



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, **July 9, 2019**, at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

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

Others Present: Jason Walker, City Administrator; Cameron Boyle, Assistant City Administrator; Beau Thomas, Assistant to the City Administrator; Ryan Wood, City Attorney; Kim Struthers, Community Development Director; Lorin Powell, City Engineer; Dean Lundell, Finance Director; Melanie Hansen, Special Events Coordinator; Steve Marchbanks, Parks Director; Teisha Wilson, City Recorder and approximately 20 citizens.

Pre-Council, 5:35 p.m.

1. Welcome and Opening Comment

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Cameron Boyle gave the Opening Comment.

2. Presentation and Reports

2.1 Mellor-Rhodes Park concept plan discussion

Mayor Johnson distributed a possible design concept for Mellor-Rhodes Park. He noted that the current budget allows for \$719,000 for design and engineering specifications and plans on how to best phase the park construction. There was discussion about parking and that the standard is 50 stalls per field, which they believe is low, so they included 75 per field. Steve Marchbanks stated that it may be necessary to remove the splash pad and pickle ball courts. Mayor Johnson stated that the RFP will have to include phasing, so they know what makes the most sense for set up. There was also discussion about ways to save money which included a coordinated volunteer effort.

2.2 Power Outage management system discussion

Lane Vincent and Melanie Hansen, with the Power Department, demonstrated the new power outage management program, which will increase customer service, improve power outage reporting, and keep the public up to date during an outage. It will require a cell phone to activate, so all residents that provided a cell phone number to the city when signing up for utilities will be opted into the program. If a cell phone wasn't provided, then they will need to opt in on their own. The city is planning to do a large marketing campaign to encourage residents to opt in.

2.3 Personal use of public property policy discussion

Ryan Wood, City Attorney, stated that the State recently updated a statute that will make personal use of public property a felony unless personal use is allowed under the entities' policies. There

was concern that our current practice may violate of the statue. He stated that instead of trying to define what's appropriate, they decided to set a high-water mark and clearly define when there would be a violation. Examples of this would be using your lap top or phone to run a personal business, incurring any additional expenses to the city and damaging property. He also noted that the policy also says that all electronic devises must be used in compliance with all other State laws and City policies. Councilor Condie stated that it's important to ensure employees are following all other laws and policies to avoid illegal activity and security breaches. Mr. Wood stated that this policy will allow for personal use, but it doesn't remove any of the protections that are currently included in the electronic communications policy such as downloads and security risks. He stated that other entities are adopting a similar policy.

3. Agenda Questions

None.

4. Administrative Report

None.

5. Mayor and Council Reports

Councilor Albrecht stated that the Library Board is making final preparations for the Library Gala.

Council Revill thanked City staff for their hard work and efforts during Round-Up week. Melanie Hansen, Special Events Coordinator, informed the Council that Foam Day will take place next year in June.

6. Consideration of Adjourning into a Closed Executive Session to discuss the purchase, exchange, or lease of real property; and to discuss the character, professional competence, or physical or mental health of an individual.

Motion: Councilor Revill moved to adjourn into a Closed Executive Session to discuss the character, professional competence, or physical or mental health of an individual; and to hold a strategy session to discuss the purchase, exchange, or lease of real property. Councilor Southwick seconded the motion.

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

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

The meeting reconvened at 7:00 p.m.

Regular Session, 7:00 p.m.

1. Welcome, Roll Call, Pledge of Allegiance

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. AnaLeigha Meek led the pledge of allegiance.

2. Presentations and Reports

Miss Lehi's Outstanding Teen introduced themselves to the Council and informed them of their platforms and volunteer work in the community.

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

Suzanne Ballard stated that she lives on 1200 East and was concerned with excessive speed, Jake brakes usage, and the increased number of commercial vehicles. She stated that she represents many residents in the area and expressed concerns that there is a major liability to the City. She referenced City Code 10.04.030, stating that all vehicles over 16,000 pounds in weight can not use any city street but must use numbered state highways unless they are delivering to or picking up from a residential area that cannot be accessed by any other route. She said that commercial vehicles are ignoring the code and the City is not enforcing it. She said the liability to the City is a fatal accident on the Dry Creek dip on 1200 East. She asked that the city send out letters, put up two signs, and increase the police patrol for a few weeks. She asked that the City protect the children and protect themselves from liability.

Dave Horsham asked that the City amend the building code to not allow gas stations within 300 feet of residential homes. He informed the Council that the proposed 7-11 gas station near 2300 W and 2100 North would be within 175 feet of 5 residential homes. He stated that studies have shown that homes within 300 feet of a gas station increases the likelihood of child leukemia by 3% per month. He is willing to submit an application for the code change, but he would prefer that the City initiate that change. He consulted experts that deal with this type of situation and found Utah case law that says the City has the right to deny the 7-11 gas station request. He said that this is a right in right out only and believes the business will fail. He stated that the applicant has zero rights because they don't own the property.

Ben Parker stated that he is there to speak on the 7-11 issues. He said that they represent many people in the area. He believes this is a bad idea for many reasons, but if it is going to be approved then he would like the city to enforce the legal requirement to have a 6-foot fence. He said the current fence separating residential is only about 5'8. He is concerned with the health and safety of his family.

John Chapman suggested that the Planning Commission wait for approval until UDOT completes a traffic study of the area. He believes this business will fail due to limited access.

Kim Struthers clarified that the Planning Commission has the final approval because it is a permitted use. He said this is just a concept plan and they will still need to submit a site plan.

Brian Orr stated that he is concerned with the same issues and requested that any gas station on the site be denied due to the traffic, due to the uniqueness of the area, case law, and a myriad of other things. If it is approved, then they request that the final approval be tabled until the completion of the traffic study.

4. Consent Agenda

4.1 Approval of the City Council Minutes from May 14, May 28, June 4, and June 11.

4.2 Approval of Purchase Orders

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

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

5. Consideration of Resolution #2019-36, adopting a Certified Tax Rate for the City of Lehi for FY2020

Dean Lundell explained how the County assesses the Certified Tax Rate and then the City is required to adopt it. He said that the rate has decreased because property values have increased.

Motion: Councilor Southwick moved to approve Resolution #2019-36, adopting a Certified Tax Rate for the City of Lehi for FY2020. Councilor Condie seconded the motion.

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

6. Amendment to the Lehi City Consolidated Fee Schedule for FY2020

a. Public Hearing

Mayor Johnson opened the public hearing on this item.

There were no comments from the public.

b. Consideration of Resolution #2019-40, amending the Lehi City FY2020 Consolidated Fee Schedule to update the power connection fees

Motion: Councilor Condie moved to approve Resolution #2019-40, amending the Lehi City FY2020 Consolidated Fee Schedule to update the power connection fees. Councilor Hancock seconded the motion.

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

7. Consideration of Resolution #2019-37, approving an increase in Lehi City's entitlement share under the Carbon Free Power Project Power Sales Contract.

Joel Eves, Power Department Director, stated that items 7 and 8 are related.

Crystal Robinson, with the Power Department, explained to the Council her analysis of the City's Power resources and recommended that the Council approve the increase of up to 15 megawatts and that this would be a good investment for the City and will help with future needs.

Motion: Councilor Hancock moved to approve Resolution #2019-37, approving an increase in Lehi City's entitlement share under the Carbon Free Power Project Power Sales Contract. Councilor Revill seconded the motion.

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

8. Consideration of Resolution #2019-38, a Resolution authorizing and approving an increase in the participant's entitlement share under the Carbon Free Power Project

Power Sales Contract for the Lay-Off Power Sales Agreement associated with joint use module plant operations at the Carbon Free Power Project; and related matters.

Motion: Councilor Hancock moved to approve Resolution #2019-38, a Resolution authorizing and approving an increase in the participant's entitlement share under the Carbon Free Power Project Power Sales Contract for the Lay-Off Power Sales Agreement associated with joint use module plant operations at the Carbon Free Power Project; and related matters. Councilor Southwick seconded the motion.

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

9. The Steven and Mary Carlson Estate Annexation

a. Public Hearing

Mayor Johnson opened the public hearing on this item.
There were no comments.

b. Consideration of Ordinance #49-2019, approving the Steven and Mary Carlson Estate Annexation, on 0.93-acres of property located at approximately 2500 North 1200 East with proposed TH-5 (transitional holding) zoning.

Motion: Councilor Revill moved to approve Ordinance #49-2019, approving the Steven and Mary Carlson Estate Annexation, on 0.93-acres of property located at approximately 2500 North 1200 East with proposed TH-5 (transitional holding) zoning; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

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

10. Consideration of Preliminary and Final Subdivision approval for the Lehi Plaza, a 2-lot commercial development located at 1195 East Main Street.

Paul Washburn was representing the applicant.

Katie Koivisto inquired about the location and zoning of the property.

Motion: Councilor Southwick moved to approve the Preliminary and Final Subdivision for the Lehi Plaza, a 2-lot commercial development located at 1195 East Main Street; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

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

11. Consideration of Resolution #2019-42, an intent to annex the Jones Legacy Estates annexation, on 1.42-acres of property located at 1330 East 600 North with a proposed RA-1 zone.

Darren Jones was representing the applicant.

Motion: Councilor Revill moved to approve Resolution #2019-42, an intent to annex the Jones Legacy Estates annexation, on 1.42-acres of property located at 1330 East 600 North with a proposed RA-1 zone. Councilor Condie seconded the motion.

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

12. Consideration of Preliminary Subdivision approval for Holbrook Plat F, a 94-unit residential development located at approximately 2700 North 3600 West in a Planned Community zone.

Taylor Morgan, with the Boyer Company was representing the applicant.

Motion: Councilor Hancock moved to approve the Preliminary Subdivision for Holbrook Plat F, a 94-unit residential development located at approximately 2700 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 Condie, Yes; Councilor Albrecht, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Revill, Yes. The motion passed unanimously.

13. Consideration of Final Subdivision approval for Bellecour Estates Plat F, a 21-lot residential development located at 2375 West 900 North.

Motion: Councilor Condie moved to approve the Final Subdivision for Bellecour Estates Plat F, a 21-lot residential development located at 2375 West 900 North; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

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

14. Consideration of Preliminary Subdivision approval for Trinnaman Farms, a 35-lot residential development located at approximately 1325 North Trinnaman Lane in an approved R-1-Flex (residential) zone.

Bill Whitney was representing the applicant.

Motion: Councilor Revill moved to approve the Preliminary Subdivision for Trinnaman Farms, a 35-lot residential development located at approximately 1325 North Trinnaman Lane in an approved R-1-Flex (residential) zone; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Condie, Yes; Councilor Albrecht, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Revill, Yes. The motion passed will all in favor.

15. Consideration of Ordinance #50-2019, approving the Sunderland Zone Change on approximately 0.11-acres of property located at 1097 West 1800 North changing the zoning from A-1 (agriculture) & R-1-8 (residential) to R-1-Flex (residential).

Jeanette Sunderland was representing the applicant.

Motion: Councilor Southwick moved to Ordinance #50-2019, approving the Sunderland Zone Change on approximately 0.11-acres of property located at 1097 West 1800 North changing the zoning from A-1 (agriculture) & R-1-8 (residential) to R-1-Flex (residential); subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Hancock seconded the motion.

Roll Call Vote: Councilor Condie, Yes; Councilor Albrecht, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Revill, Yes. The motion passed will all in favor.

16. Consideration of Ordinance #51-2019, approving a Public Facilities rezone on approximately 172 acres across the city.

Mr. Struthers explained that this is for publicly owned property in the City. Most are City owned, but some are owned by the County or Alpine School District.

Motion: Councilor Condie moved to approve Ordinance #51-2019, approving a Public Facilities rezone on approximately 172 acres across the city; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Condie, Yes; Councilor Albrecht, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Revill, Yes. The motion passed will all in favor.

17. Consideration of Resolution #2019-39, an agreement between Lehi City and Central Utah Water Conservancy District for the Sale of CWP Municipal and Industrial Water.

Lorin Powell, City Engineer, stated that this is related to the Exchange project phase 2.

Motion: Councilor Southwick moved to approve Resolution #2019-39, an agreement between Lehi City and Central Utah Water Conservancy District for the Sale of CWP Municipal and Industrial Water. Councilor Revill seconded the motion.

Roll Call Vote: Councilor Condie, Yes; Councilor Albrecht, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Revill, Yes. The motion passed will all in favor.

18. Consideration of Resolution #2019-41, appointing two new members to the Lehi City Environmental Sustainability Committee.

Motion: Councilor Condie moved to approve Resolution #2019-41, appointing two new members to the Lehi City Environmental Sustainability Committee. Councilor Albrecht seconded the motion.

Roll Call Vote: Councilor Condie, Yes; Councilor Albrecht, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Revill, Yes. The motion passed will all in favor.

15. Adjournment

With no further business to come before the City Council at this time, Councilor Condie moved to adjourn the meeting. Councilor Hancock seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:15 p.m.

Approved: July 30, 2019

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder