

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, March 4, 2010.

The following actions were made during the meeting:

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, March 4, 2010 Nibley City Council meeting to order at 6:05 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, Shari Phippen, City Planner, and Nancee Jabbs, Court Clerk. Councilman Shaun Dustin was excused from the meeting.

Approval of the evening's agenda and minutes of the February 18, 2010 meeting.

Councilman Jacobsen made a motion to approve the minutes from the last meeting and the evening agenda. Councilman Hansen seconded the motion which passed unanimously; with Councilman Jacobsen, Councilman Hansen, and Councilman Larsen all in favor.

Mayor Knight recognized Jeremy Jensen with Sunrise Engineering and Michelle Bowman from the Child and Family Support Center.

Presentation from Child and Family Support Center

Mrs. Michelle Bowman was present with the Child and Family Support Center. Mrs. Bowman said she was here to talk about the center and what they do and Child Abuse Prevention Month which is in the month of April. She said it is a non-profit, private agency that was established in 1982. Their mission is to strengthen families and support children. The services they provided are: 24 hour crisis respite nursery, a school based sexual abuse prevention program called "Good touch, bad touch", a 24 hour crisis hotline, 24 hour referral system, parent advocate programs, therapy for victims of abuse, women's classes and therapeutic classes, parenting classes, step family classes, anger management and a child abuse shelter. She asked if Nibley City would be willing to support their effort and support their proclamation. Mrs. Bowman showed the Council a short media presentation.

Proclamation for Child Abuse Prevention Month— Mayor Knight

Mayor Knight signed the proclamation proclaiming April 2010 as Child Abuse Prevention Month and supporting child abuse prevention efforts and education. The proclamation encouraged all citizens to actively help protect children and work to create strong families within the community.

Councilman Larsen asked about a new program that was not offered last year. Mrs. Bowman said it was called the Healthy Families America and it is a program for first families. The child must be younger than 2 months old. The center helps build parent/child relationships for those who are like to have problems in the home. It is a home-based, weekly program. They have various referrals from WIC, the Health Department, or medical clinics to this program. Mayor Knight thanked Mrs. Bowman for her presentation.

Report from Nibley Justice Court from Nancee Jabbs, Court Clerk

Mrs. Nancee Jabbs, Court Clerk, was present at the meeting. She distributed a short summary to the Council that gave numbers of violations, money collected from violations, and averages for both violations and money collected per month. Mrs. Jabbs also had an extended report that listed each violation and why it was issued, etc.

Councilman Mickelson arrived at 6:28.

Mr. Anhder said the intent of this was to show what the court did in a year. They do a lot of work for the state of Utah. Mrs. Jabbs said 85% of money collected from the most serious violations goes to the state. Mrs. Jabbs said 35% of moving violations money goes to the state. Mr. Anhder said they have had to change the software they use as mandated by the state courts. Mr. Anhder said Nancee was very efficient with that software. Mrs. Jabbs said they are not a revenue generating entity. Councilman Hansen asked what they do with the funds. Mr. Anhder said it goes into their general fund. Their court costs them \$50,000/year in their budget. Mrs. Jabbs said the bailiff they have now for court actually works in the jail and when he is recognized the offenders behave. Councilman Jacobsen said he was not aware they dealt with serious issues such as driving under the influence, domestic violence or assault. Mrs. Jabbs said they do not deal with felonies but they do class B and C misdemeanors; they do not do class A misdemeanors. Mrs. Jabbs said she did not include any notifications for small claims court in her summary. They deal with very few of those each year. Councilman Jacobsen asked if anything they had done as a council reflected in the citations; such as selling beer on Sunday. Mrs. Jabbs said she had not noticed a difference but had noticed a difference when 3200 was under construction. Councilman Jacobsen asked the Court for advice to the Council on what they could do to have these numbers go down or make the city a safer place. Mrs. Jabbs said city staff had done a good job of educating Nibley citizens. Councilman Jacobsen said he was impressed with how professionally the court was run. Mayor Knight said he had been told by numerous people how well Judge Stevens ran his court.

Mr. Anhder said the state legislature had made changes to city courts; appointment of the judge, the revenue sharing, the requirement of all using the same software, and the salary that is paid to the judge is determined by state law now. Mr. Anhder said many municipalities do not have the experience or training that they enjoy with their justice's. The city's like justice court. They like having it in the city, near the people.

Mrs. Jabbs said they had their first citation for texting while driving. The first offence for texting is \$310. The second offence for texting while driving is \$595.

Mayor Knight noted there was a follow up to the County sponsored Safe Driving, Safe Roads on March 25, 2010. There will be four workshops that are an hour long. It will be held at the county court house and was being sponsored by the County Attorney.

Discussion about possible emergency water hook up with Hyrum City

Mr. Anhder said in 2005 they had a general water plan for Nibley's water lease. There were four main components that came with that plan; 1) the new well (250 West—Nelson well), 2) the new reservoir—they have designed it and it is almost ready to go to bid, 3) a new water line to supply the city from the reservoirs (an 18 in water line), 4) buying from developers who have extra capacity from their developments. One of the conditions of new annexation is that they will pay for any cost of upsizing water lines that is necessary. That is one of the few times they can legally require that. Because of that, at least three other cities in Cache County have included that condition as well.

Mr. Anhder described where the current water line is placed to the Council. At one point they are within 12,000 ft. of Hyrum's water distribution system. In informal discussions with Hyrum they discussed the possibility of hooking up to Hyrum. Mr. Anhder said he wanted to discuss valveing an area and possibly running a line to hook up to Hyrum. Right now they have capacity to produce enough water for 18,000 homes; they have 14,050 utility bills going out now. Last year they built 88 homes and at that rate they have 4-4.5 years before they max out. Mr. Anhder said they anticipated a new well in the west side of town (12th west). They have started the process for that well. The last well took over 4 years and \$50,000 to get approval. They have set a goal to start drilling the new well in 18-20 months which is an ambitious goal.

Mr. Anhder said to hook them up to Hyrum City would be approximately \$100,000 to \$125,000 as estimated by the city engineer. The question for consideration is the connection with Hyrum. In the summertime, on peak demand days Nibley is using 2.5 million gallons of water/day. The city's generation is 2.8 million from the Nelson well and 1.8 million from the 4000 S. well. If they lost the Nelson well for any reason they would be short of water. Nibley would more than double their reservoir capacity if they connect to the Hyrum line.

Mr. Anhder said they are within 25% of their water right. They have to figure in leeway for state requirements. They have to have excess capacity built into their system by state requirements. In an emergency they could use their excess capacity. Councilman Larsen said they are not saying they want to pipe into Hyrum and start using their water. Mr. Anhder said he felt it might be more economical to buy water from Hyrum and put off drilling a new well. Mr. Anhder said his thinking had since evolved that they should drill the well and rely on Hyrum in an emergency. Councilman Jacobsen said the connection with Hyrum mitigated a threat. Mr. Anhder said he is lukewarm in his support of connecting to Hyrum. He wanted to bring it to the Council for their input and

consideration. Bill Saunders said they do have a 450,000 watt generator that can backup their wells but at this point he is more concerned with an earthquake threat.

Councilman Larsen said he is also concerned with earthquakes because of the soil they are in. He likes the fact they will be drilling to the west. Councilman Larsen asked what their consumption was without water for lawns and other outdoor use. Bill Saunders said they use 600,000 gal./day right now. Councilman Larsen said there are other ways to deal with water in an emergency; they should conserve more. Councilman Larsen said he worried about tying in to all the other systems. Terrorist are not as likely to hit every little thing. Councilman Hansen asked about funding. Mr. Anhder said hopefully it would be funded with the reservoir. When they get bids for the reservoir they will bring a financial package to the Council. Mr. Anhder said bear minimum he would recommend putting the valves in now. Bill Saunders said it would cost approximately \$20,000 for the valves. Councilman Mickelson said he would like to see the valves put in now. It is better to put them in now than to have to spend more to put them in later. Councilman Mickelson directed Mr. Anhder to put the valve in and keep the other option open. Councilman Hansen and Councilman Jacobsen agreed. Councilman Jacobsen said he agreed that in an emergency situation they could easily use less than 2.5 million gallon of water/day. Councilman Mickelson said he recommended they come back with the hookup later.

Mayor Knight said this becomes an insurance thing—it is capacity that is pretty cheap. Councilman Jacobsen said he did not think they should discount conservation. Councilman Larsen said they need to consider any natural disaster is going to hit Hyrum also. So they should be considering more of a mechanical failure. Jeremy Jensen said they might think of putting in an alternate bid item for that connection or itemizing the bid. If that item comes in high then they can throw that cost out.

Discussion about the idea of changing all R1A zones east of Main street to Zone R1.

Mr. Anhder said he and the Mayor had discussed if more open space could be achieved if they changed zones east of main street from R1A to R1. Mr. Anhder said that would encourage more conservation subdivisions with open space rather than many 1 acre lots. Ms. Phippen said it doesn't really matter. The amount of open space has nothing to do with the zone. It is tied to the size of the property. They might have a slight fluctuation of open space as it applies to how the roads are laid out. Already existing R1 goes down to R1A as their base zoning. The Council referred to 10-18-10 and the development incentive chart. Ms. Phippen read from 10-18-4. The development incentive charts are assuming it is newly annexed property. Councilman Mickelson asked how large the properties were in that area. Mayor Knight said there were some good sized pieces of land. Ms. Phippen said there is approximately 113 acres total down in that area. The Council's discussions lead to the conclusion that it did not matter if it was rezoned. Councilman Jacobsen asked if their ordinance was not clear; specifically in noting that it was for annexed property. Ms. Phippen said they probably needed to clarify it a little. Mayor Knight directed Ms. Phippen to come up with 3-4 example subdivisions to illustrate the ordinance.

Consideration of Resolution—setting assurances for property owner in the acquisition of waterline right of way and property

Mr. Anhder said he hoped the easements would soon be done and they could go to bid. Councilman Mickelson asked if they were concerned about the pipe that had been sitting out. Mr. Anhder said it was fine and had been tested by the engineers. Mayor Knight said Dr. Al Moser said there were absolutely zero worries. Councilman Jacobsen noted that Councilman Dustin had expressed his concern about the pipe sitting out and had asked about a guarantee from the pipe manufacturer. Bill Saunders said the manufacturer would not give a warranty. They would have to supervise the installation to give a warranty. Councilman Jacobsen said he trusted staff on this.

City Manager Report

They received a bid to reroof the building. The lowest bid was for \$7,700. That will most likely be happening in the next couple of weeks.

Mr. Anhder said they have several contractors in Nibley that are not licensed. He also noted they required those who taught piano to have a license. Mr. Anhder said they are going to start aggressively requiring business licensing. Mayor Knight said he did not think they had the intent to license piano teachers. Councilman Larsen said that left them questioning where they draw the line. Mr. Anhder said he did not feel piano teachers should be licensed but they might have a higher impact than a home office. Councilman Jacobsen asked how onerous it would be to have a piano teacher get a license every year (\$30 for the conditional use permit and \$30/year for the business license). Councilman Jacobsen suggested they could include exemptions in the ordinance. Mayor Knight recommended they include those before Mr. Anhder started getting aggressive with business licenses. He directed Mr. Anhder to come back to the Council with recommended changes.

Mr. Anhder said he included a report to the Council on how they were running on water and snowpack for interest purposes. He said they are currently running at 66%.

Council Reports

Councilman Larsen said Jennifer Hollingsworth was the chair for the Miss Nibley Pageant. Laura Frandsen is the chair for Nibley Heritage Days. He is still looking for volunteers.

Councilman Larsen noted it was the 100th year for scouting and that a service project has been slated for April 17th; they will be picking up trash. He was looking for different ideas for his scouts. His scouts pick up trash every year anyways and the kids said they felt like convicts doing that therefore, he approached Richard Eversull about working on the fence project. The kids are excited to do something that will benefit their community. Mr. Anhder said the city is planning on hauling in better top soil to make a better base for the pasture at the Morgan Farm.

Councilman Larsen said he recently saw a city flag that was flying at the city building. He wondered if they should look at getting a flag for the parade. Mr. Anhder said he would get pricing.

Councilman Larsen said he did not realize they had a variance board issue. He thought they should be informed when they had an appeal. Mr. Anhder said he would be happy to do that.

Councilman Hansen said the Easter egg hunt coincided with the Church of Jesus Christ of Latter-Day Saint's general conference. He wondered if there would be a conflict if it was rescheduled at 12:30. The Mayor and Council agreed that it could be rescheduled.

Councilman Mickelson said word had gotten back to him that the Nibley Stake emergency agent was under the impression that the city said they were just going to let the church handle emergencies and that they did not need to worry about it. Mayor Knight suggested it wasn't properly communicated. He said that is absolutely not the case. They have made a commitment to have their emergency preparedness plan updated. The city wants to have an actual drill the spring of next year. Councilman Larsen said he received an email from Linda Barnes; she voiced the same opinion. He assured her that was not the case. Mrs. Barnes said one of her concerns is that they have no bandages or supplies like that. She thought they should have them in place as well.

Mr. Anhder said the Schiess proposal for an APA (Agricultural Protection Area) went to Cache County last week and was not approved because the Peterson's were there to oppose it. Mr. Anhder said he received a copy of their agreement as a courtesy. It now appears they have an agreement between them; Peterson will not oppose the Schiess application for an APA and the Schiess' will not oppose the Peterson annexation to the city. Presumably the County Council will grant the APA to the Schiess' and Peterson, including the Schiess property will come to the city for its annexation and the Schiess property will come into the city as an APA. The public hearing is scheduled for April 1st. As neighbors, they have worked that out. The state law is clear that only the County can take the APA off—the city cannot take it off. Shawn Platt said it was their understanding that they will be given the APA and then the land will be left alone.

Mayor Knight asked the Council's thoughts on funding a John Schmit concert. Councilman Larsen said last year they did not have money for a concert. He came in and got extra money for it. Unless those funds are available there will not be a concert this year. He did not know if Heritage Days was a good time for the concert because there was so much going on during Heritage Days. He thought maybe they should have it independent of itself or have him perform at the opening of the new civic center. Mayor Knight said he brought it up for the funding issue and addressed perhaps charging for it. Councilman Mickelson said he liked it as an open house for the civic center. Mayor Knight said Casey had it tentatively scheduled. Councilman Hansen said he would like to see the John Schmidt concert and he would like it to coincide with both Heritage Days and the opening of the civic center at the school. The Council discussed where the funding would come from. Mayor Knight suggested they could do the John Schmit concert instead of fireworks this year. There was no concrete direction given.

Mayor Knight said a resolution would be brought to the next Council meeting to adopt Envision Cache Valley's goals, ideals, and strategies. He directed the Council to study them.

The meeting was adjourned at 8:56 p.m.