



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, **October 11, 2022**, 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
Katie Koivisto, Council Member
Paul Hancock, Council Member
Mike Southwick, Council Member

Others Present: Cameron Boyle, Assistant City Administrator; Ryan Wood, City Attorney; Lorin Powell, City Engineer; Kim Struthers, Planning Director; Dean Lundell, Finance Director; Chief Jeremy Craft, Fire Department; Andy Gowans, Management Analyst; and Teisha Wilson, City Recorder.

Pre Council, 5:30 p.m.

1. Welcome and Opening Comment

Mayor Johnson welcomed everyone and noted that all Councilmembers were present, except for Council Condie who will join the meeting virtually at 7:00 p.m. Councilor Southwick gave the opening comment.

2. Presentations and Reports

2.1 Swearing-In Ceremony for Lehi Youth Council

The new Lehi Youth Councilmembers were sworn-in by Judge Cummings.

2.2 Fiber Network Update

Shaye Ruitenbeek, Fiber Business Manager, stated that they have selected 5 service providers for residents to choose from. This is on the agenda for approval tonight. The contracts are for 5 years. Mrs. Ruitenbeek explained the billing process. She stated that the customers will pay their monthly bill to the provider, which will then send their payment to the city and then the city will pay STRATA. The ISPs will handle all collections. Carl Sundstrom, Fiber Project Manager, gave an update on the construction.

2.3 Discussion of the Thanksgiving Point Area Plan Amendment

John Bankhead gave an update on the Area Plan Amendment. He stated that they have been able to identify some of the trigger points for the Area Plan which will also be outlined in the traffic report. There was discussion on the land use table and allowable uses in each zone. There were suggestions for adding adult day care and assisted living facilities. Mr. Bankhead noted that there are some limitations with power right now that will need to be addressed. He stated that it's likely that the density cap for power (estimated 800 units) will be lower than what's expected for traffic. He stated that the cap for office space will be based on acreage. Mr. Bankhead stated that

they are continuing to work closely with UTA on their Station Area Plan which is moving along. Mr. Bankhead stated that they do not want this to be a financial drain on the City, so the plan is that impact fees will cover the majority of needed improvements and that the State will fund larger improvements such as Clubhouse Drive extension. They are also exploring HTRZ for funding.

3. Agenda Questions

None.

4. Administrative Report

None.

5. Mayor and Council Reports

The Council reported on their committee assignments.

The meeting recessed at approximately 6:50 p.m.

The meeting resumed 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 Condie joined virtually. Councilor Southwick led the Pledge of Allegiance.

2. 20 Minute Citizen Input

None.

3. Consent Agenda

3.1) Approve Minutes from the September 27, 2022 City Council Meetings.

3.2) Approve Purchase Orders

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

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

4. Consideration of Resolution #2022-89 approving non-exclusive network access and retail service agreements with Beehive Broadband, Centracom, Intellipop, Sumofiber, and Xmission.

Motion: Councilor Southwick moved to approve Resolution #2022-89 approving non-exclusive network access and retail service agreements with Beehive Broadband, Centracom, Intellipop, Sumofiber, and Xmission. Councilor Koivisto seconded the motion.

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

5. Consideration of Resolution #2022-87, authorizing the issuance and the sale of not to exceed \$4,000,000 aggregate principal amount of Water Revenue Bonds.

Brandon Johnson explained that he was the bond counsel for this transaction. He stated that the State allocated money for this and the City just has to go through the process.

Motion: Councilor Koivisto moved to approve Resolution #2022-87, authorizing the issuance and the sale of not to exceed \$4,000,000 aggregate principal amount of Water Revenue Bonds. Councilor Hancock seconded the motion.

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

6. Consideration of Resolution #2022-88, authorizing and approving the execution and delivery of a Master Lease Agreement by and between the City and the Local Building Authority of Lehi City (the "Authority"), a Ground Lease Agreement and Bond Purchase Contract; authorizing the issuance and sale by the Authority of its lease revenue bonds, series 2022, in an aggregate principal amount of not more than \$29,000,000; and related matters.

Nathan Roberts was acting as the City's financial advisor.

Motion: Councilor Koivisto moved to approve Resolution #2022-88, authorizing and approving the execution and delivery of a Master Lease Agreement by and between the City and the Local Building Authority of Lehi City (the "Authority"), a Ground Lease Agreement and Bond Purchase Contract; authorizing the issuance and sale by the Authority of its lease revenue bonds, series 2022, in an aggregate principal amount of not more than \$29,000,000; and related matters. Councilor Hancock seconded the motion.

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

7. Consideration of Ordinance #58-2022, the All Seasons Assisted Living General Plan Amendment on 1.52-acres of property located at 322 & 344 North 2375 West changing the designation from VLDRA (very low-density residential agriculture) to NC (neighborhood commercial).

Jeffery Merchant was the applicant. He stated that the goal of the company is it help residents age in the community they grew up in and not in an industrial or commercial area. He said they prefer small health care facilities or assisted living centers.

Mr. Struthers explained that the facility is currently a legal non-conforming use, so in order to expand their facility it would require a zone change. He said there are options for how to proceed with this item. They could approve the General Plan Amendment, they could approve

the General Plan Amendment, but lock in a specific use with a Development Agreement, they could not approve the Amendment, but use a Development Agreement that would allow this use on the property and limit the size and number of beds, or they don't agree with the proposal and can deny the Amendment.

Mayor Johnson asked for public comments.

Doug Bark stated that he was concerned with Mr. Merchants intentions, and believes Mr. Merchant wants to change the land use in order to sell the property.

Diedre Clark stated that there are other options to explore rather than change the General Plan.

Owen Mecham was not in favor of the amendment and said it could have a negative impact on the surrounding homes. A change to the NC zone would be detrimental and would not fit with the character of the surrounding area.

Kim Gardner was concerned that this change could increase traffic in an area that is already impacted by the school. She was also concerned with safety.

Lane Adamson was concerned that Mr. Merchants is only asking for the change to be able to sell the property.

Kristina Brinkerhoff as not in favor of the Amendment and was concerned about safety.

Raelynn Bateman was opposed to the Amendment because the change would affect her rights, and the land use should not be changed to protect the feel of the neighborhood.

Tyler Bateman stated that the intention of the applicant is to sell the property and noted that the applicant did not do his due diligence when he bought the property. NC is not an appropriate use for this area.

Nick Bendor was against the Amendment and stated that it's not the city's job to ensure that the applicant's business is successful.

The Council expressed concerns with the amendment. They also discussed concerns with approving a development agreement when there isn't a solid plan before them.

Motion: Councilor Koivisto moved to deny Ordinance #58, with the findings that there would be a negative effect on the character of the surrounding area, which affects the uses for nearby and adjoining properties and lacks overall community benefit. Is not in conformance with the Lehi City General Plan, and note to the applicant that alternative options should be considered which include working with the city to clean up the cumbersome encroached land parcel and working with staff to redefine the frontage and encroached areas within the current zoning and preserve the current zoning. Councilor Hancock seconded the motion.

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

8. Consideration of Ordinance #59-2022, a Development Code Amendment to Chapters 11 and 37, clarifying site plan review requirements for projects in the Historic District.

Mr. Struthers explained that this would allow the Historic Preservation Commission the opportunity to provide feedback on remodel or new building projects in the Historic District.

Motion: Councilor Southwick moved to approve Ordinance #59-2022, a Development Code Amendment to Chapters 11 and 37, clarifying site plan review requirements for projects in the Historic District; including any Development Review Committee and Planning Commission comments. Councilor Albrecht seconded the motion.

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

9. Consideration of Ordinance #60-2022, a Development Code Amendment to the Lehi City Development Code Section 21.080, Mobile Food Vendors.

Mr. Struthers stated that this is responding to State legislation that allows for mobile food vendors to operate in different city without requiring a license in each City.

Motion: Councilor Hancock moved to approve Ordinance #60-2022, a Development Code Amendment to the Lehi City Development Code Section 21.080, Mobile Food Vendors; and including any Development Review Committee and Planning Commission comments. Councilor Koivisto seconded the motion.

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

10. Adjournment

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

Approved: November 15, 2022

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder