

5:45 p.m.—Swearing in ceremony for newly elected Council members

Councilman Shawn Platt, Councilwoman Carrie Cook, and returning Councilman Larry Jacobsen were sworn in during a ceremony prior to the meeting.

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, January 5, 2012.

The following actions were made during the meeting:

Councilman Jacobsen motioned to consent to the appointments of Mayor Gerald Knight, Aaron Bliesner, and Ashley Mortensen to the Nibley City Tree board. Councilwoman Cook seconded the motion. The motion passed 5-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, Councilman Hansen, and Councilman Platt all in favor.

Councilman Mickelson motioned to consider Resolution 12-10 for a second reading. Councilman Platt seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Platt, Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook all in favor.

Councilman Hansen motioned to approve Ordinance 12-01—Establishing and creating the Nibley City Beautification Committee for the first reading. Councilman Mickelson seconded the motion. The motion passed 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilwoman Cook in favor.

Councilman Mickelson motioned to approve Ordinance 12-02 for the first reading. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Platt, Councilman Jacobsen, and Councilman Hansen all in favor.

Councilman Hansen motioned to approve the boundary line adjustment for Heritage Business Park. Councilman Mickelson seconded the motion.

Councilman Jacobsen motioned to amend the proposal to take what is designated as 03-177-0018 and incorporate that parcel into the undeveloped land to the north. Councilwoman Cook seconded the motion. The motion to amend passed unanimously 5-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, Councilman Hansen, and Councilman Platt all in favor.

The amended motion passed unanimously 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilwoman Cook all in favor.

Councilman Mickelson made a motion to approve the Nibley City Management Transition document. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, Councilman Platt, and Councilwoman Cook all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, January 5, 2012 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilwoman Carrie Cook, Councilman Shawn Platt, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Larry Anhder, the City Manager, and Shari Phippen, the City Planner, were also in attendance.

6:00—Call to Order; Minutes of December 1st, 2011 read and approved; and Approval of the evenings agenda

Councilman Mickelson arrived at 7:05.

Councilman Hansen made a motion to approve the evening's agenda and the December 1, 2001 meeting minutes. Councilman Jacobsen seconded the motion. The motion passed 5-0; with Councilman Hansen, Councilman Jacobsen, Councilman Mickelson, Councilman Platt, and Councilwoman Cook all in favor.

Consideration of appointment to the Nibley City Tree Board

Mayor Knight said he would move up an item and consider the appointments to the Nibley City tree board as the first agenda item. He said he was replacing two members; Commissioner Marina Heidt was leaving the board because she was no longer serving in the Planning & Zoning Commission and Kathryn Beus who was now serving on the Planning & Zoning Commission. He wanted to appoint himself, Planning & Zoning Commissioner, Aaron Bliesner, and a Nibley citizen at large, Ashley Mortensen, who was present at the meeting, to fill the two year time period left by Mrs. Beus. He gave Mrs. Mortensen an introduction.

Councilman Jacobsen made a motion to consent to the appointments of Mayor Gerald Knight, Aaron Bliesner, and Ashley Mortensen to the Nibley City Tree board. Councilwoman Cook seconded the motion. The motion passed 5-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, Councilman Hansen, and Councilman Platt all in favor.

Councilman Jacobsen asked if the Mayor wanted contact information for members of the Tree Board included on the website. Mayor Knight said that would be a good idea and directed staff to pass along that information.

Consider the following items for first reading:

1. Resolution 12-01—Rules for procedure for the conduct of city council meetings

Mayor Knight said in the past their ordinance said that they followed Robert’s Rules of Order; this simplified those rules. The eleven pages outlined how City Council meetings would be conducted. Mayor Knight pointed areas he wanted the council to make note of. Councilman Hansen requested the Mayor read each rule as well, which he did. Mayor Knight asked for any questions from the public that was present.

Councilman Mickelson asked about instances when the mayor could vote and if they were all included in the document. Mr. Anhder said there were more included in state law. Councilman Mickelson asked that references to those be included. Councilman Mickelson suggested they set a standard for public hearings and have those rule available to the public when they came to meetings. Councilman Mickelson wondered if they always wanted to have a motion before discussion; he sometimes needed more information before making a motion. He thought if they started with a motion then it sometimes swayed the decision. Councilman Mickelson commented on the public’s right to be heard and asked if it should be limited to citizens of Nibley. Mayor Knight said no.

Councilman Mickelson made a motion to consider Resolution 12-10 for a second reading. Councilman Platt seconded the motion.

Councilman Jacobsen attempted to clarify instances when the Mayor can vote. Councilman Jacobsen said it was not clear to him what they were doing with the Ordinance that noted the use of Robert’s Rules; they needed to clean up the discrepancies with their Ordinance. Mr. Anhder said if this Resolution passed they would change the differences in code. Councilman Platt said he would like to define and standardize how they would record feedback from the audience so it didn’t change in the middle of a meeting. Mayor Knight said there were times in the meeting when the kind of feedback varied and called for different conduct. Councilman Platt said he thought they could define that as well. Councilman Platt asked about the application of a Mayor Pro Tempore and how it applied to the conduct of the meeting.. Mayor Knight said that would be addressed in his Council report.

Corlyss Drinkard asked about the inclusion of the agenda being published the on the city website. Mr. Anhder said they had a Resolution that stated that. Ms. Drinkard also asked about inclusion of public opinion on this Resolution. Mayor Knight directed her to email her thoughts to himself and the Council before the second reading.

The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Platt, Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook all in favor.

2. Ordinance 12-01—Establishing and creating the Nibley City Beautification Committee

Ms. Phippen read the Ordinance to the Council and public present; she read that the members of the Nibley City Beautification Committee would include a member of the Nibley City Council, a member of the Planning & Zoning Commission, a citizen trained

in the field of landscaping or horticulture or a similar discipline, and two citizens at large. The City Planner would serve as a non-voting ex officio member.

Councilman Mickelson was concerned that a committee like this could take things to extremes and gave an example of that. Mayor Knight said his objective was to have the committee identify their objective in their initial charter. His main emphasis was to educate people to help beautify the community.

Councilman Hansen made a motion to approve Ordinance 12-01—Establishing and creating the Nibley City Beautification Committee for the first reading. Councilman Mickelson seconded the motion.

Councilman Jacobsen said one way to make something not happen was to put a committee in charge of it; he asked the Mayor for the reference to the beautification committee in the general plan. That policy was found in goal one, objective one, of section four, of the General Plan. Mayor Knight discussed the particulars and purpose of the Beautification Committee. Councilman Platt said the citizens were free to do these things anyway and thought this just added another layer. Mayor Knight said they were trying to improve the volunteerism in the community. Ms. Drinkard said there was almost never an excuse for another governmental committee; she agreed the citizens could do this already and that with such a loose mandate it was an outstanding opportunity for officious inter-meddling and spontaneous busy work; she was concerned with paragraphs 2E. and 2F. and she said if they had to establish this committee it could be a subsidiary of the tree board. Mayor Knight said there was nothing punitive in the ordinance and putting it on the tree board could be overwhelming and one or the other could take second seat. Mr. Anhder said they were limiting their scope with the discussion; with this and this got people involved and using volunteers. Mr. Anhder noted a day of service planned for the next year and thought this could be a thing that could rival in city participation, Heritage Days. He expressed his support for item F. and if they could not give someone their support then they had nothing.

The motion passed 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilwoman Cook in favor.

3. Consideration of Ordinance 12-02—Establishing the times and dates of City Council Meeting for 2012

Mayor Knight said they would meet the first and third Thursdays of each month at 6:00 at the Nibley City Hall at 455 West. 3200 South and noted where the agenda would be posted.

Councilman Platt said they should define what appropriate notice in number 3 was; and in number 4 he would like to give more than 24 hours notice. Councilwoman Cook thought the agenda needed to be posted more than 24 hours in advance. Mr. Anhder said with the appropriate time for canceling meetings he did not have an answer for that because there were so many circumstances when a meeting might be cancelled. Councilman Jacobsen noted the posting of the agenda and the resolution they recently

adopted about posting the proposed agenda. Mr. Anhder said this Ordinance was consistent with their current practice for posting the final agenda. Councilman Jacobsen wanted to discuss the time they meet. He thought there had been times when the body's decision making process had been compromised when members of Council could not yet be present. He said he wanted to make the meetings so people did not have to knock themselves out to be here. Ms. Drinkard expressed that she thought 7:00 would be better. Mr. Kevin Kennington also thought 7:00 would fit more individual's schedules. Councilman Mickelson suggested a few technical changes and expressed it was really tough for him to get the meeting at 6:00. The Mayor, Council, and staff discussed the meeting time.

Councilman Mickelson made a motion to approve Ordinance 12-02 for the first reading. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilwoman Cook, Councilman Platt, Councilman Jacobsen, and Councilman Hansen all in favor.

Consideration of lot line adjustment for Heritage Business Park

Blake Parker with Parker Real Estate was present at the meeting. Ms. Phippen said this all began with a mistake she made in telling the planners for Cosmo Cricut where they could put their parking and landscaping; they received a variance from the city but were trying to work things out with the developer. The developers of Heritage Business Park were proposing to grant an additional 16 feet and make lot 17 significantly bigger; currently they want to move the boundary line 16 feet to the west. It came out of Planning & Zoning Commission with a favorable recommendation. There are not lot size or frontage requirements in an industrial zone for lot development.

Councilman Jacobsen asked if that portion was designated as a drainage easement. Mr. Parker described the situation with the drainage easement to the Council.

Councilman Hansen made a motion to approve the boundary line adjustment for Heritage Business Park. Councilman Mickelson seconded the motion.

Mr. Anhder suggested the motion include wording that the parcel referred to as 03-177-0018 not be counted as a lot and be incorporated into the surrounding property. The Council reviewed the recorded site plan and plat.

Councilman Jacobsen made a motion to amend the proposal to take what is designated as 03-177-0018 and incorporate that parcel into the undeveloped land to the north. Councilwoman Cook seconded the motion. The motion to amend passed unanimously 5-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, Councilman Hansen, and Councilman Platt all in favor.

Councilman Jacobsen asked if the city engineer had looked at this proposal. Mr. Anhder said he had and had given his approval.

The amended motion passed unanimously 5-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilwoman Cook all in favor.

Discussion of Annual Audit findings

Mr. Anhder started on page 13 of the financial report; he said his intent was to discuss the financial aspects and then the management aspects of the auditor's report. He discussed and answered questions on items of interest and the things Council had noted they would like to discuss at a previous meeting. Mr. Anhder discussed the audit findings in payroll processing; he said he was working on an update to the personnel manual that would clarify things to address this issue. Mr. Anhder discussed payments to employees during Christmas; those bonus checks were now run through the payroll process and had been fixed. Mr. Anhder discussed and explained budgetary compliance; utility fund transfers; uniform building code reporting requirements; justice court compliance; he noted they had addressed and corrected all items from the previous year with exception to the payments to employees which had now been corrected.

Discussion of recruitment and transition to new city manager

Mr. Anhder gave his recommendation on the process to transition to a new city manager. Mr. Anhder said his retirement date was on or about April 1st but because of accumulated comp time he would receive a check through June. He was requesting to be able to stay partially employed on a consultant basis at approximately \$800/month. He felt he could help with a smooth transition on several things; he listed those items. He recommended they recruit and hire a new City Manager/City Recorder; it was not uncommon for smaller cities in Utah to combine those two duties. There were certain functions the City Recorder had to do according to state law. Mr. Anhder said he currently maintained the general ledger accounting and budgeting with assistance from Diane Marvin; he recommended increasing her hours to 20 hours/week to facilitate accounting measures; he did not feel they needed a full-time accountant. Mr. Anhder recommended they choose a selection committee.

Councilman Platt left at 8:01.

Mr. Anhder said as soon as possible they should start the advertising process and close the receipt of applications by the first of February.

Councilman Platt returned at 8:04.

Mr. Anhder said the announcement he recommended and drafted had been given to the Council; the philosophy in choosing the city manager was that it takes 4-6 votes and is one area the Mayor can vote on. Mr. Anhder said he anticipated the new City Manager would ask for and expect an employee contract.

Councilman Mickelson said there was earlier discussion on their form of management; they have had a strong manager with oversight in planning. He thought they needed to ask, moving forward, if they needed a different skills set in their management/planning

staff. Mr. Anhder said they would likely have candidates with a planning background; it was not an uncommon background. He encouraged they get someone with a planning background. He was not sure as a city they could afford someone with a lot of planning and background. He also recommended they wait and see what they got. Mayor Knight asked if they needed to change anything in the City Manager job announcement. Ms. Phippen said there would be a more detailed job description with the city. Councilman Mickelson asked for a copy of that. Mayor Knight said he was ready to make an announcement for the selection committee tonight. Councilman Jacobsen said their job now was to refine their job description and what they needed to get done. Councilman Platt asked if the job description was readily available. Councilwoman Cook asked if it was standard practice to have a selection committee and if the City Council could act as the committee. Mayor Knight suggested for a selection committee himself, 2 Council members, a human resource director, and their public works director. The Council received the complete job description Councilman Platt requested. Mr. Anhder said he anticipated functioning on a consulting basis from June 1 to December 30.

Mayor Knight recessed the meeting for 5 minutes at 8:23. The meeting resumed at 8:28.

Mayor Knight directed the Council to focus on the job announcement. Councilman Jacobsen said he wouldn't like to imply so much precision on the salary range. He asked if they had benchmarked that against what was available on the Utah League of Cities and Towns website. Mr. Anhder said they had not done that in about five years but they were in the middle range. Councilman Mickelson wondered if they should have a four year minimum work experience requirement other than a seven year requirement and expressed his thought process on that matter. Mr. Anhder said he was not opposed to making that more liberal. Councilman Platt asked if the full job description would be posted on the website; he said it would be advantageous to do so. Mr. Anhder said it would be posted to the website. Councilwoman Cook noted inconsistencies with the job description and the job announcement.

Councilman Jacobsen proposed to change the 7 and 10 year experience requirement reference to 4 years. That proposal was accepted. Councilman Jacobsen proposed the sentence be added that "A minimum of 7 years of work related experience is desired". This proposal was accepted with Councilman Jacobsen, Councilwoman Cook, and Councilman Hansen in favor.

Mayor Knight said if there were none opposed they would publish this job announcement as amended.

Mayor Knight said he recommended the selection committee would consist of himself; Jim Smith, Cache County's HR director; Bill Saunders, the Nibley City Public Works Director; City Council members Larry Jacobson and Shawn Platt; and Mr. Anhder serving as an ex officio advisor.

Councilman Mickelson made a motion to accept the selection of Gerald Knight; Jim Smith, Cache County's HR director; Bill Saunders, the Nibley City Public Works

Director; Nibley City Council members Larry Jacobson and Shawn Platt; with Larry Anhder serving as an ex officio advisor, as a committee for selection of a new City Manager. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, Councilman Platt, and Councilwoman Cook all in favor.

Councilwoman Cook said she was concerned about the consulting; she thought they had enough people here to take care of those things. Councilman Mickelson said that was less than \$5,000 and to have someone to answer those questions was very beneficial. Councilwoman Cook said she would like to see a new start; a new beginning. Mayor Knight gave his opinion on the transition. The City Manager, Mayor, and Council discussed the transition period between managers. Councilman Jacobsen asked what part of the process was anticipated to be open. He said he would suggest final interview between the Council and final candidates be open meetings. Barbara Wilden said the “weeding out” process needed to stay in the committee but thought the final interviews would be a good public meeting. Ms. Phippen suggested the public could submit their ideas for questions for the interviewees to the City Council. Cynthia Fredrickson liked the format used during the last “Meet the Candidates” night. Mark Louver described the process used for interviewing USU professors. Councilman Mickelson thought it would be fair to the candidate to put a timeline for the process.

Mayor Knight said they would move forward with the job announcement and get the committee together to understand what their process would be.

Councilwoman Cook proposed they add a sentence that allowed the City Council or City manager to determine the needfulness of the consultant to number 2. It would read “on an as needed basis as determined by the City Council and new City Manager”. This proposal was accepted.

The City Council suggested other avenues for advertising the job opening.

Councilman Mickelson made a motion to approve the Nibley City Management Transition document. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, Councilman Platt, and Councilwoman Cook all in favor.

Council reports

Mayor Knight reviewed the status of his 2011 goals and went through his goals for 2012. He said he would not formalize his current goals until the next meeting to accommodate City Council input.

Mayor Knight said historically he had made Council assignments where Council members acted as liaisons to certain areas or departments in the city. He asked what he Council would like to see in this year. Councilman Mickelson said having a connection to all the facets in the community; he paid a little more attention to the things he knew he is in charge of. Councilman Jacobsen said he wondered if administration should be left to

the administrators. Mayor Knight said he would come back with a proposal at the next meeting.

Mayor Knight addressed EMDs (Electronic Message Displays) and a sign approved by the Planning & Zoning Commission. Mayor Knight noted that he had used no underhanded measures in getting that sign; he had nothing to do with it and that the Planning & Zoning Commission had acted completely independently.

Mayor Knight noted from city ordinance that the Mayor Pro Tempore was elected by the Council to conduct a meeting and possibly put together a meeting agenda every time it is needed.

Councilman Platt noted that the minutes from the December 1, 2011 meeting had not been put on the website. It was noted they were not posted until they were approved and they had just been approved during the meeting. Councilman Jacobsen suggested it could be an item of discussion whether they post draft minutes to the website. It was decided that issue would be visited on a future agenda.

Councilman Jacobsen reviewed items of interest from his new hire training.

Councilman Hansen asked for an update on the Community Garden; particularly communications regarding the greenhouse; he noted they lost the funding at the end of spring if it was not completed. The Council discussed straw bale construction techniques. Councilman Hansen discussed an email he would be sending to individuals who had expressed an interest in clubs in Nibley City which included a club start up kit.

Councilman Mickelson thought it would be helpful to new Council members to have a tour of the city to get information about the city. Mr. Anhder thought that would be appropriate in April when it stayed light longer.

Possible closed session to consider property acquisition

Councilman Hansen left at 10:04 and returned at 10:06.

Councilman Mickelson made a motion to move to executive session to discuss the acquisition of property. Councilman Jacobsen seconded the motion. The motion passed with 4-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Platt, and Councilwoman Cook in favor. Councilman Hansen was not present to vote.

The meeting moved to executive session at 10:06. The meeting resumed at 10:20

The meeting was adjourned at 10:20 p.m.

Attest _____
Assistant Deputy Recorder