

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, September 2, 2010.

The following actions were made during the meeting:

Councilman Larsen motioned to place the sidewalk along 3200 south on the south side of the poles between 640 West and 800 West with minor elevation changes to existing driveways. Councilman Dustin seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, and Councilman Hansen all in favor.

Councilman Larsen motioned to approve Richard Leishman as the Nibley City Historian. Councilman Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Jacobsen, Councilman Dustin, and Councilman Hansen all in favor.

Councilman Jacobsen motioned to move forward with the CMGC (Construction Manager/General Contractor) approach to this project (building a new city hall). Councilman Hansen seconded the motion.

Councilman Jacobsen motioned to amend to remove Commissioner Wayne Anderson from the building committee and replace him with Commissioner Marina Heidt. Councilman Hansen seconded the motion. The motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, and Councilman Larsen in favor. Councilman Dustin was opposed.

The amended motion passed 3-2; with Councilman Jacobsen and Councilman Hansen in favor. Councilman Dustin and Councilman Larsen were opposed. Mayor Knight broke the tie by voting in the affirmative.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, September 2, 2010 Nibley City Council meeting to order at 6:15 p.m. Those in attendance included Mayor Gerald Knight, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilman Scott Larsen, and Councilman Shaun Dustin. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen. Councilman Thayne Mickelson was excused from the meeting.

Call to order, approval of the evening's agenda and minutes of the August 26, 2010 meeting.

Councilman Dustin made a motion to approve the minutes and the evening's agenda. Councilman Hansen seconded the motion. The motion passed 3-0 with Councilman Larsen, Councilman Hansen, and Councilman Jacobsen in favor.

Discussion about sidewalks on 3200 South and 800 West.

Mayor Knight recognized Rod Blossom, City Engineer and Bill Saunders, Public Works Director who were present at the meeting.

Mr. Anhder in the budget proposal that was passed at the last meeting the Council approved a sidewalk from the train tracks to 800 West on the north side of the power poles and the south side of 3200 So.; that was approved without any discussion. He was notified later in the week that there were Councilmen not in favor of that so it was put back on the agenda for further discussion. Mr. Anhder said the reason the side walk was recommended to be No. of the power poles was in that area it was least intrusive.

Mayor Knight asked Rod Blossom to describe what a typical road cross section looked like. Mr. Blossom described that to the Council. Mr. Blossom said they had done a survey of everything east of the railroad track and everything west of 12th. There are some issues to consider; the road was not built to consider curb and gutter and they have swell they need to consider. The houses are built up and there is not as much room; there would have to be changes to the road and/or the properties in order to put a curb in there and put the sidewalks in properly. Mayor Knight asked if they were too high or too low on the elevations. Mr. Blossom said there were actually both instances. He said if they put the sidewalk where he showed it should be and they anticipate for the correct elevation then that means they will have to go back into those yards 20-30 ft in some cases.

Councilman Dustin said if they put the sidewalk where it fits and they go to curb and gutter later then they will eventually have to rip the sidewalks out anyways. Mr. Blossom said it might be better to put the sidewalk right where the swells is because that gives them more room to make the grade back to driveways and there is less interruption to people's yards. Mr. Blossom said his guess was people who don't have any swell or curb, the grass is going to absorb the run-off from the road.

Mr. Blossom recommended the least expensive way was to put the sidewalk where the swell is; at least in front of the power poles. Mayor Knight said when he walks that area from a safety standpoint, he walks behind the poles.

Bill Saunders said it would cost them around \$15,000 to put the 1000 ft. of sidewalk in front of the power poles. But if they put it behind the power poles he thought it would be at least three times the cost because of the disruptions to yards and driveways, and getting it to the correct elevation. Mr. Anhder said if they more or less match the driveway grades there it would be an additional cost in the amount of salary and wages they pay because of excavation and fill, etc. He said if they do not put a timeline of getting it done within 30 days that would help them.

Barbara Wilden said all things being equal they should put the sidewalks on the north side of the power poles and make the folks that live along there extremely happy. There would be several trees that would have to come out if the sidewalk came south of the poles. Mayor Knight asked for direction from Council to direct staff with one of three options; sidewalk on the north side of the power poles which saves trees but he considers unsafe, sidewalk on the south side of the power poles where it's location right but not necessarily elevation right, and the way it should be done matching the road elevation, 1 foot off the property line, south of the poles. Councilman Dustin said he thought the two options they had were to match the driveway elevations on the north side or match the driveway elevations on the south side.

Councilman Larsen said he personally would like it on the south side of the poles. He did not see them putting curb and gutter in for a long period of time; he did not see them changing 3200 South for some time. He did not necessarily want it to grade. He would like it to look nice and be on the south side of the poles. If they had to match some of the driveways so be it.

Councilman Larsen made a motion to place the sidewalk along 3200 south on the south side of the poles between 640 West and 800 West with minor elevation changes to existing driveways. Councilman Dustin seconded the motion.

Councilman Dustin asked Mr. Blossom if it was his professional opinion that the burrow pits were not serving a purpose for drainage. Mr. Blossom said they did serve some purpose but it was minimal. Councilman Jacobsen asked why to the south. Councilman Larsen said he believed that was where their ordinances said they should be, it would somewhat match the other side of the road with the distance between the current asphalt and the sidewalk on that side, if they extend asphalt on both sides of the road to accommodate another lane of traffic then the sidewalk is already pushed back and they have a little wiggle room to do extension. He thought it looked better, it was more in uniform with how they do sidewalk now and it doesn't look so pieced together. Councilman Jacobsen did admit that curb and gutter did give some extra separation between pedestrians and vehicles. On the south side of the poles they are certainly beyond 8ft between edge of sidewalk and edge of asphalt. Councilman Larsen said they did have the right-of-way there as a city and they could extent that asphalt later. He perceived that change could happen to 3200 S.

Councilman Jacobsen asked Brian Anderson for his opinion. Mr. Anderson said he thought the burrow pit needed to go and he wanted to know how they keep that sidewalk clean. He thought the speed limit was wrong; it was too high. As far as bike lanes and joggers he sees very few people but he is at work. He did see a jogger who was not dressed appropriately to be jogging in the dark. He did not know why the sidewalk was suddenly a topic that had to be done now. He is all for it. He was concerned if they had a sidewalk on the S. side and suggested they mark it out with spray paint and see if they like where it is before committing to it. He would be concerned with it looking good.

Mr. Saunders they anticipated this project being a 7-10 day commitment and if they move it behind the poles that would extend that out three times that much and it would cost more; they could hire it out but that would increase the costs. Councilman Jacobsen asked Mrs. Wilden if they would lose her spruce trees if this was done on the south side of the poles. Mayor Knight said she would and described what would be lost.

The motion passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, and Councilman Hansen all in favor.

Appointment of a City Historian.

Mayor Knight recognized former Mayor Richard Leishman. He wanted to appoint Mr. Leishman to be their historian. Mr. Leishman had consented to do so. He said he was seeking advice and consent from the Council. Councilman Larsen asked what was being asked of Mr. Leishman and what his qualifications were. Mayor Knight said they wanted documentation in the form of picture and a few words, possibly an addendum to the Nibley City History; they wanted someone to document the happenings in Nibley City. Councilman Hansen asked if he had a budget. Mayor Knight said in the interim he had \$600 discretionary money he could use to facilitate this. Councilman Larsen thought that was another thing they could throw into their newsletter or website; current or historical happenings. Councilman Hansen said he thought they should move to the next level with a digital history. They could expand it over time and make it something that could constantly change and grow. Councilman Jacobsen said he thought they had a history link on the website. Mayor Knight said currently it was just a summary. Mr. Leishman said his goal would be to continue on with their history book and take history as it happens.

Councilman Larsen made a motion to approve Richard Leishman as the Nibley City Historian. Councilman Jacobsen seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Jacobsen, Councilman Dustin, and Councilman Hansen all in favor.

Discussion concerning the style and design of the proposed Nibley City Hall.

Mr. Jim Child with JRCA Architects was present at the meeting. Mr. Anhder said he and Mr. Child had discussed their method of construction and rather than the traditional way they would like to recommend a CMGC (Construction Manager General Contractor). Mr. Child said under the conventional system they have an open bid process he would try to talk them out of that. They can qualify the general contractor but they will still have to look generally for the subcontractors. A way that can be addressed is through a CMGC. They go through a process and select a general contractor; they are typically selected on them on their qualifications, experience, approach to the job, and fees. Then they can establish a process where with any subcontractor over a certain amount they had to come in with bids to be approved by the City Council. Mr. Child said that process will take a little more time. Mr. Anhder said his recommendation was to use the committee they had in place before when they choose the architect and start soliciting proposals for a CMGC. Mayor Knight said he would have to find a new Planning & Zoning Commission member

to sit on that committee. Mr. Anhder said Commissioner Anderson, who was also a general contractor, was a big proponent of the CMGC. Councilman Dustin asked how that would impact project costs. Mr. Childs said the construction manager is still the interface between the general contractor, the subcontractors, and suppliers. With construction management they may not be taking the lowest bids out there; they are getting the best cost because some of those low bids do not result in the lowest cost. Mr. Child said they would be allowing the subcontractors to be selected after the CMGC is selected. Councilman Dustin said so instead of requiring a general contractor to bid the full job and have all the pricing in place, they select the general contractor based on qualifications so there was some uncertainty. Mayor Knight asked if they could set it up to reject the CMGC based on the final price. Mr. Child said they could. Councilman Dustin said he was concerned that this was a 1.5 million dollar project and if the overhead was reasonable for a CMGC.

Councilman Jacobsen said with his building project at work the architect suggested a CMGC and it seemed to be working well. One of the deciding factors was that they wanted to have a say on subcontractors. Mr. Anhder said they had an advantage in that they have a building inspector that had worked with many of the subcontractors. Councilman Jacobsen said the concern they had going into it was the CMGC's fee; he gets paid more if the subcontract come in higher because it is a percentage. They have to look for a trustworthy, qualified CMGC. Councilman Jacobsen asked if they could do this as a city. Mr. Child said as long as they establish a set of requirements that is defensible they can do this. Councilman Dustin said regardless of who they go with if there was any way they could do qualification based selections he strongly encouraged those in the selection process to make sure the contractor can work through the Build America Funds—there is a lot of overhead associated with that money.

Mr. Anhder said he proposed they go this way; get the committee together and working with Mr. Child to proceed with a CMGC.

Councilman Jacobsen made a motion to move forward with the CMGC (Construction Manager/General Contractor) approach to this project. Councilman Hansen seconded the motion.

Councilman Jacobsen made a motion to amend to remove Commissioner Wayne Anderson from the building Committee and replace him with Commissioner Marina Heidt. Councilman Hansen seconded the motion. The motion passed 3-1; with Councilman Jacobsen, Councilman Hansen, and Councilman Larsen in favor. Councilman Dustin was opposed.

Councilman Dustin said he thought it may be in their powers as a Council to proceed with this decision and to build this as discussed. It may be within their power to commit the city to 30 years and 1.5 million dollars of debt but he felt it was an abuse of that power if they did not involve the citizens in that by way of a vote. He felt they should have involved asking the citizen to come in either by bond election or a referendum before committing them to this financially.

The motion passed 3-2; with Councilman Jacobsen and Councilman Hansen in favor. Councilman Dustin and Councilman Larsen were opposed. Mayor Knight broke the tie by voting in the affirmative.

Mr. Child showed the Council the preliminary floor plan; he said they tried to look at existing needs with some additional space in the building. There was not a lot of unused office space. The community room is larger and can be sectioned off. They had designed the building to be expandable.

Mr. Child discussed the site. He said the property topographically there was about 4 feet of difference between the site and the street. They are looking at raising the building up and having a walk-out basement. They have springs in the back of the area; it is an area that he recommended they don't impact. Mr. Child said the front of the building would face 3200. Mr. Child said site wise they were trying to stay with the general plan. Councilman Dustin asked how fixated as a city they were with developing a city center that has a focus on those central buildings; it cannot be the focus of the city center if it is not in the center. Right now it was asymmetrical. How do they strike a compromise with the building layout so it can be the focal point of a large city center? The Council discussed the general plan and placement of the city hall. Mayor Knight said he thought what was developed in the future would be planned around what existed. Councilman Larsen said then that makes the placement critical. Councilman Hansen said he wouldn't mind moving the building back. He thought they could put other elements as a central focal point. He wanted to create a setting for the building that was really unique compared to what they have. Mr. Child said from the east west point of view he was very comfortable recommending where it was. Councilman Dustin said this was arguably the most important building in the city; it should have primacy on the site. Mayor Knight said he agreed but struggled with where that location was. Councilman Hansen said he more concerned with having a space that worked functionally; that was inviting and looked nice when you drive by. He said he would like to see a better relationship with the water on the property. He envisioned more of a park like setting. He said he was alright with where it was; he thought it could go back a little further but did not want to inhibit future expansion.

The discussion then moved on to the building itself. Child displayed the images that at a previous meeting the Council had place markers on. He had determined from those selections that the Council wanted a strong central element or entryway, visible pitched roof forms, and the use of natural materials. Mr. Child showed some different approaches to those elements. Councilman Larsen said the top picture looked like a renovated school and the bottom looked like a renovated church. Councilman Hansen said the bottom picture was too contemporary and did not have a nostalgic feel. He said the top picture was going in a direction he liked; he thought the central feature needed something to make it more unique. Councilman Larsen said material wise he thought the brick was nice but he liked the mix of natural woods and things like that. Councilman Hansen thought the use of a steel roof could be a way of tying many of the buildings on this end of the valley together; it was a strong architectural feature that could tie them into several elements. He liked the idea of columns and using brick. Councilman Larsen said from his

office building they have a conference room that can be divided and there is a patio that when they have a larger conference people can sit out there and listen to the meeting. Mr. Child suggested they be careful and not build a Park City ski lodge type look with the materials. Councilman Larsen said he liked the building that looked more solid, with fewer windows. Councilman Dustin said the only preference he would have is he had some interesting designs with strong features and he would prefer they not lose those by putting too much detail on the finishes on the outside. Councilman Hansen said he hoped the building would look nostalgic. Councilman Larsen said they do not have history as a community so they might have to fake it. Councilman Dustin said he thought an old grange hall style would work. Mr. Childs said he was seeing some direction that he would like to pursue. Councilman Hansen recommended he stay away from the prairie style with the lower pitch roof.

Mr. Anhder encouraged the Council to put the elevator back in the front. With the elevator in the front they can lock off the rest of the building and there can still be access to the basement. He also liked the idea of a Council room with windows open to the street. Councilman Hansen said he did not like that idea; the basement was a secondary to the rest of the building and there were accesses on both sides. Mr. Child suggested as a compromise that they work with the stairs in the front but possibly rework the elevator. Councilman Hansen said he did not feel they would use the elevator very much and did not need to be such a visible feature. Councilman Dustin asked if there was a code requirement for basement ceiling heights. Mr. Child said there was; he was trying to make the basement ceilings 8 to 9 ft tall.

Mr. Child said they should look at doing this again in two weeks.

Discussion about sidewalks on 3200 South and 800 West (continued).

Mr. Anhder said the proposal for 800 W. was to redo the sidewalk from Shadow Brook Park through where Nibley Garden starts. He said they proposed a modified height somewhere between the current road and adjacent land owners. Mr. Anhder said the reason the sidewalk was that way was because they had to raise the sewer there to go over the canal. Mr. Anhder said the current grade to the crown of the road is 18 inches. They proposed that the sidewalk be somewhere in between where it is currently and the crown of the road. Councilman Larsen said they could bring in fill and bring the turn-around at the Anderson's up. Councilman Dustin said his biggest concern was matching the existing sidewalks on either end. Mr. Saunders said they could raise it reasonably a foot and they could move it 5-6 ft. away from the road. Councilman Larsen said they have already paid for this half way before. Mr. Saunders said if they were going to fix it right they would have to rebuild 8th West. If they can't do it right then why not abandon the project right now. Councilman Dustin said in his view the need was dramatically lessened with the new school. The driver for the project was gone from him; from safety to aesthetics. The Council decided to abandon 800 W. sidewalk project for now.

City Manager Report

Mr. Anhder said they met with the CIB and were approved for their loan (\$850,000) at a little bit higher interest rate; 2.6%

The Cache County Council is reorganizing many cemetery districts. The Millville/Nibley cemetery district will have elections in 2013; they are appointing people now in the interim. He asked the Council for members they would like to be nominated to that position. Mr. Anhder said he had put his name in for that. It will be put in the newsletter.

Mr. Anhder said they had started discussion on their new well. They are talking with irrigation company; the College Irrigation Company.

Mayor Knight said Judge Stevens was not retiring; he was rejected from an LDS mission for health reasons and would not be leaving. He would be here for at least two more years.

Mr. Anhder said in the last 6 months their sales tax had been higher in 4 of the last 6 months than it had last year. Water sales were running ahead of last year too.

Council Reports

Councilman Dustin said he was waiting to see if they were having an emergency drill on September 11th. He said they were having one in their neighborhood. As far as he knew there was no drill on September 11th.

Councilman Larsen asked about the softball being run by Larry Jacobson. He noted the radio said Nibley City was doing it; interested parties could contact Nibley City or Larry Jacobson. Mr. Anhder said they were handling the registration for liability issues. Councilman Larsen said he had given a citizen wrong information and he would contact that person and tell them the city was providing equipment, etc.

The meeting was adjourned at 9:14 p.m.