

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, June 20, 2013.

The following actions were made during the meeting:

**Councilmember Hansen motioned to adopt Resolution 13-07; a resolution amending the budget for various funds of Nibley City for the fiscal year 2012-13, adopting the budget for the various funds of Nibley City and other budgetary matters for fiscal year 2013-14 and adjusting certain fees and payments for services. Councilmember Cook seconded the motion.**

**Councilmember Jacobsen motioned to amend to add a line to the 2013-14 budget expenditure column; with \$300 for the Wildlife Committee and a line with \$300 for the Tree Board as a yearly operating budget; with \$600 to be taken from the administrative category/department expenditures, line 10-43-400. Councilmember Cook seconded the amendment. The amendment passed 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Mickelson all in favor.**

**Councilmember Hansen motioned to amend to add a line to the 2013-14 budget, expenditure column, for the “Beginning’s” monument in the amount of \$1,000; and decrease the administrative category/department expenditures, line 10-43-400 by \$1,000. Councilmember Cook seconded the motion. The amendment passed with a vote of 3-2; with Councilmember Hansen and Councilmember Mickelson in favor. Councilmember Cook and Councilmember Jacobsen were opposed. Mayor Knight broke the tie and voted in favor.**

**Councilmember Cook made a substitute motion to amend the commercial monthly stormwater rate; to be implemented in equal annual steps spread over three years and applicable only to existing commercial properties. Councilmember Hansen seconded the motion. The amendment passed 3-1; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen in favor. Councilmember Mickelson was opposed.**

**Councilmember Jacobsen motioned to amend the property tax rate down to .001667; changing the 2013-14 budget property tax revenue to \$327,443 (10-31-110); and to not ask for the \$300 for the Wildlife Committee and \$300 for the Tree Board from the Administrative/Department expenditures (10-43-400); and adding an income line item to the 2013-14 budget in the amount of \$600 under miscellaneous revenue from a grant that he will secure (10-36-800). Councilmember Cook seconded the motion. The amendment passed 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Mickelson all in favor.**

**The amended motion passed 4-0. Councilmember Cook was in favor.  
Councilmember Hansen was in favor. Councilmember Jacobsen was in favor.  
Councilmember Mickelson was in favor.**

**Councilmember Hansen made of motion of consent of the appointment of Councilmember Thayne Mickelson, Mayor Gerald Knight, David Zook, Bill Saunders, and Shari Phippen to the Sewer and Stormwater Master Plan Advisory Committee. Councilmember Jacobsen seconded the motion. The motion passed 4-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Cook, and Councilmember Mickelson all in favor.**

**Councilmember Hansen made a motion of consent for the appointment of Councilmember Jacobsen to Mayor Pro-Tempore for the period of June 28 through July 27, 2013. Councilmember Cook seconded the motion. The motion passed 3-2; with Councilmember Hansen and Councilmember Cook in favor. Councilmember Mickelson and Councilmember Jacobsen abstained from voting. Mayor Knight broke the tied and voted 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, June 20, 2013 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Gerald Knight, Councilmember Carrie Cook, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Councilmember Thayne Mickelson was participating remotely via teleconference. Mr. David Zook, the City Manager, and Bill Saunders, the Public Works Director, were also in attendance.

#### **Call to order; approval of agenda; and approval of the June 13, 2013 executive session minutes, June 6, meeting minutes, and June 6 executive session meeting minutes**

Councilmember Jacobsen made a motion to approve the regular meeting June 6, 2013; executive session minutes of June 6, 2013; and the June 13 regular and executive session meeting minutes; and the evening's agenda. Councilmember Cook seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Mickelson all in favor.

Mayor Knight noted that Councilmember Platt had asked to be excused from the meeting to attend to family matters.

#### **Discussion and consideration of Resolution 13-07, a resolution amending the budget for various funds of Nibley City for the fiscal year 2012-13, adopting the budget for the various funds of Nibley City and other budgetary matters for fiscal year 2013-14 and adjusting certain fees and payments for services (Second Reading)**

Mr. Zook updated the Council on changes to the budget since the last meeting (June 6, 2-13). He said they had received the certified tax rate from the state and county. He displayed and explained the numbers from the state tax office. He said there was a downward overall evaluation of property in the city making the proposed tax rate. Based on the new rate of .001703 it was anticipated Nibley would receive \$334,514 in property tax. Mr. Zook said the newest version of the budget reflected that new number. He said he put the surplus money into the administrative category; department expenditures (10-43-400), which could easily be allocated somewhere else in the budget.

Mr. Zook said the only other change was a name on the second page from special fund revenue to administrative transfers. He noted that all new items were highlighted in grey.

Mr. Zook said in order to finalize the resolution the Council would need to decide if they would keep the property tax rate suggested by the state. Mr. Zook discussed the truth in taxation laws. He also reminded the Council of the changes in the animal licensing fees and the changed monthly stormwater charge.

Councilmember Jacobsen asked about city staff's recommendation of renegotiating with the Sheriff's department for animal services. Mr. Zook said he had talked to the Sheriff's department about renegotiating Nibley's animal control fees. He thought they could negotiate the contract with the Sheriff's department had to just under \$10,000 but that they still wouldn't be breaking even. Mr. Zook discussed the animal control process and the associated costs.

Mayor Knight read Resolution 13-07 to the City Council and public present. He said the certified property tax rate would

Councilmember Hansen made a motion to adopt Resolution 13-07; a resolution amending the budget for various funds of Nibley City for the fiscal year 2012-13, adopting the budget for the various funds of Nibley City and other budgetary matters for fiscal year 2013-14 and adjusting certain fees and payments for services. Councilmember Cook seconded the motion.

Mayor Knight said he would like an amendment to add \$600 for the Tree Board/Wildlife Committee for a yearly operating budget. He noted that would be added to line 10-75-670 and taken from the administrative category; department expenditures, line 10-43-400

Councilmember Jacobsen made a motion to amend to add a line to the 2013-14 budget with \$300 for the Wildlife Committee and a line with \$300 for the Tree Board as a yearly operating budget; with \$600 to be taken from the administrative category/department expenditures, line 10-43-400. Councilmember Cook seconded the amendment. The amendment passed 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Mickelson all in favor.

Councilmember Hansen said he would like to donate funds to the "Beginning's Statue" being proposed by the Stoleworthy family.

Councilmember Hansen made a motion to amend to add a line to the 2013-14 budget, expenditure column, for the “Beginning’s” monument in the amount of \$1,000; and decrease the administrative category/departments expenditures, line 10-43-400 by \$1,000. Councilmember Cook seconded the motion.

The Council discussed Councilmember Hansen’s amendment.

The amendment passed with a vote of 3-2; with Councilmember Hansen and Councilmember Mickelson in favor. Councilmember Cook and Councilmember Jacobsen were opposed. Mayor Knight broke the tie and voted in favor.

The meeting discussion turned to animal licensing. Councilmember Cook asked for the amounts charged by adjacent communities for dog licensing. Councilmember Jacobsen discussed not raising the fee for law abiding citizens who controlled their animals, but raising the penalty or fine for those who caused the problem from the beginning. He thought they then ran into the problem of owners who would then not come get their dog out. Mayor Knight thought this was a reasonable compromise despite it being on the higher end in the valley.

Discussion then moved to the increase charge for monthly stormwater. Councilmember Jacobsen discussed the WeatherShield property and the substantial increase in their stormwater fee. Mr. Saunders said he had heard of municipalities offering incentives to have commercial properties bring their site up to deal with their own stormwater.

Councilmember Jacobsen made a motion to amend the commercial monthly stormwater rate to be implemented in equal annual steps spread over five years. Councilmember Hansen seconded the motion.

Councilmember Jacobsen clarified that the intent of the amendment was for existing commercial properties.

Councilmember Jacobsen asked for general consent to modify the motion so that it applied to existing commercial properties. General consent was given.

Councilmember Cook made a substitute motion to amend the commercial monthly stormwater rate; to be implemented in equal annual steps, spread over three years, and applicable only to existing commercial properties. Councilmember Hansen seconded the motion. The amendment passed 3-1; with Councilmember Cook, Councilmember Hansen, and Councilmember Jacobsen in favor. Councilmember Mickelson was opposed.

Councilmember Jacobsen said he was of the opinion that good policy is a consistent policy. He discussed the historical property rate maintained by Nibley City. He said they were up against the consistent policy of only adjusting the rate every other year. Mayor Knight said this affected their budget by about \$6,500 and he guessed it would affect property tax payers by \$1-4/year.

Councilmember Jacobsen made a motion to amend the property tax rate down to .001667; changing the 2013-14 budget property tax revenue to \$327,443 (10-31-110); and to not ask for the \$300 for the Wildlife Committee and \$300 for the Tree Board from the Administrative/Department expenditures (10-43-400); and adding an income line item to the 2013-14 budget in the amount of \$600 under miscellaneous revenue from a grant that he will secure (10-36-800).

Mr. Zook discussed where they would take the decreased revenue from.

Councilmember Cook seconded the motion. The amendment passed 4-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Hansen, and Councilmember Mickelson all in favor.

Councilmember Jacobsen thanked Mr. Zook for his guidance through the budget process.

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

#### **Appointment of a Council Member to Sewer and Stormwater Master Plan Advisory Committee**

Mayor Knight asked for the Council's advice on this appointment. They discussed the appointment of Councilmember Thayne Mickelson, Mayor Gerald Knight, David Zook, Bill Saunders, and Shari Phippen.

Councilmember Hansen made a motion of consent for the appointment of a Councilmember Mickelson, Gerald Knight, David Zook, Bill Saunders, and Shari Phippen to the Sewer and Stormwater Master Plan Advisory Committee. Councilmember Jacobsen seconded the motion. The motion passed 4-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Cook, and Councilmember Mickelson all in favor.

#### **Appointment of Mayor Pro-Tem for the period of June 28 through July 27, 2013**

Mayor Knight said he would be traveling out of the country for the period of June 28 through July 27 and therefore they needed a Mayor Pro Tempore to act as Mayor in that time period.

Councilmember Jacobsen said he wouldn't be present for the second meeting in July. Councilmember Hansen said he also wouldn't be present for that meeting. Councilmember Hansen also noted he wouldn't be comfortable appointing a Mayor Pro-Tempore from the current Mayoral candidates. He asked if they could have a meeting on July 11. Mr. Zook said the Council present at the July 18 meeting could appoint a Council chair for that meeting.

Councilmember Hansen made a motion of consent for the appointment of Councilmember Jacobsen to Mayor Pro-Tempore for the period of June 28 through July 27, 2013. Councilmember Cook seconded the motion. The motion passed 3-2; with Councilmember Hansen and Councilmember Cook in favor. Councilmember Mickelson and Councilmember Jacobsen abstained from voting. Mayor Knight broke the tied and voted in favor.

### **Council Reports**

Councilmember Cook reminded the City Council of the Mayor's Dinner the following evening. She said she had picked up candy and procured a car for the parade.

Councilmember Hansen reminded the City Council of the dates for the Scarecrow Festival. He said the theme was "Proud to Be an American." He encouraged the City Council to participate.

Councilmember Jacobsen discussed recent events in the news. He complimented City Council, the Planning & Zoning Commission, and city staff for understanding and implementing ordinances.

Mayor Knight read an email from Brie Corrington representing the Nibley Children's Theatre. Mayor Knight thanked all of the Nibley Heritage Days committee. He talked up the remaining Heritage Days events.

### **Staff Reports**

Mr. Zook said he had met with the Utah National Guard about the flag retiring ceremony. He encouraged everyone to be there and said it should be impressive.

Mr. Zook reported his observations on the previous evening's concert.

Mr. Zook briefed the City Council on the City Council appointment process. He said everyone that was running for Council had applied and one of the Mayoral candidates had applied. He noted the meeting on Tuesday, June 25 at 6:00. He said the deadline for applying was Friday, June 21 at 12:00 p.m.

Councilmember Mickelson arrived in person at 8:22

The meeting was adjourned at 8:22 p.m.