

**Lehi City Council Meeting
Minutes**

Tuesday, November 9, 2010 7:00 p.m. Council Chambers

Conducting: Mayor Bert Wilson

Mayor and City Council Present: Mayor Bert Wilson, Councilor James Dixon, Councilor Stephen Holbrook, Councilor Mark Johnson, Councilor Johnny Revill, Councilor Kaye Collins

Staff Present: Jamie Davidson, City Administrator; Ron Foggin, Assistant City Administrator; Kim Struthers, City Planner; Lorin Powell, City Engineer; Doug Meldrum, Economic Development; Lee Barnes, Water Superintendent; Judi Johnson, Minutes

Excused: Ken Rushton, City Attorney, Teisha Wilson, Interim City Recorder

Press: Kathy Allred, Daily Herald

The meeting was called to order by Mayor Wilson as a regular session of the Lehi City Council at 7:05 p.m. Notice of the time, place, and agenda was provided to the Daily Herald and was posted in three public places; the Lehi City Library, Planning and Inspection Building, and Lehi City Hall. The meeting agenda was also posted on the Utah State Public Meeting Website and the Lehi City Website at least 24 hours prior to the meeting. Those assembled were led in the Pledge of Allegiance by Jordan Flores, a local scout.

Public Hearing

Mayor Wilson opened the first public hearing at 7:40 p.m.

1. Cadence Capital – Requests Preliminary and Final Subdivision approval for Spring Ranch, a 19-lot residential development located at approximately 2540 West 1500 North in an existing R-1-22 (Residential/Agriculture) zone.

Ryan Bybee, Cadence Capitol, stated that Cadence Capitol was asking for preliminary and final subdivision approval for Spring Ranch. They feel that with information obtained in past meetings that this is a workable solution.

Kim Struthers, City Planner, stated that they had received a favorable recommendation from the Planning Commission.

No public comment.

Mayor Wilson closed the public hearing at 7:45 p.m.

Motion: Councilor Holbrook moved to accept the request for Preliminary and Final Subdivision approval for Spring Ranch, a 19-lot residential development located at approximately 2540 West 1500 North in an existing R-1-22 (Residential/Agriculture) zone, along with recommendations from the DRC, the DRC red lined comments prior to reporting the plat, DRC general comments and Planning and Zoning comments must be adhered to. The motion was seconded by Councilor Revill.

Roll call vote: Revill-yes, Collins-yes, Dixon-yes, Johnson-yes, Holbrook-yes. The motion passed unanimously.

Mayor Wilson opened the second public hearing at 7:47 p.m.

2. Matt Gneiting – Requests approval of an amendment to the Lehi City General Plan Land Use Element on approximately 4 acres of property located approximately at 400 North 1200 East, changing the land use designation from LDR (Low Density Residential) to HDR (High Density Residential).

Matt Gneiting and Mike Stengel, Developers, are proposing at some future point to build a 90 unit assisted living facility at 400 North 1200 East, Lehi, UT. Currently the parcel is zoned low density residential and they are requesting high density residential. The plan is to offer 66 assisted living units and 24 memory care units. They feel that the HDR zoning instead of Commercial zoning would accommodate the concerns of residents living in that area and allow the City to protect the citizens, as well as allow the project to move forward. They are hoping to move forward with the project within the next 12 months.

Kim Struthers, City Planner, reported that Ken Rushton, City Attorney, feels that the Council could make as part of the motion that approval is based upon having an assisted living facility with the Mayor instructed not to sign the ordinance until such time that the zone change and site plan are approved.

Michael Ekins, citizen, inquired as to how close this assisted living unit is to any other assisted living unit that has been approved or functioning in Lehi City. The response given is that it is a greater distance than one mile and fits within the City's restrictions. It also falls into a different category than a group home for the elderly in a single family residential setting.

Councilor Dixon inquired if the City gives approval to amend the General Land Use Map contingent upon a site or concept plan review, would it infringe upon the developer's capability of getting financing. Kim Struthers, City Planner, responded that according to the City Attorney, the City can approve the request but not record it until there is a zone change and a site plan. He stated that it could be treated the same way as a water dedication. Matt Gneiting felt that since the City's intent would be to have the zone change that the financing would be approved.

Councilor Johnson is in support of this type of project to help provide for Lehi's aging population. He likes the project and feels that it can be appropriate in the proposed area. He expressed concern about the traffic on 1200 East as the intersection at 1200 East and State Street is failing. He expressed a concern about a re-zone to HDR and how it will impact that road. He suggested that this is technically "spot zoning", changing the zoning in hopes of a particular application. Councilor Johnson would rather this be handled under the special exception in the code. He would like to see a traffic impact stud and feels that it would be better not

to amend the General Plan or the zoning map, but handle it as a special exception. Kim Struthers, City Planner, responded that when the special amendment was used before it was for a Planned Unit Development (PUD). He stated that the PUD chapter allows for an increase in density above the base density of the zone and this is not in the same category of a PUD as it is an assisted living center, retirement home/retirement center. Mr. Struthers felt that he would prefer a Development Agreement because it runs with the land and ties it to the parcel, but that the City Attorney didn't feel that the City needed to go to that extent. Councilor Johnson stated that he is very concerned that it not be zoned HDR with the use changes it allows. Mr. Struthers reported the Planning Commission has approved a concept plan contingent upon the General Plan approval.

Matt Gneiting reported that operation of an assisted living facility has shift changes at odd hours. Typically, the morning shift comes on at 5:00 a.m., the afternoon shift comes on around 3:00 p.m., and the night shift at 9:00 p.m. He stated that very few residents will have any kind of automobile and the typical assisted living resident is 85 years of age. He feels it would be a valuable development being adjacent to the senior community and would provide a nice transition for residences in the area. Currently the only facilities like this in the north county area are the Charleston at Cedar Hills and on a smaller level, River Meadows, in Alpine. Mr. Gneiting stated that they are proposing two unit sizes, one is a studio and the other a one bedroom. The studios would be around 350 square feet, which is larger than what is offered in many assisted living facilities. The one bedroom unit is about 560 square feet and each unit will come with a full kitchenette, a microwave, a small refrigerator, and a private bath. The residents will go to a central dining facility where meals will be prepared for them and the facility will offer additional amenities in addition to 24 hour nursing care staff.

Ed Samuels, Joyce Ann Jones' son-in-law, (owner of the property) expressed a concern about spot zoning. Originally they were told to zone the entire seven acres to a commercial zone, but then they were told it doesn't fit with the General Plan. He feels the residential community itself is spot zoning because every piece of property on State Street is zoned commercial, except for the senior residential community.

Mayor Wilson closed the public hearing at 8:32 p.m.

Motion: Councilor Revill moved to approve an amendment to the Lehi City General Plan Land Use Element on approximately 4 acres of property located approximately at 400 North 1200 East, changing the land use designation from LDR (Low Density Residential) to HDR (High Density Residential) with the condition that the use of the property be for an assisted living center and not authorize the Mayor to sign the ordinance until the zone change, site plan and concept approval have taken place and also subject to any DRC or Planning Commission comments. The motion was seconded by Councilor Dixon.

Roll call vote: Revill-yes, Collins-yes, Dixon-yes, Johnson-no, Holbrook-yes. The motion passed with four in favor and one opposed.

Regular Session

1. Community Awards

Fire Chief Dale Ekins made an award presentation to Battalion Chief Rick Howard. The Exchange Club of Utah County honored Rick Howard as “Firefighter of the Year” for Utah County two weeks ago. Chief Ekins acknowledged Chief Howard’s accomplishment to the Mayor, City Council and citizens of Lehi City.

2. Citizen Input –Twenty Minutes Allowed

There was no citizen input for public comments on items not listed on the agenda at this time.

3. Lehi City- Consideration and approval of an agreement with UDOT and Lehi City for the transfer of ownership of property and drainage basin to Lehi City on the west corner of Pioneer Crossing and 500 West, including a \$20,000 transfer in funds to Lehi City for grading, landscaping, and fence installation on the property

City Engineer, Lorin Powell, explained that he has been working on an agreement to help citizens living on 500 West at Pioneer Crossing. The citizens had concerns about the removal of a decorative fence and the lack of landscaping around a basin that UDOT had built. There was also an issue about a fence further west that needed to be lengthened as a noise barrier. He stated that UDOT is willing to deed the property and transfer \$20,000 in funds to Lehi City to improve the basin and complete the fencing in the area which would allow the City the opportunity to combine the drainage basin with an existing basin, landscape, and care for the property.

Motion: Councilor Dixon moved to authorize the Mayor to sign an agreement with UDOT for the transfer of ownership of property and drainage basin to Lehi City on the west corner of Pioneer Crossing and 500 West, including a \$20,000 transfer in funds to Lehi City for grading, landscaping, and fence installation on the property. The motion was seconded by Councilor Holbrook.

Roll call vote: Revill-yes, Collins-yes, Dixon-yes, Johnson-yes, Holbrook-yes. The motion passed unanimously.

4. Micron Technology, Inc – Requests for approval of Resolution of Intent to Annex the Micron II Addition Annexation, approximately 50.58 acres of property located north of SR-92 and West of Highland Blvd.

Dennis Raney, Micron Technology, explained that Micron owned a 50.58 acre parcel of property directly behind the IMFT facility, surrounded to the north by Draper and the south by Lehi. They requested to annex this property into Lehi.

Motion: Councilor Johnson moved to approve the Resolution of Intent to Annex the Micron II Addition Annexation, approximately 50.58 acres of property located north of SR-92 and West of Highland Blvd. The motion was seconded by Councilor Collins.

The motion passed unanimously.

5. Micron Technology, Inc – Requests for approval of Resolution of Intent to Annex the Micron III Addition Annexation, approximately 107.95 acres of property located north of SR-92 and West of Highland Blvd.

Dennis Raney, Micron Technology, explained that this parcel is 107.95 acres that surrounds IMFT. He expressed the desire to be annexed into Lehi City. He stated that they had been made aware of a previous boundary agreement between Lehi and Highland prohibiting annexation into Lehi. Highland City's major concern is that housing built on that property be consistent with the homes already built in that area as Highland City does not want high density housing. He stated that Micron's plan is to keep that area as low density housing. Mr. Raney stated that they are willing to sign an agreement to that effect in order to facilitate the annexation. Highland City's Council is strongly opposed to allowing the property to be annexed into Lehi and the agreement between the two cities lapses in three years. He stated that it is the property owner's desire to be annexed into Lehi City at this time to allow Micron the capability to plan the development all at once. Lehi City's desire is to facilitate the wish of the property owner. A development agreement would add protection for Highland City's desire to have low density zoning at this time, while in three years the same protection may not be in place. Micron's desire is to be annexed into Lehi City, whether it is now or in three years time.

Motion: Councilor Johnson moved to approve the Resolution of Intent to Annex the Micron III Addition Annexation, approximately 107.95 acres of property located north of SR-92 and West of Highland Blvd. The motion was seconded by Councilor Revill.

Roll call vote: Revill-yes, Collins-yes, Dixon-yes, Johnson-yes, Holbrook-yes. The motion passed unanimously.

Administrator Davidson requested that two Council members meet with Highland City to discuss and review the annexation request. In the interest of working with Highland City concerning the intent to annex, Councilor Dixon and Councilor Johnson have volunteered to meet with Highland City and it's designated representatives.

6. Lehi City- Requests approval of a Resolution of Intent to Annex the Spring Creek Reservoir Annexation approximately 10.0208 acres of property located at approximately 300 East 1630 South.

Lorin Powell, City Engineer, explained that the Spring Creek Reservoir property is the old waste water treatment plant that was abandoned years ago. He has proposed to build a pressure irrigation reservoir there, which will take water from Spring Creek, Mini Creek and a well that Lehi has drilled. There will be left a portion for a possible sub-station in the future. The facility will also act as a drainage facility. The property has never been annexed to the City and should be, before further development takes place.

Motion: Councilor Dixon moved to approve the Resolution of Intent to Annex the Spring Creek Reservoir Annexation approximately 10.0208 acres of property located at approximately 300 East 1630 South. The motion was seconded by Councilor Holbrook.

Roll call vote: Revill-yes, Collins-yes, Dixon-yes, Johnson-yes, Holbrook-yes. The Motion passed unanimously.

7. Action on public hearing items

Actions/Motions are recorded on the public hearing portion of the Minutes.

8. City Business

Engineer Lorin Powell reported some word changes on a proposed Wilderness Trail letter. He suggested the wording could be as follows: “At its sole discretion, Lehi City would also allow on a very limited basis, and with consideration of weather conditions, escorted authorized vehicles by Lehi City officials or staff.” Engineer Powell recommended that the Council authorize Mayor Wilson to send the letter to the Wilderness Association.

Motion: Councilor Johnson moved to send the proposed letter with the suggested changes to the Wilderness Association. The motion was seconded by Councilor Revill.

The motion passed unanimously.

Engineer Powell addressed the issue of water rights. The State Engineer had a meeting in Highland concerning water rights in North Utah County last week and had previously set a ruling that any applications for ground water after September 30, 2010, would be held until a future decision is made. In 1984 there was a study done that stated there was 220,000 acre feet of water that was being utilized in the underground in North Utah County. Recently a new study was commissioned and Lehi City participated in this USGS study. The study showed the amount of available water has been reduced to only 153,000 acre feet and the basin has declined over 20 feet. There is no artesian layer remaining. Part of the recent study shows that there are 337,600 paper water rights issued. As a result, underground water rights have been over appropriated. The basin has been closed so there will be no new water being appropriated to the underground. This move effectively stops communities from taking water from the lake area and “putting it into the ground”.

Jamie Davidson, City Administrator, asked that Brenn Bybee, Assistant to the City Administrator, take a few minutes to talk to the Mayor and Council about some fee amendments that will be brought to the Council for approval and to pass out copies of the 2011 budget.

Brenn Bybee explained that the budget document is consistent with what is submitted on an annual basis to the Government Finance Officers’ Association. He stated that the proposed fee amendment document is for Council review until the next City Council meeting. Councilmembers were asked to contact Mr. Bybee if they have questions or would like greater clarification on any fee amendment.

Mayor Wilson has proposed that a letter be drafted and sent to the newly elected and re-elected members of the State House of Representatives, the Federal Congressional Delegation and the Alpine School Board. The congratulatory letter would also invite them to visit with the Mayor and Council. Administrator Davidson proposed that we draft a letter for the Mayor and City Council’s signatures wishing the newly elected officials congratulations and letting them know we look forward to working with them. The Council indicated their support and willingness to sign the proposed letter.

Administrator Davidson suggested that only one Council meeting be held in November and to cancel the meeting dated November 23, 2010 during the week of Thanksgiving. Traditionally the Council has not held the last meetings in November and December. The Council decided to only hold two more meetings this year: December 7, 2010 for Work Session, and December 14, 2010 for a City Council meeting.

Administrator Davidson informed the Mayor and City Council that a productive meeting with Traverse Mountain was held last week. Representatives from Administration and Engineering met with Traverse Mountain to discuss a variety of issues. The Council was made aware of Lehi's conversations with "Beck and Beck" and progress being made. They also followed up on the park dedication associated with the rezone to HDR that took place in September. It is Lehi City's understanding and Traverse Mountain's representation; that they have deeded to Lehi City 11 1/2 acres of park space, which is free and clear. They also talked about area plans and where we have been versus where we are going. Administrator Davidson thinks the City has made progress since the study session. As staff, it is important that the Mayor and City Council be given clear information about what already has been approved. He stated that they need to bring information that clearly delineates what has happened in the past, what approvals and permits were granted, so when there are meetings on the new area plan they have an understanding of what has happened in the past and has been approved versus what they want to do in the future. Kim Struthers and the Planning staff have already begun assembling all the information and approvals granted. Lehi City will be holding regular meetings with Traverse Mountain to address the issues associated with the development. The first meeting helped give staff a better understanding of the direction Traverse Mountain wants to go and opened up an avenue for greater communication.

Mr. Davidson reported that a new City Recorder has been hired and that there were over 80 applications. Administration interviewed ten individuals, all except one are current City Recorders. He reported that they had City Recorders from Brigham City to as far south as Provo. There was an interview panel consisting of Judi Johnson, Human Resources, the City Recorder of Riverton City, the City Manager from South Ogden, who was a former City Recorder and Administrator Davidson. The candidates were narrowed to three possibilities that interviewed with the Mayor, Dave Sanderson, Teisha Wilson and Alyson Alger. The position was offered to Marilyn Banasky, the current City Recorder for Riverdale, a community just outside of Ogden. She has been the City Recorder the past 4-5 years. Before that, she an Administrative Assistant for the Cities of North Las Vegas and Mesquite, Nevada. She has sent back an acceptance to the job offer and will begin work on November 29, 2010. She lives in Springville, UT and has been commuting to Riverdale. Her current employer and past employers have given her very high recommendations. Administrator Davidson stated that as they bring Ms. Banasky on staff, it is important that they look to the long term future and cross-train other city employees to do the job of the City Recorder. He stated that there are some great employees in Planning and in Administration that should be given an opportunity for cross-training.

Administrator Davidson reported that there was a Resolution on the agenda tonight for an "Intent of Bond" that was pulled. He stated that the City is concerned about moving forward with the completion of a number of projects. He stated that cash flow is a serious ongoing concern as it relates to transportation funding and impact fees and that there are some projects the City can jump on immediately with existing fund balances in our class B and C Road Fund accounts and in a couple of other areas. Administrator Davidson and Engineer Powell, think that the City should closely monitor what funding the City has and what options there are through the winter and then make a decision in early spring to decide if they need to go out and finance additional projects. In the short term, City Engineer Lorin Powell presented the City Council with several projects that he believed could be completed using existing City transportation funds. The projects included the following: (1) reconstruction of the intersection of 1200 West and Bull River Road, (2) the realignment of 300 North

from approximately 350 West to 500 West (behind the City's Streets Public Works Facility), and (3) an update of the city's transportation master plan. Engineer Powell noted that timing on the 1200 West project was critical to coincide with construction that is currently underway along State Road 92. He suggested that the project could be completed immediately by Flatiron Construction, the company that is currently mobilized in the area and working on S.R. 92. as the connection from S.R. 92 to 1200 West is important to the overall S.R. 92 project. He stated that Flatiron has agreed to contribute \$160,000 in the improvement of the intersection at 1200 West and Bull River Road, if the intersection work is completed now. Administrator Davidson stated that Class B and C Road funds could be used to pay for the remaining costs associated with the 1200 West and Bull River Road intersection and the 300 North road realignment. He further suggested that transportation impact fee dollars be allocated for the transportation master plan study update.

Motion: Councilor Dixon moved to allow Lorin Powell, City Engineer, to present to the Council a budget amendment to transfer funds from the B and C Road Funds for the cooperative reconstruction of 1200 West at Bull River Road Intersection (in cooperation with Flatiron) and the 300 North realignment to 500 West and authorize impact fees to be used for the Master Transportation Master Plan Study Update. The motion was seconded by Councilor Collins.

Roll call vote: Revill-yes, Collins-yes, Dixon-yes, Johnson-yes, Holbrook-yes. The motion passed unanimously.

Administrator Davidson reported that earlier today, before the 4:00 p.m. meeting with Alpine School District, they had met with representatives from the Alpine School Board, Superintendent Henshaw and other staff to discuss the future of Lehi High School. Administrator Davidson was pleased with the progress made in the meeting regarding the future of the Lehi High School site. He said he will provide more details of their discussions as they proceed forward.

Councilor Johnson also had a conversation with Donna Barnes. She expressed an interest in participating on the Planning Commission. She has been a strong advocate for Lehi City and would continue to be an asset to Lehi City.

9. Minutes approval

Councilor Dixon pointed out a spacing error on page six, top line of the City Council minutes for October 12, 2010.

Motion: Councilor Collins moved to approve the minutes for the City Council meeting held, Tuesday, October 12, 2010. The motion was seconded by Councilor Dixon.

The motion passed unanimously.

Motion: Councilor Dixon moved to approve the minutes for the Council and Planning Combined Work Session held Tuesday, October 5, 2010. The motion was seconded by Councilor Holbrook.

The motion passed unanimously.

Council Roundtable

Councilor Collins informed the Council that she has received a concern from a citizen, Nancy Turner, about a sidewalk going in on 200 South by the railroad tracks. The citizen is worried about flooding because of the way the curb and gutter has been constructed. Engineer Powell will be taking steps to help redo the driveway and finish the project that has been started. Wade Allred, Street Superintendent, will be asked to go by and visit with her.

Councilor Collins and Teisha Wilson have been handling the Youth Council and have not had the time to commit as they would like. Councilor Collins requested that names be recommended for a community volunteer to assist them with Youth Council.

Mayor Wilson stated that we also need a Senior Citizen’s Committee to help plan events.

Councilor Johnson requested that someone check the microphones, they are inconsistent in volume and reliability.

10. Adjournment

Motion: Councilor Holbrook moved to adjourn the meeting. The motion was seconded by Councilor Revill.

The motion passed unanimously.

Meeting adjourned at 9:42 p.m.

Approved: December 14, 2010

Attest:

Bert Wilson, Mayor

Marilyn Banasky, City Recorder