

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, January 6, 2011.

The following actions were made during the meeting:

Councilman Jacobsen motioned to approve Ordinance 11-01 with the change in industrial to “not permitted”; so it would be conditionally allowed in commercial zones. Councilman Hansen seconded the motion.

Councilman Larsen motioned to amend Ordinance 11-01 to say not permitted in commercial. Councilman Hansen seconded the motion. The amendment failed 1-4; with Councilman Larsen in favor. Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin were opposed.

The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Dustin in favor. Councilman Larsen was opposed.

Councilman Mickelson motioned to approve Resolution 11-01. Councilman Jacobsen seconded the motion. The motion passed 3-2; with Councilman Mickelson, Councilman Jacobsen, and Councilman Hansen in favor. Councilman Dustin and Councilman Larsen were opposed.

Councilman Dustin motioned to reject the proposed project budget worksheet and rebid the project based on the changed conditions received. Councilman Larsen seconded the motion. The motion failed 2-3; with Councilman Dustin and Councilman Larsen in favor. Councilman Mickelson, Councilman Jacobsen, and Councilman Hansen were opposed.

Councilman Jacobsen motioned to approve the project budget as proposed; dated December 16, 2010. Councilman Hansen seconded the motion. The motion passed 3-2; with Councilman Jacobsen, Councilman Hansen, and Councilman Mickelson in favor. Councilman Larsen and Councilman Dustin were opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, January 6, 2011 Nibley City Council meeting to order at 6:03 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Larry Jacobsen, Councilman Bryan Hansen, Councilman Shawn Dustin, and Councilman Thayne Mickelson. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen.

Call to order, approval of the evening's agenda and minutes of the December 16, 2010 meeting.

Councilman Brian Hansen made a motion to approve the minutes from December 16th and the evening's agenda. Councilman Dustin seconded the motion.

Councilman Larsen stated he was concerned with the second public hearing on the agenda. He said it was not noticed correctly according to Utah code; Utah code stated it had to have a date and time associated with it and they had no time. It also needed to be listed on the Utah Public Notice website ten days prior to the meeting and was only listed three days prior. Mr. Anhder believed that was true for general fund changes but this was a utility fund. He believed there were different rules for utility fund changes.

Councilman Mickelson arrived at 6:05.

Mr. Anhder said he did not notice it because it was a utility fund.

The motion passed 3-1 with Councilman Hansen, Councilman Mickelson, and Councilman Dustin in favor. Councilman Larsen was opposed and Councilman Jacobsen abstained from the vote.

Swearing in of Judge Jack Stevens

Mr. Anhder said it was his honor to swear in Judge Jack Stevens after his reelection. He asked Judge Stevens to raise his right hand and repeat the following:

"I, Jack Stevens, do solemnly swear that I will support, obey, and defend the constitution of the United State and the constitution of the State of Utah, and that I will discharge my duties of my office of Nibley City Justice Court Judge, to which I have been elected with fidelity."

The City Council thanked Judge Stevens for his service.

City Manager Report

Mr. Anhder noted that two years ago the legislature passed a new law on fiscal transparency in cities. He said it affected them this year because all their financial transactions will need to be posted to the web on a quarterly basis. They are going to need time, people, and resources to do this and he wanted to make the council aware.

Mr. Anhder said they will open bids on Jan. 18th for the sewer line associated with the property adjacent to the city hall.

Council Reports

Mayor Knight said he visited with Mayor Watts on city funds; they discussed the South Corridor Development Plan which Logan City had purposefully left Nibley City out of discussion. The main issue they discussed was the 8% levy on the sewer. Mayor Watts promised they would have a meeting the first part of the year to further discuss that; there were a number of cities concerned. The South Corridor Development Plan was discussed

and Nibley expressed that they were not pleased that they had not been brought in on the process until this point. He said the plan involved planning and development along the highway. Mayor Knight said they had been invited to participate and they needed three individuals on the steering committee. Mayor Knight suggested a Planning & Zoning Commission member, himself, and Ms. Phippen. Councilman Larsen noted Mayor Knight was not a voting member of the elected body. Mayor Knight said the first meeting was February the 3rd.

Mayor Knight said he also approached the topic of the annexation that had occurred a couple of years ago and requested they “give it back”. Mayor Watts said they would sit down and discuss it.

6:15—Public Hearing—to receive comments concerning a proposed change to the Nibley Land use ordinance concerning dance halls

Mayor Knight stated the time as 6:25. Mayor Knight gave direction the public present and explained that anytime there was a land use change they held a public hearing. The Planning & Zoning Commission had given them the recommendation to allow this in industrial and commercial zones.

Ms. Phippen said there was a specific request that was motivating this land use change. Currently they have no land use that would allow any kind of dancing establishment. Nibley had an applicant who wanted to put in a dance hall/billiards hall in the Peterson’s Farm Store development buildings. To allow that would require this change in their land use chart. She recommended that this land use be allowed conditionally.

Mayor Knight opened the public hearing at 6:26.

Corlyss Drinkard asked for clarification that they were only amending the land use chart to include dance halls and that they were not actually considering the actual application for the dance hall. Mayor Knight said City Council did not consider the application; the business license would come before the Planning & Zoning Commission.

Barbara Wilden said she was concerned they were opening a Pandora’s box. There were a lot of things that needed to be considered if dance halls were approved; if they would be limited to where Peterson’s was; what kinds of dance halls; the hours they kept; ages of the individuals attending; what would be allowed there; where would enforcement come from; is this how they wanted Nibley to be perceived. She said now seemed like the time to say stop.

Angelica Gardner asked for clarification on where the Peterson store was located.

Mrs. Wilden questioned if the applicant would have to come before the City Council to get a liquor license. Ms. Phippen said the applicant did not have to come to the City Council to get a liquor license.

Mayor Knight closed the public hearing at 6:33.

Mr. Anhder said the applicant moved here from California and was a professional ballroom dancer and tournament billiards player. He was quite interested and thinks there is a great market for tournament billiards that would draw people from the entire inter-mountain area to the valley. He talked of sponsoring a great number of dances. Verbally his inclination was for ballroom dancing and ballroom competition.

Councilman Dustin was excused at 6:35.

Presentation by Nibley Millville First Responders

Dave Davenport, the EMS squad commander, said it was a privilege and an honor to serve the citizens of Nibley. He said they were an all volunteer squad but they are the same as all EMS squads in the valley; they are licensed by the state of Utah. All of their members are EMT's and they are a basic life support squad. When they respond to calls they use their own personal vehicles and they are the only EMS squad in the valley not affiliated with a fire department. Mr. Davenport said when they came to City Council a year ago they were in a re-building phase. They work 12 hour shifts. Leadership changed in December of 2009 and when it did they made a commitment to cover every shift, every day of the year and they had done that. Membership has been built to 11 and a 12th will be joining the end of January.

Mr. Davenport reviewed the spreadsheet of calls he had distributed to the Council. He said the average response time to each call was 6 minutes. There were 96 calls total; 65 were to Nibley and 31 were to Millville. Generally speaking they responded 2 minutes faster than the ambulance. Mr. Davenport said they had passed a number of bylaws; when they take a new member on they go through an orientation process and they do not go into the field unassisted for 6 months. Mr. Davenport went through the statistics concerning the Nibley/Millville EMT squad. He said when their EMT's are on duty they must stay within five minutes of Nibley and Millville during their shift.

Mr. Davenport said the trend for Nibley is creeping up while Millville is holding steady. They attributed this to the growth in Nibley.

Mr. Davenport said they had two budget items to discuss with the Council. Cache County EMS runs the ambulance out of Smithfield and Hyrum and they ask that at least 2 EMT's from their squad respond to each call. Their total budget was \$12,329 and as of December 31st they had \$6,000 on hand for the rest of the fiscal year. The funding they obtain all goes to training, equipment, and supplies. The Utah Communications Agency Network (UCAN) recently migrated all the VHF radios systems to a UHF radio system; they got two radios via a grant and had to purchase the other nine radios which totaled \$15,000. He said they were also migrating to a different pager and have gradually bought new pagers as their budget permitted; Mr. Davenport said he was seeking a grant to help purchase those additional pagers. The UHF radios had an annual user fee charged by UCAN. UCAN bills Logan City and Logan in turn bills everyone else. That is a requirement that is not in their budget; the cash reserve they had been saving was supposed to buy an emergency response vehicle. The budget increase they were seeking

was \$1,000 for the annual radio fee and with the 70/30 split with Nibley and Millville, Nibley's part would be \$700.

Mr. Davenport said Chief Jay Downs came and talked to the Council about compensation for the squad last year. At that time the Council requested a compensation proposal and he had that.

Councilman Dustin returned at 6:59.

Mr. Davenport said their compensation proposal was a performance based approach. Last year members on the squad averaged 8 shifts per month. For people who are willing to put in more time and work more shifts they would like to pay \$5/shift. They proposed offering \$10 to each person that attended drill and learned the training and procedures. For every call responded to they wanted to offer \$7.50/call. Mr. Davenport said this was a nominal level of compensation and that the squad was not motivated by money.

Conditionally they had to attend 70% of all drill meeting; they had to complete 4 shifts per month and for each call they needed to complete a PCR (patient care report). Mr. Davenport said the total compensation package would be approximately \$6,590. Councilman Larsen asked if the math was based on two EMT's and a single patient. Mr. Davenport said his math was based on 2 EMT's and a single patient.

Mr. Anhder said he believed the split with Millville was two-third/one-third. Mr. Anhder said Dave did not mention that one EMT covered 150 shifts; he would guess that person was Mr. Davenport himself. He said Dave had professionalized their EMT's and had been extremely diligent in his recruiting; he publically acknowledged and thanked him for his input and service to the community and said he appreciated the opportunity to work with him. Mr. Anhder said he thought it was time to professionalize and give incentive to their EMT's. He also thought they should explore the use of EMT's and staffing and management in an emergency situation. Mr. Anhder encouraged the Council to think and make a decision on this before April so it could go into the budget. Mr. Anhder asked the Council to consider making the first-responders a department of Nibley City government contracted with Millville and then the squad commander would be a hired employee of the city.

Councilman Larsen expressed his concern that if they put someone else in the leadership spot perhaps the squad would be less motivated and have fewer members because they did not like the person the city put in charge and decided not to do it. Mayor Knight said they would move that from a strictly a volunteer elected procedure to a personnel director being in charge of selection; it was more of a professional approach.

Councilman Dustin said he would strongly support the funding of the program at this point. He said the first responders were voluntary and they did this to serve the community and he would be hesitant to do something from the top down that would impact that dynamic.

Councilman Jacobsen said if they hired a person and membership fell back to six then obviously they would need to make a change. The EMT's would still drive that person. Mayor Knight said they wanted to pay them for their efforts and said the guy that puts in the work needed to be compensated. Mr. Davenport said he did not know where the idea of making their organization a part of the city was going to go but he was not looking to make any more that was included in the compensation package. He said they do this because they enjoy it.

Councilman Hansen said he believed the first-responders were something they could use and really benefit with as a city. He asked were the first-responders where located in the city and if they were spread out pretty evenly. Mr. Davenport described where the various EMT's were located. Councilman Hansen said he thought it would be great to get some people in those other geographical locations that could be used as a neighborhood contact. If they were part of the city government, he wondered what access they would have to them. Mr. Davenport believed the 911 center would alert them appropriately.

Mayor Knight thanked Mr. Davenport for his time and effort. Councilman Larsen asked Mr. Davenport to tell his squad how much they were appreciated in Nibley.

Consideration of Ordinance 11-01—Amending the Nibley City Land Use code to include dance halls

Mr. Allen Cornea was present at the meeting at this time.

Mayor Knight said he wanted the judges input. Mayor Knight said the dance hall would be described as “a place open to the public upon the payment of an admittance fee wherein music is provided and people are allowed to dance”. Councilman Mickelson added that it would be a conditional use. Judge Stevens asked what the noise impact would be and how it would be addressed. Councilman Jacobsen said he thought the noise issues would be addressed on the conditional use permit. He expected the conditional use permit to take up the impact to the neighbors. Councilman Larsen said if it is not addressed when they issue the conditional use permit then they have no way to govern it later. Ms. Phippen said the conditional use permit is subject to review. Judge Stevens described an instance he recently dealt with where alcohol was provided to minors at a dance hall in Hyrum. He wanted to make sure they were aware of some of the things they may be opening themselves up for.

Ms. Phippen said if they were to take occupancy in the buildings adjacent to the Peterson's Farm store it had been requested for a Class D, on premise consumption, beer license. Not every dance hall is going to have a liquor license. Ms. Phippen said they have a limited number of on-site consumption liquor licenses available so they would not be able to have them everywhere; they would not be opening themselves up to an unlimited number of night clubs. Mayor Knight asked what the conditions of review were for a conditional use permit. Ms. Phippen said the conditional use permit typically runs with the land; they have issued a conditional use permit for a limited period of time. She said they cannot arbitrarily review a conditional use permit; if there was cause for review or if one of the conditions is not being followed then they can review their permit. Mayor

Knight said he only saw that happening if one of the conditions on the permit was being violated. Ms. Phippen said, yes, they cannot review a conditional use permit without cause.

Councilman Larsen said the current land use chart allowed billiard halls in Nibley. He said a billiard hall is permitted in commercial and industrial without conditions. So he could have this business without conditions; he could come in as a billiard hall with a dance floor in it. Mayor Knight said Ms. Phippen felt that the applicant needed an allowance for a specific dance hall in their land use. Councilman Larsen noted a August 25, 2010 meeting and the discussion of the meat cutting business that they classified as a retail business because he was going to sell a little bit of meat. Ms. Phippen said it was her understanding that the primary thrust of the business was going to be geared towards dancing. Mr. Anhder said it was here before the Council because if staff had approved it they would have Council members on them asking why they had allowed it; it was too hard to second guess the Council. He said he pushed to have it put before the Council. Councilman Hansen said it could be classified as a community recreation center and read the definition. Councilman Dustin said the real question was what the business was going to be and if it was going to be a nuisance. Councilman Hansen said he believed it could also fall under Recreation- Entertainment, Commercial.

Mayor Knight said they wanted to talk about the questions raised and see if they had taken everything into consideration when making the ordinance. Mrs. Wilden asked if there were problems and the Sheriff had to be called in if that would raise the cost to the citizens of Nibley. Mayor Knight said it could and the Council needed to decide if this was worth that risk to the citizens of Nibley and their tax dollars.

Mr. Cornea said the business would primarily be billiards. He said he was a practicing architect; he had attended Utah State University, and was also a performing magician. He had been back east for invitational billiards tournaments and this was the level of billiards he was look at. He also was in to dancing; ballroom, West Coast Swing, Hustle, Country; he had been dancing for 30 years now and the caliber of dancers he had been associated with was very professional. He said he would adhere to all of Nibley's laws and ordinances. With noise pollution he was putting this in a commercial zone and bands usually stop at midnight. He is of the generation that he likes to listen to music and not feel it. The type of music he would have there was for dancing. The billiard club would be an upscale and professional table; he would like to host billiards tournaments and as far as drinking with the level of professionalism he was trying to bring he did not see why last call couldn't be at 12:00. Mr. Cornea said he had done many projects with zoning ordinances and had noticed there was not dancing in their ordinances. He said there were people that taught dancing in their basements and he noted dance aerobics. He wanted everything to be on the table and wanted to be very upfront. Mayor Knight said they were addressing a broader scope of what could happen at a dance hall. Mr. Cornea said his place would be over 21. He would like to propose in the future that they could teach jr. billiards to youth 14-21 but no alcohol would be served during those hours.

Councilman Larsen said in all reality it went back to Mrs. Wilden's comments and what the future of this would be and what could happen. Mr. Anhder said this would help them to write a very good conditional use permit that would be the standard to which others would be held in the future. Councilman Jacobsen asked what zones this might be conditionally allowed and if they eliminated industrial if it would affect Mr. Cornea's business.

Councilman Jacobsen made a motion to approve Ordinance 11-01 with the change in industrial to "not permitted"; so it would be conditionally allowed in commercial zones. Councilman Hansen seconded the motion.

Councilman Larsen said he did not know if he felt a dance hall was something that was needed in his community. He did not know if it was something he needed as a community elected official. Councilman Larsen said once they allow this it is hard to say no; with a conditional use permit they have to allow it they just allow it with conditions. What he has visually in his head is not actually what transpires. To side cautiously he did not think they should allow it or change the land use.

Councilman Dustin said he would still like to discuss down zoning the industrial areas in the middle of the community sometime in the future. He did not know procedurally if they could put a setback requirement from residential in the land use or in the conditional use permit. Councilman Jacobsen suggested it be addressed as a condition because then they could be addressed on an individual basis. Councilman Dustin also expressed his gratitude to Councilman Larsen and that he pointed out that they did have enough wiggle room in their land use to allow this and that they need to include it. Councilman Larsen said the dance hall part of it could be secondary and the billiards hall was not even regulated conditionally. The applicant could come in tomorrow and ask for a land use under billiards and then their conditions would be gone. Councilman Hansen asked if the conditional use permit was tied to the property or to the business. Ms. Phippen said it ran with the specific parcel. Councilman Larsen said with alcohol; a class C permit could not be within 1500 ft. He said the school was looking at more land and could be within that distance; he wondered if that would influence this business and their decision.

Councilman Larsen made a motion to amend Ordinance 11-01 to say not permitted in commercial.

Councilman Jacobsen said the motion was out of order completely undermined the main motion and should be ruled out of order. Mayor Knight said he would not rule it out of order and let it run its course.

Councilman Hansen seconded the motion.

Councilman Hansen said in their previous land use ordinance they had a dance hall and at that time it was not permitted in any zone. Mayor Knight estimated that the land use was not permitted for 16 years. Councilman Jacobsen said all dashes used to mean they would accept a conditional use permit for it. When they went to the current land use he

specifically wanted to address what was and was not permitted and they eliminated the dashes.

The amendment failed 1-4; with Councilman Larsen in favor. Councilman Hansen, Councilman Mickelson, Councilman Jacobsen, and Councilman Dustin were opposed.

The motion passed 4-1; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, and Councilman Dustin in favor. Councilman Larsen was opposed.

Public Hearing to receive comments concerning an adjustment to the 2010-2011 Budget for Sewer Impact fee and Sewer operating Funds

Mr. Anhder said they anticipate the new city hall needing sewer service. Staff recommended adding a new line from the new city hall running north taking approximate \$50,000 to do it. This budget proposal took \$50,000 out of their sewer impact fees fund and into their sewer fund and allows the expenditure to do the sewer line. It was approximately 1500 of line at 400 West.

Mayor Knight opened the public hearing at 8:27. Seeing no public comment Mayor Knight closed the public hearing at 8:28.

Consideration of Resolution 11-01 Adjusting the 2010-2011 budget for the Sewer Impact fee and the Sewer Funds

Councilman Jacobsen asked if the cost of this project would be fully born by impact fees and if they could fully say this was done to the benefit of those residents that moved in and caused the impact. Mr. Anhder said it was new growth to their infrastructure necessitated by the growth in the community and the impact fees will be reimbursed by impact fees when the rest of that area develops. Mayor Knight said the lateral from this sewer line to the city hall is not being funded by this proposal. Mr. Anhder said this would just be the main line that would service all of that property.

Councilman Mickelson made a motion to approve Resolution 11-01. Councilman Jacobsen seconded the motion. The motion passed 3-2; with Councilman Mickelson, Councilman Jacobsen, and Councilman Hansen in favor. Councilman Dustin and Councilman Larsen were opposed.

Consideration of the proposed Nibley City Park and Trails Master Plan

Mayor Knight suggested this discussion be bumped to the next agenda. Councilman Mickelson suggested if it was moved that they put it as the first item on the next agenda so that it would be addressed and would not keep getting moved.

Consideration of budget for the construction of new City Hall

Mr. Anhder noted that Wayne Anderson was present from DWA Construction to answer technical questions.

Mr. Anhder said there were a few major changes to this budget; it takes the \$1,119,667 that they arrived at with the help of the general contractor/construction manager. This

took out the basement, outside work, and retaining walls bringing the budget down to \$1,119,000 which included the contingency. He had also included \$47,000 and \$35,000 for site work adjacent to the city hall. There were still estimates for phone system and the furnishings. In revenue changes were a little more profound; they had the loan from PCIB for \$850,000, \$350,000 from the surplus in the general fund, and it occurred to him that they could use money from the surpluses in the water and sewer. They were major financial and work activities of their city government. This would be the headquarters for their water and utility departments. He recommended they take money of \$100,000 from each or their surplus water and sewer funds. That saved the money that was on the line for the new public works building that was planned.

Councilman Dustin asked why they were not considering as a Council the decision to proceed with the change in the scope. Mr. Anhder said the passing of the budget does that. Councilman Dustin restated said the motion would be to approve or disapprove of the budget and therefore approve or disapprove of the changes in the building that had come about.

Councilman Mickelson made a motion to approve the budget for the new city hall that reflects the changes in work order with the condition that any use of the contingency fund or any additional cost be approved by this body.

Mr. Anhder encouraged the Council to put a dollar limit on the motion. He said every little change that needed to come to the Council would add to building time. He suggested \$10,000-15,000. Wayne Anderson said they typically use the contingency fund for unforeseen items that could cost a couple thousand dollars and actually stop work. Councilman Jacobsen clarified that Councilman Mickelson's motion was adopting a budget for \$50,000 less than stated.

The motion failed due to lack of second.

Councilman Dustin made a motion to reject the proposed project budget worksheet and rebid the project based on the changed conditions received. Councilman Larsen seconded the motion.

Councilman Dustin said he thought there had been a significant enough change in the scope of the project. He said they had rushed this to the point that they were at \$230/sq. ft. which in any economy did not seem like a good deal for a building that was not particularly outstanding. Mr. Anhder said it was actually \$176/sq. ft. and in essence they had rebid the project. Councilman Larsen said they needed to look at the total cost; it was all part of the project. Councilman Dustin said he did not feel the building they got justified the cost.

Councilman Larsen referred and read minutes from November 18, of 2010 which stated Mayor Knight wanted to vote on approval of the final design plans of the building and that Mayor Knight said they could make changes if the Council voted to make a change. Councilman Larsen said at that time they were told as a council if they wanted to make

changes they had to vote on it and despite what the Herald Journal said they did not vote on it as a council. Councilman Larsen read minutes from June 16, 2010 from Councilman Hansen which noted he did not feel comfortable with the process and wanted to review it over time. Councilman Larsen said read a response he got from a dissatisfied Nibley citizen regarding the City Council, corrupt city government, the new city hall, and dance halls. Councilman Larsen read statements from Councilman Jacobsen on July 15th saying he would like things addressed. Councilman Larsen read from Mr. Childs from the August 5th minutes which said they end up with the initially cost of \$942,000 without a basement and he estimated about \$40/sq. ft. for a basement would add \$306,000 for the project. Councilman Larsen read from August 26nd minutes when Mr. Anhder proposed funds coming from the general fund, the general fund savings, and capital improvements which now he feels justified can come out of other funds. Councilman Larsen recollected that they had decided if there was any change over \$25,000 that it would be discussed and voted on as a Council. Since that time they have had a change well over \$25,000. He was glad this had been brought up with the budget because he had been approached by multiple citizens who have asked if this was too late and if they could stop the process. Councilman Larsen said they had not addressed the cost of relocating the recycling center; the renovation of the old city hall which would house the public works; and the cost of additional public works buildings such as the sand and salt storage. He saw a lot of things in Nibley that need addressing and he did not know that a new city hall at this time, at this cost, and at this size is in the best interest of the citizens.

Mayor Knight said funds were in place and allocated already for the public works equipment building. Councilman Larsen said the proposed public works building that is being funded doesn't address the salt storage run off brought up for storm water but rather storage of equipment. Councilman Mickelson said he did not feel the office space would need to be addressed now; the public works department could occupy the space now, as is and renovation would come later. Councilman Hansen said as part of the building committee he did not feel they were voting for the Council in that regard. The building committee's recommendation was to remove the basement; it was the best thing to do.

Councilman Jacobsen said that Councilman Larsen raised some valid concerns and felt this vote would alleviate that. Councilman Jacobsen also said thought that anyone who leveled a charge of corruption, either individually, or collectively, ought to face the people they are accusing of that. He did not feel it was right to bring it to the Council without telling them who was making the accusation. He expects to face his accuser.

Corlyss Drinkard said she wanted the record to show she did not write that letter.

Councilman Dustin said he was very disappointed with the process. He felt there was a bait and switch. He said he did not feel right about it and did not feel it was the best expenditure of public funds and while he concedes the point about renovation costs of this building he felt they had to be considered. Councilman Dustin said the building would be decent but he did not feel it was worth what they were paying for it. This was sold on that this was the right time to build; he did not see that; he did not see the savings

and he believed a lot of that was because the process was so rushed. He felt the building committee disenfranchised the Council. He said they were too hasty.

Mayor Knight explained that during the process for 3200 S. they had \$4,000,000 to do that road and they thought they would have a full and complete road with everything they envisioned. The contractor came back with an estimate of \$11,000,000 so they had to cut back. The same thing happened with this building and the natural thing to do was to cut the basement and get it down to the cost they proposed. This was the same cost that was proposed months ago.

Councilman Dustin said the problem he set out to solve six months ago was to find more space for the employees of the city and not building an entire city hall.

Councilman Mickelson said it was unwarranted to put blame on staff when this body has made the votes when they were necessary. Once the decision had been made that is the decision of the Council. Councilman Mickelson said he did not feel the process had been thwarted. Councilman Dustin said he did not have to support it. He said he did not support the decision; there was no requirement for consensus.

Councilman Hansen said it was a nice building that would represent Nibley well and in the long run be a good benefit to the community. The thing that swayed him on it was the need. He believed they needed to be forward thinking and look to the future of the city; they cannot exist here. Someday they would need to build a new city hall and the time was right to do that.

Councilman Larsen said at that time that the bid came in at 1.9 million the Mayor told him he thought they should pull the plug and between that Tuesday and Thursday's council meeting his opinion had changed and asked the Mayor what had changed his opinion. Mayor Knight explained his thought process.

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

Councilman Jacobsen made a motion to approve the project budget as proposed; dated December 16, 2010. Councilman Hansen seconded the motion.

Councilman Jacobsen said he felt this had been an injurious process. I didn't think it was right to pick comments from residents in favor or against; there were both. I was his job to listen to the opinions of the residents, listen to the opinions of the experts, and listen to the opinions of staff and make the best decision. He said it had been a bad process.

Councilman Dustin stated that he publicly apologized to Councilman Mickelson and wanted them to understand that he appreciated them deeply. He said he felt the way he felt and he had to represent his constituency as well as he could. He said regardless of the vote they would move on and get about the city's business.

Councilman Larsen asked for clarification on the proposed budget. He asked what they were approving. Mayor Knight said he understood it to be \$1,399,678. Councilman Larsen clarified that the project could not go over that amount. Mayor Knight said not without further approval from the Council. Councilman Larsen said this is in essence approval of a one-level building of 6,400 sq./ft. and the original proposal included a stairwells and elevator shafts and wondered what would be included in those areas. Councilman Hansen said they were including the electrical room that would have been in the basement and adding some additional storage space. Mr. Anderson said they would be taking the square footage from the front of the building and putting it in the back. Councilman Larsen asked if the changes to the plan had been included. Mr. Anhder said they were included in this budget. Mr. Anderson said everything would be rebid.

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

Councilman Dustin said they were at 1.5 with a basement and they were at 1.2 without the basement. Mr. Anderson said the 1.5 was without the soft costs; they did not have those numbers at the time.

Mayor Knight said they would move the Parks and Trails Master plan discussion to the next meeting. Councilman Larsen said he did not think it mattered if they approve it or not because they would not hold to it anyway.

Council Reports

Councilman Mickelson asked for consistent procedure in meetings; particularly in public hearings.

Councilman Hansen addressed the areas of responsibility that each Councilmember was responsible for and having some time devoted for discussion and open planning during prime time in City Council meetings.

Councilman Dustin noted he had been approach about doing Eagle Scout projects. He asked the Council for ideas. Mayor Knight said he forwarded all requests to Bill Saunders. Councilman Mickelson asked what liability the city took on when assisting in Eagle Scout projects.

Councilman Larsen addressed IT support and where it was headed. Mr. Anhder said they were not going anywhere but would be. Councilman Larsen addressed that they needed to adopt a meeting schedule. Councilman Larsen said Ron Hellstrom suggested they include a survey in the utility bill and that they would get a true representation from the citizens with those comments. Councilman Larsen said he had been approached about the sick leave policy. Mr. Anhder said it was 1 day/month and you could accrue 180 days. Councilman Larsen told the Mayor months ago and since nothing has happened he wants it publicly recorded that he would not do Heritage Days.

Mayor Knight said he had Council assignments that he would go over at the next meeting.

The meeting was adjourned at 9:58 p.m.