



Minutes of the **Pre-Council** of the **City Council** held Tuesday, **February 9, 2016**, at 5:30 p.m. at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

**Members Present:** Bert Wilson, Mayor  
Paige Albrecht, Council Member  
Chris Condie, Council Member  
Paul Hancock, Council Member  
Johnny Revill, Council Member  
Mike Southwick, Council Member

**Others Present:** Jason Walker, City Administrator; Robert Ranc, Assistant City Administrator; Ryan Wood, City Attorney, Kim Struthers, Planning Director; Lorin Powell, City Engineer; Joel Eves, Power Director; Todd Munger, Public Works Director; Dave Sanderson, Finance Director; Dave Norman, Water Director; Carolyn Hoffman, Treasurer; Steve Marchbanks, Parks Superintendent; Mike West, Planner; Cameron Boyle, Assistant to the City Administrator; Beau Thomas, Management Analyst; Marilyn Banasky, City Recorder; and approximately 7 citizens.

### 1. **Welcome and Opening Comment**

Mayor Wilson welcomed all the Council and noted that everyone was present. Councilor Condie gave the opening comment.

### 2. **Construction update on Main Street by UDOT**

This item was discussed after item #3.

### 3. **Pressurized Irrigation Water Audit Report – Franson Engineering.**

Monique Robins from Franson Engineers stated that their firm prepared the Pressurized Irrigation Water Audit. She gave an overview of the audit process. She stated that this was initiated due to concerns that Lehi City didn't receive all of its water allotment from one of the sources and the audit confirmed those suspicions. She reported that Lehi City has enough water for irrigation purposes on paper, but doesn't get enough wet water some years. She stated that water sources are complicated as there are many water sources which it makes it difficult to determine if the City is getting the water it is entitled to. She stated that the Lehi Irrigation Company is the hardest one to determine water shares, as there are multiple water sources including Dry Creek, American Fork, irrigation company wells, and PRWUA shares of Deer Creek water. She reported that Lehi City rented water the last two years and paid a lot for that water and wouldn't have had to rent the water if they had received their water allotments from the other sources. She stated that the goal and recommendation is to put the money that the City used to rent water into projects that will get the water into their pressurized irrigation system from other sources. Councilor Revill inquired if the infrastructure was in place to get the water from American Fork, would that be enough water to replace the amount of water Lehi City purchased. Ms. Robins replied that would need to be looked at each year as the city grows, but historically, it would have been enough water

48 and the City wouldn't have had to purchase additional water. She reported that Lehi  
49 Irrigation water is the City's foremost priority by getting that water into the system by piping  
50 the canals and tying it into the existing system so the water doesn't evaporate. A discussion  
51 was held regarding the current water needs and projects to get the water from the sources into  
52 the pressurized irrigation system. Jason Walker reported that it isn't Lehi City's  
53 responsibility to ensure that there are facilities to get the water, but it is the different water  
54 company's responsibility to ensure that the water can be delivered and pay for those projects.  
55 A discussion was held at to who owns the Lehi Irrigation Company and that Lehi and Alpine  
56 cities are the major participants. Lorin Powell requested that the City Attorney write a letter  
57 to be sent to Lehi Irrigation Company letting them know the results of the audit and  
58 requesting the cities full allotment of water.  
59

## 60 **2. Construction Update on Main Street by UDOT**

61 Ryan Newsmeyer with PEC, reported that he is with the engineering firm that UDOT has  
62 selected to design improvements on I-15 and Main Street in Lehi. Doug Basset from UDOT  
63 and Jeff Dupay with PEC were also introduced. Mr. Newsmeyer distributed a handout of the  
64 affected area of Main Street. He stated that the redevelopment of Main street will put in a  
65 signal at 1200 East and a median from the I-15 overpass at Main Street to State Street. He  
66 discussed the crash severity and manner of collisions in this area and how the median will  
67 help eliminate those. He reported that this project will add a lane each way from the I-15  
68 bridge to State Street as well as adding turn lanes. He discussed that the right turn from Main  
69 Street to State Street will be less sharp and a safety median will be added to help the right  
70 turn traffic flow without stopping. He stated that the design will be done this year, advertised  
71 next year, and the construction project will begin in the summer of 2017. He reported that a  
72 public open house will be held February 18, 2016, from 5:30 – 7:00 p.m. in the Lehi City  
73 Council Chambers.  
74

## 75 **4. Agenda Review**

76 Mayor Wilson reviewed the Council Agenda. Item 4, the Holiday Inn Express public hearing  
77 and site plan approval was discussed. Ryan Wood stated that this is a tough political and  
78 emotional issue, but that the request meets all the requirements to be approved. He discussed  
79 Morgan Cummings' memo to the Planning Commission outlining that the application can be  
80 denied if there is a compelling, countervailing public interest that outweighs an applicant's  
81 vested approval rights. He reported that the bar is high to find a reason to deny the  
82 application.  
83

84 Item #7, Ordinance #11-2016 regarding electronic billboards was discussed. Kim Struthers  
85 reported that this item was before the City Council last fall and the City Council sent it back  
86 to Planning Commission to come up with an Ordinance. He stated that he has met with the  
87 billboard companies and they have come to some compromises. He stated that Staff  
88 recommends the draft as presented and that they are fine deleting the language on the scenic  
89 corridor. He reported that the billboard company is proposing a banking system which staff  
90 opposes. The banking system would allow the billboard company to take down a billboard  
91 and bank the sign so that they can put it up in a different area of the city at a later date. He  
92 stated that there is currently no time limit on how long a billboard can remain in the bank.  
93 Ryan Wood inquired if these items were proposed to the Planning Commission. Mr.

94 Struthers replied that the Planning Commission had a few minor revisions that are included  
95 in the packet but were presented with all this information.

96  
97 Item #8, Ordinance 13-2016 amending the Cemetery Ordinance to allow two cremains in one  
98 plot was discussed. Steve Marchbanks stated that this is to allow the cemetery to designate  
99 cemetery plots for cremations. A discussion was held regarding the difference between the  
100 lots the cemetery will allocate for cremains and a family plot that has been previously  
101 purchased. Mr. Marchbanks stated that the proposed language doesn't apply to family plots.  
102 Ryan Wood stated that is new information that he didn't have when he drafted the language  
103 and asked the Council to include that in their motion if they approve the ordinance.

104  
105 Mayor Wilson reported that he would like to hold a Closed Executive Session on litigation  
106 and personnel at the end of the agenda.

107  
108 **5. Administrative Report**

109 a. Power Rate Study – Joel Eves, Power Director.

110 Joel Eves reported that he wants a power rate study to look at solar rates to ensure that  
111 customers are covering the cost and to review the power rate for small commercial users.  
112 He stated that the current rate structure doesn't incentivize the small commercial user to  
113 conserve power.

114  
115 b. Water Optimizing Study – Dave Norman, Water Director

116 This item was heard in the Regular City Council meeting.

117  
118 Robert Ranc gave an update on the legislative session and the parking at the Senior Center.

119  
120 **6. Mayor and Council Reports**

121 None

122  
123 Mayor Wilson stated that he would like to adjourn the meeting to hold a short dinner break.

124  
125 With no further business to come before the City Council at this time the meeting adjourned at  
126 approximately 6:55 p.m.

127  
128  
129 Approved: February 23, 2016

Attest:

130  
131  
132  
133 \_\_\_\_\_  
Bert Wilson, Mayor

\_\_\_\_\_  
Marilyn Banasky, City Recorder



Minutes of the **Regular Session** of the **City Council** held Tuesday, **February 09, 2016**, at 7:00 p.m. at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

**Members Present:** Bert Wilson, Mayor  
Paige Albrecht, Council Member  
Chris Condie, Council Member  
Paul Hancock, Council Member  
Mike Southwick, Council Member  
Johnny Revill, Council Member

**Others Present:** Jason Walker, City Administrator; Robert Ranc, Assistant City Administrator; Ryan Wood, City Attorney, Kim Struthers, Planning Director; Lorin Powell, City Engineer; Darren Paul, Police Chief; Todd Munger, Public Works Director; Dave Norman, Water Director; Mike West, Planner; Cameron Boyle, Assistant to the City Administrator; Beau Thomas, Management Analyst; Marilyn Banasky, City Recorder; and approximately 42 citizens.

#### 1. Welcome, Roll Call, Pledge of Allegiance

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

#### 2. Citizen Input (for public comments on items not listed on the agenda)

Cody Black reported that the City's sports programs and percentages of residents vs non-residents was discussed. He stated that he was a baseball coach for the 3-4 grade teams and that the City has modified the rules of the games to accommodate all the players. He stated that there are 14 kids per team and 28 teams and that there were 60-80 kids in that age group on the waiting list. His perspective is that this is a problem of management of that department or the City not allowing managers to get what they need, or there are not enough parks. He studied American Fork and they have nine baseball parks and Lehi has nine baseball parks. To be comparable, he feels that Lehi should have twice the parks since it has double the population. He wondered what the formula was for population and parks. He stated that maybe Lehi needs to raise the taxes. Mayor Wilson reported that Lehi is building more parks.

Dave Norman, Lehi City Water Director, gave an overview of the water optimizing study that he is requesting. He reported that this study will help Lehi determine what water they have and how to use it. It will allow him to do models for both the culinary and pressurized irrigation systems and determine how well they are using water resources.

#### 4. Consent Agenda

- a. Approval of meeting minutes from:  
January 26, 2016 Pre Council  
January 26, 2016 City Council

49 b. Approval of Purchase Orders.

50  
51 **Motion:** Councilor Condie moved to approve the consent agenda. Councilor  
52 Albrecht seconded the motion.

53  
54 **Roll Call Vote:** Councilor Revill, Yes; Councilor Hancock, Yes; Councilor Southwick,  
55 Yes; Councilor Albrecht, Yes, and Councilor Condie, Yes. The motion passed  
56 unanimously.

57  
58 **4. Public Hearing and Consideration of Site Plan approval for Holiday Inn Express to be**  
59 **located at 3851 Thanksgiving Way in an existing Commercial zone.**

60  
61 Mayor Wilson opened the public hearing

62  
63 Dan Dixon stated that he is a resident of Lehi and lives in Thanksgiving Meadows. He was  
64 recently the President of the HOA and is a realtor and appraiser. He does 95% of his  
65 business in Lehi and is an expert in values and feels that a hotel immediately abutting homes  
66 would negatively affect home values. He understands that the hotel fits in the code but has a  
67 lot of concerns about the safety of that structure being immediately next to homes as there is  
68 a slope between the homes and the hotel. He stated that there is little to zero barrier to  
69 homes, children, and windows to the bedrooms, which is a concern as this business runs  
70 24/7. He feels that it would also negatively affect the curb appeal of those homes. He feels  
71 there is a huge difference between an office building and a hotel as they are Mon-Fri and are  
72 open 8:00 a.m. to 5:00 p.m. He stated that a hotel, by nature, is a transient location and there  
73 are people coming and going with no pride of ownership. He feels that an office structure  
74 would be kept better. He is strongly against a hotel with a 24/7 business style that keeps  
75 people through the night. He feels it is the wrong place for it and strongly encouraged the  
76 City Council to have the hotel go elsewhere.

77  
78 Melanie Platt lives adjacent to the hotel and has three daughters. They feel that all aspects of  
79 the code are necessary for approval and one phrase in the Development Code is to protect the  
80 health, safety, and welfare of the residents. She also feels that this will conflict with the  
81 noise ordinance. She stated that they do not feel this project meets that standard when it  
82 comes to their children. She reported that she talked to Kim Struthers and asked him for a  
83 definition of health, safety, and welfare. He told her that the City hasn't defined that. She  
84 looked it up and gave the definition. She stated that in the hotels and motels section of the  
85 Development Code it states the Lehi Police can provide recommendations for security, but  
86 this is not mentioned anywhere else in the code. She stated that there is another area in that  
87 section that talks about a hotel not being within 600 feet of a school and she feels that a home  
88 is the same as a school.

89  
90 Haley Dye stated that her home is adjacent to the hotel and that this hotel has no more  
91 restrictions than any other commercial use. She stated that the trees would be the same as an  
92 office building and she feels this is different. She feels the trees won't shield hotel guests  
93 from looking into her home. She would like to think that good intentioned, hard working,  
94 men and women staying there are not staring into their back yard, but the world is not like  
95 that anymore. She stated that there are very sick people out there. She guarantees that will  
96 incentivize people to stay there to watch her children play in the back yard. She stated that

97 the Planning Commission felt their hands were being force due to legality. The Planning  
98 Commission originally stated it did not meet the standard of health, welfare, and safety, but  
99 two months later the hotel developer came back and it was approved. They say they will do  
100 everything to be safe but the hotel developer hasn't met with the residents, even though they  
101 have asked. She stated that they have tried to meet with the developer several times and have  
102 made requests for a wall higher than 6 feet. It has been suggested to grade the land to make  
103 it level with the yards and add security cameras. She stated that they believe this issue calls  
104 for an immediate amendment to the zoning ordinance.  
105

106 Bruce Baird, Counsel for the applicant, thanked the staff for doing a good job under the  
107 circumstances. He stated that the vested rights law and advisory opinions from the  
108 Ombudsman make it clear the approvals and zoning code take precedent. He stated that there  
109 is no possible way this will be addressed under a challenge. He stated that the visual barrier  
110 exceeds the code and setbacks as well. He reported that they looked at a different location on  
111 the parcel but it doesn't work. The building is where it is due to the topography, shape of the  
112 property, roads, and code. He understands the statement of general purposes of the code but  
113 the Ombudsman opinion made it clear that specific standards of the code go over general  
114 purpose language. He stated that a hotel has windows that will look into back doors of  
115 people for a time, until the trees grow, and that is not a compelling interest. He stated that  
116 this has been approved on findings by the Planning Commission twice and it is impossible to  
117 find a countervailing, compelling interest to deny this request. He stated that they have  
118 looked at options and they don't work, given the layout of the property.  
119

120 Councilor Southwick inquired why they didn't meet with the residents. Mr. Baird replied  
121 that he hasn't heard that raised before and doesn't know the answer. Councilor Albrecht  
122 stated that she is surprised that they didn't meet with the residents. Mr. Baird replied that he  
123 didn't know of that request until six minutes ago. Councilor Albrecht replied that he was at  
124 the Planning Commission meeting where it was requested. Mr. Baird replied that he was at  
125 the second Planning Commission meeting and not the first. He stated that this complies with  
126 the law. Councilor Hancock stated that one of the letters suggested a window covering  
127 blocking and the response was that it would make it economically challenging and there were  
128 safety concerns. Mr. Baird replied that the louvers didn't fit with the way a hotel is designed  
129 and that the louvers would be a safety issue in case of a fire. He stated that there was a  
130 choice made by the design team to do what is normal in a hotel and it wouldn't be required in  
131 an office building. Councilor Hancock stated that there is another applicant here tonight that  
132 has went back and redesigned their project due to the neighbors concerns. He wondered if  
133 they have any consideration to window treatments. Mr. Baird replied they have, but it was  
134 determined not to do it. Councilor Condie stated that if he is going to a hotel he would want  
135 a curtain. Mr. Baird replied that there is a curtain. Councilor Hancock stated that he is  
136 talking about something opaque when the curtains are open.  
137

138 Mayor Wilson closed the public hearing  
139

140 Councilor Condie stated that he understands the residents' concerns but one of the things he  
141 did when he was elected was take an oath to abide the law. He stated that they could receive  
142 a proposal of an office building that is eight stories high instead of four and would have twice  
143 the amount of people instead of a hotel. He understands where the residents are coming from

144 but he has to abide by the oath he took. He stated that it is a vested right according to the  
145 General Plan and hopes they understand.

146  
147 Councilor Revill stated that he has been on the Council for 12 years and can honestly say,  
148 over that amount of time, they have had issues where residents don't like it and the applicant  
149 has the legal right, but he doesn't remember a time when an applicant hasn't met with  
150 residents to help mediate the situation. He has never had an applicant come up and threaten  
151 them with a lawsuit if they vote this thing down. He stated that is what they will do and they  
152 will probably win. He is disappointed in the applicant. He stated that they have every right  
153 to build it, however, he is disappointed.

154  
155 **Motion:** Councilor Condie moved to grant the Site Plan approval for Holiday Inn Express  
156 to be located at 3851 Thanksgiving Way in an existing Commercial zone; subject  
157 to the completion of all Development Review Committee and Planning  
158 Commission comments with the strong recommendation that the applicant work  
159 with neighbors to see if any concerns can be resolved.

160  
161 Councilor Southwick inquired if they can state that the developer has to meet with the  
162 residents before they proceed. Ryan Wood replied that can't be a requirement.

163  
164 Councilor Hancock seconded the motion.

165  
166 **Roll Call Vote:** Councilor Hancock, No; Councilor Southwick, No; Councilor Albrecht,  
167 No, Councilor Condie, Yes; and Councilor Revill, No. The motion failed with one in favor  
168 and four opposed.

169  
170 **5. Consideration of Final Subdivision approval for Seasons Towns, a 1-lot development**  
171 **located at Morning Vista Drive & Seasons View Drive in an existing Planned**  
172 **Community zone.**

173  
174 **Motion:** Councilor Condie moved to grant Final Subdivision approval for Seasons Towns,  
175 a 1-lot development located at Morning Vista Drive & Seasons View Drive in an  
176 existing Planned Community zone; subject to the completion of all Development  
177 Review Committee and Planning Commission comments. Councilor Albrecht  
178 seconded the motion.

179  
180 **Roll Call Vote:** Councilor Southwick, Yes; Councilor Albrecht, Yes, Councilor Condie,  
181 Yes; Councilor Revill, Yes; and Councilor Hancock, Yes. The motion passed unanimously.

182  
183 **6. Consideration of Final Subdivision approval for Newman Ranch, a 52-lot residential**  
184 **development located at 1100 West Main Street in R-2 and R-1-22 zones.**

185 Councilor Albrecht stated that it had been mentioned earlier that this has been a long process  
186 and there has been a lot of cooperation and she appreciates it.

187  
188 **Motion:** Councilor Revill moved to grant Final Subdivision approval for Newman Ranch,  
189 a 52-lot residential development located at 1100 West Main Street in R-2 and R-  
190 1-22 zones; subject to the completion of all Development Review Committee and  
191 Planning Commission comments. Councilor Southwick seconded the motion.

192  
193 **Roll Call Vote:** Councilor Albrecht, Yes, Councilor Condie, Yes; Councilor Revill, Yes;  
194 Councilor Hancock, Yes; and Councilor Southwick, Yes. The motion passed unanimously.  
195

196 **7. Consideration of Ordinance #11-2016 approving a Development Code amendment to**  
197 **Chapter 23 regarding electronic billboards.**

198 Councilor Condie stated that he is ready to make a motion. Wade Budge requested to speak.  
199

200 Wade Budge from Top Ad Media stated that they have been meeting with the City since  
201 December, 2014. He thinks the product is good and can recommend it with a couple of  
202 changes that are not reflected in the proposed ordinance. He stated that Planning  
203 Commission motion asked that the ordinance include the additional figures for single faced  
204 and double faced, as proposed by the industry, for clarification; and to add that the 45 degree  
205 angle be measured from the freeway and not from the interior angle.  
206

207 Wade Budge proposed additional changes and distributed a handout outlining them. He  
208 proposed removing the scenic area language found in the last sentence of section  
209 23.170(B)(2)(c) as they feel this is unnecessary. He stated that it is not their intent to propose  
210 any new billboards but to convert some billboards. He discussed the overlay zone and  
211 spacing requirement. He thinks the overlay zone makes sense, but feels the spacing  
212 requirement has problems as it creates a race in that overlay zone. He suggested allowing a  
213 EDS to be closer than 1,000 feet if the sign is owned by a different sign company. That  
214 would allow a 500 foot spacing requirement. He stated that he has made this  
215 recommendation in other cities and they have agreed. He likes the overlay but feels the  
216 spacing requirement is problematic. Councilor Revill stated that there are only two  
217 companies. Mr. Budge replied there are six but the real player is one.  
218

219 Wade Budge discussed the curfew. He stated that right now these signs are emitting light 24  
220 hours a day. He is requesting that the sign go static at 11:00 p.m. instead of going off at  
221 night. He stated that because the sign is directional the light impact is less than it is now.  
222

223 Wade Budge discussed the pole enhancement language. He thinks that could be good but  
224 wants leeway to look at them on a case by case basis. He suggested language that would  
225 allow pole painting or decorative features.  
226

227 Wade Budge discussed the City's proposed section to remove two billboards in order to  
228 convert one billboard. He asked for that section to be removed. He feels that the way it is  
229 written, no one will give up two signs to get one conversion. He thinks this is a provision  
230 that will not make a difference.  
231

232 Councilor Revill inquired about the spacing requirement. Kim Struthers replied that even in  
233 the overlay zone they still want to keep the spacing requirement so they don't have all the  
234 electronic signage together. He explained that the federal recommendation is 500 feet and  
235 the City wants more space at 1,000 feet. He stated that it does allow an incentive to go less  
236 than 1,000 feet if they remove signage elsewhere. Councilor Hancock doesn't like that the  
237 first to apply for the conversion wins. He doesn't have an issue with spacing. He discussed  
238 the quality of materials for signage. Mr. Budge reported that he spent time with the Planning  
239 Commission and took them on a tour to look at the electronic signs and stated that there is a

240 requirement that will be an improvement. He stated that if spacing is important, he did  
241 propose language that would allow for closer spacing if the adjacent signs are owned by  
242 different billboard companies. Councilor Albrecht wondered why Mr. Budge didn't like the  
243 pole enhancement. Mr. Budge stated that it will have to be case by case basis and could  
244 make a larger footprint that the landlord doesn't want. Councilor Hancock feels they could  
245 leave the requirement for an enhanced pole and the landlord could ask for a conditional use  
246 permit for a lesser footprint. Ryan Wood stated that a conditional use is when the use is  
247 permitted but they need to mitigate the impact the sign would have. He stated that if that is  
248 what they, it would need to be written in the ordinance. Mayor Wilson felt if they offered a  
249 waiver for one, everyone would want one. Mr. Budge stated that they will be ensuring that  
250 the poles are nice, as they will be holding up a very expensive sign. Kim Struthers stated that  
251 staff wanted that language as some on premise signs have some great architectural structures  
252 and they wanted off-premise signs to have the same requirement. Mr. Budge suggested  
253 adding verbiage to 3a which states "or as proposed by both applicant and the landlord and  
254 found acceptable by the Planning Commission". Councilor Condie stated that he won't  
255 include that in his motion.

256  
257 Nate Seacrest from Reagan Signs stated that they have seen a lot of clumping of billboards  
258 and that happens because of zoning. He discussed the concept of a "Billboard Bank". He  
259 stated that the billboard bank allows a company to take down their sign without losing the  
260 sign. He explained that they can take the sign down, then find a location, and put it up in a  
261 different place at a later date. He stated that the City makes a record of the billboard that was  
262 taken down and gives the sign company a credit in the "bank" for that sign and then when the  
263 billboard company is ready to put the sign back up in a different location, they use the sign  
264 credit in the bank. He stated that this is a way to allow them to work within the restrictions  
265 of the City. He stated that the places that have adopted this it has worked well and he would  
266 encourage the Council to engage in this. Councilor Hancock stated that concept sounds great  
267 but wondered what the public perception is when they now have a billboard. Mr. Seacrest  
268 stated that it depends on the resident. He stated that they can already move signs but they  
269 have to do it quick, as per state law. Mayor Wilson inquired how long that timeframe is. Mr.  
270 Seacrest replied that state law is silent in that but they move quickly. Ryan Wood inquired  
271 what is the length of time they are requesting sign credits remain in the bank. Forever? Mr.  
272 Seacrest replied that is how it is now written. He stated that some cities put in a five year  
273 limit. Councilor Revill stated that the Planning Commission liked this idea but it didn't get  
274 in the ordinance. Mr. Struthers replied that it was discussed and he is not sure of the reason  
275 they didn't include it. He stated that they had a couple of billboard by the new hospital  
276 where this was discussed. He stated if they do banking, the City will always have the  
277 number of billboards it currently has and this would eliminate ever reducing billboards. Mr.  
278 Seacrest wondered if it is an appropriate use of city power to limit their business. He stated  
279 that they are not asking for new signs but to keep the amount of signs they have now. He  
280 feels the goal of the City should be to minimize any negative impact. Councilor Hancock  
281 wondered if they go down the banking path and there is resistance from the landlord are they  
282 legally obligated even though the landlord is opposed. Mr. Seacrest stated that the City has  
283 to agree with a location, but they can't say no location will work. He explained that they  
284 can't put billboards in a neighborhood. Councilor Albrecht stated that they are not trying to  
285 take away any signs but doesn't want to close that door in the future. Mr. Seacrest stated that  
286 the way the ordinance is written there is a curfew and if they have a sign that is close to a  
287 residence and they want to move it, he feels the billboard bank gives them a way to do that.

288 Mayor Wilson asked if there was any comments from the public.

289

290 Cal Baumgartner wants to ensure that the content of the billboards will adhere to the culture  
291 of Lehi. Ryan Wood explained that content becomes a First Amendment issue and they can't  
292 get any narrower and say there is a Lehi standard. He explained that they would have to  
293 challenge it case by case basis. Mr. Baumgartner wanted to know what type of assurance  
294 they have. Mr. Wood stated that there aren't any assurances and they would just have to take  
295 down the offense language or content as soon as they could.

296

297 Kyle Brineholt stated that he is an Illumination Engineer by trade. He has driven down the  
298 freeway and had the billboard change from light to dark which he feels is a safety hazard.

299 Kim Struthers reported that there are illumination standards.

300

301 Jared Johnson with Yesco stated that they worked closely with the Planning Commission and  
302 staff in coming up with the lighting standard. He explained that the lighting standard is  
303 consistent with other cities and is a higher standard. He stated that he discussed the spacing  
304 requirement for signs going the same way. He is concerned that a double faced sign on the  
305 same pole wouldn't be considered to be 1,000 feet apart and wouldn't allow double facing  
306 signs. Councilor Revill wondered if that will that allow them to put double sided signs where  
307 they are currently single sided. Kim Struthers replied that all of the billboards are double  
308 sided now. He is fine with the current spacing language and stated that they would never  
309 expect to take down one side. Mr. Johnson suggested adding "and facing the same direction"  
310 to (h).

311

312 Jared Johnson discussed the curfew language and stated that none of the other cities have  
313 applied a curfew to turn off a sign that is placed along the interstate, but only near residences.  
314 He explained that the standard allows the sign to return to a static held message rather than  
315 shutting it off. He discussed the technical advantages to that and that the advertiser gets to  
316 hold a single message all night. He thinks it is appropriate to have the signs along the  
317 interstate go static at 11:00 p.m. and not be turned off. Councilor Revill stated that they  
318 don't have a curfew on the current billboard signs. Mr. Johnson stated that it would only be  
319 applied to electronic signs and if they are within 400 feet of a residence. He stated that they  
320 have the ability to orient the sign away from a residence.

321

322 Councilor Southwick stated that he likes the idea of the sign going static. Councilor Albrecht  
323 agreed. Councilor Condie stated that if they adopt the language proposed by Mr. Budge that  
324 would take care of it. Councilor Revill stated that Mr. Budge's other suggestion of the  
325 spacing requirement being 1,000 feet for the same sign company and 500 feet if a different  
326 sign company. Councilor Hancock stated that he is okay with that. Councilor Condie stated  
327 that he is fine with that too. He stated that he is inclined to suggest take out #4 which would  
328 incentivize the sign company to take down two signs to convert one. Mayor Wilson stated  
329 that he doesn't see any harm of leaving that language in.

330

331 **Motion:** Councilor Condie moved to approve Ordinance #11-2016 approving a  
332 Development Code amendment to Chapter 23 regarding electronic billboards.  
333 Recommend that the language stay the same except in the following areas as  
334 noted before. Recommend removing the scenic area language found in the last  
335 sentence of 23.170.B(2)(c); that the language is changed 2(h) – Spacing

336 Requirements to the industry’s proposed language; and recommend that we leave  
337 section 4 – Exceptions to Spacing Requirements for off-premise EDSs as is.  
338 Section 2(j) – Curfew that during the times of 11:00 p.m. to 6:00 a.m. that the  
339 signs go static according to the Industry’s proposed language; subject to the  
340 completion of all Development Review Committee and Planning Commission  
341 comments.  
342

343 Councilor Hancock inquired if Councilor Condie wanted to leave 3(a) Decorative Pole  
344 Structure as is. Councilor Condie replied yes. Councilor Hancock stated that there was  
345 nothing about a billboard bank in the motion. Councilor Condie stated that he left that out.  
346 Councilor Albrecht pointed out that the City’s language in section 2(j) Curfew is more  
347 restrictive as the sign would be required to go static if the sign is within hundred (400) foot of  
348 a residence instead of the industry proposed language of three hundred (300) feet.  
349

350 **Amended Motion:** Councilor Condie amended his motion to include the City’s proposed  
351 language of four hundred (400) feet in section 2(j) Curfew.  
352

353 Councilor Hancock seconded the motion.  
354

355 **Roll Call Vote:** Councilor Condie, Yes; Councilor Revill, Yes; Councilor Hancock, Yes;  
356 Councilor Southwick, Yes; and Councilor Albrecht, Yes. The motion passed unanimously.  
357

358 **8. Consideration of Ordinance #13-2016 adopting amendments to Chapter 8-7 - City**  
359 **Cemetery.**  
360

361 **Motion:** Councilor Southwick moved to approve Ordinance #13-2016 adopting  
362 amendments to Chapter 8-7 - City Cemetery and that this change doesn’t apply to  
363 previously purchased family plots. Councilor Revill seconded the motion.  
364

365 **Roll Call Vote:** Councilor Revill, Yes; Councilor Hancock, Yes; Councilor Southwick,  
366 Yes; Councilor Albrecht, Yes; and Councilor Condie, Yes. The motion passed unanimously.  
367

368 **9. Consideration of Resolution #2016-06 appointing a Board Member to the Timpanogos**  
369 **Special Service District.**

370 Resolution #2016-06 proposes to appoint Chris Condie to the Timpanogos Special Service  
371 District from January 1, 2016 to December 31, 2019.  
372

373 **Motion:** Councilor Hancock moved to approve Resolution #2016-06 appointing a Board  
374 Member to the Timpanogos Special Service District. Councilor Revill seconded  
375 the motion.  
376

377 **Roll Call Vote:** Councilor Hancock, Yes; Councilor Southwick, Yes; Councilor Albrecht,  
378 Yes; Councilor Condie, Yes; and Councilor Revill, Yes. The motion passed unanimously.  
379

380 **10. Consideration of Resolution #2016-07 appointing a Member to the Tri-City Golf Course**  
381 **Governing Body (Fox Hollow Golf Course).**

382 Resolution #2016-07 proposes to appoint Johnny Revill to the Tri-City Golf Course  
383 Governing Body (Fox Hollow Golf Course) from January 1, 2016 to December 31, 2019.

384  
385 **Motion:** Councilor Southwick moved to approve Resolution #2016-07 appointing a  
386 Member to the Tri-City Golf Course Governing Body (Fox Hollow Golf Course).  
387 Councilor Condie seconded the motion.  
388

389 **Roll Call Vote:** Councilor Southwick, Yes; Councilor Albrecht, Yes; Councilor Condie,  
390 Yes; Councilor Revill, Yes; and Councilor Hancock, Yes. The motion passed unanimously.  
391

392 **11. Consideration of Resolution #2016-08 appointing a new Member Representative to the**  
393 **North Pointe Solid Waste Special Services District.**

394 Resolution #2016-08 proposes to appoint Johnny Revill to the North Pointe Solid Waste  
395 Special Services District from January 1, 2016 to December 31, 2019.  
396

397 **Motion:** Councilor Condie moved to approve Resolution #2016-08 appointing a new  
398 Member Representative to the North Pointe Solid Waste Special Services District.  
399 Councilor Southwick seconded the motion.  
400

401 **Roll Call Vote:** Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Revill, Yes;  
402 Councilor Hancock, Yes; and Councilor Southwick, Yes. The motion passed unanimously.  
403

404 **12. Consideration of Resolution #2016-09 appointing Planning Commissioners to the Lehi**  
405 **Planning Commission.**

406 Resolution #2016-09 proposes to appoint Alternate Commissioner Kelly Ash as a Planning  
407 Commissioner to fill the unexpired term of Paige Albrecht whose term will expire December  
408 31, 2016; and appoint Alternate Commissioner Mark Hampton to as a Planning  
409 Commissioner whose term will expire December 31, 2018.  
410

411 **Motion:** Councilor Condie moved to approve Resolution #2016-09 appointing Planning  
412 Commissioners to the Lehi Planning Commission. Councilor Hancock seconded  
413 the motion.  
414

415 **Roll Call Vote:** Councilor Condie, Yes; Councilor Revill, Yes; Councilor Hancock, Yes;  
416 Councilor Southwick, Yes; and Councilor Albrecht, Yes. The motion passed unanimously.  
417

418 **13. Consideration of Resolution #2016-10 appointing Board Members to the Lehi City**  
419 **Public Library Board of Directors.**

420 Resolution #2016-10 proposes to reappoint Kellie Mecham and Jeffrey Driggs as Board  
421 members which began July 1, 2015 and will expire June 30, 2018.  
422

423 **Motion:** Councilor Revill moved to approve Resolution #2016-10 appointing Board  
424 Members to the Lehi City Public Library Board of Directors. Councilor  
425 Southwick seconded the motion.  
426

427 **Roll Call Vote:** Councilor Revill, Yes; Councilor Hancock, Yes; Councilor Southwick,  
428 Yes; Councilor Albrecht, Yes; and Councilor Condie, Yes. The motion passed unanimously.  
429  
430

431 **14. Consideration of adjourning into a Closed Executive Session to discuss pending or**  
432 **reasonably imminent litigation and to discuss the character, professional competence,**  
433 **or physical or mental health of an individual.**  
434

435 **Motion:** Councilor Condie moved to adjourn into a Closed Executive Session to discuss  
436 pending or reasonably imminent litigation and to discuss the character,  
437 professional competence, or physical or mental health of an individual. Councilor  
438 Southwick seconded the motion.  
439

440 **Roll Call Vote:** Councilor Hancock, Yes; Councilor Southwick, Yes; Councilor Albrecht,  
441 Yes; Councilor Condie, Yes; and Councilor Revill, Yes. The motion passed unanimously.  
442

443 The meeting recessed into the Closed Executive Session at 8:48 pm.

444 The meeting reconvened at 9:20 p.m.  
445

446 **26. Adjournment**

447 With no further business to come before the City Council at this time, Councilor Condie  
448 moved to adjourn the meeting. Councilor Albrecht seconded the motion. The motion  
449 passed unanimously. The meeting adjourned at approximately 9:20 p.m.  
450

451

452

453 Approved: February 23, 2016

Attest:

454

455

456

\_\_\_\_\_  
Bert Wilson, Mayor

\_\_\_\_\_  
Marilyn Banasky, City Recorder