

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, June 21, 2012.

The following actions were made during the meeting:

Councilman Mickelson motioned to accept the location for the well site and that the rest of the schematic plan, including the recycle site drop off, be revisited at the next City Council meeting. Councilman Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilman Mickelson, Councilman Jacobsen, and Councilwoman Cook all in favor.

Councilman Jacobsen motioned to approve Resolution 12-10, adopting and amending the annual budget for July 1, 2012 to June 30, 2012 for the various funds of Nibley City. Councilman Mickelson seconded the motion. Councilman Jacobsen voted in favor of the motion, Councilwoman Cook voted in favor, and Councilman Mickelson voted in favor. The motion passed unanimously 3-0.

Councilman Jacobsen motioned to adopt Resolution 12-11, adopting the budget for various funds of Nibley City and other budgetary matters for the fiscal year 2012-13. Councilman Mickelson seconded the motion.

Councilman Mickelson motioned to amend line 10-62-322, Recycle site upgrades of \$13,000; line 10-70-630, Neighborhood parks, \$7,000 and re-appropriating \$20,000 in ledger account 10-38-890 as a revenue transfer to funds 10-62-322, recycle site upgrades, \$13,000; 10-70-630, neighborhood parks, \$7,000. Councilman Jacobsen seconded the motion. Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor.

Councilman Mickelson motioned to amend the budget line item 10-75-650, to \$0. Councilman Jacobsen seconded the motion. The motion passed 3-0. Councilman Jacobsen was in favor, Councilwoman Cook was in favor, and Councilman Mickelson was in favor.

Councilman Jacobsen motioned to amend to reduced line 10-31-110, future year budget property tax, by \$10,000. Councilman Mickelson seconded the motion. Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor. The motion passed 3-0.

Councilwoman Cook motioned to amend line item 56-40-755 to \$0 and to amend the corresponding line items accordingly. Councilman Jacobsen seconded the motion. Councilwoman Cook was in favor of the motion, Councilman Jacobsen was opposed, and Councilman Mickelson was opposed. The amendment failed 1-2.

Councilman Jacobsen motioned to amend line item 10-31-130, sales tax revenue, from \$470,000 to \$475,000. Councilman Mickelson seconded the motion. Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor. The amendment passed 3-0.

Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor. The amended motion passed 3-0.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Call to Order

Mayor Gerald Knight called the Thursday, June 21, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilwoman Carrie Cook. Mr. David Zook, the City Manager, and Diane Marvin, with city staff, were also in attendance.

Approval of agenda and 6-7-2012 minutes

Councilman Hansen made a motion to approve the evening's agenda and the previous meeting minutes. Councilman Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilman Hansen, Councilman Jacobsen, and Councilwoman Cook all in favor.

A Proclamation establishing June 23, 2012 as Arbor Day in Nibley City

Mayor Knight read the Arbor Day proclamation to the City Council and public present.

Consideration of Resolution 12-12—a Resolution authorizing \$850,000 Water Revenue and Refunding Bonds, SERIES 2012, for water system improvements and refunding the city's outstanding water revenue bonds, SERIES 1981 and SERIES 2002; and related matters (first reading)

Mr. Marc Edminster was present at the meeting. He said this was the culmination of the bonding process that had been going on for several months and was started with the parameters resolution. They solicited bids to purchase the bond and came back with an extremely good offer with a rate of 1.75% which was a substantial reduction of the current interest rates. Part of the bond would be applied to refinancing the current existing water bonds and the remaining bond would be for the new city well. Mr. Edminster noted a legality that had not been observed regarding state bond law and said they would be taking action on this item tomorrow night at a special meeting after the item had been noticed for 24 hours. The bond resolution will enable them to close the transaction with Key Bank.

Paul Rew asked if there was a reason they didn't have a one-time spending fund for items such as the well. Mayor Knight explained that the well would serve future residents and if they saved for it then current residents would pay for the future resident's well; it didn't saddle the current residents with that debt.

Randy Feser asked about the term of the bond and when the well would be done. He also asked about the location of the well which Mayor Knight addressed. Mr. Feser said he was concerned with how that land would be developed. He said he was led to believe it would be a park. Mayor Knight said that had not been decided;

Discussion of well and recycling site location

Mr. Zook displayed a concept plan for the new city well and recycle site to the City Council and public present showing potential uses of the site where the well would be constructed. He said they had decided that the well would be in this area. He discussed the realigning of 1200 west and noted the proposed location for the well.

Councilman Mickelson arrived at 6:46.

Mr. Zook discussed the wetland area and the location of trails. Mr. Zook said he was seeking approval of the overall concept and the well area. Mr. Zook discussed the location for the recycle site. He said he had observed that the current green waste site and that it was not always pretty and thought that keeping it next to the city hall was not a good match. He discussed putting it in an area that was shielded behind a hill or with trees or landscape. He proposed putting a parking area that would allow resident access and also access for pick up of the recycle containers. Councilman Mickelson said he believed there were restrictions on well head protection and the proposed location of the recycle facility. Mr. Zook said the city engineer was aware of those restrictions and said the concept layout would be fine.

Councilman Hansen was excused at 6:52.

Councilman Jacobsen asked if the mitigated wetland was functioning as designed which was addressed by Mayor Knight. Councilman Jacobsen said if it was to be a mitigated wetland area then they should make sure it stayed and functioned as a wetland area. He suggested they needed to get a specialist to delineate what was wetland. Mr. Zook discussed using the well, which would occasionally purge and release a great quantity of water, and was investigating if it would be appropriate to pipe it into the wetland and to help it.

Mayor Knight discussed the history of the recycle site location. Councilwoman Cook said the 1200 West location held some concerns for her. She said a lot more than just their Nibley citizens would use the recycle bins in those locations; it could be abused and was further away from city workers so they may not be able to maintain it as well. Mr. Zook said the new location would be closer to Hyrum but would be further away for most Hyrum residents than their Hyrum location. Councilwoman Cook said if they were not going to develop the land the city owned then it should be sold off for the price they got it for. She did not want to see the city in the development business. Mr. Zook said they had already investigated selling off the land and he believed they were required by law, to sell it at current market rate. He said selling some of the land would be a way to make some of the proposed improvements in the area. Councilman Jacobsen said he would go as far

as to say they should not be the sub-dividers. He liked drawing a clear line between the private and public sector. Councilman Jacobsen agreed that they would most likely get more contamination if the recycle site at 1200 west and asked how the current camera and enforcement worked. Mr. Zook addressed his question.

Mr. Feser said he didn't agree with moving the "problem" which was already here at the city hall down to the other location. He also agreed that it would be used by Hyrum. He discussed issues with contamination with the wetlands and the higher speed limit at 1200 west. Mr. Feser said he was told the money Nibley City spent to buy that property would be used for a park. He said if they were not going to use it for a park that he would insist on the opportunity for people to buy it back and keep it non-residential; the land was not bought to make money on it.

Corlyss Drinkard asked about access to the recycle site and about the location of the parking lot that appeared hidden from the road. Mayor Knight addressed her questions.

Mr. Feser asked how often the city employees had to come up and clean the recycle site. Mr. Zook said the city cleaned the site up a couple times a week. Mr. Zook said they would continue to police the new area and clean it up. Mr. Feser said he expected the policing would double in the 1200 W area. Councilman Mickelson said if they looked at a long-term plan then it made little sense to keep the site by the city hall and on 1200 the location would last for a longer period of time. He said he envisioned other things happening by the city hall. Mr. Zook said he also envisioned and anticipated other things happening at the city hall site; this was the beginnings of a civic center.

Councilman Mickelson made a motion to accept the location for the well site and that the rest of the schematic plan, including the recycle site drop off, be revisited at the next City Council meeting. Councilman Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilman Mickelson, Councilman Jacobsen, and Councilwoman Cook all in favor.

Consideration of Resolution 12-10—a Resolution amending the annual budget for July 1, 2011 to June 30, 2012 for the various funds of Nibley City (second reading)
Mayor Knight read Resolution 12-10 to the City Council and public present.

Councilman Jacobsen made a motion to approve Resolution 12-10, adopting and amending the annual budget for July 1, 2012 to June 30, 2012 for the various funds of Nibley City. Councilman Mickelson seconded the motion.

Councilman Jacobsen clarified the copy of the budget they were approving. Councilman Jacobsen said he was impressed with how well the projections lined up with the actual numbers.

Councilman Jacobsen voted in favor of the motion, Councilwoman Cook voted in favor, and Councilman Mickelson voted in favor. The motion passed unanimously 3-0.

Discussion and consideration of Resolution 12-11—a Resolution adopting the budget for various funds of Nibley City and other budgetary matters for 2012-13 (second reading)

Councilman Jacobsen made a motion to adopt Resolution 12-11, adopting the budget for various funds of Nibley City and other budgetary matters for the fiscal year 2012-13. Councilman Mickelson seconded the motion.

Mr. Zook said these budget items were approved in the February adjustment of the budget and the items will not be finished and paid for by the end of this fiscal budget year, so they were asking that they be moved to the next year's budget. Mr. Zook noted the changes that needed to be made and asked the Council to amend the motion to include the following changes: line 10-62-322, Recycle site upgrades of \$13,000; line 10-70-630, Neighborhood parks, \$7,000. This would include re-appropriating \$20,000 in ledger account 10-38-890 as a revenue transfer and then rebudgeting the respective amounts as expenditures in the same accounts where the funds originated: 10-62-322, recycle site upgrades, \$13,000; 10-70-630, neighborhood parks, \$7,000.

Councilman Mickelson made a motion to amend line 10-62-322, Recycle site upgrades of \$13,000; line 10-70-630, Neighborhood parks, \$7,000 and re-appropriating \$20,000 in ledger account 10-38-890 as a revenue transfer to funds 10-62-322, recycle site upgrades, \$13,000; 10-70-630, neighborhood parks, \$7,000. Councilman Jacobsen seconded the motion. Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor.

Mayor Knight addressed some questions posed by Councilman Platt via email regarding the Hyrum Senior Center. He said he felt they needed a contract in place before appropriating the money.

Councilman Mickelson made a motion to amend the budget line item 10-75-650, to \$0. Councilman Jacobsen seconded the motion. The motion passed 3-0. Councilman Jacobsen was in favor, Councilwoman Cook was in favor, and Councilman Mickelson was in favor.

Councilman Mickelson asked if it had been set up to bill developers for the sidewalks that had been built by the city. Mr. Zook and city staff addressed his questions. Councilman Mickelson said he felt that was important to have that in place before they built those sidewalks and thought they could include a note on the plat. Councilman Jacobsen felt they should have a discussion with the current landowner. Councilwoman Cook asked about putting the sidewalk in at the right elevation for future development. Mayor Knight said they had a standard that the sidewalk should be set to.

Councilman Jacobsen began a discussion on property taxes. Councilman Jacobsen said he felt a neutral tax was one where they did not change the rate at which property is taxed. He noted Nibley's consistent rate of .001667% property tax assessed on residential land in Nibley and said it was a good rate. He said this year they had an anomaly in that the County Assessor had typically assessed property at approximately 5% less, which if they

assessed the same property tax rate, they would be collecting less absolute dollars in the form of property tax. Councilman Jacobsen said he believed that consistency may be more important than being right or wrong in this case.

Councilman Jacobsen made a motion to amend to reduced line 10-31-110, future year budget property tax, by \$10,000. Councilman Mickelson seconded the motion.

Councilman Mickelson said this was a great thing and said if their values were lower it was probably tied to the economic situation of Nibley's citizens and if it was tied to that it was a way to not react but adjust their opportunity to look at that economic situation. Mayor Knight said that consistency was a strong argument. Mayor Knight said they had made that property tax adjustment every other year, in off election years, and they may recommend for consistency sake, to make that adjustment every year and that they may bring that before the Council in the next budget year. Councilman Jacobsen said he would anticipate \$5,000 more in sales tax to offset the deduction in property tax.

Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor. The motion passed 3-0.

Councilwoman Cook wanted to address the proposed \$800,000 (56-40-755) for the regional park purchase and asked which areas that money was being taken from. Mrs. Marvin said \$527,000 (56-37-691) was a loan taken from the sewer impact fund and a \$263,000 transfer from the park development fund. Mrs. Marvin said they could borrow from that fund but would have to pay interest on it. Mr. Feser asked if there was \$500,000 surplus in the sewer department. Mayor Knight said there was from impact fees. Mr. Feser asked why they weren't evaluating passing some of the savings to the citizen. Mayor Knight said they could not do that with impact fees. Mayor Knight described impact fees and their uses and the ways they can be used to the public present.

Councilwoman Cook made a motion to amend line item 56-40-755 to \$0 and to amend the corresponding line items accordingly. Councilman Jacobsen seconded the motion.

Councilman Jacobsen said zeroing that line did more than remove the loan from the sewer impact fund and described the other areas affected. He said he understood Councilwoman Cook's concern about whether they adopted the right parks plan and that in order to undo that decision they should follow the process by revisiting the parks plan and modifying the parks plan before they cut the funding to the parks plan they had already adopted.

Councilwoman Cook was in favor of the motion, Councilman Jacobsen was opposed, and Councilman Mickelson was opposed. The amendment failed 1-2.

Corlyss Drinkard asked for identification of the line item with the consulting contract for Larry Anhder and how much it represented. Mr. Zook said it was Administrative salaries, line item 10-43-110, and he anticipated it was approximately \$4,800 of that amount. Ms. Drinkard said she was opposed to spending any money on that contract. Mr. Zook said he

believed what they were receiving a good value. He was meeting with Mr. Anhder approximately once a week which he found very helpful. Mr. Feser stated his opinion of the continued relationship with Mr. Anhder. Councilman Jacobsen, Councilwoman Cook, and Councilman Mickelson all stated their standing on the issue. Mayor Knight said Mr. Anhder may have made mistakes and forgotten things simply because he was human and made mistakes. He said he was a good man and had done good things for the city.

Councilman Jacobsen made a motion to amend line item 10-31-130, sales tax revenue, from \$470,000 to \$475,000. Councilman Mickelson seconded the motion. Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor. The amendment passed 3-0.

Councilman Jacobsen was in favor of the motion, Councilwoman Cook was in favor, and Councilman Mickelson was in favor. The amended motion passed 3-0.

Council and Staff Reports

Councilman Hansen returned at 8:45.

Mr. Zook reminded the City Council of the meeting schedule for July. The next City Council meeting would be held July 26th. Councilman Mickelson said he could not be present for that meeting.

Mr. Zook discussed an item in the budget for a first-responders vehicle. Mr. Zook said the first-responders had applied for a grant, which they had received, and acquired an ambulance which they had already started using. The County EMS authority was donating the ambulance.

Mr. Zook updated the Council on Heritage Days.

Mr. Zook said the 3200 road project was now done.

Mr. Zook updated the City Council on the electronic road signs and said they did have data to report.

Mr. Zook said their IT contractor, Theron Communications, had been hired and was fixing and improving many issues. Mr. Zook said they had hired a separate contractor for web administration. They selected a gentleman that did Logan City's website.

Mr. Zook updated the Council on the WeatherShield property.

Councilman Mickelson said the "10,000 Garden" project was online and requested a link to it be added to the city website.

Councilman Hansen thought they should take a look at the website and create a wish list. He was not sure they should build it exactly as it was. Mr. Zook discussed that it would be expanded and improved.

Councilman Hansen said 30 of the 40 plots had been planted at the community garden and he anticipated a lot of those would be participating in the Scarecrow Festival. Councilman Hansen said the Art Festival was a great addition to Heritage Days.

Councilman Jacobsen discussed an Economic Development Plan and reported on RAGNAR.

Mayor Knight thanked Mr. Zook for the slideshow and his interest in Heritage Days. He reported on the Art Show. Mayor Knight discussed the Tree Board booth for the carnival at Heritage Days.

Mr. Zook informed the Council that anything east of Hollow Road and all of unincorporated area was prohibited from fireworks.

The meeting was adjourned at 9:29 p.m.