

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, January 19, 2012.

The following actions were made during the meeting:

Councilman Jacobsen motioned to approve Resolution 12-01. Councilman Hansen seconded the motion.

Councilman Platt motioned to amend to add wording on the last bullet of page that there be a 2/3 vote of the Council before any member of the public interrupting City Council proceeding be ejected. Councilman Jacobsen seconded the motion. The amendment passed unanimously 5-0; with Councilman Platt, Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, and Councilwoman Cook all in favor.

The amended motion passed 4-0; with Councilman Jacobsen, Councilman Hansen, Councilman Platt and Councilwoman Cook in favor. Councilman Mickelson abstained from the vote.

Councilman Hansen motioned to approve Ordinance 12-1. Councilman Jacobsen seconded the motion.

Councilman Mickelson motioned to amend that the Beautification committee annually prepare and present to the City Council. Councilman Hansen seconded the motion. The amendment failed 1-4; with Councilman Platt in favor. Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook were opposed.

The motion passed 3-2; with Councilman Hansen, Councilman Jacobsen, and Councilman Mickelson in favor. Councilman Platt and Councilwoman Cook were opposed.

Councilman Mickelson motioned to approve Ordinance 12-02—Establishing the times and dates of City Council meeting for 2012 with the change that the time be set at 6:30 p.m. instead of 6:00 p.m. Councilman Hansen seconded the motion.

Councilman Jacobsen motioned to amend item four of Ordinance 12-2 to read “all final meeting agendas” and also that the old city office be changed to “Public Works Office” at the same address. Councilman Mickelson seconded the motion. The motion to amend passed unanimously 5-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, Councilman Platt and Councilwoman Cook all in favor.

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

Councilman Jacobsen motioned to show support of the realignment of 1200 West as specified and authorize the Mayor to sign a Memorandum of Understanding with Neighborhood Non-Profit Housing Corporation consistent with the Jan 13, 2011 realignment and contingent upon approval with the Cache Metropolitan Planning Organization. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, 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 19, 2012 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilman Larry Jacobsen, Councilman Bryan Hansen, Councilman Shawn Platt, and Councilman Thayne Mickelson. Larry Anhder, the City Manager, was also in attendance.

Mayor Knight recognized Troop 35 with Troop Masters Brian Low and Joseph Larkin, and Troop members Michael Low, Carson Wallace, Ryan DeCarsey, and Peyton Larkin who were present at the meeting.

Call to order; approval of January 5, 2012 minutes and evening's agenda

Councilman Shawn Platt arrived at 6:01.

Councilman Jacobsen noted he asked for a reference on the general plan to the beautification committee and that he would like that note in the 1-5-12 minutes. That policy was found on page 15, goal one, objective one, of section four of the general plan.

Councilman Jacobsen made a motion to approve the minutes with the proposed changes and the evening's agenda. Councilwoman Cook seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Jacobsen, and Councilman Platt all in favor.

Consideration of the following items for second reading:

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

Councilman Jacobsen made a motion to approve Resolution 12-01. Councilman Hansen seconded the motion.

Mayor Knight recognized Tmara who was from the Hard News Café and David Zook, a prospective applicant for City Manager, who were present at the meeting.

Mayor Knight reviewed the items that were discussed at a previous meeting. Mayor Knight reminded the Council that they had discussed a short formal public comment time and a longer less formal public participation. He said he was not sure that needed to be there and they needed to allow flexibility.

Councilman Jacobsen said he had questioned how the resolution fit with the ordinance that addressed the conduct of City Council meetings and it seemed the resolution fit right into place with the conduct of how they have public meetings. He interpreted the ordinance that they could adopt Resolutions that were subsequent to what was in the ordinance; first it would be Ordinance; then Resolution; then Robert's Rules; the Resolution would trump Robert's Rules.

Councilwoman Cook referred to page two, bullet point three and said she would like to see a set standard rules that they follow at each meeting so the public could know what to expect at each and every meeting; specifically at a public hearing so that it wouldn't change. There was discussion on how this was addressed. Councilman Platt said he would like more definition under the section that addressed the resident's right to be heard. He suggested a 2/3 vote be added for dispelling a person from a meeting for being disorderly. Mayor Knight discussed the "ditto" incident at a previous Council meeting and said his responsibility as Mayor was to make sure the meeting was conducted with fair and equitable debate with fair representation by the public at the appropriate times; he had the obligation to follow the rules they set in an orderly fashion. Councilman Platt and Mayor Knight discussed their interpretations of page 61 of the Utah League of Cities and Towns Powers and Duties Handbook. Councilman Jacobsen made the point that there was a perception that the Resolution came out of an incident that occurred during a public hearing on the transportation plan; he said that was not true and it was formalized and written based on a recommendation from the League of Cities and Towns from a more general point of view. Mayor Knight responded that the talk of doing the Resolution had been going on for months. Corlyss Drinkard said she had seen no problems with how things had been conducted in the past and her comments were made for their usefulness.

Councilman Jacobsen discussed the Council's involvement during a public hearing and thought there was an appropriate level of response from the Council. He described specific examples and what he felt were appropriate responses.

Councilman Mickelson arrived at 6:24.

Councilman Platt made a motion to amend to add wording on the last bullet of page that there be a 2/3 vote of the Council before any member of the public interrupting City Council proceeding be ejected. Councilman Jacobsen seconded the motion.

Councilman Jacobsen asked if Councilman Platt intent was to allow two methods of ejection or to limit to only 2/3 vote of the Council. Councilman Platt said he would like to have two ways. Councilman Jacobsen proposed specific wording for the last bullet on page 11; "Any member of the public interrupting City Council proceedings, approaching the dais without permission, or otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council shall be deemed to have disrupted a public meeting and at the direction of the Mayor or 2/3 majority vote of the Council, shall

be removed from Council chambers by law enforcement . . .”. Councilman Platt agreed with that wording.

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

The amended motion passed 4-0; with Councilman Jacobsen, Councilman Hansen, Councilman Platt and Councilwoman Cook in favor. Councilman Mickelson abstained from the vote.

Ordinance 12-01—Establishing the Nibley City Beautification Committee

Mayor Knight read a statement of his vision of Nibley City to the Council.

Councilman Hansen made a motion to approve Ordinance 12-1. Councilman Jacobsen seconded the motion.

Councilman Mickelson asked if the Ordinance was as originally written. Mayor Knight said it was. Councilman Mickelson said he wanted to address that this was not an attempt to condemn based on how something looked. He said he did not want to condemn for beautification; he wanted to encourage it. Mr. Anhder and Mayor Knight noted the preamble to the Ordinance addressed that. Mr. Anhder said it was not uncommon for cities to develop committee with specific expertise or focus of interest; any ordinance changes had to go past the City Council so they would have oversight over all of them. He encouraged the Council to not limit their ability to accomplish things. Mr. Anhder said he hoped their attention would be focused on the positives. Councilman Platt said the things in the Ordinance could be done anyways, without a committee, and he did not know how they could reign in the committee if necessary. Mayor Knight reiterated that all Ordinance actions would have to come before the Council. Mr. Anhder noted they would be a public body; they would have minutes of their meetings and their agendas could be made available to the City Council.

Councilman Mickelson made a motion to amend that the Beautification committee annually prepare and present to the City Council. Councilman Hansen seconded the motion.

The amendment failed 1-4; with Councilman Platt in favor. Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook were opposed.

Councilwoman Cook thought this may lead to a citizen being very enthusiastic about their position and policing their neighbors. She said this was something they could do as a city; they did not need a committee.

Councilman Jacobsen gave his impression of items E. and F. The Mayor, City Manager, and City Council discussed items E. and F. of Ordinance 12-1.

The motion passed 3-2; with Councilman Hansen, Councilman Jacobsen, and Councilman Mickelson in favor. Councilman Platt and Councilwoman Cook were opposed.

Ordinance 12-02—Establishing the times and dates of City Council meetings for 2012

Mayor Knight said the proposal was to stay with the 6:00 p.m. meeting time in the current City Hall.

Councilman Mickelson made a motion to approve with the change that the time be set to 6:30 p.m. instead of 6:00 p.m. Councilman Hansen seconded the motion.

Councilman Mickelson gave his reasons for the proposed time change.

Councilman Jacobsen made a motion to amend item four of Ordinance 12-2 to read “all final meeting agendas” and also that the old city office be changed to “Public Works Office” at the same address. Councilman Mickelson seconded the motion. The motion to amend passed unanimously 5-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, Councilman Platt and Councilwoman Cook all in favor.

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

Discussion and consideration of road alignment of 1200 West for Maple View subdivision

Ms. Kim Datwyler, representing Neighborhood Non-Profit Housing Corporation, was present at the meeting. Ms. Datwyler said this was the Maple View subdivision and gave an overview of the land that had been purchase. She said an underlying issue in the master plan was where 1200 West was supposed to run was a well. They currently had funding they could either turn back or use purchase phase 3. She said Mr. Zillis, the landowner, was not interested in moving the well at this point. Ms. Dattwyler said they were looking at five years before build-out on this land. She asked if the Council would be willing in to sign a Memorandum of Understanding or show a willingness that on the purchase of phase 3 that they would be willing to bend the road. She said the additional cost to bend that road was \$4,781 and in the eventuality they did not have to bend the road she would be willing to donate that money to the city. She was looking for a verbal commitment so she could exercise her options for the funding. Mr. Anhder said the College Irrigation Company was not willing to move the well; they were currently in negotiations with the city to move the well. He was optimistic that they will have come to an agreement with the irrigation company by the time Ms. Dattwyler will be developing the land. Mr. Anhder further described the particulars with the well on that property. He also described the engineering that had been done on the road. Councilman Jacobsen asked specific questions about the proposal that were answered; he asked that they inform the Cache Metropolitan Planning Organization of this development. Councilwoman Cook asked about concerns with the additional curve in the road and about how the well would be moved.

Ms. Dattwyler asked for a verbal understanding from the Council.

Councilman Jacobsen made a motion to show support of the realignment of 1200 West as specified and authorize the Mayor to sign a Memorandum of Understanding with Neighborhood Non-Profit Housing Corporation consistent with the Jan 13, 2011 realignment and contingent upon approval with the Cache Metropolitan Planning Organization. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, Councilman Platt, and Councilwoman Cook all in favor.

Discussion about process for replacement of the Justice Court Judge

Mr. Anhder reviewed and discussed the process for replacing a judge with the Council. Mayor Knight said the process was set by State Code; the city had very little say in it.

City Manager reports

Mr. Anhder informed the City Council of the mid-year conference for the League of Cities and Towns.

Mr. Anhder told the Council that Representative Kurt Webb was attempting to reach out to local officials; he was asking them to meet with him this Saturday at 10:00.

Council reports

Councilwoman Cook reviewed some of the issues she would like to address as a Councilwoman. She said she would like lights on the West side of 3200 all the way down to 16th and she was concerned with field drains and the lack of them functioning. She said they had a great impact on their city. Councilwoman Cook was also concerned with road completions; she thought they should finish them.

Councilman Jacobsen made a motion to approve the executive session minutes of January 5, 2012. Councilman Mickelson seconded the motion. The motion passed 3-0; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor. Councilman Platt and Councilwoman Cook abstained from voting.

Mr. Anhder reported on the actions he had taken on the directions he received during the executive session.

Councilman Hansen said he had sent out an email to prospective leaders interested in organizing citizen clubs. He hoped to kick that off the end of January.

Councilman Mickelson asked for any information on flooding with the current wet weather that was occurring. Mr. Anhder described the conditions in Nibley City. The Council discussed flooding issues they had observed in the valley.

Mayor Knight passed out his slightly revised goals for the year to the Council.

Mayor Knight noted they had 11 applicants for the City Manager job so far and said he had gotten at least one email every day.

Mr. Anhder introduced David Zook, who was Chief of Staff to the San Bernardino, Board of Supervisors in California. He welcomed him and said he was please that they may attract that quality of a candidate.

The meeting was adjourned at 7:58 p.m.