

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 2, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, David McKinney, Ellen Smith, James Dupaix, Nathan Hendricks, John Winn, and Nathan Gedge.

STAFF: Tom Burdett, Greg Mikolash, Jennifer Jastremsky, Scott Langford, Chris Gilbert, Chien Hwang, Reed Scharman, Jeffrey Robinson, Melanie Briggs, and Julie Davis

OTHERS: Lee Conant, Mike Kellermeyer, Tony McGuire, Derrick Christman, Charles Hinnen, Chris Beckman, Eric Smith, and June Christiansen.

The briefing meeting was called to order by Acting Chair Justin Stoker.

New Commissioners Gedge and Winn were introduced. The clarifying word of 'geographically' was added to Page 3 of the minutes regarding the statement that the units could be arranged in a variety of configurations.

There were questions regarding the inclusion of the proposed microwave dishes to be mounted on the communications towers. The applicant of Item #3 is asking that the item be postponed to February 6. An explanation of the request in Item #4 was given. Jennifer Jastremsky explained that the adjoining church property in Item #5 is being rezoned with the permission of the church representatives.

Elections for Chair and Vice-Chair will be conducted at the end of the regular meeting.

The regular meeting was called to order at 6:00 p.m.

1. Oath of Office for New and Reappointed Planning Commissioners

City Recorder Melanie Briggs administered the Oath of Office to Commissioners Smith, Gedge, and Winn.

2. Consent Calendar

A. Approve Minutes from December 19, 2007

B. Clearwire UT-SLC-087 Co-location; 7165 South Paddington Road; Conditional Use Permit; P-F Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070042; parcel 21-29-226-003]

Staff recommended that the Planning Commission approve the proposed Conditional Use Permit subject to the following conditions:

1. The use of the property shall conform to the narrative, the site plan, and the elevations, as contained within the application and this staff report, except as modified by these conditions.
2. The applicant shall obtain a building permit for installation of all new equipment.
3. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
4. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required.

C. Clearwire UT-SLC-125 Co-location; 5541 West Bagley Park Road; Conditional Use Permit; M-1 Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070041; parcel 26-01-351-002]

Staff recommended that the Planning Commission accept the findings and approve the proposed Conditional Use Permit, subject to the following conditions:

1. The use of the property shall conform to the narrative, the site plan, and the elevations dated 10/26/2007 as found as part of this application, except as modified by these conditions.
2. Comply with the following conditions of approval placed on the pole during initial Planning Commission approval on July 11, 2007:

- a. The proposed antennas may not exceed 8 feet in height or 13 feet in width as viewed looking directly at the monopole at the same elevations as the antennas and antenna mounting structure.
- b. The enclosed equipment area will be kept free of weeds, trash, and debris.
- c. Climbing pegs are not permitted on the lower 20' of the monopole.
3. The applicant shall obtain a building permit for installation of all new equipment.
4. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
5. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required.

MOTION: James Dupaix moved to approve the Consent Calendar as noted on the agenda. The motion was seconded by Nathan Hendricks and passed 7-0 in favor.

There were none in attendance who wished to speak against the items on the Consent Calendar.

3. **Mohawk Meadows Rezone and Land Use Amendment; Continued from 12-5-07; 7401-7551 South 5490 West; General Plan Land Use Amendment of 20 acres from Very Low Density Residential to Low Density Residential and Rezone from RR-1D to R-1-10; Millstream Land, LC/Hugh Matheson (applicant) [#GPA20070009 & ZC20070015; parcels 20-25-300-007, 008, 010, 026]**

Staff recommended that the Planning Commission continue this item to the February 6, 2008 Planning Commission meeting to allow the Applicant and Staff additional time to work through concerns regarding the proposed Mohawk Meadows General Plan Future Land Use and Zoning Map amendments.

MOTION: James Dupaix moved to postpone the Mohawk Meadows Rezone and Land Use Amendment; 7401 – 7551 South 5490 West; Millstream Land, LC/Hugh Matheson (applicant) to February 6, 2008. The motion was seconded by Nathan Gedge and passed 7-0 in favor.

4. **Maple Hills Subdivision Amended Condition: 6509 West 7800 South: Amended Subdivision Condition Regarding Collapsible Soils; P-C Zone; Lee Conant (applicant) [#ASC20070002; parcel 20-27-400-003]**

Greg Mikolash gave an overview of the request to amend a condition of the subdivision that was approved last August. The applicant proposed to remove the note from the plat indicating the presence of collapsible soils in certain areas as well as the condition that a separate document be recorded by Salt Lake County. The notations would only be removed once an event certain circumstance takes place. In this case there would have to be proof that the property had been remediated of any collapsible or sensitive soils.

Based on reference to the *Maple Hills #1 & 2 – Moisture Sensitive Soils Remediation Plan*, Staff recommended the that the Planning Commission support Staff's position to remove the collapsible soils notations from the plats based on an "event certain" circumstance, which in this case will be the completion of the remediation plan and receipt of the documentation verifying the work has been completed; and that City Staff be allowed to administratively remove any and all collapsible soil notations and the stipulations of Condition #12 once all remediation on the site is complete. A plat will not be recorded until after the "event certain" situation is accomplished.

Ellen Smith asked what kind of documentation the City requires and what kind of oversight is used for the event certain.

Chien Hwang said the City inspector and the geotech engineer and his inspector would be there throughout the process. The geotech would then certify that the collapsible soils had been removed from the site and acceptable fill had been placed.

Ellen Smith asked if the City had inspectors with geotechnical backgrounds.

Chien Hwang said he was not aware of any.

Ellen Smith asked if the City's liability is increased if the City takes responsibility for removing the note after the remediation had been done and for certifying that the remediation was done.

Jeffrey Robinson said if the City is aware that there is a collapsible soils issue and allows the note to be removed from the plat and there turns out to be collapsible soils the City could have some responsibility for that. The City wants to be assured that the soils are not there in order to guard against the potential for liability.

David McKinney asked about the method of remediation. He asked if they are dealing with a situation here where all the soils are located, excavated out, and new fill material is put back in and that the geotechnical person can accurately see exactly where the collapsible material is and make sure that it is all taken out.

Chien Hwang said the City doesn't have geotechnical engineers on staff, so we would be relying on the applicant's geotechnical engineer's professional opinion.

David McKinney asked then if the applicant's geotechnical engineer is the one who will be identifying exactly where the collapsible soils are and directing what is to be removed. Then it is replaced with fill material.

Chine Hwang said that is correct.

Lee Conant, 5010 South Marilyn, applicant, stated that this isn't the first time they had done this in West Jordan, they had to remove and replace the soils on another piece of property as well. The City is also requesting that they be provided results of tests as they go along that show the compaction. It was their geotechnical engineer that identified the area shown on the map. They plan to have the geotechnical engineer on-site daily and providing the daily logs and testing results to the City so everyone is satisfied that the soils have been remediated. The request is important, because if they fix the problem then the note is unnecessary and will adversely affect the property owners whenever they want to sell their property. That is why they had always taken the approach that they would remove and replace the soils as necessary.

Nathan Hendricks asked if AGECEC would be overseeing the remediation and certify to the City.

Lee Conant said yes. He explained that the geotechnical engineering company put together a proposal for the City's review. Changes were made as requested by the City, and staff said that based upon the motion from the Commission the proposal would be acceptable.

Nathan Hendricks asked what other location in West Jordan was remediated.

Lee Conant said it was a much larger area that included two full phases in the Oaks at Jordan Hills Villages. They did that remediation in the same manner before any work on the utilities or roads was done. They were working with a different engineering firm at that time.

Ellen Smith asked if they had identified the bottom of the collapsible soils.

Lee Conant said yes.

Ellen Smith asked if the collapsible soils layer is clearly defined or if it were a gradation between layers.

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Chris Beckman, Applied Geotechnical Engineering, stated that collapsible soils are generally difficult to determine based on visual observation alone. They rely on many methods to observe indicators and then do laboratory testing. When they do a test pit they look for dry, fine grain soils that might have pinhole structures or be light-weight, and they do tests on those soils. They will use these methods in their test pits to determine the area and plan to use both visual and field testing as well as laboratory testing to verify collapse or no collapse to help them determine if they are at the bottom of the collapse.

Ellen Smith asked if the test pit will be done on every lot or what the test grid will be like.

Lee Conant said they have done a number of test pits in the area, and they intend to remediate the entire area. As they come to the end of the area they will continue to test to make sure they have come to the end of the sensitive soils.

Ellen Smith said geologic layers don't go strictly horizontally, so there may be areas that are deeper than others. She asked if there would be a test pit on each lot or what the spacing will be.

Chris Beckman said to this point they had done widely spaced test pits standard of practice for a normal geographical investigation. If they find collapse in certain areas they may recommend doing additional test pits to help find the area or depth of the collapse. In this case, based on what they've seen, they drew the approximate area of collapse. They plan to remediate the entire area, which will essentially be one large test pit. They will do additional testing in the field and in the laboratory to determine collapse or no collapse as they are excavating. Even though they have determined the base or deepest portion to be about 16 – 18 feet deep, they will reevaluate if they find that it goes deeper; likewise with the area extent going northward.

David McKinney asked what the volume of materials to be removed is based on the information they have now, for example 1,000 or 2,000 yards.

Chris Beckman said it would be much more than that. The south end goes deeper, but to the north the conditions are different. He couldn't venture a guess as far as volume.

David McKinney wondered at what depth collapsible soils would no longer be an issue.

Chris Beckman said collapsible soils typically become a problem when they become wetted. If the soils are present and deep and the likelihood of water getting that deep is small, then it may not have an effect on a structure. If that potential or risk is too great there are other foundation types that can be considered at a soils likely at depth.

Lee Conant said their intent is to go to the depth that they find the collapsible soils.

David McKinney asked if there are collapsible soils found down deep, where do they stop.

Lee Conant said they had a long conversation about that. If over the whole site it averaged 16 to 18 feet in depth it would still be worth it to remediate. However, they don't think the average is that deep.

David McKinney asked for a timeframe for remediation.

Lee Conant liked staff's recommendation to pull the Land Disturbance Permit and do the work before the plat is recorded, and that is why this is an event certain issue. Harper will be the contractor, and he estimated 8 to 10 weeks maximum.

Ellen Smith asked if that timetable included getting the lab test results.

Chris Beckman said they plan to do the testing to verify that they are out of collapse as they are excavating. Filling will be coming right behind them, so they will have a representative there full time to verify that they are out of the collapse and also testing the compaction of the fill that is being placed.

Ellen Smith asked if there are field tests that determine the collapsibility or if they have to take the soil off-site to a lab.

Chris Beckman said they will do both. They will develop a correlation between the field test and the lab test so they can give a more timely response to the contractor and the owner as to whether or not they need to go deeper. They will rely initially on lab tests, which generally take two to three days for results.

Lee Conant said regarding the soil that is brought in, the City inspector will make sure they don't exceed the depth of the specified lifts, and then they will test to make sure they meet the 95% compaction as required by the City.

John Winn asked how many lots were affected.

Lee Conant said about 18 lots at about 6 to 8 acres.

Ellen Smith asked if they are developing the property themselves or selling it.

Lee Conant said they don't build the homes, but the lots are sold to builders.

James Dupaix said the concern is the liability that extends into the future. He asked how comfortable the applicant was in the remediation steps they've taken to mitigate all of the liability that may come up in the future considering that there may be collapsible soils off site that may affect his property.

Lee Conant said he had never had off-site collapsible soils affect his property, so he didn't think it was an issue. This is a standard procedure they are using to remove and replace collapsible soils, and he is totally confident in it. He felt that the City felt that way as well, otherwise the City Engineer would not have approved the submitted plan.

Justin Stoker asked for clarification on the language on page 3 of the geotechnical report that seemed to limit the area to just a few lots.

Lee Conant said it was written that way because there are sensitive soils in Clay Hollow Wash that they are not going to remove, because it will not be built upon. They are removing all sensitive soils that are under any lots or roads.

James Dupaix asked for clarification that the applicant wanted removal of the condition altogether.

Lee Conant said yes, based on them doing the remediation before the plat is recorded.

Nathan Hendricks asked if AGECE assisted with the contaminated soils cleanup on that piece of land.

Lee Conant said Kennecott handled the cleanup, but AGECE did the original testing and identified the soils in the Kennecott ditch.

Mike Kellermeyer, West Jordan resident, read from Exhibit A fifth page beginning at, 'If a portion of the moisture sensitive soils ... Even with the foundation system support sensitive soils will still exist.' He reminded

the Commission that the West Jordan Fire Station in the area was also built on sensitive soils and had many structural problems. Eventually a minimum of \$600,000 was budgeted by the City Council for supports. If the fire station had been a home, the homeowner would bear the financial burden in order to shore up the structure. He referred to reports of a subdivision in West Jordan where homes were sinking because of improper fill materials. He said that soil compaction and disclosure were not available to those homeowners. He felt that the buyer should be made aware. He asked that the Commission not stray from the original stipulation given by the Commission in the August 8, 2007 meeting.

James Dupaix asked Mr. Kellermeyer if any remediation was done to the fire station site prior to being built.

Mike Kellermeyer said to his recollection not before it was built. He spoke of the supports that were needed for the fire station. He didn't think that they could remove all of the collapsible soils from the entire 8 acres. His biggest concern was with the importance of disclosure.

James Dupaix asked if he were not satisfied with the steps being taken by the developer to mitigate the liability that could possibly occur for the City and future homeowners.

Mike Kellermeyer read from the report that said, if it is determined that it is not practical to remove the moisture sensitive soil in the area, then they would build some type of support system. He said that would be adequate, but the buyer should be made aware of the soils and also any remediation.

Tony McGuire, West Jordan resident, stated that the developer mentioned that the homeowners would have a hard time selling their properties with the notation on the plat, but he felt that it was the developer who was really concerned that he would have a hard time selling the property and wanted to hide the necessity for disclosure. He asked the Commission if they would like to buy a home that had the potential to sink with the possibility that the damage might not occur for years and then the homeowner would be faced with a repair cost in the tens of thousands of dollars. These homeowners will not have the choice of buying with the knowledge of the problems. Buyers should be made aware that there was a problem and that it had been remediated to the best ability of professionals schooled and trained in such things. He felt that the City would be taking on liability of what might occur in the future by not requiring full disclosure on the issue. He is not opposed to the mitigation, but he is opposed to hiding it from the buyer.

Further public comment was closed at this point for this item.

Lee Conant said they are not asking to hide anything. They are only asking to do what the City had done on every other plat they had submitted to the City. When they sell lots to builders they always furnish them with a geotechnical report of what the current conditions are. Often times the builder will also do their own geotechnical report as part of their research. They are interested in doing a remediation program that is far more beneficial than leaving the foundation decision individually to the builders as they go along.

Nathan Hendricks asked if there had been any problems in the Oaks where they had done this same type of thing.

Lee Conant said there are none.

John Winn asked if the note on the plat would save the developer from any liability due to sinking because the buyer knew of it beforehand or is it solely placed on the buyer even without the note.

Lee Conant said they are not trying to avoid liability. Having the note gives the developer less liability. They are interested in fixing the soil so it isn't a problem. He felt it was unfair to use the fire station as an example,

because soils were not remediated on that site. The example of shoring up the building every three feet is after the building had sunk.

David McKinney asked how the developer felt about leaving a note on the plat that indicates collapsible soils were identified but had been remediated and giving a reference of where the reports could be found.

Lee Conant asked why the City would want to put that on every single plat that comes before them. All developers do geotechnical reports. He gave an example of the Kennecott ditch and how long it took for someone to find it even though it was always there. All subdivisions are tested for collapsible soils, but they might not be found until during the excavation of the foundation. However, when they find the soils ahead of time like they did it is better to take the soils out now and replace it with engineered fill that meets the City's compaction standard. He stated that they are not asking for a free pass, and doing the remediation is far more expensive than building deeper foundations.

Ellen Smith said the test pits are generally set up on a sample grid, and she asked how far these samples are initially going to be taken as far as extrapolation goes.

Lee Conant showed the plat with the shaded area and said they did an extrapolation based on the test pits. They proposed to start at one end and go through the entire piece.

Ellen Smith said they aren't going to pull field samples for every foot, and she wondered how far apart these sample points are going to be pulled at in order to determine how accurate the extrapolation is going to be between the points.

Chris Beckman said they hadn't determined the specific spacing for sampling, but they had discussed having someone there full time making observations, doing field tests, and collecting samples. By doing enough lab tests initially in conjunction with field tests they can do many more field tests using a nuclear density gauge to give an indicator of whether or not it needs to be tested or to see if there are similar conditions.

Ellen Smith asked if there is a set amount of feet that the sampling grid would begin at.

Chris Beckman said it would be fairly small at first, maybe 20 feet. But he wasn't prepared to say it will be a specific spacing not knowing how the layers will change. The benefit they are striving for is to have a single representative there that has the continuity of the observations, the field tests, and has the added information coming back from the lab so he can use that information when seeing similar conditions. Depending on the results it would determine the frequency of the lab tests.

Nathan Hendricks asked what the main purpose of removing the note would be.

Lee Conant said it is because they fixed the problem.

Nathan Hendricks said he has full confidence in the engineering company, but he remembered the reason it was initially put on the plat was for full disclosure so the people can make the decision for themselves. He asked if there had been any problems in trying to sell the property and if that is the reason they are asking for the amendment. He thought the removal of the note might put too much liability on the City, because we would be depending on the applicant's paid engineer to say it is okay.

Lee Conant said when they were here in August they didn't have a remediation plan, but since then they know what the remediation plan requires and they can do that. In August everyone was acting as if the contractor would have to sink deeper foundations below this soil and that the soil wouldn't be removed. They are now saying that this is an acceptable remediation plan. The City has to rely on paid engineers on everything, whether

it is design of roads, road base, etc. There are certain standards that the City requires, but they still have to rely on their paid engineers, which is nothing new. A geotechnical firm is not going to certify something that is not acceptable or that will not work.

Ellen Smith asked what happens with the disclosure for someone who buys the property. Does the builder get this information or do they have to ask for it.

Lee Conant said they have a phase 1 that was done and when this work is complete they will do a new geotechnical, and those will be given to the builders. Builders always ask for that information. Larger builders will take that information and do their own tests.

Nathan Hendricks said he agreed that it needs to be fixed, but he had an issue with the full disclosure issue. People should have the information in order to make their decision. He thought that the developer wanted it changed because of their ability to sell the property. If they are confident that it will be fixed they can convince the buyer that it has been fixed.

David McKinney was more inclined to full disclosure, and it makes sense to make the property buyers aware of the problem that existed and that it had been fixed. Otherwise there is potential to say the City had covered up information. He felt the note should be modified to indicate that collapsible soils have been identified in this area and the developer has instituted a remediation plan. All identified collapsible soil areas had collapsible soils removed and replaced with structural fill. A copy of the all reports detailing the remediation is available from Applied Geotechnical Engineering Consultants. In this way the potential problem is identified and the prospective buyer knows what was done about it.

James Dupaix agreed with the statements from the two Commissioners and said with the additional caveat that they opened the public view to the situation, and if they were to pull back now the City is put at even greater risk. He would like to modify the condition similar to what was suggested.

Justin Stoker agreed, but he asked if the title flag should remain.

James Dupaix said that is appropriate for full disclosure. It is not something that is normally done in the developmental process, but it had become an issue and is very much in the public eye now. It needs to be disclosed not only with the builder but also with the homeowner.

Nathan Hendricks recalled that some of the lots that are designated on the plat don't have collapsible soils, but that the line had been pushed past the area. He said it may be sufficient to put it on the plat map, but not on the title so they don't flag a lot that didn't have the collapsible soils. They can be made aware of the situation that in the area without it being on the title.

James Dupaix asked how else they could sign the disclosure if it isn't on the title.

David McKinney asked if the appropriate language for conveying the information could take some doing. If the Commission agrees that the notice should be on the plat it is an engineering issue as to what and how it is stated. He asked if staff could draft the language for the note.

Greg Mikolash said that would be acceptable. He asked for clarification that they want to declare that there were collapsible soils that were once found and the property had been remediated. They can make a separate recorded document with the reports. He said the plat could be left unshaded so they don't include the lots that weren't affected.

Jeffrey Robinson said rather than state emphatically that it had been remediated it should stated that it had been reported that it had been remediated. The City doesn't want to take on the responsibility of warranting that it had been remediated.

MOTION: David McKinney moved that the Planning Commission request that staff draft a notation to be included on the plat and to be recorded with the titles for affected properties in the Maple Hills Phase 1 Subdivision indicating that collapsible soils have been identified and that they are reported to have been remediated. Also indicating that a report of the testing and remediation is available for public inspection and is publicly recorded. This replaces condition 12 of the previously listed conditions. The motion was seconded by James Dupaix and passed 7-0 in favor.

It was clarified that the drafted notation would not come back to the Commission.

5. Hinnen Rezone; 8485 South 2200 West; Rezone 5.92 acres from A-1 to RR-20A; Charles R. Hinnen (applicant) [#ZC20070018; parcels 21-34-351-021, 022]

Jennifer Jastremsky gave an overview of the rezone request for 5.92 acres. If the request is granted the applicant proposes to subdivide the current residential lot into two 1/2-acre lots. The request meets the current land use designation. The proposal would add to the City's rural residential stock.

Staff recommended that the Planning Commission accept the findings and forward a *positive* recommend to the City Council for the proposed rezone.

Clarification was given regarding the land use and zoning designations to the north, which would not be affected.

Charles Hinnen, applicant, was available for questions.

David McKinney asked when the existing home was built.

Charles Hinnen said it in 1950.

David McKinney asked about the one to the south.

Charles Hinnen said it was three years ago.

Further public comment was closed at this point for this item.

James Dupaix wanted staff to explain for the public record regarding the permission given by the church for the rezoning.

Jennifer Jastremsky said they received a property owner affidavit from the church granting permission for the rezone. This affidavit is notarized and signed by the property owner giving permission for the land use action.

MOTION: David McKinney moved that the Planning Commission accept the findings in the staff report and forward a positive recommendation to the City Council for the Hinnen Rezone; 8485 South 2200 West; Charles R. Hinnen (applicant) to rezone 5.92 acres from A-1 to RR-20A. The motion was seconded by James Dupaix and passed 7-0 in favor.

6. Election of Chair and Vice-Chair for 2008

Ellen Smith nominated David McKinney for the position of Chair. The nomination was seconded by Nathan Gedge. Commissioner McKinney accepted the nomination.

Nathan Hendricks nominated James Dupaix for the position of Chair. The nomination was seconded by John Winn. Commissioner Dupaix accepted the nomination.

Nathan Hendricks felt both Commissioners would be great in the position. James Dupaix had been on the Commission for some time and has experience and knows the procedures, and that is why he nominated him.

Justin Stoker was also impressed with Commissioner Dupaix over the years and his integrity and hard work that he gives. He also gives extra effort in attending extra meetings, development review, and training sessions.

David McKinney didn't disagree with the comments, but he stated that a year ago when they were considering nominations the concern arose that Commissioner Dupaix was in the business of real estate development and it could be seen as an issue in the eyes of the public. He didn't see that conflict, and he agreed that he is experienced on the Commission and had demonstrated his abilities. However, he thought that could be a consideration if there were any concerns.

Nathan Hendricks remembered those same concerns that were presented. However, James Dupaix had been on the Commission for five years now. In his opinion, there is no difference between being a Commissioner and the Chair other than the chairman is in charge of directing the meeting. They don't have power to override the other Commissioners.

Justin Stoker also did not feel there was a conflict. He felt that Commissioner Dupaix was very honest and a hard-working man and had the experience that would make his leadership welcome.

A secret ballot was cast.

VOTE: James Dupaix was elected as Chair with a vote of 5-2.

Nathan Hendricks nominated David McKinney for the position of Vice-Chair. The nomination was seconded by John Winn. Commissioner McKinney accepted the nomination.

Ellen Smith nominated Justin Stoker for the position of Vice-Chair. The nomination was seconded by David McKinney. Commissioner Stoker accepted the nomination.

Justin Stoker nominated Ellen Smith for the position of Vice-Chair. The nomination was seconded by Nathan Hendricks. Commissioner Smith accepted the nomination.

A secret ballot was cast.

VOTE: Justin Stoker and David McKinney both received three votes.

A secret ballot was cast for the tiebreaker.

VOTE: Justin Stoker was elected Vice-Chair with a vote of 4-3.

Tom Burdett gave an update on recent and upcoming City Council activities. Staff has been working with the developer of J-Station, and the Commission could see some applications in March. Recodification of the zoning and subdivision code will be coming forward with a workshop on January 16th and recommendations scheduled for February 6th.

MOTION: James Dupaix moved to adjourn.

The meeting adjourned at 7:41 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008