

NIBLEY CITY COUNCIL
CITY COUNCIL MEETING THURSDAY, August 17, 2006

The following motions were made during the meeting:

Motion 1: Councilman Bryan Hansen made a motion to approve the evening's agenda. Councilman Jay Harrison made a second to the motion which was approved unanimously.

Motion 2: Councilman Bryan Hansen made a motion to approve the August 3, 2006 City Council Minutes and evening's agenda. Councilman Jay Harrison made a second to the motion.

Amendment to the motion- Mr. Hansen moved to amend the motion to allow for changes to the minutes. Mr. Harrison made a second to the motion to amend which was approved unanimously.

Mayor Knight called for a vote on the amended motion which was approved unanimously.

Motion 3: Councilman Bryan Hansen made a motion to grant a business license for a conditional use permit to operate a commercial business in a residential zone for Laura Ashliman, Shady Hollow Salon @ 4460 Hollow Road with the following conditions:

1. No discharge of any hazardous chemicals into the city sewer system.
2. Client visits per week limited to twenty five clients per week.
3. Employees limited to Mrs. Ashliman and family members only.
4. Off road parking must be provided.
5. Must obtain a CUP for any advertising signs.
6. And any other requirements outlined in the application. The fee for the business will be prorated for the remaining four months.

Scott Larsen made a second to the motion which was approved unanimously.

Motion 4: Scott Wells made a motion to approve the concept review of McKinnley/Sorensen Subdivision (10 acres) located at approximately 3300 South and East of 640 West. Jay Harrison made a second to the motion. Scott Larsen voted against the motion. Councilmen Bryan Hansen, Jay Harrison and Scott Wells voted in favor of the motion which was approved.

Motion 5: Motion to adjourn by Scott Wells. Councilman Harrison made a second to the motion which was approved unanimously.

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Minutes taken by Assistant City Recorder Kerry Bringhurst.

Mayor Knight called the thursday, August 17, 2006 Nibley City Council Meeting to order at 6:00 p.m. Those in attendance included City Council Members Bryan Hansen, Jay Harrison, Scott Wells, and Scott Larsen. Thayne Mickelson was excused. City Manger Larry Anhder and City Planner Conley Thompson were also in attendance. Nibley City Planning and Zoning Commission member Larry Jacobsen and members of the Nibley 1st Ward Scout Troop were among members of the audience. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Item 1: Evening's Agenda- Councilman Bryan Hansen made a motion to approve the evening's agenda. Councilman Jay Harrison made a second to the motion which was approved unanimously.

Item 2: Review of Minutes for August 3, 2006. Councilman Bryan Hansen made a motion to approve the August 3, 2006 City Council Minutes and evening's agenda. Councilman Jay Harrison made a second to the motion.

Mr. Hansen moved to amend the motion to allow for changes to the minutes. Mr. Harrison made a second to the motion to amend which was approved unanimously.

Mayor Knight called for a vote on the amended motion which was approved unanimously.

Item 3: Appeal of denial of conditional use permit for Laura Ashliman, Shady Hollow Salon, 4460 Hollow Road. Mrs. Ashliman met before the council to make the request. Planning and Zoning denied her request to use her accessory building to operate a beauty salon. The building has been used as a craft preparation store. She had obtained a Conditional Use Permit from the city to operate that home business. However, Mr. Jacobsen explained to the council that the commission did not have the authority to allow the use of a salon in the accessory building. Mr. Jacobsen said the commission feels the home occupation will not be disruptive and should be allowed. According to Mr. Jacobsen's understanding of the ordinance the council has the authority to allow the use. Mrs. Ashliman provided a map of the property indicating where the accessory building is located. Mr. Jacobsen sighted 10-14-4 as the ordinance which allows the council to consider and approve the request. Mr. Anhder said based on the ordinance it is his opinion the CUP should not be approved because of the accessory buildings, however, he said there are a variety of businesses operating out of accessory buildings. Mr. Anhder suggested the council review that portion of the ordinance to better define what businesses the city should allow in accessory buildings. Mr. Larsen asked if the request is being considered as home occupation? Mr. Larsen wondered if it is a business or a home occupation? It was suggested the business is a commercial use in a residential zone. Mayor Knight said there are different requirements to have a commercial business in a residential zone. One of the differences is the yearly fee required. For a commercial business the rate is higher. Mrs. Ashliman said she would be willing to pay the increased fee. Mr. Thompson referred to 10-2-1 C which applies to a home occupation and would not allow for the sale of products, which Mrs. Ashliman will include as part of her salon. Mr. Harrison asked about possibly changing the definition of the accessory building requirement. Mr. Anhder said the council could also grant a business license for a commercial business in a residential zone. Mr. Harrison agreed with the option of changing the definition so the cost will not be so high and accessory buildings can be used as a home occupation. Mr. Jacobsen suggested that while he supports the idea of home occupations, the city should be careful to not allow for too many types of businesses in residential areas.

Mayor Knight concluded discussion and asked for a motion on the request.

Councilman Bryan Hansen made a motion to grant a business license for a conditional use permit to operate a commercial business in a residential zone for Laura Ashliman, Shady Hollow Salon @ 4460 Hollow Road with the following conditions:

- 1. No discharge of any hazardous chemicals into the city sewer system.**
- 2. Client visits per week limited to twenty five clients per week.**
- 3. Employees limited to Mrs. Ashliman and family members only.**
- 4. Off road parking must be provided.**
- 5. Must obtain a CUP for any advertising signs.**
- 6. And any other requirements outlined in the application. The fee for the business will be prorated for the remaining four months.**

Scott Larsen made a second to the motion which was approved unanimously.

Item 4: Concept review of McKinnley/Sorensen Subdivision (10 acres) located at approximately 3300 South and East of 640 West. Brandon Ames represented McKinnley/Sorensen before the council. Mr. Thompson outlined four issues of concern the Planning and Zoning Commission has asked developers of the subdivision to address. Mr. Larsen asked about the right of way related to the shift in the access road near adjacent properties. Mr. Dell Johnson has given permission to have the road run onto his property. Two additional property owners, Mr. Ropaletto and possibly Laura Johnson need to be contacted. Mayor Knight said the plan would leave a partial road and by approving this plan the city is indicating it plans to have the road go onto the Ropaletto property. Because it is a concept level, Mr. Jacobsen suggested the developer work out the road details with the adjacent land owners prior to requesting final approval. Mr. Anhder said the water detention plan also needs to be addressed before the developer receives final approval. Mr. Larsen said if the council does not like the concept of having the road lead out of 3400 South now is the time to make that known. Mr. Anhder said the city does have an agreement with Mr. Ryan Zollinger to negotiate a right of way leading in front of his property and on to 3200 South, which might make more sense. The council agreed with the commission about what items need to be addressed before final approval.

Mayor Knight asked for a vote on the motion.

Scott Wells made a motion to approve the concept review of McKinnley/Sorensen Subdivision (10 acres) located at approximately 3300 South and East of 640 West. Jay Harrison made a second to the motion.

Discussion on the motion included comments from Mr. Larsen regarding the canal along 3400 South and whether or not developers have addressed what impact the development might have on the canal. Mr. Larsen agreed with the Planning and Zoning Commissions recommendation to address problems with the canal and the alignment of the road as it meets 3400 South.

Mayor Knight asked for a vote on the motion. Scott Larsen voted against the motion. Councilmen Bryan Hansen, Jay Harrison and Scott Wells voted in favor of the motion which was approved.

Item 5: Planning & Zoning Commission Report. Mr. Jacobsen referred to action taken by the commission as outlined in the minutes from the August 9, 2006 meeting. There were questions from Councilman Larsen regarding a plan by Maverick for a development along Utah Highway 165 and where the trees should be located. Mr. Jacobsen said the city needs to consider the road does lead onto a 45 mph highway. Mr. Larsen also questioned information about the rear set back, which in his opinion should be 30 feet. Mr. Jacobsen said the plan continues to be discussed.

Item 6: City Managers Report- Mr. Anhder had nothing to report.

Item 7: City Council Report-

Scott Larsen asked for an update on the Nathan Zollinger meeting regarding a request for a septic tank to be allowed in a water safety protection zone. Mr. Anhder said he did not have any additional information on the matter at this time. Mr. Larsen also told the council the city has begun work on the 600 South sidewalk project.

Item 8: Presentation of ordinance revising Nibley City's current ordinance governing door-to-door solicitations. No action was taken.

Item 9: Motion to adjourn by Scott Wells. Councilman Harrison made a second to the motion which was approved unanimously.

Signed _____
Mayor

Attest _____
Assistant Deputy Recorder