



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

Minutes of the **Regular Session** of the **City Council** held Tuesday, **January 27, 2015**, at 7:00 p.m. at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

**Members Present:** Bert Wilson, Mayor  
Chris Condie, Council Member  
Mark Johnson, Council Member  
Johnny Revill, Council Member  
Mike Southwick, Council Member

**Excused:** Paul Hancock, Council Member

**Others Present:** Derek Todd, City Administrator; Jason Walker, Assistant City Administrator; Ryan Wood, City Attorney; Kim Struthers, Planning Director; Lorin Powell City Engineer; Dave Sanderson, Finance Director; Darren Paul, Police Chief; Jeremy Craft, Fire Chief; Robert Ranc, Assistant to the City Administrator; Cameron Boyle, Management Analyst; Marilyn Banasky, City Recorder; and approximately 45 citizens.

### **1. Welcome, Roll Call, Pledge of Allegiance**

Mayor Wilson welcomed everyone and noted that all Council members were present, except Councilor Hancock who is excused. Jack Allen led the Pledge of Allegiance.

### **2. Presentations and Reports**

#### **a. Lehi Employee of the Month Awards: Randy Harding and Melanie Hansen**

Derek Todd presented Randy Harding and Melanie Hansen with the Lehi Employee of the Month Award.

### **3. Citizen Input (for public comments on items not listed on the agenda)**

Aaron Watson inquired if the public will be allowed to talk during Items 12 and 13. Mayor Wilson replied that he will allow public comment when those items are heard.

Brigham Morgan reported that he lives in Springhaven in Lehi and has a general concern with the overall water supply of the City. He is concerned that over the last several years there have been water restrictions and the City Council continues to approve additional developments with higher densities when they can't consistently supply the water today.

### **4. Consent Agenda**

#### **a. Approval of meeting minutes from:**

January 13, 2015 Pre Council meeting

January 13, 2015 City Council meeting

#### **b. Approval of Purchase Orders.**

#### **c. Declare certain personal property of Lehi City as surplus.**

**Motion:** Councilor Condie moved to approve the consent agenda. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Revill, Yes; Councilor Southwick, Yes; Councilor Johnson, Yes; and Councilor Condie, Yes. The motion passed unanimously.

**5. Consideration of Resolution #2015-07 approving the Municipal Solid Waste, Recycling, and Green Waste Services Agreement between Lehi City and Waste Management of Utah, Inc.**

Beth Holbrook from Waste Management addressed the Council. She distributed a handout regarding recycling and a year-to-date diversion report. Councilor Southwick inquired as to how Waste Management meets the requirement in the contract to provide a list of acceptable green waste annually to residents. He stated that he serves on the Board at North Pointe and Lehi is the worst offender of what goes into green waste. Ms. Holbrook replied that they don't show that Lehi is in the worst position but she stated that education is important. She explained that Waste Management is beginning a web-based education program entitled "recycle often, recycle right". Mayor Wilson stated that he likes the flyer that Ms. Holbrook distributed and would like to distribute those to all the residents. Ms. Holbrook stated that she will send that flyer electronically so that it can be put on the City's website.

**Motion:** Councilor Southwick moved to approve Resolution #2015-07 approving the Municipal Solid Waste, Recycling, and Green Waste Services Agreement between Lehi City and Waste Management of Utah, Inc. Councilor Johnson seconded the motion.

**Roll Call Vote:** Councilor Southwick, Yes; Councilor Johnson, Yes; Councilor Condie, Yes; and Councilor Revill, Yes. The motion passed unanimously.

**6. Consideration of Resolution #2015-08 appointing a Planning Commissioner to the Lehi Planning Commission.**

Mayor Wilson reported that he would like to re-appoint Janys Hutchings to a second term as a Planning Commissioner.

**Motion:** Councilor Johnson moved to approve Resolution #2015-08 appointing Janys Hutchings as a Planning Commissioner to the Lehi Planning Commission. Councilor Condie seconded the motion.

**Roll Call Vote:** Councilor Johnson, Yes; Councilor Condie, Yes; Councilor Revill, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

**7. Annexation and R-1-8 zoning on the JD 10, LLC Addition Annexation, approximately 9.9 acres of property located at approximately 1400 West and 1500 North.**

Mayor Wilson reported that the public hearing for this item has been held previously.

a. Consideration of Ordinance #08-2015 approving the JD 10, LLC Addition Annexation to Lehi City.

**Motion:** Councilor Condie moved to approve Ordinance #08-2015 approving the JD 10, LLC Addition Annexation to Lehi City. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Condie, Yes; Councilor Revill, Yes; Councilor Southwick, Yes; and Councilor Johnson, Yes. The motion passed unanimously.

b. Consideration of Resolution #2015-09 approving the JD-10, LLC Addition Annexation Agreement.

**Motion:** Councilor Southwick moved to approve Resolution #2015-09 approving the JD-10, LLC Addition Annexation Agreement. Councilor Condie seconded the motion.

**Roll Call Vote:** Councilor Revill, Yes; Councilor Southwick, Yes; Councilor Johnson, Yes; and Councilor Condie, Yes. The motion passed unanimously.

**8. Consideration of a Concept Plan for Barnes Creek, a 5.21 acre residential development located at 1400 West 1500 North in a proposed R-1-8 zone.**

**Motion:** Councilor Condie moved to approve a Concept Plan for Barnes Creek, a 5.21 acre residential development located at 1400 West 1500 North in a proposed R-1-8 zone; subject to all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Southwick, Yes; Councilor Johnson, Yes; Councilor Condie, Yes; and Councilor Revill, Yes. The motion passed unanimously.

**9. Consideration of a Concept Plan for Creekside Farms, a 5.65 acre residential development located at approximately 925 West 700 South in an R-1-8 zone.**

Matthew Hess, Petitioner, was present.

**Motion:** Councilor Revill moved to approve a Concept Plan for Creekside Farms, a 5.65 acre residential development located at approximately 925 West 700 South in an R-1-8 zone; subject to all Development Review Committee and Planning Commission comments. Councilor Johnson seconded the motion.

**Roll Call Vote:** Councilor Johnson, Yes; Councilor Condie, Yes; Councilor Revill, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

**10. Consideration of a Concept Plan for Bingham Subdivision, an 8-lot residential subdivision located at 900 North 2300 West in a proposed R-1-22 zone.**

Councilor Johnson inquired as to which of the two concept plans they are considering. Kim Struthers replied that the Planning Commission recommended the one with the temporary turnaround and the road that stubs to the east.

Brigham Morgan stated that he has concerns with this development, as it is a neighborhood of higher density lots and is not compatible with the area. He stated that there are a lot of

large lot homes and this development is encroaching on the large lot family farms area. He feels that this subdivision will begin that encroachment and will set the stage for increasing density and take away the heritage of Lehi. He stated that in the future he wants to buy one of these larger lots and stay in Lehi. He is worried about setting precedence and maintaining the heritage for those families in that area.

**Motion:** Councilor Condie moved to approve a Concept Plan for Bingham Subdivision, an 8-lot residential subdivision located at 900 North 2300 West in a proposed R-1-22 zone. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Condie, Yes; Councilor Reville, Yes; Councilor Southwick, Yes; and Councilor Johnson, Yes. The motion passed unanimously.

**11. Consideration of a Concept Plan for Rollins Lots, a 5-lot residential subdivision located at approximately 1000 North 1800 East in a proposed RA-1 zone.**

**Motion:** Councilor Condie moved to approve a Concept Plan for Rollins Lots, a 5-lot residential subdivision located at approximately 1000 North 1800 East in a proposed RA-1 zone; subject to all Development Review Committee and Planning Commission comments. Councilor Reville seconded the motion.

**Roll Call Vote:** Councilor Reville, Yes; Councilor Southwick, Yes; Councilor Johnson, Yes; and Councilor Condie, Yes. The motion passed unanimously.

**12. Consideration of a Concept Plan for Bellecour Estates, a proposed 88-lot subdivision located at approximately 900 North 2375 West in a proposed R-1-22 zone.**

Mayor Wilson reported that Items 12 and 13 are related. He opened the item for public comment.

Aaron Watson stated that earlier this afternoon he sent an e-mail to the Mayor and Council. Mayor Wilson stated that they all received the e-mail. Mr. Watson reported that there is a group of 35 families that live in the 900 North 2375 West area and that many of them are here tonight. He stated that they love the agricultural heritage of the area. They are here tonight to express support that the City Council will uphold the Planning Commission's denial of this item. He stated that the Planning Commission wanted to see the lowest possible zoning in that area due to the agricultural heritage and preservation of that unique area for future generations. He stated that they are not anti-development but are asking to be sensitive to this area of Lehi and the interest and concerns of current residents. He feels that allowing development to happen with a mix of larger one acre lot sizes or more would be addressing their concerns. He stated that they have safety concerns with the increased traffic and that there are only two entrances to an 88 lot subdivision. They are also concerned about being sandwiched between two busy roads and that the development will take water from the current resident's wells.

Councilor Condie stated that he also lives on the west side and is very familiar with the feel of the area. He discussed the development in that area and feels that there is a progression of smaller lots to larger ½ acre lots. He feels that three to five acre lots are the exception in this area. He stated that he lives in a PRD with 634 homes and understands traffic issues. He

also addressed the water concern and stated that the water usage is the same for one acre or ½ acre lots. He stated that the previous water issues have been with pressurized irrigation water and not drinking water.

Terry Bishop stated that he owns the 7 ½ acres on the north side of this property and feels there are a lot of flaws in the development set up. He is concerned that there are only two access points into and out of this development and that puts traffic in his front yard. He stated that the builder plans to use some property that doesn't belong to him and will only improve curb and gutter on one side of the road. Mr. Bishop reported that he is on a well and when the City Council approved the Ivory Homes development, they were required to put in a 48" drain line to the Jordan river, which made his well go dry. He had to sink another 80 feet of pipe. He stated that they bought their property in good faith that they could have a little farm.

Jim Jett reported that he lives in the area and expressed concern that there hasn't been any discussion on the previous items. He feels there is a safety concern for the children due to the increased traffic. He stated that an option would be to table this item and look into it further. He stated that just because one person submits something they don't have to say okay, they can say no.

Brigham Morgan reported that he is a former City Councilmember and Planning Commission member in Eagle Mountain. He stated that the water drastically increases with higher density and the General Plan listed this area as the lowest density possible. He stated that this was general planned to be low density lots. He stated that they are requesting a zoning change and based on the general plan and use of the property, the City Council can deny the zoning change and encourage larger lots.

Councilor Southwick discussed that the residents want one acre lots and he asked the residents what size lots they live on. The residents in the audience reported that they lived on lots ranging from 1/3 acre to seven acres. Councilor Johnson discussed the process before them tonight. He stated that they have a concept plan and zoning application before them tonight. He reported that the Planning Commission recommended approval of the concept plan with ½ acre lots and that it conforms to the General Plan. Then the Planning Commission considered the zoning application and recommended denial. He stated that it is odd to approve the concept plan but deny the zoning. He explained that the City Council has to consider property rights due to their oath to uphold the Constitution. He agrees with some of the traffic and safety concerns that have to be addressed, but they should be addressed later. He personally struggles denying a property owner an application when it meets the code. He stated that the City has established a regular process for allowing ½ acre lots and has not historically denied these ½ acre lots.

**Motion:** Councilor Condie moved to approve a Concept Plan for Bellecour Estates, a proposed 88-lot subdivision located at approximately 900 North 2375 West in a proposed R-1-22 zone; subject to all Development Review Committee and Planning Commission comments. Councilor Revill seconded the motion.

**Roll Call Vote:** Councilor Southwick, Yes; Councilor Johnson, Yes; Councilor Condie, Yes; and Councilor Revill, Yes. The motion passed unanimously.

**13. Consideration of Ordinance #09-2015 approving a Zone Change for 55 acres of property located at 900 North 2375 West from an A-5 zone to a proposed R-1-22 zone.**

Councilor Johnson reported that as this moves forward he would encourage that a traffic study be done, that the water shares are turned in appropriately, and look at the health and safety issues associated with this development in the preliminary subdivision process.

**Motion:** Councilor Condie moved to approve Ordinance #09-2015 approving a Zone Change for 55 acres of property located at 900 North 2375 West from an A-5 zone to a proposed R-1-22 zone; subject to Development Review Committee comments and Planning Commission comments with the exception of the Planning Commission for denial. Also include the comments made by Councilor Johnson as part of the process as well. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Johnson, Yes; Councilor Condie, Yes; Councilor Revill, Yes; and Councilor Southwick, Yes. The motion passed unanimously.

**14. Consideration of Ordinance #10-2015 amending the Lehi City General Plan Land Use Map on roughly 20 acres of property located at approximately 1400 East Main Street changing the land use designation from Commercial to High Density Residential.**

Councilor Revill stated that he doesn't think a high density development fits here. He stated that he hates to give up the commercial zone as that zone generates sales tax revenue. He feels that if residential is built here, the sales tax revenue will go to American Fork and will also generate more traffic in an already heavy traffic area. He is also concerned that 30 units per acre would be an infrastructure nightmare. Lorin Powell reported that he has planned for commercial in this area which has lower water usage. Councilor Johnson thinks this traffic situation in this area is so bad that he would be in favor of a moratorium until the traffic problem is resolved and any development in this area shouldn't be considered until then. He feels it warrants some traffic studies.

Brigham Morgan reported that he agrees with the comments and that the cost to retrofit services would be costly. This could also impact wetlands and he feels it is not worth the risk to turn this area into residential.

**Motion:** Councilor Condie moved to deny Ordinance #10-2015 amending the Lehi City General Plan Land Use Map on roughly 20 acres of property located at approximately 1400 East Main Street changing the land use designation from Commercial to High Density Residential. The findings of facts are that the requested zone doesn't fit within the area of Lehi, that there are significant traffic issues, and issues of infrastructure to the City. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Condie, Yes; Councilor Revill, Yes; Councilor Southwick, Yes; and Councilor Johnson, Yes. The motion passed unanimously.

**15. Consideration of the Ashton Boulevard Roadway Dedication Plat, realigning the intersection of Ashton Blvd. and Thanksgiving Way.**

**Motion:** Councilor Johnson moved to approve the Ashton Boulevard Roadway Dedication Plat, realigning the intersection of Ashton Blvd. and Thanksgiving Way. He stated that the City Engineer mentioned that the plat may change and that this motion be good for an acceptable change through his office. Councilor Condie seconded the motion.

**Roll Call Vote:** Councilor Revill, Yes; Councilor Southwick, Yes; Councilor Johnson, Yes; and Councilor Condie, Yes. The motion passed unanimously.

Mayor Wilson reported that he would like to call for a Closed Executive Session to discuss real estate.

**Motion:** Councilor Condie moved to adjourn into a Closed Executive Session to discuss real estate. Councilor Southwick seconded the motion.

**Roll Call Vote:** Councilor Southwick, Yes; Councilor Johnson, Yes; Councilor Condie, Yes; and Councilor Revill, Yes. The motion passed unanimously.

The meeting adjourned into the Closed Executive Session at 8:23 p.m.  
The meeting reconvened at 8:56 p.m.

**17. Adjournment**

With no further business to come before the City Council at this time, Councilor Revill moved to adjourn the meeting. Councilor Southwick seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:56 p.m.

Approved: February 10, 2015

Attest:

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Bert Wilson, Mayor

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Marilyn Banasky, City Recorder