

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, April 18, 2013.

The following actions were made during the meeting:

**Councilmember Jacobsen motioned to adopt Ordinance 12-07: Amending the Nibley City Sign Code. Councilmember Hansen seconded the motion.**

**Councilmember Jacobsen made a motion to amend L.4.B.(i) to read “Dissolve shall be between one and two seconds between individual scenes, messages, or advertisements” and L.4.B.(ii) to say “Fade shall be between one and two seconds between individual scenes, messages, or advertisements.” Councilmember Cook seconded the motion. The motion to amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Platt, Councilmember Mickelson, and Councilmember Hansen all in favor.**

**Councilmember Jacobsen made a motion to amend to strike from A. “Specifically prohibited are Electronic Message Displays, as defined below.” 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.**

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

**Councilmember Mickelson motioned to adopt Ordinance 13-02: An ordinance regarding special events in Nibley City. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Mickelson, Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Platt all in favor.**

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

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, April 18, 2013 Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilmember Shawn Platt, Councilmember Thayne Mickelson, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Mr. David Zook, the City Manager, and the City Planner, were also in attendance.

**Call to order; approval of agenda; and approval of the March 28, 2013 regular and executive session meeting minutes**

Councilmember Mickelson made a motion to approve the March 28, 2013 regular and executive meeting minutes and the evening's agenda. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Mickelson, Councilmember Cook, Councilmember Platt, Councilmember Jacobsen, and Councilmember Hansen all in favor.

**Presentation by Cache County Sheriff's Office**

Star Deputy Rick Black was present at the meeting. Deputy Black gave the City Council members a copy of the annual report from the Sheriff's office. He discussed the number of calls and citations written within Nibley for 2012. He said there were 1,253 citations in Nibley's district. 577 were speeding tickets with 10 of those in school zones. Deputy Black reviewed law cases. So far in 2013 they had run 71 cases ranging from traffic accidents to utility problems. Deputy Black said the deputies were here a lot and spent a lot of time in Nibley. He noted that he was here from 6 to 2 every day and the Hyrum deputies would also cover Nibley. Deputy Black took questions from the Council.

**Discussion regarding concerns over previously approved lot line adjustment of Lot 77 in Sunrise Meadows subdivision.**

The City Planner summarized and FYI given to the City Council. She said in September a problem was brought to their attention involving a 17 ft city owned right of way that was put in to access retention basins and provide connectivity. The owner of the house brought to their attention that the setback was calculated incorrectly. The decision was made to move the access from the left side of the lot to the right side of the lot. The City Planner said based on the city attorney's advice, the issue was brought to the Planning & Zoning Commission and City Council and was notified on the agenda and online. She said the issue did not require notification to residents within 300 ft. The City Planner received an email from Austin Cranney who owned the home just south of where the right-of-way was moved to. He requested documentation on the lot line adjustment.

Mr. Austin Cranney was present at the meeting. Mr. Cranney said he heard the rumors that there would be a sidewalk put in the right-of-way. He said this worried him. He bought his house with the knowledge that there were no right-of-ways on the property and unincorporated area behind him; this was what he wanted and fit the lifestyle in which he wanted to raise his family. He discussed an issue he had with theft and his vehicle. He was not comfortable with the fact that he would have a sidewalk 30 ft off his house on three sides. He said he saw this as a safety issue. He said he had looked at the parks in Nibley and noted that most of the other parks didn't have sidewalks all the way around them.

Gerome Montgomery was present at the meeting. He said he owned lot 77. He said the builder hid from him that his property line was incorrect. He confronted the builder who said everything was correct. He received information from Mr. Cranney that the line was put in the wrong place. He said the option that worked for him did not work for Mr.

Cranney. Mr. Montgomery said he also didn't know there would be a park behind him. He said he was not happy having people run through his property.

Mayor Knight described what the area behind their property was intended for. Mayor Knight said he wanted to discuss other options which included abandoning the right-of-way and selling it to the adjacent property owner. He personally believed when the park space was done that Mr. Cranney and Mr. Montgomery would like it.

The City Planner said that city staff had discussed whether the access was necessary. She said there were other ample ways to access the property. She discussed walkability; it only improved the walkability to the retention area for approximately five houses and a cul-de-sac. The City Planner said they had a rough estimate of what the land was worth if they were to abandon the right-of-way and sell the land back to the landowner. Mr. Zook said when the road was built out then abandoning the right-of-way may cause a safety concern and he noted that the sidewalk was included in Nibley's trails master plan. He displayed how the sidewalk would connect to other vital areas of Nibley.

Councilmember Hansen discussed if the sidewalk was critical and if they could just leave the area a grass space that they could walk through. Mr. Zook clarified that they would maintain the right-of-way. Councilmember Jacobsen said he liked the trail behind that house and that it was part of the trails plan. He said he was interested in building trails and wanted to make sure they were not losing connectivity. Mr. Cranney said neither he nor Mr. Montgomery could afford to buy the additional land; he felt they could live with the compromise of not putting the concrete in. Mayor Knight advised that they needed to be cautious of making quick sporadic changes. Councilmember Mickelson said he was a proponent of personal property rights. However, he said one of their biggest complaints from citizens was that the city hadn't provided walkability; he agreed that this was part of the trails plan and suggested they needed to get word to the developer to ensure they share information. Councilmember Cook asked if Mr. Cranney and Mr. Montgomery purchased and already built home. Both said it was already built. Councilmember Cook said the developer and the realtor hadn't done their due diligence.

Councilmember Hansen made a motion to remove the sidewalk from the existing plan of the lot line adjustment of Lot 77 in Sunrise Meadows subdivision and retain the 17 ft right-of-way; to be grassed and maintained by the city. Councilmember Jacobsen seconded the motion. The motion failed 1-4; with Councilmember Hansen in favor. Councilmember Mickelson, Councilmember Platt, Councilmember Cook, and Councilmember Jacobsen were in opposed.

### **Presentation of and discussion regarding preliminary comprehensive financial plan by Zions Bank Public Finance**

Ms. Suzie Becker, representing Zions Bank Public Finance, was present at the meeting. Mr. Zook said this came out of a desire to a comprehensive financial analysis of the budget in relations to capital facilities as well as the general fund. Ms. Becker was hired from Zions Bank Public finance and had been analyzing Nibley's budget and finances and working with staff and the city engineer. Ms. Becker was present to give preliminary

findings and suggestions. Mr. Zook said it was his intent to take her suggestions and work them into the budget so he asked the Council to give him guidance on what should be worked in.

Ms. Becker had a PowerPoint presentation to display to the City Council and public present. She displayed the results of the visioning workshop held at a previous City Council meeting. Ms. Becker held discussions on sustainability in utility funds and streets, the storm water utility fund, and including capital costs in the next ten years and recommendations. The presentation then focused on culinary water and sewer rates.

Ross Peterson, who provides engineering services for Nibley City and was with JUB Engineering was present at the meeting. Mr. Peterson described the current Nibley City sewer system. He said the sewer collection system was designed for a projected population of 6,314 in 2050 but that the current population was 5,800. He said the sewer was designed for 250 gallons per day per person but the current flow was 400 gallons per day per person. Mr. Zook said they didn't build out the sewer for the maximum population because by the time the system reached that capacity it would have to be replaced anyways. Mr. Peterson said the lift station was designed for 1,686 gallons per minute rate and was currently running at 1,611 GPM. He said it was time for a sewer master plan and described what information a sewer master plan would provide. Mr. Peterson recommended Nibley postpone implementing the new sewer impact fee and "mothering" the sewer portion of the utility fund until more information could be provided. Mayor Knight said they needed to find the previous feasibility study and Councilmember Jacobsen said they needed to get JUB and Sunrise to sit down together for a discussion.

Ms. Becker said she couldn't review the sewer data with the new information they had just received on the sewer. Ms. Becker presented the annual revenue increases to the general fund and the allocation of the bulk of it to the streets and parks.

**Discussion and consideration of Ordinance 12-07: An Ordinance Amending the Nibley City Sign Code. (Final Reading)**

The City Planner said based on the Council's directions she had incorporated Councilmember Jacobsen changes and made 2-3 recommendations. She said the recommendations she had recommended were noted in red.

Councilmember Jacobsen made a motion to adopt Ordinance 12-07: Amending the Nibley City Sign Code. Councilmember Hansen seconded the motion.

Councilmember Platt asked if they were still going to consider eliminating electronic message displays in their entirety. The City Planner described the sections that would need to be removed to accomplish that.

Councilmember Mickelson discussed that he wanted to maintain Nibley's rural heritage by restricting EMDs. However, Nibley bordered Logan and commercial development on

Highway 89/91 could be driven to go to Logan because Nibley wouldn't allow a development's sign.

Councilmember Jacobsen said this was an ordinance that let EMDs come into Nibley in a highly regulated fashion. He described the things he disliked about EMDs and said he felt this ordinance dealt and regulated the things that made EMDs obnoxious.

Councilmember Mickelson expressed his concern with the distance between signs. He didn't want any area that would allow multiple EMDs. The Council discussed sign spacing and typical commercial developments. Councilmember Mickelson said he would personally like to see a minimum distance between signs.

Councilmember Mickelson made a motion to amend to include L.3.e. that read "EMDs shall not be located any closer to one another than 200 ft." The motion died due to lack of second.

Councilmember Jacobsen made a motion to amend to L.4.B.(i) to read "Dissolve shall be between one and two seconds between individual scenes, messages, or advertisements" and L.4.B.(ii) to say "Fade shall be between one and two seconds between individual scenes, messages, or advertisements." Councilmember Cook seconded the motion. The motion to amendment passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Platt, Councilmember Mickelson, and Councilmember Hansen all in favor.

Councilmember Jacobsen made a motion to amend to strike from A. "Specifically prohibited are Electronic Message Displays, as defined below." 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 made a motion to amend to strike everything from section L, references to EMDs in the table, and items in section M related to EMDs, and to allow no EMDs whatsoever. Councilmember Mickelson seconded the motion.

Councilmember Jacobsen said they could accomplish this same thing by adding a definition of EMDs in the existing ordinance. Councilmember Jacobsen also said he wouldn't vote on the Ordinance until he saw it.

Councilmember Platt made a substitute motion to go back to the Nibley sign ordinance on the books and add a definition of an EMD. Councilmember Mickelson seconded the motion.

Each Councilmember expressed their support or concerns with the sign ordinance including electronic message displays.

The substitute amendment failed 1-4; with Councilmember Platt in favor. Councilmember Cook, Councilmember Mickelson, Councilmember Jacobsen, and Councilmember Hansen were opposed.

Mayor Knight reviewed the motion on the floor.

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

**Discussion and consideration of Ordinance 13-02: An Ordinance Regarding Special Events in Nibley City. (Second Reading)**

The City Planner read the definition of a block party that the City Council had requested be added to the Special Events Ordinance. She said this would only apply if the road was being restricted or blocked by an event. She wanted them to let the city know so they would be prepared if calls came in about an event.

Councilmember Mickelson made a motion to adopt Ordinance 13-02: An ordinance regarding special events in Nibley City. Councilmember Jacobsen seconded the motion.

Councilmember Cook asked why they were not charging a fee associated with this ordinance. Mr. Zook said they wanted to make sure they got as many of these as possible; their number one goal was safety and they didn't want anyone to avoid going through this process or discourage people from applying or holding events because of a fee. Councilmember Jacobsen said he didn't think they had a problem right now so therefore they didn't need to legislate something that wasn't a problem. The City Planner said this was done with the intent of knowing what was happening so they could let residents know. She didn't want to make things burdensome.

The motion passed unanimously 5-0; with Councilmember Mickelson, Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Platt all in favor

**Council and Staff Reports; including reports from Spring Conference**

Councilmember Mickelson asked for an update on issues with the canal company.

Councilmember Platt said he attended a workshop on technology. He asked for an update on the city website development. He asked about getting an app for Nibley City. Mr. Zook said he had looked into it. He said he hadn't seen one that he thought was useful or helpful and worth the cost. Councilmember Platt discussed that he thought they should have seen the new city website and he offered to help and have this be an extra assignment.

Councilmember Cook discussed items said by David Church.

Mayor Knight read quotes from David Church taken at the League of Cities and Town Spring conference.

Mayor Knight discussed who, in David Church's opinion, was susceptible to the Open Meeting and Ethics Act.

Mayor Knight said Nibley City had received their second Tree City, USA award.

Mayor Knight reported on the Hyrum Library.

Mr. Zook discussed attending workshops prior to the League of Cities and Towns conference that discussed topics including the affordable care act, Benchmarking, and technology. He reported on his attendance at The League Conference at lectures that covered a Bike Route Workshop.

Mr. Zook said it was turkey season; April 13th – May 31<sup>st</sup>.

Mr. Zook gave an update on the City's interactions with Thomas Edison Charter School. The Principal had informed him that they had hired an engineer who would be doing a traffic study.

Mr. Zook gave the Council a draft of a letter to the School District which addressed working cooperatively with Millville on finding and working towards solutions for the new high school. He asked for City Council input on the letter.

Mr. Zook said they had the proposed agreement with the canal company. He said it needed to be put back on the agenda before they could discuss it in Council.

Mr. Zook noted Nibley City's Emergency Preparedness Fair which was occurring this Saturday.

**Adjourn into Executive Session to discuss Personnel Matters and the Purchase of Real Property Pursuant to Utah Code 52-4-205**

Councilmember Cook made a motion to adjourn to executive session to discuss personnel matters and the purchase of real property pursuant to Utah Code 52-4-205.

Councilmember Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Councilmember Mickelson, Councilmember Platt, Councilmember Jacobsen, and Councilmember Hansen all in favor.

The meeting moved to executive session at 10:05.

The meeting returned from executive session at 10:57 and returned to the regular meeting at 10:57.

The meeting was adjourned at 10:57 p.m.

Attest \_\_\_\_\_  
Deputy City Recorder