

The Meeting of the Nibley City Council held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Thursday, July 7, 2011.

The following actions were made during the meeting:

Councilman Jacobsen motioned to adopt Ordinance 11-07—that repeals Chapter 16 of Title 10 of the Nibley City Code—Planned Unit Developments. Councilman Mickelson seconded the motion. The motion passed 3-2; with Councilman Jacobsen and Councilman Mickelson in favor. Councilman Dustin and Councilman Larsen were opposed; with the tie, Mayor Knight voted in favor to repeal.

Councilman Dustin motioned to approve the contract with the Cache County Sheriff office. Councilman Mickelson seconded the motion. The motion passed 4-0; with Councilman Dustin, Councilman Mickelson, Councilman Jacobsen, and Councilman Larsen in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Gerald Knight called the Thursday, July 7, 2011 Nibley City Council meeting to order at 7:10 p.m. Those in attendance included Mayor Gerald Knight, Councilman Thayne Mickelson, Councilman Larry Jacobsen, Councilman Shaun Dustin, and Councilman Scott Larsen. Larry Anhder, the City Manager, and Shari Phippen, the City Planner, were also in attendance.

7:10—Call to order; approval of agenda and minutes from the June 16, 2011 meeting

Councilman Dustin made a motion to approve the 6-16-11 minute and the current agenda. Councilman Jacobsen seconded the motion which passed 3-0; with Councilman Dustin, Councilman Jacobsen, and Councilman Mickelson in favor. Councilman Larsen abstained from voting.

Community Gardens update on status and usage

Councilman Mickelson asked if the community garden was being used. Mayor Knight said it was. Mayor Knight said this would be discussed at the next meeting when the Eagle Scout taking on this project could be present for discussion.

Heritage Days celebration report from Laura Frandsen, Heritage Days Chair

Laura Frandsen and Dianne Marvin were present for the discussion. This discussion was held informally before the Council meeting.

6:45—Public hearing—to receive comments considering the repeal of the Planned Unit Development Ordinance

Mayor Knight said at the advising of the City Council three weeks ago, they were looking at revising their planned unit development ordinance and the most recent decision made was to ask staff to draw up a repeal of the existing planned unit development ordinance. Mayor Knight said it had ran the course through Planning & Zoning Commission and they had recommended not to repeal. The repeal will be ordinance number 11-07. Mayor Knight gave direction to the public present.

Mayor Knight opened the public hearing at 7:18.

Barbara Wilden said that perhaps was not quite the time for planned unit developments in Nibley; maybe they were ahead of themselves. When you talked to people about why they came it Nibley it was for the openness and the rural atmosphere. She commended the Council for taking it off the books.

Seeing no further public comment, Mayor Knight closed the public hearing at 7:19.

Mayor Knight recognized Scouts Carther Knight with Troop 435 working on his Citizenship and the Community badge and Weston Young with Troop 379 also working on his Citizenship badge.

Consideration of Ordinance 11-07—Repealing Chapter 16 of Title 10 of the Nibley City Code Planned Unit Developments

Ms. Phippen said the Planning & Zoning Commission liked that the planned unit development provided for projects like Spring Creek Crossing, allowed smaller lot sizes that could accommodate things, and flexibility in housing. She recalled they said they needed more options for subdivision types, not less, and removing it gave one less option. They recognized the Ordinance on the books was not adequate but the revised ordinance proposed to City Council removed some of those loopholes but still gave some flexibility. Councilman Jacobsen described the planned unit development ordinance on the books and process they had been going through trying to accept a revised planned unit development ordinance and the repeal of the current ordinance. Councilman Mickelson said they had the conservation subdivision ordinance that still allowed for some of those opportunities. Councilman Jacobsen described that they have a set of ordinances that is a community property right that takes away an individual's rights to do what they want on their property; it is a set of ordinances that everyone has to live up to and while he agreed they needed to have different housing types in Nibley he felt the planned unit development process threw away too many rules. He said the process by which planned unit developments are approved can be flawed by knowledge of the person making the proposal. Councilman Mickelson said it seemed like some of those decisions could seem arbitrary. Councilman Dustin said he was an advocate for diversity in housing types. He would hate to see seven square miles of quarter acre lots; he said he tended to support the recommendation of the Planning & Zoning Commission. He was afraid if they took it out then they would never see another development like Spring Creek Crossing; he did not see this Council passing an ordinance for multi-family residential.

Mr. Anhder was against the repeal. He said a planned unit development ordinance provided for variety and diversity; variety and diversity made up the fabric of a well balance community. He said they were basically a community of single-family detached housing with the exception of a few communities. Mr. Anhder said there were things that can and should be done to the current planned unit development ordinance. He noted density and sociological differences of current planned unit developments and said he was hesitant on the financial side to throw the ordinance out. Mr. Anhder said the variety and availability pulled the averages down on the amount of lawn they had to irrigate. Lastly, their general plan called for some higher density housing as a buffer to their commercial district. Mr. Anhder said his recommendation was to go back to work on their current ordinance; it could be tightened to the point that it was only available in certain sections of town more consistent with their general plan.

Councilman Mickelson said he thought a driving factor that was the single reason for a developer to gravitate to a planned unit development was financial incentives; they are not looking at the community as a whole and how it would integrate. He would like to figure out a different incentive as they went into the planning phase. Councilman Dustin agreed with Councilman Mickelson and said he liked the flexibility of a planned unit development but what he did not like about it was that it can go anywhere; they are only going to build it if they can sell it and if it works economically and he thought that demand exists and he would like to have a place for it. He liked the idea of recognizing that there will be more concentrated development in the city and planning actively for that. It gave developers more guidance and gave their residents more options; he would like a more proactive planning process.

Councilman Jacobsen made a motion to adopt Ordinance 11-07—that repeals Chapter 16 of Title 10 of the Nibley City Code—Planned Unit Developments. Councilman Mickelson seconded the motion.

Councilman Larsen said it was his opinion based on numbers that Spring Creek Crossing was not legal when it was approved. The developer was there to make money and if the City could show them this was the best way to make their money then they will do that. Councilman Larsen said the conservations subdivision just approved was a planned unit development to him because they did not follow the rules there either; there were no teeth to it. Using the Conservation Subdivision in place of the PUD is like using a square peg in a round hole. Councilman Larsen said he was not in favor of rezoning, as had been suggested. However, he thought they should look at the direction of where they want things to be going. He would like some stronger language when it comes to rezoning if they were going to look at more conservation subdivisions or a planned unit development ordinance again. Densities and rezones will affect the neighbors and the impact would be there and that was why they had public hearings and hopefully did what was best for the community as a whole. A PUD is approved as a conditional use, but one's it is in place there is no way to remove it if they don't live up to the conditions. They aren't going to tear up roads or make lots larger. Councilman Dustin said with a more restrictive planned unit development ordinance they also restrict themselves so they needed to make good

decision in term of what those decisions where because they might restrict themselves out of something special.

The motion passed 3-2; with Councilman Jacobsen and Councilman Mickelson in favor. Councilman Dustin and Councilman Larsen were opposed; with the tie, Mayor Knight voted in favor to repeal.

Mayor Knight said he thought they needed to go back and look into a new planned unit development ordinance but that this gave them some breathing room.

Discussion about whether the City should provide a crossing guard in front of Nibley Elementary both morning and afternoon

Mayor Knight said they had been unable to contact the principal of Nibley Elementary. He said they could have the discussion but did not know if they should without her. Councilman Dustin said he felt they knew her position. The Council discussed what decision needed to be made regarding the crossing guard. Councilman Larsen said he did not feel there was a need for a crossing guard at all and disputed the placement of the cross walk which was used with an access through private property. Councilman Dustin said the reason that was given for the crossing guard was not an appropriate reason to have the crossing guard there. Councilman Larsen disputed the school dictating how the city spent money and that they kept coming back for more. Councilman Dustin said they were re-upping a one-time appropriation and deciding if it would become a permanent appropriation.

Ms. Phippen left at 7:53.

Councilman Mickelson said he was not an expert and did not have the time to study and dictate these things; he said he was relying on the school community council and city staff to make those decisions with the money that was budgeted to them. Mr. Anhder said according to UDOT's manual of uniform traffic control devices section on crossing guards and school there were some places they were required to have a crossing guard that depended on speed limits and the number of kids and cars crossing. Mr. Anhder said the crossing in question was not required by UDOT standards; it did not meet the speed limit but did meet the number of cars and number of kids crossing. He said they had been there and watched and had UDOT come which had not given them definitive answers. Mr. Anhder said there was no question that if they were to fund a crossing guard that this was the place that it should be. Councilman Dustin said if he were to move it, he would move it to 8th. He said if they were going to let kids cross there then they needed to put a guard on it. He proposed if they did that then there should be no parking on either side of the street when school is in session so that those curb were clear; the parking lot was underutilized. He also proposed they sign that they could only turn right into the turn-around and right out of the turn-around; they could reshape the curb. Councilman Dustin said if they were going to allow kids to cross there then there were things structurally they could do to make it a lot safer.

The Council discussed crossing guards and cross walk placement. Mayor Knight proposed they rely on the school community council and city staff that worked with them, to make a proposal, and they would entertain their recommendation. Councilman Larsen asked what made the community council any more of an expert than anyone of them? They were teachers and parents just like they were, and they should be able to make a decision. Councilman Jacobsen said the school community council which consisted of the principal, teachers, and parents worked with UDOT to develop safe walking routes. Councilman Mickelson thought they could take their comments and give them to those people to note their concerns. Councilman Dustin said they could be presented with enough money to fund one crossing guard and have them make the most use of it. Councilman Larsen remembers Heritage wanting more originally then they received and wondered if they funded this one, what was to keep them from coming back asking for more. Mayor Knight noted they had enough money budgeted to fund five crossing-guards night and day and asked Mr. Anhder if that was correct. Mr. Anhder said that was correct. Mr. Anhder said he would like a policy statement from the Council as to whether or not they will fund a crossing guard on the east side of Nibley Elementary school morning and night. Councilman Larsen said he did not feel the need and did not think they should fund it and if they were just throwing out crossings he intended to come in with a proposal for one at the end of his street since this is the only location where a child had been hit in Nibley. Councilman Mickelson said of all the things they do in the city that they should be overgenerous on, child safety was the first.

Mayor Knight directed to Mr. Anhder that in the budget that was passed by the Council three weeks ago, \$26,000 was included for crossing guards.

Approval of law enforcement contract with Cache County Sheriff office

Mr. Anhder said this contract was identical from the contracts of previous years; even the dollar amounts. Councilman Dustin asked if they were getting the same number of hours. Mr. Anhder said they were; he said they actually got more hours than they paid for.

Councilman Dustin made a motion to approve the contract with the Cache County Sheriff office. Councilman Mickelson seconded the motion.

Councilman Larsen questioned the accuracy with gas prices and he stated that he question how much they were actually getting with their animal control.

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

Councilman Dustin said he agreed with Councilman Larsen about the dog catcher.

Nomination of member to Cache Valley Transit Board from Nibley City

Mayor Knight said he had not been able to contact the person he intended for this position so he wanted to push the nomination off till the next meeting agenda. Councilman Larsen questioned whether this would be the right person considering the Mayor had not been able to contact him in this period of time.

Presentation by Alan Haycock concerning youth soccer program operated in Nibley

Mr. Alan Haycock was present at the meeting. Mr. Haycock said he had developed a relationship with Rod Elwood in developing a plan for soccer in Nibley. Mr. Haycock said soccer is getting more and more popular especially in Nibley; therefore the impact had been higher. He said he and Mr. Elwood had asked teams, especially competitive teams, to pay a little more for use of the fields to offset the impact a little more. Mr. Haycock said city staff had done an excellent job of maintaining the fields in Nibley; they were currently planning to sod the areas in front of the goals. Councilman Larsen agreed that Nibley had great fields; the best in the valley. Mr. Haycock said this year they would host the Cache Valley Cup, which Nibley City had agreed to be a sponsor of, in exchange for use of the fields. This year they had also been approached by different organizations for small tournaments over weekends and they had determined they should charge \$200 for use of the fields; paying for staff time, paint, and upkeep due to wear and tear on the field. Mr. Haycock said youth had always been the precedence on the fields starting with the youth; recreation and then competitive teams and then they were opened up to other teams. Councilman Larsen asked who was collecting the money. Mr. Haycock said the first money was given to him and he then turned it in to the city. Mayor Knight asked if an outside group, with team members from Nibley, were charged for the fields. Mr. Haycock said that policy had not been decided. Councilman Larsen said if his kids weren't playing soccer he still paid the taxes for the fields and they had other people coming in and tearing up the fields. Councilman Dustin asked if the fields were for recreation and city parks or if they were for competitive use and he suggested they see what other cities are charging for competitive teams to use the fields and they become competitive with their fees. He said if it was a city league then it should be subsidized by the city; he did not feel they should subsidize other cities' kids; they have to recover capital costs as well as maintenance costs. Councilman Dustin said if they were hosting tournaments and the grass never reestablished then in the spring when the little kids are out there then they had a problem; he wanted fair value for the use of their fields. Councilman Larsen pointed out that the current rec soccer program is not a city league either. He said he is playing taxes for the fields and it isn't fair that if his sons play rec it's free, but he is charged again for field use if his daughter plays competitive. Councilman Dustin, Mayor Knight and Councilman Larsen discussed use of the fields and what they should be charging for use. Mayor Knight said Mr. Elwood had prioritized for recreation and competitive soccer to use the fields and then outside sources could use the field as much as possible as long as it is possible without abusing the fields. He said Mr. Haycock and Mr. Elwood were proposing a modest fee to offset the cost of painting lines, the paint, and the nets.

Mr. Haycock said he and Mr. Elwood had discussed for several years that they would like a little bit more to give back to the city so they proposed a moderate fee for competitive teams; \$30/competitive team to offset the cost of line painting, paint, and nets. He said other communities were doing that. Mayor Knight said he wanted to hear what Mr. Elwood was recommending and he wanted to hear it from him. Councilman Mickelson suggested that members of those competitive teams that were from Nibley could have the fee waived. Mayor Knight said that if he had known about this he would have had a

conversation with Mr. Elwood and more than likely would have decided not to charge a fee and found the money in the budget. Councilman Larsen said he believed this whole thing came about because his wife and daughter went to a team meeting where they were informed that there was a fee being charged by Nibley. As a Councilman he was unaware and contacted Mr. Ahnder, who in turn contacted Rod Elwood and was shown the email Mr. Haycock had sent out. For him it is not that he pays a few more dollars, but if the money is being collected in the name of the City it should be from the City's direction and come to the City not go to a club or other organization. He was approached by a LaCross coach at Heritage Days about using the fields for that sport. Councilman Jacobsen said this was "small potatoes"; whether the city comes up with it or whether each player is asked to pay a couple of dollars. Councilman Dustin said that he thought it should have been a lot more; his sole interest was in preserving the quality of the fields for the rec leagues; if Nibley had the cheapest, best fields then he was going to go to Nibley.

Wendy Vasquez said her concern as a Nibley resident was she had two sons that played competitive soccer and were unable to practice to go to the Utah Summer Games because they were holding a tournament here in Nibley. She also asked if Nibley City charged a fee, who it would be paid to? Mayor Knight said if Nibley charged a fee it would be paid to Nibley; he said they needed to firm up their policy was before anything happened and the Council needed to be made aware before anything happened. Mayor Knight said if they couldn't practice on the fields then they didn't have enough fields. Mayor Knight asked to sit down with Mr. Haycock and Mr. Elwood to discuss field use and policy that could be brought back to the Council as a matter of interest.

Dale Buchanan, a Nibley resident that coaches with Infinity soccer, asked to be included in discussions setting policy; he said there was a vested interest.

Teri Baker said there were three organizations represented here; South Cache Soccer, Northern Utah United, and Infinity Soccer; all three organizations had an interest in Nibley fields. She had three coaches that asked her to attend this meeting and they were concerned that the interests of all three organizations were not being met and that they did not have fair usage of the fields. Councilman Larsen said he only cared about Nibley citizens because that was who he represented.

Dale Buchanan said their club was willing to come and fix fields if there was space available to be developed; they have approximately 1,000 people at their disposal who are willing to help out; if there was something they could do to offset the city's expenses then they had the ability to do that. Mayor Knight asked if they were running out of fields in the valley. Mrs. Baker and Mr. Buchanan said they were and now LaCrosse was starting to come in. She said almost all cities are charging a fee and it was becoming prohibitive to kids who want to play at a higher level. Mrs. Baker talked about Logan's policy and said there was a lot of field pressure in the valley.

Councilman Larsen thanked Mr. Haycock for his efforts and asked how the recreation program was going for the City. Mr. Haycock said they had over 400 recreation kids last

spring from Nibley. They had 54-55 recreation teams just from Nibley and almost all U5-U6 kids played in Nibley. Councilman Dustin expressed his appreciation for the scheduling effort that went on this year. Mr. Haycock projected 200-300 kids will play rec in the fall; fall soccer encompasses the whole south end of the valley.

City Manager Reports

Mr. Anhder said he suggested there be no meeting on Thursday, August 18th to hold the city summer party.

Council Reports

Councilman Jacobsen said he would miss the next Council meeting for work reasons.

Councilman Dustin asked for an update on the traffic plan. Mr. Anhder said there was a meeting next week with the consultant Thursday at 10:00.

Councilman Larsen said with the Cache Mosquito District abatement contracts with Bear River Health Department. BRHD want to step away from that and the district felt they could be independent. He asked the Council how they felt the abatement has been this year. Mr. Anhder said for the wet year they had had, that they had done a marvelous job. The Council agreed.

Mayor Knight said the Council did not adopt electronic message displays in their sign ordinance and as a result he gathered that it was because the area would impact people in that area and also for working with Logan City. Councilman Mickelson said he did not feel that was the sole purpose; they felt they wanted to keep those out of their city. The Council discussed the reasons they had voted against EMDs. Mr. Anhder said Mr. Peterson is struggling and needs to find a way to make his business work. The Council expressed they did not feel the issue should be reopened at this time but perhaps some time in the future.

The meeting was adjourned at 9:55 p.m.