



Minutes of the **Pre Council** and **Regular Session** of the **Lehi City Council** held Tuesday, **May 24, 2016**, at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

**Members Present:** Bert Wilson, Mayor  
Paige Albrecht, Council Member  
Chris Condie, Council Member  
Paul Hancock, Council Member  
Mike Southwick, Council Member  
Johnny Reville, Council Member

**Others Present:** Jason Walker, City Administrator; Robert Ranc, Assistant City Administrator; Ryan Wood, City Attorney, Kim Struthers, Community Development Director; Lorin Powell, City Engineer; Todd Munger, Public Works Director; Dave Sanderson, Finance Director; Carolyn Hoffman, City Treasurer; Darren Paul, Police Chief; Jeremy Craft, Police Chief; Dave Norman, Water Director; Gary Smith, Chief Building Inspector; Cameron Boyle, Assistant to the City Administrator; Beau Thomas, Management Analyst; Marilyn Banasky, City Recorder; and approximately 32 citizens.

### **Pre-Council, 5:30 p.m.**

#### **1. Welcome and Opening Comment**

Mayor Wilson welcomed everyone and noted that all Councilmembers were present. Councilor Albrecht gave the opening comment.

#### **2. Discussion Items**

##### **2.1. Presentation of Skydrop Program by Robert Ranc and Bart Brockbank**

Robert Ranc introduced Bart Brockbank and Chad Christofferson from Skydrop. They presented a video outlining the benefits of Skydrop to save water by providing a device that attaches to an electronic watering system controller. The device runs off wi-fi and reads the current and historical weather data to ensure the most efficient watering cycles. Mr. Brockbank stated that they are a Lehi company. He reported that the difference between their system and others, is that they provide accountability by providing data to cities to track how Skydrop is saving water. Mr. Christofferson displayed data that was collected from a water district in California showing the metered water data and how much was saved. Clark Andresee discussed the app that can be downloaded to a smart phone or computer to set up and control the watering cycle. He explained that the app allows the city to push notices to users about watering restrictions, etc. A discussion was held as to the benefits and water savings that Skydrop could provide to Lehi residents.

Robert Ranc stated that when Skydrop came to the City, he and Dave Norman met with them and they presented a way for the Lehi residents to receive the device at no cost to them. He stated that Central Utah Water is providing a \$100 rebate to anyone who installs a smart controller that saves 20% on water. Skydrop will sell the City the

controllers for \$100 and the City will receive the rebate. After the controller is installed, the resident will pay a \$4.00 subscription fee for two years and then a nominal fee after that to recoup the additional cost of the controller as the controller normally costs more than \$100.00. He stated that by using the Skydrop controller, residents will save at least 25% of water and would be exempt from watering restrictions. He reported that the City would also provide installation and cover those costs. Mr. Ranc stated that the City is installing 100 standard meters to see what the water data looks like and they will also install the Skydrop controller at those homes to compare how both metering systems work. If the Skydrop controller provides reliable metering data, it would be less expensive to install the Skydrop controller versus a standard meter to meter pressurized irrigation water in order to bill it on a metered basis. He explained that skydrop is residential based and doesn't work for commercial buildings, schools, parks, etc. He reported that Lehi City will be beta testing with Skydrop this summer to see how it works in our parks in order to save money. He reported that they will bring back an agreement to Council before this program goes into effect.

Councilor Condie stated that he likes the idea of beta testing this device at Lehi City parks. He inquired if Skydrop could keep up with the demand if the residential program is successful. Chad Christofferson replied that as soon as they know if the Council approves the program, they can have additional inventory in 12 weeks. He stated that they have plenty of inventory now and can hire people to install the controller. Councilor Hancock inquired how much the additional water cost that the City purchased two years ago. Lorin Powell replied that was \$200,000 and last year it was \$350,000. A discussion was held as to who would pay the \$4.00 monthly fee and metering the water. Councilor Revill stated that he likes the idea of the resident's paying the fee. Councilor Hancock suggested that the City pay the \$4.00 fee for the first two years. Mr. Ranc stated that is something that can be worked out.

Mayor Wilson stated that City Attorney Ryan Wood wanted to talk to the Council. Ryan Wood stated that he wanted to give a gentle reminder to the City Council to ensure the discussion on agenda items doesn't happen in pre-council and then when they get to the actual meeting at 7:00 p.m. there is just a vote.

## 2.2. Discussion of Building Permit Fee Calculations.

Kim Struthers and Gary Smith discussed the building permit fee schedule and reported that those rates are based on a table that was adopted by the ICC. Mr. Smith reported that Lehi City hasn't updated these fees for quite some time and is recommending increasing the fees Lehi City charges to coincide with the current ICC fees. Councilor Revill inquired as to how often the ICC fees change. Mr. Smith replied that they update their fees twice a year and they could go up or down. Councilor Condie inquired if Lehi's fees are higher or lower than ICC's. Mr. Smith replied that Lehi hasn't updated their fees since 2006. In 2006 the fee for an average house was \$91.36 and today that fee would be \$112.65 per square foot. He stated that he ran the figures at 100%, 90%, and 85% of the ICC fee schedule as they are allowed to put in a modifier and Utah is 9% lower than average.

Councilor Southwick inquired if there is a problem updating the fees twice a year. Mr. Smith replied that doing it twice a year makes the increase smaller each time. Councilor Condie stated that he would be more comfortable to just do it once a year.

He inquired where this additional money would go and is there anything that the Building Department is lacking. Mr. Smith replied that it would go into the budget for the Building Department. Councilor Condie inquired if they are projecting rising expenses. Mr. Smith replied that they are not expecting rising expenses but that most jurisdictions use the table and Lehi City hasn't updated it for 10 years. Jason Walker stated that he thinks updating it annually is sufficient. Councilor Albrecht stated that she feels that is defensible and legitimate. Mayor Wilson stated that he would like to see the fees at 90% of the ICC fee. Councilor Hancock suggested that they start with 85% of the ICC fee in year one and then implement 90% of the fee thereafter. Councilor Condie inquired if they are looking to implement the increase with this budget. Kim Struthers replied that they are. Marilyn Banasky, City Recorder, explained that there will be a public hearing on the Consolidated Fee Schedule at the next City Council meeting and these fees would be voted on then. Councilor Albrecht stated that she feels the 90% would be fine to implement now.

### 2.3. Discussion of the Board of Adjustment

Ryan Wood stated that most medium to larger size cities have gone away from a Board of Adjustment to a legally trained hearing examiner, especially for appeals. He wants to see how the Council feels about this. Mayor Wilson stated that the things the Board of Adjustment are seeing have very complicated issues. Mr. Wood stated that they tend to need statutory review. He stated that the City provides the Board with their own attorney and that attorney can help guide them. Councilor Condie inquired if it is an outside attorney. Mr. Wood replied that it is. Councilor Southwick inquired if the attorney is hired by the hour. Mr. Wood replied yes. He stated that the City would hire that person when there is a need. Councilor Condie wondered if they decide to do would someone still have the right to have the current system if an appeal is in the process. Mr. Wood replied that the advice he received was if someone has already filed an appeal to the Board of Adjustment, the Board could hear the appeal and then they could make the change after. Mayor Wilson stated they could contact the appellant and give them the choice. Mr. Wood replied that could be considered if the applicant submitted a written agreement to use the hearing examiner instead of the Board of Adjustment. Councilor Albrecht stated that she was serving on the Board of Adjustment when they heard the appeal regarding the billboards and felt out of her depth and was very uncomfortable. She is in favor of changing it to the hearing examiner. Councilor's Southwick and Hancock agreed. Mr. Wood stated that he will bring back an Ordinance in June or July.

### **3. Agenda Review**

None

### **4. Administrative Report**

None

### **5. Mayor and Council reports**

None

**6. Consideration of adjourning into a Closed Executive Session to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual.**

This item was heard at the end of the regular session.

The meeting recessed at 6:55 p.m.

The meeting reconvened at 7:00 p.m.

**Regular Session, 7:00 p.m.**

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

Mayor Wilson welcomed everyone and noted that all Council members were present. Ethan Peterson led the Pledge of Allegiance.

**2. Presentations and Reports**

2.1. Presentation of Eagle Scout Awards

Mayor Wilson presented the Eagle Scout Awards.

2.2. Proclamation in support of Local First Utah's Independents Week.

Mayor Wilson read the proclamation proclaiming July 1-7, 2016 as Independents Week.

2.3. GFOA's Distinguished Budget Award Presentation to Cameron Boyle

Paul Jerome, Assistant City Administrator for Eagle Mountain and Past President of the Utah Government Finance Officers Association presented the GFOA's Distinguished Budget Award to Lehi City.

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

Brent Pulley reported that he lives on 400 North, one block north of the high school and has been there 20 years. He stated that there needs to be a parking ordinance instead of makeshift rules as next year the high school has an enrollment of 1400 students, which is down by half. He feels that now is the time that the City Council should address this issues. His concerns are the safety of citizens, cars being hit on curbs - especially in the winter. He stated that the current rules are not working as there is trash on the streets and lawns, and paraphernalia related to drugs and sexual activity. He stated that the police department doesn't enforce the rules and feel the rules are poorly written and don't stand up. He stated that the residents have been ticketed for violations. He stated that the drug and sexual activity have been documented and observed and that the police department have found that activity going on in the parking lot of the church. The residents are tired of living in a high school parking lot. The high school parking lot is patrolled by the school district but not the streets. He stated that there hasn't been any response from the school district as they don't want to address the issue. Mr. Pulley distributed a packet with American Fork and Pleasant Grove ordinances and pictures.

Aaron Bear stated that he represents the Point Meadows townhomes HOA. He expressed their displeasure of how they rose to the top for the skate park. He stated that the Mayor and City Council should have received emails from the HOA President expressing concern. He stated that it has been negative in his neighborhood and is a hot button issue for a lot of

reasons. He expressed concerns that the park has been neglected and that they started with library and that has been taken away. He thinks the issues are workable but they have a lot of concerns and want more input on the site selection. He thinks there are better parks, such as Olympic Park. He stated that his home backs up to the park and he has an interest on a skate park. He doesn't want to be the park nanny and he feels that some compromises can be made. They want other options.

Carrie Mills stated that she is representing the Point Meadow homes. She stated that many people in the neighborhood were upset that it was decided upon and they were not given consideration. She has concerns such as the general demographic of the neighborhood is not the demographic for a skate park. The neighborhood is generally made up of grade school children and not older children who would benefit from the skate park. She stated that skate park will take the place of basketball courts and the cement area. She stated if those aren't being used, then take them out and put in something they would use. She stated that the size of the park is smaller than others and it would require a fence as it is on a busy street. She stated that they already have a traffic issue due to the business park at Thanksgiving Point.

Nate Keenan stated that he is representing Point Meadows. He stated that they are frustrated. He stated that they already feel they are unsafe due to roads being built around them. He stated that today there is a problem of groups of people drinking at the park and is worried that adding a skate park will bring a connotation of living in a place they don't want. He understands that it is needed but not in their secluded neighborhood. He stated that it is not the right place for that and encouraged them reconsider this. He asked for help to understand the process and to have some input.

Shawn Adams stated that he used to own a home in the Point Meadows area. He stated that after he saw the design in the newspaper, he feels it is a bad area. He is a baseball coach and feels they need more baseball fields. If the City has money for a skate park maybe they need to rethink that as they are hard up for baseball fields. He stated that the City already has the infrastructure for baseball with the city leagues but are being restricted by the lack of fields. He thinks they need to start thinking a little bit bigger and wants to see baseball fields.

Kevin Whipple stated that at 2300 W. 300 N, is Willow Creek Jr. High. He stated that with the completion of the street and new homes this has created a traffic change and pedestrians crossing to the Jr. High have a hard time. He reported that this year they had two crossing guards hit by cars and that they have asked for a stop sign to stop traffic at 2300 W. 300 N. for the pedestrian traffic. He stated that they have both Jr. High and Elementary school kids trying to get across the street. They park busses on 2300 W and cars can't see. He would like to ask for a stop sign or possibly a flashing sign to say pedestrian are in the road.

#### **4. Consent Agenda**

4.1. Approval of meeting minutes from the May 10, 2016 City Council meeting;

4.2 Approval of Purchase Orders.

4.3 Approval of Resolution #2016-32 approving Settlement Agreements between Marshall Morris, Nolan Morris, Michael Morris, Eli Morris and Lehi City.

Councilor Condie asked to remove item 4.3 from the Consent Agenda.

**Motion:** Councilor Condie moved to approve items 4.1 and 4.2 on the consent agenda. Councilor Southwick seconded the motion.

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

4.3 Approval of Resolution #2016-32 approving Settlement Agreements between Marshall Morris, Nolan Morris, Michael Morris, Eli Morris and Lehi City.

Councilor Condie stated that when he reads through the agreements they state that \$3,000 was already paid out. Ryan Wood replied that is per agreement. Councilor Condie stated that this settlement is paying \$41,000 to this family and the accident happened in 2014. He inquired as to what happened. Mr. Wood replied that Officer Larsen ran a stop light and hit the family. He explained that most of that amount is for medical expenses. He stated that the City paid the \$3,000 quickly and waited for the medical bills to come in. He stated that the \$41,000 covers all four of them and the vast majority of that covers their medical bills.

**Motion:** Councilor Condie moved to approve item 4.3 on the consent agenda. Councilor Southwick seconded the motion.

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

**5 Public Hearing to receive public comment on the Lehi City Impact Fee for Facilities Plans for Police, Fire, Storm Drain, and Transportation.**

Mayor Wilson opened the public hearing.

Robert Ranc introduced Keith Larsen who is the project manager. He stated that this is just for police, fire, storm drain, and transportation. He stated that they are still working on culinary, pressurized irrigation, power, sewer and parks. He stated that they have met with the Utah Home Builders Association and they are pleased with the methodology and the way this has been done.

Keith Larsen gave an overview of the facilities plans. He explained that the facilities plan asks what is needed to provide continued service meeting state requirements and customer expectations. The impact fee analysis asks what portion of costs should be paid for by future users. Mr. Larsen discussed how impact fees are calculated. He presented their recommended fees as follows:

Storm Impact Fee: Based on gross lot size and the cost per acre is \$1,390.88 or \$348 for a typical residential ¼ acre lot.

Transportation Impact Fee: Based on cost per trip at \$121.79. He stated that a typical residential lot has 9.55 trips per day or \$1,163.00.

Police Impact Fee: Based on Equivalent Residential Units (ERU). Cost per ERU \$98.35.

Fire Impact Fee: Based on ERU. Cost per ERU \$198.02.

He provided the summary of Impact Fee Changes for a typical residential lot as follows:

<b>Utility</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Storm Drain (1/4 acre lot)	\$325	\$348
Transportation	\$1,435	\$1,163
Police	\$220	\$98
Fire	\$375	\$198
<b>Total</b>	<b>\$2,355</b>	<b>\$1,807</b>

Councilor Hancock inquired if park capacity can that be accounted for through impact fees. Mr. Ranc replied that it is based on future parks. Mr. Larsen stated that is a legitimate impact fee expense. Councilor Revill stated that it is more expensive to build a baseball park than a leisure park and wondered if that can that be taken into consideration. Mr. Larsen replied that it can, but they have to consider what is existing.

There were no comments from the public.

Mayor Wilson closed the public hearing.

6. a. Public Hearing to receive public comment on whether to adopt amended impact fees for Police, Fire, Storm Drain, and Transportation.

Mayor Wilson opened the public hearing.

There were no comments from the public.

Mayor Wilson closed the public hearing.

b. Consideration of Ordinance # 32-2016 amending Chapter 2-3-1 (Impact Fees) of the Lehi City Code and amending the Lehi City 2016 Consolidated Fee Schedule.

Councilor Hancock inquired if the Police and Fire Chiefs were appraised of the fees and wondered if it met their needs. Chiefs Paul and Craft both agreed that the fees were sufficient.

**Motion:** Councilor Condie moved to approve Ordinance #32-2016 amending Chapter 2-3-1 (Impact Fees) of the Lehi City Code and amending the Lehi City 2016 Consolidated Fee Schedule. Councilor Southwick seconded the motion.

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

7. **Consideration of Resolution #2016-33 adopting the budget for the City of Lehi for Fiscal Year 2017 (July 1, 2016 - June 30, 2017).**

Councilor Condie reported that he has received a lot of feedback regarding the \$50,000 a year that the City gives to the Thanksgiving Point Museum of Natural Curiosity and the Butterfly exhibit. He stated that when the Butterfly exhibit came up he was in favor of contributing the million dollars all at once, but understood why it was better not to. Now he is wondering if they want to do it all. He stated that it is not a public place, they charge fees, and they have private donors. He feels there isn't anything Lehi residents benefit from and he feels the residents are paying double through this donation. He is wondering if they should keep it in the budget. Mayor Wilson replied that they had a study done and the \$50,000 was an okay fee to pay due to the economic impact to Lehi. Councilor Condie stated that one reason they chose to do \$50,000 annually, was so that a future Council could cancel them. He still agrees with the payments but understands the frustration from the residents.

**Motion:** Councilor Southwick moved to approve Resolution #2016-33 adopting the budget for the City of Lehi for Fiscal Year 2017 (July 1, 2016 - June 30, 2017). Councilor Hancock seconded the motion.

**Roll Call Vote:** Councilor Albrecht, Yes; Councilor Condie, No; Councilor Revill, Yes; Councilor Hancock, Yes; and Councilor Southwick, Yes. The motion passed with four in favor and one opposed.

**8. Vivian Carter Addition Annexation, 90.21 acres of property located approximately at the southwest corner of 2600 North 600 East.**

a. Public Hearing

Mayor Wilson opened the public hearing.

There were no comments from the public.

Mayor Wilson closed the public hearing.

b. Consideration of Ordinance #30-2016 approving the Vivian Carter Addition Annexation.

**Motion:** Councilor Condie moved to approve Ordinance #30-2016 approving the Vivian Carter Addition Annexation. The motion was seconded by Councilor Southwick.

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

c. Consideration of Resolution #2016-34 approving the Vivian Carter Annexation Agreement

**Motion:** Councilor Revill moved to approve Resolution #2016-34 approving the Vivian Carter Annexation Agreement; subject to the completion of all Development Review Committee comments. Councilor Condie seconded the motion.

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

**9. Consideration of approval for the Willow Brooke Phase 2 preliminary subdivision, a 13-lot residential development located at 1220 North 950 West in existing R-1-8 (residential) & A-1 (agriculture) zones.**

This item was withdrawn by the petitioner.

**10. Consideration of Ordinance #31-2016 amending the Lehi Development Code Table 05.030-A, Agriculture and Residential Uses.**

**Motion:** Councilor Revill moved to approve Ordinance #31-2016 amending the Lehi Development Code Table 05.030-A, Agriculture and Residential Uses; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

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

**11. Consideration of approval for the Evans Ranch preliminary subdivision, a 15-lot residential subdivision located at 2800 West Main Street in R-1-22 (residential/agriculture) and TH-5 (transitional holding) zones.**

**Motion:** Councilor Condie moved to grant approval for the Evans Ranch preliminary subdivision, a 15-lot residential subdivision located at 2800 West Main Street in R-1-22 (residential/agriculture) and TH-5 (transitional holding) zones; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

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

**12. Consideration of Ordinance #28-2016, a Zone Change on approximately 9.25 acres of property located at approximately 2800 West Main Street changing the zoning designation from A-5 (agriculture) to TH-5 (transitional holding).**

Councilor Albrecht inquired if all the ESA issues have been resolved. Kim Struthers replied that they have.

**Motion:** Councilor Southwick moved to approve Ordinance #28-2016, a Zone Change on approximately 9.25 acres of property located at approximately 2800 West Main Street changing the zoning designation from A-5 (agriculture) to TH-5 (transitional holding); subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

**13. Consideration of approval for River Park preliminary subdivision, a 20-lot residential subdivision located at approximately 3000 West 1500 North in an existing R-1-22 (residential/agriculture) zone.**

Councilor Southwick stated that they wanted them to put the road closer to the Jordan River in exchange for lots. Kim Struthers replied that it is the same number of lots, but shifts the road toward the trail and the lots shifted to the north. He stated that when it comes back for final approval, the Council will see the alternate design with the road closer to the river.

**Motion:** Councilor Condie moved to grant approval for River Park preliminary subdivision, a 20-lot residential subdivision located at approximately 3000 West 1500 North in an existing R-1-22 (residential/agriculture) zone; subject to the completion of all Development Review Committee and Planning Commission comments. The Motion was seconded by Councilor Albrecht.

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

**14. Consideration of approval for Lehi Pointe Phase 2 preliminary subdivision, a single lot commercial subdivision located at approximately 3000 North Triumph Boulevard in an existing Commercial zone.**

**Motion:** Councilor Southwick moved to grant approval for Lehi Pointe Phase 2 preliminary subdivision, a single lot commercial subdivision located at approximately 3000 North Triumph Boulevard in an existing Commercial zone; subject to the completion of all Development Review Committee comments. Councilor Hancock seconded the motion.

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

**15. Consideration of Ordinance #29-2016, a General Plan Amendment on 4 acres of property located off Waterway Road in the Jordan Willows Subdivision, changing the land use designation from NCN (neighborhood commercial node) to VLDR (very low density residential).**

Councilor Albrecht asked for an explanation of the Planning Commission approval for one side and not the other. Kim Struthers stated that this is around the sewer lift station and the Planning Commission felt comfortable amending the west side as it is away from lift station but they did not feel comfortable amending the piece around the lift station. He stated that the Planning Commission recommended that the developer work with the City on a potential land swap for the property on the east with the City and the area dedicated for the right of way on the west and that is no longer needed for the construction of Pioneer Crossing. He stated that the owner is open to that. Councilor Condie inquired as to why that hasn't that been done and what is the hesitation of the land swap. He stated that he is fine with building around the sewer lift station. Mr. Struthers stated that the applicant has requested the change on both sides. Councilor Condie wondered what the hesitation is with the land swap as the developer has been approached before. Mr. Struthers replied that it is not on the City's end. He stated that the applicant has been busy and hasn't pursued it. Councilor Condie wondered

what harm there was is if they change it on both sides. Kim Struthers stated that is his personal thought. He explained this is the General Plan amendment and the developer still has to go through another process to rezone it. He stated that when it went through Development Review Committee, staff didn't see any reason not to change both sides but the Planning Commission felt nervous approving a change to area that might lead to houses by the sewer lift station.

**Motion:** Councilor Condie moved to approve Ordinance #29-2016, a General Plan Amendment on 4 acres of property located off Waterway Road in the Jordan Willows Subdivision, changing the land use designation from NCN (neighborhood commercial node) to VLDR (very low density residential); subject to the completion of all Development Review Committee comments but that the recommendation from the Planning Commission be switched from changing only the west side to both sides being changed to the VLDR zone.

Councilor Hancock stated that would be going with applicant's option.

**Amended Motion:** Councilor Condie amended his motion to include that they go with the applicant's option.

Councilor Southwick inquired what Councilor Condie is thinking on this. Councilor Condie replied that this is a place that has come before them before for commercial uses in this zone. He explained that the commercial zone is at the end of a narrow street that connects to 2100. His concern is to change it to residential and take the commercial aspect out of it. Lorin Powell stated that might facilitate the land swap. Councilor Condie stated that they have been working on this for a long time and the developer has shown no intention of swapping property with the City. Councilor Hancock asked if there no contingencies. Councilor Condie replied yes, no contingencies.

Councilor Albrecht inquired if staff would agree that this location is no longer appropriate for the NCN zone. Mr. Struthers replied yes as there was going to be a large road going through there and now it isn't going to be. He explained that they left it commercial for the possibility a church, or daycare, etc., but none of that has worked out. He doesn't think it hurts but thinks it could help the land swap.

Councilor Hancock seconded the motion.

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

**16. Consideration of approval for Holbrook Farms Plat A preliminary subdivision, 402 residential and 8 commercial lots located at approximately 2100 North 3600 West in a Planned Community zone.**

**Motion:** Councilor Condie moved to grant approval for Holbrook Farms Plat A preliminary subdivision, 402 residential and 8 commercial lots located at approximately 2100 North 3600 West in a Planned Community zone; subject to

the completion of all Development Review Committee and Planning Commission comments. Councilor Albrecht seconded the motion.

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

**17. Consideration of approval for Madison Meadow Plat B final subdivision, a 10-lot residential subdivision located at 700 South 300 East in an existing R-1-22 zone.**

**Motion:** Councilor Southwick moved to grant approval for Madison Meadow Plat B final subdivision, a 10-lot residential subdivision located at 700 South 300 East in an existing R-1-22 zone; subject to the completion of all Development Review Committee comments. The motion was seconded by Councilor Revill.

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

**18. Consideration of approval for Hidden Meadow final subdivision, a 2-lot commercial subdivision located at 877 North 100 East in an existing Mixed Use zone.**

**Motion:** Councilor Condie moved to grant approval for Hidden Meadow final subdivision, a 2-lot commercial subdivision located at 877 North 100 East in an existing Mixed Use zone; subject to the completion of all Development Review Committee and Planning Commission comments. The motion was seconded by Councilor Southwick.

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

**19. Consideration of Resolution #2016-30 authorizing eminent domain proceedings.**

Lee Smith inquired as to how they are going to do the safety issue on the road. Mayor Wilson replied that he doesn't have an answer as the engineers are figuring that out. Mr. Smith wondered why they are condemning his property so deep. Mayor Wilson replied that they tried to put the road in there to make it work and have had outside and in-house engineers look at this. He told Mr. Smith that his fence line will stay but they will make it a more gradual slope so that it isn't such a drop-off. He stated that the City will put in a sidewalk and a fence. He stated that they are trying to make it better for Mr. Smith to irrigate and farm. He stated that it is the school district who has pushed this. Mr. Smith inquired as to where the safety issue is as it relates to the road. Mayor Wilson replied that it is a narrow, windy road and the City wants to widen it and put in sidewalks so kids from the high school and junior high school can walk without being in the road. Mr. Smith stated that is all the City has said on negotiations and that is where the problem is. He stated that they haven't had any negotiations. Mayor Wilson replied that Mr. Smith has had his attorney present and that Brad Kenison, Assistant City Engineer, has visited with Mr. Smith's attorney. He stated that the City has presented plans and offered to pay for the property, re-seed the property after the construction, and put in a fence. Ryan Wood, City Attorney, stated that there is nothing about this resolution that would preclude the City from continuing negotiating with

Mr. Smith. Mayor Wilson stated that this is the first step and the negotiations can still continue. Mr. Smith stated that he has changed the proposal.

Joy Smith stated that she has one suggestion, and that is for all of them to go up and see how they have marked it now - not after they start digging. She asked them to look at the top end of the road and decide if it is a safety issue. Councilor Condie inquired as to how is it marked. Ms. Smith stated that it goes up and still has no view from either side. Councilor Condie inquired if it is staked out. Ms. Smith replied it is. She stated that they also have a construction easement in their driveway and wondered how they get in and out.

Brad Kenison displayed a map of the property and discussed the property that the City needs to straighten the road. He discussed the proposal that would straighten the road and change the slope.

Allen Smith stated that he is their son and back in January they had a proposal of straightening the road and taking that curve out. He reported that a few years back a kid was killed and he doesn't understand why they are keeping the same curvature of the road. He wondered why they are not moving it to the west. Mr. Kenison replied that they are realigning the road and making it straighter. He explained that they have moved it significantly to the west.

Councilor Condie stated that as he reads the appraisal the offer to Mr. Smith for the property is \$50,700 for the road. He asked Mr. Smith if he feels that is fair market value. Mr. Lee Smith replied that he does not as it appraised at \$3.00 per square foot. Mr. Kenison stated that the City is offering \$50,000, which was the amount determined on the appraisal and the easements. Councilor Condie inquired as to what happens if this doesn't pass. Mr. Wood replied that statutorily, they can't proceed with eminent domain proceedings. He reminded the Council that they did a similar action which never went through with eminent domain. He stated that this just starts the process. Councilor Hancock stated that this allows them to move forward but it needs the courts approval.

**Motion:** Councilor Revill moved to approve Resolution #2016-30 authorizing eminent domain proceedings. The motion was seconded by Councilor Albrecht.

**Roll Call Vote:** Councilor Revill, Yes; Councilor Hancock, Yes; Councilor Southwick, Yes; Councilor Albrecht, Yes; and Councilor Condie, No. The motion passed with four in favor and one opposed.

**20. Consideration of Resolution #2016-31 approving a Cooperative Agreement between Lehi City and UDOT for roadway improvements along Main Street and State Street.**

Councilor Condie inquired if there have been any additional talks to resolve the no left turn issue. Lorin Powell replied that UDOT wants to put in a barrier wall on Main Street from 1200 East to State Street and the City got a traffic signal at 1200 East. He stated that they have had a lot of meetings and the businesses were upset that there wasn't an opening at 1350 East. He stated that UDOT was taking a firm stand not to open the barrier due to giving the signal. Mr. Powell stated that the City made an alternate proposal making a left-out of this and a left-in seemed it would work. He stated that this agreement allows a left-in and the City is fixing the corners on the road to Chuck-A-Rama. He stated that if he can get the

property owners on board, then the City will build a new road, but if they can't do anything else, then the City will fix those corners. Mayor Wilson stated that this is the result of a lot of negotiation. Councilor Hancock thinks that this is important to the business owners. He inquired as to the timing of the project. Mr. Powell replied that it will begin next year and that they are doing the design now.

**Motion:** Councilor Hancock moved to approve Resolution #2016-31 approving a Cooperative Agreement between Lehi City and UDOT for roadway improvements along Main Street and State Street. The motion was seconded by Councilor Revill.

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

**21. Consideration of Ordinance #33-2016 amending Lehi City Code 9-7-3 Net Metering Program.**

**Motion:** Councilor Condie moved to Ordinance #33-2016 amending Lehi City Code 9-7-3 Net Metering Program. The motion was seconded by Councilor Hancock.

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

Mayor Wilson stated that he would like to recess into the RDA meeting.

**Motion:** Councilor Revill moved to recess into the RDA meeting. The motion was seconded by Councilor Southwick.

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

The meeting recessed at 8:56 p.m.

The meeting reconvened at 9:00 p.m.

**6. Consideration of adjourning into a Closed Executive Session to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual.**

Mayor Wilson stated that he would like to adjourn into the Closed Executive Session that was scheduled as Item #6 in the Pre-Council meeting.

**Motion:** Councilor Revill moved to adjourn into a Closed Executive Session to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Councilor Condie.

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

The meeting adjourned into a Closed Executive Session at 9:01 p.m.  
The meeting reconvened at 9:34 p.m.

Mayor Wilson stated that he would like to adjourn into a Closed Executive Session to discuss the purchase and sale of real estate.

**Motion:** Councilor Revill to adjourn into a Closed Executive Session to discuss the purchase or sale of real property. The motion was seconded by Councilor Southwick.

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

The meeting adjourned into a Closed Executive Session at 9:35 p.m.  
The meeting reconvened at 10:06 p.m.

Councilor Condie inquired about the timeline for the November bond election. A discussion was held regarding the November bond election timeline and that the City is looking to hire a Public Relations firm to help with it.

## 22. Adjournment

With no further business to come before the City Council at this time, Councilor Hancock moved to adjourn the meeting. Councilor Albrecht seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:15 p.m.

Approved: June 14, 2016

Attest:

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Bert Wilson, Mayor

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Marilyn Banasky, City Recorder