

Minutes of the **Pre Council and Regular Session** of the **Lehi City Council** held Tuesday, **June 23, 2020**, online at www.lehi-ut.gov.

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

Others Present: Jason Walker, City Administrator; 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; Shaye Ruitenbeek, Management Analyst; Melanie Hansen, Events Coordinator; and Teisha Wilson, City Recorder.

Pre-Council, 4:00 p.m.

1. Welcome and Invocation

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilor Koivisto gave the invocation.

2. Presentations and Reports

2.1 Fraud Risk Assessment Report-

Dean Lundell, Finance Director, gave an update on the Fraud Risk Assessment. Mr. Lundell stated that the State Auditor's office had asked us to do this once a year and hopefully we can use this to improve our internal controls. He then went through each question in the assessment and reported on the City's answers. He said that right now the City falls in the low risk category.

2.2 Benefit Discussion on Postpartum Recovery Leave

David Kitchen, Finance Director, stated that he spoke to the Council about adding this benefit a few months ago and has since done more research. He explained that this benefit would be a paid maternity leave for expecting mothers or mothers that have just given birth. He said they are trying to find a balance between doing what's best for the employee and what's best for the City. Councilors Koivisto and Albrecht expressed their support for this. Mr. Kitchen stated that he will prepare a final proposal for the Council's vote.

3. Agenda Questions

Mayor Johnson stated that there has been a lot of discussion about the TOD resolution that's being proposed tonight.

4. Administrative Report

Dan Harrison, Legacy Center Director, stated that there is an issue with the high dive at the outdoor pool that was recently brought to his attention. He said the depth of the pool no

longer meets code, so there is a potential risk there. He understands that the high dive is well utilized and that the community enjoys it, but they need to be responsible too. Some of the options they researched as a solution would be that they replace the high dive with a lower diving board, or they change the depth of the pool which could cost 1-2 million dollars. He said that they could replace the pool for that same amount. They do need to decide if they should keep the diving boards open this year.

Ryan Wood, City Attorney, discussed some of the risks involved with knowing that the pool no longer meets code, but also noted that the pool was up to code when it was built 40 years ago, so there may be some protection there. He said that he plans to do more research on case law that involves similar issues.

Councilors Albrecht and Koivisto expressed concerns with knowing that there is a risk of injury. Councilors Hancock and Condie felt that the risk of a high dive was inherent and that the city may be grandfathered in.

Jason Walker, City Administrator stated that they are seeing an increase in covid-19 cases and that this is concerning. He said that the City may need to reassess city operations if trends continue. The city was successful at operating in the State's orange guidelines, so it may be necessary to revert to that. They would not mandate city business to operate in the orange because that would come from the State. The importance of wearing face masks and social distancing was emphasized.

Mr. Lundell reported on April's sales tax numbers. He stated that it's much higher than anticipated and was even higher than last year's numbers. He was confident that the city will stay within its budget for the current fiscal year.

5. Mayor and Council Reports

The Council reported on their respective committees. There was discussion about Round-Up week and the rodeo. Councilor Southwick stated that they are putting off the decision to cancel the rodeo for another week to see if the current trend continues. He stated that if this is the case, then they will most likely cancel the rodeo that has already been postponed to August. There was discussion about the celebration week activities and that those will need to be cancelled if they are still in the yellow or orange phases because they do not have contact tracing capabilities and they will not be issued a mass gathering permit.

The meeting recessed at approximately 6:40 p.m.

The meeting reconvened at approximately 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. Councilor Hancock led the Pledge.

2. Consent Agenda

2.1. Approve Minutes from the May 26, 2020 Council Meeting.

2.2 Approve Purchase Orders

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

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

3. Consideration of Final subdivision approval for The Towns at Snow Springs, a 59-unit residential development located at approximately 700 South 1900 West.

Brad Mackey, with Ivory Development, was representing the applicant.

Motion: Councilor Condie moved to approve the Final subdivision approval for The Towns at Snow Springs, a 59-unit residential development located at approximately 700 South 1900 West; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion

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

4. Consideration of a Plat Amendment for the Carol Nickels Estates, amending Lot 5 of the Pine Tree Estates Plat B located at 325 East 2600 North in an RA-1 zone

Keneth Jones was the applicant and was available to answer any questions.

Motion: Councilor Albrecht moved to approve the Plat Amendment for the Carol Nickels Estates, amending Lot 5 of the Pine Tree Estates Plat B located at 325 East 2600 North in an RA-1 zone; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

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

5. Consideration of Ordinance #35-2020, a General Plan Amendment for Taylor Meadows, changing the land use designation from VLDR to VLDR on approximately 16.8 acres at approximately 7550 North 8350 West (600 West 1300 South).

Dan Ford was representing the applicant.

Motion: Councilor Koivisto moved to approve Ordinance #35-2020, a General Plan Amendment for Taylor Meadows, changing the land use designation from VLDR to VLDR on approximately 16.8 acres at approximately 7550 North 8350 West (600 West 1300 South); subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

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

6. Consideration of Ordinance #36-2020, a Development Code Amendment to Table 05-030-B to add auto sales of one acre or larger as a permitted use in the Commercial zone.

Cody Black was representing the applicant. He stated that his intent is to have no more than 20 cars on the west property to the north and south of the building of his business. The Council was amenable to have auto sales at Mr. Black's location, but there was concern with changing the uses allowed in a Commercial zone because although they may feel comfortable allowing that here, they may not be comfortable with that use in other commercial areas. There was discussion regarding the creation of a development agreement that would allow a specific number of cars for sale at the location. Mr. Wood stated that with an agreement the Council could include whatever stipulations they felt were necessary to make the use work in that location. Councilor Hancock was concerned with allowing 20 cars in the development agreement. Councilor Koivisto would be comfortable with allowing changes to the parking configuration on the Main Street side but not on the State Street side.

Motion: Councilor Koivisto moved to deny Ordinance #36-2020, but directed staff to work with the applicant to create a development agreement that could be presented to the Council for approval. Councilor Albrecht seconded the motion.

Mayor Johnson stated that he would like the Council to be specific about what should be included in the agreement. Councilor Albrecht felt comfortable allowing no more than 12 cars and that the applicant work with the Planning Department on a site plan showing where those cars can be located.

Amended Motion: Councilor Koivisto amended her motion to include Councilor Albrecht's comments and also included that she would like the parking spaces to be on the south side of the building. Councilor Albrecht seconded the amendment to the motion.

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

7. Consideration of Ordinance #37-2020, a Development Code Amendment to Chapters 11 and 17, including clarification of requirements for (PUE's) Public Utility Easement.

Motion: Councilor Southwick moved to approve Ordinance #37-2020, a Development Code Amendment to Chapters 11 and 17, including clarification of requirements for (PUE's) Public Utility Easement. Councilor Hancock seconded the motion.

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

8. Consideration of Resolution #2020-46, approving an updated Storm Water Management Program.

Motion: Councilor Koivisto moved to approve Resolution #2020-46, approving an updated Storm Water Management Program. Councilor Hancock seconded the motion.

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

9. Consideration of Resolution #2020-47, approving an Interlocal Cooperation Agreement between Utah County and Lehi City for disbursement from the Corona Virus Relief Fund.

Motion: Councilor Southwick moved to approve Resolution #2020-47, approving an Interlocal Cooperation Agreement between Utah County and Lehi City for disbursement from the Corona Virus Relief Fund. Councilor Koivisto seconded the motion.

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

10. Consideration of Resolution #2020-48, an Amendment to the Design Standards for Fiber Conduit.

Motion: Councilor Condie moved to approve Resolution #2020-48, an Amendment to the Design Standards for Fiber Conduit. Councilor Koivisto seconded the motion.

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

11. Consideration of Resolution #2020-49, temporarily suspending the acceptance of land use applications to rezone property to the Transit Oriented Development Zone.

Below are the public comments submitted online through eComment.

Hello, My name is Ray Worthen, I am the owner and a long time employer at the Utah Refractory Plant. I am also a former longtime resident of Lehi and through the years have employed thousands of people. At one time we had nearly 200 employees on the payroll. Utah Refractories was built in the 1940's to supply needed materials to Geneva Steel for the war efforts. This plant is 80 years old and is in need of being closed and removed. We are currently in a contract to sell the property and have been working on this transaction for over 2 years. We will be terminating production in roughly 60 days. This means the plant will close. Even though measures will be taken to keep trespassers at bay, there will be those who enter, cause damage and possible dangerous situations to themselves and others. This property sits at the gateway of Northern Lehi and is quite frankly a blemish and an eyesore for those visiting or

relocating. (We have heard this throughout the years from many Lehi City Personnel). It will take several years to get the redevelopment to completion. If you decide to halt the TOD designation this creates a real problem not only for us but for Lehi as a whole. This is a future site for some great opportunities for housing, employment and business revenue and could be a shining star for those passing through or contemplating moving to our great city. If we lose our momentum and this purchase goes away, I have real concerns that the potential looming economic recession may leave us all with a shut down abandoned site in the middle of several expensive development projects for years to come.

Mayor Johnson stated that this prevents the City from making a decision on a TOD application until they have a commitment from the State on the extended light rail system through Lehi.

Motion: Councilor Hancock moved to approve Resolution #2020-49, temporarily suspending the acceptance of land use applications to rezone property to the Transit Oriented Development Zone. Councilor Condie seconded the motion.

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

12. Consideration of Resolution #2020-50, authorizing staff to access and transact with Utah Public Treasurers' Investment Fund (PTIF) accounts.

Motion: Councilor Condie moved to approve Resolution #2020-50, authorizing staff to access and transact with Utah Public Treasurers' Investment Fund (PTIF) accounts. Councilor Southwick seconded the motion.

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

Consideration of Adjourning into a Closed Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual.

Motion: Councilor Condie moved to Adjourn into a Closed Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Councilor Southwick seconded the motion.

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

The meeting adjourned into a closed session at 8:35 p.m.

The meeting reconvened at approximately 9:00 p.m.

13. Adjournment

With no further business to come before the City Council at this time, Councilor Albrecht moved to adjourn the meeting. Councilor Southwick seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:00 p.m.

Approved: July 28, 2020

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder