

**Lehi City Council Meeting
Minutes**

Tuesday, June 9, 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:** Stacy Kennison

Press: Daily Herald – Cathy Allred

Mayor Johnson indicated that City Planning Director Dianna Webb will be retiring on July 1st “Her expertise and knowledge will surely be missed”, he stated. Mayor Johnson made the appointment of Kim Struthers as Lehi City Planning Director, seconded by Council member Johnson. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

Public Hearing 7:00 p.m.

1. *Lehi City will receive public comment in the operating Transfer budget adjustment for the 2008-2009 Lehi City Budget*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Administrator Davidson indicated that \$4,200,000 has been transferred from the Electrical Fund to the various accounts. \$1,000,000 to the General Fund, \$500,000 to Capital Projects Fund, \$1,250,000 to the Water Fund, \$500,000 to the Sewer Fund, \$250,000 to the Garbage Fund, and \$750,000.00 to the Pressurized Irrigation Fund.

There was no public comment

Mayor Johnson closed the public hearing at 7:43 p.m.

MOTION: a motion to approve the Operating Transfer Adjustments to the Lehi City 2008-09 Budget as presented was made by Council member Dixon, seconded by Council member Barnes. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

2. *Lehi City will receive public comment into amendments to the Lehi City 2008-2009 Lehi City Budget.*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Administrator Davidson indicated that the changes have been necessary to correct any over expenditure in operating budgets and due to the current economy.

There was no public comment

Mayor Johnson closed the public hearing at 7:46 p.m.

MOTION: a motion to approve the amendments to the Lehi City 2008-09 city budget as presented was made by Council member Barnes, seconded by Council member Holbrook. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

3. *Lehi City- will receive public input into the final budget approval for the Lehi City and the Lehi City Redevelopment Agency Budgets for the 2009-2010 Fiscal Year.*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Administrator Davidson indicated that the council has had the opportunity to review the budget for Lehi City and the Lehi City Redevelopment Agency and recommended that the fee schedule that was discussed in Pre-Council be part of the motion.

Gordon Miner appeared before the mayor and city council with the following statement, "Good evening gentlemen, it's good to be with you again. I am here tonight to comment on this yellow mailer that I received. First of all, I appreciate the information on the Round-Up. I'm looking forward to it. However, I'm very concerned about the message on the other side.

Incidentally, you obviously didn't read what you signed. If you would have read it, you would have noticed a significant mistake in the second paragraph. It says, "...**expenses** are no longer in line with the costs..." I think you meant to say "...**income** is no longer in line with the costs..."

Anyway, in the mailer you said "Over the past six years a few of the utility services (water, sewer, garbage collection, and pressurized irrigation have operations that have shown consistent deficit" Gentlemen that is not true. I got copies of your financial reports for the last six years from the State Auditor. Your reports show that the sewer and garbage utilities had positive incomes last year and the water utility had a positive income in 2006 and 2007.

Also, you used the term "operating deficit" in your mailer. It should also be made clear that there is a difference in "operating deficit" and "operating cash flow".

Your statements of cash flow show that these utilities have positive cash flow. So the public should not be led to believe that you have a cash flow problem.

It should also be made clear that the operating deficit you referred to in your mailer includes an assumed amount of depreciation expense, which is a non-cash item. And, it is large enough to sway the final balance into positive or negative territory, depending on the amount of depreciation you assume. For example, last year in the water utility, you claimed a deficit of \$115,000 while assuming a depreciation expense of \$884,000. I haven't reviewed your depreciation schedules, but a quick per-connection analysis shows that your water utility depreciation rate increased from \$54.00 per connection in 2006 to \$72 per connection in 2008, a 33 percent increase.

Aside from methods and definitions of accounting, there is the more-glaring fact that you routinely transfer funds from the utilities to the general fund. For example, last year, you claimed an overall utility deficit of \$300,000, but you transferred \$731,000 from the utilities to the general fund.

In the mailer, you also said that you must find a way for the users to bear the cost of infrastructure. Gentlemen, user fees should be for operation and maintenance only. Infrastructure should be paid for with impact fees, not user fees. Your problem is that you failed to update your impact fee schedules prior to the growth boom. This is a concern I raised 4 years ago, now it is too late.

This economic downturn is of historical proportions. It's very unusual. Comparisons are even being made to The Great Depression. Everyone from individual families to fortune 500 companies are doing very unusual things to survive. But, you are responding as if things are normal! You signed a contract to give away \$52,000 of utility money per year in exchange for basketball tickets and Legacy Center expansions. You gave yourselves a raise. Mayor, you and your administration bought yourselves high-definition TV's and cable for your offices.

Gentlemen, on the contrary, you must recognize the unusual economy and, therefore, implement unusual cost-cutting measures. You have argued that your recent superficial across-the-board cut excuses you from additional fiscal discipline. It does not. Across-the-board cuts merely show administrative laziness and a lack of budgeting sophistication.

So, go to work, gentlemen! Quit asking for money. Instead, prioritize city functions and cut costs until your expenses match your income.

Council member Johnson indicated that these are very serious allegations and requested that Mr. Sanderson answer some questions on the budget.

Dave Sanderson Finance Director reported that he does not have the information with him and would need documentation to answer the question but would gladly provide any information to Mr. Miner that he would like.

Mayor Johnson closed the public hearing at 7:56 p.m.

MOTION: a motion to approve the Lehi City Budget for 2009-2010 fiscal year as presented by Administrator Davidson and to also include approval of the fee schedule and changes as discussed in pre-council meeting 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.

4. *Alpine School District – Request for Preliminary and Final Subdivision approval of a 1-lot subdivision located at 2500 West Chapel Ridge Road in the Traverse Mountain Development in an existing PC (Planned Community) Zone*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Dave Holdaway with the Alpine School District requested consideration for preliminary and final to construct a school.

There was no public comment.

The Planning Commission recommends approval.

Mayor Johnson closed the public hearing at 8:00 p.m.

MOTION: a motion to approve the preliminary and final subdivision approval of a one 1 subdivision at 2500 West Chapel Ridge Road in a Planned Community zone that all DRC redline comments, general comments, and the power requirements be worked out to the satisfaction of staff prior to recordation of the plat to also include any outstanding Planning & Zoning comments, was made by Council member Johnson, seconded by Council member Barnes. Motion passed.

5. *McArthur Homes – Request for approval on amendments to the Thanksgiving Meadows condominium plates Phases I, II, and III located at approximately 3600 North 3100 West in an R-3 (High Density Residential) PUD zone.*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

John Gasman requested consideration for approval of amendments to Thanksgiving Point condominiums. He indicated that they have run into a few problems with collapsible soils and had to build piers for the buildings. He indicated that the basements will be unfinished with a roughed in bathroom.

There was no public comment.

The Planning Commission recommends approval.

Mayor Johnson closed the public hearing at 8:11 p.m.

MOTION: a motion to approve the McArthur Homes request for amendments to the Thanksgiving Meadows condominiums Plat I, II, and III at 3600 North 3100 West to add that all DRC redline comments, general comments and prior to recordation of the plat requirements be complete was made by Council member Revill seconded by Council member Barnes. Motion passed unanimously.

6. *Rick Salisbury – Request for an area plan Amendment for Spring Creek Ranch located at approximately 1900 South 620 East in a PC (Planned Community) zone.*
 - A. *Ordinance approving*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Planner Kim Struthers reported that Salisbury has changed the footage requirement on the 2 story housing to 800 sq. ft. Council member Johnson expressed his concern that the neighbors will be expecting the same thing.

There was no public comment.

The Planning Commission recommends approval.

Mayor Johnson closed the public hearing at 8:25 p.m.

MOTION: a motion to approve the amendment to the area plan for Spring Creek Ranch I, subject to completion of all DRC comments was made by Council member Revill, seconded by Council member Barnes. Motion passed unanimously.

7. *Lehi City – Request for approval on amendments to the Lehi City Development Code, adding a new PF (Public Facilities) zone.*
 - A. *Ordinance approving*

Mayor Johnson opened the public hearing at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Kim Struthers, Planning Director reported that the amendment to the Development Code was to allow the city to create a public facilities zone in the Uses & Bulk and Intensity Table.

There was no public comment.

Mayor Johnson closed the public hearing at 8:29 p.m.

MOTION: a motion to approve the amendments to the Lehi City Development Code adding a Public Facilities Zone and to authorize the Mayor to sign the Ordinance was made by Council member Revill, seconded by Council member Barnes. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook. Motion passed.

8. *Lehi City – Request for approval of an amendment to Table 05-030 A - correcting the references for Residential Care Facilities.*
 - A. *Ordinance approving*

Mayor Johnson opened the public meeting at 7:06 p.m. and announced to those present that the council would now receive input from the community.

Kim Struthers, Planning Director indicated that this item is a housekeeping item to Table 05-030-A.

There was no public comment.

Mayor Johnson closed the public hearing at 8:33 p.m.

MOTION: a motion to approve the amendments to Table 05-030 A correcting the references for Residential Car Facilities as presented and to authorize the Mayor to sign the Ordinance was made by Council member Barnes, seconded by Council member Johnson. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

Regular Session

9. **Community Awards**

9.1 *Miss Lehi Roundup Queens presentation*

Ashlee Morrison 2nd Attendant to Miss Lehi Rodeo Queens announced the upcoming roundup events and presented an invitation to the city council to attend the celebration. She indicated that Thursday Night is dare to wear pink – in honor of breast cancer.

9.2 *Officer Tyler Peterson – Animal Enforcement Officer Lehi Police Dept. Employee of the Month*

Officer Peterson was awarded employee of the month for June 2009. Mr. Peterson is the animal control officer for the Lehi City Police Department.

An award was presented for excellence in government reporting to Dave Sanderson and Brenn ByBee for their highest principals of government auditing. The Distinguished Budget Award has been received by the City for the last 10 years through a lot of diligent work and high principals.

10. **20 Minute Citizen Input**

Brad Bennett, resident of Alpine Vista Subdivision, reported to the council that he is here for a follow up on the traffic and speeding concerns he expressed at the previous council meeting on 3200 North. Mr. Bennett indicated that he noticed that a radar sign is up and the police have been in the area but, they have not been up there when the speeds have been overly excessive. He felt that there should be more traffic control in the area. Mr. Bennett asked if there could be a more long term study or maybe a traffic box that counts the traffic. Administrator Davidson indicated that we could definitely do a study, but this area does not draw the volume of traffic that other streets have. Mr. Bennett agreed that it is not a high traffic area but the few that are there speed excessively he added that he even has some of the license numbers. Mr. Davidson suggested that he turn those into Officer Magnussen to follow up.

11. **Jeff Randall (Great Basin Engineering) – Request for extension of time to record the concept plan and conditional use for America First Federal Credit Union located at 1238 East SR-92 in a c (Commercial) zone.**

MOTION: a motion was made to approve the extension of time to record the concept and conditional use for the America First Federal Credit Union at 1238 E. SR-92 to one year from expiration date by Council member Dixon, seconded by Council member Johnson. Motion passed unanimously.

12. **Rick Salisbury – Request for extension of time to record the Spring Creek Ranch Subdivision, Plat “I”, 19 lots located at approximately 1900 South Meadow Marsh Drive (900 East) in a PC (Planned Community) zone.**

Chris Salisbury asked the council for an extension of time to record the Spring Creek Ranch Subdivision, Plat I. He indicated that the economy downturn has slowed down their projects.

MOTION: a motion to grant an extension to Spring Creek Plat I for one year from July 2009 and as part of the approval that any revisions to the development code and or changes required in regard to bonding be taken care of and to also include all DRC comments was made by Council member Johnson, seconded by Council member Dixon. Motion passed unanimously.

13. **Rick Salisbury – Request for extension of time to record the Spring Creek Ranch Subdivision, Plat “J”, 33 lots located at approximately 700 East 2000 South in a Planned Community zone.**

Chris Salisbury asked for an extension on the recording of the Spring Creek Ranch Subdivision Plat J.

MOTION: a motion to approve the extension of time to record the Spring Creek Ranch Plat J to July 2010 and that all revision to the code and/or adjustments to the bonding requirements be taken care of to also include any DRC comments and prior to recording

the lat requirements, was made by Council member Johnson, seconded by Council member Barnes. Motion passed unanimously.

14. **Cal Jacklin – Request for approval of Resolution of intent to annex the Holmes Annexation, 3.6 acres of property located at 150 North 1100 West – requesting R- 1-22 and TH-5 zoning.**

Cal Jacklin appeared before the council requesting consideration for approve of the Holmes Annexation Resolution.

MOTION: a motion was made to approve the Resolution of intent to annex the Holmes Annexation locate 150 North 1100 West and to authorize the Mayor to sign the Resolution by Council member Holbrook, seconded by Council member Dixon. Motion passed.

15. **Action on Public Hearing Items**

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

16. **Engineer Report**

Engineer Powell reported that they are proposing to change the Skew on 850 East up to 25 degrees and asked for consideration for council approval to proceed. **MOTION:** a motion to approve and grant the engineer to change the intersection skew up to 25 degrees was made by Council member Johnson, seconded by Council member Barnes. Motion passed unanimously.

Engineer Powell reported that the city would like to bring in 14 inch and 16 inch water lines along the 2300 West in the amount of \$75,000.00. He indicated that if the city bores the road now we won't have to later. The Impact fee monies can be used to finance the project. **MOTION:** a motion to approve the Engineer to proceed with the water lines on 2300 West in the amount of \$75,000.00 was made by Council member Barnes, seconded by Council member Johnson. Roll call vote: Revill-yes, Barnes-yes, Dixon-yes, Johnson-yes, Holbrook-yes. Motion passed.

17. **City Business**

There was no city business at this time.

18. **Approval of Minutes**

MOTION: a motion to approve the minutes from the Lehi City Council May 26, 2009 Meeting was made by Council member Johnson, seconded by Council member Revill. Motion passed unanimously.

19. **Adjournment**

MOTION: a motion was made to adjourn by Council member Holbrook, seconded by Council member Reville. Motion passed. Meeting adjourned at 8:46 p.m.