

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, February 9, 2011.

The following actions were made during the meeting:

Commissioner Heidt motioned to approve the business license and conditional use permit for Daniel Crockett, DC Longboards, LLC, at 3310 S. 1460 W.

Commissioner Cook seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Cook, Commissioner Anderson, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to approve the conditional use permit and business license for Cory Krambule, CVK Enterprise, at 3084 S. 1000 W as per the application. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to approve the business license and conditional use permit for Tracy Wagner, Harmony, located at 831 W. 2550 S. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner all in favor.

Commissioner Aaron Bliesner called the Wednesday, February 9, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Carrie Cook, Commissioner Marina Heidt, Commissioner Bill Green, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of 1-26-11 meeting minutes and agenda.

Ms. Phippen noted there needed to be a correction to the summary in the minutes from 1-26-11. There was general consent for the minutes from the 1-26-11 minutes and the evening's agenda.

Commissioner Anderson arrived at 7:05.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

DC Longboards, LLC—request approval for a conditional use permit and business license for a home occupation (custom long boards) located at 3310 S. 1460 W.

(Applicant: Daniel Crockett)

Mr. Daniel Crockett was present at the meeting. Mr. Crockett said he would doing this in his basement and his father-in-law's shop which was in Salt Lake. Commissioner Bliesner asked if anyone had any questions. Ms. Phippen said her staff recommendation was that the application be approved. It was only the applicant and it was not being done

in any out buildings. She also did not anticipate that many shipments or deliveries going out. Mr. Crockett said they would be shipped from the shop.

Commissioner Heidt made a motion to approve the business license and conditional use permit for Daniel Crockett, and DC Longboards, LLC at 3310 S. 1460 W. Commissioner Cook seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Cook, Commissioner Anderson, and Commissioner Bliesner all in favor.

CVK Enterprise—request approval for a conditional use permit and business license for a home occupation (home office) located at 3084 S. 1000 W. (Applicant: Cory Krambule)

Mrs. Krambule was present at the meeting representing Cory Krambule. Ms. Phippen said this was strictly a home office; they were not keeping any product on site, it would all be drop shipped from the manufacturer. They were the middle man. Mrs. Krambule said they were dealing in outdoor products; camping equipment, etc.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Cory Krambule, CVK Enterprise, at 3084 S. 1000 W, as per the application. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Harmony—request approval for a conditional use permit and business license for a home occupation (music therapy) located at 831 W. 2550 S. (Applicant: Tracy Wagner)

Mrs. Tracy Wagner was not present at the meeting. Ms. Phippen said she was not clear if the applicant was told about the meeting tonight. Ms. Phippen said she had no problems with this application. The client would be in her home. She did not anticipate there being more than one client in the home at a time; the nature of the business limits it to one client at a time. She said she had no problem with approving this.

Commissioner Cook made a motion to approve the business license and conditional use permit for Tracy Wagner, Harmony, located at 831 W. 2550 S. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner all in favor.

WORKSHOP ITEMS

Discussion/presentation on Roberts Rules of Order

Ms. Phippen said Heritage Days would be June 13-18th and that Laura Frandsen was the Heritage Days Chair. Ms. Phippen said she is the staff liaison for Heritage Days with Diane Marvin is Co.

Commissioner Bliesner said he was concerned that the Planning & Zoning Commission didn't seem to have access to the attorney when they had legal questions; occasionally they have had need to address specific legal questions that need to be addressed by the

attorney. It had usually gone up the chain through Ms. Phippen or Mr. Anhder to the attorney and he could not recall ever getting a specific answer from the attorney. Ms. Phippen said she guaranteed they had access to the city attorney because she once worked for him and he was very accessible to her. Commissioner Bliesner said it had never been made clear that they had access to the attorney and in the time they have tried to have access it had be essentially diverted and unless they can have official legal council from the attorney and it could be entered into minutes then it did not count. Commissioner Anderson suggested that the questions be submitted in written form to be submitted to the attorney and then they will respond with a written response that can be entered into the minutes. Commissioner Bliesner asked if there was a specific line item in the budget to cover attorney fees and how the attorney's fees were accounted for. Ms. Phippen said they get an itemized statement from Hillyard, Anderson, & Olsen each month; they are meticulous of keeping the details of their time. The city manager goes through that each month and assigns it out to different budget numbers.

Ms. Phippen said Roberts Rules of Order were fairly formal; strictly speaking they needed to stand up when making their motion or address Commissioner Bliesner as Mr. Chairman. Ms. Phippen said motions should always be stated affirmatively. Ms. Phippen said Roberts Rules also dictated the order of the meeting but the order can be somewhat flexible. Ms. Phippen said there were four basic types of motion and she reviewed those types. Commissioner Bliesner noticed that they often have a person state the motion and then they each tack on conditions. He said they tend to reach consensus this way; they each individually tack on items and that the person making the motion needs to state the entire motion. Commissioner Bliesner said they had slipped away from amending the motion. Ms. Phippen said once the motion has been made there should be no further discussion until it has been seconded.

Commissioner Green arrived at 7:55.

Ms. Phippen said any amendments needed to be voted on first with the main motion pending. Once the person who made the motion has spoken, he/she can only speak again once everyone else has spoken unless called on by the Mayor or Chairperson. Ms. Phippen said you can vote different ways; by raise of hand, by voice of yea or nay, by roll call with each announcing their vote, or by ballot. Ms. Phippen discussed a motion to table; if something is tabled it puts the issue off until someone in the voting body specifically moves to bring it off the table; it could kill the application if the motion passed. Commissioner Bliesner said he had worked under the impression that if a matter stood for a certain number of days then there is implied consent. Ms. Phippen said she thought that only applied to preliminary approval of a subdivision but said she would look into it specifically. Commissioner Heidt requested she contact the city attorney and ask. Commissioner Bliesner asked about stating a motion and now they appropriately state their justification for the motion so that it is clear why they are moving this way. Ms. Phippen said she would state those reasons in the motion; they had been told by the attorney that is not inappropriate or a violation of parliamentary procedure to specifically state the reason(s) for denial in the motion. Commissioner Green asked if you had to give a reason why they denied. Ms. Phippen said yes but just in her opinion. Commissioner

Bliesner said you do that to clarify the legal justification for that action. Ms. Phippen said you can call to question; that puts an end to all debate and a vote is taken. Ms. Phippen said she thought point of order was when you believe someone had gone against parliamentary procedure and wants the chairman to have the meeting brought back to order.

There was general consent to adjourn at 8:32 p.m.