

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, February 16, 2012.

The following actions were made during the meeting:

Councilman Jacobsen motioned to adopt Resolution 12-02—Adopting changes to the Nibley City Budget. Councilwoman Cook seconded the motion.

Councilman Jacobsen motioned to amend Resolution 12-02 for the addition of \$1540 to the Youth Council budget and the addition of \$1540 to the sales tax revenues to offset that cost. Councilman Mickelson seconded the motion. The amendment passed 3-1; with Councilman Jacobsen, Councilman Mickelson, and Councilwoman Cook in favor. Councilman Platt was opposed.

Councilman Jacobsen motioned to amend line item 10-68-620 Planning Consultant from \$17,000 down to \$15,000; bringing the new budget amount to \$25,000. Councilman Mickelson seconded the motion.

Councilman Mickelson made a substitute motion to take staff recommendations on Planning Consultant line 10-68-620. Councilman Jacobsen seconded the motion. The substitute amendment failed 2-3; with Councilman Mickelson and Councilwoman Cook in favor. Councilman Platt and Councilman Jacobsen were opposed. Mayor Knight voted against the substitute motion.

The amendment passed 3-1; with Councilman Jacobsen, Councilman Mickelson, and Councilman Platt all in favor. Councilwoman Cook was opposed.

Councilman Jacobsen made a motion to amend to reduce the sales tax revenue to \$63,540. Councilwoman Cook seconded the motion. The amendment passed 3-0; with Councilman Jacobsen, Councilwoman Cook, and Councilman Mickelson in favor. Councilman Platt abstained from voting.

The amended resolution passed 3-1; with Councilman Jacobsen, Councilwoman Cook, and Councilman Mickelson in favor. Councilman Platt was opposed.

Councilman Jacobsen made a motion to approve Ordinance 12-03. Councilwoman Cook seconded the motion.

Councilman Mickelson motioned to continue Ordinance 12-03. Councilman Platt seconded the motion. The motion to continue tied 2-2; with Councilman Mickelson and Councilman Platt in favor. Councilman Jacobsen and Councilwoman Cook were opposed. After the tie, Mayor Knight voted against the motion. The motion failed 2-3.

The motion passed 3-2; with Councilman Jacobsen and Councilwoman Cook in favor. Councilman Mickelson and Councilman Platt were opposed. After a tie, Mayor Knight voted in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, February 16, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilman Larry Jacobsen, Councilman Thayne Mickelson, and Councilman Shawn Platt. Larry Anhder, the City Manager, was also in attendance. Councilman Bryan Hansen was excused from the meeting.

Call to Order; Minutes of February 2, 2012 read and approved; and Approval of Agenda

Councilman Jacobsen made a motion to approve the 2-2-12 minutes with his proposed name correction; and approval of the evening's agenda. Councilwoman Cook seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson, and Councilman Platt all in favor.

Recognition of "Why I Like Nibley" essay winners

Mary Greenwood-Mather was present at the meeting. Mayor Knight introduced the essay contest and Mrs. Mather. Mrs. Mather said she had been a resident of Nibley for about 4 years. She read her essay to the Council and public present. Mayor Knight presented a cash prize to Mrs. Mather.

Discussion of Citizen of the Year

Mayor Knight asked the City Council for suggestions and recommendations for Citizen of the Year. Mayor Knight recommended Richard Eversull, the curator of the Nibley Farm property Nibley. Mayor Knight summarized the contributions Mr. Eversull has made to Nibley.

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

Mayor Knight noted this was a continuation from discussion held at the last Council meeting on budget changes. Mayor Knight recognized the Youth Council present and said they had asked that their budget be increased from \$3,000 to \$4,540. Trudy Knight said the increase was specifically because of the increase in numbers.

Krista Winward, the Youth Council Mayor, said the USU Leadership conference was two days which included an overnight stay. She said the members of the Youth Council have to earn their spot at the conference; they have to have been on the Council for at least a year and by their participation at activities and meetings. She said it was great for a resume and then gave other examples of the benefits of attending the conference. Miss

Winward said the Youth Council spent a lot of time serving the community and it would be nice if the community could give a little back.

Caleb Wagner said he had been on the Council for two years and said they recently went down to Salt Lake for a day with the Legislature. He noted what a good experience it was talked about his experiences there.

Tracey Wagner gave insight to why the Youth Council was beneficial to Nibley City and the ways they would further benefit the city. She discussed conversations she had sought out with local businesses about the Youth Council and their qualifications and the positive feedback she had received.

Trudy Knight discussed her experiences with the Nibley Youth Council. She said she served as a volunteer and was in charge of the money. She made note that the Youth Council brought in some money that offset the money they use out of the budget. Mrs. Knight said they could keep that money and asked the City Council to consider it. She noted the benefits of Youth Council to the kids who served on it. Councilman Mickelson asked how they advertised for the Youth Council and accepted members. Mrs. Knight addressed his question. Councilman Platt asked how they were planning for future growth. Mrs. Knight said she thought they should accept anyone that wants to come; she did not think they should limit it. She suggested steps they could take to stay within the budget. Councilman Platt said he did not want to see an increase again next year and they needed to plan for growth. The Council asked if information was repeated if the Youth participated consecutive years at the Leadership Conference. Mrs. Wagner discussed a way they could plan for growth and offset their growth by keeping any fundraising money brought in by the Youth Council. Councilman Mickelson said he thought this was a great program that trained their future leaders.

Mayor Knight instructed the Council that they would have to amend the current proposed budget because this was not included on their proposed budget. Mayor Knight described that he saw the Youth Council as a benefit. Councilman Jacobsen said he did not want to see them cap the program or regulate it. He said he would like a realistic estimate of what the Youth Council thought their budget would be and he would be happy to see more youth get involved. Councilwoman Cook asked if any other city's had a population vs. representation format in Youth Council. Mrs. Knight said in the seven years she had served she had not see that.

Scott Mikesell asked if the Youth Council were working with City Council members to get trained. Mrs. Knight described the training the Youth Council received. Paul Rew asked what the funds being asked for were paying for. Mayor Knight said it was registrations and cost associated with the Leadership Conference at USU and the trip to the Legislature. Mr. Rew asked if they had looked into sponsorship. Mrs. Knight gave further details about the costs and time associated with the training.

Councilman Jacobsen made a motion to adopt Resolution 12-02—Adopting changes to the Nibley City Budget. Councilwoman Cook seconded the motion.

Councilman Jacobsen made a motion to amend Resolution 12-02 for the addition of \$1540 to the Youth Council budget and the addition of \$1540 to the sales tax revenues to offset that cost. Councilman Mickelson seconded the motion.

Mrs. Wagner, Mr. Anhder, Mayor Knight, public present, and the City Council discussed the option of offsetting monies raised by the Youth Council through fundraising.

Councilman Jacobsen encouraged the members of the Youth Council to find a way to Work more closely with the City Council.

The amendment passed 3-1; with Councilman Jacobsen, Councilman Mickelson, and Councilwoman Cook in favor. Councilman Platt was opposed.

Mr. Anhder noted that the budget before them included an additional \$5,000 to the water impact fee, \$5,000 to the sewer impact fee, and \$5,000 to the parks impact fee. This was projecting \$15,000 to pay for an impact fee study that he was unable to complete. Mr. Anhder reviewed the items that had been decreased to offset those expenses.

Councilman Mickelson asked for further discussion on the Road's Master Plan changes and the additional costs that were proposed for paying for the master plan. Councilman Platt said he had requested a line item expenditure for the cost overrun and said he had not seen that. Mr. Rod Blossom, with Cache Landmark Engineering was present at the meeting and said he had copies of the invoices. Councilman Platt said he had wanted to review those prior to the meeting and asked why they had not gotten those. Mr. Blossom said they had worked for Nibley for a number of years and had always done a good job; he said they had a good transportation plan that would be very usable now and in the future. Mr. Blossom discussed the costs that occurred; the extras included meetings and presentations, copies and reimbursables, analysis, and revisions and changes. Mr. Blossom said they actually had \$5,000 more in costs that were not shown.

Councilman Mickelson asked Mr. Blossom if he understood why they were questioning these things and understood their frustration. Mr. Blossom said he understood why but the \$15,000 was never intended to be the full amount; the contract called for extras and there were changes in the scope of work. Mayor Knight read wording on changes in scope that were included in the contract. Mr. Blossom discussed the additional analysis that was done on the plan. Councilman Platt directed Mr. Blossom and the City Council to item 2 under compensation and read wording from that contract that addressed changes and said the orders were not in writing. Mr. Blossom said it was well known and they trusted Nibley enough to not put it in writing. Councilman Platt said by admission there was a violation of the contract. Mayor Knight redirected the Council and asked them to decide what solution they were willing to come to. Councilman Mickelson said he wanted if brought back so they could understand their shortfalls and their mistakes and questioned their due diligence in putting the project out to bid. Councilman Jacobsen asked if Mr. Blossom was a contract employee of Nibley City. Mr. Blossom said he was contracted with the city on a per job basis. Councilman Jacobsen asked if he contracted

with other entities in the same manner. Mr. Blossom said he did. Councilman Jacobsen noted that this was just another contract Mr. Blossom had with Nibley City. Councilman Jacobsen said the bid they submitted was for \$15,000 plus copies, reimbursables, meetings, etc; those expenses were about \$10,000 so they could have expected \$25,000 and that they were both culpable of not anticipating the extra cost for the better product. Councilman Jacobsen discussed that this was not out on competitive bid because they were not obligated to do so for expenses under \$25,000. Councilwoman Cook said she wanted to clear the perception that Mr. Blossom was a city employee; she said they sent all their engineering to be reviewed by him.

Councilman Jacobsen made a motion to amend line item 10-68-620 Planning Consultant from \$17,000 down to \$15,000; bringing the new total budget amount to \$25,000. Councilman Mickelson seconded the motion.

The Council discussed the amendment. Councilman Platt asked Mr. Blossom if they were being charged for his appearance at the current meeting. After discussion it was determined they were not. Councilman Platt said he thought the \$25,000 was generous whereas there were a lot of things that could have violated the contract.

Councilwoman Cook said she could understand the confusion but did not think should make them “eat” the whole lump sum. She said they should learn from this and fix it in the future. Councilman Jacobsen requested Mayor Knight hear public comment.

Corlyss Drinkard said whether Mr. Blossom was a contract city engineer or a direct hire engineer he was still a city official. She said they needed to look at the practice of contracting city officials or city employees because it was contrary to public policy. She referenced former Councilman Dustin’s comments on the quality of the finished product. She said she felt confident that if this case went to court they would not be required to pay. Scott Mikesell said Mr. Blossom needed to be paid for the work he did and that the project should have been bid out. He said the problem lay with the Council and that they needed to take the blame. Councilman Mickelson said after hearing the discussion he felt they should return to the staff recommendation. Mr. Anhder suggested he could offer a substitute motion.

Councilman Mickelson made a substitute motion to take the staff recommendation on Planning Consultant line 10-68-620. Councilman Jacobsen seconded the motion.

Mr. Anhder gave the data and his reasoning for the staff recommendation.

The substitute amendment failed 2-3; with Councilman Mickelson and Councilwoman Cook in favor. Councilman Platt and Councilman Jacobsen were opposed. Mayor Knight also voted against the substitute motion.

The amendment passed 3-1; with Councilman Jacobsen, Councilman Mickelson, and Councilman Platt all in favor. Councilwoman Cook was opposed.

Councilwoman Cook said she drove around the city and said she was not a fan of having the recycle site next door she realized some citizens might like it and said she was not opposed to the budget suggestion. Councilwoman Cook also asked for details of what the recreation director job entailed. Mr. Anhder described those specifics; he said he based that amount of money off of Hyrum's recreation director at \$6,000.

Councilman Platt said he had seen no other alternatives to the recycle site come to them as was asked. Mr. Anhder described the other areas that had been considered. Councilman Platt asked about the recreation director and asked how they could post a job where the salary had not been voted on. Mayor Knight addressed his question and said they would not pay that person more than what they say they can. Councilman Platt said it was false advertising because it had not been approved in the budget. Mr. Anhder said there was a difference between what was advertised and what was paid. Councilman Jacobsen said there could be a difference between what was in the budget and what they contract with the individual to do if the Council amends the budget. Councilman Jacobsen said he thought they needed to move the recycle site and thought they should budget \$13,000 to move it and requested that when it was moved they get a chance to finalize the location. Councilwoman Cook said she was in favor of talking about it when the money was spent.

Councilman Jacobsen made a motion to amend to reduce the sales tax revenue to \$63,540. Councilwoman Cook seconded the motion. The amendment passed 3-0; with Councilman Jacobsen, Councilwoman Cook, and Councilman Mickelson in favor. Councilman Platt abstained from voting.

The resolution passed 3-1; with Councilman Jacobsen, Councilwoman Cook, and Councilman Mickelson all in favor. Councilman Platt was opposed.

ITEMS FOR SECOND READING

Ordinance 12-03—Ordinance Updating Storm Water Regulations for Nibley City
Councilman Mickelson said looking through the old storm water ordinance was that there were a lot of things that were not in there. He requested they pull up old ordinances and cross check those with proposed ordinances. Mr. Anhder said the state gives them a model ordinance and asks them to pass the ordinance or something close to it. Mr. Anhder said they changed some of the penalties and softened some of them; otherwise it was word for word as suggested by the state. Councilman Mickelson said before he moved forward he would like to see a copy with the old ordinance and note the changes they were going to make.

Councilman Jacobsen made a motion to approve Ordinance 12-03. Councilwoman Cook seconded the motion.

Councilman Mickelson made a motion to continue Ordinance 12-03. Councilman Platt seconded the motion.

Councilman Mickelson asked if anyone from staff had reviewed this ordinance in comparison. Mr. Anhder said he and Ms. Phippen had.

The motion to continue failed 2-3 after Councilman Mickelson and Councilman Platt voted in favor. Councilman Jacobsen and Councilwoman Cook were opposed. Mayor Knight broke the tie and was opposed.

The motion passed 3-2; with Councilman Jacobsen and Councilwoman Cook in favor. Councilman Mickelson and Councilman Platt were opposed. After a tie, Mayor Knight also voted in favor.

Consideration of Appointments to the Nibley City Beautification Committee

Mayor Knight said he was not ready to suggest these to the Council but was willing to take additional recommendations from the Council.

Discussion and consideration of terms for interviewing prospective Manager Candidates

Mr. Anhder directed Council to documentation; Hiring a New City Manager-Part 2. Mr. Anhder discussed this documentation with the City Council. The Council decided to leave relocation expenses blank and renegotiate that amount during contract negotiations; agreed that the interviews should be kept confidential; agreed on no residency requirement; they agreed on \$200 monthly travel in Cache Valley and a regular rate for travel outside of Cache Valley; they agreed that it was an exempt position and that compensatory time be awarded at straight time over 45 hours/week with a maximum of 80 hours and that the time card was accountable to the Mayor; they agreed that a contract should be in place. The City Council reviewed the interview process and decided to send a draft copy of the contract to the persons being interviewed ahead of time. The Council reviewed and discussed the interview questions and questioning process. The City Council and Mayor reviewed, discussed, and revised the draft contract. Mayor Knight described and discussed how they selected the five candidates to be interviewed and said the decision was unanimous. Councilman Jacobsen said the quality of candidates that had applied was amazing. The Council discussed the appropriate time to send rejection letters.

Council reports

Mayor Knight said he would not be making Council assignments. He said he would be doing something similar to Smithfield and would make Council assignments based on community embodiment things such as Heritage Days, Christmas, Easter, floats, Youth Council, pageants, fair booth, arts and beautification, and historical. He said he would take their suggestions.

Mayor Knight addressed Heritage Days and volunteerism.

Councilman Jacobsen discussed the City Newsletter Editor and Website Administrator and his position as Councilmember and asked for and got feedback from the other Council members. They discussed public perception of government.

Councilman Jacobsen suggested the Council get access to their minutes from the website so that the public would have access to them at the same time as the Council.

Councilwoman Cook asked about street lights on the west side. Mr. Anhder said Bill Saunders had recommended four lights that would be ordered as early as tomorrow.

Councilwoman Cook suggested they change the bidding amount for future projects. Mayor Knight said he would put it on the agenda at a future time. The Council discussed Mr. Blossom's relationship with the city. The Council and members of the public discussed the Planning & Zoning Commission and their status in the city.

Councilman Platt asked about getting their official picture on the website. Mayor Knight said they were working on getting a new picture done. Councilman Platt readdressed participation in meetings via Skype or conference call. He said he would like to define the policy before a situation where it was necessary came up. The majority of the Council decided to talk about the issue on a future agenda. Mayor Knight said it would be put on a future agenda for a rough discussion. Councilman Jacobsen suggested Councilman Platt research official code on the issue.

Councilman Mickelson addressed the Peterson Farm Store and that their sign had come down. He said this was the time to review and make some of the unsolved issues. Councilman Jacobsen said they should workshop with Planning & Zoning Commission and find where they had disconnected; they needed to talk about the two differing interpretations.

Councilman Mickelson thought they needed to address how they handled their public comments. He noted that they had no public hearings at the meeting. Mayor Knight read policy on public hearings and public comment and debated with Councilman Mickelson. Councilman Mickelson wanted to limit outburst and he wanted consistency.

City Manager reports

Mr. Anhder said he had nothing further.

The meeting was adjourned at 10:57 p.m.