



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, January 9, 2020 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Larsen)
2. Swearing-In Ceremony for Newly-elected Officials (City Recorder)
 - a. Councilmember Tom Bernhardt
 - b. Councilmember Nathan Laursen
 - c. Councilmember Kay Sweeten
3. Call to Order and Roll Call (Chair)
4. Approval of the December 12, 2019 Meeting Minutes and Agenda (Chair)
5. Public Comment Period¹ (Chair)
6. Planning Commission Report
7. Discussion and Consideration of Resolution 20-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council
8. Discussion and Consideration of Ordinance 20-01: An Ordinance Requiring All Nibley City Utilities to be in the Property Owners Name (First Reading)
9. Council and Staff Reports

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.

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.

OATH OF OFFICE

State of Utah}
County of Cache}
City of Nibley}

I, **Tom Bernhardt**, having been elected on November 5, 2019 to the

Nibley City Council

Do solemnly swear that I will support, obey and defend

The Constitution of the United States and

The Constitution of this State, and

That I will discharge the duties of my office with fidelity.

Tom Bernhardt

Subscribed and sworn before me this 9th day of January, 2020.

David Zook, Recorder

OATH OF OFFICE

State of Utah}
County of Cache}
City of Nibley}

I, **Nathan Laursen**, having been elected on November 5, 2019 to the

Nibley City Council

Do solemnly swear that I will support, obey and defend

The Constitution of the United States and

The Constitution of this State, and

That I will discharge the duties of my office with fidelity.

Nathan Laursen

Subscribed and sworn before me this 9th day of January, 2020.

David Zook, Recorder

OATH OF OFFICE

State of Utah}
County of Cache}
City of Nibley}

I, **Kay Sweeten** , having been elected on November 5, 2019 to the

Nibley City Council

Do solemnly swear that I will support, obey and defend

The Constitution of the United States and

The Constitution of this State, and

That I will discharge the duties of my office with fidelity.

Kay Sweeten

Subscribed and sworn before me this 9th day of January, 2020.

David Zook, Recorder



**Nibley City Council
Agenda Report for
January 9, 2020**

Agenda Item #7

Description	Discussion and Consideration of Resolution 20-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council
Department	City Council
Presenter	Cheryl Bodily, Deputy Recorder
Recommendation	Make a motion to adopt Resolution 20-01: A Resolution Adopting the Annual Meeting Schedule for the Nibley City Council, with any proposed changes and waive the second reading.
Reviewed By	Mayor, City Manager

Background

State law requires that the City Council meet at least once per month and that it should adopt an annual schedule of those meetings at its first meeting of the year. The proposed schedule plans for two meetings per month, normally on the second and fourth Thursdays of each month. However, there are a few proposed exceptions, as follows:

- There is only one meeting scheduled in April so Councilmembers can attend the ULCT Mid-Year conference being held April 22-24.
- There is only one meeting scheduled in September so Councilmembers can attend the ULCT Annual conference being held September 23-25.
- The schedule proposes only one meeting in the months of November and December to observe Thanksgiving and Christmas Eve.

The schedule presented to Council for adoption also proposes the meeting time remain at 6:30 p.m.

RESOLUTION 20-01

A RESOLUTION ADOPTING THE ANNUAL MEETING SCHEUDLE FOR THE NIBLEY CITY COUNCIL

WHEREAS, the Open and Public Meetings Act, in section 52-4-202(2) of the Utah Code requires that a public body, which holds regular meetings that are scheduled in advance over the course of a year, shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, adopting an annual meeting schedule can make it easier for citizens to be involved in civic affairs by making them aware of normal City Council meeting times.

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

Regular meetings for the Nibley City Council shall be held at Nibley City Hall according to the dates and times listed on the attached schedule, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

The City Council may also convene special or emergency meetings pursuant to the provisions of the Open and Pubic Meeting Act.

Dated this 9th day of January 2020

Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder

The following is hereby adopted as the 2020 Nibley City Council meeting schedule.

The below meeting dates all fall on a Thursday and the normal meeting start time is 6:30 p.m.

2020 City Council Meeting Dates
January 9
January 23
February 13
February 27
March 12
March 26
April 9
May 14
May 28
June 11
June 25
July 9
July 23
August 13
August 27
September 10
October 8
October 22
November 12
December 10
January 14, 2021

The normal schedule for Council meetings is for meetings to be held at 6:30 p.m. on the second and fourth Thursdays of each month. However, exceptions sometimes occur due to holidays, scheduling conflicts or other needs.

There may be circumstances that arise which may cause a meeting to be cancelled or for a special or emergency meeting to be scheduled, pursuant to the provisions of the Open and Public Meetings Act. Notifications will be made as soon as reasonably possible in the event of a cancellation or special/emergency meeting.

Agenda Item #8

Description	Discussion and Consideration of Ordinance 20-01: An Ordinance Requiring All Nibley City Utilities to be in the Property Owners Name (First Reading)
Department	Administration
Presenter	Michelle Jensen, Treasurer and Utility Manager
Recommendation	Move to approve Ordinance 20-01: An Ordinance Requiring All Nibley City Utilities to be in the Property Owners Name for first reading.
Reviewed By	City Manager, City Treasurer and Utility Manager, City Attorney

Background

Private-property owners in Nibley who might be renting their property to a resident or business tenant can check credit and references before deciding to allow that person to rent from them. However, as a municipality, Nibley City cannot be selective about who receives utility services. Under current city policy, the City is required to provide services if the applicant does not owe an outstanding balance. Currently, when renters leave town without paying, a private-property owner can sign up a new renter immediately without paying the debt owed to the City from the previous renter. These accounts then become difficult to collect.

When a renter leaves and a new renter checks in, the City cannot shut off utilities for the new renter as a mechanism to make the former renter pay. Each month, the City opens an average of 6 new utility accounts for renters. This creates extra paperwork and clutters the City's accounting software with multiple renters for the address, when instead it would be simpler to only have one account with the single property owner as potentially multiple renters come and go. Conflicts also often arise when there are disputes between when a renter tells the city they have moved out and when the landlord thinks they need to assume responsibility for utilities.

The solution that is being presented is for owners to be responsible for the utilities. In the case of a rental home where a utility bill isn't paid, utilities could be shut off and remain off until the debt is paid and the outstanding debt would be easier to collect. Utility accounts would also

remain in the name of owner as renters come and go. All new utility accounts would require proof of ownership to be provided to the City via recorded documents.

Private-property owners can still require their renter to pay the bill monthly, but the owner is ultimately responsible. If owners choose to have a renter or property management company receive the bill, then the owner will need to sign an agreement stating they understand that owner is ultimately responsible.

The following options will be available to assist the owner:

- Provide access to both the landlord and tenant to the City's electronic/online billing system
- Mail a paper bill to either the owner or tenant

ORDINANCE 20-01

AN ORDINANCE ESTABLISHING OWNER RESPONSIBILITY FOR RESIDENTIAL AND COMMERCIAL UTILITY ACCOUNTS

WHEREAS, Nibley City operates and collects fees for sewer, water, and stormwater utilities; and

WHEREAS, Nibley City collects fees for solid waste and emergency communication services, which are provided by Logan City; and

WHEREAS, the City anticipates that there will be a growing number of rental dwellings within the City limits; and

WHEREAS, the City desires to ensure regular collection of utility payments from renters; and

WHEREAS, collecting utility fees from renters has proven to be more difficult than collections from property owners.

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

1. The attached ordinance is hereby adopted as Nibley Code 15.2.020 as modified.
2. All ordinances, resolutions and polices 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 and law, order, resolution or ordinance or part thereof.
3. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS 9 DAY OF January 2020.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

15.02.020 Applications For Connection, Service

- A. Connection: Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the city water system, shall file with the water department for each such connection a written and signed connection application which is on file in the office of the water department.
- B. Connection By Subdividers: Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement, which shall constitute an application for permission to make the extensions and connections, and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.
- C. Service: Any person who desires or is required to secure water service when such service is available from the city water system, shall file with the water department a written application and agreement for the service which is on file in the office of the water department.
- ~~D. Nonowner Applicants: Applications for water service made by the tenant of an owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent which is on file in the office of the water department.~~
- E. No landowner, person, subdivider or developer's application to connect to Nibley City's water and sewer system will be considered unless the property noted on the application is within Nibley City limits. No application for connection or service will be considered from outside Nibley City limits until the property is properly annexed into Nibley City. The City Council may make exceptions for public entities.
- F. Owners of record of dwellings and commercial buildings are responsible for any and all City utility usage associated with their property. As such, owners of all dwellings and commercial buildings in the City are responsible for the payment of City Utilities provided to their property.
- G. Only property owners of record may apply for residential and commercial utilities provided by the City.
- H. Residential and commercial utility customers are required to provide documentation proving property ownership prior to receiving City Utility services.