

Lehi City Council Meeting
Minutes

Tuesday, December 8, 2009 7:00 p.m. Lehi City Council Chambers

Conducting: Mayor Howard H. Johnson
Present: Council members; Johnny Barnes, James Dixon, Stephen Holbrook, Mark Johnson and Johnny Revill
Pledge of Allegiance: Jake Osborne

Public Hearing 7:00 p.m.

1. *Lehi City – Request for approval of an ordinance repealing Chapter 13.16 of the Lehi City Municipal Code, “Comprehensive Sewer Use Ordinance” and adopting a new “Comprehensive Sewer Use Ordinance” designated as Chapter 13.16 of the Lehi City Municipal Code.*

Mayor Johnson opened the public at 7:00 p.m. and announced to those present that the council would now receive input from the community.

Attorney Ken Rushton indicated that this item was instigated by the T.S.S.D. for Lehi City to conform to the Timpanogos Special Services District (T.S.S.D.) guidelines.

There was no public comment.

Mayor Johnson closed the public hearing at 8:20 p.m.

MOTION: a motion to approve the ordinance repealing Chapter 13.16 of the Lehi City Municipal Code, “Comprehensive Sewer Use Ordinance” and adopting a new “Comprehensive Sewer Use Ordinance” designated as Chapter 13.16 of the Lehi City Municipal Code was made by Council member Johnson, seconded by Council member Holbrook. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

2. *Lehi City – Requests approval of the following amendments to the Lehi City Development Code:*
 - a. *Table 05.030.B Table of Non-residential Uses, amending uses related to body art and other miscellaneous uses.*
 - b. *Chapter 20 – Home Occupations, adding a new section for prohibited home occupations and clarifying requirements for a business license*
 - c. *Chapter 36 – Definitions, adding definitions for Body Art and Xeriscape.*

Mayor Johnson opened the public hearing at 7:00 p.m. and announced to those present that the council would now receive input from the community.

Kim Struthers indicated that the amendments were initiated by Planning Staff due to some concerns brought up by existing tattoo parlors and permanent cosmetic studios. On item (a.) the Planning Commission proposed striking tattoo parlor and adding Body Art, Cosmetics and two categories of personal services.

There was no public comment.

Mayor Johnson closed the public hearing at 8:38 p.m.

MOTION: a motion to approve the amendments to the Lehi City Development Code item a, Table 05-030.B Table of Non- residential Uses, amending uses related to body art and other miscellaneous uses; b. Chapter 20-Home Occupations, adding a new section for prohibited home occupations and clarifying requirements for a business license; and Chapter 36 – definitions, adding definitions for Body Art and Xeriscape that does not include traditional ear piercing, as presented by Planning Director Kim Struthers, was made by Council member Johnson, seconded by Council member Barnes. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

Regular Session

3. Community Awards

3.1 *Introduction of CERT (Certified Emergency Response Team) Committee*

Ron Foggin indicated that the city has been working on the Emergency Management Plans and one facet of the program is that of the volunteers, he added that having good volunteers is invaluable to the city. Fire Department representative Brandon Howard made the suggestion that the city put together a CERT Program, he then submitted an application that was accepted by the State and the city received \$1000.00 to run the program. Mr. Howard introduced the graduates of the first CERT team that consists of 16 members. He explained that the objective of the CERT program is - Self, Family, Community and Neighborhood. They are taught basic safety, medical, triage, and how to be safe in an emergency and work as a team. He stressed that if we have volunteers we want to make sure that they are safe. Ron Foggin personally thanked them for taking time out for their community to participate in the program.

3.2 *Larry Hadfield – Employee of the Month*

Postponed until first regular meeting in January.

4. 20 Minute Citizen Input

There was no citizen input as this time.

5. Provo River Water Users Association – Murdock Canal Enclosure Project and Trail Project Update (20 Minutes)

Steve Crain presented an update on the Provo Reservoir Canal Enclosure Project to the Mayor Council and those present he also distributed a handout of the power point presentation to those present. He reported that Provo River Water Users is sponsored by the Bureau of Water Conservation. He reported that the canal water comes from Provo River through the Murdock canal at the mouth of Provo Canyon ending up in Salt Lake County. He explained that the Provo River Water Users Association began in 1911 at that time there were very few homes along the canal and that the Murdock canal was named after John Riggs Murdock one of the founders of Lehi.

He reported to the council that the entities participating in the project are Provo River Water Users Association, Metropolitan Water District of Salt Lake and Sandy, Jordan Valley Water Conservation District, Provo Reservoir Water Users Co. and Center Utah Water Conservancy District. This project is highly visible there will be public information programs and added traffic control. He explained the pipe size, construction and pipe laying process. Mr. Crane indicated that the city will be left with a 100' wide strip of land running through the city with 2 roads on it, a paved trail and an equestrian trail. There will be minimum vegetation with the city being responsible for any upgrades. The lowest bid that came in the project was \$40 million to high. After revisiting the budget the bid is now in line. The company has been offered a million dollar incentive for completion by August 2012. Mr. Crain indicated that it will be necessary to enter into an **Interlocal agreement** with each of the cities to share the responsibility in the construction. The cities that are participating will be required to sign the license agreement before they will do the trails, along with that are liability insurance requirements for each participant. The participating 7 cities are; Orem, Lindon, Pleasant Grove, Cedar Hills, Highland City, American Fork City and Lehi City. The County has agreed to purchase a right of way, a 3,000 ft strip that will connect the rail trail to the Canal Trail.

Mr. Crane reported that the bad news is there is a cost associated with relocation of the utilities. The final numbers will come with the final engineering. PRWUA will pay for utility relocation up front and the city will repay PRWUA. Provo River Water Users also has agreed to participate with Lehi City in a Storm Water System with a commitment of \$150,000.00. He indicated that they propose to pay for the participation by reducing each payment of the Lehi City Utility Relocation Participation fee by \$50,000.00 each year for three years. He indicated that they would like to tie up the paperwork in sometime in January.

6. **Mui A Ly -Tokyo Japanese Steak House – Request for permit to sell alcohol at 127 East Main Street (formerly Hogi-Yogi).**

Mui A Ly requested permission to sell alcohol at her Tokyo Japanese Steak House. All requirements for alcohol sales have been met through the State of Utah. **MOTION:** a motion to approve the request for a beer license at the Japanese Steak House by Council member Barnes, seconded by Council member Johnson. Motion passed unanimously.

7. **Lehi City – Request for consideration of approval of an Interlocal Cooperation Agreement between Lehi City and North Utah County Aquifer Association (NUCCA).**

Engineer Powell indicated that he would like consideration for approval to form a committee to research ways to store water and would like to do so by way of interlocal agreement between Lehi City and NUCCA.

MOTION: a motion was made to approve the forming of a committee to evaluate the aquifer recharge between Lehi City and the NUCCA was made by Council member Dixon, seconded by Council member Barnes. Motion passed.

8. **Lehi City – Request for approval of an agreement between UDOT/Lehi and IR-Lehi LLC to realign the west frontage road at 2100 North.**

Engineer Powell indicated that Hadco Construction has been hired to the frontage road realignment for the 2100 North project near the sod farm. The beginning plans called for a signal at that location. The Woodbury Corporation, Westfield Properties and Thanksgiving Development have come up with a concept to make their project work better. It will allow the traffic to work easier. They will move the signal which will save money if it is done now instead of re-bidding and doing it later. UDOT will move the signal and align the road if Westfield is willing to donate 40 feet of property to reconnect the frontage road. The city will pay for the road construction. The cost will be approximately \$200,000.00 with a completion time frame of June 22, 2010. Mr. Powell requested authorization for the mayor to sign the documents as agreed to by all three parties' attorneys. **MOTION:** a motion was made to approve and authorize the mayor to execute the final agreement as agreed by all three parties attorney's was made by Council member Barnes, seconded by Council member Revill. Roll Call Vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

9. **Lehi City – Discussion/Consideration for approval of an agreement between Lehi and UTA to re-allocate funds due to UDOT's closure of 300 East, 300 South 1220 North and 2100 North railroad crossings due to construction of frontrunner.**

Engineer Powell indicated that UDOT has issued the notice of closures for several railroad crossings and since they will now not have to build the crossing structures and associated cost there will be a savings to the city for each crossing - for 2100 North (\$908,000), 1220 North (\$400,000) 300 East (\$750,000) and 300 South (\$400,000). The agreement relocates the funds from the railroad closures to other projects and allows us to **not** be required to build the 2nd Union Pacific track. Engineer Powell indicated that the plan is to make some nice cul de sac's from the closures. **MOTION:** a motion to approve and to authorize the Mayor to sign the agreement between Lehi, UTA and Union Pacific and to work out legal details with the attorneys was made by Council member Barnes, seconded by Council member Revill. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

10. **Action on public hearing items**

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

11. **City Business**

11.1 *Approval of Surplus Property/Equipment*

Administrator Davidson indicated that some of the items on the list are old police cars and some parks equipment. **MOTION:** a motion to authorize the sale of the surplus property as presented was made by Council member Dixon, seconded by Council member Holbrook. Motion passed unanimously.

11.2 *Approval of a Resolution Changing the name of the Lehi Bandwagon Park to Lehi Rotary Bandwagon Park -Resolution No. 12-08-09.L*

Ron Foggin recommended approval of a resolution changing the name of the Lehi Bandwagon Park to the Lehi Rotary Bandwagon Park to allow the Rotary Club to hold fund raisers and add a plaque at the park. **MOTION:** a motion was made to approve the Resolution No. 12-08-09-L by Council Member Barnes, seconded by Council member Revill. Motion passed.

11.3 *Approval of Resolution No. 12-01-09.m, - Water Conservation Plan*

Brenn ByBee, Marketing Analyst indicated that this item was presented at the last city council meeting for review and is ready for approval.

MOTION: a motion was made to approve the Water Conservation Plan Resolution No. 12-01-09.m as presented by Council member Revill, seconded by Council member Holbrook. Motion passed unanimously.

11.4 Approval of Resolution No. 12-08-09.n, adopting Lehi City Identity Theft Prevention Program dated November 1, 2009.

Attorney Rushton indicated that the Federal Government has required that all utility funds adopt an identity theft program. This resolution No. 12-08-09n is in compliance to that requirement.

MOTION: a motion to approve Resolution No. 12-08-09.n adopting the Lehi City Identity Theft Prevention Program as presented was made by Council member Barnes, seconded by Council member Dixon. Motion passed unanimously.

12. **Engineer Report/Items**

12.1 Consideration for approval of a Center Street and 300 East Drain Agreement

Engineer Powell reported that on the Pioneer Crossing drainage issue the previous design does not work for the project. He proposed that they are allowed to drain into Center Street. UDOT will pay the city \$85,000.00 and build pipe from Pioneer Crossing past 700 south crossing and then will become the owner of the channel all the way to the lake. **MOTION:** a motion to authorize the Mayor to sign the agreement with UDOT to change the design and be allowed to drain into Center Street was made by Council member Barnes, seconded by Council member Dixon. Motion passed unanimously.

13. **Approval of Minutes**

MOTION: a motion was made to approve the minutes by Council member Johnson, seconded by Council member Revill. Motion passed.

14 **Adjournment**

MOTION: a motion was made to adjourn by Councilmember Holbrook, seconded by Council member Dixon. Motion passed unanimously. Meeting adjourned at 9:03 p.m.