



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

Minutes of the **Work Session** of the **City Council** held Tuesday, **December 7, 2010**, at 4:07 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:** Jamie Davidson, City Administrator; Ken Rushton, City Attorney; Kim Struthers, Planning Director; Lorin Powell, City Engineer; Doug Meldrum, Economic Development Coordinator; Dave Sanderson, Finance Director; Wade Allred, Streets Manager; Travis Ball, Power Director; Brenn Bybee; Assistant to the Administrator; Teisha Wilson, Executive Assistant; Marilyn Banasky, City Recorder and 14 citizens.

Mayor Wilson welcomed everyone and noted that all Council members were present. Councilor Holbrook gave an opening comment.

Mayor Wilson introduced Marilyn Banasky as the new City Recorder and swore her in with the Oath of Office.

**1. Consideration of Richmond American Homes request for approval of a revision to the previously approved Thanksgiving Meadows Planned Unit Development, to allow two-story single family detached homes with a smaller main floor area than the typical standard, but which still meet or exceed the overall finished floor area.**

Kim Struthers, City Planning Director, reported that Richmond American Homes is requesting an exception from the typical square footage requirements for homes in the Thanksgiving Meadows Planned Unit Development (PUD). He displayed a map of the PUD and pointed out the 48 lots that would be affected. He explained that the Lehi Development Code requires a minimum of 850 square feet on the main level for a two-story home with a total finished square footage minimum of 1,450. He stated that the proposed homes are slightly below the 850 square footage minimum but still meet or exceed the total finished square footage requirement.

Dave McArthur from McArthur homes, reported that the original floor plans didn't meet the minimum square footage on the main floor either. Dave Vitek with Richmond American homes reported that in 2007 when the PUD was approved for McArthur Homes, it wasn't clearly stated that the main floor was below the 850 square footage limit. He stated that when they purchased the lots they believed they also had approved plans. He stated that they have

submitted a set of plans to build three homes and that the square footage on the first floor exceeds the square footage on the McArthur plans, but they are still smaller than 850 square feet. He reported that the finished square footage would exceed the 1,450 square foot requirement and would have either 1,662, 1,788 or 1,862 total finished square feet. He stated that they met with the Planning Commission on November 18, 2010 and they unanimously approved a reduced limit of 750 square feet on the first floor. Councilor Dixon inquired if they have already built proposed homes or are they in the design phase. Mr. Vitek replied that they have built similar homes in Winter Haven at Traverse Mountain. Mayor Wilson inquired as to the lot size. Mr. Struthers replied that they are 4,000 square feet. Councilor Johnson inquired as to what type of surface materials would be used. Mr. Vitek replied that would vary depending on the elevation that was built, but they could use stucco, hardy plank or a combination. He stated that they would also have the option to use brick and stone but that no vinyl materials would be used. Councilor Johnson inquired if these homes would meet the eight features as outlined in the architectural standards. Mr. Struthers replied that they would. Councilor Johnson inquired if each home would use the same architectural standards or would they vary. Mr. Vitek replied that they wouldn't allow the same elevation to be built next door to the exact model.

**Motion:** Councilor Johnson moved to approve the consideration of Richmond American Homes request for a reduction in the ground floor square footage as opposed to the Development Code with the condition that the that overall finished square footage exceed that of the Development Code, and that any considerations made by Development Review Committee and the Planning Commission be met as well for the Thanksgiving Meadows Planned Unit Development, Phase D1 and D2. Councilor Dixon seconded the motion.

The motion passed unanimously.

**2. Consideration of Flatiron Construction's request for approval of a road closure on Triumph Boulevard to allow construction of S.R. 92 improvements, with the closure of Triumph Boulevard starting on December 8, 2010 and running for a period of approximately four months.**

Wade Allred, Streets Manager, reported that Flatiron Construction approached the City regarding the closure of Triumph Boulevard to allow construction on S.R. 92. He stated that there are limited options as to where the traffic can be detoured to and that the City is very concerned about any additional traffic in proximity to Traverse Mountain Elementary.

Sara Colosimo, Traffic Engineer for Flatiron Construction, introduced Morgan Humphries and Alana Spendlove from UDOT; Dennis Ashton, Chris Mari and Peter Clark from Flatiron Construction. Ms. Colosimo gave an overview of the Timpanogos Highway construction plan. She explained that there is a problem trying to get access from the new commuter lanes to Triumph Boulevard. She discussed several different plans and their respective problems. She stated that they are recommending detouring traffic from Triumph Boulevard to Grand Terrace, Cabela's Way, and then onto the frontage road. She stated that when this detour was proposed, Mr. Allred expressed concern about Grand Terrace as the road is in poor

condition. She stated that Flatiron Construction suggested that they would fix the road to enable the detour to take place.

Councilor Collins inquired as to when the detour would start. Dennis Ashton replied that they anticipate putting traffic on the new road in 5 weeks and that is when the detour would begin. Mr. Allred reported that there were two options to take traffic off Triumph Boulevard: 1) make a loop on Morning Glory Road which would funnel traffic past the elementary school; or 2) detour traffic onto Grand Terrace which had major failures that the City hasn't been able to repair and would have major problems running 3,000 cars on it a day. He stated that rather than build a temporary intersection east of Morning Glory they felt the solution was to use the money to fix Grand Terrace so it could carry the load, not funnel cars past the elementary school, and would provide a benefit the City. He reported that there will be advance warnings to traffic going eastbound and that they would leave Morning Glory available for emergency vehicles to use. Councilor Revill inquired as to how many cars come down Triumph Boulevard now. Ms. Colosimo replied that there are 3,000 cars per day or 300 cars per hour. She stated that if they can start in January, 2011, their goal is to finish in April to have Triumph Boulevard open again. Mr. Allred reported that there will be plenty of advance warning and video message boards explaining what is going to be done. Mr. Ashton reported that Flatiron Construction will go to the school and let them know about the detour. Councilor Holbrook inquired if snow removal would be a problem. Mr. Allred replied that they have considered snow removal options and the detour wouldn't present a problem. Councilor Holbrook stated that the start date is December 8, 2010 and was worried about Christmas traffic for Cabela's. Mr. Allred replied that the December 8<sup>th</sup> date was just to get the ball rolling for advance notices and not to begin the road construction. Councilor Johnson inquired if there has been any information published that stated that Triumph Boulevard would remain open throughout the entire duration of the S.R. 92 project. Ms. Colosimo replied that there hadn't been any. Councilor Johnson inquired if they had considered a temporary connection where the two roads are the closest together. Mr. Allred replied that would entail crossing the railroad tracks. Councilor Johnson stated that the property owner may be willing to look at temporary access to help with the building of the Adobe facility. Ms. Colosimo reiterated that the best option is the proposed detour as it would accomplish the following objectives: 1) repair of Grand Terrace; 2) less overall disruption to traffic; 3) increased safety; and 4) lower overall delay for 20,000 vehicles per day on S.R. 92.

**Motion:** Councilor Holbrook moved to approve the information presented today.

Jamie Davidson asked for a fixed date to finalize the project and that it be included in the motion. Councilor Johnson felt it was also important to list how the detour would be advertised and publicized. Mr. Ashton reported that they could have done by mid April as they can't pave until the first part of April. Peter Clark suggested having the finish date as April 30, 2011. Alana Spendlove reported that UDOT has relieved the contractor of public notification duties and that they will be working to educate the public in that area with flyers and working with the Traverse Mountain HOA to include information in their newsletter. She stated that they will go to the Challenger school and ensure that the principal is aware of the detour in order to notify their parents. She stated that she will also go to the Alpine

School District to see if there are any school busses that use Triumph Boulevard and will need to use the new route. She suggested putting information in the Lehi City newsletter and web-site as well. She stated that they will also have flasher signs. Mr. Davidson suggested that Ms. Spendlove forward a Communications Action Plan to Mr. Allred that could be presented at the December 14, 2010 City Council meeting. Ms. Spendlove reported that about a week before the traffic switches lanes, UDOT will advertise that on the video messaging signs coupled with adding information to their twitter page. A discussion was held regarding communicating the detour. It was determined that Ms. Spendlove would bring the Communications Action Plan to the City Council at 6:30 p.m. during their Pre-Council meeting on December 14, 2010.

**Motion:** Councilor Holbrook moved to approve the information presented today with a completion date of April 30, 2011 and start date of January 15, 2011 with public notifications being sent out the sooner the better. Councilor Collins seconded the motion.

The motion passed unanimously.

### **3. Discussion of Bull River Road and 1200 West intersection relocation and associated land use issues**

Lorin Powell, City Engineer, discussed relocating the intersection at 1200 West and Bull River Road, building a new access road at the relocated intersection, and closing a portion of Bull River Road. He stated that the issue came from the S.R. 92 designers and that they were uncomfortable with the steep grade at that intersection. He discussed relocating the intersection south to lessen the grade, create a new intersection, and rezone some of the surrounding properties. He stated that in order for such a plan to work, he would recommend that the existing Business Park zone in the area could be changed to Residential and the R-1-10 zone be changed to Commercial. He stated that the Design Review Committee and the Planning Commission were not overly excited to change zones and that only four Planning Commissioners voted in favor because of the grade of the intersection. He explained that if the City does nothing with the intersection when the connection is made from 1200 West to S.R. 92 the grade will be a straight 12% to the intersection, as proposed.

Mr. Powell reported that if the intersection is moved south, the grade would be lessened and that Flatiron Construction will pay \$100,000 toward the construction of the new intersection. He stated that the entire project would cost \$575,000 and that they could use \$150,000 from Sewer Impact fees and \$200,000 from Road Impact fees. He stated that they would need to purchase right-of-way along 1200 West and estimated that cost to be \$60,000. Jamie Davidson stated that there is as a limited window of opportunity to address the grade issue as traffic will increase on 1200 West once the improvements are made. Councilor Revill stated that it makes sense for the property owners to request the zone changes as the new road would add value to the surrounding properties. Peter Clark from Flatiron Construction reported that relocating the intersection makes for a better design. He stated that there is concern that a snowplow could go off the steep grade into the residential area. Councilor Collins inquired if 1200 West would still connect to S.R. 92. Mr. Powell replied that it

would. He stated that there will still be an intersection on 1200 West which would have a lesser grade and that 1200 West would then go directly over the new commuter lanes with no intersection at Bull River Road. He stated that the general fund cost to the City would be around \$225,000 with the money from Flatiron and Impact fees. Councilor Johnson expressed concern regarding rezoning the Business Park zone to residential and stated that he would hate to lose the Business Park zone. He stated that he does like the intersection proposal. Wade Allred stated that from a snowplowing standpoint the grade of the new intersection would be better and would be easier for them to maintain.

Mr. Powell stated that this is just a discussion item to get the feel of the Council and if they want him to move forward, he will need to meet with property owners and begin to move the public process forward. He stated that he could come back next week with agreements that would be subject to the General Plan and zoning requirements. He reported that the Planning Commission could look at this on January 13, 2011, and hold the General Plan and zoning change items on January 25, 2011, which would allow the item to come before the City Council on January 26, 2011. Mayor Wilson inquired if that timeline would work for Flatiron Construction. Mr. Clark replied that the biggest push is to finish up the design and the actual work wouldn't be started until spring. Mr. Powell reported that in order for Flatiron Construction to proceed with the design and plan he would like consensus from the Council to move forward. Councilor Holbrook stated that he is OK with the road grade but doesn't like spending City money to make it happen at this time. Mr. Powell stated that they will lose the money from Flatiron Construction if they don't move quickly. Councilor Collins stated that this is a lot of money and sees very little value and that there are other roads that are priority to put money into. Councilor Johnson stated that he likes the intersection proposal and believes there is an underlying benefit, but that he is very concerned about the zoning issues. Councilor Dixon stated that he would like to see the site before making a decision and that he is concerned about the zoning issues. Councilor Revill stated that he sees the benefit of going this way and understands the zoning issues. He wondered if Mr. Powell could make the intersection work without rezoning the surrounding properties. Councilor Revil stated that likes the plan and feels if they delay the project the cost will be more than \$500,000.

Mayor Wilson stated that it appears that there is one in favor and four opposed to relocate the intersection. He stated that he likes the idea of the new road but doesn't like the zoning change. Councilor Holbrook stated that he would like to be open minded and take a look at the road. Mr. Clark stated that the structure over the commuter lanes is finished and they could go on it to get a look at the grade issues. Mayor Wilson suggested organizing a field trip to have the Council look at the area. It was agreed that the Mayor and Council would meet at 8:00 a.m. on Thursday, December 9, 2010 to look at the area. Councilor Johnson stated that he is in favor of the new intersection but not in favor of the zone change.

#### **4. Discussion of Citizen Initiative Application**

Mayor Wilson reported that the City has received a Citizen Initiative Application and that state code requires the city to address the matter. City Attorney - Ken Rushton, stated there are a number of issues related to this and the first one is what the City Council would like

staff to do with the application. He reported that Utah State Code requires that the application must be turned over to the Budget Officer within three days of receiving it so the Budget Officer can prepare a fiscal analysis. Mr. Rushton stated that this application doesn't qualify as a valid Citizen Initiative Application as per State statute as it doesn't contain the residence addresses of the five sponsors, and is therefore incomplete. He stated that the Council may choose to do nothing or advise the applicant that the application is incomplete. A discussion was held regarding the content of the application, the legality of the application, and whether or not the City should hire an outside agency to perform the fiscal analysis once a completed application is submitted. Mr. Rushton explained that once a completed application is presented to the City and the analysis is done, then the City creates a petition sheet that goes to the applicants who must obtain a certain number of signatures in order to move onto the next step, which would be placing the initiative on the November ballot. Jamie Davidson reported, after a quick review of state law, that the applicants would need signatures from 12 ½% of those registered to vote who voted in the last gubernatorial election. He explained that they didn't need to vote in the last gubernatorial election, but would have to be a registered voter to sign the petition. He estimates that they would need to obtain about 1,500 signatures. Councilor Revill inquired if the law requires that the people know what they are signing for. Mr. Rushton replied that there is a disclosure on the petition that warns anyone signing of criminal penalties and a copy of the proposed ordinance must be attached. He stated that if a person subsequently decides that they didn't want to sign it, they can have their name removed.

Mr. Rushton stated that a section of the proposed initiative language requires residency in Lehi for exempt employees and that this issue has been cloudy with the Council. He suggested that the Council address the issue so the community knows what their position is. He explained that procedurally when all of these petitions get back to the City, they then go to the County to be certified and then come back to the City Recorder to provide verification of numbers, and then it is presented to the City Council. He stated that the City Council can then do nothing, accept it and send it on to the voters, approve it and make it become law immediately, or the City Council can pass a competing ordinance and send it to the voters. He stated that if two competing ordinances are on the ballot, then the one with the most votes would then become law. Mr. Rushton reported that once an initiative is passed under the initiative process the City Council can amend or repeal it. A discussion was held regarding how the Council should handle the application and who should prepare the financial analysis. Mr. Rushton stated that they could either let the applicant know that the petition is incomplete or they could do nothing as State law does not require notification of an incomplete application. **Mayor Wilson asked for consensus to have the City Recorder send out a letter advising the applicant that the application is incomplete and why, and to have the Lehi City Finance Director begin to put numbers together for the financial analysis. Consensus was reached.**

## 5. City Business

None

## 6. Mayor/Council Round Table

Councilor Johnson gave a report on the TSSD budgetary issue of giving across the board raises to all employees. He reported that last year TSSD employees took a 2% cut and that there were some consequences to that as many positions require special certifications. He stated that the newspaper said they should put up a help wanted sign and people should just apply but because many positions require special certifications, many openings aren't being applied for. He stated that because of the pay cut employees with the certifications are being hired elsewhere for higher wages.

Councilor Dixon reported that the transfer station had issues similar to TSSD as those employees haven't had a raise in a few years and it was felt that they should get a Christmas bonus. He stated that it seemed to be fair until it was learned that those employees get a bonus every year based on salvage returns and that this year it was significant. He stated that they voted the Christmas bonus down because of the bonus they already received. Councilor Dixon reported that he was impressed with their training at FEMA and he feels that all Councilmembers ought to have the opportunity to go and participate. He stated that he has a new perspective on the value of staff in regard to emergency management.

Mayor Wilson also felt that the FEMA training was a great experience. He reported that three weeks ago, Marion Carter called him and asked if the City would be interested in buying her Mother's home at the corner of 100 North and 100 East. He replied that they would be interested and that the City would pay appraised value. He reported that her brother, Richard Adams, then called back and said they want to wait. He stated that about two weeks ago, a realtor called and said the people in the home south of the Carter home wanted to sell and because the City had purchased homes in close proximity to his client's home the realtor felt it would be a natural tie in. Mayor Wilson told him he was not interested but that he would think about it. He reported that he called the homeowner and visited with them and that they verified that they want to sell their home. He stated that the City had the home appraised and the appraised value is \$134,000 and that he told the homeowner that the City would only pay \$134,000 for the property. He stated that he thinks it ties in well to obtain that block for future purposes and that the corner house will also be back for sale. He stated that they could purchase the home with money from the Millpond RDA as the future benefit to the City would be great. He stated that he would like to purchase both homes.

Councilor Johnson stated that he would like to discuss this further in a Closed Executive Session.

**Motion: Councilor Johnson moved to adjourn into a Closed Executive Session as per UCC 52-4-205(d) to discuss the purchase, exchange, or lease of real property. Councilor Holbrook seconded the motion.**

**The motion passed unanimously.**

The meeting adjourned into the Closed Executive Session at 7:45 p.m.

The meeting reconvened at 8:01 p.m.

Jamie Davidson, City Administrator, reported that next Thursday, the police department's "Tip a Cop" event will be held at Texas Road House and that "Shop with a Cop" will be held on Saturday the 18<sup>th</sup>. He stated that Christmas falls on Saturday this year and the City offices will be open through December 23<sup>rd</sup>. He stated that the Council has traditionally held a holiday dinner at 5:30 p.m. at their next meeting and that he is planning to have a meal and white elephant gift exchange during the Pre Council on December 14, 2010.

Kim Struthers, Planning Director, gave an update on the General Plan Land Use RFP. He stated that they sent out the RFP just before Thanksgiving to look for a consultant to do the General Plan Land Use map update. He reported that the due date for the RFP is December 23, 2010, and that they have had several calls and that they hope to get a great firm.

Travis Ball, Power Director gave an update on the proposed fee schedule changes that will be heard at the next City Council meeting. He stated that there was a study in 2007 that supports the fee changes. He stated that the fees are for telecom attachments to ensure that the poles are strong enough to handle any attached equipment.

Lorin Powell, City Engineer, discussed potential sewer improvements along 2100 North with the help of the Sewer Master Plan. He stated that John Hadfield has been wanting to connect to the city's sewer system for a number of years on his property at 1650 West and 2100 North in order to eliminate a costly and troubled lift station. Mr. Powell stated that the old lift station is in Mr. Hadfield's building and that it is privately owned. He stated that Mr. Hadfield is proposing to build a sewer across 2100 North to connect into the City's system but there is a piece of sewer line that needs to have 24 inch pipe instead of what is currently there. Mr. Powell proposed to pay for the sewer line replacement, which would cost between \$400,000 to \$450,000. He stated that his budget has \$1.8 million in it right now and that he would like to propose this next week. Mr. Powell is supportive of the project because it solves a number of future sewer expansion issues that will need to be addressed and that the best time to address these issues is while 2100 North is under construction and costs can be minimized.

Jamie Davidson reported that Marilyn Banasky, City Recorder has brought a number of great ideas to enhance the City Council packets/agendas and record systems. Ms. Banasky gave an overview of how the packets/agendas will be formatted and delivered in the future. She stated that the entire packet that the City Council receives will soon be available on the City's web-site for anyone to see. She stated that her goal is to have consistency with all the packets/agenda throughout the departments, i.e. Planning Commission, Board of Adjustments. Mr. Davidson reported that the packets/agendas will be sent to the Council on Thursdays in an electronic format and will be available on the City's website. He displayed an Android tablet and iPad for the Council to look at and a discussion was held regarding tablets versus laptops for the Council to use during meetings. Mayor Wilson reported that they would like to start with the new electronic packets in January, 2011.

Jamie Davidson reported that he continues to have conversations with Westfield-Woodbury related to the 2100 North, I-15 property that the City is looking to develop from a retail perspective. He stated that the city has committed to UDOT to build a road to connect 2100

North to the old frontage road to 2300 West. He stated that Westfield-Woodbury will dedicate the land to put the road on and the City has set aside money to lay the asphalt. He stated that they will need to re-route the frontage road which they committed would be in place by May 1, 2011. He discussed the width of the road and stated that they negotiated with Westfield-Woodbury for the road width to be 80 feet and that the future road will include all utilities. He stated that there have been discussions with the developers to create a tax increment area to take a percentage of sales and property tax generated from the site and dedicate that money to pay for the financing and construction of the full width of the road and associated utilities. He stated that the developer is saying that retailers won't come unless they are guaranteed the road will be there and the City doesn't want to expand the road unless there is commercial/retail in place to generate the monies to pay for the road improvements. He stated that the biggest transportation hurdle after the 2300 West bridge over Front Runner will be a bridge structure after Interstate 15 to extend 2300 West to S.R. 92. He stated there has been discussions with staff to create such an increment area to generate monies that can be set aside to pay for the realigned frontage road and then take the remaining increment and set it aside for the bridge structure which would give them momentum with UDOT to offer some monetary help in bridging I-15 in the future. He stated that they have talked about setting aside 75% of the increment for the project area and using the remaining tax dollars generated from the project area for general fund needs. He stated that the road could cost between \$2.5 and 3 million dollars and they feel the increment area could generate increment of approximately \$1 million per year. He stated that under the 75% scenario, the city could set aside \$750,000 annually to pay for infrastructure improvements.

Mayor Wilson suggested that the next Pre-Council meeting begin at 4:30 p.m. to allow time for the dinner and discussions.

## **8. Adjournment**

With no further business to come before the City Council at this time, Councilor Collins moved to adjourn the meeting. Councilor Revill seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:51 p.m.

Approved January 11, 2011

Attest:

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Bert Wilson, Mayor

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Marilyn Banasky, City Recorder