

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, March 7, 2013.

The following actions were made during the meeting:

Councilmember Mickelson motioned to adopt Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget. Councilmember Cook seconded the motion. The motion passed 5-0. Councilmember Mickelson was in favor. Councilmember Platt was in favor. Councilmember Cook was in favor. Councilmember Hansen was in favor and Councilmember Jacobsen was in favor.

Councilmember Mickelson motioned to approve the final Plat for Phase 7 of Sunrise Meadows Subdivision contingent on a review of lot 36 by city engineers. Councilmember Platt seconded the motion. The motion passed unanimously 5-0; with Councilmember Mickelson, Councilmember Platt, Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Councilmember Jacobsen motioned to adopt Resolution 13-03: A Resolution Adopting a Nibley City Economic Development Plan as presented and giving the authors the opportunity to address a data presentation issue. Councilmember Cook seconded the motion. The motion passed 4-1. Councilmember Jacobsen was in favor. Councilmember Hansen was in favor. Councilmember Cook was in favor and Councilmember Mickelson was in favor. Councilmember Platt was opposed.

Councilmember Jacobsen motioned to adopt Resolution 13-05: A Resolution Updating the Nibley City Water Conservation Plan. Councilmember Hansen seconded the motion. The motion passed 5-0. Councilmember Mickelson was in favor. Councilmember Platt was in favor. Councilmember Cook was in favor. Councilmember Hansen was in favor, and Councilmember Jacobsen was in favor.

Councilmember Jacobsen made a motion to approve Ordinance 12-07: An Ordinance amending the Nibley Sign Code. Councilmember Cook seconded the motion.

Councilmember Jacobsen made a motion to continue the motion to approve Ordinance 12-7 until the next City Council meeting. Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Mickelson all in favor.

Councilmember Cook motioned to accept the professional service agreement with the city attorney, Olsen & Hogan. Councilmember Platt seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Councilmember Platt, Councilmember Mickelson, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Councilmember Jacobsen made a motion of consent for the 2013 Councilmember assignments. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Mickelson, Councilmember Platt, and Councilmember Hansen all in favor.

Councilmember Platt motioned to adjourn to executive session to discuss the purchase of real property pursuant to Utah Code 52-4-205. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Platt, Councilmember Cook, Councilmember Mickelson, Councilmember Jacobsen, and Councilmember Hansen in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, March 7, 2013 Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilman Larry Jacobsen, Councilman Shawn Platt, Councilman Thayne Mickelson, and Councilman Bryan Hansen. Mr. David Zook, the City Manager, was also in attendance.

Call to order; approval of agenda; and approval of the February 21, 2013 Executive session and regular meeting minutes

Councilmember Jacobsen made a motion to approve the regular session and executive session meeting minutes of 2-21-13 and the evening's agenda. Councilmember Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Mickelson, Councilmember Cook, Councilmember Platt and Councilmember Cook all in favor.

PUBLIC HEARING: A public hearing to receive comment regarding Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget—Mid-year Budget Review

Mr. Zook said this was a typical mid-year adjustment to the budget. He summarized that most all of the changes to the budget were notification or information items with the exception being the additional \$50,000 for the telemetry related to the well in the sewer system. Mr. Zook discussed the notification requirements for the amending the budget and said change those noticing requirements had been met.

Mayor Knight opened the public hearing at 6:35.

Agelika Gardner questioned the Express Bill Pay. She asked if it was necessary to still get a statement and thought it would be a savings to the city to stop sending those out. She suggested they send the statements online.

Seeing no further comments, Mayor Knight closed the public hearing at 6:36.

Mr. Zook addressed Mrs. Gardners question and offered assistance from the city.

Discussion and Consideration of Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget (2nd Reading)—Mid-year Budget Review

Mayor Knight read Resolution 13-04 to the City Council and public present.

Councilmember Mickelson made a motion to adopt Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget. Councilmember Cook seconded the motion. The motion passed 5-0. Councilmember Mickelson was in favor. Councilmember Platt was in favor. Councilmember Cook was in favor. Councilmember Hansen was in favor, and Councilmember Jacobsen was in favor.

Discussion and Consideration of Final Plat for Phase 7 of Sunrise Meadows Subdivision

The applicants, Mr. Sherwood Hirschi and Mr. McGrath, were present at the meeting. Mr. Zook said this was phase 7 of Sunrise Meadow. He reviewed that the City Council had given preliminary approval several years ago and this phase fit in with that preliminary plan. He said the seven lots in the phase had been reviewed and met all setback and easements requirements and had been reviewed by the city and developer's engineer. Any changes to the building plans would need to be made before any development agreement was made or signatures were given on the plat. Mr. Zook projected the subdivision plans for the Council and public to review. Mr. Zook said the Planning & Zoning Commission had reviewed this and gave a favorable recommendation.

Councilmember Mickelson directed the City Council to lot 36 and asked what the frontage was on that lot. The Council discussed the frontage requirements. Councilmember Mickelson thought the frontage of lot 36 should be checked and addressed. Councilmember Jacobsen asked if the approval for phase 7 had gone through the new city engineer. Mr. Zook said it had. With the help of Councilmember Jacobsen, the City Council determined and believed the requirements for lot 36 had been met.

Councilmember Mickelson made a motion to approve the final Plat for Phase 7 of Sunrise Meadows Subdivision contingent on a review of lot 36 by city engineers. Councilmember Platt seconded the motion. The motion passed unanimously 5-0; with Councilmember Mickelson, Councilmember Platt, Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Discussion and Consideration of Resolution 13-03: A Resolution Adopting a Nibley City Economic Development Plan (2nd Reading)

Councilmember Jacobsen noted that a piece of data in the presentation seemed funny. He said the figure and table did not match with the text. He discussed the data. Mr. Zook agreed with Councilmember Jacobsen and said the document could easily be edited to clarify that data. Councilmember Mickelson questioned if the City Council needed to put more time into the plan; to break it down, do more research, and have more in depth

discussion. Mayor Knight discussed the items he believed were “marching orders” that were included in the document. He believed they would act on these items and include them on future agendas for the Council or staff to report on. Councilmember Platt thought the plan was generic and that there was nothing specific to Nibley; it could have been the plan for any city and he was disappointed with the plan. Mayor Knight thought this was their guiding document for development. He agreed with Councilmember Mickelson’s suggestion of developing a committee to look at economic development. Mayor Knight said he would like to identify areas for development and focus on a town center. Councilmember Jacobsen expressed that he thought this was good strategy but not good tactics. He felt they needed organic growth that provided service and needs for Nibley’s citizens.

Councilmember Hansen said he would like develop a network for Nibley’s home based businesses; he said he wanted to see that as an action item. He thought they could include opportunities to grow within the community and create a synergized network. Councilmember Hansen reported his experiences with CampSaver and said a customer could see what CampSaver had online and then go to their facility to try things one or look at items for purchase.

Mayor Knight read the Resolution to the City Council and public present.

Corlyss Drinkard said she had not sat in on conditional use permit hearings but said the Planning & Zoning Commission always asked if there was going to be parking. She said the Planning & Zoning Commission wanted to discourage parking to maintain the neighborhood atmosphere. She said if they wanted to have such businesses they need to provide parking.

Mayor Knight read Resolution 13-03 to the City Council and public present.

Councilmember Jacobsen made a motion to adopt Resolution 13-03: A Resolution Adopting a Nibley City Economic Development Plan as presented and giving the authors the opportunity to address a data presentation issue. Councilmember Cook seconded the motion. The motion passed 4-1. Councilmember Jacobsen was in favor. Councilmember Hansen was in favor. Councilmember Cook was in favor and Councilmember Mickelson was in favor. Councilmember Platt was opposed.

Discussion and Consideration of Resolution 13-05: A Resolution Updating the Nibley City Water Conservation Plan (2nd Reading)

Mr. Zook said Nibley City was required to file this Resolution every five years. They obtained a copy of the last version and a template from the State. It met the intents and purposes of the State requirements. Mr. Zook said he had met with Bob Botheringham, a water expert for the County, who had said it was a good plan. Mr. Zook said Mr. Botheringham had suggested a few changes that were not significant.

Mayor Knight read Resolution 13-05 to the City Council and public present.

Councilmember Jacobsen made a motion to adopt Resolution 13-05: A Resolution Updating the Nibley City Water Conservation Plan. Councilmember Hansen seconded the motion.

Councilmember Mickelson addressed his issues with F.2. He believed the wording was contradictory. The city watering practices were discussed and Councilmember Mickelson concerns were resolved.

The Council discussed minor grammatical changes.

The motion passed 5-0. Councilmember Mickelson was in favor. Councilmember Platt was in favor. Councilmember Cook was in favor. Councilmember Hansen was in favor, and Councilmember Jacobsen was in favor.

Discussion and Consideration of Ordinance 12-07: An Ordinance amending the Nibley Sign Code (4th Reading)

Councilmember Jacobsen gave a presentation using a PowerPoint presentation, measurements (six feet from the back wall), and chairs.

After his visual presentation, Councilmember Jacobsen proposed they draft an ordinance based on 0.1 footcandles that enabled the Planning & Zoning Commission to allow up to 0.3 footcandles after visiting the sign site after the sign is built, and comparing it to the surrounding and the observing the impact on the neighbors.

Councilmember Jacobsen made a motion to approve Ordinance 12-07: An Ordinance amending the Nibley Sign Code. Councilmember Cook seconded the motion.

Councilmember Jacobsen proposed wording suggestions and a \$250 application fee to compensate the city for permit, review, and administration of the EMD ordinance on page four of Ordinance 12-07; Councilmember Jacobsen proposed they take out 3.e; Councilmember Jacobsen proposed a 1 second dissolve on transition periods; Councilmember Jacobsen proposed an image dwell time of at least 4 seconds; on page five, he proposed they strike the definition of a footcandle; he proposed they remove the table on page five and include the appropriate formula (measurement distance = ten times square root of the sign area); he proposed they add nighttime to wording on page 5.b. This also included measurement limitations of .1 to .3 footcandle and allowed the Planning & Zoning Commission to balance the benefit of the sign owner with the impact on the surrounding area by observing actual operation of the sign with the less restrictive footcandle limit of .3 and the more restrictive limit of .1. Mayor Knight suggested a set number of .1 footcandle, and not leaving the limit open to interpretation. Mr. Zook agreed from city staff perspective.

Corlyss Drinkard suggested there be a certification requirement to be submitted to the Planning & Zoning Commission getting the business owners assurance that it met the requirements of the ordinance.

Councilmember Cook asked if the city planner had review Councilmember Jacobsen proposed changes to Ordinance 12-07. Councilmember Jacobsen said she had not. The Council felt they shouldn't approve the ordinance until the City Planner had reviewed the document.

Councilmember Jacobsen proposed they omit references to the manufacturer on page 5 A.d.; he proposed including provisions that EMD were subject to inspection by Nibley city staff and that failure to meet standards could result in revocation of the EMD sign permit; he proposed sign area limitations and said he believed they would only be considered as free standing signs.

Councilmember Cook said she believed they shouldn't permit EMDs at eye level. She did not like them in the driver's line of sight. Mayor Knight said he thought monument signs were less obtrusive. Councilmember Mickelson recommended they define "per side" in the definitions. He recommended they add "per display side."

Councilmember Jacobsen reviewed and discussed his proposed changes to the table included on page six of Ordinance 12-07; he proposed changes to the footnotes on page seven of Ordinance 12-07. The Council discussed a minimum pole size and smaller maximum sign size.

Councilmember Mickelson left at 8:35. Councilmember Mickelson returned at 8:36.

Mayor Knight directed the Council to bring back a proposal for sign size. This would give the City Planner a chance to give her input and give them information on the current EMD in Nibley City limits.

Councilmember Platt left at 8:41.

Councilmember Jacobsen asked staff to do their best at incorporating the proposed and discussed changes. He asked staff to provide the Council with a clean, edited copy of the ordinance.

Councilmember Jacobsen made a motion to continue the motion until the next City Council meeting. Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Mickelson all in favor.

Discussion and Consideration of Contract for City Attorney Services

Mr. Zook said it was previously proposed by the City Council to implement a contract with their existing city attorney. He said the attorney represented a number of jurisdictions in the area and this was the same contract he used with them and was the same rate he contracted with them.

Councilmember Platt returned at 8:44.

Mr. Zook had provided the Council with the proposed contract with the city attorney. The City Council discussed the rate they were paying for the attorney and the City Council agreed that they were getting a great deal. Mr. Zook said the term of the contract was two years.

Councilmember Cook made a motion to accept the professional service agreement with the city attorney, Olsen & Hogan. Councilmember Platt seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Councilmember Platt, Councilmember Mickelson, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Discussion and Consideration of Councilmember Assignments

Mayor Knight passed copies of his 2012 and 2013 goals to the City Manager and City Council members. He discussed the thought process for his Council assignments.

Councilman Hansen:	Beautification of Nibley's north entrance on highway 165 and trail head design and the city's online presence.
Councilmember Jacobsen:	Youth Council
Councilmember Cook:	Christmas and Easter celebrations & beautification of Nibley's west entrance at 3200
Councilmember Mickelson:	Historical
Councilmember Platt:	Pageants, fair booths, & floats. Community Covenant liaison
Mayor Knight:	Public relations, Heritage Days, recreation, arts & beautification

Councilmember Jacobsen made a motion of consent for the 2013 Councilmember assignments. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Mickelson, Councilmember Platt, and Councilmember Hansen all in favor.

Discussion and Consideration of Annual City Goals

Mayor Knight discussed his 2012 goals and the status of those goals. He then discussed his 2013 goals and said he would like it if they would consider them City Council goals. Councilmember Hansen said he thought the previous strategic planning meeting was very productive and they now had the task of making those priorities happen. Mayor Knight said when they adopted the next fiscal year budget was when they put their stamp of approval on the city's projects. Councilmember Hansen said he liked the goals as a center of their financial focus. Councilmember Cook said she would like narrow the list down for discussion by putting them into prioritized lists. Mayor Knight said they would give the list to staff and have them update them on their current projects. Then when they did the budget they would use the goals as a guideline when budgeting money. Councilmember Jacobsen asked for more time to go through the compilation of goals.

Presentation of Utah Benchmarking Project

Stephen Nelson, a Utah State University student and Nibley City intern was present and gave this presentation. He said the benchmarking project was a collective effort to share data with the goal of improving performance and allows them to compare themselves with other cities like or near them. Mr. Nelson discussed the four parts of benchmarking: data collection and general project management, online system, cluster analysis, and membership management. Mr. Nelson reviewed how data is collected and from what sources. He talked the Council through the Utah City Data website.

Discussion of Park Survey

Councilmember Platt left at 9:32.

Mr. Zook said Dan Jones and Associates had conducted the survey on Nibley's park needs from February 12 through Feb 18, 2013. He said the survey was taken by 201 individuals.

Councilmember Platt returned at 9:33.

Mr. Zook projected the survey results and the data collected from the survey.

Councilmember Hansen thought the survey showed how the citizens wanted places to walk and that the emphasis was not completely on athletics. He thought it put the recreation center on the radar a little bit more. Mr. Zook noted that nearly 80% of the survey participants said they would be supportive of pursuing a recreation center. Councilmember Jacobsen said he thought the survey put an emphasis on non-programmed activities. Councilmember Hansen suggested they tour the Smithfield recreation center.

Council Reports

Councilmember Mickelson asked for an update on Heritage Days.

Mayor Knight said Logan was in the process of building their transfer station for solid waste. He said they also had a permit to start landfill construction and the conditional use permit for the road going to the landfill.

Mayor Knight said they were gathering the committee for Heritage Days and more information would be coming.

Mayor Knight discussed how the Beautification and Tree Committees were functioning. He had held discussion suggesting the two committees be combined. He said attendance was sparse and they were having hard time on voting issues. Councilmember Hansen thought they should combine the two committees.

Councilmember Mickelson left at 10:28. He returned at 10:29.

Councilmember Jacobsen left at 10:36. He returned at 10:37.

The Mayor and City Council discussed committees, city volunteers, and the Open Meetings Acts and Ethics statute. Mayor Knight said he would bring back a proposal on the Tree Board and Beautification Committees.

Staff Reports

Mr. Zook said Mr. Nelson had updated Nibley's Wikipedia posting.

Mr. Zook said the first City Council meeting in April was scheduled during Spring Break and asked about Council availability. Mayor Knight said as it stood now they would not have a Council meeting that week.

Adjourn into Executive Session

Councilmember Platt made a motion to adjourn to executive session to discuss the purchase of real property pursuant to Utah Code 52-4-205. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Platt, Councilmember Cook, Councilmember Mickelson, Councilmember Jacobsen, and Councilmember Hansen in favor.

The meeting adjourned to executive session at 10:58.

The meeting returned from executive session at 11:44. The meeting was adjourned at 11:44 p.m.