

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, March 18, 2010.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve the gift agreement and the purchase of property from Tim Gibbons at 2475 South 800 West. Councilman Jacobsen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Larsen in favor. Councilman Dustin was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, March 18, 2010 Nibley City Council meeting to order at 6:50 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Larry Anhder, City Manager was also in attendance.

6:00—Meet at the new Nibley School for a tour of the building and of the new Community Center.

The Nibley City Council met at the new Nibley School for a tour and returned from the tour to the city offices at 6:48.

6:30 (approximately)—Convene at City Office: Call to Order, approval of the evening's agenda and minutes of the March 4, 2010 meeting.

Councilman Mickelson made a motion to approve the last meeting's minutes and the agenda. Councilman Jacobsen seconded the motion. The motion passed 3-2 with Councilman Mickelson, Councilman Jacobsen, and Councilman Hansen in favor. Councilman Larsen and Councilman Dustin abstained from the vote.

Discussion and consideration of "Nibley" signage for median strips on 3200 South.

Mr. Anhder said at the suggestion of Councilman Hansen, they had looked for signage possibilities for the west and east ends of 3200 South. Mr. Anhder showed the Council pictures of the signs they had researched. Mr. Anhder said the city was concerned about the rock idea because of the higher speed along 3200 South. Mr. Anhder said the double posted sign would take up too much space and be a visual impairment to traffic. The cost of two signs would be approximately \$4000. Councilman Dustin asked where they planned to resolve the asymmetry of the single post. Mr. Anhder said he would hang it a little to one side and more or less center the entire sign in the median. Councilman Hansen said he liked what they were doing but did not feel the side arms fit in the median. He envisioned something a bit smaller. That was his intention. He saw the logo being on the concrete that could possibly be done in wrought iron and wouldn't be quite as visual.

Councilman Larsen said he thought they had talked about the post idea and had steered away from them. He said he had thought about encouraging his scouts to take this on as an Eagle project to better the community. He envisioned having a rock with the logo cut in to it or something similar to that.

Mr. Anhder said they had a hard time visualizing the wrought iron and how someone could make that. Councilman Dustin agreed with the masonry or cut rock look. Mr. Anhder suggested they contact UDOT safety engineers and consult with them about what they could do. Mayor Knight said it would be nice to have something a scout could come in and do some volunteer work. Councilman Hansen said they needed to have a unified look with all their signs. They currently have a lot of different looking signage.

Mr. Anhder said city staff would come back with more ideas. Councilman Hansen suggested they come up with a new design and upgrade the signs that were already in place. Tim Gibbons said he really liked the sign on 800 West and thought if they could do more signs like that it would be a good reflection on Nibley. Joan Elder suggested the sign they had was nice and when it was out on the road it wouldn't look so big.

Final approval of property purchase and donation from Tim Gibbons at 2475 South 800 West.

Mr. Anhder said Mr. Gibbons is proposing the sale of two building lots on 800 West and 19.5 shares of Nibley-Blacksmith Fork irrigation. Mr. Anhder said he was bringing this proposal to the Council for final approval. Mr. Gibbons is proposing the sale of the land and water shares to the city for \$60,000. Mr. Gibbons has it valued at \$227,000. He has had an appraisal from an independent person. Mr. Anhder reminded the Council they had set aside the money for this in the January budget and as per their request it is back for approval. Councilman Larsen said the gift agreement said he is not attaching any request to the sale and that they as a city have the right to do what they deem appropriate with that water stock and the gifted property. Mr. Gibbons said there were two parts to the sale. One is the gift of a building lot and the water stock. The second is the sale of the second lot. Mr. Anhder said there was a warranty deed for the other lot. Mayor Knight told the public present that the city is considering purchasing one lot for \$60,000 and at the same time having gifted another lot and 19 shares of water. Mr. Anhder said there is a restriction on the deed to the corner lot that it be used as part of Gibbons Heritage Park. Councilman Jacobsen noted there were no strings attached to the south lot and the water shares.

Councilman Mickelson made a motion to approve the gift agreement and the purchase of property from Tim Gibbons at 2475 South 800 West. Councilman Jacobsen seconded the motion. Councilman Larsen asked for the purchase agreement. Mayor Knight read the warranty deed. Tim Gibbons of Nibley warrants to Nibley city the sum of ten dollars . . . part of lot 1 of Country Cove Estates, phase 1 described as Deed restriction: This land to be used only for an addition to Gibbons Heritage Park. The motion passed 4-1 with Councilman Dustin opposed.

Councilman Larsen said right now the city has no set plans for the lot as an extension of the park. Mr. Anhder said they do anticipate in the interim grading the land to maintain it. Mr. Gibbons was concerned with Councilman Dustin being against this sale. Councilman Dustin said his reason for opposing has nothing to do with Mr. Gibbons. He said philosophically the city is putting all their eggs in one basket in where the parks are located. He would rather the money spent on another lot in another part of town. He applauded Mr. Gibbons for wanting to do something good for the city.

Update on designation as a “Tree City” requirements and Nibley’s progress towards meeting those requirements.

Mayor Knight said Councilman Larsen had been working on this for some time. He has been working up the ordinance that is required to be designated “Tree City”. Councilman Larsen said he had been working with Meredith Perkins who is a state forester. Mr. Anhder said he asked Ms. Phippen to prepare the items given to the Council. The Tree Board or Tree Department is something they still need to organize. Rod Elwood, the city parks director is currently in charge of all the trees. A Tree Care ordinance is also something they need to be doing. A budget of \$2/per capita would put them at \$9,000-\$10,000. They probably fit that pretty easily put it is difficult to quantify it and verifying that amount. Mr. Anhder said it is hard to put in a line-item budget for maintenance and trimming. Lately they have been spending that much on trees already. Mr. Anhder asked the Council if this was something that was important to the city. Councilman Larsen will continue to work on a proposed ordinance for them. Councilman Larsen said Arbor Day is the last Friday in April.

Councilman Jacobsen said yes. He thought the city should go on record as being a “Tree City”. Councilman Larsen said he had discussed this with Commissioner Bliesner and his ordinance would go beyond this. He is planning to include trees in park strips in the ordinance. Councilman Mickelson asked how this affected power lines, sidewalks, and insurance. Mr. Anhder said if they had a tree plan they would say which kinds of trees can go in which areas. There are some trees that will not grow into power lines or have root systems that will not raise the sidewalks. Councilman Mickelson encouraged that to happen as they move forward. The Council was in agreement to go forward with becoming a “Tree City”

Mayor Knight recognized the scouts present at the meeting; Brian Bertolio (Troop 379), Chase Bryan (Troop 28), Nathan Langer (Troop 28), Zack Bryan (Troop 28), Jens Anderson (Troop 28), and Kevin Elder (Troop 331).

Discussion and consideration of beautification and landscaping plan for 3200 south.

Mr. Anhder said he felt passionately about this because it could make Nibley very distinctive and pleasant. He complimented Rob Elwood on coming up with a tree that would be hearty. He said they plan on planting both sides of 3200 with a Spring Snow Crabapple—it is a white, spring blooming tree. They would landscape portions of turf; specifically by the park and recycling areas as they can afford to do it. They will encourage citizen to maintain the areas in front of their houses. Rob Blossom said they had discussed that it would take between 300-500 trees. Mr. Anhder said he anticipated

people would come to Nibley just to see those trees in the spring. They are asking for the go ahead from the City Council. Mayor Knight said the Council asked for a maintenance budget and start up costs to be brought back with this consideration. He said they wanted to see the annual maintenance cost and the cost for the initial 30-50 trees and then they will consider this. Councilman Larsen recalled discussion of including the citizens in maintaining this. He said it is hard for him to give incentives to a small group of citizens to take care of their yards when they do not do that for the rest of Nibley. He questioned what farm property was included in the proposal. Mr. Anhder said it was all farm property on 3200 south. Councilman Larsen said he is opposed to number 1 because of the parking that will occur there during events will damage the grass. He is not in favor of turf in that area. He said it was a waste of their money to do that there. Mayor Knight said they needed some word on the tree type. He wanted to get comments but recommends they do not do anything until they get the budget numbers. Councilman Hansen asked if it was a fruitless crab apple. Rob Blossom said it was. Councilman Jacobsen said he liked the vision. Councilman Mickelson said he did to and he was fine with the type of tree. He asked if all trees would be planted this year. Mr. Anhder said this was up to a five year planting plan. He said the tree farm would be a big part of the implementation. He applauded the city's efforts in the tree farm. Councilman Dustin said he would like to see a hand drawn section that showed the right-of-way and the layout of the trees and their placement. Dave Oblock said it was a terrific idea and he like the vision. Mayor Knight said he anticipated this would be brought back to the Council April 1st. The Council had no objection with the type of tree city staff had chosen.

City Manager Report

Mr. Anhder said the Gardner house was gone. They have taken out the diseased or compromised trees. They anticipate putting in a gravel base for a temporary parking area. Councilman Larsen asked how close to budget they came on demolishing the house and asked where the additional gravel would be coming from. Rod Elwood said it was right around \$3,000. Mr. Anhder said most of the gravel was the city's own gravel. Councilman Larsen said they are working on the parks master plan—it might be nice to have an idea of what they envision in that space so they can address that in their parks plan. Councilman Jacobsen asked if they realized they were outside their own ordinance when they use gravel for a parking lot. Councilman Larsen said it was not designated as a parking lot right now—that is just what will happen there.

Mr. Anhder said there was a draft of a resolution concerning supporting Envision Cache Valley should be looked at before the next meeting.

Mr. Anhder asked Councilman Larsen if they could help with copies on the beauty pageant announcement. Mr. Anhder said any extra responsibilities need to be given to the appropriate person and city staff had been advised on that. Mrs. Yeager is only responsible for the newsletter.

Council Reports

Councilman Mickelson said he had a long discussion with Lynn Lemon about air quality. Councilman Mickelson had discussed emissions testing with the Council. The County is

anticipating some emissions data approximately 18 months from now. He is convinced that they shouldn't do anything but support the County in their efforts for now. Councilman Mickelson asked for explanation on the recent Comstock variance. Mr. Anhder explained the situation that led to the variance hearing and that the applicants had received a variance. Mr. Anhder said all industrial or commercial zone building permits now have to go through him. He is just making sure the review gets done. Councilman Mickelson said he would like to see some procedural checklists put in place.

Councilman Mickelson read minutes from the last Planning Commission meeting and made note of action taken with Beehive Vending who was told they could not run their business out of an accessory building. He said this business was just down the road from someone who is running a business out of an accessory building but did not have a business license in Nibley. Mr. Anhder said a lot of their ordinance is based on people being honest with them. He thought there was a real inequity in their business licensing. Councilman Mickelson questioned if they needed to start enforcement. Councilman Jacobsen said he had since questioned whether they should restrict running a business out of an accessory building. He questioned whether they should relax the requirement about running a business out of an accessory building in a residential area. He asked the Council how they felt about relaxing that restriction. Mayor Knight said it was a very hard thing to define and it depended on the impact it had on the neighborhood. Councilman Dustin said the bigger issue is enforcing the exiting ordinance. He said one way to resolve this was to institute a noise ordinance. Councilman Mickelson requested that they workshop the issue.

Councilman Mickelson asked if they would have more influence if they allowed business in accessory buildings with restrictions. Mayor Knight said he tended to agree with that. Councilman Larsen said the correct route was not to loosen restrictions but to enforce what they have. Mayor Knight directed staff to include a contractor's land-use item in the land use chart. Councilman Hansen said they have three options; enforce the ordinance, educate citizens on the ordinance, or do nothing and change the ordinance.

Mr. Anhder said he and the Mayor met with Dell Johnson and they were both distressed that Mr. Johnson had no interest in working with the city. Mr. Johnson said he would not work with the city. Mr. Johnson's new proposal will be on the next agenda.

Councilman Hansen noted another business that seemed out of compliance along highway 165—there are several cars on his property. Councilman Hansen also noted Bob's auto and the number of cars he had there.

Councilman Hansen asked about feedback from the Parks Master plan open house. Mayor Knight said he perceived that the feedback was positive. Councilman Hansen said liked the concept of a multiplex but he hoped it would be more integrated into a site. Mayor Knight said they had not gotten any written data yet.

Councilman Hansen said he is working with a committee on Hollow road on a plan to be brought to City Council about a trail along the road and the future of the park. The idea

was brought up that the city could sell the property on Hollow Road to finance other things. He anticipates that plan being brought to the Council in the next month or two. Mr. Anhder said that park has always been perceived as a Hollow Road park and not for anyone else's use and questioned the plan being put together by a lot of residents on Hollow Road. Councilman Hansen said he is always open to any community input. There is nothing wrong with asking for people's opinions. Councilman Dustin said they need to be careful, the local input is important but the land belongs to the city and not Hollow Road. If the rest of the city does not have input on how it develops then they should sell it. The fact that it is too touchy a subject to be covered by the master plan gives him concern. Mayor Knight said he got the feel from most people is that it would make a great nature park. Councilman Hansen said they want to find a consensus and make it work. They want to first create the vision and get consensus. He thinks the majority of people on Hollow Road feel they can give people access and make it work. Councilman Larsen said he did not think they should sell the land for any reason; they need a park there and the location is superb. The Council continued discussion of the city owned land on Hollow Road.

Councilman Hansen said they are planning to have the Easter egg hunt at Heritage Park, on April 3rd at 1:00 p.m.

Councilman Larsen said the Miss Nibley pageant will be held on May 22nd at 7:00. The Mayor will send a personal invitation to every girl 16-18 years old, inviting them to participate.

Councilman Larsen said they needed to get projects done. He thought they needed more man power to get their projects done. Mr. Anhder said they finish projects as money becomes available.

Corlyss Drinkard asked if they were on hold in the "getting to yes" agreements with Dell Johnson. Mayor Knight said yes, they were on hold.

Mr. Brian Bird thanked Councilman Larsen for sending out the Council agenda. He asked about the two building lots that would be purchased. Those lots are located next to his home. He was interested in the plans for that area. Mayor Knight and Rod Elwood addressed his questions.

The meeting was adjourned at 9:41 p.m.