

1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,
2 Nibley, Utah, on Thursday, March 26, 2020.

3
4 The following actions were made during the meeting:

5
6 **Councilmember Beus moved to continued Ordinance 20-06: Residential Planned Unit**
7 **Development Overlay Zone and Development Agreement for Ridgeline Park, in the**
8 **area north of 3200 S, West of Highway 165, and East of City Hall. Proposing 529 units**
9 **on 76 acres. Councilmember Larsen seconded the motion. The motion to continue**
10 **passed 4-1; with Councilmember Beus, Councilmember Larsen, Councilmember**
11 **Sweeten, and Councilmember Laursen in favor. Councilmember Bernhardt was**
12 **opposed.**

13
14 **Councilmember Bernhardt moved to approve Ordinance 20-08: Residential Planned**
15 **Unit Development Moratorium; waiving the first reading. Councilmember Laursen**
16 **seconded the motion. The motion passed unanimously 5-0; with Councilmember**
17 **Bernhardt, Councilmember Laursen, Councilmember Beus, Councilmember Larsen,**
18 **and Councilmember Sweeten all in favor.**

19
20 **Councilmember Larsen moved to approve Ordinance 20-07: Residential Planned Unit**
21 **Development Overlay Zone and Development Agreement for Nibley Meadows,**
22 **located at approximately 1000 W and 3200 S. Proposing 340 units on 54.6 acres and**
23 **advance the discussion to second reading. Councilmember Sweeten seconded the**
24 **motion. The motion passed 3-2; with Councilmember Larsen, Councilmember**
25 **Sweeten, and Councilmember Beus all in favor. Councilmember Bernhardt and**
26 **Councilmember Laursen were opposed.**

27
28 **Councilmember Bernhardt moved to approve Mount Vista Phase 2 Final Plat, located**
29 **at approximately at 600 W and 3600 S. Proposing 32 Units on 17.4 acres; applicant,**
30 **Visionary Homes. Councilmember Larsen seconded the motion. The motion passed 5-**
31 **0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus,**
32 **Councilmember Laursen, and Councilmember Sweeten all in favor.**

33
34 **Councilmember Larsen moved to approve Mount Vista Phase 3Final Plat, located at**
35 **approximately at 450 W and 3500 S. Proposing 22 units on 8.7acres; applicant,**
36 **Visionary Homes, as presented. Councilmember Bernhardt seconded the motion. The**
37 **motion passed unanimously 5-0; with Councilmember Larsen, Councilmember**
38 **Bernhardt, Councilmember Beus, Councilmember Laursen, and Councilmember**
39 **Sweeten all in favor.**

40
41 **Councilmember Beus moved to continue discussion and consideration of a preliminary**
42 **subdivision plat for Nibley Meadows Residential Planned Unit Development, located**
43 **at approximately 1000 W and 3200 S. Proposing 56 units on 6.33 acres.**

44 **Councilmember Larsen seconded the motion. The motion passed unanimously 5-0;**

1 with Councilmember Beus, Councilmember Larsen, Councilmember Bernhardt,
2 Councilmember Laursen, and Councilmember Sweeten all in favor.

3
4 Councilmember Bernhardt moved to continue Resolution 20-04: Interlocal Agreement
5 Regarding Wastewater Services. Councilmember Laursen seconded the motion. The
6 motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
7 Laursen, Councilmember Beus, Councilmember Larsen and Councilmember Sweeten
8 all in favor.

10
11 OFFICIAL MINUTES OF THE MEETING
12 Deputy City Recorder Cheryl Bodily took minutes
13

14 **Opening Ceremonies**

15 Councilmember Laursen noted that the US had become the country with the most know
16 COVID-19 cases in the world and 3.3 million had filed for unemployment. He noted a
17 quote from his past, "Circumstance is a mirror, not a chisel." He discussed a media
18 briefing from the World Health Organization. Councilmember Laursen also quoted from
19 the book, The Great Influenza by John M. Barry.

20
21 *"People can deal with the reality and the truth a lot better than they can deal with the*
22 *uncertainty."*

23
24 He said they needed to learn the lessons that were shown from the situation and apply
25 them to everything they did. Councilmember Laursen said there was a lot of positive
26 and optimism with what was happening with what he had described. He described the
27 positives that were happening. He hoped the City Council's reactions and behaviors to
28 the circumstances be a reflection of who they were and their values as individuals,
29 families, and communities.

30
31 **Call to Order and Roll Call**

32 Mayor Shaun Dustin called the Thursday, March 26, 2020, Nibley City Council meeting to
33 order at 6:35 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember
34 Kathryn Beus, Councilmember Thomas Bernhardt, Councilmember Norman Larsen,
35 Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Mr. David Zook,
36 Nibley City Manager, Mr. Stephen Nelson, Nibley City Planner, and Justin Maughan,
37 Nibley City Public Works Director was also in attendance.

38
39 **Approval of agenda; and approval of the March 12, 2020 meeting minutes**

40 Councilmember Beus moved to approve the evening's agenda and the March 12, 2020
41 meeting minutes. Councilmember Larsen seconded the motion.

42
43 Councilmember Laursen noted a correction that was needed the previous meeting
44 minutes on page 12, line 24. Those minutes had Covis instead of Covid.

1
2 The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
3 Larsen, Councilmember Bernhardt, Councilmember Laursen, and Councilmember
4 Sweeten all in favor.

5
6 **Public Comment Period**

7 Mayor Dustin gave directions to the public regarding the Public Comment Period.
8 Mayor Dustin opened the Public Comment Period at 6:37 p.m. and seeing no public
9 comments, he closed the Public Comment Period at 6:38 p.m.

10
11 **Planning Commission Report**

12 Mr. Nelson gave this report. He said the Planning Commission had discussed
13 Commercial and Neighborhood Commercial Standard updates, which was before the
14 City Council. They'd also reviewed the Rural Preservation Subdivision ordinance and the
15 Accessory Dwelling Unit Standards and discussed the creation of an individual ordinance
16 to govern these units. Mr. Nelson the Planning Commission has also debated the Mt.
17 Vista phase 2 & 3 subdivision plats. Mr. Nelson said the last Planning Commission
18 meeting was Karina Brown's first meeting and she had done very well.

19
20 **Department Report: Cache County Sheriff Department, Sheriff Chad Jensen**

21 Sheriff Chad Jensen was present at the meeting and gave this presentation.

22
23 Sheriff Jensen gave a brief history of what their office was: 177 total employees with
24 132 sworn employees. He discussed in the inmate division, patrol division, and support
25 services. Sheriff Jensen discussed jail services, the SWAT team, the jail SWAT team called
26 CERT, Search and Rescue, Youth Explorer group, Animal Control, and Ham Radio
27 operators.

28
29 Sheriff Jensen discussed the contract between the Cache County Sheriff's Department
30 and Nibley City. He discussed contracted hours. Nibley had contracted for 1498
31 hours/year for \$75,049. The Sheriff's Department had tracked that they consistently
32 spent 3,400 hours/year patrol time, averaged over the last three years, in Nibley and so
33 they were asking for an increase in the contract rate to \$86,000; partly because they
34 had raised the hourly rate and a 10% increase on the hours.

35
36 Councilmember Bernhardt and Sheriff Jensen discussed how Nibley had gotten to three
37 times the hours. Sheriff Jensen said it was mainly that the communities had grown. Calls
38 were rising with the population.

39
40 **Discussion & Consideration—Ordinance 20-06: Residential Planned Unit Development**
41 **Overlay Zone and Development Agreement for Ridgeline Park, in the area north of**
42 **3200 S, West of Highway 165, and East of City Hall. Proposing 529 units on 76 acres**
43 **(Second Reading)**

1 Mr. Benjamin Steele, Dallas Nichol, and Jeff Jackson, representing the developer, were
2 present at the meeting

3
4 Mr. Nelson said there had been updates to the Ridgeline Development agreement.
5 There had primarily been four concerns; the proposed moratorium, streets, the open
6 space and city park space, and Commercial space. Mr. Nelson said he felt staff had
7 gotten to the point they were they had resolved their concerns and were comfortable
8 moving forward with the exception of the moratorium.

9
10 Mr. Nelson said the new language in the development agreement was included in,
11 sections 8-10 of the development agreement. Staff had issues with the intersection at
12 2900 South intersection and had several discussions with UDOT and the developer
13 regarding how the intersection would be developed. Staff was proposing the developer
14 would develop a half road of 2900 south adjacent to Ridgeline Park and also develop
15 and pave the 2900 South right-of-way, east of the development to highway 165,
16 according to Nibley City standards. Mr. Nelson said staff wanted to find a better
17 connection for 2965. He said they were proposing 2965 have a more direct, continuous
18 route an intersection that would come out to highway 165. Mr. Nelson pointed out a
19 proposed route.

20
21 Mayor Dustin left at 7:00 p.m. Mayor Dustin returned at 7:00 p.m.

22
23 Next, Mr. Nelson said the intersection at 250 West and 3200 South had been updated in
24 section 10 of the development agreement. The developer would construct 250 west on
25 the south side to align with 250 west, as shown in the Transportation Master Plan.

26
27 Mr. Nelson discussed commercial space. He noted the developer had added
28 neighborhood commercial zones along 3200 South per a request from the Council. He
29 said those parcels would most likely be in phase 1 and the developer had proposed to
30 leave the parcels as remainder parcels.

31
32 Mr. Nelson said staff last concern was the city park space. The developer had proposed
33 to dedicate the park space property and the City would pay for the improvements to the
34 property using park impact fees (item 6 in Development Agreement). Mr. Nelson said
35 these negotiations had resolved the concerns staff had with the Ridgeline Park plan.

36
37 Councilmember Bernhardt asked Mr. Nelson to describe 2900 South again, which Mr.
38 Nelson did.

39
40 Mr. Steele discussed the developer's perspective of the proposed layout and access
41 points. He felt the access and connection of 2965 to the highway was an overreach and
42 didn't connect that many people; the benefit was pretty small and significantly changed
43 the design of the development. Mr. Steele said the part of the changes to the
44 development agreement that was important to them was the dedication of property to

1 the City. He was grateful they were able to dedicated so much open space to the City
2 and said this was a substantial value to the City. He believed this was the trade-off that
3 had been requested by Councilmember Bernhardt. The Park was a huge benefit to the
4 public and to the City. Mr. Steele said they'd like to tie the open space to the impact
5 fees so that there was a reassurance that park impact fees would get spent on the
6 development. Mr. Steele discussed phasing of the City park. Mayor Dustin asked for
7 clarification that Mr. Steel wanted the City Council to consider the plan and not
8 continue it.

10 Mr. Jackson said they would definitely like a vote. The landowners were anxious to close
11 on the land. Mr. Jackson said he wanted to ensure if they dedicated the park land to the
12 City that the wording in the development agreement be changed to "shall" and not
13 remain "may" regarding park impact fees. He said they could work with the road
14 connections. Mr. Zook clarified that there would be another, separate development
15 agreement for specific details of development of the park and the wording "may" was
16 that they hadn't decided exactly what was going in to the park and how much it would
17 cost. Mr. Zook said they could include what percentage of impact fees were going into
18 the park in that development agreement. Mr. Jackson said if 2 million dollars were
19 generated from the project, they wanted to see a 2 million dollar park; they would put
20 in 2 million dollars of work in the park.

22 Councilmember Beus moved to continued Ordinance 20-06: Residential Planned Unit
23 Development Overlay Zone and Development Agreement for Ridgeline Park, in the area
24 north of 3200 S, West of Highway 165, and East of City Hall. Proposing 529 units on 76
25 acres. Councilmember Larsen seconded the motion.

27 Councilmember Beus said she wanted to discuss the development further. She
28 appreciated the dedication gesture. Councilmember Beus said she would continue to
29 think about saving all the impact fees to develop the park. She noted this would make
30 the development better for the developer. Mayor Dustin asked what kind of data
31 Councilmember Beus wanted in terms of working the park development out.
32 Councilmember Beus said it came down to priorities and didn't feel the proposed park
33 had been prioritized. Mayor Dustin and Councilmember Beus debated the use of impact
34 fees. Mayor Dustin said he'd like to see some of the impact fees go towards fixing
35 Anhder Park. He said he liked the proposal and it came down to an issue of
36 proportionality.

38 Councilmember Laursen said he was in favor of continuing as well, partly because he
39 was new at the process and it was a heavy development. He said the weight of the
40 moratorium was there as well. The timing of the park development agreement was not
41 there. He wondered if they could start of that agreement because he felt like he wanted
42 more clarification. Councilmember Larsen wanted to hear why staff had asked for more
43 street connections. Councilmember Laursen said he'd also like to hear from the Park
44 Committee and he'd like to know what they could put in the park with 2.8 million.

1
2 Councilmember Larsen said he could see that they could easily spend the money on the
3 park space because it was the town center and it might need to be a little bit better than
4 other park space.
5

6 Councilmember Bernhardt said the half-paved road on 2900 South didn't excite him. He
7 thought they were creating a bigger problem that they had tried to solve with a light on
8 3200 south. Mayor Dustin said he felt they needed to trust the professionals and what
9 they had to say because Nibley had no experience with development like this. Mayor
10 Dustin felt the development accomplished what the City Council had set out to
11 accomplish with the R-PUD ordinance in the first place. Councilmember Bernhardt said
12 his gut feeling was the traffic was going to be a problem. Councilmember Laursen
13 discussed perceptions of more traffic.
14

15 Councilmember Sweeten thought the concept of the great park would draw more
16 community versus the town center drawings. She never thought the town center
17 concepts were reflective of the community. Nibley was a place they tried to live day to
18 day. Great parks were a great benefit to the community. Councilmember Sweeten
19 discussed the great ideas the Nibley City Park Committee had. She liked the opportunity
20 to build out a fabulous park. Councilmember Sweeten reported that property owners on
21 the north side were watching the development closely and were intrigued. They would
22 probably want see if what the City Council chose would make a difference on what they
23 decided to do with their property. She said there were at least two property owners
24 that had reached out to her and they were more interested in the proposed
25 development than what they had previously see on city drawings.
26

27 The City Council discussed the specific things they wanted to see resolved if the item
28 were to be continued. Mr. Zook described why he felt the development needed more
29 road connectivity and better traffic flow. Mr. Maughan described why he felt the
30 development needed more road connectivity as well. Mr. Maughan agreed with Mayor
31 Dustin that when 250 went all the way through to 2600 that the other connections
32 wouldn't be as essential but would give them options in the future. Mr. Jackson said the
33 developers were not opposed to the road but described how the road would cut the
34 18.86 park. He felt the road could jog a bit and avoid cutting the park. The City Council,
35 Mayor Dustin, Mr. Zook, Mr. Nelson, and Mr. Maughan discussed road connectivity and
36 traffic patterns pertaining to the development.
37

38 The motion to continue passed 4-1; with Councilmember Beus, Councilmember Larsen,
39 Councilmember Sweeten, and Councilmember Laursen in favor. Councilmember
40 Bernhardt was opposed.
41

42 **Public Hearing—Ordinance 20-08: Residential Planned Unit Development Moratorium**

43 Mr. Nelson led this presentation. He reminded the City Council that they had reviewed
44 the ordinance at their last meeting. He said the moratorium would prevent an applicant

1 from applying for the current R-PUD ordinance. Mr. Nelson described the stipulations
2 for a moratorium presented in Utah Code 10-9A-540. The moratorium would put a six-
3 month hold on all R-PUD applications and at the end of six months if nothing had passed
4 the moratorium would come to a close. Mr. Nelson said they could end the moratorium
5 early if they were able to come to consensus on changes to the R-PUD ordinance.

6
7 Mayor Dustin opened the public hearing at 8:22 p.m.

8
9 Dennis Adderly who lives on 2965 south asked for clarification that the moratorium
10 didn't effect the Ridgeline application or any of the other applications that were on the
11 City Council's agenda. Mayor Dustin described standing and how a moratorium worked.
12 Councilmember Laursen said the City Council would deny any application and force an
13 applicant to reapply after the moratorium.

14
15 Mayor Dustin closed the public hearing at 8:24 p.m.

16
17 **Discussion& Consideration—Ordinance 20-08: Residential Planned Unit Development**
18 **Moratorium (Second Reading)**

19 Councilmember Bernhardt moved to approve Ordinance 20-08: Residential Planned Unit
20 Development Moratorium; waiving the first reading. Councilmember Laursen seconded
21 the motion.

22
23 The City Council discussed the timeline associated with reviewing the ordinance and
24 where the Planning Commission was in their review of the ordinance. Mayor Dustin
25 thought the Planning Commission had an engaged Chair that would ensure the City
26 Council saw something in approximately two months.

27
28 Voting on the ordinance was as follows: Councilmember Laursen was in favor,
29 Councilmember Sweeten was in favor, Councilmember Larsen was in favor,
30 Councilmember Beus was in favor, and Councilmember Bernhardt was in favor.

31
32 The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember
33 Laursen, Councilmember Beus, Councilmember Larsen, and Councilmember Sweeten all
34 in favor.

35
36 **Discussion &Consideration—Ordinance 20-07: Residential Planned Unit Development**
37 **Overlay Zone and Development Agreement for Nibley Meadows, located at**
38 **approximately 1000 W and 3200 S. Proposing 340 units on 54.6 acres**

39 Mr. Nelson said the applicant had prepared a presentation to address the City Council
40 concerns about 3200 south and the overall density and housing layout. The applicant
41 had submitted two separate concept plans; one had more single-family homes and
42 overall less units. Mr. Nelson described the amenities that would not be required
43 associated with the less dense proposal. He said the open space requirements would
44 remain the same.

1
2 Mayor Dustin called for a meeting recess at 8:31 p.m. The meeting resumed at 8:40 p.m.
3

4 Mr. Nelson said the City Council had expressed concerns with the traffic study and
5 exclusion of morning traffic impacts. He said the traffic study had been uploaded
6 and added in the Box. Mr. Nelson reported that the key intersections and the
7 improvements that were being proposed and the improvements the City was doing with
8 a roundabout would bring those intersections to a level of A service. Mr. Nelson
9 presented information about buffering an existing home and multi-family housing. The
10 developer had moved some single-family lots to address this issue. Mr. Nelson said the
11 developer had taken the density down quite a bit. Mr. Travis Taylor, representing the
12 developer, was present at the meeting. He utilized a PowerPoint presentation entitled
13 *Nibley Meadows* (a printed version of this presentation is included in the written
14 meeting minutes). He presented and discussed the following topics: Open Space,
15 Density describing how the number of units on the proposed development had been
16 reduced, Layout Options, Amenities, City Park Improvements, Transportation, and
17 Ability to Complete Projects.
18

19 Councilmember Sweeten asked how much opportunity the Parks and Rec Committee
20 had to give feedback on what would happen on the dedicated City park property. Mr.
21 Taylor said they had met with parks staff and discussed the need for parking in the
22 space.
23

24 Councilmember Larsen asked if the land were developed under a Rural Preservation
25 subdivision, if the City would still get the five acres of open space. Mr. Nelson calculated
26 that there would be 44 acres of net developable property. He said the real difference
27 was that under an R-PUD subdivision the park space would be developed to a higher
28 standard as based under the R-PUD code.
29

30 Councilmember Larsen moved to approve Ordinance 20-07: Residential Planned Unit
31 Development Overlay Zone and Development Agreement for Nibley Meadows, located
32 at approximately 1000 W and 3200 S. Proposing 340 units on 54.6 acres and advance
33 the discussion to second reading. Councilmember Sweeten seconded the motion.
34

35 Councilmember Larsen said he appreciated the townhomes off of 3200 south but said
36 there wasn't much cohesiveness. He suggested the developer change the lot sizes on
37 the single-family homes; to add some variance to the lot sizes. He was concerned that
38 they might never have a road if John Riggs were to never sell his property. Mayor Dustin
39 said he'd like to see more green space. Councilmember Laursen asked for feedback from
40 Parks and Rec staff. Mr. Nelson discussed that the Recreation Director and Parks
41 Superintendent generally supported the park space proposed in the area with one of
42 the most important qualifications being the lack of park space in the area. Part of the
43 goal of the placement of the park space was to provide a park corridor because there
44 was land owned by Nibley City for park space in the same area. Councilmember Laursen

1 requested the developer note when his developments were completed on the Ability to
2 Complete chart. Mayor Dustin said he'd trade a higher ratio of townhomes to have
3 green space that went all the way through the development and connected roads.

4
5 Councilmember Beus discussed how she wanted to see more diversity, with
6 townhomes, patio homes, and single-family homes all mixed in together so everything
7 wasn't so delineated. She said this vision had not been written in to the code. She
8 wanted rich and vibrant neighborhoods that would have the diversity they were trying
9 to get. Mr. Taylor believed he had the vision of what the City Council wanted and that
10 he could "tune" the plan up. He asked for the City Council input in the interim.
11 Councilmember Bernhardt told Mr. Taylor he needed to include amenities that were
12 worthwhile that the people paying the HOA fees were willing to pay for.

13
14 The motion passed 3-2; with Councilmember Larsen, Councilmember Sweeten, and
15 Councilmember Beus all in favor. Councilmember Bernhardt and Councilmember
16 Laursen were opposed.

17
18 Mayor Dustin proposed suspension of the agenda so they could address Mount Vista
19 Phases 2 and 3 (items 14 & 15) because the proponent was present at the meeting.
20 General consent was given to suspend the agenda.

21
22 **Discussion & Consideration—Mount Vista Phase 2 Final Plat, located at approximately**
23 **at 600 W and 3600 S. Proposing 32 Units on 17.4 acres (Applicant: Visionary Homes)**
24 Jeff Jackson and Benjamin Steele were present for this discussion.

25
26 Mr. Nelson said the preliminary plat for Mount Vista had been approved in August of
27 2019. Mr. Nelson reviewed the new plat including minor changes. He said staff found
28 that the plat met zoning requirement and total number of lot sizes for portions
29 proposed for open space as shown in the approved preliminary plat and the developer
30 had dedicated the proper roadway space. The City Council required that parcel D
31 provide a right-of-way to be dedicated to the City has public right-of-way for future
32 roadway. He showed this dedication on the plat. Mr. Nelson summarized proper utility
33 lines and easements on the plat. The developer had provided the proper easement for a
34 20-foot sewer easement that went underneath the railroad tracks to the Scott Farms lift
35 station. Mr. Nelson said Nibley's engineer and Public Works had reviewed the plan to
36 connect to the Scott Farm lift station and believed the station was sized appropriately
37 but were requiring the developer to provide a generator to the lift station. Mr. Nelson
38 reviewed that Nibley's engineer and staff had signed off on all construction drawings for
39 the full development. Mr. Nelson discussed a drainage easement at the back of one lot
40 to provide proper drainage to a stormwater system. Mr. Nelson presented that finished
41 floor elevations had been listed for each lot. Mr. Nelson presented data in canals that
42 flowed through the property and then discussed the tree-planting plan. The developer
43 had submitted a tree plan for the phase and was paying the City for the trees to be
44 planted. The details if this had been included in the phase 2 development agreement.

1 Mr. Nelson reviewed the open space plan for the phase. Mr. Nelson reviewed a
2 development agreement with Union Pacific for the easement under the railroad track.
3 Mr. Nelson said that section 9 of the development agreement had been added requiring
4 the developer fulfill all their obligations with Union Pacific and that none of it fell to the
5 City. Commissioner Swenson and Councilmember Larsen discussed parking at a
6 proposed City park space.

7
8 Councilmember Bernhardt moved to approve Mount Vista Phase 2 Final Plat, located at
9 approximately at 600 W and 3600 S. Proposing 32 Units on 17.4 acres; applicant,
10 Visionary Homes. Councilmember Larsen seconded the motion.

11
12 Councilmember Bernhardt said he was hesitant to plant a bunch of trees with the
13 potential of them being ripped out for a potential future right-of-way at parcel D.
14 Councilmember Beus questioned that they hadn't required the road be stubbed in.
15 Councilmember Bernhardt recalled the City Council had left it as a dedicated right-of-
16 way. Mr. Nelson discussed his recall of the decision to not stub the road.

17
18 Councilmember Beus made a motion to amend, requiring a stub road between Parcel D
19 and lots 25. Councilmember Larsen seconded the motion.

20
21 Mayor Dustin and the City Council discussed why the road stub hadn't been included at
22 preliminary plat.

23
24 The amendment failed 1-4 with Councilmember Beus in favor. Councilmember Larsen,
25 Councilmember Bernhardt, Councilmember Laursen, and Councilmember Sweeten were
26 opposed.

27
28 Voting on the motion was as follow: Councilmember Bernhardt was in favor,
29 Councilmember Beus was in favor, Councilmember Larsen was in favor, Councilmember
30 Sweeten was in favor, and Councilmember Laursen was in favor.

31
32 The motion passed 5-0; with Councilmember Bernhardt, Councilmember Larsen,
33 Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all in
34 favor.

35
36 **Discussion & Consideration—Mount Vista Phase 3 Final Plat, located at approximately**
37 **at 450 W and 3500 S. Proposing 22 units on 8.7 acres (Applicant: Visionary Homes)**

38 Mr. Nelson said the plat for phase 3 met the same layout and plot design standards as
39 the preliminary plat. Staff found the plat complied with zoning. There weren't as many
40 open spaces in the phase and included a couple trail spaces, including a natural
41 landscaped parcel in the northeast corner of the phase. The only change was there were
42 some lots that didn't have the finished floor elevation but those elevations had since
43 been included and were complaint with code.

1 Mr. Nelson said staff found the plat met the design and the approved preliminary plat
2 and the plat complied with Nibley City zoning and subdivision standards.

3
4 Councilmember Larsen moved to approve Mount Vista Phase 3 Final Plat, located at
5 approximately at 450 W and 3500 S. Proposing 22 units on 8.7 acres; applicant, Visionary
6 Homes, as presented. Councilmember Bernhardt seconded the motion.

7
8 Voting on the motion was as follows: Councilmember Laursen was in favor,
9 Councilmember Sweeten was in favor, Councilmember Larsen was in favor,
10 Councilmember Beus was in favor, and Councilmember Bernhardt was in favor.

11
12 The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember
13 Bernhardt, Councilmember Beus, Councilmember Laursen, and Councilmember
14 Sweeten all in favor.

15
16 Councilmember Beus said she didn't want a surprise in the future for the resident on lot
17 25 of phase 2. She wanted to ensure they knew they were not next to a park but next to
18 a roadway. Mr. Jackson said he would be happy to record a notice of interest on the title
19 to make the property owner aware that they were next to a potential roadway. He said
20 the homeowner would also be aware of the side yard setback.

21
22 The City Council gave general consent to continue the remainder of the agenda past the
23 appointed 9:30 p.m. end time.

24
25 **Discussion & Consideration—Preliminary Subdivision Plat for Nibley Meadows**
26 **Residential Planned Unit Development, located at approximately 1000 W and 3200 S.**
27 **Proposing 56 units on 6.33 acres**

28 Councilmember Beus moved to continue discussion and consideration of a preliminary
29 subdivision plat for Nibley Meadows Residential Planned Unit Development, located at
30 approximately 1000 W and 3200 S. Proposing 56 units on 6.33 acres. Councilmember
31 Larsen seconded the motion. The motion passed unanimously 5-0; with Councilmember
32 Beus, Councilmember Larsen, Councilmember Bernhardt, Councilmember Laursen, and
33 Councilmember Sweeten all in favor.

34
35 **Discussion & Consideration—Resolution 20-04: Interlocal Agreement Regarding**
36 **Wastewater Services (Second Reading)**

37 Mayor Dustin said that Mr. Zook had spoken to the other cities involved in the
38 agreement. They had asked that they would like to opportunity to weigh in and make
39 some changes to the agreement. Mayor Dustin suggested the City Council continue the
40 item.

41
42 Councilmember Bernhardt moved to continue Resolution 20-04: Interlocal Agreement
43 Regarding Wastewater Services. Councilmember Laursen seconded the motion. The
44 motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember

1 Laursen, Councilmember Beus, Councilmember Larsen and Councilmember Sweeten all
2 in favor.

3
4 **Presentation & Workshop—Ordinance 20-09: A Update to Nibley City Commercial and**
5 **Neighborhood Commercial Zoning Standards**

6 Mr. Nelson led this presentation. Mr. Nelson reminded the City Council that in the past
7 year the City Council had updated the conditional use chart and had changed a lot of
8 business to permitted use. Because so many businesses were a permitted use, the City
9 Council should ensure commercial standards ensured that the City would be able to
10 meet the demand of each use. He directed the City Council to items in the first section
11 that would help ensure the City could provide for commercial uses and could deny a
12 business license based on inability to provide for the use.

13
14 Mr. Nelson discussed that section G provided provisions for residential remodel for
15 commercial use. He said there were a lot of home along 165 that could be redesigned
16 for commercial use. The Planning Commission had proposed that people have an easier
17 time creating businesses in the community using existing buildings and would exempt
18 them from façade treatment required in Nibley City code. This would not exempt them
19 from ADA requirement or fire code. Mr. Nelson said section H required fencing in some
20 commercial zones. Mr. Nelson said the next changes were in neighborhood commercial.
21 Previous code had required all neighborhood-zoning areas be 2-5 acres. The
22 requirement had been removed based on a recommendation by the Planning
23 Commission. Neighborhood commercial would also have the same opportunity to use
24 an existing home for a business. Mr. Nelson setbacks had been adjusted to smaller
25 setbacks allowing a building to be closer to the pedestrian right-of-way and helped
26 prevent parking lots from being put in front of buildings. Mr. Nelson thought the City
27 Council should consider allowing condo units within a business park. He said a lot of
28 businesses where sharing business space.

29
30 Mr. Nelson said the next proposed change would allow a commercial space to have
31 attached accessory dwelling units (ADU). The City Council could potentially meet
32 apartment needs with the provision. Councilmember Bernhardt questioned how staff
33 had gotten to the point of allowing up to two accessory dwelling units. Mr. Nelson didn't
34 recall there had been a lot of debate on the number at the Planning Commission. Mr.
35 Nelson and Councilmember Bernhardt discussed examples of accessory dwelling units in
36 commercial properties. Councilmember Bernhardt asked if accessory dwelling units
37 were defined in code. Mr. Nelson said the Planning Commission was currently
38 workshopping accessory dwelling unit standards and code. Mayor Dustin said he
39 wouldn't be upset if section J fell out of the code. The City Council discussed the impact
40 of ADU on the proposed Ridgeline development. The City Council discussed ADU
41 scenarios. Councilmember Bernhardt asked for more clarity on ADUs and said he would
42 also recommend they "gut" the provision. Councilmember Bernhardt said he would also
43 like to see dark sky lighting compliance changes made in the ordinance.

1 Mayor Dustin directed the City Council to get their questions or comments on the
2 proposed changes to Stephen in the next couple days.

3
4 **Council and Staff Reports**

5 Councilmember Larsen asked if there had been problems with people flushing different
6 stuff down the toilet. Mr. Maughan reported that there hadn't been any issues but the
7 City had done some public outreach.

8
9 Councilmember Bernhardt thanked Stephen for his work of the last couple year and said
10 he appreciated the efforts he'd made for Nibley City. He said the same thing went for
11 Nancee who was retiring.

12
13 Mr. Nelson thanked the City Council. He said the decision to leave was very hard. He
14 said it had been an honor to work with each of the City Council. Mayor Dustin presented
15 Mr. Nelson with a Beginnings mural painting, saying he was a college who he respected
16 and trusted his judgment.

17
18 Mayor Dustin shared his appreciation of everyone being willing to set an example that
19 set the best advise that had been set by the health department. He thanked the staff,
20 David Zook and the City Council for being willing to do this. Mayor Dustin said the City
21 was in the same financial position that they were two weeks ago and the City was
22 sound.

23
24 Mr. Zook expressed that he loved working with Stephen and discussed his history of
25 working with Stephen and he starting as an intern. Mr. Zook knew Mr. Nelson would do
26 a great job at his new position. Mr. Zook thanked Stephen and wished him good luck.

27
28 Mr. Zook discussed the referendum petition that was currently before the City.

29
30 Mr. Zook presented the City's response and operations in relation to the COVID-19
31 pandemic.

32
33 Mr. Zook reported that the budget was being finalized and should be coming to the City
34 Council in a little over a month. The City was anticipating that sales tax numbers would
35 take a hit.

36
37 There was general consent to adjourn the meeting at 10:35 p.m.

38
39
40
41
42
43 Attest: _____
44 Deputy City Recorder