

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, February 7, 2013.

The following actions were made during the meeting:

**Councilmember Hansen motioned to approve Ordinance 13-01; amending the park impact fee to \$3,975; with the sewer at \$1,725; and the water impact fee at \$1,950. Councilmember Jacobsen seconded the motion.**

**Councilmember Jacobsen motioned to amend the park impact fee in Ordinance 13-01 to \$4,500. Councilmember Cook seconded the motion. The amendment passed 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.**

**The amended motion passed 3-0. Councilmember Jacobsen was in favor. Councilmember Hansen was in favor. Councilmember Cook was in favor.**

**Councilmember Cook motioned to accept the first reading of Resolution 13-03: A Resolution Adopting a Nibley City Economic Development Plan. Councilmember Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilmember Cook, Councilmember Jacobsen, and Councilmember Hansen in favor.**

**Councilmember Jacobsen motioned to advance Resolution 13-05—A Resolution Updating the Nibley City Water Conservation Plan to the second reading. Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.**

**Councilmember Cook motioned to approve the first reading of Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.**

**Councilmember Cook motioned to adopt Resolution 13-01—A Resolution Amending and Updating Portions of the Nibley City Personnel Policy. Councilmember Hansen seconded the motion.**

**Councilmember Jacobsen made a substitute amendment that read “Because from time to time”, included “The City may be required to change and/or discontinue certain policies or procedures that are not specified in this document which may be changed with or without notice to employees. Any changes to this document will be posted in employees common areas as notice to employees.” Councilmember Cook seconded the amendment. The amendment passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen in favor.**

**Councilmember Jacobsen motioned to amend Resolution 13-01 as edited and shown on the screen (“No individual shall be employed by the City within the same department as another relative, as defined above, without documented sound reason and without approval of the City Manager.” & “Paychecks will ~~normally~~ be issued on the 2nd business day following the end of the pay period”). Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.**

**The amended motion passed unanimously 3-0. Councilmember Cook was in favor. Councilmember Hansen was in favor. Councilmember Jacobsen was in favor.**

**Councilmember Hansen motioned to adjourn to an executive meeting session to discuss the purchase of real property pursuant to Utah Code 52-4-205. Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Hansen, Councilmember Cook, and Councilmember 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, February 7, 2013 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Bryan Hansen, and Councilmember Larry Jacobsen. Mr. David Zook, the City Manager, Mr. Bill Saunders, the Public Works Director, and the City Planner, were also in attendance. Councilmember Shawn Platt and Councilmember Thayne Mickelson were excused from the meeting.

#### **Call to order; approval of agenda; and approval of the January 17, 2013 meeting minutes and January 17, 2013 executive session meeting minutes**

Councilmember Jacobsen made a motion to approve both sets of minutes; the executive session and regular session of January 17, 2013 and the evening’s agenda.

Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen 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 reviewed the most recent changes to the analysis and said with the changes they had felt they should re-notice the action and have another public hearing. He said initially the sewer analysis was shown to drop to \$951.00 from \$2,500 but the revised number was increased to \$1,725.00. The water impact fee is currently \$3200.00 and the analysis had been revised to \$1950.00. Mr. Zook said the park figure had not changed.

Mr. Zook reminded the Council that they couldn't charge impact fees higher than the analysis showed but they could choose a number that was lower. He said nothing in the ordinance had changed since the City Council had last reviewed the document with the exception of the date and the date of implementation.

Mayor Knight opened the public hearing at 6:39 p.m. and seeing no public comment, closed the public hearing at 6:39 p.m.

**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. Zook said Councilmember Mickelson had contacted him previously and wanted Mr. Zook to convey that he was in support of the sewer and water fees but was opposed to the park fee which he suggested be lowered to \$4,000. Mr. Zook said the proposed change would be approximately \$1,000 more than their total impact fees that Nibley currently had in place.

Councilmember Hansen made a motion to approve Ordinance 13-01; amending the park impact fee to \$3,975; with the sewer at \$1,725; and the water impact fee at \$1,950. Councilmember Jacobsen seconded the motion.

Councilmember Hansen said when he had compared Nibley's park impact fees to other cities that Nibley was much higher. He didn't think they needed to hit everyone that was brand new and believed everyone would be using the facilities that would be built. Mayor Knight noted that impact fees were to maintain the current level of service. Mr. Philpot explained that impact fees included undeveloped space. Mr. Philpot explained how impact fees were used and what they were used for.

Councilmember Jacobsen made a motion to amend the park impact fee in Ordinance 13-01 to \$4,500. Councilmember Cook seconded the motion.

Councilmember Jacobsen discussed Nibley's park level of service and the maintenance of the level of service with impact fees.

The amendment passed 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.

Councilmember Jacobsen said he wouldn't have voted no on the overall motion had the amendment not passed and thanked Councilmember Hansen for his cooperation.

The amended motion passed unanimously 3-0. Councilmember Jacobsen was in favor. Councilmember Hansen was in favor. Councilmember Cook was in favor.

**Discussion and Consideration of Resolution 13-03: A Resolution Adopting a Nibley City Economic Development Plan (1st Reading)**

Mr. Zook said Nibley had grown a lot in recent years and was expected to grow into the future. Presently Nibley was a bedroom community with very little economic activity.

They wanted to hire a consultant to give them an idea of what they could expect in the future and what they could plan for. He said the economic development plan supported and supplemented their general plan.

Mr. Fred Philpot had a PowerPoint presentation which he displayed for the City Council, staff, and the public present. He said the Economic Development plan represented an outline of strategies and objectives the city may benefit from. He looked at what the city could do moving forward with the understanding that there would be growth. He focused on promoting business attraction and recruitment, increasing economic development capability, identifying and promoting economic development, developing industrial and business sites, and developing sustainable government services and resources. He said with promoting business attraction and recruitment included personal services, health services, and eating and drinking places, and food stores. He suggested they look to get signalization on 89/91 at 3200 South. Mr. Philpot addressed increased economic development capability and suggested exploring EDCUtah membership. When discussing the topic of identifying and promoting economic development sites he suggested developing a specific land use plan for a “town center” on a neighborhood scale, a “gateway district”, and identifying additional commercial districts while preserving the rural feel of the community. Mr. Philpot showed examples of neighborhood scale retail. Mr. Philpot then reviewed developing industrial and business sites. He recommended they update the existing land-use plan, work with EDCUtah to market existing and future sites, and utilizing existing local development tools. When discussing developing sustainable government services and resources, Mr. Philpot said they should ensure utility funds are sustainable and establish performance metrics regarding personnel expenditures.

Mr. Philpot said they were ready to take any revisions and to modify the document after receiving the City Council’s feedback.

Corlyss Drinkard asked if the second reading would be scheduled for the next meeting. Mr. Zook said it would be scheduled for a month from now.

Councilmember Cook made a motion to accept the first reading of Resolution 13-03: A Resolution Adopting a Nibley City Economic Development Plan. Councilmember Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilmember Cook, Councilmember Jacobsen, and Councilmember Hansen in favor.

### **Workshop Regarding City Planning—General Plan Overview**

The City Planner had a PowerPoint presentation to display to the City Council, staff, and public present. She discussed why they have a general plan. She reviewed the goals of specific areas of the general plan which included; community character, land use, parks & open space, transportation, socioeconomic & economic development, and housing.

Councilmember Hansen left the meeting at 8:02 and returned at 8:03.

The City Planner discussed the remaining areas of the general plan; annexation, public utilities & community facilities, and natural resources. The City Planner said the general plan was the marching orders for the city and concluded that it may be time to update the general plan.

Mayor Knight said he thought they may want to look at the general plan if nothing else to familiarize them more in depth. He thought they had done a good job of implementing the things in the general plan. Councilmember Jacobsen thought if there was a perception that something wasn't adopted that was congruent with the general plan that they ought to review the general plan and see if perceptions had changed. Councilmember Jacobsen asked if there was state code that required them to revisit the plan on a periodic basis. The City Planner said she was not aware of one; the only thing that was required was that they had one. Councilmember Hansen said he thought there was a place for multi-family housing but the timing was not right and the general plan did not lay out timelines.

Corlyss Drinkard said they thought they should let Mr. Zook go through these policies and give his perceptions of what they thought they ought to do.

Councilmember Hansen thought they needed to have a plan for sensitive lands and that the one thing they had neglected to capitalize on was Nibley's access to the Blacksmith Fork River and canyon. He proposed an additional plan outside of the general plan that identified those areas. Councilmember Hansen said they could discuss what areas they really wanted to protect. Councilmember Cook said she liked that idea.

#### **Discussion and Consideration of Resolution 13-05—A Resolution Updating the Nibley City Water Conservation Plan (1st Reading)**

Councilmember Cook left at 8:30 and returned at 8:31.

Mr. Zook said this item was pointed out to them by their auditor and that Nibley was three years delinquent in filing one. He had discussed this with the state and said they were anxious for them to file one and had provided a model document for them. Mr. Zook had provided the City Council with a hard copy that included Councilmember Mickelson thoughts on the resolution. Mr. Zook said this document met the state requirement but they could put more time and effort into it.

Councilmember Jacobsen asked for clarification on Conservation Measures, Section F. item 4. regarding incentives to residents for water efficient fixtures and suggested additional wording that suggested buildings constructed after 2000 were constructed under building code standards that require water efficient fixtures. He wanted to make sure they had enforced the building codes.

Councilmember Jacobsen made a motion to advance Resolution 13-05—A Resolution Updating the Nibley City Water Conservation Plan to the second reading. Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.

**Discussion and Consideration of Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget (1st Reading)—Mid-year Budget Review**

Mr. Zook had provided a hard copy of the proposed changes to the budget to the City Council and said they were fairly minimal. He said they were tracking about 5% (approximately \$100,000) under budget to this point. Mr. Zook summarized the proposed changes and addressed any Councilmember questions.

Mayor Knight discussed when they typically decided on appropriating budget surplus money.

Councilmember Cook made a motion to approve the first reading of Resolution 13-04: A Resolution Amending the Nibley City 2012-13 Budget. Councilmember Hansen seconded the motion. The motion passed unanimously 3-0; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen all in favor.

**Discussion of Potential Projects for RAPZ Grant Application**

Mr. Zook said the deadline for apply for RAPZ tax grant money was coming up. He said they typically received approximately \$50,000 in RAPZ tax. Mr. Zook said he and Mr. Saunders had considered the following projects they could fund with RAPZ tax money: 1—Complete the northwest corner of Heritage Park (\$30,000); 2—Add restrooms at north end of Heritage Park (\$40,000); 3—Sports court at Heritage Park (\$140,000); 4—Remodel original city hall building at Nibley Park (\$50,000); 5—Walking trail & Frisbee gold course at Sunrise Basin (\$55,000).

The Council decided they would group the first three projects together and apply for all three.

**Discussion and Consideration of Resolution 13-01—A Resolution Amending and Updating Portions of the Nibley City Personnel Policy (2nd Reading)**

Councilmember Cook made a motion to adopt Resolution 13-01—A Resolution Amending and Updating Portions of the Nibley City Personnel Policy. Councilmember Hansen seconded the motion.

Councilmember Cook discussed items under the disclaimer on page 81.

Councilmember Cook made a motion to amend the disclaimer with wording that struck “Because from time to time”, included “The City may be required to change and/or discontinue certain policies or procedures. Any changes will be posted in employees common areas as notice to employees”, and struck “without notice to employees. The city does not intend these policies or procedures to contractual obligations of any kind to the city” and keeping “The City maintains its status as an at-will employer.” Councilmember Jacobsen seconded the motion.

Mr. Zook said it was strongly suggested that the previous wording be included in the personnel policy. He said the statement protected the city as an employer from a lawsuit.

He said the policy was the way they should do things and the way he intended to do things was to inform the employees of significant changes. He said this would tell the employees that the personnel policy didn't cover everything they would ever do and the policy gave them flexibility. Mr. Zook thought the editing wording would put them at a greater risk. Councilmember Cook thought as a good employer they should make every effort to inform the employees of changes that may need to be made. The Council discussed the amendment.

Councilmember Jacobsen made a substitute amendment that read "Because from time to time", included "The City may be required to change and/or discontinue certain policies or procedures that are not specified in this document which may be changed with or without notice to employees. Any changes to this document will be posted in employees common areas as notice to employees." Councilmember Cook seconded the amendment. The amendment passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen in favor.

Councilmember Jacobsen discussed the section on nepotism. He suggested wording that included the following: "No individual shall be employed by the City within the same department as another relative, as defined above, without documented sound reason and without approval of the City Manager."

Councilmember Jacobsen discussed section 4.B. and said he preferred the wording not be open ended. He suggested the wording "Paychecks will ~~normally~~ be issued on the 2nd business day following the end of the pay period". Councilmember Jacobsen said consistency was the key.

Councilmember Jacobsen made a motion to amend Resolution 13-01 as edited and shown on the screen. Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Jacobsen, Councilmember Cook, and Councilmember Hansen all in favor.

The amended motion passed unanimously 3-0. Councilmember Cook was in favor. Councilmember Hansen was in favor. Councilmember Jacobsen was in favor.

### **Council Reports**

Councilmember Hansen asked for an update on Heritage Days. Mr. Zook and Mayor Knight provided that information.

Councilmember Hansen asked for an update on the city Website. Mr. Zook said he would be meeting with the developer next week.

Councilmember Hansen asked for an update on the new High School. Mr. Zook said he attended a meeting with the Cache Metropolitan Planning Organization regarding the access to the school from the highway. Mr. Zook showed and discussed the potential alternatives to the City Council, staff, and public present.

Mayor Knight said their next plan they would discuss is a land use workshop. He said this would occur after their strategic planning session.

### **Staff Reports**

Mr. Zook asked for direction on the city attorney. He said it was his intent to open it for competitive bidding like he did for the city engineer. Mayor Knight expressed his opinion that they should get a contract in place with the current city attorney. Councilmember Jacobsen thought knowing how much they spend on attorney services would influence his decision. Mr. Zook thought the amount was \$6,500. Mr. Zook said it was his opinion that they had good value now. Councilmember Jacobsen said he felt it didn't need to go out to RFP (Requests for Proposals).

Mr. Zook said they updated their number of road miles with UDOT.

Mr. Zook updated the Council on the hiring process to replace an employee. He said he had received about 60 resumes and some very qualified people. Mr. Zook said he had conducted several telephone interview and a few personal interviews and had a person in mind which he intended to check references.

Mr. Zook updated the Council on the emergency plan. He had met with the County emergency manager, the state, the stake, the EMT's, the fire department, etc. He said they were making good progress and intended to bring that to the Council in a month and hold a drill in April.

Mr. Zook updated the City Council on payroll. His current plan was to potentially keep the payroll in house.

Mr. Zook updated the City Council on the river project. He thought their liability on the project would be about \$125,000 to which they had budgeted \$40,000. They had already contributed a large portion of in-kind work and he hoped they could contribute the entire amount in in-kind work. He said over the next year the Public Works department would be very busy and felt this project should be a priority with the 70% assistance they were receiving from the federal government. They needed to decide if they wanted to delay other public works projects.

Mr. Zook said the Charter School had submitted a plan to build 10 additional classrooms. Mayor Knight discussed their pick up/drop off area. Mr. Zook said they were meeting with the school tomorrow to discuss traffic mitigation.

### **Adjourn into Executive Session**

Councilmember Hansen made a motion to adjourn to an executive meeting session to discuss the purchase of real property pursuant to Utah Code 52-4-205. Councilmember Cook seconded the motion. The motion passed unanimously 3-0; with Councilmember Hansen, Councilmember Cook, and Councilmember Jacobsen all in favor.

The meeting adjourned to executive session at 10:36



The meeting returned from executive session at 11:15.

The meeting was adjourned at 11:15 p.m.

Attest \_\_\_\_\_  
Deputy City Recorder