

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, June 12, 2014.

The following actions were made during the meeting:

**Councilmember Jacobsen made a motion to adopt Ordinance 14-4: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City at its second reading. Councilmember Cook seconded the motion. Councilmember Cook voted yea, Councilmember Whittaker voted yea, Councilmember Jacobsen voted yea, Councilmember Beus voted nay. The motion passed 3-1; with Councilmember Cook, Councilmember Whittaker, and Councilmember Jacobsen in favor. Councilmember Beus was opposed.**

**Councilmember Whittaker motioned to adopt Resolution on June 6, 2014. Councilmember Jacobsen seconded the motion. Councilmember Jacobsen was in favor, Councilmember Whittaker was in favor, Councilmember Beus was in favor, and Councilmember Cook was in favor. The motion passed unanimously 4-0; with Councilmember Whittaker, Councilmember Jacobsen, Councilmember Cook, and Councilmember Beus all in favor.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, June 12, 2014 Nibley City Council meeting to order at 6:35 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Carrie Cook, Councilmember Kathryn Beus, Councilmember Amber Whitaker, and Councilmember Larry Jacobsen. Mr. David Zook, the City Manager, was also in attendance.

#### **1: Call to order; approval of agenda; and approval of the June 5, 2014 meeting minutes**

Mayor Dustin said the agenda had been revised pursuant to advice by Nibley City's attorney. There was some confusion on what state statute said so by the advice of the attorney they would have a public hearing in both the Planning & Zoning Commission and the City Council so the City Council would take up item number 3 after the Planning & Zoning Commission had their meeting on June 25, 2014 and could weigh in on the issue. Mayor Dustin said they were striking items 3 and 4 because item 4 was dependent on item number 3. Mayor Dustin said the remainder of the agenda would remain the same.

Councilmember Cook made a motion to approve the evening's agenda striking items 3 and 4 to move to a future meeting (July 3, 2014) and to approve the June 5, 2014 meeting minutes. Councilmember Whittaker seconded the motion.

Councilmember Jacobsen made a motion to amend the 6-5-14 minutes to correct an incorrect referral to State ordinance; correcting the referral to Nibley City ordinance. Councilmember Whittaker seconded the motion to amend. The amendment passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Beus, and Councilmember Cook all in favor.

The motion passed unanimously 4-0; with Councilmember Cook, Councilmember Whittaker, Councilmember Beus, and Councilmember Jacobsen all in favor.

**2: Public Hearing—A public hearing to receive input concerning Ordinance 14-3: An Ordinance Amending the Nibley City Transportation Master Plan**

Mr. Zook summarized the changes that had been made to the Nibley City Transportation Master Plan. He said the proposed changes that had been discussed at the June 5, 2014 City Council meeting had been included. Mr. Zook said there was a requirement to hold a public hearing on this issue because it was considered part of the Nibley City Master Plan.

Planning & Zoning Commissioner Aaron Bliesner discussed “Best Practices” which he stated were the range of acceptable standards for methods in a given field of expertise, or the standard by which one’s work is judged especially if liability is being questioned. He said these standards were established by a professional body of a given profession and outlined the minimum standard for quality, tradesmanship, safety, and defensibility of those standards. He said the standards were self-updating as society evolved. Commissioner Bliesner addressed the “Best Practices” as they applied to administration of the code and traffic planning and access to industrial uses. He said a general plan should be evaluated somewhat dispassionately with regard to standards and methods commonly used to develop such plans. He said modifying any part of the general plan to accommodate a individual proposal in a manner as to significantly impact a greater region beyond the immediate area of the proposal did not reflect adherence to best practices. Best practices regarding land use planning require evaluation of citizens concerns about their neighborhood but they also include evaluations of concerns of adjacent neighborhoods, overall traffic circulation, and other relevant issues. He discussed the application of “best practices” to the specific areas being proposed: disconnecting 1500 West and Nibley parkway isolated the industrial zones in any direction but to the east. He said any of the land that was not part of the applicants stated proposal still qualified for further subdivision and most of this land would be isolated from access from the west and the north industrial zone roads. Commissioner Bliesner said there was currently no minimum lot size for industrial zones and much of the remaining land could not legally be cut off from direct access to the frontage along public right-of-ways and the proposal produced more public right-of-way footage along the residential side than it did on the industrial side. The city cannot prohibit access to these potential lots to the east of there is no right-of-way to front them on the west or the north and meant heavy truck traffic through residential streets. Commissioner Bliesner said if they amended the Master Road Plan as proposed they would be abandoning text book and real world best practices. Commissioner Bliesner referred to State Code 10-9a-406 and said he felt the City Council had inadvertently ran afoul of this code. Commissioner

Bliesner asked if the land use authority could hurriedly change the general plan to make legal what was illegally approved at preliminary review before the final plan. He thought they could but asked if they should and asked if a government should modify the law to make legal something that they wanted to do that was currently illegal? Mayor Dustin asked if this represented the opinion of the Planning & Zoning Commission. Commissioner Bliesner said the Planning & Zoning Commission had not been given the opportunity to weigh in on the matter but said he had the blessing to the Planning & Zoning Commission Chair.

Mayor Dustin opened the public hearing at 6:52 and gave direction to the public present.

Corlyss Drinkard said her primary concern with the map was that the extension of road 150 was no longer on the transportation map. She was grateful for this. Ms. Drinkard said she thought the City Council came to the right decision when they made the decisions they did regarding Malouf. She said best practices cannot override the will of the people.

Commissioner Mark Lawver said as a citizen it made sense for him to have roads connect. He said they would have major problems when the industrial lots developed completely. Mr. Lawver said the industrial road should not have been taken off; it would create major problems 15-20 years from now.

Paul Howell said he could relate to what Mr. Lawver had said. He said he had proposed in 1976 that they make 2600 straight through to Millville. He said it wasn't a big issue then but now it was. He said they needed to look ahead to what would happen to Nibley and said that was the planning part. He felt the town was in good hands and that the City Council would do their job.

Seeing no further comment, Mayor Dustin closed the public hearing at 6:58.

Councilmember Beus asked if the Planning & Zoning Commission would have the opportunity to present their recommendation after their meeting on June 23, 2014. Mayor Dustin said they would.

Councilmember Jacobsen said he felt caught procedurally and that Commissioner Bliesner and Commissioner Lawver had made excellent points that were not lost of him and he felt deserved a response. He said it was hard to formulate a response when they didn't have a recommendation from the Planning & Zoning Commission. Mayor Dustin said he would like to have discussion but said he would prefer to discuss the item when it was on the agenda.

#### **5: Discussion and Consideration of Ordinance 14-4: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)**

Mr. Zook summarized the items that had been stricken from Ordinance 14-4. He noted the edit of the Justice Court Judge's pay from 1,030 to 1,040.

Mayor Dustin said because of the position the City Council had taken he had been put in the position to ask the City Council to ask for a raise. He said he realized they didn't serve for gain but his ability to run at the pace he was running was impacted by the compensations. He was having to make choices to between getting things done at home or at the city and was needing to pay someone else to do the chores he was unable to do at home.

Councilmember Jacobsen made a motion to adopt Ordinance 14-4: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City at its second reading. Councilmember Cook seconded the motion.

Councilmember Jacobsen said he appreciated that there was a different time requirement for the City Council than there was for the Mayor. He was not sure he was in the spot to do anything differently this year. Mayor Dustin said if it was the will of the City Council then he would do his best to make it work. Councilmember Beus suggested they come up with a plan that would allow elected officials compensation to catch up to other municipalities and meet in the middle. Mayor Dustin said at this point he felt it was somewhat of an ultimatum because they needed to pass the budget. He asked the City Council to discuss this as a council and come up with a solution the future and to depoliticize this issue. He said if the City Council was amendable to that then he was willing to let it go. Mayor Dustin said he would prefer to revisit this issue in the summer or later in the fall. Councilmember Jacobsen discussed that idea that it looked bad for new City Council to vote themselves a raise and the discussion of longer seeded City Council members to be compensated differently. He said he wanted to put a stop to that discussion. Councilmember Jacobsen said he was not interested in see a graduated pay scale for length of service on City Council. Mayor Dustin said he wanted to discuss whether they had a problem and if they did decided that they had a problem, what they would do about it.

Councilmember Whittaker asked how Mr. Zook got to his current pay rate of \$81,000. She said she was still trying to figure out his COLA amount. Mr. Zook discussed the history of his contract with the city regarding COLA increases. Mr. Zook said under his current contract he was given a COLA allowance. Councilmember Whittaker and Mr. Zook discussed the amount of COLA that was given.

Councilmember Beus and Mayor Dustin discussed why the entire salary range for the City Treasurer and City Manager/Recorder was presented on the proposed ordinance. Councilmember Beus said she could not justify that amount for the City Manger based on the compensation of other Managers in the valley.

Councilmember Cook voted yea.

Councilmember Whittaker voted yea.

Councilmember Jacobsen voted yea.

Councilmember Beus voted nay.

The motion passed 3-1; with Councilmember Cook, Councilmember Whittaker, and Councilmember Jacobsen in favor. Councilmember Beus was opposed.

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

Mr. Zook summarized the discussion that had been held on the 2014-15 budget. He said the changes that had been discussed at the last City Council meeting had been highlighted in green. He referred to revenue the line which correlated with the property tax rate being set at the certified rate and said by maintaining this rate they would not have to hold a truth in taxation hearing. Mr. Zook said he had adjusted the salaries for the City Council, Mayor, and Justice Court Judge on line 10-42-110; adjusted line 10-66-10 which was the projection for roads maintenance carry over; noted that line 10-75-650 reflected the \$1,000 contribution the Hyrum Senior Center; showed where the changed to the Capital Projects Fund was made; and noted small changes to lines 51-48-10 waster debt service and 57-48-10 Sewer Debt Services. He said the budget was left otherwise unchanged.

Councilmember Whittaker made a motion to adopt Resolution on June 6, 2014.

Councilmember Jacobsen seconded the motion.

Councilmember Whittaker thanked city staff for preparing the budget. She was impressed with the layout and intuitiveness. Councilmember Jacobsen thanked the Mayor for the time he put into the budget.

Councilmember Jacobsen was in favor

Councilmember Whittaker was in favor

Councilmember Beus was in favor

Councilmember Cook was in favor

The motion passed unanimously 4-0; with Councilmember Whittaker, Councilmember Jacobsen, Councilmember Cook, and Councilmember Beus all in favor.

**Council Reports**

Mayor Dustin said they would need to have a meeting on July 3 because of the issues that had come up with the Malouf subdivision. Mayor Dustin said he anticipated only have two items on the agenda and summarized those items.

Mayor Dustin said they should have the RFP's reviewed for the 3200 South realignment study soon.

Mayor Dustin said the sewer RFP was moving forward with Hyrum. He said they had just allocated \$20,000 for that study in the budget they had just approved. Mayor Dustin discussed Logan's position and felt their City Council was reluctant to let go of controlling allocation. Mayor Dustin said he was heavily in favor of continuing discussions with Hyrum and moving forward with the sewer study.

Mayor Dustin updated the City Council on Nibley's activities with the Cache County School District.

Councilmember Whittaker said she had taken her son to Lagoon with the discounted ticket available through Dignitaries Day. She said she had received a \$71.90 discount.

Councilmember Whittaker discussed the Nibley Heritage Days Mayor's Dinner and the prepay rate for dinner.

### **Staff Reports**

Mr. Zook distributed Heritage Days flyers to the City Council and encouraged them to distribute them to others.

Mr. Zook distributed information to the City Council about land-use training to be held on July 10, 2014.

Mr. Zook said he had received approximately a dozen applications for the Public Works Director position and said he didn't anticipate extending or reopening that position.

The meeting was adjourned at 7:38 p.m.