



153 North 100 East
Lehi, UT 84043
(801) 768-7100

Minutes of the **Pre Council and Regular Session** of the **Lehi City Council** held Tuesday, **May 9, 2023**, at Lehi City in the Council Chamber, 153 N 100 E. Lehi, UT.

Members Present: Mark Johnson, Mayor
Paige Albrecht, Council Member
Chris Condie, Council Member
Paul Hancock, Council Member
Katie Koivisto, Council Member
Mike Southwick, Council Member

Others Present: Jason Walker, City Administrator; Ryan Wood, City Attorney; Lorin Powell, City Engineer; Kim Struthers, Planning Director; Dean Lundell, Finance Director; Andy Gowans, Management Analyst; and Teisha Wilson, City Recorder.

Pre Council, 5:30 p.m.

1. Welcome and Opening Comment

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilors Hancock and Koivisto joined virtually. Councilor Condie gave the opening comment.

2. Presentations and Reports

2.1 Lehi Metropolitan Donation Presentation

Ron Smith was representing the Lehi Metropolitan Water District. He mentioned that Paul Peterson had served as the chairman of the Metropolitan Water District for many years before passing away a week ago. Paul took over the position from his father in 1992 and remained chairman until 2015. During his tenure, the city of Lehi experienced significant growth, with the population increasing from 9,000 to 70,000. As water rights became a major concern, Paul played a vital role in addressing the issue for the citizens of Lehi and the Metropolitan Water District.

To honor Paul's service to the community and the district, the Mr. Smith proposed the construction of a walking bridge across the inlet of Dry Creek Lake. Currently, there is no safe way to cross the inlet without using a dangerous road. The proposed bridge would allow people to access the entire lake area, benefiting fishermen and recreational walkers. Mr. Smith suggested that the Council consider the proposal and suggested placing a plaque on the bridge in honor of Paul.

The council expressed appreciation for Paul's contributions and suggested that the proposal be part of a comprehensive plan for improvements at Dry Creek, rather than an isolated project. Overall, the council did not object to the proposal and agreed that the bridge would be a valuable addition to the area. They acknowledged the need to address outstanding questions and create a comprehensive plan.

2.2 Fiber Network Update

Shaye Ruitenbeek, Fiber Network Manager, provided an update to the Council. The pre-registration numbers had reached 7,066, which was around 32.41% of the projected take rate. Construction for cabinet five was completed, cabinet nine was in its early stages, while cabinet 18 would begin after finishing work on the backbone. The first section of the backbone was projected to be completed in the next two to three weeks, allowing residents to start signing up in about two weeks. Testing drops and installations with a few residents in the initial area would take place within two to three weeks, and the plan was to go live in approximately four weeks. A celebration was planned for the first connection.

Shaye introduced Brad Wilbur as the lead inspector who had been doing an excellent job. The connection from the street to a customer's home, known as the drop, would involve a termination point outside the house and running fiber inside to the optical network terminal. The router provision depended on the selected Internet Service Provider (ISP).

The connection to UDOT fiber along the I-15 corridor was pending the railroad permit, but a backup plan to connect to Centra Comm's fiber was in place. The railroad permit was being pursued through American Fork, and the process was expected to take some time.

2.3 Finance Report

Dean Lundell, Finance Director, provided an update during the meeting. He mentioned that he had sent out a quarterly report the previous week via email. He stated that the revenues were generally as expected, with some areas where more funds were spent than planned, such as on class C roads and capital projects. Dean mentioned that sales tax numbers had been high for the past 18 months but had recently shown little growth, indicating a possible slowdown in the economy. However, he assured that there was no reason to panic as they were still bringing in more than budgeted. Dean discussed the impact of building permit fees and other development revenues, which were expected to be lower than the previous year. He also estimated a surplus of over \$4 million in the general fund and mentioned plans to allocate it to capital projects. He acknowledged that future surpluses might not be as significant due to upcoming expenses. He concluded by mentioning that the utility funds were on track.

2.4 Family Park All-Abilities Playground Update

Trent Dyer, Parks Manager, stated that they had been working for the past five or six months with a steering committee and a playground vendor on the park project. They narrowed down the options for the playground area and received feedback from the committee. The colors of the playgrounds were different but similar in design. Councilors discussed fencing issues and the landscaping within the playground area. They clarified that the discussion was only about the playground and not the splash pad or other site amenities. The playground design focused on play value rather than heavy theming. They mentioned accessibility and the challenge of incorporating height and activity. The Councilors expressed their preferences for certain elements of the playground designs and requested additional swings and shade. The councilors also discussed the need for swinging elements that cater to children with different abilities. Trent Dyer shared the overall site plan and discussed the construction progress and future landscaping work.

3. Agenda Questions

None.

4. Administrative Report

Jason Walker, City Administrator, updated the Council on city operations.

Greg Allred, Water Department Manager, provided an update on flood mitigation. He reported that sandbags were filled and placed at various locations. He stated that staff has been monitoring the reservoir levels and were prepared to release water through the gates once it reached elevation 4755. The gates were currently partially open, and they planned to open them fully when the reservoir reached the desired level. They were optimistic about the next 10 days, with temperatures in the 70s and some freezing at night. Debris levels in the reservoir were low, but they anticipated more debris when the water started spilling. The peak of the flooding historically occurred between Memorial Day and Rodeo Days, depending on the weather.

5. Mayor and Council Reports

The Mayor and Council reported on their assigned committees.

Brandon Gordan, Utah County Commissioner, invited the Council to participate in the Commission's Cup in July.

The meeting recesses at approximately 6:50 p.m.

The meeting resumed at approximately 7:00 p.m.

Regular Session, 7:05 p.m.

1. Welcome, Roll Call, Pledge of Allegiance

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilors Hancock and Koivisto were attending virtually. Mayor Southwick led the Pledge of Allegiance.

2. Presentations and Reports

2.1 Utah Valley Earth Forum's presentation of the Earth Stewardship Award to Lehi City

Todd Munger introduced James Westwater, Chairman of the Utah Valley Earth Forum. Mr. Westwater presented Lehi City with the Environment Stewardship Award.

3. 20 Minute Citizen Input

Kirk Evans raised a concern about the city's policy regarding building without regard for his water well rights. He had previously spoken to the Planning Commission about this issue, and was told they would look into it and plan accordingly. However, a month had passed without any updates, so he asked if any progress had been made. He expressed his concern that the policy should be established before considering any developments. Mayor Johnson acknowledged the comment and assured him that they would address it when the relevant item came up on the site plan review.

4. Consent Agenda

4.1) Approve Minutes from the April 11, 2023 City Council Meeting

Motion: Councilor Southwick moved to approve the consent agenda items. Councilor Albrecht seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

- 5. Public Hearing for the Fiscal Year 2024 Lehi City Budget and Consolidated Fee Schedule**
Dean Lundell, Finance Director, stated that this is part of the budget process and allows the public to provide input on the budget.

Mayor Johnson opened the public hearing.

Chris Bowerbank requested a soft opening of the Dry Creek Reservoir with minimal amenities. He would like to see public access with fishing.

- 6. Consideration of Ordinance #28-2023 the Wiggy Wash Zone Change from R-2 (medium density residential) to Commercial on 1.6 acres located at approximately 78 South 2300 West.**

John Jensen was representing Mammoth Holdings.

Mayor Johnson asked for public comments.

Kirk Evans expressed concern with the affects this development could have on his well.

Motion: Councilor Condie moved to approve Ordinance #28-2023 the Wiggy Wash Zone Change from R-2 (medium density residential) to Commercial on 1.6 acres located at approximately 78 South 2300 West; including the Development Review Committee and Planning Commission comments; and note to staff to be mindful of Mr. Evans and to make sure the City works with him during the site plan process. Councilor Koivisto seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

- 7. Consideration of Ordinance #29-2023 the Jeff Olsen Zone Change from Mixed Use to Heavy Commercial on 1.1-acres located at 830 and 850 West State Street.**

Randy Yates was representing the applicant. He stated that their business will provide small batches of concrete.

Motion: Councilor Southwick moved to approve Ordinance #29-2023 the Jeff Olsen Zone Change from Mixed Use to Heavy Commercial on 1.1-acres located at 830 and 850 West State Street; including all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

8. Consideration of Ordinance #30-2023 the Arias Zone Change from R-1-22/TH-5 (residential/agriculture & transitional holding) to Neighborhood Commercial on 1.98 acres located at approximately 2300 West Pioneer Crossing (7944 N 9550 W).

Motion: Councilor Albrecht moved to approve Ordinance #30-2023 the Arias Zone Change from R-1-22/TH-5 (residential/agriculture & transitional holding) to Neighborhood Commercial on 1.98 acres located at approximately 2300 West Pioneer Crossing (7944 N 9550 W), and noting that a development agreement was previously approved; including all Development Review Committee and Planning Commission comments. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, No; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 opposed.

9. Consideration of Ordinance #34-2023 the Sanati General Plan Amendment on 1.50-acres of property located at 460 North 1200 East changing the land use designation from LDR (low density residential) to HDR (high density residential).

The applicant was not in attendance.

The Mayor asked for public comments on items 9 and 10.

Jason Booth was representing the HOA and expressed concerns about the proposal. He also raised an issue regarding the requirement for a clubhouse according to the multifamily resident design standards. He mentioned that the developer had not disclosed this requirement initially and had not accounted for it in the site plans. The HOA emphasized their desire to maintain the existing green space and suggested that the clubhouse be built outside their current property. He also expressed a preference for lower density development in the area.

Don Watts, who lives in Cooper's Hollow, expressed his concerns about the proposed changes as well. He mentioned that the request for high density development goes against the current low-density designation in the general plan. He also raised concerns about runoff and the potential impact on his property, expressing a preference for low-density development to maintain the existing atmosphere.

Bill Greenhall, another resident, highlighted the historical boundary issues and emphasized his family's longstanding presence in the area. He expressed his strong opposition to high-density development and requested that it be kept as low density.

Karen Commish, a resident of Cooper's Hall, voiced concerns about increased traffic on 1200 East, highlighting the safety risks associated with the current traffic conditions.

Mark Urray, a resident whose backyard is adjacent to the property, also supported keeping the development at low density, stating that it would be difficult to fit high-density units into the area. He urged the City Council to deny the request.

John Collier, a resident living north of the property, echoed the sentiments of previous speakers, opposing the high-density development and requesting the maintenance of low-density zoning.

Karen Chappell, another homeowner in the vicinity, expressed concerns about safety, traffic congestion, and potential impacts on the community due to high-density development. She urged the City Council to use their discretion in making the decision and emphasized the potential ripple effects of the proposed changes.

The Council agreed to move forward with a motion even though the applicant wasn't present.

Motion: Councilor Condie moved to deny this request echoing the Planning Commission comments in that it does not conform to the General Plan; also noting that there are concerns with the additional congestion that it will cause because of the development as far as traffic, and that it would create an island of high density, also noting the DRC comment, that this would have created a LDR island on the south parcel, so it just doesn't conform to the general plan or to the goals of the city. Councilor Koivisto seconded the motion.

Councilor Albrecht suggested included that the Council had access to the Planning Commission presentation, so the applicant was heard there.

Amended Motion: Council Condie amended the motion to include Council Albrecht's comments. Councilor Koivisto seconded the amendment to the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

10. Consideration of Concept approval for the Cooper Hollow Phase 4 Concept, a 12-unit townhome development located at 460 North 1200 East.

This item was heard with item #9

Motion: Councilor Condie moved to deny the Concept for the Cooper Hollow Phase 4 Concept, a 12-unit townhome development located at 460 North 1200 East; with the same findings as item #9. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

11. Boundary Line Adjustment with Highland City

a. Public Hearing

Mayor Johnson opened the public hearing. There were no comments.

b. Consideration of Ordinance #32-2023 the Dry Creek Common Boundary Adjustment of the municipal boundary line at approximately 1500 East 2900 North with approximately 1.62 acres going into Highland City.

Motion: Councilor Southwick Ordinance #32-2023 the Dry Creek Common Boundary Adjustment of the municipal boundary line at approximately 1500 East 2900 North with approximately 1.62 acres going into Highland City; including all Development Review Committee Comments and Planning Commission Comments. Councilor Albrecht seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

12. Consideration of Ordinance #31-2023 a Development Code Amendment to Chapter 37, Design Standards, changing the proximity allowance for the Downtown Spacing Overlay Zone.

Kim Struthers, Community Development Director, presented on the topic of setting goals for moderate income housing as part of the General Plan. The state has been increasingly stringent in requiring cities to commit to working on these goals and report progress. One specific goal was to study the impact of reducing the spacing from 400 feet to 300 or 200 feet in the downtown area to allow for more duplexes and triplexes. The proposal aimed to change the measurement from building footprint to property line, which would make the restrictions more significant. Concerns were raised about the potential impact on the historic integrity of the downtown area and the preservation of historic homes. The possibility of demolishing both poor and good-condition historic homes was discussed, and the need for mechanisms to protect such homes was emphasized.

The discussion highlighted the challenges of balancing housing needs and preserving the downtown's character. Councilor Albrecht suggested either increasing the spacing to 300 feet or delaying the decision until mechanisms to protect historic homes were put in place. Mayor Johnson expressed concern about the potential consequences of a 200-foot buffer and its impact on serviceability.

Motion: Councilor Albrecht moved to deny Ordinance #31-2023; with the finding that it's contrary to the intent of the downtown overlay zone and characteristic of the downtown neighborhoods; and having studies the issues we have decided that it's not productive in improving the moderate-income housing element. Councilor Koivisto seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

13. Consideration of Ordinance #33-2023 a Development Code Amendment to Chapter 15, identifying the approval process for land use plans.

Mr. Struthers stated that this will allow for a mini area plan in the TOD areas.

Motion: Councilor Southwick moved to approve Ordinance #33-2023 a Development Code Amendment to Chapter 15, identifying the approval process for land use plans;

including all Development Review Committee Comments and Planning Commission Comments. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

14. Adjournment

With no further business to come before the City Council at this time, Councilor Koivisto moved to adjourn the meeting. Councilor Albrecht seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:16 p.m.

Approved: July 11, 2023

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder