

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, September 4, 2014.

The following actions were made during the meeting:

**Councilmember Cook motioned to adjourn to executive session to discuss the acquisition of real property pursuant to Utah Code 52-4-205. Councilmember Whittaker seconded the motion. The passed unanimously 5-0; with Councilmember Cook, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Beus all in favor.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Mayor Shaun Dustin called the Thursday, September 4, 2014 Nibley City Council meeting to order at 6:53 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Kathryn Beus, Councilmember Larry Jacobsen, Councilmember Amber Whitaker, Councilmember Bryan Hansen, and Councilmember Carrie Cook. Mr. David Zook, the City Manager, and Miss Shari Phippen, the City Planner, were also in attendance.

#### **Call to order; approval of agenda; and approval of the August 21, 2014 meeting minutes**

Mayor Dustin made a clarification about item 4 of the agenda. He said the road alignment alternatives would be discussed but not selected at this meeting.

Councilmember Jacobsen made a motion to approve the 8-21-14 meeting minutes and the evening's agenda. Councilmember Cook seconded the motion. The motion passed unanimously with all Council members in favor.

#### **Presentation by Civil Solutions Group regarding potential alternatives for the 3200 South realignment project**

Mr. Zook said the realignment of 3200 South at State Route 165 was the number one priority set forth in the Nibley City Transportation Master Plan and so the city had pursued funding from the Council of Government (COG) and obtained a \$200,000 grant to study alternatives and to design the realignment.

Michael Taylor and Jake Young, with Civil Solution Group, were present at the meeting. Mr. Taylor and Young had a presentation prepared for the public and City Council.

Mr. Taylor first summarized the project background covering the unsafe intersection with left-turners merging into 50 mph, no cross walks, cars that did not stop for pedestrians or bikes, no direct eastbound routes, and an average of 7 accidents at this intersection per year.

Mr. Young then discussed Nibley current and projected growth with average daily traffic on SR 165 and on 3200 South. Mr. Young discussed the public outreach that had been made by Civil Solution Group and noted that they had missed discussion this realignment with Gerald Knight.

Mr. Taylor shifted the discussion to summarizing the realignment project's priorities; Bike/Pedestrian access and safety, improved traffic flow, economic development, mitigating community impact, and cost. He then presented suggested option 1 of their realignment study which established a grid pattern and slowed traffic creating a safer environment. He said this option would affect two homes; the Francis and Harris home, and a historic barn. Mr. Taylor then summarized the pros and cons of options 2 & 3.

Mr. Young discussed the town center concept that had been in Nibley's general plan for the last 7 years. He compared each realignment option when applying the town center concept. He said the town center concept was not plausible with option 3.

Mr. Taylor presented a comparison summary of realignment options 1-3 which included 12 evaluation criteria. Mr. Taylor discussed the cost associated with each option ranging from 2.2-3.7 million with Nibley portion under funding options being \$150,000-260,000. Mr. Zook told the City Council that Nibley anticipated getting funds from the Council of Governments. He said the COG had given them a high level of confidence that Nibley City would qualify and likely receive funds but Mr. Zook said the time frame was uncertain. Mr. Zook said that funding source would also require a 7% match.

Mayor Dustin discussed why this had become a priority for himself and the City Council. He relayed a personal experience he had with a small child attempting to cross SR 165 everyday to go to school. Mayor Dustin said this intersection was dangerous and he didn't want to wait until someone got hurt. He said he was glad there was so many public present because they needed to do this the right way and needed the public's input.

### **Public hearing to receive public input regarding potential alternatives for the 3200 South realignment project**

Mayor Dustin gave direction to the public present. Mayor Dustin opened the public hearing at 7:00.

Councilmember Jacobsen stated that this was a new idea and he believed they could and should give the public other opportunities to share their input with the City Council. Mayor Dustin agreed that the public would get other opportunities to speak on the matter.

Deloy Parkinson said he lived on 3100 across from the Maverick. He asked if they built the road directly to the east of the current stop light if that would stop traffic. He asked why they couldn't build that now. Mr. Parkinson expressed his concern with the wetlands.

Gerald Knight asked about options 1 and 2. He said he didn't like the right in/right-out options and asked if it was a UDOT requirement. Mr. Taylor said it was. Mr. Knight said

option 3 was right next to his driveway and it would be nice to connect directly on to 3200. Mr. Knight made the observation that wetland and flood planes were not set in stone and could be changed. Mr. Knight said that they ought to transfer the flood plane through the road somehow.

Chad Parkinson discussed the history the area and how the realignment options affected those areas. He thought they should petition the state to put in a three way stop on 3200 and save Nibley a lot of money.

Jeff McBride of 244 W. 3200 S. asked what would happen to the properties that became non-conforming lot when turn-a-bouts were put in? Mr. McBride said he wanted to hear directly from UDOT because he didn't want to hear hearsay; he wanted to hear it from their mouths.

Scott Harris, son of Bob and Virginia Harris discussed option 2 which he said directly impacted his house. He hoped that Nibley was going to buy his house in that plan because it wouldn't be worth anything. He said option 3 was presented as less desirable because of the city center and economic development. He said Nibley was too close to Logan and that Nibley wouldn't get any business.

Corlyss Drinkard said she agreed with Mr. Harris; that Nibley folks, nor anyone else, would stop in Nibley to shop. She said the third option was the preferable option because it covered less green space, cost the least, and impacted the least environmentally and felt the city center was so far in the future that they should adopt the third option and then make the adjustments for a city center in the future when it was needed.

Michelle Hatch said she liked option 3 the best. She discussed the placement of traffic lights. She felt it would be nice to cross at 3100 to cross to the Maverick but felt the two lights would be too close. She felt they should have a four way stop at 3200 and not take out the Harris' home. Mayor Dustin clarified that they were discussing moving the signal; there would not be a signal at both 3200 and 3100 South.

Bob Harris said options 1 and 2 affected him immensely. He felt option 3 was the best and said if they stopped people at Hyrum it would stop accidents by slowing them at 3200 and 2600.

David Milligan, Bob Harris' son-in-law discussed his history of being a paramedic in the valley. He said putting the T-light at 3200 increased the accidents. He felt they could pressure on UDOT to replace the light with a four-way stop at 3200. He did not want to turn Nibley into Logan and said he would move on if that were to happen.

Joyce Parkinson said she lived on 3200. She didn't feel the round-a-bout at 3200 would work. She discussed her problem with getting out of her driveway and the traffic coming out of Hyrum. She said she was not in favor of bringing more business into Nibley.

Mayor Dustin clarified to the public that the purpose of this realignment was not to establish a business district or establish a town center. The primary purpose was to create safety at 3200 South. He said they had two options that conformed more or less to the existing Master Plan that was approved by the City Council 7 years ago, and one option that didn't impact the Master plan. Mayor Dustin said they had tried to do this so that it conformed with the planning documents of Nibley City and not to meet any specific agenda about commercialization in Nibley City.

Trudy Knight who lived on 3200 said the light had created a nightmare for getting in and out of her house. She said her daughter had been in a car accident because of the bus stop that was there and discussed the sight problems that were created. She said the second congestion problem was at Little Wonders with pick-up and drop-off. Mrs. Knight didn't want anyone to touch the Harris' and told the City Council to leave them alone.

Bonnie McBride of 250 West 3200 South said that a turn-about would directly affect her home and would make their places worth nothing because they wouldn't be able to get in or out. She said the plan changed too many times on them and they had nothing more to give.

Kevin Parkinson said 3200 was a poor design. He said safety was number one. He said people were getting hurt and it needed to be changed. He liked the round-a-bout idea but asked if it could be moved

Michelle Hatch asked about traffic getting to the new high school from the Salt Lake area. She said she liked option 3 for that reason.

Corlyss Drinkard asked the consultant to address the nature of the fatalities that they had recorded in their study. She said she was a lot more interested in the safety of vehicular traffic.

Laura Harris said they should go with option 3 because they would have a big fight on their hands if they kicked the Harris' out of their home.

Joan Schenk said she lived on 3500 South Main and said the road that was right in front of her home had always presented serious problems for the residents of Nibley. Mrs. Schenk suggested they look at anything that would alleviate stress and problems for the future of Nibley. She said Nibley needed to be as safe a community as it could possibly be. She also asked if UDOT was on board with these options; she said what UDOT had masterminded was not in Nibley's best interest.

Terry Corbridge said there was an issue with having no crosswalks from Nibley to Logan. She discussed kids crossing the highway to Maverick. She said the high school would bring a lot more traffic and kids crossing the road on bikes to get to school. She asked how kids would cross the road from 3200 to Millville?

Joyce Parkinson asked if there could be a signal to 3200 to shut down traffic and let people out? Mrs. Parkinson said Nibley was growing but she didn't want to pay more taxes. Mayor Dustin clarified what question Mrs. Parkinson was asking? He stated that Mrs. Parkinson was asking if Mill road and 3200 South could be controlled together.

Dave Anderson said he didn't have a problem with option 3 but felt it wasn't desirable because of the water and grading that would need to be done in that area. Mr. Anderson said the road going the other way would make more sense but said he was not in favor of the commercial development part of any of the plans. Mr. Anderson said residential was fine as long as they kept the apartments out of Nibley. Mr. Anderson expressed how hard it was to get into his property.

Trudy Knight asked how traffic would flow on option 3?

LaRay Wilden said each option had favorable and unfavorable aspects. He said he didn't like any of them. He said they could make the correction by putting a light at 3200 that stopped traffic both ways and added two pedestrian crosswalks. He suggested they get with the department of transportation and have them see the problems that existed. Gerald Knight said they had spent over five years discussing that intersection with UDOT. Mr. Knight said he liked a round-a-bout at Maverick and suggested a location for another round-a-bout. Mr. Knight said option 3 seemed to worked.

Kevin Parkinson thought that they should bombard UDOT with letters.

Bob Harris discussed option 2 and said the homes would have to be on pontoons. Mr. Harris gave his opinion of the problems with option 3.

Barbara Wilden said the answer was to get UDOT to stop northbound traffic at 3200 S. and SR 165. She recalled that on November 21, 2012 a gentleman from UDOT was at Nibley's City Council meeting and was asked about a four way stop at the traffic light at 3200 in which he responded "no way". Mrs. Wilden said the only way that would change was if the citizens of Nibley got together and did something.

Scott Harris said in the long range the highway out of Millville should continue strait on main street and come over and the road on 3200 should go straight to the river with the bridge being should be moved down where it should have been in the first place.

Deloy Parkinson asked about option 3 and making a left turn back to the Maverick. Mayor Dustin said there would be a left turn there. Mr. Parkinson discussed the five lanes on the highway and said his driveway became another lane.

Seeing no further comment, Mayor Dustin closed the public hearing at 7:50.

Mayor Dustin asked for a five minutes recess to review his notes and formulate answers to the questions that had been asked. The meeting recessed at 7:51. Mayor Dustin called the meeting back to order at 8:03.

Mayor Dustin summarized what he had heard from the public. He felt the consensus was to get UDOT to fix the “stupid” light. He said the City Council would continue to fight the fight with UDOT and said he would play any card he could get his hands on. Mayor Dustin said they needed to make this something that geometrically UDOT would have to deal with. Mayor Dustin said they would do the best they could to continue to work toward the option or reprogramming the intersection at 3200 South. Mayor Dustin addressed the questions that the public had asked with assistance from Mr. Taylor.

Justin Maughn, Nibley City’s new Public Works Director was present at the meeting and said he was happy to see so many members of the public present for this discussion. He asked the public to come to him with any questions or problems they may have. He said he wanted to make this a good project for everybody. Mr. Maughn discussed his history as a resident of Nibley.

Councilmember Whittaker noted they had missed the question from Jeff McBride about the formation of non-conforming lots. Miss Phippen said any lot that had been affected by an action of the city was a legal non-conforming lot and was grandfathered in. She said if the value of the property was affected then it could be considered a taking and said there was recourse the property owner could pursue.

Mayor Dustin asked the public to submit questions or comments they would like answered by UDOT submitted to the City by Wednesday so that they could be sent off in a formal letter.

### **Discussion and consideration of potential alternatives for the 3200 South realignment project**

Councilmember Hansen stated that he was also in favor of option 3; it met their immediate need and created a safer intersection for their community. He expressed that he would prefer to look at this as a phase 1/phase 2 option; with phase 1 being option 3 and phase 2 being 250 West through to 2600 and the possibility of having commercial needs in Nibley 20+ years down the road. Councilmember Hansen said he was not in favor of reconnecting up to Millville Road. He believed Nibley could take on option 3 and that if there were any commercial development that came from it then it would fit the scale of their city. Mayor Dustin reiterated that any land use that was implied from these proposed realignment options were pulled from the current general plan.

Councilmember Jacobsen appreciated the comments that had been made. He said he didn’t see this as an adversarial process. He said they were so far away from a decision and that this was going to take awhile to sort out. He asked the public to be patient and to continue to be a part of the process of sorting this out. Councilmember Jacobsen thanked the consultant for the work they had done and noted that they had done exactly what was asked of them by the Council of Governments through Nibley City.

Councilmember Beus encouraged the public present to be this involved in the process of looking at the general plan. Councilmember Beus said this was a hot topic and that no one wanted to hurt the Harris' in any way.

Councilmember Whittaker also thanked the public for the input that had been given. She also thanked Civil Solutions for the job they had done and for the presentation they had given. Councilmember Whittaker said with the information she had been given to date, she would also be in favor of option 3. She said she took safety very seriously in her roll on City Council and said the City Council would do what was best for the citizens of Nibley City.

Mayor Dustin said he didn't care what the final resolution was as long as there was a crosswalk and a button that kids could push to get across SR 165. He said they needed the information from the study to take to UDOT and show them the other alternatives. Mayor Dustin committed to get the primary objective taken care of. He admitted that the public had swayed his opinion.

### **Council and Staff Reports**

Councilmember Whittaker apologized for missing the combined Planning & Zoning Commission/City Council meeting and discussed why she had not been able to participate.

Joyce Parkinson asked why Nibley was different from Logan who had a light at every intersection. She discussed several issues with Mayor Dustin.

Councilmember Beus requested that the City Council still hear from the Heritage Days Committee if only to be given the opportunity to show their appreciation for their service. There was consensus from the City Council to hear from the Heritage Days Committee at the next City Council meeting.

Mayor Dustin reported on the discussion that was held at the Planning & Zoning Commission meeting. Mayor Dustin said the Planning & Zoning Commission would be best served if they had access to legal advice when they were developing ordinances. Mayor Dustin said the City Council controlled the purse strings and said he would be bringing a proposal to the City Council.

Mayor Dustin reported on a request to include a check list when dealing with ordinance items. He didn't feel this was something that needed to be codified in ordinance but felt confident that there would be a draft for review at the next City Council meeting.

Mr. Zook formally introduced the new Public Works Director, Justin Maughn. He summarized his education, certifications, and background.

Mr. Zook asked for the City Council's direction regarding their city email address.

Mr. Zook reported on the interview process for an office specialist.

Mr. Zook reported on the Community Impact Board's involvement in the update of Nibley's general plan. Miss Phippen shared information she had received while attending a meeting with the CIB.

Mr. Zook updated the City Council on funding that was available from UDOT through their Transportation Alternatives plan for an alternate pedestrian route along 800 West.

Mr. Zook updated the City Council that the south end sewer study was underway and being conducted by Aqua engineering.

Miss Phippen addressed Councilmember Jacobsen inquiries about the draft subdivision ordinance. Miss Phippen said she needed more direction on what the City Council would like done. Councilmember Jacobsen suggested the Council come back together with the same version of the ordinance they had seen previously and then come back with a draft incorporating wording that the City Council was in favor of. The Council agreed with Councilmember Jacobsen. Mayor Dustin requested a clean copy without changes.

Mayor Dustin reported on a meeting with USU and Campbell Scientific at the bridge site for the new high school regarding putting instrumentation on the bridge.

Mayor Dustin reported on a hole at the North end of Heritage Park. He said the City Council members could pass along that it was for sport courts.

### **Adjourn to Closed Session**

Councilmember Cook made a motion to adjourn to executive session to discuss the acquisition of Real Property Pursuant to Utah Code 52-4-205. Councilmember Whittaker seconded the motion. The passed unanimously 5-0; with Councilmember Cook, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Hansen, and Councilmember Beus all in favor.

The meeting returned from executive session at 9:47

Councilmember Cook made a motion to adjourn the City Council meeting at 9:48. Councilmember Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Cook, Commissioner Councilmember Beus, Councilmember Whittaker, Councilmember Hansen, and Councilmember Jacobsen all in favor.

The meeting was adjourned at 9:48 p.m.