

A Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, May 7, 2015.

The following actions were made during the meeting:

Councilmember Whittaker motioned to approve Resolution 15-5: A Municipal Wastewater Planning Program Resolution; and to waive the second reading of the ordinance. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Hansen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Hellstern all in favor.

Councilmember Beus motioned to ratify the Declaration of Emergency Regarding the Recent Water Contamination Emergency. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Whittaker, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Hellstern all in favor.

Councilmember Hansen motioned to approve the waiving of all Nibley City water usage fees for May. Councilmember Hellstern seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Hellstern, Councilmember Jacobsen, Councilmember Beus, and Councilmember Whittaker 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, May 7, 2015, Nibley City Council meeting to order at 6:34 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Bryan Hansen, Councilmember Larry Jacobson, Councilmember Amber Whittaker, Councilmember Kathryn Beus, and Councilmember Ron Hellstern. David Zook, Nibley City Manager, Justin Maughn, Nibley City Public Works Director, and Stephen Nelson, Nibley City Treasurer and Accounts Clerk, were also in attendance.

Approval of agenda; and approval of the April 16, 2015 meeting minutes

Mayor Dustin discussed why the consideration for a new Planning and Zoning Commission member had been removed from the agenda. He also said the order of the agenda had been revised.

Councilmember Jacobsen made a motion to approve the evening's agenda and the previous meeting's minutes as presented. Councilmember Hellstern seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hellstern, Councilmember Hansen, Councilmember Beus, and Councilmember Whittaker all in favor.

Presentation by Nibley Royalty regarding annual service projects

Miss Nibley, Savannah Knight, described her service projects which involved beautification of Nibley's City Hall and she held a reading contest which involved the three Nibley elementary schools. She said her goal was to get kids reading during the winter.

Meagan Covington said that Nibley City had gotten to her project before she did (pet clean up areas in the parks). She had revised her project and had been cleaning up Nibley's parks after events had been held. She described how

Brittney Peterson described how she had participated in the Nibley Youth Council and with her church group.

Chloe Olsen said she helped fill hundreds of Easter eggs for the annual Easter Egg hunt. She expressed her appreciation of being able to participate in the Miss Nibley pageant.

Mayor Dustin recognized Alex Corrington who was present at the meeting representing Scout Troop 409. Alex said he was working on his Citizenship in the Community merit badge.

Report from the City Representative on the Cache Mosquito Abatement District Board

Ryan Arkoudas, Nibley City Representative on the Cache Mosquito Abatement District Board was present at the meeting. Mr. Arkoudas direct the City Council and public to the website *cachemosquito.com*, for current abatement district information and said the website included the upcoming fogging schedule. He said it was anticipated that Nibley's fogging would continue to take place on Monday nights. Mr. Arkoudas reported that mosquito fogging would start in June and the CNADB would also start testing for West Nile virus in June.

Presentation regarding the creation of a Water Conservancy District

Bob Fotheringham, Cache County Water Manager, was present at the meeting. He introduced Josh Dean. Mr. Fotheringham displayed a PowerPoint presentation for the City Council and public present. Mr. Fotheringham briefed the Council on the background, needs, and process going forward for establishing a district. His presentation included information from the Cache County Water Master Plan which was completed in 2012. The presentation included information on the Bear River allocation, development, why a water conservancy district was being considered now and how things had changed, and responses to concerns regarding what a district could or could not do.

Mr. Fotheringham discussed the City Council's concerns regarding how the conservancy board would be made. Mr. Fotheringham said the most common consensus was that the board should not be made based off of population. He display a district unit map of hydrological units that he believed would be representative of everyone. He summarized that the board could be made of up to 11 members at large; 50% had to be elected or an official that had been appointed to levee a tax and at least one had to be from the agriculture community.

Councilmember Beus asked how the district would be created? Mr. Fotheringham said a district can be created by resolution and described the process that would take place. He said it could also be created by petition and described that process.

Councilmember Beus and Councilmember Hellstern both asked how a district had “teeth”. Mr. Fotheringham said it had district law which was governed by statutes. He said it would be managed much like a city managed things and would have the same kinds of power and authority to manage Cache County’s water needs. Mr. Dean referenced Utah State code 17-2b.

Mr. Fotheringham addressed a question asked by Councilmember Hellstern and discussed how the district could conserve and protect water. Councilmember Jacobsen asked if Mr. Fotheringham knew how much water was currently claimed and used by Cache County. Mr. Fotheringham said there was about 105,000 of irrigated land in Cache County which diverted 200,000 acre-feet; they were short 100,000 acre-feet. He discussed projected agriculture water supply and need and drinking water supply, projecting that there wouldn’t be enough water to meet everyone’s need by 2060. He said there needed to be a strategy to meet the water needs.

Presentation of Annual Wastewater System Report and Consideration of Resolution 15-5: Municipal Wastewater Planning Program Resolution

Mayor Dustin said Nibley City was required to annually file a report regarding the sewer system with the state Department of Environmental Quality, Division of Water Quality stating that Nibley was in compliance. He said Justin Maughn would present that report to the Council for adoption.

Mr. Maughn explained the points that had been assessed to Nibley City. He said the Direct Responsible Charge had been listed as raw and hadn’t gotten 30 hours. He said they were only required to get 20 and guess that they needed to go above and beyond to no be assessed points.

Mayor Dustin read Resolution 15-5 to the City Council and public present.

Councilmember Whittaker made a motion to approve Resolution 15-5: A Municipal Wastewater Planning Program Resolution; and to waive the second reading of the ordinance. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Whittaker, Councilmember Hansen, Councilmember Jacobsen, Councilmember Beus, and Councilmember Hellstern all in favor.

Discussion and consideration of Ratification of a Declaration of Emergency Regarding the Recent Water Contamination Emergency

Mr. Zook said Mayor Dustin had signed on a Declaration of Emergency on Wednesday, April 22, 2015. He said before the declaration was ratified he would give background and reports on what the city had done in response to the water contamination emergency. Mr. Zook had a slide show for the City Council and public present. Mr. Zook described the events that took place during

Nibley's recent water contamination emergency. Mr. Zook described the different city agencies that assisted Nibley during the contamination emergency. Mr. Zook summarized how many additional residents had signed up for Nibley's reverse 911 system during this time.

Mr. Zook discussed how the city had conducted public outreach via news media, Facebook, and the city web page. Mr. Zook discussed the coordination and support Nibley received from other city and state agencies and the local residents. Mr. Zook reported that Nibley had requested a formal investigation through the State and the Department of Emergency resources. He said staff from the Department of Water Quality had already contacted Nibley and the investigation was currently being conducted.

Mr. Zook discussed the cost impacts of the contamination emergency and said the biggest cost would come later with installation of new chlorination systems at each Nibley well and other possible infrastructure. He said there was a possibility that Nibley would have to replace the well and Nibley needed to find a new approach to have emergency power for Nibley's wells. He said the State Department of Emergency Resources had expressed that they could help with some of these costs. Mr. Zook said Nibley had also filed a claim with their insurance company. Mr. Zook reported that Nibley City staff would be conducting a debriefing to analyze how that situation had been addressed and to improve the city's emergency response. Mr. Zook discussed holding a community event to thank all the individuals who had helped Nibley during this time.

Mr. Maughn talked about how thankful he was to be a member of the Nibley team. He said it was incredible to see. Councilmember Hellstern and Councilmember Beus expressed their appreciation of Nibley City staff and the community.

Mayor Dustin read the Declaration of Emergency Regarding the Recent Water Contamination Emergency to the City Council and public present and asked the City Council to ratify the declaration.

Councilmember Beus made a motion to ratify the Declaration of Emergency Regarding the Recent Water Contamination Emergency. Councilmember Whittaker seconded the motion.

Councilmember Whittaker expressed her appreciation of city staff and Nibley's community and Councilmember Hansen discussed how he appreciated the use of social media and said he felt it was a great resource and a great way to continue to communicate with Nibley's residents.

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

Discussion and consideration of a credit on water bills

City Treasurer, Stephen Nelson, had distributed a spreadsheet to the City Council which presented water billing adjustment analysis. Mayor Dustin said they had asked the citizens to keep their water running to help them flush the system during their recent water emergency; with the full

knowledge that this would keep their meters running also. Mayor Dustin said he didn't want to deincentivize citizens from helping them in a way such as this in the future. Mayor Dustin asked the City Council to waive all citizen water usage for the month of May minus the base rate and described his thought process. He felt they should charge the base rate for May and treat it as a cost incurred during the emergency and incorporate it into the recovery funding. Mayor Dustin felt the citizens shouldn't be penalized for the water that ran through their homes.

Councilmember Hansen made a motion to approve the waiving of all Nibley City water usage fees for May. Councilmember Hellstern seconded the motion.

Councilmember Beus asked about any complaints from resident regarding the water utility billing. Mr. Nelson said they had a handful of people call in to see if there would be any sort of adjustment to their bills. Councilmember Jacobsen asked Mr. Nelson to describe his water flush calculation. Mr. Nelson said he had calculated that each home was capable of running 20 gallons/minute and that the water flush was estimated to have taken an hour per home. Councilmember Jacobsen said it didn't make sense for a government to cut everyone's taxes by 10% and then raise them somewhere else to make up for it. He asked if they would have the same visibility when they had to raise their taxes somewhere else. Mayor Dustin said he was to sure of how to work out the distribution of who used what. He felt this spread the water usage equally. Justin Pope said his home was a test home to estimate how long the flush would take and said it really wasn't enough for his particular home so he ran the water for longs. He was aware that this was going to cost him out of pocket but didn't care because he wanted to ensure the contaminant was out of his system. He described his and Mr. Maughn's thought process when deciding to allow the consumption of water. He said there were a lot of people that flushed their systems more than they had estimated. Councilmember Jacobsen said he wouldn't oppose this but was trying to make the point that it wasn't the citizens against the city. The citizens owned the water system so if they drained \$23,000 out of their account then the citizens would have to make up for that amount somewhere. Councilmember Beus felt that even a token amount would be generous. Councilmember Hansen said he felt the good will that would come through this would be more beneficial than the \$23,000 Nibley City would be losing. He discussed water softeners and refrigerator filters.

Mr. Nelson described the two types of water bills in the city; the individual residents and the billing of the town homes.

Mayor Dustin asked for a two-third majority vote to end debate and move to a vote. The vote to end debate was unanimous.

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

Mr. Nelson clarified that Nibley would waive all usage from each account and keep the base rate. Mayor Dustin said his assessment was correct.

Presentation of the first draft of the fiscal year 2015-2016 Annual Budget

Mr. Zook said that State law required the City Council review the first draft of the annual budget at the Council's first meeting in May with the need to adopt the final budget by the second meeting in June. He said the first draft of the budget would be presented to the Council and public. He said a formal presentation and public hearing would be held at the June 4 meeting and final discussion and adoption should occur at the June 18 meeting.

Mr. Zook had an electronic presentation of the proposed 2015-2016 fiscal year budget. He did a brief review of each page of the proposed budget presentation.

Overall Fund Revenues
General Fund Revenues
General Fund Summary Expenditures
Mayor & City Council Detail Budget
Court Detail Budget
Administration Detail Budget
Elections Detail Budget
Public Works and Shop Detail Budget
Non-Departmental Detail Budget
Public Safety Detail Budget
Streets Detail Budget
Sanitation Detail Budget
Shop Detail Budget
Planning & Building Detail Budget
Recreation Detail Budget
Parks Detail Budget
Community Development / Recreation Detail Budget
Class C Roads Budget
Municipal Building Authority Budget
First Responder Fund
Capital Projects Fund
Water Department Fund
Water Department Fund Detail Budget
Sewer Department Fund
Sewer Department Fund Detail Budget
Storm Water Department Fund
Storm Water Department Detail Budget
Water Impact Fee Budget
Park Impact Fee Budget
Sewer Impact Fee Budget
Storm Water Fees Budget
Road Impact Fees Budget

Mr. Zook said directed the City Council to the section entitled “Notes Regarding Specific Line Items in the City Budget.”

Mr. Zook said this document would have some changes, noting specifically the property tax rate which the city wouldn’t received until June. He said they would also find if the city had been awarded RAPZ tax money between the current document and the version of the proposed document.

Discussion regarding recruitment of an auditor

Mayor Dustin discussed the conversation the City Council held in 2012 about contracted services noting that a lot of these contracts were for services under the dollar amount set by the City Council. Mayor Dustin said the previous city auditor had not been retained because of the competitive bid that took place and said that the industry standard was to switch auditors every 5 years. Mayor Dustin discussed the current auditor and said his duties would continue for the next 3 years if it was the desire of the City Council. Mr. Zook said he would be happy to conduct another competitive recruitment for the City Council and would bring the results of the recruitment to the City Council to award if that was the Council’s direction.

Councilmember Jacobsen said he was not interested in going through the competitive recruitment process. He stated that he did feel the City Council needed to be on record that the City Council had hired the auditor. Councilmember Jacobsen requested they hear the qualifications of the current auditor and then hold a Council vote approving the auditor.

Councilmember Beus said she wasn’t concerned with the dollar amount; she was concerned with the process.

Staff and Council Reports

Councilmember Hansen discussed the idea of a Nibley Scarecrow H2O festival.

Councilmember Hellstern reported on a his participation on the Wild Land Fire Committee.

Councilmember Hellstern said Nibley was being sent \$500 from the National Wildlife Federation for the purchase of trees.

Councilmember Hellstern discussed Nibley history and the Elkhart Ranch. He said he had nominated the large Willow that was on the border of Heritage Park and the new west portion of Heritage Park. He said the state had awarded the tree Heritage status and would be awarding the city \$250.

Mayor Dustin reported on several meetings about the sewer and said he felt things were moving forward. He reported on a meeting with Hyrum and Providence.

Mayor Dustin said he was still looking for nomination for Citizen of the Year and Grand Marshal for the Heritage Days parade.

Mr. Zook said Heritage Days was June 15-20 and summarized the events that were scheduled.

Mr. Zook reported that construction of the bridge on SR 165 and 2600 South was underway.

Mr. Zook reported on the upcoming election in which 3 City Council seats would be decided. He said the filing dates to run for City Council were June 1-8.

Mr. Zook said Nibley City was able to have several projects added to the Cache Metropolitan Planning Organization (CMPO) county wide transportation document which qualified Nibley for additional COG funding.

Mr. Zook reported on the Stokes Nature Center and directed the City Council to the center's email and Nibley's Facebook page.

Councilmember Whittaker reported that she and her husband had made an offer on property in Smithfield and would be moving in June. Councilmember Whittaker said she would prefer to stay on the City Council until her actual move.

There was general consent to adjourn the meeting at 10:12 p.m.

Attest: _____
Deputy City Recorder

