



NIBLEY CITY
CITY COUNCIL MEETING AGENDA
Thursday, March 3, 2016
6:30 p.m.

Nibley City Hall
455 West 3200 South
Nibley, Utah 84321

1. Opening Ceremonies (Councilmember Ramirez)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Discussion and Consideration of Ordinance 16-01: An Ordinance Amending the Nibley City Planning Commission (Second Reading)
6. Discussion and Consideration of the Appointment of Aaron Bliesner and Aaron Nielsen to the Planning and Zoning Commission as Alternate Commissioners
7. Discussion and Consideration of Resolution 16-03: Municipal Wastewater Planning Program Resolution (First Reading)
8. Council and Staff Reports

Adjourn Meeting

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.

¹ *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*



Nibley City Council Agenda Report for March 3, 2016

Agenda Item #5

Description	Discussion and Consideration of Ordinance 16-01: An Ordinance Amending the Nibley City Planning Commission (Second Reading)
Department	Planning
Presenter	Shari Phippen, City Planner
Sponsor	n/a
Applicant	n/a
Background	<p>The idea of amending the Planning Commission to allow for alternates had been informally discussed with the Commission. At the last Council meeting, the Council requested that this appear as a formal agenda item so there could be on the record discussion among Commissioners as to their thoughts regarding adding alternates.</p> <p>Commissioners shared concerns about making sure the alternate was engaged and receiving adequate training. They did not make a motion to amend the ordinance, but suggested the following changes to the alternate(s):</p> <ol style="list-style-type: none">1. Only one alternate should be appointed, and that alternate should be called in to participate any time a Commissioner is absent, not just to make a quorum. If 4 "regular" Commissioners are going to be attending, then the alternate would be called in to make a full Commission of 5. If three, then the alternate would make 4.2. The alternate may not act as chair. When the chair and vice-chair are both gone, the remaining Commissioners will elect a chair at the beginning of each meeting. <p>They were supportive of the staff reporting to Council language and also of the change to not permit Council members to serve on the Planning Commission.</p>
Recommendation	The Mayor's recommendation is that Council adopt the ordinance as recommended by the Planning Commission, with the exception that the ordinance allow for the appointment of two alternates. After the discussion at Planning Commission this week, staff feels one is sufficient, but is comfortable with either direction.
Financial Impact	The salary budget for P&Z would need to be increased in FY16-17 by approximately \$1,200 per alternate to accommodate the possibility of every commissioner being present at every meeting.

Reviewed By	Mayor, City Manager
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Agenda Item #6

Description	Discussion and Consideration of the Appointment of Aaron Bliesner and Aaron Nielsen to the Planning and Zoning Commission as Alternate Commissioners
Department	City Council, Planning
Presenter	Mayor Dustin
Sponsor	n/a
Applicant	n/a
Background	Depending on whether the Council chooses to accept the Planning Commission's recommendation of only having one alternate, or goes with the originally presented two alternate system, the Mayor will have a name or names to present for the Council's advice and consent.
Recommendation	Accept the Mayor's appointment(s) to the Planning Commission
Financial Impact	
Reviewed By	Mayor, City Manager, City Planner

Agenda Item #7

Description	Discussion and Consideration of Resolution 16-03: Municipal Wastewater Planning Program Resolution (First Reading)
Department	Public Works, Sewer
Presenter	Justin Pope
Sponsor	n/a
Applicant	n/a
Background	The City is required to annually file a report regarding the sewer system with the State of Utah DEQ, Division of Water Quality. Staff will present the report to the Council for adoption prior to filing.
Recommendation	Waive second reading and adopt the resolution.
Financial Impact	None
Reviewed By	Public Works, City Manager, City Planner

ORDINANCE 16-01

AN ORDINANCE AMENDING THE NIBLEY CITY PLANNING COMMISSION

WHEREAS, Nibley City tasks the City Planning Commission with certain powers and duties in order to facilitate the orderly development of the City; and

WHEREAS, in order to ensure the ability of the Planning Commission to process review applications in a timely manner, by virtue of consistently having a quorum of members, the City wishes to add alternate members of the Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

The attached ordinance, entitled "An Ordinance Amending the Nibley City Planning Commission" is hereby adopted, by fact and by reference, as Title 2, Section 1 "Planning Commission" of the Nibley City Code.

1. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
2. Specifically repealed is all of the current Title 2, Section 1 of the Nibley City Code, entitled "Planning Commission".
3. Should any provision, clause or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this _____ day of _____, 2016.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

ORDINANCE 16-01
An Ordinance Amending the Nibley City Planning Commission

2-1-1 Established

- A. Membership: There is hereby created a planning commission of five (5) members, and up to two (2) alternates. The Mayor, with advice and consent of the City Council, shall appoint all members and alternates to the Planning Commission. Alternates shall be appointed as First Alternate and Second Alternate. Members of the city council may not be appointed to the planning commission.
- B. Compensation: Members of the planning commission shall be compensated as determined by resolution of the city council.

2-1-2 Terms Of Office

The terms of the planning commission shall be staggered. Each member of the planning commission shall serve for a term of five (5) years and until his successor is appointed; provided, that the term of the first members shall be such that the terms of one member shall expire each year. Terms of members of the planning commission shall begin on or before the first Monday in February of each year. The city council may remove any member of the planning commission for cause and after a public hearing, if one is required. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term. Terms of alternates shall be the same as terms for regular members of the Planning Commission, which may result in the replacement of both a regular member and an alternate in certain years.

2-1-3 Organization

- A. Chairperson; Adoption Of Rules: The members of the planning commission shall select from their own members a chairperson and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.
- B. Reports To City Council: Reports of official acts and recommendations of the planning commission shall be public and made by the chairperson in writing to the city council and shall indicate how each member of the planning commission voted with respect to such act or recommendation. Any member of the planning commission may also make a concurring or dissenting report or recommendation to the city council. The Planning Commission chair may designate staff to make such reports, written or oral, to the Nibley City Council.
- C. Meetings: The planning commission shall meet at least once each month and at such other times as the planning commission may determine.
- D. Quorum: Three (3) members of the planning commission shall constitute a quorum. Alternate members shall count towards the number for a quorum.
- D.E. Alternate: Alternate members of the Planning Commission shall attend, at a minimum, those meetings where needed to constitute a quorum, but may attend other meetings as the Commission deems necessary. Alternate members may participate in the discussion of all meetings for which they are present, but shall only vote in the

absence of a regular Commissioner. In the event that both Alternate members are present and only one regular commissioner is absent, voting priority shall be given to the First Alternate.

2-1-4 Powers And Duties

In accordance with provisions of the Utah land use development and management act, Utah code section 10-9a-302, the following are the powers and duties of the Nibley City planning commission:

A. The planning commission shall be the land use authority that:

1. Recommends a general plan and amendments to the city council;
2. Recommends to the city council, zoning ordinances and maps, and amendments to zoning ordinances and maps;
3. Administers provisions of the zoning ordinance;
4. Recommends subdivision regulations and amendments thereto to the city council;
5. Recommends approval or denial of subdivision applications to the city council;
6. Assists with the creation of an appeal authority for the city of Nibley;
7. Conducts such public hearings as are required by law or as deemed necessary;
8. Hears and decides any matters that the city council designates, including the approval or denial of conditional use permits and review of nonconforming uses and structures; and
9. Advises on matters as the city council directs and hears, or decides any matters as authorized by state law.

B. The planning commission may designate by resolution, that Nibley City staff be the land use authority on the following land use applications:

1. Conditional use permits for home occupations;
2. Accessory building permits; and
3. All other routine land use requests.

Should staff or any other land use authority so designated determine that an issue needs review and approval of the planning commission, they may refer the matter back to the commission for further investigation prior to approval or denial.

C. The planning commission shall also protect the right of each:

1. Applicant and third party to require formal consideration of any application by a land use authority;
2. Applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
3. Participant to be heard in each public hearing on a contested application.

RESOLUTION 16-03

MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION

WHEREAS, the Utah Division of Water Quality requests that municipalities annually review wastewater planning; and

WHEREAS, Nibley City has completed and reviewed the attached Municipal Wastewater Planning Program Report for 2015; and

WHEREAS, Nibley City has taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

The attached Municipal Wastewater Planning Program Report for 2015 is hereby adopted.

Dated this 3rd day of March, 2016

ATTEST

Shaun Dustin, Mayor

David Zook, City Recorder

STATE OF UTAH

*MUNICIPAL WASTEWATER
PLANNING PROGRAM*

SELF-ASSESSMENT REPORT

FOR

NIBLEY

2015



**UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY
WATER
QUALITY**

Municipal Wastewater Planning Program (MWPP)

Financial Evaluation Section

Owner Name: *NIBLEY*

Name and Title of Financial Contact Person:

JUSTIN MAUGHAN

Public Works Dir

Phone: *(435) 752-0431*

E-mail: *jm@nibleycity.com*

PLEASE SUBMIT TO STATE BY: March 1, 2016

Mail to: MWPP - Department of Environmental Quality
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4300

NOTE: This questionnaire has been compiled for your benefit by a state sponsored task force comprised of representatives of local government and service districts. It is designed to assist you in making an evaluation of your wastewater system and financial planning. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please call, Marsha Case, Utah Division of Water Quality: (801) 536-4342.

I. Definitions: The following terms and definitions may help you complete the worksheets and questionnaire:

User Charge (UC) - A fee established for one or more class(es) of users of the wastewater treatment facilities that generate revenues to pay for costs of the system.

Operation and Maintenance Expense - Expenditures incurred for materials, labor, utilities, and other items necessary for managing and maintaining the facility to achieve or maintain the capacity and performance for which it was designed and constructed.

Repair and Replacement Cost - Expenditures incurred during the useful life of the treatment works for obtaining and installing equipment, accessories, and/or appurtenances necessary to maintain the existing capacity and the performance for which the facility was designed and constructed.

Capital Needs - Cost to construct, upgrade or improve the facility.

Capital Improvement Reserve Account - A reserve established to accumulate funds for construction and/or replacement of treatment facilities, collection lines or other capital improvement needs.

Reserve for Debt Service - A reserve for bond repayment as may be defined in accordance with terms of a bond indenture.

Current Debt Service - Interest and principal costs for debt payable this year.

Repair and Replacement Sinking Fund - A fund to accumulate funds for repairs and maintenance to fixed assets not normally included in operation expenses and for replacement costs (defined above).

Part I: OPERATION AND MAINTENANCE

Complete the following table:

Question	Points Earned	Total
Are revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs <u>at this time?</u>	YES = 0 points NO = 25 points	○
Are the projected revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs for the <u>next five years?</u>	YES = 0 points NO = 25 points	○
Does the facility have sufficient staff to ensure proper O&M?	YES = 0 points NO = 25 points	○
Has a dedicated sinking fund been established to provide for repair & replacement costs?	YES = 0 points NO = 25 points	○
Is the repair & replacement sinking fund adequate to meet anticipated needs?	YES = 0 points NO = 25 points	○
TOTAL PART I =		○

Part II: CAPITAL IMPROVEMENTS

Complete the following table:

Question	Points Earned	Total
Are present revenues collected sufficient to cover all costs and provide funding for capital improvements?	YES = 0 points NO = 25 points	○
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next five years?</u>	YES = 0 points NO = 25 points	○
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next ten years?</u>	YES = 0 points NO = 25 points	○
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next twenty years?</u>	YES = 0 points NO = 25 points	○
Has a dedicated sinking fund been established to provide for future capital improvements?	YES = 0 points NO = 25 points	○
TOTAL PART II =		○

Part III: GENERAL QUESTIONS

Complete the following table:

Question	Points Earned	Total
Is the wastewater treatment fund a separate enterprise fund/account or district?	YES = 0 points NO = 25 points	0
Are you collecting 95% or more of your sewer billings?	YES = 0 points NO = 25 points	0
Is there a review, at least annually, of user fees?	YES = 0 points NO = 25 points	0
Are bond reserve requirements being met if applicable?	YES = 0 points NO = 25 points	0
TOTAL PART III =		0

Part IV: PROJECTED NEEDS

Estimate as best you can the following:

Cost of projected capital improvements (in thousands)	2016	2017	2018	2019	2020
0	0	0	0	0	0

Point Summation

Fill in the values from Parts I through III in the blanks provided in column 1. Add the numbers to determine the MWPP point total that reflects your present financial position for meeting your wastewater needs.

Part	Points
I	0
II	0
III	0
Total	0

Municipal Wastewater Planning Program (MWPP)

Collection System Section

Owner Name: NIBLEY

Name and Title of Contact Person:

JUSTIN MAUGHAN
Public Works Dir

Phone: 435 752-0431

E-mail: jm@nibleycity.com

PLEASE SUBMIT TO STATE BY: March 1, 2016

Mail to: MWPP - Department of Environmental Quality
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4300

Form completed by

JUSTIN MAUGHAN

Part I: SYSTEM AGE

- A. What year was your collection system first constructed (approximately)?

Year 2003

- B. What is the oldest part of your present system?

Oldest part 12 years

Part II: BYPASSES

- A. Please complete the following table:

Question	Number	Points Earned	Total Points
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater in the system due to rain or snowmelt?	<u>0</u>	0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	<u>0</u>
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater due to equipment failure? (except plugged laterals)	<u>0</u>	0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	<u>0</u>
TOTAL PART II =			<u>0</u>

- B. The Utah Sewer Management Program defines sanitary sewer overflows into two classes. Below include the number of SSOs that occurred in 2015:

Number of Class 1 SSOs in Calendar year 2015 0

Number of Class 2 SSOs in Calendar year 2015 0

Class 1 - a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

- (a) effects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the state.

Class 2 – a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Part II: BYPASSES (cont.)

- C. Please specify whether the SSOs were caused a contract or tributary community, etc.

0

Part III: NEW DEVELOPMENT

- A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10 - 20%)?	No = 0 points Yes = 10 points	<u>0</u>
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2- 3 years, such that either flow or BOD ₅ loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	<u>0</u>
TOTAL PART III =		<u>0</u>

- B. Approximate number of new residential sewer connections in the last year

63 new residential connections

- C. Approximate number of new commercial/industrial connections in the last year

1 new commercial/industrial connections

- D. Approximate number of new population serviced in the last year

240 new people served

Part IV: OPERATOR CERTIFICATION

- A. How many collection system operators are currently employed by your facility?

3 collection system operators employed

- B. What is/are the name(s) of your DRC operator(s)?

ROD ELWOOD

- C. You are required to have the collection DRC operator(s) certified at Grade I

What is the current grade of the DRC operator(s)? 42

- D. State of Utah Administrative Rules require all operators considered to be in DRC to be appropriately certified. List all the operators in your system by their certification class.

Not Certified _____

Small Lagoons _____

Collection I _____

Collection II ROD ELWOOD
JUSTIN POPE

Collection III _____

Collection IV JUSTIN MAUGHAN

- E. Please complete the following table:

Question	Points Earned	Total Points
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility? (see C)	Yes = 0 points No = 50 points	0
How many continuing education units has each of the DRC operator(s) completed over the last 3 years?	3 or more = 0 points less than 3 = 10 points	0
TOTAL PART IV =		0

Part V: FACILITY MAINTENANCE

- A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	0
Do you have a written safety plan?	Yes = 0 points No = 20 points	0
TOTAL PART V =		0

Part VI: SSMP EVALUATION

- A. Has your system completed its Sewer System Management Plan (SSMP)?

Yes X NO _____

- B. If the SSMP has been completed then has the SSMP been public noticed?

No _____ Yes, included date of public notice 4 FEB 2016

- C. Has the SSMP been approved by the permittee's governing body at a public meeting?

Yes X NO _____

- D. During the annual assessment of the operation and maintenance plan were any adjustments needed based on the performance of the plan?

No X If yes, what components of the plan were changed (i.e. line cleaning, CCTV inspections and manhole inspections and/or SSO events)

Part VI: SSMP EVALUATION (cont.)

E. During 2015 was any part of the SSMP audited as part of the five year audit?

No X

If yes, what part of the SSMP was audited and were changes made to the SSMP as a result of the audit? _____

F. Has your system completed its *System Evaluation and Capacity Assurance Plan* (SECAP) as defined by the Utah Sewer Management Program?

Yes X NO _____

The following are required completion dates that the SSMP and SECAP based on population. The SSMP and SECAP must be public noticed and approved by the permittee's governing body in order to be considered complete.

Program	Population				
	< 2,000	2,000 - 3,500	3,501 – 15,000	15,001 – 50,000	> 50,000
SSMP	3-31-16	3-31-16	9-30-15	3-31-15	9-30-14
SECAP	Optional	9-30-17	9-30-16	3-31-16	9-30-15

SSMP Signatory Requirement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Signature of Signatory Official

26 FEB 2016
Date

Justin Maughan
Print Name of Signatory Official

Public Works Dir
Title

The signatory official is the person authorized to sign permit documents, per R317-8-3.4.

Part VII: SUBJECTIVE EVALUATION

This section should be with the system operators.

- A. Describe the physical condition of the sewer collection system: (lift stations, etc. included)

THE SEWER SYSTEM IS IN GOOD CONDITION. IT IS 12 YEARS OLD, AND IS INSPECTED AND CLEANED ON A REGULAR BASIS. THE PIPE IS PVC. THERE IS ONE LARGE LIFT STATION, AND THREE SMALL ONES.

- B. What sewerage system improvements does the community have under consideration for the next 10 years?

SEWER MASTER PLAN WAS COMPLETED IN 2015, AND INDICATED ADEQUATE CAPACITY, AND NO MAJOR PROJECTS ARE NEEDED WITHIN THE NEXT TEN YEARS.

- C. Explain what problems, other than plugging have you experienced over the last year

INFILTRATION. TWO MAJOR SOURCES OF INFILTRATION WERE ELIMINATED IN 2015.

- D. Is your community presently involved in formal planning for system expansion/upgrading? If so explain.

- E. Does the municipality/district pay for the continuing education expenses of operators?

ALWAYS X SOMETIMES _____ NO _____

If they do, what percentage is paid?

approximately 100 %

Part VII: SUBJECTIVE EVALUATION (cont.)

- F. Is there a written policy regarding continuing education and training for wastewater operators?

YES _____ NO X

- G. Any additional comments? (Attach additional sheets if necessary.)

POINT SUMMATION

Fill in the values from Parts II through V in the blanks provided in column 1. Add the numbers to determine the MWPP point total that your wastewater facility has generated for the past twelve months.

Part	Points
II	0
III	0
IV	0
V	0
Total	0