

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, November 19, 2009.

The following actions were made during the meeting:

Councilman Mickelson made a motion to accept resolution 09-12. Councilman Larsen seconded the motion. The motion passed unanimously 3-0; with Councilman Mickelson, Councilman Larsen, and Councilman Jacobsen all in favor.

Councilman Mickelson made a motion that city staff move forward in plans to adopt the 3200 landscape project with the understanding that the amount spent will be determined on available funds in the budget adjustment in January. Councilman Jacobsen seconded the motion. The motion failed 2-1; with Councilman Mickelson and Councilman Jacobsen in favor. Councilman Larsen was opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, November 19, 2009 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Larry Jacobsen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City Manager, and Shari Phippen, City Planner.

Call to order, Minutes of November 5th, 2009, read and approved, and approval of Agenda

Mayor Knight called the meeting to order and called for approval of the minutes from the November 5, 2009 meeting. Councilman Jacobsen made a motion to approve the minutes and agenda. Councilman Mickelson seconded the motion. The motion passed unanimously.

Lynn Lemon, Cache County Executive, presentation to Nibley City of \$658,000 for 3200 South Road construction project.

Lynn Lemon was present at the meeting. Mr. Lemon said there was an initiative on the ballot in 2007 to pass a quarter cent tax to use for improved transportation. The tax did pass and Nibley City is the first recipient of that. The Council of Governments organized in 2008, accepted applications from all over the valley and recommended three to the County Council. Those included; 3200 S. in Nibley, 1st East from Logan to Providence, 2nd East in No. Logan. Nibley has been the first to use the money. Mr. Lemon said the purpose of that is to help alleviate congestion. They see 3200 South as a major corridor between 165 and Highway 89/21.

Consideration of Resolution 09-12—Amending and delaying sewer rate increase planned for January and implementing it for July 1, 2010.

Mayor Knight read the resolution which said the sewer rate increase will not go into effect until July, 2010 and gave the rates for sewer after that date. Mr. Anhder said the increase came to pass because of updates to the system having to do with phosphorus levels. They suggested a three tier system to put away money for that. They passed the resolution setting the first two and waited to see the effect of the third. They wanted to save the residents some money for six more months before the second tier went into effect. Councilman Mickelson made a motion to accept resolution 09-12. Councilman Larsen seconded the motion. Councilman Mickelson said the last they heard was they were under mitigation to hold off the costs. Mr. Anhder said the money is for any variety of projects they intend to do. He was not sure if they knew what they had to do and that this money could go to any number of projects. Councilman Mickelson said he thought it was appropriate to ask for a report in the next six months and have some assurances they are being judicious. Councilman Larsen asked if they were stepping away from working with areas in the South for a regional treatment. Mr. Anhder said at the time they implemented the sewer study, Logan was talking about a \$250,000,000 project now they are talking about a \$10,000,000 project. Councilman Larsen said he liked that concept and he would also like a report in the next six months. The resolution passed unanimously 3-0 with Councilman Mickelson, Councilman Larsen, and Councilman Jacobsen all in favor.

Discussion with County Emergency Medical personnel about the Nibley First Responder unit and organization.

Mr. Jay Downs was present at the meeting. Mr. Anhder said he felt after their last meeting, that they needed to discuss compensation and policy direction for the Nibley/Millville First-Responders. Mr. Downs said there are 12 first responder units in the valley. 8 of the 12 units appoint their personnel leader, they are appointed by the City. Newton, Wellsville, Paradise, and Nibley vote their personnel leader in. Clarkston, Lewiston, Richmond, Smithfield, Hyrum, Mendon, North Logan, and Trenton appoint their personnel leader. Mr. Anhder said there are advantages to the city to make it a regular city appointment. He thought there would be better accountability, budgeting, and communication if they start appointing personnel. He asked the Council to understand that he had nothing derogatory to say about any past or present response personnel. Mr. Downs said Clarkston, Paradise, Mendon, Trenton, and Nibley are not paid units. Some pay in one lump sum for the whole year. Councilman Larsen asked if they were the only unit that was not led by the fire chief. Mr. Downs said Newton, Wellsville, Hyrum, and Nibley are not combined with the fire department. There are several reason why they are combined with the fire department; it keeps the workforce active, they get paid the same benefit as a class-one city employee when they do make a Workman's compensation claim and are able to compensate for lost wages. Mr. Anhder said the agreement they have with Millville for workers compensation is that Nibley puts six on the list and that they put six on the list. Councilman Larsen asked about the Workman's Compensation arrangements and asked if they were named on the policy. Mr Anhder said they are not.

Councilman Jacobsen asked with some level of compensation-what were they trying to achieve and what sort of compensation would be need to accomplish that? Dave Lidell said some sort of compensation would help with retention. Councilman Jacobsen asked if

that would apply to dollar amount/ call or dollar amount/training. Mr. Lidell said that he would consider some rate of compensation for training and compensation for hours attended or some combination. The different squad leaders all do it differently. Councilman Larsen said they are going to pay to keep you there and to say that is the objective—they would have to pay you a lot to keep you. He said it would be hard to give it to them to say they are doing it to keep them. We are in a society where we feel entitled to things. It is hard to get people to volunteer in this society. He does not want to get caught up in compensating them for what they do but he wants to give them benefit for what they do. Mr. Downs said if someone gives up time away from what they enjoy and their family the amount they get tells them that the time they are giving up is appreciated. Councilman Jacobsen said there is no way they can pay them what they are worth but if there was a token amount that could help them justify the time they spend, especially on the home front, it was good by him. Councilman Jacobsen asked Mr. Lidell for a number. Mr. Lidell said they currently have nine squad members so that number would be multiplied by nine and he was thinking a couple hundred dollars. Mr. Anhder said it was not his intention putting it on the agenda tonight and come to a final decision tonight. He suggested the Council ask their questions and then he and Mr. Lidell would sit down and an action would come to the Council later. Mr. Anhder said they would also have to work this in with Millville. He would prefer they take management of this and then contract it out to Millville. Councilman Larsen said a citizen from Millville asked what the first-responders can actually do; specifically if they could start an I.V. Mr. Lidell said no, they are a basic squad. Mr. Downs discussed what was required to become an intermediate squad. Mr. Lidell discussed procedures his squad can do. Mr. Downs said they are part of the county system and they use these individuals quite a bit. They incorporate the first-responders in the system and coordinate their skills. The first-responders are the backbone of the system. The first-responders are their fail safe. Councilman Mickelson said his hat was off to all of them. Mayor Knight said Mr. Lidell and Mr. Anhder would discuss a proposal and bring it before the Council.

Mr. Downs said with voted in members they lose their consistency. If a leader is appointed they then become an employee. Mr. Downs also said voted in members often lead to inter-office politics. Councilman Larsen commented that means these guys do not have a say in who leads them. Mr. Downs said appointed members are chosen and then presented to the group for a vote of confidence. Mayor Knight reiterated that of the positions that are appointed also receive a vote of confidence from the people they lead. Councilman Larsen said another thing they had talked about is higher compensation for their leader. He noted as a leader there is a lot of extra work. Mr. Anhder said he did not know if they could do that because of Millville. Councilman Jacobsen said he was proof of how flawed the election process could be.

Councilman Larsen asked the First-Responders for Nibley/Millville present at the meeting to introduce themselves because he hoped to never meet them in the field: Dave Davenport, Nibley/Millville first-responder introduced his wife Kaylean and said he lived in Nibley. He is a new addition to the squad and Nibley paid for his training. He was an EMT in 1980 but training and the profession has changed significantly. Chris Searle is new recruit to the Nibley group but had his certification before and only had to recertify.

Scott Kidman was from Millville and said on calls they “paint a good picture” for the ambulance and EMT. They take a history. He is full time fire fighter in Ogden. Gary Roberts has been with Nibley/Millville for five years. He is an assistant to Mr. Downs in Cache County EMS. He enjoys volunteering in the community and lives in Nibley.

Discussion about a possible budget for the 3200 South Beautification project.

Public Works director, Bill Saunders was present at the meeting. Mr. Anhder said the vision for 3200 S. was an opportunity to put their best foot forward. If a community is perceived as a positive place to live then it benefits the entire community. The homes in that area sell for more and property values go up, plus there is pride in living in an extra special community. Mr. Anhder discussed the proposed plan.

Option 1 is to plant 50-inch and a half caliper trees per year at \$250.00 a piece for four years. Mr. Anhder said the irrigation estimate was hard to determine. They were hoping they could go to adjacent property owners and ask them to keep the trees green. He felt that the landowners would willingly water the trees or they would put in a irrigation system themselves. He said the \$9,200 for irrigation was a high amount. Mr. Anhder discussed the second option to work in conjunction with option 1 of a second tree farm on the property at 2600 south and main. Mr. Anhder said this was a plan and there was no money appropriated for it but in January they will hopefully be coming up with the money in the budget. Mayor Knight said initially cost would be around \$57,000 start up. Mayor Knight asked about the maintenance and labor cost of \$225.00 for fifty trees per year. Mr. Saunders this figures about 22 hours annually/50 trees for trimming, watering, spraying, etc. Mayor Knight asked what the annual cost for maintenance will be in ten year. Mr. Saunders said the annual cost on 350 trees would be \$1,500/year. Mayor Knight asked if there were anymore unforeseen costs for this project. Mr. Anhder said they should make a consorted effort to maintain weeds along 3200 and so mowing costs would go up. Councilman Jacobsen asked for the height of the tree. Rod Elwood said they grow to about 25 ft. Mayor Knight asked if they needed to delineate a cost for a ring to put around the trees. Mr. Saunders said they generally do a round-up and a broad leaf spray around the trees. Mr. Saunders said if they are having residents and the school districts participate the costs are going to fluctuate. Mr. Saunders said they anticipated one full-time person every summer to maintain 3200 S. if they maintained everything. Councilman Larsen said he did not think they should put any landscape across the street from the park on 3200 S. He said based on the recent Halloween activity, the area was parking and was full of cars. He feels it will be like that with other events such as Heritage Days or ball games. Mr. Saunders said they are looking at putting 1 inch rock with the top soil and working that in with the grass which will support a car or occasional parking. Councilman Larsen said that land is undeveloped and he is paying to beautify undeveloped land. Mayor Knight said it is across the street from the park and is just an extension of the park. Councilman Mickelson said he is pleased with how well the city has worked to make good use of their dollars. He hoped they would spend their time figuring out what money is available and then turning them loose and letting them get it done. If they can come up with the money that is all they need to do. They have the expertise. Mayor Knight said he wanted formal direction from the Council. Councilman Mickelson said he could not see anything negative about this. If they have the money in

the budget he thought they should move ahead. Corlyss Drinkard asked about the volunteerism of the citizens maintaining the trees and said if the delta between the irrigation cost of the city maintaining the trees and the citizen maintaining the trees is small then why not just offload the irrigation responsibilities to the city in the budget and be done with it. Mr. Anhder said everywhere in the city, citizens maintain their park strips. He is of the opinion that the vast majorities of residents take pride in their homes and will willingly maintain the front of their property. Barbara Willden commented that this would help them in becoming a tree USA city. Mr. Saunders said most of the budget is assuming that the city will maintain the entire thing. There would be a savings if the citizen or the school maintained the trees. Corlyss Drinkard said if they were going to put a burden on the citizen then it needed to be made available for public comment. Mayor Knight said he would like a motion so that staff would know where they are headed.

Councilman Mickelson made a motion that city staff move forward in plans to adopt this 3200 landscape project with the understanding that the amount spent will be determined on available funds in the budget adjustment in January. Councilman Jacobsen seconded the motion. Councilman Larsen read from the Oct. 15 minutes that referred to the Council's direction to staff regarding landscaping along 3200 South. He felt the City had already went against that decision by planting trees. He thought there was not enough study and his concerns had not been addressed. Mayor Knight asked him to enumerate his concerns. Councilman Larsen said he thought they needed to decide what they want 3200 So. to look like. He wants to decide what is going on there. He had to disagree with Councilman Mickelson and that they should be involved in what goes on there. Mayor Knight said that Councilman Larsen had come out in support of a tree farm and asked if they could amend the motion so that he would support the motion. Councilman Mickelson suggested postponing until another meeting. Councilman Jacobsen said he saw a plan to plant trees and that was good enough for him. Councilman Larsen speculated that Councilman Dustin saw the need to prioritize the needs of the city. Councilman Larsen said he is not in support of the plan as proposed with the snow-crabs along. He also cannot support the maintenance plan. Councilman Mickelson said he leaves that kind of detail to the city staff that has that knowledge. Mayor Knight and Councilman Larsen debated the pros and cons of the proposal. Councilman Jacobsen asked what it would take to post pone the vote. Councilman Jacobsen made a motion to postpone the vote indefinitely. The motion died due to lack of second. The motion failed 2-1 with Councilman Mickelson and Councilman Jacobsen in favor and Councilman Larsen opposed. Mayor Knight said this could be brought up for future discussion with a full Council.

Corlyss Drinkard suggested a stab at prioritizing projects along with future discussion.

City Manager Reports

Mr. Anhder said the Gardner home is at bid for \$3,500 to demolish and haul away. Councilman Jacobsen asked if there was any use for the home. Mr. Anhder discussed the condition of the home. Mr. Anhder said there were two things worth saving; a wood burning stove and a newer furnace that could be put up for auction. Councilman Larsen said if they cannot recoup any of the money spend to acquire the property then he is in

favor of demolishing versus burning the house. Mr. Anhder said this would come out of the parks maintenance budget. The discussion will be postponed until it is put on the agenda and action is taken.

Mr. Anhder said in November the city gets a lot of calls from citizens about people hunting on personal property. State laws prohibit discharging a firearm within 600 ft. of a dwelling and asked for support from the Council to draft an ordinance prohibiting hunting in city limits. Mayor Knight and Councilman Larsen did not want to. Councilman Jacobsen said yes, he would like an ordinance that prohibited discharging a firearm in city limits. Mayor Knight said he would not put drafting an ordinance regarding hunting in city limits on the agenda unless there was a majority vote by a full council.

Council Reports

Councilman Mickelson asked about readdressing the 450 West road on the general plan. Mr. Anhder asked how much the Council wanted to spend on it. Mayor Knight said it could cost a fair amount of money to do that evaluation. Councilman Mickelson discussed some possibilities he had considered. Mr. Anhder suggested they schedule a more detailed discussion among the Council. Mayor Knight said he would put that on a future agenda and asked for what the Council wanted to see as preparatory work. Councilman Mickelson said he was not happy with the options the engineer addressed. Mayor Knight said they would shoot for January as a workshop item.

Councilman Mickelson discussed his impressions from the Envision Cache Valley meeting.

Councilman Mickelson would like to consider social programs (i.e. 4-H, abuse prevention, Civil Air Patrol, etc.) and helping facilitate them. Mayor Knight said what makes a democracy function is NPOs (Non-Profit Organizations) and government should not be involved. Councilman Jacobsen said he did not feel that was the city's role. He felt that lied with the individual. Mayor Knight directed Councilman Mickelson to prepare a job description for the city or City Council.

Councilman Jacobsen said the school community council felt they had a traffic issue problem on Gibbons Lane.

Councilman Jacobsen said he would not be here for the December 17th meeting.

Councilman Jacobsen said he thought they should discontinue the Council article in the newsletter. Mayor Knight said Mrs. Yeager expressed concern about doing the layout on the newsletter. He suggested an article be included if a Council member felt he had an issue to address.

Mayor Knight asked the Council for their comments on his goals for the upcoming year.

Mayor Knight said he will be bringing an appointment for the Planning Commission to the next meeting on December 17th.

The meeting was adjourned at 9:21 p.m.