

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, June 7, 2012.

The following actions were made during the meeting:

Councilman Jacobsen motioned to approve the lot split of Moose Manor, lot 1 of Sierra Commercial Park, located at 2340 South Heritage Drive. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt all in favor.

Councilman Hansen motioned to approve the final site plan for Moose Manor. Councilwoman Cook seconded the motion. The motion passed unanimously 4-0; with Councilman Hansen, Councilwoman Cook, Councilman Hansen, and Councilman Platt all in favor.

Councilman Jacobsen motioned to adopt the FIRST READING of Resolution 12-10-adopting the budget dated June 7, 2012, for fiscal year 2012-13. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt all in favor.

Councilman Hansen made a motioned to approve Resolution 12-09—implementing the Nibley City Legacy Tree Program. Councilman Jacobsen seconded the motion.

Councilman Jacobsen motioned to amend with wording that said “will replace the tree with a tree similar to the original at planting at no charge to the applicant”. Councilman Hansen seconded the motion. The motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, and Councilwoman Cook in favor. Councilman Platt was opposed.

The amended motion passed 3-1; with Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook in favor. Councilman Platt was opposed.

Councilman Jacobsen motioned to adopt Ordinance 12-06—setting the criteria for Heritage Tree designation. Councilman Hansen seconded the motion. Councilman Jacobsen voted in favor. Councilman Hansen voted in favor. Councilwoman Cook was opposed. Councilman Platt was opposed. With the tied vote, Mayor Knight voted in favor. The motion passed 3-2.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, June 7, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman

Carrie Cook, Councilman Larry Jacobsen, Councilman Shawn Platt and Councilman Bryan Hansen. David Zook, the City Manager, and Bill Saunders, the Public Works Director, were also in attendance. Councilman Thayne Mickelson was excused from the meeting.

Call to Order; Approval of the May 17, 2012 minutes and the evening's agenda

Councilman Jacobsen made a motion to approve the minutes of 5-17-12 and the evening's agenda. Councilman Platt seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Platt, and Councilwoman Cook all in favor.

1. Presentation/Discussion regarding plans for Heritage Days, June 18-23, 2012

Mrs. Rachel Haycock was present at the meeting.

Councilman Hansen arrived at 6:32.

Mrs. Haycock said Heritage Days was on track with the exception of the Mayor's Dinner. Mrs. Haycock discussed the issues they were having with the dinner and was asking the Council for an additional \$900 (\$5/person) to pay for the dinner. Mayor Knight said they would figure something out. Mrs. Haycock said they still needed volunteers for two events. She and Diane Marvin were taking on those events. She suggested next year they start planning for the event in January and advertising for volunteers then. Mayor Knight suggested they have a sign-up sheet at the Mayor's Dinner for next year's Heritage Days. Mrs. Haycock said she would like to see all of the Council members participate. She thanked them for volunteering with serving watermelon. Mrs. Haycock asked for help with serving at the Mayor's Dinner. Mayor Knight said in the past they have not been able to help serve because of health issues but they could pass out drinks. Councilman Platt said he would not be in town for Heritage Days. Mrs. Haycock gave a summary of the planned events for Nibley's Heritage Days.

Councilman Hansen said he strongly encouraged advertising earlier for help and encouraged they advertise at each event. He also gave feedback on fireworks. Councilman Jacobsen asked about a specific person to send information to the website administrator.

2. Council and Staff Reports

Mr. Zook said they had received information regarding their RAPZ and Restaurant Tax grant application. The County had recommended they be granted \$50,000 which was lower than what they requested, but higher than they expected.

Mr. Zook updated the Council on the issuance of their water bonds and said there would be action for the Council for issuance of those bonds at the next meeting (July 21). He said they had been issued a rate of 1.75% which would save them a lot, especially in the refinancing of some of their water bonds.

Mr. Zook updated the Council on the RFP's regarding the impact fee study. They selected Lewis, Young, Robertson, and Birmingham with the lowest bid and the most qualifications and experience. They offered an option to expand the scope to include a comprehensive financial sustainability plan. Mr. Zook said he had applied for a grant from the CIB of \$25,000 to pay for those studies. This would take into account many of their existing documents as well as their infrastructure plans, ongoing financial obligations, etc. and help them develop a long range plan; i.e. paying for equipment that would depreciate over time.

Mr. Zook said 3200 South on the west end of Nibley was closed due to a County project. He anticipated it would be closed for a couple of weeks.

Mr. Zook discussed correspondence he had received from the Schiess family expressing their need of a support letter from the city in order to apply for their land conservation. Mr. Zook said Councilman Mickelson had said he would be willing to provide that letter and show it to the Council for approval.

Mr. Zook noted the swearing in of the new city Judge and that he had been approved by the Administrative Office of the Court.

Mr. Zook said they were in their open enrollment period for benefits. After discussions with Nibley's benefits broker he received news that they could save a significant amount of money by switching to a different carrier. He discussed the benefits of a HSA (Health Savings Account) type of benefit and discussed the way an HSA worked.

Diane Marvin discussed the additional budget money for Heritage Days and said she thought it would not be a problem. Mayor Knight suggested Mrs. Haycock bring that before the Council when she reports on Heritage Days and suggest a future budget which may be amended in January.

Mayor Knight proposed they not hold a City Council meeting on July 5, 2012 and hoped to move the second meeting in July (19th) to the 26th so they could participate in the swearing in of the new city judge. Councilman Platt and Mayor Knight discussed the City Council meeting held during Heritage Days on June 21, 2012. Councilman Jacobsen said he was in favor of the shifted meeting in July.

3. 7:00—PUBLIC HEARING—A public hearing to receive comment regarding the final plat for Moose Manor District, a lot split of Lot 1 of the Sierra Commercial Park, located at 2340 South Heritage Drive, Nibley, Utah.

Mr. Zook said city staff had recommended final plat approval and the Planning & Zoning Commission had recommended approval at their meeting the previous night. Mr. Zook discussed that there was an agreement regarding the outstanding items with the Heritage Park subdivision which had been reviewed and approved by the city attorney. Mr. Zook summarized the lot split for the public present.

Mayor Knight opened the public hearing at 7:07. Seeing no public comment he closed the public hearing at 7:07.

4. Discussion and consideration of the final plat and final site plan for Moose Manor District, a lot split of Lot 1 of the Sierra Commercial Park, located at 2340 South Heritage Drive, Nibley, Utah. (Applicants: Tyler Shurtleff/Andy Stroman)

Councilman Jacobsen made a motion to approve the lot split of Moose Manor, lot 1 of Sierra Commercial Park, located at 2340 South Heritage Drive. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt all in favor.

Councilman Hansen made a motion to approve the final site plan for Moose Manor. Councilwoman Cook seconded the motion.

Councilman Jacobsen said he was relying on city staff and the Planning & Zoning Commission that all the site, landscaping, and parking issues had been resolved. Mr. Zook said they had. Councilman Hansen suggested they consider connecting their open space to the Nibley trail system.

The motion passed unanimously 4-0; with Councilman Hansen, Councilwoman Cook, Councilman Hansen, and Councilman Platt all in favor.

5. 7:00—PUBLIC HEARING—A public hearing to receive comment on the proposed budget for Fiscal Year 2012-13.

Mr. Zook gave a brief overview of the proposed budget for fiscal year 2012-13 which included a general fund revenue overview with 51% coming from taxes; a tax revenue overview with 45% coming from sales tax and 31% coming from property tax and also reflecting franchise taxes of electrical, telecom, gas, and cable; general fund expenditures including 17% to streets, 16% for administration, 15% for sanitation, 12% for parks, and 10% for public safety; and building permit activities.

Mayor Knight gave the public direction and opened the public hearing at 7:32.

Mr. Randy Boehme, referencing a recent city newsletter, said he understood that there were some funds available for some projects which included sidewalks. He voiced his support of the additional sidewalk along 2600 south. He said there were a number of individuals who used that road frequently and he also knew of several individuals who supported his comments. There was another citizen present who said he supported the same issue.

Corlyss Drinkard said she echoed what Mr. Boehme said and relayed information she had received from residents living along 2600 So. She asked for clarification on several budget line items including: 10-43-330 referencing training and wanted to know what that training was for; 10-43-610, an increase in miscellaneous supplies; 10-55-11, what building was being leased; 10-55-14, what GIS was and the reason for the difference; 10-55-10, information technology; 10-60-130, employee benefits; and 10-60-590, \$40,000

for sidewalk projects. She wanted to know what sidewalks were being build and it if was along 2600 South. She reiterated her objection to the \$800,000 for a regional park that would not be needed in 10 years for people that would not be here in ten years and an aging population.

John Taylor asked about the initiation of bonds. Mayor Knight discussed that they would be paying of two other bonds at a lower rate and the extra money would be use to start drilling on a new well. Mr. Taylor asked how much individual property tax would increase. Mayor Knight explained the calculation of property taxes. Mr. Taylor said he had noticed the building permits had dropped and said if there was an increase in taxes it would not stimulate growth.

Cynthia Fredrickson said she appreciated the time put in by staff to prepare the budget. She said this was the most important decision they made all year. She said she appreciated their consideration and review of the budget.

Corlyss Drinkard referenced an email from Paul Rew and his questions on the budget and said if they anticipated answering his questions that they reference that they were answering a constituent's questions.

McKenzie Maurer said they enjoyed the sidewalk on their property along 2600 south. Mayor Knight reviewed the city's policies on building sidewalks.

Seeing no further comment, Mayor Knight closed the public hearing at 7:47.

Mr. Zook addressed the line item questions from Ms. Drinkard.

Mr. Zook pointed out changes that had been made to the budget in the previous three weeks. He said the budget had the most up-to-date information possible. Mr. Zook and the Council discussed the Hyrum Senior Center and Nibley's usage of that facility and the need for ongoing discussion with the center. Mr. Zook then addressed line item issues and questions from the Council. Councilman Platt asked about costs relating to the new justice court judge and the Nibley partnership with Mendon. Mayor Knight asked about money allocated to the Easter Egg Hunt and a line item titled Christmas Nativity. The line item was discussed and relabeled. Councilwoman Cook asked if it was possible to not move money over to the parks until they had a more scientific study of their parks needs. Mayor Knight suggested it be kept so it was available if needed. Councilwoman Cook asked about City Council input on the expenditure of that money. Mayor Knight said they would not expend that money without City Council's consent. The Council discussed conducting a scientific study. Corlyss Drinkard said they could never be wrong trying to find out what their citizens think they should do with respect to the ways they recreate. She said the individuals that showed up during the Parks Plan were a "self-serving bunch" and they shouldn't have reservations on spending money on a survey. Councilman Jacobsen discussed Nibley's policy on providing sidewalks. He felt concerned that they were giving favor to a specific developer by giving them a unique advantage over another developer. He wanted a way to recoup the costs of putting in

those sidewalks and asked what that might be. Mr. Zook said it would be their intent to charge the incoming developer their share of the costs for their frontage in lieu of their requirement to pave it. Councilman Jacobsen asked if they had a legal mechanism or process to make that stick. Mr. Zook said they did. Cynthia Fredrickson said she would support putting the sidewalk in. She said if one child was hit on that street then they had failed in their mission as a city. Councilman Jacobsen said he planned to support the 2600 sidewalk project and tasked staff with finding a way to not favor one developer over another. Councilman Hansen and Councilwoman Cook said they were in favor of Councilman Jacobsen comments as well. Mr. Zook recognized staff, specifically Diane Marvin, for their help in preparing the budget. Councilman Hansen asked Council if they anticipated making any large changes to the budget at the next meeting. Mr. Zook reminded the Council that the budget needed to balance.

6. Discussion and consideration of Resolution 12-10—A Resolution Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for 2012-13 (First Reading)

Councilman Jacobsen made a motion to adopt the FIRST READING of Resolution 12-10—adopting the budget dated June 7, 2012, for fiscal year 2012-13. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt all in favor.

6. Discussion and consideration of Resolution 12-09- A Resolution Implementing the Nibley City Heritage Tree Program (Second Reading)

Mayor Knight read Resolution 12-09 to the City Council, staff, and public present.

Councilman Hansen made a motion to approve Resolution 12-09—implementing the Nibley City Legacy Tree Program. Councilman Jacobsen seconded the motion.

Councilwoman Cook was concerned that they were regulating someone's tree in their private property. The Council clarified that the legacy trees would be on public property. Councilman Platt he did not like that the city would replace the tree within 10 years if the tree died and wanted it clarified what kind of tree would be put in its place. Councilman Hansen suggested they included a minimum caliper tree. Mr. Saunders said that would be appropriate and suggested a minimum 3 in. caliper tree. The Council discussed how to amend the resolution.

Councilman Jacobsen made a motion to amend with wording that said “will replace the tree with a tree similar to the original at planting at no charge to the applicant”.

Councilman Hansen seconded the motion.

Councilman Platt said he foresaw this being abused.

The motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, and Councilwoman Cook in favor. Councilman Platt was opposed.

The motion passed 3-1; with Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook in favor. Councilman Platt was opposed.

7. Discussion and consideration of Ordinance 12-06—An Ordinance setting the criteria for Heritage Tree designation (Second Reading)

Councilwoman Cook said she was concerned with designating trees on someone private property. Councilman Jacobsen asked if she had a concern with a resident designating a tree on their property and then selling their property to another resident and encumbering that new owner. Councilman Jacobsen said there was no “big brother” here. The city was not going out and asking for citizens to apply for Heritage Trees.

Councilman Jacobsen made a motion to adopt Ordinance 12-06—setting the criteria for Heritage Tree designation. Councilman Hansen seconded the motion.

Councilman Jacobsen said that he liked the idea of expressing the idea that their Heritage included trees and discussed trees removed on the corner of 3200 South and Highway 165. Mayor Knight agreed but said that if there was a substantial safety concern then tree can be removed and that was why those trees were removed. Councilman Platt noted that it did not say where the plaque would be located and asked where the plaque would be put. Mayor Knight said it would be left to Nibley City’s forestry expert, Rod Elwood. Councilman Platt questioned tree removal as designated by a city arborist and who would absorb that cost. Councilman Jacobsen said if the tree was designated a nuisance then it was up to the citizen to take it down; it was covered under Nibley’s nuisance ordinance. Corlyss Drinkard discussed how the Heritage Tree designation worked in Arlington County. Councilwoman Cook asked if they could include verbiage that would include that if the property was sold then they would have to reapply for Heritage Tree designation. Commissioner Lawver, who was present in the audience, thought that would take the teeth out of what they were trying to do.

Councilman Jacobsen voted in favor. Councilman Hansen voted in favor. Councilwoman Cook was opposed. Councilman Platt was opposed. With the tied vote, Mayor Knight voted in favor. The motion passed 3-2.

Council and Staff Reports (Continued)

Mr. Zook reported on the radar signs that had been place in the city; one had been placed on Heritage Road, on 3200 South, and one on 2600 south. He said the information was being shared with the Sheriff’s Department.

Councilman Platt had nothing to report.

Councilwoman Cook had nothing to report.

Councilman Hansen distributed information that was handed to the elementary school referring to the “Get a Brain” reading program and the Scarecrow Festival. He said they would be targeting South end business to have them participate in the Scarecrow Festival. Councilman Hansen said Jack Johnson had developed an online directory specifically for

businesses. He suggested they have a link from Nibley's website directly to this site specifically promoting local Nibley businesses. Councilman Hansen said they celebrated with Nibley's sister city, the Queens 60 year reign at a jubilee.

Councilman Jacobsen commiserated with city staff on the updated IT services. Mr. Zook said the city now owned their domain. He said they had requested applicants to help on the website and had reviewed them. The person they anticipated hiring was preparing a proposal for the city.

Councilman Jacobsen summarized the RAGNAR had made Hollow Road a "no rider support" area and they had distributed flyers on resident's doors informing them when the race would be happening.

Mayor Knight reported on fish at Blacksmith Fork River.

Mayor Knight discussed the Tree Board booth at Heritage Days. He said they would be planting a tree and giving away 11 trees; 10 donated by a resident and 1 donated by Nibley City. He discussed the successes of the Tree Board booth and the Tree Board.

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