



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, **August 9, 2016**, at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

Members Present: Bert Wilson, Mayor
Chris Condie, Council Member
Paul Hancock, Council Member
Mike Southwick, Council Member

Excused: Paige Albrecht, Council Member
Johnny Revill, 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; Dave Sanderson, Finance Director; Dave Norman, Water Director; David Kitchen, Human Resources Director; Cameron Boyle, Assistant to the City Administrator; Marilyn Banasky, City Recorder; and approximately 45 citizens.

Pre-Council, 5:00 p.m.

1. Welcome and Opening Comment

Mayor Wilson welcomed everyone and noted that all Councilmembers were present except Councilors Albrecht and Revill who are excused. Councilor Southwick gave the opening comment.

2. Presentations and Reports

Dave Sanderson introduced Sara Hubbs. Ms. Hubbs is on the agenda tonight to be appointed as the new City Treasurer.

3. Agenda Review

Mayor Wilson stated that each item will need three votes in order to pass as two Councilmembers are absent. If an item doesn't receive a unanimous vote, it will fail. Mayor Wilson reviewed the agenda.

David Kitchen gave an overview of the wellness program and the wellness services agreement that is on the Consent Agenda.

A discussion was held regarding item #9 preliminary subdivision approval for Ozancin Estates. The developer is asking that a cul-de-sac be put in instead of the road connecting to Center Street. Kim Struthers stated that the developer needs to go back to the Development Review Committee, the Planning Commission, and the City Council in order to get an exception to the connectivity standard as the cul-de-sac doesn't meet the connectivity ratio. He explained that can be done and considered at the final subdivision approval stage. He stated that the developer could meet the connectivity standard with a pedestrian crossing from the cul-de-sac to Center Street.

A discussion was held on item #14 concept plan approval for Sage Vistas. Kim Struthers reported that the developer is asking to use the PRD overlay to get more density. He stated that the developer will widen and improve the Waste Ditch, widen 1100 West, and improve the trail. He stated that the improvements to the Waste Ditch are expensive and the City would have to reimburse the developer for those improvements if the density bonus isn't given. The developer is asking for a nine lot density bonus in return for the improvements. The three alternatives that the developer submitted were discussed.

- Alternative #1: 100 lots, park, and developer pays for improvements
- Alternative #2: 94 lots, park, and developer pays for improvements
- Alternative #3: 84 lots without the PRD overlay. no park, the City would have to reimburse the developer for improvements.

Mayor Wilson stated that the adjacent neighbors want Alternative # 3 but City staff wants the density bonus in return for the Waste Ditch, trail and road improvements. Mr. Struthers stated that a lot of the surrounding developments have been granted a density bonus and it wouldn't be inconsistent to grant the density bonus. Lorin Powell stated that the developer has the right to do the normal subdivision of 84 lots, but feels it would be nice to get the improvements without the City having to pay for them.

A discussion was held on item #15 concept plan approval for The Exchange. Kim Struthers reported that this development abuts Saratoga Springs and there has been a request that the adjacent roads be made public instead of private. Lorin Powell stated that is addressed in the Development Review Committee comments.

A discussion was held on item #16 Ordinance #26-2016 changing the parking requirement for townhomes and condos to allow tandem parking. Kim Struthers stated that this change will allow condos to have tandem parking and count the driveway as part of the parking ratio. It was discussed that this will augment the guest parking, will apply city wide, and only apply to condos.

A discussion was held on item #19 concept plan approval for Canyon Trail and bringing in the hammerhead. Councilor Hancock inquired if they make that a requirement. Kim Struthers replied they could put that in their motion.

A discussion was held on item #23 Ordinance #53-2016 resident parking passes by Lehi High School. It was discussed whether the two resident and one guest pass would be tied to a residence or could be used anywhere in the restricted parking area. It was decided that the resident pass would be tied to a vehicle and a residence and the guest pass would be tied to the residence. A discussion was held regarding whether one guest pass was adequate. It was decided that one guest pass would be given for each residence. A discussion was held regarding the administration of the program. It was discussed that it would be mostly complaint based with the police department making occasional patrols. Jason Walker reported that police officers will go door to door and issue the permits to begin with and after that, the residents will have to come to the police department to get their permits

4. Administrative Report

None

5. Mayor and Council reports

None.

Mayor Wilson stated that he would like a motion to adjourn into a Closed Executive Session to discuss pending or imminent litigation.

Motion: Councilor Condie moved to adjourn into a Closed Executive Session to discuss pending or imminent litigation.

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

The meeting adjourned into a Closed Executive Session at 6:21 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 Councilmembers were present except Councilors Albrecht and Revill who are excused. Maddox Layman led the Pledge of Allegiance.

2. Presentations and Reports

2.1 Eagle Scout Awards

Mayor Wilson presented the Eagle Scout Awards

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

None

4. Consent Agenda

4.1. Approval of the July 26, 2016 and August 2, 2016 City Council meeting minutes:

4.2 Approval of Purchase Orders.

4.3 Consideration of Resolution #2016-52 confirming the Mayor’s appointment of Sara Hubbs as the Lehi City Treasurer.

4.4 Consideration of Resolution #2016-55 approving a Wellness Services Agreement between Marquee Health, LLC and Lehi City.

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

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

5. FY2015 CAPER for the CDBG Project.

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 Resolution #2016-53 approving the Y2015 CAPER for the CDBG Project.

Motion: Councilor Hancock to approve Resolution #2016-53 approving the Y2015 CAPER for the CDBG Project. Councilor Southwick seconded the motion.

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

6. Consideration of Ordinance #50-2016, a zone change from TH-5 (transitional holding) to an R-1-15 (residential) zone on 0.66 acres of property located at 1127 Cedar Hollow Road.

Motion: Councilor Southwick moved to approve Ordinance #50-2016, a zone change from TH-5 (transitional holding) to an R-1-15 (residential) zone on 0.66 acres of property located at 1127 Cedar Hollow Road; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

7. Consideration of preliminary and final subdivision approval for ASD Northeast School, a 2-lot development located at approximately 3900 North 600 West in an existing Planned Community zone.

Motion: Councilor Condie moved to grant preliminary and final subdivision approval for ASD Northeast School, a 2-lot development located at approximately 3900 North 600 West in an existing Planned Community zone; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

8. Consideration of an exception to the Lehi City Design Standards and Public Improvements Specifications to allow construction of 2 homes located at approximately 3600 West 3200 North on a private lane.

Councilor Condie inquired if the sewer and water requirements will be put in an agreement if this is passed tonight. Kim Struthers replied they will be.

Motion: Councilor Southwick moved to grant an exception to the Lehi City Design Standards and Public Improvements Specifications to allow construction of 2 homes located at approximately 3600 West 3200 North on a private lane; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

9. Consideration of preliminary subdivision approval for Ozancin Estates, a 17-lot residential development located at approximately 100 East 2600 North in an existing RA-1 zone.

Motion: Councilor Condie moved to grant preliminary subdivision approval for Ozancin Estates, a 17-lot residential development located at approximately 100 East 2600 North in an existing RA-1 zone; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

10. Consideration of preliminary subdivision approval for Peterson Estates, a 3-lot development located at approximately 1880 West 900 North in an approved R-1-15 (residential) zone.

Motion: Councilor Southwick moved to grant preliminary subdivision approval for Peterson Estates, a 3-lot development located at approximately 1880 West 900 North in an approved R-1-15 (residential) zone; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Condie seconded the motion.

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

11. Consideration of Ordinance #51-2016, a General Plan Amendment on 13.7 acres of property located at the northwest corner of 1400 West 1450 South changing the land use designation from VLDRA (Very Low Density Residential/Agriculture) to VLDR (Very Low Density Residential).

Motion: Councilor Condie moved approve Ordinance #51-2016, a General Plan Amendment on 13.7 acres of property located at the northwest corner of 1400 West 1450 South changing the land use designation from VLDRA (Very Low Density Residential/Agriculture) to VLDR (Very Low Density Residential); 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, and Councilor Condie, Yes. The motion passed unanimously.

12. Consideration of Ordinance #52-2016, a Zone Change on approximately 3.441 acres of property located at approximately 1100 West 425 South changing the zone from RA-1 (residential/agriculture) to R-1-12 (residential).

This item was withdrawn by the petitioner.

13. Consideration of concept plan approval for the Addison Cove, a 7-lot residential subdivision located at approximately 425 South 1100 West in a proposed R-1-12 (residential) zone.

This item was withdrawn by the petitioner.

14. Consideration of concept plan approval for Sage Vistas, a 100-lot Planned Residential Development located at approximately 1100 West 500 North in a proposed R-1-22 (residential/agriculture) zone.

Rick Carlton stated that he is representing Sage Bend, LLC. He reported that the Planning Commission denied the plan that included a neighborhood park. He feels they should approve this as the General Plan shows this area as a preferred site for a PRD and the City will get a park, an improved trail, roads, and waste ditch improvements. He stated that if they go with the R-1-22 zoning, the City would get 84 lots and no park or improvements. He explained that the City's Parks Master Plan specifically states that a proposed park is designated for this property called the Gurney Park.

Mr. Carlton reported that the neighboring subdivisions opposition to the 100 lot concept plan is that the lots won't all be ½ acre lots as per the R-1-22 zone. He explained that 40% - 55% of the neighboring subdivision lots are less than 1/2 acre. He stated that this development fits well within the General Plan, the Parks Master Plan, and has been recommended by staff.

Mr. Carlton outlined two options. He stated that they can do the R-1-22 zoning and get the 84 lots, or get 94 lots with a density bonus, or they can follow the General Plan and Parks Master Plan and get the 100 lots approved. He stated that he is asking for the additional lots as a density bonus in order to put in the amenities that need to go into the park, bring the trail into the park, widen the road, and improve the Waste Ditch. He feels that the argument for not putting in the park was that they wanted to see 1/2 acre lots so it would go with the surrounding area and he stated that doesn't hold water. He feels like the 100 lots is a great design and that they have worked hard with staff to get to this point.

Mayor Wilson inquired if Mr. Carlton preferred the 84 lots or the 94 lots. Mr. Carlton replied that they would prefer the 94 lots as that meets the City's park plan. Mayor Wilson inquired as to how big the park would be. Mr. Carlton replied it would be upwards of seven acres. A discussion was held regarding the size of lots between the 84 and 94 lots and the size of the park. Councilor Condie stated that he feels Alternative #2 is the most appealing option with the 94 lots, as the average lot size is over 13,000 square feet. Mr. Carlton replied that is their preferred concept as they feel at a minimum, 94 lots is where they need to be to get the amenities for the park. He explained that the lot frontage is the same as most of the neighbors, the lot is just not as deep.

Mayor Wilson inquired if Alternative #2 would cover the Waste Ditch and road improvements. Kim Struthers stated that he wasn't sure that 94 lots includes widening the ditch and improving it and the trail. Mr. Carlton replied that staff has represented that the Waste Ditch has a specific price and that the neighbor to the north is putting that in. He feels that with 94 lots they would assist to complete the Waste Ditch and put in the park. Mr. Struthers inquired if that would cover improvements. Mr. Carlton replied that they could at least do the base level of park and the ditch too. He stated that the 100 lots would provide the extra park amenities. Kim Struthers explained that the basic standard for a park in a PRD is grass, a sprinkling system, and a certain number of trees.

Mayor Wilson allowed the public to speak.

Matt Hansen stated that he lives in Pelican Cove and he has gone through the staff recommendations and is not concerned with everything. He feels that Alternative #3 is the best alternative for the City with the 84 lots, no park, but has trails. He stated that the Planning Commission did not recommend this as they felt there wasn't continuity. His primary concerns are safety as the developer is proposing a larger number of lots. He feels the smaller lot size and larger number of lots will increase traffic and the park will also increase traffic to the area. He stated that there are only three accesses and with 90 -100 homes and cars, and practice on Saturdays, not to mention the school and children, he feels it will be unsafe. He stated that in the surrounding area, the lot sizes are 55-75% larger with alternative #3. His recommendation is to approve the 84 lots.

Paul Gurney stated that they are the owners of the Timp Vista subdivision and their concern is not against development but the density of this development. He stated that when you start at 54 acres and have 100 homes, it doesn't calculate. He stated that they also have to take into consideration the building envelope of the homes on the lots. He stated that out of 100 lots there are 83 lots that are less than 1/3 acre. He expressed concern that it is too high of density for the surrounding neighbors. He reported their development had to do the trail system and the Waste Ditch also. He also wonders how safe the students are walking on the roads there.

Jared Peterson stated that he lives in the Westview subdivision and wants to see the Gurney piece stay but he knows it would be developed. He feels that as a community they need the park and that giving up some lot size is probably worth it. He stated that the improvements to the Waste Ditch and trail system are tremendous. He would be in favor of the 94 lot proposed concept plan. He stated that another concern is that the park would be in their back yard and that the fence doesn't run across the actual property line. He hopes that could be fixed. He thinks they have done the best they can with this large piece of property.

Melanie Morgan lives in Timp Vista and stated that she wants to rebut the last statement. She agrees that the City parks are fantastic but if there is just grass and trees, she feels that isn't a park but a patch of grass. She stated that they have that already with the school as well as swings and basketball standards. She stated that it is very close to the school yard and if they are just looking for a patch of grass, it already exists.

Councilor Condie inquired if there is a park, would it be public. Mr. Struthers replied it would be a public park. Councilor Condie stated that even if it was a patch of grass they can put improvements on it later. Councilor Hancock stated that the 94 lot plan only provides for a

basic park. Councilor Condie feels that the City could add to it later, if they didn't do the 100 lots. Councilor Southwick inquired if the park could be made smaller and the lots bigger. Mr. Struthers replied that the PRD requirement is a minimum of 20% open space. He explained that there is a park buyback option if there isn't a park put in. He stated that under the 84 lot scenario they could look into widening the Waste Ditch and have a more linear park along the ditch bank. A discussion was held regarding the park and its value. Mayor Wilson stated that he likes the idea of the traditional park and not the linear park by the ditch.

Mr. Carlton stated that he feels they have captured what the City wanted to see in this area. He stated that they are good with 92-94 lots. He stated that his proposal is only 10 additional lots which will finish off the Waste Ditch, trail, and park.

Kyle Spencer with Northern Engineering reported that the subdivision to the north is on 22 acres and they received seven additional bonus lots with the improvements of the road and Waste Ditch. He stated that they are looking at 54 acres and nine bonus lots with 20% open space. He stated that their lot fronts are over 105 feet fronts that will give a good house product.

Mr. Struthers reported that he feels there is a hybrid option that they can come up with for a creative middle ground solution with a smaller park.

Mayor Wilson gave the petitioner the opportunity to table this item or have it voted on tonight. It was discussed to table the item and have the developer and staff work together before the next City Council meeting.

Motion: Councilor Condie moved to table Sage Vistas, a 100-lot Planned Residential Development located at approximately 1100 West 500 North in a proposed R-1-22 (residential/agriculture) zone and that it be put back on the City Council agenda for consideration on August 23, 2016. Councilor Southwick seconded the motion.

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

15. Consideration of concept plan approval for The Exchange, an 800-unit residential development located at approximately 3800 West Hardman Way in an R-3 zone.

Motion: Councilor Condie moved to grant concept plan approval for The Exchange, an 800-unit residential development located at approximately 3800 West Hardman Way in an R-3 zone; that staff along with the applicant look at making a public road on the west side of the development; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

16. Consideration of Ordinance #46-2016 amending the Lehi City Development Code, Table 37.090 changing the parking requirement for townhomes and condos.

Motion: Councilor Condie moved to approve Ordinance #46-2016 amending the Lehi City Development Code, Table 37.090 changing the parking requirement for townhomes and condos. Councilor Hancock seconded the motion.

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

17. Consideration of Ordinance #47-2016, a General Plan Amendment on 297 acres of property located at approximately 3600 West 400 North changing the land use designation to a Planned Community zone.

Motion: Councilor Condie moved to approve Ordinance #47-2016, a General Plan Amendment on 297 acres of property located at approximately 3600 West 400 North changing the land use designation to a Planned Community zone; 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, and Councilor Condie, Yes. The motion passed unanimously.

18) Consideration concept plan approval for Cold Spring Ranch, a 297 acre development located at approximately 3600 West 400 North in a proposed Planned Community zone.

Motion: Councilor Southwick moved to grant concept plan approval for Cold Spring Ranch, a 297 acre development located at approximately 3600 West 400 North in a proposed Planned Community zone; 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, and Councilor Condie, Yes. The motion passed unanimously.

19. Consideration of concept plan approval for Canyon Trail, a 27.83 acre development located at approximately Fox Canyon Road in a Planned Community zone.

Councilor Hancock stated his only concern involves the hammerhead and incorporating that into the motion in order to get it solved.

Motion: Councilor Condie moved to grant concept plan approval for Canyon Trail, a 27.83 acre development located at approximately Fox Canyon Road in a Planned Community zone; subject to the completion of all Development Review Committee and Planning Commission comments; and that the hammerhead turnaround intersection be reviewed by staff and determined if it can be moved away from back yards; that it be required that this action take place. Councilor Hancock seconded the motion.

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

20. Consideration of final subdivision approval of Laird Park, a 23-lot residential development located at 2500 West Main Street in an R-1-Flex zone.

Motion: Councilor Southwick moved to grant final subdivision approval of Laird Park, a 23-lot residential development located at 2500 West Main Street in an R-1-Flex zone; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

21. Consideration of Ordinance #48-2016, a Development Code Amendment to Chapter 11 to include additional application requirements for subdivisions and site plans.

Motion: Councilor Condie moved to approve Ordinance #48-2016, a Development Code Amendment to Chapter 11 to include additional application requirements for subdivisions and site plans. Councilor Southwick seconded the motion.

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

22. Consideration of Ordinance #49-2016, a Development Code Amendment to Chapter 37, Design Standards.

Motion: Councilor Condie moved to approve Ordinance #49-2016, a Development Code Amendment to Chapter 37, Design Standards. Councilor Southwick seconded the motion.

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

23. Consideration of Ordinance #53-2016 adopting a permit parking program.

Mayor Wilson reported that this program will give each resident two parking passes and one guest pass. He stated that the Lehi City police officers will go door to door to the affected residences to distribute the passes this first time. He explained that the parking passes are for parking in front of their residence only. Councilor Hancock stated that the resident passes will be tied to a vehicle and the residence and the guest pass will be tied to the residence.

Motion: Councilor Southwick moved to approve Ordinance #53-2016 adopting a permit parking program. Councilor Hancock seconded the motion.

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

24. Consideration of Resolution #2016-54 approving a Settlement Agreement between Lehi City and Gill Miller, Receiver for Thomas J. Peck and Sons Inc., TBT Property Management, Inc., and Peck Logistics, Inc.

Motion: Councilor Condie moved to approve Resolution #2016-54 approving a Settlement Agreement between Lehi City and Gill Miller, Receiver for Thomas J. Peck and Sons Inc., TBT Property Management, Inc., and Peck Logistics, Inc. Councilor Southwick seconded the motion.

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

25. Adjournment

With no further business to come before the City Council at this time, Councilor Hancock moved to adjourn the meeting. Councilor Southwick seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:38 p.m.

Approved: August 23, 2016

Attest:

Bert Wilson, Mayor

Marilyn Banasky, City Recorder