

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, June 17, 2010.

**The following actions were made during the meeting:**

**Councilman Mickelson motioned to reject all bids for the water storage reservoir and rebid the process. Councilman Hansen seconded the motion. The motion passed 3-0 with; Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen all in favor. Councilman Dustin abstained due to his late arrival.**

**Councilman Hansen motioned to approve the proclamation for the Nibley City Citizen of the Year. Councilman Mickelson seconded the motion which passed unanimously 4-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin.**

**Councilman Larsen motioned to approve Resolution 10-03. Councilman Mickelson seconded the motion which passed unanimously 5-0; with Councilman Larsen, Councilman Mickelson, Councilman Dustin, Councilman Hansen, and Councilman Jacobsen all in favor.**

**Councilman Mickelson motioned to approve Resolution 10-04. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin in favor. Councilman Larsen was opposed.**

**Councilman Jacobsen made a motion to approve Zollinger Acres, Phase 5. Councilman Hansen seconded the motion. The motion passed 3-2; with Councilman Jacobsen, Councilman Hansen, and Councilman Dustin in favor. Councilman Larsen and Councilman Mickelson were opposed.**

**Councilman Mickelson motioned to hire an architect, do a need assessment, and give staff the authority to go to the Community Impact Board to double the bond. Councilman Jacobsen seconded the motion. The motion passed 3-2 with Councilman Dustin, Councilman Mickelson, and Councilman Larsen in favor. Councilman Hansen and Councilman Jacobsen were opposed.**

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**OFFICIAL MINUTES OF THE MEETING**

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, June 17, 2010 Nibley City Council meeting to order at 6:07 p.m. Those in attendance included Mayor Gerald Knight, Councilman Larry Jacobsen, Councilman Thayne Mickelson, Councilman Brian Hansen, Councilman Shawn Dustin, and Councilman Scott Larsen. City Manager, Larry Anhder and Bill Saunders, Public Works Director were also in attendance.

**Call to order, approval of the evening's agenda and minutes of the June 3, 2010 meeting.**

Councilman Jacobsen made a motion to approve the minutes of June 3, 2010 and the evening's agenda. Councilman Hansen seconded the motion. Councilman Mickelson discussed minutes regarding the irrigation company on line 196. Councilman Mickelson said the only contact the irrigation company has had was with Kim Datwiler. He was not sure who Mr. Neilsen was. Councilman Mickelson said Mr. Neilson's entire name should appear in the minutes. The motion passed unanimously with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson all in favor.

**Acceptance of bid for construction of 2 million gallon water storage reservoir.**

Mr. Anhder said they had advertised this and have found out there were some irregularities in the process that they did not foresee. He recommended the City Council reject all bids and allow them to go through the process again. Councilman Mickelson suggested they send a letter explaining why all the bids were rejected. Mr. Anhder said it was their preference to send a letter just stating they had rejected all the bids. Mayor Knight said that was what the attorney had recommended. Councilman Jacobsen asked if there was something that has happened that will taint the new process so that all bidders will not have equal footing. Mr. Anhder said no, it will improve the process. Mr. Anhder said ultimately the city is the beneficiary.

Councilman Dustin arrived at 6:15.

Councilman Jacobsen asked for assurances that staff is in close consultation with the city attorney. Mr. Anhder and Mayor Knight both agreed they were. Councilman Dustin asked if the rebids would also be qualification based. Mr. Anhder said they would be.

Councilman Mickelson made a motion to reject all bids for the water storage reservoir and rebid the process. Councilman Hansen seconded the motion. The motion passed 3-0 with Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen all in favor. Councilman Dustin abstained due to his late arrival.

Mr. Anhder said they will try to award the bid at the second City Council meeting in July. If not then it will be the first week in August. Rod Blossom, the City Engineer said they had very good bidders and very good bids. Mr. Blossom said the State process makes it so if you are a city you have to take the low bidder. They selected the most qualified and then 50% of the decision was based on cost. They were advised by the city attorney to go through a qualifying process first this time and then allow those that were qualified to bid. Mayor Knight asked if the time frame would hurt them. Mr. Anhder said it would not.

**City Manager Report**

Mr. Anhder said on their liability, property, and automobile insurance they were going to receive a discount on their premium.

The Utah Local Government Trust has declared their first dividend ever and Nibley city will receive a \$2,200 dividend. The Trust has been doing very well.

**Approval of Proclamation for Nibley City Citizen of the Year.**

Councilman Hansen made a motion to approve the proclamation for the Nibley City Citizen of the Year. Councilman Mickelson seconded the motion which passed unanimously 4-0; with Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin. Mayor Knight said this will be read during the Mayor's Dinner.

**Appointment of members to represent the council on the Judge Selection Committee.**

Councilman Larsen arrived at 6:26.

Mr. Anhder said the State Court's standing kept changing and said it would not hurt to make that appointment so they have it if needed. Mayor Knight recommended they do that. The Mayor's association has recommended Steve Mecham. He has been notified and has accepted the nomination. This is a four year appointment and he was willing to serve. Councilman Larsen said he talked with the judge to get his feelings. There is a judge that sits on the Wasatch Front. She is a Major with the Army Reserves. She is on her second tour in Iraq right now and while she was gone she appointed an interim judge. Judge Stevens did not intent to step down as Justice but had an opportunity come up that he could not turn down and would like to look into appointing someone so that he could come back and serve as Justice. He is of the understanding that he as the judge can appoint someone. He did not know how long the interim appointment could be.

Mayor Knight said they needed to appoint two people to the nomination commission and those people can appoint up to 3-5 nominees. The Mayor recommends one of those to the City Council which they can accept or reject. Mayor Knight asked what they thought of Judge Stevens as a committee member. Councilman Mickelson said he did not like the dual power role. Councilman Mickelson asked if Brain Cannell could sit on the committee. Councilman Larsen said he would like someone from our city and recommended John Pain. Councilman Larsen wants someone on the committee who will protect Nibley and can hold their own during a discussion. Councilman Hansen recommended Todd Fenton. Mayor Knight said they just want a fair judge. He was not sure they needed to avoid someone who sympathized with a County System. Councilman Mickelson recommended Ross Jacobson. Councilman Hansen inquired about Corlyss Drinkard. Councilman Larsen said she had expressed that she did not want to be on the committee. Other names that were suggested were: Ross Jacobson, Louise Nielsen, Linda Leishman, Richard Leishman, Paul Hansen, Wayne Anderson, and Jay Harrison. The Council members took a deciding vote. Each Councilman could vote for two.

The three members that were voted to participate on the committee were Linda Leishman, Todd Fenton, and Jay Harrison. Mrs. Leishman received the most votes with Todd Fenton and Jay Harrison tied for second. The Council voted again and Jay Harrison

was chosen as the alternate with the fewest votes. Mayor Knight said he would call Mrs. Leishman and Mr. Fenton. If one of them did not accept he will call Mr. Harrison.

Councilman Dustin left at 6:55.

**6:30—Public Hearing—to receive comments concerning proposed changes to the current fiscal year 2009-2010 budget.**

Mayor Knight asked for an overview of the proposed changes. Mr. Anhder said they find they have approximate 100,000 available for reappropriation. This changes their general fund budget from \$1.7 million to \$1.8 million. It makes minimal changes in their water fund; it increases it a little. The most specific change was the change in the projected current year's budget. Most of these changes came from places where money was not spent that had been appropriated but mostly from increased revenue. The largest single item in the \$100,000 was \$37,000 for a skidster. The City Council reviewed their copies of the current budget and the proposed changes. Mr. Anhder said there was a plethora of minor changes. It has been their practice over the years that any surplus goes into the capital projects fund. The Capitol projects budget shows the items being funded and the expenditures.

Mayor Knight gave the public direction and opened the public hearing at 6:54.

Michael Smith asked about the lack of a baseball field for their kids. Mayor Knight said it was in the budget. Mr. Smith asked why they did not revamp the softball field on 3200 for baseball. Mayor Knight said it was being used for softball. Mr. Smith asked why they could not be sent to Elkhorn. Councilman Larsen said Elkhorn Park was also being over utilized. Mr. Smith said they needed to look through a 11-13 years olds eyes. He realized a baseball field cost more than a soccer field and noted some individuals who would probably contribute to a field. Mr. Smith asked about the cement for the new water tank and asked who the vendor was going to be. Mr. Anhder said most likely it would be LeGrand Johnson. Mr. Smith asked if it would be tested. Mr. Anhder said absolutely it would. Mr. Smith said LJ was notorious for skimping on cement and it needed to be tested. Mr. Anhder said a baseball field was on the horizon but there was no time frame in place.

Mayor Knight closed the public hearing at 6:59.

**6:45—Public Hearing—to receive comments concerning the proposed budget for fiscal year 2010-2011 beginning July 1, 2010.**

Mr. Anhder said the budget anticipates a 2% increase in the salary schedule. The biggest change in the budget starts a new phase for roads; this budget amped up the money used for road maintenance. They are budgeting \$70,000/year for a roads maintenance plan. The other big change is the inclusion of another full-time employee that will come half from the parks department and half the sewer department. Mr. Anhder said the projection of revenues is quite conservative. This budget also anticipated the every other year property tax adjustment; they adjust their rate every year so it stays constant. Nibley City's evaluations have dropped. Mr. Anhder said this budget kept the three-legged

revenue stool in balance; the three legs of the general fund being sales tax, property tax, and various other general fees.

Mayor Knight gave direction to the public and opened the public hearing at 7:05.

Bill Saunders asked what their forward thinking was in expanding their parks plans; specifically purchasing more property and a baseball diamond and if funding had been set aside. Mayor Knight said the Parks Plan, once it is accepted, will give help them better understand where they are headed. The majority of the funding for future parks will be from impact fees; new growth. Mr. Saunders asked if there was any bond money. Mayor Knight said that would be a question for the Council in the future.

Mayor Knight closed the public hearing at 7:08.

**Consideration of Resolution 10-03—Amending the Current Year budget for fiscal year 2009-2010.**

Councilman Larsen recommended they go through both the current budget and next year's budget and iron things out and then pass the resolutions after that.

The Council reviewed and discussed the current year and the fiscal 2010 budget for some time.

Councilman Dustin returned at 8:06.

Councilman Larsen suggested they could do thumbs up/thumbs down for approval on the changes recommended by the Council:

Councilman Larsen suggested they change page 7-248 for the 2010 budget to adjust the recreation to \$4,000. The Council unanimously agreed. The Council agreed to change the recreation budget for both budget years.

Councilman Mickelson proposed they change line 10-50-5-14 of the 'from \$10,000 to \$11,000. There was consent from the Council. Councilman Jacobsen noted to the Mayor that they need to put the discussion of crossing guards on the agenda for future discussion.

Councilman Larsen proposed on 10-54-6-10 that they did not need the \$5,000 for the radar trailer. The change was rejected; four Council members wanted to keep the money for the trailer.

Councilman Larsen proposed they strike the \$4,500 for the Morgan Farm from the 2010 budget until they have a more detailed plan for the farm. Councilman Dustin suggested if it was city owned property that they generate a 2-year plan. The change was approved 3-2; with Councilman Jacobsen, Councilman Dustin, and Councilman Larsen in favor.

Councilman Larsen proposed a change of line 6-64 to \$1,700 and 6-68 to \$1,000 as proposed by Mr. Anhder on the '09-'10 budget. That change was approved with everyone in favor.

Mr. Anhder said that line 10-60-7-40 of the 2010-11 budget needed to be changed to \$38,000. The bids had come in higher on the skidster. That change was approved.

Councilman Larsen said he would like to include some money for a ball diamond. Mr. Anhder asked that they have time because that was prime development for grant money. The Council discussed the funding for a ball diamond. Mayor Knight said they needed to discuss the \$30,000 for the pocket park that came up during discussion of the budget.

Councilman Hansen and Councilman Mickelson were on board. Councilman Hansen said they did not have green space in that area and it is next to a canal area which could be a nice space. Councilman Mickelson said it gave them more space if work needed to be done on the well and left a nice open view on an open corner. Councilman Dustin asked where the well head was situated in relation to the property. Mr. Saunders said the well head is on the back portion of the property. Councilman Dustin said on that basis (that it is on that end of town) he gave his approval provided they could get a good price.

Councilman Larsen made a motion to approve Resolution 10-03. Councilman Mickelson seconded the motion which passed unanimously 5-0; with Councilman Larsen, Councilman Mickelson, Councilman Dustin, Councilman Hansen, and Councilman Jacobsen all in favor.

**Consideration of Resolution 10-04—Adopting the Budget for fiscal year beginning on July 1, 2010.**

Mayor Knight said this budget set the Justice Judge's salary and adopted a 2% salary schedule. Mr. Anhder said they could adjust the judge's salary down because it is a new judge. He said the state had a range based on the number of cases they handle. Councilman Mickelson said it should be adjusted down for a new judge. Councilman Larsen said it should also be based on experience. The Council decided to adopt the range that the State gave them.

Councilman Mickelson made a motion to approve Resolution 10-04. Councilman Hansen seconded the motion. The motion passed 4-1; with Councilman Mickelson, Councilman Hansen, Councilman Jacobsen, and Councilman Dustin in favor. Councilman Larsen was opposed.

**Approval of Zollinger Acres phase 5 subdivision, 11 lots at 3300 South and 1380 West.**

Mr. Anhder said the question on phase 5 was the triangular easement. The city engineer explained why the easement was set like that. Councilman Larsen asked how much the books say they need for an irrigation easement. Mr. Anhder said they had nothing on the books for that; they generally go close to 15 ft. but the engineer was alright with it being 12.5 ft.

Councilman Jacobsen made a motion to approve Zollinger Acres, Phase 5. Councilman Hansen seconded the motion.

Councilman Mickelson said this issue has not been up to the canal company to be resolved. They have the power to help this situation but they do not it. Mr. Anhder said they say they have given it to the canal company. Councilman Mickelson thought they could offer a service there which would go a long way in that relationship. Councilman Larsen was always of the understanding that they would have that required easement and with the fact that it is narrow on the one end he does not feel that he will give approval.

The motion passed 3-2 with Councilman Jacobsen, Councilman Hansen, and Councilman Dustin in favor. Councilman Larsen and Councilman Mickelson were opposed. Mr. Anhder said he would make sure that was given to the irrigation company.

**Discussion and consideration of building a new city hall building.**

Mr. Anhder said he had nothing new to report. It has always been pushed that it may not be a necessity to do this now but it is a great opportunity. Mayor Knight said they should not make a decision based on the County Court; that should not be a determining factor and they should not bank on that happening.

Mayor Knight said gave the timeline that was important for the money that has been approved:

- They would like to choose an architect the first of August.
- design the building by the first of September
- October 15—finalize construction drawings
- November 1<sup>st</sup> advertise for bids
- Open bids on the 15<sup>th</sup> of November
- Close on bonds December 1<sup>st</sup>. This is the critical date because the bonds must be sold.

Mayor Knight said they four key employees in the public works department are in a 10 X 20 ft. area. He said Mr. Saunders has to go outside to have private conversations with his employees or citizens. The City Planner is in a chair closet and any temporary employees work at the City Council desk. He said the plan with the school would have bought them time. Mayor Knight said the decision to build this building needs to be made and the City Manager has found the funds to do it.

Councilman Hansen said he did not feel it was necessary. He did not feel comfortable rushing through this process. He wanted to review it over time. He would like the building to be a legacy building that reflects Nibley and stands for something in Nibley. Councilman Hansen said he understood a portion of the Board of Education would approve a 60 year amortization schedule; about a \$5,000 year depreciation schedule on the school. He feels that would buy them time to prepare to meet the needs of the city.

Mr. Saunders said in the economics issues they are in right now they are getting a 25% reduction in construction costs.

Councilman Mickelson said I liked the idea of not feeling like they are rushed into a certain time frame. If they stick it in the property they currently have they may not have room to grow or put anything next to it. Councilman Mickelson suggested adding public works office space in the new public works buildings. He said he is not in favor of putting the money at risk in the room with the school.

Councilman Larsen said he was much the same as Councilman Hansen. He said there are benefits to go to the school but he is reluctant to do that with what has happened. It concerned him that they would have to get this amount of work done in such a short amount of time. He was never in favor of converting the school to a City Council chambers but did want to utilize it to enhance the community. He addressed an insulated bowery that could be constructed and suggested they look into that. He is not in favor of building a building but is 100% in favor of enhancing the recreation in the community.

Mayor Knight said they had done the research and with their design standards it would be a beautiful building. He agreed with Councilman Mickelson about the location. They have to start somewhere and suggested they needed a public works master plan. Mr. Anhder said they had discussed using that area for a new city hall for three years. Mayor Knight said this was possible and it did not mean additional money for a building in their budget. Mr. Anhder said the bond money they have acquired expires at the end of the year. The money was part of the Build America stimulus money. Cynthia Fredrickson, City Treasurer, said what she saw here was that the opportunity presented itself ahead of the plan. She stands to gain a lot but she also saw an urgency that is coming ahead of the plan. She said it is too much, too soon. Mr. Anhder said this was not new discussion. He thought it was a little inaccurate to say they are rushing into something—they do have a brisk times line but this had been discussed for years. Mr. Anhder said there was no one that wanted to see a better city hall than him.

Councilman Mickelson said there is nothing worse than being in the middle of city upturn and trying to build a new building. Now may be the best time because they have the time in a down turn economy when they are not busy.

Corlyss Drinkard said the decision is being rushed because they had the funding from the school. Barbara Wilden asked if it would help the city serve the citizens better if they had a bigger building. Mayor Knight said he thought yes.

Councilman Jacobsen said at least three of them are not in favor of blasting ahead with a new building. They asked for more information. He is interested in looking at it. He said a manager of personnel needs to have a private place to discuss thing with their employees. It is management's responsibility to provide that space; the place they are asking their employees to work in is not sufficient and they are falling short if they do not provide that. He said one way or another they needed to provide that.

Councilman Dustin said their best legacy is to make a responsible application of public trust. They need to solve the problem they currently have. He thought the foresight of this community was being overlooked in the discussion. They have a master plan and a



thought process in the design guidelines. He did not think the discussion of a new city hall would even be an issue if they hadn't had it on the general plan and the design standards. He is intrigued by the opportunity. He was impressed with the ambitiousness of the schedule.

Councilman Jacobsen said he is not interested in monuments. He optimizes on functionality. Councilman Mickelson asked at what point in time they could not back out. Mr. Anhder said when they sign their names to the bonds. Councilman Mickelson suggested they move forward conceptually and see if the bids come in where they thought and if this was something they could do. Mayor Knight agreed with this. Councilman Mickelson stated he needed a conceptual idea of being able to expand or he would have to problem saying yes.

Christian Wilson, a local architect, said he worked with Larry on the County Administration building and said they will be able to meet their time schedules; they are not busy right now but asked if the city would be able to meet their response time. He said they could hire an architect to come in and give ideas. He thought they would get fees for 5 to 5.5%.

Councilman Mickelson suggested they follow the schedule as long as there is no penalty in opting out until they bond. Mr. Anhder suggested they go to the point of hiring an architect and do the needs assessment and give staff the authority to go to the Community Impact Board to ask to double the bond.

Councilman Mickelson made a motion a motion to hire an architect, do the need assessment, and give staff the authority to go to the Community Impact Board to ask to double the bond. Councilman Jacobsen seconded the motion.

Councilman Jacobsen asked for an anticipated dollar amount to go to that point. Mr. Wilson said \$10,000 would get them a schematic design and programming. Mr. Anhder said there was money in the budget for the community center. Councilman Mickelson said they did not have enough information to know if they should to this. They needed this to get that information. Councilman Jacobsen said this committee would look at the RFP's and then move forward based on review of that. Councilman Hansen said his feeling is they would get what they pay for and is concerned they will throw together an idea. He is concerned they are just wasting money. Corlyss Drinkard asked if a public hearing was an item in the timeline. Mayor Knight said it was not for now but always encouraged public input. Mayor Knight said he was hesitant about spending the money to answer these questions. Corlyss Drinkard said it would be prudent to spend the money and get an architect's plan to show the people and then ask the people; she did not feel it was an inappropriate expenditure.

The motion passed 3-2 with Councilman Dustin, Councilman Mickelson, and Councilman Larsen in favor. Councilman Hansen and Councilman Jacobsen were opposed.

Councilman Jacobsen directed staff to find solutions to the office space issues at hand.

**Council Reports**

Councilman Larsen said the swim night was postponed till September the 8<sup>th</sup>. Those people with wristband already would be honored on that night. To attend swim night on the 8<sup>th</sup> they would need to buy those wristbands in advance. He reminded the Councilmen of Heritage Days responsibilities and encouraged them to attend as many events as possible.

The meeting was adjourned at 11:20 p.m.