

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, January 17, 2013.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to postpone Ordinance 13-01 regarding impact fees for Nibley City until February 7, 2013 and they have an additional public hearing where new information can be presented to the public. Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Platt all in favor.

Councilmember Cook motioned to accept the certificate of appointment of JUB Engineers. Councilmember Hansen seconded the motion. The motion passed unanimously, 4-0. Councilmember Platt was in favor, Councilmember Cook was in favor, Councilmember Hansen was in favor, and Councilmember Jacobsen was in favor.

Councilmember Cook motioned to approve the contract with JUB Engineers. Councilmember Platt seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen in favor, Councilmember Hansen in favor, Councilmember Cook in favor, and Councilmember Platt in favor.

Councilmember Jacobsen motioned to adopt a consulting services agreement with Zion's First Nation Bank to do a comprehensive financial plan as proposed. Councilmember Platt seconded the motion. The motion passed unanimously 5-0; with Councilmember Mickelson in favor, Councilmember Platt in favor, Councilmember Cook in favor, Councilmember Hansen in favor, and Councilmember Jacobsen was in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, January 17, 2012 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Shawn Platt, Councilmember Bryan Hansen, and Councilmember Larry Jacobsen. Mr. David Zook, the City Manager, was also in attendance. Mayor Knight noted that Councilmember Thayne Mickelson would be arriving later.

Call to order; approval of agenda; and approval of the January 3, 2013

Councilmember Platt made a motion to approve the minutes of January 3, 2013 and the evening's agenda. Councilmember Cook seconded the motion. The motion passed 4-0; with Councilmember Platt, Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

Public Hearing

A public hearing to receive comment regarding the adoption of impact fee analysis and enactment of an impact fee ordinance for culinary water, sewer, and parks and recreation

Mr. Zook said the city hired a consultant, Mr. Fred Philpot, to conduct an analysis of the city's impact fees for culinary water, sewer, and parks and recreation. Mr. Zook said one process required to change impact fees is to conduct a public hearing. Mr. Zook reviewed the noticing requirements and said tonight was the opportunity for the public to give their input on the analysis.

Mayor Knight said he wanted to change the order of the public hearing and do it after discussion and presentation on the analysis and ordinance and hold the public hearing before the vote was taken.

Discussion and consideration of Ordinance 13-01: An Ordinance amending the Impact Fees for culinary water, sewer, and parks and recreation (2nd Reading)

Mr. Fred Philpot, representing Lewis Young, Robertson & Burningham, Inc. was present at the meeting. Mr. Philpot discussed the noticing process found in Utah code. He then reviewed the potential revisions to the published documents: inclusion of additional System Buy-in of \$3.9M (only a portion will be applied to impact fees); Revise level of service to reflect City's policy to maintain 400 gallons per day per equivalent residential connection; Existing peak level of service is 249 gallons per day/equivalent residential connection. Mr. Philpot summarized the proposed changes to the fees for parks, sewer, and water per residential dwelling and he summarized the comparative data of Nibley to surrounding communities.

Mayor Knight asked for further clarification on the additional buy in on water. Mr. Philpot addressed his question. Councilmember Jacobsen asked Mr. Philpot to describe an impact fee to the public present. Mr. Philpot said impact fees were mechanism to recoup costs of future development activity. It ensures new development pays for their impact on system utilities and services provided by the entity adopting the impact fee. Based on Mr. Philpot's recommendation, Mayor Knight suggested they continue the item. Councilmember Jacobsen requested that anyone present who came to speak on the matter be allowed and also to hold a second public hearing at a later date.

Mayor Knight opened the public hearing at 6:52 and gave the public instructions. Seeing no public comment, Mayor Knight closed the public hearing at 6:53.

Mr. Philpot said the levels of service went back to the policy decisions of the city. Some entities were being challenged based on the use of peak levels of service. He said with the policies they already had in place they had established proposed level of service that they

have required of new development and have historically required so they had defensibility there.

Councilmember Jacobsen made a motion to postpone Ordinance 13-01 regarding impact fees for Nibley City until February 7, 2013 and they have an additional public hearing where new information can be presented to the public. Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Platt all in favor.

Appointment of City Engineer

Mr. Zook summarized the process taken by the City Engineer Review Committee. He said the Committee recommended they appoint JUB Engineering as the Nibley City engineer.

Councilmember Cook made a motion to accept the certificate of appointment of JUB Engineers. Councilmember Hansen seconded the motion.

Councilmember Jacobsen asked if they had a transition plan in bringing in these new engineers. Mr. Zook said he had held discussions with their current engineer, Rod Blossom, and said he had expressed that he would be willing to be available for consulting. Mr. Zook said he and staff had made sure they had all documents that may need to be passed on to JUB Engineering. Councilmember Jacobsen asked if they would be compensating Cache Landmark for their time. Mr. Zook if it was necessary for them to spend a significant amount of time he thought it would be fair if they were compensated and expected to do so. Ross Wilson, employed with JUB Engineers, said he had been a long time associate with Mr. Blossom and felt they would have no problems working with Mr. Blossom in the transition.

The motion passed 4-0. Councilmember Platt was in favor, Councilmember Cook was in favor, Councilmember Hansen was in favor, and Councilmember Jacobsen was in favor.

Discussion and Consideration of a Proposed Contract for City Engineer Services

Mayor Knight said this included two parts; an agreement for professional services and references to the terms and conditions of the contract. Mr. Zook said they were given JUB's standard contract for services. He said they reviewed the contract and made some suggested changes which they discussed with JUB. He said this was a two year contract to be consistent with the City's purchasing policy. Mr. Zook discussed the revisions to the document that had been proposed by Nibley City. Mr. Zook reviewed the proposed rate structure.

Councilmember Jacobsen asked when they had a subdivision proposal that needed to be reviewed by the engineer if that cost was covered in their subdivision application fee. Mr. Zook said it was essentially a pass through; the fee was set up to cover those most of the time and if for some reason there was an extraordinary cost then those would be the responsibility of the developer. Mayor Knight said he understood that they billed the developer for the actual accrued review charges. Mr. Wilson said with other cities they

submit an invoice with their comments and the comments are not released back to the developer until the fee is paid. Councilmember Jacobsen said he thought that made sense.

Corlyss Drinkard asked if there were any plans, separate from the contract, of who was authorized to approve addition work orders or scope of work. It was determined that this had already been addressed in the contract.

Councilmember Cook made a motion to approve the contract with JUB Engineers. Councilmember Platt seconded the motion.

Mayor Knight noted that the contract was for two years and asked about a severability or termination clause. He wanted to add the wording “up to two years”. Mr. Zook thought that was clear and could easily be added.

Corlyss Drinkard asked them to discuss the termination clause, asked if the work was warranted, and if there were any provisions made for work. Mr. Zook read from the contract under Terms and Conditions that said “JUB makes no warranty either expressed or implied on behalf of it or others”. Mr. Zook then reviewed the termination section.

The motion passed unanimously 4-0; with Councilmember Jacobsen in favor, Councilmember Hansen in favor, Councilmember Cook in favor, and Councilmember Platt in favor.

Discussion and Consideration of a Proposed Contract for Comprehensive Financial Plan

Mr. Zook updated the Council on the \$17,500 in grants they had received from the Community Impact Board that they could use for the financial plan. Mr. Zook said he solicited proposals from Lewis Young, Robertson & Burningham, Inc. and Zion’s Bank. He said both proposals came in at the same cost (\$25,000) and the scope of work was also very similar. He reviewed the items that distinguished the two proposals from each other, one being experience. Mr. Zook presented and discussed a proposal to provide a Capital Facilities Finance Plan submitted by Zion’s Bank Public Finance and dated December 7, 2012.

Councilmember Mickelson arrived at 7:34.

Mr. Zook said the representative at Zion’s Bank conducted a lot more of the studies that Lewis, Young had done. He summarized the additional work included in the Zion’s proposal. Mr. Zook said he had provided copies of both proposals to the Council and said he recommended they contract with Zion’s Bank. He said he would like this information to help make decisions in the budgeting process and was asking that the Council act quickly.

Councilmember Jacobsen made a motion to adopt a consulting services agreement with Zion’s First Nation Bank to do a comprehensive financial plan as proposed. Councilmember Platt seconded the motion.

Mayor Knight noted the consultants would invoice the city and asked if this would be done on a monthly basis and asked for clarification on that matter. Mr. Zook said typically they send an invoice when the study is substantial complete and then a final invoice at the end.

The motion passed unanimously 5-0. Councilmember Mickelson was in favor, Councilmember Platt was in favor, Councilmember Cook was in favor, Councilmember Hansen was in favor, and Councilmember Jacobsen was in favor.

Discussion and Consideration of Resolution 13-01: A Resolution Amending and Updating Portions of the Nibley City Personnel Policy (1st Reading)

Mr. Zook said it was identified that the personnel policy needed to be updated. He said this had been on his project list. The discussion in December was to move the personnel policy up on the priority list and Councilmember Jacobsen had recommended that they look at the policy a portion at time. He had the first six revised pages of the policy available for review. Mr. Zook discussed the proposed changes to the policy made in the first six pages. This included discussion of the definition of part-time/full-time employees, holiday pay for temporary employees, nepotism based on Utah code, orientation periods, due process, comp time, a direct deposit policy, annual leave, overtime compensation, accrual of sick leave. Councilmember Cook asked about the disclaimer included on page one. Mr. Zook said they were legally advised to include this to protect them from legal accusations. Councilmember Cook discussed questions on nepotism, pay periods, and professional development. Councilmember Cook requested copies of employee job descriptions and asked Mr. Zook if he had considered professional development for staff. Councilmember Jacobsen agreed that ongoing training and development opportunities were important.

Councilmember Mickelson made a motion to approve the first reading of the first six pages of the Nibley City personnel policy. Councilmember Jacobsen seconded the motion. The motion passed 5-0; with Councilmember Mickelson, Councilmember Jacobsen, Councilmember Hansen, Councilmember Cook, and Councilmember Platt all in favor.

Councilmember Platt left at 8:50.

Discussion and Consideration of Resolution 13-02: A Resolution Adopting a Nibley City Emergency Plan (1st Reading)

Mr. Zook said this was the first official draft of their emergency plan. He said it was a totally new document. He said he would like to give a general overview and then bring the document back for a second reading in a few weeks. He said he still had a number of professionals he would like to consult with. He intended to put together a working group with citizens, Council, police, and fire to review and work with this plan.

Mr. Zook said the plan had a lot of references to state law. The plan talked about authority and where it came from. He said in an emergency the mayor called the shots and discussed a line of succession.

Councilmember Platt returned at 8:55.

Mr. Zook suggested the Council review the document, make comments, or ask questions. Mayor Knight said he did not think they needed to approve this as a first reading and suggested the Council get his comments to Mr. Zook.

Workshop Regarding Public Safety Services in Nibley City

Mr. Zook discussed and made a PowerPoint presentation on public safety service in Nibley City. He first discussed Nibley's current fire services, how much we pay for that service, and what the Hyrum fire department provides. Next, Mr. Zook reviewed Hyrum's fire equipment and their organization.

Mr. Zook discussed emergency medical care and the Nibley/Millville Squad 140 First Responders. They were formed in 1996 and currently had nine volunteers. They were licensed by the Utah Department for Health Bureau of Emergency Medical Services as an Emergency Medical Technician Quick Response Unit. They served Nibley and Millville and operated under agreements established between Nibley and County and Nibley and Millville. He discussed the agreement with the County and the agreement with Millville. He said eight of the nine members lived in Nibley. Mr. Zook discussed the stipend given by Nibley City and how it was calculated then there was discussion on the purchase of an ambulance.

Councilmember Hansen left at 9:51 and returned at 9:54.

Mr. Zook discussed options to consider with future first responder operations. Mayor Knight suggested they continue as is, but with a clear agreement.

Councilmember Platt left at 10:06.

Chris Searle introduced himself and squad members Steve Stoddard, Scott Bischoff, and Jen DeWall who were present at the meeting.

Council and Staff Reports

Councilmember Cook said the Easter celebration would be held on March 30, 2013 and asked for suggestions from the Council.

Councilmember Jacobsen asked for progress on the poll they contracted for to get information on parks.

Mayor Knight said he would present his goals for the year at the February 7 City Council meeting. Mayor Knight discussed the Community Wildlife Habitat City being spearheaded by Ron Hellstern.

Mr. Zook said he was contacted by Maverick to change Nibley's Ordinance in regards to alcohol sales. The Council decided Maverick should come to City Council with a formal request.

Mr. Zook reminded the Council of their annual strategic planning session and recommended they hold that in the near future. The Council agreed to meet on a regular Council meeting night.

Councilmember Cook left at 10:25 and returned at 10:27.

Mr. Zook updated the Council on the survey services they had agreed to do. He said the firm they hired would be able to get to their survey in January. He said he added a question about the city partnering with the High School for a recreation center. The survey firm thought they would get different results if the survey was done in the spring time. The Council agreed to proceed with the survey now.

Ross Wilson gave an update on the new high school. He said they were looking at access at 2600 or 2300. UDOT would require the school to do a level three traffic study and it would be wise for Nibley City to give what the city wanted as it pertained to that study. Mr. Wilson asked for a copy of Nibley's street master plan so he could give advice and recommendation.

Mr. Zook discussed the Nibley City building use.

Mr. Zook summarized discussions held with the race director for RAGNAR.

Councilwoman Cook made a motion to adjourn to closed session to discuss the Purchase of Real Property and Personnel Matters Pursuant to Utah Code 52-4-205a,d. Councilman Mickelson seconded the motion. The motion passed unanimously 4-0; with Councilwoman Cook, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen all in favor.

The meeting adjourned to executive Session at 10:54 p.m.

The meeting returned from executive session at 12:54 a.m.

The meeting was adjourned at 12:54 a.m.