

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

The following actions were made during the meeting:

Councilmember Hansen motioned to approve the purchases of real properties as stated; B, C, and D. Councilmember Jacobsen seconded the motion.

Councilmember Whittaker motioned to amend to look at the proposed properties B, C, and D; to address the issues of hazardous properties and ensure there are not hazardous materials on those properties prior to purchase. Councilmember Cook seconded the motion. The motion to amend passed unanimously 4-0; with Councilmember Whittaker, Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

The amended motion passed 3-1; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Whittaker in favor. Councilmember Cook was opposed.

Councilmember Jacobsen motioned to adopt Ordinance 13-04: An Ordinance Prohibiting Hunting on Property Owned by Nibley City on its first reading and move the ordinance to a second reading. Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Whittaker, and Councilmember Cook in favor.

Councilmember Hansen motioned to approve the first reading of Ordinance 13-05: An Ordinance Combining the Nibley City Tree Board with the Nibley City Beautification Committee. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Cook, and Councilmember Whittaker all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Members of Scout Troop 210 were present at the meeting at the meeting. Caden Findley, troop leader, introduced his troop; Hunter Saunders, Coulter Watkins, Danyon Burk, Josh Weeks, and Gabe Bodily with scout leaders Lane Messick and Brian Rasmussen. Cayden led the Pledge of Allegiance.

Mayor Gerald Knight called the Thursday, November 7, 2013 Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Larry Jacobsen, Councilmember Amber Whitaker, and Councilmember Bryan Hansen. Councilmember Thayne Mickelson was

excused from the meeting. Mr. David Zook, the City Manager, and the City Planner, were also in attendance.

Call to order; approval of agenda; and approval of the 10-17-2013 regular and executive session meeting minutes

Councilmember Jacobsen made a motion to approve both the general and executive session meeting minutes from October 17, 2013 and the evening's agenda.

Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Whittaker, and Councilmember Hansen all in favor.

Presentation by Hyrum City Councilmember Stephanie Miller regarding the South Cache Unplugged youth program

Mayor Elect, Stephanie Miller was present at the meeting. Mrs. Miller gave statistic associated with youth and young people and their exposure to electronic media. She said this program encouraged youth and families to get up, get out and to participate outdoors and encouraged foot traffic through local businesses. She said Hyrum had decided to adopt the Youth Unplugged program and intended to ask surrounding communities to participate. Mrs. Miller had distributed a packet which included a list of activities that local youth could participate in. She discussed how the program would work with local businesses and described how the youth would earn "brag tags". Mrs. Miller said there would be initial start up cost of \$3,500 and said she would like to know if Nibley intended to participate by December 2013.

Councilmember Jacobsen offered to have this discussion put on the Youth Council agenda for their next meeting. Councilmember Jacobsen and Mrs. Miller discussed business participation. Councilmember Jacobsen asked about the cost associated for the participating businesses. Mrs. Miller said they would have to buy 500 tags at a dollar each. Councilmember Hansen clarified that the cost to Nibley City would be a \$500 one-time fee.

Discussion and Consideration of the Purchase of Real Property

Mr. Zook had a presentation regarding the park property purchase for the benefit of the City Council and the public present. He discussed the parks and trail master plan; population projections; projected park needs; the growth of youth programs; and field usage. Mr. Zook then summarized the need for park space in Nibley. Mr. Zook discussed the process taken when searching for park property, the budget for the purchase of park property (505,000 in park impact fees and 295,000 budgeted to use as a loan from the sewer impact fee = \$800,000 total available in the budget for property purchase). Mr. Zook projected the properties that had been selected for park purposes (A-20 acres already owned, B-9.5 acres for \$133,000, C-10 acres for 140,000, and D-10 acres for \$180,000, totaling \$450,000). Mr. Zook projected and discussed park phasing, development costs (approximately 20 years for full build out), and the steps to take next.

Mayor Knight discussed taking public comment. The City Council gave consent for public comment.

Ryan Nelson said the plan looked great and that the funding seemed to be almost there. He was concerned that the city already had a lot of park space that was neglected for had not been put together or maintained.

Corlyss Drinkard voiced her opposition to the idea. She asked about anticipated road build out for 640 and 4000. She asked about the sale of existing city park space and wanted to know what they had in mind and she referred to the city owned property on Hollow Road. Ms. Drinkard said she felt the citizen surveys didn't take into account the numerous park spaces and opportunities outside of Nibley city.

Barbara Wilden asked about the development of 640 to accommodate traffic and asked about estimation on the cost to maintain the park. Mrs. Wilden asked about charging for field uses. Mayor Knight said there were charges on some of the organizations that used the field. Mrs. Wilden asked if the park would generate enough money to support itself. Mayor Knight said it would not.

Allen Cook asked if the people knew who owned some of the land they proposed to purchase and felt the citizens needed clarification. He said he had looked at the title and asked about the mention of hazardous materials on the parcel owned by the city; he was concerned the other land may be contaminated. Mr. Cook felt it was a conflict of interest to purchase the land from the current property owners.

Mayor-elect Shawn Dustin asked for the construction schedule for the phasing and if there was a cost structure for phasing or if it would done on a cash basis or done with future impact fees.

Lorena Cook said she was concerned with the area of the park and the location of active train tracks.

Mayor Knight addressed the current city parks projects. He said the park development and construction would be as needed and phased as cash became available through park impact fees. Mayor Knight said the city proposed a cost of maintenance to be \$3,200/acre which was factored into Nibley's general fund budget; which would grow proportionately as the population of Nibley grew. Mayor Knight discussed surplus property and said they had stopped discussing selling surplus property some time ago; he said there were no plans to sell the property on Hollow Road to fund this park. Mayor Knight said there was considerable park property sharing already occurring now and that would continue. Mayor Knight discussed the current owners of the proposed properties; Anhder and Heidt. Mayor Knight said he was unaware of hazardous materials on any of the proposed park properties. Mayor Knight discussed the location of train tracks in relation to the train tracks and said the 640 road would have to be updated. He said they wanted to make the park as walk able as possible. Mayor Knight discussed the appraised value of the property. Patience Fisher, with Bonneville Realty, discussed the appraised values of the properties and said the values seemed reasonable based on the appraised values of surrounding properties.

Councilmember Whittaker addressed the safety of children and the railroad. She said there was a crossing on 2600 and 3200 and she said they owned a right of way and could potentially build a trail along the railroad.

Councilmember Jacobsen said this had been a long and difficult process and that the value of this property was the best for the citizens of Nibley; this would make the best park for the money.

Councilmember Cook discussed the long process the City Council went through. She said that she felt she was the only that had voiced an opinion of opposition and said that was where she still stood.

Councilmember Hansen made a motion to approve the purchases of real properties as stated; B, C, and D. Councilmember Jacobsen seconded the motion.

Councilmember Whittaker addressed the public concern of hazardous materials on the properties. She felt they should do their due diligence and make sure the properties do not have hazardous materials on them.

Councilmember Whittaker made a motion to amend to look at the proposed properties B, C, and D; to address the issues of hazardous properties and ensure there are not hazardous materials on those properties prior to purchase. Councilmember Cook seconded the motion.

Ms. Fisher said the sellers were not aware of hazardous materials on their properties. They had been farming the properties for many years.

The motion to amend passed unanimously 4-0; with Councilmember Whittaker, Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Mayor Knight called for a vote on the motion. Councilmember Jacobsen said yes. Councilmember Hansen said yes. Councilmember Cook said no. Councilmember Whittaker said yes.

The amended motion passed 3-1.

Discussion and Consideration of Ordinance 13-04: An Ordinance Prohibiting Hunting on Property Owned by Nibley City—First Reading

The City Planner discussed the State of Utah prohibition regarding hunting. The City Planner said based on state law there could be no hunting on city property with 600 ft. of any building. She displayed example city properties on Hollow Road and 1200 West and the portions that would not be already covered under state law. She said the bulk of city properties were already covered by state law. She said state law was not specific on bow

hunting; it only defined discharge of a fire arm. The City Planner said this ordinance would cover bow hunting.

Councilmember Cook discussed that she believed this ordinance came from a discussion held during staff reports at the previous meeting. She said her intent was to look at properties in Nibley for bird protection and/or refuge. She read from an email sent to Mayor Knight in which she stated she had no intention of changing the hunting laws and was hoping the Council could discuss locations. She said her intent was to look at situations where they could create a refuge. Councilmember Cook asked if they would be addressing her bird protections items at a later date. She was hoping for a discussion city wide and looking for other areas. Mayor Knight felt that this was the solution for her request. The City Planner said she felt Councilmember Cook wanted to specifically cultivate areas for and protecting habitats for birds. Councilmember Hansen thought they could task the Wildlife Committee with finding areas for this purpose. After further clarification, Mayor Knight said he felt the City Council should have discussion and involve the Wildlife Committee.

Councilmember Jacobsen made a motion to adopt Ordinance 13-04: An Ordinance Prohibiting Hunting on Property Owned by Nibley City on its first reading and move the ordinance to a second reading. Councilmember Hansen seconded the motion.

The City Council discussed hunting laws on private property.

The motion passed 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Whittaker, and Councilmember Cook in favor.

Discussion and Consideration of Ordinance 13-05: An Ordinance Combining the Nibley City Tree Board with the Nibley City Beautification Committee—First Reading

The City Planner said she was asked to prepare an ordinance the combined the Nibley City tree board and Nibley City Beautification Committees. She said this expanded the size to seven voting members and two non-voting members with a member of City Council and the Planning & Zoning Commission as the non-voting members. It would include herself and Rod Elwood as members of staff with staff continuing to act as enforcement agents. The City Planner summarized the second page of the proposed ordinance which outlined the powers, duties, and responsibilities of the combined beautification/tree board.

Mayor Knight relayed feedback from the Tree Board, and requested a ten member committee instead of a seven member committee. He read other feedback from members of the Tree Board and the Tree Board Committee Chairperson. Councilmember Hansen felt this would move them in the right direction and showed that trees were one of the best ways to beautify the community. He also tasked the combined committee with organizing a yearly service project. The City Planner said she anticipated this was something they would do. Councilmember Whittaker asked about the accomplishment of the current Tree Board and Beautification Committees to this point. Mayor Knight

addressed her question stating that the Beautification Committee had not functioned. Councilmember Jacobsen clarified the intent of the ordinance and wanted to be clear that this did what they needed to do to maintain Nibley's Tree City USA status. The City Planner said the proposed ordinance did as written. Councilmember Jacobsen was concerned with if they could actually staff this committee. He asked if this would satisfy the first-reading if he were to suggest doing away with a beautification committee all together. The City Planner agreed that it could; he would only have to make an amendment to the proposed ordinance. Councilmember Jacobsen said he would need to be convinced that his ordinance would solve the issues with the beautification committee. He asked that the members of the Tree Board be present at the second reading to advise the City Council on how successful the ordinance would be. Mayor Knight asked the City Council to be prepared to appoint members to the committee when or if the ordinance was passed. Councilmember Hansen suggested members to be involved in the committee. Councilmember Hansen said he was interested in expanding the scope of this committee.

Councilmember Hansen made a motion to approve the first reading of Ordinance 13-05: An Ordinance Combining the Nibley City Tree Board with the Nibley City Beautification Committee. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Cook, and Councilmember Whittaker all in favor.

Presentation of a Concept Plan for the 2600 S Stormwater Basin

Mr. Zook displayed the location of the 2600 South stormwater basin on the Cache County parcel viewer. He displayed a concept plan which included a 50 space parking lot, a berm, a small soccer field, a bowery, basketball court, and restroom. Mr. Zook said the piping in the basin would have a 5,000 gallon capacity and they would see very little water on the surface area.

Councilmember Hansen asked if there was a trail system. Mr. Zook presented the proposed trail system. They talked about possible connectivity to the existing Nibley trail system. Councilmember Cook asked for a cost analysis breakdown on downsizing the piping and actually using the retention area. She didn't understand why they would use the money to buy a detention pond and put a park on top of it. Mayor Knight felt it was a cost efficiency measure. Councilmember Cook asked if the funding had been taken care of to move forward with construction. Mr. Zook discussed the current and future funding for the area. Councilmember Whittaker asked for a time frame for the retention basin and park. Mr. Zook said he didn't have that available in the concept, and referring to the park, said it was a low priority at their current point. Councilmember Hansen said he was completely in favor of the concept.

Discussion Regarding the October 17, 2013 Mobile Workshop

Mr. Zook presented a slide show of the Mobile workshop taken by the City Council on October 17, 2013. Mayor Knight asked the City Council to consider in the ground implementation of enacted Nibley City ordinances, possible improvements, and walk ability in the areas the City Council viewed. Councilmember Hansen suggested facilitating a bulk order of sod or rock that multiple people could buy into; with the

possibility of delivery by the city. Councilmember Jacobsen suggested they encourage a program “Rip Your Strip” from the Utah Rivers Council for the maintenance of park strips. Councilmember Cook suggested a neighborhood yard improvement competition and suggested prizes.

Council and Staff Reports

Councilmember Hansen discussed the 2600 Gateway Park trailhead and Mr. Zook displayed a concept trail drawing. He said this could be a great entrance to the city and great project altogether that both Nibley and Millville could use.

Councilmember Jacobsen discussed land purchased by the Cache County school district and the City Council discussed access to the Millville High School. Mayor Knight relayed discussions on ownership of the bridge connecting to the school. The Council discussed ownership and liability of owning a bridge. Mayor Knight said the school board was asking for an immediate decision from the City Council. Councilmember Jacobsen reiterated that he did not want to have ownership of a bridge. The City Council agreed that they were not ready to make the decision and wanted to have the issue of the bridge put on the future agenda with numbers associated with cost, maintenance, insurance, and the liability of owning a bridge. Mayor Knight asked the City Council to consider the benefit of the amenity (a traffic light and commercial space) they would provide to the residents to access the high school. Councilmember Jacobsen said he did not want to put a bridge ownership on the backs of Nibley residents. The Mayor and City Council discussed which stake holders would need to be involved in the discussion where the bridge ownership and maintenance is decided.

Mayor Knight discussed items asked by residents at the, non-city sponsored, “Meet the Candidates” night. The City Council decided to have several of these item put on the agenda for further discussion.

Mayor Knight discussed requiring residents to connect to the sewer. Councilmember Cook asked for a definition and more clarification of a “mechanical factor”, regarding the sewer, for connecting a residential house. Mayor Knight said he would like to attach a time frame to those residents and then penalize them if action is not taken. The City Council requested the research be done before this issue was brought back to them (i.e. mechanical factors, names of persons not hooked up, those who have hooked up, etc.).

Councilmember Whittaker reminded the City Council that the city needed to appoint someone to the Community Covenant. She volunteered for that appointment. Councilmember Whittaker notified the City Council of a Veteran’s Day concert on Saturday the 9th.

Mr. Zook displayed photos and updated the City Council on the newly constructed baseball field at Heritage Park.

Mr. Zook displayed a spreadsheet of the election results. He said they would conduct the official canvas at the next City Council meeting.

Adjourn into Executive Session

Councilmember Whittaker made a motion to adjourn to executive session to discuss Personnel Matters Pursuant to Utah Code 52-4-205. Councilmember Hansen seconded the motion. The motion passed unanimously 4-0; with Councilmember Whittaker, Councilmember Hansen, Councilmember Cook, and Councilmember Jacobsen all in favor.

The meeting adjourned to executive session at 10:19.

The meeting returned from executive session at 11:35.

The meeting was adjourned at 11:35 p.m.

Attest _____
Assistant City Recorder