

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, April 7, 2011.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve Resolution 11-03—The Nibley City Parks and Trials Master Plan with the discussed changes included. Councilman Hansen seconded the motion. The motion passed 3-0; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen all in favor.

Councilman Jacobsen motioned that they approve Resolution 11-04 as modified. The motion was seconded by Councilman Hansen. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Diane Marvin
and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, April 7, 2011 Nibley City Council meeting to order at 6:08 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Thayne Mickelson, and Councilman Bryan Hansen. Also in attendance was City Manager, Larry Anhder. Councilman Shaun Dustin and Councilman Scott Larsen were excused from the meeting.

Call to order, approval of the evening's agenda and minutes of the March 17, 2011 meeting.

Councilman Mickelson made a motion to approve the 3-17-11 minutes and the evening's agenda. Councilman Hansen seconded the motion which passed unanimously 3-0; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen all in favor.

Discussion about possible river flooding and preliminary plans to be prepared

Mr. Anhder had included in the Council packets, information three representative years of snow tell data. He noted that this year they were at 33 inches of water and last year they had flooded when they were on average. Mr. Anhder said his biggest source of information was Deloy Parkinson. Mr. Anhder said they could face dilemma this year; warm temperatures a lot of rain is what matters. Mr. Anhder gave them the plan they had for 2006 that had been updated to 2011. Mr. Anhder noted most of their problems were centered around Maverick.

Mr. Anhder said their plan for this year was to contain the water to the river banks and if necessary be on it immediately with sand bags. This year they plan to keep the water from going down the road by Price's field with sand bags up to 3.5 ft. high. Mr. Anhder and Bill Saunders discussed their containment, channeling, and sandbagging plans.

Mr. Anhder said they needed Council approval to sure up banks at the Price & Eliason properties at the city's expense. Eliason did not want to contribute because he had been advised he would have liability problems but if the City did it they have immunity.

Mr. Anhder said Mr. Saunders had identified 3-4 other places where trees were across the river and where the bank was washing that they intended to take care off. Mr. Anhder said he had an application for a string bank alteration from the State of Utah Division of Water Rights. Mr. Anhder said it had been their policy up to date to tell citizens to go buy their own sandbags. This year they propose to dump a load of sand and provide some bags on Hollow Road so volunteers can fill some sand bags. Councilman Jacobsen said the sand was already there. Mr. Saunders said Jay Tuddenham had donated 300 tons of sand to the city and they had dumped that off at Hollow Road.

Mr. Saunders said it would be nice if they could repair the parts of the river that they know had already been breached in the past and put a secondary line of defense on the Price property and dig a swell along 2900 south back to the river and place sandbags in that area. These were all things that could be done now with very little time consumption.

Councilman Jacobsen asked if they had advertised to get volunteers to fill bags. Mr. Anhder said their greatest source of volunteers was the LDS church. He had a list of numbers available for contact and said they could contact the Jehovah's Witness congregation and possibly the singles' ward. Councilman Jacobsen asked if there was any thought to the city and canal company working together to open canals. Mr. Anhder said they would not do it in the past because of liability issues. Mr. Parkinson discussed past flooding issues with the Council. Mayor Knight discussed the flooding pictures included in the Council packet with the public present. The Council discussed the weather conditions that would cause or avoid flooding.

Mr. Anhder also had an operation plan which set up an incident command committee with himself, Mayor Knight, Mr. Saunders, and one member of the law enforcement. All city employees have been told if they hear of any incidents they should report to work. They will have vests identifying them with Nibley City. Councilman Hansen asked about creating a location for people to park their vehicle and then they could be shuttled to the location where they are working. Mr. Anhder said that had been tried and was too difficult. He said they wanted to be prepared this type.

Ethan Lindstrom said he was CERT certified and they had a meeting a month ago about flooding and they had a whole program in place. Mr. Anhder said he talked to Carry Jabbs, their city CERT representative, and he would be meeting with him in the next couple of days to make sure they had that tie in. Mr. Lindstrom said that would be a great resource to use.

Councilman Hansen suggested communicating information that volunteers should meet at the 3200 Park to receive instructions. Mr. Anhder said they could do that. The public present and the Council discussed their experiences with the 2005 flooding. Councilman Hansen suggested they put together an email communication so that a significant number

of people could get an alert and come. Councilman Jacobsen noted that Councilman Larsen had a significant list and Mayor Knight noted the Ms. Drinkard also had a list. Mr. Anhder said there was a dilemma that sometimes they created a hysteria and it was a fine line; his inclination was they had a plan and they should try to work their plan. Mayor Knight said a text message would be quicker and they could start formulating that list. Mr. Anhder asked Ms. Drinkard if that would be alright with her. Ms. Drinkard asked what she should direct them to do. Councilman Hansen said she could direct them to the 3200 park. Councilman Jacobsen said for him specifically the public radio really did the trick but that Ms. Drinkard should not draft the message; the city should draft the message. The Council also decided to include Councilman Larsen's contacts.

Consideration of Resolution 11-03—Adopting the Nibley City Parks and Trails Master Plan

Councilman Jacobsen asked if anyone had had the chance to verify that their changes had been made. Mayor Knight said no, Ms. Phippen had verified them but was currently out of town. Councilman Jacobsen questioned a heading change that had not been made; Preferred Plan to Capital Improvement Plan. The Council discussed the heading change. Mayor Knight checked for an insert that was to be added to the top of page 34; capital improvements for all existing parks. That wording was added to the top of page 36; "This plan serves not only to guide the development of a large regional park but also to guide what plans are for parks in Nibley that are in varying stages of development. The following table outlines the . . . for those Parcels where a fixed timeframe or budget has been established. That information had been included as well." Mr. Anhder said he would make sure this was included on page 36.

Councilman Mickelson made a motion to approve Resolution 11-03—The Nibley City Parks and Trails Master Plan with the discussed changes included. Councilman Hansen seconded the motion. The motion passed 3-0; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen all in favor.

7:30—Meeting with Sheriff Lynn Nelson and Lt. Brian Locke, Patrol Division, for annual report

Mayor Knight asked for a motion to bump this report from 7:30 to 7:15. Councilman Jacobsen said there was general consent to suspend the agenda to allow the report.

Sheriff Lynn Nelson thanked the Council for their service and time in Nibley. They enjoyed working and serving in the City. Sheriff Nelson said the population in the valley was up to 118,000 now; they handle about 27 calls/day; 10 arrest/day; 24 tickets/day; 13.5 booked into jail/day; serve about 20 civil papers/day. Sheriff Nelson introduced Lt. Brian Locke who was replacing Chad Jensen. Sheriff Nelson said calls for serves had leveled out over the last four year and their arrests were still increasing which meant mostly misdemeanor arrests had increased. DUI arrests had gone up significantly especially since 2002 when the Olympics were in the state; there were 173 DUI arrests. Sheriff Nelson said part one crimes were the most serious crimes and having those crime down around 500 kept them in the high categories of the safest community. Their overall index was just under 12 at 11.99. Sheriff Nelson said he liked to watch how much time

self initiated activity which is about 60/40 split which was a little high in the self initiated activity; they were almost double what Nibley contracted for. He would rather see a 50/50 margin. Sheriff Nelson said animal control was at about 185% and was a harder area for him to manage because Lynn Lemon did not want them to process because it was strictly a city function and did not want the County subsidizing the city. Mayor Knight said they liked that service. Sheriff Nelson said it had proven to be an effective program. Councilman Mickelson asked Sheriff Nelson if he had noticed any trends over the last five years that they should be aware of or were getting out of hand. Sheriff Nelson said he did not have that data here. Typically they get worried when they see vandalism, runaway juveniles, curfew, or disorderly conduct. Those things are typically juvenile related and are on a decline and typically that was a good sign. Historically those had been a problem. The things that were high were offenses against family and children; they had increased in the last two year and this year they were still on the increase; those things were indicative of their residential community. Councilman Mickelson asked if they had programs to help educated communities. Sheriff Nelson said they partnered in the community with the Child and Family Support Center; he would direct them there; they did a great job.

Mr. Anhder said they were very happy with Star Deputy Black and Hansen and had a very good relationship with them. They were very good about coming in to the city. He had asked them to get into the subdivisions a little so people could see them and they had done a good job with that. Sheriff Nelson said their goal was to bring people into compliance and if they could do that with just their physical presence it was a good thing. Mr. Anhder said Lieutenant Black was going him their prime contact with their department with any emergencies especially on the river. Sheriff Nelson advised them to call dispatch. He said they actually have a plan in place and as soon as they know there's issue they go do that if needs be.

Councilman Hansen said he had several citizens' voice concerns about RAGNAR and other running groups and asked if they could get their help in routing those cars out on Hollow Road. Sheriff Nelson said with the passing of the county ordinance they are hoping to identify some of those issues the hard part will be those avoiding the process. Lt. Locke said there was a permitting process and they had to have law enforcement sign off on those permits. Councilman Jacobsen said in his opinions it was not the runners that were the problem, it was their support vehicles; the runners could get out of the way. Councilman Jacobsen and Mayor Knight thanked Sheriff Nelson and Lt. Locke for their service.

Discussion of road plan update

Mr. Anhder said the plan from the Council in their current budget year was to do an update to the transportation plan; the mayor, himself, Councilman Dustin, and the city engineer had sat down to talk about doing the update. They received a proposal from the city engineer to do the update at a cost of \$15,000. Mr. Anhder thought that covered what they were looking for and brought some good expertise. Mayor Knight said they wanted scoping input from the Council.

Councilman Mickelson said they should get wetlands issues identified so they could mitigate around that stuff. If they ran into those issues there were a lot of problems that arise if they are not addressed upfront. Councilman Mickelson also wanted to identify lands of importance in agriculture or ag protection areas protected by state law. Councilman Mickelson said there were federal laws for wetlands and state laws for ag protection areas so they needed to be identified if they exist.

Councilman Hansen thought of 3200 S. and connection between here and Millville and documentation of accidents that have occurred to be submitted to UDOT. Councilman Hansen asked if it still planned to be a four way stop light/intersection on 89/91. Mr. Anhder said that was the plan now.

Councilman Jacobsen asked if they needed the Road Master plan to look at the road impact fee. Mr. Anhder said if the road master plan called out road that they will be building then they would need to update it. Councilman Jacobsen asked if that would be part of the scope of the project. Mr. Anhder said it would be.

Councilman Hansen asked about widening the road at 800th W that connected to 89/91; it was very narrow. Councilman Mickelson noted that was the county portion. Councilman Hansen said it was very dangerous for pedestrians.

8:00—Public Hearing—to receive comments concerning amendments to the sign ordinance

Mr. Anhder said the biggest change to the sign ordinance was the changing of the size of electronic message display area and the height of the sign. The maximum size would be 60 inches by 10 feet.

Mayor Knight gave direction to the public present and opened the public hearing at 8:10.

Barbara Wilden asked about the sign at the consignment store. Mr. Anhder said that was the approximate size that was being asked for here but there were more controls in their ordinance. Mrs. Wilden said as long as it was on the highway but she did not want on the new City building. Mayor Knight said the changes were only allowed in commercial zones. Councilman Jacobsen saw that the proposal allowed them in industrial also. Mr. Anhder said the dilemma was they had told Peterson's they could do everything they could to help them down there and this was something they felt they need. They had a problem because they have large trees right there.

Mrs. Wilden asked about the Planning & Zoning Commission's recommendations. Mr. Anhder said they recommended this. Mayor Knight said the ordinance restricted it on 165. Mrs. Wilden said those signs were intrusive. She understood there was a problem at Peterson's but that problem was made when they built the way they did.

Corlyss Drinkard said that complex strove to increase the tackiness level in their valley. She asked why not strive for a more traditional look; a large wood sign with Peterson's

name and a little lighted sign that showed the entrance. She did not think an electric sign would help him all that much. She said she was against it.

Mark Lawber, a new resident, said it was on the highway, it wasn't in a neighborhood and they needed some commercial development; don't stifle it. He asked it needed to go through the Planning & Zoning Commission before it was constructed. Councilman Jacobsen said it was a conditional use permit. Mayor Knight said and then staff would evaluate the lumens. Mr. Lawber said if it looked bad they could always say no.

Barbara asked were Petersen's was and that they should be here pleading their case.

Seeing no other public comment, Mayor Knight closed the public hearing at 8:20.

Mayor Knight said he did not intend them to actually adopt this ordinance. It was to offer comment and discussion and would be brought back at an upcoming meeting where they could take action on it. Mayor Knight said normally he pushes something like this; this one he is not. He liked their quiet, little town. He said there was a way to advertise in not so an obtrusive fashion. He said he also did not like light shining off a place of business or even a residence. Mayor Knight thought they needed to put some teeth into the dark sky ordinance. He said Tempe, Arizona and other adjacent city had very tasteful sign ordinances. Councilman Mickelson said they need to see an example of what kind of sign they were asking for. Councilman Hansen said he knew it would not be well received by the adjacent neighborhood. Councilman Jacobsen said he did think they needed to be concerned with what it takes to develop a commercial base but he had always had an aversion with the clutter that comes along with electronic messaging sign. He said the ordinance to him was not clear and needed clarification. Councilman Jacobsen said in defense of Peterson's he actually believed that complex would be different than it sat now when it was built out. That complex was designed to look in on itself instead of looking out towards the highway but that phasing was not in place.

Mr. Anhder asked if the Council wanted the sign representative to come out and present to them. The Council agreed that they did. Councilman Jacobsen said they needed to be convinced. Mayor Knight said he also wanted to see representation from Peterson's.

Consideration of Ordinance 11-04—Adopting amendments to the City ordinance governing Planned Unit Developments

Mayor Knight asked about waiting until there was a full Council to discuss the ordinance further; he was not opposed to postponing it. Councilman Hansen said they had discussed this as a group and they could wait. Councilman Jacobsen said the only thing he would want to pass tonight was a motion to revoke their current planned unit development ordinance and not replace it with anything. They could come back and replace it with something like what's proposed. Mayor Knight said they could adopt that portion of the ordinance that repeals the current planned unit development and then come back later and adopt another ordinance. Mayor Knight asked if they would be in favor of a motion to repeal the current planned unit development ordinance. Councilman Mickelson said he would just as soon not act until they got it solved. Councilman Jacobsen said they would

not be exposed to a proposal if it was thrown out. Mr. Anhder said he thought their current ordinance was better than the proposed ordinance by far; he did not think they would get many developments under it. He asked if they even wanted PUDs.

Mr. Anhder said future housing is much more like the town houses across from Charter school. The Federal government is making down payments much harder to do and the lifestyle of the upcoming generation appeared to be more like that and that was a planned unit development under their ordinance. His feeling was they will receive increased requests and increased pressure to do things like that because the traditional single-family home will get harder and harder to build and afford. Councilman Jacobsen said if they needed that type of housing then they should just zone for it; instead of giving people that live in a certain area some sort of implied promise and wipe it all away with a planned unit development.

Mayor Knight said he would be in favor of repealing and then in the next agenda they could address the planned unit development ordinance they had been discussing. Councilman Jacobsen said he would not make the motion if they wanted to do something with the ordinance and continue to revise it. Councilman Mickelson said they should work through it. Mayor Knight said it would be on the next agenda.

Consideration of Resolution 11-04—a statement concerning the South Corridor Planning process

Councilman Jacobsen he thought the decision they needed to make is whether they were going to throw the Logan annexation up in the face of this process which he was not opposed to; that was the burr to him. They, from Nibley, made the point at the last steering committee meeting, that equity between landowner ship and property rights is important but the plan must also address sales tax and why communities need it. We need equity at all scales for all communities because all the communities fund parks and so forth much of which if funded from sales tax. Councilman Jacobsen said he thought they had made the point that if they did not like it they were not going to buy into it and there needed to be an opportunity for economic growth in Nibley along the highway. He asked if they wanted to bring the annexation into it and if they actually thought Logan would give the land back. Mayor Knight thought there was but he thought they had to be very careful how they went about the process; electronic lights would play into it; harassing Logan for what they had done would play into it. Mr. Anhder said he know that most of them would be happy to go back to unincorporated; many of them felt hoodwinked by what happened. The Council discussed the open spaces along highway 89/91, specifically south of 3400 S.

Councilman Jacobsen said it was good for the City Council to weigh in on this; they had asked for public input and were still asking for it. Councilman Mickelson said he did not think they should roll over and play dead on it. Councilman Jacobsen asked what reasonable economic development was; he thought that was headed in the direction of what the city had been planning all along for 89/91 with frontage roads, with limited access, commercial development that is back away from the highway and clustered. He thought the people on the steering committee realized the only way they were going to

get everyone on board was to put something in it for everybody and the way they got in on it was to not give away their opportunity for commercial development.

Councilman Jacobsen had alternative wording for the resolution he proposed to the Council. He distributed his reworded resolution to the Council and reviewed and discussed it with them.

Councilman Jacobsen made a motion that they approve Resolution 11-04 as modified. The motion was seconded by Councilman Hansen.

Councilman Hansen said he had editorialized in such a way that it would completely not “dagger” but will let them know this was wrong and why don’t they get behind it. It was a much more direct approach and more diplomatic. Councilman Hansen suggested they approach the public and work with the individually to see if they would consider going back into the County and build a consensus. Councilman Mickelson and Mayor Knight said they agreed with Councilman Hansen. Councilman Jacobsen said it would at least make the committee deal with one specific issue or they can completely ignore it.

The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

City Manager Report

Mr. Anhder said they have had a specific request for someone wanted to conduct a 5K race in the city. Mr. Anhder said he told them to give them the plan, how they would handle security and traffic, the route and dates and he would bring it to City Council. Mr. Anhder asked if the City Council wanted these things handled at staff level or if they wanted them brought to City Council. Councilman Jacobsen said he felt staff should handle it and they should encourage as many 5Ks to come to Nibley as will come as long as they take care of all those things he discussed. Councilman Mickelson said they need to clean up. Councilman Mickelson said they need to sign a contract so if they do not clean up they have something. Mr. Anhder said they had enough teeth to go after them.

Council Reports

Councilman Mickelson said he went on a tour of the Great Salt Lake Minerals Corporation and it caused him to think about business in Nibley that a lot of people probably don’t know about and about promoting a “Businesses in Nibley Day” or a Business Fair. Councilman Hansen said he had contemplated a business directory or even an online part as piece on the City website to promote buying local. Councilman Mickelson asked if they could incorporate that into Heritage Days. Councilman Hansen said that was already available to them during the Heritage carnival; they could do something at the park during the Mayor’s Dinner. Councilman Mickelson suggested they could send a letter to anyone who has a business license that they can set up and share at the Mayor’s dinner. Mrs. Marvin said she liked the idea and she would push it with the Heritage Days committee in the 14th. The Mayor and Council thought that would be a good idea.

Councilman Hansen reminded the Council of the Easter Egg Hunt on the 23rd at Heritage Park at 10:00. They would be filling eggs with the Youth Council the Friday before.

Councilman Hansen said they will begin the surveying and signing up for the Nibley Garden this Saturday; it will be available online as well. Interested parties can contact the USU Extension and ask for Taun Beddes.

Mayor Knight said the CVTD was offering a transportation update luncheon which the Council was invited at the River Woods Conference Center on April 15th at 12:00. The key note speaker would be Senator Orin Hatch. They would provide transportation from the transit center.

Mayor Knight said the Cache Human Society had requested newsletter space to talk about their services; vaccinations, micro chipping, and specifically spaying and neutering. They would like to put something in every month and he was asking for Council's opinion. Councilman Mickelson said he would put a reminder in once a year. Councilman Jacobsen said it should coincide with their registration.

Councilman Hansen requested the Mayor include information about the community garden in his newsletter write up. The Mayor said he could do that.

The meeting was adjourned at 9:35 p.m.