



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, January 13, 2022 – 6:30 p.m.

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at www.nibleycity.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Laursen)
2. Call to Order and Roll Call (Chair)
3. Approval of the January 3, 2022 Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. **Discussion & Consideration** – Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council (First Reading)
6. **Discussion & Consideration** – Resolution 22-05: Establishing a Policy for Council Actions and Minutes (First Reading)
7. **Discussion & Consideration** – Resolution 22-03: A Resolution Appointing Nibley City’s Representative to the Cache Mosquito Abatement District Board of Trustees (First Reading)
8. **Discussion & Consideration** – Ordinance 22-01: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions (Second Reading)
9. **Discussion & Consideration** – Ordinance 22-02: Updating Nibley City Code in Reference to the Nibley City Consolidated Fee Schedule (First Reading)
10. **Discussion & Consideration** – Resolution 22-01: Annual Amendments to Nibley City’s Consolidated Fee Schedule (First Reading)
11. **Discussion & Consideration** – Resolution 22-02: Resolution Appointing a Nibley City Personnel Appeals Board Chairperson and Board Member (First Reading)
12. **Discussion & Consideration** – Resolution 22-06: A Resolution Approving of New Vision Animal Impound Contract (First Reading)
13. **Discussion** – Discussion About shifting from Box to Teams
14. **Discussion** – Discussion About Ranked Choice Voting and Public Follow Up
15. **Discussion** – City Council Meeting Opening Ceremonies
16. Council and Staff Report

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.



Agenda Item #5

Description	Discussion and Consideration – Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council (First Reading)
Presenter	Cheryl Bodily, City Recorder
Recommendation	Move to approve the Resolution 22-04: Amending Rules of Procedure and Order for the Nibley City Council
Reviewed By	Mayor, City Manager, City Recorder

Background

This resolution is to reinforce what the Rules of Order are for City Council meetings.
The resolution amends old rules by allowing and defining a substitute motion:

*The substitute motion. If a member wants to completely do away with the initial motion **or motion to amend** that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. A substitute motion might be: "I move that we refer ordinance number 10-1 to the planning commission for its recommendation."*

RESOLUTION 22-04
A RESOLUTION AMENDING RULES OF PROCEDURE AND ORDER
FOR THE NIBLEY CITY COUNCIL

BE IT RESOLVED BY THE NIBLEY CITY COUNCIL THAT:

1. The attached NIBLEY CITY RULES OF PROCEDURE AND ORDER 2022 is hereby amended and adopted as the rules governing the conduct of Nibley City Council meetings.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

Attest: _____
City Recorder

**NIBLEY CITY
RULES OF PROCEDURE and ORDER
2022**

Recognizing that the City Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens' awareness of City Council activities.

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These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, as set forth in state law or local ordinance.

CITY COUNCIL MEETING AGENDA

All meetings of the City Council will have a notice and agenda that complies with the Utah Open Meetings Act and Nibley City Resolution 11-12.

An item may be placed on the agenda only by the Mayor, or at the request of a majority of council members. The City Manager may recommend agenda items to the Mayor.

Agenda items (except for emergency meetings) must be submitted to the City Recorder at least the Friday before the date of the meeting.

ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:

- The Mayor shall preside at meetings of the City Council.
- The Mayor may participate in discussion of all matters.
- The Mayor shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council's rules of procedure are followed and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the City's adopted rules of parliamentary procedure and how to apply it.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Council members who talk too much or too often.

- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:

- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the City Council.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Shall be dedicated to the effective use of the City's available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- City business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

ETHICS

The mayor and council members shall comply with the Utah Municipal Officers and Employees Ethics Act as found in Utah Code 10-3-1301 et seq.

PARLIAMENTARY RULES:

The following may be referred to as the City's Rules of Order and shall be the parliamentary rules for conducting the business of the City. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and Councilmembers in its intended application.

RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the City Council's agreed-upon roadmap for the meeting.

PROCEDURE. Each agenda item will be handled by the Mayor in the following basic format:

First, the Mayor should clearly announce the agenda item number and should clearly state what the agenda item subject is.

Second, following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a member of the City Council, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Mayor should ask members of the City Council if they have any technical questions of clarification. At this point, members of the City Council may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Mayor should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Mayor may limit the time of each public speakers. At the conclusion of the public comments, the Mayor should announce that the public hearing is closed.

Fifth, the Mayor should invite a motion. The Mayor should announce the name of the member of the City Council who makes the motion.

Sixth, the Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member of the City Council who seconds the motion. If there is no second then the item will be deemed concluded without decision

Seventh, if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the City Recorder to repeat the motion.

Eighth, the Mayor should now invite discussion of the motion by the City Council. If there is no desired discussion, or after the discussion has ended, the Mayor should announce that the City Council will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Mayor takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the council.

Tenth, the Mayor should announce the result of the vote and should announce what action (if any) the City Council has taken.

PURPOSE OF THE RULE: All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition, the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

RULE NO 2: Any matter that requires a City Council decision shall be brought before the Council by motion.

PROCEDURE. The procedure for any motion shall be as follows: First, the Mayor should recognize the member of the City Council. Second, the member of the City Council makes a motion by preceding the member's desired approach with the words: "I move "

So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

The Mayor usually initiates the motion by either (1) Inviting the members of the City Council to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the City Council. "A motion would be in order that we give the City Attorney a raise in pay." (3) Making the motion. As noted, the Mayor has every right as a member of the City Council to make a motion, but should normally do so only if the Mayor wishes to make a motion on an item but is convinced that no other member of the City Council is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the City Staff.

PURPOSE OF THE RULE. The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

RULE NO 3: One question at a time and one speaker at a time.

PROCEDURE: Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Mayor will call upon the person by name. Once a member has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a council member wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."

PURPOSE OF THE RULE. The purpose is to focus on only one question and to allow council members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

RULE NO 4: The Mayor may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the council.

PROCEDURE: When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is

important to have a formal vote.

Example: The Mayor states, "If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, "I object" the matter is then put to a vote.

The Mayor states, "An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes."

PURPOSE OF THE RULE. General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

RULE NO 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

PROCEDURE: The initial motion. The initial motion is the one that puts forward an item for the City Council's consideration. An initial motion might be: "I move that we adopt ordinance number 10-1 as presented."

The motion to amend. If a member wants to change the initial motion that is before the City Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to adopt ordinance number 10-1 with changes in paragraph 1 as follows _____" A motion to amend takes the initial motion which is before the City Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion or motion to amend that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. A substitute motion might be: "I move that we refer ordinance number 10-1 to the planning commission for its recommendation."

PURPOSE OF-THE RULE. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend", but the Mayor determines that it is really a "substitute motion", then the Mayor's designation governs.

RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them.

PROCEDURE: When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume

the first motion is a basic "motion to adopt ordinance 10-1." During the discussion of this motion, a member might make a second motion to "amend the main motion to adopt ordinance 10-1 with changes in paragraph 1 as follows . . . " And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we refer the matter to the planning commission." The proper procedure would be as follows:

First, the Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment. If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format, or, if amended, would be in its amended format.

PURPOSE OF THE RULE: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

RULE NO 7: The debate can continue as long as members of the City Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. The following motions are not debatable--a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

PROCEDURE. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the City Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate on the motion):

A motion to adjourn. This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the City Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the City Council to adjourn the

meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the City Council: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future city council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the City Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the City Council.

PURPOSE OF THE RULE. Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

RULE NO 8: Three yes votes are required to pass any item before the council with limited exceptions. The exceptions include a motion to go into close session (executive session) which requires a 2/3 vote of the members present and when the mayor is entitled to vote where specifically allowed by state law on matters that add to or diminish the mayor's powers. The Mayor is also entitled to vote when there is a tie vote of the council.

PROCEDURE. If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.

PURPOSE OF THE RULE. Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and the mayor may vote as allowed by state statute.

RULE NO 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the City Council if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Council unless the number of members of the council present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.

PROCEDURE. If such a member has a change of heart, he or she can make the motion to reconsider

(any other member of the City Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

PURPOSE OF THE RULE. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the City Council again and again. That would defeat the purpose of finality. If the motion to reconsider passes, then the original matter is back before the City Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

RULE NO 10: The Mayor and council members shall adhere to the code of conduct.

PROCEDURE. The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the City Council. There are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

Privilege. The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

Order. The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

Withdraw a motion. To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

PURPOSE OF THE RULE. Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the City Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the City Council to maintain common courtesy and

decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

RESIDENTS' RIGHT TO BE HEARD:

It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the appropriate portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Mayor.
- If a representative is elected to speak for a group, the Mayor may approve an increased _ time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command or the City Manager.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Mayor, or a two thirds majority of the Council, shall be removed from Council chambers by law enforcement personnel or other agent designated by City Council or City Manager.

Agenda Item #6

Description	Discussion and Consideration – Resolution 22-05: Establishing a Policy for Council Actions and Minutes (First Reading)
Presenter	Cheryl Bodily, City Recorder
Recommendation	Move to approve the Resolution 22-05: Establishing a Policy for Council Actions and Minutes
Reviewed By	Mayor, City Manager, City Recorder

Background

This resolution clarifies when first and second readings are required and establishes procedures for conducting first and second readings. The resolution also sets a timeframe for posting proposed and final, proposed agendas and meeting information packets.

Resolution 22-05

A RESOLUTION ESTABLISHING A POLICY FOR COUNCIL ACTIONS AND MINUTES*

To provides more opportunities for interested parties to review and become familiar with items being considered by the Nibley City Council, the following rules for adoption of ordinances and resolution is hereby adopted:

1. Ordinances and resolutions shall be given at least two readings in at least two separate meetings before the City Council except as noted in items 2 below:

On the first reading, the ordinance or resolution shall be either read or explained in sufficient detail for the council to gain a good understanding of its intent and purpose. Questions may be asked for clarification and for better understanding, but it is not the intent that the proposal be debated and/or amended at this time.

If the ordinance or resolution requires a public hearing, the public hearing shall be held at the time of the first reading. If, at the Council's discretion, the proposed ordinance or resolution is substantially modified after the public hearing, the Council may choose to hold an additional public hearing.

An ordinance or resolution that fails to pass at the first reading shall not progress to a second reading.

At the second reading, the Council may debate, amend, pass, or take other appropriate action on the proposed ordinance or resolution.

2. The Council may waive the second reading of an ordinance or resolution, during a motion to approve at first reading, if they feel waving the second reading is necessary for the good governance of the City or the welfare of its citizens.
3. A draft version of the proposed agenda and information packet will be delivered to Council members the Friday before the associated Council meeting.
4. The final version of the proposed agenda and information packet shall be delivered to the city council members, including a revision summary, by the Tuesday before the associated Council meeting.
5. The final version of the proposed agenda and information packet shall be posted on the City website by the Tuesday before the associated Council meeting and in accordance with the Utah Open and Public Meetings Act (Utah Code 52-4).
6. The audio minutes will be available on the City website on the Monday after Council meetings.

*Resolution 22-05 supersedes Resolution 11-12

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

Attest: _____

Agenda Item #7

Description	Discussion & Consideration – Resolution 22-03 Resolution Appointing a Nibley City Representative to the Cache Mosquito Abatement District Board of Trustees (First Reading)
Presenter	Larry Jacobsen, Mayor
Recommendation	Move to approve Resolution 22-03 Resolution Appointing Tom Davis as the Nibley City Representative to the Cache Mosquito Abatement District Board of Trustees (and wave second reading)
Reviewed By	Mayor, City Manager

Background:

The Cache Mosquito Abatement District is a special district approved by voters in 2004 that provides mosquito abatement services for 16 communities, as well as unincorporated areas, in Cache County. The Board of Trustees for the district is composed of a member appointed by each city council and the county council. The board meets the fourth Thursday of each month and governs the operations of the district. Mayor Jacobson proposes the appointment of Nibley City resident Tom Davis as the City's representative on the Board.

RESOLUTION 22-03

**A RESOLUTION APPOINTING NIBLEY CITY'S REPRESENTATIVE TO THE
CACHE MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES**

WHEREAS, Nibley City Mayor with the advice and consent of the City Council, shall appoint Nibley's representative to the Cache Mosquito Abatement District Board of Trustees; and

WHEREAS, it has become necessary for Nibley City to appoint a new representative to the Cache Mosquito Abatement District Board of Trustees; and

WHEREAS, Nibley City wishes to appoint Tom Davis as Nibley City representative to the Cache Mosquito Abatement District Board of Trustees.

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

1. Tom Davis is hereby appointed to serve as the Nibley City representative on the Cache Mosquito Abatement District Board of Trustees beginning January 13, 2022 to December 31, 2024.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2020.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

Agenda Item #8

Description	Discussion & Consideration – Ordinance 21-01: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions (Second Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 21-01: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions, for second reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney

Background:

(from previous meeting)

In November 2020, Nibley City adopted an Accessory Dwelling Unit Ordinance in support of the Nibley City Moderate Income Housing Plan. Specific provisions were developed to mitigate potential impacts on surrounding properties. Under this ordinance an Accessory Dwelling Unit is defined as:

A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

Per this ordinance, an accessory dwelling unit may be either attached/internal to a single-family home or a detached building on the same lot as a single-family dwelling.

In addition to this updated provision of Nibley City Code, the following restrictions were adopted:

1. The property must be owner occupied (or be occupied by a close relative)
2. ADU must be fire, building and health codes.
3. Separate addresses and mailboxes must be places on all ADUs
4. All entrances must be located on the side or rear of the building
5. Two off-street parking spaces, in addition to those required by the primary dwelling must be provided without obstructing access to parking for the primary dwelling and be located behind the front plane of the house.
6. Only One ADU is allowed for each single-family dwelling lot.

7. Short-term rentals are prohibited (although this is proposed to be changed with short-term rental ordinance changes)
8. No ADU may be built in a wetland or flood plain
9. May not install separate water or sewer meters
10. ADUs shall be charged the base rate for water and sewer
11. ADUs are subject to impact fees but may receive a rebate if they are affordable to households below 50% AMI.
12. ADUs have a minimum square footage of 300 sq. ft. Detached ADUs have a maximum square footage of 1,200 sq. ft.
13. Detached ADUs are not permitted on lots smaller than 12,000 sq. ft.
14. The total square footage of the ADU shall not occupy more than 25% of the rear yard.
15. Detached ADUs are limited to 2 stories with increased setbacks of 20 feet when they are greater than 1 story.

Per this ordinance, ADUs are considered a permitted use that require administrative approval. Since adopting this ordinance, there has not been one permit submitted for an ADU within Nibley City.

In addition to allowing for both attached (or internal) and detached ADUs with restrictions, 'Two-family housing' is currently listed as a permitted use within all residential zones and a conditional use within commercial and industrial zones. However, single-family lots within R-PUD overlay areas are limited to single-family dwellings. Two-family housing is defined as 'a single building that is situated on one lot and that contains two (2) dwelling units.' Under this definition, there is overlap with a detached or internal dwelling unit located within a single-family dwelling and a two-family dwelling. In other words, in most cases, what would be considered a detached accessory dwelling unit can also be considered a two-family dwelling.

2021 State Code Update

During the 2021 Legislative Session, HB 82 was passed which mandates Cities and Counties to permit 'Internal Accessory Dwelling Units' (IADU) as a permitted land use in all single-family residential zones and prohibits municipalities from establishing restrictions for IADUs with limited exceptions.

Under this bill, Internal Accessory Dwellings Units are defined as:

an accessory dwelling unit created:

- i. within a primary dwelling.
- ii. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.

'Primary dwelling' means a single-family dwelling that:

- i. is detached; and
- ii. is occupied as the primary residence of the owner of record.

Under State Code IADUs must be permitted, but can be adopted with the following restrictions:

1. May be limited to long-term rentals of 30 days or longer.
2. May require that residence is occupied by owner of record.
3. May limit to one IADU per lot
4. May prohibit the installation of separate utility meter.
5. May not limit the square footage of the IADU.
6. May require IADU to comply with building, health and fire codes.
7. Require that an IADU be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling
8. May require one additional on-site parking space
9. May prohibit an IADU within a mobile home
10. May require a business license for renting the unit
11. May prohibit the creation of IADUs within a zoning district covering 25% or less of the total area of the City.
12. May prohibit IADUs if the primary dwelling is served by a failing septic tank
13. May prohibit the creation of an IADU on lots less than 6,000 sq. ft.
14. May hold a lien against a property with IADUs if any provisions of the code are not upheld.

Recommended Code Changes

In order to align Nibley City Code with State Code and clarify our existing ordinance, in consultation with the Planning Commission, Staff recommends amending the definition of 'Two-family housing' to be inclusive of IADUs and amend the ADU ordinance to only apply to detached ADUs. As stated above, Utah State Code only allows City's to require one additional parking space for an IADU. As Staff is not recommending to decipher between an IADU and other two-family dwellings, Staff recommends simply requiring one additional parking stall for a two-family dwelling for a total of 3 stalls independent of garage space. In addition, it has been recommended to require that one of the units shall be owner-occupied, consistent with the provision for detached ADUs. For detached ADU's, the Planning Commission recommended limiting uses to residential and prohibiting commercial or industrial uses.

In addition to ADUs on residential lots, the existing ordinance allows for up to two ADUs attached to commercial buildings. This can be considered a 'commercial/residential mixed-use' building. In order to avoid confusion with the revised definition of ADUs, Staff recommends removing the provision related to commercial ADUs and replacing this with an allowance for commercial/residential mixed use in all zones as a conditional use provided that the proposed uses are listed as an allowed use. For example, within a commercial zone, two-family housing and a bakery within the same building and would be allowed as a conditional use. However, this would not be allowed in a R-2 zone since 'bakery' is not allowed in a R-2 zone. A conditional use is recommended, as depending upon the mix of uses, mitigating measures may be necessary. Based upon a discussion

with the Planning Commission, it is also recommended to clarify that commercial/residential mixed-use is limited to uses located within the same building.

The Planning Commission recommended approval of this ordinance, as presented.

ORDINANCE 21-01

AMENDING ACCESSORY DWELLING UNIT, TWO-FAMILY HOUSING AND MIXED-USE PROVISIONS

WHEREAS, UCA 10-9a-230 provides limitations for cities to regulate internal accessory dwelling units; and

WHEREAS, The impacts of internal accessory dwelling units and other two-family dwellings are sufficiently similar and should be managed and regulated as such;

WHEREAS, Nibley City promotes the provision of a variety of affordable moderate-income housing options; and

WHEREAS, Nibley City promotes the preservation of existing neighborhoods, while providing for population growth within the City.

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

1. The attached amendments to NCC 19.04.010, 19.24.160, and 19.24.250 be adopted.
2. 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.
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 16 DAY OF DECEMBER, 2021.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

19.04.010 Definitions

ACCESSORY DWELLING UNIT: A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in NCC 19.24.250 and only in those zoning districts where the use is listed as a permitted use.

BONA FIDE TEMPORARY ABSENCE: A specified time during which a property is not owner occupied. Such time shall be no more than 90 days within any 180 day period. Longer absences are allowed for military, humanitarian, or religious service.

HOUSING, TWO-FAMILY: A single building that is situated on one lot and that contains two (2) dwelling units. An internal accessory dwelling unit (IADU) as defined by Utah State Code shall be considered two-family housing.

OWNER OCCUPIED: The owner(s) of the property, including a trustor or trustee of a trust that is the record owner, or an individual related to an owner of the property within and including two degrees of consanguinity residing on the property.

RESIDENTIAL/COMMERCIAL MIXED-USE: The use of both residential use(s) and commercial use(s) on the same lot or parcel. The mix of uses shall be limited to those in NCC 19.20.020. Residential and Commercial Uses shall have separate accesses and meet all requirements of the zone and use, as provided by Nibley City Code.

19.20.020 Land Use Chart **Nibley City Land Use Chart**

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A
R-2:	Residential Zone R-2

Commented [LR1]: Add each definition to appropriate location within alphabetical list.

Commented [RP2]: Are there any other standards for two-family/IADU per state code? Or is the intent to just allow two units within one building per fire/building code?

Also, parking under 19.24.160(B) seems to require 2 parking spots per each dwelling unit, but state law says we can only require 1 extra parking spot for an IADU (detached ADU we can do whatever). May need to add another line or to the parking requirement or otherwise amend the parking code specific to IADU parking requirements.

Commented [LR3R2]: 19.24.160(B) is amended below to come into compliance with State Code. To be consistent with the rest of the ordinance, Staff recommends requiring one additional space for an additional housing unit or 3 total for two-family housing.

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R-2A:	Residential Zone R-2A
R-M:	Mixed Residential Zone
P/S:	Park/School
C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	A	R-E	R-I	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Residential											
Assisted Living Facility	C	C	NP	NP	NP	NP	P	NP	C	C	NP
Artisan Shop	C	C	C	C	C	C	C	NP	C	C	C
Bed and Breakfast Inn	C	C	C	C	NP	NP	P	NP	C	C	NP
Building moved from another site	C	C	C	C	C	C	C	C	C	C	C
Residential/Commercial Mixed Use ⁶	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
Group Living Facility ¹	C	C	C	C	C	C	C	NP	NP	NP	NP
Home Occupation	C	C	C	C	C	C	C	NP	NP	NP	NP
Home Office	P	P	P	P	P	P	P	NP	NP	NP	NP
Housing, Short-Term Rental ⁴	CP	CP	CP	CP	CP	CP	CP	NP	NPP	NPP	NPI
Housing, Single-Family	P	P	P	P	P	P	P	NP	C	C	C
Housing, Multi-Family	NP	NP	NP	NP	NP	NP	P	NP	NP	<u>NP</u>	<u>NP</u>

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Commented [LR4]: Part of pending short-term rental ordinance.

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Housing, Two-Family ⁵	P	P	P	P	P	P	NP	NP	C	C	C
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Nursing Home	C	C	C	C	C	C	C	NP	C	C	NP
Temporary Office/Model Home	C	C	C	C	C	C	C	NP	C	C	C
Accessory Dwelling Unit ³	P	P	P	P	P	P	P	P	P	P	P

Commented [RP5]: I assume not permitted because this would be multi-family only?

Commented [LR6R5]: This was an oversight with the original ordinance. Added as permitted.

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Commented [RP7]: Just to be clear, Nibley will allow three units per residential lot. Two within the "main" dwelling (primary DU, IADU) and one within an accessory structure.

Commented [LR8R7]: No. They are only allowed on single-family lots. This is clarified 19.24.250(D)(6) below.

Commented [LR9]: Part of pending short-term rental ordinance.

1. Group living facilities are governed by NCC 19.42
2. Any land use not listed is not permitted
3. Accessory dwelling units are governed by NCC 19.24.250

4. Short-term rental housing is governed by NCC 19.24.260

5. For Two-family housing, one of the units shall be owner-occupied, except for bona fide temporary absences

6. Residential/Commercial Mixed-Use is limited to residential and commercial uses allowed for each zone. Any mix of commercial and residential uses on a single lot shall be located within the same building.

19.24.160 Parking Requirements

1. General Requirements: Except as herein provided, no building or structure shall be erected, altered or converted for or to any use unless there shall be provided on the lot or parcel, off street vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained herein, except that an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.
2. Specific Requirements: In all districts, the following schedule shall apply:

Churches, theaters, meeting rooms, places of public assembly	1 space per 5 fixed seats and 1 space per 50 square feet of floor area for movable seats under maximum seating arrangement
Drive-in food establishments	1 space per 100 square feet of floor space, but not less than 10 spaces
Hospitals, convalescent	1 space per each 2 beds

homes, nursing homes	
Professional offices such as doctors, lawyers, dentists, chiropractors, insurance offices, real estate brokers, beauticians	3 spaces per professional member, plus 1 space per professional and staff employee
Residential dwelling units	2 off-street spaces in addition to any carport or garage for each single-family dwelling units. <u>3 off-street spaces in addition to any carport or garage for two-family dwelling units,</u> <u>plus 1 space for every 2 paying guests. (Paying guests refers to the rental of sleeping rooms within the dwelling unit.)</u> If any dwelling unit is increased by occupant use <u>added</u> after the original building permit is issued, the parking requirements shall reflect that increase. <u>Additional parking standards for residential dwelling units within R-PUD overlay zones are provided in NCC 19.28. Additional parking standards for residential dwelling units within R-M zones are provided in NCC 19.20.040.</u>
Restaurant, cafeteria, cafe	1 space per 4 fixed seats, plus 1 space per each 40 square feet of floor area for movable seats under maximum seating arrangement
Retail stores, businesses selling or catering to the public, recreational places of assembly	1 space per 200 square feet of floor space
Other uses not listed	1.5 spaces per 2 employees working on highest employment shift

Commented [LR10]: Per state code, only 1 parking space is allowed to be required for IADUs.

19.24.250 Accessory Dwelling Unit Standards

A. Purpose

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units.
2. The purpose of this chapter is to provide opportunities to develop affordable moderate-income housing by allowing accessory dwelling units in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable. ~~Definitions~~

- ~~3. Accessory Dwelling Unit: A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single family dwelling unit, either within the same building as the single family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a permitted use.~~
- ~~4. Bona fide temporary absence: A specified time during which a property is not owner occupied. Such time shall be no more than 90 days within any 180 day period. Longer absences are allowed for military, humanitarian, or religious service.~~
- ~~5. Owner Occupied: The owner(s) of the property or an individual related to an owner of the property within and including two degrees of consanguinity residing on the property in either the primary dwelling or the accessory dwelling unit.~~

Commented [LR11]: Moved to general land use definition section

B. Accessory Dwelling Unit Approval Required

1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.

C. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
 - a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that the property will be owner-occupied except for bona fide temporary absences
 - b. Floor Plan: A floor plan ~~showing the floor in which of~~ the accessory dwelling unit ~~will be located~~ shall be provided
 - c. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence
 - d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
 - e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.
3. A building permit is required for all new or remodeled accessory dwelling units.
4. A certificate of occupancy is required prior to occupancy of any accessory dwelling unit to ensure compliance with fire, building and health codes.
5. Notification must be sent to abutting property owners with an opportunity to comment to Nibley City Staff within a period of fourteen (14) days from the date of notification.

D. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
2. Owner Occupation. The property shall be owner occupied except for bona fide temporary absences.
3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
4. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.

~~5. All entrances to attached accessory dwelling units shall be located on the rear or side of the building.~~

~~6.5.~~ Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit and shall be located behind the front plane of the primary dwelling. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.

~~7.6.~~ One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling ~~lot. Accessory dwelling units are not allowed on lots that contain a two-family dwelling.~~

~~8. Detached Structures: Accessory dwelling units may be permitted in a detached structure.~~

~~9. Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.~~

~~7.~~ No accessory dwelling unit shall be built on a registered wetland or flood plain.

~~10.8.~~ The use of an accessory dwelling unit shall be limited to residential uses. With the exception of a home occupation, no commercial or industrial uses are permitted within an accessory dwelling unit.

~~11.9.~~ Installation of separate water and sewer meters for accessory dwelling units shall be prohibited.

~~12.10.~~ Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule.

~~13.11.~~ Impact Fees: Accessory dwelling units shall be subject to impact fees for residential buildings in accordance with the Nibley City Impact Fee Schedule.

a. Owners may petition the City for a rebate of impact fees for accessory dwelling units which provide rent that is considered affordable, as described below. The maximum rebate amount shall be set at 20% annually of the total collected impact fee for a period of five (5) years. City Staff shall determine if documentation of rent collected is acceptable. If documentation is not provided within 30 days of each anniversary of the issuance of the certificate of occupancy, the rebate shall be forfeited for that year. The rebate shall be non-transferrable.

1) The unit's rent is considered affordable to a household of four (4) earning 50% of the area median income of the Logan, UT-ID Metropolitan Statistical Area (MSA), according to income limits set by the US Department of Housing and Urban Development (HUD) for a period of five (5) years.

2) The rent limit shall be set using the following calculation: HUD annual 4-person 50% AMI Income Limit * 0.3 (30 %) – \$150 (for utility expenses)

E. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:

a. Shall have the minimum ~~floor area~~size of 300 sq. ft. ~~and a maximum floor area of 1,200 sq. ft.~~

~~b. No detached accessory dwelling units shall be larger than 1,200 sq. ft.~~

~~e.b.~~ Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new one-story detached accessory dwelling unit structures, a minimum rear and side setback of 10 feet is required. ~~For new two-story detached accessory dwelling unit structures, a minimum rear yard and side setback of 20 feet and side yard setback of 10 feet is required.~~

Commented [LR12]: This is redundant to the definition above.

Commented [LR13]: Part of pending short-term rental ordinance.

Commented [RP14]: home occupations?

Commented [LR15]: Side yard requirement is more restrictive than the main house. Staff recommends matching side yard setback to primary structure setback.

~~d.c.~~ Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.

~~e.d.~~ The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.

~~f.e.~~ Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

~~2. Accessory Dwelling Unit Use within Commercial, Neighborhood Commercial, and Industrial Zones~~

~~a. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. Accessory dwelling units shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.~~

~~b. Any Commercial Building shall supply two additional off-street parking for each accessory dwelling unit, in addition to parking required by the commercial use.~~

~~c. Each accessory dwelling unit shall have a separate access apart from the commercial access to the building~~

~~d.f.~~ Each accessory dwelling unit must meet all applicable building, zoning, and fire code requirements.

Commented [LR16]: This is provided for in the definitions and land-use chart as commercial/residential mixed use.

Agenda Item #9

Description	Discussion & Consideration – Ordinance 22-02: Updating Nibley City code in reference to the Nibley City Consolidated Fee Schedule (First Reading)
Presenter	Justin Maughan, City Manager Chad Wright, Recreation Director
Recommendation	Move to approve Resolution 22-02: Updating Nibley City code in reference to the Nibley City Consolidated Fee Schedule (First reading)
Reviewed By	Mayor, City Manager, City Treasurer

Background:

Over the last couple of years, City Council has made changes to fees being charged by the city. Some of those fees are in ordinance, some of the fees only appear on the Consolidated Fee Schedule. In some cases, they have been listed in both, and over the years, have not always reflected the same amounts in both locations. After an extensive review, and recommendation from the City Attorney, staff is proposing that we change all references in the Ordinance that specify a fee amount, to instead reference the amount specified in the Consolidated Fee Schedule. Staff believes that this will simplify recording keeping, and ensure that the proper fees that have been approved by the Council will be charged to residents.

There are a few fees, such as impact fees, that must be set by Ordinance, and those fees will remain in the ordinance, and only referenced, not set, by the Consolidated Fee Schedule.

If this ordinance is adopted, the City Recorder can/will provide a link to Nibley City's Consolidated Fee Schedule in the program that houses Nibley City's municipal codes (ordinances), Municode, so that residents will have ready access to the fee schedule.

The following table is a summary of the proposed Ordinance changes.

Section	Description	Current Ordinance Wording	Proposed Ordinance Wording
1.08.010	Class B Misdemeanor	Class B Misdemeanor: One thousand dollars (\$1,000.00)	Class B Misdemeanor: See current approved fee schedule

1.08.010	Class C Misdemeanor	Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750.00)	Class C Misdemeanor, Infraction: See current approved fee schedule
1.08.010	Class B Misdemeanor Corporation	Class B Misdemeanor: Five thousand dollars (\$5,000.00)	Class B Misdemeanor: See current approved fee schedule
1.08.010	Class C Misdemeanor Corporation	Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00)	Class C Misdemeanor, Infraction: See current approved fee schedule
1.18.020	Copies	Copies; Fee: Any public record of the city may be copied or electronically reproduced for any member of the public on payment to the city recorder the sum of fifty cents (\$0.50) for the first page copied and fifteen cents (\$0.15) for each page copied thereafter, whether the copy is of the same or another document or page.	Copies; Fee: Any public record of the city may be copied or electronically reproduced for any member of the public upon payment to the city recorder for the amount listed on the current approved fee schedule.
1.27.050	Staff time for record retrieval request	After the first quarter hour (15 minutes) of staff time, Nibley City may charge an hourly charge, not exceeding \$15.00 an hour in increments of 15 minutes * *Nibley City requires payment of estimated fees before beginning to process a records request if the fees are expected to exceed \$50.00	After the first quarter hour (15 minutes) of staff time, Nibley City may charge an hourly charge. See the current approved fee schedule for the current rate of charge. * Nibley City requires payment of estimated fees before beginning to process a records request if the fees are expected to exceed \$50.00.
1.27.050	For each copy of public record	For each Copy of Public Record \$.25 per page	For each Copy of Public Record, See current approved fee schedule.
1.27.050	Fax charge per page	Fax \$1.00 per page	(Delete)
1.27.050	CD/DVD/Flash drive	CD/DVD/flash drive, \$15.00 per CD, DVD, or flash drive	CD/DVD/flash drive, See current approved fee schedule.
1.27.050	Certified Copies	\$5.00 per page certified, unless otherwise established by state law.	Certified Copies, See current approved fee schedule.
3.06.160	Arborist Permit	The permit fee shall be twenty five dollars (\$25.00)...liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred	The permit fee shall be listed on the current approved fee schedule provided,...liability insurance requirements for both bodily injury and property damage are listed on

		thousand dollars (\$100,000.00) property damage)	the current approved fee schedule.
3.06.180	Penalty for tree noncompliance	A person violating any provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine not to exceed one thousand dollars (\$1,000.00).	A person violating any provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine of the amount listed on the current approved fees schedule.
7.02.070	Penalty for obstruction noncompliance	Infraction: Any owner subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of an infraction and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010 for each offense, and further sum of ten dollars (\$10.00)...	Infraction: Any owner subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of an infraction and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010 for each offense, and further sum as listed on the current approved fee schedule...
7.06.090	Misuse of Recycle Bin	The minimum fine imposed for a violation of this section shall be in the amount of fifty dollars (\$50.00).	The minimum fine imposed for a violation of this section shall be in the amount listed on the current approved fees schedule.
9.02.020	Animal Control Fine Schedule	Rabies/Vaccine \$150, Licensing Requirements \$150, Animal Waste \$150, Dogs in Prohibited Places \$150, Excessive Barking \$150, Dogs at Large \$150, Animals at Large \$150, Dangerous Animals \$150, Dogs Attacking \$160, Animal Cruelty \$160, Wild Animals \$160, Interference with Impounding \$160	See current approved Consolidated Fee Schedule
9.04.030	Minors; Truancy	Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).	Each offense, upon conviction, is punishable by a fine as listed on the current approved fee schedule.
11.02.040	Parking Infractions	Any person who violates this section shall be guilty of an infraction; and upon conviction, such person shall be subject to a civil penalty of \$25.00 for each offense.	Any person who violates this section shall be guilty of an infraction; and upon conviction, such person shall be subject to a civil penalty as listed on the current approved fee schedule.
13.08.050	Hunting on Public Property	Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).	Each offense, upon conviction, is punishable by a fine as listed on the current approved fee schedule.

13.10.070	Franchise Application Fee	Application Fee: In order to offset the cost to the city to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the city, at the time of application, five hundred dollars (\$500.00)	Application Fee: In order to offset the cost to the city to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the city, at the time of application, an amount as listed on the current approved fee schedule.
13.12.110	Violation; Tree Penalties	Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine not to exceed two hundred ninety nine dollars (\$299.00).	Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine as listed on the current approved fee schedule.
13.14.080	Tree Penalties	Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine not to exceed two hundred ninety nine dollars (\$299.00).	Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine as listed on the current approved fee schedule.
15.02.040	Disconnect Fee for Water	Until such a resolution has been adopted, there shall be an extra charge of fifty dollars (\$50.00) for turning on the water.	Until such a resolution has been adopted, there shall be an extra charge as listed on the current approved fee schedule for turning on the water.
15.04.040	Sanitary Sewer not connected	...by a fine of not less than fifty dollars (\$50.00) for each day of violation, and each day of failure to connect shall be deemed a separate offense.	...by a fine as listed on the current approved fee schedule for each day of violation, and each day of failure to connect shall be deemed a separate offense.
15.10.080	Sewer infractions/ criminal penalties	Infractions: ...\$750...Criminal Penalties; First Offense...\$750.00...Criminal Penalties; Second Offense...\$1,000.00...	Infractions: ... Such penalty shall be consistent with the severity of the violation and shall not exceed the amount listed on the current approved fee schedule. Criminal Penalties; First Offense: Any person violating the provisions of this chapter for the first time may be assessed a class C misdemeanor with a maximum fine per day for each violation as listed on the current approved fee schedule. Criminal Penalties; Second Offense: Any person violating the provisions of this chapter for the second time may be assessed a class B misdemeanor with a maximum fine as listed on the current approved fee schedule per day for each violation.

19.24.150	Electronic Sign Permit	A nonrefundable fee of \$250 shall accompany each EMD Sign Permit application...	A nonrefundable fee as listed on the current approved fee schedule shall accompany each EMD Sign Permit application...
1.10.040	Disorderly Conduct Fine for Council Meetings	Discipline Of Members: The city council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the city council.	Discipline Of Members: The city council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the city council, see current approved fee schedule for the amount of the fine.
5.02.060	10% late chg after 30 days late on bus. licenses	Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.	Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty as listed on the current approved fee schedule shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.
15.10.100	Storm Water Fees	Fees for inspections: Fees for inspections shall be as adopted by resolution through the City Council	See approved Consolidated Fee Schedule for fee amount

ORDINANCE 21-02

**UPDATING NIBLEY CITY CODE IN REFERENCE TO THE NIBLEY CITY
CONSOLIDATED FEE SCHEDULE**

WHEREAS, Nibley City is authorized to access various fees for services; and

WHEREAS, various Nibley City fees are listed in the Consolidated Fee Schedule, some only in ordinance, and some in both locations; and

WHEREAS, when various Nibley City fees listed in both the Consolidated Fee Schedule and ordinance have, in some occurrences, not been listed the same in each location, and

WHEREAS, Nibley desires to maintain and keep accurate records and charge the proper fee amounts set and passed by the City Council.

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

1. The attached amendments to the referenced Nibley City Code sections be changed from Current Ordinance Wording to Proposed Ordinance Wording.
2. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

	Section	Description
1	1.08.010	Class B Misdemeanor
2	1.08.010	Class C Misdemeanor
3	1.08.010	Class B Misdemeanor Corporation
4	1.08.010	Class C Misdemeanor Corporation
5	1.18.020	Copies
6	1.27.050	Staff time for record retrieval request
7	1.27.050	For each copy of public record
8	1.27.050	Fax charge per page
9	1.27.050	CD/DVD/Flash drive
10	1.27.050	Certified Copies
11	3.06.160	Arborist Permit
12	3.06.180	Penalty for tree noncompliance
13	7.02.070	Penalty for obstruction noncompliance
14	7.06.090	Misuse of Recycle Bin
15	9.02.020	Animal Control Fine Schedule

16	9.04.030	Minors; Truancy
17	11.02.040	Parking Infractions
18	13.08.050	Hunting on Public Property
19	13.10.070	Franchise Application Fee
20	13.12.110	Violation; Tree Penalties
21	13.14.080	Tree Penalties
22	15.02.040	Disconnect Fee for Water
23	15.04.040	Sanitary Sewer not connected
24	15.10.080	Storm Sewer infractions/criminal penalties
25	19.24.150	Electronic Sign Permit
26	1.10.040	Disorderly Conduct Fine for Council Meetings
27	5.02.060	10% late chg after 30 days late on bus. licenses
28	15.10.100	Storw Water Fees

Current Ordinance Wording
Class B Misdemeanor: One thousand dollars (\$1,000.00)
Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750.00)
Class B Misdemeanor: Five thousand dollars (\$5,000.00)
Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00)
Copies; Fee: Any public record of the city may be copied or electronically reproduced for any member of the public on payment to the city recorder the sum of fifty cents (\$0.50) for the first page copied and fifteen cents (\$0.15) for each page copied thereafter, whether the copy is of the same or another document or page.
After the first quarter hour (15 minutes) of staff time, Nibley City may charge an hourly charge, not exceeding \$15.00 an hour in increments of 15 minutes * *Nibley City requires payment of estimated fees before beginning to process a records request if the fees are expected to exceed \$50.00
For each Copy of Public Record \$.25 per page
Fax \$1.00 per page
CD/DVD/flash drive, \$15.00 per CD, DVD, or flash drive
\$5.00 per page certified, unless otherwise established by state law.
The permit fee shall be twenty five dollars (\$25.00)...liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage)
A person violating any provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine not to exceed one thousand dollars (\$1,000.00).
Infraction: Any owner subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of an infraction and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010 for each offense, and further sum of ten dollars (\$10.00)...
The minimum fine imposed for a violation of this section shall be in the amount of fifty dollars (\$50.00).
Rabies/Vaccine \$150, Licensing Requirements \$150, Animal Waste \$150, Dogs in Prohibited Places \$150, Excessive Barking \$150, Dogs at Large \$150, Animals at Large \$150, Dangerous Animals \$150, Dogs Attacking \$160, Animal Cruelty \$160, Wild Animals \$160, Interference with Impounding \$160

Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
Any person who violates this section shall be guilty of an infraction; and upon conviction, such person shall be subject to a civil penalty of \$25.00 for each offense.
Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
Application Fee: In order to offset the cost to the city to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the city, at the time of application, five hundred dollars (\$500.00)
Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine not to exceed two hundred ninety nine dollars (\$299.00).
Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine not to exceed two hundred ninety nine dollars (\$299.00).
Until such a resolution has been adopted, there shall be an extra charge of fifty dollars (\$50.00) for turning on the water.
...by a fine of not less than fifty dollars (\$50.00) for each day of violation, and each day of failure to connect shall be deemed a separate offense.
Infractions: ...\$750...Criminal Penalties; First Offense...\$750.00...Criminal Penalties; Second Offense...\$1,000.00...
A nonrefundable fee of \$250 shall accompany each EMD Sign Permit application...
Discipline Of Members: The city council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the city council.
Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.
Fees For Inspections: Fees for inspections shall be as adopted by resolution through the city council.

Proposed Ordinance Wording
Class B Misdemeanor: See current approved Consolidated Fee Schedule
Class C Misdemeanor, Infraction: See current approved Consolidated Fee Schedule
Class B Misdemeanor: See current approved Consolidated Fee Schedule
Class C Misdemeanor, Infraction: See current approved Consolidated Fee Schedule
Copies; Fee: Any public record of the city may be copied or electronically reproduced for any member of the public upon payment to the city recorder for the amount listed on the current approved Consolidated Fee Schedule.
After the first quarter hour (15 minutes) of staff time, Nibley City may charge an hourly charge. See the current approved Consolidated Fee Schedule for the current rate of charge. * Nibley City requires payment of estimated fees before beginning to process a records request if the fees are expected to exceed \$50.00.
For each Copy of Public Record, See current approved Consolidated Fee Schedule.
(Delete)
CD/DVD/flash drive, See current approved Consolidated Fee Schedule.
Certified Copies, See current approved Consolidated Fee Schedule.
The permit fee shall be listed on the current approved Consolidated Fee Schedule provided,...liability insurance requirements for both bodily injury and property damage are listed on the current approved Consolidated Fee Schedule.
A person violating any provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine of the amount listed on the current approved fees schedule.
Infraction: Any owner subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of an infraction and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010 for each offense, and further sum as listed on the current approved Consolidated Fee Schedule...
The minimum fine imposed for a violation of this section shall be in the amount listed on the current approved fees schedule.
See current approved Consolidated Fee Schedule

Each offense, upon conviction, is punishable by a fine as listed on the current approved Consolidated Fee Schedule.
Any person who violates this section shall be guilty of an infraction; and upon conviction, such person shall be subject to a civil penalty as listed on the current approved Consolidated Fee Schedule.
Each offense, upon conviction, is punishable by a fine as listed on the current approved Consolidated Fee Schedule.
Application Fee: In order to offset the cost to the city to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the city, at the time of application, an amount as listed on the current approved Consolidated Fee Schedule.
Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine as listed on the current approved Consolidated Fee Schedule.
Any person violating any of the provisions of this chapter shall be, upon a conviction of a plea of guilty, subject to a fine as listed on the current approved Consolidated Fee Schedule.
Until such a resolution has been adopted, there shall be an extra charge as listed on the current approved Consolidated Fee Schedule for turning on the water.
...by a fine as listed on the current approved Consolidated Fee Schedule for each day of violation, and each day of failure to connect shall be deemed a separate offense.
Infractions: ... Such penalty shall be consistent with the severity of the violation and shall not exceed the amount listed on the current approved Consolidated Fee Schedule. Criminal Penalties; First Offense: Any person violating the provisions of this chapter for the first time may be assessed a class C misdemeanor with a maximum fine per day for each violation as listed on the current approved Consolidated Fee Schedule. Criminal Penalties; Second Offense: Any person violating the provisions of this chapter for the second time may be assessed a class B misdemeanor with a maximum fine as listed on the current approved Consolidated Fee Schedule per day for each violation.
A nonrefundable fee as listed on the current approved Consolidated Fee Schedule shall accompany each EMD Sign Permit application...
Discipline Of Members: The city council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the city council, see current approved Consolidated Fee Schedule for the amount of the fine.
Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty as listed on the current approved Consolidated Fee Schedule shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.
See approved Consolidated Fee Schedule for Fee amount

Agenda Item #10

Description	Discussion & Consideration – Resolution 22-01 Annual Amendments to Nibley City Consolidated Fee Schedule (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Resolution 22-01 Annual Amendments to Nibley City Consolidated Fee Schedule (first reading)
Reviewed By	City Manager, City Treasurer

Background:

Staff would like to conduct an annual review and update of the Consolidated Fee Schedule to make sure proper amounts are being charged.

As noted in the Resolution, this Resolution will supersede previously adopted Resolutions 18-08, 20-08, 20-11, 21-08, 21-15, and 21-20.

RESOLUTION 22-01

A RESOLUTION UPDATING NIBLEY CITY'S CONSOLIDATED FEE SCHEDULE*

WHEREAS, State Law and the City Code empower the Nibley City Council to set rates and charge fees for services provided by the City;

WHEREAS, the City has historically set rates and fees for services through various resolutions from time to time as needed;

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to update the consolidated schedule of all existing rates and fees and to review and update the schedule as needed;

WHEREAS, the rate charged for variance requests and appeal to nuisance violations has been found to be disproportionate with the associated costs to the City.

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

1. The Consolidated Fee Schedule attached hereto as Exhibit A and the rates, fees, and charges set forth therein are hereby enacted and adopted.
2. This Resolution does not repeal, abrogate, annul, or impair in any way the existing resolutions or ordinances of the City except to modify the rates, fees, and charges reflected in the Consolidated Fee Schedule. All rates, fees, or charges not listed in the Consolidated Fee Schedule which are contained in or promulgated pursuant to any current resolution or ordinance shall remain in full force and effect, unless and until duly modified. All resolutions or ordinances which set forth rates, fees, or charges which are contained in the Consolidated Fee Schedule are hereby superseded by the Consolidated Fee Schedule.
3. This Resolution shall take effect immediately upon adoption of this Resolution by the Nibley City Council.

*Resolution 22-01 supersedes Resolutions 18-08, 20-08, 20-11, 21-08, 21-15 and 21-20

Adopted by the Nibley City Council this _____ Day of _____, 2022.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

Utility Service Fees		New/Change	Comments/Considerations
Item	Rate		
Water			
Base Rate			
1" Water Service	\$ 15.50		
2" Water Service	\$ 35.00		
3" Water Service	\$ 65.00		
4" Water Service	\$ 90.00		
5" Water Service	\$ 95.00		
6" Water Service	\$ 105.00		
Rate per 1,000 gallons			
0-5,000 Gallons	Included in base rate		
5,001 - 40,000	\$ 1.05		
40,001 - 65,000	\$ 1.10		
65,001 - 100,000	\$ 1.15		
100,001 +	\$ 1.35		
Townhouses			
Base rate Per unit billed to owner	\$ 15.50		
Town Houses Usage Rate per 1000 gallons Billed to HOA			
0-5,000 Gallons	Included in base rate		
5,001 - 40,000	\$ 1.05		
40,001 - 65,000	\$ 1.10		
65,001 - 100,000	\$ 1.15		
100,001 +	\$ 1.35		
Misc. Water			
Water Reconnect/Disconnect Fee	\$ 50.00		
Extra Territorial Rate	2 X base & usage		
Water Stock/Right Contribution Waiver	\$ 2500.00 Per Acre-Foot Required		
Sewer			
Residential Rate	\$ 52.00	\$ 53.00	Rate in effect 3/21, \$1.00 increase in 3/22
Commercial #1 (0 - 7,000 Gal)	\$ 52.00	\$ 53.00	Rate in effect 3/21, \$1.00 increase in 3/22
Commercial #2 (7,001 - 15,000 Gal)	\$ 104.00	\$ 106.00	Rate in effect 3/21, \$1.00 increase in 3/22
Commercial #3 (15,001 - 25,000 Gal)	\$ 156.00	\$ 159.00	Rate in effect 3/21, \$1.00 increase in 3/22
Commercial #4 (25,001 - 50,000 Gal)	\$ 208.00	\$ 212.00	Rate in effect 3/21, \$1.00 increase in 3/22
Commercial #5 (50,000 Gal & Up)	Manual Calculation		
Pretreatment	Pass through from Logan City		
Stormwater			
Residential	\$ 7.75	\$ 8.00	Rate in effect 7/21, \$.25 increase in 7/2022
Commercial	(Sq. ft. of impervious surface/3,000) x Residential Rate		
Utility Billing Penalties			

Late Fee	\$	5.00
Late Fee Penalty (Calculated from past due balance)		0.0175
Insufficient Funds Fee	\$	30.00
Non-Payment Disconnect/Reconnect Fee	\$	50.00
Door Hanger Fee	\$	25.00

Business Licenses & Fees		New/Change	Comments/Considerations
Item	Rate		
Business License Application Fee	\$ 30.00		
Home Business License Annual Fee (Jan-Dec)	\$ 30.00		
Home Business License 1/2 Year (July - Dec)	\$ 15.00		This fee is listed as \$15.00 per our ordinances as payable for 1/2 year
Commercial & Industrial Business License Initial Fee (Jan-Dec)	\$ 250.00		
Commercial & Industrial Business License Initial Fee (July-Dec)	\$ 125.00		This fee is listed as 1/2 on ordinance; 1/2 of fee is \$125.00.
Commercial & Industrial Business License Renewal Fee (Jan-Dec)	\$ 150.00		
Temporary Vendor/Solicitors Business License (6 Months)	\$ 30.00		
Class B Retail License (Jan-Dec)	\$ 250.00		
Late Fee after February 1	\$ 10.00	10%	Ordinance says 10%, chg ordinance to see fees sheet; also wording difference on date to match ordinance
Fire Marshall Inspection	As charged by Cache County		
Sexually Oriented Business License	Determined by City Council		This fee is required by ordinance to be listed

Building Permits & Impact Fees		New/Change	Comments/Considerations
Impact Fees			
Item	Rate		
Sewer Impact Fee 1" Service	\$ 1,725.00		Fee governed by ordinance
Sewer Impact Fee 1.5" Service	\$ 3,450.00		Fee governed by ordinance
Sewer Impact Fee 2" Service	\$ 5,520.00		Fee governed by ordinance
Sewer Impact Fee 3" Service	\$ 10,349.00		Fee governed by ordinance
Sewer Impact Fee 4" Service	\$ 20,698.00		Fee governed by ordinance
Logan Wastewater Treatment Impact Fee (Set by ordinance 2015)	\$ 2,433.00		Fee governed by ordinance
Logan Wastewater Treatment Impact Fee Collection Fee	\$ 150.00		Nibley administrative charge
Water Impact Fee 1" Service	\$ 1,950.00		Fee governed by ordinance
Water Impact Fee 1.5" Service	\$ 3,900.00		Fee governed by ordinance
Water Impact Fee 2" Service	\$ 6,241.00		Fee governed by ordinance
Water Impact Fee 3" Service	\$ 11,701.00		Fee governed by ordinance
Water Impact Fee 4" Service	\$ 23,403.00	New	Separated it out into SFR and MFR
Park Impact Fee per Single Family Home	\$ 4,500.00	New	Separated it out into SFR and MFR
Park Impact Fee per Multifamily unit	\$ 4,500.00	\$887.00 per unit	New Fee
Transportation Impact Fee Single Family Home		\$688.00 per unit	New Fee
Transportation Impact Fee Multifamily		\$470.00 per unit	New Fee
Transportation Impact Fee Mobile Home		\$2342.00 per 1000 Sq ft	New Fee
Transportation Impact Fee Shopping Center		\$1522.00 per 1000 Sq ft	Increased Fee
Transportation Impact Fee Office	\$ 1,107.00	\$466.00 per 1000 Sq ft	Increased Fee
Transportation Impact Fee Light Industrial	\$ 341.00	\$164.00 per 1000 Sq ft	Reduced Fee
Transportation Impact Fee Warehouse	\$ 242.00 per 1000 Sq ft	\$1426.00 per 1000 Sq ft	Increased Fee
Transportation Impact Fee Institutional		\$786.00 per 1000 Sq ft	Increased Fee
Transportation Impact Fee Hotel	\$ 436.00	\$11,257.00 per 1000 Sq ft	Increased Fee
Transportation Impact Fee Food/Fast Food	\$ 4,363.00	\$46,015.00 per 1000 Sq ft	Increased Fee
Transportation Impact Fee Gas Station/Convenience Fee	\$ 7,950.00		Fee governed by ordinance
Building Permit Fees			where?
Building Permit	Based on a formula		where?
Plan Check Fee	Based on a formula		
Water Connection Fee	\$ 700.00		
Stormwater Inspection Fee Residential	\$ 150.00 Per Year		
Development Fees			
Water Meter 1"	\$ 700.00		
Water Meter 2"	\$ 2,200.00		
Water Meter 3"	\$ 2,994.00		
Water Meter 4"	\$ 3,942.00		
Water Meter 2" - 4 Townhomes	\$ 550.00		
Water Meter 2" - 6 Townhomes	\$ 367.00		
Water Meter Lid	\$ 50.00		
Water Meter Ring or Collar	\$ 50.00		
Water Meter Adjustment (Raise or Lower)	\$ 75.00		
Road Cut Fee	\$ 3,000.00 (1/2 is refundable)		
Street Sign	\$ 300.00		
Sewer Valve Collar	\$ 450.00		
Water Valve Collar	\$ 350.00		
Stormwater Development Inspection Fee	\$ 500.00 Per Year		
P & Z Misc. Applications (Example: building permits, rezone, concept plans, etc.)	\$ 30.00		
Annexation Petition Application	\$ 200.00		Newly listed fee, Ord. 15.10.100
Fee in Lieu of Water Shares	\$2500/acre foot		Listed in ordinance
Asphalt Preservation	\$.25 per Sq Foot		
Sunrise Retention Basin	\$ 2,600.00		Listed in ordinance
Hansen/Zilles Retention Basin (2600 South)	\$ 2,600.00		Listed in ordinance
Miscellaneous Items			
Gas Meter Upgrade Inspection	\$ 25.00		
Permanent Power Upgrade Inspection	\$ 25.00		
Planning and Building Department Credit Card Convenience Fee	3% of Total Invoice		

Dog Licenses & Permits		
Item	Rate	
Dog Registration January-December Spayed/Neutered	\$ 15.00	
Dog Registration January-December Unaltered	\$ 25.00	
Dog Registration July-December Spayed/Neutered	\$ 7.50	
Dog Registration July-December Unaltered	\$ 12.50	
Kennel License - Yearly Renewal	\$ 30.00	
Kennel License Application Fee	\$ 30.00	
Lost Tag	\$ 5.00	
Late Fee (If not paid before March 1)	\$ 10.00	wording change to match ordinance
Cache Humane Society Impound Service Fees	Please refer to contract	
Impound 1st Offence	\$30 first day +\$18 per day thereafter	payable to New Vision Animal Impound
Impound 2nd Offence	\$45 first day +\$18 per day thereafter	payable to New Vision Animal Impound
Impound 3rd Offence	\$60 first day +\$18 per day thereafter	payable to New Vision Animal Impound
Impound Boarding Dog/Cat	\$ 150.00 Per Animal	
Impound Other Domestic Animal Species	\$ 250.00 Per Animal	
Cat Trap Neuter Release (TNR)	\$ 79.00 Per Cat	
TNR excess boarding fee	\$ 30.00 Per Day or Partial Day	
Quarantine Boarding Dog/Cat	\$ 350.00 Per Animal	
Court ordered Hold and Quarantines in Excess of 10 Days	\$ 35.00 Per Day	
Dog Euthanasia & Disposal	\$ 50.00 - \$70.00 Based on Weight	\$35 - \$50 depending on weight
Cat Euthanasia & Disposal	\$ 40.00	
Emergency Veterinary Services	Minimum \$95 Per Hour	
Late Payment Fee	\$ 20.00	
Interest Rate	18% Per Annum	
Animal Control Fine Schedule*		
Item	Rate	
Rabies/Vaccine (ord. 9.02.090)	\$ 150.00	Adding to Fee Schedule
Licensing Requirements (ord. 9.02.050)	\$ 150.00	Adding to Fee Schedule
Animal Waste (ord. 9.02.150)	\$ 150.00	Adding to Fee Schedule
Dogs in Prohibited Places (ord. 9.02.120(H))	\$ 150.00	Adding to Fee Schedule
Excessive Barking (ord. 9.02.120(F))	\$ 150.00	Adding to Fee Schedule
Dogs At Large (ord. 9.02.110)	\$ 150.00	Adding to Fee Schedule
Animals At Large (ord. 9.02.110)	\$ 150.00	Adding to Fee Schedule
Dangerous Animals (ord. 9.02.080)	\$ 500.00	Adding to Fee Schedule - Increased Amount
Dogs Attacking (ord. 9.02.140)	\$ 500.00	Adding to Fee Schedule - Increased Amount
Animal Cruelty (ord. 9.02.060)	\$ 500.00	Adding to Fee Schedule - Increased Amount
Wild Animals (ord. 9.02.070)	\$ 160.00	Adding to Fee Schedule
Interference with Impounding (ord 9.02.130(B))	\$ 160.00	Adding to Fee Schedule

*These fees are payable to the court of jurisdiction, which is currently Hyrum City Court.

|_____|

Charges for Services		New/Change	Comments/Considerations
Planning Review Fees			
Item	Proposed Rate		
Preliminary Plat Filing Fee	\$ 200 + \$10 per lot		
Preliminary Plat Deposit	\$ 1,000.00		Replaced by Plat Filing Fee
Final Plat Filing Fee	\$ 200 + \$10 per lot		
Final Plat Deposit	\$ 2,000.00		Replaced by Engineering Development Review; Final Plat
Engineering Development Review; Final Plat	\$ 1500.00 + \$50.00 per lot		
Final Plat Public Works Inspection Fee	0.075% of Bond Summary		
Minor Subdivision	\$ 200 + \$10 per lot		Replaced by Engineering Development Review; Minor Subdivision
Engineering Development Review; Minor Subdivision	\$500 + \$50 per lot		
Accessory Building Application	\$ 30.00		
Subdivision Amendment Application	\$ 30.00		
Minor-Subdivision Application	\$ 30.00		
RPUD Application	\$ 500.00		
Misc. Planning & Development Application	\$ 30.00		
Community Center Rental			
Small Gathering - Resident	\$ 50.00	\$ 100.00	Increased cost
Small Gathering - Non-resident	\$ 100.00	\$ 150.00	Increased cost
Small Gathering - Deposit	\$ 150.00		
Large Gathering - Resident	\$ 150.00	\$ 200.00	Increased cost
Large Gathering - Non-resident	\$ 300.00	\$ 350.00	Increased cost
Large Gathering - Deposit	\$ 150.00		
Sanitation Cleaning Fee	\$ 50.00		Replaced by increased costs above
Audio Visual Equipment Use	\$ 25.00		
Audio Visual Equipment Deposit	\$ 200.00		
Business, Club, & Public Meetings	Free, With City Manager Approval		
Business, Club, & Public Meetings Deposit	\$ 50.00	\$ 150.00	Increased cost
Building Repair/Maintenance	Actual Costs		
Land Use Variance/Appeal Request			
Variance Request Application	\$ 1,000.00		
Appeal Request Application	\$ 750.00		

Talk to Levi

Recreation (Proposed Updates 22-23)			
Color Key		New	11/30/21 Update
		Clarification	
		Change	
Facility Rentals			
Item	Current Rate	Proposed Rate	Comments/Considerations
Park Pavilion Rental (Heritage, Anhder, Virgil Gibbons, Elk Horn)	\$ 25.00	\$ 35.00	Still significantly subsidizing this, overtime hours for park staff trash/cleaning. Still not keeping up, and getting complaints. Currently @ \$25
Park Pavilion Rental (Elk Horn with Kitchen)		\$ 50.00	Heavily subsidized, overtime hours for park staff trash/cleaning
Park Pavilion Rental Kitchen Cleaning/Damage Deposit (Elk Horn)		\$ 25.00	
Heritage North Enclosed Pavilion (Heated) Rental	\$ -	\$ 50.00	Use of power, heat, heated bathrooms, admin to issue key/code
Heritage North Enclosed (Heated) Park Pavilion DEPOSIT	\$ -	\$ 25.00	To help cover the cost of cleaning/damage if needed
Single Use Athletic Field Rental (Per Field, Per Game/Practice)		\$ 35.00	
Athletic Field Rental (Per Team, Per Season)		\$ 50.00	
Anhder Park Field Lights (Per Day)		\$ 20.00	
Recreation league field use per player/season for NON Nibley City Recreation programs		\$ 3.00	Item description clarified
Field Preparation - Baseball/Softball (includes base setting, dragging, and lining the field)		\$ 25.00	Addressed with Paint Marking
Field Preparation - Athletic Field		\$ 45.00	
Fitness Event Route Marking		\$ 30.00	
Personal Training 1-5 participants / mo. field/facility use [SMALL GROUP]	\$ -	\$ 35.00	"Softball, Soccer, Football and Fitness trainers utilizing fields without permission or regard to park/athletic field schedule. Not contributing to ongoing maintenance of athletic fields/facilities)"
Personal Training 1-5 participants /3 mo. field/facility use [SMALL GROUP]	\$ -	\$ 50.00	" "
Athletic field rental per camp/clinic/day up to 6-50 participants. [MEDIUM GROUP] (may require pavilion rental)		\$ 50.00	Group size clarification
Tournament fee/DAY and or [LARGE GROUP] CAMP/CLINIC/DAY per athletic field use includes: 1 Baseball or Softball field, or 2 grass athletic fields, 1 baseball/softball field prep & pavilion rental if applicable, additional bathroom cleaning/day, and additional garbage removal @ athletic field (typically 51 participants or more)		\$ 225.00	Group size clarification
Tournament athletic field layout and lining (painted) on grass/per field (soccer, lacrosse, football, etc)		\$ 50.00	
Tournament/Event Cleaning Deposit [Applies to Medium and Large Groups]		\$ 300.00	Clarification on applicable group size
Baseball portable mound placement/occurance (dirt mound building for tournaments is NOT available)	\$ 20.00	\$ 35.00	2 people one hour set up & remove and store (not a one person job to move either of our 2 portable mounds). Currently @ \$20
Consessions permit/day (includes access to available onsite electrical outlets, however, a breaker reset for overloaded circuits incurs a \$25 fee per occurrence) Event/League organizers are required to have a copy of food handlers permits onsite throughout the duration of the event		\$ 20.00	
Amphitheatre rental/day (includes access to electricity)		\$ 45.00	
Pickleball court rental/day (includes both courts @ Anhder Park)		\$ 45.00	
Tennis court rental/day (also lined for 4 Pickleball courts @ Anhder Park portable nets NOT provided)		\$ 45.00	
Use of city streets, and or park space for a fun run/walk, includes pavilion rental. Fee also applies to parades. Route layout provided by the organizer, must be approved 14 days prior to the event.		\$ 75.00	
Per hour, per person of paint marking of a fun run/walk or other fitness event (painting arrows and or start & finish line, with washable paint, does NOT include directional traffic cones, road closed, detours, or other signage). Organizer pays estimate prior to event, billed the difference if actual cost more than estimate		\$ 35.00	
Traffic Control set up per hour per person. Cones, baracades, road closed/detour for an event (ie fun run/walk fitness events, parades or similar) Organizer pays estimate prior to event, billed the difference if actual cost more than estimate		\$ 75.00	
Ticketed event (including entrance fees and suggested donations for participation or entrance)		\$ 200.00	
General Notes regarding Parks and Recreation facility rentals/use/and fees			
Tournament/Event Cleaning Deposit			
Deposits are refundable if the facility/field is left clean and without damages. Deposits, if not refunded, are intended to cover the cost of additional cleaning or minor damage beyond normal use if such is needed. If the cost of cleaning or damage repairs resulting from use of any facility exceeds the deposit, the City reserves the right to charge the user for any additional costs incurred.			
Inclement Weather & Refund Policy			

The event/league organizer assumes the risk of cancellation due to incimate weather. If event/league organizer requests re-scheduling due to incimate weather it is based on facility availability and will be at the discretion of Nibley City only if alternate dates are available. Facility fees are non-refundable unless a refund has been requested in writing 14 days prior to the event.		
Movies:		
Use of any city property to show a movie requires proof of movie licensing, at least 7 days prior to the event. If the event organizer requires an entrance fee including a suggested donation, a ticketed event fee applies. Nibley City audio/visual equipment and movie screen are NOT available to rent. Nibley City reserves the right to prohibit an outdoor movie if the proposed event is held with-in 30 days of a scheduled Nibley City outdoor movie in the park.		
Fun Runs and outdoor fitness events:		
A pavilion rental is required (included in fee), if the start or finish line is in Nibley, traffic safety provided by the Cache County Sheriff or equivalent is NOT included in the fee, The organizer may be required to provide additional porta-potties based on estimated #'s. Nibley City reserves the right to prohibit a fun run/walk or other fitness event if it is held with-in 45 days of a scheduled Nibley City outdoor fun run/walk or similar Nibley City outdoor fitness event.		
Field and street marking restrictions:		
All athletic field, event space, and or street marking must be performed by Nibley City employees, otherwise renter assumes costs for damages and or cleaning. Failure to comply may also result in becoming ineligible to rent facilities.		
Per Player Non-city recreation league fee and fee determination:		
Per Player fee available to leagues that do not require a tryout and allow anyone to sign up regardless of ability. The Nibley City Recreation Director will determine if a clinic/camp, per team, or per player fee is the most appropriate fee.		
Ticketed events		
All ticketed events must be pre-approved by the Nibley City Special Events Committee at least 30 days prior to the event. Event insurance is required for these events and the event may require a business license. Nibley City does NOT provide any access control in the form of fencing, gates, cones, or barriers, other than permeant structures (i.e.. fences) already available at facility.		
Cache County School District, and Thomas Edison Charter School Use		
Nibley City reserves the right to waive fees and or requirements except the insurance requirement, for facility use by Thomas Edison Charter School and Cache County School District schools, and associated organizations including a school PTA, based on shared use interlocal agreements.		
Baseball		
Classic T-Ball	\$ 30.00	\$ 40.00
Rookie	\$ 30.00	\$ 40.00
Minors	\$ 60.00	\$ 70.00
Majors	\$ 65.00	\$ 75.00
Pony	\$ 75.00	\$ 85.00
Early Bird Discount		\$ (10.00)
Softball		
Ponytail (6-8)	\$ 30.00	\$ 40.00
Fast Pitch (10 & Under)	\$ 35.00	\$ 45.00
Fast Pitch (12 & Under)	\$ 40.00	\$ 50.00
Fast Pitch (14 & Under)	\$ 40.00	\$ 50.00
Early Bird Discount		\$ (10.00)
Super Start		
T-Ball (3-4) Fee	\$ 30.00	\$ 40.00
Soccer (3-4) Fee	\$ 30.00	\$ 40.00
Reversible Soccer Jersey		\$ 7.00
Early Bird Discount		\$ (10.00)
Flag Football		
1st & 2nd Grade League	\$ 35.00	\$ 45.00
3rd & 4th Grade League	\$ 35.00	\$ 45.00
5th & 6th Grade League	\$ 45.00	\$ 55.00
7th & 8th Grade League	\$ 45.00	\$ 55.00
Early Bird Discount		\$ (10.00)
Soccer Spring & Fall		
Kindergarten League	\$ 30.00	\$ 40.00
1st & 2nd Grade League	\$ 30.00	\$ 40.00
3rd & 4th Grade League	\$ 45.00	\$ 55.00
5th & 6th Grade League	\$ 45.00	\$ 55.00
7th & 8th Grade League	\$ 45.00	\$ 55.00
Early Bird Discount		\$ (10.00)
Reversible Soccer Jersey		\$ 7.00
*Ultimate Frisbee (age groups may vary and will adjust accordingly)		New program as of 2020
Ages 8-11		\$ 45.00
Ages 12-14		\$ 45.00
Early Bird Discount		\$ (10.00)
Cancellation fees for all youth recreation programs		

Offering an Early Bird Discount of \$10 instead of a late fee of \$10

Offering an Early Bird Discount of \$10 instead of a late fee of \$10

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Adjusting to match costs was \$5

A registration refund for cancellation is available only if the cancellation request is prior to the coach meeting/jersey order. All cancellation requests are subject to the proposed 20% (of the total registration cost) fee.		20%	Adjusting to a LOWER cancellation fee from 25% to 20%
Other NEW Youth sports, programs, camps, and or classes			
The initial fee will be established at the discretion of the Recreation Director based on an evaluation of actual and estimated costs, fees for similar programs, known and projected program interest, and considerations of community benefit. Program offerings that continue beyond a trial phase, will utilize actual costs compared to registration fees to determine appropriate registration fees moving forward.			
Equipment Rental			
Disc Golf Set, Spikeball, Kubk, Can Jam, Corn Hole, and or other similar (Per Set up to a 3 day rental)		\$ 5.00	Offering up to 3 days use instead of calculating current daily rate of \$3.00
Equipment Deposit/set		\$ 20.00	Deposit applies per set of rented equipment
Nibley Fit			
Day Pass		\$ 3.00	
Monthly Pass	\$ 15.00	\$ 20.00	Increase from \$15 to \$20 (same attendance discounts apply)
Quarterly Pass	\$ 40.00	\$ 50.00	Increase from \$40-\$50 (same attendance discounts apply)
Staff has discretion to adjust pass prices for promotional events			
Heritage Days			
Approved Public service/Non-Profit Booth Fee (including schools). Fee Waiver requires not sale of products or services, and interactive activity.		\$ -	*Public service/Non-Profit booths may qualify for a FEE WAIVER if they are not selling a product or service, and they offer an interactive booth experience with an approved activity. Fee waived at the discretion of the Recreation Director after a review and recommendation by the Heritage Days Committee.
*Standard Booth Fee	\$ 50.00	\$ 35.00	
Standard Booth Fee WITH ELECTRICITY		\$ 45.00	
Food Booth Fee		\$ 45.00	
Food Booth Fee WITH electricity		\$ 55.00	
Heritage Days tournaments/contests/limited seating shows/experiences		TBD	Determined by actual costs to administer the experience
Mayor's Dinner (Individual)		TBD	Determined by actual food costs for the event (was \$4)
Mayor's Dinner (Family)		TBD	Determined by actual food costs for the event (was \$10 up to 6 people)
Tournament Fee			
Field Rental Baseball/Softball (Field Prep and lights additional)		\$ 200.00	"Duplicate of fees listed above"
Athletic Field Rental (Field Prep and lights additional)		\$ 200.00	"Duplicate of fees listed above"
League/Clinic Fee			
Non City Sponsored League Team Per Season (Non Recreational Team)		\$ 50.00	"Duplicate of fees listed above"
League Team Per Season (Recreational Team)		\$3 Per Participant	
Recreation Misc.			
Special Event Permit Application: For commercial, for profit, pay to participate events occurring entirely in Nibley City, or using a Nibley City owned facility including parks, buildings, and streets.		\$ 30.00	Apply only to commercial for profit pay to participate events that occur entirely in Nibley City. Ordinance needs to be updated to match this fee approved in 2020

Solid Waste		
Item	Rate	New Rate
60 Gallon can	\$ 13.15	\$ 14.15
60 Gallon Extra Empty	\$ 13.15	\$ 14.15
90 Gallon Can	\$ 15.40	\$ 16.40
90 Gallon Extra Empty	\$ 15.40	\$ 16.40
New Homes (Resident Picked Up A/C)	\$ 6.00	
New Homes (Logan City Delivered A/C)	\$ 27.00	
Recycle Container	\$ 3.25	
Green Waste Container	\$ 5.25	

Bulk Waste Collection		
Vacancy Status	\$ 5.00	3 Month Minimum

Bin Size	Number of times collected per week						
	1	2	3	4	5	6	
2	\$ 58.11	\$ 115.23	\$ 172.34	\$ 229.45	\$ 286.57	\$ 343.68	Old Rates \$173.83/\$228.45
3	\$ 74.71	\$ 148.42	\$ 222.13	\$ 295.84	\$ 369.55	\$ 443.26	Old Rate \$294.84
4	\$ 99.28	\$ 197.56	\$ 295.84	\$ 394.12	\$ 492.40	\$ 590.68	Old Rates \$297.34/\$393.12
6	\$ 145.82	\$ 290.64	\$ 435.46	\$ 580.28	\$ 725.10	\$ 869.92	Old Rates 434.46/\$579.28
8	\$ 194.09	\$ 387.19	\$ 580.28	\$ 773.37	\$ 966.47	\$ 1,159.56	

Communication Center	
911 Communication Fee *	\$ 3.00
EMS Charge	\$ 6.00

Miscellaneous Infractions/Permits		New/Change	Comments/Considerations
Item	Rate		
Class B Misdemeanor	\$ 1,000.00	New	Ordinance 1.08.010
Class C Misdemeanor	\$ 750.00	New	Ordinance 1.08.010
Class B Misdemeanor for a Corporation	\$ 5,000.00	New	Ordinance 1.08.010
Class C Misdemeanor for a Corporation	\$ 1,000.00	New	Ordinance 1.08.010
Arborist Permit	\$ 25.00	New	Ordinance 3.06.160
Penalty for tree noncompliance	\$ 1,000.00	New	Ordinance 3.06.180
Penalty for obstruction noncompliance	\$ 10.00	New	Ordinance 7.02.070
Misuse of Recycle Bin	\$ 50.00	New	Ordinance 7.06.090
Minors' Truancy	\$ 500.00	New	Ordinance 9.04.030
Parking Infractions	\$ 25.00	New	Ordinance 11.02.040
Hunting on Public Property	\$ 500.00	New	Ordinance 13.08.050
Franchise Application Fee	\$ 500.00	New	Ordinance 13.10.070
Tree Penalties/Violation	\$ 299.00	New	Ordinance 13.14.080
Sanitary Sewer not Connected	\$50.00/day	New	Ordinance 15.04.040
Stormwater Infraction	\$750.00 or less	New	Ordinance 15.10.080
Stormwater Criminal Penalties, First Offense	\$750.00 or less	New	Ordinance 15.10.080
Stormwater Criminal Penalties, Second Offense	\$1000.00 or less	New	Ordinance 15.10.080
Electronic Sign Permit	\$ 250.00	New	Ordinance 19.24.150
Disorderly Conduct Fine for Council Meetings	Amount needs to be determined	New	Ordinance 1.10.040
Failure to Obtain Permit	2 x normal permitting fee	New	Ordinance 13.06.150
Nuisance Violation Appeal Application	\$ 750.00	New	Recently passed

Miscellaneous Nibley City Fees		New/Change	Comments/Considerations
Item	Rate		
Copy	\$0.25		
Postage Fee	\$1.00		
Fax - Residents	\$ 0.50 Per Page	\$ -	Eliminate Fee; fax obsolete
Fax - Non-Residents	\$ 1.00 Per Page	\$ -	Eliminate Fee; fax obsolete
Certified Copies	\$5.00		Ordinance generalized
CD/DVD/Flash Drive	\$15.00		Ordinance generalized
Notary - Residents Only	FREE		
CC Payment Over the Phone (Waive one time if they sign up for auto pay)	\$4.00		
GRAMA Request (per hour)	\$22.00		Ordinance generalized
Accounts Receivable Late Fee	\$5.00		
Accounts Receivable Late Fee Penalty	0.015/month		

Agenda Item #11

Description	Discussion & Consideration – Resolution 22-02 Resolution Appointing a Nibley City Personnel Appeals Board Chairperson and Board Member (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Resolution 22-02 Resolution Appointing a Nibley City Personnel Appeals Board Chairperson and Board Member (and wave second reading).
Reviewed By	Mayor, City Manager

Background:

The Nibley City Personnel policy provides for an employee to appeal a disciplinary action decision made by the City Manager. This process is outlined in Article 5 of the 2018 Personnel policy, and provides an opportunity for an employee to appeal to an Appeals Board.

Article V-Appeals

Procedures:

- A. *Employees in their orientation period have no appeals rights.*
- B. *Appealing to an appeals board. Upon written receipt of an employee disciplinary action, transfer or termination notice, some employees have the right to first appeal the disciplinary process and action imposed by the City Manager to an appeals board (exceptions include employees in their orientation period and department heads.)*
 - 1. *An employee must submit their written notice of appeal to the Nibley City Clerk within ten (10) days of receiving notice of the disciplinary action to be imposed or the employee will be deemed to have waived all appeal rights.*
 - a. *In the event the Clerk is not available or is the subject of the disciplinary action, the written notice of appeal shall be submitted to the Mayor.*
 - 2. *The Appeals Board will be made up of three (3) members:*
 - a. *Two (2) of the members will be from the Nibley City Council, with one serving as the Appeals Board chairperson*

The Board is made up of three people, two of which should be members of the City Council. The Chair of the Board should be a member of the City Council. The third member shall be a full-time employee, which shall be elected by the rest of the full-time employees of the City. The election shall take place at the time when an employee appeals a disciplinary action decision.

There are currently no disciplinary actions under consideration for any employees. This appointment will be for a two-year term.

Mayor Jacobsen has proposed the appointment of Tom Bernhardt to serve as Chair, and Normal Larsen as a board member.

RESOLUTION 22-02

A RESOLUTION APPOINTING A CHAIR AND BOARD MEMBER OF THE NIBLEY CITY PERSONNEL APPEAL BOARD

WHEREAS, Nibley City Personnel Policy allows for an appeal process for disciplinary decisions; and

WHEREAS, The policy requires the Chair and one board member to be a sitting City Council member

WHEREAS, Nibley City wishes to appoint Tom Bernhardt as Chair, and Norman Larsen as board member.

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

1. Tom Bernhardt is hereby appointed to serve as the Chair of the Nibley City Personnel Appeal Board beginning January 13, 2022 to December 31, 2024.
2. Norman Larsen is hereby appointed to serve on the Nibley City Personnel Appeal Board beginning January 13, 2022 to December 31, 2024.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2020.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

Agenda Item #12

Description	Discussion & Consideration – Approving New Vision Animal Impound Contract
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Resolution 22-03 Resolution Appointing Tom Davis as the Nibley City Representative to the Cache Mosquito Abatement District Board of Trustees (first reading)
Reviewed By	Mayor, City Manager

Background:

Prior to March of 2019, Nibley City operated a dog impound facility at the Public Works yard. For reason's listed below, the City Council contracted with the Cache Humane Society to provide the impound services.

(Background from March 2019)

Staff has worked with the Cache Humane Society to update the City's contract for the impounding and surrendering of animals. The proposed contract would have the Cache Humane Society handling the impounding of dogs that are captured by the City's Animal Control Officer or are ordered by the court to be impounded in Nibley. This contract would change Nibley's current impound system and allow the City to stop kenneling animals at its public works site. There are several reasons why staff reached out to the Cache Humane Society so that it could manage all of the City's animal impounds, including:

- Liability of keeping animals in the City's kennels
- The Cache Humane Society is a professional kennel and is better equipped to impound animals at its facility with professionally trained staff
- Impounding dogs with the Humane Society will eliminate overtime costs for City staff who are currently caring for kenneled dogs after hours and on the weekends
- State law provides multiple regulations related to operation of a kennel and there has been discussion in the legislature about increasing those requirements
- The Cache Humane Society offers hour of 10:00 a.m.-6:00 p.m. Monday-Friday and 12:00-5:00 p.m. on Saturday, offering more hours for Nibley resident to pick up their dogs

- The Cache Humane Society will collect the \$30.00 impound fee for the City and the residents will pay \$18.00 for each day the dog is impounded. The City will only cover the cost if the animal is not claimed within five days, which has been rare in the city's kennel
- The Cache Humane Society is able to provide rabies and other vaccinations
- The Cache Humane Society is in the process of implementing a Trap, Neuter and Release program for felines

The proposed contract includes a trap, neuter and release program for felines which takes feral cats and neuters them and then releases them. This program is designed to decrease feral cat population and to also to help with issue of aggressive tomcats.

Members of staff, including the City Attorney, have reviewed the agreement and recommend that the City Council approve the proposed agreement.

(End Background from March 2019)

At that time, the Council approved a contract with the Human Society. In January of 2020, the Cache Humane Society renegotiated the contract and substantially raised the fees associated with impounding animals. At that time, rather than open back up the in house impound facility, the Council raised the fees in the Cities Consolidated Fee Schedule to match the higher rates, with the intent to pass along the fee to residents who's animals get impounded. This has proven difficult for a few reasons, and the City has not had much success in passing the fee onto residents.

How the contract is structured is that when an animal is impounded, the owner can go to the shelter and pay a small fee to get their animal back. At some time in the future the Cache Humane Society then bills Nibley City \$150 for the impoundment. Sometimes we have gotten the bill a month later, sometimes longer, and often with inadequate data or back up for the bill. At that point, the City then invoices the resident the \$150 that the Humane Society has billed the City.

The Humane Society, unwilling to require that a dog be licensed with Nibley City before releasing an animal that has been impounded.

Recently staff began investigating other options for impound services. Cache County and Logan City both utilize New Vision Veterinary Intake Facility. The facility is an arm of Canyon View Cares Veterinary Hospitals in Box Elder and Davis Counties. The impound facility is currently located on Valley View Highway, not far from the Cache County Sheriffs Complex. They offer all the same services that the Humane Society provided to Nibley, at much lower rates, and is willing to collect any fees Nibley wishes to impose, before a person can claim an animal that has been impounded, and require that it be licensed with the City, and will not cost the City anything if the dog is claimed by an owner.

Last October, Cache County began construction of an impound facility. Their intent is to own the facility, but to partner with New Vision to manage the facility. They have recently reached out to Mayor Jacobsen to begin discussion about trying to create a valley wide system for impounding and licensing animals. We will be bringing you more information as soon as we receive it.

In the meantime, staff recommends switching from Cache Humane Society to New Vision Animal Intake Facility. The City Attorney has reviewed the contract, and is in support of approving it.

RESOLUTION 22-06

A RESOLUTION APPROVING OF NEW VISION VETERINARY ANIMAL IMPOUND CONTRACT;

WHEREAS, New Vision Veterinary Intake Facility is a non-profit facility that is currently capable of handling dogs impounded by Cache County Animal Control; and

WHEREAS, Nibley wishes to provide these services to the residents of Nibley City at a lower cost than is currently being charged; and

WHEREAS, Nibley City can dissolve its current contract with Cache Humane Society for these services with a 30 day notice; and

WHEREAS, New Vision Veterinary is partnering with the Cache County Sherrif Office for their new impound facility;

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

1. The attached contract between Nibley City and New Vision Veterinary Intake Facility shall be approved.
2. Nibley City staff will give 30 day notice to withdraw from its current contract for impound services.

Adopted by the Nibley City Council this _____ Day of _____, 2022.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

AGREEMENT FOR ANIMAL IMPOUND SERVICES BETWEEN NIBLEY CITY AND THE NEW VISION VETERINARY INTAKE FACILITY

THIS AGREEMENT ("Agreement"), dated for convenience this ____ day of _____ 20
This Agreement is made and entered into between ~~the~~ Nibley City ("Entity"), a Municipal Corporation of the State of Utah and ~~the~~ New Vision Veterinary (NVV), a non-profit corporation.

RECITALS

WHEREAS, the Entity wishes to contract with NVV for the performance of animal shelter and like services; and

WHEREAS, NVV is agreeable to rendering services on the terms and conditions set forth below:

NOW THEREFORE, in consideration of the promises and covenants contained herein and for other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

A. DEFINITIONS

ADOPTION: The placement of an un-owned or relinquished animal in a new home.

COMMUNITY CAT: A feral or free-roaming cat that is without visibly discernible or microchip owner identification of any kind, and has been sterilized, vaccinated and ear tipped.

DOMESTIC ANIMAL: Domestic animal means an animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depends on humankind for survival.

IMPOUNDING JURISDICTIONS: All jurisdictions holding current Impound Service Contracts with NVV.

~~**NUISANCE CATS:** A cat that has been returned to location pursuant to the Utah State Community Cat Act and has been the subject of two or more further complaints.~~

~~**PET OWNER or OWNER:** The owner of an animal that is sheltered by NVV.~~

RELINQUISHED ANIMAL: One that has been sheltered on behalf of the Entity the required period of time without being claimed.

B. ENTITY'S RESPONSIBILITIES

- 1. Payment of Fees.** The Entity shall pay NVV contract fees as outlined and scheduled below only if the animal or animals are not claimed by their Owner, in which case Owner shall be responsible for all of the fees outlined and scheduled below.

Dogs:

\$30.00 - Per animal, initial assessment and first day boarding.

\$18.00- Per animal, per day ~~starting for~~ days 2 (day 2 begins 24 hours after intake) through 5 of requisite mandated boarding time. Total boarding time charges not to exceed 5 days.

Commented [RP1]: Not used anywhere in contract. Are we missing a term?

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Cats:

~~\$20.00—Per animal, initial assessment and first day boarding.~~

~~\$12.00—Per animal. Per day starting 24 hours after intake through day 5 of the requisite mandated boarding time.~~

Euthanasia and Disposal Fees: (this will only be charged to the City if the pet is determined unadoptable or non-rescuable by NVV Veterinarians in addition to boarding charges):

Small Pet: - \$35.00. A "Small Pet" shall mean an animal weighing 40 pounds or less.

Large Pet: - \$50.00. A "Large Pet" shall mean an animal weighing more than 40 pounds.

10 Day Quarantine Fee: (this will be charged for each animal that requires quarantine in addition to other fees)

Quarantine Fee: \$35.00 per day if paid by owner when claimed in addition to any impound fees.

Quarantine Fee: \$18.00 per day if paid by the entity if the animal has been abandoned.

TNR Fees:

\$75 - Per male cat for neuter, FeLV/FIV testing, & microchip.

\$125 - Per female cat for spay, FeLV/FIV testing, & microchip.

Abandoned Pets:

Animals impounded and sheltered on behalf of Nibley City shall become property of NVV five days after intake. NVV will determine if the animal is healthy, adoptable or rescuable. Any medical procedures or vaccines will be provided by NVV and all associated expenses passed on to those adopting the animal. NVV reserves the right to care for or transport any pet from the Cache County Shelter to any of their other facilities for the purposes of NVV once the animal is the property of NVV.

2. Delivery of Animals. The Entity shall deliver to the shelter maintained by NVV at 1180 ½ W 200 N Logan, any domestic animal deemed appropriate for impound or TNR.

3. Trap Neuter Release (TRN) Program. To be released in Nibley City under the TNR program, a cat must have been impounded by an employee of the Nibley City. Cats brought into shelter or surrendered by any other person does not qualify for the TNR program. NVV has the primary responsibility to determine which cats qualify for the TNR program. Within 48 hours of the alteration of a Community Cat, the Entity will return the same to an area located within a five block radius of the location where Community Cats congregate. A Community Cat that has been impounded multiple times may be relocated to another area within the City to be utilized as a rodent deterrent animal.

C. NEW VISION VETERINARY RESPONSIBILITIES:

1. Ensure 24-hour access to the building for Entity's law enforcement personnel.
2. Reserve kennels for use by Impounding Jurisdictions.
3. Provide shelter, food, water, veterinary care, and vaccination of impounded animals at NVV's expense.

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4. Determine within 24 hours of intake if a cat qualifies for alteration and release under the Utah State Community Cat Act.

a. Candidates for return to location will be determined based on health, temperament, and lack of visible signs of ownership.

5-

5. Act on behalf of Nibley to collect required information, including proof of rabies vaccination, and fee to properly license any unlicensed, impounded animal, and provide said information to Nibley City.

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D. Pet Owner's Responsibility

1. Payment of Fees. The Pet Owner shall pay NVV contract fees as required by this Agreement and as outlined on the Nibley City Consolidated Fee Schedule

(Included here as reference only, see latest approved Consolidated Fee Schedule for amounts)

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First Offence: \$30.00 - Per animal, initial assessment and first day boarding.
\$18.00- Per animal, per day starting days 2 (day 2 begins 24 hours after intake)
through 5 of requisite mandated boarding time.

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Second Offence: \$45.00 - Per animal, initial assessment and first day boarding.
\$18.00- Per animal, per day starting days 2 (day 2 begins 24 hours after intake)
through 5 of requisite mandated boarding time.

Third Offence +: \$60.00 - Per animal, initial assessment and first day boarding.
\$18.00- Per animal, per day starting days 2 (day 2 begins 24 hours after intake)
through 5 of requisite mandated boarding time.

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2. Nibley City License. If not licensed, Owner shall license animal and pay associated fee to NVV according to the Nibley City's most recent Consolidated Fee Schedule to NVV.

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DE. GENERAL PROVISIONS

1. Shelter Services. NVV at its expense, shall provide staff and facilities for the execution of this Agreement, including the impounding, receiving of unwanted animals, housing, and feeding of animals through the required hold period. Disposition of animals after the hold period shall be at the discretion of NVV.

2. Maintenance of Records. Records of animals impounded, including the description of each animal, and date of impound shall be entered by the Animal Control Officer delivering the animal to the shelter facility.

3. Term and Effective Period. This Agreement shall be in effect starting ____, 20__ when it is executed by all parties and shall continue until March 31, 2022 ("Initial Term"). This Agreement shall automatically continue on a month-to-month basis until a new agreement is signed or either party terminates.

4. Termination of Agreement. During the Initial Term, this Agreement may be terminated by either party, with or without cause by giving written notice to the addresses listed in this Agreement, at least 2 months prior to the termination date.

5. Entire Agreement; Modification; Additional Agreements. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof and supersedes all prior agreement and understandings between the Parties with respect to the subject matter hereof. This Agreement may not be modified, amended or supplemented or otherwise changed, except by a written document executed by an authorized representative of each of the Parties. The Parties will request and seek written consent of the other Party prior to entering into an agreement that impacts or relates to the purposes of this program.

6. Hold Harmless and Indemnification. The Entity shall hold harmless, indemnify, and defend NVV, their officers, employees and agents from and against any and all claims, suits or actions of any kind brought for or on account of injuries to or death of any person or damage to any property of any kind and to whomsoever belonging which ~~arise~~ arise out of the ~~or~~ negligent or wrongful acts of the Entity, its officers or employees. Furthermore, NVV shall hold harmless, indemnify, and defend Entity, their officers, employees and agents from and against any and all claims, suits or actions of any kind brought for or on account of injuries to or death of any person or damage to any property of any kind and to whomsoever belonging which ~~arise~~ arise out of the performance or nonperformance of NVV's obligations under this Agreement and which ~~result otherwise~~ arise out of the negligent or wrongful acts of the NVV, its officers or employees.

7. Independent Contractor. NVV and their employees and agents are independent contractors with respect to the performance of any obligation hereunder or connected herewith and not employees or agents of the Entity.

8. Non-Discrimination. No person shall illegally be excluded from participation in, denied the benefits of, or be subjected to discrimination under this Agreement on account of their race, color, religion, national origin, age, sex, sexual orientation, ancestry, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status.

9. Assignments. Except as otherwise provided for herein, neither party shall assign any of its obligations or rights hereunder without permission of the other.

10. Notices. Any notices required to be given in pursuant to this agreement shall be given in writing and shall be mailed or otherwise delivered at the addresses of each of the parties, as follows:

To Entity:
Nibley City
Attn: Justin Maughan
City Manager
455 West 3200 South
Nibley, UT 84321

To NVV:
New Vision Veterinary
Attn: Dr. Cody Faerber

1885 S. Hwy 89
Perry, Utah 84302

11. Construction of Agreement. Each Party acknowledges that it has participated in the negotiation of this Agreement and that no provision of this Agreement shall be construed against or interpreted to the disadvantage of any Party hereto by any court or other governmental or judicial authority by reason of such Party having or deemed to have structured, dictated or drafted such provision.

As evidence of their agreement to the terms and conditions set forth herein, the parties affix their authorized signatures hereto:

Dr. Cody W. Faerber	Date
Executive Director	
New Vision Veterinary	

Justin Maughan, PE	Date
Nibley City Manger	
Nibley City	

Agenda Item #13

Description	Discussion about switching from Box to Microsoft Teams
Presenter	Justin Maughan, City Manager
Recommendation	No Action Required
Reviewed By	Mayor, City Manager

Background:

For the past few years, staff and Council have utilized a cloud-based software package called Box, to disseminate information for City Council meetings. This service has reached its capacity as a free service, and we will need to start paying for it, should we continue. Alternatively, the city already pays for the Microsoft Office Suite of applications that includes cloud-based storage capability. Staff is proposing to discontinue the use of Box, and utilize Microsoft Teams to disseminate Council meeting information.

A brief presentation will be made on how to use Microsoft Teams, and where to go to get the information.

Agenda Item #14

Description	Discussion – Ranked Choice Voting
Presenter	Cheryl Bodily, City Recorder
Recommendation	No action required
Reviewed By	Mayor, City Manager

Background:

Staff is looking for direction and feedback on how to engage the public on their experience with Ranked Choice Voting during the last election.

Agenda Item #15

Description	Discussion – City Council Meeting Opening Ceremonies
Presenter	Larry Jacobsen, Mayor
Recommendation	No action required
Reviewed By	Mayor, City Manager

Background:

Staff is looking for direction and feedback on how to engage the public on their experience with Ranked Choice Voting during the last election.

Change Summary:

- Resolution 22-03 Resolution Appointing a Nibley City Representative to the Cache Mosquito Abatement District Board of Trustees was moved up on the agenda and is now item #7. All other items fell after accordingly.
- The **Proposed Ordinance Wording** was changed for the following items on agenda item #9:

Animal Control Fine Schedule	Rabies/Vaccine \$150, Licensing Requirements \$150, Animal Waste \$150, Dogs in Prohibited Places \$150, Excessive Barking \$150, Dogs at Large \$150, Animals at Large \$150, Dangerous Animals \$150, Dogs Attacking \$160, Animal Cruelty \$160, Wild Animals \$160, Interference with Impounding \$160	See current approved Consolidated Fee Schedule
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5.02.060	10% late chg after 30 days late on bus. licenses	Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.	Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty as listed on the current approved fee schedule shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid.
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- A footnote was added to Resolution 22-01 Annual Amendments to Nibley City Consolidated Fee Schedule

“Resolution 22-01 supersedes Resolutions 18-08, 20-08, 20-11, 21-08, 21-15, and 21-20.”

- Non Substantive wording changes to New Vision Veterinary Animal Intake Contract by City Attorney.
- Addition of item #15: Discussion – City Council Meeting Opening Ceremonies