

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, February 4, 2016.

The following actions were made during the meeting:

Councilmember Bernhardt motioned to approve Resolution 16-02: Appointing Stephen Nelson as Nibley City Treasurer and David Zook as Nibley City Recorder. Councilmember Hansen seconded the motion.

Councilmember Bernhardt motioned to amend and waive the second reading of Resolution 16-02: A Resolution Appointing the City Treasurer and Recorder. Councilmember Hansen seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Hansen, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

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

Councilmember Bernhardt motioned to approve Matt Regen as Nibley City Auditor for the years 2016/2017. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Ramirez, Councilmember Hansen, Councilmember Jacobsen, and Councilwoman Beus all in favor.

Councilwoman Beus motioned to approve the Sanitary Sewer Management Plan as presented and to waive the second reading of the plan. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilwoman Beus, Councilman Bernhardt, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Councilmember Hansen motioned to approve the acquisition of real property as specified in the real estate purchase contract. Councilwoman Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilwoman Beus, Councilmember Jacobsen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Opening Ceremonies

Mayor Dustin led the meeting in the Pledge of Allegiance and then quoted Martin Luther King.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, February 4, 2016, Nibley City Council meeting to order at 6:32 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Larry Jacobsen, Councilwoman Kathryn Beus, Councilmember Thomas Bernhardt, and Councilmember Tim Ramirez. Mr. David Zook, the Nibley City Manager, Stephen Nelson, Nibley City Treasurer, and Justin Maughn, Nibley City Public Works Director, were also in attendance.

Councilmember Bryan Hansen arrived at 6:34 p.m.

Approval of agenda; and approval of the January 21, 2016 regular meeting and executive session minutes

Councilmember Jacobsen made a motion to approve the January 21, 2016 meeting minutes with his proposed amendment.

Councilmember Jacobsen proposed the following wording be added to page 5, line 35 of the 1-21-16 minutes.

“including those of Gerald Knight, Nibley Mayor when the SCDP was drafted.”

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

Councilmember Jacobsen made a motion to approve the January 21, 2016 executive session meeting minutes. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilwoman Beus, and Councilmember Bernhardt all in favor.

Councilmember Jacobsen made a motion to approve the evening’s agenda. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Hansen, Councilwoman Beus, and Councilmember Ramirez all in favor.

Public Comment Period

Mayor Dustin read the rules pertaining to the public comment period.

Mayor Dustin noted that there was no signatures on the public comment sign up sheet. Seeing no public comment, Mayor Dustin asked for general consent to move to the next agenda item.

General consent was given by the City Council to move to the next agenda item.

Discussion and Consideration of Resolution 16-02—A Resolution Re-Appointing the City Treasurer and Recorder

Mr. Zook said that State Law required that the City Council appoint or reappoint the City Treasurer and City Recorder every two years after a municipal election. The Mayor is required to appoint, with the advice and consent of the City Council

Mr. Zook described the duties of the City Recorder and the City Treasurer. Mr. Zook noted that State Law required that this process be done by the first Monday in February and apologized for its lateness but said there had been a different interpretation of the State Code. He described how Nibley’s Attorney felt the code should apply.

Councilmember Bernhardt made a motion to approve Resolution 16-02: Appointing Stephen Nelson as Nibley City Treasurer and David Zook as Nibley City Recorder. Councilmember Hansen seconded the motion.

Councilmember Bernhardt made a motion to amend and waive the second reading or Resolution 16-02: A Resolution Appointing the City Treasurer and Recorder. Councilmember Hansen seconded the motion. The amendment passed unanimously 5-0; with Councilmember Bernhardt, Councilmember Hansen, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

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

Discussion and Consideration of a Letter of Engagement from Matt Regen, CPA for Auditing Services

Mayor Dustin said that the City Council should have received Matt Regen’s letter dated January 25, 2016.

Stephen Nelson, Nibley City Treasurer described the history leading to the consideration of this Letter of Engagement and the process that had been taken. Mr. Nelson described a couple of corrections to the letter, which included a description of the annual fee and how the fee was calculated. Mr. Nelson said the letter indicated that the cost shall not exceed \$11,500. Mr. Nelson said it was city staff’s recommendation that the City Council approve the Letter of Engagement from Matt Regen.

Councilmember Bernhardt a discrepancy with some of the dates in the letter. Mr. Nelson was directed to clarify the dates.

Councilmember Bernhardt made a motion to approve Matt Regen as Nibley City Auditor for the years 2016/2017. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt,

Councilmember Ramirez, Councilmember Hansen, Councilmember Jacobsen, and Councilwoman Beus all in favor.

Discussion and Consideration of a Sanitary Sewer Management Plan

Mr. Justin Maughn, Nibley City Public Works Director said this document was a plan laid out and written out so that the State and City Council knew what the public works department as doing to take care of and maintain the sewer system. He gave an outline of the sewer management plan for Nibley City. He discussed weekly inspections of each lift station. He presented the plan to the City Council and asked them if they had any questions and were happy with the plan.

Mayor Dustin asked Mr. Maughn to explain the three “hot spots” in the system. Mr. Maughn described the “hot spot” in front of Maverik in detail.

Councilmember Hansen asked if Nibley’s sewer system was in compliance, regarding capacity, with what was originally planned when the sewer was upgraded? Mr. Maughn said he felt Nibley was in great shape and described the criteria that were used when the system was designed. Mr. Zook asked Mr. Maughn to describe how the sewer capacity was tested during the water contamination crisis in Nibley City, which Mr. Maughn did. He said they had passed five times the normal peak flow and didn’t reach the maximum capacity of the lift station.

Councilmember Jacobsen asked Mr. Maughn what method was used to document the scheduling of cleaning and camera”ing” the system. Mr. Maughn said currently it was bound book in the Public Works office and said they would like to move towards GIS. Councilmember Jacobsen said he suspected that if they kept up on maintenance they would get a lot better service out of the system. Mr. Maughn said the sewer system was about as clean as it had ever been because of the work and money that had been spent by the Public Works department in the past two years cleaning out the system. Councilmember Jacobsen asked to Mr. Maughn to report on lift station calibration.

Councilman Bernhardt asked about inspection results and asked if there were electronic copies available or if they were only available in paper form. Mr. Maughn said there were only paper copies that were kept in binders. Councilman Bernhardt asked about State mandated retention of these types of records. Mr. Zook said Nibley had retained all of these records and described how he felt they would proceed with retention of these records moving forward.

Councilwoman Beus made a motion to approve the Sanitary Sewer Management Plan as presented and to waive the second reading of the plan. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilwoman Beus, Councilman Bernhardt, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Discussion and Consideration of the Acquisition of Real Property

Patience Fisher, a real estate broker was present at the meeting.

Mr. Zook told the City Council that they had the prerogative to move this discussion into a closed session if they felt it was needed but didn't feel any other buyers would jeopardize the purchase at this point.

Mr. Zook said the city had been looking at the intersection of 3200 South and SR 165 for some years now and said the Nibley City Transportation Master Plan had called this out as their number one priority. Mr. Zook discussed the plans for realignment that had been presented to the City Council in the past year. The City Council had deferred to the General Plan update process and the steering committee had suggested the route that would take 3200 strait across SR 165. He said one of the homes in the way of this route had come up for sale and that the City Council had directed city staff, at their 1-21-16 executive session, to contact the homeowner and negotiate to purchase the house. Mr. Zook said they had offered the seller the asking price because there was already an offer for the property on the table. He said the seller had accepted the offer contingent on approval by the City Council. Mr. Zook said sufficient funds for the purchase of the property had been included in the current year's budget. Mr. Zook said it was expected that the purchase price, combined with associated costs, would exceed \$140,000, including appraisal fees, brokerage commissions, title insurance and other closing costs. Mr. Zook distributed a real estate purchase contract to Mayor Dustin and the City Council. He asked for the City Council's approval of the purchase of this property.

Councilmember Hansen made a motion to approve the acquisition of real property as specified in the real estate purchase contract. Councilwoman Beus seconded the motion.

Councilmember Jacobsen asked for the bottom line to Nibley City of \$140,000 after they were done with the Council of Governments. Mr. Zook said Nibley share would be approximately 7% or approximately \$13,000. Mr. Zook said he had reached out to the COG and they had given the green light for this purchase. Councilmember Ramirez asked if UDOT would fix the intersection with new lights once the road went through. Mr. Zook said UDOT had agreed to take care of the intersection and Mayor Dustin said he hadn't given up on asking UDOT to cover a little bit more if they could find a way to justify the help.

Councilwoman Beus asked if now was the time to discuss what would be done with the property. Mr. Zook said he would like direction from the City Council and suggested he would like the City Council permission to retain the services of a property management company. He suggested if the City Council was not comfortable with doing this then he would prefer the house be demolished and not sit vacant. Mr. Zook described the prescient for this type of property rental. Councilmember Jacobsen asked if the letter from the COG covered the contingency that, in fact, the COG may not fund this project. Mr. Zook said the COG had never guarantee funding for the alignment project and that it was a competitive process.

He described the remainder of the costs that they would be asking from the COG. Mr. Zook described why staff had felt they needed to offer a full asking price from the property. Councilmember Jacobsen asked if a copy of the home inspection report was available and if Ms. Fisher had made the offer contingent on issues brought out in the home inspection being taken care off. Ms. Fisher she had requested it and should be delivered soon and said they had due diligence until Saturday. Councilmember Jacobsen expressed his concerns with not getting money for the alignment from the COG and said if they didn't get the money he want to resell the property. He said he wanted it to be a livable house if they were going to pay for a livable house. Councilmember Jacobsen said this was "plan B" for him but that he had been slowly worn down to this option because he didn't feel the UDOT would make the intersection a three way stop. He said he was worn down enough to purchase the property.

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

Council and Staff Reports

Mayor Dustin reported on the sewer. He said it was anticipated that the Logan rate study would be done in June. Mayor Dustin also reported on meetings with Hyrum regarding partnering with their sewer.

Mayor Dustin reported on a trip to the State Senate for Local Officials Day with the Nibley City Youth Council. He thanked the City Council for their support of the Youth Council. He said they were building future leaders and future engaged citizens. He said Nibley's Council were always leaders when they went down to the Capital. He said he felt Trudy Knight set them up to be leaders.

Mayor Dustin asked the City Council for nominations for Citizen of the Year and Grand Marshal for Nibley's Heritage Days. He said the criteria were people who had made significant contribution in public service to the city of Nibley. Councilmember Hansen felt they should nominate the entire Wildlife Committee. Councilmember Ramirez seconded this. Mayor Dustin and Councilmember Hansen discussed that this would be a great nomination for Nibley's Grand Marshal.

Mayor Dustin discussed Mr. Aaron Bliesner and his current role on the Planning and Zoning Commission. Mayor Dustin said he intended to make a revision to the Nibley City Ordinance to allow an alternate Planning and Zoning Commission member.

Councilmember Jacobsen reported on progress to the updated General Plan.

Councilwoman Beus discussed snow removal. She said the main roads were fine but the roads in the subdivisions still have a lot of snow on the road. Mr. Zook and Mr. Maughn described Nibley's now removal process.

Councilmember Bernhardt thought there should be more pictures of city staff on the Nibley City website. He also asked that the finance page be updated more regularly.

Councilmember Bernhardt said he would like to see a competitive process when hiring real estate brokers. Mr. Zook said described how that had already occurred when the City Council chose Ms. Fisher.

Councilmember Jacobsen requested the second reading of the Firefly Park concept plan be put on an agenda.

Councilmember Jacobsen referred to a tree-trimming letter that was sent out by the Public Works team. He acknowledged the "Thank You" note that he had received and said it was a nice touch.

Councilmember Ramirez asked about retaining Nibley's judge. Mr. Zook described the process of retaining a judge. Councilmember Ramirez said he supported combining courts and said it was a better service to the taxpayer. Mayor Dustin asked the City Council if they would like to get serious considerations for combining justice courts on a future agenda. Councilmember Ramirez and Councilmember Jacobsen both nodded their heads in agreement. Mr. Zook said he would put together background information for the next City Council meeting.

Mr. Zook reported on Dave Ramsey's Financial Peace University being offered at Nibley City.

Mr. Maughn updated the City Council of progress made on the new well.

Mr. Maughn reported on the bridge at the new high school.

Mr. Zook reported on Nibley's Cherry Peak Ski night.

Mr. Zook reported on Nibley's Public Works department's involvement in the establishment of the Northern Utah Chapter of the American Public Works Association. He said Mr. Maughn was the inaugural president and that he current president was Justin Pope, Nibley's Water and Sewer Department Superintendent.

Mr. Zook reported on the Nibley City Youth Council and Nibley City Royalty and said that Trudy Knight had expressed that she would like to transition out of these roles. He said they needed to be looking for volunteers to take overseeing these organizations.

Mr. Zook reported on a meeting with Millville concerning their sewer connection at the high school. He said they would be working on a new agreement with Millville City regarding their sewer connections with Nibley.

Mr. Zook reported on Nibley's Recreation Director and his efforts in contacting the Hyrum Senior Center and Library.

Mr. Zook said he had started the budgeting process with Nibley City department heads. He said there was currently no need for a mid-year budget adjustment.

Mr. Zook noted that Utah was in the middle of a legislative session. He said representatives for Cache County were available every Saturday at 7:00 a.m. at the Cache County Courthouse.

There was general consent to adjourn the meeting at 8:37 p.m.

Attest: _____
Deputy City Recorder