



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

Minutes of the **Regular Session** of the **City Council** held Tuesday, **December 14, 2010**, at 7:01 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; Ron Foggin, Assistant City Administrator; Kim Struthers, Planning Director; Lorin Powell, City Engineer; Ken Hewitson, Public Works Director; Dale Ekins, Fire Chief; Kerry Evans, Fire Marshall; Brenn Bybee; Assistant to the Administrator; Marilyn Banasky, City Recorder and 65 citizens.

Mayor Wilson welcomed everyone and noted that all Council members were present. Spencer Landie led the Pledge of Allegiance.

1. Awards

1.1 Lehi City Employee of the Month Award

Jamie Davidson presented Teisha Wilson with the November, 2010, Employee of the Month Award and Judi Johnson with the December, 2010, Employee of the Month Award.

2. 20 Minute Citizen Input (*for public comments on items not listed on the agenda*)

None

3. a. **Hold public hearing on Matt Gneiting's request for approval of an amendment to the Lehi City Development Code Chapter 5, adding Assisted Living as a Conditional Use in the R-2.5 (Intermediate High Density Residential) and R-3 (High Density Residential) zones, and adding parking requirements for Assisted Living facilities.**

Matt Gneiting stated that the current Lehi City Development addresses Retirement and Nursing homes but not Assisted Living homes, which is why they are asking for the language change. Council Johnson inquired as to who performed the traffic study. Mr. Gneiting replied that Wentworth Senior Services performed the study. He stated that they looked at 5-6 different facilities to assess the needs and current traffic and parking use. Councilor Johnson inquired if the study took place over a number of months. Mr. Gneiting replied that it took place over three months. He stated that they looked at each facility at different intervals of the day on different days to isolate when traffic was heaviest and to determine the number of parking spaces needed. He reported that the

heaviest parking use was during the noon time hours and in every situation, except for one, the facilities met their parking needs. He stated that the parking ratio they are requesting is 1 parking space for every 2.25 beds, which is on the conservative side of the study. Councilor Dixon inquired how many parking spaces would be required as per the current code if there were 20 beds. Kim Struthers replied they Greenwood Manner is a comparable site in the City and the current code calls for 1 space for every 4 beds and 1 space per employee. He feels that would be 8 parking stalls. He reported that under the new code of 1 stall for 2.5 beds that would require 9 parking stalls. He stated that they also took into consideration how many people actually drive that live in an Assisted Living center, and that it is very few. Councilor Collins inquired if the survey took into account para-professionals. Mr. Gneiting replied that it did.

Mayor Wilson opened the public hearing at 7:15 p.m.

No comments were received from the public.

Mayor Wilson closed the public hearing at 7:15 p.m.

b. Consideration of Ordinance #12-14-10.11 amending a Table of the Lehi City Development Code 05-030-A Table of Uses – Agricultural and Residential Districts.

Motion: Councilor Revill moved to approve Ordinance #12-14-10.11 amending a Table of the Lehi City Development Code 05-030-A Table of Uses – Agricultural and Residential Districts. Councilor Dixon seconded the motion.

Roll Call Vote: Councilor Revill, Yes; Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; and Councilor Holbrook, Yes. The motion passed unanimously.

c. Consideration of Ordinance #12-14-10.12 amending a Table of the Lehi City Development Code 05-050-Table of Off Street Parking Requirements.

Motion: Councilor Revill moved to approve Ordinance #12-14-10.12 amending a Table of the Lehi City Development Code 05-050 Table of Off Street Parking Requirements. Councilor Collins seconded the motion.

Roll Call Vote: Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; and Councilor Revill, Yes. The motion passed unanimously.

4. a. Hold public hearing on L&T Construction’s request for approval of a Zone District and Zone District Map Amendment on 10.7 acres of property located at approximately 350 South 600 East from C (Commercial) to an R-2.5 (Intermediate High Density Residential) zone.

Mayor Wilson opened the public hearing at 7:21 p.m.

Paul Washburn from L & T construction stated that this project was approved three years ago and has been reapproved twice as the economy changed. He reported that they are looking to reduce the density by 20% and build single family units that were similar to the previously approved ones. Mayor Wilson inquired as to when they plan to start on the project. Mr. Washburn replied that they hope to begin this Spring but may need to change their plan if the economy doesn't rebound.

No comments were received from the public.

Mayor Wilson closed the public hearing at 7:24 p.m.

- b. Consideration of Ordinance #12-14-10.13 approval of a Zone District and Zone District Map Amendment on 10.7 acres of property located at approximately 350 South 600 East from C (Commercial) to an R-2.5 (Intermediate High Density Residential) zone.**

Motion: Councilor Holbrook moved to approve Ordinance #12-14-10.13 approving a Zone District and Zone District Map Amendment on 10.7 acres of property located at approximately 350 South 600 East from C (Commercial) to an R-2.5 (Intermediate High Density Residential) zone and that all Development Review Committee and Planning Commission recommendations be adhered to. Councilor Johnson seconded the motion.

Roll Call Vote: Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; Councilor Revill, Yes; and Councilor Collins, Yes. The motion passed unanimously.

- 5. a. Hold public hearing on L&T Construction's request for Preliminary Subdivision approval for Broadmoor Park PUD, a 75-lot residential development located at approximately 350 South 600 East in a proposed R-2.5 (Intermediate High Density Residential) zone.**

Mayor Wilson opened the public hearing at 7:27 p.m.

No comments were received from the public.

Mayor Wilson closed the public hearing at 7:24 p.m.

- b. Consideration of L&T Construction's request for Preliminary Subdivision approval for Broadmoor Park PUD, a 75-lot residential development located at approximately 350 South 600 East in a proposed R-2.5 (Intermediate High Density Residential) zone.**

Motion: Councilor Dixon moved to approve L & T Construction's request for Preliminary Subdivision approval for Broadmoor Park PUD, a 75-lot residential development located at approximately 350 South 600 East in a

proposed R-2.5 (Intermediate High Density Residential) zone and that all Development Review Committee and Planning Commission recommendations be adhered to. Councilor Revill seconded the motion.

Roll Call Vote: Councilor Johnson, Yes; Councilor Holbrook, Yes; Councilor Revill, Yes; Councilor Collins, Yes; and Councilor Dixon, Yes. The motion passed unanimously.

6. a. Hold public hearing on Micron Technology, Inc.'s request for approval of the Micron II Addition Annexation, approximately 50.58 acres of property located north of SR-92 and West of Highland Blvd. to a proposed TH-5 (Transitional Holding) zone.

Dennis Ream from Micron Technology, Inc., stated that there is approximately a 50 acre parcel located behind IMFT off of S.R. 92 in Utah County that they would like to have annexed into Lehi City into the Transitional Holding zone (TH-5).

Mayor Wilson opened the public hearing at 7:30 p.m.

No comments were received from the public.

Mayor Wilson closed the public hearing at 7:31 p.m.

b. Consideration of Resolution # 12-14-10.N approving the Annexation Agreement for the Micron II Addition Annexation.

Motion: Councilor Johnson moved to approve Resolution #12-14-10.N approving the Annexation Agreement for the Micron II Addition Annexation. Councilor Revill seconded the motion.

Roll Call Vote: Councilor Holbrook, Yes; Councilor Revill, Yes; Councilor Collins, Yes; Councilor Dixon, Yes; and Councilor Johnson, Yes. The motion passed unanimously.

c. Consideration of Ordinance # 12-14-10.14 approving the Micron II Addition Annexation, approximately 50.58 acres of property located north of SR-92 and West of Highland Blvd. to a proposed TH-5 (Transitional Holding) zone.

Motion: Councilor Johnson moved to approve Ordinance #12-14-10.14 approving the Micron II Addition Annexation, approximately 50.58 acres of property located north of SR-92 and West of Highland Blvd. to a proposed TH-5 (Transitional Holding) zone. Councilor Revill seconded the motion.

Roll Call Vote: Councilor Revill, Yes; Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; and Councilor Holbrook, Yes. The motion passed unanimously.

7. a. **Hold public hearing on Micron Technology, Inc.’s requests approval of a General Plan Land Use Map Amendment on approximately 855 acres of property located approximately on the north side of SR-92 between 500 West and 1700 East, amending the land use designation from TM (Technical Manufacturing) to PC (Planned Community).**

Mayor Wilson opened the public hearing at 7:34 p.m.

No comments were received from the public.

Mayor Wilson closed the public hearing at 7:34 p.m.

- b. **Consideration of Ordinance 12-14-10.15 amending a General Plan Land Use Map Amendment on approximately 855 acres of property located approximately on the north side of SR-92 between 500 West and 1700 East, amending the land use designation from TM (Technical Manufacturing) to PC (Planned Community).**

Councilor Collins inquired if this area is already in the declaration area. Kim Struthers replied that it is. He stated that the piece in Highland City is pending annexation and asked that they include in the motion that the Highland piece is subject to the annexation being finalized. Dennis Ream reported that the piece is actually in Utah County and not Highland. Councilor Dixon inquired if the motion should be made with or without a contingency. Ken Rushton stated that it is not so much a contingency but to recognize that one portion of the property is subject to the General Plan and Concept and is not currently annexed but is pending. He stated that it is more of a clarification than contingency.

Motion: Councilor Dixon moved to approve Ordinance #12-14-10.15 amending a General Plan Land Use Map Amendment on approximately 855 acres of property located approximately on the north side of S.R. 92 between 500 West and 1700 East, amending the land use designation from TM (Technical Manufacturing) to PC (Planned Community) and recognizing the pending nature of the annexation of a property in Utah County. Councilor Johnson seconded the motion.

Roll Call Vote: Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; and Councilor Revill, Yes. The motion passed unanimously.

- 8 .a. **Hold public hearing on Micron Technology, Inc.’s requests for Concept Plan approval for a Planned Community on approximately 855 acres of property located approximately on the north side of SR-92 between 500 West and 1700 East.**

Mayor Wilson opened the public hearing at 7:39 p.m.

No comments were received from the public.

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

b. Consideration of for Concept Plan approval for a Planned Community on approximately 855 acres of property located approximately on the north side of SR-92 between 500 West and 1700 East.

Dennis Ream from Micron Technology, Inc., thanked the Council for moving the entitlement from Technical Manufacturing to Planned Community. He gave a presentation on their concept plan. He reported that the area directly behind IMFT will be restricted and that the project will use the natural drainage corridors. He stated that there will be an elementary and middle school within the project as they anticipate building approximately 506 housing units. He stated that this will be a walkable community with a retail and mixed use aspect in the heart of the project. He reported that the site will have multi-family housing as well as very low density single family homes. He stated that they intend to use the natural surroundings as their color palette for the project. Councilor Revill stated that there is a rectangular piece that is shown in the Draper part of the plan and inquired as to what that is. Mr. Ream replied that someone owns a small strip of property (10 acres) within their larger piece. He stated that the property owner has easements and will have rights to use the roads. Councilor Collins inquired about the restricted open space behind IMFT and wondered if that meant it would be restricted to hiking or if it would be closed off. Mr. Ream replied that the restricted area directly behind IMFT will be fenced and landscaped and that it won't be accessible. He stated that they have a great trail system and will use the natural drainage areas to build and connect to the Bonneville Trail.

Motion: Councilor Johnson moved to accept the Concept Plan as presented for Micron Technology's 753.8 acres. Councilor Dixon seconded the motion.

Roll Call Vote: Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; Councilor Revill, Yes; and Councilor Collins, Yes. The motion passed unanimously.

Councilor Johnson stated that his motion reflected 735.8 acres but that other documentation refers to the area being 855 acres and wondered which one was correct. Kim Struthers replied that the 855 acres is if they take all property including the two county areas and the 753 acres is if they take that area out. Ken Rushton stated that he thinks 855 acres is the way to go, given the fact that the annexation is pending on the larger piece.

Amended Motion: Councilor Johnson moved to change his motion to read 855 acres instead of 753.8 acres. Councilor Dixon agreed as second.

The motion passed unanimously.

9. a. Hold public hearing on Lehi City's request for approval of an amendment to the Lehi City General Plan Land Use Map on 10.02 acres of property located at

approximately 1630 South 300 East from a VLDRA (Very Low Density Residential Agriculture) to a PF (Public Facilities) land use designation.

Mayor Wilson opened the public hearing at 8:03 p.m.

Lorin Powell, City Engineer, reported that this property is where the old wastewater treatment plant used to be. He stated that it was never annexed into the City and that he would like to change it on the General Plan from VLDRA (Very Low Density Residential Agriculture) to a PF (Public Facilities) designation. He displayed an aerial photograph of the parcel. He stated that the site will be a Public Works facility and later on, they will want to place an electrical substation and pressure irrigation facility on the property.

Dale Willis, stated that his family owns property adjacent to this piece of property and they have concerns to address. He stated that they have exercised water rights, both deeded and historical for many years and that he is concerned with those water rights. He stated that they use them to irrigate their property. He explained that a number of years ago the drain was changed to a pipe system and that they have not been able to take a decent turn of water on the property since. He reported that the City has acknowledged some of those errors and problems but as of now they have not been able to do anything about it. He is concerned about being able to restore that water and that further erosion of water rights might be taking place. He stated that he is looking for this body to recognize the issues to be dealt with. He requested that the City sit down with them to negotiate some type of an agreement for a settlement to ensure the restoration of lost rights and preservation of future rights. He thinks it is fair to assume if this project is in the overall interest of citizens of Lehi that this body would sit down with them and see if they could use of pressurized system to replace those losses. Mr. Powell reported that Mr. Willis' water comes through an irrigation service and the City was involved in putting in the piping. He stated that they have been working on this problem for a while and have made some improvements to the system which should help Mr. Willis, but they won't know if they worked until the Spring. Mr. Willis stated that they have heard that the Third East drain is intended to fill the reservoir. Mr. Powell replied that it won't be used to fill the reservoir as it doesn't have a connection to it. Mr. Willis stated that he wants a place saver to get some things resolved. He stated that they have been waiting for years to get the pipe issue fixed. Mayor Wilson stated that Mr. Willis' comments are so noted and that they will work with him to make it right. Mr. Willis stated that he understands the well will be utilized to be a primary source of water and is concerned that they don't lose additional rights to those water sources as they want to irrigate ground with it. He suggested that this could be accomplished through using the pressurized service. Mr. Powell reported that they all need to work together to get the portion they all should have. Mr. Willis stated that he wants a commitment that the City will work with them. Mayor Wilson stated that he hopes the things that have been done so far will help and that they want to continue to go forth and make things right.

Mayor Wilson closed the public hearing at 8:19 p.m.

- b. Consideration of Ordinance # 12-14-10.16 amending Lehi City General Plan Land Use Map on 10.02 acres of property located at approximately 1630 South 300 East from a VLDRA (Very Low Density Residential Agriculture) to a PF (Public Facilities) land use designation.**

Motion: Councilor Holbrook moved to accept Ordinance # 12-14-10.16 amending Lehi City General Plan Land Use Map on 10.02 acres of property located at approximately 1630 South 300 East from a VLDRA (Very Low Density Residential Agriculture) to a PF (Public Facilities) land use designation and adhere to all the Development Review Committee and Planning Commission's comments especially where it states that the City Engineer meet with the surrounding landowners to address water rights, service and concerns. Councilor Johnson seconded the motion.

Roll Call Vote: Councilor Johnson, Yes; Councilor Holbrook, Yes; Councilor Revill, Yes; Councilor Collins, Yes; and Councilor Dixon, Yes. The motion passed unanimously.

- 10. a. Hold public hearing on Lehi City's request for approval of the Spring Creek Reservoir Annexation, 10.02 acres of property located at 1630 South 300 East to a proposed PF (Public Facilities) zone.**

Mayor Wilson opened the public hearing at 8:22 p.m.

Mr. Willis dittoed his comments from the previous item.

Mayor Wilson closed the public hearing at 8:22 p.m.

- b. Consideration of Ordinance #12-14-10.17 regarding the Spring Creek Reservoir Annexation, 10.02 acres of property located at 1630 South 300 East to a proposed PF (Public Facilities) zone.**

Motion: Councilor Holbrook moved to accept Ordinance # 12-14-10. regarding the Spring Creek Reservoir Annexation, 10.02 acres of property located at 1630 South 300 East to a proposed PF (Public Facilities) zone and adhere to all the Development Review Committee and Planning Commission's comments especially where it states that the City Engineer meet with the surrounding landowners to address water rights, service and concerns. Councilor Collins seconded the motion.

Roll Call Vote: Councilor Holbrook, Yes; Councilor Revill, Yes; Councilor Collins, Yes; Councilor Dixon, Yes; and Councilor Johnson, Yes. The motion passed unanimously.

- 11. a. Hold public hearing on Lehi City's request for review and recommendation of proposed changes to the Lehi City Development Code Chapter 23, Signs.**

Mayor Wilson opened the public hearing at 8:24 p.m.

Kim Struthers gave a brief overview of the main language changes to the proposed sign ordinance. He stated that the main thing the proposed changes accomplish is expanding flexibility, as signs are difficult to regulate and there are always new types of signs being proposed. He reported that the major changes beside enforcement, is on pole, monument, and wall signs. He stated that in December, 2008, revisions were made and the regulations for pole signs were tightened. He stated that the proposed language provides flexibility if certain conditions are met and the pole sign could be approved as a conditional use. Councilor Collins inquired if the political sign language was changed because of the lawsuit in Mapleton. Mr. Struthers replied that it was. He stated they felt like the language regulating political signs should be kept, but it was recommended to soften it. He reported that development directional signs were also looked at as the City can't regulate content but can regulate size and location.

Councilor Dixon inquired about the phrase "political flags" in section 23.040(B) and wondered if there was a better way to word that. Councilor Collins suggested deleting the word "political" from the paragraph. Councilor Dixon stated that he would be in favor of that. Councilor Collins inquired if the City regulates the brightness factor on electronic signs. Mr. Struthers replied that Electronic Message Displays (EMDs) are regulated under section 23.060(E). He stated that the intensity level of the sign is regulated but that it is hard to measure. He reported that the proposed language is less restrictive on how many times the message/advertisement displayed on an EMD can change per second. Jamie Davidson inquired if the Thanksgiving Point sign would meet intensity. He stated that there is also an auto repair shop sign near his home that is very bright at night. Mr. Struthers replied that they would need to rely on the sign company to supply the information and that they could ask them to measure the intensity level of the Thanksgiving Point sign and ask them to provide those numbers to ensure they are in compliance. Councilor Collins suggested adding a clause regarding traffic safety and that it can't be impacted due to the lighting intensity of a sign. Mr. Struthers replied that the ordinance has a statement in section 23.020(E) that a sign will not be allowed if the Lehi City Police Department deem it a safety hazard. Mayor Wilson inquired if A-frame signs are addressed. Mr. Struthers replied that as per section 23.070(A) an A-frame sign is allowed for thirty days but not more than ninety days during a calendar year, as a Temporary Promotional Sign. Mayor Wilson inquired if the ordinance addresses trucks parking along Main Street that are being used to advertise. Mr. Struthers replied that they are included under prohibited signs section 23.090(O).

Councilor Johnson reported that he was contacted about the auto repair shop sign that Mr. Davidson referred to because of the brightness of it and it was his understanding that the shop owner agreed to reduce the brightness of the sign. He stated that he doesn't believe that ever happened. He inquired as to what kind of enforcement can be done if the sign owner refuses to reduce the lighting intensity or won't use a lower lighting level at night. Mr. Struthers replied that section 23.160 Violations addresses those issues and that the proposed language puts considerable teeth into the enforcement process. He suggested following up with the Code Enforcement Officer. Councilor Johnson stated that if it is

difficult to measure the light intensity of a sign, he wondered if they need to make the language more explicit on how to measure it and make a standard. Mr. Struthers replied that the sign industry may already have a standard. Councilor Collins suggested adding language regarding a lighting intensity standard to cover new construction. Mr. Struthers stated that he could ask the sign company to provide written certification that the sign meets the intensity levels and that the sign must include the technology to determine the intensity. Councilor Johnson suggested passing the proposed ordinance now and looking to refine the lighting intensity issues.

No comments were received from the public.

Mayor Wilson closed the public hearing at 8:43 p.m.

b. Consideration of Ordinance # 12-14-10.18 amending Lehi City Development Code Chapter 23, Signs.

Motion: Councilor Revill moved to approve Ordinance # 12-14-10.18 amending Lehi City Development Code, Chapter 23, Signs, subject to the Development Review Committee and Planning Commission's comments, and striking the word "political" in 23.040(B). Councilor Collins seconded the motion.

Roll Call Vote: Councilor Revill, Yes; Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; and Councilor Holbrook, Yes. The motion passed unanimously.

12. a. Hold public hearing on amending the Lehi City FY2011 City Fee Schedule.

Mayor Wilson opened the public hearing at 8:45 p.m.

Brenn Bybee reported that the Legacy Center fee schedule changes are due to the fact that they regularly review the cost of their programs and adjust their fees accordingly. He stated that the Pressurized Irrigation fee changes are to clarify and more clearly reflect the fees. He stated that the Electric fee changes are associated with a power rates study that was performed by an individual party and is consistent with what municipal power companies charge for processing fees for telecom companies to attach equipment to power poles.

No comments were received from the public.

Mayor Wilson closed the public hearing at 8:46 p.m.

b. Consideration of Resolution # 12-14-10.O amending the Lehi City FY2011 City Fee Schedule.

Motion: Councilor Dixon moved to approve Resolution # 12-14-10.O amending the Lehi City FY2011 City Fee Schedule. Councilor Revill seconded the motion.

Roll Call Vote: Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; and Councilor Revill, Yes. The motion passed unanimously.

13. Consideration of awarding a bid for the Spring Creek Pressure Irrigation Pump Station and Reservoir.

Lorin Powell reported that he received several bids ranging from \$920,287 to \$1,664,210. He recommended awarding the contract to B.D. Bush Excavation, Inc. who submitted the low bid, authorize the Mayor to sign the contract, and authorize staff to administer the contract with a not to exceed amount of \$1,125,000. Councilor Revill reported that his brother-in-law owns B.D. Bush Excavation and wanted to declare that. Ken Rushton stated that Councilor Revill would have a conflict of interest if he had a personal interest in the company and then the procedure would be to submit a letter to the Mayor indicating the conflict. He stated that he doesn't think this falls into that category.

Motion: Councilor Johnson moved to award the bid to B.D. Bush Excavation, authorize the Mayor to sign the contract for the award of the bid of the Spring Creek Reservoir Project, and allow staff to administer the contract with a not to exceed amount of \$1,125,000. Councilor Holbrook seconded the motion.

Roll Call Vote: Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; and Councilor Revill, Yes. The motion passed unanimously.

14. Consideration of awarding a bid for the Jordan Narrows Detention Basin landscaping.

Lorin Powell reported that the low bid for the Jordan Narrows Detention Basin landscaping was RBI in the amount of \$167,300. He recommended awarding the bid to RBI, authorize the Mayor to sign the contract, and authorize staff to administer the contract with a not to exceed amount of \$185,000.

Motion: Councilor Dixon moved to award the bid to RBI, authorize the Mayor to sign the contract for the award of the bid of the Jordan Narrows Detention Basin landscaping, and allow staff to administer the contract with a not to exceed amount of \$185,000. Councilor Collins seconded the motion.

Roll Call Vote: Councilor Dixon, Yes; Councilor Johnson, Yes; Councilor Holbrook, Yes; Councilor Rvill, Yes; and Councilor Collins, Yes. The motion passed unanimously.

15. Consideration of Resolution # 12-14-10.P approving an agreement between Lehi City and Thanksgiving Point Development L.C. to trade property.

Lorin Powell reported that this concerns the property south of the Thanksgiving Point movie theater. He stated that the City is trading the current 2300 West roadway next to the theatres to Thanksgiving Point and in turn they are trading a like amount to Lehi City for the relocated 2300 West roadway.

Motion: Councilor Holbrook moved to accept Resolution # 12-14-10.P approving an agreement between Lehi City and Thanksgiving Point Development L.C. to trade property. Councilor Dixon seconded the motion.

Roll Call Vote: Councilor Johnson, Yes; Councilor Holbrook, Yes; Councilor Revill, Yes; Councilor Collins, Yes; and Councilor Dixon, Yes. The motion passed unanimously.

16. Consideration of Ordinance # 12-14-10.19 adopting the 2009 edition of the International Wildland-Urban Interface Code.

Kerry Evans, Fire Marshal, reported that this is part of the International Code Council family of codes that requires the City to designate areas of Wildland Urban Interface. He explained that means the City can utilize building codes to increase fire prevention measures in those areas to prevent fires spreading from home to home. He stated that it also allows the Fire Department to use outside resources to fight fires and the City wouldn't have to pay the bill for those outside services and the federal government incurs those costs. He stated that if this code is not in place, then the Lehi City must pay the cost for the outside services. He reported that it allows for enforcement of fireworks in these areas and requires that homeowners provide a defensible space which can be anywhere from 30 feet to 100 feet of cleared area. Councilor Collins stated that the defensible space requirement is a big deal in a lot of areas. Mr. Evans replied that it is needed to keep a fire from spreading to a home or from home to home. Councilor Collins inquired as to how much defensible space homeowners in the affected area would have to have. Mr. Evans replied that would depend on the fire hazard. He stated that it may be just 25 feet or having the homeowner clear underbrush or trim trees. Councilor Collins inquired as to who determines that. Mr. Evans replied that is his job. Councilor Holbrook inquired if each home would be evaluated on its own. Mr. Evans replied that it would. He stated that the Travers Mountain area is not as big an issue as the Dry Creek corridor as it is becoming so overgrown and he feels a fire would be unstoppable using just the City's resources. He stated that the City is trying to mitigate fire hazards before a fire happens. He stated that he will contact the affected residents and ask them to move combustibles, trim up trees, and get rid of undergrowth. Councilor Johnson inquired as to who pays for that. Mr. Evans replied that the homeowner would incur those costs. Councilor Johnson stated that his back yard is in an affected area and that there is so much dead material under the Squaw Bush that he can't get to it. Mr. Evans replied that he is not asking them to get rid of landscaping but to knock down the weeds. He stated that he can distribute pamphlets regarding this issue, but he feels they need to do something. Councilor Collins expressed concern that the homeowners may be bullied and issued citations. Mr. Evans reported that the Fire Department does not bully and if any citation was issued, it would be issued by him and he doesn't plan on issuing any. He stated that he will work with people to get the areas cleaned up.

Councilor Revill stated that it this ordinance is about more just having homeowners mitigate fire dangers as this ordinance would protect Lehi City from additional costs to fight a wildland fire. Councilor Johnson stated that he has always been concerned about the fire danger in those areas and welcomes suggestions on how to mitigate the dangers. Ron Foggin reported that this is an Emergency Management issue and that it is a requirement of the Emergency Management plan to do mitigation work and that this is a mitigation effort. He

stated that if FEMA were to be involved and no mitigation work had been done, then FEMA wouldn't provide any funds. Councilor Dixon feels this is akin to the snow removal ordinance as they are asking people to remove vehicles for snow removal and he feels this is worth passing this ordinance as a preventative and educational measure.

Motion: Councilor Dixon moved to approve Ordinance # 12-14-10.19 adopting the 2009 edition of the International Wildland-Urban Interface Code. Councilor Holbrook seconded the motion.

Roll Call Vote: Councilor Holbrook, Yes; Councilor Revill, Yes; Councilor Collins, No; Councilor Dixon, Yes; and Councilor Johnson, Yes. The motion passed with four in favor and one opposed.

17. Consideration of LaPuente Restaurant's request for a liquor license.

This item was withdrawn from the agenda.

18. Consideration of approving the 2011 City Council meeting schedule.

Marilyn Banasky reported that approving the annual meeting schedule is a requirement as per Utah State Code. Councilor Dixon inquired if they are amending the schedule from three meetings in June to two meetings due to the Round-up events. Jamie Davidson reported that the City Council has typically only scheduled the first two meetings in June, but given when Round-up falls in June in 2011, they could schedule three City Council meetings. He also pointed out that there is a meeting scheduled for July 5, 2011. Councilor Johnson suggested canceling the June 28 and July 5 and second November 1, 2011 dates. Councilor Holbrook stated that he would rather keep the schedule the same and cancel meetings if they decide that they shouldn't be held rather than adding meetings later. Mayor Wilson agreed.

Motion: Councilor Collins moved to approve the 2011 City Council meeting schedule as presented. Councilor Holbrook seconded the motion.

Roll Call Vote: Councilor Revill, Yes; Councilor Collins, Yes; Councilor Dixon, Yes; Councilor Johnson, Yes; and Councilor Holbrook, Yes. The motion passed unanimously.

19. Approve meeting minutes from: November 9, 2010, Regular City Council November 9, 2010, Closed Executive Session

Councilor Dixon reported that "Davidson" is misspelled at the bottom of page 6. A discussion was held regarding how to approve Closed Executive Session minutes. Ms. Banasky suggested that she provide the minutes to the Council during the Pre-Council meetings for them to look at them. The Council would then submit any changes, initial them, and return them to Ms. Banasky, who in turn would then shred them. The minutes could then be approved with the regular minutes in the City Council meeting. It was determined to try this procedure.

Motion: Councilor Dixon moved to approve the November 9, 2010 regular City Council minutes with the minor adjustment. Councilor Reville seconded the motion.

The motion passed unanimously.

20. City Business

Councilor Collins discussed moving to electronic City Council packets. She stated that she tried using the electronic version tonight and found it difficult to navigate the pages when she wanted to get back to a specific page in the packet. She stated that even through it had some difficulties, she felt it was good. Ms. Banasky stated that she can add additional links within the packet to make navigating the packet easier.

21. Adjournment

With no further business to come before the City Council at this time, Councilor Collins moved to adjourn the meeting. Councilor Holbrook seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:44 p.m.

Approved January 11, 2011

Attest:

Bert Wilson, Mayor

Marilyn Banasky, City Recorder