

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, February 2, 2012.

The following actions were made during the meeting:

**Councilman Jacobsen motioned to adopt Resolution 12-02—adopting changes to the Nibley City General Fund and Utility Budgets as presented with the changes of \$66,000 anticipated revenue on sales tax and an increase to the Youth Council budget to \$5,000. Councilwoman Cook seconded the motion.**

**Councilman Mickelson motioned to amend that the item for the planning and consulting addition be withheld from approval until further review of complete details and associated costs was completed. Councilwoman Cook seconded the motion. The amendment failed 4-0; with Councilman Mickelson, Councilwoman Cook, Councilman Jacobsen, and Councilman Hansen opposed. Councilman Platt did not vote.**

**Councilman Jacobsen motioned to continue the adoption of the amended budget until the next Council meeting giving staff opportunity to specifically address further documentation on the increase for the planning consultant on the transportation plan; and opportunity for a Youth Council representative to talk to them about the budget increase request and the benefits. Councilman Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, Councilman Platt, and Councilwoman Cook in favor.**

**Councilman Mickelson made a motion to accept the first reading of Ordinance 12-03—Storm Water Regulations for Nibley City. 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.**

**Councilman Jacobsen made a motion to adopt Ordinance 12-04—Amending the time at which minutes are posted to the Nibley City website; and forgo the second reading. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Platt, and Councilwoman Cook in favor. Councilman Mickelson 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, February 2, 2012, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilman Councilwoman Carrie Cook, Councilman Larry Jacobsen, Councilman

Thayne Mickelson, Councilman Bryan Hansen, and Councilman Shawn Platt. Larry Anhder, the City Manager, was also in attendance.

**Call to Order; Minutes of January 19<sup>th</sup>, 2012 read and approved; and Approval of Agenda**

Councilman Jacobsen made a motion to approve the 1-19-12 minutes and the evening's agenda. Councilwoman Cook seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, and Councilman Hansen all in favor.

**Report from Becky Yeager, Nibley website Administrator and newsletter editor**

Becky Yeager, the Nibley City Website Administrator and Newsletter Editor, was present at the meeting. She asked for questions and concerns from the Council. Councilman Mickelson asked about tracking the usage of the city website. Mrs. Yeager said there was a way to track it but that would have to come through, Fred Pace, their IT facilitator. Councilman Mickelson said he thought that would be useful.

Councilwoman Cook addressed having a business registry for all of the people in Nibley City who have a business license which they could opt into having an online registry. Mr. Anhder said they had had some push back from businesses that did not want to be included; he suggested they ask for their permission when they come in for approval of their business licenses.

Councilman Hansen said he would like to add, as part of their economic development plan, an overview of their website and what they could do to promote their economic program; specifically in the business park area and promoting local businesses.

Councilman Platt arrived at 6:34.

Councilman Hansen thought they could create an online version of their Nibley History book and perhaps add someone else to act as a historian. He said he had spent time on other city sites and mentioned American Fork specifically and discussed items he liked and thought would be a good addition to the website. Councilman Hansen said he would like to see more pictures on the site. Mrs. Yeager said the site was at capacity right now; she had to remove items to make others available. Mayor Knight said they had a staff member to coordinate with Mrs. Yeager and give her the Council's direction; they were also working on taking outdated items off the site. Councilman Hansen discussed coming up with a committee to develop a design for the website.

Councilman Mickelson asked if there was anything dealing with Parks and Service that would benefit the public works department. Bill Saunders, the City Public Works director, who was present at the meeting, said that should be available with iWorks. Mrs. Yeager thought they could include more information and pictures of the items available at the city parks.

Councilman Jacobsen encouraged the Mayor to open the discussion to the public present. Mayor Knight thanked Mrs. Yeager for the job she had done; he said they had one of the better city websites. Mayor Knight asked the audience for comments.

Matthew Simm, who was present with Scout Troop 373, commented that he could not find the time the meeting start times on the website. Mrs. Yeager and City staff gave him direction. Mr. Simm said they may want to address that the site was not user friendly to the average citizen.

Fred Law though they could put a note in the newsletter about businesses in Nibley and invite them to be included on the website.

Mayor Knight said they had placed more responsibility on Mrs. Yeager; he noted that on the next budget discussion they would be proposing an increase in her compensation.

### **City Manager Report**

Mr. Anhder said that approximately \$6 million had been allocated by the Natural Resources Conservation Service for repair work along the Blacksmith Fork River. Mr. Anhder said they had suggested \$500,000-\$700,000 for Nibley. The limiting factor was that the city had to provide a 25% match but that could be in kind. He discussed what and how this could be done.

Mr. Anhder said they had been approached by a vendor to put soft drink machines in the parks. There was no upfront cost for them to do that and the city would get all the proceeds from the sales. Councilman Hansen asked if they could put “healthier” drinks in the machines.

Mr. Anhder said the application period for RAPZ (Restaurants, Arts, Parks, Zoos) and Restaurant Tax grants would be submitted in February; they would apply for between \$40,000-\$100,000 to go towards the baseball diamond on 8<sup>th</sup> West.

Mr. Anhder updated the Council on Fred Pace, the Nibley IT facilitator.

### **7:00—Public Hearing—to receive comments about proposed changes to the Nibley City General Fund and Utility budgets**

Mr. Anhder said annually at mid-year they did an adjustment to the budget. He distributed copies of the proposed adjustments to the Council. Mr. Anhder discussed the proposed revenue changes with the Council; these changes included a property tax adjustment, sales tax revenue adjustments, miscellaneous revenue adjustments, and a proposed economic development grant. Mr. Anhder then discussed expenditure adjustments; they included elections, a monthly increase to the website administrator, money for the public works buildings, moving the recycle site, sidewalk improvements, billing from UDOT for 3200 South, an economic development plan, an increase for the transportation plan and consultants, an increase in the stipend for the recreation director, re-roofing the old City Hall at the city park, miscellaneous hardware for the park on 250 West and 2650 South, and lights for 3200 South; for a total expenditure of \$76,105. Mr.

Anhder discussed water fund expenditures; these included a change of appropriation, paying off of a water bond, and money for the new public works building. Sewer fund expenditures included a reduction of expenditures to be put towards the new public works building. Mr. Anhder said he thought they could reduce their wastewater treatment costs; they had replaced the measuring device and preliminarily it appeared they would reduce their payment to Logan City by about 40%. He said preliminarily they would be paying \$250,000/year instead of \$400,000/year for waste treatment. He said he would keep the Council updated on the negotiations with Nibley City.

Mayor Knight recognized Scout Troop 379.

Mayor Knight gave direction to the public present and opened the public hearing at 7:26.

Boyd Bringhurst asked if there might be any legal recourse to go back on the back flow meter for the last 5-7 years based on the new meter readings.

Barbara Wilden noted the biggest budget item change was the increase in the transportation plan and asked who did the plan. Mr. Anhder addressed her question. She asked how Rod Blossom was involved and said it seemed strange that they underestimated by \$20,000 and she was concerned they picked someone already employed by Nibley City to do the transportations plan.

Corlyss Drinkard asked if the contract for the Transportation Plan was competed. Mayor Knight said it was not. Ms. Drinkard asked if there was a dollar limit in which the City should not sole source a project. Mr. Anhder said it was \$25,000 and that this did not originally come in at that. Mayor Knight said they split the difference on the overages. Mayor Knight said it was somewhat of an open ended contract and the scope of work changed. Mayor Knight said the plan they got was worth what they were being charged. Ms. Drinkard said she was grateful to Mr. Anhder for negotiating the number down. Ms. Drinkard suggest they set a dollar threshold for bringing those questions back to Council.

Mike Humphries, from Troop 379, asked about the project including information on the work that was done and what was added on top. Councilman Jacobsen and Councilwoman Cook provided a copy of the transportation plan to Mr. Humphries.

Scott Larsen addressed line 820 and the fact that the increase was split; he said that it did not seem to be evenly split. Mayor Knight and Mr. Anhder addressed those concerns. Mr. Larsen said in discussion with the Council at meetings, that the consultants never discussed any increase; they only said they could do those things. Mr. Larsen said the recycle site that was currently there was to be temporary and he was opposed to where they were going to put the new site. He suggested the City look for a different site. Mr. Humphries seconded Mr. Larsen's comments about the recycle site. He said they wanted to keep this area of town nice.

Corlyss Drinkard addressed the comment that Mr. Anhder did not want to poison the relationship with Mr. Blossom over this issue and submitted that was the kind of thing

that went on. They get a contractor or someone that has an official relationship with the city and it was poisonous to perceptions to how things are done in small cities. When they “get rolled” it did not look good to the citizens. Mr. Anhder disagreed that they “got rolled” and called it hyperbole.

Diane Marvin said they go the product they paid for. The costs were higher but if they got a product that had been official and the city knew now that the communication needed to be better on change orders. Mayor Knight said they asked for more than was in the original proposal; they went beyond the scope of work.

Scott Larsen said bids were bids; they bid for a certain price and that is what they should expect to pay. The firm should have been upfront with what things would cost. Mayor Knight said he did not disagree.

Corlyss Drinkad asked what part of City ordinance would be amended to say “no additional work without an estimate”. Mayor Knight said it was policy that needed to be executed; it was the execution that did not happen. Councilman Platt suggested she bring a proposal.

Mark Lawver said he loved the lights on 3200 and that they were needed down there. He also like the \$6,000 for economic development but questioned additional cost for the transportation plan.

Diane Marvin said as a small business owner she had assumed when they have been asked to do extra things that the hiring party would be billed more. She said the City asked them to do something and the city received the product.

Seeing no further comments, Mayor Knight closed the public hearing at 7:47.

### **Consideration of Resolution 12-02—A Resolution adopting changes to the Nibley City General Fund and Utility Budgets**

Mr. Anhder said he had received a request from the Youth Council for some extra money due to additional Youth on the Council. They were asking for an increase from \$3,000 to \$5,000. The Youth Council Advisor had requested this increase. Mr. Anhder described what the Council would have to do to include that item in the motion. Mr. Anhder recommended an increase to the sales tax revenue to balance this cost which he still considered was a conservative estimate.

Mayor Knight took public comment on that line. Mr. Larsen said the number of kids and the increase made their budget just over half of the budget for Heritage Days which was a week-long event for the entire city; he noted this was a budget for 35-40 kids. Mayor Knight noted it was 35 kids. Mr. Larsen said that was \$5,000 for 35 of their citizens. Mayor Knight said about half went to the Leadership Conference held at USU and the Legislature.

Councilman Jacobsen made a motion to adopt Resolution 12-02—adopting changes to the Nibley City General Fund and Utility Budgets as presented with the changes of \$66,000 anticipated revenue on sales tax and an increase to the Youth Council budget to \$5,000. Councilwoman Cook seconded the motion.

Councilman Jacobsen asked if the bid for the transportation plan was a fixed bid contract. Mayor Knight said it was. He thought the culpability was on both sides; with both with the consulting firm and the City. Councilman Jacobsen said he thought the work had been done and they could learn a lot from the experience.

Councilman Platt asked if there were competing bids for the transportation plan. Mayor Knight said no; Nibley City's policy was that anything less than \$25,000 could be sole sourced. Councilman Platt said they should have competing bids to get the best value for their money.

Councilwoman Cook discussed that a committee was formed and asked if they had made financial decisions. They discussed that it acted as an advisory committee. Mr. Anhder said the proposal was brought before the City Council and had been approved. There was discussion on change orders. Mayor Knight said as Chair of the advisory committee he was culpable.

Councilman Mickelson said he was unwilling to pay the additional amount without an in depth review. He wanted that item brought back for further review. Councilman Platt agreed with Councilman Mickelson.

Councilman Mickelson made a motion to amend that the item for the transportation plan addition be withheld from approval until further review of complete details and associated costs was completed. Councilwoman Cook seconded the motion.

Councilman Jacobsen asked if City Staff had reviewed the details that went into the \$39,000 dollars. Mr. Anhder said they had; he said the hours broken down were not that detailed. Councilman Jacobsen said the product they got was worth \$30,000 and was well represented by that expense. Councilman Mickelson said going through the process would keep this from happening again. Councilman Jacobsen said they would need to ask for the cost of the additional review and Councilman Mickelson disagreed and said it should be general practice to provide details for a billing statement. Councilwoman Cook agreed with Councilman Mickelson. Councilman Platt thought because of the negative perception, it would go a long way to provide details to the public to justify the costs. The Council discussed tabling the budget or a substitute motion.

The amendment failed 4-0; with Councilman Mickelson, Councilwoman Cook, Councilman Jacobsen, and Councilman Hansen opposed. Councilman Platt did not vote.

Councilman Mickelson asked if they had a specific work order for the expected duties for the recreation director. Mayor Knight said it would include baseball, softball, movies in the park, and Easter, Halloween, and Christmas celebrations. Mayor Knight noted that the

Youth Council was an important part to all of those celebrations. Councilman Mickelson addressed the re-roofing of the old city hall and asked if it had been devalued enough; could they justify the additional cost or was it time to look at removal. Mr. Anhder addressed what the building was used for. Mr. Saunders said the building itself was very sound; he thought they had value there. Mr. Saunders recommended the improvements. Councilman Mickelson said it seemed every year they increased the Youth Council budget; they needed a point where they capped things. Mr. Anhder noted the Youth population in Nibley. Councilman Mickelson said he would rather plan for these things and not just react to them. The Council discussed having a member of the Youth Council come before the Council to discuss the benefit of the USU leadership conference. Councilman Platt said they needed to delve into how they were going to regulate their growth; they need to define how it was going to grow and how they were going to handle it. The Council discussed how they could do this. Councilman Hansen said they could give them \$1,000 from the Easter and Christmas party fund. Mayor Knight said he would have a youth leader come in to their next meeting.

Councilwoman Cook also wondered if there was a better solution for the recycle site and would like to look into other options. Councilman Jacobsen said he would like to have the money in the budget but not have it earmarked to a certain location. Councilman Platt thought they should have more public discussion. Mayor Knight said they were going off a history of the comments they had received. He discussed the thought process of the proposed location. Mr. Saunders gave a history of the recycle site. The Council, Public Works Director, and city staff discussed different recycle sites.

Councilman Platt asked what they were basing the increase for the recreation director on. Mr. Anhder said it was somewhat arbitrary; they were trying to find the market to attract somebody. Councilman Platt said he would like more justification of why it warranted this amount; he said he did not like arbitrary. Councilman Platt asked why they were having election costs this year. Mr. Anhder said this was the budget year that the election was in. Councilman Platt asked what the cost saving was for paying off the 1997 water bond. Mr. Anhder said it was \$16,000 in interest savings.

Councilman Jacobsen made a motion to continue the adoption of the amended budget until the next Council meeting giving staff opportunity to specifically address further documentation on the increase for the planning consultant on the transportation plan; and opportunity for a Youth Council representative to talk to them about the budget increase request and the benefits. Councilman Mickelson seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Mickelson, Councilman Hansen, Councilman Platt, and Councilwoman Cook in favor.

#### **ITEMS FOR FIRST READING**

##### **Ordinance 12-03—An Ordinance Updating the Storm Water Regulations for Nibley City**

Mr. Anhder said they had very little latitude on the Storm Water Regulation Ordinance; it came from the State Office on Water Quality. Mr. Anhder noted his concerns with the Ordinance; on the bottom of page 5 there was a prohibition of illicit discharges. He

thought they should include language to allow city approved discharges from sump pumps or provisional pumps. Mr. Anhder said the eight cities in Cache County had been noticed that two of them would be audited; Hyrum had been audited and said it was a grueling process.

Councilman Mickelson made a motion to accept the first reading of Ordinance 12-03—Storm Water Regulations for Nibley City. 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.

**Ordinance 12-04—An Ordinance Amending the time at which minutes are posted to the Nibley City website**

Mayor Knight said it had been proposed to have the minutes available to the public as soon as they were available. Mayor Knight read the proposed Ordinance.

Councilman Jacobsen made a motion to adopt Ordinance 12-04—Amending the time at which minutes are posted to the Nibley City website and forgo the second reading. Councilman Hansen seconded the motion.

Councilman Mickelson wanted to amend that each page of the proposed minutes be marked as draft. He noted that it would be difficult to salvage damage from an item that may be recorded wrong. Councilman Jacobsen said he used that as a reason to get those minutes out.

The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Platt, and Councilwoman Cook in favor. Councilman Mickelson was opposed.

**City Manager Report (cont'd)**

Mr. Anhder was speaking of Diane Marvin, a Nibley City Employee. He said she worked with Heritage Days last year and this year she was being elevated to being in charge of it. Mrs. Marvin discussed issues with volunteerism and Heritage Days; she asked the Council how far they wanted her to go to get volunteers. After discussion, the Council decided they would give Mrs. Marvin two potential volunteer names by next Friday.

**Consideration of Appointments to the Nibley City Beautification Committee**

Mayor Knight said he was seeking names for this Committee. He said he needed a Council member to serve; a Planning & Zoning Commission member; and three residents at large. He said Ruth Christensen, Diane Bohn, Linda Barnes, Seth Bowen, Matt Bartlett, Matt Fiafia, and Sheba Stevens had all been suggested to him. Councilman Mickelson suggested Carl Wildrick. Mayor Knight said he would like to make the appointments by the next Council meeting. Councilman Hansen said he would be inclined to be involved with something like that.

**Council reports**

Councilman Mickelson asked for additional information on the canal. Mayor Knight said there had been none.



Councilman Platt asked for an update on the property acquisition discussed previously by the Council. Mr. Anhder said the property was sold to a higher bidder at \$75-78,000. Councilman Platt asked if he could participate in meetings via phone, or Skype, and what the process would be to do that. Councilman Mickelson said he liked the idea. Councilman Jacobsen noted that there were specific requirements that the participant be able to hear all the conversation at the meeting and was not able to weigh in on it yet. Mayor Knight said he would put it on an agenda.

Mr. Anhder updated the Council on the process for hiring a new City Manager; he said to date they had received 40 applications. He said Nibley City should be complimented on the high quality of candidates they had received. Mayor Knight said the applicants and their applications would remain confidential.

Mayor Knight said the Tree Committee was active; they had new chairperson, Ron Helstrom. He updated the Council of items they were working on.

The meeting was adjourned at 10:13 p.m.