



1 S Bankhead said you have to remember that they were approved as SFT.  
2 H Ames said he felt like there are a lot of loose ends. He feels like they should rezone the property.  
3 W Wimmer said she agrees. The Commission should recommend they rezone to SFT.  
4 J Nielson said the attorney is still right in the middle of this.  
5 L Campbell asked what the statement was on the rezone.  
6 J Nielson said when you go through a rezone it opens the door for the citizens to file another law suit.  
7 W Wimmer said we need to stick to our guns. We have rules and laws we need to follow.  
8 L Campbell said as long as the attorney agrees with our recommendations we shouldn't have anything to worry about.  
9 D Briel said he is reluctant to make any decisions without our attorney's opinion.  
10 H Ames said he is ok with making a recommendation to change the zone to SFT. We need to do our do-diligence.  
11 J Nielson said he is vested as SFT and the Commission should recommend that the City Council approve this.  
12 L Campbell asked if the attorney was in DRC meetings on this.  
13 S Bankhead said that Craig Call has been on the phone during the DRC meetings and he has been working with Skarlet  
14 and Jared on the Development Agreement. Now we are waiting for the official order from the Court.  
15 L Campbell asked if the attorney has told DRC to go in this direction.  
16 S Bankhead said yes, we are doing exactly what he recommended we should do. He felt like following the  
17 Ombudsman's decision was the right thing to do. If we go to court on this and they favor Jared the City would have to  
18 pay all of the fees. That is why we accepted the Ombudsman's decision.  
19 H Ames said he understands that the Council and developer have come to an agreement. If he was one of the irate  
20 citizens and the Commission recommended the Council go with the Ombudsman's decision they are setting themselves  
21 up for more lawsuits from the citizens.  
22 L Campbell said that is where it comes back to where he is vested. He is shocked that no one is here to talk about this  
23 issue.  
24 J Nielson said the City Attorney said to go this route because it is the best way to go.  
25 H Ames said he feels like the Commission needs to recommend to the Council that they rezone this before they approve  
26 the final plat.  
27 G Busch said that they are recommending that they approve this in the zone that it was vested in.  
28 L Campbell said they can put it in the recommendation conditions before they approve it. If it wasn't SFE they wouldn't  
29 be in this hassle.  
30 H Ames asked if the final plat is the same as the preliminary plat that was already approved.  
31 J Nielson said it is the same plat.  
32 H Ames asked if the changes have been made on the final plat.  
33 S Bankhead said the water obligation has been met. They will dedicate them after the plat has been approved.  
34 H Ames asked what phase lines are.  
35 S Bankhead said the phase lines are the entire piece of property. They show phase lines to show more of the  
36 development.  
37 H Ames asked about Mrs. Badgett. Is she on the deed?  
38 J Nielson said she is not on the deed.  
39 S Bankhead said the construction drawings have also been signed.  
40 J Nielson said they have cut the first phase in half.  
41 G Busch asked about the open space.  
42 S Bankhead said part of it is a detention pond. The City doesn't know what they will do with the rest of it.  
43 W Wimmer asked about a dog park.  
44 S Bankhead said that is something they could look into. It won't be manicured like your yard. It will be more natural.  
45 G Busch asked if this was something the City asked for.  
46 J Nielson said the City asked for this. The City Council was looking into clustering and open space. They brought in  
47 two preliminary plats and the City Council chose this one. Jared preferred the other one.  
48 G Busch said he didn't feel like it was enough ground to do anything with.  
49 S Bankhead said the neighbors will be happy with it. We have other parks with less acreage than this. If the City decides  
50 to develop this area it will make a nice pocket park.  
51 L Campbell asked how big Cattle Corral park is. It isn't that big. This is obviously phase 1. Will the future phases be  
52 vested as SFT?  
53 S Bankhead said yes the whole preliminary plat was approved.  
54 H Ames asked about the old building on the property.  
55 L Campbell said it is up to the developer whether this building has any historical value.  
56 D Briel said it isn't in the historic zone.  
57 G Busch asked if the concept plan was approved before it was rezoned out of agricultural.

1 S Bankhead said our old City Manager let Jared get too far along before he rezoned it. At that time he brought in the  
2 concept plan and the preliminary plat before it was rezoned.  
3 J Nielson said the Council wanted some open space so they did another preliminary plat and the Council agreed to that  
4 one. They rezoned and then had the preliminary plat approved that is what they were vested in. The City requested that  
5 it was done backwards.  
6 W Wimmer asked if you could break it up.  
7 S Bankhead said you are recommending that you go through the rezone process.  
8 W Wimmer asked if it went through the process when it was zoned SFE.  
9 L Campbell said he agrees that it needs to be rezoned but not before the final plat is approved.  
10 H Ames said he wants the Council to put a time limit on this. He feels like they will put it off.  
11 J Nielson said that legally he has the right to do this development. That loose end has nothing to do with him.  
12 W Wimmer asked if the next phases could be affected.  
13 H Ames suggested that before any more phases are approved the zone needs to be changed.  
14 W Wimmer said she feels like H Ames made the right motion.  
15 Motion to amend W Wimmer's motion that recommended approval of the Hillcrest Subdivision Phase 1 as follows:  
16 Recommend that the City Council rezone this development to SFT before the Council approves the final plat. With that  
17 exception or with the City attorney's approval we recommend approval of the final plat  
18 H Ames, W Wimmer second  
19 Vote: Yea: D Briel, H Ames, W Wimmer  
20 Nay: L Campbell, G Busch  
21 Abstained: None  
22 Excused: None  
23

24 **STAFF AND COMMISSION REPORTS:**

25 S Bankhead said the City Council approved the ordinance changes on the SOB and conditional use ordinance.  
26 The business license ordinances are being changed. Because it affects the use chart she would like the Commission to  
27 see them. They will be ready for the next meeting. It probably should be done as a study item and then brought to public  
28 hearing in a couple of meetings.  
29 L Campbell asked about the pictures that were taken by the Commission to show what they liked and disliked in the  
30 City. Will they be used in the downtown area?  
31 S Bankhead said Max Pierce will bring recommendations to the Commission on those issues.  
32 Sage crest hasn't submitted anything for their final plat. The Preliminary plat has been met as far as the changes are  
33 concerned. If they change the preliminary plat it has to come back to the Commission. They met the conditions that the  
34 Commission requested.  
35 The Council talked about the Mosquito Abatement and Critical Lands.  
36 L Campbell asked if they were doing as much in Providence on Mosquito Abatement.  
37 S Bankhead said if you request from the Health Department to not have spraying in your area they will not spray within  
38 300 feet of your property. D Johnson also said if you are having a party they will do a free fogging. Bear River Health  
39 Department works with the Mosquito Abatement program.  
40 L Campbell asked who paid for the party fogging.  
41 S Bankhead said she thought it was part of the deal.  
42 H Ames said he continues to be amazed at the depth and breadth of the knowledge that Skarlet Bankhead brings to the  
43 City.  
44 D Briel will not be in town on November 12<sup>th</sup>.  
45 W Wimmer asked if the Commission would have a meeting on November 26<sup>th</sup>.  
46 S Bankhead said it will be on the agenda for November 12<sup>th</sup>.  
47  
48 Motion to adjourn: G Busch, W Wimmer second  
49 Vote: Yea: G Busch, H Ames, D Briel, W Wimmer, L Campbell  
50 Nay: None.  
51 Abstained: None.  
52 Excused: None  
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56 Lance Campbell, Chairman  
57 Meeting adjourned at 7:20 p.m.  
Minutes taken and prepared by Terri Lewis

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56 Terri Lewis, Secretary