

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

The following actions were made during the meeting:

Councilman Mickelson motioned to approve the final plat of Phase 5 of Sunrise Meadows; three lots located at approximately 1100 West 2600 South. Councilwoman Cook seconded the motion. The vote on the motion was as follows; Councilman Mickelson was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, Councilman Platt was in favor, and Councilman Jacobsen abstained from the vote as a remote member. The motion passed 4-0.

Councilman Mickelson motioned to approve Laura Coleman as Nibley appointment to the Hyrum Library board. Councilman Hansen seconded the motion. Councilman Mickelson was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, and Councilman Platt was in favor. Councilman Jacobsen abstained from the vote as a remote attendee. The motion passed 4-0.

Councilman Hansen motioned to approve the individuals selected for the Economic Development committee. Councilwoman Cook seconded the motion. The vote on the motion was as follows; Councilman Hansen was in favor, Councilwoman Cook abstained, Councilman Mickelson was in favor, Councilman Platt was in favor, and Councilman Jacobsen abstained from the vote because of remote attendance. The motion passed 3-0.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, July 19, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilman Thayne Mickelson, Councilwoman Carrie Cook, and Councilman Bryan Hansen. Councilman Shawn Platt was participating via audio conference. Mr. David Zook, the City Manager, and the City Planner, were also in attendance.

Call to order; approval of agenda; and approval of the June 21 and June 22 minutes
Councilwoman Cook made a motion to approve the June 22, 2012 minutes and the June 21, 2012 minutes including her proposed corrections and to approve the evening's agenda. Councilman Hansen seconded the motion. The motion passed unanimously 3-0; with Councilman Mickelson, Councilwoman Cook, and Councilman Hansen all in favor.

Report on Nibley Heritage Days

Mrs. Rachel Haycock was not able to be present at the meeting. Diane Marvin, who also assisted extensively with Heritage Days, was present for the report and discussion. Mrs. Marvin reported on the children's bike parade; the baby pageant; the three on three basketball tournament; the picnic in the park; the performance by Kirby Heyborne;

sidewalk chalk art; the children's theatre—Councilman Hansen, Mrs. Marvin, and Mr. Zook discussed an issue with receiving money to buy supplies; the Mayor's dinner—there was specific discussion relating to Council members needing to have a food handlers permit and if that was a necessity; the fun run/walk—with specific discussion on timing; the parade; and the carnival.

Councilman Larry Jacobsen began participating via Skype at 6:46.

Mrs. Marvin discussed some of the food vendors at the carnival and then reported on the movie in the park. Mrs. Marvin reported that they came in on budget. She then reported on the art show with the only complaint being that it wasn't advertised.

Councilman Hansen asked if Mrs. Haycock was planning to stay for next year. Mrs. Marvin related that Mrs. Haycock she would be willing to stay if she could work with Diane. Councilman Hansen said he felt everyone enjoyed having a contact at the city. Mayor Knight thanked Mrs. Marvin for her report and hard work.

Final Plat—discussion and consideration of the final plat for Phase 5 of Sunrise Meadows; three lots located at approximately 1100 West 2600 South

The applicant, Mr. Sherwood Hirschi was present at the meeting. The City Planner said was the next phase of Sunrise Meadows subdivision. It was a small phase, just three lots. She said the phase was across the street from the most recent Neighborhood Non-Profit subdivision and was between 10th and 11th west. The City Planner said it had been reviewed by an outside engineer who had a slight concern with the size of a sewer service but that had been resolved. The City Planner said there was a matter of reimbursing the city for road improvements that had been made. The City Planner said the Planning & Zoning Commission had recommended approval of the plat.

Councilman Mickelson made a motion to approve the final plat of Phase 5 of Sunrise Meadows; three lots located at approximately 1100 West 2600 South. Councilwoman Cook seconded the motion.

Councilman Jacobsen said this seemed like an incredibly small phase and asked if it was consistent with the phasing plan that was presented. The City Planner said the preliminary plan came before her employment with the city and was not sure if there was a phasing plan. Mr. Hirschi said this was consistent with what they had in mind. He said there should be nine lots in the next phase. Councilman Jacobsen asked if the utilities, including storm water, were in place for the three lots. The City Planner and Mr. Hirschi said they were. Councilwoman Cook asked if the developer knew the amount due for the half road. The City Planner said they did. Councilwoman Cook commented that she liked the idea of getting connecting roads done prior to doing the cul-de-sac.

The vote on the motion was as follows; Councilman Mickelson was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, Councilman Platt was in favor, and Councilman Jacobsen abstained from the vote as a remote member. The motion passed 4-0.

Discussion and consideration of the appointment of a Nibley representative to the Hyrum Library board

Mayor Knight noted that Kathy Miller had been serving in this capacity for the last four years. Mayor Knight said he would like to appoint Laura Coleman and gave background information on Mrs. Coleman. He said she was excited and anxious to help out and asked for the Council consent.

Councilman Mickelson made a motion to approve Laura Coleman as Nibley appointment to the Hyrum Library board. Councilman Hansen seconded the motion. Councilman Mickelson was in favor, Councilwoman Cook was in favor, Councilman Hansen was in favor, and Councilman Platt was in favor. Councilman Jacobsen abstained from the vote and a remote attendee. The motion passed 4-0.

Discussion and consideration of appointment to the Economic Development Committee

Mayor Knight gave his recommended appointments to the Economic Development Committee who would also assist on the impact fee committee. They were Shari Phippen, a member of city staff; Mr. Zook, a member of staff; Mayor Gerald Knight; Councilwoman Carrie Cook, a Council representative; and Commissioner Wayne Anderson, a Planning & Zoning Commission representative.

Mayor Knight said it was anticipated that the advisory committee would have a plan by the beginning of September. There was a kick-off meeting for residents on July 31st from 7:00-9:00 p.m.

Councilman Mickelson thought it would be valuable to have someone involved in the business community on the committee and recommended Bruce Rigby. Mayor Knight said as part of the process there would be specific invitations sent to businesses in Nibley City's boundaries and specific residents involved in the business committee. Councilman Mickelson asked about aspects of the committee that would not be covered with the recommended members of the committee. Councilman Mickelson and Mayor Knight discussed committing members of the business community to help with the visioning process. Councilman Mickelson advised that they also study home based businesses.

Councilman Hansen made a motion to approve the individuals selected for the Economic Development committee. Councilwoman Cook seconded the motion.

Councilman Jacobsen asked for the scope of work and deliverables associated with this committee. Mr. Zook said the primary purpose of the committee was to support the consultant with information and directing them with information that was specific to the city that they may not be familiar with. Councilman Jacobsen asked if they would have an economic development plan as the result of this activity. Mayor Knight said the consultant's stated deliverables were final presentation of findings to the City Council and final economic strategic plan report with electronic and hard copies. Mayor Knight said the fee was not to exceed \$5,000 for the economic plan. Mr. Zook corrected that it

was actually \$8,000. Councilman Mickelson asked if there would be comparables with other city's as far as demographics, size, growth, and patterns. Mr. Zook reviewed the analysis that would take place under the economic development plan. Councilman Hansen asked if they would address specific business areas in the city. Mayor Knight said they would. Councilwoman Cook suggested the Council receive a copy of the contract with the consultant.

The vote on the motion was as follows; Councilman Hansen was in favor, Councilwoman Cook abstained, Councilman Mickelson was in favor, Councilman Platt was in favor, and Councilman Jacobsen abstained from the vote because of remote attendance. The motion passed 3-0.

Discussion and consideration of a cell phone policy

Mr. Zook said it was communicated to him that city staff thought their policy was inefficient. He said under their current practice they had secured provider and had purchased phone which they issued to individuals. Mr. Zook said he would propose that individuals use their own phone and not carry two phones while at work and instigate a reimbursement plan. He proposed they have a policy in which they determine those who need to have a phone to conduct the duties of the city receive an allowance to subsidize a portion of their personal cell phone bill. Mr. Zook said they did survey other polices around the state and they were proposing a \$30/month reimbursement for low use and a \$60/month reimbursement for high use which comparably was in the middle when compared to the other policies they had surveyed. The employees would sign an agreement which clarified the duties of the city and the person. This would relieve staff from having to deal with all the technical issues of providing equipment, accessories, maintenance, replacements, insurance, paying bills, voice and data charges, etc. and they saved the city about \$1,000/year not counting administrative and labor costs.

Councilman Mickelson asked if public works had walkie-talkies they also carried. Mr. Zook said they have a few phones with that capacity but they were not being used. Councilman Mickelson asked how seasonal employees were compensated. Mr. Zook said they were most likely using their personal cell phone and were not provided a phone. Councilman Hansen asked about an emergency situation when cell towers might go down and asked if they had a back up for communication. Mayor Knight said then they would use radios. Councilman Mickelson asked how they would determine a high and low use employee. Mr. Zook said that was left to his determination and after his initial review he had only determined Bill Saunders as a high use employee in the public works department. He may determine, down the road, that they would need to upgrade their technology.

Councilman Mickelson and Councilman Platt thought the policy should be adopted through a Resolution. Mayor Knight said they would treat this as a first reading and would not expect action. Councilman Mickelson said he would like to take action because it was a saving and was prudent; the bigger question was how they approve policy and that needed to be reviewed.

Councilwoman Cook asked if they had talked to the public works department on how this would impact their work load and work day. Mr. Zook said everyone he had spoken to about the policy thought it would be a good idea. Mr. Zook said it could be seen as a down side that they would have less control over the equipment and the employee assumes more responsibility. Councilwoman Cook said through her research she had discovered that many of their public works personnel would be more efficient with a data plan. She was concerned with the bullet point at the end of page one which referenced providing billings statements regarding calls made during work hours; she noted that you would need a court subpoena to get phone records. Councilwoman Cook was concerned they would be giving the reimbursement and that it would be taxes and asked how much they would actually be able to apply to their phone bills. Mr. Zook said if they provided it after tax then it could be claimed as a business expense on their personal tax return. Councilwoman Cook noted sentences she would like to strike from the policy and proposed different wording which referenced incidents and accidents. Mr. Zook relayed information he had received from David Church regarding the policy. Councilwoman Cook wondered if this showed distrust of the public works department. Mayor Knight said the purpose of the policy was to improve efficiency but they had to take into account the contingencies that could occur so they write a policy that will put equanimity in the process. Mr. Zook they had a responsibility to the public to show that they were using their tax dollars appropriately and he had identified a number of places where he wanted to clarify what was appropriate use; he wanted the rules to be clear. Councilwoman Cook asked for an instance when they would require an employee to bring in a call log. Mr. Zook said if someone were accused of running their own business while at work or if they were involved in a traffic accident during work hours. Councilwoman Cook said this would actually give the city less access because it would be a personal cell phone. Mr. Zook said he was alright with giving up that access because he did trust the employees and because he did not think they would need to have that access very frequently. He felt it was a good trade off.

Councilman Jacobsen said the idea that the employee actually received a personal benefit from the company providing a cell phone to an individual justified the cost sharing between the company and the individual. He asked what percentage of cost the \$30-\$60 was on a typical cell phone plan. Mr. Zook thought they would be covering about half of people's bills. Councilman Jacobsen asked how they would ensure an employee purchased an adequate phone or plan to conduct city business. Mr. Zook said he was not recommending a large number of employees have smart phones but if at some point in the future they would advise them to do so; if they needed to have a smart phone, an iPhone or Android based phone would do. Councilman Jacobsen encouraged Mr. Zook to advise the employees on phone purchases. Councilman Jacobsen asked if they were communicating to staff if this changed their expectation of availability during non-normal work hours. Mr. Zook said they had a rotating schedule of on-call duty with the public works department and that was something they would communicate to them; that they were paying for some of their phone and expected them to be available. Cynthia Fredrickson discussed work done with members of the public works personnel and how efficient the process was.

Mayor Knight said they would take action on this item at their next meeting.

Staff Reports

Mr. Zook noted a news paper article about a youth resident from Nibley was involved in an accident and a fund raising fun run being held for him at Heritage Park on August 18th.

Mr. Zook said he had distributed to City Council a disclosure statement which was modeled after the form Salt Lake County use and was approved by David Church. Everyone needed to sign it whether they had something to disclose or not and should be updated if they found they had something to disclose.

Mr. Zook informed the City Council of flooding they had been having in the city around the 10th west area. There had been a significant amount of water intrusion in some basements. He had been out and it appeared to be ground water. He also said as far as they had found the canals were functioning properly.

Mr. Zook updated the Council on the WeatherShield property.

Mr. Zook said they were hiring a new crossing guard for the Thomas Edison Charter School.

Mr. Zook reiterated the economic development meeting being held on July 31 at 7:00 p.m.

Mr. Zook noted the swearing in ceremony for Trevor Cook on Wednesday, July 25 at and the farewell open house for Judge Stevens on Friday, July 27 at 4:30.

Mr. Zook updated the Council on the court agreement with Mendon City.

Mr. Zook said after further reviewing their budget they discovered they had made a clerical error and had been advised by the auditor to bring that to the Council for correction.

Mr. Zook updated the Council on the impact fee study. The consultant said they had completed the review of Nibley's master plans and had given a list of questions they needed clarified.

Mr. Zook said they were planning an employee dinner on August 16 at Heritage Park at 6:00 p.m. and they would not be having a City Council meeting that evening.

Mr. Zook said there would be a short presentation from the National Guard at their next Council meeting.

Mr. Zook updated the City Council on IT improvement, procedures, and issues.

Council Reports

Councilman Mickelson discussed a city employee borrowing gravel from Neighborhood Non-profit which he did not think had been returned and was asking for an update.

Councilwoman Cook asked for an update on the sidewalk on 2600. Mr. Zook said they had been surveyed, had laid stakes, and were prepared to lay the forms.

Councilwoman Cook asked when they would be readdressing the sight location for the well and recycling facility. Mr. Zook said they didn't have an alternate proposal available.

Councilman Hansen asked for an update on the Legacy City Hall and asked about archives that some citizens were concerned were in that location. Mr. Zook said he knew the boxes were still there. He said he would like to make a lot more things electronic but wanted to make sure the back-up system was in place first. He had also recently discovered that there was a state archive that they could send items to be archived. Mr. Zook said the roof was almost done; they were waiting for additional supplies. Councilman Hansen said the theater group had volunteered to come in and help clean the building up. He said he would like to see some sort of transportation system for items being transported to the amphitheater and an improvement to the entrance in that area.

Councilman Hansen updated the City Council on the community garden. The inmates had been there today and there was an Eagle Scout project underway for raised beds. He noted the interest they had received for the Scarecrow Festival.

Councilman Platt had nothing to report.

Councilman Jacobsen said he appreciated being able to participate remotely. Councilman Jacobsen asked if they now had a new website administrator. Mr. Zook said he was not actually administering their existing site; he was building the new site. The City Planner said starting Monday he had requested they start sending website updates to him. The City Planner said his name was John Cox.

Mayor Knight note the dates of the Fall League conferences.

Mayor Knight said he wanted more buy in from the Council when making his goals and this year he also wanted input from staff which he would like to conduct at a workshop or during a strategic planning session.

The meeting was adjourned at 8:48 p.m.