

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, September 20, 2012.

The following actions were made during the meeting:

**Councilman Mickelson motioned to authorize Nibley City to enter into a contract with Dan Jones and Associates to conduct a survey of the citizens of Nibley City. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Hansen, Councilman Platt, and Councilman Jacobsen all in favor.**

**Councilman Jacobsen motioned to adopt Resolution 12-14, adopting a plan for the beautification of 3200 South. Councilman Hansen seconded the motion.**

**Councilman Jacobsen made a motion to amend item 2 to read “of the two options for implementing the beautification plan, the preferred option is left to staff.” Councilman Mickelson seconded the motion. The motion passed 3-2; with Councilman Jacobsen, Councilman Mickelson, and Councilwoman Cook in favor. Councilman Hansen and Councilman Platt were opposed.**

**The vote on the motion was as follows: Councilman Jacobsen was in favor, Councilman Hansen was in favor, Councilwoman Cook was in favor, Councilman Platt was opposed, and Councilman Mickelson was in favor. The motion passed 4-1.**

**Councilman Mickelson motioned to approve the concept design as described for the location of the recycling facilities. Councilman Jacobsen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilman Hansen in favor. Councilwoman Cook was opposed.**

**Councilman Jacobsen motioned to accept the first reading of Ordinance 12-07 as presented and would like to consider a clarification from the Planning & Zoning Commission at second reading. Councilwoman Cook seconded the motion. The motion passed 4-1: Councilman Mickelson was opposed, Councilman Platt was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, and Councilman Jacobsen was in favor.**

**Councilman Mickelson motioned to not approve the first reading of Ordinance 12-08, setting the criteria for high density residential zoning regulations. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0. Councilman Mickelson was in favor, Councilman Platt was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, and Councilman Jacobsen was in favor.**

**Councilman Jacobsen motioned to give consent for the appointment of Councilman Shawn Platt as Nibley City liaison for the Community Covenant Program. Councilwoman Cook seconded the motion. The motion passed 5-0; with Councilman**

**Jacobsen, Councilwoman Cook, Councilman Hansen, Councilman Mickelson, and Councilman Platt all in favor.**

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## OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

### **Call to order; approval of agenda; and approval of the September 6, 2012**

Mayor Gerald Knight called the Thursday, September 20, 2012, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilman Thayne Mickelson, Councilwoman Carrie Cook, Councilman Larry Jacobsen, and Councilman Bryan Hansen. Mr. David Zook, the City Manager, and the City Planner, were also in attendance.

Councilman Mickelson made a motion to approve the minutes of the September 6, 2012 meeting, the executive session minutes of the September 6, 2012 meeting, and the evening's agenda. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook all in favor.

### **Presentation by Smithfield City Regarding Recreation Facilities**

Jim Gass, the Smithfield City Manager, and Brett Daniels, the Smithfield City Recreation Director, were present at the meeting. Mr. Gass gave a history of the events that led them to their current recreation facilities. Mr. Gass said they currently had 65.5 acres of developed park land and a recreation center achieved with cooperation with the Cache County School District. Mr. Daniels discussed their main park, Forrester Acres and summarized the remaining Smithfield park facilities.

Councilman Shawn Platt arrived at 6:43.

Councilman Hansen asked if the school district allowed them to use any of their other amenities besides the building that was attached to the school. Mr. Daniels said they were almost at capacity with their other fields and he felt confident the school district would allow them to use their fields. He said they already used the school's tennis courts. He said they had an agreement with the school that gave them city access. Councilman Hansen asked if they should start discussions early should a new high school come to Nibley and they wanted to have a joint use. Mr. Daniels agreed that they should.

Councilman Mickelson asked what sports they felt they needed to serve the most. Mr. Daniels said they really needed more grassy, green areas and acreage for soccer, flag football, T-ball, etc. Councilman Mickelson asked if they found greater value in a large single block of land or in smaller developed areas. Brett said there were advantages to both and said parking had become an issue with the large spaces.

Councilwoman Cook asked about the citizen's response when they began the process of acquiring land. Mr. Gass said they did not raise taxes in order to put in their parks

facilities with the exception of the recreation center. They had capital money they had saved during their sewer project and they did all the work themselves.

Councilman Jacobsen asked about the demographics of Smithfield City and if they had found that the demographics had changed and usages fallen off and if they needed to find other uses for those green spaces. Mr. Daniels said he felt, if anything, their usage had gone up. They continue to have a lot of youth in their programs and still have the need.

Mr. Gass and the City Council discussed Smithfield's golf course and their trails system.

### **Discussion Regarding Park Facilities Citizen Survey**

Mayor Knight and the Council had a list of proposed questions to be asked of Nibley citizens during a survey conducted by Dan Jones and Associates. Mr. Zook had been communicating with Dan Jones and Associates and had relayed the questions and issues discussed by the Council at their previous meeting. He said they had suggested they shorten the survey. The Council reviewed, discussed, and in some cases, edited each proposed question.

Councilman Mickelson made a motion to authorize Nibley City to enter into a contract with Dan Jones and Associates to conduct a survey of the citizens of Nibley City.

Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Hansen, Councilman Platt, and Councilman Jacobsen all in favor.

The Mayor and Council recessed to take an updated picture of the City Council.

### **Discussion and consideration of Resolution 12-14: A Resolution adopting a plan for the Beautification of 3200 South (2nd Reading)**

The City Planner said she had sat with Bill Saunders and Rob Blossom to compile the costs and expenses associated with both options A and B; she discussed the cost of each tree, labor, equipment, and maintenance to care for the trees each year for both options A and B of the beautification plan. She said after five years the costs to care for the trees would go down. She said the cost estimates did not take into account any grant money they may receive.

Councilman Hansen asked if by using the trees from the tree farm that they would have a better tree retention because the trees would be acclimated to this climate. The City Planner said they had discussed this and believed that to be true.

Councilman Jacobsen and Councilman Mickelson thought the plans reconciled with each other and said it should be left up to staff to decide which plan to use. Councilman Platt asked if this money was already budgeted. The City Planner said the first year was budgeted and the plan would give staff the ability to prepare future budgets.

Councilwoman Cook advised they eliminate the line noting the purchase of a side mounted mower.

Councilman Jacobsen summarized the changes they had discussed: Leave item 1 in the proposal section; delete the side mounted mower; remove the implementation table to be replaced by a new schedule. Councilwoman Cook said she wanted to remove the wording “and irrigate” in item D3.

Mayor Knight read Resolution 12-14 aloud to the Council and public present.

Councilman Jacobsen made a motion to adopt Resolution 12-14, adopting a plan for the beautification of 3200 South. Councilman Hansen seconded the motion.

Councilman Jacobsen made a motion to amend item 2 to read “of the two options for implementing the beautification plan, the preferred option is left to staff.” Councilman Mickelson seconded the motion. The motion passed 3-2; with Councilman Jacobsen, Councilman Mickelson, and Councilwoman Cook in favor. Councilman Hansen and Councilman Platt were opposed.

The vote on the motion was as follows: Councilman Jacobsen was in favor, Councilman Hansen was in favor, Councilwoman Cook was in favor, Councilman Platt was opposed, and Councilman Mickelson was in favor. The motion passed 4-1.

#### **Discussion Regarding Location of Recycling Facilities**

Mayor Knight said this was a proposed recycle location to be built in conjunction with the proposed future well facility. They would relocate the existing recycle location next to the city hall to the future well site on 1200 West. Bill Saunders said they were hoping to camouflage the site in the future with landscaping.

Councilman Mickelson made a motion to approve the concept design as described, for the location of the recycling facilities. Councilman Jacobsen seconded the motion.

Councilwoman Cook said she was of the opinion that it was an eyesore already and would be put in an area that already had illegal dumping and would be abused. She thought they should scrap the whole recycling site. She noted that we lived less than six miles from the dump and that the citizens were resourceful enough to get their stuff to the dump. Mr. Saunders discussed that the site was maintained better with cameras and that the cameras were a must. Mr. Saunders and the Council discussed the current use of the recycle facilities. Councilman Mickelson thought they were a benefit to everyone that lived here. Mayor Knight discussed that there were minimal costs associated with the recycle site. Councilman Jacobsen said he felt they were limited on hours for access to the city dump site. Councilman Jacobsen noted that Councilman Mickelson’s motion was to adopt as a concept plan. They were committing to was the hardscape underneath the bins and the building access.

The motion passed 4-1; with Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilman Hansen in favor. Councilwoman Cook was opposed.

**Discussion and consideration of Ordinance 12-07: An Ordinance setting the criteria for Corner Lot Fence Regulations (1st Reading)**

The City Planner said she felt the regulations on corner lot fences were too restrictive. She reviewed several variances that had been granted under the current fence ordinance and then reviewed those regulations with the Council. The City Planner discussed the proposed changes that she noted had been recommended by the Planning & Zoning Commission: property with side yard adjacent to corner lot's rear yard will have driveway access on interior property line not shared with a corner lot; driveway access for corner lot may not encroach into the 40' clear view. Councilman Jacobsen pointed out a conflict which led to a wording change that included a clarification of wording within the side yard.

Councilman Platt left at 8:58 and returned at 9:00.

Councilman Jacobsen made a motion to accept the first reading of Ordinance 12-07 as presented and would like to consider a clarification from the Planning & Zoning Commission at second reading. Councilwoman Cook seconded the motion.

Councilman Mickelson said he recalled detailed discussion on the fence ordinance and why it was the way it was. He discussed clear view. He said he would be voting against this and said it stood as it needed to.

Voting on the proposed motion was as follows: Councilman Mickelson was opposed, Councilman Platt was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, and Councilman Jacobsen was in favor. The motion passed 4-1.

**Discussion and consideration of Ordinance 12-08: An Ordinance setting the criteria for High Density Residential Zoning Regulations (1st Reading)**

The City Planner said when the PUD ordinance was repealed it was her understanding that the City Council wanted something to accomplish the high density goals of the city. She said this was being proposed as a zone because conditional use permits had to be approved with conditions put in place but the City Council had leeway to approve, deny, or approve with provision if it was presented as a zone. The City Planner summarized the high density residential zone regulations. The Mayor and City Council discussed who directed staff and had this item brought before the Council. Mayor Knight discussed the history of the planned unit development ordinance. Councilman Jacobsen questioned the legality of the ordinance and questioned if in fact they were considering a conditional use permit.

Mr. Zook left at 9:33 to attend to a family emergency.

Corlyss Drinkard said if the sentiment 18 months ago was to let the conservation subdivision work this issue then their goals could be accomplished by "tweeking" the conservation subdivision.

Councilman Mickelson made a motion to not approve the first reading of Ordinance 12-08, setting the criteria for high density residential zoning regulations. Councilman Jacobsen seconded the motion.

Councilman Mickelson said had something come forward that would give them an indication that work had been done to enhance the value of the conservation subdivision idea there could have been a little more discussion towards that idea before this was vetted; he felt that should have been done before this was brought before them. Councilman Hansen said he felt if they asked the residents of Nibley to come forward then they would all say they would not want high density in Nibley. He said the conservation subdivision provided for some options. He said he would lean towards enhancing the conservation subdivision.

The vote on the motion was as follows: Councilman Mickelson was in favor, Councilman Platt was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, and Councilman Jacobsen was in favor. The motion was passed unanimously 5-0.

Councilman Jacobsen said he was not interested revisiting the conservation subdivision and that if they needed to rework the general plan then they should rework the general plan. Mayor Knight disagreed and said that they would be modifying the wrong document.

#### **Appointment of City Liaison for Community Covenant Program**

Mayor Knight said he wanted to appoint Councilman Shawn Platt as Nibley City liaison for the Community Covenant program. This program dealt with taking care of the needs of the veterans and active duties that fall in the Nibley City boundaries.

Councilman Jacobsen made a motion to give consent for the appointment of Councilman Shawn Platt as Nibley City liaison for the Community Covenant Program. Councilwoman Cook seconded the motion. The motion passed 5-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Hansen, Councilman Mickelson, and Councilman Platt all in favor.

#### **Council Reports**

Councilman Hansen said they were in the process of awarding the Read-A-Thon awards to the winning schools, with Nibley Elementary winning the 500 donated books from Jensen Books. Councilman Hansen reviewed the support given to the Scarecrow Festival. Councilman Hansen reported his thoughts and experiences at the Utah League of Cities and Towns Conference.

Councilwoman Cook reported on the Utah League of Cities and Towns Conference. Councilwoman Cook asked for an update on the entrance to the Meadow View Park subdivision. Mayor Knight said it was believed to be private ground and that the city did not landscape private ground. He said the residents could coordinate with the owner and then do the landscapes work themselves. It was decided that this issue would be put on a future agenda.

Councilman Jacobsen reported on the Utah League of Cities and Towns Conference.

Councilman Mickelson reported on the Utah League of Cities and Towns Conference.

Councilman Platt reported on the Utah League of Cities and Towns Conference specifically about using social media in emergency situations. Councilman Platt asked for an update on the development of the community park and an update of the sewer flow rates going to Logan for treatment.

Mayor Knight reported on the Utah League of Cities and Towns Conference including direction to the City Council about the use of abstentions in votes.

### **Staff Reports**

The meeting was adjourned at 10:39 p.m.