



NIBLEY CITY  
CITY COUNCIL MEETING AGENDA  
Thursday, April 21, 2016  
6:30 p.m.

Nibley City Hall  
455 West 3200 South  
Nibley, Utah 84321

1. Opening Ceremonies (Councilmember Bernhardt)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period<sup>1</sup> (Chair)
5. Discussion and Consideration of Resolution 16-04: A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT (First Reading)
6. Discussion and Consideration of the Appointment of Aaron Bliesner as Alternate Planning Commissioner
7. Discussion and Consideration of Resolution 16-05: A RESOLUTION PROCLAIMING ARBOR DAY IN NIBLEY CITY (First Reading)
8. Discussion and Consideration of the Approval of a Bid for Roadway Repair Services for the Nibley Park Avenue Repair Project
9. Discussion and Consideration of the Approval of a Bid for Services to assist in installing 2160 feet of 16" waterline, and 100 feet of 18" waterline along 640 West from 4000 South to well site (approx. 3700 south)
10. Council and Staff Reports

**Adjourn Meeting**

*IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.*

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<sup>1</sup> *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*



## Nibley City Council Agenda Report for April 21, 2015

### Agenda Item #:5

<b>Description</b>	Discussion and Consideration of Resolution 16-04: A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT (First Reading)
<b>Department</b>	City Council
<b>Presenter</b>	Craig Buttars, Cache County Executive
<b>Sponsor</b>	Cache County and Mayor Dustin
<b>Applicant</b>	n/a
<b>Background</b>	Cache County is proceeding with the steps necessary to form a water conservancy district. One of the steps in that process is to have each of the municipalities that desire to be part of the district adopt a resolution proposing creation of the district. The Cache County Council has already voted to put this matter on the ballot and will be holding a public hearing within the next 45 days. Other municipalities are expected to also adopt the resolution. The Logan Municipal Council heard a presentation on the subject April 5. They will hold a second reading and public hearing on April 19. The Nibley City Council will also need to hold a public hearing regarding this matter.
<b>Recommendation</b>	Move to advance the resolution to a second reading and to hold a public hearing at that time.
<b>Financial Impact</b>	The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache County is \$201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the annual tax on a \$201,182 residence would be \$11.07 using a tax rate of 0.0001, \$22.13 using a tax rate of 0.0002, and \$33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts.
<b>Reviewed By</b>	Mayor, City Manager

**Agenda Item #:6**

<b>Description</b>	Discussion and Consideration of the Appointment of Aaron Bliesner as Alternate Planning Commissioner
<b>Department</b>	Planning and Zoning
<b>Presenter</b>	Mayor Shaun Dustin
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	On March 3, 2016, the City Council adopted Ordinance 16-01, authorizing the addition of an alternate planning commissioner to the planning commission. Mayor Dustin proposes the appointment of Aaron Bliesner to that position for the Council's advice and consent. Mr. Bliesner recently completed two regular terms of service on the commission.
<b>Recommendation</b>	Move to provide advice and consent to the appointment of Mr. Bliesner as the Alternate Planning Commissioner.
<b>Financial Impact</b>	Alternate Planning Commissioners are paid for meetings attended at a rate of \$50.00 per meeting. Sufficient appropriations have been budgeted in the planning and zoning budget to cover this expense.
<b>Reviewed By</b>	Mayor, City Manager, City Planner

**Agenda Item #:7**

<b>Description</b>	Discussion and Consideration of Resolution 16-05: A RESOLUTION PROCLAIMING ARBOR DAY IN NIBLEY CITY (First Reading)
<b>Department</b>	City Council
<b>Presenter</b>	Mayor Shaun Dustin
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	<p>Nibley City participates in the Tree City USA program administered by the Arbor Day Foundation. In order to be designated as a Tree City USA City, there are several standards the City must meet, including the following:</p> <ol style="list-style-type: none"><li>1. Have a tree board or tree department</li><li>2. Have a tree care ordinance</li><li>3. Have a community tree program with a budget of at least \$2 per resident.</li><li>4. Hold an annual Arbor Day observance and Proclamation</li></ol> <p>Arbor Day in 2016 will be on April 29. Nibley City will be holding a Spring Festival as an Arbor Day observance on Saturday, April 30, at the Stokes Nature Center from 10 a.m. until 2 p.m. The event will include the distribution of bare-root trees to residents and a fruit tree pruning workshop, among other festivities.</p>
<b>Recommendation</b>	Move to waive the second reading and approve the Resolution.
<b>Financial Impact</b>	In accordance with the Tree City standards, the City spends more than \$12,000 per year on tree related activities, including planting new trees, providing trees to residents to plant in the City, and equipment and staff time to maintain existing trees.
<b>Reviewed By</b>	Mayor, City Manager, City Planner

**Agenda Item #:8**

<b>Description</b>	Discussion and Consideration of the Approval of a Bid for Roadway Repair Services for the Nibley Park Avenue Repair Project
<b>Department</b>	Public Works Department – Streets Division
<b>Presenter</b>	Justin Maughan, Public Works Director
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	<p>The City annually budgets funds to perform street maintenance and repairs. The primary focus is usually on maintenance to ensure that the City's street infrastructure lasts as long as possible. However, eventually streets deteriorate to the point where more aggressive rehabilitation is required.</p> <p>A segment of Nibley Park Avenue near 1200 West, which stretches for approximately 550 feet, has been damaged in recent winters and is in need of extensive rehabilitation. During winter frost cycles, the soil under the road has frozen and caused frost heaving in the road, creating displacements of up to 8 inches, which have created a safety hazard and required closure of portions of the road.</p> <p>The public works department hired a geotechnical engineering company, IGES, to test the soil beneath the road in an attempt to identify the cause of the extensive frost heaving. The testing including obtaining and examining soil samples from beneath the road. The testing revealed that the soil base beneath the road is inadequate in that it does not contain the proper mixture of soils and has a clay layer that is too close to the asphalt, which blocks water drainage. This causes water to accumulate in the soil under the asphalt, which then freezes during the winter. The frozen water has a larger volume than the liquid water and expands and lifts and cracks the asphalt. In order to resolve the problem, our engineers recommend removing the road and excavating the soil beneath the road, down to approximately 30 inches beneath the existing roadway, and replacing it with a more suitable base that will allow for water to drain and expand when frozen.</p> <p>The City Engineer designed plans to repair the road and estimated the cost at approximately \$110,000. The City Purchasing Policy states that purchases of services exceeding \$25,000 shall be opened for competitive bidding and the award made by the City Council. The Public Works Department advertised for bids for the project and three companies submitted bids. The sealed bids were opened in a public bid opening on Tuesday, April 12.</p> <p>Bids came in as follows: \$120,420 – LeGrand Johnson \$128,288 – Staker Parsons \$162,242 – Consolidated Paving</p>

	Staff has reviewed the low bid and determined it to be responsive and recommends authorizing the purchase. The construction is scheduled to begin on June 6 after school is no longer in session at the nearby Thomas Edison Charter School. Staff have been in contact with the school about the project.
<b>Recommendation</b>	Authorize the Public Works Department to purchase services of LeGrand Johnson for the project.
<b>Financial Impact</b>	The City budgeted approximately \$235,000 in this year's budget for street repair and maintenance.
<b>Reviewed By</b>	City Manager, Public Works Director, City Engineer

**Agenda Item #:9**

<b>Description</b>	Discussion and Consideration of the Approval of a Bid for Services to assist in installing 2160 feet of 16" waterline, and 100 feet of 18" waterline along 640 West from 4000 South to well site (approx. 3700 south)
<b>Department</b>	Public Works Department – Water Division
<b>Presenter</b>	Justin Maughan, Public Works Director
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	<p>The City has solicited bids from professional contractors for assistance in installing the water main to be installed along 640 West as part of the new well project. The bid was solicited at an hourly rate for supplying the following:</p> <p>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 Two laborers experienced in pipe installation</p> <p>Three companies responded to the bid as follows: Scott Telford \$260.00 per hour Darrel W. Andersen \$290.00 per hour Allied Underground Technology \$335.00</p> <p>It is expected that the work will take about 3 weeks to complete, which at the lowest bid would cost the City \$31,200.00. The City Purchasing Policy states that purchases of services exceeding \$25,000 shall be opened for competitive bidding and the award made by the City Council. The Public Works Department advertised for bids for the project. The sealed bids were opened in a public bid opening on Tuesday, April 19.</p> <p>Staff is familiar with working with the low bidder and is comfortable moving forward with construction of the waterline with the low bidder.</p>
<b>Recommendation</b>	Authorize the Public Works Department to enter into an agreement with Scott Telford to assist in constructing the waterline.
<b>Financial Impact</b>	Approximately \$31,200.00. The funds would be expended from the well project budget.
<b>Reviewed By</b>	City Manager, Public Works Director

RESOLUTION 16-04

A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT

WHEREAS, Cache County is referred to herein as the "County"; and

WHEREAS, Amalga Town, Clarkston Town, Cornish Town, Hyde Park City, Hyrum City, Lewiston City, Logan City, Mendon City, Millville City, Newton Town, Nibley City, North Logan City, Paradise Town, Providence City, Richmond City, River Heights City, Smithfield City, Trenton Town, and Wellsville City, are referred to herein collectively as the "Municipalities"; and

WHEREAS, pursuant to the Bear River Development Act, Utah Code Ann. § 73-26-101, et seq. (the "Act"), the Utah Division of Water Resources is directed to develop the surface waters of the Bear River and its tributaries through the planning and construction of reservoirs and associated facilities that are authorized and funded by the Legislature; and

WHEREAS, water resources developed by the Division of Water Resources pursuant to the Act may be made available by contract exclusively to the existing water conservancy districts that serve Box Elder, Salt Lake, and Weber Counties, as well as to Cache County and any water conservancy district that may be formed in Cache County-by law, this developed water cannot be made directly available to municipalities in Cache County, and there is currently no water conservancy district in Cache County whose mission is to serve all of the municipalities and unincorporated areas within the County; and

WHEREAS, the creation of a water conservancy district in Cache County will allow for the full implementation of the Cache County Water Master Plan prepared by J-U-B Engineers, Inc. dated August 2013 and will allow the district to plan and manage a system that protects and conserves the County's long-term agricultural, environmental, and municipal water interests with an emphasis on securing its Bear River allocation entitlements pursuant to the Act; and

WHEREAS, the County and some or all of the Municipalities desire to create a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-10 et seq., as provided in this Resolution, to plan for and facilitate the long-term conservation, development protection, distribution, management and stabilization of water rights and water resources for domestic, irrigation, power, manufacturing, municipal, recreation and other beneficial uses at a reasonable cost to meet the needs of the residents and growing population of Cache County and to provide any services enumerated in the Water Conservancy District Act; and

WHEREAS, once created, the local district will be governed by an eleven member board of trustees, ten of whom will be elected by the voters of Cache County; and

WHEREAS, to have a functioning board of trustees pending elections, the Cache County Council will appoint trustees who will serve until their successors are elected by the voters; and

WHEREAS, Cache County currently imposes a property tax that is budgeted and utilized for the development of water resources; and

WHEREAS, the proposed local district will have taxing authority, but will not implement that authority until a majority of the members of the board of trustees of the district are officials elected by the voters; and



WHEREAS, the Cache County Council intends to reduce the portion of the County-wide property tax that is utilized for water development by an amount equal to any property tax imposed by the new local district, which will result in a combined county and local district property tax rate that is revenue neutral and will not increase the property tax burden on any property for at least four (4) years; and

WHEREAS, Utah Code Ann. § 17B-1-203 provides that the process to create a local district may be initiated by a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed local district; and

WHEREAS, the proposed local district will be created only after its creation has been approved by the voters residing within the district; and

WHEREAS, Nibley City, being one of the Municipalities located within the boundaries of the proposed local district, desires to join with Cache County and other Municipalities in formally proposing the creation of the local district.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. In order to allow the citizens of Nibley to vote on the creation of a water conservancy district, Nibley City, concurrently with the County and other Municipalities, proposes the creation of a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-10 et seq., which will include all of the incorporated and unincorporated areas within the boundary of Cache County, Utah, as depicted in the map which is attached as Exhibit "A" and incorporated as part of this Resolution, conditioned upon each Municipality located within the proposed boundary of the district passing a similar Resolution. If the legislative body of any Municipality fails to adopt a similar Resolution, that Municipality may be excluded from the district.
2. The district that is proposed to be created will be known as the "Cache Water District," a water conservancy district located in a county of the third class.
3. The service proposed to be provided by the Cache Water District is the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, irrigation, and culinary water, whether the system is operated on a wholesale or retail level or both, as provided in Utah Code Ann. § 17B-1-202(1)(a)(xii).
4. The type of specialized local district that is proposed to be created is a water conservancy district, as provided in the Water Conservancy District Act, Utah Code Ann. § 17B 2a-10 et seq.
5. The anticipated method of paying the costs of providing the proposed service is through the collection of ad valorem property taxes, service fees and charges, and/or levied assessments. It may be some time before the district will be able to provide water service and collect fees and charges for that service. Consequently, the district initially will be funded through Cache County, until the district establishes its own property tax assessment, at which time Cache County is to reduce its property tax rate by an equivalent amount as stated in the foregoing recitals.
6. The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache

County is \$201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the annual tax on a \$201,182 residence would be \$11.07 using a tax rate of 0.0001, \$22.13 using a tax rate of 0.0002, and \$33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts.

7. The number of members of the board of trustees of the proposed water conservancy district, consistent with Utah Code Ann. § 17B-1-302(2), will be eleven. The board of trustees will consist of ten elected trustees and one appointed trustee who will be elected or appointed, respectively, pursuant to the procedures set forth in Utah Code Ann. Title 17B, Chapter 1, Part 3 and § 17B-2a-1005. Seven of the elected Trustees will be elected from districts, with one trustee to be elected to represent each of the seven Cache County Council districts, as those districts may be established and modified from time-to-time pursuant to applicable law. The three remaining elected trustees will be elected County-wide. The one Trustee who is appointed by the Cache County Council will, pursuant to Utah Code Ann. § 17B 2a-1005(2)(d), be a person who owns irrigation rights and uses those rights as part of that person's livelihood. Regarding the ten elected trustee positions, the initial trustees will be appointed by the Cache County Council pursuant to Utah Code Ann. §§ 17B-1-303 and 20A-I 512, with staggered terms and subsequent trustees to otherwise be elected as provided herein.

Approved and passed as of the date set forth below

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016

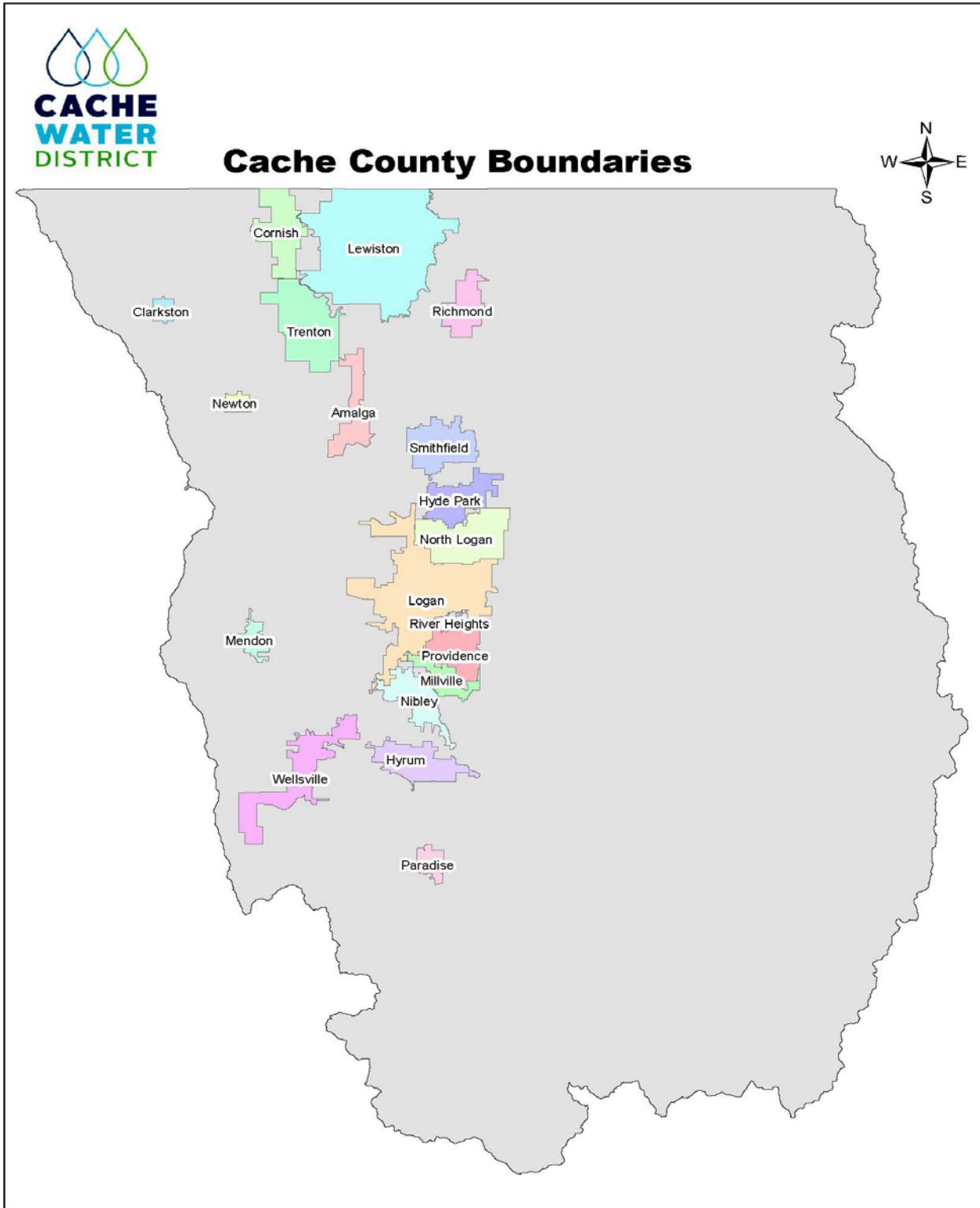
\_\_\_\_\_  
Shaun Dustin, Mayor

ATTEST

\_\_\_\_\_  
David Zook, City Recorder

**EXHIBIT "A"**

Map Depicting the Boundaries of the Cache Water District



**A PROCLAMATION CELEBRATING ARBOR DAY IN NIBLEY CITY, UTAH**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

**WHEREAS**, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal; and

**WHEREAS**, Nibley City makes great efforts to set the example in planting trees and encouraging citizens to do likewise; and

**WHEREAS**, Nibley City desires to improve its efforts to commemorate Arbor Day each year; and

**WHEREAS**, Nibley City has chosen to celebrate Arbor Day 2016 with a Spring Festival on April 30<sup>th</sup>; and

**WHEREAS**, the Spring Festival will be an occasion to provide residents with information on tree plantings, as well as seedlings to start cultivating their own yards.

**NOW, THEREFORE**, I, Shaun Dustin, Mayor of the City of Nibley do hereby proclaim Saturday, April 30, 2016, to be **ARBOR DAY** in the City of Nibley, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Shaun Dustin, Mayor

ATTEST

\_\_\_\_\_  
David Zook, City Recorder



J-U-B ENGINEERS, INC.



## Bid Tabulation

Client: Nibley  
 Project: Nibley Parkway Ave. Roadway Reconstruction  
 Project No. 57-15-014-001  
 Date: April 12, 2016

Nibley Parkway Ave. Roadway Reconstruction				LeGrand Johnson		Staker Parsons		Consolidated Paving	
Item #	Description	Unit	Estimated Quantity	Bid Unit Price 1	Bid Total Price 1	Bid Unit Price 2	Bid Total Price 2	Bid Unit Price 3	Bid Total Price 3
1	Mobilization	Lump Sum	1	\$ 13,300.00	\$ 13,300.00	\$ 3,434.00	\$ 3,434.00	\$ 10,015.20	\$ 10,015.20
2	Traffic Control	Lump Sum	1	\$ 2,200.00	\$ 2,200.00	\$ 3,000.00	\$ 3,000.00	\$ 585.00	\$ 585.00
3	Storm Water Pollution Prevention Plan (SWPPP)	Lump Sum	1	\$ 900.00	\$ 900.00	\$ 2,900.00	\$ 2,900.00	\$ 994.50	\$ 994.50
4	Roadway Excavation (Plan Quantity)	Cubic Yard	1,800	\$ 12.20	\$ 21,960.00	\$ 13.00	\$ 23,400.00	\$ 24.57	\$ 44,226.00
5	1 1/2" Crushed Gravel (Plan Quantity)	Cubic Yard	1,260	\$ 31.00	\$ 39,060.00	\$ 35.80	\$ 45,108.00	\$ 48.33	\$ 60,895.80
6	Untreated Base Course (Plan Quantity)	Cubic Yard	360	\$ 31.00	\$ 11,160.00	\$ 45.65	\$ 16,434.00	\$ 40.08	\$ 14,428.80
7	HMA, 3" Thick	Square Yard	2,160	\$ 10.00	\$ 21,600.00	\$ 11.70	\$ 25,272.00	\$ 10.86	\$ 23,457.60
8	Geotextile Non-Woven Fabric	Square Yard	4,400	\$ 1.85	\$ 8,140.00	\$ 1.35	\$ 5,940.00	\$ 1.07	\$ 4,708.00
9	Pavement Marking Assembly	Lump Sum	1	\$ 2,100.00	\$ 2,100.00	\$ 2,800.00	\$ 2,800.00	\$ 2,932.00	\$ 2,932.00
Total Bid Price					\$ 120,420.00		\$ 128,288.00		\$ 162,242.90