

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on June 5, 2008.

The following actions were made during the meeting:

**Action Item #1: Councilman Jacobsen moved to grant pre and final approval to the Smith subdivision. Councilman Mickelson seconded the motion. Councilman Jacobsen moved to continue until 14 days. Councilman Mickelson seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, and Councilman Mickelson all in favor of continuing in 14 days.**

**Action Item #2: Councilman Larsen moved to approve Resolution 08-04: A resolution adopting the budget and salary schedule for fiscal year 2008-2009. Councilman Mickelson seconded the motion.**

The following motions to amend were made:

**Councilman Larsen motioned to approve an amendment to Item 5, to add line 10-50-517, a newsletter editor/ website administrator and budget \$3,600 to be used in those regards. Councilman Mickelson seconded the motion. The vote was unanimous with Councilman Larsen, Councilman Hansen, and Councilman Mickelson all in favor. Councilman Jacobsen abstained from voting due to a conflict of interest.**

**Councilman Larsen motioned to approve insurance for the Council and the Mayor. Councilman Mickelson seconded the motion. The motion failed 2-2. Councilman Larsen and Councilman Hansen voted in favor. Councilman Jacobsen and Councilman Mickelson voted against.**

**Councilman Hansen motioned to approve budgeting for the road impact fee study. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

**Councilman Larsen motioned to approve an additional \$6,000 for the fuel budget. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

**Councilman Larsen moved to amend Revenue Item 7, to include 2 law enforcement items: \$4,000 additional for the Sheriff and \$1,560 additional for animal control; offsets to come from sales tax. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

**The amended motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

**Action Item #3: Councilman Mickelson moved to accept Ordinance 08-11: An ordinance setting salaries of Statutory Officers. Councilman Jacobsen seconded the motion.**

**Mr. Anhder recorded amendments that resulted in the following wording:**

- 1. The City Recorder shall be compensated at the rate of \$33.30 per hour and any salary schedule step increase that may be awarded on the appropriate anniversary date will be based upon an acceptable performance evaluation.**
- 2. The City Treasurer shall be compensated at the rate of \$16.67 per hour.**
- 3. Any salary schedule step increase that may be awarded on the appropriate anniversary date will be based upon an acceptable performance evaluation.**
- 4. The Justice court Judge shall be compensated at the rate of \$913 per month.**

**The amended motion passed unanimously with Councilman Larsen, Councilman Jacobsen, and Councilman Mickelson all in favor. Councilman Hansen didn't vote, personal privilege.**

**Action Item #4: Councilman Mickelson motioned to approve purchasing all three items: a gator, leaf grass sweeper, and backhoe. Councilman Hansen seconded the motion. The vote was unanimous with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

**Action Item #5: Councilman Mickelson moved to approve the Interlocal Agreement between Nibley City and Cache County for Law Enforcement Services, with other numbers added as stated in the discussion, \$47,000 total, beginning on July 1<sup>st</sup> and continuing for 1 year. Councilman Hansen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

**Action Item #6: Councilman Mickelson motioned to approve the Interlocal Agreement between Nibley City and Cache County for Animal Control Services. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.**

#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Renee Nelson

Mayor Pro Tempore Larsen called the Thursday, June 5, 2008 Nibley City Council meeting to order at 6:02 p.m. Those in attendance included Councilman Scott Larsen, Councilman Larry Jacobsen, and Councilman Thayne Mickelson. Also in attendance were Larry Anhder, City

Manager, and Sherri Phippen, Zoning Administrator. Mayor Gerald Knight and Councilman Dustin were excused.

**Item 1: Approval of evening's agenda and minutes of May 15th, 2008 meeting.**

Councilman Jacobsen approved the minutes from the May 15<sup>th</sup>, 2008 meeting, with Councilman Larsen's proposed changes, and the evening's agenda. Councilman Mickelson seconded the motion. Councilman Larsen, Councilman Jacobsen, and Councilman Mickelson were all in favor.

**Item 2: City Manager's Report**

Mr. Anhder reported that over 40 weed letters have been sent out. He stated this is fewer than normal, sometimes up to 90 letters go out. Many of them are to sub-dividers for lots that have turned into weed fields. Councilman Mickelson stated if we're going to send letters out then our properties should be well kept. I know for a fact on Hollow Road there's been one yard that's had extremely bad weed problems. Councilman Larsen asked what the dead line is after a letter has been sent out? Ms. Phippen answered people have 15 days before they are given another notice, then in 10 days it is turned over to the City Prosecutor if the problem hasn't been taken care of. Councilman Mickelson asked if we have properties that have the same concerns? Mr. Anhder answered we try hard to keep ours cleaned up. We have not done much with agricultural lands, thistle will grow on fence lines. It's been a policy to let ag lands go until we receive different directions. Councilman Jacobsen stated I think weeds add to our heritage. We should enforce noxious weeds. They need to be taken care of. Councilman Mickelson agreed.

**Item 3: Eric Johnson, Attorney with Smith Hartvigsen, discussed Park Bond election problems.**

Mr. Johnson stated he was here to offer an apology. He said "I made a mistake, language should have been included that I failed to include." He said he was embarrassed about it. Councilman Larsen asked what have we paid so far? Mr. Johnson answered nothing, nor would I expect it. Mr. Johnson stated due to a new provision there was language that should have been included. This was called to my attention, but the error occurred because of my own self confidence. I shoulder the responsibility. The easiest thing to do is to take it off the ballet, it's the safest position to take. I did advise Larry Anhder it would be wise to remove it from the ballet. Councilman Jacobsen stated we appreciate you coming and talking to us. Mr. Anhder said there were a couple things lined up against us. If it hadn't been for the State Treasure's race in the Republican party that has to go to a primary election now, then we would have conducted our own election in June. The County Attorney wouldn't have had his nose in this and the corrections could have been made, as proposed by Eric. The public would have been perfectly served, because the notices would have been proper and in place. I'm critical of the County Attorney going against the will of the City Council. You unanimously wanted to pose the question to our citizens. He has unilaterally subverted your direction. This is the second time we have been

shorted by our County Attorney. Next, when this was going on rather quickly in March, we contacted Eric. Because of our mild imposition on him, he had a very short turnaround. Part of the provisions of the new laws were just passed, but wouldn't be in effect until now. It's regrettable we can't pose the question to our citizens right now. As a follow up to this, we need to issue a press release explaining that the election won't be held. I'll draft that and e-mail it to you. We should issue that next week. Some good can come out of this, we will have more time to plan and discuss. We'll have these things on future agendas. We can discuss to have it on the ballot for November or June. The Mayor wants to be part of those discussions when he's back in town. Councilman Mickelson stated I think it will work for our benefit in the long run. I was quite displeased with the Mayor's reaction in the upcoming newsletter. He's telling the citizens to encourage the Council to bond without an election. I think there's still a positive way to do this, even if we have to bond later. Let's put a parks committee together. Let's look at donations to start the process without a bond. Maybe there's people out there who are willing to put \$100 or \$500 out there without a forced bond. Councilman Jacobsen said Plan A is off the table for now, we need inform citizens. We're invested in this process, I'm not ready to give it up. There's an appropriate time for Plan B, but not tonight. Thank you, Mr. Johnson, for coming. Mr. Johnson read the following letter before leaving:

*Honorable Mayor and City Council Members:*

*This letter is an apology. In late March I was asked to help Nibley City call a bond election for park improvements for the June primaries. The resolution I prepared omitted needed language on the potential increase in property taxes. Without excuse I admit my error. I feel very badly for the mistake. I have pondered what I could do to make amens. If you are aware of something, please let me know as I am anxious to make up for my mistake.*

*I did discuss with your City Manager whether it was possible to remedy the error and still hold the election. Certainly, the safest course was to abandon the election. However, I felt that a potential remedy may be available, but others were uncomfortable pursuing anything other than the safest course. I cannot fault others for their positions. My mistake compelled them to consider alternatives they were unprepared to address. My mistake placed them in an unfair position. Based on my advice, the bond election for June was abandoned. Again, I apologize.*

*With Regret,  
Eric Todd Johnson*

**Item # 4: Public Hearing for Lex Smith Subdivision at 4700 Hollow Road. Preliminary and Final approval of division of one lot into 2 lots of 2 acres each.**

Mayor Pro Tempore Larsen opened the public hearing at 6:33 p.m.

Kathy Preece stated I have some questions about the right away, is my right away safe? I didn't know if it remained a private or a city road? Ms. Phippen answered it is going to remain a private

road. Mr. Anhder stated it's an easement, not a right away. Ms. Preece asked how do we go about maintaining it? Councilman Larsen answered how to maintain it, repairs and snow removal, is up to you and the others there. Work out an agreement among yourselves. I question if it's a private road or not. Councilman Larsen asked how many homes are there? Mr. Smith answered 5. Mr. Anhder stated another option is to run their own parallel road to the existing one. Ms Preece asked Mr. Smith if he is going to be using the road for construction on the new lot? Mr. Smith answered I could use the back side until I sell that lot.

Mayor Pro Tempore Larsen closed the public hearing at 6:43 p.m.

#### **Item # 5: Approval of Lex Smith Subdivision.**

Councilman Larsen stated I don't like it when final and preliminary come like this, this doesn't seem so simple. Councilman Mickelson stated for maintenance of the road I would recommend a maintenance agreement. Is there anything we need to research, so we're straightforward and doing things right? Mr. Anhder stated I can do research and ask our attorney. I don't know how to handle preexisting conditions. I would think the intent is a new area. Councilman Larsen said it's preexisting, but then I fall back to where the rules are now. Councilman Mickelson said it's still part of the private road. There can't be more than 3 on a lane. Why did we make 3 the limit? Ms. Phippen said even using the ordinance as a guide doesn't help. They aren't using a cul-de-sac as an access for the development. It doesn't say anything about private roads that go past. Councilman Larsen stated this can't be a private road. They don't get grand fathered in if they build new things. Mr. Smith said there would be 5 homes including his new home. Ms. Preece asked what if the 2 others want to be in Nibley? Councilman Larsen said they'd have to have a proper right away. Councilman Jacobsen said he agreed. Councilman Jacobsen said there are currently 4 lots served. Mr. Anhder stated 2 in the city and 2 out. Mr. Smith said Maughan was just issued a building permit to build a garage. The road would go through his garage. Councilman Jacobsen stated I don't think anything we do will undo anything. A private right away is not our business, I don't think anything we do changes that tonight. If that's exclusive, you're going to have to find another access to that lot. Mr. Smith stated his feeling is the road stays the way it is now. Councilman Mickelson asked do we feel there needs to be additional research? Councilman Larsen stated I don't know that I'm ready to make it private road. Councilman Mickelson asked what if we give it preliminary approval now and final after we make sure it's not illegal, could we live with that? Councilman Jacobsen said I think it's 2 separate issues. Scott's question on the private road is a valid question, but it's already there so I don't know what I can do to change that. Councilman Mickelson asked what was the reason we placed the stipulations on this? Was it safety? Councilman Larsen stated I don't asked why. If I don't like it I go through the process to change it. Councilman Mickelson asked do we need clarification? Councilman Larsen stated I can't allow this to be a newly developed private road. Councilman Jacobsen said it takes all 3 of us to vote in favor. Mr. Smith stated I've spent a lot of money on the fact that they've (referring to P&Z) approved this. Councilman Larsen stated P&Z is a different body than us. We have the right to see it. If we vote right now it's not going to pass. Councilman Mickelson asked if we vote this no tonight, what are we going to do? Councilman

Jacobsen stated there is an alternative. Lot 2 could be serviced by an alternative private road. Mr. Smith said he couldn't put another 20 ft. easement. Councilman Mickelson stated you could appeal. Councilman Larsen stated creating that lot contradicts our ordinance. That's my interpretation of our ordinance. Councilman Jacobsen said on this one I'm willing to see it the other way. There's only 3 lots in our city, the existing right away's are there. Councilman Larsen said I understand what you're saying, too. Councilman Jacobsen said it's a little out of the ordinary to do preliminary and final plot approval at the same time. Councilman Mickelson stated I have to appreciate Mr. Smith's position here. If these other homes out back were part of the city I would have no problem saying there would be no more homes there. I really don't think we have any legal standing and taken to a court I think we would lose. Councilman Jacobsen said we need 3 votes. Ms. Phippen stated if I may suggest a reason for continuing it, we could look at how to access outside of the city. Councilman Mickelson stated we're going to have more of these issues, big issues coming up. Councilman Jacobsen moved to grant pre and final approval to the Smith subdivision. Councilman Mickelson seconded the motion. Councilman Jacobsen moved to continue until 14 days. Councilman Mickelson seconded, but stated he wanted some discussion. Councilman Mickelson stated I would like to encourage Scott to reconsider. We have the ability to make this decision tonight. Councilman Jacobsen thanked Mrs. Preece for coming here. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, and Councilman Mickelson all in favor of continuing in 14 days.

**Item #6: Public Hearing to accept comments on the proposed amendments to the current budget.**

Mayor Pro Tempore Larsen opened the public hearing at 7:20 p.m.

Mayor Pro Tempore Larsen closed the public hearing a few seconds later after no comments were made.

**Item #7: Public Hearing to receive comments on the proposed budget for the fiscal year beginning July 1, 2008.**

Mayor Pro Tempore Larsen opened the public hearing at 7:21 p.m.

Mayor Pro Tempore Larsen closed the public hearing a few seconds later after no comments were made.

**Item # 8: Review and approval of Clear Creek park plans.**

Mr. Anhder stated the reason this is brought back is to determine what the parking will look like. I would like to speak against this rather strongly. First, 2200 S. is never going to go any further east than the railroad tracks. Bill estimates \$10,000 in additional cost. We applied for money and didn't get it. We have about \$30,000 right now. Councilman Mickelson asked if it really costs that much more? Mr. Saunders answered yes. Councilman Jacobsen asked if it's worth \$10,000?

Mr. Saunders answered probably not. Mr. Anhder said think about how many cars are going to be there, soccer games will be the only thing. Mr. Saunders said it would be nice to not have soccer. Councilman Jacobsen said Larry, you make excellent points, but I actually am not comfortable backing out after soccer games from the ones at Heritage Park. I'm not sure that this will have as much traffic. Mr. Saunders said it should be usable by next year. Councilman Larsen said we could still put the sidewalk in and have more grass between the sidewalk and the parking strip. Councilman Mickelson said we don't know what money we'll have for parks. We need to get things done for the least cost, unless there's a safety issue. Councilman Jacobsen stated I'd feel bad if a kid gets run over. Mr. Saunders stated if we design it right we could upgrade later. We have the parking lot excavated out now. Mr. Anhder stated we are going to propose that we take another \$20,000 so they would have \$50,000 to work with. He can get sprinklers, grass, curb, gutter, subbase, everything but the asphalt. Mr. Saunders said if we get the sidewalk installed, we can do the other later. Mr. Anhder stated we have to pave to the outlet coming out of Clear Creek. This is the number one thing they're working on this summer. Mr. Saunders said we hope to get the sidewalks, grass, and trees in. Later this year we'll do the parking lot. Councilman Jacobsen said I don't want to talk about this again. Councilman Larsen moved to go with the concept of perpendicular parking unbuffered from the road. Mr. Saunders stated we meet the 50 ft. minimum. Councilman Mickelson seconded the motion. All were in favor.

**Item #9: Consideration of Resolution 08-04: A resolution adopting the budget and salary schedule for fiscal year 2008-2009.**

Mr. Anhder stated I do have a few recommended changes. There is life insurance for the Council and Mayor. It's just \$13 a month for \$50,000 coverage. This hasn't always been available. I would encourage the adoption of this and that the city pay the premium for full and 3/4 time employees. Councilman Jacobsen asked what would you say to the opinion that this is a part time thing for us? Would this same benefit be available if we pay the premium? Councilman Larsen asked what about when you're no longer a council member? Mr. Anhder answered it's convertible. It's your choice. It's fairly inexpensive. The second thing is the study for a road impact fee. We have to do a study, not more than \$10,000. There's money for a newsletter editor/web administrator. I recommend another \$6,000 to pay for fuel. Councilman Mickelson stated I think it's wise, I think it would be more. Mr. Anhder stated there are no new positions. We do appropriate some to parks, all to Clear Creek parks. Some for our share of 3200 S. Our sheriff's \$47,000 contract is different and animal control is \$14,000, instead of \$13,000. The water department went through an inspection to see where we stand with needs and plans. We were rated highly in providing for the future. Justin made recommendations on consolidating our springs. It will save us about \$1,200 a year in testing. Councilman Mickelson stated Johnson's are planning on moving their excavation further to the east. Mr. Anhder said we let them know we are aware. They need to make sure the conditions are adhered to as to their excavation. They can only go down 30 feet. Councilman Mickelson stated they don't have to seal it when it's done. I think water's more of a priority. I think we have some strong pressure to stop that. Do you agree? Mr. Anhder stated we could take court action. There are 6 wells we're testing. It would point strongly towards them if there's a problem. We've never had a sediment problem. Our

nitrate loading seems to go up and down. Councilman Mickelson said I think that's an important issue. Councilman Larsen moved to approve Resolution 08-04. Councilman Mickelson seconded the motion.

Councilman Hansen arrived at 8:04 p.m.

Councilman Jacobsen stated we need some amendments. Councilman Larsen moved to approve an amendment to Item 5, to add line 10-50-517, a newsletter editor/ website administrator and budget \$3,600 to be used in those regards, Councilman Mickelson seconded the motion.

Councilman Jacobsen stated whereas my wife is the current volunteer and may be hired for the position, I ask to be dismissed for discussion due to a conflict in interest. Mayor Pro Tempore Larsen excused Councilman Jacobsen. Councilman Mickelson stated we need to make sure that our policies are clear, so that we don't run into trouble. I don't think it's legal problems, it's more of a personal feeling problem. The appointing authority, the City Manager, is responsible for hiring and firing the personal. It would not be a conflict of interest. I want to bring up something, the nepotism problem. Mr. Anhder stated this is a different thing. In appreciation for her work. We're going to treat her as a contract. Councilman Mickelson, is our policy clear? I would hate for someone to say, I've got a kid that wants to work. I think we ought to be clear, not legal, more personal feeling problems. Councilman Hansen stated the position has changed. We thought it would be nice. We created the need and have seen the advantages of doing it. She's done an incredible job as a volunteer. The amount of time and effort that goes into the website, they deserve some compensation. Councilman Mickelson agreed with that and said we should create some city policy. Councilman Larsen and Mr. Anhder stated we have some anti-nepotism policy. Councilman Larsen stated the direct supervisor can't be related. Councilman Mickelson said maybe that says no full time or more than part time, so we don't run into a problem. Councilman Larsen said I don't think it's fuzzy. It's clear, there's no direct supervision. Councilman Mickelson stated let's say we're going to move forward with this and then this person has to be replaced. How does that effect the situation? Councilman Larsen said we tell the City Manager we want a change. Councilman Mickelson stated I think absolutely she should be the person. I just think there should be some city policy. Councilman Hansen said she reports to the City Manager. Councilman Mickelson asked what are our limits? Councilman Mickelson said I want to make it clear I'm not questioning this action, just our policy. Mr. Anhder said the key is the appointing authority. Councilman Mickelson asked do we need to review our policy? Councilman Larsen said I don't think we need to. Councilman Hansen, Councilman Mickelson, and Councilman Larsen all in favor.

Councilman Jacobsen returned at 8:16 p.m..

Councilman Larsen motioned to approve life insurance for the Council and the Mayor. Councilman Mickelson seconded the motion. Councilman Mickelson said it will cost the city \$1,000 a year. Councilman Mickelson said I'm covered through my work, so I don't know if it's something that I need. Councilman Larsen stated it's not that big of an expense. I look at it as

compensation comparable to our salaries. Councilman Jacobsen stated it's a generous suggestion on staff's part. It doesn't have anything to do with whether I need the insurance or not, it's my responsibility. I don't think our residence should pay for that. Councilman Larsen and Councilman Hansen voted in favor. Councilman Jacobsen and Councilman Mickelson voted against. The motion failed 2-2. Mr. Anhder said you can still sign up and pay your own premiums until Monday.

Councilman Hansen motioned to approve budgeting for the road impact fee study. Councilman Jacobsen, seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Larsen motioned to approve an additional \$6,000 for the fuel budget. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Larsen moved to amend Revenue Item 7, to include 2 law enforcement items: \$4,000 additional for the Sheriff and \$1,560 additional for animal control; offsets to come from sales tax. Councilman Jacobsen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

Mayor Pro Tempore Larsen called for a vote on the amended motion on the floor. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

**Item #10: Consideration of Ordinance 08-11: An ordinance setting salaries of Statutory Officers.**

Councilman Mickelson moved to accept Ordinance 08-11. Councilman Jacobsen seconded the motion. Mr. Anhder recorded amendments that resulted in the following wording:

1. The City Recorder shall be compensated at the rate of \$33.30 per hour and any salary schedule step increase that may be awarded on the appropriate anniversary date will be based upon an acceptable performance evaluation.
2. The City Treasurer shall be compensated at the rate of \$16.67 per hour.
3. Any salary schedule step increase that may be awarded on the appropriate anniversary date will be based upon an acceptable performance evaluation.
4. The Justice court Judge shall be compensated at the rate of \$913 per month.

The motion passed with Councilman Larsen, Councilman Jacobsen, and Councilman Mickelson in favor. Councilman Hansen didn't vote, personal privilege.

**Item #11: Consideration of Resolution 08-03: A resolution amending the budget for fiscal**

**year 2007-2008.**

Councilman Larsen asked if the review can wait until the 19<sup>th</sup> so we don't get hit by the auditor again? Mr. Anhder stated 2 things are important now. In the original budget there was a pickup. Bill has asked that we buy a leaf grass sweeper and another gator instead. Councilman Larsen stated there's a company that does battery powered utility vehicles like a gator, they're quite popular on golf courses. Mr. Anhder asked how much do they cost? Councilman Larsen and Mr. Saunders said they're comparable. Mr. Saunders stated they're not all weather and it's hard to get an 8 hour day out of them. Maybe it's something we need to look at down the road as we have more specialized items. Mr. Anhder stated these come out of this year's budgets. The second thing is a backhoe. We need to know on that tonight, approve those three items tonight. Councilman Mickelson moved to approve all three items: a gator, leaf grass sweeper, and backhoe. Councilman Hansen seconded the motion. Councilman Larsen said let's wear out the backhoe we have before we sell it. The vote was unanimous with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor. Mr. Saunders thanked the City Council for all their support with Public Works. Councilman Larsen stated I recognize what you guys do as well. You do nice work. Councilman Jacobsen said you look out for our citizens tax dollars.

**Item # 12: Approval of Interlocal agreement between Nibley City and Cache County for Law Enforcement Services.**

Mr. Anhder said this represents a considerable increase partly because they have taken an increase in their hourly. It's the same hours of service. Our city has doubled in the last 5 years, but our coverage hasn't increased. We don't have a lot of crime in our community, but we're sitting on a bubble. Councilman Larsen said in the past year and a half 2 bikes have been taken out of my yard. A week ago a lady had a dvd player taken out of her vehicle. In March a family had their home broken into and a kid's jar of coins taken out during the day. Things like that are happening in our community. Councilman Mickelson asked can we dictate what is enforced? Mr. Anhder stated the priority is to crime. Traffic is not the higher priority. Councilman Hansen stated highway patrol has transitioned the responsibility for all traffic accidents back to the Sheriff. Mr. Anhder said Hyrum is considering making the leap to pay for another full-time officer dedicated to Hyrum. It's an option. I do think as our commercial grows there will be an increased need. Councilman Mickelson moved to approve the Interlocal Agreement between Nibley City and Cache County for Law Enforcement Services, with other numbers added as stated in the discussion, beginning on July 1<sup>st</sup> and continuing for 1 year. Councilman Hansen seconded the motion. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

**Item # 13: Approval of Interlocal Agreement between Nibley City and Cache County for Animal Control Services.**

Councilman Larsen stated Item 1, page 1, needs changed from Newton to Nibley. Councilman

Mickelson motioned to approve the Interlocal Agreement between Nibley City and Cache County for Animal Control Services. Councilman Jacobsen seconded the motion. Councilman Mickelson asked how our contract is going since we changed over? Mr. Anhder stated our guys don't get called out at all hours. Councilman Mickelson said I appreciate it puts our city staff at less of a risk. Mr. Anhder stated a guy in uniform, rather than a guy in work clothes, makes a difference. The motion passed unanimously with Councilman Larsen, Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

**Land use chart.** Ms. Phippen recorded at the last meeting. Mr. Anhder stated may I suggest let's do City Reports, then decide if you want to continue with the land use chart.

Mr. Anhder said there's two conditional use problems we're working on. Actually, one has been resolved, so we have one we're working on. I'm looking for some direction from the Council as to the June 19<sup>th</sup> agenda. I believe our intent was to keep it short and sweet There will be Lex and the Budget Resolution. Councilman Larsen asked do we want to not meet on the 3<sup>rd</sup> as well? Councilman Mickelson might not be there. Mr. Anhder said Carrie Cook is hoping to have her stuff done by the July 3<sup>rd</sup>. Councilman Mickelson won't be here on the June 19<sup>th</sup>. Councilman Larsen said he thinks Councilman Dustin won't be here on the 19<sup>th</sup>, either. Councilman Jacobsen said we'll be right back where we were with Lex Smith. Councilman Mickelson said if you put it later in the day I'll be there. Councilman Larsen said there will be a meeting on the June 19<sup>th</sup>, but not on July 3<sup>rd</sup>. Mr. Anhder said I'm trying to get the contract signed so Johnson's can get started. We anticipate construction starting at the end of the month. They will have 120 days to do it, that's just from the park down.

## **Council Reports**

**Councilman Mickelson** asked if with Lex there was anything we need to check on, if there's some unknown or legal council we need? Mr. Anhder stated I don't know the questions to ask. Councilman Mickelson stated we really can't deny. If we do deny we will set ourselves up for a lawsuit. Mayor Pro Tempore Larsen stated I don't want to debate. Move on with the council reports. Councilman Hansen asked can we bring it back up? Councilman Hansen moved to suspend the agenda. Councilman Jacobsen seconded the motion. All were in favor. Councilman Mickelson moved to reconsider. Seconded by Councilman Jacobsen. Mr. Anhder stated you're being asked to divide 1 lot into 2. Councilman Hansen stated the road wouldn't meet our current requirements. Mr. Anhder said remember the laws are in favor of the land owner. He's got 2 acres, he's got access, and he's only asking for 2. Councilman Larsen stated we're not even sure he has the easement. That easement might just be to the front property. Councilman Mickelson said it depends on the legal easement of what's been given. Councilman Mickelson stated we better prepare Councilman Hansen asked do we have an ordinance about private roads? Councilman Hansen stated our current ordinances don't protect us in the future, if what he is proposing is not prohibited by our current ordinances. Councilman Jacobsen stated a private road has to be cul-de-sacs. It's an existing road and it already services 4. Councilman Larsen stated it doesn't have an end, it's not a through street. Councilman Jacobsen read the ordinance.

Councilman Mickelson stated we could require that he have a 50 ft. road. Councilman Larsen said he wouldn't have his 2 acres. Mr. Anhder said put yourselves in this guy's position. He's trying to create one lot. Is there a fairness or common sense factor in here? Councilman Jacobsen stated the private road has been there, the easement, right away, it's been serving already. Councilman Larsen said so when the rest develops you can't do anything about it? Councilman Mickelson said in a legal battle I don't think we'll win. Councilman Larsen stated we don't have a second time to look at this. He's doing pre and final at the same time. Councilman Jacobsen said I don't think we could give him preliminary without the final. Mr. Anhder said the difference is the utility and construction drawings. There's no difference in what you'd be presented. Councilman Hansen in favor. Councilman Larsen, Councilman Jacobsen, Councilman Mickelson opposed. Motion failed.

**Councilman Hansen** reported on Heritage Days and events that the City Council need to be in attendance at. Wednesday, June 18<sup>th</sup>, swim night selling wrist bands. Councilman Larsen and Councilman Hansen will be there. Friday, June 20<sup>th</sup>, City Council will be serving dinner. Wear Nibley City shirts to the dinner. Councilman Larsen will be gone. Councilman Mickelson and Councilman Jacobsen will be there to serve. Wear shirts to the parade on Saturday, also. Councilman Jacobsen asked why don't we walk? Let's use the gator. Mr. Anhder said you can run both gators. Councilman Hansen asked do we have a banner to use? Councilman Larsen answered yes. Mr. Anhder asked what vehicle they want to use for sure? Councilman Hansen answered the tractor, then the gator. Councilman Hansen said City Council members are needed for the carnival dunk. Councilman Jacobsen will be there to do the dunk. Councilman Hansen said there's a watermelon bust at 2:30 p.m. that the City Council needs to be there just to cut up the watermelons. Councilman Jacobsen and Councilman Mickelson will be there to do that. Councilman Hansen said we do have a question regarding the parade Grand Marshall? Artie and John Smith, Todd and Lynette Fenton, or Peggy Tuttingham? Mr. Anhder said to consider Nibley residence. Councilman Mickelson said if we need to make a recommendation, Mayor Fenton for Grand Marshall. Councilman Hansen said he leans towards Fenton. Councilman Hansen asked who was in charge of the the county fair booth? Councilman Larsen said Rachel Fuller took it over last year.

**Councilman Jacobsen and Councilman Larsen** had nothing that needed to be discussed.

Councilman Mickelson stated Logan city's sewer rate may increase. What reserves do we have and where are we at on that? Mr. Anhder stated we have about \$400,000 reserve on that. I'd hate that to be an all at once fine. Councilman Mickelson stated they're working on mitigation, but it could be coming.

Meeting adjourned at 10:15 p.m.