

Minutes of the **Pre Council and Regular Session** of the **Lehi City Council** held Tuesday, **June 13, 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, except for Councilor Southwick and Councilor Koivisto, who will join the meeting in progress. Councilor Hancock gave the opening comment.

Councilors Koivisto and Southwick joined the meeting by 5:35 p.m.

2. Presentations and Reports

2.1 Fiber Network Update

Shaye Ruitenbeek gave an update to the Council on the Fiber Network Construction. She stated that they connected our first customer yesterday. By today they already connected 13 customers, resulting in approximately 59 service orders. She stated that they expect more customers to come in gradually over time. In terms of pre-registration, they have almost 7,200 total pre-registrations. As for the build-out process, they are currently working on cabinet five.

During the discussion, it was clarified that construction follows the DRC process, with some areas having already gone through the approval stage. However, there are more approved areas than those ready for construction due to factors such as capacity and the availability of subcontractors. The criteria for determining the next area is not yet finalized and pre-registration is still a factor. The proximity to the backbone and the demand for service play a role in the selection process.

Mrs. Ruitenbeek reported that the backbone from area one to two is nearly completed. The number of cabinet areas in the city is around 41, each capable of serving approximately 400 to 500 homes, with provisions for future growth.

Regarding home connections and potential obstacles like concrete patios, different options such as boring underground or exploring alternate connection points were discussed. It was mentioned that clarification is needed on ISP websites regarding costs, as some sites only listed ISP costs without explicitly mentioning the inclusion of municipal service costs.

Overall, the progress of the fiber project was commended. It was suggested to request ISPs to provide clearer information on their websites.

2.2 State Auditor's Office Fraud Risk Questionnaire Report

Dean Lundell, City Finance Director presented on the State Auditor's Office fraud risk questionnaire report. Mr. Lundell explained that it is an annual requirement to complete a self-assessment survey to ensure financial resources are secure. The questionnaire examines factors such as separation of duties and financial policies. He noted that a fraud hotline was implemented to allow anonymous reporting.

The city received a score of 375 out of 395, indicating strong adherence to controls. While the city strives for improvement, they consider their score to be excellent. The report will be posted on the State Auditor's website. Dean Lundell mentioned the collaboration among Finance Directors in the area to exchange ideas and best practices.

2.3 PARC Fund Recommendations and Discussion

Nicole Kunze, Chair of the PARC Committee, presented the Council with the Committee's recommendations. She said the committee had been meeting for the past few months and had reviewed a total of 22 applications for arts and culture grants, a significant increase compared to the previous year. The requested grant amount was \$849,409, but the available funding was \$475,000. The committee recommended funding \$444,740 for certain organizations and carrying over \$30,260 for the following year. She highlighted that Thanksgiving Point was partnering with the community by providing free venues for some events.

The Council expressed their appreciation for Thanksgiving Point's involvement in the community and their contribution to other nonprofits. The Council commended the committee for their thoroughness in summarizing the grant applications and expressed support for their recommendations.

There was discussion of how to provide funding to refurbish the Lehi Silver Bandwagon as they did not qualify to receive funds. Thanksgiving Point volunteered to provide funding for the refurbishment.

2.4 Planning Department's Report from Lessons Learned in Netherlands Part I

This item has been postponed to a future meeting.

3. Agenda Questions

None.

4. Administrative Report

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

5. Mayor and Council Reports

The Mayor and Council reported on their assigned committees.

6. Consideration of Adjourning into a Closed Session to discuss the character, professional competence or physical or mental health of an individual.

Mayor Johnson asked for a motion to close the meeting.

Motion: Councilor Koivisto moved to adjourn into a Closed session to discuss the character, performance or competence of an individual. 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.

The meeting recesses at approximately 6:30 p.m.

The meeting resumed at approximately 7:05 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. Councilor Koivisto led the Pledge of Allegiance.

2. Presentations and Reports

2.1 Round-Up Rodeo Royalty Presentation

The Rodeo Royalty invited the Council to participate in the celebration activities this week.

2.2 Rotary Club Presented

A representative from the Rotary Club presented an award to the Mayor for the city's participation in the Mayor's Challenge Golf Tournament.

3. 20 Minute Citizen Input

Kenneth Paciorek expressed concerns he had with the Council.

4. Consent Agenda

4.1) Approve Purchase Orders

Motion: Councilor Koivisto moved to approve the consent agenda items. 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.

5. 2023 Budget Amendment

a. Public Hearing

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

b. Consideration of Resolution #2023-39 amending the Budget for the City of Lehi for Fiscal Year 2023.

Dean Lundell, Finance Director, provided an overview of the amendment. This amendment was the last one for the year. He briefly reviewed several items in the council packet, including capital projects such as the construction of the PI reservoir and culinary well drilling in the Traverse Mountain area. They also discussed projects related to roof repairs, concrete repairs, and grants. Additionally, there was an amendment to allocate funds for debt service and the bonds issued for the City Hall and Library building. Mr. Lundell also addressed power costs, explaining the need for an additional budget allocation to cover power acquisition expenses for the rest of the year. Lastly, they mentioned a project for Pilgrims landing Park funded by COVID-related Community Development Block Grant (CDBG) funds.

Motion: Councilor Southwick moved to approve Resolution #2023-39 amending the Budget for the City of Lehi for Fiscal Year 2023. 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.

6. Consideration of Resolution #2023-38 approving the allocation of PARC tax funds for recreation and cultural facilities and cultural organizations within Lehi City.

Motion: Councilor Koivisto moved to approve Resolution #2023-38 approving the allocation of PARC tax funds for recreation and cultural facilities and cultural organizations within Lehi City. 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.

7. Consideration of Resolution #2023-37 approving a street improvement agreement with Quicksilver Concrete.

Motion: Councilor Hancock moved to approve Resolution #2023-37 approving a street improvement agreement with Quicksilver Concrete. 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.

8. Consideration of Resolution #2023-34 approving a water supply agreement with Central Utah Water Conservancy District for the sale of CWP and industrial water.

Lorin Powell, City Engineer, stated that this water is needed for the following agreement with Texas Instruments.

Motion: Councilor Condie moved to approve Resolution #2023-34 approving a water supply agreement with Central Utah Water Conservancy District for the sale of CWP and industrial water. 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.

9. Consideration of Resolution #2023-35 approving a water service agreement for the purchase of 3800 acre-feet of water with Texas Instruments.

Ryan Mills, with Texas Instruments, thanked the Council and stated that this agreement allows them to expand their operations in Lehi.

Motion: Councilor Koivisto moved to approve Resolution #2023-35 approving a water service agreement for the purchase of 3800 acre-feet of water with Texas Instruments. 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.

10. Consideration of Resolution #2023-36 approving and agreement between Lehi City and SIRQ Construction for pre-construction and construction services for the civic center and library building.

Motion: Councilor Southwick moved to approve Resolution #2023-36 approving and agreement between Lehi City and SIRQ Construction for pre-construction and construction services for the civic center and library building. 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.

11. Consideration of Resolution #2023-33 approving an addendum to the parks and detention area mowing services agreement between Lehi City and Brightview Landscaping.

Marlin Eldred, Economic Development Director, stated that this is an agreement for Brightview to use city property to store their equipment and they will maintain the property.

Motion: Councilor Koivisto moved to approve Resolution #2023-33 approving an addendum to the parks and detention area mowing services agreement between Lehi City and Brightview Landscaping.. 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 Resolution #2023-32 approving an addendum to the parking lease agreement between Lehi City and Brian Brown.

Mr. Eldred explained the contract to the Council. The addendum allowed for the parking of a trailer in a designated parking lot to accommodate Brian's equipment storage needs for his life shop. Martin explained that the addendum was necessary as trailers were not typically allowed to be parked on side streets, and this ensured compliance. He mentioned that with the construction of the new Civic Center and library, the trailer might need to be relocated to the other parking lot, but assured Brian that they would work together on the matter. Marlin confirmed that the original agreement already outlined the designated parking areas.

Motion: Councilor Southwick moved to approve Resolution #2023-32 approving an addendum to the parking lease agreement between Lehi City and Brian Brown. 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.

13. Consideration of Ordinance #39-2023 the Griffith Estates Zone Change from A-5 (agriculture) to R-1-22 (residential/agriculture) on 3.43-acres located at 300 East 1630 South.

Items 13 and 14 were heard together.

Steve Potter was representing the applicant. He explained that they are submitting a concept with a PUD that would then allow them to cluster the townhomes in the center of the property. The concept plan proposed a density bonus in exchange for a trail, road widening, and a substantial piece of land dedicated to open space. Concerns were raised about the donated parcel being unusable for other purposes, but it was seen as valuable for preserving natural areas. The Councilmembers debated the density increase and the importance of preserving agricultural uses. Councilor Koivisto expressed concerns about granting density bonuses in low-density zones and emphasized the need to be cautious about increasing density. The applicant provided details about the proposed development, including plans to reroute a ditch that runs through the property.

Mayor Johnson asked for public input.

Brent Cullen stated that his property neighbors this proposed development. He mentioned a nearby ditch and expressed concerns about its potential diversion, as it is currently a water source for their cows during winter.

Teresa Mott stated that she is part of the Cullen family. She questioned whether townhomes were permitted on the property. She further expressed concerns about the proposed townhomes, their impact on the agricultural setting, and the potential issues with flooding. She criticized increasing density and argued for preserving the agricultural nature of the area. She also expressed doubt about the compatibility of three-story townhomes with the agricultural environment. She also highlighted discrepancies in property usage and expressed concerns about the burden of maintaining the additional land if it were given to the city. She referenced reports of the nearby disk golf course's current condition and raised doubts about the potential

benefits of the proposed amendment. She expressed concerns for potential devaluation of their property if the townhomes were approved.

Paul Cullen expressed the same concerns as Ms. Mott.

Chance Cullen stated that he believes the proposed development is a poor fit for the agriculture area.

Dale Cullen mentioned the issue of flooding caused by a natural spring and the responsibility of keeping the adjacent ditch clear.

Tailwater was discussed as a potential issue on the property, and questions were raised about problems with tailwater from the ditch. The use of water for irrigation beyond watering cattle was mentioned. The responsibility of developers to address water concerns in their projects was emphasized.

There were inquiries about the location of the Pony Express connector and the potential need to pipe a section of the creek. Concerns were expressed about the feasibility of building homes on the property and the limited usable space. The discussion also mentioned the cost and mitigation of wetlands in the area for road construction.

The maintenance of ditches, issues with flooding, and the potential need for improvements need to be addressed.

Mayor Johnson stated that the Council now needs to address the zone change and the concept separately and asked for a motion on the zone change.

Motion: Councilor Condie moved to Ordinance #39-2023 the Griffith Estates Zone Change from A-5 (agriculture) to R-1-22 (residential/agriculture) on 3.43-acres located at 300 East 1630 South; including all Development Review Committee Comments and Planning Commission Comments. 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.

14. Consideration of Concept approval for the Griffith Estates Concept, a 9-unit townhome PUD (Planned Unit Development) subdivision located at 300 East 1630 South.

Mayor Johnson emphasizing the importance of a geotechnical report for the property. The Council acknowledged the challenges in making a decision that night due to unanswered questions such as the issue of water control and legal liabilities and the need to determine the source of water and the responsible parties. The Mayor also mentioned the recent aerial survey showing limited standing water on the property and the need for further information on flooding patterns.

Councilor Koivisto acknowledged the constitutional right of developers to use their land within the laws and regulations of the city. However, she emphasized the Council's responsibility to respect the rights of adjacent property owners as well. Due to the complexity of the situation,

Councilor Koivisto proposed tabling item number 14, which involved the concept approval for the Griffith Estates townhome subdivision. It was suggested that the Council wait for the geotech report to provide guidance to the developer.

Motion: Councilor Koivisto moved to table this item and wait for the Geotech report to provide guidance to the developer. Additionally, it was recommended that the developer work with the neighbors to address any concerns, although it was not a requirement. Councilor Condie seconded the motion.

Councilmembers shared their thoughts, agreeing with the idea of tabling, but also expressed some concerns about imposing costly conditions on the applicant.

The council agreed to table the item and gather more information.

Councilor Albrecht would also like to see a thorough analysis of the density bonus calculations.

Amended Motion: Councilor Koivisto amended her motion to include Councilor Albrecht's comments. The amendment was seconded by Councilor Condie.

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

15. Consideration of a Plat Amendment to the Holbrook Farms Plat I, located at 3701 West 2150 North, subdividing one lot into two.

The applicant was not present. Councilor Koivisto wanted to table to item to a time that the applicant could be present. All other Councilmembers were comfortable moving forward.

Motion: Councilor Condie moved to approve the Plat Amendment to the Holbrook Farms Plat I, located at 3701 West 2150 North, subdividing one lot into two.; including the 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, No; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 opposed.

16. Consideration of Ordinance #40-2023 an Amendment to the General Plan Land Use Element, adding language that limits General Plan Amendments to once a year.

Kim Struthers, Community Development Director, proposed a revision to the general plan amendment process. The proposal suggests opening a window every January for accepting applications for general plan amendments, with the possibility of making city amendments for good cause throughout the year. The Councilmembers discussed the advantages and disadvantages of the proposal. Some Councilmembers expressed concerns about property owners having to wait for a year before their applications can be considered, while others argue that it provides stability to the general plan and encourages compliance.

There was discussion of reducing the waiting period to six months instead of a year. They also discussed the ideal months for accepting applications, considering the construction season, real estate market trends and Council agenda workload.

Motion: Councilor Condie moved to deny this item. The motion died due to lack of a second.

Motion: Councilor Hancock moved to Ordinance #40-2023 an Amendment to the General Plan Land Use Element, adding language that limits General Plan Amendments to twice per year with the months of excepting applicants be February and August. The motion was seconded by Councilor Koivisto

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

27. Adjournment

With no further business to come before the City Council at this time, Councilor Koivisto moved to adjourn the meeting. Councilor Southwick seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:05 p.m.

Approved: July 11, 2023

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder