

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, June 5, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to approve the preliminary and final Plat for the Brian Anderson Minor Subdivision located at 780 W. 3200 S. as presented. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Whittaker, Councilmember Hansen, and Councilmember Cook all in favor.

Councilmember Cook motioned to move discussion and consideration of Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan to a second reading. Councilmember Whittaker seconded the motion. The motion passed 4-1; with Councilmember Cook, Councilmember Whittaker, Councilmember Hansen, and Councilmember Jacobsen. Councilmember Beus was opposed.

Councilmember Jacobsen motioned to adopt Ordinance 14-4: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City for first reading and move to second reading with the amendment to strike the first two rows (Mayor's and City Council's compensation) and adjusting the Justice Court Judge pay to \$1,040. Councilmember Whittaker seconded the motion. The amended motion passed 4-0; Councilmember Beus was opposed, Councilmember Jacobsen was in favor, Councilmember Whittaker was in favor, Councilmember Hansen was in favor, and Councilmember Cook was in favor.

Councilmember Hansen motioned to approve Resolution 14-08: A resolution amending the budget for fiscal year 2013-14, adopting the budget for the various funds of Nibley City Council and other budgetary matters for fiscal year 2014-15 and adjusting certain fees and payments for services for the first reading. Councilmember Beus seconded the motion.

Councilmember Hansen made a motion to amend the 2014-15 budget to retain the existing salary schedule for Nibley City elected officials; to propose a \$1,000 contribution to Hyrum Senior Center; and to set the property tax rate at .006849. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Cook, and Councilmember Beus all in favor.

The amended motion passed unanimously 5-0. Councilmember Cook was in favor, Councilmember Hansen was in favor, Councilmember Whittaker was in favor, Councilmember Jacobsen was in favor, and Councilmember Beus was in favor.

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, June 5, 2014 Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Carrie Cook, Councilmember Kathryn Beus, Councilmember Amber Whitaker, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Mr. David Zook, the City Manager, and Shari Phippen, the City Planner, were also in attendance.

Call to order; approval of agenda; and approval of the May 15, 2014 meeting minutes

Mayor Dustin said there had been a request to move items 4 and 5 to the beginning of the agenda to accommodate the proponents. Mayor Dustin asked for that agenda to be put forth for approval.

Councilmember Jacobsen made a motion to approve the 5-15-14 minutes as presented and the evening's agenda as suggested by Mayor Dustin. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Cook, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

4—PUBLIC HEARING—A public hearing to receive input concerning the Brian Anderson Minor Subdivision located at 780 W. 3200 S.

The City Planner, Shari Phippen gave a brief description of and summarized the proposed plat. She said it was the recommendation of city staff and the Planning & Zoning Commission that the plat be granted preliminary and final approval.

Mayor Dustin gave direction to the public present. Mayor Dustin opened the public hearing at 6:38. Seeing no public comment, Mayor Dustin closed the public hearing at 6:38.

5—Discussion and Consideration of a Preliminary and Final Plat for the Brian Anderson Minor Subdivision located at 780 W. 3200 S.

Councilmember Jacobsen asked for specifics on the variance which was granted to allow the gravel road that access the one house. He stated that the applicant was essentially given a variance for a gravel driveway which he recalled was only allowed in Nibley's rural estate zone. Councilmember Jacobsen asked if a specific hardship was mentioned as reason for granting the variance. Miss Phippen said she would guess that the hardship would be the cost of paving the access all the way back. Councilmember Jacobsen read from Nibley City ordinance which stated a variance should not be granted for reason of financial hardship. He stated that if they were going to be granting variance after variance then they should address whether they should change their ordinances. Miss Phippen thought that if a portion of the access were paved from the main road, then she was alright with a single lot gravel access. Councilmember Jacobsen asked for background recollection from the Planning & Zoning Commission's discussion when they recommended the variance. Mayor Dustin and Councilmember Jacobsen said the City Council needed to address the issue of infill.

Councilmember Jacobsen made a motion to approve the preliminary and final Plat for the Brian Anderson Minor Subdivision located at 780 W. 3200 S. as presented. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Whittaker, Councilmember Hansen, and Councilmember Cook all in favor.

2—Presentation by Cache Valley Transit District

Curtis Roberts, Administration Director for the Cache Valley Transit District, was present at the meeting. Mr. Roberts informed the City Council of research the CVTD had been doing over the last several years. Major concerns included: 1-air quality, 2-other transportation issues and congestion, 3-keeping the transit service as a fair free system, and 4-maintaining the level of service. Mr. Roberts said according to financial projections they were approximately 5-6 years from being unable to maintain the same level of service and that there were funding options needs. He discussed some of the funding options that had been discussed with financial consultants. He said the most feasible, long-term, stable, realistic source of funding would be to look at sales tax options,

Councilmember Whittaker asked how many people utilized the transit system. Mr. Roberts said there had been over 3,000,000 rides per year consistently over the last three years. Councilmember Jacobsen asked how the sales tax would be levied. Mr. Roberts said there would be a .25% in each city that would participate and each City Council would vote to have this option put on their city's ballot; or it could be approached as a county wide measure. He assured Councilmember Jacobsen that it would be a ballot issue put before the citizens.

3—Discussion and Consideration of Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan (First Reading)

Mr. Zook projected an updated Transportation Master Plan Roadway map. Mr. Zook summarized the changes that would be made. He mentioned subdivisions that had been constructed since the plan was adopted and the subdivision plat that had recently been approved by the City Council required that the plan be updated and require significant changes to the roadway map. Mr. Zook said there would be a public hearing on amending the plan at the next City Council and then a second reading and action could be taken. Mr. Zook said the primary need was to remove the roads associated with the Malouf subdivision. The City Council and Mr. Zook discussed other changes that should be considered. These changes included color changes, new roads, the intersections at Hwy 165-3200 S. and Hwy 165-2600 S.

Councilmember Cook made a motion to move discussion and consideration of Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan to a second reading. Councilmember Whittaker seconded the motion.

Councilmember Beus questioned that they had already approved this action by the actions they had taken on the Malouf subdivision. Mayor Dustin said that action was made at preliminary plat which didn't give the proponent permission to move forward

and just gave them confidence to spend money. He said if they didn't approve the plan before the final plat was approved then they would find themselves in serious conflict. Councilmember Jacobsen said they had eliminated roads from the master plan to accommodate the desires of the local neighborhoods. He said that was why they had done it.

The motion passed 4-1; with Councilmember Cook, Councilmember Whittaker, Councilmember Hansen, and Councilmember Jacobsen. Councilmember Beus was opposed.

6—PUBLIC HEARING—A public hearing to receive comment concerning increasing the compensation of elected and statutory officers

Mr. Zook said they were required by state law to hold a public hearing whenever they were considering increasing compensation for elected and statutory offices. They were proposing to increase the compensation for the Mayor to \$889/month; City Council compensation to \$412/month; Justice Court Judge increase from \$1,030/month to \$1,040/month; and Planning & Zoning Commission increased from \$25/meeting to \$50/meeting. He said the treasurer pay would be increased to a pay scale based on a salary schedule of \$34,577-\$49,624/year; and the city manager pay scale would be increased to \$83,000-\$100,000/year. Mr. Zook said the proposed budget accounted for the increased compensation.

Mayor Dustin made the public aware that there hadn't been an increase the elected and statutory officials pay since 2006. He said he wanted to de-politicize this issue and tie all increases in the future to cost of living increases. He hoped to accomplish more open government, he noted then hadn't been an increase since 2006 and he hoped to catch up to the mean and depoliticizes this issue by catching up to the cost of living.

Mayor Dustin gave direction to the public present. Mayor Dustin opened the public hearing at 7:16.

Todd Fenton said he had lived in Nibley since 1976 and said he had served on City Council, Planning & Zoning Commission, and as Mayor. He said when he served he served because he wanted to serve people. He said a city the size of Nibley could never compensate appropriately for their time. He was concerned that they had not compared compensation with Wellsville's, Paradise's, or Mendon's salaries. Mr. Fenton offered to see how other cities of similar sizes did their salaries. He felt they were huge amounts and should be graduated in, if approved.

Illene Schenk wanted to know more of the City Manager's responsibilities and what the City Council expected of him. Mrs. Schenk asked if the City Manager was responsible for the financial decisions of the city or if those responsibilities were contracted out, and if so if there was a cost associated with that. Mrs. Schenk noted the meeting on March 13, 2014 in which a contract was approved which gave the City Manager a raise to \$83,000 and said that would make him the second highest paid executive in the Cache Valley for a similar position, in a city that was half the size. Mrs. Schenk wanted to know if Nibley

was a member of the International City County Management Association and said if Nibley was then they had some very strict guidelines. Mrs. Schenk said most Cache Valley city administrators were paid approximately \$71,000. She asked if the City Manager should be paid more than double what the average resident of Nibley had? Mrs. Schenk thought they should divert the extra money to other items that would benefit the community and she gave examples. Mrs. Schenk thought this should have been revisited.

Barbara Wilden said she had lived in Nibley for about 10 years. She talked about her attendance record at City Council and Planning & Zoning Commission meetings. She said she was very aware of what was going on in the city. Mrs. Wilden said she had no problem with Planning & Zoning Commission and said she would give them more of a raise and described why they deserved more. Mrs. Wilden said she didn't know if the City Council deserved an increase. She felt Councilmember Hansen and Councilmember Jacobsen had earned an increase because of the time they had spent on the Council; there should be compensation for long-term service. Mrs. Wilden discussed the knowledge that Mr. Zook had brought to the job. She discussed the \$250,000 in grant funding he had brought in. Mrs. Wilden said they had her support and she felt qualified to say that.

Corlyss Drinkard said she had sent a letter to City Council. She asked if the City Council members would quit if they didn't get a raise. She also felt the compensation should be tied with the amount of time spent on the City Council. She felt they should follow the example of the U.S. Congress and postpone the effectively of the raise until after one City Council election cycle. Ms. Drinkard discussed the experience and openness Mr. Zook had brought to the City Council. She talked about the amount of grants he had brought in. Ms. Drinkard said Mr. Zook was very above board and she applauded him for not doing things he had no expertise in such as finance and for contracting with someone to do that for a very sensible contract. Ms. Drinkard said they could bifurcate the proposal and hold off the Mayor and City Council compensation for another election cycle.

Seeing no further comment, Mayor Dustin closed the public hearing at 7:33.

7—Discussion and Consideration of Ordinance 14-4: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (First Reading)

Mr. Zook addressed Mrs. Schenk's question of his duties as City Manager. He read from his contract and from the job description that was presented when he interviewed for the City Manager position. He also read from portions of Nibley City code regarding the duties of the Nibley City Manager. Mr. Zook addressed how he handled, and was responsible, for the Nibley City finances. He summarized his financial role in Nibley City. He said he was a member of the International City Managers Association and did abide by their code of ethics and said he had been asked to serve on the ethics committee for the Utah City Managers Association. Mr. Zook displayed other compensation numbers in the Cache Valley and said he was significantly lower than those numbers.

Mayor Dustin said he had sprung this on the City Council. He didn't consult or discuss this with the Council. Mayor Dustin said it disturbed him that they had a millionaire

Congress and that those that served were those that could afford to serve. Mayor Dustin discussed the portion that had been paid for participation in the League of Cities and Towns and said that had been stripped out of the proposed budget. Mayor Dustin said he was on board with Ms. Drinkard's proposal but felt it was not the right answer to leave it as it was.

There was consensus that none of the City Council members would quit if they didn't receive the proposed compensation. Councilmember Hansen said he was on the City Council in 2006 and he was unaware that they got paid. He said in 2006 they had looked at surrounding communities and had come up with an average for compensation. He felt any compensation should be equitable.

Councilmember Jacobsen addressed the March 13, 2014 meeting and said the City Manager's contract would be enacted monetarily when it was adopted into the city budget. He said they didn't need a motion for reconsideration in order to change that compensation. Councilmember Hansen said there was a range that had been built into Mr. Zook's contract but each year he would be answering to the City Council in order to receive the increased compensation. Councilmember Jacobsen discussed median income in Nibley. Councilmember Jacobsen thanked Mayor Fenton for his service and said no amount of money would justify what he did or what they did.

Councilmember Whittaker and Mr. Zook discussed when he had gotten his last pay increase. They then discussed COLA rate increases. Councilmember Whittaker said she hadn't realized there was a paycheck associated with serving; she didn't join the position because she wanted to be compensated. She joined the position because she wanted to serve the people of Nibley make it a great place to live. Councilmember Whittaker said she didn't agree with the amount that had been proposed. She discussed the purchasing power of \$300 in 2006 and said that would be the same purchasing power as \$352.79 today.

Councilmember Jacobsen made a motion to adopt Ordinance 14-4: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City for first reading and move to second reading with the amendment to strike the first two rows (Mayor's and City Council's compensation) and adjusting the Justice Court Judge pay to \$1,040. Councilmember Whittaker seconded the motion.

Mayor Dustin asked how they wanted to move forward and not politicize this issue. Councilmember Whittaker said the Mayor had their family's best interests at heart when he made this proposal but said the pay was not the reason she sat on the City Council; the paycheck was just an extra bonus. Councilmember Beus said she had similar feelings to Councilmember Whittaker and said she felt it was an added bonus that they got money. They do it because they think they have something to give. Mayor Dustin asked if the general mood of the City Council was that this was not going to come up again in the next four years. The City Council felt this wouldn't be an issue they would want to discuss. Councilmember Whittaker said she would not be against giving the Mayor an

increase that was rated with inflation that would compensate him at \$705/month. Mayor Dustin suggested same inflation rate for the City Council.

Councilmember Beus discussed the compensation numbers from the Utah Right to Know website that Mr. Zook had displayed and said those number reflected a total compensation including retirement and other benefits. She said she had spoken to Hyrum, Smithfield, Wellsville, Providence, and North Logan City Managers directly about their compensation and discussed the compensation numbers she had been given. She had come to the conclusion that they should be paying their City Manager \$78,000 if they were to keep with the same inflation compensation as the City Council and Mayor. She discussed some of the responsibilities held by Hyrum's City Manager. Commissioner Beus didn't think it was a responsible allocation of their funds to pay more than \$80,000.

The City Council debated Mr. Zook's proposed compensation. Councilmember Jacobsen said the City Council had to make decisions on behalf of Nibley's citizens that if was his decision that Mr. Zook was worth \$83,000 to the city. Mayor Dustin and Councilmember Beus debated the differences in management for Hyrum versus Nibley. Councilmember Hansen discussed Mr. Zook's experience in county government commended Mr. Zook for his level of professionalism and said it was higher than those in the surrounding communities. He said his professionalism it spoke well of who they were as a city. Councilmember Hansen said that Mr. Zook represented Nibley as a community very well and thought in terms of the long term that Mr. Zook was the best investment for their money. Councilmember Beus said she could not allocate more than \$80,000 for a city of Nibley's size.

Councilmember Jacobsen noted that even though his amendment struck the Mayor and City compensation he did not expect for the spousal expenses for travel to be put back into the budget.

Mayor Dustin called for a roll-call vote on the motion on the floor.

Councilmember Beus was opposed; Councilmember Jacobsen was in favor; Councilmember Whittaker was in favor; Councilmember Hansen was in favor; Councilmember Cook was in favor. The amended motion passed 4-0.

8—PUBLIC HEARING—A public hearing to receive comment concerning the Fiscal Year 2014-2015 Budget

Mayor Dustin gave directions to the public present.

Mr. Zook summarized the section of the budget. He said this budget version included YTD (Year to Date) numbers where 2013 numbers were previously presented. He said any changes that had been made to the glossary had been highlighted. Mr. Zook introduced Dave Sanderson who was present at the meeting, discussing his accounting role and his role in the budgetary process. Mr. Zook discussed how valuable Mr. Sanderson's "Red-Green" monthly reports were.

Mr. Sanderson introduced himself and discussed his experience and background. Mr. Sanderson said his monthly “Red-Green” financial reports primarily drove the budget. Mr. Sanderson explained the details included in the reports he provided for the city each month.

Mr. Zook said he had received the certified property tax rate (.001649) which was lower than both the current and historic tax rate used by Nibley. He said Nibley had historically maintained a level rate (.001667). He said the City Council needed to adopt a rate and this would be changing in the budget they would see at the next meeting. Mr. Zook discussed a change in the streets department in which they were able to schedule more maintenance and so the road maintenance fund would only carry over approximately \$15,000. Mr. Zook discussed the budgetary change to line 10-36-720 and the Road Impact Fee fund; to line 10-41-240 Office Supplies; he discussed moving and consolidating some categories under administrative charges; he discussed changes to line 10-43-110 Salaries, 10-47-310 Elections and upgrading voting booths; 10-50-514 Engineering; 10-54-0360 Animal Control Services; and 10-45-440 Communications Center fees.

Councilmember Beus left at 9:07.

Mr. Zook discussed a changes to the budgetary line item for Heritage Days; line item 51-40-730 Capital Outlay Improvements; line item 52-72-330 Education and Training; line item 53-40-260 Canal maintenance; and additional money to be allotted to the Capital Projects Fund from the General Fund.

Councilmember Beus returned at 9:12.

Mayor Dustin opened the public hearing at 9:15.

Corlyss Drinkard asked why there was so much in the street budget and asked about the \$30,000 budgeted to update the General Plan. She said she expected the City Council to give the firm contracted some guidance, specifically about reverting to the half-acre minimum lot size.

Junelle Winward, representing the Beginnings Monument project, discussed the fragmented feeling in Nibley and said they felt they could create a feeling of everyone in Nibley understanding their roots and heritage in Nibley. Mrs. Winward said the Beginning’s Committee was putting on the breakfast during Heritage Days this year. She was asking Nibley City to get behind the Beginnings project financially. She asked the city to physically be present at the events they put on and to show their support for their endeavor.

Corlyss Drinkard commented on the budget package; on the layout of the budget and said it was very helpful.

See no further public comment, Mayor Dustin closed the public hearing at 9:22.

Mr. Zook addressed Ms. Drinkard's questions about the money allotted to the street budget and the money budgeted to update the General Plan. Mr. Zook directed the City Council to the money budgeted for the Beginnings Monument and gave an explanation associated with those funds.

9—Discussion and Consideration of Resolution 14-08: A resolution amending the budget for fiscal year 2013-14, adopting the budget for the various funds of Nibley City Council and other budgetary matters for fiscal year 2014-15 and adjusting certain fees and payments for services (First Reading)

Mr. Zook directed the City Council to include their proposed property tax rate in their motion to adopt or reject Resolution 14-08. Mayor Dustin said it was his and city staff's recommendation that they adopt the County's certified tax rate.

Councilmember Hansen made a motion to approve Resolution 14-08: A resolution amending the budget for fiscal year 2013-14, adopting the budget for the various funds of Nibley City Council and other budgetary matters for fiscal year 2014-15 and adjusting certain fees and payments for services for a first reading. Councilmember Beus seconded the motion.

Councilmember Whittaker suggested they address line item 3 which gave a 5% increase to employees based on performance. She proposed they do a scale with 12 grade levels with a 3%/year increase. She said this would allow the employees promotion potential within their own position. She said this would set up the employees to be long-term employees that would stay with the city. The City Council decided to maintain the current pay schedule until such time as they could revisit the issue and make the appropriate adjustments. Councilmember Whittaker updated the City Council on questions she had asked that had been addressed by Mr. Zook regarding the budget. Councilmember Whittaker discussed the City Council's IT Allowance and suggested getting laptops so that their city business went through a machine that had been set aside for that purpose alone and that each City Council member have access to a city email account. Councilmember Jacobsen discussed the alternative of creating a .gmail account strictly for city business.

Councilmember Beus asked for clarification and referred to page 40 and parks employees. She also asked for clarification on salary for the building inspector and the public works director. Mr. Zook addressed her questions. Councilmember Beus discussed the Senior Citizen Center and said she was asking for a token amount. She felt \$1,000 would be a token amount and would offer good will. She felt they could partner with Hyrum in offering this service to Nibley's senior community. Mr. Zook felt they could easily include this in Nibley's budget. The entire Council gave thumbs up to this proposal.

Councilmember Cook wanted to include money in the budget to accommodate another cross walk at 1350 and 3200 because of the connection to the back end of Zollinger Acres. She thought they needed to provide striping on the road so that the traffic knew to

slow at the very least. Councilmember Cook and the City Council discussed safe routes to Heritage Elementary School. Councilmember Jacobsen instigated discussion on the function of School Community Councils.

Councilmember Hansen made a motion to amend the 2014-15 budget to retain the existing salary schedule for Nibley City elected officials; to propose a \$1,000 contribution to Hyrum Senior Center; and to set the property tax rate at .006849. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Cook, and Councilmember Beus all in favor.

Mayor Dustin asked for a roll-call vote on the motion on the floor.

Councilmember Cook was in favor, Councilmember Hansen was in favor, Councilmember Whittaker was in favor, Councilmember Jacobsen was in favor, and Councilmember Beus was in favor.

The motion passed unanimously 5-0.

10—Council and Staff Reports

Councilmember Hansen reported on the community garden. He said 15 of the 40 plots had been leased and they intended to reach out to the townhouses and senior living locations.

Councilmember Hansen reported on his daughter's participation in the "Unplugged" program.

Councilmember Whittaker reported on the "Unplugged" program.

Councilmember Whittaker asked about City Council participation in the Heritage Days parade. She also asked for help from the City Council at the Mayor's Dinner.

Mayor Dustin reported on his family's participation in the "Unplugged" program.

Mayor Dustin updated the City Council on discussions being held on the sewer.

Mayor Dustin updated the City Council on the bridge agreement with the Cache County School District.

Mayor Dustin proposed the City Council get a vehicle for the Heritage Days parade. Mayor Dustin said Bill Saunders had accepted the nomination as the Grand Marshal but was unable to ride in the parade. He proposed the Public Works Department be recognized in his stead and ride in the parade.

Mayor Dustin reported on the 3200 South Request for Proposals (RFP).

Mayor Dustin reported on the 2600 South funding.

Mayor Dustin and the City Council discussed the meeting schedule for approving the budget. They decided the next City Council meeting would be Thursday, June 12. The Mayor and City Council discussed who would serve as Mayor Pro-Tempore on June 12. Councilmember Cook nominated Councilmember Jacobsen. Councilmember Whittaker seconded the nomination. There was general consent on the motion.

Mr. Zook reported on flowers that had been planted by Miss Nibley, Savannah Knight at the entrance to City Hall.

Mr. Zook reported on a grant received from the COG for \$200,000 for the intersection at 2600 S. and a \$40,000 RAPZ grant that had been received to be used at Heritage Park.

Mr. Zook reported on the applications that had been received for Nibley's Public Works Director.

Mr. Zook reported on switching codification services to Municipal Code Online.

Mr. Zook introduced new Nibley City intern, Katie Chapman. He said she would be digitizing the City's filing system.

Mr. Zook reported on his interactions with the president of the canal company.

Mr. Zook reported on the opportunity the City Council members had to attend Dignitaries Days at Lagoon.

The meeting was adjourned at 11:03 p.m.

Attest _____
Assistant City Recorder