

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 1,**
3 **2013 at 7:00 p.m. beginning with a work session at 6:00 p.m.** in the Lindon City
4 Center, City Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M. – Conducting: James A. Dain, Mayor

8 Lindon City Parks & Recreation Director, Heath Bateman, will meet with the City
9 Council to discuss annual activities associated with the Parks & Recreation
10 Department and report on other matters concerning the Lindon Senior Center and
11 Lindon Days. No motions will be made.

12 **PRESENT**

13 James A. Dain, Mayor
14 Jeff Acerson, Councilmember
15 Mark L. Walker, Councilmember
16 Bret Frampton, Councilmember
17 Matt Bean, Councilmember
18 Adam Cowie, City Administrator
19 Kathryn Moosman, City Recorder

13 **ABSENT**

14 Randi Powell, Councilmember

20 The meeting was called to order at 6:03 p.m.

22 **Discussion Item:**

24 Heath Bateman, Lindon City Parks and Recreation Director, was in attendance to
25 present the Mayor and Council with a presentation on annual activities associated with
26 the Parks & Recreation Department. He introduced the administrative staff in his
27 slideshow presentation and noted their duties and responsibilities. He noted that the
28 Parks staff serves approximately 55 acres of developed property comprised of 13 parks,
29 110 total acres of parks, as well as the cemetery and the Heritage Trail.

30 Mr. Bateman mentioned new park developments with the addition of the Lindon
31 View Park which is 2.2 acres, the Murdock Trail Completion (1.7 miles) and the addition
32 of the Heritage Trail (1.65 miles). He then gave his presentation including the following
33 information:

34 **PARKS:**

35 **Goals:**

- 36 • Improvements at Lindon View Park with a 2.2 acre park improvement by
37 installation of sprinkler system and sod laying early this spring and
- 38 • Installation of a walking path at Fryer Park and infrastructure for future lights of
39 the walking path at the park.

40 **Parks Needs:**

- 41 1. New garbage cans
- 42 2. Preservation and care of the new pavilions wood structures.
- 43 3. New picnic tables at Main Park
- 44 4. New playground at City Park.

Tree Advisory Board Term Limits:

- 2 1. Barbara Martel’s term has expired last June 2013
- 3 2. Dave Lawson - June of 2014
- 4 3. Janelle Kallas - June of 2014
- 5 4. Ben Platt - June of 2015
- 6 5. Marilyn Simister - June of 2015

Community Center Advisory Board term limits:

- 8 1. John Bayless March 2011 - 2014
- 9 2. Teresa Griffin December 2011 - 2014
- 10 3. LaDawn Edwards Sept 2012 - 2015
- 11 4. Valarie Diehl October 2012 - 2015
- 12 5. Jared Schauers November 2012 - 2016
- 13 6. Val Killian February 2013 - 2016

RECREATION:

Senior Center:

- 16 1. Average Lunch Attendance - 25 People (down from 35)
- 17 (meals are going from \$3 to \$4 each)

Senior Center Programs: (partial list)

- 20 • Bingo • Cards and Games • Christmas Party
- 21 • Zumba • Aerobics • Day Trips
- 22 • BBQ • Sing a Longs • Price of Freedom Concert
- 23 • Luau • Hearing Screenings • Picnic in the Park
- 24 • Movie Mondays • Fall Prevention • Financial Awareness

CDBG BUS PURCHASE:

26 Lindon City will receive up to \$50,000 for the Senior Center Van project in the 2013
 28 funding cycle from Utah County Community Development Block Grant Program. These
 29 funds are provided by the U.S. Department of Housing and Urban Development (HUD)
 30 and a Community Development Block Grant (CDBG) program to Utah County, which
 31 has contracted with Mountainland Association of Governments to administer the local
 32 grant program The funds do not have to be repaid except in the event that a future HUD
 33 monitoring visit finds non compliance in any part of the grant process. The State has
 34 contracted with the Lewis bus group. The cost of the bus is \$51,505 (state contract
 35 price); under this amount you don’t need a CDL driver. He noted that this is a brand new
 36 bus from Denver.

COMMUNITY CENTER:

Current Groups using the Community Center:

- 40 1. TOPS (Take Off Pounds Sensibly)
- 41 2. Basting Buddies
- 42 3. Utah Valley Quilt Guild
- 43 4. Daughters of the Utah Pioneers Lindon Camp
- 44 5. Daughters of the Utah Pioneers Curly Springs Camp
- 45 6. Utah Valley Skyline Choir

Current Classes and Programs: (partial list)

- 2 • Jr. Golf • Youth Choir • Bricks for Kids • Indoor soccer
- Tee Ball • Outdoor Soccer • Dance • Fencing
- 4 • Baseball • Machine Pitch • Coach Pitch • Boys & Girls Basketball

Special Events:

- 6 1. Easter Egg Hunt
- 8 2. Christmas Tree Lighting Ceremony
3. Volunteer Appreciation Banquet
- 10 4. Hallows Eve Carnival

Sports Programs:

- 2013 enrollment numbers -
- 14 1. Soccer –704 (2012 = 646)
 2. Basketball –196 (2011-12 =141)
 - 16 3. Baseball –187 (2012 = 174)

Fee Changes:

The building rental package has had some modifications made to the fee schedule. The most impacted change which effects our programs include the weekday use for youth basketball program. The change includes a \$10 per hour custodial fee for our youth practices. In the past we paid no fees. The weekend rate has not changed

AQUATICS CENTER:

Season Statistics:

- 26 • 56,539 Visits
- 2012 totals 55,957
- 28 +582

Flowrider:

- \$30,970
- 3,097 Riders
- 2012 totals \$28,130
- 2,813 Riders

Season Statistics:

AD	Adult (Non-Resident) 18-54 yrs	14,033	\$70,165
ADR	Adult (Resident) 18-54 yrs	2,867	\$11,468
AFP	Additional Family Pass	25	\$375
FN	Family Night	116	\$1,740
FRDP	FlowRider Day Pass	3,097	\$30,970
GD25	Group Discount 25-49	224	\$771
GD50	Group Discount 50-99	201	\$603
LSWA	Lap Swim or Water Aerobics	203	\$609
SD	Scout Discount	119	\$238
SNR	Senior 55+	1,191	\$3,573
YTH	Youth 4-17 yrs	22,735	\$90,940
		44,811	\$211,452

	2009	2010	2011	2012	2013
Adult Non Resident	15,625	22,017	17,966	16,172	14,033
Adult Resident	2,510	2,351	2,101	1,757	2,867
Adult Family	29	16	42	25	25
Flow Rider	3,214	4,933	3,216	2,841	3,097
Seniors	884	1,054	1,049	1,195	1,191
Youth	25,303	30,382	24,978	23,796	22,735

2 **Aquatics Center Needs:**

1. Flow Surface Repair
 4 2. Climbing Wall (future)

6 **LINDON DAYS:**

Friday, August 9

- 8 •Youth Games 3-6 PM
- BB Gun Shoot
 - 10 • Three Leg Race
 - Sack Race
 - 12 • Bow and Arrow Shoot
 - 100 yard Dash
 - 14 • Watermelon Bust
 - Pie Eating
 - 16 • Family Arena Events 6 PM
 - Candy Scramble 7 PM
 - 18 • Youth Dance 8 PM
 - Movie in the Park After Arena Events

20 **Saturday, August 10**

- 5 K Race/Kids Fun Run 7 AM
- 22 • Flag Raising Ceremony 8 AM (Arena)
- Mayors Breakfast 8:30 AM
- 24 • Grand Parade 10 AM
- Entertainment in the Park 11 AM – 4 PM
- 26 • ATV Rodeo 12 noon - 3 PM
- Mini Rodeo 6 PM
- 28 • Concert and Fireworks 7 PM Pheasant Brook

2 Mr. Bateman noted that Lindon Days will make a proposal in support of putting
4 Lindon Days in house. He noted there will be a committee chairman and they would
6 propose that the chairman oversees what happens and that there also be individual chairs
8 who will report to Mr. Bateman. He added that there has been talk of shortening Lindon
10 Days. Mr. Bateman stated that Angie Hendrickson would like to serve as Chairman again
12 next year. Mr. Bateman also stated that he will monitor the finances through the
14 purchasing system. He has been out of the loop in the past, so he is proposing bringing
16 Lindon Days in house. He prefers it this way because of the organizational aspects and he
prefers to help the Chairman on the front end instead of the back end, and to have the
financial stability.

12 Mr. Bateman concluded that the bottom line of the presentation is that we are
14 growing upward. He noted that further discussion can be done tonight or at another time
16 if needed. There was then some general discussion by the Council. Mayor Dain then
thanked Mr. Bateman for his presentation and for his dedicated service and hard work.

16 Mayor Dain called for any further comments or discussion from the Council.
Hearing none he adjourned the work session at 6:50 p.m.

18 **REGULAR SESSION** – 7:00 P.M. – Conducting: James A. Dain, Mayor

20 Pledge of Allegiance: Hugh Van Wagenen, Planning Director
Invocation: Matt Bean, Councilmember

22

24 **PRESENT**

24 James A. Dain, Mayor
26 Jeff Acerson, Councilmember
28 Mark L. Walker, Councilmember
Bret Frampton, Councilmember
30 Matt Bean, Councilmember
Adam Cowie, City Administrator
32 Cody Cullimore, Chief of Police
Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

ABSENT

Randi Powell, Councilmember

34 1. **Call to Order/Roll Call** – The meeting was called to order at 7:03 p.m.

36 2. **Presentations/Announcements** –

38 a) **Mayor/Council Comments** – Mayor Dain commented that “Meet
40 the Candidate Night” will be held on October 24th at 7 p.m. at the
42 Community Center Gymnasium. He encouraged citizens, neighbors and
44 friends to get out and meet the candidates. Mayor Dain reported that they
46 held a favorable meeting with the County Commission regarding the
approval of the CDA the 700 North corridor. He added that the County was
favorably and agreed to participate. Mayor Dain noted that is worth
mentioning that Lindon City has a good partnership with the County.

- 2
3. **Approval of Minutes** – No minutes were approved at this meeting.
- 4
4. **Consent Agenda** – No items.
- 6
5. **Open Session for Public Comment** – Mayor Dain called for any public comment not listed as an agenda item.

8 Lindon resident, Wayne Whitely, approached the Council. He noted that he has
10 lived on 800 west for 22 years where his wife has a home business. He mentioned that
12 800 west that was striped today, and commented that they were somewhat promised
14 when the trail went in that some parking for his wife’s business would be available.
16 When the trail was moved to the east side, the committee came out to talked to them and
18 they expressed their concern about the parking situation and they were promised some
20 parking for their business and the committee said they would move the road five feet for
22 more parking. They were also under the impression that they would provide a white line.

24 Mr. Whitely expressed that he feels they had promised these things and now it
26 seems to have been changed by the Council. Mr. Cowie commented that they are not
28 restricting the parking and the center yellow line is in the same location as it previously
was, and you can still park on the side of the road. Mr. Whitely stated that there is not
enough room to park on the side of the road and there are six home owners who are
affected that are in attendance tonight. He added that the consensus is that they would
feel more comfortable with designated parking for people to travel, and they were under
the impression that the City had made sure these issues were all worked through and then
the City Council changed it. Mr. Cowie stated that it is a somewhat narrower area with a
7 foot strip provided. Mr. Cowie stated that the Council reviewed the striping and agreed
to just strip the road with a yellow center line. Mr. Cowie added that the road was just
striped today and the white line could be added, however, without the white line there is
more flexibility. Mr. Cowie then showed photos of 800 west.

30 Mayor Dain asked if all of the residents in attendance would prefer the white line.
32 There was a general consensus from the residents in attendance to add the white line.
34 Mayor Dain stated that the white line will be added and noted that parking is not
restricted. Mayor Dain also stated that it was not the Council’s desire to make the
residents upset as they were trying to do what is best for the residents. Mayor Dain called
for any further public comments.

36 Larry McColm, Lindon business owner, addressed the Council at this time. Mr.
38 McColm noted that he owns the Lindon Business Park. He inquired about 200 south
(Harbor Drive), and asked if there might be a possibility to have an overlay put on the
40 road to clean it up and make it a nice entrance to the Lindon Industrial Business Park. He
42 added that he would offer to help or donate to make this happen. Mr. McColm
44 commented that there are a couple of owners who have done upgrades to try and make it
46 nice and to make it something better than the “road to the dump”. He added that the
Power Plant is a huge project and all of the business owners have had to put in
landscaping, trees, etc. and the Power Plant has not been required to do any street
improvements. Mayor Dain stated that the power plant is actually located in Vineyard.
He noted that he has talked to the Mayor of Vineyard about the landscaping etc. and they
refused to require any requested improvements. Mr. McColm asked if the city could ask

2 at the county level. He commented that it is Vineyards back door but Lindon's front door
and we have a lot invested.

4 Mr. McColm also mentioned the addressing system in the county. He noted that
it is frustrating, and 200 south is very hard to find and a County grid would help. He
6 noted that Google maps can't even grab the addresses and it should be a one address
system. Mayor Dain commented that this is a discussion to be had at the county level.
Mayor Dain directed Mr. Cowie to contact PacifiCorp to see what they can do.

8
10 **CURRENT BUSINESS**

12 6. **Review and Action** – *Plat Amendment: Lindon Business Park Plat C, 31 South 1550*
14 *West.* This is a request by Larry McColm for a one lot plat amendment to be known
as Lindon Business Park Plat C. The amendment will remove a property line
16 boundary and create one 2 acre lot from two existing lots. It is located at 31 South
1550 West in the Light Industrial (LI) zone. The Planning Commission recommends
approval.

18 Mr. Van Wagenen gave a brief overview of this agenda item and noted this is
request by Larry McColm for a one (1) lot plat amendment to be known as Lindon
20 Business Park Plat C located at 31 South 1550 West where there are two existing lots,
and Mr. McColm is interested in removing the common lot line between the two parcels
22 to make it into one large lot, approximately two (2) acres in size. He stated that this
amendment would meet existing ordinances and was approved by the Planning
24 Commission for a site plan with his new office warehouse space with approximately 20
units. Mr. Van Wagenen went on to say the new lot meets applicable ordinances for
26 subdivision lots. There is existing curb and gutter because of the existing subdivided lots;
no sidewalk is required in the LI zone.

28 Mayor Dain called for any comments or questions from the Council. Hearing
none called for a motion.

30
32 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE PLAT
AMENDMENT REQUEST TO BE KNOWN AS LINDON BUSINESS PARK PLAT C.
34 COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

36 COUNCILMEMBER WALKER AYE
COUNCILMEMBER ACERSON AYE
COUNCILMEMBER BEAN AYE
38 COUNCILMEMBER FRAMPTON AYE
THE MOTION CARRIED WITH ONE ABSENT.

40
42 7. **Review and Action** – *Site Plan – Avalon Senior Living, 175 North State Street.* This
a request by Jeff Southard for site plan approval of a 90 unit senior housing apartment
44 complex on 3 acres located in the Senior Housing Facility Overlay zone. The
Planning Commission recommends approval with conditions.

46 Mr. Van Wagenen stated that this a request by Jeff Southard for site plan approval
of a 90 unit senior housing apartment complex on three (3) acres located in the Senior

2 Housing Facility Overlay zone. He added that senior housing facilities are conditional
3 uses in this zone. He noted that the Planning Commission has authority to place
4 conditions on approval to mitigate concerns over the impact the project may have on
5 surrounding properties and the City, but for this ordinance and type of use this item has
6 come before the Council tonight. The Planning Commission recommended approval (5 to
1 vote) to the City Council.

7 Mr. Van Wagenen clarified that not just because of the size of the project, but that
8 in the ordinance drafted for senior housing it stipulates that the City Council is the final
9 land use authority. Mr. Van Wagenen introduced the agenda item stating that the location
10 is approximately 175 North State Street and three (3) acres in size. He reviewed that the
11 ordinance stipulates there can be 30 units to the acre in this overlay zone, so there can be
12 90 units on the 3 acres.

13 Mr. Van Wagenen then reviewed the Senior Housing Facility Overlay
14 Requirements as follows:

15 *Parking: 1.1 stalls per unit*
16 *Building Height: 48 feet (underlying zone is General Commercial)*
17 *Open Space: 30%*
18 *Setbacks:*
19 *Front Setback: 40 feet*
20 *Side or rear yard setback when adjacent to a non-residential zone: 20 feet*
21 *Side or rear yard setback when adjacent to a residential use or a*
22 *residential zone: 40 feet*
23 *Street-side yard setback (corner lot) determined by type of adjacent street*
24 *Local street = 30 feet*
25 *Collector street = 40 feet*
26 *Arterial street = 40 feet*
27 *Fencing: Seven foot (7') high, site obscuring fencing shall be installed*
28 *along the perimeter of the property, regardless of whether it abuts existing*
29 *residential or commercial properties or uses. The Planning Commission*
30 *shall approve the style and design of any fencing before a conditional use*
31 *permit is issued. Any exceptions to fence height and location shall be*
32 *approved by the Planning Commission. A chain link fence with slats shall*
33 *not be considered site obscuring.*

34 Mr. Van Wagenen noted that this agenda item meets the requirement for parking,
35 building height, and open space. He stated that the fencing was reviewed by the Planning
36 Commission and recommended a wrought iron fence that would extend along the length
37 of the road but not provide pedestrian access (the applicant would like pedestrian access).
38 Mayor Dain commented that he will hear arguments from the community regarding
39 pedestrian access at this time.
40

41 **Sonja Johnson:** Ms. Johnson commented that she views this as a short cut through from
42 State Street and will also be providing additional parking at the end of at the cul-de-sac
43 turnaround for the facility itself. She noted that these will be \$400,000 homes and that
44 will be someone's front yard. Ms. Johnson voiced her concerns about the trail access that

could be used for the complex. She also voiced her concern that these will be rentals not
2 ownerships

4 **Steve Smith:** Mr. Smith echoed Ms. Johnson's concerns and also voiced his concerns
6 about the 1.1 parking spaces for a 55 year old couple; he commented that most 55 year
8 couples have more than one car. Mayor Dain noted that the Council had a lot of
10 discussion on the parking issue and noted that other facilities like this have less parking
spaces. Councilmember Acerson added that this is a Conditional Use and it can be
changed if it is not working. Mayor Dain commented that this piece is not transient, it is
for senior housing and they tend to stay longer.

12 **Ben Platt:** Mr. Platt noted that the Green Valley Condos are in his ward and the
14 residents are very stable.

16 **Richard Draper:** Mr. Draper commented that he is not opposed to progress because it is
18 inevitable and progress can be good, but he is concerned that the progress is going in the
20 right direction. The issue at hand is that there are two large complexes going in within a
22 mile from each other. He noted that he fits in the demographics of the senior housing. He
24 also mentioned that these complexes were not designed for people like him. He
commented that he sees a problem with the parking lot with snow removal and slippery
surfaces. The parking stalls are a long way from the building should the snow and ice not
be rapidly removed. The distance from the center to the parking is a problem and there is
a graded slope. The square footage of the apartments themselves are an issue as they are
only 800-900 square ft. with no storage space and delivers a bare bone existence.

Mr. Draper noted that the driving force of civic decisions is to keep Lindon a
26 family oriented community. This facility is not designed for family gatherings; there is
28 not enough space. They do have neighbors and friends in the complex and neighborhood,
30 but he just can't see this as family friendly. Mr. Draper noted that he lives in a modest
32 home by Lindon standards, but he can see the day when he can't take care of his
34 property, so the idea of somewhere to live in Lindon is a good thought but he will not
36 move to a chicken coop and is he is not alone in this thinking. Who is the go to guy who
38 owns the apartments? Distance landlords can be very uncaring and even callous. The
40 philosophy behind the development is that people who move in will be self-selecting.
42 These apartments may not fill up, and keep in mind two developments competing for the
44 same demographics are tough. The condition of these not renting could exacerbate the
problem and the owner may come to the city for approval to allow them to rent to
anyone, not just seniors. He agrees with Lindon's policy of scattering low income
housing throughout the city, and for the most part, the city has integrated and are willing
to welcome all ranges of income as neighbors and friends which has worked very well,
but we must be careful not to sow the seeds of low rent ghettos in the city. Definite
covenants and restrictions must be in place for any permission granted. Mr. Draper
concluded that progress is a good thing and senior housing in our city could be a good
thing these developments are done correctly.

Mr. Van Wagenen gave further explained about the conditions stating that the
46 Osmond Senior Living did get previous approval from the City Council to make the lots

2 separate. He also stated that Jared Osmond is planning to renovate and expand the former
3 Somewhere Inn Time building and the elevations of that building are a lot higher than
4 Mr. Southard's piece, so a lot of drainage can be handled through the Avalon Senior
5 Housing property. He also stated that all of Avalon's utilities are planned to go through
6 the Cullimore Court subdivision, and, as of now, those improvements aren't built but are
in the works of getting built, which is the reason for condition number three (3).

8 Mr. Van Wagenen stated that Mr. Southard and his architect, Curtis Miner spoke
9 to him today about the elevations. Mr. Van Wagenen noted that the proposed building
10 elevation is 54' 8", which does not meet Lindon City Code, however, the ordinance talks
11 about exceptions to building heights. One exception is LCC 17.04 *Roof Structures that*
12 *house mechanical equipment*. The applicant is requesting this option as they will be
13 housing the mechanical equipment in the roof. It should be noted that this measurement
14 wasn't caught until after the Planning Commission meeting so they did not have a chance
15 to review this option. Mr. Van Wagenen then showed a Google map view of what the
16 building heights would look like from the ground from the neighborhood. He then went
17 back to the site plan and reviewed the amenities and they do meet the requirements.
18 There was then some general discussion regarding this issue. Mayor Dain commented
19 that he would encourage more dominant access to the trail. Mayor Dain then invited the
20 applicant forward to address the Council.

21 Mr. Southard commented that he understands this is a big change for Lindon City
22 and change is uncomfortable. He stated that he is excited to do the first high density
23 multi family senior housing development in the City. They are the first to take on a
24 project with the new overlay and the first to come in with a site plan application. Mr.
25 Southard noted that he appreciates the efforts of the developers who were on the
26 "bleeding edge" and paved the way for this new zone and take the responsibility seriously
as the first development.

28 Mr. Southard explained that they modified the building architecture and added in
29 more "up and down" in the architecture and adjusted the heights. There will also be
30 pavilions with barbeques. They have also added some parking stalls to the facility so now
31 there are a total of 100 parking stalls (code requires 99 stalls) including some covered
32 parking. Mr. Southard stated that in meeting the ADA requirements makes him feel
33 confident they can address slippery slope issues because it is not going to be a drop off
that would cause additional hazards.

34 Mr. Southard stated when they were deciding on how to design the site they had
35 two choices: 1) use a bigger footprint (wider) or 2) go taller. They could have designed
36 one huge building with 90 units and made it three stories or so 4 stories and have 2
37 separate buildings to allow for 50% more landscaping and exterior amenities than the
38 zone allows and can respond to the slope and natural topography. They felt this would be
better and make them a better neighbor and less intrusive of the neighbors views.

40 Mr. Southard stated they have met every requirement of the zone as far as
41 building heights, parking and amenities. He said the height will be similar to the
42 commercial building nearby, known as the Tri-City Medical building (53' 6" height). He
43 brought up the issue of the building heights again and noted the one He reiterated that
44 exception in the code of is LCC 17.04 *Roof Structures that house mechanical equipment*.
they would like to house the mechanical equipment on the roof.

2 Curtis Miner, architect for the applicant, then presented the policy that was
3 adopted by Lindon City code in 2007 regarding roof structures. He clarified that the
4 International Building Code uses a different methodology of measuring; he noted they are
5 compliant at the average point which they had been going off of. Using the roof as a
6 screening element for mechanical equipment would work well for this building (referred
7 to as a mechanical well). He noted that noise would not be an issue. Mr. Cowie then read
8 the height limitations exceptions in the code. There was then some general discussion on
9 the height of the building.

10 Mr. Miner also mentioned amenities. He described the units themselves and
11 noted the elevator opens into a vestibule and common areas. They will also have exercise
12 and excursion rooms. They will incorporate on-site full-time management. Mr. Southard
13 noted that he is the applicant and owner and he lives here in Lindon and will not be an
14 absentee landlord, as it can be a concern. Mr. Miner commented that they will look at
15 additional amenities as the planning goes further.

16 Mr. Southard explained that because of concerns from the neighbors about the
17 original location of the dog park, they had intended to switch the dog parks with the
18 garden plots so that the dog parks would not be as close to the neighbor's property, but
19 after reviewing the location of the dog park in relation to the neighbors they realized it
20 will be approximately 75 to 80 feet away and about 15 to 20 feet lower in
21 elevation. He also received input from their landscaper that the location of the garden
22 plots below a 20 foot fence (in the southeast corner of the lot) would not be a good
23 placement because not much would grow there. Thus, the dog park and garden plots were
24 switched back to their originally planned locations (with the dog park in the southeast
25 corner of the lot). Mr. Southard stated they have met every requirement of the zone as far
26 as building heights, parking and amenities. Mr. Southard replied that they are asking for
27 a variance on the fence. He showed that the seven (7) foot wall would be along the south
28 side of the lot where there will be residential neighbors. He also showed that they would
29 place the wall along the northwest side and corner of the lot, but where the lot is adjacent
30 to the street and no residential lot on the southwest side; they are asking to not have a
31 seven (7) foot wall there. They would like instead to landscape it with lots of trees and a
32 split-rail fence, which they think would be more attractive than a seven (7) foot wall. Mr.
33 Southard also stated they would like to tie their landscaping into the Osmond Senior
34 Living as much as possible and are asking to not be required to put a seven (7) foot wall
35 along the land bordering their project. Mr. Southard stated he can't dictate what
36 landscaping will be done on the Osmond project, but the landscape architect for the
37 Avalon project suggested hedges and a four (4) foot iron fence or whatever is appropriate
38 and required, but they would like to not block it and would prefer to make it feel like one
39 large project as opposed to two separate projects. He summarized that anywhere they
40 abut adjacent lots or the commercial property to the north, the seven (7) foot fence would
41 be in place, but they are asking to not put it against Osmond Senior Living or against the
42 road (in the Cullimore Court Subdivision), but it would pick up where the crash gate is
43 located.

44 Mayor Dain called for any further public comments or questions at this time.

2 **Sonja Johnson:** Ms. Johnson noted that there are a lot of people that don't have any idea
4 about this proposal. Ms. Johnson had a question on noticing and if it is too late for a
6 public meeting on what is being proposed. Mayor Dain stated that it is too late for this
8 project but he would like to hear more discussion and public input on each of these in the
10 future. She inquired if this site has been approved for rezoning. Mayor Dain confirmed
12 it is zoned as Conditional Use Permit for this applicant. Mayor Dain stated that in
14 Lindon (age 70 and over) there are less than 500 residents.

16 **Jared Osmond:** Mr. Osmond commented that he may purchase the property next door
18 and they are planning the site plan with the possibility of picking up that property. They
20 will have retaining wall and fencing to create more space and it is important to have
22 fencing in an open yard for the residents and neighbors. They are happy to work with Mr.
24 Southard and the Council to do whatever is required.

26 **Matt Gneiting:** Mr. Gneiting commented that a level playing field is important as a
28 developer. He noted that the Council denied the higher building height for them and all of
30 their designs and all of their efforts were done to meet the Council's expectations and
32 requirements. He understands that Mr. Southard wants to be first to the finish line and he
34 respects that, but for the Council to allow him to go above the 48' height restriction is just
not right because this was their vision and their project from the start.

36 **Dan Fish:** Mr. Fish commented that he likes this development in a lot of ways and he
38 appreciates the concerns addressed here tonight. He also feels there is a need for this
40 type of facility in Lindon.

42 **Ben Platt:** Mr. Platt commented that he sees this facility as a huge benefit. He agrees to
44 take the time to do it right, but it is a huge diversity with the melding of the two different
46 dynamics.

30 **Del Ray Gunnell:** Mr. Gunnell noted that he is on the Lindon City Planning Commission
32 and stated that he voted no on this project. He added that he cannot recall the discussion
34 about the height of the building. Mr. Gunnell stated that height and density are two big
concerns with the proposal. Mayor Dain noted that a decision on the building height will
not be made tonight.

36 Followed by some additional discussion Mayor Dain commented that there are five (5)
38 issues to consider as follows:

- 38 1. Address pedestrian access to the south.
- 40 2. Address better access to the trail.
- 42 3. Dog kennel/run location.
- 44 4. Interior meeting rooms strongly encouraged.
- 46 5. Defer building height back to staff.

44 Mayor Dain called for any further public comments or discussion from the
46 Council. Hearing none called for a motion.

2 COUNCILMEMBER BEAN MOVED TO APPROVE THE SITE PLAN FOR
3 AVALON SENIOR LIVING WITH THE FOLLOWING CONDITIONS 1. OSMOND
4 SENIOR LIVING SUBDIVISION BE RECORDED AND 2. LOTS 1 AND 2 OF
5 OSMOND SENIOR LIVING SUBDIVISION REACH AN AGREEMENT
6 REGARDING A STORM WATER DRAINAGE SYSTEM AND 3. CULLIMORE
7 COURT SUBDIVISION IMPROVEMENTS BE CONSTRUCTED AND 4.
8 WROUGHT IRON FENCE BE CONSTRUCTED ALONG THE WESTERN-STREET
9 EDGE OF THE PROPERTY WITH PEDESTRIAN ACCESS AND 5. TRAIL ACCESS
10 ON THE NORTH BE PROVIDED WITH AN ADDITIONAL SIDEWALK FROM THE
11 GARDEN AREA ON THE NORTH AND ALSO FROM THE PARKING LOT ON
12 THE NORTH AND 6. INTERIOR MEETING ROOMS BE STRONGLY
13 ENCOURAGED AND 7. ANY FINAL DECISIONS REGARDING THE HEIGHT OF
14 THE BUILDING BE DEFERRED TO STAFF DECISIONS AND BE IN
15 COMPLIANCE WITH EXISTING CODE AND 8. THE TYPE AND SIZE OF
16 FENCING BE WORKED OUT AMONG OWNERS OF LOTS 1 AND 2 OF THE
17 OSMOND SENIOR LIVING SUBDIVISION. COUNCILMEMBER WALKER
18 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
19 COUNCILMEMBER WALKER AYE
20 COUNCILMEMBER ACERSON AYE
21 COUNCILMEMBER BEAN AYE
22 COUNCILMEMBER FRAMPTON AYE
23 THE MOTION CARRIED WITH ONE ABSENT.

24 8. **Concept Review** – *Lindon Senior Housing, 70 South Main Street*. This is a concept
25 review requested by Matt Gneiting to present a preliminary site plan for the property
26 that was recently rezoned to Senior Housing Facility Overlay. The applicant is
27 seeking general feedback on the proposed senior housing facility. As this is a
28 discussion item only, no motion will be made for this concept review.

29 Mr. Van Wagenen opened the discussion stating that Mr. Gneiting and Mr.
30 Stangle have been before the Council and Planning Commission several times, but since
31 the last time they have picked up a little more acreage and have changed a little bit of
32 what they're doing and wanted to come before the Council again to go over these items
33 as a concept review and have a discussion about the site.

34 Mr. Gneiting stated that from a developer's point of view, they were surprised
35 that the Commission and Council elected to allow another senior housing so close to the
36 Lindon Senior housing project. Mr. Gneiting stated that new additions are that they were
37 able to put the Lewis property under contract. He said they've also talked with the other
38 property owner (on the south side), Leonard Lee, who has expressed a willingness to
39 provide cross-access agreements, which will give access to State Street, and that UDOT
40 felt comfortable about it. He stated they will also be putting in a fire access crash gate. He
41 also stated that the plan is to create some blended cross landscaping to unify it with the
42 city property. Mr. Gneiting stated that with the new design and acquisition of new land,
43 they will be able to construct a three story facility. He said they believe that will provide
44 more of a residential feel and is consistent with feedback provided by the Commission
45 through the process. He stated the facility will include a community center with
46

decorative landscaping and outdoor sitting areas. He went on to say that the south side will be heavily landscaped with a sight-obscuring fence from the adjacent building. He said there will be walking access to Main Street, with the city's approval, and as previously discussed they will put in sidewalk access down to the city's Senior Center. Mr. Gneiting stated their plan has an excess of covered parking and that they are sensitive to the 30% open space requirement. The parking ratio is now in excess of 1.25 stalls per unit because of the extra ground with one covered stall per unit. He also referenced the additional amenities to be included with the project, including elevators, exercise rooms, and common areas.

Mr. Stangle said they would like to coordinate with the other senior living projects to try to differentiate and allow more choices in the size and finishing of units to create a productive mix. Mr. Gneiting noted that their intention is to continue with project and build and manage the project themselves. It was reiterated that the main change to the Lindon Senior Housing is that it will be a three story wrap-around building with a community center out front. Mr. Stangle stated that the change in access to the building has improved the project. Mr. Gneiting stated that the height will still be lower than 48 feet, but not by a lot because they would like to have higher ceilings.

The applicants stated that the project will have approximately 105 units instead of 90, and that the exterior surface of the building will be mostly brick and some mossy green colored stucco with a more residential appearance than before. The colors will match the color palette in the Lindon City Design Guidelines.

Mr. Gneiting asked for feedback on the ordinance requiring a ten foot setback from residential areas for parking lots, and its application to part of their project. The applicants explained that their current design has a five (5) foot instead of ten (10) foot setback on the north edge of their parking lot because a ten (10) foot setback would become wasted space up against a seven (7) foot sight-obscuring fence there. The applicants noted they would discuss and receive concurrence from the neighbor about the type of fencing to be put against the Lewis property. The applicants also noted they may move the location of a different fence to help preserve another neighbor's access to their property, but it would still meet setback requirements. Mrs. Abbott was in attendance and noted that she would be happy to have a discussion with the developers regarding what type of fence she would like to have installed. No motion was made because this agenda item was a Concept Review only. There was then some additional general discussion regarding this issue.

Mayor Dain called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

9. **Discussion Item** – *Lindon Days events 2014*. Lindon's Parks & Recreation Director, Heath Bateman, will discuss potential 2014 Lindon Days events with the Council and gather feedback in order to prepare for next year's activities.

This item was postponed to another meeting.

10. **COUNCIL REPORTS**

Councilmember Powell – Councilmember Powell was absent.

2 **Councilmember Walker** – Councilmember Walker asked Councilmember Acerson for a
4 contact number for Representative Val Peterson. He added that the Animal Shelter has
6 agreed to appoint a representative from the City and the bottom line is the County
8 Commissioners will see what we bring forward. He would like to see if Representative
Peterson could possibly rewrite some language to ensure that we continue to have
representation at the shelter. Councilmember Acerson stated that he will get the number
to Councilmember Walker.

10 **Chief Cullimore** – Chief Cullimore reported they have extended an offer to Josh Boren
12 for the police officer position and if accepted he will start on the October 14th.

14 **Councilmember Bean** – Councilmember Bean commented that we have an active Board
16 of Adjustment and they have another meeting coming up soon. He added that that he
appreciates their hard work that they are a great group.

18 **Councilmember Acerson** – Councilmember Acerson reported he was unable to attend
20 the water board meeting tonight but will bring a report to the next meeting. He noted that
22 Utopia has pushed back the next board meeting. Councilmember Acerson also reported
that he attended the grand opening of a new chiropractic business in town. He also
mentioned that his building (Cullimore store) was tagged by vandals and the “tag team”
came and cleaned it up.

24 **Councilmember Frampton** – Councilmember Frampton commented on the striping
26 issue discussed tonight. He also mentioned Lt. Bird’s funeral in Springville, who is a
Lindon resident, and noted that it was a great experience. He noted that the veterans and
the city came together and showed a great outpouring of patriotism. Councilmember
28 Frampton noted that he appreciated Mr. Bateman’s presentation tonight and things are
going great at the Community Center.

30 **Mayor Dain** – Mayor Dain had nothing further to report.

32 **Administrator’s Report**

34 Mr. Cowie reported on the following items:

36 **Misc Updates:**

- 38 • Project Tracking List.
- 40 • 6:00 p.m. Department work sessions prior to City Council meetings for the
remainder of the year.
- 42 • Bicycle Master Plan: Steering Committee selected Fehr & Peers. Study will last
through summer 2014.
- 44 • Vacant Police Officer position filled.
- 46 • Employee directory w/photos being created.
- Landfill Interlocal agreement – 25 yr commitment w/withdraw penalty if leaving
district in first 7 yrs. 18-month notice required after 7 years into agreement

term.

- Claims update.

Upcoming Meetings & Events:

- Newsletter Assignment: Mayor Dain - November newsletter article. *Due by last week in October.*
- Oct. 1st at 9:00 a.m., Provo – County Commissioners meeting requesting approval of 700 N. CDA
- October 8th at Noon – Engineering coordination meeting at Public Works. Mayor Dain and Councilmember’s Frampton and Acerson will attend.
- October 17th at 6:30 p.m. – Mayor’s Open House at Sharon Call home. Mayor Dain and Councilmember’s Acerson and Bean will attend.
- October 24th at 7 p.m. – Meet the Candidates night at Community Center.
- Oct. 30th at 5:30 p.m., Pioneer Park – Hallow’s Eve Party (movie & candy hunt)
- November 5th – General Elections
- Nov. 28th – Thanksgiving Dinner at community center.
- Nov. 28th & 29th – offices closed
- Dec. 2nd at 6:30 p.m. – Tree Lighting Ceremony at Community Center
- Dec. 10th at Noon – Outgoing Mayor & Council recognition lunch.
- Dec. 24th at Noon – Employee Christmas party at Community Center. All Council & families invited
- Dec. 25th & 26th – offices closed
- Jan. 1st – offices closed

Future items:

- Oct. 15th - JRCA public safety building study / report to Council
- Utility Bill formatting
- Employee Policy Manual – general updates
- Fee and Utilities rate studies
- Bed & Breakfast conditional use permits – being reviewed by Planning Commission
- Review of active service military utility waivers
- Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor

Mayor Dain called for any further comments or discussion from the Council. Hearing none he called for a motion to adjourn.

Adjourn –

COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING AT 11:20 P.M. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – October 1, 2013

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Kathryn A. Moosman, City Recorder

James A. Dain, Mayor