

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

The following actions were made during the meeting:

Councilman Jacobsen motioned that the city stripe all three roads; the city put up a three-way stop; and the city work with the parent organization to provide training and equipment required to have those volunteers man the crossing guard at the intersection of 1200 W. and 2350 S. Councilman Hansen seconded the motion.

Councilman Larsen motioned to amend to start with stop signs and striping before they advance to the crossing guards. Councilman Jacobsen seconded the motion. The amendment failed 1-4; with Councilman Larsen in favor. Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen were opposed.

The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Larsen, Councilman Dustin, and Councilman Mickelson all in favor.

Councilman Larsen motioned to pass Resolution 11-10; the resolution requesting recertification of the Nibley City Justice Court as presented. Councilman Dustin seconded the motion. The motion passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Jacobsen, and Councilman Mickelson all in favor.

Councilman Dustin motioned to adopt Ordinance 11-7; an ordinance regarding cleaning of animal waste in Nibley City. Councilman Jacobsen seconded to motion. The motion passed 3-2; with Councilman Dustin, Councilman Jacobsen, and Councilman Larsen in favor. Councilman Hansen and Councilman Mickelson were opposed.

Councilman Jacobsen motioned to consent to Ron Hellstern's appointment to the Nibley City Tree Board. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily and Diane Marvin

Mayor Gerald Knight called the Thursday, October 6, 2011 Nibley City Council meeting to order at 6:07 p.m. Those in attendance included Mayor Gerald Knight, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilman Shaun Dustin, Councilman

Scott Larsen, and Councilman Thayne Mickelson. Larry Anhder, the City Manager was also in attendance.

City Council candidates Shawn Platt and Josh Frazier were present at the meeting.

Call to order; approval of agenda and minutes of September 1, 2011

Councilman Dustin made a motion to approve the agenda and the previous meeting minutes. Councilman Jacobsen seconded the motion. The motion passed unanimously 3-0; with Councilman Dustin, Councilman Jacobsen, and Councilman Hansen all in favor.

Nibley City Royalty presentation to City Council

Mayor Knight presented the Nibley City Royalty. Vonnie Nelson said her service project was landscaping around 250 West in the retirement community around there; she mowed lawns and picked weeds free of charge. Erin Lynn Rigby said her service project was gathering food for the food pantry; she wanted a project that would benefit the entire community. She gathered from her neighbors and she was happy that the people of Nibley were very willing to give. Savannah Knight said her original project was to weed the planters along 3200 South but the weeds never came so she chose to help with the Nibley City fair display. They took first in the Cache County Fair and first at the State Fair. She said she learned to be creative and a lot of patience. Rebecca Larson said she chose for her service project to beautify entrance for the community gardens but learned there was no certain entrance to the gardens so she needed to think of another service project to do.

Mayor Knight, the City Council, city staff and others present applauded their service and efforts.

Discussion and consideration of a crossing guard at the intersection of 1200 West and 2350 South—requested by Thomas Edison Charter School

Mayor Knight said the concern had been raised by several Nibley residents of the traffic and pedestrian traffic that is in the area. Mayor Knight said there were some misunderstandings circulating based on an email sent by a Councilman which he attempted to clarify. Mayor Knight described the relationship between a school and the city.

Mayor Knight directed the public if they had concerns that were not addressed in their discussion he would entertain a question or comment.

Mr. Anhder said there were two issues which were brought to their attention by Tracy Wagner who has children going to the school; the first was traffic flows and signage. Mr. Anhder had a map that showed the charter school and the intersection at 1200 W. and Nibley Park Ave; there was a stop sign on Nibley Park Ave. which stopped traffic going west and a yield sign on 1200 W. with nothing east bound on Nibley Park Avenue. Mr. Anhder described the original signage which had to be evaluated and changed to the current signage and the traffic flow patterns. Mr. Anhder said the concern was that east bound cars were turning and not always thinking of kids crossing at that intersection but

they still felt that was the best way to move traffic through there. The second issue was the request for a crossing guard on 1200 west; by their counts earlier this week they had 28, 38, 26, 22, kids crossing street at four successive times which met the warrant established by UDOT for a crossing guard but the speed limit did not meet the warrant to require a crossing guard; so a crossing guard there was option to be decided by the City Council.

Mayor Knight said they needed to discuss and consider whether they hire a crossing guard in that area. A crossing guard would cost \$3700 without kindergarten and \$5550 with kindergarten. Councilman Larsen said the email was his and his intent was to be informative and was not intended to get people riled up. Councilman Larsen said as a city they had a good relationship with the school and the reference in his email was that it was a badly designed area. Councilman Larsen said he had spoken to Mr. Budge and he said the enrolment there was 692 with 147 coming from Nibley city limits; he also projected the enrolment to go up to 850 students and possibly expanding the school. Councilman Larsen said he currently had crossing guards within the school boundaries that were parent volunteers. Mr. Budge said he believed he could have citizens or parents volunteer at minimal cost but with their training. Councilman Larsen said if they had parents that were willing to do this with their training then it was a possibility. He said cost was their biggest factor along with liability.

Councilman Dustin asked for staff's recommendation. Mr. Anhder said addressing idea of volunteers he thought that would be wonderful; they would be Nibley City volunteers so they would have that liability. There were questions they would need to work through that were not insurmountable. He noted there were more kids crossing there than on 3200 South at Heritage school with the variable being the weather. Mayor Knight said they needed to keep in mind that this was not a bused school. Mr. Anhder said that exacerbated the problem and suggested as the school expanded that they come talk to them to see if they could reroute the traffic. Councilman Larsen said Mr. Budge said the bigger problem was pick-up time. Councilman Dustin said in looking at the map he did not know where the traffic was coming from other than to drop off kids; it seemed like a self created, self perpetuated problem. The school created the problem from both the traffic and pedestrian standpoint. They have roughly 350 vehicles trying to get there; people are not trying to get to work through there. A citizen said it was against the law for charter school to have a busing system to the school.

Councilman Jacobsen said asked if \$5550 was for the whole school year or if it was prorated. Councilman Larsen said they only need one in morning and one in the afternoon so it would be the \$3700. Councilman Jacobsen appreciated the work Councilman Larsen had done and was eager to hear if volunteers would be a workable solution. Councilman Hansen said he agreed with Councilman Larsen about moving the crossing over to the stop sign and thought that would be a better solution and thought it would make it safer. Mr. Anhder said that was not a bad idea. Councilman Dustin said a long term solution might be to bring something in along ditch bank on 1200 west.

Councilman Dustin left the meeting for personal privilege at 6:35.

Councilman Jacobsen asked if the school had a volunteer organization in place already. Councilman Larsen said the school had a safety committee. Melanie Kilpak said they had a Health and Safety committee that was part of their PO (parent organization) board. She and another Charter School parent discussed the traffic through the area and said it was not only school traffic going through. Mrs. Kilpak said they city had told them they would need to pay for cones, vests, and stop signs and they could not pay for that this year and the city should pay for that. Councilman Jacobsen asked for a cost estimate. Mr. Anhder guessed \$50.

Malia Roundy said she lived the closest to school and it was a mess at that intersection before and after school and she knew it was caused mostly by the parents but her other problem was the signs; it is the most unnatural three-way intersection. People hitting the yield do not know what to do and then they add kids to these drivers that do not know what they are doing. Mrs. Roundy said that should be a three way stop; no questions asked. Mayor Knight said that would exacerbate the problem with cars backing up to the north. The Council and public discussed the signs at the intersection and the problems that were occurring.

Scott Squires, a Nibley resident, thought that if they had a traffic guard there it would organize the traffic and help the traffic flow.

Amber Whitaker said she would not let her child walk to school because of traffic problem coming from the east because they did not have a stop. When they turn they cannot see around the cars to see that there is a child there. She thought more parents would allow their children to walk to school if there was a crossing guard or a three-way stop. Councilman Jacobsen said the advantage of the stop next to the cross-walk was that there was a line that said where they should stop.

Mrs. Roundy asked why there was a question of having a crossing guard there especially when there were two other schools in Nibley that had crossing guards. It was scary to let her child walk to school.

Mr. Squires said the kids have to look at multiple drivers and the drivers don't understand what is going on at that intersection.

Councilman Dustin returned to the meeting at 6:49 p.m.

Lisa Burbank said people do not respect cross walks or pedestrians in Utah. Mayor Knight said once a child or pedestrian in a school zone enters a crosswalk you must stop. Mrs. Trudy Knight it sounded like they already had a PO Board that was in working order and it would be great to get a few of those to help out. Councilman Jacobsen agreed.

Councilman Jacobsen made a motion that the city stripe all three roads; the city put up a three-way stop; and the city work with the parent organization to provide training and equipment required to have those volunteers man the crossing guard at the intersection of 1200 W. and 2350 S. Councilman Hansen seconded the motion.

Councilman Larsen questioned that they were going to try all three things to see if it works or they would try some things to see if they work; he thought either way would work. Councilman Jacobsen said his motivation for the motion was they had a group of willing people and a group of volunteers and he wanted to take them up on it. They may decide they did not need crossing guards but they had their children's best interest in mind and could keep track of what was going on down there. Councilman Larsen said that feedback would be good for them. Councilman Larsen said he thought the volunteers could work and he hoped it would work; if it came to the point the volunteers did not work and they needed a paid employee from the city then they would need to come back and have that discussion.

Councilman Mickelson arrived at 6:50 p.m.

Mayor Knight said if the motion passed as stated then they would implement as soon as possible; they would get the volunteers coordinated with the city for training and equipment. As they went if they saw that things were working or if they saw other needs he encouraged them to get back with the city immediately. Councilman Larsen said if they did the signage before they got trained that should help and they could give them feedback.

Wendy Finley, the Governing Board President of the Charter School and Nibley resident, said she appreciated their willingness to hear them and thought the safety of the children was the issue here. She asked for a time frame for this. Mayor Knight said they would get this done as soon as the workers could get down there to do this. Mr. Anhder said if this passed they could start then as soon as their organization got with him they would go over the scheduling and do their training; they could start as early as the end of next week. Mayor Knight asked about the striping. Mr. Anhder said that would probably be the end of next week too.

Dwayne Miles, on the board of north school, brought up separation variable and if they did both things it would be difficult to tell if they could get by with the stop signs. They would never be able to tell if you don't need crossing guards if they have them already. It would take a couple of weeks to get the guards but the sooner they got the stop signs up the sooner they could tell if they needed the crossing guards. Mayor Knight said he hesitated only doing two variables and leaving the third out as a test. Councilman Jacobsen said the city was doing what they could do and they were taking care of the rest. They need to get the signs and striping done and if they decided they do not want crossing guards that was fine; he wanted to leave it up to them.

Joshua Frazier said had not heard anything yet on putting up one of those crossing lights. Mayor Knight that was not required. Mrs. Roundy agreed that it was not needed.

Councilman Larsen agreed with Mr. Miles and that he would like to try things a step at a time. Mayor Knight said the motion on floor was to do all three and rely on PO to implement volunteer aspect. Councilman Dustin said the city is providing signage, striping and offering training, Mr. Anhder said they were requiring training and equipment. Councilman Dustin said if parent organization oped not to staff it then it was there call; they are providing the opportunity but not the service. Councilman Dustin said if the parenting organization would like to separate the variable then they were welcome to do that. Councilman Larsen only thing with that was if the parenting organization starts then they do not know what they can do without. Councilman Jacobsen said to be clear that with this motion this was not a commitment on the city's part to pick up if they could not get in done in terms of providing those crossing guards; this was not a commitment by this Council to fund those crossing guards if you cannot find them. Mayor Knight said the critical thing to keep in mind was the safety of those children. Councilman Hansen his concern was that anytime you change traffic situations and expect people to automatically respond then they could probably create more of a problem for a little while; he recommended they do it all together so there was someone on site to watch it.

Councilman Larsen made a motion to amend start with stop signs and striping before they advance to the crossing guards. Councilman Jacobsen seconded the motion. The amendment failed 1-4; with Councilman Larsen in favor. Councilman Dustin, Councilman Mickelson, Councilman Hansen, and Councilman Jacobsen were opposed.

The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Larsen, Councilman Dustin, and Councilman Mickelson all in favor.

Consideration of Resolution 11-10—Requesting the recertification of the Nibley Justice Court

Mayor Knight said Nancee Jabbs included all information necessary to recertify the court; it required quite a bit of effort and information.

Councilman Larsen made a motion to pass Resolution 11-10; the resolution requesting recertification of the Nibley City Justice Court as presented. Councilman Dustin seconded the motion.

Bryan Hansen left the meeting at 7:10 p.m.

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

Consideration of Resolution 11-07—An ordinance regarding cleaning of animal waste in Nibley City.

Councilman Hansen returned at 7:12 p.m.

Mayor Knight read through Ordinance 11-7. He said this came to them from Planning & Zoning Commission and their judge raised the question. Mayor Knight said it became

health issue and with kids playing in the park could become a stinky issue. Councilman Larsen thought it was in their ordinance that they couldn't have dogs in their parks. Mayor Knight said they could along sidewalks and when on a leash. Councilman Larsen thought they should look into that better.

Councilman Dustin made a motion to adopt Ordinance 11-7; an ordinance regarding cleaning of animal waste in Nibley City. Councilman Jacobsen seconded to motion.

Shawn Platt asked if this had been a problem and how it would be enforced. Mayor Knight said their Judge who sits on the bench in Hyrum, had seen the problem and he and staff thought it would be best to be proactive in this regard so if it were a problem he would have some enforcement possibilities. Mayor Knight said it would be enforced when a complaint was received from a resident. Councilman Larsen said as far as a penalty it would be a misdemeanor. Councilman Mickelson asked what they were trying to accomplish; he agreed it was the owner's responsibility, but putting an enforcement action in place that had very little teeth? He thought they could gain more traction with a proactive campaign. He asked how they would enforce it. Mr. Anhder said this would allow somebody to give a complaint and as a witness can go to the court; it will allow enforcement where they don't have any now. Councilman Mickelson said it reminds him of the weed ordinance and they could have a more positive influence with a proactive campaign. Councilman Jacobsen said he had been involved in cases where he called the sheriff's department and enforcement had taken place on the action of himself as a citizen. The officer taking his statement made him aware that if this were to go to court then he also go to court to testify what he had observed. Mayor Knight said like most laws people obey because they are good people and they don't have to worry about 99%; but for the 1% they need to have an enforcement tool. Councilman Hansen said this Ordinance showed that Nibley is transitioning out of the small town rural atmosphere into more suburban environment. Where they have sidewalks he can see where this would be a problem. He tends to think that for dogs this wouldn't be such a bad thing but he questioned the intent for horses.

Councilman Dustin appreciated Councilman Hansen's statement that things were evolving in Nibley. He lives in a neighborhood now and did not appreciate it when horses rode by last summer and left an "odor problem". As people get more concentrated he thought the nature of the community changed and the nature of what something like that did to a community changed. He said it was a health issue in a more densely populated area and it was a nuisance. He said it was absolutely necessary in an R2 zone; it was appropriate and necessary.

Corlyss Drinkard said there was an extensive discussion at the candidate's night on lack of enforcement on city ordinances. It made one wonder if it wasn't officious intermeddling; if you don't have a problem and you are inventing a solution to a problem that doesn't exist and are going to have an ordinance they are not going to enforce then it came across as busy work. Nibley takes pride that it is a rural community and these are things that take place in a rural community.

Vergis Davie said there was supposed to be enforcement with the people living down the street from him. This was a rural community, but he was not out in the country; this is a country atmosphere. Mr. Davie had a problem with big dogs being left to run loose and not restrained. He said if they did not mind their city being buried under dog poop then they did not need this ordinance; they needed something that could be enforced based on complaints.

Josh Frazier said this seemed to be a classic example of the inability to self govern, which created the need for more legislation and more ordinances on the books that needed to be enforced. He would go on the side of less ordinances and not have this be something the city has to mandate and create a law. Mayor Knight said society was built on laws; this did not put an additional burden on Nibley City as far as enforcement; it gave them the tools to address complaints, which was vital.

Ron Hellstern said the progression of society was to improve the health, education, and academic standards. He agreed this was an ordinance that gives the opportunity to avoid the neighbor conflicts that do exist. He thought this was a good step.

Councilman Mickelson agreed that people needed to take care of it; he agreed that it was an issue. His argument was that they might be right putting something in place but it did not gain them anything. To put an ordinance in place that did not gain them anything; they could do more on education. He was against putting an ordinance in place that did not provide a better situation. Councilman Jacobsen said people ultimately had the responsibility to be in control and be responsible for their own animals and people that do that have nothing to worry about. This was what they had to do to take care of the people that don't take responsibility for their own animals. This also addressed private property that was not under the ownership. Councilman Jacobsen said pooping on the side of the road on private property is not against the law in Nibley; this would give those that are injured by that action a way to keep it from happening. Councilman Dustin said he didn't see the difference in this and littering; we don't always do what we should and sometimes we have to have things in place to hold people accountable for that. Councilman Larsen said he did not let his dog come on to someone else's property so he did not want their dog to come on his property; the tough thing was that this will be an enforcement issue. Everybody knows you don't leave your "business" somewhere else and he did not want to separate it out by zones. He said if it was the wrong thing to do then it was the wrong thing to do and he thought it was the wrong thing to do. Councilman Larsen said this was going to affect a lot more than just dogs and they have a tough time enforcing what was in place; the enforcement will be the tough thing for them.

Mr. Anhder asked the Council how they feel about limiting to dogs and cats. Councilman Larsen said he didn't want horses in his neighborhood either.

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

Appointment recommendation to Nibley City Tree Board

Mayor Knight said he had a gentleman whose circumstance changed and was not able to fulfill his responsibilities on the Tree Board. The person he was asking for consent for his replacement was Ron Hellstern. Mayor Knight read an email he received from Mr. Hellstern. Mr. Hellstern said he would glad to help out if he could; he was a tree advocate; they have a lot of benefits; they increase the real estate value of homes; they are an automatic air purifier; there were not a lot of down side on trees. He would love to see Nibley City become a Tree City USA and whether he was on the board or not he was glad to help out.

Councilman Jacobsen made a motion to consent to Ron Hellstern's appointment to the Nibley City Tree Board. Councilman Hansen seconded the motion. The motion passed unanimously 5-0; with Councilman Jacobsen, Councilman Hansen, Councilman Mickelson, Councilman Dustin, and Councilman Larsen all in favor.

Discussion about ideas from the Annual League of Cities convention

Councilman Hansen, Councilman Jacobsen, Councilman Dustin, Councilman Larsen and Mayor Knight gave their ideas and impression from their attendance at Annual League of Cities convention. This discussion included dialog about a time and place for an open house for the new City Hall and the location of the general election; financial education for Nibley citizens; working with UDOT (pedestrian crossings) and traffic planning; and home owners associations (HOAs).

Mayor Knight showed the City Council thank you notes given to Richard Eversull regarding the Morgan Farm. Mayor Knight said the farm was being used and in a very positive way. Mayor Knight discussed being involved in a benchmarking program; improving communication; building more landscaped medians; getting along with others.

City Manager reports

Mr. Anhder said Nibley Gardens Park was officially done. Councilman Larsen shared that the pud residents in that area would like a bench in that area.

Mr. Anhder said their plan for moving into the new City Hall were to close on November 11th (Veteran's Day) and be open for business on November the 14th. The first Council meeting planned up there was planned for November the 17th.

Council reports

Councilman Mickelson brought up the sewer going to Logan City and their putting that money in their general fund and proposed that there should be some limitations on what they could do with those funds. He thought they could gain enough support to legislatively make some changes; they could start an effort. He thought Nibley's charges padded Logan's general fund. Mr. Anhder said he thought they had leverage in there; their agreement specifically said that moneys paid to Logan would not be transferred to their general fund. Mr. Anhder, City Council, and Mayor Knight discussed actions they might take.

Councilman Dustin asked about the next meeting on the transportation plan. Mr. Anhder said they were waiting on Mr. Saunders. Mayor Knight said they were projecting the second meeting in November. Councilman Dustin said he would like to see it done before he left office.

Councilman Dustin asked about the gate that was required at the new church on 2600 S.

Councilman Dustin said he went to his first CVTD board meeting and learned some things that were very helpful. The CVTD started as getting people who did not have other transportation option around so the discussion shifted to increasing ridership. Councilman Dustin said he was impressed with the people he had met so far.

Councilman Larsen said he appreciated the Councils suggestions on the questionnaire he sent out to the candidates.

Councilman Larsen discussed a keypad option for utilizing the new city building. Mr. Anhder said it was nearly four times the cost of commercial keys.

The meeting was adjourned at 10:04 p.m.