

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, June 16, 2011.

The following actions were made during the meeting:

**Councilman Dustin motioned to accept Resolution 11-05 as presented but moving \$15,000 to the capital improvements fund with and offset from the reserve budget for purchase of the Murray property. Councilman Mickelson seconded the motion. The motion passed 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.**

**Councilman Dustin motioned to approve resolution 11-06 with the amendment of line 56-37-691 on page 20 to \$0.00 (loan from the sewer impact fund); on line 56-40-730 and additional \$125,000 to be allocated to finish the ball park at Heritage Park in addition to the funds already allocated; and line 56-40-750 an additional \$15,000 to cover the purchase of a pocket park; and line 56-40-755 to be zeroed out to \$0.00 for the purchase of land for the regional park. Councilman Mickelson seconded the motion.**

**Councilman Larsen motioned to amend that line 56-37-691 return to \$545,000. Councilman Dustin seconded the motion. The amendment passed 3-2; with Councilman Larsen, Councilman Dustin, and Councilman Jacobsen in favor. Councilman Mickelson and Councilman Hansen were opposed.**

**Councilman Larsen motioned to amend to remove the additional contingency for the new City Hall of \$20,000 on line 10-50-520 page 4, taking it from \$70,000 to \$50,000. Councilman Dustin seconded the motion. The amended passed 3-2; with Councilman Larsen, Councilman Dustin, and Councilman Jacobsen in favor. Councilman Hansen and Councilman Mickelson were opposed.**

**The amended motion failed 2-3; with Councilman Dustin and Councilman Larsen in favor. Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were opposed.**

**Councilman Mickelson motioned to adopt Resolution 11-06—the budget for fiscal year beginning July 1, 2011 as proposed. Councilman Hansen seconded the motion.**

**Councilman Larsen motioned to amend that line item 56-47-50 on page 4 be increased by \$125,000. Councilman Dustin seconded the motion. The amendment failed 1-4; with Councilman Larsen in favor. Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were in opposed.**

**The motion passed 3-2; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Dustin and Councilman Larsen were opposed.**

**Councilman Hansen motioned to approve Resolution 11-07. Councilman Mickelson seconded the motion. The motion passed 4-1; with Councilman Hansen, Councilman Mickelson Councilman Jacobsen, and Councilman Dustin in favor. Councilman Larsen was opposed.**

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## OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, June 16, 2011 Nibley City Council meeting to order at 6:02 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Thayne Mickelson, Councilman Shaun Dustin, Councilman Bryan Hansen, and Councilman Scott Larsen. Larry Anhder, the City Manager, was also in attendance.

### **Call to order; approval of agenda**

Mayor Knight recognized Scout Zachary Lee Maynors with Troop 385. Mr. Maynors said his leader was Councilman Larsen. Mayor Knight also recognized Mr. Gordon Zilles with the County Council and Jeanette Christensen, Principal of Nibley Elementary School.

Councilman Jacobsen made a motion to approve the minutes and the evening's agenda. Councilman Mickelson seconded the motion.

Councilman Larsen noted that the proposed agenda was different than the one they had. Mr. Anhder noted those changes and said Councilman Larsen should have received those revisions via email. Councilman Larsen said he wanted to make sure of the agenda they were approving.

Councilman Jacobsen asked general consent to approve the agenda marked final agenda and there were no dissenters.

The motion passed 4-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen in favor.

### **6:05—Discussion with Gordon Zilles, Cache County Council member**

Mr. Gordon Zilles was present at the meeting and said this was the first time he had been invited and was excited to be there. Mr. Zilles said Nibley was one of the areas he represented and he held fond memories of Nibley and its people.

Mr. Zilles said the Council had recently discussed going back to the five-day work week. They wanted to be sure they were providing services to the public. He was thinking with Council discussion that there would be enough votes to go back to a five-day work week. Mr. Zilles said he also suggested they have employees come in an hour early and an hour late to further accommodate the public. Councilman Dustin said as a citizen of the County he supported the four day work week and he thought the experiment was abandoned too quickly. He had heard that it was better for employee morale and

productivity; people adapt to these things. He encouraged the County Council to look carefully at the cost that would be incurred at having someone come in early and stay late. Councilman Larsen said he liked the availability on Friday and he also liked the early and late hours. Mr. Zilles said the employees enjoyed the four-day work week more than the citizens. Councilman Dustin said he was sure the County Council would do their due diligence and make sure things were fiscally possible.

Mr. Zilles said another hot topic in the county right now was some of the developments way further out in the County. They have asked individuals that are putting subdivisions out follow national code to have a water source for emergency purposes; they had actually required that of them. The County found it was not actually required by the State and decided to hold public hearings. At the public hearings they were told they wanted less government and would accept the consequences if their home were to burn down. There was not one person who had the desire to have that put upon them. He thought the County Council would allow the developers make that decision on their own. Mr. Zilles discussed a disclaimer that would be added to the building permits for those subdivisions, recommending a sprinkler system or water source and the chances of the County reaching them before their home were to burn down. Most of those subdivisions would be septic tank and/or wells. Councilman Dustin questioned whether cities would be required to upgrade infrastructure as these developments are annexed into the city. Councilman Dustin questioned whether it was home owners or developers that had voiced their concerns at the public hearings. Mr. Zilles said the majority in attendance were developers but there were a few young home owners. Councilman Larsen and Mr. Anhder said they would end up paying for those homeowners lack of preparedness and when a home burnt down they would be in to the County and the tax payer would end up paying for their tenders. Mayor Knight said he thought the County's development requirements should be similar to the adjoining community or city. Councilman Mickelson suggested the County building requirements break up into districts to align with adjoining cities. Mr. Zilles said he was concerned that they were conscience in the County of not making the lots so inexpensive out in the County so that everyone developed in the County and not in the lots in Nibley. If someone wants to develop in the County they shouldn't be restricted but he thought they should pay their fair share of the development of that.

Mayor Knight asked what Nibley could do to help the County. Mr. Zilles said Nibley could help the County with developers closing County roads down. He said they should not give the developer and unlimited amount of time to tear up a road and close it down; that inconvenienced a lot of people. Mr. Zilles said they should include something in their code which required the developer to put the road back in a timely manner.

Mr. Zilles said he was happy that he had been invited to come. It had been a good dialog. Mayor Knight said he had given Mr. Zilles a copy of their Park Plan and he had visited with Ms. Phippen several times. He asked Mr. Zilles to look at lowering the speed limit at 2200 N. to Logan at 800 W. Mayor Knight said they had contracted with the County to do their chip-and-seal this year and there would be dialog on the 3300 South road and the

flooding there. Mr. Zilles said he thought the County would probably walk away from the old bridge going to Millville unless the City of Millville was willing to take it over.

Councilman Larsen asked about Logan City's landfill being full and one concern they had was how much money was transferred from Logan's trash collecting fees into the general fund. He asked if there had been any discussion. Mr. Zilles said he was sure there would be more discussion on that.

**6:30—A hearing to receive comments concerning proposed changes to the current year budgets for the General Fund and Utility funds**

Mayor Knight said there would be two public hearings; one to deal with the current budget and one for next year's budget. This public hearing was for the changes to the current year budget.

Mr. Anhder said the excess revenue received either from excess revenue coming in or expenses that were not made was projected to go towards a new sander for the street department and a new pick-up truck to be split between the street department and storm water fund. There was also money budgeted for the new public works shops (\$45,000). Mr. Anhder this current year's fund had originally budgeted \$30,000 for the purchase of property at 3650 S. and 250 W. (Dennis Murray property). They were never able to come to an agreement on that purchase amount and this budget recommended scraping that project and some of the money was allocated money towards the new shop buildings and would do away with that half acre pocket park; all of the changes go towards capital items. Mayor Knight gave direction to the public present.

Mayor Knight opened the public hearing at 6:48.

Lowel Johnson said they were aware there might be a possibility to purchase the land at 250 West. He said it was an eyesore the way it was and there were no public parks south of 3200 South and a number of people wished there were something like that in that area. Many people had expressed interest in using that as a park and perhaps having an opportunity for service projects with a park there. He said if there was a potential of leaving that in the budget, perhaps paying over two years, they would be in favor of that consideration.

Don Cooley said the lot was an eyesore and asked if there was an ordinance in Nibley that required citizens to take care of their property and asked if the owner had been notified to do so.

Corlyss Drinkard asked why they didn't return the surplus to the public in the form of a tax cut.

Seeing no other public comment Mayor Knight closed the public hearing at 6:52.

Mayor Knight said there was a nuisance ordinance that dealt with the height and length of weeds but as far as cleaning up mound of dirt, his understanding was the ordinance did

not address that. Mr. Anhder said the owner had been noticed in the past and he had sprayed the weeds that were now dying. Councilman Mickelson asked if this property was addressed in their Parks Plan. Mayor Knight said directly it didn't but the plan did encourage pocket parks. Mr. Anhder said the Council did approve the \$30,000 to purchase that lot and in talking to the landowner today he had brought down his price and was asked for \$40,000 over three years. Mr. Anhder said there were advantages to area; it would be very visible and Mr. Johnson had marshaled taking that on as a volunteer project to both develop and maintain it. Mr. Anhder said the possibility of the city buying it and some infrastructure costs would be worth a try. Councilman Larsen said he would like to see some more citizen involvement; he thought volunteers where there, they just needed to give them the opportunity to volunteer. Councilman Mickelson said he would like to make a budget recommendation; they had \$30,000 budgeted and they were close to the end anyway. If that could be budgeted starting in the next fiscal year and over the next three years he thought they could accomplish both. Mr. Anhder said they could take that from the small reserve they had.

**Consideration of Resolution 11-05—A Resolution Amending the annual budget for July 1, 2010 to June 30, 2011 for the General Fund and Utility funds**

Councilman Dustin made a motion to accept Resolution 11-05 as presented but moving \$15,000 to the capital improvements fund with and offset from the reserve budget for purchase of the Murray property. Councilman Mickelson seconded the motion.

Councilman Jacobsen said he like the idea; especially the idea of volunteerism in the city. But for a plan B, if the community loses momentum in developing a park, this was a viable building lot and Nibley City could sell the lot as a building lot. Councilman Larsen said with the budget as a whole, sometimes they spend unanticipated expenditures and sometimes knowingly spend unanticipated expenditures and come back later and ask for the money to do things that had already been done. He did not think they should do it that way and he did not think it was legal that they did it that way; that was his philosophical view with the budget. Councilman Mickelson said he thought they did some of that and that there could be some more dialog but he recognized the some things needed to be done in a judicious fashion. Councilman Dustin seconded what Councilman Larsen and said he felt answerable for those things and it bothered him when a decision was made that was not discussed by the Council. He did not want to micromanage but he did feel it was disrespectful. Mayor Knight said they make general statements it implies that there are instances of this that are egregious. There were some communications issues but they had bent over backwards to accommodate the Council. Councilman Dustin noted a specific example with the building of the new City Hall and the contingency budget. The Council and Mr. Anhder discussed the building and the costs of the new City Hall. Councilman Larsen said they were supposed to adjust the budget as they go along. As far as projects there were times they budget \$X and further down the road they take the money for \$X and shift it over to \$Y and he took issue with that. Councilman Jacobsen said he would like to hear the details; those were worrisome comments and he wanted to see dollar amounts and details. The Council discussed those projects. During the discussion, Councilman Dustin said the sense that he got is that they give specific council and course of action and then those courses of action change and they do not necessarily

hear about it. Councilman Mickelson said he felt obligated to Nibley's citizens and felt as a general rule they needed to have the dialog. Mayor Knight said he believed they operated under the assumptions that staff or experts will make the detailed decisions on the projects they appropriate money for; to his recollection the Council has not made specific detailed recommendations. Councilman Dustin said the point he wanted to make was when they as a Council gave specific direction then in the absence of a change to that direction, he expected that directions to be implemented as given; that might take the form of a budget. If things happen that had not been delegated he felt responsible for that. Regardless of the issue, if there is a recorded vote then that was what was supposed to happen. Councilman Jacobsen said the philosophical argument did more damage to the reputation of good people in their city employees and he was not sure this was a reward to them in having a general discussion without getting into specifics; they were talking about micromanaging here. He was not interested in convening a Council to talk about small expenditures. Mayor Knight thought they needed to have a philosophical discussion about how city staff did their job; they approved the budget and approved the funds.

The motion passed 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen all in favor.

**7:00—A hearing to receive comments concerning the proposed budget for budget year beginning on July 1, 2011 for the General fund and the Utility funds**

Mr. Anhder said development related revenue assumes 50 single-family homes next year; this year that may be a rather general or liberal number. This year they will end up with 48 homes which is their lowest number in a decade annually. This year Neighborhood Non-Profit and Clear Creek Crossing will start getting their building permits. This budget anticipated a property tax adjustment to the traditional rate of .001667. The budget also anticipated a 1.5% salary increase with a minimum of \$50/month for city employees. There was money for the landscaping of City Hall and another in \$20,000 contingency. There was a new mower for the parks and a portable radar unit. This budget also anticipated a \$2/month increase in the sewer rates; they had been running at deficit for the last 6 months. In the water department, the budget anticipated \$300,000 for the development of a new well; it would drill and case it. The budget also started funding for the ball park and the balance of the public works shops. Mayor Knight said this budget also included a stipend for Nibley's First-Responders (\$6,000). Mr. Anhder said there were no new personnel recommended in the budget.

Mayor Knight opened the public hearing at 7:44.

Jeanette Christensen wanted to talk about the east side cross walk. She said she was no longer able to provide teachers for that crosswalk in the afternoon. She discussed that they would be lengthening the kindergarten day so there would only be a 10 minute delay and the two additional crossing guards would not need to be there as long and they could redirect that and fund the crossing guard in front of the school.

Dave Davenport said they appreciated the First-responder proposal and hoped they would act on it in their favor.

Corlyss Drinkard noted that she thought what happened with the new city hall was a farce and a scandal and it would not been allowed to go forward if this had been a community where more people cared about city government and how it operates and if there was anything they could do to amend the situation with respect to how they handle the budget, she as a citizen, would appreciate it.

Seeing no other public comment Mayor Knight closed the public hearing at 7:48

**Consideration of Resolution 11-06—A Resolution Adopting the General and Utility funds for the fiscal year beginning July 1, 2011**

Councilman Dustin made a motion to approve resolution 11-06 with the amendment of line 56-37-691 on page 20 to \$0.00 (loan from the sewer impact fund); on line 56-40-730 and additional \$125,000 to be allocated to finish the ball park at Heritage Park in addition to the funds already allocated; and line 56-40-750 an additional \$15,000 to cover the purchase of a pocket park; and line 56-40-755 to be zeroed out to \$0.00 for the purchase of land for the regional park.

Councilman Dustin said he realized this was a big change to the budget but he did not think land would get any more expensive and he wanted to see the ball diamonds finished before they were distracted with another project.

Councilman Mickelson seconded the motion.

Councilman Mickelson asked Mr. Anhder to explain the impact this would have. Mr. Anhder said he was not sure the property for the regional park would be there a year from now. The money already allocated to the ball diamond would mostly finish the ball diamond; there would not be bleachers, a warning track, or lights. The Council discussed the completion of the ball diamond. Mr. Anhder said he thought they needed a more detailed budget on how much money that would take; Mr. Elwood had said the \$115,000 would get them a workable ball diamond. Councilman Mickelson asked if they had money budgeted for whatever training the city employees would need for the year. Mr. Anhder said they did; it was in a general category. Councilman Mickelson noted the public works vehicles were quite large and thought maybe they could consider smaller or natural gas vehicles that could be more economical. Mr. Anhder said they had some of those discussions in house and described what had been discussed. Councilman Larsen said in the current budget they did not address the relocation of the recycling facility; either they keep it by their City Hall or relocate it. Mr. Anhder said the current staff plan was to leave it there until at least next spring but staff did not have a firm recommendation. Councilman Larsen noted the money set aside for a cross over in management and he did not know if he was in favor of that money. The new person might want their own style. Mayor Knight said this took into account about 3 months of accrued sick leave with the current City Manager. Mr. Anhder said he thought it was extremely important that the City Manager know how they do things whether or not that is what he/she wants to do; he hoped they would do things their own way and add to and build upon; it would make the transition smoother. Councilman Dustin said there needed

to be money in there and he asked if it was all allocated to salaries because they would have to reopen the budget to look for someone. The Council and City Manager discussed the process of finding a new City Manager.

Councilman Jacobsen suggested they talk about crossing guards. Mr. Anhder said the current budget funded 2 crossing guards for Heritage and 2.5 crossing guards for Nibley. Since the budget was put together Mrs. Christensen arranged for kindergarten to go longer and they will only have to pay the two crossing guards for three times instead of four making the time for the additional crossing guard. The meeting discussed the necessity of the third crossing guard at Nibley and the crosswalk on the East side of Nibley Elementary school. Councilman Jacobsen said he thought they had the appropriate amount of money in the proposed budget for the crossing guards. Councilman Dustin suggested they leave the budget as it stands but with the request that they have this issue resolved before the school year started.

Councilman Mickelson made a call for question. The call for question failed 1-3 with Councilman Mickelson in favor. Councilman Jacobsen, Councilman Dustin, and Councilman Larsen were opposed.

Councilman Larsen noted that Councilman Dustin's motion zeroed out the amount of money to purchase land for the regional park. He asked why they couldn't allocate some money to purchase land. Councilman Dustin said the reason he zeroed it out was he didn't have a reason to buy the land at this time and he did not see a plan for paying that loan money back to the sewer fund. Mr. Anhder read to proposed plan for paying back the loan. Councilman Dustin said he was not sure he believed in the increased park impact fee.

Councilman Larsen made a motion to amend that line 56-37-691 return to \$545,000. Councilman Dustin seconded the motion.

Councilman Hansen arrived at 8:36.

Councilman Dustin said they had adopted a plan and if it was such a great idea then they should take it to the people to see if they thought it was a great idea. Mayor Knight said nothing would get accomplished then. He said they were forgetting apathy. Councilman. Mayor Knight and Councilman Dustin discussed the budget and if the Council was micromanaging. Councilman Hansen said the plan they had in place had consideration of finishing the baseball diamond and getting land for the regional park.

The amendment passed 3-2; with Councilman Larsen, Councilman Dustin, and Councilman Jacobsen in favor. Councilman Mickelson and Councilman Hansen were opposed.

Councilman Jacobsen said he hated to penalize Mr. Elwood who thought they could finish the ball diamond for less. He did not know what it would take to finish the ball diamond party because they did not have a definition of what finished was. Councilman



Larsen said he had always been told that it would cost twice as much or more to build a ball diamond than it did to build other fields. He assumed it would not be a very well built diamond with the money that had been budgeted. Mayor Knight said the facts were that the City Manager and Mr. Elwood had said they could build a workable diamond for \$115,000 and they were debating on conjecture and he would rule it out of order.

Councilman Larsen left at 8:59.

Councilman Hansen asked if they had to have all the land this year and why they couldn't buy 80% now and the last small piece later. He asked if they had to have it all this year.

Councilman Larsen returned at 9:01 talking on the phone with Mr. Elwood. After making a phone call to Mr. Elwood it was determined that \$115,000 would get them a bare-bones playing surface. Councilman Hansen said they either wanted to phase the new ball park or the other option is complete the ball park in one year and only purchase a portion of the property. Councilman Larsen said the additional \$125,000 would not complete the ball park. Mayor Knight said it would probably be a 2-3 year phase. Councilman Dustin said the purpose of his proposal was he did not see the sense of buying the land this year; he did see the sense of moving forward. He did not see the point of buying the land and sitting on it. If it was like the Hollow Road land then he did not see the point and he did not see there was a rush. The Council discussed the proposed ball diamond at Heritage Park and the proposed purchase of land for a regional park.

Councilman Larsen wanted to discuss the extra \$20,000 for the new City Hall. He noted with the original contingency amount, staff had said they would not go above that. Mayor Knight noted that they stated they would come back to Council for any additional that was needed.

Councilman Larsen made a motion to amend to remove the additional contingency for the new City Hall of \$20,000 on line 10-50-520 page 4, taking it from \$70,000 to \$50,000. Councilman Dustin seconded the motion.

Councilman Larsen said if the money was there then it would get spent. He would rather not give it to them and they could come back later and ask for it if they needed it.

The amended passed 3-2; with Councilman Larsen, Councilman Dustin, and Councilman Jacobsen in favor. Councilman Hansen and Councilman Mickelson were opposed.

The amended motion failed 2-3; with Councilman Dustin and Councilman Larsen in favor. Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were opposed.

Councilman Mickelson made a motion to adopt Resolution 11-06—the budget for fiscal year beginning July 1, 2011 as proposed. Councilman Hansen seconded the motion.

Councilman Larsen made a motion to amend that line item 56-47-50 on page 4 be increased by \$125,000. Councilman Dustin seconded the motion.

Councilman Dustin asked where the money was coming from. Councilman Larsen did not have an answer for that.

The amendment failed 1-4; with Councilman Larsen in favor. Councilman Dustin, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson were in favor.

The motion passed 3-2; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Dustin and Councilman Larsen were opposed.

#### **Consideration of Resolution 11-07—Setting new rate for sewer collection**

Councilman Hansen made a motion to approve Resolution 11-07. Councilman Mickelson seconded the motion.

Councilman Larsen said even though this balanced them out or took them to where they were supposed to be, this proposed change was supposed to take place last July but at the same time he was disheartened that they did their study with other communities. They were doing this because of the increases Logan was putting on them. It seemed to him like Logan was “sticking them with a knife”. He was disappointed they had not looked into the study and encouraged them to look into it now.

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

#### **Consideration of and appointment of a representative to the Cache Valley Transit District board of directors**

Mayor Knight said he had not yet found anyone who wanted to serve as a representative. During the discussion Councilman Dustin said he might be interested in serving as that representative and asked to be given more information. Councilman Larsen asked why some of their suggestions had not been given consideration. Mayor Knight gave his reasons. Councilman Jacobsen asked if there were requirements that it not be a Councilmember.

#### **City Manager reports**

Mr. Anhder reminded the Council that before they met again filing time would be open for Council seats. It opens July 1<sup>st</sup> and closes July 15<sup>th</sup>. If they had more than 6 file then they would have a primary election in September.

Mr. Anhder said discussed Heritage Days and the Council responsibilities.

#### **Council reports**

Councilman Hansen said there was a total of 60 plots available at the Community Garden; they currently had 14 rented out.

Councilman Larsen said with Heritage Days some people had contacted him and were disgruntled with it. People with the play were disheartened that they planned public hearings during the play. He had gotten some reports about citizens upset that the bike parade had been cancelled and the rescheduling information was not complete.

Mayor Knight said 700 had pre-signed up for the dinner; it was hamburgers and hot dogs with trimmings.

Mayor Knight said the city workers had received multiple comments from citizens with the new sidewalk. The citizens were very pleased with it.

Mayor Knight said Steve Stowers would not be in town to be the Grand Marshall for the parade so he went ahead and decided on Richard Leishman a former Nibley City Mayor.

**Closed Session to discuss litigation**

Councilman Jacobsen made a motion to go to executive session to discuss litigation. Councilman Dustin seconded the motion. The motion passed 5-0; with Councilman Jacobsen, Councilman Dustin, Councilman Larsen, Councilman Hansen, and Councilman Mickelson all in favor.

The City Council meeting went to Executive Session at 10:06.

The City Council returned to City Council meeting at 10:31.

The meeting was adjourned at 10:32 p.m.

Attest \_\_\_\_\_  
Assistant Deputy Recorder