

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, November 5, 2015.

The following actions were made during the meeting:

Councilman Jacobsen motioned to adopt the Nibley City Sewer Master Plan as presented. Councilman Bernhardt seconded the motion. The motion passed unanimously 4-0; with Councilman Jacobsen, Councilman Bernhardt, Councilman Hansen, and Councilman Hellstern all in favor.

Councilman Hansen motioned to approval the Franchise Agreement with Questar Gas Company. Councilman Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilman Hansen, Councilman Hellstern, Councilman Jacobsen, and Councilman Bernhardt all in favor.

Councilman Hellstern motioned to accept the bid of \$55,469.39 from MSLA Mountain States Supply to purchase water distribution pipe for the Nibley City well project. Councilman Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilman Hellstern, Councilman Jacobsen, Councilman Hansen, and Councilman Bernhardt all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Mayor Pro-Tempore Larry Jacobsen called the Thursday, November 5, 2015, Nibley City Council meeting to order at 6:45 p.m. He led the City Council and public present in the Pledge of Allegiance. Those in attendance included Councilman Larry Jacobsen, Councilman Bryan Hansen, Councilman Ron Hellstern, and Councilman Thomas Bernhardt. Mr. David Zook, the City Manager, and Shari Phippen, Nibley City Planner, and Justin Maughn, Nibley City Public Works director, were also in attendance. Mayor Shaun Dustin and Councilwoman Kathryn Beus were excused from the meeting.

Approval of agenda; and approval of the October 15, 2015 meeting minutes

Councilman Bernhardt made a motion to approve the October 15, 2015 meeting minutes and the evening's agenda. Councilman Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilman Bernhardt, Councilman Hellstern, Councilman Hansen, and Councilman Jacobsen all in favor.

Project Update Report from the Public Works Department

Mr. Justin Maughn, Nibley City Public Works Director gave a presentation on the accomplishments and projects of the Public Works department in 2015. Several members of the public works team were present at the meeting.

Mr. Maughn had a PowerPoint presentation to accompany his discussion. He discussed the public works emphasis on safety; safety equipment, safety training, school safety, and sidewalk safety. Mr. Maughn talked about the relationships the public works department had established with other public agencies and their advances with emergency preparedness. Mr. Maughn presented information on the advancements in the water department with chlorination at the Nelson well and showed the relocation of Nibley's recycle site. Mr. Maughn presented a list and some pictures of projects that were completed at Nibley's parks. His discussion then turned to the accomplishments of the streets department including projects involving storm water mitigation, and water & sewer. Mr. Maughn finished his presentation with future Public Works goals and projects.

Councilman Jacobsen and Mr. Zook discussed Mr. Maughn's qualifications and expressed their appreciation of the public works department.

Mr. Maughn introduced the public works department members that were present at the meeting: Justin Pope, Water Department Manager; Rod Elwood, Parks Department Manager; Austin Powel, Building Inspector and Parks Assistance; Caden—Champion of the red mower; Brock Nelson, Sewer & Water; and Josh Hershey with the Water Department.

Councilman Bernhardt asked said Mr. Maughn's presentation was fantastic and asked him to address what future challenges he foresaw and to give the City Council direction on how they could help out. Mr. Maughn said his first priority was the new well. He asked the City Council to keep supporting them with the tools they needed to help them do their jobs and to be educated on the things they do.

Councilman Hansen expressed his appreciation of the public works department.

Presentation by Nibley City's Representative on the Cache Mosquito Abatement District

Mr. Ryan Arkoudas, Nibley's trustee to the Cache Mosquito Abatement District, was present at the meeting.

Mr. Arkoudas informed the City Council that he was the director of the Weber County mosquito abatement. Mr. Arkoudas gave a presentation on pollinators (honeybees) and the effects pesticides and insecticides had on pollinators, and mosquito populations. He discussed procedures for treatments including barrier treatments and ULV (ultra-low volume) treatments. He educated the City Council on the best practices for spraying and said that the best time for spraying mosquitos was when honeybees were actually bedded down and protected. Mr. Arkoudas said they were not often informed of where beehives, especially hobby beehives, were located. He said if the CMAD is informed of these locations then they can provide a no spray area.

Mayor Dustin arrived at 7:37 p.m.

Mr. Arkoudas said that in the Weber District he had never been reported for destroying a hive because of the policies about the type and time of spraying that they followed. He said that Richard Rigby had had the same policies in place in the Cache Mosquito District. He said beekeepers needed to exercise caution and read labels when treating for varroa mites or they ran the risk of destroying their hives. He said that the CMAD needed to be contacted when a hive is moved or informed of hobby beehives.

Councilman Hellstern expressed his appreciation of Mr. Arkoudas' presentation and said he had put his mind at ease in several situations. Councilman Hellstern asked if hobby beekeepers could register their hives directly with the CMAD. Mr. Arkoudas said that the department of agriculture would prefer to have this information in their beekeeper database; the CMAD did not pass any information regarding beehives along to the DOA; the information stayed with the district.

Mayor Pro Tem Jacobsen asked about the CMAD's courtesy no spray request to not have properties sprayed; registered beekeeping, a certified organic farming, or a note from a physician. Mayor Pro Tem Jacobsen said he had gone through the process that had required a registration number from the Department of Agriculture. Mr. Arkoudis said he would bring this matter to the CMAD board. Mayor Pro Tem Jacobsen discussed the firefly population in Nibley City. He said Nibley City wouldn't qualify for the property to not be sprayed under the current procedures and said he would be devastated to lose the firefly population. He also discussed the effects of permithren on monarch butterflies. Mayor Pro Tem Jacobsen discussed a study from the Entomological Society of America from the University of Minnesota. Mayor Pro Tem Jacobsen asked Mr. Arkoudas to go to the board and consider a more lenient policy on not spraying and to think of more than just bees. Mayor Pro Tem Jacobsen felt the spirit of the law and the policy being implemented on the website should be addressed. Councilman Hellstern said he was also concerned with orchard bees. Mr. Arkoudas said mosquito control followed label instructions for the pesticides that were used and followed the guidelines set by the EPA. He said the CMAD's first priority was public health with the second being nuisance.

Mayor Pro Tem Jacobsen asked for the City Council's permission to take public comment from the audience. None of the City Council expressed that they were unwilling to hear public comment.

Tim Ramirez asked how effective the spray was. Mr. Arkoudis said the spray was very effective under ideal conditions; up to 90+% effective; which was quite a decrease in the number of mosquitoes.

Shauna Wanger asked about nuisance calls and asked if there was a true threat to the public from West Nile Virus. She said it seemed like a lot of spraying and taking away property rights by people who are complaining about getting bit by

mosquitos. She said there didn't seem to be a threat of West Nile Virus anymore. Mrs. Wanger said they seemed to be spraying for a nuisance and not a threat.

Mayor Dustin said they were fortunate to have a mosquito abatement professional representing Nibley City and said there was a more appropriate place and time to express concerns and questions. He said the CMAD had scheduled meetings that were open to the public. Mayor Pro Tem Jacobsen asked Mr. Arkoudas to take the thoughts and concerns that had been expressed back to the CMAD board.

Mayor Dustin took control of the meeting at 8:07.

Presentation of the Sewer Master Plan

Mr. Maughn presented Chris Slater with JUB Engineering. Mr. Slater had a PowerPoint presentation, prepared by Nibley's City engineer, to accompany his discussion entitled the "Sewer Collection Master Plan". Mr. Slater's presentation included background and he reported that there were no projected capacity problems for the next 10-15 years. He discussed a map that showed Nibley's sewer system.

Mr. Slater took questions and comments from the City Council.

Councilman Jacobsen made a motion to adopt the Nibley City Sewer Master Plan as presented. Councilman Bernhardt seconded the motion.

Councilman Bernhardt asked if they had plans to follow up with some of these actions; he specifically noted sewer metering with Millville. Mr. Zook said the meter was actually being installed. Mayor Dustin said this plan gave Mr. Maughn his marching orders for what they should expect to see in his budget plans for the next 7 years. Councilman Bernhardt said this was a fantastic warning to see what the city would deal with as the city continued to grow.

Councilman Jacobsen asked if there was a regular calibration schedule for the flow meter that went to Logan City. Mr. Maughn said it was calibrated yearly and that the Nibley Public Works Department also measured it regularly.

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

Approval of a Franchise Agreement with Questar Gas Company

Mr. Zook said this agreement was similar to a cable franchise agreement but instead was governed by State laws. He said the city didn't get franchise fees from this agreement but instead got a municipal energy tax, which they could and did tax up to 6% (about \$70,000/year). A franchise agreement gave a private company permission to operate their business on their property. Mr. Zook said this agreement was non-exclusive, the facilities must be non-intrusive and preserve the

natural beauty and aesthetics of the neighborhoods that they went in to, and that the company must help Nibley City collect the municipal energy tax.

Councilman Hansen made a motion to approval the Franchise Agreement with Questar Gas Company. Councilman Hellstern seconded the motion.

Mayor Dustin said he had some concerns with utility boxes and compliance with city regulation. He felt this was on the city to enforce the agreement and have them comply and required them to do something with the utility boxes. Mayor Dustin specified that he was referring the aesthetic issues.

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

Consideration of a Request to Authorize the Public Works Department to Purchase Water Distribution Pipe for the Well Project

Mr. Maughn said this was a major piece of the Nibley well project. He said Nibley had received estimates from three different companies. He said this was all the same size pipe with the same specifications.

Councilman Hellstern made a motion to accept the bid of \$55469.39 from MSLA Mountain States Supply to purchase water distribution pipe for the Nibley City well project. Councilman Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilman Hellstern, Councilman Jacobsen, Councilman Hansen, and Councilman Bernhardt all in favor.

Council and Staff Reports

Councilman Jacobsen read the list “You Might Belong in City Government” which he adapted from Jeff Foxworthy’s “You Might Be a Redneck If” He said when thinking about running for another term on the City Council, he asked himself “Is this where I belong, or have I given it my best shot and it's time to move on?” He said he came up with a test to help him decide.

You might belong in city government if . . .

- You think there are more interesting things going on at City Hall on the first and third Thursdays and the second and fourth Wednesdays of each month than what Prime Time television has to offer.

You might belong in city government if . . .

- You suppress a giggle whenever you hear someone say “I have a right to do whatever I want to do on my own property”.
- If you suppress that same giggle when you hear that same person, two weeks later, say “My neighbor is not allowed to sell her horse pasture to a developer.” ...
... then you might belong in city government.

You might belong in city government if . . .

- You sometimes come to Public Hearings without already having made up your mind.
- If you sometimes come to Public Hearings without already having made up your mind, and during the discussion, you decide the best choice is something different than what everybody says they want . . . then you might belong in city government.
- If you are willing to listen to the citizens of Nibley, subject-matter experts, and anyone else who has a stake in your decisions, and if you know what Utah Code allows, what the General Plan says, and what our Ordinance mandates . . . then you might belong in city government.

You might belong in city government if . . .

- You have at least six months of vacation on the books up at your day job, and the only time you use any of that vacation is to attend city government conferences.

You might belong in city government if . . .

- You believe that locally elected and locally appointed officials are better connected to the founding principles of our nation than are the people that are currently running our nation.

You might belong in city government if . . .

- You realize that sometimes the right decision makes everybody mad, but hopefully for a variety of reasons.
- If you are able to consider an issue from the point of view of the people you represent,
- If you believe that agreements are meant to be kept and ordinances are meant to be enforced until they are changed,
- If you value and cherish what we have in Nibley, and if you are willing to spend time and effort working to protect those things, then . . . You might belong in city government.

Councilman Hellstern asked for a 15 minutes open period before each City Council meeting for the public to make comment, within certain parameters.

Councilman Hellstern discussed the 3200 intersection and asked if the County had been contacted and made aware of the impact of that intersection. Mr. Zook said they had contacted the County.

Councilman Hellstern discussed the tree growth on 3200 South and the sprouts from the poplars and cottonwoods. He asked if it was the intent to let those take root and regrow. Mr. Maughn said that was the intent to maintain a main stem.

Councilman Hellstern addressed sidewalk along the south side of 2600 South. Mr. Zook said he had applied for grant funds to extend a wider trail along 2600 South and the intent was to put sidewalk on the north side. He said they did not receive the grant funding but they had gotten \$350,000 in funding to do a trail on the other side of the highway along the river by the high school.

Councilman Bernhardt said there was a resident that had expressed concerns with the parking at Clear Creek Park and had asked if there was an “open mic night” where he could present his concerns to the City Council. Councilman Bernhardt said he would also, along with Councilman Hellstern, be interested in allowing the public to give comments to the City Council. He said he would also like to hear a presentation from the South Cache Soccer League because they utilized Nibley’s field and to ask them about their balancing and scheduling. Mr. Zook said he had talked to Nibley’s Recreation Director, Chad about meeting with Allen Haycock to discuss scheduling. Mr. Zook said he had met with the Sherriff’s office regarding the problem and that he and Mr. Maughn had discussed signage that would prohibit parking along the north side of the road. Councilman Bernhardt said he felt the issue was that games were scheduled right on top of each other.

Councilman Bernhardt said there was a concern with the school crossing at 800 West and 2600 South and the shift change from Logan Coach. Mr. Zook said the city had reached out to the Sheriff’s department about additional patrols at that time and that the public works department had rotated Nibley’s flashing signs to that area. Mr. Zook said there had been some discussion of placing flashing school zone signage. Officer Ramirez suggested the city reach out to the WeatherShield employees directly.

Mayor Dustin stated the reasons he was concerned with open comments from the public. He felt there would be better impact if the citizenry where to contact the City Council individually and wished they would take advantage of the opportunities to contact them individually; he said it changed the nature of the interaction when it was done individually. Mayor Dustin said having a public comment process made meeting management harder. He said if they did decide to have the open comment period then they needed to be firm on the time limit. Councilman Jacobsen thought they should do this. He thought the public might get frustrated because the City Council would be unable to engage in the discussion with the citizens; they were unable to discuss without the item being published on an agenda. Councilman Hellstern and Mayor Dustin discussed procedural issues with open public comment time period. Mayor Dustin asked Councilman Hellstern and Councilman Bernhardt to work on a proposal to be put on the next City Council agenda.

Mayor Dustin discussed a meeting between himself, Mr. Zook, and the Lieutenant Governor.

Mayor Dustin reported on the “Boo”nanza. He said it was a great time.

Mayor Dustin reported on items he had discussed with the Sherriff’s department.

Mr. Zook reported the election results to the City Council. He said the City Council should adopt the final canvas of the election at the next City Council meeting.

Mr. Zook also reported on the meeting with the Lieutenant Governor. He said he had received some great resources for Nibley's businesses.

Mr. Zook reported on Nibley employee, Josh Hershey who was trying to cover the medical expenses for his mother's funeral. He said there would be a benefit dinner at the Eagle's Lodge for \$10/plate on Friday, November 6; or the City Council could make a contribution.

Mr. Zook reported on the Nibley Christmas party being held on December 17 at 6:00 in the USU Sky Room. Mr. Zook also commented on the "Boo"nanza. He said there was a very large turn-out.

Mayor Dustin adjourned the meeting at 9:55 p.m.

Attest: _____
Deputy City Recorder