

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

The following actions were made during the meeting:

**Councilman Jacobsen motioned to approve Resolution 12-06, Appointing David Zook as Nibley City Recorder. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, Councilman Platt, and Councilman Mickelson all in favor.**

**Councilman Jacobsen motioned to provide consent for Bryan Hansen, Mark Lawver, Karl Wildrick, Ruth Christensen, and Barbara Wilden to the Nibley City Beautification Board. Councilman Mickelson seconded the motion. The motion passed 3-2; with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Platt and Councilwoman Cook were against.**

**Councilman Hansen motioned to approve Resolution 12-08, approving the inter-local agreement for justice court services between Nibley city and Mendon city. Councilwoman Cook seconded the motion. The motion passed unanimously 5-0; with Councilman Hansen, Councilwoman Cook, Councilman Platt, Councilman Jacobsen, and Councilman Mickelson all in favor.**

**Councilman Jacobsen made a motion to adopt Ordinance 12-05, amending the purchasing policy for Nibley City. Councilman Mickelson seconded the motion.**

**Councilman Jacobsen made a motion to amend paragraph B to read “Purchases of equipment, materials, supplies, and services exceeding twenty five thousand dollars (\$25,000) shall be opened for competitive bidding and the award made by the City Council. Inclusion of a specific item or service in an adopted budget shall be considered as approved the Council, but such inclusion shall not remove the requirement to competitively bid that item or service.” Councilman Mickelson seconded the motion. The amendment passed 3-2; with Councilman Jacobsen, Councilman Mickelson, and Councilman Hansen in favor. Councilman Platt and Councilwoman Cook were opposed.**

**Councilman Jacobsen made a motion to amend paragraph D of Ordinance 12-05 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, and authorized monthly travel expenses approved by the City Council. Purchase of ongoing professional services, including those of the city attorney, the city engineer, bond council, and the city financial advisor are exempted from bidding requirements so long as the City Council authorizes a contract for such services on the biennial basis.” Councilman Mickelson seconded the motion. The motion to amend passed unanimously 5-0; with Councilman Jacobsen,**

**Councilman Mickelson, Councilman Platt, Councilman Hansen, and Councilwoman Cook all in favor.**

**Councilman Jacobsen made a motion to amend to strike paragraph C. Councilman Mickelson seconded the motion.**

**Councilman Jacobsen made a substitute motion to amend; to include at the end of section C of Ordinance 12-05, “so long as justification for waiving the bid requirement is specified and made public.” Councilman Platt seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Platt, Councilman Mickelson, Councilman Hansen, and Councilwoman Cook all in favor.**

**Councilman Jacobsen made a motion to amend section I of Ordinance 12-05, from \$20,000 to \$25,000. Councilman Hansen seconded the motion. The motion passed 3-2; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson in favor. Councilman Platt and Councilwoman Cook were opposed.**

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

**Councilman Mickelson motioned to approve Resolution 12-07, approving Trevor Cook as Justice Court Judge. 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.**

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#### **OFFICIAL MINUTES OF THE MEETING**

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, April 19, 2012 Nibley City Council meeting to order at 6:35 p.m. Those in attendance included Mayor Gerald Knight, Councilman Thayne Mickelson, Councilwoman Carrie Cook, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Shawn Platt. David Zook, the City Manager, Shari Phippen, the City Planner, and Bill Saunders, the Public Works Director, were also in attendance.

#### **6:30 p.m. – Call to Order; Approval of Minutes and Agenda**

Councilman Mickelson made a motion to approve the minutes of March 29, 2012 and the evening’s agenda. Councilman Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilman Mickelson, Councilman Jacobsen, Councilman Hansen, Councilwoman Cook, and Councilman Platt all in favor.

#### **Discussion regarding Public Works facilities**

Prior to the meeting, the City Council took a tour of the city's public works buildings and city facilities. Mr. Saunders discussed their current uses and future needs. He said they had made use of all the offices in the old city hall and had made the old council chambers a display area for blueprints, etc and a lunchroom/kitchen area. The cement building was being used for parks department/landscaping equipment and the light metal building was being used for the water department for parts and a work area. The new 5,000 ft. shop was used for vehicle storage and maintenance as well as storage for the street department. Mr. Zook displayed a Google picture of the public works area.

Councilman Mickelson asked about future needs. Mr. Saunders said they would like to secure funds for some office reorganization to make it more efficient for their full-time personnel. He said with all the equipment in the buildings, the buildings were full, and in the future they would need more room for storage of winter maintenance material. Councilman Jacobsen asked if it would be possible to put cubicles in the old council chambers. Mr. Saunders said they would like to do that. Councilwoman Cook asked about the number of department heads in the public works departments which Mr. Saunders addressed; he said they would require six desks. Councilwoman Cook said during conversations with employees in the parks department that they had expressed little use of the break room in the public works building. Mr. Saunders described the uses for that room. Councilwoman Cook said when visiting employees she asked if it would impact them to use that building as overflow for public use; she wondered if there was a better use for that space. Mr. Saunders noted the layout of the building and that it may not be efficient for public use. The Council discussed the uses of the new City Hall and if there was a need for more space that the public could utilize. Mr. Saunders discussed the older city hall and plans to update that building which would make it available for more use. Councilwoman Cook asked if maintenance of the building had been addressed. Mr. Saunders said the building was being cleaned every Saturday and they would like to have the carpets cleaned. Councilwoman Cook asked about anticipated signage. Mr. Saunders said it would be sighted as "Nibley City Public Works."

### **Annual Fire Department Report – Chief Cardell Nielsen**

Chief Cardell Nielsen and Battalion Chief, Dave Roberts were present at the meeting. Chief Nielsen said the Hyrum Fire department had 57 calls and had provided 474 hours of many power to Nibley in the last year. Chief Nielsen said they had a lot of groups come to the station for tours and that they taught them about fire safety. He felt this had done a lot of good and that they didn't have near the calls they used to. He said the department provided protection for Hyrum, Nibley, and Millville and had automatic aid to Wellsville, Paradise, Avon, Logan, and Cache County. Mr. Roberts distributed a print out of the calls made to Nibley to city staff and the Council. Chief Nielsen talked about the costs per firefighter and the equipment costs and said they felt that the value of the fire services was a great deal for each community.

Councilman Mickelson asked about logging time for Nibley and noted a logged call that was in the County. Chief Nielsen addressed this and said they didn't really care where they were called out. Councilman Mickelson asked if there were things they would like them to send on to the citizens. Chief Nielsen said he would like to put out a call for

applicants and asked to include that in the city newsletter. Mr. Roberts said he would like to see a reminder about changing the batteries in smoke and CO<sup>2</sup> detectors every fall and spring with the time change. The Council expressed their appreciation of the fire department.

### **Review of 250 West Neighborhood Park Plan – Lowell Johnson**

Mr. Lowell Johnson was present at the meeting. Mr. Johnson distributed two pictures of the current park site to Mr. Zook and the Council. Mr. Johnson said after the city had purchased the park land he had proposed putting in a neighborhood park with volunteer labor. He said they had a lot of enthusiasm for the project and many labor hours had been contributed. They were at the point they needed to move ahead and they would need approval for the plan. Mr. Johnson displayed a drawing and described the proposed plan for the park. Mr. Johnson described the volunteer projects they already had in place but said they would need the materials to be paid for. They would also like help buying the parts for the sprinkler system which would be put in with volunteer labor. He said they would need a point of contact within the city that would be able to assist them as they assigned projects out to various volunteer groups. Mr. Johnson said they suggested putting flowering trees and bushes to give some color personality to the park; he said scout groups intended to go to the neighborhoods and suggest foliage that they could contribute. Mayor Knight said that Rod Elwood, the city Parks Director, would be their contact in the city. Mayor Knight said that \$7,000 had been set aside in the budget to cover this park. Mr. Johnson and Councilman Hansen discussed a play area in the park; its placement, color, and financing. Councilwoman Cook asked if Mr. Johnson knew how far the budgeted money would go. Mr. Johnson said in discussions with city staff they thought that it would cover the cement, mow strip, and sprinklers. Councilman Mickelson encouraged him to come back with future needs as this was an enhancement to the city. Councilman Platt said a lot of people had expressed interest in a playground and he was glad to hear it was planned. Councilman Jacobsen said it was a great project and a model of volunteerism. Mr. Johnson said that what the city and county had on file and the pegs in the ground did not match up and needed to be addressed. Mr. Saunders said he would look into the discrepancy.

### **Consideration of Inter-local Agreement with Mendon City for Justice Court Services**

Mr. Zook said Medon city's mayor approached Mayor Knight about an agreement. Mendon had been partnering with Wellsville and both had mutually agreed to discontinue the partnership. Mr. Zook said they had reviewed proposal and had legal counsel draft an agreement. Both cities would split, 50/50, the net proceeds after fines and expenses. Mr. Zook said this would increase Nibley's case load by about 10%. The current Nibley case load brought in approximately \$60,000 in revenue each year and it was anticipated they would receive approximately \$3,000 additional revenue from this assignment and that the additional case load would be manageable. Councilman Mickelson asked for information about the split from Wellsville. Mr. Zook said it had been represented to him that there was a disagreement about the record keeping that Wellsville was providing for Mendon and also a disagreement about the revenue split. It was also represented that there was no written agreement between the two entities. He noted that they had a clear agreement

ready to put in place. Mr. Zook said the direct cost associated with prosecuting the cases would be paid by Mendon City and would not be deducted from the revenue received. Councilman Mickelson said in discussion with one of the Mendon Council members, that member was very much in favor of the agreement but wondered if it was a Council decision. Mayor Knight said it was not. They were anxious to do this but wanted to let Nibley act first. Councilman Jacobsen asked Judge Stevens for his comments. Judge Stevens said his only concern was if they had a defendant on the Mendon side that required a jury trial and who would finance that. He said he assumed from discussion that Mendon would pay for those instances.

Mr. Zook directed the council to an additional version of the agreement. He said he had sections clarified that addressed that the additional direct cost would be taken care of by Mendon City. Councilman Mickelson asked if they had seen the changes. Mr. Zook said they had; they received them last week. Nancy Jabbs said she saw this as ten additional citations per month and did not see that as too much additional work load. Councilman Platt asked about the additional distance from Nibley to Mendon versus Wellsville to Mendon. Judge Stevens and Mr. Zook addressed this.

Ms. Phippen left to draw up a resolution to adopt the agreement.

#### **Consideration of Resolution 12-06: A Resolution Appointing David Zook as Nibley City Recorder**

Mayor Knight read Resolution 12-06.

Councilman Jacobsen made a motion to approve Resolution 12-06, Appointing David Zook as Nibley City Recorder. Councilman Hansen seconded the motion.

Corlyss Drinkard asked for the practical consequences of the action which the Mayor addressed.

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

#### **Appointments to the Nibley City Beautification Board**

Mayor Knight said the ordinance called for a City Council member, a Planning & Zoning Commission member, a resident trained in landscape horticulture or similar, and two residents at large, and an exo ficio member, who was the City Planner. Mayor Knight said he wanted to appoint Bryan Hansen from the City Council, Mark Lawver from the Planning & Zoning Commission, a resident trained in landscape horticulture or similar, Karl Wildrick, and Ruth Christensen and Barbara Wilden as citizens-at-large. Mayor Knight gave his reasons for these suggested appointments.

Councilman Jacobsen made a motion to provide consent for Bryan Hansen, Mark Lawver, Karl Wildrick, Ruth Christensen, and Barbara Wilden to the Nibley City Beautification Board. Councilman Mickelson seconded the motion.

Corlyss Drinkard asked if they had attained legal counsel on the application of the Ethics Act to the volunteers who were only residents and who were not already covered by the act. Mayor Knight said he had not. Ms. Drinkard said this would be information they should know before accepting the appointment. She thought by appointing them, they were made subject to the act. Mayor Knight said this board acted as an advisory committee or board and did not authorize expenditure of funds or set policy. Ms. Drinkard said the Ethics Act made no distinction she was aware of and requested that they get an opinion from the city attorney.

Councilman Platt asked if there would be correlation between the Tree Board and the Beautification Board. Mayor Knight said the City Planner was a member of each board and so there would be that connection.

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

Ms. Phippen distributed Resolution 12-08, which approved the inter-local agreement between Mendon City and Nibley City for justice court services. Mayor Knight read Resolution 12-08.

Councilman Hansen made a motion to approve Resolution 12-08, approving the inter-local agreement for justice court services between Nibley city and Mendon city. Councilwoman Cook seconded the motion.

Councilman Platt asked about the period of obligation the agreement set. Mayor Knight addressed this by reading from the agreement. Councilman Platt asked for Mr. Zook's opinion of the agreement. Mr. Zook said it was feasible and reasonable. He thought city staff could handle the additional case load and it looked like they would earn a little money by doing so.

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

#### **Consideration of Ordinance 12- 05: An Ordinance Amending the Purchasing Policy for Nibley City. (Second Reading)**

Mayor Knight noted the copy the Council had was with the changes that had been recommended two week previous. Councilman Mickelson clarified that they had gone from a purchase maximum of \$25,000 to \$20,000. Councilman Jacobsen said he thought his specific proposal was to strike from paragraph D "and professional or contractual services" and not "approved by City Council" and he believed their copy had struck "approved by City Council". Councilman Jacobsen addressed section B which city staff considered may have been a typo.

Mr. Zook addressed the differences the change from \$25,000 to \$20,000 would make. Mr. Zook said gave three examples of when staff was able to make purchases quickly and saved money or avoided further, costly problems. Mr. Zook reviewed data on

neighboring city's purchasing numbers and said that \$25,000 seemed to be the average for cities approximately Nibley's size.

Councilman Jacobsen made a motion to adopt Ordinance 12-05. Councilman Mickelson seconded the motion.

Councilman Jacobsen made a motion to amend paragraph B to read "Purchases of equipment, materials, supplies, and services exceeding twenty five thousand dollars (\$25,000) shall be opened for competitive bidding and the award made by the City Council. Inclusion of a specific item or service in an adopted budget shall be considered as approved the Council, but such inclusion shall not remove the requirement to competitively bid that item or service." Councilman Mickelson seconded the motion.

Councilman Jacobsen said this would help budget items get sufficient attention and opportunity for competitive bidders. Councilman Mickelson said he also felt this would alleviate some of the problem they ran into that brought this to their attention. Mr. Zook said he thought the idea or clarifying that staff needed to do a competitive bid was good and said he was for the amendment.

Ms. Drinkard asked if this would have an impact on changes to existing contracts. Mayor Knight said his interpretation was that it would not. Mr. Zook said his practice would be to require additional City Council approval because it would be beyond the threshold and Councilman Jacobsen suggested that this would be moving forward which Mr. Zook agreed with.

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

Councilman Jacobsen made a motion to amend paragraph D of Ordinance 12-05 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, and authorized monthly travel expenses approved by the City Council. Purchase of ongoing professional services, including those of the city attorney, the city engineer, bond council, and the city financial advisor are exempted from bidding requirements so long as the City Council authorizes a contract for such services on the biennial basis." Councilman Mickelson seconded the motion.

The City Council discussed the benefit of continuity of services to the city and how the proposed amendment affected that continuity. Councilman Mickelson noted that this addressed that relationship every two years. Mr. Zook clarified his interpretation of the amendment and said he would support a contract with those individuals and agreed that it would be cumbersome if they had to have a competitive bid every time they used their

services. Mr. Saunders suggested with their budget system that they could refer back to the contracts during the biennial review.

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

Councilman Jacobsen made a motion to amend to strike paragraph C. Councilman Mickelson seconded the motion.

Mr. Zook said he did not see a problem leaving C in because the only way to waive something was by City Council approval. It gave the City Council the latitude to do that without amending the entire purchasing policy. The only way they could implement that paragraph was if the Council approved it. Mayor Knight said paragraph C would allow them to call a special session and get a waiver from the Council to put something out for competitive bid. Councilman Jacobsen said he struggled to define what was “in the best interest of the city”. Councilman Hansen said he did not see an instance where the Council would say they wanted to pay an exorbitant amount to someone. Corlyss Drinkard suggested if they kept paragraph C in, they should have a requirement to document the rationale so that people know why it was done. Councilman Jacobsen said that was a good compromise; they had similar verbiage in other sections, including documentation on why they did not accept the lowest bid.

Councilman Jacobsen made a substitute motion to amend; to include at the end of section C, “so long as justification for waiving the bid requirement is specified and made public.” Councilman Platt seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Platt, Councilman Mickelson, Councilman Hansen, and Councilwoman Cook all in favor.

Councilman Jacobsen made a motion to amend section I from \$20,000 to \$25,000. Councilman Hansen seconded the motion. The motion passed 3-2; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson in favor. Councilman Platt and Councilwoman Cook were opposed.

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

Corlyss Drinkard requested the Mayor get legal counsel on the application of the Ethics Act to the quasi-governmental city employees including the city attorney, city engineer,

Councilman Hansen left at 8:37. Councilman Hansen returned at 8:39.

### **Appointment of new Justice Court Judge**

Mayor Knight said they were obligated by the AOC (Administrative Office of Courts) to follow certain procedure in the appointment of a justice court judge. Mayor Knight described the procedural requirements process. Mayor Knight described the process he

went through to determine his selection and gave the names of the candidates to the Council and public present: Trevor Cook, Wayne Cooper, Dustin Erickson, Daniel King, & Paul Larsen.

Mayor Knight reviewed the credentials and background of the candidate he wanted to appoint said he wanted to appoint Trevor Lane Cook as Nibley's Justice Court Judge and presented him to the City Council and public present. Mr. Cook expressed that he looked forward to being a judge for Nibley City and representing what the city wanted.

Councilman Mickelson made a motion to approve Resolution 12-07, approving Trevor Cook as Justice Court Judge. 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.

### **Council and Staff Reports, including report on Utah League of Cities and Towns Midyear Conference**

Mr. Zook updated the Council on his first few weeks as City Manager. He said he was enjoying his experience so far. Mr. Zook said he attended the Utah City Manager Association Conference and summarized his experiences at the conference.

Councilman Mickelson from the League conference he appreciated learning what other cities have done.

Councilman Platt said the League meeting was a good experience.

Councilwoman Cook reported on the city Easter Egg Hunt. She said they needed to have more eggs.

Councilwoman Cook discussed the Meadow View subdivision entrance with Mayor Knight.

Councilman Hansen gave some information to the City Council about Nibley's sister City, Nibley, England. He said the Sister City U.K. Club was looking at building on the Scarecrow Festival here in Nibley on September 7-8. They were proposing a "Get a Brain" Read-A-Thon between the three Nibley elementary schools and competing for who could read the most pages over a two-week period. The winning school would be given an award during the first day of the scarecrow festival. Councilman Hansen said they anticipated holding the scarecrow festival at the Morgan Farm in the community garden area. He said the planned theme for the year was children's books.

Councilman Hansen said they had received a \$5,000 grant for the community garden and had a plan for the entrance to the garden.

Councilman Jacobsen discussed sponsoring a photo essay contest when the city found its new website administrator.

Councilman Jacobsen said he was disappointed in the Utah League of Cities and Towns Midyear Conference for not having enough “nuts and bolts”. Councilman Jacobsen said he thought they should have a Facebook and Twitter presence for emergency situations.

Mayor Knight said Nibley was officially a Tree City USA and had a sign and a plaque to show the City Council. He said 80 cities in the state of Utah had Tree City USA status with five new this year, one of which was Nibley. Mayor Knight said you had to apply every year to be a Tree City.

Mayor Knight said he learned at the Utah League conference that you needed to sell your city. He said he learned that you needed to use the media to your benefit. Ms. Phippen summarized iWorks which she said was now available on the city website.

The meeting was adjourned at 9:50 p.m.