

1 The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley,
2 Utah, on Thursday, March 21, 2013.

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4 The following actions were made during the meeting:

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6 **Councilmember Cook motioned to approve the location for the Stolworthy statue to**
7 **be placed in an appropriate location in Heritage Park upon staff approval of the**
8 **location. Councilmember Mickelson seconded the motion. The motion passed**
9 **unanimously 4-0; with Councilmember Cook, Councilmember Mickelson,**
10 **Councilmember Platt, and Councilmember Jacobsen all in favor.**

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12 **Councilmember Jacobsen motioned to approve Resolution 13-06: A Resolution**
13 **Proclaiming April as Child Abuse Prevention Month. Councilmember Platt**
14 **seconded the motion. The motion passed unanimously 4-0; with Councilmember**
15 **Jacobsen, Councilmember Platt, Councilmember Cook, and Councilmember**
16 **Mickelson all in favor.**

17
18 **Councilmember Jacobsen motioned to continue discussion of Ordinance 12-07: An**
19 **Ordinance Amending the Nibley Sign Code and asked staff to incorporate the**
20 **changes made by City Council at the 3-7-13 meeting and then mark changes**
21 **suggested by staff. Councilmember Platt seconded the motion. The motion passed**
22 **unanimously 4-0; with Councilmember Jacobsen, Councilmember Platt,**
23 **Councilmember Cook, and Councilmember Mickelson in favor.**

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25 **Councilmember Jacobsen motioned to accept the first reading of Ordinance 13-02:**
26 **An Ordinance Governing Special Events in Nibley and move to second reading.**
27 **Councilmember Mickelson seconded the motion. The motion passed unanimously 4-**
28 **0; with Councilmember Jacobsen, Councilmember Mickelson, Councilmember**
29 **Platt, and Councilmember Cook all in favor.**

30
31 **Councilmember Jacobsen motioned to adopt Resolution 13-02: A Resolution**
32 **Adopting a Nibley City Emergency Plan. Councilmember Cook seconded the**
33 **motion. The motion passed unanimously 4-0. Councilmember Mickelson was in**
34 **favor, Councilmember Platt was in favor, Councilmember Cook was in favor, and**
35 **Councilmember Jacobsen was in favor.**

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39 **OFFICIAL MINUTES OF THE MEETING**

40 Minutes were taken by Assistant City Recorder Cheryl Bodily

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42 Mayor Gerald Knight called the Thursday, March 21, 2013 Nibley City Council meeting
43 to order at 6:33 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman
44 Carrie Cook, Councilmember Thayne Mickelson, and Councilman Larry Jacobsen. Mr.
45 David Zook, the City Manager, and the City Planner, were also in attendance.

47 **Call to order; approval of agenda; and approval of the March 7, 2013**

48 Councilmember Mickelson made a motion to approve the agenda with amendments to
49 suspend the agenda at 8:30 and go to executive session. Councilmember Cook seconded
50 the motion for discussion.

51
52 Councilmember Mickelson said when they had items of such importance to discuss he
53 would like to address them when they are fresh and not late in the evening.

54 Councilmember Jacobsen hesitated to do that because the public present would have to
55 leave and he was concerned that they wouldn't come back. He asked Councilmember
56 Mickelson to address how that would affect the meeting. Councilmember Mickelson said
57 on a normal night he would not think they should do this but tonight's discussion was
58 important enough he felt they should go ahead. Mayor Knight reviewed the items on the
59 agenda. Councilmember Jacobsen suggested rearranging agenda items.

60
61 The motion failed 1-2; with Councilmember Mickelson in favor and Councilmember
62 Jacobsen and Councilmember Cook opposed.

63
64 Councilmember Jacobsen made a motion to approve the March 7, 2013 regular meeting
65 and executive session meeting minutes and the evening's agenda. Councilmember Cook
66 seconded the motion. The motion passed unanimously 3-0; with Councilmember
67 Jacobsen, Councilmember Cook, and Councilmember Mickelson in favor.

68
69 **Presentation by Nibley City Royalty Regarding Community Service Projects**
70 Miss Sara Osborne said she planned to plant perennials in the community garden. She said
71 she would do this on a Wednesday, some time in the next month.

72
73 Miss Kimber Jausi said she hadn't done her project yet. She said sometime soon they
74 would laydown rock and ground covering the the Meadow View Subdivsion entry.

75
76 Miss Savannah Knight helped plan, organize, and decorate the Nibley City float. She said
77 they had done a good job and that he float was beautiful.

78
79 Miss Kianna Fenton said she also helped plan, organize, and decorate the Nibley City
80 float. She agreed that it was beautiful.

81
82 Miss Amiah Elizabeth Orth said she organized a toy drive. She put an announcement in
83 the Nibley City Newsletter. She said the Nibley residents were very generous and she
84 was able to collect 217 items. She listed some of these items. She said the Sub-For-Santa
85 organization distributed the items all over the Cache Valley.

86
87 Miss Karlie Swenson said for her service project she helped plan, organize, and decorate
88 the Nibley City float.

89
90 **Discussion Regarding Stolworthy Statue**

91 Junelle Winward discussed her history in Wellsville and Nibley, the history of the settling
92 of Cache Valley, and the history of the Stolworthy family. Mrs. Winward said the

93 “Beginnings” memorial is important to put Nibley on the map as a vital part of Cache
94 Valley history. She said community involvement was vital to the success of this
95 monument. She said as a family they proposed to lead all fund raising efforts and to
96 splitting the cost of the memorial in half with Nibley City; with Nibley City taking care
97 of the sub work to set the monument and final landscaping. Melissa Wooton read a
98 statement from Cynthia Hailes, the sculptor. Ryan Stolworthy said this was not singularly
99 a Stolworthy project, but a recognition of the Elkhorn Ranch, which was in Nibley City
100 boundaries, being the first settlement in Cache Valley.

101
102 Councilmember Platt arrived at 6:50.

103
104 Mr. Stolworthy discussed the option of raising funds with bricks. He discussed
105 establishing a non-profit organization so that donations could be considered as a tax write
106 off. He said the City could serve the purpose of providing the non-profit status. **Katrina**
107 **???** **(I need a last name. It was never given.)** discussed the cost breakdown for the
108 statue which totaled approximately \$34,000. She said she hoped the sculptor could begin
109 work in September.

110
111 Mayor Knight said the families were looking for a commitment from the Council. He
112 proposed they wait until the City Council meeting in April to make the decision. He said
113 they need permission to put the statue on City property and then a commitment to
114 participate in the funding of the memorial. Councilmember Jacobsen said he liked the
115 idea of a statue in the park but stopped short of spending city funds on it. He said the
116 fundraising would need to come from outside the city coffers. Councilmember Cook said
117 she liked the idea but needed more time to process the information. Councilmember Platt
118 thought there were several issues they would need to consider and that they should
119 consider them separately. Councilmember Mickelson said he felt a fiscal responsibility to
120 the residents and need time to consider it. Councilmember Jacobsen, Councilmember
121 Mickelson, and Councilmember Cook all stated that they were comfortable with having
122 the monument on City park property.

123
124 Councilmember Cook made a motion to approve the location for the Stolworthy statue to
125 be placed in an appropriate location in Heritage Park upon staff approval of the location.
126 Councilmember Mickelson seconded the motion. The motion passed unanimously 4-0;
127 with Councilmember Cook, Councilmember Mickelson, Councilmember Platt, and
128 Councilmember Jacobsen all in favor.

129
130 Mr. Stolworthy asked that the City consider sponsoring their non-profit means. Mr. Zook
131 said donations to the city were tax deductible but he recommended they partner with an
132 existing non-profit organization to speed up the process; he said it would be easier. Mr.
133 Stolworthy requested they refer to the monument as “The Beginnings” memorial.

134
135 Mayor Knight thought the project was awesome and hoped it was a success.

136
137 **Discussion and Consideration of Resolution 13-06: A Resolution Proclaiming April**
138 **as Child Abuse Prevention Month**

139 Mr. Zook said he was passionate about the work this center did and personally served on
140 their board as a volunteer. He played a video from the Child & Family Support Center for
141 the City Council and public present. Mr. Zook said on April 2 the Child & Family
142 Support Center set out a pair of shoes on the Courthouse Step for every substantiated case
143 of child abuse in the Cache Valley in 2012. They would also have a starfish on the lawn
144 to represent each child served in 2012; there would be over 6,000 starfish.

145
146 Councilmember Mickelson read Resolution 13-06 to the City Council and public present.

147
148 Councilmember Jacobsen made a motion to approve Resolution 13-06: A Resolution
149 Proclaiming April as Child Abuse Prevention Month. Councilmember Platt seconded the
150 motion. The motion passed unanimously 4-0; with Councilmember Jacobsen,
151 Councilmember Platt, Councilmember Cook, and Councilmember Mickelson all in favor.

152
153 **Presentation Regarding National Wildlife Federation Certification**

154 Mr. Ron Hellstern was present at the meeting. Mr. Hellstern discussed the steps taken to
155 have the City certified as a National Wildlife Conservation area. He also discussed the
156 qualifications needed to have a property meet wildlife certification. Councilmember
157 Jacobsen asked how many property owners he thought would be involved in the first
158 year. Mr. Hellstern said they would shoot for 50 and then possibly 100.

159
160 **Discussion and Consideration of Ordinance 12-07: An Ordinance Amending the**
161 **Nibley Sign Code (Final Reading)**

162 Mr. Zook said he had sent the notes and modifications to the Ordinance to the City
163 Planner after the City Council's discussion at the last meeting. The City Planner was
164 present to discuss her thoughts on the changes made by the City Council. The City
165 Planner said she was concerned with the deletion of limiting electronic message displays
166 to one every 500 feet. She said to compensate for taking this out they could include a
167 provision that one development could have a sign to advertise for multiple businesses.

168
169 The City Planner said her comment applied to the dwell times and transition times that
170 were put in place. She gave the reasons for the original range options included in the
171 ordinance. She said she would rather have an orderly flow to how the images changed.
172 She said the range on the dwell time was included to provide a more orderly flow. The
173 City Planner was concerned with the inclusion of a revocation of an EMD conditional use
174 permit based on non-compliance. She said this could become a legal issue with taking
175 away vested property rights. She suggested they instead discuss and included a fee.

176 Councilmember Jacobsen suggested they include the wording "with due process." The
177 City Planner suggested an addition based on pole and monument signs that "no other sign
178 type shall be permitted to have an EMD." She said this got the signs off of buildings.

179
180 Councilmember Mickelson asked if there would be legal ramifications if they decided to
181 no longer allow EMD signs. Mayor Knight said he believed there would not.

182
183 Councilmember Jacobsen made a motion to continue discussion of Ordinance 12-07: An
184 Ordinance Amending the Nibley Sign Code and asked staff to incorporate the changes

185 made by City Council at the 3-7-13 meeting and then mark changes suggested by staff.
186 Councilmember Platt seconded the motion.
187
188 Barbara Wilden noted that they had voted this down once already. She said it seemed to
189 make sense to her to vote no and leave it as was.
190
191 Councilmember Mickelson conceded that this may drive development away and that they
192 needed to weigh that.
193
194 Mr. Zook said if the City Council chose not to approve the ordinance, he recommended
195 they specifically prohibit EMD sign in the existing ordinance. He said it gave them
196 another layer of protection. The City Planner proposed wording that would accomplish
197 this and echoed Mr. Zook's thoughts.
198
199 Corlyss Drinkard said if they were going to be prohibited then they needed to add
200 something to make the existing ordinance clear. She reminded the City Council that they
201 could always change the ordinance.
202
203 The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember
204 Platt, Councilmember Cook, and Councilmember Mickelson in favor.
205

206 **Workshop Regarding Land Use and Annexation**

207 Mayor Knight wanted input from the Council about if they were headed in the right
208 direction. Mayor Knight displayed a PowerPoint presentation during his discussion. His
209 presentation included the purposes of a Municipal Land Use Authority (IC 10-9a-102);
210 definitions of annexation and why they want to annex; Nibley's annexation policy
211 declaration from the general plan; and the annexation goals (General Plan pp. 120-122).
212 The annexation goals included cooperation with adjacent governments; protecting the
213 character of borders; providing efficient delivery of services; and promoting economic
214 development. Councilmember Jacobsen thought there should be annexation goals
215 associated with sustainability.
216

217 Mayor Knight shifted discussion to land use planning. The Council discussed what the
218 City Council's job was; what land use planning was; why they plan land use; the general
219 plan's land use descriptions; growth management strategies; Nibley City's current
220 density; land use goals; and Nibley's land use successes. Mayor Knight asked the City
221 Council for their input on what they needed to do. Mayor Knight listed his new goals.
222 Councilmember Cook said she didn't feel their general plan was far from what they
223 wanted in Nibley City. She wanted Nibley citizens to give her a definition of what rural
224 meant. Councilmember Mickelson was concerned with future infill. Councilmember
225 Jacobsen said they could work around that by getting the development rights away from
226 Nibley City. Mayor Knight asked the public present for their definition of rural.
227

228 Barbara Wilden said she wanted to step out her door and smelling the cow smell and
229 wake up to the sound of "Elvis" crowing. She said they needed to support the rural sights
230 and sounds.

231

232 Councilmember Jacobsen said they needed to decide if they wanted multi-family
233 dwellings and make the definition in the general plan make sense. Councilmember
234 Mickelson wanted to see an internal review before considering hiring a consultant; that
235 each of them independently should take this on as a review. The City Planner said it was
236 worth looking at and updating. She said enough of the Master Plan documents had
237 changed and needed to be incorporated and some of those things would alter the stated
238 policies in the General Plan.

239

240 **Discussion and Consideration of Ordinance 13-02: An Ordinance Governing Special**
241 **Events in Nibley (First Reading)**

242 The City Planner said this Ordinance was to provide oversights and protection for events
243 that occur in Nibley City. This was not intended to prevent events in Nibley City. The
244 City would have as much information as possible about larger scale events; particularly if
245 the event needed assistance from Nibley City staff.

246

247 Councilmember Mickelson said he wondered if they were assuming responsibility with
248 this ordinance. The City Planner said any time a city facility is used they assume some
249 responsibility. Mayor Knight noted that they required a certificate of insurance. Mr. Zook
250 said he felt they could be held more liable by not providing any oversight. The City
251 Planner said the ordinance would require the event to provide adequate facilities.

252 Councilmember Cook asked about a fee. Mayor Knight said there was no fee. The City
253 Planner said there was a minimum number in attendance required before the ordinance
254 took effect. She also noted that a block party was exempt from insurance.

255 Councilmember Jacobsen asked that they include a definition of a block party in the
256 ordinance. Councilmember Jacobsen asked how they arrived at the liability requirements.
257 The City Planner said it was included in the ordinance that their ordinance was modeled
258 after.

259

260 Corlyss Drinkard asked why bother having permitting process if they didn't charge a fee
261 for it. The fee would at least cover the costs of administering the permit.

262

263 Councilmember Jacobsen made a motion to accept the first reading of Ordinance 13-02:
264 An Ordinance Governing Special Events in Nibley and move to second reading.

265 Councilmember Mickelson seconded the motion. The motion passed unanimously 4-0;
266 with Councilmember Jacobsen, Councilmember Mickelson, Councilmember Platt, and
267 Councilmember Cook all in favor.

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269 **Presentation Regarding Bike Routes in Nibley City**

270 Stephen Nelson, an intern with Nibley City from Utah State University, displayed a
271 PowerPoint presentation. He listed the goals of bike routes; what source involvement was
272 utilized; analysis and site selection; proposed routes; implementation; the budget for
273 implementation totaling \$5,500; publicity and publications; safety tips; and future bike
274 routes. Mr. Nelson asked for questions from the Council. Councilmember Mickelson
275 started discussion on a trail along the railway. Councilmember Jacobsen discussed
276 connecting to the Bonneville Shoreline trail.

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Discussion and Consideration of Resolution 13-02: A Resolution Adopting a Nibley City Emergency Plan (2nd Reading)

Mayor Knight said there were a fair number of changes from the first reading of this ordinance because of information they had gathered. Councilmember Mickelson relayed questions he had with the ordinance that were addressed by Mr. Zook.

Mr. Zook said he had met with approximately a dozen different agencies (schools, Sheriff’s Department, Fire Department, State, and County) and reviewed the plan with them since the ordinance was last presented. He said any changes were based on those discussions and were mostly semantics. He thought they had a good start. He wanted the ordinance adopted and implemented and he suggested this be an ongoing project to be reviewed every year. He also recommended staff and the City Council takes classes through FEMA (Federal Emergency Management Agency). He said they needed someone in the city who was certified in those classes to become NIMS (National Incident Management System) certified.

Councilmember Jacobsen made a motion to adopt Resolution 13-02: A Resolution Adopting a Nibley City Emergency Plan. Councilmember Cook seconded the motion.

Mayor Knight expressed his concerns with the resolution. He hoped there were basic guidelines to follow to quickly address any emergency that may exist. Mr. Zook said they should to adopt an ordinance about succession.

The motion passed unanimously 4-0. Councilmember Mickelson was in favor, Councilmember Platt was in favor, Councilmember Cook was in favor, and Councilmember Cook was in favor.

Discussion of Citizen of the Year and Grand Marshal

Mayor Knight reviewed citizens who had held these positions. He asked the City Council to provide their suggestions and advice in the next week.

Council and Staff Reports

Mayor Knight thought it was important to have more control over public comments in a meeting. He would like to set a good precedence and was looking for Council input. Councilmember Jacobsen and Councilmember Cook agreed and said they didn’t have a problem. Councilmember Mickelson said they needed a set protocol.

Mayor Knight said the Heritage Day Committee was up and running. He said everyone was welcome to come to the meeting on Wednesday, March, 27 at 5:30.

Mr. Zook said over the next month they would undertake a couple of activities. On Saturday, April 20th there would be an emergency preparedness fair at Heritage Elementary school. The City had also asked residents, via the newsletter, to have a self-directed family drill and to participate the in Utah’s Great Shake Out on April 17.

323 Mr. Zook notified the City Council of upcoming meetings they had the opportunity to
324 attend.

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326 Mr. Zook updated the City Council on the status of the economic development plan.

327

328 **Adjourn into Executive Session**

329 Councilmember Mickelson made a motion to adjourn to executive session to discuss the
330 purchase of real property pursuant to Utah Code 52-4-205 and to discuss pending
331 litigation Pursuant to Utah Code 52-4-205. Councilmember Platt seconded the motion. -

332 The motion passed unanimously 4-0; with Councilmember Mickelson, Councilmember
333 Platt, Councilmember Cook, and Councilmember Jacobsen all in favor.

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335 The meeting adjourned to executive session at 9:48.

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337 The meeting returned from executive session at 11:45 and was adjourned at 11:45.