

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, September 19, 2013.

The following actions were made during the meeting:

**Councilmember Hansen motioned to approve the first reading of Ordinance 13-02—An Ordinance Regarding Nuisance Enforcement of Weeds in Nibley City. Councilmember Jacobsen seconded the motion. the motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Mickelson, Councilmember Whittaker, and Councilmember Cook 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, September 19, 2013 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Larry Jacobsen, Councilmember Thayne Mickelson, Councilmember Bryan Hansen, and Councilmember Amber Whitaker. Mr. David Zook, the City Manager, Bill Saunders, the Public Works Director, and the City Planner were also in attendance.

#### **Call to order; approval of agenda; and approval of the 9-5-2013 meeting minutes and executive session meeting minutes**

Councilmember Jacobsen made a motion to approve the last meeting's regular and executive session meeting minutes and the evening's very short agenda. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Mickelson, Councilmember Cook, and Councilmember Hansen all in favor.

#### **Discussion and consideration of Ordinance 13-02—An Ordinance Regarding Nuisance Enforcement of Weeds in Nibley City. (First Reading)**

The City Planner informed the City Council that this Ordinance had not been through the Planning & Zoning Commission because it was not a land use issue. She said this proposed to add a paragraph to Nibley City code that would notify property owners when they are in violation of the nuisance ordinance. Property owners will then be given 15 days from the notification to remedy the violation. If after that time the property owners fail to remove the weeds, then Nibley city will contract to have the weeds removed and will bill the property owner for the cost of removal. The City Planner relayed the conversation she had with the city attorney regarding the addition to the ordinance and the process that would take place in enforcing the ordinance. The City Planner thought it would make it a lot easier to deal with properties that were in "limbo"; the property owner has walked away from the house and foreclosure proceeding had begun.

Mr. Zook said the citation would be issued by the Sheriff's office and any small claims issues could be handled locally with their justice court. Councilmember Jacobsen asked what good it would do to cite a renter. The City Planner said once they had been cited by the Sheriff then they would actually have to appear before the justice court; if it is not dealt with through the court then there is automatically a warrant for arrest issued but it was out of her hands once a citation was issued. The City Planner said there was the possibility that two citations for weeds would be issued on Monday. Councilmember Jacobsen stressed that they could pass the ordinance, but that they had to be committed to taking the steps necessary and enforcing the ordinance once it was passed.

Councilmember Cook asked about the approximate number of letters that are sent out annually. The City Planner said they had sent approximately 40 and that very few of those had gone to the level of a final warning. Councilmember Whittaker asked about the absence of wording regarding a citation. The City Planner said the previous language in "Infraction Subject to Penalty" covers the issuance of the citation. Councilmember Mickelson expressed it was hard to ensure that they were not being selective in who these letters were going out to; he suggested that sometimes he was out of compliance, and even the city was sometimes out of compliance. He was not sure this was the answer. He believed that on cases that became volatile that they could go help with a proactive approach; he said he believed a proactive approach and education were a more positive than an enforcement approach. He believed if a resident wanted to fight this then it could come to a counter-suit. Mr. Zook said this would be used rarely. Councilmember Mickelson suggested they look at how the weeds affected the neighbor and not the height. Mayor Knight and the City Planner both expressed that was too ambiguous.

Councilmember Jacobsen asked for written documentation of the discussion the city planner had with the city attorney. He said that would help them enforce the ordinance. Councilmember Hansen suggested the city do an inventory of their parks, properties, and open spaces before they send letters to the public. Bill Saunders described the public works procedure on weed removal on city property. He suggested wording be added that specified weeds in subdivisions. The City Council discussed zoning laws. The City Planner said she understood the desire of the City Council to be less regulatory but the subjective level of the current ordinance had put the City into some difficult situations with accusations of preferential treatment and she believed this ordinance took the subjectiveness out.

Councilmember Hansen made a motion to approve the first reading of Ordinance 13-02—An Ordinance Regarding Nuisance Enforcement of Weeds in Nibley City. Councilmember Jacobsen seconded the motion. the motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Mickelson, Councilmember Whittaker, and Councilmember Cook all in favor.

### **Council Reports**

The Council discussed topics from the meeting's they attended at the Annual League of Cities and Towns conference in the last week.

Councilmember Hansen reported on the Read-A-Thon results.

Councilmember Cook asked for a status update on the development agreement with StoneBridge.

Councilmember Cook asked for clarification on the draft proposed subdivision ordinance.

Councilmember Hansen updated the City Council on the service project being done by the USU 4<sup>th</sup> stake on the Saturday 28 to 18 properties in Nibley. He asked for the accessibility of refuse bins at those sites. Councilmember Hansen asked for updates on the park project that had been started by Lowell Johnson and asked for a contact person. He said the service project intended to work at that property. Scott Larsen discussed ongoing Eagle Scout projects in that park area.

Mayor Knight updated the City Council on a water main break on 3200 South.

### **Staff Reports**

Mr. Zook gave further information on the water main break on 3200 South. He said he was very impressed with Nibley's public works team.

Mr. Zook distributed a handout to the City Council on items he had reviewed with the state transportation committee.

Mr. Zook told the City Council that he had formally met with the Economic Development Corporation of Utah (EDCU) to investigate membership with that organization and said he intended to move forward in obtaining membership with them. He said there was a tremendous amount of value there.

Mayor Knight distributed a conceptual drawing of the proposed new high school in Millville City. Councilmember Hansen said that this was a gateway to Nibley and would like to recommend that the baseball diamond be switched with the soccer fields. He said that would be a better viewscape coming into the community.

### **Adjourn into Executive Session**

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

### **Adjourn to Public Session**

The meeting adjourned to executive session at 8:37.

The meeting returned from executive session at 10:07.

The City Council discussed a recent employee resignation. They then discussed the status of the applications that had been received for Nibley City Treasurer.

The meeting was adjourned at 10:21 p.m.