

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, August 4, 2011.

The following actions were made during the meeting:

Councilman Jacobsen motioned to approve Resolution 11-08 naming poll workers for the following; Lisa Ward, Tonya McKibbin, and Connie Barb; and counting judges Nancee Jabbs, Diane Marvin, and Darcee Johnson. Councilman Mickelson seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen all in favor.

Councilman Jacobsen motioned to consent with the recommendation of Shaun Dustin as a representative the Cache Valley Transit District board for Nibley City. Councilman Hansen seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Jacobsen motioned to approve the soccer field use policy as presented with the addition of scheduled games shall have priority over unscheduled games or practices. Councilman Mickelson seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen in favor.

Councilman Mickelson motioned to adopt Resolution 11-09—setting the property tax rate at .001677. Councilman Hansen seconded the motion. The motion passed unanimously 3-0; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor.

Councilman Hansen motioned to approve the memorandum of understanding with the inclusion of the signature change to from Larry Anhder to Mayor Knight. Councilman Mickelson seconded the motion. The motion passed unanimously 3-0; with Councilman Hansen, Councilman Mickelson, and Councilman Jacobsen all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, August 4, 2011 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Thayne Mickelson, Councilman Bryan Hansen, and Councilman Larry Jacobsen. Larry Anhder, the City Manager, was also in attendance. Councilman Shaun Dustin and Councilman Scott Larsen were excused from the meeting.

Call to order; minutes of July 21, 2011 read and approved and approval of agenda

Councilman Hansen made a motion to approve the July 21st minutes and the evening's agenda. Councilman Mickelson seconded the motion. The motion passed unanimously 3-0; with Councilman Hansen, Councilman Mickelson, and Councilman Jacobsen all in favor.

Consideration of Resolution 11-08—naming election judges for Nibley City primary and final elections

Mr. Anhder made his recommendations for elections judges; with Lisa Ward, Tonya McKibbon, and Connie Barb; and as counting judges Nancee Jabbs, Diane Marvin, and Darcee Johnson.

Councilman Mickelson asked if Mr. Anhder foresaw any conflict with city employees being election judges. Mr. Anhder said he did not; he thought it helped employees to be involved in these things because it gave them better understanding of city government. Councilman Jacobsen asked if city employees took a day of personal leave to do this. Mr. Anhder said they did not; the counting judges came in at 6:00 in the evening to count so it did not conflict with their city jobs.

Councilman Jacobsen made a motion to approve Resolution 11-08 naming poll workers for the following; Lisa Ward, Tonya McKibbon, and Connie Barb; and counting judges Nancee Jabbs, Diane Marvin, and Darcee Johnson. Councilman Mickelson seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen all in favor.

Recommendation of a representative to the CVTD board from Nibley City

Mayor Knight said he would like to appoint Shaun Dustin as their representative to the CVTD board for Nibley City. Mayor Knight said he had talked Devin Curtis as well. Mayor Knight said Shaun Dustin would be a good fix; he had a diverse background not only of use but thought process and would bring a good understanding to the board. Councilman Mickelson said Shaun would do a great job.

Councilman Jacobsen made a motion to consent with the recommendation of Shaun Dustin as a representative the Cache Valley Transit District board for Nibley City. Councilman Hansen seconded the motion. The motion passed unanimously 3-0; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Mayor Knight said they were meeting with Todd Butler in the next week where they would be going over their long range planning and how it would affect Nibley City.

Consideration of policy governing the use of soccer fields

Mayor Knight said a group of them had met; Rod Elwood, Allen Haycock, Mr. Anhder, and himself to talk about field use in general and draft a policy to use in the city for scheduling and charging for use of the fields. Mayor Knight recommended an addition that said scheduled games had priority over practices or unscheduled games as a reminder to those who used the fields. Mayor Knight said as of right now they were not intending to schedule practices.

Councilman Mickelson said he was surprised about the recommendation vs. the discussion they had before. He thought they were under the understanding that this could be considered a double tax if you were a citizen of Nibley. Mayor Knight said as part of the rec program that per person a fee was to come back to the city to cover paint, etc. Mr. Anhder said that had been happening and the soccer league had been paying for the paint, striping, nets, etc.; this was just formalizing it and the money would be coming back to the city and they would take over these duties. Councilman Mickelson asked if that was something they wanted. Mr. Anhder said there was a line that they could strike a deal with the rec league and have people that had the experience do that. Mayor Knight said for competitive teams Mr. Haycock recommended a little higher fee of around three dollars per person and then they went to \$35/team and a fee for tournaments. Mayor Knight said his position was that if their fields were not being used and someone wanted to use them, he didn't see any need to try and raise money off their fields. This was to cover costs to prep the fields and gave some accountability. The other thing the policy did was give some formality to their city soccer field coordinator, Mr. Haycock. Councilman Mickelson asked what liability they had with accidents on their fields. Mr. Anhder said they had a general liability insurance policy that should cover those activities.

Councilman Jacobsen made a motion to approve the soccer field use policy as presented with the addition of scheduled games shall have priority over unscheduled games or practices. Councilman Mickelson seconded the motion.

Councilman Jacobsen asked if \$150 plus \$40/per field/per day was a good number for tournaments. Mayor Knight said it was bare bones; it may not completely cover costs but it was close. Mr. Anhder said that covered painting the fields and having them in condition to go. Councilman Jacobsen said he had no idea what officials were paid but suspected this additional fee to use the fields would be small in comparison to what teams paid to pay. The fields were there to use and Councilman Jacobsen said he thought this was a fair policy.

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

Councilman Hansen asked when the fields at Heritage Elementary would be ready for use. Mr. Anhder thought they would be available this fall.

City Manager Report

Mr. Anhder said their liability insurance company had taken over their lawsuit with the irrigation company because they had started to ask for damages. There were still in the process of gathering information. Their attorney brought up a novel idea; he asked what easement they had for the canal that went down the road. Mr. Anhder said the city owned that property going down the road.

Mayor Knight said he had noticed the garbage on 250 was cleaned up. Mr. Anhder said the sidewalk was broken when the site was cleaned up.

Mr. Anhder said they were working towards an agreement with the College Irrigation Company for an exchange of water shares involved in the well on the west side of Nibley. Mr. Anhder thought they were not far from an agreement.

Council Reports

Councilman Jacobsen said he wanted to update the Council on the South Corridor Study steering committee; he believed that committee was losing steam. Both Wellsville and Nibley had voiced their concerns over commercial development. He thought the idea of this corridor and trying to find multiple solutions was still a good idea. They would be asked as a Council to weigh in on the committee's final proposal. He thought they were looking for a vote of confidence. Councilman Jacobsen said there was another week available in the comment period. He encouraged the Council to look at the study with an open mind, to find flaws, and to opt for suggestion; it was an important part of their region and it would be nice if they could all find a win-win situation.

6:30 pm—Public Hearing—to receive comments on a proposed change to the Nibley City property tax rate

Mayor Knight said the public hearing was to receive comment on the proposed change to the Nibley City property tax rate. Nibley City had tried to maintain their rate. State law did not allow them to collect more tax from property year to year without increasing the rate; as property values go up so does the rate. There is standard inflation that occurs so they keep the rate at the same level and take advantage of the inflated property value to collect more rate to provide the same services. Historically they had maintained the rate of about .001667; for the last 14 years. This kept them from having to raise revenue from other sources to maintain a stream from property tax; they were doing this to maintain the same level, or percentage, of revenue from property tax. Mayor Knight said they receive one-third or their revenue from property tax, one-third from sales tax, and one-third from franchise or use tax. Councilman Mickelson asked if property values had gone up this year. Mr. Anhder said they had. The Assessor did a blanket reduction county wide but two years ago, that last time they changed their rate, it was still up and still amounted to a small increase. Mayor Knight said Nibley City had the policy that every other year they adjust this rate; they skipped last year so this would be the first increase in three years.

Mayor Knight gave the public direction and opened the public hearing at 6:47.

Joshua Frasier said he could see why the rate would go up and down but he thought there was still the public perception with what the economy was. What people would feel was that this was not the time to raise it if it could be maintained at the same rate; at least remain the same if not dropped.

Corlyss Drinkard said she would make her yearly pitch for not raising the income tax. She said there was a 1.1+ trillion dollars in market gap value lost over in the last nine days; there was a precipitous drop in the stock market and it would be welcomed by the citizens if they did not raise taxes.

Seeing no further comment, Mayor Knight closed the public hearing at 6:50.

Consideration of Resolution 11-09—setting the property tax rate at .001677

Mayor Knight read Resolution 11-09.

Councilman Mickelson made a motion to adopt Resolution 11-09. Councilman Hansen seconded the motion.

Councilman Mickelson said he had given a lot of thought to this and he thought they responded to citizens last year when they held off the adjustment; that was the first year in history they had held off the every two year adjustment since they had started the process. He thought the country was in the situation they were in because they had not been fiscally responsible and taken care of their needs. He said there had to be so much to operate on; they were not trying to increase their government; this was not to hire new people this was to maintain what they had. He thought it was important to keep their rural feel by not giving into the colored signs; if he could maintain that somehow and use this avenue as a way to keep the revenue stream to operate then that would be his preferred choice to making revenue. He knew these were hard times for some people in Nibley; he recognized that but he would rather do small adjustments than have to come back in 10-12 years and make a huge adjustment that really bit.

Councilman Jacobsen said he wished they did not need to pay taxes but consistency was just as important as being right. If they were consistent in their taxation to their residents then they can make adjustments and see how those improve work or don't work. Councilman Jacobsen said he saw their staff doing a very efficient job of running the city with this rate. This increase did represent a total increase in revenue but he believed it was an appropriate rate.

Councilman Hansen said he had converted to the way of taxation and he said maintaining the rate was critical. They had gone through their budgeting process and realized that portion of increase may have adjusted some of those items.

Councilman Jacobsen said in going through the budget line by line and seeing was really necessary and needed and the budget was based on adopting the rate. That was where the work got done and justified the .001667 rate increase. Councilman Mickelson said they get a lot of comments about wishes for additional services and without making the adjustment it makes them less possible to do.

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

Consideration of an agreement with USU Extension for a greenhouse at Morgan Farm

Mr. Taun Beddes, a USU Extension Horticulture agent, was present at the meeting. Mr. Beddes said the University, through a grant, gave him about \$7,000 for the construction an accessory greenhouse building that should be built with sustainable materials; using

local materials, that was relatively inexpensive to build, and could be used for multiple purposes such as to improve the community garden, the local community, and allow for landscape architectural students to participate and learn actual construction techniques and continually improve the structure over the years. Mr. Beddes passed out a packet of information to the City Council and then showed a PowerPoint presentation on straw bale structures to the City Council.

Mr. Beddes said he included in the packet a draft copy of the memorandum of understanding (MOU) between the USU Extension and Nibley City. This stated the responsibilities of the USU Extension and Nibley City. The USU Extension would organized and pay for the building and construction. Nibley City would own the building. They would have a review period every year with the extension maintaining the building for at least 10 years. The structure would be used as an accessory building to grow plants for use primarily at the Nibley City community garden and also for the USU Hyde Park community garden. Nibley City would assume owner ship of the building however the USU Extension would retain primary management responsibility and be provided a free lease.

Councilman Jacobsen said he believed the one thing the community needed was access to a community greenhouse and he thought this was a step in the right direction. Mr. Beddes said he was cautious to just give access right away; there was the possibility that in a few years, with the help of some solid community gardeners, that could be a possibility.

Councilman Mickelson said this was a great educational opportunity.

Mr. Beddes said he was calling the memorandum a draft because he had emailed it to the city but had not received a response. Mr. Anhder said he only had one change; he had changed the signature block to Mayor Knight instead of himself. Mayor Knight, Mr. Beddes and the City Council discussed the dimensions of the building.

Corlyss Drinkard said she had noticed there was no provision for dispute resolution. Mr. Beddes said that could be written in the MOU but he had included an annual review that should take care of those potential problems. Councilman Jacobsen asked Mr. Anhder if he thought they should include something for dispute resolution. Mr. Anhder said Ms. Drinkard made a good point but thought that mechanism was in place and ultimately it was their building on their property. Mr. Beddes said the USU Extension did have plans for future use, at least annually or every other year that would add to the quality of the building and community garden and teach additional skills to the students.

Councilman Hansen said they anticipated this would be closer to the middle to back area. He anticipated it would take up one of the back areas and connect to one of the walkways; there will also be a compost area. Mr. Beddes said it would be better set back a little where it was less of a potential attraction for children or vandals.

Councilman Hansen made a motion to approve the memorandum of understanding with the inclusion of the signature change to from Larry Anhder to Mayor Knight. Councilman Mickelson seconded the motion.

Councilman Jacobsen asked if there was a downside. Mr. Beddes said this type of building did need yearly upkeep but in conjunction with the Extension and that it was relatively permanent it should not be an issue but it was a risk that the maintenance could fall off. Councilman Mickelson asked if it would be worth spending extra money in using different materials. Mayor Knight said he thought one of the purposes of the grant was that it was a green structure. Mr. Beddes described the functions and use of the straw bales in the building. Councilman Hansen noted they were trying to also make a green roof by using sod or something of that sort of material.

Councilman Jacobsen asked if Councilman Hansen was happy with this building fitting into the Morgan Farm atmosphere. Councilman Hansen said when he first looked at it, it did appear rudimentary, but in talking to the students they had expressed that they could make some additions to the building to make it fit in with the existing structures; with color itself or possibly with stones. Mr. Beddes said they were considering using some examples from the turn of the century farms or the American west with historic versions of cold frames that would be rocked in and the surrounding structure could really look nice. The overall scheme or theme of the design could be whatever they wanted within funding.

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

Council reports—continued

Councilman Hansen said he had talked with citizens who had again voiced some concerns with marathon runners on their roads; the citizens noted instances where they had been treated rudely and were completely taking over the road. There is no notification to property owners along the route and he thought there should be some sort of Ordinance written. Mr. Anhder said they are given permission every year. Councilman Jacobsen said they should not give permission to the organization until they could get the organizer of RAGNAR in to City Council telling them how they will mitigate the impact. Mr. Anhder said the County requires them to get permission from the communities. Mr. Anhder said he would write a letter that it was the City Council policy that they would not be given permission to go through Nibley until they come and talked to the Council. Councilman Hansen said he had been given the suggestion that they turn it into a one-lane road where the other lane could be used by community vehicles. Councilman Jacobsen said the runners were fine but it was the assistant vehicles that were causing the problem.

Councilman Hansen asked for an update on the city hall construction. Mr. Anhder said he signed an order for the furniture and it came in under budget. The sheet rock was in, the parking lot had been graded, electricity was going in, they were getting ready to pour curb and gutter on the parking lot; they were cautiously optimistic to have the election in

the new building on November 8th. Mr. Anhder said they had about \$9,000 left in their contingency fund.

Councilman Mickelson discussed his opinion on having a cemetery in Nibley.

Mayor Knight said they brought electronic message displays up in the meeting with the South Corridor Study and the consultants did not really act like they wanted to get in to some of those things. Mayor Knight thought he should sit down with Mayor Watts or his community development director to discuss them. Councilman Mickelson said he understood that they had passed a moratorium on EMDs and Mayor Watts had vetoed it.

The meeting was adjourned at 7:50 p.m.