

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, March 19, 2009.

The following actions were made during the meeting:

Mayor Pro Tempore Larsen motioned to accept the Child and Family Support Center Child Abuse Proclamation. The motion was seconded by Councilman Hansen. The motion passed unanimously 4-0; with Mayor Pro Tempore Larsen, Councilman Hansen, Councilman Jacobsen, and Councilman Mickelson all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Larsen called the Thursday, March 19, 2009 Nibley City Council meeting to order at 6:15 p.m. Those in attendance included Mayor Gerald Knight, Mayor Pro Tempore Scott Larsen, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Shari Phippen, Zoning Administrator was also in attendance.

Item 1: Approval of the evening's agenda and minutes of the March 5, 2008 meeting.

Councilman Jacobsen made a motion to approve the minutes of the March 5th minutes with Councilman Larsen suggestions with exception to the change of the word "pub" to "PUD" to see how widely read the minutes are. Councilman Hansen seconded the motion. The motion passed 3-1; Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson in favor and Mayor Pro Tempore Larsen was opposed.

A presentation by the Child & Family Support Center regarding March as child abuse prevention month and requesting a proclamation from Nibley City regarding the same.

Janae Thompson and Allison McBride are present with the Child & Family Support Center. Ms. Thompson made the presentation to the Council. She stated the CFSC is a private, non-profit organization that serves families and children in both Cache and Rich Counties. The services they provide are a 24-hour hotline, 24-hour crisis/respice nursery, home-based parenting education, anger management and social skills classes for children, school based abuse prevention including the Good Touch/Bad Touch ® body safety program, therapy for victims of abuse, women's workshops, women's therapeutic groups, and child abuse shelter. Last year at the CFSC 3,011 children visited the 24-hour crisis nursery, 3,664 calls were answered at the crisis hotline, 3,216 children and adults learned how to prevent childhood sexual abuse, and 236 parents attended parenting classes. The CFSC also promotes community awareness and they asked the city to post a proclamation stating the city's support of child abuse prevention for the community to see. April is nationally recognized as Child abuse Prevention month. Ms. Thompson provided a pamphlet and card describing what the center does and what it is about. She

asked the city to post a flyer for the 3rd annual 10K/5K/1 mile Race Against Child Abuse being held on Saturday, April 25. Ms. Thompson also made note of the following events being held in the month of April; the Flamingo Flocking event being held during the entire month of April, they will have grocery store donation centers set up at Lee's Marketplace, Albertson's, and Macey's, and they are holding the 4th annual Blue Ribbon Benefit Dinner and Auction held at the Copper Mill on Friday, April 24th. Ms. Thompson also had a wish list they would like posted. She asked the Council for questions. Mayor Pro Tempore Larsen asked if they have a number posted that people can contact them if they want to help or volunteer. Ms. Thompson noted their number was provided on their cards and flyers. Mayor Pro Tempore Larsen stated that CFSC would like the City to adopt a proclamation which stated the city's intent to make all Nibley citizens aware of the existence of child abuse and the prevention of it, supporting April as child abuse prevention month, and their support of child abuse prevention. Mayor Pro Tempore Larsen made a motion to accept the Child and Family Support Center Child Abuse Proclamation and have the mayor sign it. The motion was seconded by Councilman Hansen. Mayor Pro Tempore Larsen noted the 20th of June will be the last day of Heritage Days which includes a carnival and invites the Support Center to attend with a booth. The motion passed unanimously.

A presentation by the Millville-Nibley First Responder Unit.

Dave Liddell, President of Squad 940 is present with Andy McBride, a first responder from Nibley, and Tony Johnson from Millville and Vice-President of Squad 940. Mr. Liddell stated as Nibley has grown in size they have had more calls. They had 56 calls in Nibley last year. He stated there are a variety of calls both medical and trauma. They are also called out to support the firefighters. Roughly 70% are in the home and 70% are medical not trauma. He noted they all wear pagers and when paged they respond. They are typically the first ones there. If it is serious they call Hyrum or Squad 161 with the county ambulance or Squad 70 which is from Logan. Mr. Liddell stated they are the only squad in the valley they does not have their own vehicle. They respond in their own privately owned vehicles. They have their own personal medical bags and also a rotating squad bag that includes a defibrillator. The first responders go through 50 hours of training a year in addition to their initial training. They now have 10 squad members and of that 10 only 7 are capable of responding. 2 have moved outside of the area and only train with their squad. There are some times that no one is available to respond and during those times they rely on the Hyrum ambulance. Mr. Liddell had also put together a preliminary budget. He stated the State had drastically cut the funding to emergency response squads and the first responders are seeking funds elsewhere. They currently have \$10,000 but anticipate cost three times that much. They receive \$3,750 from Nibley City. It is critical they purchase a defibrillator unit (AED). They typically are on scene 3-4 minutes before Hyrum City which makes an AED a critical piece of equipment. They also need to receive training to stay certified which is \$600/person. They also need to upgrade their radios to the standards which have been mandated by Homeland Security that cost \$2,500 each. The County will provide the entire squad with 2 radios and Mr. Liddell would like to purchase two additional radios. They must also pay \$132/year fee for each radio the squad buys themselves. The largest item they need is a vehicle and they

are looking at \$10,000 to outfit that vehicle. Mayor Pro Tempore Larsen asked if they have housing for such vehicle, because that was an issue a few years ago.

Mayor Knight arrives at 6:45

Councilman Hansen is excused at 6:45

Mr. Liddell stated he had the expectation that Nibley would provide the housing for the vehicle. Mr. Liddell stated he would also like to cover the cost of training as an incentive to offer to new first responder members who work with them for at least a year and encouraged the city to send anyone interested in working with the first responders to them. They are looking to recruit new members. Ms. Phippen asked if they have looked to outside agencies for funding or grants. Mr. Liddell stated that with current economic conditions there is not much money available. Ms. Phippen said she would be willing to help in locating funding.

Mayor Pro Tempore Larsen recognized the mayor's arrival at 6:45 and Councilman Hansen leaving. He welcomed and recognized scouts Sterling Frandson and Spencer Frandson from Troop 373 working on their communications merit badges. Mayor Pro Tempore Larsen turns the control of meeting to the Mayor.

Discussion of a resolution setting the fees for Attached Multi-Family Housing in a Conservation Subdivision.

The Council wanted to set a separate fee because there are additional reviews that must be done for the conservation subdivision. Mayor Knight asked if the Council had a suggestion for the fee. Ms. Phippen stated the way their filing fees for a plat are now is \$200 + \$10/per lot. She suggested \$100 + \$10/per unit on the lot. Mayor Knight suggested a flat fee of \$100-\$150. Councilman Mickelson stated it needed to be connected by cost. Councilman Jacobsen stated they should make an attempt at covering their cost. Mayor Knight stated they would put it on the next agenda with a resolution setting that fee based on Ms. Phippen's estimated costs.

7:00 Public Hearing—A public hearing to receive comments regarding a proposed ordinance regulating group living facilities in Nibley City.

Before opening the public hearing to receive comment regarding proposed ordinance regulating group living facilities in Nibley City Mayor Knight asked Ms. Phippen to give a brief description of the ordinance. Ms. Phippen stated in the past year Cache and Duchesne counties have face lawsuits for lack of ordinances governing where residential treatment type living facilities can go. Therefore the County crafted an ordinance which she has used to create an ordinance for Nibley City. She stated they need to have an ordinance in place so they don't face what Cache and Duchesne Counties have.

Mayor Knight recognized Alex Orth of Troop 373 and his troop leader.

Mayor Knight opens the public hearing at 7:04 and closes the hearing seeing no public comment.

Consideration of Ordinance 09-04: An Ordinance Regulating Group Living Facilities in Nibley, Utah.

Councilman Mickelson noted that under this ordinance they cannot have a facility like Sunshine Terrace which is in a residential area. He believes they should be able to have such a facility in a residential zone. He believes they should look at this deeper. Ms. Phippen stated they may need to add another category which included an elderly residential assisted living facility. Councilman Jacobsen stated they need another land use that would accommodate that type of facility. Mayor Knight agrees with Councilman Jacobsen that it is another issue and that this ordinance stands on its own. Councilman Jacobsen would like to add assisted living facilities as a definition to the land use chart. Councilman Mickelson and Councilman Larsen believed it would fall under a group living facility. Councilman Mickelson requested the Council put this on hold until they can see how other cities have handled this.

The Council reviewed the entire ordinance; clarifying questions and making changes. Ms. Phippen asked the council if they would like to add a residential facility for elderly and persons with disability to the use table with residential support and residential treatment, which would clarify the previous discussion. The council agreed with the addition. The Council requested Ms. Phippen look up the state definition of a business. Councilman Larsen questioned how these facilities will fit into a neighborhood commercial zone. He proposed that they are not permitted in neighborhood commercial. Councilman Jacobsen agreed with this. This ordinance will come back to the Council on a future agenda.

Consideration of Ordinance 09-02: An Ordinance setting Design Standards for Commercial & Institutional Uses in Nibley City.

The Council reviewed the Ordinance for Design Standards for Commercial and Institutional Uses making agreed upon changes and clarifying unclear points. Ms. Phippen noted to the Council that she distributed the site plan approval process to the Council.

Councilman Hansen returned at 8:24.

Councilman Jacobsen did not believe they should set 60% glass as a standard for the street level storefront which is not an energy efficient material. He stated that more concession should be included if a business owner wanted to use a more energy efficient material or innovative design. Councilman Jacobsen did not agree with the setback section if it is applied to an arterial road like 165. He does not want a store 20 ft. from 165. Ms. Phippen will discuss the issue with Mark Morris. Councilman Larsen would like wording “city planner” changed to “city”. In section 4 he believes 90% is too dense. The Council agreed to change the percentage to 70%. In section 4c the Council agreed to add the word “wide” after 8 ft. The Council discussed passing this ordinance and Councilman Larsen stated they shouldn’t rush on this and pass it just to pass it. Ms. Phippen reviewed the changes the Council agreed on and will be worked on, with the Council. The Council will review this again on the next agenda.

City Manager Reports

Ms. Phippen said that she has had over 30 requests after sending the parks request for proposals (RFP). These are due on Tuesday, March 24th. This will be coming to the Council on the next agenda.

Council Reports

Councilman Larsen stated he has a functioning Miss Nibley Pageant Committee headed by Julie Bruen. The actual pageant will be held June 6th. He does not have a Heritage Days Chair—a couple of ladies are considering it. If he does not find one he will function as Chair. He had received suggestions that they move the Fun Run to the Saturday before so it does not conflict with the Wasatch Back as well as being pushed before the parade. Councilman Larsen noted this would be the 25th year of Heritage Days. He would like to something Saturday evening such as a concert on the park with fireworks after. Fireworks West can do one for \$1,800-2,500. He would like to do them at least this year to celebrate 25 years. The Council would like him to pursue this and bring a proposal. Councilman Jacobsen suggests pushing the carnival forward so it can transition into the concert and fireworks.

Councilman Jacobsen stated the animal committee is almost off the ground. He noted the Stokes' are planning a run the 25th of April to celebrate Earth Day which conflicts with the run for the Child and Family Support Center.

Councilman Hansen stated he got permission to move the Easter Egg Hunt to the 800 West park on the 11th of April. He would like to get the sound system before then. He brought up the idea of naming 3200 South and 800 West. Councilman Larsen suggested having a competition during Heritage Days.

Councilman Mickelson gave the Council his new e-mail address and office number.

Mayor Knight stated he hoped the road construction water line will be done by the end of next week. Parson Construction is ready to move dirt if the other road construction is done. They are anxious to get started. Mayor Knight stated he has an issued that he would like to discuss in an executive session. Councilman Mickelson motioned to move to executive session to discuss a personnel issue. Councilman Jacobsen seconded the motion which passed unanimously.

The Council returns from Executive Session at 9:53.

The City Council meeting was adjourned at 9:53 p.m.