



153 North 100 East
Lehi, UT 84043
(801) 768-7100

Minutes of the **Work Session** of the **City Council** held Tuesday, **January 4, 2011**, at 4:09 p.m. at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

Members Present: Bert Wilson, Mayor
Kaye Collins, Council Member
James Dixon, Council Member
Steve Holbrook, Council Member
Mark Johnson, Council Member
Johnny Revill, Council Member

Others Present: Ron Foggin, Assistant City Administrator; Ken Rushton, City Attorney; Kim Struthers, Planning Director; Lorin Powell, City Engineer; Travis Ball, Power Director; Jim Hewitson, Public Works Director; Brenn Bybee; Assistant to the Administrator; Marilyn Banasky, City Recorder and 1 citizen.

1. Welcome and Opening Comment

Mayor Wilson welcomed everyone and noted that all Council members were present. He excused Jamie Davidson, City Administrator. Councilor Dixon gave an opening comment.

2. Consideration of reappointment of two Planning Commissioners and appointment of two Planning Commission alternates.

Councilor Johnson reported that Planning Commissioner's Marilyn Scheiss' and Derek Byrne's terms have expired. He stated that they are both serving their second term and can serve one more term. He stated that they have both asked to serve another term. He recommended re-appointing Commissioner Scheiss and Commissioner Byrne to the Planning Commission for another term.

Councilor Johnson reported that they also need to appoint two alternates to the Planning Commission. He stated that Donna Barnes has previously shown interest, but when he spoke to her, she needed some time to discuss the time commitment with her husband and asked that she not be appointed yet. He reported that Johnny Barnes has also expressed interest in serving on the Planning Commission, but Councilor Johnson is concerned that Mr. Barnes is already the Community Council Chair and may have to choose between the two assignments. Mayor Wilson inquired if Councilor Johnson had discussed being a Planning Commissioner with Mr. Barnes. Councilor Johnson replied that he had discussed it briefly with Mr. Barnes but didn't want to talk in depth until he spoke to the Council. Councilor Dixon inquired if any others have expressed interest to serve on the Planning Commission over the last year or two. Councilor Johnson replied that Kim Struthers and the planning staff put forward a list of names and they have talked about it. He stated that they would like someone with past political and development experience to serve. He stated that they are not worried about finding someone from a certain geographical area of the City as the current Commissioners

are from all parts of the City. He reported that former Planning Commissioner Janys Hutchings served three terms and would love to serve again. He stated that he thinks she could be appointed again as she has been off the Planning Commission for over a year. He suggested approaching Ms. Hutchings to see if she would be willing to serve as an alternate on the Planning Commission. Councilor Dixon inquired if there are currently any alternates for the Planning Commission. Councilor Johnson replied that the Planning Commission doesn't have any alternates appointed at this time and they can appoint two. **Mayor Wilson asked for consensus to ask Janys Hutchings if she would be willing to serve as an alternate on the Planning Commission. Consensus was reached.**

Motion: Mayor Wilson moved to accept Marilyn Scheiss and Derek Byrne and re-appoint them to the Planning Commission for an additional term. Councilor Johnson seconded the motion.

The motion passed unanimously.

3. Discussion of residency requirements for City employees.

Mayor Wilson reported that this item will be pulled from tonight's agenda. Mayor Wilson distributed Citizen Initiative #1 and Citizen Initiative #2. He stated that the previous Citizen Initiative was returned to the petitioner as it didn't contain all the required information to be legal and that when the petitioner re-submitted the initiative they had divided it into two separate initiatives. Mayor Wilson stated that Brenn Bybee was asked to survey various cities regarding their residency requirements. Brenn Bybee reported that he received 36 responses from different cities around the state regarding their residency requirements. He stated that the responses give a general framework to draft a policy regarding residency, but in order to focus tonight's discussion it was suggested that the City's Department Heads give their recommendations on it. He explained that an early visible trend was that many of the surveyed cities had department specific policies, which is why they want to get the Department Head's input. Councilor Collins stated that a lot of cities deal with different employees by class and that they need to have the personnel chart to see where people are and where they report. She thinks that is part of the discussion. Mr. Bybee stated that the surveyed cities broke it down both ways and that some used employee groups. Ron Foggini reported that there is an organizational chart in the budget document prepared by the City that they can provide the Council. Mayor Wilson stated that they need to find out everyone's needs and then put together a policy. He stated that they are going to hold that off another week to have more information for the next City Council meeting. Councilor Collins wondered if it was wise to deal with the residency requirement before dealing with the initiatives. Mayor Wilson replied that one initiative deals with residency and the other one deals with salaries. He stated that the Finance Director is working on the fiscal analysis and that there is not much the City can do as the law is specific as to the time schedule to process the initiatives. Councilor Collins inquired if the petitioner gets the required signatures and the initiative goes through she doesn't think it will matter if the City changed the residency policy. Ken Rushton replied that it could and he wondered if part of the reason for the initiative is the lack of some action on the part of the City to define residency. Councilor Collins wondered if the initiative process would nullify anything they did, but stated that maybe by making a new policy it would alleviate this problem. Mr. Rushton replied that it

may or may not, but in the interim, they will have a policy they can rely on and enforce. Mayor Wilson stated that they will bring this item to the next City Council Meeting.

4. City Business

Lorin Powell, City Engineer reported that when he last discussed relocating the intersection at 1200 West/Bull River Road, Ms. Shuppy was not in favor of the road and the matter had been dropped. He stated that he was contacted by Mr. Patterson, yesterday, who gave him another drawing which left Shuppys alone for now with a future condition for the road through their property. He wanted to know if the Council was interested in pursuing this new proposal as the zoning issues would still be there. He stated that the request from Mr. Patterson is to change the zoning from Business Park to Residential and Residential to Commercial to match Shuppy's current zoning. Councilor Holbrook inquired if the City would still get funds from the construction company to help pay for the relocation of the intersection. Mr. Powell replied that he has talked to them and they have launched into doing paper shuffling but that they have not re-launched doing the design. He stated that they are still interested but time is of the essence. Councilor Johnson stated that even if the City built the intersection now, he feels that at some point in the future they could do a mid-block connection. He stated that when the developers get serious then they should have them re-do the intersection and pay for the road. Mr. Powell reported that if they chose to do nothing, they lose the \$160,000 from the construction company and lose the time that the intersection could be fixed. Councilor Holbrook inquired if they lose \$160,000 today, would it cost the City more than that later or would the developer have to pay. Mr. Powell replied that it could be either or both. Councilor Johnson inquired how much the new plan would cost. Mr. Powell replied that he hasn't figured that yet as he wasn't sure the Council wanted to pursue this option.

Councilor Revill reported that he has been for it from the start due to the danger and that he would support it. Councilor Collins stated that she is not in favor of it and feels that making the intersection work and not going through Shuppy's property is fixing only half the problem. Councilor Holbrook stated that he wasn't for it because of the money and it would be a no from him. Councilor Johnson stated that he agrees with Councilor Revill and doesn't like the safety issues, but that he has a difficult time offering help to land developers to develop their land in the future. He feels this increases land values and opportunities for property owners. He stated that if they are going to do it then they should do it right and that he doesn't think a half-hearted solution is right. Councilor Dixon stated that he doesn't believe the original design was the best option but he accepted it because there was no other option. He feels they should leave it alone and that he is discouraged that the Shuppy property would have been increased if they accepted alternatives whereas Mr. Patterson sees a new option and wants to jump on it. He thinks that Ms. Shuppy may change her mind if she saw the new proposal. A discussion was held regarding the safety issues of the intersection and any liability the City may have. Councilor Dixon inquired if it would be wise to exercise condemnation to make the road safe. Mr. Powell replied that he is not sure they have the time to do that. Ken Rushton stated that it would be very expensive and they would have to purchase the Shuppy property. **Mayor Wilson asked for consensus to show the new plan to Ms. Shuppy. Consensus was reached.** Lorin Powell and/or Kim Struthers

will seek a meeting with Ms. Shuppy to discuss the new option and bring the information back at the next City Council meeting.

Ron Foggin, Assistant City Administrator, reported that Jamie Davidson, City Administrator, suffered a bad fall and broke bones in his ankle and leg, and damaged ligaments. He stated that Mr. Davidson had surgery and will be out of the office for a time.

Lorin Powell, City Engineer reported that he would like to appoint Civil Science to do the next phase of 2300 West. He explained that the City can pick them out of the UDOT pool without going through a bid process and wanted to ensure that was okay with everyone. Councilor Dixon stated that because two Councilmembers have involvement with Civil Science he wanted to find out their feelings. Councilor Johnson stated that he would recuse himself from any item that involved Civil Science. Councilor Collins stated that she wouldn't recuse herself and feels that Civil Science has done a lot of the work on the project and it makes the most sense for them to do this section.

Kim Struthers, Planning Director, reported that he received five proposals for the General Plan Land Use Update and that he will be going through them and ranking them based on equitable criteria.

5. Mayor/Council Round Table

Councilor Johnson stated that he is very careful not to let his position on the City Council influence any engineering decisions. He stated that he welcomes any criticism.

Mayor Wilson reported that he asked Councilor Dixon to work with the Economic Development Department and to be a part of that team. He discussed how much Mr. Davidson has been missed since his accident and that he is an integral part of the City. He reported that he is excited to have finished serving his first year in office and looks forward to serving many more.

7. Adjournment

With no further business to come before the City Council at this time, Councilor Johnson moved to adjourn the meeting. Councilor Holbrook seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 5:28 p.m.

Approved January 25, 2011

Attest:

Bert Wilson, Mayor

Marilyn Banasky, City Recorder