds.

Mayor Knight opened the public hearing at 6:36.

Judge Jack Stevens asked about the asphalt overly. He said a couple of years ago there was a shortage on asphalt and asked why. Mayor Knight said it was because a shortage of diesel. Judge Stevens asked if they anticipated that happening again with the situation in the east and if that had been taken into consideration and allowed in the budget. Mr. Anhder said they were watching it like everyone else. Mr. Anhder said they had embarked on an annual road maintenance program and had budgeted approximately \$70,000/year to systematically go throughout the city and chip and seal; it was fairly economical and increased the life of the road.

Seeing no other public comment Mayor Knight closed the public hearing at 6:39.

**Consideration of Resolution 11-02—amending the budgets for fiscal year 2011**

Councilman Jacobsen made a motion to approve Resolution 11-02 amending the budget for fiscal year 2010-2011. Councilman Mickelson seconded the motion.

Councilman Larsen asked if their tents were charged to Heritage Days or to Recreation. Mr. Anhder recalled they had been charged to Recreation but noted that would not affect this year. Councilman Mickelson asked what kind of interest rates they were getting on their accounts. Mr. Anhder said .5 to 1.5%.

The motion tied 2-2; with Councilman Jacobsen and Councilman Mickelson in favor. Councilman Dustin and Councilman Larsen were opposed. Mayor Knight voted in the affirmative and broke the tie 3-2.

**Consideration of Resolution 11-03—setting City Council meeting times for 2011**

Councilman Larsen made a motion to approve Resolution 11-03. Councilman Dustin seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Mickelson, and Councilman Jacobsen all in favor.

**Final plat approval for Maple View Estates Conservation Subdivision phase one (26 lots) 2600 South and 1200 West**

Councilman Larsen said the maintenance plan agreement referenced using collected park impact fees at the discretion of the city to pay for the maintenance which was illegal. Councilman Larsen referenced the sections where this appeared. Mayor Knight noted the layout and formatting of the agreement also needed to be adjusted.

Councilman Larsen said according to their ordinance (10-18-2-c) there needed to be a conservation easement on those lots held by the city. Mr. Anhder said some of that would appear on the plat; this first phase didn't have any conservation areas in it. Councilman Larsen said in his opinion it needed to be in there. Mr. Anhder said the vehicle that accomplished that was on the final plat when it was recorded.

Kim Datwyler, with Neighborhood Non-Profit Housing Corporation (NNHC), arrived at 6:47.

Councilman Larsen said the conservancy lots allowed buildings that were “agricultural in nature” and he needed specifics on what agricultural in nature meant. He did not feel they should allow any buildings on the conservation lots. Councilman Mickelson said if they were going to have animals on those lots then animals needed shelter. Councilman Larsen said these area where only supposed to be meant for pasture. Councilman Larsen said it is not a requirement for animals to be housed. Mayor Knight said he thought they should include some sort of footprint restriction. Councilman Larsen said the footprint where the house was is big enough to have their accessory building. Councilman Dustin suggested they limit the size of the accessory building by the building lot size and not the total conservation lot size but the building could be built on the conservation area. Councilman Jacobsen said the question for him was weather a small agricultural building detracted from the conservancy space and he did not feel it did. Councilman Mickelson said he didn’t either; he believed if they provided open spaces for that purpose they needed to facilitate the practical use for that space. Ms. Phippen said their conservation subdivision ordinance listed agriculture buildings as a conditional use on the conservation land so they can have them anyways. Councilman Larsen wanted the reference for conservation accessory buildings included in the maintenance plan.

Councilman Larsen said on page 4 and 5 he wanted it referenced who owned and maintained the conservation areas. He could not find who in the document, would put the sidewalk in and wanted that reference added. Under “Ownership and Use”, he had a hard time figuring out what the three legged stool was that they said they had to have to have a conservation subdivision; he saw reference to the owner and the city but could not find the third leg. On properties that the city owned there were only two legs. Councilman Jacobsen said the third leg was the public. Councilman Larsen said in that case the city owns and maintains and the public makes the third leg. Councilman Jacobsen remembered the three legged stool discussion on the context of private ownership; they had the owner, the city, and the public. Councilman Larsen proposed that the three legged stool needed to be in place for areas 3, 4, and 5. Councilman Dustin, Councilman Mickelson, and Councilman Jacobsen expressed that they thought Nibley City ought to hold the development rights to those conservancy parcels. Councilman Larsen proposed in 5 D & E that they strike pavilion; he did not know why they would build a pavilion on conservation land or why they would restrict themselves to only pavilions. The Council agreed with that proposal.

Councilman Larsen referenced a secondary irrigation system in the maintenance plan and if NNHC had contacted the irrigation company about these. Ms. Phippen said that had been abandoned a while ago. Mrs. Datwyler said they had not approached the irrigation company. Mr. Anhder suggested the following wording be included; “the conservancy lots will be provided irrigation to each lot from the canal company for irrigation purposes”. Councilman Larsen discussed the lack of a proposed use for areas 4 and 5 and asked why they had included the approximate hours for maintenance. Ms. Phippen said the ordinance plan said they had to address it. Mrs. Datwyler and Mr. Anhder both stated

they did now know what would go in those areas at this time. Mr. Anhder said this agreement left the maintenance to the discretion of the city.

Councilman Dustin referenced section C3 which excluded boats, RV's, and snowmobiles. He suggested they modify it to say nothing including boats, RV's, etc. so at least they had some leverage and could limit construction equipment. Mr. Anhder suggested they use inclusive wording that said "no items including but not limited to the following . . .". Councilman Dustin proposed a change in wording on conservation area 2 (C-9) from "good" to "capitalized best management practices (BMP)" Councilman Mickelson said it was a generally used term and had some understanding with it. Councilman Jacobsen asked if there was a standard associated with it; there was documented standard for agriculture. Mayor Knight did not know if they could be that specific without referencing the documentation, which may not exist. Councilman Mickelson said it wouldn't provide the teeth. Councilman Dustin referenced page 5 item G which noted a neighborhood association and asked the proponent if there would be a neighborhood association. Mrs. Datwyler said there would not. There would be CCNR's and an architectural review committee.

Councilman Dustin made a motion to approve the maintenance plan for Maple View Estates with the following changes: 1) strike references to maintenance funding via impact fees; 2) page 5 B.2. the conservation easement is to be held by the city; 3) page 5 D. & E. strike the last sentences regarding pavilions; 4) page 5 G. strike references to a neighborhood association; 5) and accessory building size question as follows; accessory building size calculation shall be based on the building lot not the building lots plus the conservation lot; sizes shall be determined per existing Nibley City code requirements and the references to those requirements shall be added. Councilman Mickelson seconded the motion

Councilman Larsen made a motion to amend that it be noted that the sidewalk would be place by the developer. Councilman Mickelson seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Mickelson, Councilman Dustin, and Councilman Jacobsen in favor.

The amended motion passed 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.

Councilman Mickelson made a motion to approve the final plat for Maple View Estates Conservation Subdivision phase 1 at 2600 South and 1200 West. Councilman Jacobsen seconded the motion.

Councilman Larsen said that at preliminary approved they granted the applicant a waiver and he understood by their ordinance, that they should receive something in return for granting the waiver. He wanted to know what they had received when they granted that waiver. The Council discussed the waiver that was given and what the applicant gave them in return.

Councilman Mickelson made a call for question. Councilman Mickelson, Councilman Dustin, and Councilman Jacobsen were in favor. Councilman Larsen was opposed.

The motion passed 3-1; with Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin all in favor. Councilman Larsen was opposed.

### **Discussion and approval of Nibley Parks and Trails Master Plan**

Mayor Knight put a time limit of an hour and a half on the discussion. Councilman Jacobsen said he understood that they had given direction to staff. Ms. Phippen said she had been out of town for a week and wanted to review the direction given to her by the Council.

The meeting was recessed at 8:04. The meeting reconvened at 8:09.

Mr. Anhder said the request was made as part of the review of the Parks General Plan to make a list of the current city properties and the plans for those properties including financing them; some was new recommendation and some was recollection. Mr. Anhder distributed and reviewed that list with the Council.

Mayor Knight asked whether they included this list in the Parks Plan as an addendum or made a reference to it. Mr. Anhder thought some form of this needed to be included in the plan. Mayor Knight asked if the Council was alright with the list. Councilman Dustin said he liked it in concept and appreciated the effort that staff had put into it; he said he supported including it. Councilman Larsen said when he calculated this up it and came to approximately \$505,000 and noted that Mr. Anhder thought they were 75% there and he questioned if they could actually do these things and if it was realistic. He expressed that some of his priorities were not the same; in part from his experience with parks and recreation and with the people over parks and recreation. He thought they should look at the list and come back with recommendations and priorities. Mayor Knight directed the Council to come back in two weeks with those directions.

Councilman Dustin said he wanted to see the following items and changes; 1) the detailed costs for the plans, 2) the opportunity to weigh in and verify the prioritization before it became final, and 3) there were no facility summaries for 3, 5, 7, 13, 14, 17, 18 in the plan; they needed to be developed and included. Councilman Dustin suggested coming with a scoring criteria in order to prioritize the projects. Mr. Anhder believed scoring was too subjective. Councilman Jacobsen said he was not putting such a hard line on the list that it was encumbering any future council from going ahead; it was not marching orders. Councilman Mickelson said the funding that comes with these are sometimes very specific to a project and they needed to look to these sources as a guideline; the funding mechanisms varied. Councilman Larsen said when they set priorities it helped them to not bounce around from project to project and therefore a disservice to the public. Councilman Larsen said he would like to see them do a Veterans Memorial and suggested a couple of sites; the old reservoir site or the corner park at Heritage Park. He thought they could get public funding from the citizens so it wouldn't only come from the city. Councilman Dustin said he would support something like that and having it in the

Master Plan but felt they needed the community support behind it; it needed to be driven by the community.

Ms. Phippen distributed a list to the Council of the items they had directed staff to address in the Parks Master Plan.

Parks Plan Updates:

1. Cemetery
2. Trail Signage Plan
3. Trail/Park Pamphlet
4. Address Passive Park Uses
5. Phase Trail Implementation
6. Include Crossing Hwy 165 & Hwy 89/91 as part of the Trail System
7. Financing/CIIP Plan
8. Plans for Existing Parks
9. School District Cooperation
10. Address Public Involvement (volunteerism, Eagle Scout Projects)
11. Locate/Design Pocket Parks
12. Create Procedure for Naming Parks

Mr. Anhder distributed a phased concept and development plan for a regional park. He said this was a very forward thinking concept but was also a 5 million + project. They needed to buy the land (40 acres) and develop the land. Mr. Anhder went through the financial opportunities available to develop the regional park. Mr. Anhder proposed they build homes to the west and north of the regional park because it would raise 1 million dollars and he believed parks with home fronting them were much more desirable; they left an open space feel and it was free parking. Mr. Anhder said one dilemma they had was raising the front end money; they needed to purchase the land as it become available and when it was at a good price. In the interest of full disclosure, Mr. Anhder said he owned twenty acres in a prime area. The other property owners were the Heidts' and Niederhausers'. Mr. Anhder proposed they bond for approximately \$1 million using their park impact fees for repayment and on a fairly tight repayment schedule. Councilman Jacobsen said the proposal was pretty bold. Councilman Mickelson said his concern with a park that big was if they will get as much value out of a park that big as opposed to three smaller parks. Councilman Dustin said it seemed wrong to drive to a place that you recreate. The Council discussed the city owned property on Hollow Road. Councilman Larsen said he was willing to take that battle on; he thought they should keep that property and develop it as a park.

**Council Reports (cont'd)**

Councilman Dustin said he was giving a presentation on what they do at EDL and how it relates to infrastructure Thursday at 12:00 P.M. at the Bluebird and invited the Council to attend if they were interested.

The meeting was adjourned at 9:29 p.m.