



NIBLEY CITY
CITY COUNCIL MEETING AGENDA
Thursday, May 5, 2016
6:30 p.m.

Nibley City Hall
455 West 3200 South
Nibley, Utah 84321

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Annual Presentation by the Nibley Royalty
6. PUBLIC HEARING to receive comment concerning an ordinance adopting an updated Nibley City General Plan
7. Discussion and Consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (First Reading)
8. Presentation of the First Draft of the Fiscal Year 2016-17 Budget
9. Hearing to Revoke a Temporary Vendor License
10. 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 May 5, 2016

Agenda Item #:5

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| Description | Annual Presentation by the Nibley Royalty |
| Department | Community Development and Recreation |
| Presenter | Members of the Nibley Royalty |
| Sponsor | n/a |
| Applicant | n/a |
| Background | The members of the Nibley Royalty will give reports on the service projects they have participated in over the past year. |
| Recommendation | Receive the reports and thank the members of the royalty for their service. |
| Financial Impact | The City budgeted \$1,500 for the Nibley Royalty Program this year. |
| Reviewed By | Mayor, City Manager |

Agenda Item #s 6 & 7

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| Description | <p>7. PUBLIC HEARING to receive comment concerning an ordinance adopting an updated Nibley City General Plan</p> <p>8. Discussion and consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (First Reading)</p> |
| Department | Planning and Zoning |
| Presenter | Shari Phippen, City Planner |
| Sponsor | n/a |
| Applicant | n/a |
| Background | <p>Utah Code 10-9a-401 requires that: "...each municipality shall prepare and adopt a comprehensive, long-range general plan for the present and future needs of the municipality and growth and development of all or any part of the land within the municipality."</p> <p>Nibley City's General Plan was last updated in December 2007. In late 2015, Nibley City contracted with Logan Simpson Design ("LSD"), a Salt Lake based land use consulting firm, to prepare an update to the Nibley City General Plan.</p> <p>Over the past several months, LSD has conducted a number of public open houses and information gathering sessions, reviewed and analyzed current and past City master plans, and has spent many hours in meetings with various public bodies and also with staff.</p> <p>The General Plan, as presented, is broken down into four sections:</p> <ul style="list-style-type: none"> 1- Our Vision 2- Our Foundation 3- Our Framework 4- Our Commitment <p>The first two sections, Our Vision and Our Foundation, discuss the history of the City and provide valuable demographic information and trends which lay the foundation for the final two sections. Our Framework outlines the goals and policies that the City will use to guide how we develop policies, projects and ordinances for the next 7-10 years. Our Commitment outlines the projects that the City will undertake to accomplish those goals and policies.</p> <p>Based on the recommendations in the General Plan, as it stands, having been reviewed and favorably recommended to Council by the Planning Commission, staff has begun to work on a number of ordinances and maps that will implement those goals.</p> |

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| | <p>Specifically, staff is working on the land use map and the Planning Commission will be reviewing that at their next meeting. Also, tonight, the Council will be doing a first reading of an amended annexation area map. The public hearing is scheduled for this evening and if Council feels that it would be effective to schedule another public hearing for the 19th, staff will do that as well.</p> <p>One concern that was raised at the public hearing last night at Planning Commission was the lack of specific references to rural character. While there is significant discussion about open space and preserving natural corridors, and while several of the vision statements imply a need to preserve rural character, LSD has stated that there are several places where it could be more explicitly stated that those goals are in pursuit of a desire to maintain rural character.</p> <p>Either Krissy or Jim from LSD will be at this meeting to address any questions and comments that the Council has or that may be brought up in the public hearing.</p> |
| Recommendation | Advance to 2 nd Reading for Discussion and Adoption |
| Financial Impact | There is no financial impact in the adoption of the General Plan. There will be an undetermined financial impact in implementing the components of the plan. |
| Reviewed By | Mayor, City Manager, City Planner |

Agenda Item #8

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| Description | Presentation of the First Draft of the Fiscal Year 2016-17 Budget |
| Department | City Council and all Departments |
| Presenter | Mayor, City Manager and Department Heads |
| Sponsor | n/a |
| Applicant | n/a |
| Background | <p>The first draft of the budget for the next fiscal year will be presented to the Council and public. Staff will present and review various accomplishments, changes and proposals in the budget.</p> <p>State law requires the City Council to adopt the first draft of the annual budget at the Council's first meeting in May. The final budget will need to be adopted by the second meeting in June. A formal presentation and public hearing will be held at the May 19 meeting and final discussion and adoption is planned for June 2.</p> |
| Recommendation | Make a motion to adopt the first draft of the budget and forward the budget to the public hearing and first reading of the budget resolution and ordinance at the May 19 City Council meeting. |
| Financial Impact | This step in the process has no financial impact and makes no changes to the budget. Various changes are proposed in the budget to the general fund, enterprise funds and other funds but will not take effect until final adoption. |
| Reviewed By | Mayor, City Manager, Department Heads |

Agenda Item #9

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| Description | Hearing to Revoke a Temporary Vendor License |
| Department | Planning and Zoning |
| Presenter | Shari Phippen, City Planner |
| Sponsor | n/a |
| Applicant | n/a |
| Background | <p>On Friday, April 22, the City issued temporary vendor licenses to a number of individuals working for M&M Sales, Inc. These individuals presented the proper paperwork to be issued licenses, including a certified criminal background check.</p> <p>Subsequent to the licenses being issued, one of the individuals was arrested and charged with check fraud directly related to their door-to-door sales. The Sheriff's office contacted City staff on April 26 and advised staff of the criminal charges. The Sheriff's office also informed City staff that the solicitor charged with the crime was currently in Nibley conducting door-to-door sales.</p> <p>Staff consulted with the City Attorney on whether or not the City could revoke the business license for each of the individuals. The Attorney advised staff that the proper procedure would be for the City to suspend the licenses for all of the individuals, pending a formal revocation hearing before the City Council. Staff prepared a notice of suspension, containing the date and time of the hearing, and the notice was personally delivered to the individuals by the Cache County Sheriff's Office on Friday, April 26.</p> <p>City Code 3-4-8 allows for revocation of the licenses for a number of reasons, including fraud.</p> |
| Recommendation | It is staff's recommendation that all licenses issued to M&M Sales, Inc. be revoked and that the company no longer be issued licenses to conduct business in Nibley City. |
| Financial Impact | There was an application fee associated with the license of \$30.00 per employee. There were three employees licensed for this company. The application fee is not refunded if the license is revoked. |
| Reviewed By | Mayor, City Manager, City Planner, Sheriff's Office, City Attorney |

ORDINANCE 16-03

AN ORDINANCE ADOPTING AN UPDATED GENERAL PLAN FOR NIBLEY CITY

WHEREAS, Utah Code Annotated §10-9a-401 requires that all municipalities located within the State of Utah adopt a General Plan; and

WHEREAS, the purpose of the Nibley City General Plan is to plan for current and future needs of the municipality in regards to growth and development; and

WHEREAS, from time to time, it is necessary for cities to amend their general plan to reflect changes that have occurred within the city and to reflect the current values and vision of that city; and

WHEREAS, Nibley City has undertaken to revise its general plan to reflect such changes and growth that have occurred; and

WHEREAS, the attached document reflects the vision of Nibley City and will serve as a guide for growth and development for the near future.

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

The attached document, entitled "Nibley City General Plan" is adopted and

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. 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.
3. 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: _____
City Recorder