

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

The following actions were made during the meeting:

Councilman Jacobsen motioned to adopt Resolution 12-12, adopting a plan for the Beautification of 3200 South, as its first reading as presented and move it to the second reading. Councilwoman Cook seconded the motion. Councilman Mickelson was in favor, Councilman Platt was in favor, Councilwoman Cook was in favor, and Councilman Jacobsen was in favor. The motion passed 4-0.

Councilman Mickelson motioned to approve Resolution 12-11: A Resolution adopting the cell phone policy for Nibley City. Councilman Jacobsen seconded the motion.

Councilwoman Cook motioned to amend the last second to last bullet point of the cell phone policy to include “upon the request of the city, and after a documentable incident, providing recent billing statements reflecting all calls conducted during work hours.” Councilman Jacobsen seconded the motion. The motion to amend passed 3-1; with Councilwoman Cook, Councilman Jacobsen, and Councilman Platt in favor. Councilman Mickelson was opposed.

Councilwoman Cook motioned to amend to strike the paragraph of the cell phone policy that preceded the acknowledgement. Councilman Mickelson seconded the motion. The amendment passed unanimously 4-0; with Councilwoman Cook, Councilman Mickelson, Councilman Platt, and Councilman Jacobsen all in favor.

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

Councilman Jacobsen motioned to waive the second reading and approve Resolution 12-13 adopting and authorizing an inter-local agreement regarding the restoration of the Nibley Blacksmith Fork River. Councilwoman Cook seconded the motion. Councilman Mickelson was in favor, Councilman Platt was in favor, Councilwoman Cook was in favor, and Councilman Jacobsen was in favor. The motion passed 4-0.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, August 2, 2012 Nibley City Council meeting to order at 6:35 p.m. Those in attendance included Mayor Gerald Knight, Councilwoman Carrie Cook, Councilman Larry Jacobsen, and Councilman Shawn Platt. Mr. David

Zook, the City Manager, and the City Planner, were also in attendance. Councilman Bryan Hansen was excused from the meeting.

Call to order; approval of agenda; and approval of the July 19, 2012

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

1—A report regarding procedures for adopting ordinances and resolutions

Mr. Zook reviewed discussion and questions held at the previous meeting on adopting ordinances and resolutions when they discussed a city cell phone policy. Mr. Zook had a PowerPoint presentation on the subject which he discussed with the Council. The presentation referenced Utah code 10-3-702 and 10-3-717. Mr. Zook noted that the governing body may exercise all administrative powers by resolution.

Councilman Mickelson arrived at 6:37.

Mr. Zook referenced code 10-3-718 and 10-3-704 which gave instructions on the form of an ordinance or resolution and then summarized why they would use a Resolution. Mr. Zook said legally the cell phone policy did not need to be adopted by Resolution but he believed that it should be and that Resolutions should be used more often for action items, decision, and policies; it was cleaner and gave them a better record. Mayor Knight said this was the way he would march forward as well.

Mr. Zook addressed the policy of two readings. He said it was the current policy of the City Council to require two readings for a Resolution and said if they were doing to be doing Resolutions more frequently then the Council may want to waive the second reading more often. He said there were some things that were simple and would not need two readings. Mayor Knight was pleased with how the two readings had worked thus far and thought going forward they would waive readings appropriately.

Councilman Mickelson suggested they have search or tag words included in the cataloging of ordinances and resolutions so that they could be researched easily. Mr. Zook discussed future plans for cataloging city proceedings, ordinances, and resolutions.

2—Resolution 12-12: A Resolution adopting a plan for the Beautification of 3200 South (1st Reading)

The City Planner said in her opinion one of the biggest hallmarks of a city center was trees. She thought there was a lot they could do to create the look and feel of a small town main street and one of those ways was the planting of trees. The City Planner said the Tree Board had decided to come up with a plan to plant trees along 3200 south. The City Planner noted that the Tree Board, the Planning & Zoning Commission, and staff had unanimously recommended Plan B for implementing the tree planting along 3200 which was a more budget friendly option. It phased the planting over a few more years and utilized the city tree farm more. The City Planner discussed options they had discussed to

offer incentives to the citizens who would be more affected by the plantings and encouraged those residents to work with the city in the care of the trees.

Mr. Ron Hellstern, Chairperson of the Nibley Tree Board, was present at the meeting. Mr. Hellstern said they were looking at the possibility of this being a premiere site or vista for the whole County with a tree lined venue for people coming into the area. Mr. Hellstern reviewed the benefits of planting trees, which he had collected from Nibley citizens at the current Nibley Heritage Days and said the value of trees could never be underestimated. Mr. Hellstern noted a Dr. Nalini Nadkarni, who had put together a program called Trees and Spirituality. He said she would be coming to Logan on October 26th. She had put together maps outlining identification sources of various tree species in particular lots. She had found thousands of verses in scriptural and religious texts talking about the importance of trees. Mr. Hellstern said they had \$7,000 in the budget and said there was an \$8,000 tree matching grant, which they had applied for, which almost brought them to their \$19,000 budget. Mr. Hellstern discussed "Trees for Eagles" which he thought the many scouts in Nibley could be interested in. He closed with a quote from Robert Louis Stevenson, "At the gates of the forest, the surprised man of the world is forced to leave his city estimates, great and small, wise and foolish, the knapsack of custody falls off his back".

Mayor Knight read Resolution 12-12 to the City Council, city staff, and public present.

Councilman Mickelson asked what stipulations came with the matching grant. Mr. Hellstern said he was not sure of the stipulations. Councilman Mickelson said that B would be his preferred plan with the caveat that they make the stipulations of the grant work within that plan so they get the full benefit of the grant. Councilman Platt said there were a lot of costs that popped up to him and were not identified. He said they needed more specifics on how much these things were going to cost. Mayor Knight said a lot of the items would be done as general improvements along 3200 south. He said the cost there were identified where just the trees and the long term maintenance of those trees. Councilwoman Cook asked for elaboration on the irrigation system that was stated would be put in. Mayor Knight said that dealt with the section by the 3200 park and he did not believe they planned on doing that in front of any private residence. Councilwoman Cook thought that needed to be stated more clearly. Mayor Knight said he would get clarification from their parks director and have him address the Council. Mr. Zook addressed the differences between plan A and B. Councilman Jacobsen clarified that Plan B did not itemize labor to nurture the tree in the tree farm. Mr. Zook said the intent was for the residents to water and maintain the trees. Councilman Platt asked for staff to provide itemized costs associated with plan A and plan B. Councilwoman Cook noted texts referring to dirt fill, grading, and irrigation that needed to be struck from 3d.

Councilman Jacobsen made a motion to adopt Resolution 12-12, adopting a plan for the Beautification of 3200 South, as its first reading as presented and move it to the second reading. Councilwoman Cook seconded the motion. Councilman Mickelson was in favor, Councilman Platt was in favor, Councilwoman Cook was in favor, and Councilman Jacobsen was in favor. The motion passed 4-0.

Ms. Phippen left at 7:38.

3—Resolution 12-11: A Resolution adopting a cell phone policy for Nibley City (2nd Reading)

Councilman Mickelson made a motion to approve Resolution 12-11: A Resolution adopting the cell phone policy for Nibley City. Councilman Jacobsen seconded the motion.

Councilman Mickelson said it and saved them money so he thought they should move full ahead. Councilman Platt asked if Mr. Zook had any more feedback from the employees since the last meeting. Mr. Zook said he had not. Councilman Jacobsen spoke to the bullets referring to the city requesting a recent billing statement reflecting all calls made in working hours. He said at first it seemed reasonable but upon further thought he realized an employee could goof off during work hours on their personal phones as well as on their city provided phones and asked if they could take that out of the Resolution. Mr. Zook said it could be taken out if it was the wish of the Council but felt that it was an extra layer of protection and felt that option would be used rarely, if at all. He gave an example of when he felt it would be necessary to view call records; if they were involved in an accident during work hours or in a work vehicle. He said they could add verbage that addressed misconduct or if an accident occurred.

Councilwoman Cook made a motion to amend the last second to last bullet point of the cell phone policy to include “upon the request of the city, and after a documentable incident, providing recent billing statements reflecting all calls conducted during work hours.” Councilman Jacobsen seconded the motion.

Councilman Mickelson stated his opposition to the amendment. He said they worked in the public sector and were using public dollar. They were subject to review. He said they needed full advantage when there was an issue that needed to be addressed and he did not think that would be addressed with the amendment. Mr. Zook said that was a valid point and said in his previous work experience this had been an issue and it was determined in court that government employee’s records could be accessed by the public. He thought it was probably just a matter of time before it became policy or law in Utah. Councilman Jacobsen discussed his private work experience with their cell phone policy and that generally the people he had polled said they would opt out if they were required to sign that the company would have access to their phone records. Councilwoman Cook said she had gotten the same response from several people she had talked to.

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

Councilwoman Cook asked what the policy would be if there were an employee who refused to use their personal phone. Mr. Zook addressed this question.

Councilwoman Cook made a motion to amend to strike the paragraph of the cell phone policy that preceded the acknowledgement. Councilman Mickelson seconded the motion. The amendment passed unanimously 4-0; with Councilwoman Cook, Councilman Mickelson, Councilman Platt, and Councilman Jacobsen all in favor.

Councilman Jacobsen was in favor of the motion. Councilwoman Cook was in favor of the motion. Councilman Platt was opposed to the motion. Councilman Mickelson was in favor of the motion. The motion passed 3-1.

4—Resolution 12-13: A Resolution adopting authorizing an inter-local agreement regarding the restoration of the Nibley Blacksmith Fork River (1st Reading)

Mr. Zook said this Resolution was in reference to what was originally given as an inter-local agreement. In the revised version before the Council, the “inter-local” had been removed and was otherwise the same document. The document was an agreement between the city and the County related to the river restoration project of the Blacksmith Fork river. Mr. Zook said they had been working administratively on this project for several months seeking authorization from the federal government to get into the river and to start working. They were now to that point and needed authorization for the agreement between the city and County. Mr. Zook said he had the new Resolution and agreement before them with “inter-local” removed from both. He had also provided an email from their legal counsel advising them on this issue. Mr. Zook said the urgency was that they wanted to start working while the river was basically dry and would make the work easier. He asked the Council to waive the first reading on the Resolution. Mr. Zook said the County was the lead agency and would be helping with the administration but they would be responsible for the work. The County needed this in place to protect themselves and this spelled out who was responsible for what and when. Mr. Zook said the city had budgeted \$40,000 for the project and the NRCS was providing 75% of the funding; they only had to provide a 25% match on funding for all of the work they did. Mr. Zook said this would hopefully prevent future flooding and summarized the work they would be doing in and along the river (i.e. debris removal, bank protection, structures).

Councilman Mickelson asked if they were independent of the County with billing and sending their work to the State. The County was acting as the administrative agent. Mayor Knight said the County was managing and then would pay out. Councilman Mickelson said he would ensure they got everybody copied on what was going on. Mr. Zook said he had been impressed with how it had worked so far and described that process. Councilman Mickelson said he would be willing to take a look at things for the city. Councilman Platt asked what the time frame was. Mr. Zook said it depended on the phasing and they had already filed for an extension because of projects being held up in Logan. He was not sure of the time frame until they began the process. He said they had also considered volunteer labor which they could also consider towards their match with a FEMA hourly rate. Mr. Zook said he had submitted a formal request to the United Way for help. Councilman Platt asked if there was a public way to look at the scope of work. Mr. Zook said there was a website which he would forward to the City Council.

Councilman Platt suggested they include something in the newsletter to inform the public of what was being done to the river.

Councilman Jacobsen made a motion to waive the second reading and approve Resolution 12-13 adopting and authorizing an inter-local agreement regarding the restoration of the Nibley Blacksmith Fork River. Councilwoman Cook seconded the motion.

Councilman Mickelson was concerned with a conflict of interest. He said he was not an employee of NRCS but they were part of the commission he represented. He said they worked closely with them. Mayor Knight asked if he was part of NRCS that would be approving the work that was done. Councilman Mickelson said he was not.

Councilman Mickelson was in favor, Councilman Platt was in favor, Councilwoman Cook was in favor, and Councilman Jacobsen was in favor. The motion passed 4-0.

Council Reports

Councilman Platt said he had a resident who was interested in having a soup kitchen during the holiday season and had asked if they needed any approval from the city. The City Council and Mr. Zook generally thought they would need to contact the health department.

Councilwoman Cook suggested they eliminate the green waste dumpsters. She had recently seen many violations of those dumpsters. The City Council, Mayor, and Mr. Zook discussed the pros and cons of the green waste recycling.

Mayor Knight said he had contacted the Hyrum Senior Center and their director had offered to address the Council. Mayor Knight said he had suggested an inter-local agreement.

Mayor Knight noted that an abstention was a no vote and thought it should be reflected as a negative vote and needed to be recorded as an abstention.

Mayor Knight updated the Council on property that had been considered under the Parks Master Plan and future parks.

Mayor Knight informed the City Council of a family that wanted to donate money to the city to erect a monument at Heritage Park at the argued location of Elkhorn Ranch and documenting the birth of the first baby of European origin in Nibley.

Staff Reports

Mr. Zook said he did not anticipate seeing preliminary data from the recently held economic development meeting until they received their final plan. He said he would request the preliminary data and then pass it along to the City Council. He said the next step in the process was to do business interviews.

Mr. Zook had provided a utility connections report to the City Council for their information.

Mr. Zook said they were still taking applications for the crossing guard position at the Thomas Edison Charter school.

Mr. Zook had provided a copy of an email about a fair booth giving information about the RAPZ tax. The organizers of that booth had invited the Council members to help man that booth.

Mr. Zook said the new judge had started on Monday. The Administrative Office of the Courts had additional follow-up questions for Nibley and should have the inter-local agreement between Nibley and Mendon approved this month.

Mr. Zook provided a report of the houses that were flooding to the City Council. He said nothing had changed in that regard.

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