

Planning Commission Minutes
March 25, 2024, at 6 PM

1. **ROLL CALL** – The meeting was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Bobby Wilson
Chad Ball
Gerry Harris
Judy Horne
Keith Macedo
Norm Toering
Howard Carter

ABSENT - None

City Employees Present: Melissa McCarville, City Business Manager; Jay Moore, City Attorney; Rick Bramall, City Building Inspector; Chris Brackett, City Engineer; Bill Hellard, Fire Chief; Ernie Penn, Mayor

2. **Approval of Minutes:** The February 26, 2024 minutes were unanimously approved as written.

3. **Comments from Citizens:**

Phyllis Young - 546 Goose Creek asked for clarification regarding the February minutes section on the Goose Creek Final Plat. She wondered who in the future would be responsible for cleaning up the drainage area if the HOA didn't do it, which normally they won't do. Ms. Young said she heard City Attorney Jay Moore say a civil suit could be filed, but she said the minutes said the city of Farmington would file a civil suit. She wondered if that's correct, or if she would have to file a civil suit.

City Attorney Jay Moore said if there is trash on her property, that would be her responsibility to file a civil suit, not the City of Farmington's. So, if the minutes need clarification, that can be done at the end of the meeting or at next month's meeting.

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Chairman Robert Mann presented two "housekeeping" items to discuss before the agenda items were addressed.

The first was the addition of an irrigation requirement for commercial entities over two acres in size, to the landscaping ordinance. Bobby Wilson moved to have a public hearing at the April 2024 meeting to consider adding an irrigation requirement to the landscaping ordinance, Chad Ball seconded the motion. Upon roll call vote, motion passed unanimously.

Chairman Mann said a public hearing to consider adding the requirement of curbing to parking lots also should be considered at the April 2024 meeting. Chad Ball moved to consider additional requirement of curbing to parking lots at the April 2024 public hearing. Norm Toering seconded the motion and upon roll call vote, motion passed unanimously.

Unfinished Business

1.A. Final Plat – Goose Creek Ph. 4; Property Owned by DR Horton; West of Goose Creek Ph. 3; Presented by Jorgensen & Associates

The city representatives had no comments regarding the Final Plat.

Jared Inman, of Jorgensen & Associates, said that there had been a few comments from the commissioners about cleaning up the detention pond, and believed the debris and trash had been cleaned up and did not think there was anything new on the list of approval items or conditions of approval from Chris.

Vice Chair Gerry Harris asked if they had opened a bid to clean up the debris; Jared Inman said yes, the bid was for everything and then said that Kyle Whitlock, who was there representing DR. Horton, could answer those questions.

Kyle Whitlock said they were in discussions about cleaning up the downed trees and debris and there is some discussion on the drainage in that area and are trying to sort out how many trees can be saved and if the dead ones need to come down. Gerry Harris said she thought the bid had been done, and the bid was for the maintenance and to clean all the dead trees up. Mr. Inman said that the bid had been awarded to Gene Nicklaus.

Gerry Harris said she checked for an opening to go in and maintain the pond, and did see it. Mr. Inman assured her that there are actually two access points.

She then voiced her concern that when this was originally discussed, Riggins had talked about putting in a park with a trail around it which would have been nice for the community. Now it appeared to her from the various conversations that perhaps that had changed. Mr. Whitlock said that is 100% correct; the work will be done. Chairman Robert Mann asked if there was a timetable because he could say that, but six months from now, it might not be done.

Mr. Whitlock assured again that as soon as they figure out what's going on with that detention area, it'll be taken care of. City Engineer Chris Brackett stated there may be changes to the detention pond.

Gerry Harris asked what was going on with the detention pond, and City Attorney Jay Moore commented that it was part of the lawsuit. Kyle Whitlock with DR Horton said they just want to make sure all parties are happy with the final product.

City Engineer Chris Brackett said it would be premature to do the trail work now before they know exactly what's going to happen if there are changes to the detention pond.

Judy Horne asked if the downstream flooding that occurs now would be improved if Horton does all this work. Jared Inman said it's not going to have any issues. The water flow can't make anything worse.

City Engineer Chris Brackett read a memo listing conditions for approval:

The Final Plat for the Goose Creek Village Subdivision Phase IV has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The required Payment In Lieu of Park Land Conveyance must be paid prior to the signatures on the Final Plat. This fee will be \$900 per single family unit. The fee will be \$53,100 for 59 single family lots.
2. All public improvements must be completed, and a Final Inspection scheduled. All punch

list items must be completed and accepted prior to final approval of the final plat.

3. A one-year Maintenance Bond to the City of Farmington for all public improvements except for the water and sanitary sewer improvements must be provided prior to the signatures on the Final Plat. The engineer must submit an itemized cost of these improvements for approval prior to obtaining the bond.
4. If the sidewalk construction is to be delayed until the home construction, then the developer shall provide an escrow account in accordance with Ordinance 9.20.03(a.). The engineer shall provide a cost estimate for the construction of the sidewalk for approval.
5. If the installation of the Street Lights has not been completed at the time of Final Plat signatures, then the developer shall provide the paid invoice from the electric company for these lights.
6. Provide one original and 6 copies of the recorded plat to the City.

Chad Ball noted paragraph 2, “all public improvements must be completed in the final inspection scheduled” and asked if this detention pond and drainage element are considered a “public improvement”?

City Engineer Chris Brackett said yes, but it was constructed with Phase I and it is completed to the city’s requirements and so is not included as a part of this Phase 4 punch list item.

Public Comment:

Phyllis Young, 546 Goose Creek, showed photos of the detention pond on the outlet side of the drainage pipes. The trash and debris has been picked up on the inside of the detention pond, but on the outside where the pipes open out, they did not pick it up on the construction side. She said debris such as insulation, drink bottles and cans, Styrofoam, stakes, construction materials, and food wrappers are piled up approximately 2 feet high on the construction side, not her side, up against her fence. If there were not some trees there, her fence would have been knocked down by the debris and water and her cows would have got out. Ms. Young asked Commissioners to table it for another thirty days until they of what they said they would do.

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Jared Inman, with Jorgenson’s stated he had not seen the pictures but he will look into it.

City Attorney Jay Moore commented that Ms. Young’s property starts where the rock runoff area is and Horton reps had not been sure they could go on her property due to the lawsuit. He said DR. Horton people can go on that property and clean up the trash and debris.

Mr. Whitlock stated they were notified last month and he and another gentleman walked it personally and have tried to have it cleaned up.

Judy Horne asked if there is anyone that Ms. Young could contact if this is not done? Jay Moore said Ms. Young should call her attorney.

Norm Toering asked what happens if this lawsuit gets delayed legally for the next six months? They're saying they can't do things because it's a lawsuit, and if it keeps getting delayed in the court, this isn't getting done. He emphasized again, when is it going to be done? He was concerned that if it never gets to the court because it's being delayed, nothing will ever be resolved. Chris Brackett said there is a trial date for November; it will be a jury trial.

City Attorney Jay Moore stated Mr. Dixon filed a Third Amendment complaint. As part of the Third Amendment complaint, there were some new allegations or new laws that were brought up. To be able to respond to those appropriately, all the defense attorneys asked for more time because they could not immediately address the issues that were brought up. Also, that gives them more time to settle or not settle and time for more depositions to get taken from all the parties and all the expert witnesses.

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Jay Moore, City Attorney commented you can table it one more time. However, there are no qualifications to deny the Final Plat request, because they have met all the requirements of the ordinances that Farmington has as of now. He showed pictures that he had taken earlier that day. More discussion followed about the trash and debris cleanup.

Melissa McCarville said if there is a trash situation, City of Farmington Code Enforcement officers could be called.

Keith Macedo moved to approve Goose Creek village subdivision Phase IV . Bobby Wilson seconded the motion.

Chairman Mann called for question to approve the final plat of Goose Creek Phase 4, subject to City Engineer Brackett's memo, dated March 25, 2024. Roll call vote was 6 Yes and 1 No with Judy Horne voting No. Motion for approval passed.

Public Hearings

2B. Conditional Use for Freedom Fireworks, LLC; property located at 233 E. Main owned by Freedom Fireworks; presented by Freedom Fireworks:

Chelsea Mahan represented this company. All requirements for the Conditional Use had been met. There was no public comment and no questions. Upon roll call vote, the Conditional Use Request was approved by unanimous vote.

2C. Final Plat for Hillcrest Subdivision; property located at 11294 N. Hwy 170; owner Bart Bauer. Presented by Blew & Associates.

Bart Bauer, developer for EBL Investments, LLC, acknowledged they had received the memo from Chris Brackett and agreed to the conditions.

City Engineer Chris Brackett read a memo listing conditions for approval:

The Final Plat for the Hillcrest Subdivision has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The required Payment In Lieu of Park Land Conveyance must be paid prior to the signatures on the Final Plat. This fee will be \$900 per single family unit. The fee will be \$72,900 for 81 single family lots.
2. All public improvements must be completed, and a Final Inspection scheduled. All punch list items must be completed and accepted prior to final approval of the final plat.
3. A one-year Maintenance Bond to the City of Farmington for all public improvements except for the water and sanitary sewer improvements must be provided prior to the signatures on the Final Plat. The engineer must submit an itemized cost of these improvements for approval prior to obtaining the bond.
4. If the sidewalk construction is to be delayed until the home construction, then the developer shall provide an escrow account in accordance with Ordinance 9.20.03(a.). The engineer shall provide a cost estimate for the construction of the sidewalk for approval.
5. If the installation of the Street Lights has not been completed at the time of Final Plat signatures, then the developer shall provide the paid invoice from the electric company for these lights.
6. The Developer shall provide one original and 6 copies of the recorded plat to the City.

Judy Horne asked if Hillcrest owned the downhill slope with a creek on the west side of this property. Mr. Bauer said it is a drainage easement that is on Joe Stewart's property.

Chad Ball asked if the detention pond will be maintained by the developer until the POA is formed and the answer is "yes". He asked that the final plat should label the detention pond. City Engineer Chris Brackett said he will be sure a note is added.

Public Comment:

Barbara Lorenz, 11423 N. Hwy 170 - The developer tore her fence down during construction. Ms. Lorenz stated that in the covenants and restrictions it says that people who buy these lots will put in a fence. Ms. Lorenz said she wanted to make sure who is responsible for that? She had agreed to wait until someone bought a lot to put in a fence but was very concerned if the developers don't do it, who should she talk to?

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Bart Bauer, with EBL stated that the covenants, which are a binding legal agreement, will put up fencing on those three lots when there is a property closing in about a year.

Jay Moore, City Attorney, said the city could not be involved in that. He asked Mr. Bauer to verify again that Dr. Horton as part of building those lots will put a fence up as part of the legal agreement. Mr. Bauer said yes, it will be in the covenants and the sales agreement.

Chairman Mann called for question to approve the final plat of Hillcrest subdivision subject to City Engineer Brackett's memo, dated March 25, 2024. Roll call vote was unanimous. Motion for approval passed.

2D. Request for extension of Large Scale Development for Farmington Vet Clinic.

Nick Bohning, Veterinarian Services, Inc. said they are requesting a six month extension to the LSD. The owner is working with contractors to get the project under budget, and now plan to start construction

soon. Melissa McCarville, City Business Manager stated the memo that's in the agenda was what was sent to her from the developer on behalf of the developer asking for the extension. They expect to begin work in May or June.

Public Comment: None.

Chairman Robert Mann called for question to approve the extension to the Large-Scale Development for Farmington Vet Clinic. Roll call vote was unanimous. Motion for approval passed.

City Attorney, Jay Moore stated we will address the minutes issue regarding Goose Creek at next month's meeting, if there is something that needs to be addressed.

Keith Macedo said there is a need for street name regulations and so Robert Mann agreed to add this item to the Work List for the Commission to address.

Chairman Robert Mann stated that Judy Horne has requested not to be considered for Secretary going forward. Bobby Wilson made a motion to nominate Chad Ball as the new secretary. Motion was seconded by Norm Toering. Roll call vote was unanimous. Motion for approval passed.

Gerry Harris was re-elected as Vice Chair by unanimous roll call vote.

Robert Mann was re-elected as Chair by unanimous roll call vote.

Adjournment: Having no further business, motion was made and seconded to adjourn; it was approved unanimously, and meeting was adjourned.



Judy Horne, Secretary



Robert Mann, Chair