

NIBLEY CITY COUNCIL MEETING

Thursday, September 6, 2007

The following actions were made during the meeting

Action Item 1: Councilman Larsen made a motion to approve final plat for Shadow Crest Subdivision. Seconded by Councilman Hansen.

Councilman Jacobsen moved to amend the motion to include a 12-month extension from preliminary approval. Seconded by Councilman Larsen. Motion passed unanimously.

Motion as amended passed unanimously.

Action Item 2: Councilman Harrison made a motion to approve Ordinance 07-14, an ordinance changing the zone of property from residential (R-1) and Residential (R-1-A) and Agriculture to Residential (R-2), for only lots 32 and 33 of Quarter Circle Subdivision. Seconded by Councilman Hansen. Motion passed with Councilmen Harrison, Hansen and Mickelson in favor and Councilmen Larsen and Jacobsen opposed to the motion.

Action Item 3: Councilman Mickelson made a motion to approve Resolution 07-15, a resolution to approve a lot line adjustment for lots 32, 33 and 34 of Quarter Circle Subdivision. Seconded by Councilman Harrison. The motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.

Action Item 4: Councilman Hansen made a motion to approve Ordinance 07-12, an ordinance changing the zone of 1.2 acres from Residential to Commercial. Seconded by Councilman Harrison. Motion passed unanimously.

Action Item 5: Councilman Hansen made a motion to approve ordinance 07-11, an ordinance annexing 14 acres of property. Seconded by Councilman Mickelson. Motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.

Action Item 6: Councilman Larsen made a motion to table ordinance 07-13, an ordinance establishing requirements for roads in developments of nine lots or less, until next meeting on September 20, 2007. Seconded by Councilman Harrison. Motion passed unanimously.

Action Item 7: Councilman Larsen made a motion to approve resolution 07-14, a resolution requesting recertification of the Nibley City Justice Court as written. Seconded by Councilman Harrison. Motion passed unanimously.

Action Item 8: Councilman Larsen made a motion to move forward in advertising to see what is available for a city planner while keeping Shari as interim, assistant to the city manager. Seconded by Councilman Mickelson. The motion failed with Councilman Larsen in favor and Councilmen Jacobsen, Harrison, Hansen and Mickelson opposed to the motion.

Action Item 9: Councilman Hansen made a motion to offer Shari Phippen the position of zoning administrator for one-year period and during the interim fine-tune the requirements for a planner. Seconded by Councilman Jacobsen. The motion passed with Councilmen Jacobsen, Harrison and Hansen in favor and Councilmen Larsen and Mickelson opposed to the motion.

OFFICIAL MINUTES OF THE MEETING
Minutes taken and prepared by Deputy Recorder Jessica Lawes

Mayor Knight called the Thursday, September 6, 2007 Nibley City Council Meeting to order at 6:02 p.m. Those in attendance include City Council Members Jay Harrison, Larry Jacobsen, Scott Larsen, Bryan Hansen and Thayne Mickelson. City Manager Larry Anhder was also in attendance. The meeting took place at the Nibley City Hall, 625 West 3200 South.

Mr. Rio Williams offered an opening prayer.

Item #1: A presentation by the Nibley City Royalty: Shalise Knight, Miss Nibley, said that the Nibley City Royalty was interested in doing more spirit activities. Some of the girl's proposed activities include: making Welcome to Nibley packets, tennis courts in Nibley, more fund raising, a roller-skating trail, a fish pond and story time at the park twice a month. Finishing the Shadowbrook Park has already been completed. Ms. Knight said that they were also interested in picking one Saturday a month to go out and find people working in their yards and give awards for cleaning up their yards. One prize proposed was a ticket for dinner. Mayor Knight advised them to choose the ones they are most interested in doing and make a proposal to the council on those, especially if they need money to finish the project.

Item #2: Approval of previous meeting's minutes and evening's agenda:

Councilman Jacobsen made a motion to approve minutes with necessary changes and the agenda for the evening. Seconded by Councilman Larsen. Motion passed unanimously.

Item #3: Final plat approval for Shadow Crest Subdivision phase 2 – 900 West and 2600 South:

Councilman Larsen made a motion to approve final plat for Shadowcrest Subdivision. Seconded by Councilman Hansen.

During discussion Councilman Larsen asked Ms. Datwyler if in this next phase are they staying with the same floor plans and Ms. Datwyler said they have 16 floor plans now and if a plan has been used four to five times, they are restricted. Councilman Jacobsen asked if there were leftover issues from preliminary approval that needed to be taken care of before final approval. Mr. Anhder said all of the engineering reviews have been done and all problems with the plan for the storm water have been resolved.

Councilman Jacobsen moved to amend the motion to include a 12-month extension from preliminary approval. Seconded by Councilman Larsen. Motion passed unanimously.

Motion as amended passed unanimously.

Item #4: Public Hearing to receive comments concerning a proposed zone change from Residential R-1 (1 acre lots) and R-1A (3/4 acre lots) and Agriculture to Residential R-2 (1/2 acre lots): The area is generally the Quarter Circle Subdivision bounded on the north and west by the Nibley Blacksmith Fork Canal, on the south by 4000 South and on the east by Highway 165. Mr. Anhder said the Darwin McPhie had requested a lot line adjustment on two lots that he owns. It was realized that the zone was R-1, which made the properties legal, non-conforming uses. Mr. Anhder recommended to Mr. McPhie that the zone be changed to R-2, which would make the lots conforming. Mr. Anhder said that Mr. McPhie's request did not make specific requests so before it went to Planning Commission, he followed the current lines up to 4000 South, it made an easily identifiable boundary and the lots on 4000 South are also non-conforming lots

Councilman Jacobsen made a motion to move into public hearing. Seconded by Councilman Harrison. Motion passed unanimously.

Susan Hepworth said she does not understand the difference between non-conforming and conforming. Councilman Jacobsen said a more familiar term for non-conforming was a grandfather clause, which means that when rules changes, the rules are grandfathered in so that property is not affected. Darwin McPhie asked what happens when a property that is grandfathered and the original owner sells the property. Councilman Jacobsen said that a more intensive use of the land is not allowed on a legally, non-conforming lot. It is not an issue of ownership changing it is an issue of lot line changing.

Ed Nunes said he lives on 4000 South and is against the rezone. There is 15 acres across the street from him that people have been trying to develop and the only thing that has stopped it in the past has been lot sizes. So if there is a rezone, the property across the street will request a rezone as well. Then low cost housing will come in and change the property values of all 4000 South. Mayor Knight said his understanding is that Mr. McPhie can build on his two lots, he just has to abide by the R-1 zone rules, but what Mr. McPhie wants to do is change lot lines. He would like to take ten feet off of each of the other two lots. Mr. McPhie said he would like to do it for the reasons of having his sewer and water hookups on his property.

Darwin McPhie said he would like to make clear that he did not request for 4000 South to be included in the rezone, he asked for only Quarter Circle Drive and thinks it was done in poor taste to throw in 4000 South there are natural barriers on Quarter Circle.

Larry Slade said he has a copy of the ordinance from 1978, the year he moved into Nibley, and at that time there were only five zones. He said he has tried to keep up with what has gone on but was never notified of any changes in the zone in the area. He has followed that ordinance and thinks the city should do the same.

Lowell Johnson said he would like to echo what Ed Nunes said, that they are included in something that they had no voice in, which does not seem democratic at all.

Councilman Hansen wanted to hear from Boyd Schiess as to why he wanted to be included in the rezone. Boyd Schiess said that he did not request to be rezoned back into residential. He requested to sell his old farmhouse to his daughter. Since that time, he came for a building permit and was told to have a survey done. He got that survey done and was told he could not sell the house because he was a subdivider and he is not a subdivider. He was then told he could not sell the home because it is in an agriculture zone. Mayor Knight said state law on some of those things binds the city and one of those things is that anytime a property is subdivided then the city is required to enforce the ordinances that govern the subdivisions.

Joyce Johnson asked if the change takes place, could Dave Anderson, who owns two lots, put in a road and put homes in that area, giving him four lots? Mr. Anhder said the only beneficiary of the change would be the Nunes' and Dave Anderson. But the houses would have to look just like all the other houses.

Ed Nunes said it was affecting too many people to accommodate one person. There has to be some way to get around this for Mr. McPhie to get what he wants without affecting the whole community. Karen Nunes said they moved there because they like the big lots and the animal rights. Mrs. Nunes said that she and her husband feel that not everything in Nibley has to be rezoned into a subdivision lot; it has always been a farming community.

Norm Edward asked what would happen if one of the neighbors wanted to sell off a ¼ acre and another

neighbor sold off ¼ acre and put a house right in the middle. He is against the rest of Quarter Circle being rezoned to R-2.

Diane Edward said they came from California and specifically purchased on Quarter Circle Drive for the openness and knew the farms were there and is against the rezone.

Ann Jacobsen said it does not appeal to her because of the fact that someone could come in and build in the backyards.

Mayor Knight asked Mr. McPhie if there was a way to make it work by recording easements on the lots. Mr. McPhie said he was not going to sell the lots he would build on them.

Steve Mecham asked what was wrong with one little spot zone because of the circumstance. The city was illegal and Mr. McPhie needs to make a minor change. Mr. McPhie said what is wrong with making Quarter Circle Drive back the way it was, ½ acre lots and make them conforming. Mayor Knight said non-conforming means that the current property owner is protected. Councilman Jacobsen said that if the property was sold then the next owner abides by the same rules as the current owner but if they wanted to change things it could not be done. As long as R-1 zoned is conformed to, anything can be done on the lot. Mr. McPhie said he did not understand how the city could change property underneath people without notice to make them non-conforming.

Steve Mecham said he did not get an answer to his question. Why can't a spot zone be done? This would make everybody happy. Mr. Anhder said the whole theory with zoning is that there is a consistency. With a spot zoning, in reality, there is no zoning. Spot zoning can legally be done but it is not good planning.

Mayor Knight said he would rather pay for Mr. McPhie's sewer and water hookups to be changed, it would be a good use of city funds to make that change versus changing lots lines and spot zoning. There would be a horrible precedence set by a spot zone that anybody can come in in the future and ask for a spot zone.

Aaron Bliesner is a Nibley resident and also on the planning commission, says he is terrified of a spot zone. The real problem is that if a spot zone is done and then six months down the road somebody else comes in and say they want a spot zone, the commission says that this was the last one they were going to do and deny them the rezone, then the next meeting they show up with an attorney. The city has no rights in that situation and the city loses. Mr. Bliesner said the commission agreed to send this issue on to city council because they felt like the problem that was created earlier would be solved.

Don Henderson said he was wondering why it was called spot zoning because as he looked at a map in the room, it showed that right across the street and slightly to the left is zoned R-2 right now. This would be contiguous and would not be spot zoning.

With no further public comment, Mayor Knight closed the public hearing at 7: 34 p.m.

Item #5: Ordinance 07-14, changing the zone of property south and east of the Nibley Blacksmith Fork Canal and north of 4000 South and west of Main Street to Residential R-2:

Councilman Mickelson asked if this issue should not be discussed because of the moratorium. Councilman Larsen said that according to the ordinance it had to be in standing and have the fees paid. The question would be when the fees had been paid. Mr. Anhder said that Mr. McPhie's fees had been paid on August 13, 2007 and that is why it is being discussed. Councilman Larsen said the moratorium was passed on August 2, 2007 then his fees were not paid in time to be in standing of the moratorium. Mr.

Anhder said the ordinance goes into effect when the mayor signs it. He did not know what date the mayor signed the ordinance.

Councilman Mickelson said that all of the possibilities need to be looked at and that a lot of them have been addressed. He agreed that what was being called a spot zone would not be a spot zone, it is connected to another parcel of land that just happens to be across the road. This could be taken care of by including only those two lots and not the rest of Quarter Circle Drive. It would be the right thing to do. Councilman Mickelson said that something that bothers him is that the city as a whole gets attacked as an entity when, in reality, it is not an entity that decided, it was people that decided. There is a lot of things that happen on an individual basis that happen in the communities that may not conform that the city ends up going back and trying to fix later.

Councilman Harrison said he thinks this has been complicated more than needed to be done and need to divide it back up into the issue of the zone change and deal with them one at a time and does not think that a zone change is a way to do that.

Councilman Harrison made a motion to approve Ordinance 07-14, an ordinance changing the zone of property from residential (R-1) and Residential (R-1-A) and Agriculture to Residential (R-2), for only lots 32 and 33 of Quarter Circle Subdivision. Seconded by Councilman Hansen.

During discussion Councilman Jacobsen said he is opposed to this, to forget about 4000 South that do not want to be in the rezone, however, for Quarter Circle Subdivision this is an opportunity to correct what happened in the past and set it straight. He said he understands the concern of future development but 26 out of 54 lots are already half acre lots, so why is it that only new half acre lots are the ones that are unfair. He said that if a rezone of just Quarter Circle was done, to bring it into conformance, the entire subdivision will not be rebuilt the rezone would just make it fit the rules now and the rules that were there when it was build. They need to correct it once and for all, not on a piece-by-piece basis.

Councilman Larsen said he was in favor of changing just the two lots but disagrees with the standing of when the fees were paid. Councilman Larsen said the fees were paid after the moratorium was placed and it would not be a legal rezone. He said the issue is that the city did not put the sewer and water in it is the owner of the property's responsibility. Easements can be put in and lots lines do not need to be changed.

Councilman Jacobsen asked if the proposal has standing before the moratorium was in place. Councilman Mickelson said that unless there was a date affixed to the document it couldn't be said. Mayor Knight said his best guess was that he signed it on August 3, 2007, which mean that the request is illegal because the fees were not paid before the moratorium was placed. Councilman Harrison asked if it was the same thing because the lots have already been approved and exist and in his mind it is not the same thing. Mr. Anhder said it was brought to the council because the process had already started back in June and it was the staff's fault by not getting it on the agenda.

Motion passed with Councilmen Harrison, Hansen and Mickelson in favor and Councilmen Larsen and Jacobsen opposed to the motion.

Item #6: Resolution 07-15, approval of a lot line adjustment for lots 32, 33 and 34 of Quarter Circle Subdivision:

Councilman Mickelson made a motion to approve Resolution 07-15, a resolution to approve a lot line adjustment for lots 32, 33 and 34 of Quarter Circle Subdivision. Seconded by Councilman Harrison.

During discussion Councilman Jacobsen asked if this application have standing with the moratorium in Nibley City right now. Mr. Anhder said that it did not need to be because it is just a lot-line adjustment and not a rezone or subdivision. Councilman Mickelson asked if there had to be a legal survey to change the lot lines and Mr. Anhder said that a recordable document was needed and one was provided.

The motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.

Councilman Larsen said right now the whole portion of Quarter Circle Drive and 4000 South was advertised as being rezoned and an ordinance was passed with just a section of it and could pass another ordinance for the rest of it. He would like to address Boyd Schiess's issues. Mr. Anhder said that if Mr. Schiess would like to create a lot smaller than 5 acres now would be the time to consider that with the noticing done. Mayor Knight said that Mr. Schiess had indicated that he did not want to do that at this time. Councilman Hansen asked if Mr. Schiess had made application and paid his fees and Mr. Anhder said that he had not. Mayor Knight said this was a separate issue and if he would like to pursue it he needed to pay the fees and bring it in front of the council but would need to wait until February 2, 2008 to do so.

Item #7: A Public Hearing to receive comments concerning the change of zone from Residential R-2 to Commercial for about 1.2 acres at 45 West and 3200 South (Harris property):

Council unanimously opened the public hearing:

Mayor Knight asked for public comment.

Leslie Yeates said she is in favor with the exception that she does not want to see commercial go all the way down Main Street.

With no further public comments, Mayor Knight closed the public hearing.

Item #8: Ordinance 07-12, changing the zone of 1.2 acres at 45 West and 3200 South from Residential to Commercial:

Councilman Hansen made a motion to approve Ordinance 07-12, an ordinance changing the zone of 1.2 acres from Residential to Commercial. Seconded by Councilman Harrison.

Councilman Jacobsen asked again if it is affected by the moratorium and Mr. Anhder said it was not.

Motion passed unanimously.

Item #9: A Public Hearing to receive comments concerning the proposed annexation of 14 acres of property at 3355 South and 1200 West (Nelson/Nibley City property):

Councilman Larsen made a motion to open a public hearing to receive public opinion of the annexation of 14 acres. Seconded by Councilman Mickelson. Motion passed unanimously.

Hearing not public comment, Mayor Knight closed public hearing..

Item #10: Ordinance 07-11, Annexing 14 acres of property at 3355 South 1200 West (Nelson / Nibley City property):

Councilman Hansen made a motion to approve ordinance 07-11, an ordinance annexing 14 acres of property. Seconded by Councilman Mickelson.

During discussion Councilman Larsen said the city does not pay fees to it's self so how does the moratorium work, it talks about annexation and it will pertain to what happens next. The property is a portion of property that was not rezoned. Mr. Anhder said it would effect the next subdivision that would come in and so it needs to be rezoned so that it will not affect the subdivision.

Motion passed with Councilmen Jacobsen, Harrison, Hansen and Mickelson in favor and Councilman Larsen opposed to the motion.

Item #11: A Public Hearing to receive comments concerning a proposed change in the land use ordinance concerning the design requirements for roads in developments of 9 lots or less:

General consent was given to move into public hearing.

Mr. Anhder said as it was proposed by staff it would allow private roads for nine or less lots. The planning commission, however, did not approve that. Their recommendation was 2-9 lots with a 50 foot cross-section and be a dedicated road, doing away with private roads for small lot numbers. Mr. Anhder asked the council to consider the original submission.

Mayor Knight asked for public comment.

Shawn Dustin said that at some point everything goes back to the city. He said he lived on a private road that could not be maintained by the Home Owners Association and ended up going to the city and the city had to rebuild it to their standards. The city needs to take responsibility for the roads from the get go and get exactly what they want to maintain for the future.

Jack Stevens said he agrees with what Mr. Dustin says.

Carrie Cook said she could see Mr. Dustin's point and likes the option for the 50 foot cross section. She thinks that private roads are a good idea for smaller lot number subdivision.

With no other comment from the public Mayor Knight closed the public hearing.

Item #12: Ordinance 07-13, requirements for roads in developments of 9 lots or less:

During discussion Mr. Anhder said that he has long been a proponent of private roads, they are something that the city does not have to maintain in the future. They are little roads and are the last ones to get snowplowed and strongly disagree that they will become city roads. Councilman Larsen said he is not in favor of x-ing out private roads yet and would like to define private roads better than they currently are. He said he was personally in favor of sidewalks. Instead of acting on this ordinance tonight he would like the council to wait and do more research and take the recommendation from the planning commission. Councilman Harrison said he agreed with Councilman Larsen and thinks there is room for private roads in Nibley. Councilman Larsen said that as long as the roads are built to standards then there would not be the same problems that have been there in the past.

Mayor Knight said that the ordinance, before the planning commission made their changes, said that private roads would be built to Nibley City's standards and specifications. In the Mayor's recollection the discussion of the council was two fold, one being to clean up the subdivisions and put sidewalk, curb and gutter. Councilman Jacobsen said he shares Councilman Larsen concerns that if private roads are built,

they need to be built to Nibley City standards.

Carrie Cook said that when she was looking into building a private subdivision, she knew that her road would be the last one to be plowed in the winter and that is why she chose to go private because she knew that she could hire out to plow the road. She was also aware of the detention pond and knew that she would have to maintain it as well. These little roads are the city's last concern when it comes to any maintenance.

Councilman Larsen made a motion to table ordinance 07-13, an ordinance establishing requirements for roads in developments of nine lots or less, until next meeting on September 20, 2007. Seconded by Councilman Harrison. Motion passed unanimously.

Item #13: Resolution 07-14, requesting recertification of the Nibley City Justice Court:

Councilman Larsen made a motion to approve resolution 07-14, a resolution requesting recertification of the Nibley City Justice Court as written. Seconded by Councilman Harrison.

Mayor Knight said he is glad the city has the justice court and hopes the status can be maintained. Mr. Anhder said there are changes coming to the Justice Courts. The League of Cities has endorsed a bill by the Justices that will require that all new judges to have a college degree and the salaries of the Justices will be set by State not the Cities.

Councilman Larsen said he strongly agrees with the last whereas that says that the members of the city council have determined it is in the best interest to have the justice court. He said that the justice has impressed him in the passed and encouraged the council to attend a meeting. Councilman Jacobsen asked Mr. Stevens what the council could be doing in terms of law enforcement to help out the judge. Things like enforcing speed limits and animal control. Judge Stevens said that he has not heard any citizens complain about the enforcement that is already provided. Councilman Larsen asked Judge Stevens how it was working with the bailiff that was hired. Judge Stevens said he is satisfied with the work from the Cache County Sheriff's office.

Motion passed unanimously.

Item #14: Discussion about City Planner / Zoning Administrator position:

Mr. Anhder said he has given the council his recommendation, Shari Phippen, from his point of view, has worked out very well. The city can be well served, with the money available, with a zoning administrator. In the job description that Mr. Anhder gave the council the positions for Zoning Administrator versus a City Planner were nearly identical and that is because that is the job that needs to be done. The only difference was the background that a person would bring to the job. Mr. Anhder said that Ms. Phippen has a master's degree in Business Administration. Councilman Mickelson said he does not feel like the decision of who to hire as a planner should be based on what is thought to be in the budget. The council needs to figure out what is needed and then finance that needed. Councilman Mickelson said his opinion is that the city needs a professional planner, that there is enough growth and demands that the two jobs can be separated, a division of labor. Mr. Anhder said the great bulk of the work that is done is clerical; the big difference is the strategic and long range planning, which is being taken care of with the updated general plan.

Councilman Larsen said the growth in Utah as a whole, has slowed down but Nibley has not slowed down and as of right now, he can count an excess of 400 lots either approved waiting to be built or a phase of a subdivision that is waiting to be approved. Councilman Larsen said the council has already given the

approval for Ms. Phippen to stay on and help out until there is a planner. There is also the issue of Mr. Anhder eventually retiring and when he leaves all the knowledge that he has leaves with him and if there isn't someone here now to learn those thing they will be lost. Mr. Anhder asked why that couldn't be Ms. Phippen. Councilman Larsen said that he personally does not see Ms. Phippen as the city administrator or the city planner. Councilman Larsen's opinion is that the city needs a planner now more than ever and does not like the idea of hiring out. He said that a loop needs to be thrown out and see what come back in the way of a planner. Councilman Jacobsen said he was more willing to go with the known person than an unknown person if that person shows the motivation to learn and is more interested in cultivating an employee that is know for their longevity.

Mayor Knight recognized Shawn Dustin and Aaron Bliesner, both on the planning and zoning commission and asked for their input. Commissioner Dustin asked what is really wanted or needed out of the person, clerical or planning. Hire someone to do the job that needs done.

Commissioner Bliesner said that so far he agrees with most everything that everybody has said. He said that there are some flaws in the thinking as a group that need to be dealt with. The first is the idea of clerical work, Planners do clerical work; they facilitate the planning commission, the city council and the community doing planning. The second thing is that he thinks as a whole there is too much talk about Mr. Anhder and Ms. Phippen and not enough about the system and how it should run. Commissioner Bliesner said he thinks the city planner needs to be directly accountable to the appointed officials responsible for planning.

Councilman Hansen said he is in favor of hiring someone that can be trained to become a city manager and wonders if that need can be met. Councilman Larsen said he is not in favor of that and the city needs to have a city manager and a city planner. Mr. Anhder said in a large city with a budget to do it, it would be wonderful to have those positions separate. The fact of it is that in this small city it cannot be afforded and what are the chances that a person with five or more years experience will stay with Nibley. Mr. Anhder said the bottom line is what can the city afford. Mr. Anhder said that he is very confident that Ms. Phippen and himself, with a little bit of outside help, will be able to provide the councils the ordinances in a timely manor for the implementation of the general plan. He is impressed with Ms. Phippen's writing and research skills and suggested to the council to give her a year's trial.

Councilman Harrison said he was in favor of trying Ms. Phippen for a year to see how it works out. Councilman Mickelson said he is extremely concerned about the financial situation of the city and as long as Ms. Phippen is working out he is in favor of keeping her. Councilman Hansen said he does think that at some point the city will need to have a full time planner but is not at that point yet and is in favor of keeping Ms. Phippen on. Councilman Jacobsen said he is also in favor of Ms. Phippen as planning administrator. Councilman Larsen said the city has a strong need for a city planner and is in the opinion of seeing what else is out there and finding the finances for the need of the planner.

Mayor Knight asked Commissioner Dustin and Commissioner Bliesner what changes they would propose if Ms. Phippen was hired. Commissioner Dustin said he would like to see Ms. Phippen be more autonomous. Commissioner Bliesner said that he could not back this in any form and does not think that Ms. Phippen is not qualified for the position that is needed. He said that he has been impressed with her administrative skills but she is not qualified to be the planner. Commissioner Dustin said that he also agrees with Commissioner Bliesner, her administrator skills are great but she does not have the experience that is needed. Commissioner Bliesner said he feels that his time is being wasted and he feels like the planning commission has potential to accomplish things on this level and believes what they can accomplish can facilitate what the council wants to accomplish, there is an attainable balance.

Councilman Larsen made a motion to move forward in advertising to see what is available for a

city planner while keeping Shari as interim assistant to the city manager. Seconded by Councilman Mickelson.

During discussion Councilman Larsen said the planners that were talked to last year at the League of Cities meeting said that a planner with three to four years experience could go for a range of about \$40 to \$45 thousand. Councilman Hansen said he did not think they were in the position to hire a full time planner and believes that Ms. Phippen should be hired for a year and assess the city's planning needs and identify what is expected of the planner.

Councilman Hansen to amend to hire Shari Phippen as a zoning administrator for one year and put the planning position on hold and do addition research to fine tune the city's requirements for that position. Seconded by Councilman Harrison.

Councilman Jacobsen asked Mayor Knight if in his judgment the amendment completely changes the objective of the main motion, then it cannot approve it in order.

Mayor Knight ruled that the motion to amend was out of order.

Councilman Larsen said he also thinks that from the two options given for the position, it is not clear as to what is needed as an administrator or a planner. Mr. Anhder said when he wrote the description he looked at a couple of different job descriptions and took what he wanted to see in a zoning administrator, then as he wrote it they turned out to be about the same with the exception of the experience and background.

Mayor Knight brought up the opinions of the commissioners because he thinks they have considerable more planning experience as to the need that is there and they are passionate about what they want and need as planning commissioners.

The motion failed with Councilmen Larsen and Mickelson in favor and Councilmen Jacobsen, Harrison and Hansen opposed to the motion.

Councilman Hansen made a motion to offer Shari Phippen the position of zoning administrator for one-year period and during the interim fine-tune the requirements for a planner. Seconded by Councilman Jacobsen.

During discussion Councilman Mickelson asked what happens in two weeks when Ms. Phippen is gone is a clerical person still wanted. Councilman Harrison said then there are different circumstances to deal with and they will have look at them again.

The motion passed with Councilmen Jacobsen, Harrison and Hansen in favor and Councilmen Larsen and Mickelson opposed to the motion.

Item #15: Council Reports:

Councilman Larsen:

As the Royalty said, Tiffany's project, Shadowbrook Park was finished with grass planted. Quite a few citizens showed up and Tiffany's family served a nice lunch. Once the grass is established, a picnic table will be placed there. This was a very successful project.

Councilman Larsen said that Dale Johnson contacted the city about donating some tractors and he is ready to move those tractors. Councilman Larsen told him to go ahead to and deliver them to the farm. Councilman Larsen said they need to be restored to running condition or restored for children to play on.

Councilman Jacobsen:

On the topic of safety, kids are back in school and he feels like there was a concerted effort between the school and the city working together on safety issues. Councilman Jacobsen said he thought the city was well represented at Back to School night in safe walking routes that Mr. Tori came up with. He said that UDOT has gotten involved by placing safe walking routes for all of the elementary and middle schools in Utah on their website. Councilman Larsen wanted to thank Bill Saunders for getting the sidewalks painted that are on that safe walking route.

Councilman Harrison:

Councilman Harrison said he thinks Nibley is a pretty great city and hopes the employees are aware of how good of a job they do. Councilman Harrison said he had nothing to report on the roads and that crack seals will be put in later on before winter comes. Councilman Harrison asked Mr. Anhder if there was anything new on the 3200 South road. Mr. Anhder said that nothing new has come up, but the engineers have gone over their budget and are asking for a change to their contract, but no numbers have been seen. Mr. Anhder said they are on track to advertise for bids next month to start on the road in late winter or early spring.

Councilman Hansen:

Councilman Hansen said he had nothing to report.

Councilman Mickelson:

Councilman Mickelson asked to line up a date to meet with the canal company. Mr. Anhder said the canal company was told to set the date. Councilman Mickelson said he would like to would like to firm up a date. Mayor Knight said the whole council did not need to meet with them and to set up a date and let him know.

Councilman Mickelson would like a five-year projection on the finances of the city. He would like to know what would happen if the housing were to drop 50%. Mr. Anhder said he would prefer to talk about this at a future council meeting when he has had time to research the issues.

Item #16: City Manager Report:

Mr. Anhder said there was a property of interest for sale, a one-acre lot. Mr. Anhder asked for the council's approval to make an inquiry on the property. Councilman Harrison said that another thing that adds to the value is the closeness and need to what is there. Consensus is to wait for two weeks and see what the price is.

Mr. Anhder said in anticipation of ordinance writing to implement the general plan, he has made preliminary arrangements with James Carter of Logan-Simpson Design on the suggestion of guiding the city doing the work and then he will review the work to make sure it is legal before bringing it to the planning commission and would like to know the council's opinion. Councilman Larsen said he would like to know the cost of it. Mr. Anhder said they have \$30,000.00 in the budget for ordinance re-writing and is not sure of the cost at this time. Consensus is that they will meet with Mr. Carter while they are down in Salt Lake City for the League meetings.

Item #16: Mayor report:

Mayor Knight asked if any council members were interested in going to the 100 Year Extravaganza for the Boy Scouts on October 5, 2007 it would be \$25 per person.

Mayor Knight said he has had a request to use the ballpark and using the lights associated with the park. If the lights are turned on it will cost \$310.00 for the year, a one-time demand yearly charge. There is also

a base rate charge of \$117.00 whether they are used or not. The year goes from November to November so there would only be a couple of months of use with the demand charge. He said the lights have not been used for the last three years. The council decided not to turn them on and pay the charge for this year.

Mayor Knight brought up the September 17, 2007 Boundary Commission Hearing and as part of that the Logan city council has made a decision to get as many signature as possible of people that would like to withdraw their name from the petition. Mayor Knight would like to divide up the names with the council and do a door-to-door campaign.

Item #17: Adjourn: Adjournment by general consent at 11:40 p.m.

Signed _____ Attest _____
Mayor Gerald Knight Assistant Deputy Recorder