



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, **September 22, 2020**, at Lehi City in the Council Chamber, 153 N 100 E. Lehi, UT.

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; Brad Kenison, Assistant City Engineer; Dean Lundell, Finance Director; Shaye Ruitenbeek, Management Analyst; Melanie Hansen, Events Coordinator; and Teisha Wilson, City Recorder.

Pre-Council, 5:30 p.m.

1. Welcome and Invocation

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilor Hancock and Mayor Johnson were participating remotely. Councilor Albrecht gave the invocation.

2. Presentations and Reports

2.1. Valley Visioning Update Presentation- Ryan Beck, Envision Utah

Ryan Beck, with Envision Utah was there to present on the Envision Utah project. He stated that they completed phase one of the plan where they gathered public input. They also did a random sample survey and found it to be similar to the public input that was provided. Scenario B and C were the most popular. They will continue to work with city staff as they prioritize and plan for Utah Valley's future.

2.2. Review and Discussion of City Naming Rights Policy

Marlin Eldred stated that they now have a draft before them to consider for a naming rights policy. He asked if this should be an administrative policy or if it should be in Code. He stated that this is more of a guiding policy to handle naming rights for city assets such as a park bench or playground. He said that anything over a \$500,000 commitment would need to be approved by the Council. He wanted to be sure that the Council had the right to refuse a promotion and use discretion as allowed in the policy. The Council reached consensus that this should be an administrative policy and that they would bring it back to the Council for final approval with a Resolution.

3. Agenda Questions

Councilor Condie inquired if they were approving the final design of the cycle track. Brad Kenison, Assistant City Engineer, stated that they will be approving the contract for the company to design it.

49 **4. Administrative Report**

50 Mr. Walker reported that they are seeing an alarming number of staff that have been diagnosed
51 with Covid-19 and said that it could be concerning if they had to shut down entire departments
52 because of quarantine. He said they will reemphasize with staff the importance of social distancing
53 and wearing masks.

54
55 **5. Mayor and Council Reports**

56 The Mayor and Council gave a report on the committees they serve on.

57
58 The meeting recessed at approximately 6:30 p.m.

59 The meeting reconvened at approximately 7:00 p.m.

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61
62 **Regular Session, 7:00 p.m.**

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

64 Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilor
65 Condie led the Pledge.

66
67 **2. 20 Minute Citizen Input**

68 None.

69
70 **3. Consent Agenda**

71 **3.1. Approve Minutes from the August 25, 2020 Council Meeting.**

72
73 **3.2 Approve Purchase Orders**

74
75 **Motion:** Councilor Koivisto moved to approve the consent agenda items. Councilor
76 Albrecht seconded the motion.

77
78 **Roll Call Vote:** Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes;
79 Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

80
81 **4. Real Estate purchase agreement between Lehi City and X Development for**
82 **approximately 1.7 acres at 1850 North 2300 West.**

83 **Petitioner: Lehi City**

84 **a. Public Hearing**

85 **b. Consideration of Resolution #2020-60, approving a Real Estate purchase agreement between**
86 **Lehi City and X Development.**

87
88 This item was heard after item #14

89
90
91 **5. Consideration of Resolution #2020-61, approving an application for the Bureau of**
92 **Reclamation for a WaterSMART grant for fiscal year 2021**

93 Dave Norman, Public Works Director, explained that this grant will help with water
94 conservation in the City. They would like to retrofit Pressurized Irrigation meters in the
95 Traverse Mountain area, and this would also allow them to add generators to well stations for
96 emergencies.

Motion: Councilor Koivisto moved to Resolution #2020-61, approving an application for the Bureau of Reclamation for a WaterSMART grant for fiscal year 2021. 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.

6. Consideration of Resolution #2020-62, appointing new members to the Lehi City Public Library Board of Directors.

Motion: Councilor Condie moved to approve Resolution #2020-62, appointing new members to the Lehi City Public Library Board of Directors. 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.

7. Consideration of Resolution of #2020-66 approving an agreement for professional services with Avenue Consultants.

Mr. Kenison noted that they will be designing the cycle track on 700 South.

Motion: Councilor Koivisto moved to approve Resolution of #2020-66 approving an agreement for professional services with Avenue Consultants. 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.

8. Consideration of Resolution #2020-65, approving an Interlocal Cooperation Agreement between Lehi City and Mountainland Association of Governments ("MAG"), for the 700 South Cycle Track.

Motion: Councilor Southwick moved to approve Resolution #2020-65, approving an Interlocal Cooperation Agreement between Lehi City and Mountainland Association of Governments ("MAG"), for the 700 South Cycle Track. 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.

9. Consideration of Resolution #2020-67, approving an Interlocal Cooperation Agreement between Mountainland Association of Governments (MAG") and Lehi City for the Triumph Boulevard Pedestrian Bridge Project.

Motion: Councilor Koivisto moved to approve Resolution #2020-67, approving an Interlocal Cooperation Agreement between Mountainland Association of Governments (MAG") and Lehi City for the Triumph Boulevard Pedestrian Bridge Project. 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.

10. Consideration of Resolution #2020-63, approving a development agreement between Cody Black dba Checker Flag, LLC and Lehi City.

Cody Black was present and available for questions. He had requested a code amendment to allow for cars to be sold on his property. Instead the Council asked for this agreement to allow for no more than 10 cars be for sale on his property. The site plan shows where the cars for sale can be located.

Motion: Councilor Koivisto moved to approve Resolution #2020-63, approving a development agreement between Cody Black dba Checker Flag, LLC and Lehi City. 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.

11. Consideration of Ordinance #52-2020, approval of a Development Code Amendment to Section 12.080, amending the landscape buffer requirement (tabled from the September 8, 2020 meeting).

Jeff Southard was representing the applicant. He explained that in certain scenarios it may not be necessary to have a buffering requirement so this would allow for the Planning Commission to grant an exception to the buffering requirement if it was in an area that was zoned residential but had a non-residential use. Councilor Albrecht expressed concerns with allowing any exceptions to the buffering requirements. Mr. Southard said that a commercial use next to a residence should have a buffer, but when there is a non- residential use, such as a detention basin, then some buffering requirement may not be necessary. Councilor Koivisto expressed concerns with changing the code. Councilor Hancock expressed concern with the lesser noticing requirements for a code amendment.

Kori Fabian stated that this would help her to better utilize the property on a site that she has her business located on. She said that in her situation she doesn't see how this would have a negative affect on the neighbors and believed that this would be beneficial to other areas as it would allow for discretion.

Councilor Koivisto expressed concerns with changing the code that would affect the entire city, and that maybe a development agreement would work best in a situation like this.

Mr. Struthers didn't see it as opening a door that couldn't be closed because the Planning Commission still has discretion to allow for the exception or not. He stated that this still meets

the intent of the buffering code requirements, and doesn't believe this situation comes up very often.

There was discussion about the notifications that would be sent out to the surrounding area if this were approved. Mr. Struthers stated that notices would not be sent as the amendment is currently written, but they could add to the motion that this be a conditional use which would then trigger the mailed notifications.

Motion: Councilor Koivisto moved to untable this item. 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.

Motion: Councilor Koivisto moved to deny this item. Councilor Hancock seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, No; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed 4-1.

12. Consideration of Resolution #2020-64, approval of the Matheny Annexation Resolution of Intent to Annex 1.34 acres of property located at approximately 2250 North 1500 East with RA-1 zoning.

Jason Matheny was present and available to answer questions.

Motion: Councilor Southwick moved to approve Resolution #2020-64, approval of the Matheny Annexation Resolution of Intent to Annex 1.34 acres of property located at approximately 2250 North 1500 East with RA-1 zoning. 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.

13. Consideration of Ordinance #53-2020 for approval of the Baum Zone Change, changing the zoning on 0.36 acres located at 1907 North Center Street from TH-5 (transitional holding) to R-1-15 (residential).

Josh Baum was representing the applicant.

Motion: Councilor Condie moved to approve Ordinance #53-2020 for approval of the Baum Zone Change, changing the zoning on 0.36 acres located at 1907 North Center Street from TH-5 (transitional holding) to R-1-15 (residential); subject to all Development Review Committee and Planning Commission Comments. 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.

240
241 The Council recessed at approximately 8:15 p.m.

242 The meeting reconvened at approximately 8:26 p.m.

243
244 **14. Consideration of Ordinance #54-2020 approval of a General Plan amendment, changing**
245 **the designation on approximately 21-acres located at approximately 2100 North 2300**
246 **West from NC (neighborhood commercial) and LDR (low density residential) to C**
247 **(commercial) and MDR (medium density residential).**

248 Dave Morton was representing the applicant. He stated that after meeting with residents, they
249 found that the biggest concern was traffic. He said that an access to 2100 North would help
250 alleviate the traffic concerns, so that is important for them to get that access. Also, they would
251 improve 2300 West to add a lane in lieu of density. He said that they sought input from the
252 neighbors. He said their goals were to create a mixed-use development integrating commercial
253 with residential, widen 2300 West, and provide an additional access to 2100 North. He showed
254 the Concept Plan that they presented to the Planning Commission and neighbors. He said they
255 would be willing to cap residential units at 95. He then noted the concerns from the
256 neighborhood which included the types of uses that could be in the Commercial zone, traffic,
257 high density, crosswalk access to North Point Elementary, concerns with additional traffic
258 through the neighborhood, and location of open space. He showed a bubble plan that was
259 produced by a resident, Lisa Foltz. He then presented a new Concept plan after receiving
260 comments from the neighbors.

261
262 Mr. Morton then reported on the traffic study that was conducted by Hales Engineering, which
263 showed the importance of the access to 2100 North. Councilor Koivisto noted that the access
264 to 2100 North is not a guarantee. Mr. Morton stated that they are working toward that access.
265 He said there is a strong reason for the access to be granted because it's creating a safer
266 environment for this area. Mr. Struthers clarified that the City wants an additional access to
267 2100 North regardless of how the property is developed or the type of uses that end up there.
268 Councilors Albrecht and Koivisto expressed concerns with the access not being finalized yet.

269
270 Mr. Struthers explained that the Neighborhood Commercial nod indicated that the corners
271 could be commercial, but it doesn't specify the exact acreage of the NC zone.

272
273 There was discussion about widening the road on 2300 West along their property. Mr. Struthers
274 stated that they would require any developer to widen 2300 West and the City would need to
275 reimburse the developer. There was also discussion about where the crosswalk could be added,
276 but that would need to be evaluated.

277
278 Mr. Morton stated that they would be willing to enter into a development agreement that would
279 specify the types of commercial uses that would and would not be allowed.

280
281 Mayor Johnson asked what the density bonus would be for widening and improving the road.
282 Mr. Struthers stated that a rough estimate was done and there is some discrepancy with what
283 the base density would be.

284
285 The Mayor asked for public comment.

287 Angie Lovebridge was not in favor of the amendment and wants the zoning on the General
288 Plan to remain the same.

289
290 Mindy Butler was opposed to the amendment, and was opposed to the new plan presented
291 tonight.

292
293 Jason Lovebridge stated that he was against the amendment and believed that this is not the
294 best use for that property. They believe the current use on the General Plan is appropriate. He
295 felt that the argument made to the developer was not compelling enough to justify the change.

296
297 Russ Franklin was opposed to the amendment and doesn't see the need for the change.

298
299 Brian McCuistion was opposed to the amendment. He was concerned that a development
300 agreement could be an end-around to the Ordinance.

301
302 Collette Lubeck was opposed to the amendment.

303
304 Lisa Foltz provided an additional bubble plan option, and stated that she would like to see a
305 development agreement that capped the number of units on the property. She was also against
306 the access to 2100 North through the neighborhood.

307
308 Mr. Kenison clarified that the applicant can be reimbursed for the cost of asphalt to widen the
309 road on 2300 West, but the developer would still have to pay for sidewalk, curb and gutter
310 regardless of how it's developed. Mr. Kenison didn't know at the moment if the city owned
311 the right of way on this portion of 2300 West.

312
313 Mr. Struthers clarified that his DRC comment was to show that the base density would be 59
314 on LDR if they left out the 4 acres for Commercial property and not 90 as the applicant stated
315 in their narrative.

316
317 Councilor Condie stated that if he were to approve a change to the General Plan, he would
318 want very specific things in that approval and that's difficult to do when they are looking at
319 this from a high level.

320
321 Councilor Koivisto stated that it sounds like the residents don't want the General Plan to
322 change and she doesn't feel comfortable with the change. Councilor Hancock stated that a
323 change like this for him would hinge on the approval of a development agreement. He said
324 there are still many questions about what the base density should be and what the density
325 bonuses would be, so it's difficult right now to settle on a capped number that would be
326 appropriate.

327
328 There was discussion about doing a development agreement. Mayor Johnson stated that he
329 would like to see the applicant try a PUD or PRD application.

330
331 **Motion:** Councilor Koivisto moved to deny this item with the findings that the proposal
332 would have a negative affect on the surrounding area, it's not consistent with the
333 goals and policies of the General Plan, and would not be an overall benefit to the
334 community. Councilor Albrecht seconded the motion.

Councilor Hancock recommended that the developer apply for a PUD or PRD for this area.

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

4. Real Estate purchase agreement between Lehi City and X Development for approximately 1.7 acres at 1850 North 2300 West.

Petitioner: Lehi City

a. Public Hearing

b. Consideration of Resolution #2020-60, approving a Real Estate purchase agreement between Lehi City and X Development.

The applicant requested that this item be tabled.

Motion: Councilor Condie moved table this item. 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.

15. Consideration of Ordinance #55-2020 approval of the Gutierrez Dubois Zone Change, changing the zoning on 22.9 acres located at 1454 West 900 North from A-1 (agriculture) to R-1-15 (residential).

Danny Gutierrez was representing the applicant.

Motion: Councilor Condie moved to approve Ordinance #55-2020 approval of the Gutierrez Dubois Zone Change, changing the zoning on 22.9 acres located at 1454 West 900 North from A-1 (agriculture) to R-1-15 (residential); subject to all Development Review Committee and Planning Commission Comments. Councilor Albrecht 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.

16. Consideration of Ordinance #56-2020 approval of the Gutierrez Zone Change, changing the zoning on 0.92 acres located at approximately 482 West 1425 South from TH-5 (transitional holding) to RA-1 (residential/agriculture).

Bud Gutierrez was representing the applicant.

Motion: Councilor Koivisto moved to approve Ordinance #56-2020 approval of the Gutierrez Zone Change, changing the zoning on 0.92 acres located at approximately 482 West 1425 South from TH-5 (transitional holding) to RA-1 (residential/agriculture); subject to 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.

17. Consideration of Preliminary subdivision approval for the South Creek, a 21-lot residential subdivision located at 1400 South 1940 West.

The applicant was not present.

Motion: Councilor Albrecht moved to table this item to a time when the applicant could attend. 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.

18. Consideration of Preliminary subdivision approval for the Timp Point, a 200-unit residential development located at approximately 2100 North 3350 West.

Brandon Watson was representing the applicant.

Motion: Councilor Condie moved to grant Preliminary subdivision approval for the Timp Point, a 200-unit residential development located at approximately 2100 North 3350 West; subject to 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, No. The motion passed 4-1.

15. Adjournment

With no further business to come before the City Council at this time, Councilor Southwick moved to adjourn the meeting. Councilor Hancock seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:31 p.m.

Approved: October 13, 2020

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder