

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, March 17, 2016.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to advance Ordinance 16-02—An Ordinance Establishing Regulations for Home Occupations in Nibley City to second reading as presented. Councilmember Ramirez Seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilwoman Beus, and Councilman Bernhardt all in favor.

Councilmember Jacobsen motioned to give consent to the Nibley City Utility Bill Administrative Policy. Councilwoman Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Selection of Mayor Pro-tem to Chair Meeting

Councilmember Jacobsen made a motion to name Tim Ramirez as Mayor Pro Tempore at 6:31 p.m. Councilman Bernhardt seconded the motion. The motion passed 3-0; with Councilmember Jacobsen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Opening Ceremonies

Councilman Bernhardt discussed the current election and the election process. He led the City Council and public present in the Pledge of Allegiance.

Councilwoman Beus arrived at 6:32.

Call to Order

Mayor Pro Tempore Ramirez called the Thursday, March 17, 2016, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Councilman Larry Jacobsen, Councilwoman Kathryn Beus, Councilman Thomas Bernhardt, and Councilman Tim Ramirez. Mr. David Zook, Nibley City Manager, Shari Phippen, Nibley City Planner, and Stephen Nelson, Nibley City Treasurer were also in attendance. Mayor Shaun Dustin was excused from the meeting.

Approval of the March 3, 2016 meeting minutes and the evening's agenda

Councilmember Jacobsen made a motion to approve the previous meeting minutes and the evening's agenda. Councilman Bernhardt seconded the motion. The motion

passed unanimously 4-0; with Councilmember Jacobsen, Councilman Bernhardt, Councilwoman Beus, and Councilmember Ramirez all in favor.

Public Comment Period

There were no public comments.

Discussion and Consideration of Ordinance 16-02—An Ordinance Establishing Regulations for Home Occupations in Nibley City (First Reading)

Nibley City Planner, Shari Phippen led this discussion.

Ms. Phippen said that as the Planning Commission had reviewed applications for home occupations, there had been several items that had become standard to implement as conditions. She explained a couple of examples: pick up and drop off location for preschool and daycares and parking regulations for business vehicles and equipment. Ms. Phippen said the Planning Commission had expressed a desire to codify those conditions that have become standard, and also to have an ordinance that clearly explains the regulations the City has on home occupations. Ms. Phippen highlighted the things that were changes to what is currently in ordinance regarding home occupations. She said that the City had prohibited home occupations from the use of accessory buildings beyond equipment storage and the proposed ordinance would allow for the use of accessory buildings in conducting a home occupation subject to the review and approval of the Nibley City building inspector. She said it would also be a requirement that any person renting a home must submit a letter of acknowledgement and consent from the homeowner as part of the home occupation application. Ms. Phippen reviewed that home occupations involving pedestrian and vehicle traffic will be limited to hours of operation from 7:00 a.m. to 10:00 p.m. and a procedure for review and possible revocation of a home occupation license was set in the proposed ordinance. Ms. Phippen noted that the proposed ordinance came with a favorable recommendation from the Planning Commission. Ms. Phippen said the ordinance had been reviewed by the City Attorney for compliance with federal, state and local laws and he was comfortable with the ordinance as written.

Councilmember Jacobsen discussed the use of accessory buildings in residential areas for home occupation use. He said he was a supporter of the cottage industry. He said there were some occupations that didn't belong in a home because of dust. Councilmember Jacobsen read from Nibley City Ordinance 10-2-1 "Definitions" for from the Nibley Land Use chart.

"ARTISAN SHOP: A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions."

Councilmember Jacobsen asked if the Planning and Zoning Commission had used this tool to license this type of business in Nibley City? Ms. Phippen said the Planning and Zoning Commission had interpreted Nibley City Ordinance differently. Councilmember Jacobsen said it was not clear to him why an applicant would need to fit two definitions. Ms. Phippen described the two types of business licenses in Nibley City; i.e. home occupation, commercial. Councilmember Jacobsen said he felt the proposed ordinance went beyond, which was good, but would be interested in understanding why his interpretation was different than Ms. Phippen's or the Planning and Zoning Commissions. Ms. Phippen said this only applied to those businesses that met the definition of a home occupation.

Councilmember Jacobsen suggested they should consider the artisan shop as a conditional use.

Councilman Bernhardt was concerned with item F.

“Renter/Owner Responsibility. If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.”

He asked if they would require a notarized letter to ensure the letter was from the actual property owner or landowner. Ms. Phippen said she felt that was an excellent suggestion and felt they would put the burden of proof on the applicant.

Councilmember Ramirez asked for clarification and discussed of the home occupation business hours of operation that were proposed in the ordinance. Ms. Phippen said the Planning and Zoning Commission had decided to use the hours that were used in the public disturbance ordinance.

Councilmember Jacobsen made a motion to advance Ordinance 16-02—An Ordinance Establishing Regulations for Home Occupations in Nibley City to second reading as presented. Councilmember Ramirez Seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Ramirez, Councilwoman Beus, and Councilman Bernhardt all in favor.

Ms. Phippen and the City Council discussed scheduling a public hearing for this proposed ordinance.

Councilmember Jacobsen requested time on the next Planning and Zoning Commission agenda.

Report on Traffic Control Related to Clear Creek Soccer Field Use
Nibley City Manager, David Zook presented this agenda item.

Mr. Zook said Councilmember Bernhardt had raised concerns about traffic problems on 2200 South next to Clear Creek Park during soccer games at a previous City Council meeting. He said city staff had been working to address the issue. The Sheriff's office, public works director, streets superintendent, parks superintendent, recreation director, city engineer, city planner, Allan Haycock from South Cache Soccer, and the principals of local schools had all been consulted on this issue. Mr. Zook reviewed the procedures and parking regulations that had been suggested by city staff. This included greater spacing between soccer games that may force some Nibley teams to play more games out of town. Mr. Zook said that the scheduling improvements alone were expected to significantly decrease or even eliminate the traffic issue. Mr. Zook said the Streets Department was planning to install no-parking signs on the north side of 2200 South before the soccer season started. Mr. Zook discussed other locations where soccer games might be played. He summarized the pros and cons of each location. Mr. Zook said Allan Haycock had said that he would suggest that coaches and parents park at the North end of Virgil Gibbons Heritage Park as overflow for Clear Creek.

Councilman Bernhardt suggested they could lower the speed limit and discussed that the speed limit increased shortly after Clear Creek park and that at the point of the park that vehicles were already "gunning it." Councilman Bernhardt also felt they should satisfy Nibley's recreation program games before accommodating the competitive and state teams which frequently travel. Councilman Bernhardt said he liked the suggestions that had been presented.

Councilwoman Beus discussed her concerns with the parking along 800 West; she mentioned her observance of children dodging in around vehicles. She liked the suggestion that they direct participants to park at Heritage Park.

Report on Utility Bill Administrative Policy

Stephen Nelson presented this agenda item.

Mr. Nelson described previous discussion of concerns related to Nibley City's policy for handling water leaks and how the city provided credits on utility users' bills when leaks are repaired. He reported that city staff was already in the process of revising the administrative policy related to utility bills when this discussion was held and had now completed these updates.

Mr. Nelson provided an overview of the current updated policy. He read from certain portions of the Nibley City Utility Bill Administrative Policy.

Mr. Nelson read and described the new portions of the utility bill administrative policy

"iv) The City may waive late fees or a disconnect fee for customers who experience trouble with online bill pay, or if on automatic payment and their payment information expires and/or a payment does not go through.

v) Upon the customer's request, the City may waive one late fee or disconnect fee for a customer who signs up for automatic payment through the City or their bank. If the customer signs up through their bank, the customer must provide documentation showing that they have signed up for automatic payment.

d) The Utility Manager may adjust bills under unique circumstances, which under the Utility Manager's judgment, and with the approval of the City Manager, qualifies for billing adjustment."

Councilmember Jacobsen asked how much leak relief cost the citizens of Nibley each year. Mr. Nelson averaged that it was roughly \$1500 per year. Mr. Nelson described the policy he used when he observed a water leak on the utility water bill report.

Councilmember Jacobsen made a motion to give consent to the Nibley City Utility Bill Administrative Policy. Councilwoman Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Jacobsen, and Councilmember Ramirez all in favor.

Council and Staff Reports

Councilmember Ramirez said he had been asked if the city could put a caucus reminder on the Nibley City website.

Mr. Zook reported on meeting with the Sherriff about increasing deputy patrol hours. He had received a contract change from the Sheriff's office and said that the City Council may see a change in cost on the next budget.

Mr. Zook showed pictures and a video of the new crosswalk at the intersection of 3200 South and SR 165. He reported that Mayor Dustin had met with UDOT and they had again rejected changing the intersection into a four-way stop.

Mr. Zook reported on Nibley's application for RAPZ (Recreation, Arts, Parks, and Zoo) money for the west side of Heritage Park. He said the city should get this money this year because they had essentially been guaranteed it.

Mr. Zook said the next City Council would be Wednesday, March 23 at 6:30 p.m. He said this would be a joint meeting with the Planning and Zoning Commission to discuss the General Plan update. Mr. Zook said Mayor Dustin intended to include a couple of agenda items at this meeting.

Mr. Zook said he and Justin Maughn had attended the Rural Water Association Conference and that Justin Maughn was recognized as Water Operator of the Year. Mr. Zook said Mr. Maughn was also a presenter at this conference.

Mr. Zook reported on the TAP award program and application from the Nibley City insurance company.

Mr. Zook said the trail at Ridgeline High School was being funded with federal funds (almost \$400,000) through CMAQ (Congestion Mitigation Air Quality) and administered by UDOT. Mr. Zook described the trail route. He anticipated that construction would start a year from now.

Mr. Zook gave each member of the City Council a copy of Cache Valley Magazine. He said there was a small "bio" on Nibley City in the magazine.

Mr. Zook reported on upcoming recreation events including the Easter Egg Run.

Mr. Zook said he had an upcoming meeting with Hyrum City to discuss combining court facilities.

Councilwoman Beus asked for, and was given, a status update for the new city well from Mr. Zook.

Councilwoman Beus asked Mr. Zook and the City Council for ideas of community service for a Nibley City resident. Councilmember Ramirez recommended trash removal from the Frisbee Golf Course and Mr. Nelson gave Councilwoman Beus some contact information.

Councilwoman Beus asked about assignment that the mayor had given the City Council regarding Heritage Days. Mr. Zook discussed and clarified these assignments with the City Council.

There was general consent to adjourn the meeting at 8:34 p.m.

Attest: _____
Deputy City Recorder