

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, October 4, 2012.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve the final plat of Sunrise Meadows Phase 6 and Country Cove Phase 4 at 2600 S. and 1000 W. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilwoman Cook, and Councilman Platt all in favor.

Councilman Jacobsen motioned to approve the lot line adjustment of lot 77 of Sunrise Meadow Subdivision as presented. Councilman Platt seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Platt, Councilman Mickelson, Councilwoman Cook and Councilman Hansen all in favor.

Councilman Mickelson motioned to move to closed, executive session to discuss personnel matters pursuant to Utah Code 52-4-205a. Councilman Platt seconded the motion. The motion passed unanimously 4-0; with Councilman Mickelson, Councilman Platt, Councilman Jacobsen, and Councilman Hansen all in favor.

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 26, 2012

Mayor Gerald Knight called the Thursday, October 4, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilman Thayne Mickelson, Councilman Shawn Platt, Councilman Bryan Hansen, and Councilman Larry Jacobsen. Mr. David Zook, the City Manager, and the City Planner, were also in attendance.

Mayor Knight recognized Scout Troop 210 with members Colton Thompson, Danyon Burk, Wade Hansen, Ryan Leatham, Eric Nelson, Carter Curtis, and Benjamin Johnson and leaders Casey Judd and Lane Messick.

Councilman Mickelson made a motion to approve the previous meeting minutes and the evening's agenda. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Platt, Councilwoman Cook, and Councilman Hansen all in favor.

Presentation by Hyrum City Regarding Hyrum Senior Center

Ms. Vicky McCoombs was present representing the Hyrum Senior Center. Ms. McCoombs gave a presentation on the Senior Center, summarizing the services and activities the center provides for Hyrum and Nibley's seniors. She said they service the entire south end of the valley and said they relied heavily on the food pantry.

Mayor Knight asked the average number of meals they served per day. Ms. McCoombs said they averaged 35-40. Councilman Jacobsen asked how they were funded. Ms. McCoombs said they were funded by the city and raised money themselves through their craft fair.

Presentation Regarding 250 West Park Project

Mr. Lowell Johnson was present at the meeting. Mr. Johnson said the park project was taking a bit longer than anticipated. They were currently in the process of getting the lawn planted. He said they had eight boys working on this project for their Eagle Scout project. Mr. Johnson listed the items that still needed to be completed and discussed the items and labor that had been donated. Mr. Johnson said he was grateful to the city for providing this opportunity for these boys to serve.

Councilman Mickelson asked what things they needed from the city. Mr. Johnson said he was very pleased with what the city had provided thus far and they had not had a problem working with the city. He said they may need help with top soil or fill underneath the sod.

Mr. Zook mentioned a fund raiser chaired by one of the Scouts, Zack Maners. The Little Bear Bottoms corn maze was sponsoring a Nibley City night with a portion of the money made going towards that project.

Discussion Regarding Beautification of 3200S/1600W Intersection

Mrs. Andrea Stokes was present at the meeting. Mayor Knight said the neighbors there were seeking just short of \$1,000 to help beautify the entrance to their subdivision. Mrs. Stokes gave the history of the area and said she had given the city a proposal to assist the neighborhood in landscaping that area.

Mayor Knight said this property was privately owned by the corner lot property owners. He said typically the property owner was required to maintain the property adjacent. He said the property owner may not realize it was their responsibility to maintain the property because it is separated by a privacy fence. Mayor Knight said he was asking for the Council's approval to fund this project with \$945. Councilman Jacobsen asked if they had investigated the property owner deeding that portion to the city. Mr. Zook said they couldn't split that section off because it would create a non-conforming lot. Councilman Mickelson discussed a work issue with setting precedent. He thought it was bad precedent to spend public dollars for private benefit. He thought this would be a case where he would not feel comfortable spending those dollars that way. Councilwoman Cook said the city had required the six foot fence and should have required the developer landscape that property when it sat as an empty lot for three years. Mayor Knight suggested the neighborhood raise money and solicit donations to beautify the area. Councilman Platt thought the solution was to take that section of fence down and give the corner lot owner greater access to the remainder of their property. Councilman Jacobsen said that might give the property owner motivation to take care of that portion.

Corlyss Drinkard said they had another circumstance where there was an enforcement issue and the City Council was trying to play the “good guys” again. The citizen had the obligation under the law and people were not making him follow through with that obligation. Mayor Knight noted that abiding by the bare minimum of the law was mowed weeds. Councilman Jacobsen said they shouldn’t do anything without working with the landowner and they were obviously not working with the landowner. Councilman Mickelson discussed irrigation issues.

The City Council directed Mrs. Stokes to open a dialog with the property owner. Councilman Mickelson said if anything were to come back to the Council he would expect to see the landowner present. Mr. Zook said he would be willing to meet with Mrs. Stokes and the landowners to begin that process.

Consideration of Final Plat of Sunrise Meadows Phase 6 and Country Cove Phase 4 at 2600S and 1000W

Mr. Paul Gibbons was present at the meeting representing the Tim Gibbons estate. The City Planner said this was the next phase of two separate subdivisions. She described and displayed the location of the proposed developments. She said the reason they were being proposed together was so they could put in the full road width on 10th west from 2450 S. to 3200. The City Planner summarized the construction drawings and engineers approval. She said both phases were in line with the preliminary plat. Bill Saunders said the completion of these phases would eliminate a bottle neck in the water line.

Councilman Mickelson made a motion to approve the final plat of Sunrise Meadows Phase 6 and Country Cove Phase 4 at 2600 S. and 1000 W. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilwoman Cook, and Councilman Platt all in favor.

Public Hearing—A Public Hearing Regarding PCIB Grant Application

Mr. Mark Edminster was present at the meeting. Mr. Zook said he would like to do a comprehensive financial sustainability plan; and in depth study of Nibley’s financial resources and financial obligations, especially in reference to infrastructure costs. He said this would be especially helpful in informing their budget process and would give them some guidance. He thought if they did the study that they should try for a grant and the Permanent Community Impact Board did provided funding grants on a cost share basis. The grant they applied for was \$12,500 with a requirement to match that amount. The public hearing was to notify that they were considering applying for this grant and would be paying to match the funds.

Mr. Edminster said they had never been asked for a grant for this purpose and Keith Burnett, the director of the Community Impact Board thought it was a novel idea worth taking to the board. The board usually agreed with Mr. Burnett’s recommendations.

Mayor Knight opened the public hearing at 7:31.

Corlyss Drinkard asked what they wanted the grant for and what the ultimate goal was. Mr. Zook said this was an in depth study of their financial obligations both now and in the future focusing specifically on their infrastructure. Mr. Zook said they would contract out for this service and he felt it would give them information on what kind of money they should be setting aside for these costs. He would like to take these things into account when they went through their budgeting process and wanted to be able to plan for these cost ahead of time. Ms. Drinkard asked if this was related to the theme that sometimes occurred that the City Council was willing to put in all these things but didn't consider the cost of maintenance. Mr. Zook said that was a part of it.

Seeing no further comment, Mayor Knight closed the public hearing at 7:35.

Mr. Edminster summarized the function of a comprehensive financial sustainability plan.

Public Works Department Update

Mr. Bill Saunders, the Nibley City Public Works Director, was present at the meeting. Mr. Zook said they were bringing these to the Council because they would like to reallocate some items in the budget. Mr. Saunders presented an equipment request proposal for road maintenance. He had a summary of the proposed coast for 4.5 miles of asphalt repair using a contractor versus the cost for in house labor. He said the equipment could be funded with existing current year road maintenance budget funds.

Councilman Platt asked if he had sufficient man hours to complete these projects. Mr. Saunders said they did; it was a good fill in job. Councilman Jacobsen asked if the cost proposal included equipment maintenance. Mr. Saunders said it did. Mayor Knight noted four thumbs up from the Council to go ahead with the equipment purchase.

Mr. Saunders discussed a city dump truck/snowplow purchase. Mayor Knight noted that Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, Councilwoman Cook, and Councilman Platt were in favor of the public works director pursuing that action.

Consideration of Lot Line Adjustment on Lot 77 of Sunrise Meadows Subdivision

The City Planner said when plans were submitted for the home built at 2475 S. 1100 W. the developer calculated their side setback from the wrong point when the subdivision was originally approved. She said they only want a few extra feet and they concluded the easiest thing was to take up the 17 feet of the access and move it from the north side of the lot to the south side of the lot. That would keep their lot size the same and there wouldn't need to be a purchase of property from the city. The 17 foot access was there for a sidewalk to access the retention ponds in Sunrise Meadows. There was ample room on the south side of the lot and all the setbacks would still be met. The City Planner said no new lot was being created or eliminated. Mr. Saunders described why the setback had been calculated wrong. Mayor Knight said he thought this was a great alternative.

Councilman Jacobsen made a motion to approve the lot line adjustment of lot 77 of Sunrise Meadow Subdivision as presented. Councilman Platt seconded the motion. The

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

Public Hearing—A public hearing to receive comment regarding a proposed change to the Nibley City Fence Ordinance.

The City Planner said this was a proposal based on variances that had been granted and comments received by the public. It was a proposal to allow opaque fences in a side yard adjacent to a street with a 6 foot height as long as a 40 ft. clear view triangle of intersecting street was maintained. The City Planner summarized the proposed changes to the ordinance for the public present.

Councilman Jacobsen said there were two points he wanted to make. He said in reading what was on the books he confused himself because it was so confusing. He researched his own notes and had no less than six drafts of the ordinance that they discussed and worked on six years ago and in fact adopted something that he believed to be something very different than what they were seeing as a baseline for a starting point. Councilman Jacobsen said he talked to the City Planner about this and asked her to look at the master documents and did find that there was a discrepancy between what City Council passed and what they had been acting on for six years. The City Planner said there were differences between what was codified and what was adopted by the City Council six years ago. The adopted Ordinance included a drawing and notations that were eliminated. Councilman Jacobsen asked the City Planner if she had a copy of what was adopted. The City Planner said she did. Councilman Jacobsen said he wanted it noted that they would be receiving public input and be receiving a recommendation from the Planning & Zoning Commission that was based on a flawed process. Namely, that they haven't been operating under the right ordinance and were not starting with proposed changes to the right ordinance. He invited the rest of the City Council to determine whether they had been working off the right ordinance for the last six years. The City Planner said she was unable to ascertain why that had taken place; she would need to see a copy of the documents that had been sent to the codifier. She said she was not aware that what was codified was not what was passed. Councilman Jacobsen and the City Planner discussed that differences in the two ordinances.

Ms. Drinkard asked if the Council thought it would be worthwhile to consult with legal council on which position this put the City Council in with respect to how the incorrect ordinance had been enforced all this time and what they needed to do to get back to ground zero and changing whatever they needed to change.

Mayor Knight proposed they strike item 8, the public hearing from the agenda and said the whole processes needed to be revisited. He also proposed they strike item 9 (discussion and consideration of Ordinance 12-07, amending the criteria for corner lot fence regulations) from the agenda as well. Mayor Knight suggested they codify the correct document and let that Ordinance run its course and see if they had the same types of issues.

Ms. Drinkard said it may turn out that whatever was codified was what they were obligated to operate off of. They needed to find out the legal status of the document that was codified.

Councilman Mickelson left at 8:22 and returned at 8:24.

Mayor Knight called for a recess at 8:24. The meeting resumed at 8:27

Workshop Regarding the Nibley City Multi-modal Transportation Master Plan

The City Planner left at 8:30. Mr. Zook conducted a workshop on the Nibley City multi-modal transportation master plan. The purpose of these workshops are to have a better understanding of the mission of the city, what they value, their vision for the future, the general plan, and the transportation master plan; to clarify their intentions; make informed budget decisions; to give clear direction to staff; and to check their progress and direction. Mr. Zook reviewed the Nibley City mission statement. Mr. Zook discussed pages 47-60 of the general plan which addresses transportation; pages 53-55 discussing trails; and pages 55-60 addressing goals, objectives, and policies. Mr. Zook presented an overview of the transportation master plan which included the goals of the plan, existing inventory, future land use and trans plan, and the master roadway plan. The City Council discussed the intersection at SR165 and 3200 S.

Councilwoman Cook left at 9:28 for personal reasons.

Council and Staff Reports

Councilman Mickelson asked for an update on the process with the canal company. Mr. Zook updated the Council on that topic.

Councilman Platt updated the Council on his work with the Community Covenant program and said they needed to set a date for the official ceremony signing. The City Council discussed Veteran's Day or a Council meeting in November.

Councilman Hansen discussed a meeting he had with a representative from UDOT.

Mayor Knight discussed if there was a need to require an event permit in Nibley City. The City Council tasked city staff to draft an event permit ordinance. Councilman Jacobsen suggested they keep in mind that they did not need to make rules just for the sake of making rules. If they didn't have a problem maybe they were creating one by making rules about it. He thought they could be over regulated. Mayor Knight said he would ask the City Planner to do this with that in mind; being conscious of over regulation.

Mayor Knight discussed the proposed high density zone ordinance that was rejected at the last City Council meeting.

Mr. Zook informed the City Council of the Hyrum Fire Department open house that was being held Saturday, October 13. Mr. Zook discussed implementing a reverse 911 system

and asked the Council's thoughts on it. Mr. Zook said they had implemented Express Bill Pay for utility payments. He noted the employee profiles that were being included in the newsletter.

Councilman Mickelson made a motion to move to closed, executive session to discuss personnel matters pursuant to Utah Code 52-4-205a. Councilman Platt seconded the motion. The motion passed unanimously 4-0; with Councilman Mickelson, Councilman Platt, Councilman Jacobsen, and Councilman Hansen all in favor.

The City Council adjourned to closed session at 10:18.

The City Council returned to public session at 10:45.

The meeting was adjourned at 10:45 p.m.