

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, January 7, 2010.

The following actions were made during the meeting:

Councilman Mickelson motioned to approve Resolution 10-01 setting a fee for developers of subdivision infrastructure to reset manhole lid collars and valve box collars. Councilman Jacobsen seconded the motion. The motion passed 4-1; with Mayor Pro Tempore Larsen, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Dustin was opposed.

Councilman Dustin motioned to fund the crossing guard at the existing cross walk on the east side of the school. Councilman Jacobsen seconded the motion. The motion passed 3-2; with Councilman Dustin, Councilman Jacobsen, and Councilman Hansen in favor. Councilman Mickelson and Mayor Pro Tempore Larsen were opposed.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Larsen called the Thursday, January 7, 2010 Nibley City Council meeting to order at 6:01 p.m. Those in attendance included Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Judge Jack Stevens, Larry Anhder, City Manager and Sheri Phippen, City Planner, were also in attendance.

Swearing in of newly elected / re-elected Mayor and Council Members by Judge Jack Stevens

Judge Jack Stevens was present for the meeting. Judge Stevens had each newly elected member of the City Council stand and raise their right hand. Councilman Hansen was sworn in first. Second was Councilman Mickelson. They both swore an oath which said: I 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 the duties of my office of Nibley City Council member, to which I have been elected with fidelity.

Approval of the evening's agenda and minutes of the December 17, 2009 meeting.

Mayor Pro Tempore Larsen made a motion to approve the minutes for December 17 with the clerical correction presented by himself and Councilman Hansen and the evening's agenda. Councilman Mickelson seconded the motion. The motion passed 4-0. Councilman Jacobsen abstained from voting.

Mayor Pro Tempore Larsen introduced Diane Marvin who was present at the meeting and who is a new employee in the Nibley City office. She is the new accounts payable clerk/receptionist. Mayor Pro Tempore Larsen welcomes her to the staff.

Consideration of Resolution 10-01—A resolution setting a fee for developers of subdivision infrastructure in order to reset manhole lid collars and valve box collars

Mayor Pro Tempore Larsen described and read the resolution to the public present. Councilman Mickelson made a motion to approve Resolution 10-01 setting a fee for developers of subdivision infrastructure to reset manhole lid collars and valve box collars. Councilman Jacobsen seconded the motion. Councilman Dustin asked about the benefit of the concrete collars. Mr. Anhder said Bill Saunders felt the concrete helped with compaction and the settling that occurs around it. Mayor Pro Tempore Larsen said there was an example of that on his street that had been repaired. Councilman Mickelson said he heard there was not quite as much rattle around the lids. Mayor Pro Tempore Larsen asked if this was the actual cost. Mr. Anhder said yes, according to Mr. Saunders estimation. Councilman Dustin asked if it was worth it and if they would get done. Mr. Anhder was confident they would get done. Councilman Jacobsen asked if this was the cost of repair work that had already been done. Mr. Anhder said yes, they had been done and they were confident of the cost. Councilman Jacobsen asked what kind of increase in cost they were looking at for someone who wanted to put in a road. Mayor Pro Tempore Larsen estimated it would be a \$1 increase/foot for the sewer. Councilman Dustin said he thought the increase in cost would be about \$400/block. He said it was not a huge cost. The motion passed 4-1 with Mayor Pro Tempore Larsen, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen in favor. Councilman Dustin was opposed.

Discussion about nominees for Nibley Citizen of the Year 2010

Mayor Pro Tempore Larsen said the Mayor intended to start discussion on the nominees and wanted to put this in the forefront of the Councilman's minds. Councilman Mickelson asked when Heritage Days was planned for the year. It was determined that Heritage Day would be held the 14th-19th of June. Mr. Anhder said he had discussed a nominee with the Mayor, Richard Leishman. He said it would be nice to honor some of the Mayors that had served in past years and recognize what they had done. Mayor Pro Tempore Larsen said he is alright with recognizing those people but would also like to keep in mind those individuals who have made outstanding contributions to our community throughout the year. Councilman Mickelson suggested Richard Eversull, who had put in a lot of time and effort into the Morgan Farm property. Mayor Pro Tempore Larsen instructed the Council to keep nominees in mind and discuss them with the Mayor.

Discussion and consideration of whether to review the City's Road Master Plan

Mayor Pro Tempore Larsen said the Mayor asked that they postpone this discussion until he could be here. The Mayor will not be present at the next meeting either and would like to have this discussion in February (February 4, 2010).

Consideration of School Crossing Guard for east side of school

Mrs. Holly Stanley was present at the meeting. She is on the school community council. Mayor Pro Tempore Larsen said the Mayor asked to get the feelings of those Council members that were not present at the last discussion. Mayor Pro Tempore Larsen discussed minutes from the City Council meeting held on August 7, 2008. The minutes

noted that Bill Saunders did not think they should put a cross walk in front of the school but did not have any decision from the Council. He recalled that the Council had said not to put the cross-walk in front of the school.

Mr. Anhder said Ms. Phippen went and observed what was happening at the school in the afternoon. She observed that 5-7 kids were crossing at the cross-walk and that upwards of 25 kids were crossing further up by the bend in the road. Ms. Phippen said they come out of the parking lot onto the sidewalk and cross where the road begins to bend. She said she would estimate that when the weather is nice there will be more kids. She said cars were lined up on that road all the way around the elementary school and down the road. She said she did not observe many cars leaving the school grounds on that road. Ms. Phippen said she did not feel they had an accurate reflection because it was cold the day she observed. If the decision was not made to put the crossing guard in, she thought it would be wise to revisit and look at the count in the spring when the weather was nice.

Mr. Anhder said that Glen Aims from UDOT had said either use the crosswalk on the east side and force the kids to use it or put the cross walk where the majority of the kids are going anyways. He recommended alternative two. Mr. Anhder read the requirements that warranted a crosswalk (at least 10 kids crossing and at least fifty cars passing on the street). Unfortunately they did not have a count of the number of vehicles during that hour. Ms. Phippen said she could guarantee there were at least fifty cars going through. Councilman Dustin said the bottom line was they have about 30 kids crossing the street and they need to encourage them to cross at the same place. Councilman Mickelson asked if they moved the crosswalk to the dip if they could retrain the kids that cross by the round-about to cross by the dip. Councilman Dustin said he thought the best solution was to put the crossing guard at Gibbons and 8th. Mr. Anhder said that UDOT suggested they put in the cross-walk in where the kids were crossing. Councilman Jacobsen asked what other alternatives they had talked about. Mayor Pro Tempore Larsen explained what had been discussed at the last meeting. He discussed the school wanting a crossing guard on the cross walk in front of the school. He said even the school had proposed moving the cross walk in front of the dip in the road on Gibbons Lane. The kids are using an unofficial path on private property to get to the school from the Clear Creek subdivision. If that land were to change hands that privilege could be revoked and then the kids will have no choice but to go down and cross at 8th west and Gibbons Lane. Councilman Jacobsen thanked Mrs. Stanley for her service on the School Community Council. He asked if they had discussed law enforcement at that spot. Mayor Pro Tempore Larsen said an officer had been there the last couple of days before the holiday and following their last meeting but they had no report from that officer. Councilman Jacobsen said if they have an officer out writing tickets for not stopping at a cross-walk then it may reinforce the law in people's minds. Mrs. Stanley said the placement of the cross-walk was problematic but it did serve the houses directly across the street from the school. The School Board's position was that they do not provide crossing guards. The Council discussed the current crossing guard situation.

Councilman Dustin made a motion to fund the crossing guard at the existing cross walk on the east side of the school. Councilman Jacobsen seconded the motion. Councilman

Dustin said in the middle of the winter they can't paint a new cross walk and the cost of funding the crossing guard is minimal to find out if it will work. Councilman Hansen said he would like to see the crossing moved and would like to know what the budget for crossing guards is in the future. Councilman Dustin said if it does turn out the crossing guard is not necessary then that person will be trained and on staff for the new school. Mayor Pro Tempore Larsen said that according to the minutes in July of 2008 that the school would volunteer a teacher to be out there to be a crossing guard and the City asked for research. Bill Saunders, their city public works director, said there should not be a crosswalk there. He thought it was wrong for them to put the crosswalk there in the first place. He thought kids would just continue to walk down and cut across the road. He thought it would be more effective to move the cross-walk there. Councilman Jacobsen asked if the teacher crossing guard was effective in the afternoon. Mrs. Stanley said in her opinion, the teacher was effective. She said there were still 25 plus kids who crossed at the dip and not with the teacher in the afternoon. Councilman Mickelson said he thought that discussion told them it was time to move the crosswalk down to 8th and Gibbons. Councilman Dustin said if they take away the cross walk for the kids that live across the street and are using the appropriate avenue to cross and shift it, they have told the kids that are doing the right thing that they are not going to help them out. They are helping out the kids who are doing the wrong thing. Councilman Mickelson said he did not want to facilitate a bad idea. He wanted to get it right. Mayor Pro Tempore Larsen said he agreed with Councilman Mickelson. Councilman Dustin made a motion to call the question. Councilman Hansen seconded the motion. The motion passed 3-2 with Mayor Pro Tempore Larsen and Councilman Jacobsen opposed. The motion of the floor passed 3-2 with Councilman Dustin, Councilman Jacobsen, and Councilman Hansen in favor. Councilman Mickelson and Mayor Pro Tempore Larsen were opposed. Councilman Mickelson said he understood this applied to the end of the school year. Councilman Jacobsen said no, it was now there. He said if it was not going to work he saw no reason to continue to fund it. He did not view this as a permanent solution. Councilman Dustin said he thought the long term the solution was up at the corner on 8th and Gibbons Lane. Councilman Hansen suggested they could come back with a recommendation and request they move the cross walk to the dip after some analysis.

7:00—Public Hearing—to receive comments concerning the request to amend the Nibley City Master Road Plan to eliminate 250 East south of 3900 South to Hollow Road

Mr. Mark Peterson was present at the meeting. Mayor Pro Tempore Larsen opened the public hearing at 7:12. Ms. Phippen described the proposal to the public present and the Council. Mr. Anhder said they normally require a developer to fund the infrastructure that abuts the property. One alternative is to take the road off the Master Road Plan. The other alternatives are to somehow escrow with the city to pay for that road extension, or to ignore it, or to abandon it. Mr. Anhder recommended they leave the road in because it helped with connectivity. Ms. Phippen said she disagreed with Mr. Anhder on that point. She did not see any volume of traffic going through there.

Mr. Mark Peterson said the reason they picked that area was to be away from roads and traffic. He said they like being off the road. It is a nice open area with a lot of wilderness

and animals. The new lots on the north side of their house will be large and putting the road in will probably necessitate smaller lots and more density to sell more lots to pay for the road. The cost of the road and the sidewalks would be more than the land they are developing. He did not feel there would be much traffic on that road and it was a nice open area. He said Mr. Daines had indicated that he would not develop. He said they like the area and would like to keep it free from traffic.

Hall Peterson said he could not determine where this road would be in relation to his property. Ms. Phippen said it would go through it. Mr. Peterson said that would tie his hands. Mr. Peterson said he would like to have a more definite plan on what was going to happen and where the road was going to go or not have it. Mayor Pro Tempore Larsen closed the public hearing at 7:30.

Mayor Pro Tempore Larsen opened discussion with the Council. Councilman Mickelson saw a couple of problems with the continued road idea and said he agreed with Ms. Phippen. Councilman Hansen said he was trying to find the real benefit of the road to Hollow Road. The individuals that live north of that might find a benefit but he did not see it as a huge need. Mayor Pro Tempore Larsen said he saw connectivity and safety. This created a frontage road that would provide access for people on the east side of 165. Councilman Mickelson asked if they could postpone the necessity of developing the road until later. He thought there was a solution to approve his subdivision and ignore the road. Councilman Dustin said that they could interpret it that nothing in this subdivision necessitates the building of the road. The property is self-sufficient the way the subdivision is proposed. He liked the idea of a connective community. He is not willing to give up on the connectivity but would be interested in something else for this. Councilman Hansen asked Mr. Peterson about the possibility of having a trail go through the property. Mayor Pro Tempore Larsen said the road is going to have to bend to meet Hollow Road at a 90 degree angle. The Council discussed possible locations for the road. Councilman Hansen and Mr. Peterson discussed a trail system. Councilman Jacobsen said there is a consistency to maintain the road because there will be $\frac{3}{4}$ acre lots in that area. Mayor Pro Tempore Larsen noted to the Council that according to their agenda there was not an ordinance in place to vote on which leaves them with two options; have staff come back with an ordinance or have a motion of support to leave the road in place. They cannot change the road master plan without an ordinance. Mr. Anhder apologized for overlooking the ordinance. Councilman Mickelson said it was important to leave the option open but it did not make a lot of sense to develop a half of road on a piece of property that did not access off of it and that might not be necessary until it is developed thirty years down the road. Councilman Dustin asked about phasing a subdivision and when the road was required to be completed in each phase. Mr. Anhder said the road had to be completed at the time you get final plat approval. Councilman Dustin said the ordinance was open to interpretation. Mr. Anhder said Mr. Peterson could come in with a four lot subdivision and call the lot with his house the remainder parcel. Mr. Anhder said they could make no action tonight and that Mr. Peterson could bring his subdivision back in and that they could approve it without the road. Mayor Pro Tempore Larsen said that since there was no ordinance to act on they would move away from this discussion to the manager's report.

City Manager Report

Mr. Anhder said FEMA was in the process of doing new flood plain maps. He did not have much to say about the flood plain along the river. He noted that it is the normal process not to include canals in the flood plain. Mayor Pro Tempore Larsen said being in a flood plain requires them to have flood insurance. Councilman Mickelson said wherever there is a risk there should be a flood plain shown. Mr. Anhder said they would be putting quite a burden on those individuals. The Council discussed flood plains and flood plain insurance.

Mr. Anhder said they would be required to do a new storm water master plan. They had learned a lot since the last time they did storm water because Hyrum had to go through a detailed audit. Mr. Anhder said there are 55 standard operating procedures that are required under the new storm water management plans. They are going to have to start doing inspection once a week. These previously happened only twice a year. A building lot is required to be permitted and have a storm water prevention plan. Mr. Anhder said they are proposing, on a preliminary basis, to use JUB Engineers to come up with a storm water plan. JUB Engineers will also help them come up with a storm water plan. Many cities are of the opinion that they will have to hire more staff to handle storm water. With the Council's permission he would like to contract with JUB and the other cities to come up with a plan. Councilman Dustin encouraged the contract with JUB and encouraged that Nibley's interests are watched out for with that contract. Councilman Mickelson asked which cities would be involved. Mr. Anhder said Wellsville, Hyrum, Nibley, Smithfield, and No. Logan.

Council Reports

Councilman Dustin said he was happy to be there.

Councilman Hansen asked for information on the Local Officials day at the Legislature. Mr. Anhder said the Council should let them know if they want to go and he would register them. Councilman Mickelson asked to be registered.

Councilman Mickelson was given information on muscle walls or flood barricades and requested that it be given to Bill Saunders. He said it may be less expensive and reusable.

The meeting was adjourned at 8:20 p.m.