

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, November 20, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to move Resolution 14-10: A Resolution Approving the Nibley City Cash Handling Policy, forward to a second reading. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Pro Tempore Bryan Hansen called the Thursday, November 20, 2014 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Councilmember Kathryn Beus, Councilmember Larry Jacobsen, and Councilmember Bryan Hansen. Councilmember Amber Whitaker participated in the meeting via telephone. Mr. David Zook, the City Manager, Shari Phippen, the City Planner, and Stephen Nelson, the City Treasurer, were also in attendance. Councilmember Cook and Mayor Shaun Dustin were excused from the meeting.

Call to order; approval of agenda; and approval of the November 6, 2014 meeting minutes

Councilmember Jacobsen proposed a revision to the 11-6-2014 meeting minutes.

Councilmember Jacobsen made a motion to approve the November 6, 2014 meeting minutes with his proposed revision. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

Councilmember Jacobsen made a motion to approve the evening's agenda. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

Discussion and Consideration of Resolution 14-10: A Resolution Approving the Nibley City Cash Handling Policy (First Reading)

Mr. Zook said this issue had been on Nibley City staff's to-do list for quite some time. Mr. Nelson said the purpose of this policy was to establish acceptable practices across all Nibley department when taking in cash and payments. He said the policy would like all their departments to take and receive payments consistently and ensured they followed all state, federal, and local laws regarding cash handling. He discussed the research he had completed in drafting the resolution. Mr. Nelson described the sections of the cash

handling policy; the purpose, general policies which included 12 items, safe keeping methods, departmental functions, accounts receivable, and the justice court.

Councilmember Whittaker if there would be a delegation of authority memorandum issued by the city treasurer authorizing an individual as a cash handler prior to personnel handling cash or if it would be a verbal agreement? Mr. Nelson said they had considered doing paperwork and said any cash handler would have to be approved and receive training before they could handle cash and take payment. Councilmember Whittaker recommended they have documentation in place for checks and balances when employees would be handling cash.

Councilmember Beus referred to holding cash for “3 business days from receipt” and asked why they would retain cash for that long. Mr. Nelson said state law required this amount of time and discussed bank hours, and the staff time necessary to do daily deposits. Councilmember Beus asked about authorization for bank night drops. Mr. Nelson said they city secured all cash received and typically did bank deposits three times a week. He said if there is a significant amount of cash he ensured that it was taken to the bank the following day.

Councilmember Beus asked if they had procedures to follow if they only took cash deposits three times a week. Mr. Nelson discussed the security measures in the building.

Mr. Nelson summarized the people who had reviewed the policy prior to the proposed ordinance coming to the City Council. He said city staff, the city accountant, the city auditor, and Mr. Zook had all reviewed the document.

Councilmember Jacobsen made a motion to move Resolution 14-10: A Resolution Approving the Nibley City Cash Handling Policy, forward to a second reading. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

Discussion and Consideration of Ordinance 14-01: An Update to the Nibley City Subdivision Ordinance

Miss Phippen discussed the subdivision procedure from preliminary plat to the end result. Miss Phippen distributed a flow chart of the subdivision approval process. Miss Phippen discussed the section “Inspection and Guarantee of Work” and specifically calling out cash deposits from a potential developer. She and the city attorney had concluded that it was unwise for the City to function as accounts payable for the developer. She said they were exposed to potential liability for the development when they took over control of any portion of the developers financial obligations. Miss Phippen suggested this option should not be made available. Miss Phippen summarized her discussion with Nibley’s attorney regarding flag lots. The attorney felt the City needed to make provisions for flag lots but the highly regulate them. She described her included first attempt at allowing but highly regulating flat lots. Miss Phippen discussed section 11-5-5: Streets: B.1. She said there had been significant discussion with the city attorney and they had both agreed on a

section (11-5-5(B)(1) that could be added to the general plan that would satisfy the concerns and requirements of state code 10-9a-406. Miss Phippen discussed 11-3-8: Final Plat Approval: F. She said the city was lacking discussion of development agreements and said after discussion with the city attorney felt it was wise to include something minor so that a developer was aware it was a requirement and felt it as best to do this when the final project came in and that the agreement would cover the entire project which allowed the terms of the development to survive change of ownership and phasing.

Councilmember Hansen asked if this ordinance was proposed as a first reading on the agenda. Miss Phippen said the City Council might consider calling for a first reading when they felt they were done working through the ordinance. She felt they should also hold a public hearing at that point.

Councilmember Jacobsen said he was very impressed with where they were in the ordinance process. Councilmember Jacobsen discussed 11-1-9 Fees: and asked to add wording to include fees for amendments to a final plat. He suggested the following wording “Sub-dividers shall pay non-refundable filing fees for each of the preliminary plat, the final plats, and amendments to the final plat in such amounts established by Resolution”. He felt the proponent should bear the cost of amending a plat. Councilmember Jacobsen discussed development agreements and asked it to be listed in 11-3-8 as part of the submission of the final plat. Councilmember Jacobsen said he was very happy with 11-5-5B. and felt they had resolved the issue with state code 10-9a-406. Councilmember Jacobsen asked for clarification on striking gravel driveways and including the section referring to flag lots. Miss Phippen agreed that was what she was proposing. Councilmember Jacobsen said he was in favor of this and suggested they include a definition of a flag lot and suggested wording. Miss Phippen said she would include a flag lot in the definitions section of the zoning code. Councilmember Jacobsen discussed 11-3-7: “Authorization to Proceed” and removing wording that suggested a proponent needed approval from the Planning & Zoning Commission. He suggested striking the wording “the Planning & Zoning Commission and”. Councilmember Beus, Councilmember Hansen, and Councilmember Jacobsen all gave their “thumbs up” on all of Councilmember Jacobsen’s suggested revisions.

Councilmember Jacobsen asked for inclusion of a summary of the acronyms used in the flow chart distributed by Miss Phippen.

The City Council agreed to have the ordinance come before the City Council as a first reading at the next City Council meeting and discussed which changes they would like noted and marked in the copy presented at the next City Council meeting.

Council and Staff Reports

Councilmember Beus expressed her regret of not being able to attend the meeting regarding the sewer.

Councilmember Jacobsen had nothing to report.

Councilmember Hansen had nothing to report.

Councilmember Whittaker had nothing to report.

Mr. Zook updated the City Council on challenges and progress the city was having with Nibley's current well project.

Mr. Zook updated the City Council on the intersection of SR 165 and 3200 South. Mr. Zook said the Sheriff's office was also doing studies on Nibley's major roads regarding enforcement and traffic patterns.

Mr. Zook said the city had recently had a drinking water audit and had received glowing reviews.

Mr. Zook said the city financial audit would be presented at the next meeting.

Mr. Zook told the City Council about the "Santa Claus is Coming to Town", "Candy Cane Dash", and "Live Nativity" activities. He reminded the City Council of the employee Christmas party being held in lieu of the second City Council meeting in December and told them about turkeys being distributed to city staff and elected officials the following Monday.

Mr. Zook discussed expanding the sewer plant in Hyrum.

Mayor Pro-Tem Hansen was given general consent to close the meeting at 7:22 p.m.