

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, July 15, 2010.

The following actions were made during the meeting:

**Councilman Dustin motioned to approve the bid result and accept Raymond Construction as the contractor for the construction of the water tank. Councilman Mickelson seconded the motion. The motion carried unanimously 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Mayor Pro Tempore Larsen all in favor. Councilman Hansen did not vote as he was taking personal privilege.**

**Mayor Pro Tempore Larsen motioned to task staff to come up with a bail schedule for Ordinance 10-04 that corresponds with the severity on violation. Councilman Mickelson seconded the motion. The motion passed unanimously 5-0 with Mayor Pro Tempore Larsen, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin all in favor.**

**Councilman Dustin motioned to accept Ordinance 10-04 (amended); an ordinance governing the use of green waste and recycles bins provided for community use with the fine in section 1 part D set at \$50.00. Councilman Jacobsen seconded the motion.**

**Councilman Jacobsen motioned to amend the motion on the floor to \$100. Councilman Mickelson seconded the amendment. The amendment failed 1-4; with Councilman Mickelson in favor. Councilman Jacobsen, Mayor Pro Tempore Larsen, Councilman Dustin, and Councilman Hansen were opposed.**

**The motion passed 4-1; with Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Mayor Pro Tempore Larsen in favor and Councilman Mickelson opposed.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Scott Larsen called the Thursday, July 15, 2010 Nibley City Council meeting to order at 6:04 p.m. Those in attendance included Mayor Pro Tempore Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner. Mayor Gerald Knight was excused from the meeting.

**Call to order, approval of the evening's agenda and minutes of the July 1, 2010 meeting.**

Mayor Pro Tempore Larsen called for a review of the minutes and the approval of the agenda. Councilman Dustin requested copy of the agenda. Mayor Pro Tempore Larsen gave the Council a chance to review the agenda. Mayor Pro Tempore Larsen proposed his changes to the minutes. Councilman Mickelson made a motion to accept the amended minutes and the agenda. Councilman Hansen seconded the motion. The motion passed unanimously with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilman Dustin, and Mayor Pro Tempore Larsen in favor.

### **Introduction of Jeff Jorgensen, Parks/Sewer department**

Mayor Pro Tempore Larsen present Jeff Jorgensen. He is a new full-time employee at Nibley City. Mr. Jorgensen said he has lived in this community his entire life. He was hired on for public works and sewer. He said he enjoyed working with Bill Saunders and Rob Elwood. Mr. Anhder said Jeff was a trained plumber and brought a lot of skills to the city. Councilman Dustin asked if he would be trained and certified. Mr. Saunders said he would be certified in sewer collection.

### **Presentation from Jim Childs with JRCA Architects about the proposed Nibley City Hall.**

Mr. Childs said they had spent quite a bit of time here today and met with most of the city staff that would be working in that facility. The purpose was to understand how they are working and what their needs are in working with the public. They had heard a few things about the necessity of storage and privacy issues. Mr. Childs said most other city staffers they meet with have grand ideas and ask for the world with a big wish list but they have not encountered that here.

Mr. Childs presented an audio/visual display on the Nibley space needs summary. Councilman Mickelson questioned if the projected city planners office was big enough with the need for maps and plans. Mayor Pro Tempore Larsen discussed possibly needing separate spaces for the Judge and the Court Clerk. Mr. Childs said he had reviewed past discussion and there might be the possibility of expanding some of these areas if there were a cooperative with a larger court. Councilman Jacobsen questioned the need for scaled up security with a larger court. Mr. Childs said a lot of that comes through a plan with the State Courts. Any physical security they require is usually provided by an operational plan instead of physical barriers.

Councilman Mickelson said if the Mayor needed to meet with someone. Under this proposal there were two or three areas that he could use. He proposed cutting 20 sq. ft. from the proposed Mayor's office and adding it to the planner's office. Mayor Pro Tempore Larsen said if it was a true need then it should just be added in and not cut from somewhere else. Councilman Dustin asked about the structure of the contract with JDCR and was primarily interested in what their deliverables were and where decision points are. Mr. Anhder said they were to provide a floor plan, elevations, and a fairly accurate projection of cost. At that point the City Council gives direction to go ahead or stops the process. Mr. Anhder said the 19<sup>th</sup> of August is really a "sink or swim" date. Mr. Anhder presented a schedule of deadlines for the various tasks for the Nibley City Community Building. Councilman Jacobsen asked Mr. Childs if his Scope of Work included a needs

review for the current building and how it would work as a public works building. Mr. Childs said that was not included in his scope of work but could be looked at later. Councilman Jacobsen said if this moves forward he wanted to use this building efficiently; he encouraged city staff to work on creating a plan. Councilman Dustin said he was trouble the scope of work did not included a deliverable on the space needs assessment for the public works department; that needed to be address specifically especially because that was a driving force in pursuing this for him. He said he did not see a connection between the needs assessment they were going through now and the core problem. He felt strongly that the need for public works space should drive the decision. Mayor Pro Tempore Larsen read his motion and said they never specifically spelled out what would be addressed. Councilman Hansen said it has set a schedule of what they have to do if they want to do it under the time constraints and with the available funding they have. Mayor Pro Tempore Larsen asked what the cost to the city was to take it to the August 19<sup>th</sup> date. Mr. Childs said they understood that they were authorized to work to about \$10,000 and he said it would not be more than that.

Councilman Hansen asked Councilman Dustin if he didn't feel that city staff could handle the needs assessment for the public works department. Councilman Dustin said he felt the assumption was being made that they would build a new city hall. They have jumped to that point. Councilman Mickelson said they discussed some of these issues at a previous meeting. He said his assumption of the needs assessment was what had been done. Councilman Dustin is concerned that \$10,000 will be spent and if they back out they will have spent that money without coming up with a solution for public works. He said he wants to make sure they are solving the right problem.

Councilman Jacobsen asked Mr. Childs if this was a good time to be building and if he could be specific about it. Mr. Childs said this is the best possible time they could build if they find themselves able to; it is an ideal time. He said building cost were approximately 25% less than what could have been done three years ago. Councilman Mickelson said they identified a need a long time ago before this was an issue. He said they could look at past needs and future opportunity.

Councilman Hansen said he was surprised that no other Councilmen took the opportunity to meet with Mr. Childs before the meeting. He hoped they could have done that. If they have ideas he hoped they would address them with him.

Councilman Jacobsen asked if they were going to address alternatives. Mayor Pro Tempore Larsen said he would like to talk about it now. The Council discussed the committee that chose the architect and would what role they would play. Mr. Anhder said he did not think with the close schedule that they could form a different committee. Mr. Anhder said he is proposing they don't have the city party on August 5<sup>th</sup> and hold a meeting to discuss the needs and alternatives. Corlyss Drinkard, a Nibley resident, asked if there was a public hearing on the schedule. Mr. Anhder said there is a suggested public hearing on August 19<sup>th</sup>. Mayor Pro Tempore Larsen said he will not be in attendance at the August 5<sup>th</sup> meeting.

Councilman Jacobsen said when they think about a big decision they need to review alternatives. Mr. Anhder said one alternative they have discussed is adding office space to the shop building they anticipate doing. Mr. Anhder said he had made another offer to Union Pacific for the land adjacent to the railroad track that was much less than what Union Pacific had proposed. Mr. Anhder said there is a lot of square footage here compared to what public works now had. He and Mr. Saunders have discussed this area for Public Works but have not come up with a specific plan. Mayor Pro Tempore Larsen said maybe they should be looking at a new public works building instead. They have facilities here but is this really the best area for their public works? He said in other cities the city planner is in the same building as the public works department. Councilman Dustin said he is not opposed to a new city hall but he does not know how to balance the overall needs of the city and what the driver is. If the driver is the public works department then it complicates the equation and he feels they had skipped that step.

Councilman Mickelson said he believed the worst time to build is at that critical time when there is the biggest need. The best time to move forward is when they are not pushed to their limit already. Councilman Hansen said he was not sure if he wanted to move forward with a new city hall and he believed they allotted the money to look at a new city hall; if they do not build a new city hall then the public works cannot move into the current building anyway and there would be no need to look at it. Councilman Dustin said the needs assessment he wanted from the architect was not what kind of city hall they needed; he wanted to know do they need a new city hall? Councilman Jacobsen said before he can make a good decision on August 19<sup>th</sup> he would like to know that other alternatives have been addressed. He would rather spend \$15,000 or \$20,000 to make those decisions before they decide to spend close to a million to build a new city hall. Councilman Hansen said he believed Mr. Saunders and the public works department were the best people to do that; he did not feel they needed to hire a consultant to decide what their needs were. Mr. Saunders said they could do that and perhaps then consult with Mr. Childs. Mr. Anhder said they could do that and also look in the idea of adding on to the current building or building public works offices in the new shop.

Mr. Anhder said their focus for the last year has been on a community room with multiple functions. None of the things that were available in that community are available here but some of those needs could be highly subjective needs. He said this could be attacked from the point of view of needs of staff to carry out the needs of city government. Mayor Pro Tempore Larsen said staff could do the majority of the leg work to address this. When they make a decision he would like to have the alternatives addressed. He is looking for whether there is a need and options on how those needs can be addressed. Councilman Dustin said he would like the architect's opinion in helping people make these kinds of decisions. Mr. Anhder asked for Council's direction on contacting the architect and any extra fees that may be incurred. The Council noted that no set amount had been discussed in a motion. Councilman Jacobsen said he expects to get an evaluation of one or two alternatives with a few details as to what those alternatives will entail and their costs. The Council directed Mr. Anhder and city staff look into these alternatives.

Matt Jenson from the Herald Journal was present during the discussion.

**Acceptance of bid for the construction of a 2 million gallon water reservoir tank**

Mr. Anhder said for the rebid they qualified the bidders ahead of time; they accepted bids only from companies that had been prequalified. Raymond Construction came in at \$796,895 which is \$600,000 less than the city's original estimate. City staff recommended the City Council accept the bid for Raymond construction. Councilman Dustin made a motion to approve the bid result and accept Raymond Construction as contractor for the construction of the water tank. Councilman Mickelson seconded the motion. Councilman Jacobsen asked if Raymond was a local company. Mr. Anhder said they were. The motion carried unanimously 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Mayor Pro Tempore Larsen all in favor. Councilman Hansen did not vote as he was taking personal privilege.

Mayor Pro Tempore Larsen recognized Colton Bastian and Jaren Johnson, Scouts with Troop 379, working on their Communications badge and welcomed them.

**Review of city policy for fees charged to vacant residential properties**

Mr. Anhder said currently if a home is vacant and they want to stay hooked to the utilities they have to be hooked to everything minus the garbage fee. Occasionally someone will call but they just want to keep their water on so they can water the lawn. One recommendation is they need to at least keep the sewer because they may need to use the sewer a little. He is empathetic with the home owner that wants to keep their lawn green.

Councilman Mickelson suggested they apply for it so that it is by their request and they can understand their reasoning. Councilman Jacobsen said he believed they paid a metered rate to Logan City for a portion of sewage and thought there was a middle ground; maybe a reduced rate. Mr. Anhder said if the home changes hands then they know the charges are turned over but if the owner doesn't change they have no way of knowing. Councilman Hansen said he thought they should make it the same for everyone and leave it the same. Mayor Pro Tempore Larsen said he is in favor of keeping it the same; changing it would be an administrative headache. The Council directed staff to keep the policy the same.

**Review and consideration of fine for misuse of recycling bins**

Mr. Anhder said the new site has worked well. The violations have reduced significantly. Mr. Anhder said violation at the recycling bins is a class C misdemeanor. A class C misdemeanor is a fine punishable up to \$750. They did not set a minimum fee amount. They need to set a minimum fine so a violator can just pay the minimum fine if they do not want to appear before the judge. Mr. Anhder said he is of the opinion that the punishment of the crime outweighs the severity of the crime. He recommended the City Council set a minimum fine.

Justin Hobbs, a Nibley resident, said he received a ticket. He dropped off five magazines that he had no idea where in his cardboard recycling. He had to pay a \$150 fine. When he saw the judge the gentleman before him received the same fine for dropping off a pallet

in the green waste container. Mr. Hobbs noted that Logan City accepted pallets in the green waste bin. He said \$150 dollars was excessive for five magazines. Mr. Anhder said Logan City does accept pallets but do not accept engineered wood products and directed Nibley to make their own policy. Nibley decided if they keep all lumber out they will not be cleaning out engineered lumber. Mr. Hobbs said the Officer that gave him his violation said that Nibley City was being so hard on violators was because Logan City was charging Nibley City between \$750-5,000 for contaminated bins. Carl Francis, of Logan City, told Mr. Hobbs that Nibley was not being charged fines; they had been threatened with fines. Councilman Mickelson asked what the costs to Nibley City were for these violations. Bill Saunders said it is approximately \$20 labor to process pictures, clean up the mess, and notify the authorities. Mr. Anhder said the issue was if they want everyone to have to come and see the judge. Mr. Anhder said he did not think they should have to do that. If they issue a minimum fine then they don't have to do that. Mayor Pro Tempore Larsen said he would like the Judge to decide how much the person is being charged so he can use his discretion. Mayor Pro Tempore Larsen asked Mr. Hobbs, as a violator for a recommended amount. Mayor Pro Tempore Larsen suggested they have a set fee the two classifications; for recyclable materials and non-recyclable materials. Mr. Anhder said if they have staff be there to clean up and sort things out it is the same to him. Councilman Jacobsen said what they want is for the judge to assign a severity with an appropriate penalty for it. Mr. Anhder said that means that every person has to come in and see the judge. Councilman Hansen said he didn't think the fine taught anything; it is when they have to come and see the judge that they learn. Mayor Pro Tempore Larsen suggested they set a number of infractions and increase the severity of the punishment for each subsequent citation like they did with their animal control ordinance. Councilman Jacobsen asked if there was a way they could set a fee that was relatively high if they are not going to see the judge but if you come into the judge and explain the circumstances the judge could reduce it below the bail price. Mr. Anhder said they would have to set their own bail schedule for this ordinance. Councilman Dustin asked how the judge would know the severity. Mr. Anhder said the judge would not know the circumstances; they are not included on the citation; it would be the violator's word.

Mayor Pro Tempore Larsen made a motion to task staff to come up with a bail schedule for Ordinance 10-04 that corresponds with the severity on violation. Councilman Mickelson seconded the motion. Mr. Anhder recommended the City Council issue warning citations until they decide on their policy. Mayor Pro Tempore Larsen said they could set a minimum for now. The motion passed unanimously 5-0 with Mayor Pro Tempore Larsen, Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin all in favor.

Councilman Dustin made a motion to accept Ordinance 10-04 (amended); an ordinance governing the use of green waste and recycles bins provided for community use with the fine in section 1 part D set at \$50.00. Councilman Jacobsen seconded the motion.

Councilman Mickelson said he would rather not change things twice and deal with this when the schedule was complete. He does not want to be seen as a reactionary body. Councilman Jacobsen said Councilman Mickelson had a valid point but in the mean time

this would address the problem. Councilman Mickelson asked for Mr. Saunders opinion. Mr. Saunders said they have had three severe dumpings and he would be happier with a \$100 fine that would cover their costs to clean up.

Councilman Jacobsen made a motion to amend the motion on the floor to \$100. Councilman Mickelson seconded the amendment. The amendment failed 1-4; with Councilman Mickelson in favor. Councilman Jacobsen, Mayor Pro Tempore Larsen, Councilman Dustin, and Councilman Hansen were opposed.

The motion passed 4-1; with Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Mayor Pro Tempore Larsen in favor and Councilman Mickelson opposed.

#### **Discussion about attendance at Annual conference of Utah League**

Mr. Anhder said the League meetings will be the 15-17 of September. All the Council members said they would attend be attending.

#### **Review of the problem of debris from the canal at 250 West**

Ms. Phippen said she had a resident complain about the pile of debris the canal company cleans out of the head gate and leaves there. Mr. Anhder said according to the water master Tuesday night they had asked someone to clean it up but it hadn't been done. Councilman Mickelson suggested they place a bin there with a lock on it; when the bin is full they call someone and have it hauled off. Mr. Anhder said it is not their property; all they have is an easement. Councilman Mickelson said he thought they had a dual responsibility there. Mayor Pro Tempore Larsen said the grate gives an opportunity for them to get the debris out of the canal. Councilman Dustin does not see how this is the city's problem. Mayor Pro Tempore Larsen said this had been a problem for them every year on the Council. Councilman Jacobsen asked if the canal company had given any indication that they would be willing to work with Nibley on this; be willing to pay half of whatever? Councilman Mickelson said he thought their biggest problem was actually having to physically go and take care of the debris. Mayor Pro Tempore Larsen said he talked to a canal board member who said it was not their problem. Councilman Mickelson said he would be willing to approach the board president about the city cleaning up and charging the canal company to do it but he wanted to know what that charge would be. Mr. Anhder suggested \$60/hour. Councilman Dustin said he would be alright with doing that but most of the debris that gets into the ditch comes from the people that live along the ditch and most of those people are share holders in the ditch company. When you are a ditch company that is part of your job; keeping the ditch clean. Councilman Dustin said he is not at all interested in getting involved in the ditch company's business. Mayor Pro Tempore Larsen said they would serve as a contractor to remove that waste only. Councilman Mickelson asked why this was their issue. Mayor Pro Tempore Larsen said the citizens were making it their issue. Mr. Anhder said he personally thought they would jump on that opportunity. Councilman Mickelson was directed to approach them.

#### **Discussion of City Participation in Emergency Response Scenario**

Councilman Dustin said the Nibley Stake had taken it upon themselves to set up an emergency preparedness drill; they have invited all of Nibley to participate. They are also inviting anyone who is impacted by Nibley or would be affected by a disaster in Nibley. The organizers requested the city support them with advertising in the newsletter. Councilman Dustin suggested they might be able to provide some support with vinyl signs and with maps. Councilman Dustin said he was not sure of what they were planning on doing. They provided a personal scenario where each family looks at it and decides how they would respond. There was discussion of city personnel being there and doing a drill.

Councilman Mickelson said there may be things that they could do to become NIMS (National Incident Management System) compliant that would set them in line for federal grants or funding. They probably should consider and research those things. Mayor Pro Tempore Larsen wanted to know what benefit NIMS was. Councilman Mickelson and Councilman Dustin said they were looking into that and would probably have more information later. Mayor Pro Tempore Larsen said the participation was for the community and so he was alright with it being in the newsletter. Councilman Jacobsen said if it was advertised through the city they needed to make sure they pointed out that it was non-denominational. Mayor Pro Tempore Larsen said he would like to know what would be involved in the drill. Councilman Dustin said the focus of the drill was presenting a scenario to the citizens and making sure they have a mechanism in place on a personal level. The basic roll the city will play is to give advertisement, provide some staff support, provide maps, and a few signs. Mayor Pro Tempore Larsen said he was not in favor of signs; he did not feel they were effective.

### **City Manager Report**

Mr. Anhder said Dustin Call had asked the city for help doing an Eagle Scout project; he asked the city for help with flyers. Mr. Anhder asked the City Council if they had a policy of giving support for Eagle Scout projects. Mr. Call will be put on a future agenda.

Mr. Anhder said he had a meeting with a branch of OSHA. They would be willing to come up and do a walkthrough of Nibley. The Council agreed that this was important; Mayor Pro Tempore Larsen said the more training they can give their employees the better.

### **Council Reports**

Mayor Pro Tempore Larsen said the Cache Cup was currently going on in the community.

The meeting was adjourned at 9:27 p.m.