

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, April 17, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to approve Resolution 14-7—A Resolution Authorizing City Participation in a Baseball Field Sponsorship Program as presented but adding the wording “Whereas advertising just flat out belongs on baseball fields.” Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Beus all in favor.

Councilmember Cook motioned to postpone discussion and consideration of an Interlocal Agreement between Nibley City and the Cache County School District Regarding Access to and Development of a new High School until the next City Council meeting. Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Cook, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Councilmember Jacobsen motioned to appoint Lyle Hillyard as the primary Administrative Appeals Hearing Officer and Paul Larsen as an alternate. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Cook all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, April 17, 2014, Nibley City Council meeting to order at 6:34 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Carrie Cook, Councilmember Kathryn Beus, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. David Zook, the City Manager, was also in attendance.

Call to order; approval of agenda; and approval of the April 3, 2014 regular and executive session meeting minutes

Mayor Dustin noted modifications to the agenda. He said the Nibley City Royalty was not ready to present, that the executive session would be cancelled, and that he wished to move item four to item two because they had a member of Public Works present to help them with item four.

Councilmember Beus made a motion to approve the 4-3-14 minutes with a time change from 6:07 to 6:37, the evening’s agenda as modified by Mayor Dustin, and the executive session meeting minutes of 4-3-14. Councilmember Cook seconded the motion. The motion passed 4-0; with Councilmember Beus, Councilmember Cook, Councilmember Jacobsen, and Councilmember Hansen all in favor.

Discussion and Consideration of Resolution 14-7—A Resolution Authorizing City Participation in a Baseball Field Sponsorship Program (Second Reading)

Brock Nelson, with the Nibley City public works department, was present at the meeting. Mr. Zook said he and Mr. Nelson had listened to the previous City Council minutes and had noted their questions. He said Mr. Nelson was ready to address their questions. Mr. Nelson said the banners would not be printed every year. They would be printed on vinyl and should last for several years. Mr. Nelson described the proposed target market and the traffic that passed by each park on any given day. He said there was a lot of interest in this program. Mr. Nelson said there would be no city staff recruiting door-to-door. He said they intended to put an advertisement in the newsletter and on the city website, and they would post a Nibley City sign at the baseball fields with an advertisement for the program. He said there would be minimal cost associated with the baseball field sponsorship program; if they got 2-3 in the first year they would already be well off. Brock said this would be their trial year.

Councilmember Beus asked about the signs and if they would last up to ten years. Mr. Nelson relayed discussions he had with Brett Daniels, the recreation director for Smithfield, who had said a lot of businesses expressed interest in a 10 year contract for sign placement. He discussed the materials the signs would be made of. Mr. Nelson said the cost of printing would be \$60. Councilmember Beus asked about vandalism and who would absorb costs associated with vandalism. Mr. Nelson said the city would. Councilmember Beus asked about allowing all businesses and if they would have any sort restrictions. Mr. Zook suggested they could reserve the right to refuse sponsorship. Councilmember Hansen asked if a business would pay all the money up front for a ten year contract. Mr. Nelson said they would pay upfront.

Councilmember Jacobsen made a motion to approve Resolution 14-7—A Resolution Authorizing City Participation in a Baseball Field Sponsorship Program as presented but adding the wording “Whereas advertising just flat out belongs on baseball fields.” Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Beus all in favor.

Discussion and Consideration of an Interlocal Agreement between Nibley City and the Cache County School District Regarding Access to and Development of a new High School

Mayor Dustin discussed some changes that had been made to the document. He said they had just received their attorney’s comments on the document. Mayor Dustin said he had assumed they would essentially receive back the substantively what they gave back to them but it was not. Mayor Dustin said the agreement didn’t meet his requirements anymore.

Mr. Zook summarized the changes that had been made to the document. One item was the wording “the owner of the bridge” instead of “an owner of the bridge”. Mr. Zook was concerned that a lot of the items had been reworded. He said most of them kept the same

intent but he felt they needed more time to read through the agreement and make sure it was what they wanted. Mr. Zook discussed changes that had made to the document regarding traffic signalization at the 2600 South intersection. Mr. Zook then discussed Nibley City applying for COG funds. CCSD had asked the city to apply for COG funds three years in a row. He discussed another key change that made it the responsibility of the city to pay for any improvement to the road other than what was required by UDOT standards. Mr. Zook recommended they talk to the school district about any changes

Councilmember Cook made a motion to postpone discussion and consideration of an Interlocal Agreement between Nibley City and the Cache County School District Regarding Access to and Development of a new High School until the next City Council meeting. Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Cook, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Discussion and Consideration of Appointment of Administrative Appeals Hearing Officer

Mr. Zook said in 2008 the city elected to create the office of an Administrative Appeals Hearing Officer and that under Utah law they had several ways to hear appeal or variances. Mr. Zook discussed Nibley's past appeals officer and his resignation. Mr. Zook said he learned at the last League Conference that they needed to appoint an Appeals Hearing Officer. Mr. Zook said Nibley City code 10.3.2. required the appointment of an Administrative Appeals Hearing officer by the Mayor with the advise and consent of the City Council. Mayor Dustin said he suggested they appoint Mr. Lyle Hillyard as their primary resource and Mr. Paul Larsen as a secondary or back up position. Mr. Zook summarized Mr. Hillyard and Mr. Larsen's qualifications.

Councilmember Beus asked where the proposed appointees lived because it had been suggested to her that Nibley's appeal officer should not live in the same jurisdiction where a decision might be made. Mr. Zook said both lived in Logan. Councilmember Jacobsen said he had a lot of respect for Mr. Hillyard and had recognized his name and that a lot of his case load was land use decisions; he said that bothered him a little. Mr. Zook said Mr. Hillyard knew he wouldn't be able to handle cases from Nibley. Mr. Zook stated this was an as needed position. Mr. Zook discussed the process of coming before the appeal authority and the five conditions that needed to exist for a variance to be granted. He said the appeal authority is bound by State and Nibley City code and that his roles and responsibilities were also governed by those codes.

Councilmember Jacobsen made a motion to appoint Lyle Hillyard as the primary Administrative Appeals Hearing Officer and Paul Larsen as an alternate. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Cook all in favor.

Council and Staff Reports

Councilmember Cook reported on progress with the Easter Egg hunt.

Councilmember Hansen reported on the Scarecrow Festival. He suggested the theme “Marvel Us Comics.”

Councilmember Hansen reported on a rumor that McDonald’s was coming to Nibley City. He spoke to a McDonald’s representative who had said the likelihood was poor.

Councilmember Hansen proposed presenting on C. W. Nibley at the upcoming Nibley business owners breakfast.

Councilmember Hansen asked for an update on the RFP for a study of the realignment 3200 South. Mayor Dustin thought they would have the RFP out in a couple of weeks.

Councilmember Beus reported on “Comcast Days” that are held in Hyrum each year. She thought this would be a great program to hold in Nibley. She said she had contacted Comcast about hold this even in Nibley. She said “Comcast Day” was always the fourth Saturday in April.

Councilmember Beus asked about the time frame in receiving their meeting packets. Councilmember Beus and Mayor Dustin discussed the pros and cons of freezing the proposed City Council agenda on the Friday previous to the meeting.

Councilmember Beus distributed information to the City Council that she got from Dave Church referring to the meetings held when the City Managers contract was renegotiated. She said she felt they needed to have a public hearing. She asked Mayor Dustin to include a public hearing at the first City Council meeting in May. Mayor Dustin said the City Attorney had told him that they hadn’t done anything inappropriate. Councilmember Jacobsen asked for a written opinion from Nibley’s attorney. Mayor Dustin invited Councilmember Beus take her concerns to the City Attorney and get his opinion on the process that had taken place and what, if any, needed to take place.

Councilmember Beus asked if it was appropriate that their City Manager was the vice-president of the Cache County Republican party. Mr. Zook said there was nothing that said they couldn’t affiliate with a certain government party; he cannot endorse a political candidate. He said this was all voluntary and on his own time and he felt the access and connections he was able to make were a benefit to the city. Councilmember Jacobsen asked for the opinion of the City Attorney on this matter.

Mr. Zook said he had become aware of a grant from UDOT for building sidewalks along state highways. He said he had applied for a grant for sidewalks on state road 165 and near 2600.

Mr. Zook discussed another grant he had applied for regarding undeveloped property for parks.

Mr. Zook said the COG fund grant application was partially completed. He was waiting on information from the school district and their contractor to complete the application.

Mr. Zook said that yesterday Nibley City was awarded a Tree City designation for the third year in a row.

Mayor Dustin asked for unanimous consent to close the meeting. Seeing no opposition there was consent to adjourn the meeting at 8:05 p.m.