



NIBLEY CITY
CITY COUNCIL MEETING AGENDA
Thursday, September 24, 2015 - 6:30 p.m.

Nibley City Hall
455 West 3200 South
Nibley, Utah 84321

Opening Ceremonies
Call to Order
Roll Call

1. Approval of Minutes and Agenda
2. PUBLIC HEARING: A public hearing to receive comment regarding the sale of two surplus parcels owned by the City, located at the southwest corner of 800 West and 2450 South (Parcel #s 03-170-0001 & 03-173-0052)
3. Discussion and Consideration of Resolution 15-08: A RESOLUTION OF THE NIBLEY CITY COUNCIL ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION (First Reading)
4. Appointment of Mayor Shaun Dustin to the Wastewater Treatment Rate Committee
5. Discussion and Consideration of Resolution 15-09: A RESOLUTION OF THE NIBLEY CITY COUNCIL REQUESTING THE RECERTIFICATION OF THE NIBLEY CITY JUSTICE COURT (First Reading)
6. 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.



Nibley City Council Agenda Report for September 24, 2015

Agenda Item #:2

Description	PUBLIC HEARING: A public hearing to receive comment regarding the sale of two surplus parcels owned by the City, located at the southwest corner of 800 West and 2450 South (Parcel #s 03-170-0001 & 03-173-0052)
Department	Planning
Presenter	City Planner
Sponsor	n/a
Applicant	n/a
Background	<p>During the adoption of the Fiscal Year 15/16 Budget, the City Council approved proposed revenue from the sale of two surplus lots on the southwest corner of 800 West and Nibley Park Avenue to be used for the construction of tennis courts at Virgil Gibbons Heritage Park.</p> <p>A proposed ordinance to set guidelines for the sale of real property by the City was adopted by the Council on September 3. That ordinance defined a significant parcel as one that is developable in the zone where it is located and has financial value to the city. These two lots are developable as residential lots. The ordinance also mandates that a public hearing would be held prior to disposal of the property and it designates the notice requirement as a 14-day notice posted in the newspaper, on the state public notice website, the city website and on the land to be sold. Such notices have been given.</p> <p>Previous plans by the city were to develop these lots as park space as a southward extension of Virgil Gibbons Heritage Park and potentially as a veterans memorial. However, in this year's budget the council approved building a veterans memorial instead on the property adjacent to City Hall where the recycle center was previously located, as well as a 20-acre westward expansion of Virgil Gibbons Heritage Park.</p> <p>A future agenda item will be brought to the Council to approve the sale of the properties. There are potentially two interested buyers for the properties and purchase negotiations are underway for one of the properties.</p>
Recommendation	Hold a public hearing and receive input from interested parties.
Financial Impact	The eventual sale of the properties is expected to generate approximately \$75,000, which was proposed in the budget to be spent on the construction of tennis courts at Virgil Gibbons Heritage Park.
Reviewed By	City Manager, City Attorney

Agenda Item #3

Description	Discussion and Consideration of Resolution 15-08: A RESOLUTION OF THE NIBLEY CITY COUNCIL ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION (First Reading)
Department	City Council
Presenter	City Manager
Sponsor	n/a
Applicant	n/a
Background	<p>The Bear River Association of Governments recently prepared and adopted a tri-county Pre-Disaster Mitigation Plan. Nibley City staff participated in the development of that plan. The purposes of the plan are:</p> <ul style="list-style-type: none">• To identify natural hazards for all 42 jurisdictions in Box Elder, Cache, and Rich Counties, understand vulnerabilities to those hazards, and craft solutions that reduce threats to life and property.• Support better decision making and minimize risk.• Utilize existing and planned resources to mitigate effects from natural hazards.• Help local communities and counties comply with the Hazard mitigation Act of 2000 including eligibility for certain federal pre and post-disaster funds. <p>In order for Nibley City to be eligible for those disaster funds, the City must first adopt this plan.</p> <p>The 425-page plan can be viewed at this link:</p> <p>http://brag.utah.gov/pre-disaster-mitigation-plan-draft-2015/</p>
Recommendation	The staff recommendation is that the Council adopt the plan.
Financial Impact	Failure to adopt the plan would make the City ineligible for certain federal disaster funds.
Reviewed By	City Manager

Agenda Item #4

Description	Appointment of Mayor Shaun Dustin to the Wastewater Treatment Rate Committee
Department	City Council
Presenter	Mayor
Sponsor	n/a
Applicant	n/a
Background	<p>At the August 6 City Council meeting, the Council adopted a multi-city agreement pertaining to the treatment of wastewater by Logan City. That agreement established a rate committee which would be composed of members of each of the participating cities.</p> <p>The duties of the committee include:</p> <ul style="list-style-type: none">• Reviewing an annual wastewater treatment report prepared by Logan City• Reviewing Logan's explanation and accounting of Administration Expenses.• Selecting consultants to support User Rate analyses.• Establishing or reaffirming the Fiscal Year User Rate that will serve as the basis for monthly wastewater treatment bills charged to the Parties.• Recommending the annual wastewater treatment operations budget to the Logan City Mayor. <p>It is proposed that Mayor Shaun Dustin be appointed as the representative of Nibley City on that committee.</p>
Recommendation	Provide advice and consent for the appointment.
Financial Impact	One of the primary roles of the representative is to protect Nibley City's financial interests related to wastewater treatment costs.
Reviewed By	Mayor, City Manager

Agenda Item #5

Description	Discussion and Consideration of Resolution 15-09: A RESOLUTION OF THE NIBLEY CITY COUNCIL REQUESTING THE RECERTIFICATION OF THE NIBLEY CITY JUSTICE COURT (First Reading)
Department	Justice Court
Presenter	City Manager
Sponsor	n/a
Applicant	n/a
Background	<p>The City is required to have the Justice Court recertified every four years. This resolution requests that the State Justice Courts Standards Committee and the Utah Judicial Council review our court and consider it for recertification.</p> <p>As part of the process, the city is required to provide three items to the state, including this resolution, an opinion letter from our city attorney, and an affidavit from our judge. Our attorney has provided his opinion letter for the council's reference.</p>
Recommendation	The staff recommendation is that the Council adopt the resolution.
Financial Impact	
Reviewed By	Mayor, City Manager, City Attorney, Justice Court Judge, Court Staff

RESOLUTION 15-08

A RESOLUTION OF THE NIBLEY CITY COUNCIL ADOPTING THE 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION

WHEREAS, the Nibley City Council recognizes the threat that natural hazards pose to people and property within Nibley City; and

WHEREAS, Nibley City has participated in the creation of a multi-hazard mitigation plan, hereby known as the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION identifies mitigation goals and actions to reduce or eliminate long-term risks to people and property in Nibley City from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Nibley City Council demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

NOW, THEREFORE, BE IT RESOLVED BY THE NIBLEY CITY COUNCIL THAT:

The Nibley City Council hereby adopts the 2015 PRE-DISASTER MITIGATION PLAN: BEAR RIVER REGION.

This resolution shall be effective on the date it is adopted.

APPROVED AND ADOPTED by the Nibley City Council this _____ day of _____, 2015.

ATTEST

Shaun Dustin, Mayor

David Zook, City Recorder

RESOLUTION 15-09

A RESOLUTION OF THE NIBLEY CITY COUNCIL REQUESTING THE RECERTIFICATION OF THE NIBLEY CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 31st day of October, 2015; and

WHEREAS, the members of the Nibley City Council have received an opinion letter from Bruce Jorgensen, Nibley City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Nibley City Council have determined that it is in the best interests of Nibley City to continue to provide for a Justice Court;

NOW, THEREFORE, BE IT RESOLVED, the Nibley City Council hereby requests recertification of the Nibley City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Nibley City Council of Nibley City hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Nibley City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

This resolution shall be effective on the date it is adopted.

APPROVED AND ADOPTED by the Nibley City Council this _____ day of _____, 2015.

ATTEST

Shaun Dustin, Mayor

David Zook, City Recorder

Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

August 22, 2015

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

Mayor Shaun Dustin
Nibley City Hall
455 W. 3200 S
Nibley, UT 84321

Dear Mayor Dustin,

State statute requires that municipal justice courts be recertified by the Utah Judicial Council every four years, and the certification for your municipal justice court expires this coming February. Enclosed please find a recertification packet that includes an application for certification. Copies of this packet are also being sent to your justice court judge and city attorney. A copy is available for review on the courts' web site as well at: <http://www.utcourts.gov/courts/just/resources.html>. In order to be recertified, a municipality must submit a resolution adopted by your municipal legislative body that requests recertification and agrees to continue to comply with the operational standards for the term of recertification, an opinion letter from the city attorney, and a completed and signed affidavit submitted by the municipal justice court judge. All three items are described in more detail in the application for recertification.

All three components of the recertification application are due at the Administrative Office of the Courts by October 30, 2015. The completed packet should be mailed to: Justice Court Standards Committee, Attention: Richard Schwermer, Administrative Office of the Courts, P. O. Box 140241, Salt Lake City, UT 84114-0241.

Thank you for your continued commitment to a quality local judiciary, and please call me if you have any questions about this recertification process.

Sincerely,



Richard H. Schwermer
Assistant State Court Administrator

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Enclosure

cc: Municipal Justice Court Judge
City Attorney

**The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.**

OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

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BRUCE L. JORGENSEN
JAMES C. JENKINS
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KEVIN J. FIFE*
JEFFERY B. ADAIR**
KELLY J. SMITH
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CHARLES P. OLSON (1916-1975)

*also licensed in Idaho
**also licensed in Nevada

September 15, 2015

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Mayor Shaun Dustin
David Zook, City Manager
City of Nibley
455 West 3200 South
Nibley, UT 84321

**Re: *Opinion Letter Regarding Recertification of Nibley City Justice Court
Our File No. N-6512.N (N-8438)***

Dear Mayor Dustin and David:

I have reviewed the requirements for the recertification of the Nibley City Justice Court. State law requires a written opinion from the City Attorney advising you of the requirements for the recertification of the Justice Court and of the feasibility of maintaining the Court. This opinion letter is to be submitted with a Court Certification Affidavit completed and signed by the Judge, a copy of a duly passed Resolution of the City Council, requesting the recertification of the Court and affirming the City is willing to meet all requirements for the operation of the Court during the period of certification, and a copy of the City's Court Security Plan, to the Justice Court Standards Committee of the Administrative Office of the Courts by October 30, 2015, in order to properly apply for the recertification of the Court.

The Utah Judicial Council, pursuant to state statute, has set forth the operational standards and the minimum requirements for a justice court. It is my understanding that copies of the statutory operational standards, minimum courtroom/office standards, and the Judicial Council's minimum operational standards/requirements for your court have been sent directly to the City and given to the Judge, so I won't send another set of copies, unless you request them. Please note that these are the minimum requirements and it may be necessary for the Court to exceed these minimum requirements depending on the caseload and the requirements from the state once they have reviewed your application.

In reviewing the operational standards and requirements, it is my opinion that the City of Nibley meets, or can take steps to meet, all requirements concerning the judge, clerks and facilities.

Mayor Shaun Dustin
David Zook, City Manager
City of Nibley
September 15, 2015
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Also, the City meets, or will meet as required, all requirements concerning prosecution, indigent defense, legal resources, law enforcement, bailiff, jury/witness fees, education and reporting.

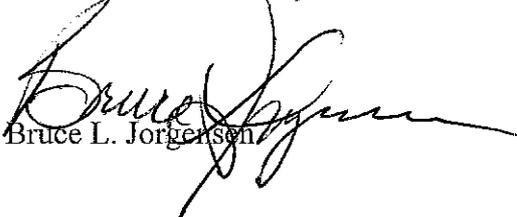
Based upon my review of the operational standards and minimum requirements, upon my discussions with appropriate City officials, and upon my knowledge of the operation of your Justice Court, together with the fact that the Court has been operating for many years now and Judge Cook is well-trained as a Municipal Justice Court Judge, it is my opinion that it is feasible for Nibley to maintain its Justice Court. I anticipate that the services rendered will continue to be professional and that the Justice Court will continue to provide satisfactory services to Nibley.

Judge Cook and his staff have done a good job in operating the Court. It is my opinion that the Nibley City Justice Court can be maintained and that the City should file for recertification with the State Court Administrator's Office, if the City Council determines to do so.

If I can be of further assistance concerning the recertification process, do not hesitate to contact me.

Very truly yours,

OLSON & HOGGAN, P.C.



Bruce L. Jorgensen

BLJ/jhb

cc: Mayor Ed Buist
251 West 300 South
Mendon, Utah 84325

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