

A Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, July 9, 2015.

The following actions were made during the meeting:

Councilmember Jacobsen motioned that the City Council appointment process proceed as follows: Round 1: each candidate gives a three minute presentation in the order of the Lieutenant Governor's Master Ballot Position List after which the City Council would hold a public vote for two candidates eliminating one of the three candidates; with the top vote getters moving to round two. Round 2: The two remaining candidates would then answer the same questions from the City Council after which the City Council would hold a second public vote with the top vote getter serving as City Council member. Councilmember Hansen seconded the motion.

Councilmember Hansen made a motion to amend to allow all three candidates to respond to one round of questions and take the first vote after the round of questions. Councilmember Beus seconded the motion. The amendment passed unanimously 4-0; with Councilmember Hansen, Councilmember Beus, Councilmember Jacobsen, and Councilmember Hellstern all in favor.

The amended motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Beus, and Councilmember Hellstern all in favor.

The City Council and Mayor Dustin appointed Thomas Bernhardt to serve on the Nibley City Council.

Councilmember Hellstern motioned to accept Resolution 15-07: A Resolution to hold a section 218 referendum for the purpose of determining whether Nibley City will participate in the State of Utah's Section 218 Agreement and Provide Social Security Benefits to City Employees and waive the second reading. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Hellstern, Councilmember Bernhardt, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Call to Order

Mayor Shaun Dustin called the Thursday, July 9, 2015, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Larry Jacobson, Councilmember Ron Hellstern, Councilmember Bryan Hansen, and Councilmember Kathryn

Beus. David Zook, Nibley City Manager, and Justin Maughn, Nibley City Public Works Director, were also in attendance.

Approval of agenda; and approval of the June 18, 2015 meeting minutes

Councilmember Hansen made a motion to approve the evening's agenda and the previous meeting's minutes. Councilmember Beus seconded the motion.

Councilmember Jacobsen noted a typing mistake on Page 2 line 3 of the previous meeting minutes. He asked Mayor Dustin to give the deputy recorder the right to correct the error and proceed with the vote.

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

Review of Rules for Appointment Process for Appointing a New City Council Member

Mayor Dustin asked for the City Council's direction on the process for appointing a new City Council member. Councilmember Jacobsen said he believed when the City Council got to the final vote they should only be considering two candidates. He said he feared the most popular candidate could split votes between two other candidates. Councilmember Jacobsen suggested the City Council narrow their list of candidates to two after the three minute presentation and then proceed to the candidates answering individual questions and then finishing with a final vote.

Councilmember Jacobsen made a motion that the City Council appointment process proceed as follows: Round 1: each candidate gives a three minute presentation in the order of the Lieutenant Governor's Master Ballot Position List after which the City Council would hold a public vote for two candidates eliminating one of the three candidates; with the top vote getters moving to round two. Round 2: The two remaining candidates would then answer the same questions from the City Council after which the City Council would hold a second public vote with the top vote getter serving as City Council member. Councilmember Hansen seconded the motion.

Councilmember Hansen suggested they hold one round of questions before eliminating one candidate before the final vote. Councilmember Jacobsen said he was open to this process as long as they were voting for only two candidates at the end.

Councilmember Hansen made a motion to amend to allow all three candidates to respond to one round of questions and take the first vote after the round of questions. Councilmember Beus seconded the motion.

Mayor Dustin summarized the voting process that had been proposed by Councilmember Jacobsen and Councilmember Hansen in their motions. 1—Presentation; 2—Respond to a question; 3—Vote to reduce to 2 candidates (each member votes for 2 candidates; open ballot); 4—Move directly to the selection between the two remaining candidates (role call vote).

The motion to amend passed unanimously 4-0; with Councilmember Hansen, Councilmember Beus, Councilmember Jacobsen, and Councilmember Hellstern all in favor.

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

Interviews of Candidates and Appointment of Interim City Council Member

Mayor Dustin questioned the order of presentation. Mr. Zook said it would be done according to the Lieutenant Governor's Random Alphabet. He said it would be Larry Anhder, Timothy Ramirez, and Tom Bernhardt. Mr. Zook displayed the order of presentation and order of City Council questions, and the order of question response.

Councilmember Beus stated that she was Larry Anhder's daughter.

Larry Anhder began his presentation at 6:48 p.m. Mr. Anhder expressed his love of Nibley City and his desire to continue to serve in Nibley City. Mr. Anhder said he offered a lot of experience, financial expertise, experience with city government, and that he could be productive at his very first meeting. Mr. Anhder discussed his experience on previous Councils. Mr. Anhder's presentation ended at 6:50 p.m.

Timothy Ramirez began his presentation at 6:50 p.m. Mr. Ramirez introduced himself to the City Council and public present. Mr. Ramirez talked about his work experience in law enforcement and said he would like to be a well rounded individual and wanted to serve on the City Council. He said he was a Republican and held a leadership position in the Republican party in Cache Valley. Mr. Ramirez discussed that he his future plans and said he wanted to better himself and get more experience. He wanted to get the training of being involved in the City Council. Mr. Ramirez's presentation ended at 6:53 p.m.

Tom Bernhardt's presentation began at 6:53 p.m. Mr. Bernhardt discussed his background and education. He said he was interested in serving on the City Council and serving the citizen of Nibley. He discussed that he wanted to help shape the city of Nibley and maintaining the quality of life in Nibley. Mr. Bernhardt discussed his service on the Planning and Zoning Commission during the last five months. He discussed his employment experiences and the talents he felt would be useful at the City Council. Mr. Bernhardt's presentation ended at 6:56 p.m.

Mayor Dustin thanked all the candidates for coming out and putting their name forth for consideration.

Councilmember Hansen had the first question; he asked what the most pressing issue is facing Nibley and their recommendations for fixing it. Mr. Anhder responded first, with Mr. Ramirez going next, and Mr. Bernhardt answering last.

Councilmember Hellstern had the next question; he asked for ideas of open space and conserving nature. Mr. Ramirez answered the question first, Mr. Bernhardt answered the question next, followed by Mr. Anhder.

Councilmember Jacobsen asked the next question; he asked how a legislative body balances individual property right and community property rights? Mr. Bernhardt was first to address the question, followed by Mr. Anhder, and concluding with Mr. Ramirez.

Mayor Dustin asked the next question; he asked the candidates to name a leader they admired and asked them to characterize what a leader was. Mr. Anhder answered the question first (John Adams), Mr. Ramirez answered second (Teddy Roosevelt), and Mr. Bernhardt was the last to address this question (his father).

Councilmember Beus asked the final question; she asked what the candidates felt was the identity of Nibley and what they would like to leave as a legacy. Mr. Ramirez was first to answer the question, followed by Mr. Bernhardt, and concluding with Mr. Anhder.

Mr. Anhder asked for the opportunity to respond to an email that was sent to the public and City Council regarding himself. Mayor Dustin asked if any member of the City Council wanted to edit the procedure. None of the Councilmembers responded.

The first round of voting concluded as follows: Councilmember Jacobsen voted for Tom Bernhardt and Timothy Ramirez. Councilmember Hellstern voted for Tom Bernhardt and Timothy Ramirez. Councilmember Hansen voted for Tom Bernhardt and Larry Anhder. Councilmember Beus voted for Timothy Ramirez and Larry Anhder.

Tom Bernhardt received 3 votes.

Timothy Ramirez received 3 votes.

Larry Anhder received 2 votes.

The second round of voting concluded as follows: Councilmember Beus voted for Timothy Ramirez, Councilmember Hansen voted for Thomas Bernhardt, Councilmember Hellstern voted for Timothy Ramirez, Councilmember Jacobsen voted for Thomas Bernhardt tying the vote at 2-2. Mayor Dustin broke the tie voting for Tom Bernhardt.

Tom Bernhard received 3 votes.

Timothy Ramirez received 2 votes.

Mr. Zook, Nibley City Recorder, asked Mr. Bernhardt to repeated the following Oath of Office:

I, Thomas Bernhardt, having been appointed to the
Nibley City Council
Do solemnly swear that I will support, obey and defend
The Constitution of the United States and
The Constitution of this State, and
That I will discharge the duties of my office with fidelity.

Councilmember Bernhardt took his place on the City Council dais.

Discussion and Consideration of Resolution 15-07: A Resolution to hold a section 218 referendum for the purpose of determining whether Nibley City will participate in the State of Utah's Section 218 Agreement and Provide Social Security Benefits to City Employees (First Reading)

Mayor Dustin read Resolution 15-07 to the City Council and public present.

Mr. Zook said that Mayor Dustin had received a letter from the Internal Revenue Service about an upcoming compliance review. He said city staff had since completed that review with the IRS and the only discrepancy that was found was that the IRS was unable to locate a record with the Social Security Administration indicating whether or not the City had ever elected to participate in the Social Security program. He said it was possible that this had been done but Mr. Zook said he had been unable to find a record of this. Mr. Zook described what would happen should the city employee decided to not participate in the social security program. Mr. Zook asked the City Council to waive the first reading of this Resolution and allow the City to move forward more quickly with coming into compliance.

Councilmember Hellstern made a motion to accept Resolution 15-07: A Resolution to hold a section 218 referendum for the purpose of determining whether Nibley City will participate in the State of Utah's Section 218 Agreement and Provide Social Security Benefits to City Employees and waive the second reading. Councilmember Bernhardt seconded the motion.

Councilmember Bernhardt asked if this only needed to be done once. Mr. Zook said this was correct. Councilmember Bernhardt asked if they could back out at any point. Mr. Zook said he would research whether they could reverse the decision later.

The motion passed unanimously 5-0; with Councilmember Hellstern, Councilmember Bernhardt, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Staff and Council Reports

Councilmember Hellstern reported that they were 5 residents away from becoming the first Utah community certified by the National Wildlife Federation.

Commissioner Bernhardt expressed his appreciation of the two other candidates who had put their name forth for the City Council seat.

Councilmember Beus expressed that she would like hold an outreach to include the hispanic population in Nibley and to make everyone feel a part of the community. The majority of the remaining council members expressed that this was a good direction to go. The City Council discussed a few ideas.

Mayor Dustin discussed responses to the Request for Proposals for the General Plan update. He asked the City Council if they would like to reissue the RFP based on a deficiency in the last RFP process. Mayor Dustin described how the deficiency effected the proposals; he said the score sheets weren't published as part of the RFP and actually hadn't been generated until after they had gotten the proposals back. He said inclusion of the scoresheet could alter how the proposals were prepared and how issues were weighted. Mayor Dustin said there was nothing wrong with how they had issued the RFP but they hadn't followed internal procedure. Councilmember Bernhardt discussed his experience with RFPs at his job and he recommended they open the RFP back up. The City Council agreed to reopen the RFP process for two weeks with the addendum. The City Council asked Mr. Zook to look into the legality of opening the process only to the 4 candidates that had already submitted proposals and if it was legal to open it back to only those candidates. Otherwise, they expressed that they would like the process opened to anyone.

Mayor Dustin reported on the open house for Neighborhood Non-Profit Housing Corporation on Thursday, July 16.

Mayor Dustin said the cross-walk at 3200 would still be installed this summer. He said UDOT had hired JUB Engineering to install this. Councilmember Hellstern also suggested other traffic elevating measures at Maverik. Councilmember Jacobsen asked about the timescale to apply for funds from the Council of Governments (COG). Mr. Zook said they should be opening up the appeal process soon. Mr. Zook felt they needed to pick an alignment in the next month or so. Councilmember Bernhardt said he felt the City Council needed to "close the loop" with the Planning and Zoning Commission and give them some concrete direction.

Councilmember Beus volunteered to serve on the Parks Master Plan selection committee.

Mayor Dustin reported on wastewater discussions/negotiations with Logan City and Hyrum City.

Mr. Zook reported on the success of Heritage Days.

Mr. Zook, Mayor Dustin, and the City Council concluded that there was no need to hold a second City Council meeting in July.

Mr. Zook said they had applied to the Department of Drinking Water Quality for a grant in order to repair Nibley's spring. The grant had been denied because of Nibley's residential income levels. He said he still didn't have a reimbursement decision from Nibley's insurance company.

Mr. Zook said Nibley's annual road maintenance would be starting the following week. He reported on Nibley's public outreach to inform residents of road closures.

Mr. Zook updated the City Council on the progress of the bridge installation at 2600 South.

Councilmember Jacobsen asked Mr. Zook to look into the budgetary concerns that had been discussed by Mr. Anhder and to bring any discussion back to the City Council.

Mayor Dustin discussed proposed ordinance coming from the Planning and Zoning Commission regarding animal control and telecommunications towers.

There was general consent to adjourn the meeting at 8:36 p.m.

Attest: _____
Deputy City Recorder