

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, May 5, 2011.

The following actions were made during the meeting:

Councilman Dustin motioned to accept the tentative budget for fiscal year 2011-2012. Councilman Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Dustin motioned to approve Ordinance 11-05 amending the sign regulations for Nibley City. Councilman Hansen seconded the motion.

Councilman Larsen motioned to amend to strike lines (46-47) “if the street to which the sign oriented is higher than the grade at the base of the sign . . . of permanent height.” Councilman Jacobsen seconded the motion. The amendment failed 1-3; with Councilman Larsen in favor. Councilman Jacobsen, Councilman Dustin, and Councilman Hansen were opposed. Councilman Mickelson abstained from voting.

Councilman Mickelson motioned to amend to strike all references to EMDs from Ordinance 11-05. Councilman Larsen seconded the motion. The amendment failed 2-3; with Councilman Mickelson and Councilman Jacobsen in favor. Councilman Dustin, Councilman Hansen, and Councilman Larsen were opposed.

Councilman Hansen motioned to amend that there be 500 ft. between electronic message display signs and pole signs. Councilman Mickelson seconded the motion. The amendment passed unanimously 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Dustin, and Councilman Larsen all in favor.

Councilman Larsen motioned to reconsider the amendment to strike any reference to EMDs from Ordinance 11-05. Councilman Mickelson seconded the amendment. The motion passed unanimously 4-1; with Councilman Larsen, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen in favor. Councilman Dustin was opposed.

The reconsidered motion to amend to strike all references to EMDs from Ordinance 11-05 passed 3-2; with Councilman Mickelson, Councilman Larsen, and Councilman Jacobsen in favor. Councilman Hansen and Councilman Dustin were opposed.

Councilman Larsen motioned to amend; to state that home occupations business are not permitted signs of any kind. Councilman Dustin seconded the motion. The amendment failed 1-4; with Councilman Larsen in favor. Councilman

Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen were opposed.

Councilman Jacobsen motioned to amend that they move section F to the back of Ordinance 11-05 under “Prohibited Signs”. Councilman Dustin seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Larsen in favor.

The amended motion to passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, 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, May 5, 2011 Nibley City Council meeting to order at 6:05 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Bryan Hansen, Councilman Scott Larsen, Councilman Shaun Dustin, and Councilman Thayne Mickelson. City Manager, Larry Anhder, was also in attendance.

Call to order; minutes of April 21, 2011 read and approved; and approval of agenda

Councilman Hansen made a motion to approve the minutes of April 21st and March 31st. Councilman Jacobsen seconded the motion. Councilman Hansen wanted to make a change to the agenda. He said the Cache Celtic Festival wanted to come talk to them for 10-15 minutes. Mayor Knight said he would add that in. Mr. Anhder noted the Senior Center would be unable to attend tonight. The motion passed 3-0; with Councilman Hansen, Councilman Jacobsen, and Councilman Dustin in favor. Councilman Larsen abstained from voting.

Annual Report from Chief Cardell Nielsen, Hyrum Fire Department

Chief Cardell Nielsen and Battalion Chief, Dave Roberts were present at the meeting. Chief Nielsen said the Hyrum Fire Department responded to 41 calls in Nibley in 2010. They provided 398 hours of man power at an average of \$8.55 per hour to cover those calls. They had an average of 9 personnel for each call. Chief Nielsen said their services included public meetings, parades, night-out against crime, tours for cub and boy scouts, and other social or family groups, visits to schools, and any other educational requests. Chief Nielsen said for their information it cost about \$9,863 per fire fighter for personal protective equipment and certification. Chief Nielsen mentioned they had a mutual aid agreement in the County; when they respond to a call in Logan or Wellsville they absorb those costs. Likewise, when Logan or Wellsville responds to Nibley they “bite that” like they do when they respond to Wellsville or Logan. Chief Nielsen said most of the calls

for Nibley were CO2 call and leaking gas lines. He said they did not have a major structural fire.

Councilman Hansen asked if their contractual agreement was based on a per call basis or if it was a flat fee. Mr. Anhder said it was based on their population; they pay so much per person. Councilman Larsen noted they responded to less calls this year than last year. Chief Nielsen said yes; he recalled it was 51 calls the previous year and 41 calls in 2010. Councilman Larsen asked if there was anything they could do to educate Nibley citizens on CO² problems. Chief Nielsen said a lot of those calls the batteries were dead.

Councilman Larsen left at 6:17.

Councilman Jacobsen said the really good news was that he could only see three incidents were they had to spend more than one hour on scene. Councilman Jacobsen asked if they felt they were adequately staffed. Chief Nielsen said it was getting tougher and tougher to get people; people come and realize that it isn't all fun. Mr. Roberts said people don't realize how much time you have to put in. All of them were volunteers and he discussed the time and schooling involved.

Mayor Knight thanked the fire department for their service. Mr. Anhder said they were fortunate to have Chief Nielsen; he had dedicated most of his life to public service and this was the type of public service there was very little pay for. He also said he had known Dave Roberts all of his life; they were good men they were lucky to have them.

City Managers Report

Mr. Anhder said they had before them the bound and finished copy of the Parks and Trails Master plan which was their own personal copy. He said he felt the plan would have reverberations for their community and some things would already be shown in next years' budget presentation.

Councilman Thayne Mickelson arrived at 6:28.

Mr. Anhder said the Utah Department of Water Quality is proposing regulations for sewer collection system. It was something that would affect them. He planned as a city manager to make some comments on the proposed regulations to try and keep them something they could handle was a small community.

Mayor Knight mentioned the South Corridor Study scoping meeting. He noted the attendance by Councilman Hansen, Councilman Jacobsen and Councilman Dustin. He said they did a very good job of assessing what is going on and the needs of the communities. He thought it represented Nibley's concerns and desires in the area. Councilman Hansen said he thought the main thing was moving from discussion to real dialog; they really dislike the Peterson development; they really felt it was an eyesore and if development continues like that it would be outrageous. They discussed how far back the developments should be from the highway. Mayor Knight said they showed concern for the commercial development for Nibley. Councilman Jacobsen mentioned there was

also an opportunity to visit the South Corridor Study website. Mayor Knight said there was a survey they could fill out on line on the website.

Presentation by Diane Baum on the Cache Celtic Festival

Mrs. Baum said she was representing the Cache Celtic festival & Highland Games. She said they were in their third year of the festival; twenty-six clans were represented. She said they would like to see this become a more significant event in Cache Valley and get the various communities involved. Their organization is entirely volunteers and they are always looking for volunteers. Mrs. Baum encouraged the city to sponsor them in terms of support. They would like to try to encourage families with their family vacations or family reunions to participate in the first annual Celtic Handcart Trek at Camp Rendezvous at the American West Heritage Center. They have researched journals of those pioneers and will have their stories to tell at a one day trek on the grounds. They were going to build that into the cultural experience with the handcarts. They will be hiring and identifying student actors to tell the stories. Mrs. Baum said the festival would be the last week in August. The festival itself was a one day event but the handcart experience would be held the entire week. Mayor Knight suggested they could include a note in the newsletter. Mrs. Baum volunteered to write something for the newsletter. Mrs. Baum discussed the option of putting banners up around town. Councilman Hansen suggested the Little Wonders Preschool would be a good location. Councilman Hansen asked what they would need for volunteers. Mrs. Baum said they would need to staff the parking lot, ticket takers, security people, and possibly some athletes to throw telephone poles or skillet toss; she said the athletic events were quite dangerous and people were required to go through training to participate. Mrs. Baum noted the Charles Nibley was a Scott.

Presentation of the Nibley City budget for fiscal year 2011-2012

Mr. Anhder said he was pleased to present the budget for the upcoming fiscal year and changes to the remainder of the current budget. Mr. Anhder said the general fund is funded mostly with tax revenues and was therefore the general fund was 1.8 million dollars. The next budget anticipates 50 single family homes built next year; a property tax adjustment to the rate of .001667; and projected sales tax revenue holding steady

Mr. Anhder noted that charges to the utility funds are to cover costs incurred in the general fund that are attributable to each utility; there are no funds “subsidizing” the general fund.

Mr. Anhder said the budget also anticipated a 1.5% salary schedule increase; landscape of the new city hall and other contingencies; a new sander, portable radar unit, mower, and pickup; increase in road chip and seal; a \$2/month increase to the monthly sewer bill; an annual stipend for the Nibley-Millville First Responders; a new deep well for culinary water on the west side of the community; capital improvement fund projects including at baseball diamond, and a city shops building; the purchase of approximately 40 acres to complete the land for the Regional Central Park which will anticipate an increase in the park impact fees. Mr. Anhder said this budget had been the biggest challenge of all the budgets he had put together and many of the items would have a big impact on the

community. Mr. Anhder said they anticipate having the public works director here next week for the meeting so they could workshop the budget. Mr. Anhder said he did anticipate retiring sometime in this next fiscal year and he had budgeted a little extra money to cover two salaries in anticipation of an overlap in the replacement of a city manager.

Acceptance of tentative budget by City Council

Councilman Dustin made a motion to accept the tentative budget for fiscal year 2011-2012. Councilman Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Annual Open Meeting Act training

Mr. Anhder conducted a presentation on the Open Public Meetings Act which required government bodies to deliberate and take actions openly. Mr. Anhder said as per State law, the council members were receiving their annual training on the Open Meetings Act. Mr. Anhder also noted that Mayor Knight, Councilman Mickelson, and Councilman Larsen also received training at the annual League of Cities meeting in April. Mr. Anhder went through the presentation with Council members Mickelson, Jacobsen, Hansen, and Dustin.

Update on Blacksmith Fork River plans

Mr. Anhder said it looked like this weekend they could get over flood stage but none of it was worrisome. They had been on the river even today doing upkeep. Mayor Knight said they sent out a letter to property owners along the Blacksmith Fork River giving Nibley City's policy on assisting with flood waters along the river. Mr. Anhder said Gary Murray had done a great job, in a number of areas, pulling things out.

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

Mr. Carston McCullough, Mr. Braxton Schenk, and Mr. Matt Peterson were present at the meeting. Mr. McCullough and Mr. Schenk brought an example of an electronic message display to the meeting which the Council observed and discussed.

Councilman Larsen returned at 7:44.

Mayor Knight reminded the Council there were several proposed changes in the ordinance and not all of them involved EMDs (electronic message displays).

Councilman Dustin made a motion to approve Ordinance 11-05 amending the sign regulations for Nibley City. Councilman Hansen seconded the motion.

Mayor Knight asked for discussion on the motion. Councilman Larsen said he thought they could take the consideration in sections. He said he had a tough time in saying that he even wanted EMDs. He also had concerns with some of the other portions; the maximum height definition and that the height would be taken from the street and they

could have an elevated street. Right now he did not see the point of using the street as the height; he did not think they had climbed far for what grade was.

Councilman Larsen made a motion to amend to strike lines (46-47) “if the street to which the sign oriented is higher than the grade at the base of the sign . . . of permanent height.” Councilman Jacobsen discussed the possibility of having a berm, embankment, or burrow pit that was 10 feet below grade where the base of the sign was. The sign constructor should have a base elevation that is even with the surface of the road as opposed to ten feet down. Councilman Larsen said when he looked at the maximum height he did not see a sign that would fall into that. Mr. Anhder said they would use the public street in enforcing the ordinance. He said the street gave them a static point to measure from.

Councilman Jacobsen seconded the motion.

Councilman Dustin said they have to give them something to measure from so that they can tie it down somewhere. They need a firm point to tie the top of the sign to. Mr. Schenk said the city would know a good time before hand if a road were going to be raised and they would have sufficient time to adjust their ordinance. Mayor Knight hoped they could get something they wouldn't have to change on a regular basis. Councilman Jacobsen said he was alright with taking the road out but that he needed something there.

The amendment failed 1-3; with Councilman Larsen in favor. Councilman Jacobsen, Councilman Dustin, and Councilman Hansen were opposed. Councilman Mickelson abstained from voting.

Councilman Larsen questioned some of items that were struck out of the current ordinance and these issues were discussed by the Council. Mr. Anhder said he would like to take the entire section on signs on public property (page 3 section F) and move it back to “Not Permitted”. The Council discussed temporary signs and if they should be permitted in a public right-of-way and how long a “short period of time” was. Councilman Mickelson said he wanted to address the issue at hand and if they would allow EMDs. In their general plan the main sentence that drove their city vision was “Nibley is a well-planned community that encourages the preservation of open space and the rural heritage of Cache Valley” and while he thinks they see more and more electronic signs he thought there were other ways of accomplishing the goal and he thought electronic signs went away from the goal of keeping this a rural heritage; electronic sign were a complete contrast to that idea. He said he was against electronic signage.

Councilman Mickelson made a motion to amend to strike all references to EMDs from Ordinance 11-05. Councilman Larsen seconded the motion.

Councilman Jacobsen said this gave him a chance to brush up on his radiation transfer and gave his analysis of lumens, watts, and foot candles. He described 3/10 of a foot candle and said if he were a sign person he would understand what 3/10 of a foot candle was. Mr. Schenk said it had not been asked of them. Councilman Jacobsen said one short

coming of 3/10 of a foot candle was they modulate the light off the sign; there should be a reduced foot candle at night or some increased foot candles during the day.

Councilman Dustin said he appreciated Councilman Jacobsen's analysis. He said he did not like these signs. However, there was more than his preferences of aesthetic at play here and the reason these came about was because property owners went to Logan and said they would rather be with Logan. If he is a business owner he is going to go the city that allows him the latitude to have type of sign he wants to advertise his business. If they were going to develop economically they need to take those issues seriously. If they were going to allow these signs he liked the conditions that were set forward in the ordinance for control. He liked that they were conditional which gave them a lot of control, that they could go in and monitor, and the limitations. If they were going to allow it he was comfortable with the framework that staff had come up with. He did not want Nibley to be a dead zone between Logan and Wellsville; if they don't pass this they may end up with a corridor with a lot of crazy signage because they can only control what was in their own city.

Councilman Hansen said his one concern was what would happen if every business in that corridor had an EMD; nothing in this addressed how far apart EMDs had to be. His concern is that they could create a backlash between Logan and the existing homeowners in the area. This may create a larger problem with them in that area; he thought it stated they were planning to make this a commercial zone. From a planning perspective they perceive that being a commercial corridor.

Matt Peterson said as a business owner the objective was not to blend into the landscape; blending in did not pay the bills. At the same time they did not want to be obnoxious. He said these were great signs for a business to get their message out. He said he had to have some sort of sign. The sign he would put in that was not offensive was not lighted. He thought billboards were just as ugly and offensive as something like this. Mr. Peterson said the way the economy was his neighbors were more afraid of his failing because if he failed their property values would go down. He wants to portray his message to the general public and cast the biggest net he can and the entrance to his store was a nightmare.

Councilman Dustin noted there was no off premise advertising permitted. Councilman Dustin said he was afraid it worked for him. Councilman Jacobsen said the timing was unfortunate because they were in the South Corridor study and trying to work with neighbors and they had comments that they did not like what Nibley had done with the Peterson development. He wished they could have some of these ideas with the other communities on the corridor study. He is afraid they are coming to the table with the idea they are not working in good faith.

Mayor Knight recognized there could be some short term problems by permitting this in that area but he also knew this is what was coming. Councilman Larsen said in addressing the concern with the neighbors; if the signage enhanced the property and fills the buildings then they would be mad because of more traffic so no matter what is done

there were going to be people mad at them. Most of those people chose Logan to go with but if someone comes in and gives them X amount for their property then he would be surprised if every single one of them didn't sell. Councilman Larsen said this type of EMD would be better than what they allow now with the ticker type electronic sign. He thought the neighbors already had their opinions set. Councilman Hansen said on the other hand it was a way for them to stake their claim on their commercial area. It is a developing commercial area and if they believed it was the commercial heart of Nibley then this probably was the right step.

The amendment failed 2-3; with Councilman Mickelson and Councilman Jacobsen in favor. Councilman Dustin, Councilman Hansen, and Councilman Larsen were opposed.

Councilman Dustin proposed amending item J line 46 on page 3; to add after "position, shape, color"; ", brightness, or animation"; all Council members were in favor of that change.

Councilman Larsen wanted to address home occupation signage and said with a home occupation the business should not be intrusive or infringe on the neighborhood and for him signage created the fact that it was not a home but a business. He had a problem with allowing signage at all for home occupation. Home occupation are not restricted the same as a business. Councilman Mickelson said there needed to be some recognition.

Councilman Dustin's next proposed changed was line 30 and 31 (3c. page 4) where an EMD was permitted in a residential zone. He wanted that stricken. Councilman Hansen believed there would be a high school in Nibley one day and they might go to something like this for signage. Councilman Dustin said they would have to be 300 ft. from a residence. Councilman Larsen said his vote before was misunderstood and was intended to be for no EMDs. Councilman Dustin, Councilman Hansen, and Councilman Jacobsen were in favor of that revision.

Councilman Dustin said on page 7 he wanted to strike line item 6 because he was not sure what constituted a work of art; he wanted to retain some ambiguity. Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were in favor of striking that.

Councilman Hansen recommended setting a minimum amount of distance between one EMD and another. He was suggesting 500 ft. between EMDs. Mayor Knight asked him if he wanted to limit it to EMDs or all pole signs. The Council discussed the appropriate distance between signs.

Councilman Hansen made a motion to amend that there be 500 ft. between electronic message display signs and pole signs. Councilman Mickelson seconded the motion. The amendment passed unanimously 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Dustin, and Councilman Larsen all in favor.

Councilman Larsen made a motion to reconsider the amendment to strike any reference to EMDs from Ordinance 11-05. Councilman Mickelson seconded the amendment. The motion passed unanimously 4-1; with Councilman Larsen, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen in favor. Councilman Dustin was opposed.

This put the motion to amend to strike all references to EMDs from Ordinance 11-5 back on the table and open for discussion. Councilman Jacobsen noted that this came to them from the Planning & Zoning Commission with a 4-0 vote. The planning commission had had a lot of concerns with the new sign ordinance too and he interpreted from the minutes that the Planning & Zoning Commission decided that it was a legislative issue that the elected body needed to deal with. He did not think it came with a glowing endorsement from the Planning Commission.

The amendment passed 3-2; with Councilman Mickelson, Councilman Larsen, and Councilman Jacobsen in favor. Councilman Hansen and Councilman Dustin were opposed.

Mayor Knight said the motion had just eliminated all EMDs in Nibley. Councilman Jacobsen said he intended to press this with the South Corridor and he hoped there would be a Letter to the Editor on how Nibley City took a stand and showed how they were preserving the south corridor. They took a stand which was above and beyond anything that had happened to the north of them. He thought they should press this and the south corridor needed to deal with it; that is why he was delaying. If they were not going to deal with it then he looked forward to seeing the sign company back with them. Mr. Schenk said it did not make sense to him that they invited a commercial business in but would not invite things in that help that business succeed. He thought it would continue to press business to the borders of their town. Councilman Dustin said the message they had just sent to their biggest business in town was that they couldn't care less about whether he succeeded in their best commercial real estate. Mr. Anhder said he agreed with Councilman Dustin. Councilman Hansen said they were trying to create a coalition with the south corridor and this would have thrown a big wedge into that; they needed the time to establish that coalition.

Councilman Larsen readdressed home occupation businesses and permitting no signage on page 4. He said he did not like signage in neighborhoods. He did not think home occupation business should have signage even if it was a name plate.

Councilman Larsen made a motion to amend; to state that home occupations business are not permitted signs of any kind. Councilman Dustin seconded the motion.

Councilman Jacobsen said he liked little businesses better than big ones. Cottage industries were important and the chance for people to work out of their house under the right set of conditions and 3 square foot signs was reasonable and a good thing for their community. Councilman Mickelson said he was not opposed to advertising; he was opposed to the invasive way they do it and that was why he was not in favor of the change.

The amendment failed 1-4; with Councilman Larsen in favor. Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen were opposed.

Mr. Anhder noted that section G struck the signs on public property; striking that would allow signs on public property.

Councilman Jacobsen made a motion to amend that they move section F to the back under "Prohibited Signs". Councilman Dustin seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Larsen in favor.

The motion to pass Ordinance 11-05 passed 4-1; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen in favor. Councilman Dustin was opposed.

Council Reports

Councilman Dustin said he had talked to Commissioner Bliesner and looked at their transportation study and the Peterson development was a real puzzle to him. The entrance did not line up and it never occurred to him to turn in there unless he was seriously intending to go there. He wanted to look at realigning that entrance and realigning 2600. They need to give serious consideration to helping the businesses in Nibley. He asked for help from the Council in addressing transportation issues.

Councilman Larsen said he enjoyed the ride down Hollow Road with his scouts and suggested an alternative to the location of a light.

Councilman Larsen said the Miss Nibley pageant was held on April 30th. He said they had good participation. Councilman Larsen noted the royalty, the sweethearts, and that Virginia Harris was named the Woman of the Year.

Councilman Jacobsen said he thought they could talk about 800 West and if they could work with the County on getting the speed limit reduced. Mr. Anhder said he had already talked with them on that; the dilemma with that was that one side of the road was still in the County.

Mayor Knight said there was a benefit dinner for Yeah Samake at \$1,000/plate on Saturday the 7th.

Mayor Knight said with dogs at large he wondered how well they were being served. Councilman Larsen questioned that also.

The meeting was adjourned at 10:23 p.m.