

A Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, June 18, 2015.

The following actions were made during the meeting:

**Councilmember Hansen motioned to approve Ordinance 15-04: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City with the addition of “per year” to be included after “Treasurer \$34,408—\$50,616”. Councilmember Hellstern seconded the motion The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Hellstern, Councilmember Jacobsen and Councilmember Beus all in favor.**

**Councilmember Jacobsen motioned to approve Resolution 15-06: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 2014-15, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2015-16 and Adjusting Certain Fees and Payments for Services dated 11, June 2015. Councilmember Hansen seconded the motion. Councilmember Jacobsen was in favor, Councilmember Hellstern was in favor, Councilmember Hansen was in favor, and Councilmember Beus was opposed. The motion passed 3-1.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

#### **Call to Order**

Mayor Shaun Dustin called the Thursday, June 18, 2015, Nibley City Council meeting to order at 5:30 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 Diane Marvin, Nibley City Accounting Clerk were also in attendance.

#### **Approval of agenda; and approval of the previous meeting’s minutes**

Councilmember Jacobsen made a motion to approve the evening’s agenda and the June 4, 2015 meeting minutes. Councilmember Hellstern seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hellstern, Councilmember Hansen, and Councilmember Beus all in favor.

#### **Discussion and Consideration of Ordinance 15-04: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)**

Mayor Dustin read Ordinance 15-04 to the City Council and staff present.

Councilmember Hansen made a motion to approve Ordinance 15-04: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City with the addition of “per

year” to be included after “Treasurer \$34,408—\$50,616”. Councilmember Hellstern seconded the motion The motion passed unanimously 4-0; with Councilmember Hansen, Councilmember Hellstern, Councilmember Jacobsen and Councilmember Beus all in favor.

**Discussion and Consideration of Resolution 15-06: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 2014-15, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2015-16 and Adjusting Certain Fees and Payments for Services (Second Reading)**

Mayor Dustin read Resolution 15-06 to the City Council and staff present.

Councilmember Jacobsen made a motion to approve Resolution 15-06: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 2014-15, Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal Year 2015-16 and Adjusting Certain Fees and Payments for Services dated 11, June 2015. Councilmember Hansen seconded the motion.

Councilmember Jacobsen expressed his thoughts about the property tax rate and asked to hear Mr. Zook’s information regarding the property tax and data from the County.

Mr. Zook said he was happy to discuss the projected revenue from the County’s property tax rate which was (0.001608) and slightly lower than the current year’s rate (0.001649). The new rate gave Nibley a projected revenue of \$342,000 which was higher than the projected revenue from the current year by \$13,000 because there were new houses. Mr. Zook said the rate was calculated to give Nibley the same dollar amount each year. Mr. Zook said if the city were to adopt a higher tax rate or go back to the historic rate (0.001672) they would be required to hold a truth in taxation public hearing.

The City Council discussed actions the City Council had taken regarding the property tax rate in the past. Mr. Zook reviewed Nibley’s past property tax rates going back to 2010.

Councilmember Jacobsen said he had decided that 5% away from the target meant it was time to do something. He said if they went with what the County had certified then the rate was 3.6% lower than their goal and felt they could go another year at that rate. Councilmember Jacobsen said he didn’t want to get too far away from 0.001672 percent. Councilmember Jacobsen asked for Mr. Zook’s recommendation. Mr. Zook recommend the tax rate be stable and consistent. He discussed how this could be interpreted. He said he saw the rate proposed in the budget as stable.

Mr. Zook discussed the other amendments to the budget since the last City Council discussion on June 4, 2015. He discussed funds from the GMPO that would be used for the general plan update (10-33-325); lowered the projected revenue based on the recommendation of Councilmember Jacobsen (10-36-665); revenue from the Ashbury development to finish paying for infrastructure improvements in the development project (10-60-617); clarifying a right-of-way acquisition (10-60-619); the projected cost of the master plan went from \$15,000 to 25,000. Mr. Zook said he

felt it was a more accurate projection of this cost after looking at the scope of work (45-40-737); the purchase of water meters. Mr. Zook said this expense was always reimbursed to the city from the home purchaser (51-40-249).

Mayor Dustin asked for general consent to recess the meeting to enable him to distribute awards for the Mayor's Art Show. The City Council gave consent. Seeing that there was still time before the awards ceremony, Mayor Dustin asked to suspend the agenda in order to begin his meeting report.

Mayor Dustin discussed a letter he had received from the Internal Revenue Service.

Mayor Dustin discussed the National League of Cities which was being held in Nashville. He invited the City Council to go but said it wasn't budgeted.

Mayor Dustin discussed weeds, Nibley's Weed Ordinance, and the direction given in the ordinance for city staff to go on to private property to cut weed.

Mayor Dustin recessed the meeting at 6:01. The meeting resumed at 6:12.

Councilmember Beus questioned the funds that had been appropriated for the proposed community development employee. She was interested in duties that this employee would perform. Mayor Dustin said the intent was that this employee was in charge of the specific line items listed in the budget in his/her job. Mayor Dustin said he assumed that the City Council would be presented with a job description before someone was hired by the City Manager. Councilmember Beus said she was wary that they were conceivably appropriating the fund that could be used for other things. Councilmember Beus described her experience at the Heritage Chalk Art event. She said she noticed all the little kids and went back to the thought that Nibley was the only community that didn't have a splash pad. Councilmember Beus said she would like to appropriate funds for a splash pad and have Nibley put in a splash pad. Councilmember Jacobsen asked how full the other splash pads were in the surrounding communities. Councilmember Beus described her observations of the surrounding splash pads.

Justin Maughn, Nibley City Public Works Director, arrived at the meeting at 6:18.

Mayor Dustin suggested this be budgeted and looked at when the city revised the Parks Master Plan and then Capital Improvement Plan. Mayor Dustin said he wasn't ready to commit funds because they didn't have enough information and reiterated that it should be put into the parks master plan. Mr. Zook said putting it in the parks master plan was the best avenue to go about making it a priority and described how that process worked. Councilmember Beus said she wanted a little more commitment that it would be a priority. Mayor Dustin discussed the planning process. Councilmember Jacobsen said he was more interested in talking about this issue unless it was in the context of a plan.

Mayor Dustin and Councilmember Beus discussed the time frame of the Parks Master Plan.

Councilmember Beus made a motion to amend to omit funding to hiring more personnel per line 10-75-110 (\$42,000) and add \$100,000 for a community splash pad to be taken from the capital project fund.

Mayor Dustin and the City Council the changes that would need to be made to balance the budget; 10-75-110 (-\$42,0000), 10-75-130 (\$350), \$41,650 would go back to the general fund.

The motion failed due to lack of second.

Seeing no further discussion on the matter, Mayor Dustin asked for the vote on Resolution 15-06.

Councilmember Jacobsen was in favor, Councilmember Hellstern was in favor, Councilmember Hansen was in favor, and Councilmember Beus was opposed.

The motion passed 3-1.

### **Council and Staff Reports**

Mayor Dustin continued his discussion on weeds. Mr. Zook discussed his conversation with the City Attorney regarding city staff removing weeds from private property and liability. The City Attorney suggested if there were a property that had been improved that they not enter the property and instead have the Sheriff's Department issue a citation . Mr. Zook said all of the properties that were a weed issue had been improved and so they had gone ahead and had the Sheriff issue citations. Mayor Dustin said he wanted to stick to city ordinance and was less concerned about liability. He said if the weeds were not cut down they would have a fire hazard and he would like to authorize staff to go ahead and take care of them. Councilmember Hellstern questioned how these properties would be billed for the staff hours for improvement to their property. Mr. Zook discussed how compensation would be collected similarity to other debts Nibley City had to collect. Mayor Dustin said he wanted to ensure they made it the property owner's problem and not Nibley City's problem. Councilmember Jacobsen asked how many properties still needed to remove weeds from their property and where being considered to have Nibley staff remove weeds from their property. Mr. Zook said there were 5. Mayor Dustin said he would like to have a solid process moving forward and wanted clear direction for staff so that they were not dealing with the same issue again.

Councilmember Jacobsen said they should enforce the Ordinance. Councilmember Beus and Councilmember Hellstern agreed. The City Council agreed that they should stick strictly to the ordinance.

Councilmember Hansen announced that her daughter was engaged to be married in September and said he was very much in favor of the proposed recreation director and this person taking responsibility for the Scarecrow Festival.

Councilmember Hellstern described his experience as he had gone out and observed the fireflies at Heritage Park. He said they seemed to stay along the wetland area. Councilmember Jacobsen said he would like people to be able to observe the fireflies from a distance but suggested they add signage of some sort of protection barrier so that people not try to catch the fireflies. Councilmember Jacobsen asked the remaining City Council if they were adopting the right kind of attitude. The feeling of the City Council and Mayor Dustin was that this was the appropriate attitude to pursue.

Mayor Dustin discussed wastewater negotiations. Mayor Dustin discussed the item that had been included in the agreement with Logan for wastewater treatment that had been discussed by the City Council and said Logan had additionally agreed on the term of the agreement (30 years).

Mr. Zook reported on the City Council vacancy and the selection process and procedure. Mr. Zook reported that July 2 City Council meeting would be cancelled and would be held on July 9. Mr. Zook said they would fill the vacant City Council seat on July 9.

Mr. Zook said Nibley City was renegotiating their gas and cable franchise agreements.

Mr. Zook asked the City Council to report on any issues with weed enforcement so that they were aware of any issues city staff may have missed.

Mr. Zook discussed talking with Nibley's insurance company about compensating Nibley City for the costs incurred during their diesel contamination emergency. He said things were looking positive in that direction. Mr. Zook reported on rehabilitating the diesel contaminated spring and the possibility of receiving some funding. Mr. Zook discussed the accolades the City had received for their response to the contamination issue.

Mr. Zook said had had been contacted by the radio station who had done a survey of listeners asked which city had the best website and online presence. Nibley City had received praise for their online presence and came out far above the other cities. Mr. Zook said he had been invited to participate in their radio show because of this. He reported on the Utah State Transparency Board who had also commented on the city's website.

Mr. Zook reported on Heritage Days and the help he needed from the City Council.

Councilmember Jacobsen read from Nibley's City's ordinance regarding weeds.

There was general consent to adjourn the meeting at 7:15 p.m.

Attest: \_\_\_\_\_  
Deputy City Recorder