

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, February 27, 2020.

The following actions were made during the meeting:

Councilmember Larsen moved to approve Ordinance 20-04: Residential Planned Unit Development Overlay Zone Application and Development Agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West. Councilmember Beus seconded the motion.

Mayor Dustin made a motion to amend the development agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West with the following:

- 1. Add 15 parking spaces to the proposed 2 acre park;**
- 2. Deed the park space to city from day one but retain commitment to develop the park space within phase 3;**
- 3. Require escrow for improvements in the future;**
- 4. Rezone the corners of 10th west as neighborhood commercial;**
- 5. Redraw phase 1 lines to include lots 8-11**
- 6. Redraw phase 2 lines to include lots 12-26 and;**
- 7. Revise current language in the development agreement to include the wording "The City may require the developer to complete connection to Meadow Lane to City standards at unit rates."**

Councilmember Larsen seconded the motion.

Councilmember Beus moved to amend the amendment, striking #4 from the amendment on the floor. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Councilmember Beus made a motion to amend the development agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West, changing the wording picnic "table" to picnic "tables." Councilmember Sweeten seconded the motion. The amendment passed unanimously 4-0; with Councilmember Beus, Councilmember Sweeten, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Mayor Dustin made a motion to amend the development agreement for the Proposed Firefly Estates Development, located at approximately 2200 South

and 1200 West to require an advance traffic calming study on Meadow Lane to review the efficacy of what had been proposed, and to ensure islands were designed as traffic calming features per METCD, and designed by professional engineers in accordance with proper standards. Councilmember Larsen seconded the motion.

Councilmember Larsen moved to amend the previous amendment, to include the crosswalk at Meadow Lane in the traffic calming study. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

The amended motion passed 3-1; with Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten in favor. Councilmember Bernhardt was opposed.

Councilmember Beus moved to approve A Preliminary Subdivision Plat for Firefly Estates, located at approximately 2200 South and 1200 West including the following conditions: that amended phasing be included on the plat removal of the note on the plat regarding a canal. Councilmember Larsen seconded the motion. The motion passed 3-1; with Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten all in favor. Councilmember Bernhardt was opposed.

Councilmember Bernhardt moved to approve Ordinance 20-05: Proposed Zoning and Annexation of Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S, West of 1200 W, and East of Highway 89/91 for first reading. Councilmember Larsen seconded the motion.

Councilmember Larsen made a motion to amend Ordinance 20-05: Proposed Zoning and Annexation of Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S, West of 1200 W, and East of Highway 89/91 and waive the first reading. Councilmember Sweeten seconded the motion. The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Beus and Councilmember Bernhardt all in favor.

The amended motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten all in favor.

Councilmember Sweeten moved to advance Ordinance 20-06: Residential Planned Unit Development Overlay Zone and Development Agreement for Ridgeline Park, approximately 76 acres located in the area North of 3200 S, West of Highway 165, and East of City Hall to second reading. Councilmember Larsen seconded the motion.

Mayor Dustin made a motion to amend that the proposed Ridgeline Park development add 2 acres of neighborhood commercial on 3200 South and instructing Mr. Nelson to discuss with legal council if the City Council could require multiple commercial clusters on the development, under current code. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

The amended motion passed 3-1; with Councilmember Sweeten, Councilmember Larsen, and Councilmember Beus all in favor. Councilmember Bernhardt was opposed.

Councilmember Bernhardt moved to approve Nibley Farms Phase 2 Final Plat and Development Agreement, located at approximately at 1500 West and 3410 South; applicant, 7 Point Royal, LLC. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten all in favor.

Councilmember Bernhardt moved to approve Nibley Farms Phase 3 Final Plat and Development Agreement, located at approximately at 1500 West and 3410 South; applicant, 7 Point Royal, LLC. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Beus, and Councilmember Larsen all in favor.

Councilmember Beus moved to continue Ordinance 20-03: An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

OFFICIAL MINUTES OF THE MEETING
Deputy City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Tom Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, February 27, 2020, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Councilmember Kathryn Beus,

Councilmember Thomas Bernhardt, Councilmember Norman Larsen, and Councilmember Kay Sweeten. Mr. Stephen Nelson, the Nibley City Planner was also in attendance.

Approval of agenda; and approval of the February 13, 2020 and February 24, 2020 meeting minutes

Councilmember Larsen moved to approve both sets of minutes and the agenda as outlined excluding item 8: Appointments to the Planning Commission. Councilmember Beus seconded the motion.

Councilmember Beus asked if Ms. Bodily had received the corrections to the meeting minutes that had been sent by Councilmember Laursen. She reviewed the proposed corrections. Mayor Dustin gave direction to have the corrections included in the proposed minutes.

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

Public Comment Period

Mayor Dustin gave direction to the public present and opened the Public Comment Period at 6:37 p.m.

Karina Brown at 5331 Sleepy Hollow Lane said her family had lived in Nibley for 8 years voiced her approval of diverse housing options in Nibley. She had been following the affordable housing issues for the last several years and knew the process that was going on in the State. Utah was one of the top performing economies in the Country. She wanted to see people with diverse incomes able to live in Nibley in places that were close to public transit and also preserving open space. She didn't believe all of the lower price homes should be concentrated in Logan. They didn't have any more room. Ms. Brown described her housing history in Texas and Las Vegas. She said the average home price was \$274,000. She supported the decision to increase diverse housing options in Nibley.

Jen Weeks of 752 Clear Creek Rd. voiced her concerns of the development close to Firefly Park. She had read the City had already invested over 5 million in Firefly Park. She said the things that threatened the park area were unattended children, unattended dogs, and unattended cats and approving the high density housing would bring more of this.

Kent Smith of 2376 South 1200 West described that he'd lived in housing that was not a single-family home for over eight years. He lived in a home that was affordable to him at the time until he could afford more. He sympathized with the first viewpoint that was made but no one should be of the sense of entitlement that should come with their initial housing. Mr. Smith requested the City Council consider their motivations for votes

and consider the understanding they could make to citizens and applicant and make a concise statement to accompany their vote that can help lend understanding and perhaps accountability for their votes.

Brian Anderson of 780 West and 3200 South (the “Freeway”) voiced a thought to get all the streets on Nibley City to be 25mph. He didn’t know if this was a topic for consideration. Mr. Anderson said this was his suggestion and he was not anti-growth. Mr. Anderson asked that they include, in parenthesis, the number of units that would be included in each subdivision. Mr. Anderson hoped there would be some prioritization in subdivisions and that they were being managed. He asked the City Council to not forget the folks that lived on 3200 South. Everyone seemed to funnel to 3200. Mr. Anderson said it was hard to comprehend a business on 3200 South with 3200 being so busy. He said he was not anti-business.

Wendy Drogee of 2346 South Clear Creek Circle had concerns about the Firefly development. She was concerned with the amount of homes that would be over in the area. She described the large apartment complex coming to Logan, the Firefly development and possibly two more developments that would be coming from Logan City. She said the development itself was not so bad but so much gathered together became a problem. Ms. Drogee didn’t like the trail going through the development front Clear Creek to Heritage because then they would have all the people, including the ones from Logan City, going through there. She discussed living in apartment buildings. Mrs. Drogee was concerned the development would bring less responsible citizens.

Kristine Fronk 890 West 2465 South said the Outdoor Lighting Standards would affect her. Her concerns were if they lowered the lights around the park area they would make an area that was unsafe. Higher density and lower lighting made crime rates go up. She understood that they wanted to protect the Fireflies but understood the fireflies only bred for two week in June and the lights could promote lights out during that period of time.

Greg Drogee of 2346 South Clear Creek Circle described his history in Nibley and what had drawn them to Nibley and the atmosphere. He said they loved it. He said if they had considered moving to Nibley five years later they would not have come because development would have taken the place of all the open areas. High density detracted from the attractiveness of Nibley. He knew they needed high-density housing but to have a high density area for high density would make a ghetto for twenty years from now. Mr. Drogee said he loved Nibley and didn’t want to see the attractiveness of Nibley diminished.

Seeing no further comments, Mayor Dustin closed the Public Comment Period at 6:54 p.m.

Mayor Dustin addressed Mr. Anderson's request that the number of units be included on meeting agenda. He didn't see why this couldn't be done. Councilmember Bernhardt also requested that the number of acres also be reported on meeting agendas.

Mayor Dustin addressed Mr. Smith's request for stating motivations to accompany the City Council's votes and said this was not really a part of their process but gave the City Council permission. He thought the Council could get this information out in the course of the debate and discussion that occurred before the vote.

Planning Commission Report

Mr. Nelson said the Planning Commission covered an R-PUD application for the Riggs property called Nibley Meadows. A new version was presented based on past Planning Commission recommendation. The proposal had gotten a positive recommendation from the Planning Commission. Mr. Nelson said the Planning Commission also did a workshop to outline goals they wanted to consider in the upcoming year. Mr. Nelson summarized these goals. Mr. Nelson reported the Planning Commission had presented a print of the Heritage painting to Commissioner Albrect. This print was actually given to her husband because Commissioner Albrect was unable to attend the meeting.

Discussion & Consideration – Ordinance 20-04: Residential Planned Unit Development Overlay Zone Application and Development Agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West

Mr. Nelson presented a new preliminary development plat, which addressed that changes that the City Council had requested at their previous meeting. He summarized the changes to the plat, which included rearrangement of housing and open spaces, alternate phasing, the larger open space would be dedicated to the City; rotation of the open space from the west to the east and the inclusion of additional park amenities. Mr. Nelson said the developers had eliminated a small portion of open space and increased the lot sizes and frontages of the single-family lots, which were on the south property line. These lots were well over the minimum standards. Mr. Nelson said the developer planned to provide bathrooms, a small pavilion, playground, and trail in the dedicated park area.

Mr. Nelson described the updates to the proposed development agreement, which had been reviewed by Nibley's attorney. These updates included park amenities, HOA office space, development of Meadow View lane, and six-foot fencing along the south property line.

Mr. Nelson noted that staff had found the application complied with Nibley City code. The developer had reduced the number of units from 136 to 132. The developer was required to provide 35% and the developer was providing 34.9, which was rounded up to 35 because of how it was defined in the definition section of Nibley City code. Mr. Nelson said he thought the completion of Meadow Lane would help with transportation

issues allowing the majority of traffic to go north to Logan and to access a lighted intersection. Mr. Nelson said the City Council should consider the impact to Firefly Park. The developer included open space and landscaping on the east side of the property; if the development were done as a standard subdivision buffering might not be provided. Mr. Nelson said staff found that the application met all R-PUD standards and the developer had provided all the information as required by Nibley City code and the plat met the standards. Mr. Nelson said a note had been left on the proposed plat that a canal would be left open when in fact the canal would be piped. He said the developer was aware of this and the note would be changed as a condition of preliminary plat.

Councilmember Beus asked how big both park areas were? Mr. Nelson said the smaller open space in the middle of the development was .84 acres and the open space on the east side was 1.91 acres.

Mayor Dustin and Councilmember Bernhardt had sent some questions to the developer. He reviewed the questions they had asked? How did the proposed R-PUD amenity package mitigate the impact of the additional families on the social infrastructure of the community, address safe-routes to school, speed limits, traffic calming, park and trail impacts, outdoor play and recreation areas, and public transportation, including proposed buss routes and school bussing? Mr. Nelson said islands were being provided on Meadow Lane, which would calm traffic, and there was a crossing at Meadow Lane and 2450 that would include flags. There was also public transportation that would service the area. Mr. Nelson said there was a bus stop at 2450 and the CVTD has expressed interest in providing public transit to future R-PUD areas. Mayor Dustin asked what they felt the build out was on the area. Mr. Nelson said with the current financial climate he anticipated build out within 5 years. He described the plat approval process. Mayor Dustin asked what mechanism where in place for amenity phasing. Mr. Nelson said the main mechanism they had was the development agreement, which was recorded with the property. Current code didn't require bonding for future phases, it only required bonding for current phases. Mr. Nelson said staff was researching whether the City could require bonds on future amenities. Mayor Dustin said it was his understanding the City Council could require escrow funds from each sale as a condition of PUD? Mr. Nelson said they could potentially require an escrow account for improvements in a future phase. Mayor Dustin said the City Council might require a cap on rental versus ownership of units as a condition of R-PUD. Ethan Poppleton, representing the developer said they intended to monitor and manage the ratio of ownership to rentals, and the HOA company would manage this to the best of their ability in the CC&Rs. Mayor Dustin asked Mr. Poppleton to describe the business structure of the development, which Mr. Poppleton did. Mayor Dustin asked the developer to discuss the buffering and his thought on providing all buffering in the first phase. Mr. Poppleton said they were doing their best to minimize any impact on existing residents and said they intended to build single-family homes first to provide the buffer to the townhomes. Councilmember Sweeten asked how Mr. Poppleton could express that single-family homes would sell first? He said one of the biggest draws was pets.

Single-family homes on an affordable lot would go very fast because people loved having their pets.

Councilmember Larsen moved to approve Ordinance 20-04: Residential Planned Unit Development Overlay Zone Application and Development Agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West. Councilmember Beus seconded the motion.

Councilmember Bernhardt he understood what the developer was going to do but the area had a special meaning to him because of a friendship that had spearheaded the development of the area and he didn't support the development.

Councilmember Beus said she'd experience anguish in debating the development. She applauded everyone, this was the first R-PUD in the City, and everyone was trying to wrap his or her heads around the issues involved in R-PUD. Councilmember Beus said her biggest concern was having protection for Firefly Park. The land would develop eventually and if their real goal was to protect the park then the buffer would protect the park. Councilmember Beus discussed the advantages of a developed Meadow Lane.

Councilmember Sweeten said this had also been a hard decision that had deserved a tremendous amount of thought and energy. She appreciated the public outreach that had occurred. Councilmember Sweeten discussed what she had learned about fireflies and the research she had done regarding the development. She also described the benefit of Meadow Lane and safe school routes.

Councilmember Larsen said it was hard to see farmland converted into development. Councilmember Larsen said after being on City Council for a while he understood the expenses of infrastructure. He said the development had evolved a lot and believed there was a transition in the development. Councilmember Larsen said he was against raising taxes and didn't feel they should raise taxes to build Meadow Lane.

Mayor Dustin made a motion to amend the development agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West with the following:

8. Add 15 parking spaces to the proposed 2 acre park;
9. Deed the park space to city from day one but retain commitment to develop the park space within phase 3;
10. Require escrow for improvements in the future;
11. Rezone the corners of 10th west as neighborhood commercial;
12. Redraw phase 1 lines to include lots 8-11
13. Redraw phase 2 lines to include lots 12-26 and;
14. Revise current language in the development agreement to include the wording "The City may require the developer to complete connection to Meadow Lane to City standards at unit rates."

Councilmember Larsen seconded the motion.

Mayor Dustin and City Council reviewed each portion of his proposed amendment. Councilmember Larsen and Councilmember Beus were okay with all the suggestions except for the commercial zoning. Councilmember Larsen said it was “late in the ballgame” to throw that amendment in. Mayor Dustin and the City Council discussed including a commercial requirement in the subdivision. Christopher Huffman, representing the developer, said he agreed with Councilmember Beus; that requiring commercial would make them have to start all over again. He thought this would be against what the residents want and he didn’t see that commercial would work. He discussed transitioning and wanted to make the development as clean and easy as they could. Mr. Huffman didn’t see how they could do this at this point; he didn’t see the point of commercial.

Councilmember Beus moved to amend the amendment, striking #4 from the amendment on the floor. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Councilmember Bernhardt said he intended for all R-PUDs to be special and he didn’t see this in the proposed development. He didn’t see anything special happening on 20 acres. He wanted the first R-PUD to be the gold standard and he didn’t want to settle. Councilmember Bernhardt discussed the number of additional moderate income housing units housing units the Moderate Income Housing Plan had called out and said the current development would put them past the minimum threshold. Councilmember Bernhardt asked the City Council to not settle.

Councilmember Beus wanted to be able to negotiate the number of picnic tables required under the proposed pavilion included in the open space.

Councilmember Beus made a motion to amend the development agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West, changing the wording picnic “table” to picnic “tables.” Councilmember Sweeten seconded the motion. The amendment passed unanimously 4-0; with Councilmember Beus, Councilmember Sweeten, Councilmember Bernhardt, and Councilmember Larsen all in favor.

Mayor Dustin made a motion to amend the development agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West to require an advance traffic calming study on Meadow Lane to review the efficacy of what had been proposed, and to ensure islands were designed as traffic calming features per

METCD, and designed by professional engineers in accordance with proper standards. Councilmember Larsen seconded the motion.

Mayor Dustin, the City Council, and Mr. Nelson discussed traffic calming.

Councilmember Larsen moved to amend the previous amendment, to include the crosswalk at Meadow Lane in the traffic calming study. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Voting on the base amended motion was as follows: Councilmember Sweeten said she was in favor, Councilmember Larsen said he was in favor, Councilmember Bernhardt said he was opposed, and Councilmember Beus said she was in favor.

The amended motion passed 3-1; with Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten in favor. Councilmember Bernhardt was opposed.

Discussion & Consideration – A Preliminary Subdivision Plat for Firefly Estates, located at approximately 2200 South and 1200 West

Mr. Nelson said there was a note that needed to be changed that described that the canal along the south border needed to be piped. The proponent was aware that the canal needed to be piped and intended to pipe the canal. Mr. Nelson said the phasing on the plat also needed to be changed, per the previous motion.

Councilmember Beus moved to approve A Preliminary Subdivision Plat for Firefly Estates, located at approximately 2200 South and 1200 West including the following conditions: that amended phasing be included on the plat removal of the note on the plat regarding a canal. Councilmember Larsen seconded the motion. The motion passed 3-1; with Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten all in favor. Councilmember Bernhardt was opposed.

Discussion & Consideration – Ordinance 20-05: Proposed Zoning and Annexation of Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S, West of 1200 W, and East of Highway 89/91

Mr. Nelson showed the proposed plat to be annexed in to Nibley City. He said the City Council needed to decide what zoning the property would be annexed to. He described why the Planning Commission had recommended the R-2 zone. He felt it was important to note that the parcel was included in Nibley's R-PUD application area. He described where he felt this overlay would be appropriate and described commercial zoning that

could be requested. Mr. Nelson said staff would support waiving the first reading of the ordinance.

Councilmember Bernhardt moved to approve Ordinance 20-05: Proposed Zoning and Annexation of Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S, West of 1200 W, and East of Highway 89/91 for first reading. Councilmember Larsen seconded the motion.

Councilmember Bernhardt said he wanted to make sure residents wouldn't get the "stink eye" from Tri-H Farm when driving down 2600 South. Mayor Dustin described proposed rerouting of 2600 South.

Councilmember Larsen made a motion to amend Ordinance 20-05: Proposed Zoning and Annexation of Wesley Nelson Farms Inc. Parcel 03-007-0019; 57.734 Acres Located North of 2600 S, West of 1200 W, and East of Highway 89/91 and waive the first reading. Councilmember Sweeten seconded the motion. The amendment passed unanimously 4-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Beus and Councilmember Bernhardt all in favor.

The amended motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten all in favor.

Councilmember Beus left the meeting at 9:03 p.m.

Discussion & Consideration – Ordinance 20-06: Residential Planned Unit Development Overlay Zone and Development Agreement for Ridgeline Park, approximately 76 acres located in the area North of 3200 S, West of Highway 165, and East of City Hall (First Reading)

Mr. Nelson said staff and the applicant were hoping to receive clarification or recommendations on the changes that should be made to the plat or development agreement to be brought back for second reading. Mr. Nelson said staff's recommendation was an outlet is provided at the commercial area on the property adjacent to SR 165. The developer had provided a drawing of a potential outlet. Mr. Nelson said the developer would have to coordinate with UDOT on alignment on the roadway. Staff believed this would mitigate traffic on 250 West and 3200 South and 3200 South and SR 165. Mr. Nelson said that other than that change, the application that was being proposed was the same as the previous meeting.

Councilmember Beus returned at 9:05 p.m.

Councilmember Sweeten moved to advance Ordinance 20-06: Residential Planned Unit Development Overlay Zone and Development Agreement for Ridgeline Park, approximately 76 acres located in the area North of 3200 S, West of Highway 165, and East of City Hall to second reading. Councilmember Larsen seconded the motion.

Mayor Dustin said he wanted the area between the west boundary and home immediately to east, of be zoned commercial for 2 acres. Councilmember Larsen agreed that he'd like to see this also. He also liked the mix; that it as big enough ground that they could have a nice mix. He wanted to give more to the meaning of downtown than just a soccer field. Mr. Benjamin Steele, representing the developer, received clarification on the proposed location for commercial. He said Visionary Homes had analyzed the location for commercial use and decided the highest and best place for commercial was along the highway 165 corridor. He discussed the viability of commercial on 3200 South. He thought the intent of staff was to align most of the commercial along 165. Councilmember Larsen agreed that this was the best place but thought they could have multiple pockets of commercial throughout the development. Mr. Steel described what he felt where benefits to the community in the proposed development; open space, clustering, buffering, and trails that moved throughout the entire project and discussed the viability of commercial on the property. Mr. Steel and Mr. Nelson discussed the likelihood of UDOT allowing access on to SR 165 from the development's proposed commercial property. Mayor Dustin said he was reluctant to give up the possibility of development on 3200 South. Councilmember Beus asked if Mr. Steele would be willing to put in a little neighborhood commercial on 3200 South so that they could look at it. Mr. Steele said he would if the City Council were willing to stretch their code a little. Code had it written that commercial be clustered in one location and additional commercial would be clustered in to two locations. Mr. Nelson felt the City Council had a lot of discretion and could decided if commercial worked in two locations. He felt they could do this legally because zoning was a legislative matter. Mayor Dustin directed Mr. Nelson to get legal council cluttering commercial in two locations, before the next City Council meeting.

Mayor Dustin made a motion to amend that the proposed Ridgeline Park development add 2 acres of neighborhood commercial on 3200 South and instructing Mr. Nelson to discuss with legal council if the City Council could require multiple commercial clusters on the development, under current code. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Larsen, Councilmember Beus, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Voting on the base amended motion was as follows: Councilmember Bernhardt said he was opposed, Councilmember Sweeten said she was in favor, Councilmember Larsen said he was in favor, and Councilmember Beus said she was in favor.

The amended motion passed 3-1; with Councilmember Sweeten, Councilmember Larsen, and Councilmember Beus all in favor. Councilmember Bernhardt was opposed.

Mayor Dustin and the City Council discussed rearrangement of the remaining agenda items.

Councilmember Bernhardt moved to suspend the agenda to continue debate on the remaining agenda items. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten all in favor.

Presentation and Workshop – Ordinance 20-02: Outdoor Lighting Standards

Mr. Nelson said the only large change to the ordinance was the inclusion of holiday lighting as an exception to the dark sky policy and a provision about the compliance of existing nonconforming lumiers, particularly within the Firefly Park 500 foot buffer zone. Mr. Nelson described that there had been a mobile workshop to observe outdoor lighting standard showing what light pollution could be.

Councilmember Bernhardt said he hated the ordinance. It was too heavy handed and education would be better than force. He said they'd already significantly changed if they'd be able to see fireflies at night because they had just added a lot more housing. Councilmember Larsen said he would like to keep the standard moving forward with new building. Councilmember Beus agreed with education and having standards in place for new builds. Councilmember Sweeten said she liked dark sky lighting and said it seemed easier to see more around a building; it didn't seem to create shadows. She agreed with the idea of moving forward with dark sky requirements on new construction but the idea of enforcing it seemed a bit heavy handed. She had learned from specialist that the important thing to preserve fireflies was to turn off the lights. She suggested they could do community outreach and encourage lights out during those times in July when the fireflies were out. Councilmember Bernhardt said he was fine with providing education and expertise. Mayor Dustin agreed that education and making residents aware was a better

Councilmember Sweeten, referring to F-1 in the ordinance, said that the indoor lighting negatively impacting neighbors reference, was not clear to her. She asked for a better definition. Mayor Dustin directed Mr. Nelson to take out the punitive language for existing homes; rewriting so that the wording focused on education.

Discussion and Consideration – Nibley Farms Phase 2 Final Plat and Development Agreement, located at approximately at 1500 West and 3410 South (Applicant: 7 Point Royal, LLC)

Mr. Nelson described that the development was between 1500 West and 1200 West at about 3400 South. Mr. Nelson said the development initially got approval on October 12, 2019 and approval for phase 1 in December. He felt the developers had been waiting for spring to start and felt with the current housing demand they could also get approval for phases 2 and 3. Mr. Nelson said the plat complied with everything on the preliminary plat and met all frontages, lot sizes, lot number and trail space. Mr. Nelson described two areas of open space; south space dedicated as trail space and open space to be dedicated to the City. Mr. Nelson said the plat and tree planting plan and maintenance

plan complied with the preliminary plat that was approved, and complied with Nibley City subdivision code.

Councilmember Bernhardt asked if the City had a plan for the dedicated open space? Mr. Nelson said the developer was putting more improvement around a detention pond as required by code. The spaces in between were expected to remain open. Councilmember Bernhardt said the City should hold themselves to the same standard they held developers and should decide what they were going to do with dedicated areas and phase those areas appropriately.

Councilmember Bernhardt moved to approve Nibley Farms Phase 2 Final Plat and Development Agreement, located at approximately at 1500 West and 3410 South; applicant, 7 Point Royal, LLC. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, and Councilmember Sweeten all in favor.

Discussion and Consideration – Nibley Farms Phase 3 Final Plat and Development Agreement, located at approximately at 1500 West and 3410 South (Applicant: 7 Point Royal, LLC)

Councilmember Bernhardt moved to approve Nibley Farms Phase 3 Final Plat and Development Agreement, located at approximately at 1500 West and 3410 South; applicant, 7 Point Royal, LLC. Councilmember Sweeten seconded the motion. The motion passed unanimously 4-0; with Councilmember Bernhardt, Councilmember Sweeten, Councilmember Beus, and Councilmember Larsen all in favor.

Presentation and Workshop – Interlocal Agreement Regarding Wastewater Services

Mayor Dustin said he'd sat with a City Council member from Hyrum (Craig) and talked through forming an interlocal board. Mayor Dustin wanted to bring an ordinance to the City Council that would form a board (2 members from each Council) to come up with a wastewater rate for treatment for Hyrum and to come up with an impact fee which would be used for buy-in for anyone that wanted to go to the Hyrum plant. Mayor Dustin said Hyrum wanted the buy in; they didn't want to continue to own the asset, they wanted a district. Mayor Dustin said Mr. Zook was taking the framework to an attorney who would write the ordinance that would allow them to appoint board members.

Mayor Dustin wanted to bring an ordinance before the City Council for a formal agreement. Councilmember Beus asked for a timeframe. Mayor Dustin said the paper rate study would be done June 1. Councilmember Bernhardt said his only concern with Hyrum was that during a massive flooding event from a few years ago, Logan was able to recover quicker than Hyrum did. He said it was something to be considered.

Discussion & Consideration – Ordinance 20-03: An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater

Mayor Dustin said he wanted to ensure there was nothing in Nibley City Code 17.08 that would get in the way of what they'd just discussed.

Councilmember Beus moved to continue Ordinance 20-03: An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater. Councilmember Larsen seconded the motion. The motion passed unanimously 4-0; with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt, and Councilmember Sweeten all in favor.

Council and Staff Reports

Mayor Dustin reported he would be out of town starting the next day.

Councilmember Bernhardt reported on a "heat" map that showed where there was response from police. He thought it would be interesting to track this data.

Councilmember Larsen thought they should look in to a landlord license. Mr. Nelson reported that the Planning Commission was working on this.

Councilmember Beus said Hyrum City was upset about some of Nibley's court infractions. Mayor Dustin said staff was aware of it. Mayor Dustin was not sure Hyrum City Council's views on how they handled dogs and Nibley City Council's views on how dogs should be handled should be synced up but there were some valid things Hyrum was asking for.

Mr. Nelson reminded the City Council that the Utah League of Cities and Town conference was in April 23-24. He needed confirmation from a few Councilmembers if they were attending. Councilmember Bernhardt said he wouldn't be able to make it.

Mr. Nelson reminded the members of the Economic Development committee that there was a survey that was supposed to be done the next day.

There was general consent to adjourn the meeting at 10:37 p.m.

Attest: _____
Deputy City Recorder