

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, December 17, 2009.

The following actions were made during the meeting:

Councilman Larsen motioned to approve Wayne Anderson as an appointment for the Planning & Zoning Commission for the next five years. Councilman Dustin seconded the motion which passed unanimously 4-0; with Councilman Larsen, Councilman Dustin, Councilman Hansen, and Councilman Mickelson all in favor.

Councilman Dustin motioned to support the Community Development Block grant for Habitat for Humanity. Councilman Mickelson seconded the motion. The motion passed unanimously, 3-0; with Councilman Dustin, Councilman Mickelson, and Councilman Larsen in favor.

Mayor Pro Tempore Larsen motioned to approve the meeting schedule of the first and third Thursday of each month for Nibley City Council at 6:00 P.M. for the year 2010 except when it falls on a holiday. Councilman Dustin seconded the motion which passed unanimously 3-0; with Mayor Pro Tempore Larsen, Councilman Dustin, and Councilman Mickelson all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, December 17, 2009 Nibley City Council meeting to order at 6:05 p.m. Those in attendance included Mayor Gerald Knight, Councilman Scott Larsen, Councilman Shaun Dustin, Councilman Bryan Hansen, and Councilman Thayne Mickelson. Larry Anhder, City Manager, was also present. Councilman Larry Jacobsen was excused from the meeting.

Approval of the evening's agenda and minutes of the November 19, 2009 meeting. Councilman Mickelson noted a name that was incorrect from the minutes. Councilman Larsen proposed his additions to the minutes. Councilman Larsen made a motion to approve the November 19, 2009 minutes with he and Councilman Mickelson's changes and the evening's agenda. Councilman Mickelson seconded the motion. The motion passed 3-0. Councilman Dustin abstained from the vote due to his absence from the meeting.

Approval of appointment to the Planning Commission

Mayor Knight said he would like to appoint Wayne Anderson for another five years to the Planning & Zoning Commission. Mr. Anderson had consented to serve an additional five years. Mayor Knight said he has done a great job, is very well informed, and brought balance to the Commission. Mr. Anderson had not given the mayor his list of goal but the Mayor intends to share those with the Council when he receives them. He asked for a

motion of consent. Councilman Larsen said he was a good choice and made a motion to approve Wayne Anderson as an appointment for the Planning & Zoning Commission for the next five years. Councilman Dustin seconded the motion which passed unanimously.

Discussion of the Mayor's goals and assignments for Council members

Mayor Knight said he was going to present his goals. He had asked for input from the Council and had received some. Mayor Knight said that Councilman Mickelson would like them to discuss including more social programs for the community to be involved in. He would like to expand what they do. Councilman Larsen asked if the mayor was classifying sports as social programs. Mayor Knight said yes you can classify them as that. Councilman Mickelson said he had starting mixing some of the necessary services with some of those social things. Mayor Knight said he would like to put it on the agenda and workshop it in the first of the year.

Mayor Knight then wanted to discuss the assignments for the Council members. Councilman Larsen said he wanted whatever assignments were passed to be updated on the web. Councilman Larsen said he wanted to know what his and other's accountability was. Mayor Knight said he was accountable to the residents. Councilman Larsen said he had some ideas from others Council's he wanted to discuss. Mayor Knight said he would push this to the meeting in January so he could have a discussion with Councilman Larsen. Councilman Larsen said if he is given an assignment he wants to know what he is accountable for. Councilman Dustin said he would like to be involved in the discussion with the Mayor and Councilman Larsen.

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

Mayor Knight noted to Councilman Dustin that they had discussed doing a workshop for this the first of January. Mayor Knight asked if they could strike this item from the agenda and continue with the January plans. He thought it was premature. Councilman Dustin said his understanding from the meeting on the Shiess property was that they had made a commitment to address the road, not discuss it. If it was part of that vote then they are obligated to do so. Councilman Larsen said they needed to have a discussion on how much they want to get into transportation and that they needed to set some goals. Mayor Knight said on the next agenda they will address the motion on 450 West and then whether they want to spend the money to look at the rest of the city.

Mayor Knight said Councilman Hansen had asked to be excused in the next few minutes which will leave just enough members present to continue the meeting.

Mayor Knight said Connor Davis had won the contest the Mayor sponsored asking Nibley citizen to for ten things that Nibley does for them. He offered the responses to the Council. Conner Davis is from a Scout Group that got involved. Mayor Knight said one submittal had several suggestions which he would like to review with the Council in the future. He wants to get her permission to discuss them with the Council. Mayor Knight is going to take the Scout troop, Conner, and an additional person should he choose.

Mayor Knight turned the meeting over the Mayor Pro Tempore Scott Larsen at 6:20.

Presentation of annual financial audit conducted by Fred Burr, Wiggins & Co.

Mr. Fred Burr was present at the meeting. Mayor Pro Tempore Larsen turned the meeting over to Mr. Fred Burr and presented him. Mr. Burr said the staff here was very accommodating and cooperative. He read the financial report first. The audited opinion said the city was audited in accordance with generally accepted auditing standards and generally accepted accounting standards. Mr. Burr said page 2 was a good quick summary of what happened in the city during the past year from the financial point of view. Mr. Burr said page 10 breaks down into departments or categories and lists the expenses and revenues generated from each department or program. The utility funds are generally all doing well and turning profits. Mr. Burr said page 11 is a balance sheet. Page 13 tells the differences between the general fund, the capital project fund, and the other non-major funds of the city. The general fund brought in \$1,850,000, spent \$1,784,000 and ended the year with a \$76,000 loss. Mr. Burr said this was good because they had budgeted for a \$150,000 deficit for the year. Mr. Burr said page 15 was the actual budget. Mr. Burr said Nibley has done a good job controlling costs and estimating revenues in an economically challenged time. There was a \$400,000 increase in the budgeted expenditures mostly because of parks improvements and the purchase of land to develop those parks.

Councilman Hansen left at 6:28.

Mr. Burr said that every utility actually increased cash for the year, which is a good thing. Mr. Burr said they are required to audit their internal control and review them to see that they are sufficient. In the past they have reported that Nibley has a segregation of duties problem which has been addressed to some point. There are still issues there because they need to have more staff. They also look at their compliance with the laws, rules, and regulations pertaining to state statutes. The first finding deals with capital assets. They strongly urge them to get the staff to take the records and account for capital assets. Councilman Dustin clarified that they are asking for them to have an inventory control system. Mr. Burr said yes. Mr. Burr said they could get fairly inexpensive capitol asset software, probably less than \$1,000, to keep track of fixed assets. Councilman Dustin said it is going to have to happen sometime; they will have to have someone track those assets. Mr. Anhder said the Council had had that discussion in the past and had opted not to do it. He said from a management point of view on much of their infrastructure it is not a very effective tool. It is a lot of work to do with minimal return. Councilman Dustin said as a city grows it is something that has to be done and asked how big of a set up do they want to deal with. Councilman Mickelson asked if any of these findings create any problems with revenues or grants from the state. Mr. Burr said they did not.

Mr. Burr said there are things happening in the city that ought to go through the proper year end reporting. Mr. Burr said they need to enhance their policy when issuing a city credit card and turning in receipts. Mr. Burr said the problem was mainly with our outside people. Mr. Anhder said that they were dealing with it and had taken step to tighten up on it. Mr. Burr said the fourth finding had a couple of budgetary non-compliance issues. In the fifth finding they reported that one or two reports were not filed which was not a big deal. Mr. Anhder said from all the management issues from the

previous year, all of them but one had been implemented. Mr. Burr said four or five finding was good progress. Mr. Anhder suggested the Council review the audit and discuss any questions or concerns with him or Mr. Burr.

Consideration of extra School Crossing Guard east of Nibley Elementary by Holly Stanley

Principal Sharyle Shaffer and Mrs. Holly Stanley was present at the meeting. Mrs. Stanley said they moved into the Clear Creek Subdivision 16 months ago. She and her two children were taking a shortcut J-walk route to Nibley Elementary school that the other kids use. She was elected to the school community council and she was assigned to find safe walking routes to the school. She described the route they now take. They take the cross walk right in front of the school and have encouraged other neighborhood children to do the same. She felt that cross-walk was considerably less safe that the J-walking route they were taking. She is requesting a crossing guard at that location in the morning. She noted some problems. She said if they had a crossing guard there they would be providing a safe crossing environment for the children. Mayor Pro Tempore Larsen said from his point of view he did not see that as a safe location for a cross-walk at all. At the time that the cross-walk was proposed, almost a year ago, the city expressed its concerns with the cross-walk in that area and the school said they could see to any needs that would arise there. Mayor Pro Tempore Larsen said they are also going to have another school in the fall that will require at least two crossing guards there. Mrs. Shaffer said they had a crossing guard on 2600 and they have one for crossing 8th west. There is not one on that side of the school at all. She said child crossing in the morning is more sporadic. The Council discussed the walking routes being used and some they could use. Mayor Pro Tempore Larsen said they were cautioned that they need to be careful as a city when they use signage and start using crossing guards. Mayor Pro Tempore Larsen said Logan city had very few crossing guards. He noted they city was advised to not have a cross walk there at all. They haven't fixed a problem; they have enhanced a problem. Councilman Mayor Pro Tempore said he was willing to take that cross-walk out. Councilman Dustin said he would like to see the cross walk pushed up and away from that area. Mrs. Stanley said parents would like to put the cross-walk as close as legally possible to the dip down the road. Councilman Dustin said they are concerned with that pick-up, drop-off area. Councilman Dustin asked if they had an officer sit and give out citations or warnings. He said it was a poorly placed cross walk. Councilman Dustin said they could move the 2600 crossing guard down to the corner and put them all on corners. Every one of them would be on a corner and they would have all avenues covered. Mr. Anhder discussed moving the 2600 crossing guard down. Councilman Dustin said he was not sure that putting another person in the middle of that traffic would help the problem. Both parties discussed moving the cross-walk to the dip. Councilman Mickelson said he is in support of what they had to do to help save kids lives. Councilman Dustin said he thought it would add to the congestion to have another person there but he would be willing use the money to have someone there for the rest of the year in order to see if it would work. Mayor Pro Tempore Larsen said they only have three people here and he was not willing to vote to put a person at the cross-walk. He did not think it was needed. Councilman Dustin said the cost would be minimal and said as a taxpayer he was willing to pay the \$7/year to save a child's life. Mrs. Stanley said parents will not insist the

children use that cross-walk because it does put their children in the middle of everything. She said for now she would like to see a crossing guard at that cross walk and she thought they could convince the neighbors to use it. Mrs. Shaffer said it might be wise to have someone come out and watch there. Mayor Pro Tempore said as a Council last year they said no to that cross walk and that location. Mayor Pro Tempore said the majority of Clear Creek had been there for at least four years. Mayor Pro Tempore said the better option was a cross-walk closer to the dip around the corner. Councilman Dustin said the issues are what the enrollment will be. Mrs. Shaffer said the enrollment will go down to 390 with 300 walking or car pooling to school. The essential problem will still exist. The Council members discussed the utilization of crossing-guards. Councilman Mickelson said he would like to take some time to look at the problem and discuss options. He encouraged the school to do the same and that they could come back at the next meeting. He said they need more time to think about it. Councilman Mickelson asked if it was possible to put an officer at that spot to monitor the situation. Mr. Anhder said he had already noted to do so. Councilman Mickelson said they should see if they can enforce the laws that exists for the cross walk. Mayor Pro Tempore said they would give it some time and thought and get back with them.

Consideration of request from Duane Smith of Habitat for Humanity for Nibley City to sponsor a Community Development Block Grant request for them

Mr. Duane Smith and Mr. Lee Rulis were present for the meeting. Mr. Rulis gave a presentation to the Council on the background and specifics of Habitat for Humanity and Habitat for Humanity International. Mr. Smith said they were a step down from Neighborhood Non-Profit Housing Corporation (NNHC). Mr. Rulis said they were looking for building lots in Nibley City. Mr. Smith said they have had a hard time finding lots to build a Habitat house because a lot of neighborhoods have a CCNR attached to them. Mr. Rulis said they are asking for a community development block grant to purchase two building lots in Nibley. Mr. Anhder said CDBG grants do need a community to sponsor them. There is some liability for Nibley, their name is on it, if Habitat for Humanity does not turn in the required paper work but he did not anticipate any problems there. They had done a similar thing with NNHC. Councilman Dustin said Habitat for Humanity has an excellent reputation. He applauded them for what they do. He said the risks would be minimal and it was a worthwhile thing to do. Mayor Pro Tempore Larsen said these homes have no garage and there will be neighborhood that will not want this. Barbara Wilden asked if they would still be bound to planning & zoning and all city ordinances. The Council agreed they would. Corlyss Drinkard asked the Habitat representatives if they did any after action reports on the individuals and what the homes did to the property values of the neighborhood. Mr. Smith said they increased them because they are typically built in lower income communities. Councilman Mickelson said it serves a purpose. Mr. Smith said if an individual can get home loan they do not qualify for a Habitat Home. Mr. Rulis said there was a BRAG study that said there were 9,000 families in Cache Valley that were one paycheck away from poverty. Councilman Dustin made a motion to support the Community Development Block grant for Habitat for Humanity. Councilman Mickelson seconded the motion. Mayor Pro Tempore Larsen asked Mr. Anhder if he recommended they try this based on the responsibility Nibley will hold. Mr. Anhder said he knew where Mr. Smith lived and he

was confident that Habitat would hold up their end. Councilman Larsen asked when they would be going for the grant. Mr. Rulis said as soon as possible. Corlyss Drinkard asked what they needed the public hearing on. Mr. Anhder said there was the CDBG application that needed a public hearing. The motion passed unanimously, 3-0 with Councilman Dustin, Councilman Mickelson, and Mayor Pro-Tempore Larsen in favor.

Approval of scheduled meeting times for the year beginning January 2010

Mayor Pro Tempore Larsen said they currently have it proposed to keep the meeting schedule the same; the first and third Thursday of the month at 6:00 P.M. Mayor Pro Tempore Larsen asked for discussion. Mayor Pro Tempore Larsen made a motion to approve the meeting schedule of the first and third Thursday of each month for Nibley City Council at 6:00 P.M. for the year 2010 except when it falls on a holiday. Councilman Dustin seconded the motion which passed unanimously.

City Manager Report

Mr. Anhder said they have had a lot of contact from developers; a 30 acre subdivision, 100 acres at Zolligers' that would be a mixture of commercial, institutional, and residential, and a 10 acre development in the business park.

Mr. Anhder said the first responders have set up a tour of the dispatch center on Saturday, January 9th at 10:00 a.m. Anyone from the Council is welcome to attend.

Mr. Anhder said the sign that the Peterson's store development have been using are illegal and in the interest of helping them generate business they have been informed of the sign ordinance but they will not enforced it for now. Mr. Anhder said it is in everyone's interest for that development to succeed.

Mr. Anhder said they received information today that the Boyd Schiess property is seeking to make that a cultural protection zone from the County. The County asked if Nibley wanted to respond. He did not see a compelling argument that would cause them to respond. He and the Mayor had opted to not respond. Mr. Anhder asked if the Council would give other direction. Councilman Dustin asked if it impacted any of their other infrastructures. Mr. Anhder said it did not because the road had been removed from their master plan.

Council Reports

Councilman Mickelson said he was under the impression that they would talk about the proposed road behind his house. Mr. Anhder said it was in process and would be on the agenda in January. Councilman Mickelson said he could see the value of connectivity through there.

Councilman Dustin said he wanted to congratulate their Air Force Academy Cadet (Councilman Mickelson's youngest son).

Councilman Dustin said DEQ came out to Logan and were pretty happy with what was happening there. Councilman Dustin said Merry Christmas.

Mayor Pro Tempore Larsen also commended their Cadet and said former Miss Nibley 2008, Erica Nielson, won 1st attendant at Miss No. Utah. He said they have a great caliber of kids growing up in Nibley. He also said Watkins printing is offering Nibley's history book.

Mayor Pro Tempore Larsen said he has had complaints about snow removal. He gave "kudos" to Eldon Darington for shoveling sidewalks along 3200. He asked what they would do this year for citizens who did not shovel their sidewalks. He thought they needed to start on that early. Councilman Dustin suggested including a letter that not only reminded them about shoveling but also encouraged groups to help with other sidewalks. He asked what they would do along farmland. Mr. Anhder said he had not thought about it and would contact Bill Saunders.

The meeting was adjourned at 8:45 p.m.