

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, January 3, 2013.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve Ordinance 12-10, rezoning 19.88 acres of property located at approximately 1200 W 2600 S from Agricultural to Residential R-2A. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with yea votes from Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilwoman Cook, and Councilman Platt.

Councilman Mickelson motioned to not adopt Ordinance 12-08 and leave the current written ordinance. Councilman Platt seconded motion. The motion passed 4-1. Councilman Mickelson was in favor. Councilman Platt was in favor. Councilwoman Cook was opposed. Councilman Hansen was in favor and Councilman Jacobsen was in favor.

Councilman Jacobsen motioned to advance and an ordinance amending the impact fees for parks, water, and sewer to a second reading. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0. Councilman Jacobsen was in favor. Councilman Hansen was in favor. Councilwoman Cook was in favor. Councilman Platt was in favor and Councilman Mickelson was in favor.

Councilman Jacobsen motioned to continue discussion and consideration of Ordinance 12-07. 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.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Diane Marvin and reviewed by
Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, January 3, 2013 Nibley City Council meeting to order at 6:37 p.m. Those in attendance included Mayor Gerald Knight, Councilman Thayne Mickelson, Councilwoman Carrie Cook, Councilman Bryan Hansen, Councilman Larry Jacobsen, and Councilman Shawn Platt. Mr. David Zook, the City Manager, and the City Planner, were also in attendance.

Prior to calling the meeting to order, a mobile workshop regarding the rezone, electronic signs and fencing Ordinances on this agenda occurred. The mobile workshop left from City Hall at approximately 5:30 p.m. The expected duration was approximately one hour.

Call to order; approval of agenda; and approval of the December 6, 2012 meeting minutes

Councilman Mickelson made a motion to approve the minutes of December 6, 2012 and the evening's agenda. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Hansen, Councilman Jacobsen, and Councilman Platt all in favor.

Discussion and consideration of Ordinance 12-10—An Ordinance Rezoning 19.88 acres of property located at approximately 1200 W 2600 S from Agricultural to Residential R-2A. (2nd Reading)

The proponent, Kevin Allen, was present at the meeting. Mr. Zook gave an update of the property based on their tour and projected the location for the Council and public to view. The City Planner said based on questions that there was some confusion about R2 and R2a zones. She discussed the differences and requirements in each zone. She also discussed the differences and requirements of a cluster subdivision and a conservation subdivision. The City Planner described the proposed project developed as an R2a cluster subdivision and then as an R2 conservation subdivision. Councilman Jacobsen said he was not hung up on whether this was a conservation or cluster subdivision but he wanted clear understanding from the proponent that if the property went from agriculture to R2a it at least had to be developed with conservation or cluster subdivision practice. Mr. Allen said they planned on the cluster subdivision because he and his partner wanted to build entry level homes and they thought this conformed to the majority of subdivisions in that area. Mr. Allen discussed the commercial development in Nibley. Mr. Allen said he and his partner liked the idea of putting their open space adjacent to the property owned by the city so the city could use that space as a park or more retention space. Councilman Jacobsen said he wanted to keep the rezone separate from any subdivision approval process. He asked staff if the open space was valuable to them. The City Planner said it was. The proponent discussed the open space with the Council.

Mayor Knight read Ordinance 12-10.

Councilman Mickelson made a motion to approve Ordinance 12-10, rezoning 19.88 acres of property located at approximately 1200 W 2600 S from Agricultural to Residential R-2A. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with yea votes from Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilwoman Cook, and Councilman Platt.

Discussion and consideration of Ordinance 12-08—An Ordinance amending the criteria for Corner Lot Fence Regulations (2nd Reading)

The City Planner displayed and described several pictures of different corner lot fences in Smithfield and Providence which allowed 6 foot fences on the property line, to the City Council and public present. Councilman Mickelson clarified that their ordinance would not allow those lots to have six foot fences. The City Planner said current Nibley property owners can have a six foot opaque fence moved in 20 feet from the property line or along the property line they can have a four foot fence or four feet with two feet of lattice. The City Planner said she understood the concern with sight and safety and also understood the desire for privacy and security. Councilman Mickelson asked for and received clarification on Nibley's current ordinance.

Mayor Knight read Ordinance 12-08.

Councilman Mickelson made a motion to not adopt Ordinance 12-08 and leave the current written ordinance. Councilman Platt seconded motion.

Councilman Mickelson said as he looked at certain examples and helped install a six foot fence 20 feet off the property line that the unfenced land was still useable property and putting the fence back off the property line kept from having a wall effect throughout their neighborhoods. He said there were also view and safety issues in some instances and it created a closed or open look for their community depending on what was chosen.

Councilman Jacobsen said they were trying to protect the person to the right of the corner lot on the premise that they have the right to stand on their front porch and look up and down the street and be a part of the community in that way. They restrict residents on non-corner lots with similar limitations for that reason. Councilman Jacobsen said he supported the motion to not adopt the draft. Councilman Jacobsen said he was interested in working with the Planning & Zoning Commission to try and find something in between.

Councilwoman Cook asked why they had this in front of them. The City Planner said it was because of the two variances that had been given. Councilwoman Cook said she didn't mind the six foot fences on the property line and that you should be entitled to use the whole portion of their lot. Councilwoman Cook said they should be allowed to build a six foot fence.

Councilman Mickelson described and discussed safety issues and said he felt firmly about his position on corner lots. After this discussion, Mayor Knight called for a vote on the motion on the floor.

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

Discussion and consideration of Ordinance 12-09—An Ordinance amending the Impact Fees for Parks, Water and Sewer (1st Reading)

Mr. Zook gave a presentation to the City Council and public present. He said the Council had the most recent version of the Ordinance which they had just received back from the attorney. Mr. Zook also distributed three reports dealing with sewer, water, and parks impact fee analysis from Lewis Young Robertson & Burningham, Inc. to the members of Council. Mr. Zook noted and discussed any revisions that had been made to those analyses. Mr. Zook discussed implementing a graduated rate increase because the fee would go up for some larger and industrial facilities. He said they would see the same thing applied to the water impact fee. Mr. Zook discussed the increased park impact fee. He said staff would implement the impact fees at the full amount then those numbers would be put into the ordinance and that ordinance would be brought final and completed

with those numbers. He was asking the Council's direction on the analysis and what the numbers could be changed to. He noted they could not by law go higher than what the analysis recommended; they could go lower but said overall there was not a large change. Mayor Knight said for noticing purposes they had to have a number in the ordinance. Mayor Knight recommended they set the numbers at the maximum recommended by the consultants and then at the second reading they could debate and lower those numbers if they wished. Mr. Zook said by law they had to lower the water and sewer impact fees. He said their park impact fee was lower than what the analysis stated.

Councilman Jacobsen made a motion to advance and an ordinance amending the impact fees for parks, water, and sewer to a second reading. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0. Councilman Jacobsen was in favor. Councilman Hansen was in favor. Councilwoman Cook was in favor. Councilman Platt was in favor and Councilman Mickelson was in favor.

Discussion and consideration of Ordinance 12-07—An Ordinance amending the Nibley Sign Code (3rd Reading)

The City Planner said the ordinance incorporated provision for allowing electronic message displays but in her opinion fairly tightly regulated where they could be located. This included the proximity to another sign, regulated the types of images allowed with no flashing or strobing effects. The ordinance prohibited them everywhere except along Highway 89/91 which was anticipated to be commercial and they cannot be located within 500 feet of each other on the same side of the highway. The ordinance set out some time requirement between changing graphics. There was a provision included for limited cases where they would be allowed in a residential done such as in the case of a school but did set of limit of the time of day those signs could be on.

The City Planner discussed how EMD signs could be regulated by brightness. It was her opinion based on her research that the better approach was to put a limit on the difference in light output when the sign was on and off. Councilman Jacobsen debated the accuracy of this measurement. Mr. Zook said Logan's ordinance was similar to their proposed ordinance and discussed how they measured light output. He noted the similarities and differences between the two measurement procedures. Councilman Jacobsen said the only way they could measure the sign output was by an on/off process. He thought where their ordinance lacked was that there needed to be a different output limit during the daytime and the nighttime. There was debate and discussion of ambient light, sign light output, and light output measurements.

Councilman Jacobsen volunteered to talk to the National Sales Director from Yesco Signs who gave a presentation to the Planning & Zoning Commission. The City Planner said she would get Councilman Jacobsen his contact information.

Discussion of the ordinance moved to animation. Councilman Jacobsen said he had a problem with animation. He said one place in the ordinance permitted animation and then it is prohibited in another place.

Councilwoman Cook said she was concerned with limiting the signs to every 500 feet and thought if they adopted this then they would be limiting the sign to the first commercial property in that location and the next developers would not have the same rights. Mayor Knight said he wouldn't want to see a sign every 100-200 feet but thought they could allow one sign to serve the entire development. Councilwoman Cook said they were excluding one person from having the same rights as another. The City Planner suggested wording that would allow one sign to advertise for the businesses that fell within 500 feet. Regarding animation, it was determined that page 4 line 38 needed to be struck from the ordinance. The City Planner said it was the intent of the Planning & Zoning Commission to prohibit animation. Councilman Mickelson encouraged the Council as they drove around to look at areas that had multiple signs and make note of them. Mayor Knight directed the City Planner to remove line 38 from page 4, asked Councilman Jacobsen to look at foot candle output and understand it and bring back a proposal to be amended into the document, and tasked the rest of the Council to address fairness to adjacent business owners and the number of signs to be allowed. Councilman Platt discussed sign sizes and if they wanted to keep them that big. Mayor Knight directed Councilman Platt to bring a proposal to the next discussion. The City Planner said she would come prepared with example sign sizes.

Councilman Jacobsen made a motion to continue discussion and consideration of Ordinance 12-07. 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.

Presentation Regarding City Engineer Review Process

Mr. Zook led a discussion reporting on the process the city had gone through with the City Engineer review committee to contract for a city engineer. He said the Council changed the purchasing policy and required there be a contract every two years for attorney, engineer, and financial advisor. Mr. Zook said they issued a request for proposals (RFP) for a city engineer in November and received nine submissions. Mr. Zook reviewed the process taken by the review committee which included himself, the City Planner, Mayor Knight, Councilwoman Cook, and Bill Saunders.

Mr. Zook said the highest scoring firm based on their process was JUB Engineers and the committee was bringing that recommendation to the Council. Mr. Zook summarized JUB Engineering's qualifications and their proposal to the City. The staff member who would be assigned to Nibley as the City Engineer from JUB Engineers was Ross Wilson. He was present at the meeting. Mr. Zook said they would also be assigned an assistant engineer who would do simpler things. That would be Marcus Simmons who was a resident of Nibley. Mr. Zook said with the Council's approval, they would come back with an appointment and contract approval at the next meeting. Mr. Zook said it was their intent to keep their current city engineer on staff for projects that were currently underway.

Corlyss Drinkard asked if the contract with the new city engineer contemplated that this would be a consulting type contract as opposed to a contract whereby task orders are

issued to actually accomplish work. Mr. Zook said they would do both and they would essentially be an employee to the city. Ms. Drinkard said her concern was self-dealing. The new firm would be denominated as city engineer and created the impression that this firm had the inside track for doing work in Nibley and asked if there was a dollar threshold cutoff for project. Mayor Knight said the purchasing policy required that they issue and RFP for projects over a certain amount. It would be a competitive bid. Ms. Drinkard asked if there would be an obvious preferential treatment. Mayor Knight said they would be equally looked at. Mr. Zook said he wanted to get the best deal for the city every time and would do that with all of their contractors.

Barbara Wilden said the things that had happened in the city in the last year were to be applauded. There was a great feeling of togetherness, working for the people of the city. There had been great changes in the way they were doing business. Ms. Drinkard seconded that and said Mr. Zook had gone about making necessary changes in an excellent way.

Mr. Zook said he intended to present these results more formally at the next Council meeting. Councilman Mickelson relayed very positive work dealings he had with JUB Engineers. Councilman Jacobsen said he was elated that JUB Engineers would not represent any developers with subdivision proposals. Mr. Wilson said JUB didn't do commercial work within the Cache Valley.

Council Reports

Councilman Hansen asked about the new high school property in Millville and asked how they planned on accessing the property. Mr. Zook said there were four different alternatives for access and their priority access was from 2300 South. He discussed each access option. Mr. Zook said the Mayor and he planned to meet with the school district tomorrow to discuss infrastructure needs. Councilman Hansen said he would like to discuss creating a trail system along the river and some sort of recreation center perhaps combined with Millville. Mr. Zook said he had discussed this with the school district previously and they were open to it. At a meeting with other city managers, the consensus with city's that had experience with this was that there was a preference with recreation centers in middle schools because there was more availability.

Councilman Hansen asked for a report from the real estate agent. Mr. Zook said she had provided them with a list which he distributed at the last meeting. He intended to have her visit the Council at their next meeting and he knew she had a couple more locations to add to the list.

Councilwoman Cook said they should consider the impact the school will have to Nibley's commercial.

Councilman Mickelson discussed a report he read on drainage and the impact the right type of vegetation can have on removing pollutants. He thought they could plan ahead and get ahead of the curve with requirements for drainage if they used the right types of vegetation.

Mayor Knight discussed the man power hours used in cleaning the Blacksmith Fork River and asked for the status of the Heritage Baseball field that was to be planted this last fall. Mr. Saunders said their plan was the rough grade and sanding with actual construction to start next spring.

Staff Reports

Mr. Zook said on December 13 he and the Mayor went to Salt Lake to the Permanent Community Impact Board Hearing. They asked them for a grant of \$12,500 to accomplish a financial sustainability study. This was a matching grant. They were granted the \$12,500 plus an additional \$5,000 grant to apply to their impact fee study.

Mr. Zook said the Weathershield facility had sold. The City Planner said the purchasers represent a company the dealt in fine linens. They anticipated doing significant remodeling over the next few months and occupying in late summer. She said this was a permitted use so they were limited in what they could tell them they could do. She asked them to put together a detailed plan of operation so they city was aware. The City Planner said this was a warehousing business and she didn't anticipate they would be doing any manufacturing there. She said they didn't indicate that there would be any retail.

The meeting was adjourned at 9:05 p.m.