

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, March 3, 2011.

The following actions were made during the meeting:

OFFICIAL MINUTES OF THE MEETING

Minutes were taken and prepared by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, March 3, 2011 Nibley City Council meeting to order at 6:00 p.m. Those in attendance included Mayor Gerald Knight, Councilman Shaun Dustin, Councilman Larry Jacobsen, Councilman Thayne Mickelson, Councilman Bryan Hansen, and Councilman Scott Larsen. Also in attendance were City Manager, Larry Anhder, and City Planner, Shari Phippen.

Call to order, approval of the evening's agenda and minutes of the February 17, 2010 meeting.

Mayor Knight noted they had just come from a ground breaking for the new Nibley City Hall.

Councilman Dustin made a motion to approve the minutes of 2-17-11 and the evening's agenda. Councilman Jacobsen seconded the motion.

Councilman Jacobsen made note of a correction to the minutes regarding a vote.

The motion passed unanimously 3-0; with Councilman Dustin, Councilman Jacobsen, and Councilman Mickelson all in favor.

Declaration of support for Child Abuse Prevention Month. Jessica Tuttle will represent the Child and Family Support Center with a short presentation about child abuse prevention and the services offered

Jessica Tuttle with The Child and Family Support Center was present at the meeting. The Center serves families in Cache and Rich Counties. She said April was Child Abuse prevention month. Ms. Tuttle had a proclamation for the Mayor to adopt for Nibley City. Ms. Tuttle had a short DVD presentation for the Council.

Councilman Hansen arrived at 6:10.

Ms. Tuttle said the Child and Family Support Center is a local agency working to fight the problem of child abuse in Cache and Rich County. April is National Child Abuse Prevention month and they were asking cities in Cache and Rich County to adopt their proclamation. Ms. Tuttle gave the Mayor and Council blue ribbons to wear showing their support of Child Abuse Prevention month and the cause of preventing child abuse. Ms.

Tuttle said on April 1st, at noon they would be holding a kick off for Child Abuse Prevention month, on the steps of the old court house in Logan, and requested at least one Councilmember be present at that presentation. Ms. Tuttle asked Mayor Knight to read and sign a proclamation establishing April as Child Abuse Prevention Month for Nibley City. Mayor Knight read and signed the Child Abuse Prevention Month Proclamation.

Rod Elwood, Nibley City Parks and Sewer Director—discussion of sewer and parks work and activities

Parks Director, Rod Elwood, was present at the meeting. Mr. Elwood gave a summary of the projects the parks department were working on and completed during 2010; the 3200 South medians which included a drip irrigation system, the parking lot planters at Heritage Park, installed sprinklers, trees, and grass in the area between the parking lot and side walk at Heritage Park, finished the sidewalk around the parking lot at Heritage Park, finished the two retention ponds at Clear Creek Park, and in the spring they finished putting in the second tree farm in Nibley with a 500 tree capacity. They started to do some work at the Nibley Gardens retention pond.

Mr. Elwood said the parks department maintained 27 acres of property on 16 different sites. Mr. Elwood said they facilitated 2 different soccer seasons, and baseball and softball seasons. This last year they also had Heritage days and hosted the Cache Valley Cup. This year they would not only have the Cache Valley Cup but would also host another soccer tournament. Mr. Elwood said it takes about 27 miles of walking to mark soccer lines each year.

Mr. Elwood said their projected plans for 2011 are to finish Clear Creed Park which should take about a week then move to the Nibley Gardens retention ponds which should take 6-8 weeks depending on the weather. Towards the end of summer they will be landscaping the new City Hall which will include getting up to a rough grade, getting top soil in place, and installing sprinklers.

Mr. Elwood said Mr. Anhder was working on getting them additional funding or grants for the northwest corner of Heritage Park which will get them a baseball field. Mr. Anhder was also looking to get more funding for additional soccer fields at Heritage Elementary school.

Councilman Mickelson asked if hosting the soccer tournaments would cause a lot of work overload. Mr. Elwood said the striping would be done the week before and they had agreed to take care of trash removal, etc. Mr. Elwood said there would not be a lot of work load put on them for that. Mr. Elwood said their experience with other soccer tournaments had been very nice and that they had done their part in picking up trash and keeping the restrooms maintained. Councilman Mickelson asked about the reality behinds the RAPZ (Restaurant, Arts, Park and Zoo) tax money. Mr. Anhder said with the increasing popularity it seemed a little harder to get that money but he was left feeling pretty good about their chances of getting that money. He said it was a rather high amount; they had submitted for \$192,000 and did not feel they would get all of that. Mr. Anhder said they have had very good luck with RAPZ tax in the past. To date they have

spent about \$850,000 on Heritage Park on 800 West; of that amount about \$500,000 had come from Nibley City with the remainder coming from other funding source.

Mr. Anhder said he had talked to Casey Judd about approaching Heritage Elementary school about using their fields for soccer this year. Soccer registrations were up again this year and Mr. Judd felt they needed more fields.

Councilman Jacobsen commended Mr. Elwood on their dedication to the parks in Nibley. He said they took care of the city's parks as if they were their own yards. Councilman Jacobsen asked Mr. Elwood if he had any recommendations or suggestions for the Parks Master Plan. Mr. Elwood said he would like to see more direction on smaller parks and not just the big regional parks. Mr. Elwood said he saw the need for bigger fields; with baseball; and Lacrosse was an up-and-coming sport in Nibley. Councilman Jacobsen asked if Mr. Elwood felt if Nibley as a city had an equal and equitable part in the load sharing with sports. Mr. Elwood said in soccer they were doing their part but they were failing short in baseball; some of the other cities had to pick up the burden. Councilman Mickelson asked why the field on 3200 did not work. Mr. Elwood said the in-field layout was wrong; it was designed for softball. He said they pick up the load for 10 year old softball for the whole valley.

Mr. Elwood said the sewer had about 170,000 ft. of gravity sewer line inside Nibley city limits (about 32 miles). They maintained 4 lift stations; there's about 2.5-3 miles of that. Mr. Elwood and the Council discussed the relationship with Logan City regarding the sewer. Councilman Mickelson asked if there had been anymore discussion about turning that into a regional facility instead of city owned. Mr. Anhder said that had been a rather one sided argument; there was not talk of that. Councilman Mickelson asked if they had full disclosure of their costs and everything. Mr. Anhder said the contributing cities and Logan had come to an agreement that met half way on that. Mayor Knight said there was full disclosure. Mr. Anhder said none of the other cities realized that Logan was transferring money from the sewer fund into their general fund; from the 10 million dollars that they are setting aside they will not transfer the 8% they had typically transferred to their general fund. Mayor Knight said that was a common practice in municipalities and their generalized funds.

Councilman Dustin explained to the public present that right now every time they flush the toilet in Nibley they incur and expense. Logan was taking care of all of their waste water and they had discovered that Logan takes a percentage of that to spend on whatever they want; garbage trucks, parks, donuts, etc. It is an important issue because they thought they were paying to treat the waste water when they are paying to subsidize their departments. Mayor Knight said they were not the only ones paying for this; Nibley, Logan, No. Logan, Smithfield, etc. were also paying for it. Councilman Dustin noted that was Logan that got the benefit of the 8%. Mr. Anhder noted that Nibley City did not follow that practice; what the citizens pay for water is what the cost of water is even though it was a legal practice. Mr. Anhder said it was a legitimate thing.

Mr. Elwood said there were about 635 manholes throughout the city that were access points to clean or turn pipes and gravity feed lines. Last year they cleaned about 60,000 ft. of that gravity line. They know of three trouble areas in those lines which are cleaned each year because they know they are a problem. Mr. Elwood said of the 60,000 ft they have a video camera that inspects about 20,000 ft. of that pipe. He said they actually pay someone to come in and do that. Last year they got into approximately 400 manholes and were able to inspect them. Mr. Elwood showed the Council a database and tracking system for Nibley's manholes. He showed the Council how the data was kept and used.

Mr. Elwood said from their records they had approximately 150 people that were questionable to whether they were hooked to the sewer line. They had identified 75 people who are not because they had responded or not responded. They have a new way of metering their flow. They were looking to find two forms of metering so they can be more accurate. Mr. Anhder said they were working with the engineers that installed the metering to solve the problems they are having. Mr. Anhder said he and Mr. Elwood take the flows very seriously and they needed to have accurate metering. Mr. Anhder said Mr. Elwood did not care for the metering system they have and so they are looking into better ways to meter their flow so they have more confidence in the numbers that are going to Logan.

Mr. Anhder said the assigning of Mr. Elwood to sewer and parks worked well because in winter when the parks were not a high priority he was able to focus on the sewer system; he was very talented and was meticulous in his record keeping which was very important for sewer and liability. Mr. Anhder said he appreciated his meticulous care. Mayor Knight thanked Mr. Elwood for his work and said he appreciated it.

Consideration of Resolution 11-03—Adoption of the Nibley City Parks and Trails Plan Master 2011

Ms. Phippen said the appendices had not changed. Ms. Phippen said she took the 12 items the Council had suggested be included and had included them in the plan. The financing plan for the large regional park was distributed to the Council separately by Mr. Anhder.

Councilman Dustin told Ms. Phippen he appreciated what she did and said it was much improved. He said he was still confused as he went through the plan; they included a preferred plan, an implementation plan, and a capital improvement plan, which all had different and sometimes conflicting priorities; he wanted to get those into alignment. He said the implementation looked like a text description of the capital improvement plan but did not address anything about the preferred plan. He recalled that they had potentially decided to resolve that by saying they envisioned a funding mechanism whereby they would put a portion of the parks funding into the preferred plan but would still continue to fund the other things. He also said the cost estimates still seemed to be materials only with the assumption that city employees would be doing that only. He felt it should reflect that they would be hiring people. Mr. Anhder said that was included in the preferred plan. Councilman Dustin said he would also like it included in the capital improvement plan and that he was only interested in accounting for the big ticket items.

Mr. Anhder clarified that Councilman Dustin wanted where the labor was coming from included. Mr. Anhder said to the first question; the financing capital improvement plan was independent of the regional park plan; they were designed to run independently. He proposed that most of the page 34 items would be done before the regional park got going with exception of the property acquisition for the regional park. He thought they should include a paragraph that included timing. Councilman Dustin said to clear it up for him he would rename it the regional park plan. The Council discussed and agreed on some reordering in the plan. Councilman Dustin noted that the tennis courts were scheduled for 2015 in the capital improvement plan and for 2014 on page 43. Mr. Anhder said he thought the time lines for the 50-acre park were too optimistic and thought they should be adjusted back; he suggested different time lines in the budgeting process; he suggested they bump Phase 3 back to 2032. Councilman Jacobsen suggested including a disclaimer that said these were suggested dates that would be paced by rates of growth. Councilman Dustin suggested they rename the entire section The Capital Improvement Plan.

Mayor Knight said he would not be here in two weeks and asked the council's advice on adopting the parks plan. Councilman Mickelson suggested they have a final draft and then adopt it. Ms. Phippen said without Councilman Larsen comments it would be at least two meetings before the plan is passed. Mayor Knight noted Councilman Larsen would be said he would be present at 8:00.

Councilman Mickelson said on page 11 the last paragraph noted the sale of a 10 acre parcel on Hollow Road. He thought the most used and useful properties should be identified and built and put to use. He saw the sale of the land as a legitimate business transaction; he would be in favor of that paragraph. Mayor Knight said he opted not to have the paragraph included but not strongly enough to have it not included. Councilman Mickelson said he was not opposed to having a park there but as a business transaction and citizen use and function aspect that was a good way to accommodate some of their greater needs. If there were properties that were going to sit for another 20 years without any use then they should get rid of them. Councilman Mickelson wanted the paragraph include. Councilman Hansen thought the property had a lot of value from the passive recreation standpoint; active recreation seemed to have the most value due to the youth population. He said it was a sensitive issue. Councilman Jacobsen said he was on record that he did not sign a petition against the park on that property. He had always been for that park and did not feel that this needed to be decided tonight; everything on the list gave them a feel of what sort of sources of revenue they had available to them. They could not make a decision unless they had a hard offer for the land in front of them. He did not see that their hands were tied that tightly to any expenditure of funds in the plan. Councilman Jacobsen said he would be ready to make a decision when he had someone with money in hand and could evaluate the alternatives of keeping the property or having the money. He opposed the suggestion of putting the property on the market at this time; it could be worth more later and they did not need the money right now to put the plan into place. Councilman Jacobsen said he did not want to lose that property but that paragraph was not a deal breaker for him. Councilman Dustin said he still felt like they could build a soccer field anywhere; they cannot put a river anywhere they wanted. To give up that asset was not something he was prepared to do. He expressed that if this was

construed as giving direction to go ahead and put this into action without further consideration then it was a deal breaker for him. Councilman Jacobsen suggested alternate wording for the paragraph which was supported by Mayor Knight and the Council. Mr. Anhder said looking at it from a “dollars and cents” point a view it was a good thing but the farmer in him said it was hard to sell land. Mr. Elwood said if they looked at Central Park in New York City it was an unwanted piece of land and now it was an invaluable asset to New York City.

Councilman Jacobsen recommended a reorder of paragraphs on page 22. That suggestion was met with no opposition. The Council also agreed on some edited wording regarding use of land at Heritage Elementary school. Mayor Knight asked if they should change some dates on page 7; those dates were set with the intention that the plan would be passed in 2009. Councilman Dustin also suggested they edit the projected population as well. Ms. Phippen suggested an annotation that noted the plan was started in 2009 and estimations were based at that time period. Mr. Anhder suggested the addition of a paragraph under cemetery that noted as additional land was annexed into the city that was also annexed into the cemetery district. This issue had been discussed at a previous meeting and would be included. Mayor Knight requested on page 13 under Nibley Park the inclusion of a shade canopy for the stage, lights under the bowery, and a drinking fountain. Councilman Dustin also requested resolving a ground water issue at Nibley Park. Mr. Anhder said that was storm water that was there and they could dig it up and put cobble in there; he said they would talk about that. Mayor Knight suggested on page 19, referring to the 4000 south well site and including more uses: tree nursery, etc. The Council was amenable to that inclusion. Councilman Hansen said some people wanted a dog park in Nibley and asked about that possibility. Mr. Elwood said that was discussed at their meetings but was pushed off and not addressed. Mr. Anhder thought they should include people that donated land or money in their park naming process on page 35. He suggested they have a sentence that stated “the City Council may grant naming rights to contributors of property and/or other goods and services to the city”. Councilman Jacobsen did not think they should eliminate living persons. The Council came to an agreement on revised wording in that section; “Alternate methods of naming may be used at the City Council’s discretion in recognition of generous donations”. Councilman Dustin said he would like the addition of “pedestrian crossings of highways 89-91 and 165, to establish connectivity within the city, are a priority” in the last paragraph of the preferred trails plan.

Councilman Larsen arrived at 8:35.

Councilman Larsen said he had nothing to present at this time. Ms. Phippen said she would summarize the issues discussed and the changes made in an email to Councilman Larsen tomorrow. Councilman Jacobsen said it would be a better plan with Councilman Larsen input included.

Discussion of Planned Unit Development ordinance revision

Ms. Phippen said previously they received a copy of the updated planned unit development ordinance. In discussion with Mr. Anhder and Rod Blossom there were

discussions on density bonuses. Ms. Phippen discussed density bonuses and how she determined them. Ms. Phippen said she made some adjustments after discussing the costs of installation of amenities and tried to give a more accurate description of the value and tried to put more clarification on those amenities. She lowered the points required to get the density bonus. She left an option open if someone came with an amenity that was not included in the ordinance that the Planning & Zoning Commission and City Council could award a point value to based on the developers ability to demonstrate the quality, size, value, and benefit to Nibley. Ms. Phippen said she included a page that included example of how their existing planned unit developments would fit in with this ordinance and an example of a ten acre planned unit development and things a developer could do. Councilman Mickelson expressed that now that they had their conservation subdivision ordinance why they needed planned unit developments; it continued to be a thorn in their side and they all eventually wanted the city to take it over. Ms. Phippen said the goal of a planned unit development is different than a conservation subdivision. The goal of a conservation subdivision is open space; that is not the goal of a planned unit development. Councilman Larsen said in all reality the conservations subdivision they approved was just a planned unit development. Councilman Mickelson said he was not a fan of planned unit developments. Mr. Anhder said he thought Meadow View was a great example of a planned unit development; now what they have is a nice subdivision on third acre lots with 2 acres of open space. He thought a community should have a variety of housing types. Mr. Anhder said nearly all of St. George was developed under their planned unit development ordinance. A good planned unit development ordinance worked for the developer and for the city. Councilman Larsen said in his opinion their biggest struggle was the size of the planned unit developments they had approved. The Daybreak community was essentially a planned unit development but it worked because of the amount of land it was on. If they are going to allow planned unit developments they needed to figure out how to regulate them and get the best out of them. Councilman Dustin said it seemed to him the issues they had come up against were who has access to the amenities and when the amenities are developed; he likes paragraph 1 with the deduction if the community at large did not have access to the amenities and paragraph 2 where the amenity development was tied to the phasing. Councilman Dustin suggested clarifying the 25% in paragraph two and state whether they were points or total value. He also suggested on the amenities and points awarded, that they included a maximum points awarded; if they put maximum on there it gives the City Council and Planning & Zoning Commission leeway. Mayor Knight suggested they clarify things by including wording about commercial grade, city approved, amenities. Ms. Phippen said she could be more explicit about it but in her mind it was covered. Councilman Dustin suggested language that included "recreational amenities are subject to approval by the Parks department". Councilman Larsen stated he wanted to talk about the ordinance on the books and integrating the design development of residential with commercial, etc. Some of the ideas he had for planned unit developments was the mix of some commercial; he thought that could be a neat feature. He felt that had been eliminated from this version. Ms. Phippen said their commercial zone had no minimum lot size, there is not density standard set on it, and their land use chart allowed residential single family and two-family in a commercial zone; somebody can already do what he had brought up. Councilman Larsen argued that was only in a commercial zone. Mayor Knight said Councilman Larsen was

talking about more of a mixed use. Councilman Mickelson said they would have to allow spot zoning. Councilman Larsen said they were already spot zoning by allowing planned unit developments. Mayor Knight asked which was the most appropriate way to deal with mixed use; a planned unit development ordinance or a separate ordinance that dealt specifically with mixed use? Councilman Larsen said they were getting too many options out there and nothing got done. Councilman Mickelson said some of the ways they were dealing with these things were a negative reflection on the city. Citizens build a home and expect that to be the density and they get angry citizens who felt they were robbed of their property rights; the perception was out there and they needed to legitimately address those negative perceptions. Councilman Mickelson said the way it was set up now on ten acres on Hollow Road you could do 16 lots. Councilman Larsen said the current ordinance allowed them anywhere and the new ordinance only called out R-1, R-2, R-1a zones. Councilman Larsen said there were only two Council members who lived in those zones. There was a perception that the three Councilmen who lived on Hollow Road did not want to allow this in their neighborhood but would put it elsewhere; perceptions are not always correct.

Ethan Lindstrom said if they created an ordinance where it's a planned thing with commercial then it basically needed to be on a new parcel then people could weigh in on that beforehand. But if it is a whole parcel that is developing then it should be planned. Councilman Mickelson said the argument comes when they have it delineated on a city map.

Ms. Phippen said if they were going to reject the proposed ordinance then they should take the current ordinance off the books too. Mr. Anhder said if this passes then he predicted they would not have any more planned unit development come before the council because he did not think this was workable for a developer and the ones they did get would not be of a quality they would be proud of. Mr. Anhder asked from a developer's standpoint what incentive was there to doing a planned unit development. Mayor Knight asked the Council if they were heading in a direction the Council wanted to go. Councilman Mickelson said he wanted time to review it. Councilman Larsen said there were parts of it that were good but there were parts of the current ordinance that were good; he disagreed with the fact that it could not create a good thing. Councilman Hansen said he liked the conservation subdivision and would prefer to go that route; he did not know if it was right for them right now. Councilman Jacobsen said their current ordinance was not well enough defined and that they were headed in the right direction. Mayor Knight said they would give more time to review the proposed ordinance.

Council Reports

Councilman Larsen said the chairperson for Heritage Day was concerned that the staff liaison was not going to be present during Heritage Days. Ms. Phippen said that was why she had back up with Diane Marvin.

Councilman Dustin thanked the Mayor for supporting the Child Abuse Prevention Month Proclamation and the Child and Family Support Center.

Councilman Jacobsen said there was a South Corridor Development Plan scoping meeting on March 15th from 6:00-8:00 p.m. at City Hall; also on March 16th.

Councilman Hansen said the Easter Egg Hunt was scheduled at Heritage Park on Saturday, April 23rd from 10:00 to 11:00 a.m. He also wanted to schedule the City Hall for the Wed. April 20th for the Youth Council to fill Easter eggs.

Councilman Mickelson discussed standings with the canal company.

City Manager Report

Mr. Anhder said JUB Engineers came back with a cost estimate of \$24,000 to be a mediator between Nibley and the canal company; both parties felt that was twice the amount it should be. He had since approached Lynn Zollinger, who was once their engineer, and thought he would treat both parties fairly.

Mr. Anhder noted they had a crossing guard who was planning the delivery of her new baby in between the times she is crossing people; she will only miss three times. She planned to be back to work on Monday. He commended her.

Mr. Anhder said as of 4:00 this afternoon any water they drank or showered with came from the new tank. Councilman Larsen said that was why he showered at 3:00.

Mr. Anhder said he had given them portions on the new long-range transportation development plan. 1200 West was a major portion of the new transportation plan for the entire valley.

Councilman Larsen said he contacted Mr. Judd about baseball. He will run the baseball this year and they are trying to have registration on-line. If things work it may be expanded to other things. Councilman Hansen asked if they were looking to expand Mr. Judd's role. There was no discussion in that direction.

Mayor Knight said Cache Senior Citizens wanted Nibley to include an announcement for Medicaid counseling, Meals-On-Wheels, etc. in the newsletter and were looking for volunteers.

The meeting was adjourned at 10:05 p.m.