

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, April 21, 2016.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to advance Resolution 16-04: A Resolution to Initiate the Creation of the Cache Water District, to a second reading and to set a schedule for a public hearing at the next City Council meeting.

Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilwoman Beus, and Councilman Bernhardt all in favor.

Councilman Bernhardt motioned to provide advice and consent for the appointment of Aaron Bliesner as Alternate Nibley City Planning Commissioner. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Bernhardt, Councilmember Hansen, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

Councilmember Ramirez motioned to pass Resolution 16-05: A Resolution Proclaiming Arbor Day in Nibley City and waive the second reading. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, and Councilman Bernhardt all in favor.

Councilmember Jacobsen motioned to approve the bid for Roadway Repair Services for the Nibley Park Avenue Repair Project from LeGrand Johnson in the amount of \$120,420. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Councilmember Ramirez motioned to approve the bid for services to assist in the installation of water main for the lowest bidder, Scott Telford. Councilman Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilman Bernhardt, Councilmember Hansen, Councilmember Jacobsen, and Councilwoman Beus all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Call to Order

Councilmember Jacobsen called the April 21, 2016 meeting to order at 6:33 p.m.

Councilmember Jacobsen made a motion to appoint Councilwoman Kathryn Beus to act as Mayor Pro-Tempore for the meeting. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Opening Ceremonies—Councilmember Bernhardt

Councilmember Bernhardt led the meeting in the Pledge of Allegiance.

Mayor Pro-Tem Beus started the meeting with role call. Those in attendance included Mayor Shaun Dustin, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Ron Hellstern, and Councilman Thomas Bernhardt. Mr. David Zook, the City Manager was also in attendance.

Approval of agenda; and approval of the March 31, 2016 meeting minutes

Councilmember Jacobsen made a motion to approve the minutes from the last meeting and the evening's agenda as presented. Councilman Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Bernhardt, Councilmember Hansen, Councilmember Bernhardt, and Councilmember Ramirez all in favor.

Public Comment Period

Mayor Pro-Tem Beus gave direction to public present and opened the public comment period at 6:36 p.m.

Councilmember Jacobsen informed the citizenry of the public meeting laws of Utah that restricted the City Council from making comment during the public comment period.

Serenity Farnsworth of 2780 South 1100 West asked why they were now just learning about the road on 1200. She said she wouldn't have built in that area had she known this road was planned.

Angelica Gardner of 2627 South, Main Street wanted to thank the City Council for their service and time. She thanked the City Council for hiring Nibley Recreation Director, Chad Wright. She reported on her experiences with the recreation programs in Nibley.

Lisa Gore of 1154 West 2500 South asked where she could view the City Council meeting agendas beforehand so that they could know when to come. Mr. Zook directed Ms. Gore to the Nibley City website and also to the State Public Meeting website.

Edward Chalfant of 858 West 2770 South said he also had a concern about the road issue that had been made aware. He asked about the possibility of Nibley's residents having their concerns and voices heard. Referring to 1200 West, he felt this could be very deadly transportation through a couple of Nibley Parks and a couple of school zones.

Councilmember Jacobsen said for informational purposes the citizens could refer to the Nibley City Transportation Master Plan on Nibley City's website. Mr. Zook directed the public to where they could find this master plan.

Seeing no further public comment, Mayor Pro-Tem Beus closed the public hearing at 6:45p.m. She encouraged the public present to follow the city's website for further information.

Discussion and Consideration of Resolution 16-04: A Resolution to Initiate the Creation of the Cache Water District (First Reading)

Gordon Zilles, a Member of the County Council, and Chris Slater with JUB Engineers were present at the meeting.

Mr. Zilles was wearing a purple shirt and discussed the passing of Prince.

Mr. Zilles said Cache County was proceeding with the steps necessary to form a water conservancy district. He said this had been voted down about 10 years ago and one cause of concern was that members of the board were appointed. He said this time the members of board would be voted on by the citizenry. Mr. Zilles said one of the steps in that process was to have each of the municipalities that desired to be part of the district adopt a resolution proposing creation of the water district. The Cache County Council had already voted unanimously to put this matter on the ballot and would be holding a public hearing. Other municipalities were expected to also adopt the resolution and he asked that Nibley City act on this Resolution in a timely manner. Mr. Zilles summarized the other cities that were asked to participate in this resolution. Mr. Zilles said there were 60,000 acre feet of water allotted to the County and history had proved that if they didn't have a voice in the water then it was most likely they would be left out of water decisions. Mr. Zilles asked the City Council to consider supporting this resolution in a timely manner.

Councilman Bernhardt asked for more information on why they needed a water conservancy district. Mr. Zilles said they were talking about water from the Bear River. Councilmember Jacobsen discussed current unclaimed water rights and how they could be distributed amongst the State. Mr. Zilles said the people further down in the state knew the value of the water and wanted the water; they were in the process of buying the rights-of-way to put in pipe. Mr. Zook summarized the reasons for and the benefits of forming a water conservancy district. Mr. Zook said the proposed Resolution was in support of putting the issue on the ballot in November.

Mr. Slater discussed the window of time in which the City Council could hold a public hearing. Mr. Slater and the City Council discussed meeting noticing and the logistics of a joint hearing. Councilmember Jacobsen asked for plans to educate the public on what they would be voting on. He said if they voted to have this issue placed on the ballot then he also felt the obligation to help inform the public of what they were voting for so they can be educated. Mr. Slater described the actions they intended to educate the public. Councilmember Jacobsen emphasized the need for public education. Mr. Slater discussed funding for a water conservancy district.

Mr. Zook recommended to the City Council that Nibley City hold its own public hearing and participate in joint advertising. Mr. Zook said he felt holding a hearing at Nibley City was a service to Nibley citizens. He suggested Nibley City could also advertise the County's hearing. He also thought they should schedule the public hearing on a night other than a City Council meeting so that more education can take place.

Councilmember Jacobsen made a motion to advance Resolution 16-04: A Resolution to Initiate the Creation of the Cache Water District, to a second reading and to set a schedule for a public hearing at the next City Council meeting. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilmember Hansen, Councilwoman Beus, and Councilman Bernhardt all in favor.

Discussion and Consideration of the Appointment of Aaron Bliesner as Alternate Planning Commissioner

Mr. Zook said On March 3, 2016, the City Council adopted Ordinance 16-01, authorizing the addition of an alternate planning commissioner to the planning commission. He said Mayor Dustin had proposed the appointment of Aaron Bliesner to that position for the Council's advice and consent. Mr. Bliesner had recently completed two regular terms of service on the commission.

Mr. Zook gave background information on Aaron Bliesner.

Councilman Bernhardt made a motion to provide advice and consent for the appointment of Aaron Bliesner as Alternate Nibley City Planning Commissioner. Councilmember Hansen seconded the motion.

Councilmember Jacobsen said this was a great choice but said he had reservations with the process in that they were missing the opportunity to have a new person try the Planning and Zoning Commission out and to see if they would like to serve on the Commission in the future. Councilmember Jacobsen said he had felt this was a Planning-Commissioner-in-Training. Mr. Zook said the make-up of the Planning and Zoning Commission was a lot of new members and felt Mr. Bliesner's experience was a great asset to the Planning and Zoning Commission at this time.

The motion passed unanimously 5-0; with Councilman Bernhardt, Councilmember Hansen, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

Discussion and Consideration of Resolution 16-05: A Resolution Proclaiming Arbor Day in Nibley City (First Reading)

Mr. Zook said Nibley City participated in the Tree City USA program and said in order to earn this status Nibley needed to meet certain criteria. Mr. Zook reviewed the criteria that was necessary to achieve this status. He said this Resolution would meet the Arbor Day proclamation requirement.

Mr. Zook informed the City Council of the Nibley Spring Festival. Mr. Zook asked that the City Council waive the second reading of this Resolution.

Councilmember Ramirez made a motion to pass Resolution 16-05: A Resolution Proclaiming Arbor Day in Nibley City and waive the second reading. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, and Councilman Bernhardt all in favor.

Discussion and Consideration of the Approval of a Bid for Roadway Repair Services for the Nibley Park Avenue Repair Project

Mr. Justin Maughn, Nibley City Public Works Director was present at the meeting.

Mr. Maughn discussed the frost heaving roadway issues in the Nibley Park Avenue area. Mr. Maughn described the bid process that had been conducted. He said LeGrand Johnson was the lowest bid at \$120,420. Mr. Maughn discussed the city's history working with LeGrand Johnson.

Mr. Maughn said that a segment of Nibley Park Avenue near 1200 West, which stretches for approximately 550 feet, had been damaged in recent winters and was in need of extensive rehabilitation. During winter frost cycles, the soil under the road had frozen and caused frost heaving in the road, creating displacements of up to 8 inches. He said the displacements had created a safety hazard and required closure of portions of the road.

Councilmember Jacobsen asked if they had post-analysis documentation to determine if this road was built to spec. Mr. Maugh said the road wasn't built to spec. Councilmember Jacobsen asked if they had recourse or a warrantee from the original constructor. Mr. Zook said that by State law they had one year and that this time had lapsed. Councilmember Jacobsen said they needed to make sure their roads were built to spec. Mr. Maughn said he intended to tighten up Nibley's specs and get them where they wanted them to be. Councilmember Jacobsen said they needed to make sure they had the "teeth" to back up what they were trying to achieve and that the City Council would back up whatever the public works department needed to ensure this happened. Mr. Zook said he felt they needed to do

a better job of inspecting these types of construction projects, while they were going in, to ensure they are being built to spec.

Councilman Bernhardt and Mr. Maughn discussed the repair work timeline. Councilmember Bernhardt informed Mr. Maughn of a citizen that had a health issue and should have special notification of roadwork.

Councilmember Jacobsen made a motion to approve the bid for Roadway Repair Services for the Nibley Park Avenue Repair Project from LeGrand Johnson in the amount of \$120,420. Councilmember Hansen seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Hansen, Councilwoman Beus, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Discussion and Consideration of the Approval of a Bid for Services to assist in installing 2,160 feet of 16" waterline, and 100 feet of 18" waterline along 640 West from 4000 South to well site (approx. 3700 south)

Mr. Maughn discussed that the public works department was acting as the general contractor for the new well project in order to assist in balancing the costs of the well to the city. He discussed finding the appropriate balance between what he felt the city could accomplish themselves and what they should hire out.

Mr. Maughn said the City had solicited bids from professional contractors for assistance in installing the water main along 640 West as part of the new well project. The bid was solicited at an hourly rate for supplying the following: An excavator capable of constructing the water main, an excavator operator experienced in pipe installation, a Backhoe/Loader A Backhoe/Loader operator experienced in pipe installation, and two laborers experienced in pipe installation

Mr. Maughn said the low bid was from Scott Telford at \$260.00 per hour. He summarized his work history with the low bidder. Mr. Maughn said staff was familiar with working with Mr. Telford and was comfortable moving forward with construction of the waterline with Mr. Telford.

Mr. Maughn updated the City Council of progress on the well project.

Mr. Maughn asked the City Council if they could retain the same contractor for phase 3 of the water line project. Councilmember Jacobsen asked if this was included in his scope of work. Mr. Maughn said that it wasn't included and the City Council felt it needed to be brought back to them. Councilmember Jacobsen said other bidders had to have the opportunity to bid on a different scope of work. Mr. Zook said a lot of other cities bid out for qualified contractors and included them on their qualified list and use these contractors of a certain period of time on various projects. He said the State did this. scope of work and a qualified contractor.

Councilmember Ramirez made a motion to approve the bid for services to assist in the installation of water main for the lowest bidder, Scott Telford. Councilman Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Ramirez, Councilman Bernhardt, Councilmember Hansen, Councilmember Jacobsen, and Councilwoman Beus all in favor.

Council and Staff Reports

Mr. Zook told the City Council about Nibley City's new desk clerk, Valerie.

Mr. Zook said they would be having the first presentation of the 2016/17 Fiscal year budget on May 5 with presentations from all of the department heads. He said it was planned to hold a public hearing on May 19 with possible adoption of the budget on June 2.

Mr. Zook said Nibley was having leadership training among the staff. He said this was a voluntary program. They were reading leadership books and holding discussions on these books.

Mr. Zook updated the City Council on the status of the house at the end of 3200 South. He said he had talked to a property management company about renting the house out for approximately \$600/mo.

Mr. Zook said there was a new law that would require Nibley to have a tiered water-rate structure so that those who used more water would have to pay more for water. Mr. Zook said city staff was researching this and would be proposing a structure to the City Council.

Mr. Zook reported on his attendance at the League of Cities conference.

Councilmember Ramirez reported on his attendance at the League of Cities conference. He was particularly interested in trail systems after learning about the trails in St. George.

Mr. Zook reported on the Great American Shake-Out. He said city staff wanted to update the Council's emergency contact forms. He asked the City Council members to update their form.

Councilmember Jacobsen reported on the proposed Home Occupation Ordinance. He said the consensus between himself, Ms. Phippen, and Commissioner Davenport was that the Planning and Zoning Commission would take another look at the ordinance.

Councilmember Ramirez asked about putting the 12th West road on the agenda for discussion. He said he felt they should discuss it. The Council discussed how this item could be put on the agenda. Mr. Zook said he would like to identify ways to keep this road as safe as possible and how they can keep trucks off of the road.

Councilman Bernhardt asked for an update on the bridge at 2600 South. Mr. Maughn reported what he knew.

There was general consent to adjourn the meeting at 8:22 p.m.

Attest: _____
Deputy City Recorder