

1 The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley,
2 Utah, on Thursday, March 29, 2012.

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4 The following actions were made during the meeting:

5
6 **Councilman Mickelson motioned to approve the water refinance resolution with the**
7 **changes of the posted meeting times on the document from 6:00 to 6:30. Councilman**
8 **Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman**
9 **Mickelson, Councilman Hansen, Councilman Platt, Councilwoman Cook, and**
10 **Councilman Jacobsen all in favor.**

11
12 **Councilman Jacobsen motioned to approve phase 5 of Zollinger Acres Subdivision.**
13 **Councilwoman Cook seconded the motion. The motion passed unanimously 5-0;**
14 **with Councilman Jacobsen, Councilwoman Cook, Councilman Mickelson,**
15 **Councilman Hansen, and Councilman Platt all in favor.**

16
17 **Councilwoman Cook motioned to deny the request by the Cottages subdivision to**
18 **change their covenants to allow younger than 55 years old. Councilman Platt**
19 **seconded the motion. The motion passed unanimously 5-0; with Councilwoman**
20 **Cook, Councilman Platt, Councilman Mickelson, Councilman Hansen, and**
21 **Councilman Jacobsen all in favor.**

22
23 **Councilman Mickelson motioned to approve the Water Master Plan. Councilman**
24 **Platt seconded them motion. The motion passed unanimously 5-0; with Councilman**
25 **Mickelson, Councilman Platt, Councilwoman Cook, Councilman Hansen, and**
26 **Councilman Jacobsen all in favor.**

27
28 **Councilman Platt motioned to approve Resolution 12-04—Establishing**
29 **authorization and procedures for electronic meetings to conduct the affairs of**
30 **Nibley City. Councilman Mickelson seconded the motion. The motion passed 3-2;**
31 **with Councilman Platt, Councilman Mickelson, and Councilwoman Cook in favor.**
32 **Councilman Hansen and Councilman Jacobsen were opposed.**

33
34 **Councilwoman Cook motioned to approve the first reading of Ordinance 12-04.**
35 **Councilman Platt seconded the motion.**

36
37 **Councilwoman Cook made a substitute motion to waive the first reading of**
38 **Ordinance 12-04. Councilman Platt seconded the motion. The motion failed 0-3;**
39 **with Councilwoman Cook, Councilman Hansen, and Councilman Jacobsen**
40 **opposed. Councilman Mickelson and Councilman Platt abstained from the vote.**

41
42 **Councilman Jacobsen motioned to amend paragraph D of 1-11-2 of the City**
43 **Purchasing Policy to strike “and professional or contractual services” to read**
44 **“The following items are excepted from bidding requirements: telephone**
45 **services, utility services, payroll and employee benefits vendors, incidental and**
46 **routine purchases for supplies and materials not to exceed one thousand dollars**

47 (\$1,000.00) per month per vendor. Also excepted are taxes, bond and loan
48 payments, authorized monthly travel expenses approved by the city council.”
49 Councilman Hansen seconded the amendment. The amendment passed
50 unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman
51 Platt, Councilwoman Cook, and Councilman Mickelson all in favor.

52
53 Councilwoman Cook motioned to amend to change the limit on paragraph B; 1-
54 11-2, and letter I from \$25,000 to \$20,000. Councilman Platt seconded the
55 motion. The amendment passed 4-1; with Councilwoman Cook, Councilman
56 Platt, Councilman Hansen, and Councilman Jacobsen in favor. Councilman
57 Mickelson was opposed.

58
59 The motion passed unanimously 5-0; with Councilwoman Cook, Councilman Platt,
60 Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor.

61
62 Councilwoman Cook made a motion of consent for the Council assignments.
63 Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0;
64 with Councilwoman Cook, Councilman Jacobsen, Councilman Mickelson,
65 Councilman Platt and Councilman Hansen in favor.

66
67 Councilman Jacobsen made a motion of consent for Richard Eversull as the 2012
68 Nibley City Citizen of the Year. Councilman Hansen seconded the motion. The
69 motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman
70 Mickelson, and Councilwoman Cook in favor. Councilman Platt was opposed.

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72
73 **OFFICIAL MINUTES OF THE MEETING**

74 Minutes were taken by Assistant City Recorder Cheryl Bodily

75
76 Mayor Gerald Knight called the Thursday, March 29, 2012 Nibley City Council meeting
77 to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilman
78 Larry Jacobsen, Councilman Thayne Mickelson, Councilman Shawn Platt, Councilman
79 Bryan Hansen, and Councilwoman Carrie Cook. Commissioner Aaron Bliesner,
80 Commissioner Mark Lawver, and Commissioner Wayne Anderson were in attendance.
81 Larry Anhder, the City Manager, Bill Saunders, the Public Works Director, and Shari
82 Phippen, the City Planner, were also in attendance.

83
84 **6:30—Call to Order; Minutes of March 1st, 2012 read and approved; and Approval**
85 **of Agenda**

86 Mayor Knight noted to the Council present that the minutes of 2-23-12 and 2-28-12 also
87 needed to be approved.

88
89 Councilman Jacobsen made a motion to approve all minutes and the evening’s agenda.
90 Councilwoman Cook seconded the motion. The motion passed unanimously 3-0; with
91 Councilman Jacobsen, Councilwoman Cook, and Councilman Mickelson all in favor.

Councilman Hansen arrived at 6:33.

Consideration of a resolution authorizing not more than \$850,000 water revenue and refunding bonds for water system improvements and to save money by refunding the City's outstanding water revenue bonds; Series 1981 and Series 2002; Authorizing publication of a notice of public hearing and bonds to be issued; fixing the maximum amount, interest rate, maturity and discount; and related matters

Councilman Platt arrived at 6:34.

Mark Edminster and Eric Johnson, the financial advisors and bond council were present for this discussion.

Mr. Anhder said this refinancing plan had been discussed and approved by the Council. In February they had paid off one of their outstanding bonds with and he discussed other bonds that would be paid off with this action. It would shorten the term on a 40 year bond to a 15 year bond and provide financing for a new well in the west side of town that would cost approximately \$500,000. Mr. Anhder said the payback on the bond would be over the next 15 years at approximately 3% interest and they anticipated using their impact fees to pay these bonds off. The savings to the city by refinancing these bonds would be \$150-160,000.

Eric Johnson said there would be a public hearing on May 3rd to get the public comments. They would be saving money and getting a lower interest rate.

Councilman Mickelson made a motion to approve the water refinance resolution with the changes of the meeting times from 6:00 to 6:30. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Hansen, Councilman Platt, Councilwoman Cook, and Councilman Jacobsen all in favor.

Final Approval of phase 5 of Zollinger Acres Subdivision—5 lots at 3260 South 1350 West

Ms. Phippen said there were a couple minor engineering issues that needed to be completed on the construction drawings. They had been resolved and the Planning & Zoning Commission had voted to approve this. Ms. Phippen said she did not see any reason that this should not be approved.

Councilman Jacobsen made a motion to approve phase 5 of Zollinger Acres Subdivision. Councilwoman Cook seconded the motion.

Councilman Mickelson said he recalled a couple of years ago that the subdivisions had to provide a letter that they had been in touch with the canal companies. Ms. Phippen said she believed that was completed some time ago. Councilman Jacobsen asked if they had adequate storm water detention for the phase that was already in the ground. Ms. Phippen said they did. Councilman Jacobsen asked if they had adequate emergency vehicle turnaround on the sections of the subdivision that were not completed. Ms. Phippen said

they did and described the layout of the subdivision. The Council and city staff discussed emergency vehicle access in the subdivision.

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

Workshop discussion with members of Planning Commission concerning Nibley sign ordinance

Commissioner Aaron Bliesner, Commissioner Wayne Anderson, and Commissioner Mark Lawver were present at the meeting.

Mayor Knight said he had asked the Commissioners here to discuss the sign ordinance and to also have face time with the Council and help the Council to understand the process of attaining a conditional use permit. Mayor Knight said the feeling he had from the Council is that they did not like EMD (Electronic Message Displays). Mayor Knight opened discussion to the Council.

Councilman Mickelson said he appreciated what the Planning & Zoning Commission did because as he went through the ordinance he realized it was unclear. He said they had not clarified the desires of the Council in the ordinance. Mayor Knight said he felt strongly that he did not want to have big, flashy, signs in the city.

Commissioner Bliesner said early on they were asked to look at modifying the sign ordinance and that there was desire by the City Council to address the inclusion of EMDs; the old ordinance seemed to preclude EMDs. He said there didn't seem to be a motivation from the Planning & Zoning Commission to include EMDs. Commissioner Bliesner said their intent was to provide a draft for the City Council to respond to. They understood that the ordinance had been approved with the removal of all references to EMD's and they were frustrated because they had an applicant before them and they had an ordinance before them that did not seem to prohibit EMDs; he found one reference in the ordinance and referred to a table where indirect light was listed as an option for a billboard sign. Commissioner Bliesner said there seemed to be confusion and ambiguity about what reflected or indirect versus direct light meant.

Councilman Jacobsen said there were two specific points in the ordinance where he would have come to a different conclusion than the Planning & Zoning Commission came to in issuing the conditional use permit. He noted that he had the opportunity to take this up under appeal and did not do so which had merit. He discussed his first point; (1) paragraph A, 10-12-15; "the signs described in this section shall be allowed as indicated in the city. Any sign not specifically permitted in this section is prohibited." Councilman Jacobsen said in his interpretation that would make EMDs prohibited.

Ms. Phippen said when the motion was made by Commissioner Anderson when the sign was approved, it was approved as an on premise billboard sign because that was what the majority of the sign was; and lacking anything in their ordinance that said anything that had an electronic message display as a portion of its sign becomes an electronic message

184 sign made this, in her interpretation, a legally approved sign because it was an on premise
185 billboard sign. Ms. Phippen said the sign type was permitted and the ordinance did not
186 say that no sign regardless of type may have an EMD as a portion of that sign.

187 Councilman Hansen said if they wanted to make this clearer then they need to define
188 what an EMDs mean and put it in the prohibited. Mr. Anhder, Councilman Jacobsen,
189 Councilwoman Cook, and Mayor Knight discussed direct lighting and back lighting.

192 Commissioner Bliesner said he thought they had a lack of clarity on definition; they were
193 talking like EMDs and LED's were the same thing and he discussed his interpretation of
194 the differences. Commissioner Bliesner discussed how the lighting of the sign was
195 presented to them. Councilman Mickelson said he thought they needed to define their
196 ordinance by sign type, lighting type or source, brightness, and perhaps light motion.
197 Commissioner Anderson said they did not want to eliminate LEDs because they were
198 used in more applications than an EMD. Commissioner Bliesner said they felt the
199 problem was the intensity of the light and not necessarily the light source. The Council
200 agreed they needed to define the changes of the images better.

202 Councilman Jacobsen said if they wanted an EMD ordinance or needed to clarify the
203 current sign ordinance they would need to implement some of the measuring standards
204 that quantified foot candles that were included in the proposed ordinance. Councilman
205 Jacobsen said if they did allow EMDs in the future they should included a fee that would
206 cover the costs of enforcing the ordinance. Councilman Mickelson discussed the
207 surrounding material of an EMD and said they should include some parameters for those
208 things. Councilman Jacobsen requested that Ms. Phippen send him the conditions that
209 were attached to the Peterson's sign in writing. Ms. Phippen said she would. Councilman
210 Jacobsen said he would be interested in a legal opinion of the legal ramifications of
211 actions by the city at this point. Ms. Phippen discussed correspondence she had with the
212 city attorney about the action taken by the Planning & Zoning Commission and the
213 approved sign at Peterson's Country Store; the attorney estimated that they had
214 proceeded correctly, the time for appeal had expired, and that the applicant could not be
215 held hostage to an open appeal date.

217 Councilman Hansen discussed that they needed to have some sort of distance requirement
218 for signs; specifically along the 89/91 corridor. Councilman Mickelson said they needed
219 to further define sign type, light source, brightness, and motion. Mr. Anhder discussed the
220 Nibley owned property along highway; and that they needed to give the impression that
221 Nibley was friendly to business. He said impression was more important than reality.

223 Mayor Knight said he would task staff to address the issues that were talked about; the
224 changes would go to Planning & Zoning Commission and then come before the City
225 Council. Councilman Platt cautioned making the ordinance so complex and restrictive
226 that it would not support a business. Mayor Knight said they allowed signs in Nibley;
227 Nibley City was a well thought out and designed city and they could have something that
228 was very nice but not like the signs in Vegas or at the "Y" in Logan. Councilman
229 Jacobsen said if they could get on the Planning & Zoning Commission agenda for the

next meeting then that bought six months to pass a new ordinance and precluded another proponent from coming in and getting approval under the old ordinance. Commissioner Anderson said they needed to do something in the ordinance that would provide for changes in technology; perhaps they would have to address the ordinance every two years to take into account the technology. Commissioner Anderson said they had talked about making a conditional use permit null and void if it had not been active or in use for a certain amount of time. He said that was their way to “kill” outstanding conditions and clean up the books. Commissioner Bliesner said he did not like the cycle of passing ordinances back and forth. He also said he would not vote to hold someone to another 180 days; he thought it was bad policy. An applicant should have the right to come in and go through the process unencumbered if they are in before the deadline; it was unfair to applicants and hindered the writing of the ordinance. The Planning & Zoning Commission and City Council discussed the process for approving ordinances. Commissioner Anderson suggested the Planning & Zoning Commission do some sort of workshop with the City Council on a quarterly basis.

Consideration of request by Cottages Subdivision, 3550 South 250 West, to change their restrictive covenants to allow owners younger than 55 years old

Developers of the Cottages Subdivision, Mr. Dan Farnsworth, Mr. Claine Leichty, and Mr. Jay Harrison were present at the meeting. Mr. Farnsworth said they wanted to amend the CCNR’s and take out the requirement that 80% of the occupants of the homes be 55 and older. He read items 8-11 of the original development agreement with the city. Mr. Farnsworth read from page 7, 8, 9, 12, 13, 14, 15, and 45 of the Cottage Subdivision CCNRs. Mr. Farnsworth discussed the reasons why the density was granted for the Cottages at the time the development was approved; he said he pulled these from meeting minutes. Mr. Farnsworth addressed density reconciliation. Mr. Farnsworth said they wanted to maintain a nice community but the market had dictated that they needed to take this development out of 55 and older.

Councilman Mickelson asked if the idea had been run by existing residents. Mr. Farnsworth said they had taken this to all owners of the properties and they had signed that they agreed to this; all but one, a resident who had recently moved in, had signed an agreement with the change. Councilman Mickelson asked about surrounding communities. Mr. Farnsworth relayed discussions he had had with surrounding residents and addressing that the development would be maintained in the same way. Councilwoman Cook said that Mr. Farnsworth had said the market had dictated that they needed to take this development out of 55 and older and asked if they had reduced the price of their lots and if they were comparable to other lots in Nibley City. Mr. Farnsworth said they had and noted the amenities at the Cottages. Councilman Hansen asked if at 80% they had residents under 55 living there. Mr. Farnsworth said he thought they were at 75/25; he discussed the residents living there now and said technically they had been “out” most of the time with the Federal Fair Housing law. Councilwoman Cook said he did not know how it was the City’s concern that they succeed and said she did understand the ramifications if they did not succeed. Mr. Farnsworth said a completed subdivision enhanced the community and the completion of the trail system, the landscaping, and other amenities enhanced the community. Councilwoman Cook

discussed other subdivision developments and said they may be starting a president with making concessions so that a subdivision will succeed. She said if they took it out of 55 and older they would be a typical subdivision with substandard infrastructure and she did not know how they could make it fit into their books. Councilman Jacobsen asked for the differences in this proposal from the last time the proposal was before them. Mr. Farnsworth said they wanted to point out that the density was not only given for 55 and older but also a serious additional cost for the quality and integrity of the subdivision that would go in there and additionally they would like to help and contribute to the neighborhood with the park that was going in that area that would offset the density that they have.

Councilman Platt left and returned at 8:21.

Mr. Farnsworth said he had talked to the Chair of the neighborhood park about the desirability of their contribution the park and that he was excited about it and that he had expressed he would rather have a completed subdivision. Councilman Hansen said he had two neighbors that had expressed concern with this to him. He asked if it was possible to eliminate some of the current parcels and get them into compliance. Mr. Farnsworth said Ms. Phippen had done this research. Ms. Phippen discussed her research regarding cluster subdivisions, conservation subdivisions, and a regular subdivision.

Mayor Knight opened the discussion to the public present. Addressing questions about the trail system and amenities, Mr. Farnsworth said they had already spent \$9,000 to put the base for the trail in and were bonded with the city to complete the trail system.

Mr. John Deheck, a resident of the Cottages, said he was upset that he was not informed of this meeting by the HOA. He said his personal feeling was if it was an open community they would still have children around and he did not appreciate it and if it happened he would most like sell his house and move.

David Frandsen, who lived directly across the street from the Cottages Subdivision, said he purchased the lot they did because it had more room and space and he knew that the development across the street was seniors. He had issues with changing it from the original intent of 55 and older and that it was originally approved at 55 and older and would not have lots with children and other such things.

Judge Jack Stevens said when this planned retirement area was originally presented to the city it had grand ideas which he reviewed that had not happened. He said this was a business venture and was not the city's concern.

Corlyss Drinkard said she was against this. She was surprised to find they had a homeowners association; the problem with HOA's was that they did not want to hire an attorney to make it happen; outliers got away with breaking the covenants because no one wanted to enforce them.

Councilman Hansen asked for clarification on being out of compliance and said as he understood it if they were out of compliance for so long then they could no longer discriminate based on age. Mr. Farnsworth said that the way Federal law was written he understood that to be true. Councilman Hansen asked if that meant the HOA no longer existed and what recourse the city had. Mayor Knight asked for Mr. Anhder opinion. Mr. Anhder said they had federal regulations that said they would be out of compliance and lose federal protection to discriminate but they had regulations from the city that said they had to; the subdivision and HOA would still exist. Councilman Jacobsen said they could not issue building permits on additional lots until it met conditions of the PUD. Mr. Anhder said if they would like to frame a question then they could pass it on to their attorney. Councilman Mickelson said he heard the desire to get more properties sold there and some willingness to help with parks. He had heard no desire for a reduction in density and that there might be density issues that could be addressed for fairness to the surrounding communities. Mr. Leighty asked if they were to reorganize the lot lines if they would be released from the trail system, landscaping, and other amenities. Mr. Farnsworth discussed the purchase of additional open space and paying off the additional amount owed on the park. Mr. Deheck discussed making the lots bigger.

Councilwoman Cook made a motion to deny the request by the Cottages subdivision to change their covenants to allow younger than 55 years old. Councilman Platt seconded the motion.

Councilwoman Cook said if they did this they set precedence for other subdivisions. She understood their problem and sympathized with it but did not know how it was the Council's responsibility to fix.

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

Presentation of updated Nibley City Water Master Plan

Mr. Anhder said in 1997 the City Council did their first Master Water plan which was updated in 2005. He discussed the infrastructure items that had been accomplished under those plans. He said they accomplished everything that was on the 2005 plan and the updated plan would take them forward 15 years at 3.26% rate of growth and approximately 2,200 additional homes.

Lance Anderson, with Cache Landmark Engineers, was present at the meeting. He said the Water Master Plan looked at water rights, water sources, water storage, and water distribution. He said this plan used a 3.26% growth projection. Mr. Anderson discussed; the current water use, current water rights, current water sources and their capacity, current water storage, and water distribution. Mr. Anderson discussed changes in the distribution system; well alternatives/phasing (1200 W. and 3400 S., 640 W. and 4000 S., 1200 W. and 3000 S.); and recommendations and cost opinion.

Mr. Anhder noted that this tied in with the first action taken tonight; they had provided the financing for the first well.

Councilman Mickelson made a motion to approve the Water Master Plan. Councilman Platt seconded them motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Platt, Councilwoman Cook, Councilman Hansen, and Councilman Jacobsen all in favor.

Consideration of Resolution 12-04—Establishing authorization and procedures for electronic meetings to conduct the affairs of Nibley City

Councilman Platt made a motion to approve Resolution 12-04—Establishing authorization and procedures for electronic meetings to conduct the affairs of Nibley City. Councilman Mickelson seconded the motion.

Councilman Mickelson said he thought the benefit from this was that in a situation where they need to weigh in on a decision but could not be at a meeting, it gave fair and equal access, especially when there is an important decision being made; it provided a way to give opinions and participate in the vote.

Councilman Jacobsen said his problem with this, in his experience, was that it just didn't work. In his experiences he caught an estimated 40% of the conversation. In his private corporation they did this because they need an expert opinion or discussion on a topic and he did not feel they were experts. He did not feel he could make a reasonable decision based on 40% of the conversation. Councilman Jacobsen said they could make it work but it was a pain and gave examples of this from his experiences. Councilman Jacobsen said they knew the job description when they signed on to be on the City Council and he did not want to give members of Council an opportunity to not be here. He said they should schedule to be at the meetings. Councilman Platt said this would be considered the exception not the rule; only to be used on the occasional basis. He said he took the position seriously but could not rearrange his schedule due to military obligation. He said he took the obligation to be a part and vote very seriously and this would give him the opportunity to participate and weigh in and be part and fulfill his obligations; he did not anticipate this being an abused situation. Mayor Knight addressed non-verbal communication issues he questioned. Councilman Hansen said it would be a challenge to hear everything over the phone and suggested the person participating electronically would only be able to hear and not actively participate.

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

Consideration of Ordinance 12- 04—Possible amendments to the city purchasing policy

Mayor Knight said what was before the Council this was essentially the law they had on the books now with an understanding that they would address some perceived contradictions.

Councilwoman Cook made a motion to approve the first reading of Ordinance 12-04.
Councilman Platt seconded the motion.

Councilman Mickelson clarified that they were not discussing any of the items that brought up why they needed to look at this; it did not make sense to approve any ordinance that was already on the books; they needed to have some clarification on where they were going. Mayor Knight said he and staff did not feel the ordinance was the problem; it was the administration that was the problem. Mayor Knight said he asked staff to put this on the agenda because the Council felt that perhaps their bid limit was too high. Councilman Jacobsen said he felt a first reading had to propose something different. Mr. Anhder said they could also move to waive the first reading, discuss this, and act on it tonight which he suggested because he would not be in attendance at future meetings and could not give his input.

Councilwoman Cook made a substitute motion to waive the first reading of Ordinance 12-04. Councilman Platt seconded the motion.

Councilman Jacobsen thought they could take Mr. Anhder opinion but did not want to go around the procedures they had. Their citizens did not know what they were thinking about changing if they bypassed the first reading.

The motion failed 0-3; with Councilwoman Cook, Councilman Hansen, and Councilman Jacobsen opposed. Councilman Mickelson and Councilman Platt abstained from the vote.

Councilman Jacobsen made a motion to amend paragraph D of 1-11-2 of the City Purchasing Policy to strike "and professional or contractual services" to read "The following items are excepted from bidding requirements: telephone services, utility services, payroll and employee benefits vendors, incidental and routine purchases for supplies and materials not to exceed one thousand dollars (\$1,000.00) per month per vendor. Also excepted are taxes, bond and loan payments, authorized monthly travel expenses approved by the city council." Councilman Hansen seconded the amendment. The amendment passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Platt, Councilwoman Cook, and Councilman Mickelson all in favor.

Councilwoman Cook made a motion to amend to change the limit on paragraph B; 1-11-2, and letter I from \$25,000 to \$20,000. Councilman Platt seconded the motion.

Mr. Anhder suggested they take the amendments and include them in the Ordinance and vote on them at the second reading.

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

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

Regarding the first amendment, Mr. Anhder asked how they handled their ongoing professional contracts; city engineer, city attorney, bond council, financial advisor, etc. He suggested they approve those people on their professional basis not on their lowest bid and some of those things are very hard to bid. Their city attorney was approved by the City Council as their attorney and by taking this out they would have to bid the services of a city attorney. The professional consultants that they had should be based on their competence as a professional and their background experience. Mr. Anhder said with their Roads Master Plan they failed to monitor the contract and it was a failure of administration and would not fall under these amendments. Mr. Anhder said he would much rather hire a professional based on their experience and background and not their lower price. Councilman Platt said they were considering that in a bid. Councilman Jacobsen said J said they did not have to take the lowest bid. Councilman Mickelson asked if their relationship with a certain professional service be so strong that they felt they are exempt from the bidding process. Mr. Anhder referred to cities that had changed those services multiple times. Mayor Knight said paragraph B took into consideration that contracts over \$25,000 (proposed to be \$20,000) were to be bid out. The Council discussed section D of the Ordinance.

Mr. Anhder said the majority of the things and equipment they buy is off the state bid and was exempt; when they buy things under \$25,000 they still bid those and was in the category but one area they would be causing a lot of work was under materials and phone call bid and then the City Council would be approving pipe purchases, etc., things they do rather routinely and would hinder the public works director.

Discussion of Council member assignments

Mayor Knight gave the assignments as follows:

Councilman Hansen—Arts and Beautification
Councilman Jacobsen—Youth Council
Councilwoman Cook—Christmas and Easter celebrations
Councilman Mickelson—Historical
Councilman Platt—Pageants, Fair Booths, & Floats
Mayor Knight—Public Affairs; Heritage Days, etc.

Councilwoman Cook made a motion of consent for the Council assignments. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilwoman Cook, Councilman Jacobsen, Councilman Mickelson, Councilman Platt and Councilman Hansen in favor.

Discussion and consideration of Nibley City Citizen of the Year

Mayor Knight said he would like the City Council to give their consent for Richard Eversull as Nibley Citizen of the Year and summarized Mr. Eversull's contributions to the city.

Barbara Wilden asked if they had considered Trudy Knight for Citizen of the Year and noted her contributions every year to the Youth Council.

Councilman Jacobsen made a motion of consent for Richard Eversull as the 2012 Nibley City Citizen of the Year. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilwoman Cook in favor. Councilman Platt was opposed.

Appointments to the Nibley City Beautification Board

Mayor Knight said he was not ready to recommend these appointments.

Council Reports

Mayor Knight read a letter from the Hyrum Library and Museum Foundation and reviewed library usage and statistics.

Mayor Knight made the Council aware of the five candidates for the Justice Court vacancy: Trevor L. Cook-Nibley, Wayne Cooper-Clarkston, Dustin Erickson-No. Logan, Daniel J. King-Logan, and Paul K. Larsen-Logan. Mayor Knight said he would make his choice and bring his appointment for consent to the Council; he said he would like suggestions from the Council. Mayor Knight said the candidates were nominated by the Cache County Nomination Commission.

Mayor Knight read a proclamation honoring Larry Anhder for his service to Nibley City; and proclaiming March 30, 2012 as Larry Anhder Day in Nibley City. Mayor Knight wished Mr. Anhder the best.

Councilman Hansen gave a copy of the letter that would be going to Nibley's sister city, Nibley, England to the Council and summarized the items that would be sent with that letter. He said there was a group of about 25 individuals that would be holding a Scarecrow Festival on September 7th & 8th; this would coincided with the Top of Utah marathon.

Councilwoman Cook reported on the Nibley Easter Egg Hunt and addressed a crossing guard at the Thomas Edison Charter School.

Councilman Platt inquired about the sewer flow rate adjustment. Mr. Anhder reported that there was no new information. He said it would part of the budget deliberations in June.

City Manager Reports

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