



Nibley City  
CITY COUNCIL AGENDA  
Thursday, December 19, 2013  
6:30 p.m.

Nibley City Hall  
455 West 3200 South  
Nibley, Utah 84321

### **Call to Order**

1. Approval of Minutes and Agenda
2. Discussion and Consideration of a Memorandum of Understanding between Nibley City and the Cache County School District Regarding Access to and Development of a new High School
3. Discussion and Clarification of Past Council Direction Related to the Foxborough Development
4. Discussion and Consideration of Ordinance 13-05: An Ordinance Combining the Nibley City Tree Board with the Nibley City Beautification Committee (Third Reading)
5. Presentation Regarding the Rental of City Facilities
6. Discussion and Consideration of Resolution 13-12: A Resolution Amending the Fee Structure for the Rental of Nibley City Facilities (First Reading)
7. Presentation of Annual Audit
8. Council and Staff Reports

### **Adjourn Meeting**

*IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.*

**ORDINANCE 13-05**

**AN ORDINANCE COMBINING THE NIBLEY CITY TREE BOARD  
AND THE NIBLEY CITY BEAUTIFICATION COMMITTEE**

WHEREAS, Nibley City has both a Tree Board and a Beautification Committee; and

WHEREAS, it is the desire of Nibley City to combine the two into one body for the purpose of beautification of Nibley City.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

1. The attached document, entitled "Nibley City Beautification Committee" is hereby adopted, by fact and by reference.
2. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
3. Specifically repealed is Title 2-3 of the Nibley City Code entitled "Tree Board".
4. Should any provision, clause or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply, The valid part of any provision, clause or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
5. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Gerald K. Knight, Mayor

ATTEST: \_\_\_\_\_  
City Recorder

**Nibley City Beautification Committee Tree Board**

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There is created the "Nibley City Beautification Committee Tree Board." The committee shall consist of seven (7) voting members and two (2) non-voting members, a non-voting member appointed from both the City Council and the Planning Committee. Members shall be appointed by the Mayor with the advice and consent of the City Council.

~~The Beautification Committee shall also serve as the Nibley City Tree Board.~~

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**Term of Office**

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All members shall be appointed for terms of three years each and until their successors are duly appointed and qualified; terms shall be staggered so that the terms of no more than three (3) voting members shall expire in any given year.

Terms of service for the members appointed from the Planning Commission and City Council shall coincide to their terms of service on the Commission/Council.

All vacancies, whether because of term expiration or other reasons, shall be filled by appointment of the Mayor, with advice and consent of the City Council. The City Council shall have the right to remove any member of the Committee for misconduct or non-performance of duty. Non-performance shall include a repeated failure to attend Committee meetings.

**Quorum/Votes Required**

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A quorum shall consist of four (4) voting members, including the Chair or Vice Chair. No business shall be conducted unless a quorum is present. A majority vote shall be constituted of at least a majority of members present, but no less than four (4) votes.

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**Compensation**

Members shall serve without compensation, except for actual approved expenses incurred, which shall be reimbursed upon presentation of proper receipts and vouchers.

**Officers/Meetings**

At its first meeting of each year, the Beautification Committee Tree Board shall elect from its membership a chairman, vice chairman, secretary and such other officers as it determines to be necessary for the performance of its duties.

At the first meeting after establishment, the Beautification Committee Tree Board shall adopt bylaws and other rules as it determines are necessary to effectively perform the duties outlined in this chapter.

The Committee shall meet six (6) times per year, in odd numbered months. Other meetings may be scheduled as needed, provided that such scheduling and notification of the meetings are done in accordance with the laws of Nibley City and the State of Utah.

All meetings, including publication of minutes of the meetings, shall be noticed and conducted in accordance with the Utah Open & Public Meetings Act.

**~~Powers, Duties and Responsibilities - General~~**

48 A. ~~It shall be the duty of the Beautification Committee to advise and recommend to the mayor or~~  
 49 ~~the city council such programs or projects as would, in the opinion of the committee, improve the~~  
 50 ~~beauty and general welfare of the city. (Moved to G below)~~  
 51 ~~The Committee shall conduct periodic reviews of and, if necessary, make recommendations on~~  
 52 ~~updates to Nibley City ordinances related to beautification, including, but not limited to, streetscape~~  
 53 ~~of public rights of way, nuisances, weeds and (Moved to G below)~~  
 54 B. ~~The Committee may seek out grants or other forms of private and public funding in order to~~  
 55 ~~achieve the Council-approved goals it sets out. (Moved to I below)~~  
 56 C. ~~The Committee will assist in the dissemination of news and information related to the~~  
 57 ~~selection, planting and maintenance of trees and plants within Nibley City. (Moved to F below)~~  
 58 D. ~~The mayor or the council may request the advice or cooperation of the Committee for any~~  
 59 ~~project or program connected with the beautification, cleanliness or general welfare of the~~  
 60 ~~city. (Moved to G below).~~  
 61 E. ~~The Committee shall submit monthly reports to the mayor and City Council, outlining its~~  
 62 ~~program and progress during the previous month. (Eliminated)~~  
 63 F. ~~The Committee shall participate, directly and indirectly, in the beautification of Nibley City~~  
 64 ~~through public outreach, education, service projects and other activities. (Moved to H below)~~  
 65  
 66 Powers, Duties and Responsibilities: -Tree Board  
 67 In its capacity as the The Nibley City Tree Board, the Committee shall have the following responsibilities:  
 68  
 69 A. Organize an annual Arbor Day event, including developing educational materials, organize  
 70 training for the public, city employees and volunteers.  
 71 A.  
 72 B. Study, investigate, counsel, and develop and/or update annually, and administer a written plan  
 73 for the care, preservation, pruning, planting, replanting, removal or disposition of trees and  
 74 shrubs in parks, along streets and in other public areas.  
 75  
 76 B.  
 77 C. This plan will be presented annually to the city council and upon their acceptance and approval  
 78 shall constitute the official comprehensive city tree plan for the city.  
 79  
 80 1.  
 81 D. Recommend to the City Council a list of trees to be considered Nibley Heritage Trees and a  
 82 process by which property owners have a tree so designated.  
 83  
 84 C.  
 85 E. Make recommendations on trees located on public property, which, through disease, pest or  
 86 interference with public utilities, should be removed.  
 87  
 88 F. Assist in the dissemination of news and information related to the selection, planting and  
 89 maintenance of trees and plants within Nibley City.  
 90  
 91 G. Cooperate with, provide advice to, and make recommendations to the mayor or the City Council  
 92 on programs, projects and ordinance revisions that would, in the opinion of the board, improve  
 93 the beauty, cleanliness and general welfare of Nibley City.  
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95 H. Participate in the beautification of Nibley City through public outreach, education, and service  
 96 projects. Optionally seek out grants or other forms of private and public funding in order to  
 97 achieve the Council-approved goals to promote trees and beautification within Nibley City.  
 98  
 99 I. Other duties and responsibilities as outlined in the Nibley City Tree ordinance.  
 100 D. —  
 101 E. Other duties and responsibilities as outlined in the Nibley City Tree Care ordinance.  
 102 Assist in the dissemination of news and information related to the selection, planting  
 103 and maintenance of trees and plants within Nibley City.  
 104 Cooperate with, provide advice to, and make recommendations to the mayor or the city council  
 105 on programs, projects, and ordinance revisions that would, in the opinion of the board, improve the  
 106 beauty, cleanliness, and general welfare of the city.  
 107 Participate in the beautification of Nibley City through public outreach, education, and service  
 108 projects.  
 109 F. Optionally seek out grants or other forms of private and public funding in order to achieve the  
 110 Council approved goals to promote trees and beautification within Nibley City.  
 111  
 112 **NIBLEY HERITAGE TREES**  
 113  
 114 A. The city tree board shall recommend to the city council a list of trees to be considered Nibley  
 115 heritage trees and a process by which property owners have a tree so designated.  
 116  
 117 **STREET TREE SPECIES TO BE PLANTED**  
 118  
 119 A. The tree board shall maintain a list of recommended trees and wood vegetation to be planted  
 120 on public property within the city.  
 121  
 122 **UTILITIES**  
 123  
 124 A. No street trees other than those species specified by the tree board may be planted under or  
 125 within ten (10) lateral feet of any overhead utility wire.  
 126  
 127 B. Prior to planting of any tree, Blue Stakes must be contacted to identify any underground  
 128 utilities.  
 129  
 130  
 131  
 132  
 133 **PUBLIC TREE CARE**  
 134  
 135 A. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs  
 136 within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be  
 137 necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such  
 138 public grounds.  
 139

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140 B. The city tree board may remove or cause or order to be removed, any tree or part thereof which  
141 is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power  
142 lines, gas lines, water lines or other public improvements, or is affected with any injurious  
143 fungus, insect or other pest. This section does not prohibit the planting of city trees by adjacent  
144 property owners providing that the selection and location of said trees is in accordance with the  
145 relevant provisions of this chapter.

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147 **TREE TOPPING**

149 A. It shall be unlawful as a normal practice for any person, firm, or city department to top (see  
150 definitions) any street tree, park tree, or other tree on public property. Trees severely damaged  
151 by storms or other causes, or other obstructions where other pruning practices are impractical  
152 may be exempted from this section at the determination of the city tree board.

154 **PRUNING, CORNER CLEARANCE**

156 A. Every owner of any tree overhanging any street or right of way within the city shall prune the  
157 branches so that such branches shall not obstruct the light from any streetlamp or obstruct the  
158 view of any street intersection and so that there shall be a clear space of fourteen feet (14')  
159 above the surface of a roadway or of at least eight feet (8') above the surface of a sidewalk. Said  
160 owners shall remove all dead, diseased or dangerous trees, broken or decayed limbs which  
161 constitute a menace to the safety of the public. The city shall have the right to prune any tree or  
162 shrub on public property when it interferes with the proper spread of light along the street from  
163 a streetlight or interferes with visibility of any traffic control device or sign, or the entry onto, or  
164 exit from any street. Pruning and care done in accordance with American National Standards  
165 Institute guidelines.

167 **DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

169 A. The city shall have the right to cause the removal of any dead or diseased trees on private  
170 property within the city, when such trees constitute a hazard to life and property, or harbor  
171 insects or disease which constitute a potential threat to other trees within the city. The city tree  
172 board will notify the owners of such trees in writing prior to removal of said tree. Removal shall  
173 be accomplished by said owners at their own expense within thirty (30) days of the date of  
174 service of notice. In the event of failure of owners to comply with such provisions, the city shall  
175 have the authority to remove such trees and charge the cost of removal to the owner pursuant  
176 to the nuisance provisions of this code.

181 **REMOVAL OF STUMPS**

183 A. All stumps of street and park trees shall be removed below the surface of the ground when the  
184 tree is removed so that the top of the stump shall not project above the surface of the ground.

186 **INTERFERENCE WITH CITY TREE BOARD**

187

188 A. It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any  
189 of its agents, including any city employee operating at the request or direction of the tree board,  
190 while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of  
191 any street trees, park trees, or trees on private grounds, as authorized in this chapter.

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192 **ARBORIST'S LICENSE AND INSURANCE**

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195 A. It shall be unlawful for any person or firm to engage in the business or occupation of pruning,  
196 treating or removing street or park trees within the city without first being duly licensed and  
197 applying for and procuring a city permit. The permit fee shall be twenty five dollars (\$25.00),  
198 provided, however, that no permit shall be required of any city employee doing such work in the  
199 pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall  
200 first file with the city clerk evidence of possession of liability insurance in the minimum amounts  
201 of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars  
202 (\$100,000.00) property damage indemnifying the city or any person injured or damaged  
203 resulting from the pursuit of such endeavors as herein described.

204 **REVIEW BY CITY COUNCIL**

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207 A. The city council shall have the right to review the conduct, acts and decisions of the city tree  
208 board. Any person may appeal from any decision of the city tree board to the city council, who  
209 may hear the matter and make a final decision.

210 **PENALTY**

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213 A. Any person accused of violating the provisions may be cited and charged with a misdemeanor in  
214 district court or any other court exercising concurrent jurisdiction. A person violating any  
215 provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine not to  
216 exceed one thousand dollars (\$1,000.00).

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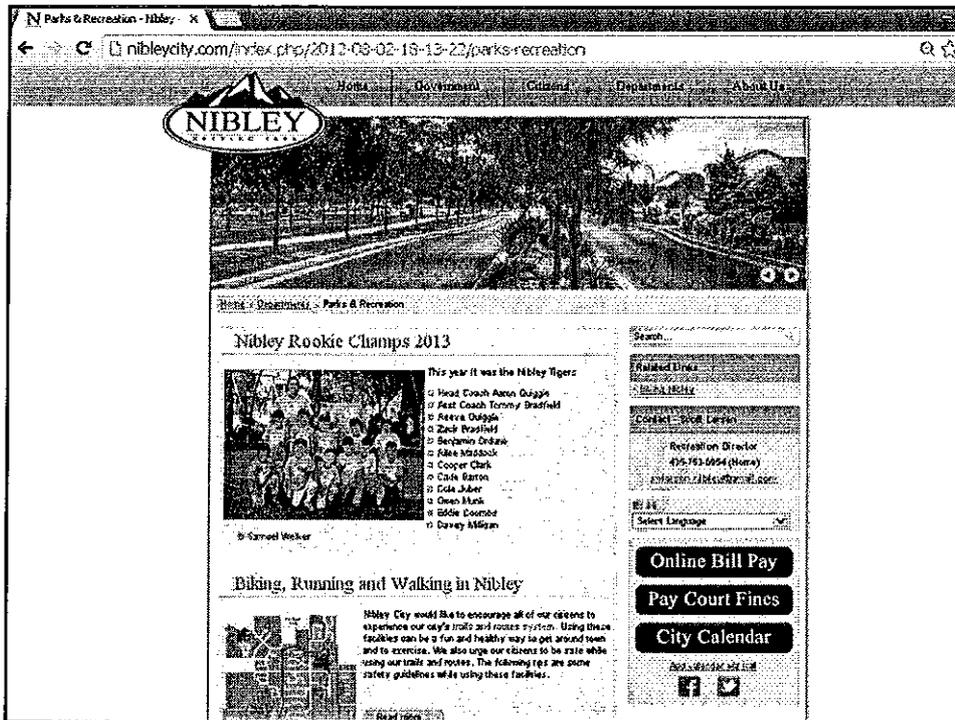
# **Nibley City Facility Reservations**

City Hall Community Room and  
Park Pavilions

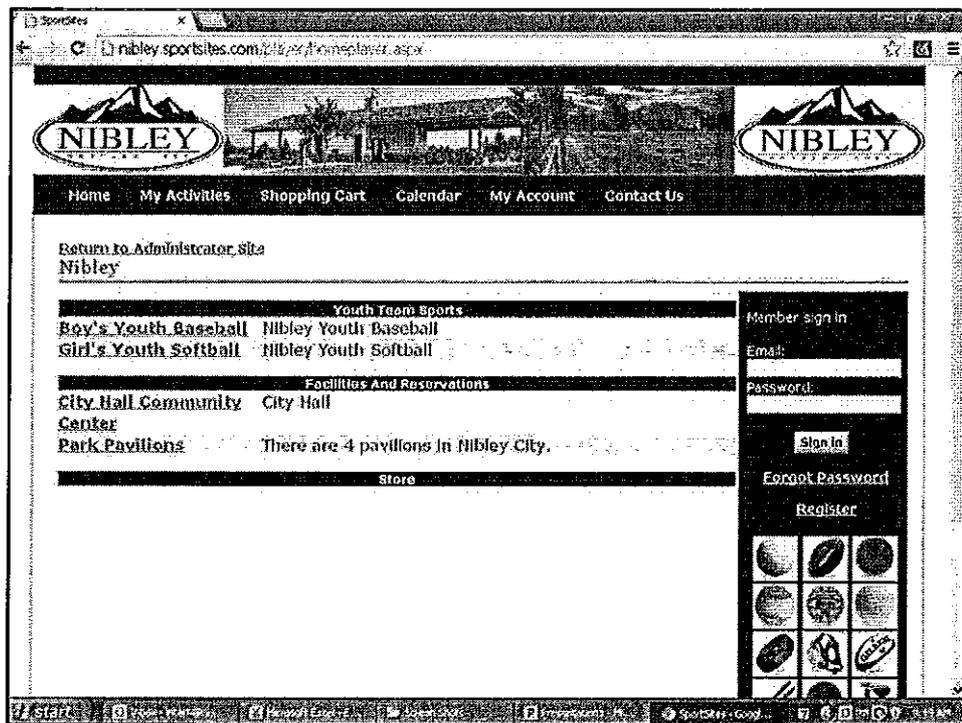


**SportSites.com**

<http://nibley.sportsites.com/player/homeplayer.aspx>



This screenshot shows the Nibley Parks & Recreation website. The browser address bar displays "nibleycity.com/index.php/2013-03-02-15-13-23/parks-recreation". The page features a navigation menu with links for Home, Documents, Calendar, and About Us. A large banner image shows a park path. Below the banner, there is a section titled "Nibley Rookie Clamps 2013" with a photo of a team and a list of names: Head Coach Aaron Duggin, Asst Coach Tommy Bradford, Reeve Duggin, Zack Rosinski, Benjamin Ordway, Cole Mink, Cooper Clark, Cole Barton, Cole Juber, Owen Mink, Bode Dombel, and Davey Mison. To the right, there is a search bar, a "Related Links" section, and contact information for the Recreation Director: 415-753-0954 (Home) and email@nibleycity.com. At the bottom right, there are buttons for "Online Bill Pay", "Pay Court Fines", and "City Calendar", along with social media icons for Facebook and Twitter.



This screenshot shows the Nibley Sports Sites website. The browser address bar displays "nibley.sportsites.com/2013/04/04/comebacker.aspx". The page features a navigation menu with links for Home, My Activities, Shopping Cart, Calendar, My Account, and Contact Us. Below the navigation, there is a "Return to Administrator site Nibley" link. The main content area is divided into sections: "Youth Team Sports" with links for "Boy's Youth Baseball" and "Girl's Youth Softball"; "Facilities And Reservations" with links for "City Hall Community Center" and "Park Pavilions"; and a "Store" section. On the right side, there is a "Member sign in" form with fields for "Email:" and "Password:", and buttons for "Sign In", "Forgot Password", and "Register". Below the sign-in form, there is a grid of icons representing various sports and activities. At the bottom of the page, there is a footer with social media icons for Star, Facebook, and Twitter, and a "Sports - Good" logo.

## Our Prices

Building Use	Rental Fee	Deposit
<b>Resident</b>		
Wedding Reception	\$100	\$300
Family Party	\$50	\$150
<b>Non-Resident</b>		
Wedding Reception	\$300	\$300
Family Party	\$150	\$150
<b>Business &amp; Club Meetings - Lunch</b>		
DUP, Lions, Literary, Rotary, HOA, etc.	\$10	
<b>Business &amp; Club Meetings- Dinner</b>		
Residents	\$50	\$100
Non-Residents	\$150	\$300
<b>Business &amp; Club Meetings- No Food</b>		
DUP, Lions, Literary, Rotary, HOA, etc.	N/C	
Public Meetings	N/C	
<b>Commemorative Celebrations</b>		
<b>Resident</b>		
80 <sup>th</sup> /90 <sup>th</sup> /100 <sup>th</sup> birthday, golden wedding anniversary, etc.	N/C	\$25 (key deposit)
<b>Non-Resident</b>		
80 <sup>th</sup> /90 <sup>th</sup> /100 <sup>th</sup> birthday, golden wedding anniversary, etc.	\$25	\$50
<b>Wedding Ceremony (no kitchen use/no food)</b>		
Resident	\$25	\$50
Non-Resident	\$75	\$100
Trade Show, Craft Fair, etc.	\$200	\$300

## Our Price Structure

- Dozens of price possibilities
- To complex for software applications
- Simplifying would make it easier for staff and public

## Other Cities' Rental Prices

- Simplified price structures

**Averages:**  
Residents: \$50  
Non-residents: \$140

Private Facility Average Price: \$1,300

## Our New Prices

Building Use	Rental Fee	Deposit
Small Gathering (no food)	\$50	\$50
Large Gathering (with food)	\$150	\$150
Business, Club, and Public Meetings (no food)	Free	\$50

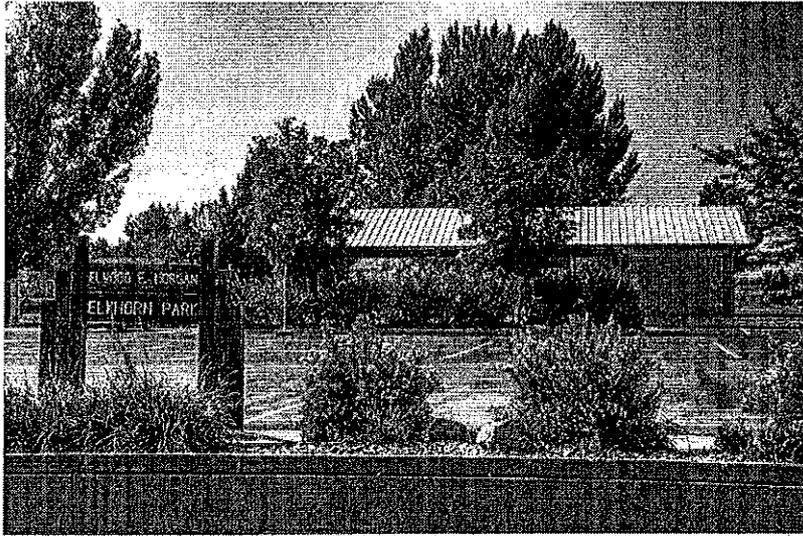
## **Residents vs. Non-residents**

- In the past 12 months only 3 non-residents have rented the community room.
- 3 out of 92 total renters
- \$375 out of \$5,000 in total revenue
- Consider elimination of Resident/Non-resident fee?

## **Other Suggested Change**

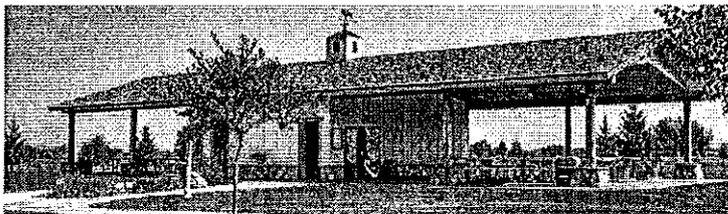
**\$200 Deposit for Audio/Visual Equipment Use**

## Park Pavilions



There are 4 park pavilions in Nibley:

- Old City Park (3200 South Park)
- Elkhorn Park
- 2 at Heritage Park
  - East and West Pavilion





## Walk through of reservation process

<http://nibley.sportsites.com/player/homeplayer.aspx>

RESOLUTION 13-12

A RESOLUTION AMENDING THE FEE STRUCTURE FOR THE RENTAL OF NIBLEY CITY FACILITIES

BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. The attached Facility Reservation Fee Schedule detailing reservations costs, deposit amounts and other charges for the use of the Nibley City Community Center and Nibley Park Pavilions is hereby adopted.

Dated this     day of     , 2014

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Gerald K. Knight, Mayor

ATTEST

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David Zook, City Recorder

**FACILITY RESERVATION FEE SCHEDULE**

<b>Building Use</b>	<b>Rental Fee</b>	<b>Deposit</b>
<b>Small Gathering</b>	\$50 – Resident \$100 – Non-resident	\$50
<b>Large Gathering</b>	\$150 – Resident \$300 – Non-resident	\$150
<b>Business, Club, and Public Meetings (no food)</b>	Free	\$50

Definitions:

**Small Gathering** = Small family party/gathering with no food (under 30 people), wedding ceremony with no food, business or club meeting with food, recurring business or club meetings.

**Large Gathering** = Large family party (over 30 with or without food), wedding reception, business or club dinner, trade show, craft fair, etc.

**Business, Club, or Public Meetings (no food)** = one time meetings.

<b>Park Pavilion Use</b>	<b>Rental Fee</b>	<b>Deposit</b>
<b>Park Pavilion Price</b>	\$25	\$25*

\*Deposit is only required for the use of the Elkhorn Park Kitchen.

Notes:

- If the renter desires to use the audio/visual equipment, an extra \$200 deposit will be required. It will be returned once the equipment is deemed free of any damage.
- The deposit is due when the keys are picked up and shall be cash only, unless paid online.
- A cleaning charge of \$20/hour will be assessed if cleanup by city staff is necessary. Cleaning charges will be assessed in one hour increments.
- The following will be available for use when reserving the building:
  - 10 round tables (\$225 replacement fee)
  - 80 chairs (\$200 replacement fee)
  - 15 Linen tablecloths (12 round - \$10 replacement fee, 3 Square - \$25 replacement fee)
  - Dish cloths/towels
  - Cleaning Supplies
  - Trash can liners
  - Assorted serving utensils
  - With the exception of the cleaning supplies and trash can liners, all of the above must be returned to the City washed, and in good condition, prior to receiving a deposit refund.

**FACILITY RESERVATION FEE SCHEDULE**

<b>Building Use</b>	<b>Rental Fee</b>	<b>Deposit</b>
<b>Small Gathering</b>	\$50	\$50
<b>Large Gathering</b>	\$150	\$150
<b>Business, Club, and Public Meetings (no food)</b>	Free	\$50

**Definitions:**

**Small Gathering** = Small family party/gathering with no food (under 30 people), wedding ceremony with no food, business or club meeting with food, recurring business or club meetings.

**Large Gathering** = Large family party (over 30 with or without food), wedding reception, business or club dinner, trade show, craft fair, etc.

**Business, Club, or Public Meetings (no food)** = one time meetings.

<b>Park Pavilion Use</b>	<b>Rental Fee</b>	<b>Deposit</b>
<b>Park Pavilion Price</b>	\$25	\$25*

\*Deposit is only required for the use of the Elkhorn Park Kitchen.

**Notes:**

- Residents and non-residents are charged the same fee.
- If the renter desires to use the audio/visual equipment, an extra \$200 deposit will be required. It will be returned once the equipment is deemed free of any damage.
- The deposit is due when the keys are picked up and shall be cash only, unless paid online.
- A cleaning charge of \$20/hour will be assessed if cleanup by city staff is necessary. Cleaning charges will be assessed in one hour increments.
- The following will be available for use when reserving the building:
  - 10 round tables (\$225 replacement fee)
  - 80 chairs (\$200 replacement fee)
  - 15 Linen tablecloths (12 round - \$10 replacement fee, 3 Square - \$25 replacement fee)
  - Dish cloths/towels
  - Cleaning Supplies
  - Trash can liners
  - Assorted serving utensils
  - With the exception of the cleaning supplies and trash can liners, all of the above must be returned to the City washed, and in good condition, prior to receiving a deposit refund.