

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

The following actions were made during the meeting:

Councilmember Jacobsen motioned to adopt, as presented, the Memorandum of Understanding between Nibley City and the Cache County School District. Councilmember Cook seconded the motion.

Councilmember Jacobsen made a motion to amend the Memorandum of Understanding with the Cache County School District to read “CCSD and the general contractor will warranty the bridge for a period of one year following the final inspection and acceptance of the bridge by Nibley City.” Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Mickelson, and Councilmember Hansen all in favor.

Councilmember Jacobsen made a motion to amend the Memorandum of Understanding with the Cache County School District to read “CCSD will partner with Nibley City, Millville City, and UDOT to install the required and specified traffic signalization at the 2600 South intersection prior to the opening of the school in August of 2016. Installation will be case on UDOT approval and timeline.” Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Mickelson, and Councilmember Hansen all in favor.

Councilmember Jacobsen made a motion to amend the Memorandum of Understanding with the Cache County School District to read “The cost for signalization and construction of the intersection improvements, including engineering, design, labor, materials, right-of-way acquisition etc. shall be borne by CCSD and/or UDOT. Additional improvements other than required by the impact of the school site will be at Nibley’s cost.” Councilmember Hansen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Mickelson all in favor.

Councilmember Jacobsen made a motion to amend the Memorandum of Understanding with the Cache County School District, item 10 to read “CCSD will provide street lighting at the 2600 South intersection and the school site roundabout.” Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Mickelson all in favor.

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

Councilmember Hansen motioned to abandon the easement and fence requirement on lots 1 and 26 of the Foxborough development. Councilmember Jacobsen seconded the motion. The motion passed 3-1; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Cook in favor. Councilmember Mickelson was opposed.

Councilmember Jacobsen motioned to adopt the first reading of Resolution 13-12. Councilmember Mickelson seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Mickelson, and Councilmember Hansen all in favor.

Councilmember Hansen motioned to not adopt 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 3-0; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Mickelson all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, December 19, 2013 Nibley City Council meeting to order at 6:35 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Thayne Mickelson, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Mr. David Zook, the City Manager, Bill Saunders, the Public Works Director, and the City Planner, were also in attendance. Councilmember Amber Whitaker was excused from the meeting for health reasons.

Call to order; approval of agenda; and approval of the November 11, 2013 meeting minutes

Councilmember Mickelson made a motion to approve the 11-11-13 minutes and the evening's agenda. Councilmember Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Mickelson, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Cook all in favor.

Discussion and Consideration of a Memorandum of Understanding between Nibley City and the Cache County School District Regarding Access to and Development of a new High School

Mr. Lance Henderson, with Cache Landmark Engineering, and representing the school district engineer was present at the meeting. Mayor Knight said this pertained mostly to the proposed signaled light at 2600 South and the bridge accessing the school from 2600. The City Council had a copy of the Memorandum of Understanding and Mr. Zook displayed the MOU for the public to view. The copy was typed in black with comments in red and additional comments to the side. Mr. Zook said the school district had been amiable to the items the city had asked for and discussed the comments included by the

school district. Mr. Zook, Mr. Henderson, and the City Council discussed a city representative regarding the engineering of the bridge, signalization, and having lights installed on the bridge,

Mr. Zook cautioned that they didn't have a completed MOU in writing because the School board was meeting tonight and Councilmember Jacobsen said it was hard for him to approve a comment.

Mr. Henderson clarified the comments made by the school district on the memorandum. He said that Forsgren and Associates would be designing the bridge and their background was Sergent Engineering, who had background with UDOT in building bridges. Mr. Henderson said JUB Engineers who handled Nibley's engineering, had an associate, Steve Roberts, who handled bridge engineering, who once worked for Sergent. Mr. Henderson assumed Mr. Roberts would be Nibley's contact. Mayor Knight proposed that this was a workable approach. Referring to bridge inspections, Mr. Henderson said the School District was going to hire the county to do their inspections but he suggested others who could fill those role for both parties. Mayor Knight asked Mr. Henderson about comment #7 ("At this time we suggest designing the bridge then review for further negotiation.") Mr. Henderson said he felt the basis of the comment was that there was a belief that there would be other agreements going forward.

Councilmember Jacobsen discussed comment #1 and said he couldn't get behind Nibley City not being able to hire a representative for engineer review of the bridge. Councilmember Jacobsen said he wanted an independent reviewer. Mayor Knight and Councilmember Jacobsen debated who act as bridge inspector for Nibley City. Councilmember Jacobsen said he wanted it to say that Nibley City would bear the direct labor costs of its designated reviewer; he wanted to hire the structural engineer that would be representing Nibley City. Mr. Zook said he would prefer that they didn't have to pay those costs; this was the way building was done all over the city. Mayor Knight felt there was an incredible amount of duplicity in the proposal.

Councilmember Jacobsen said he was not inclined to approve anything unless he had the words in front of him. He said he was proposing they add that Nibley City would bear the direct labor costs of in independent reviewer. Councilmember Cook, Councilmember Jacobsen, and Mayor Knight discussed this proposal until they determined that removing a comment placed by the CCSD would accomplish the same idea.

Councilmember Mickelson said he still felt there could be an agreement made so that all parties had ownership and maintenance of the bridge. Then all parties would make sure the bridge was done best and according to their liability purposes.

Councilmember Jacobsen made a motion adopt, as presented, the Memorandum of Understanding between Nibley City and the Cache County School District. Councilmember Cook seconded the motion.

Councilmember Mickelson made a motion to amend to have a maintenance agreement for the bridge that will identify the school as a third owner in the maintenance; with Nibley City and Millville City the other two-third owners based on population. Councilmember Cook seconded the motion.

Councilmember Jacobsen said the school district was not in the business of maintaining roads; they were there to educate children. Councilmember Hansen did not feel Millville would take on the responsibility.

The amendment failed 2-3; with Councilmember Mickelson and Councilmember Jacobsen in favor. Councilmember Hansen and Councilmember Cook were opposed. Mayor Knight broke the tie and was opposed.

Councilmember Hansen addressed issues of insuring the bridge. Councilmember Cook also wanted to have numbers on asphalt maintenance and insurance. They discussed some maintenance costs with Bill Saunders and discussed if they should proceed with the consideration without those numbers. Mr. Henderson said maintenance was mainly like regular road maintenance but cautioned on the use of salt. Mr. Saudners gave a few projected costs of maintaining a bridge. Councilmember Jacobsen said he believed the maintenance costs would be reasonable if done right from the beginning.

Mike Rigg, with the Cache School District, discussed the timelines associated with the memorandum being proposed.

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unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Mickelson all in favor.

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Councilmember Cook felt the maintenance needed to be brought at the concept. As long as the two documents were together and went hand in hand.

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

Discussion and Clarification of Past Council Direction Related to the Foxborough Development

The City Planner gave the City Council background information regarding the Foxborough development. There was discussion on the placement of a 10 foot landscape easement and fencing and whether those items should still be required. The City Planner she interpreted the minutes from the meeting when the development was approved mean that the City Council wanted to maintain an open feel along 3200 and for uniformity in the design of the fences that would be long that road. The City Planner said the LDS church had since purchased a large portion of the subdivision in order to construct a stake center on that site. The City Planner discussed the fence that had been installed by the property owners. The City Planner said the easement could be fully turned over to the property owners in a quick claim deed.

Brian Seamons, the Foxborough developer, gave background information on the Foxborough development. Mr. Seamons discussed that that CCNR’s for fences in this subdivision were white vinyl. He said the church was also proposing to do white vinyl fencing and a landscape easement in front of their property. He felt they were discussing whether lot 1 should have a fence and if there was still a landscape easement and fence requirement on lot 1. Mr. Seamons said if they left it the way it was (fence on the side lot with no landscape easement) then he felt the owners of lot 1 would be happy.

The City Planner said she believed that the design of the subdivision had changed enough that not discussing the fence requirement was an over site. The City Planner said if the City Council wanted consistency in fence design along 3200 then they should keep the fence in place; if the City Council didn’t, then they motioned that the fence requirement is not longer there and the 10 foot easement would be quick claimed back to the landowner.

Mr. and Mrs. Cook, the owners of lot 1, were present at the meeting. Mrs. Cook felt they had tried from the beginning to do what the city wanted. They had to put in the six foot

chain link fence because her son was autistic. Mrs. Cook said her fence was not coming down. Mrs. Cook said Mr. Seamons was required to put the side and rear yard fence and the city had said they wouldn't give anymore building permits to Mr. Seamons until the fence issue was resolved but the city gave him his building permits anyway. Mr. Cook noted that the canal wasn't piped either. Mr. Seamons said he wouldn't do anything more on the Cook fence unless he was instructed to do so. He said they could keep their chain link fence with no further issues.

Councilmember Mickelson made a motion to hold the developer to the development agreement and go back and put items in as originally stated on the Foxborough development agreement. Councilmember Jacobsen seconded the motion.

Councilmember Mickelson didn't feel they should give individuals a bye and hold others to another standard. He said they had a fence ordinance for a reason and this development had a CCNR. He felt they should be held to their agreement. Mayor Knight described how the mitigating circumstances had changed and didn't feel Councilmember Mickelson motion was a good fix for the city, the developer, or Mr. and Mrs. Cook. Councilmember Mickelson said they needed to hold people to their agreements.

The motion failed 1-3; with Councilmember Mickelson in favor and Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen opposed.

Councilmember Hansen made a motion to abandon the easement and fence requirement on lots 1 and 26 of the Foxborough development. Councilmember Jacobsen seconded the motion.

Mr. Cook said this would not meet their expectations. Councilmember Jacobsen asked what they expected. Mrs. Cook said they would want them to abandon the easement and have the back and side fence paid for. Mr. Cook wanted to be compensated for doing the work of putting the fence in that should have been in place in 2008.

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

Presentation of Annual Audit

Matt Reagan, the auditor for Nibley City was present at the meeting. Mr. Zook discussed Nibley's auditing history and described why he had decided to go with a different auditor.

Mr. Reagan distributed copies of the Nibley City 2013 audit to the City Council and Mayor. Mr. Reagan reviewed and summarized the city financial report. He discussed Nibley's financial highlights.

Councilmember Cook left at 8:40.

Mr. Reagan discussed the capital projects fund; enterprise funds (water, sewer, and storm water); long-term debt; and city-wide capital assets.

Bill Saunders left at 8:53.

Mr. Reagan gave his report on the Nibley's compliance with State requirements. Mr. Reagan then reviewed his recommendations based on his findings.

Councilmember Hansen asked if Mr. Reagan had received a copy of the previous year's audit and asked if he would respond to the findings found in that audit. Mr. Reagan said he had and said he would respond in the manager's letter they would receive.

Mr. Zook said he had researched the legal requirement regarding the audit and said he found that they were in compliance with this evening's presentation of the audit.

Presentation Regarding the Rental of City Facilities

Rex Shields, an intern with Nibley City was present at the meeting. Mr. Zook introduced Mr. Shields. Mr. Shields gave a presentation on Nibley City facilities rental and reservation services. He displayed a link to facilities reservation that would be available on the city website. Mr. Shields reviewed the current price structure for reserving Nibley City facilities and noted that it was too complex and simplifying would make it easier for residents and city staff and would allow use with software applications. Mr. Shields displayed a new proposed price structure and suggested the City Council consider elimination of the resident/non-resident fee. Mr. Shields and Mr. Zook also suggested a \$200 deposit for audio/visual equipment use.

Councilmember Mickelson left at 9:29.

Mr. Shields summarized Nibley's park pavilions and the costs associated with pavilion rental.

Councilmember Mickelson returned at 9:31.

Mr. Shields gave the Mayor and City Council a copy of a new Nibley Park and facilities rental application.

Discussion and Consideration of Resolution 13-12: A Resolution Amending the Fee Structure for the Rental of Nibley City Facilities (First Reading)

Councilmember Jacobsen made a motion to adopt the first reading of Resolution 13-12. Councilmember Mickelson seconded the motion.

Mayor Knight suggested they continue to charge a resident vs. non-resident fee and he also suggested they have a deposit and actual fee for use of the audio/visual equipment. He also thought the City Council should consider charging higher fees for use of the city facilities.

The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Mickelson, and Councilmember Hansen all in favor.

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

Mayor Knight suggested they do away with this ordinance. He felt it didn't accomplish what they wanted it to. He also thought they needed to get the beautification committee functioning.

Councilmember Hansen made a motion to not adopt 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 3-0; with Councilmember Hansen, Councilmember Jacobsen, and Councilmember Mickelson all in favor.

Consideration of Appointments to the Nibley City Beautification Committee

Mayor Knight said he would leave these appointments to the Mayor Elect.

Council Reports

Councilmember Hansen relayed discussion held at a meeting of the Blacksmith Fork Wildlife Association

Councilmember Jacobsen reported on the Nibley Youth Council and Local Official's Day.

Councilmember Jacobsen expressed his appreciation of the service given by Mayor Knight and Councilmember Mickelson.

Staff Reports

Mr. Zook undated the City Council of the holiday schedule for City Hall.

Mr. Zook informed the City Council that 1200 West had been paved.

Mr. Zook told the City Council and Mayor Knight about Local Officials Day. He said it was on the December 29 from 7:30 a.m. until 2:00 p.m. and if the City Council was interested in attending that he could get them registered.

Mr. Zook discussed unpaid HR interns from Utah State University that would be doing HR projects for Nibley City.

Mr. Zook discussed a survey he had sent on the recent employee dinner and discussed the results he had received to date.

Mr. Zook distributed a summary of the building permits issued in the city to date.

The City Planner said that Logan Coach would be moving into the WeatherShield facility. She showed the City Council the property that Malouf Fine Linens intended to develop for their facilities.

Mr. Zook discussed the future meeting schedule.

The meeting was adjourned at 10:06 p.m.