

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, April 21, 2011.

The following actions were made during the meeting:

Councilman Dustin motioned to approve Ordinance 11-6; adopting the flood plain ordinance. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Dustin, Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.

Councilman Mickelson motioned to approve the plan to install pavement and utilities on 2600 South. Councilman Dustin seconded the motion. The motion passed 4-0; with Councilman Mickelson, Councilman Dustin, Councilman Jacobsen, and Councilman Hansen all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, April 21, 2011 Nibley City Council meeting to order at 6:05 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen.

6:00—Call to Order; Minutes of April 7th, 2011 read and approved; and approval of the evening's agenda

Mayor Knight called for approval of the April 7th minutes and the evening's agenda. Councilman Mickelson made a motion to approve the minutes and agenda. Councilman Jacobsen seconded the motion. The motion passed 4-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, and Councilman Dustin in favor. Councilman Larsen abstained from the vote.

Welcome and proclamation in honor of Yeah Samake, Mayor of Ouelessebouyou, Mali

Mayor Knight introduced Mr. Samake, Mayor of Quelessebouyou and Mr. Garbe Toure who was a 21 year old student at UVU. Mayor Knight said he met Mayor Samake and Garbe at the League meetings; they had lunch with them and invited him to take a tour of Nibley. They talked of the finances of the city and Mayor Samake is interested in taking some of those things back. Mr. Samake is building schools in Mali; the schools the Mayor is building in Mali are \$50,000 schools. Mayor Knight read a proclamation and presented it to Mayor Samake.

Mayor Samake gave the Mayor of a picture representing a school building in Mali and a picture of an ancient building in Mali. Mr. Samake said he was privileged to visit Nibley; this was the first time he had been given the opportunity to understand city government. It was a big challenge to understand the procedures of running a city. He appreciated the

opportunity given to him by Mayor Knight. He said Nibley City was well funded and run by very capable people. He said the things he had seen were overwhelming. He said he was the vice president of 750 mayors in Mali and he will go back and teach the Mayor's in Mali about how to manage and budget a city. Mayor Samake said he was running for president of his country in a year and was in the United States raising money to do so.

Consideration of Ordinance 11-06—To adopt a new flood plain ordinance in keeping with federal flood plain regulations so that Nibley homeowners may continue to qualify for flood plain insurance

Mayor Knight said the thing that was important to know was if they did not adopt this the residents could not get their flood plain insurance. Councilman Larsen asked if the old one they had on the books (Title 12) was not longer viable. Ms. Phippen said that was correct; she said they needed to adopt a new flood plain ordinance by May 24th; this came from the State through FEMA. Mr. Anhder said this was given to all cities; the only thing added to it was the penalty portion which made it a class C misdemeanor for a violation. Ms. Phippen said they got a template from the state which was softened down because she thought it was a little harsh. Councilman Mickelson asked if they required a flood plain map of the area to go with the ordinance and if so who developed it. Mr. Anhder said they did and it was drafted by FEMA. Councilman Mickelson said his concern was that they have citizens that have fought to have that changed so they wouldn't have to pay the flood insurance. Councilman Dustin said in order to implement the flood insurance it only applies to what FEMA delegates as a flood plain area and if an individual citizen fights to have that changed if they win the whole FEMA map changes. Mr. Anhder said they can get an elevation change and many times they are successful in doing that.

Councilman Dustin made a motion to approve Ordinance 11-6; adopting the flood plain ordinance. Councilman Hansen seconded the motion.

Councilman Dustin questioned where they included a solution to a violation of the ordinance. Ms. Phippen read Penalties for Non-Compliance that said “nothing shall prevent Nibley City from taking such other lawful action as is necessary to prevent or remedy any violation”; that gave the city leeway to have the structure removed. Councilman Larsen said that also gave them leeway to do nothing. Mr. Anhder said however, each day became a separate violation.

Councilman Jacobsen said they had the responsibility, obligation, and leeway to enforce this ordinance just like any other ordinance; they key to this was in the approval process. They will have an ordinance that says they cannot do these things in a flood plain. The reason to do this was so people that are delineated within the flood plain can get reasonably priced insurance from the federal government. He said the motivation for him was because it said they could not do these things in a flood plain and gave the city the responsibility and opportunity to control what happened in a delineated area; that was the right thing to do. Councilman Jacobsen had a suggestion under section D “Specific Standards” which was clerical. He asked for general consent to modify the ordinance and received it.

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

Councilman Jacobsen noted the FEMA map was available on line and Mr. Anhder said there were paper copies available at the city office.

Consideration of Ordinance 11-05—An ordinance amending the current sign regulations for Nibley City

Mr. Carston McCullough, owner of Freedom LED, Mr. Matt Peterson, with Peterson Farm Store and Mr. Schenk Schenk were present at the meeting. Mayor Knight asked for questions and concerns they had from their discussion on this issue two weeks ago. Councilman Mickelson said they discussed that they did not want the

Ms. Phippen described the circumstances that brought the sign ordinance change about. She said she did a lot of research because one of the most consistent comments she received about this kind of sign was that everyone thought of Las Vegas. Ms. Phippen said there were regulations build into the ordinance that would guarantee a certain level of quality in the sign. Councilman Larsen said they could look at this company and like what they have but that did not mean they would get that every time. Ms. Phippen described what was regulated under the ordinance regardless of who the sign manufacturer was. Mr. Schenk discussed the regulations that can be set with the sign; he said only high quality EMD's (Electronic Message Display) had the built in sophistication to meet those regulations.

Councilman Larsen left and took personal privilege at 6:48.

Councilman Mickelson asked if there was a process in place that they could review each sign. Ms. Phippen said they were not specifically permitted in any zone; they would be conditional in commercial and industrial so each sign would need to be reviewed and approved by the city on an individual basis. Councilman Jacobsen discussed some clerical revisions in the ordinance and pointed out that they would be permitting EMD's in an industrial zone right in the middle of Nibley. Ms. Phippen said "in no case shall an EMD be permitted within 300 feet of a residential zone" and thought they could say they were only permitted in certain parts of commercial and industrial. Councilman Jacobsen thought that would necessitate the creation of a sign overlay. Councilman Jacobsen said that he had never seen an EMD that he liked. Mr. Peterson said the number one problem he had with his store was the entrance; traveling north it was no problem but coming south it was encumbered by pine trees. They had tried putting up a banner type sign but it could not be seen because of the pine trees. Secondly, was the amount of people that flipped U-turns, which was dangerous. The number one issue was that he had to mark his entrance; he also wants to be able to promote new businesses in that development. Their objective was to not go out of business. The Council discussed the brightness of an EMD and that they had a hard time reconciling with that. They used the sign at the consignment store and a car wash in Logan as examples and said they did not like those signs.

Councilman Dustin said he did not know how they balanced what was being presented as the good answer when they did not know what they will do. Mr. McCullough said their

signs made the lights look like a natural lit sign and would most likely rule out the signs they were using as examples. Mr. Schenk said they want their clients to be respectful to the community. Phippen said she had seen examples that were tasteful and that she liked. Councilman Mickelson said he was hearing that they should not make any decisions on this now and that they should wait and see examples. Mr. Schenk said a lot of cities had started using percentages and all signs will have percentages built into the software. Councilman Jacobsen said there should be a different foot-candle difference from the day to night. The Council discussed brightness levels during the day and night and how it was detected. Mr. McCullough said the light measurement code was really irregular with most cities so they would be ahead of the game with that code. Mr. Schenk asked the Council to consider that they were all for regulation and he invited the Council to look at their signs; they were committed to educating their clients on how to run their signs and the percentages of displayed light. He asked them to consider that they could require the sign be turned off at certain hours. Mr. McCullough said they could also include in their regulations that the sign needed to match or blend with the business or premises. Councilman Jacobsen said illumination and the rate at which the scene can change would be a deal breaker for him. Councilman The Council decided to postpone action on this for two weeks; get a list of examples of signs and have them bring up an example in two weeks. The Council also wanted to review the ISA (International Sign Association) document. The Council discussed having a measuring device available when they viewed the EMD. Councilman Jacobsen encouraged Ms. Phippen and Mr. Peterson to look at other options with indirect lighting that existed under their existing ordinance.

Ms. Phippen said there were some other changes to the sign ordinance that did not deal with EMD's; they were things to clean the current ordinance up. She added a definition of height to include any supporting structure; she also outlined the sign area; and a restriction that home based businesses were restricted to a name plate sign that had to be attached to the structure; and things that were strictly prohibited.

Discussion and consideration of plan to install pavement and utilities on 2600 south between 1000 West and 1100 West

Mr. Anhder said they proposed with the developer that the developer would pay to put in the asphalt and they would credit back the impact fees; the city would put in the water and sewer lines (\$47,000) but would get all of that back at the time that they develop. It got the road in and they would get everything back in time. Councilman Jacobsen said they needed to be clear that this would be a benefit to the current citizens of Nibley with that road and not a benefit to the developer. Mr. Anhder said the city believed that would be a highly used road.

Councilman Mickelson made a motion to approve the plan to install pavement and utilities on 2600 South. Councilman Dustin seconded the motion.

Councilman Larsen returned at 8:09.

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

Discussion and update of Blacksmith Fork River high water and/or flooding problems

The Council reviewed a graph showing water and snowpack levels. Councilman Jacobsen said the water and snow pack levels were higher than the water and snow pack in 1984; but he believed that data was about the slope of how quickly it came off in 1984.

Councilman Jacobsen said in forecasting next week there would be a 50/50 probability that they would hit 7.4 feet on the river which was about what they had peaked at so far this year. Mayor Knight said in '84 they had flooding into the 15th of June. Councilman Jacobsen said you could say there was a 10% probability that they will reach 8.26 feet; they might hit the levels they hit in 1984. There was a 90% chance that they would reach flood levels again. Mr. Anhder said the flood levels were according to the experts. They know they can keep the river contained in its banks at 7.2 ft. and since '84 they had worked on the river. Mayor Knight said they had done a tremendous amount of work and since then have gone to trouble areas and added more material. Councilman Mickelson said what they could take from this was they were in a situation where they could have additional flooding and to be ready for it and he applauded staff for the work they had done already to get ready for this.

Mayor Knight discussed their emergency approach for this. He said he would be the one to declare any emergency and then there would be an incident command group that would get together at a command center to evaluate the situation; from that point the city manager would call for reinforcements or volunteers and verify the problem areas. The sheriff would control crowds and cars. Public works would coordinate staff going to and taking equipment to the affected areas. Mayor Knight said public works would need help and he would like the councilmen to work under Mr. Saunders at the site directing and fielding questions; staff would have the expertise. CERT would be in charge of spotters who are looking for other potential problem areas. The Mayor will coordinate everything. Councilman Larsen asked how many radios they had. Mayor Knight said the first-responders all had radios and the city had four radios. Mr. Anhder said the backbone would be cell phones. First-responders would be directing volunteers as they come in and controlling all medical issues. Mayor Knight said the city had been directed by the first-responders to call 911 first should a medical need arise. Councilman Mickelson said he would appreciate updates so if they got calls they could give the appropriate information if asked. Mayor Knight said a possible next level was if they got a peak flow that approached 2000 cubic ft./second then they would add evacuation to their strategy and providing living locations for those people affected.

Mr. Anhder the policy for the river was to protect homes. If homes are threatened along the river they would marshal city forces to protect homes. They will not protect or assume responsibility to protect landscaping; that would be left to homeowners and neighbors unless it effected the stream flow directly.

Mayor Knight recognized Scout Scott Rigby with Troop 373 working on his Citizenship and the Community Merit Badge.

Report on meetings with the Utah League of Cities

Councilman Mickelson, Councilman Larsen and Mayor Knight gave their reports on items and issues of interest at the Utah League of Cities meetings.

City Manager Report

Mr. Anhder said a couple of weeks ago some items came up from their audit. He read with the Council Pay Role Processing from the audit and explained that all time sheets submitted by employees are reviewed by a supervisor and then signed by a supervisor. Once the hours and data had been reported and prepared it was not reviewed again for clerical errors. With the last payroll, that had changed. He said they would find on this year's audit that part of the year would be in non-compliance but would be in compliance from now on.

Mr. Anhder said the budget would be presented at their next meeting in two weeks. Mr. Anhder gave his recommendation for passing the budget and the Council meeting schedule. The Council decided to meet on May 5th (presentation of budget), May 12th (workshop the budget), May 19th, and June 16th.

Council Reports

Mayor Knight got their annual letter from the Hyrum Library and read those statistics to the Council.

Councilman Larsen said the Miss Nibley pageant was underway. The pageant would be April 30th.

Councilman Jacobsen said he got an email from the South Corridor Study with Nibley City's Resolution included. Councilman Jacobsen said on May 4th there would be a workshop from 12:00 p.m. to 6:00 p.m. at the American West Heritage Center.

Councilman Hansen said the community garden online form was done. They had done visits to the trailer court and Spring Creek Crossing. They had 10 that said they were interested. They would go out a couple more times and he believed they were getting a good response.

Councilman Hansen noted the Easter Egg Hunt on Saturday, April 23rd at 10:00 at Heritage Park.

Councilman Mickelson noted he had sent pictures to Mr. Anhder sent to him by the canal company and wanted confirmation he had received them.

The meeting was adjourned at 9:52 p.m.