

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, March 12, 2020.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Larsen moved to approve Resolution 20-02: Appointment to the**
7 **Nibley City Planning Commission and Appointments of the 2020 Planning Commission**
8 **Chair and Vice-Chair. Councilmember Sweeten seconded the motion. The motion**
9 **passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten,**
10 **Councilmember Bernhardt, and Councilmember Laursen all in favor.**

11
12 **Councilmember Bernhardt moved to approve Resolution 20-03: An Update to the**
13 **Nibley City Water Master Plan. Councilmember Sweeten seconded the motion. The**
14 **motion passed 4-0; with Councilmember Bernhardt, Councilmember Sweeten,**
15 **Councilmember Larsen and Councilmember Laursen all in favor.**

16
17 **Councilmember Larsen moved to approve Ordinance 20-03: An Impact Fee Facilities**
18 **Plan and Impact Fee Enactment for Wastewater. Councilmember Sweeten seconded**
19 **the motion. The motion passed 4-0; with Councilmember Larsen, Councilmember**
20 **Sweeten, Councilmember Bernhardt, and Councilmember Laursen all in favor.**

21
22 **Councilmember Sweeten moved to approve Ordinance 20-02: Outdoor Lighting**
23 **Standards. Councilmember Larsen seconded the motion. The motion passed**
24 **unanimously 4-0; with Councilmember Sweeten, Councilmember Larsen,**
25 **Councilmember Bernhardt, and Councilmember Laursen all in favor.**

26
27 **Councilmember Laursen moved to approve Resolution 20-04: Interlocal Agreement**
28 **Regarding Wastewater Services, for first reading. Councilmember Sweeten seconded**
29 **the motion. The motion passed unanimously 4-0; with Councilmember Laursen,**
30 **Councilmember Sweeten, Councilmember Bernhardt and Councilmember Larsen all in**
31 **favor.**

32
33
34 OFFICIAL MINUTES OF THE MEETING
35 Deputy City Recorder Cheryl Bodily took minutes
36

37 **Selection of Mayor Pro Tem and Opening Ceremonies**

38 Councilmember Larsen noted that it was the appointed time to start the evening's City
39 Council meeting and nominated Councilmember Thomas Bernhardt to act as Mayor Pro
40 Tem. Councilmember Sweeten seconded the motion. The motion passed unanimously
41 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Bernhardt,
42 and Councilmember Laursen all in favor.

1 Councilmember Larsen noted that with the virus scare he was going to talk a little bit
2 about Nibley's water. He then noted that this discussion was already on the evening's
3 agenda and asked Mr. Maughan to cover how the water was "packed up" in his
4 discussion. Mr. Maughan agreed to cover this.

5
6 Councilmember Larsen led the meeting in the Pledge of Allegiance.

7
8 **Call to Order and Roll Call**

9 Mayor Pro Tem Bernhardt called the Thursday, March 12, 2020, Nibley City Council
10 meeting to order at 6:30 p.m. Those in attendance included Councilmember Thomas
11 Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, and
12 Councilmember Kay Sweeten. Mr. Stephen Nelson, Nibley City Planner, Justin Maughan,
13 Nibley City Public Works Director, and Michelle Jensen, Nibley City Treasurer was also in
14 attendance. Mayor Shaun Dustin and Councilmember Kathryn Beus were not present.

15
16 **Approval of agenda; and approval of the February 27, 2020 meeting minutes**

17 Mr. Nelson noted that that applicant for item 12 on the agenda had requested the City
18 Council continue the item until the next City Council meeting agenda so that they had
19 more time to address come of the concerns stated by the City Council at the 2.27.2020
20 City Council meeting.

21
22 Councilmember Larsen moved to approve the previous meeting minutes as well as the
23 agenda as outlined, removing item 12. Councilmember Sweeten seconded the motion.
24 The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember
25 Sweeten, Councilmember Bernhardt and Councilmember Laursen all in favor.

26
27 **Public Comment Period**

28 Mayor Pro Tem Bernhardt gave direction to the public present and opened the Public
29 Comment Period at 6:33 p.m.

30
31 Kent Smith of 2316 South 1200 West emphatically implored the City Council reign in the
32 R-PUD development. He said the R-PUD development was not controlled development
33 and was not in keeping with the City's housing plan. He said the City Council would have
34 never foreseen what the City was up against as a result of the ordinance. He had heard
35 it said the ordinance was far from perfect and they were seeing how far off the mark it
36 was. Mr. Smith noted data from Nibley City Moderate Income Housing plan and noted
37 the 50% housing increase in the City. He said they would be turning their City into a city
38 of townhomes. He discussed other statistics from the MIH plan. Mr. Smith said the
39 current R-PUD was grossly skewed towards increasing MIH numbers and didn't need to
40 be according to Nibley's housing plan. He thought the R-PUD ordinance was far off the
41 mark for accomplishing Nibley City's goals for growth. Mr. Smith said he'd notice with R-
42 PUD's they were defacto financial vehicles for Nibley City. He saw that everything was
43 financially driven and they couldn't make decisions with dollar sign in their eyes. Mr.

1 Smith thought the R-PUD should balance the citizens, the City, and the developer's
2 interests.

3
4 Michael Stokes of 3349 South 600 West said the development going in at the south end
5 of 600 West that all the trucks from the development came south down 600 West from
6 3200 South, make a right turn on to 3300 South and then put in reverse and went
7 backwards down the remainder of 600 West. He felt the kids that lived there were
8 under a little bit higher risk with the way trucks and travel were bringing in dirt and
9 using the road. He didn't believe this was part of the goal for that street.

10
11 Seeing no further public comment, Mayor Pro Tem Bernhardt closed the Public
12 Comment Period at 6:41 p.m.

13
14 Mayor Pro Tem Bernhardt and Mr. Nelson discussed Mr. Stokes concerns. Mayor Pro
15 Tem Bernhardt directed Mr. Nelson to follow through with Mr. Stokes.

16
17 **Planning Commission Report**

18 Commissioner Garrett Mansell was present for this report. Commissioner Mansell said
19 the Planning Commission felt it would be appropriate to put a moratorium on the R-
20 PUD. He didn't believe the ordinance would give them what they thought they would
21 get from the beginning and the Planning Commission supported a moratorium.

22 Commissioner Mansell said the Planning Commission had completed a workshop to
23 address some of the changes they'd like to see in the R-PUD and Rural Preservation
24 subdivision and would be holding a public hearing in April to address the changes.
25 Commissioner Mansell said the Planning Commission felt overwhelmed with what was
26 coming in; especially traffic and if traffic was being considered with all the other traffic
27 that was coming in. Commissioner Mansell reported the Planning Commission had a
28 public hearing for neighborhood commercial standards and zoning changes.

29
30 Councilmember Larsen asked Mr. Nelson to review the notification process the City
31 followed. Mr. Nelson described the noticing that was done in accordance with Utah
32 State law.

33
34 Commissioner Mansell said the Planning Commission would really like another
35 Commissioner. Mayor Pro Tem Bernhardt directed Commissioner Mansell to stick
36 around for item number 6.

37
38 **Discussion and Consideration—Resolution 20-02: Appointment to the Nibley City**
39 **Planning Commission and Appointments of the 2020 Planning Commission Chair and**
40 **Vice-Chair**

41 Mr. Nelson said the Planning Commission had been lacking a Planning Commissioner for
42 just over a month. Mr. Nelson referenced Nibley City code 3.02.030, which gave the
43 Mayor authority to appoint Commissioners and to recommend a Chair and Vice-Chair
44 for the Planning Commission with approval from the City Council.

1 Mr. Nelson said Mayor Dustin had recommended appointing Karina Brown to serve as a
2 Nibley City Planning Commissioner for the next five years. Her term would expire in five
3 years in February. Mayor Dustin had also recommended Tyler O Bray serve as
4 Chairperson and Karina Brown serve as Vice-Chair. Mr. Nelson said Ms. Brown lived just
5 outside of Nibley City boundaries; however, there was nothing in State or Nibley City
6 code that required a commissioner to live within the city boundaries of the Planning
7 Commission they were serving on. Mayor Dustin felt Ms. Brown's experience and
8 background made her a good candidate even though she lived just outside City
9 boundaries.

10
11 Ms. Brown introduced herself to the City Council. She said her family had lived in the
12 county for the last eight years and had lived in Cache Valley for the last 10 years. She'd
13 lived all over the country and saw the value in planning and zoning. She said she was
14 honored to be considered for the position.

15
16 Mayor Pro Tem Bernhardt asked Ms. Brown how she felt she'd be able to represent
17 Nibley citizens. She described that her children attended Nibley's schools. She worked
18 and volunteered in the City and felt she was imbedded in the City. She was dedicated to
19 the City and its residents.

20
21 Councilmember Larsen moved to approve Resolution 20-02: Appointment to the Nibley
22 City Planning Commission and Appointments of the 2020 Planning Commission Chair
23 and Vice-Chair. Councilmember Sweeten seconded the motion. The motion passed
24 unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten,
25 Councilmember Bernhardt, and Councilmember Laursen all in favor.

26
27 **Presentation & Workshop – Ordinance 20-08: Residential Planned Unit Development**
28 **Moratorium**

29 Mr. Nelson said the Planning Commission had talked about a moratorium but hadn't
30 made a formal recommendation. The City Council had also talked about passing a
31 moratorium on R-PUD. Mr. Nelson described what a moratorium would be. He said a
32 moratorium could be enacted in order to halt development. Mr. Nelson described that
33 last instance that Nibley had enacted a moratorium. A moratorium would prevent a
34 future applicant to come in and apply for an PUD and gave the City time to update code.
35 Mr. Nelson said each developer that had already applied for R-PUD had standing under
36 current R-PUD code. Before a moratorium could be approved there needed to be a
37 public hearing.

38
39 Mayor Pro Tem Bernhardt said he was a little frustrated with what was going on. He
40 supported the moratorium and had suggested the consideration be put on an agenda.
41 He still believed the R-PUD was a good thing but felt they could get better than what
42 they had. He showed a spreadsheet that he wanted to address with the City Council.

1 Councilmember Laursen said he was also in favor of putting a moratorium in place and
2 of fixing the ordinance.

3
4 Councilmember Sweeten asked that Mayor Pro Tem Bernhardt explain what he was
5 interested in. Mayor Pro Tem Bernhardt said he'd like to see the density addressed with
6 what was being traded in exchange. His spreadsheet tried to figure in the population
7 density for a given area. He felt they gave the developer way to much credit for every
8 single open strip they gave. Mayor Pro Tem Bernhardt said he intended to capture his
9 thoughts in a Google Doc that he would share with Mr. Nelson so he could share them
10 with the Planning Commission.

11
12 Councilmember Larsen said he felt they had asked for more variable lots sizes and he
13 questioned the proportions of townhomes and felt they could identify what amenities
14 where and what would qualify for an amenity. He liked the areas for R-PUD they had
15 picked and said those areas had been picked for specific reasons.

16
17 Councilmember Laursen said his concerns were very similar. There seemed to be a
18 responsibility of the City Council to negotiate amenities and felt there would be
19 additional direction of what was City owned versus HOA owned. Councilmember
20 Laursen, Councilmember Larsen and Mayor Pro Tem Bernhardt debated requiring
21 specific, prescriptive amenities and making sure there were HOA and meaningful
22 properties that fell within R-PUD properties.

23
24 Mr. Nelson said staff would plan on advertising for a public hearing at the next City
25 Council meeting. The City Council indicated they approved of this action.

26
27 **Presentation and Workshop—Ordinance 20-07: Residential Planned Unit Development**
28 **Overlay Zone and Development Agreement for Nibley Meadows, located at**
29 **approximately 1000 W and 3200 S. Proposing 340 units on 54.6 acres**

30 Mr. Nelson presented the plat for the R-PUD and described the general location. Mr.
31 Nelson said the Planning Commission had reviewed the overlay and had recommended
32 approval of the ordinance. Mr. Nelson summarized how the overlay met Nibley R-PUD
33 code. Mr. Nelson described density surrounding the proposed development. Mr. Nelson
34 described utility services for the proposed development. He said the developer would
35 have to build a sewer and water line that ran east to west on the south end of the
36 property that would probably route around property owned by the Church of Jesus
37 Christ of Latter-day Saints and connect to Nibley Farms. The applicant had already been
38 required to upgrade the water and sewer lines in Nibley Farms to account for the
39 potential increased density in that location and development to the south and east of
40 the property. Mr. Nelson described canals and provided trail space along canals on the
41 proposed property. Mr. Nelson reviewed proposed roadways included on the property.
42 Mr. Nelson discussed the findings of the traffic study that was completed for the
43 proposed development.

1 Mr. Nelson reviewed the suggestions made by the Planning Commission from the
2 original application, during their recommendation: move the townhomes along 3200
3 back to about 40 ft. and that that different housing types be grouped together. Mr.
4 Nelson reported that the Planning Commission gave a positive recommendation with a
5 3-1 vote. The negative vote was because of the increased traffic and impact to 10th West
6 and to the Heritage Elementary school.

7
8 The applicant, Travis Taylor, was present at the meeting. He utilized a PowerPoint
9 presentation entitled *Nibley Meadows* (a printed copy of this presentation is included in
10 the printed meeting minutes). He discussed the following topics: Open Space with,
11 required open space and designed open space; Density including maximum R-PUD
12 density, designed density, City amenities, and private amenities – HOA; City park
13 improvements, impact fees and private contributions; Transportation; and Ability to
14 Complete the Project.

15
16 Mr. Taylor and Mayor Pro Tem Bernhardt discussed HOA management. Mayor Pro Tem
17 Bernhardt and Mr. Nelson discussed ownership of 1100 West. Mr. Nelson said Nibley's
18 Transportation plan didn't anticipate using 11 West as a roadway put it was shown as
19 trail space on the Nibley City Trails Master plan. Councilmember Sweeten asked if the
20 development were built out, what Mr. Taylor anticipated the cost of housing to be? Mr.
21 Taylor said he didn't have that answer. Councilmember Larsen said he was on the
22 bubble about having townhomes border 3200 South despite the fact that the developer
23 had provided a buffer. Mr. Nelson said the Planning Commission felt townhomes facing
24 the street were better than have backyards facing the homes. He described that they
25 also considered that higher density closer to arterial roadways helped the road capacity
26 of traffic internally.

27
28 **Public Hearing—Ordinance 20-07: Residential Planned Unit Development Overlay Zone**
29 **Application for Nibley Meadows, located at approximately 1000 W and 3200**
30 **S. Proposing 340 units on 54.6 acres**

31 Mayor Pro Tem Bernhardt gave direction to the public present and opened the public
32 hearing at 7:53 p.m.

33
34 Michael Stokes of 3349 South 600 West asked if there would be access to the front door
35 of the townhomes along 3200, or if it would just be a façade.

36
37 Kent Smith of 2316 South 1200 West said he'd made note on the context of Nibley's
38 Moderate Income Housing Plan and reviewed his note with the City Council. 2017
39 numbers would put them at 2,000 units housing inventory for Nibley; 272 townhomes
40 added to 110 current townhomes for 382 (almost 20%). He said the goals were 7%, 2%,
41 and 1% and illustrated the current R-PUD guidelines were ridiculously skewed. Mr.
42 Smith discussed the developer's comment that "this was what the market was
43 demanding" and he felt this was what was being provided by developers who were
44 sticking with the highest profit margin product. Mr. Smith discussed the price level of

1 the homes, and he knew it was in flux, and some data should be known if it did
2 accomplish the goal for different income groups.

3
4 Seeing no further public comment, Mayor Pro Tem Bernhardt closed the public hearing
5 at 7:57 p.m.

6
7 Mr. Nelson said the developer was not providing parking on 3200; the parking would be
8 located internally on the development. Councilmember Laursen questioned if a fence
9 had been proposed in phase 1 along 3200 South. Mr. Taylor agreed there was a fence
10 and Mr. Nelson said the fence would be 4 ft.

11
12 **Presentation and Workshop—Preliminary Subdivision Plat for Nibley Meadows**
13 **Residential Planned Unit Development, located at approximately 1000 W and 3200 S.**
14 **Proposing 56 units on 6.33 acres**

15 Mr. Nelson led this presentation. He said the phase included 56 units with private roads
16 and rear loading garages. The fronts would front each other with garages in the back the
17 there were a sufficient number of parking spaces proposed and the proposed parking
18 actually was in excess of Nibley City code. Mr. Nelson presented the proposed road
19 widths and park space proposed in phase 1. He said the property would connect to 3200
20 with traffic and utility lines.

21
22 Mr. Nelson said staff recommended the name of the plat be updated to the name of the
23 application. The plat should be updated based on the recommendations from the
24 Planning Commission and City Council; a 40 foot setback from 3200 South. The fire
25 marshal had reviewed and suggested a second access for phase 1. The developer was
26 proposing to provide a temporary emergency access to 3200 South, which was
27 proposed for only emergency access for fire code. Mr. Nelson said the City would want
28 to confirm the developer's plat to developer the full width of the right-of-way. Mr.
29 Nelson said the application had legal standing under Nibley City current R-PUD code.
30 Mr. Nelson said staff found that the plat met standards listed under the Nibley City
31 Subdivision code and within the R-PUD code.

32
33 Mr. Nelson and Mayor Pro Tem Bernhardt discussed phasing of the overall project.
34 Mayor Pro Tem Bernhardt guessed that they would see all of the townhomes built up
35 first. Mr. Nelson described that utilities were provided in the first-phase area and would
36 need to be built through going south. Mr. Taylor said the phasing was driven by the
37 utilities and summarized their proposed phasing. He anticipated the phasing would be
38 market driven.

39
40 Councilmember Laursen direct staff that he'd like to have an update on 1200 West and
41 the timing of the roundabout, input from the Parks and Recreation committee, public
42 works input on impact fees and now much would have to go towards staff to pay for a
43 public park and take care of it, and the ability to complete with the addition of "years
44 started" so they could see how long it took to complete some developments.

1 Councilmember Larsen said he was still concerned with townhomes on 3200 South.
2 There was no transition between half-acre lots and then a transition to single-family.
3 Mr. Taylor said they'd compromised with double buffer, landscaping, and a fence, which
4 ended up being quite a transition. Councilmember Larsen argued that they would be
5 going from 16 lots facing 3200 to possibly a quarter of that. He was all right if there
6 were smaller lots along 3200 but not all hooked together.

7
8 Mayor Pro Tem Bernhardt said he was looking for a driving down in density from what
9 they had. He thought they were getting beat up the most with density. He wanted to
10 figure out a way to decrease the density and make the numbers work out more.
11 Councilmember Laursen said he was not likely to approve anything until the moratorium
12 was done.

13
14 **Public Hearing—Preliminary Subdivision Plat for the Nibley Meadows Residential**
15 **Planned Unit Development, located at approximately 1000 W and 3200 S.**
16 **Proposing 56 units on 6.33 acres**

17 Mayor Pro Tem Bernhardt opened the public hearing at 8:18 p.m.

18
19 Brian Anderson of 780 West and 3200 South (the "freeway") said 3200 was a concern
20 and he saw the 35 mph speed limit and would like to see the speed limit changed from
21 35 mph to 25 mph. He was concerned with safety for kids running back and forth to
22 school. Mr. Anderson said it seemed difficult to understand how 3200 South would
23 handle all the proposed development. He said it would be interesting to see how the
24 traffic was looked at. He asked if they would have 5 or 6 of the major construction
25 projects worked on at the same time. He wondered if 3200 would be widened and if this
26 would take place at the same time as the construction. He had a hard time seeing
27 townhomes facing 3200.

28
29 Seeing no further public comment, Mayor Pro Tem Bernhardt closed the public hearing
30 at 8:22 p.m.

31
32 Mr. Nelson addressed Mr. Anderson's comments. He said the Nibley Transportation
33 Master Plan didn't anticipate doing any widening on 3200 South. He said traffic would
34 continue to be an arterial roadway but the completion of Nibley's Transportation
35 network, as proposed, would mitigate a lot of traffic concerns for 3200 South. The City
36 was not anticipating building out additional lanes. A three-lane facility was appropriate
37 for the amount of traffic anticipated on the roadway. Councilmember Sweeten thought
38 it was fair to say that during the process of getting to the final stage that certain roads
39 would have a much heavier usage. Mr. Nelson said the biggest concern with most
40 roadways were the intersections that connected on to the roadways. The biggest
41 question was that the City approved intersections along arterial roadways so that traffic
42 flow at intersections was appropriate and maintained a level C or higher.

1 **Discussion & Consideration – Resolution 20-03: An Update to the Nibley City Water**
2 **Master Plan**

3 Mr. Maughan led this presentation. He discussed Nibley City's drinking water
4 protections against COVID-19. Councilmember Bernhardt suggested the information be
5 texted to Nibley's residents.

6
7 Mr. Maughan had a PowerPoint presentation entitled *Water Mater Plan Update* (a
8 printed version of this presentation is included in the printed meeting minutes). His
9 presentation included the following topics: current water/sewer staff, water usage
10 statistics, legislative update 2020, key takeaways, water model, capital improvement
11 plan, Utah division of water rights and statistics, 2016 –S.B. 28 water conservation
12 pricing, conservation plan, and Yeates Spring discussion.

13
14 Mayor Pro Tem Bernhardt thought it would be important that the City Council did a blitz
15 on PR if they were to adopt a new water rate; showing what they were currently paying
16 versus what the proposed rate. He suggested an online calculator. Mr. Maughan said
17 they wanted to ensure to incentivize conservation but not penalize. Councilmember
18 Larsen asked if Mr. Maughan perceived additional equipment needs with the additional
19 development coming up. Mr. Maughan said the biggest water costs were leaks and he
20 didn't anticipate further equipment needs. Mr. Nelson said equipment needs were
21 typically covered under the utility rate.

22
23 Mr. Maughan said staff's recommendation was that the Water Master Plan was ready
24 for the City Council's approval and requested that they approve the plan.

25
26 Councilmember Bernhardt moved to approve Resolution 20-03: An Update to the Nibley
27 City Water Master Plan. Councilmember Sweeten seconded the motion.

28
29 Mayor Pro Tem Bernhardt said he felt the education materials in the plan would be key.
30 He wanted to ensure they had updated education materials.

31
32 The motion passed 4-0; with Councilmember Bernhardt, Councilmember Sweeten,
33 Councilmember Larsen and Councilmember Laursen all in favor.

34
35 **Discussion & Consideration—Ordinance 20-03: An Impact Fee Facilities Plan and Impact**
36 **Fee Enactment for Wastewater**

37 Mr. Maughan gave this presentation. He said the impact fee was to cover expansion of
38 the new Logan wastewater plant and future use. Logan City would charge the impact fee
39 to any new homes connecting to the system. Mr. Maughan felt the Mayor had come
40 around to understand how the impact fee had been calculated. Mayor Dustin had said
41 to pass the ordinance but he was not happy about it. Mayor Pro Tem Bernhardt and Ms.
42 Jensen discussed if Nibley or Logan would collect the impact fee. Ms. Jensen said Nibley
43 would prefer Logan collect the fee. She said Nibley's fee schedule would be presented
44 to the City Council in the near future. Mayor Pro Tem Bernhardt wanted it made clear

1 that this fee would need to be paid at the time of application for a building permit. They
2 discussed the possibility of requiring a receipt of payment before a building permit was
3 issued.

4
5 Councilmember Larsen moved to approve Ordinance 20-03: An Impact Fee Facilities
6 Plan and Impact Fee Enactment for Wastewater. Councilmember Sweeten seconded the
7 motion.

8
9 Voting on the motion was as follows: Councilmember Bernhardt was in favor,
10 Councilmember Larsen was in favor, Councilmember Sweeten was in favor, and
11 Councilmember Laursen in favor.

12
13 The motion passed 4-0; with Councilmember Larsen, Councilmember Sweeten,
14 Councilmember Bernhardt, and Councilmember Laursen all in favor.

15
16 **Discussion & Consideration—Ordinance 20-02: Outdoor Lighting Standards**

17 Mr. Nelson gave this presentation. Mr. Nelson reported that the main questions that
18 were raised at the last City Council were putting in an for holiday lighting, a question
19 about a buffer area, interior lighting that negatively impacted the community, and
20 technical assistance from the City and the implication of financial assistance. Mr. Nelson
21 described how these issues had been addressed in the proposed ordinance.

22
23 Councilmember Sweeten reminded the City Council that they'd discussed being
24 motivational rather than punitive. She wondered if staff had any response to some of
25 the suggestions made of enforcing the ordinance in an encouraging way. Mr. Nelson
26 said the ordinance was set up to have new lights coming in to Nibley City be compliant.
27 He suggested general policy, educational material, and encouragement could be
28 brought forward in a Resolution. He said it was his opinion for the City Council to push a
29 dark sky lighting campaign through a resolution or direction to staff. Mayor Pro Tem
30 Bernhardt said he would love to see this happen. He wanted to encourage residents to
31 think about their lighting and that now was the time to start doing this. He suggested a
32 mailer and not just a Resolution. Councilmember Sweeten suggested education and
33 encouragement could be tied into Nibley's Heritage Days celebration. Mr. Nelson said
34 staff could put together a campaign and suggested a campaign to keep lights off during
35 the month of June.

36
37 Councilmember Sweeten moved to approve Ordinance 20-02: Outdoor Lighting
38 Standards. Councilmember Larsen seconded the motion.

39
40 Mayor Pro Tem Bernhardt said he liked where they were headed with the lighting. He
41 hoped Mr. Nelson liked his new nighttime job. He questioned if they were overdoing
42 with the ordinance. Mr. Nelson thought the ordinance would give the building inspector
43 the power to require outdoor lighting. He discussed bigger building projects that the
44 ordinance would mitigate the impact of their lighting.

1 Voting on the motion was as follows: Councilmember Bernhardt was in favor,
2 Councilmember Larsen was in favor, Councilmember Sweeten was in favor, and
3 Councilmember Laursen was in favor.

4
5 The motion passed unanimously 4-0; with Councilmember Sweeten, Councilmember
6 Larsen, Councilmember Bernhardt, and Councilmember Laursen all in favor.

7
8 Councilmember Larsen moved to suspend the agenda in order to address the remaining
9 agenda items. Councilmember Laursen seconded the motion. The motion passed
10 unanimously 4-0; with Councilmember Larsen, Councilmember Laursen, Councilmember
11 Bernhardt and Councilmember Sweeten all in favor.

12
13 **Discussion & Consideration—Resolution 20-04: Interlocal Agreement Regarding**
14 **Wastewater Services**

15 Mr. Maughan led this presentation. He said the Resolution was to create an interlocal
16 agreement regarding wastewater services. Historically, when then the new Logan plant
17 had first been discussed, there had been discussion between Providence, Hyde Park,
18 Hyrum, and Nibley about taking wastewater to Hyrum. Millville had recently been told
19 by the State of Utah that they needed to solve the sewer system so Millville was
20 interested in starting discussions again. They were not happy about the Logan impact
21 fee and would like to investigate the option of going to Hyrum. They could get to Hyrum
22 without Nibley but it would be much easier to go with Nibley. Mr. Maughan said the
23 ordinance created an entity that would investigate the costs and what it would entail for
24 Nibley and Millville to become co-owners of the Hyrum City plant and to ship their
25 wastewater to Hyrum City to be treated. Mr. Maughan said it would be a six-member
26 panel with 2 members from each Council. It would likely entail hiring an engineer to do
27 a rate study and an appraisal and investigation.

28
29 Councilmember Sweeten asked if there were a timeframe listed in the agreement. Mr.
30 Maughan reported the agreement was for three years.

31
32 Councilmember Laursen moved to approve Resolution 20-04: Interlocal Agreement
33 Regarding Wastewater Services, for first reading. Councilmember Sweeten seconded
34 the motion.

35
36 Mayor Pro Tem Bernhardt said he felt this was good to have. He had discussed this with
37 his neighbor who was in charge of the Millville portion of the sewer. Mr. Maughan said
38 it was completely feasible to send some of their wastewater to Hyrum, without Millville.
39 Mr. Maughan was interested in doing a fair, detailed, accurate analysis.

40
41 The motion passed unanimously 4-0; with Councilmember Laursen, Councilmember
42 Sweeten, Councilmember Bernhardt and Councilmember Larsen all in favor.

43
44 **Council and Staff Reports**

1 Mr. Maughan reported on the 12th west roundabout. He said they had the design for the
2 roundabout ready to go but they were hung up at property acquisition. The crux of the
3 issue was how much the property owners felt they were entitled to. He would be
4 surprised if construction started in the fall and felt it would be the spring of 2021.

5
6 Mr. Maughan reported they'd also started the process to hire an engineer to design the
7 remainder of 1200 West. They had issued an RFP and made an initial selection. Mr.
8 Maughan felt this would be squeezed into the current budget and wouldn't be a budget
9 modification. He said this would be brought back to the City Council for authorization to
10 spend the money.

11
12 Mr. Nelson reported the Heritage Elementary school second graders had come to City
13 Council that day. Councilmember Sweeten had run this meeting and he felt it had gone
14 very successfully.

15
16 Mr. Nelson said with the coronavirus going around and the Governor's State of
17 Emergency, discussions of holding spring recreation activities were taking place. Mayor
18 Pro Tem Bernhardt asked about the decision making process. Mr. Nelson reported that
19 Mr. Zook and Chad Wright were in discussions with the Utah League of Cities and
20 Towns. Mayor Pro Tem Bernhardt felt parents should be given a heads up or
21 communicated to that this was being taken into consideration.

22
23 Councilmember Laursen referred to an email sent out by the Utah League of Cities and
24 Towns regarding COVIS-19.

25
26 Councilmember Laursen said he'd met with Superintendent Liechty and had confirmed
27 the apartments in Logan City would be in Nibley's schools but the school district would
28 collect the tax money.

29
30 Councilmember Laursen had encouraged his neighbors to reach out the City regarding
31 water near the Gibbs property.

32
33 Councilmember Laursen told the City Council to cheer on his soccer team, the Fearless
34 Fireflies.

35
36 Councilmember Sweeten reported that she'd had lot of fun with the Heritage Days 2nd
37 graders. She reported on some of their thank you notes. She said it was fun to be
38 involved with them.

39
40 Councilmember Sweeten reported on meeting with residents about the Ridgeline Park
41 subdivision.

42
43 Councilmember Sweeten reported that she'd also met with Principal Rindlisbacher and
44 Steve Norman and discussed the building of more schools.

1 Councilmember Larsen reported on the construction going on near his home. He felt the
2 construction was happening responsibly.

3
4 Mr. Nelson, Councilmember Larsen and Mayor Pro Tem Bernhardt discussed a
5 perceived conflict with the Millville/Nibley cemetery district and Millville City. Mr.
6 Nelson reported that the City Council would most likely be seeing a request that
7 annexations to Nibley City be required to also annex into the Millville/Nibley Cemetery
8 District be included in Nibley's Annexation Policy plan.

9
10 Mayor Pro Tem Bernhardt encouraged Mr. Nelson the City Council to look at the R-PUD
11 ordinance before it went before the Planning Commission and provide comments to Mr.
12 Nelson so that he could share the Council's ideas with the Planning Commission.

13
14 There was general consent to adjourn the meeting at 10:09 p.m.

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43 Attest: _____
44 Deputy City Recorder