- 2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 6**, 2015, at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State 4 Street, Lindon, Utah. **REGULAR SESSION** – 7:00 P.M. 6 8 Conducting: Jeff Acerson, Mayor Pledge of Allegiance: Chief Cody Cullimore 10 Invocation: Jeff Acerson 12 **PRESENT** <u>ABSENT</u> Jeff Acerson, Mayor 14 Randi Powell, Councilmember Matt Bean, Councilmember 16 Van Broderick, Councilmember Jacob Hoyt, Councilmember Carolyn Lundberg, Councilmember 18 Adam Cowie, City Administrator 20 Cody Cullimore, Chief of Police Kathy Moosman, City Recorder 22 1. Call to Order/Roll Call – The meeting was called to order at 7:00 p.m. 24 2. Presentations/Announcements – a) Mayor/Council Comments – Mayor Acerson read a proclamation proclaiming 26 November 16th – 20th, 2015 as Utah College Application Week in Lindon, UT that encourages all seniors to take advantage of the assistance provided 28 through this initiative. 30 3. Approval of Minutes – The minutes of the regular meeting of the regular City Council meeting of September 15, 2015 were reviewed. 32 34 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
- OF THE CITY COUNCIL MEETING OF SEPTEMBER 15, 2015 AS AMENDED.
- 36 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS **RECORDED AS FOLLOWS:**
- COUNCILMEMBER POWELL 38 AYE COUNCILMEMBER BEAN AYE
- 40 COUNCILMEMBER BRODERICK AYE COUNCILMEMBER HOYT AYE
- 42 COUNCILMEMBER LUNDBERG AYE THE MOTION CARRIED UNANIMOUSLY.
 - 4. **Consent Agenda** No items.

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5. <u>Open Session for Public Comment</u> – Mayor Acerson called for any public comment not listed as an agenda item.

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Kevin Sonoko addressed the Council stating he is a Brigham Young University MPA student and is in attendance tonight to observe a City Council meeting as part of his research. Mayor Acerson called for any further public comment, hearing none he moved on to the next agenda item.

CURRENT BUSINESS

6. Review and Action – Osmond Assisted Living Phase 2, 175 N. State Street.
 Jared Osmond requests site plan approval of a 23,400 square foot memory care addition to the Osmond Assisted living facility located a t approximately 175 North State Street in the General Commercial (CG) zone. City ordinance requires assisted living facilities to be reviews and approved by both the Planning Commission and the City Council. The Planning Commission recommends approval of the site plan.

20 Hugh Van Wagenen, Planning Director, opened the discussion by stating Jared Osmond is in attendance tonight to request approval of phase 2 of the Osmond Assisted 22 Living Facility. Mr. Van Wagenen explained this is a site plan application for a 23,400 square foot, 32 room addition south of the existing Osmond Senior Living. He noted that Mr. Osmond was originally approved for a 90 bed facility with Phase I, but was not able 24 to achieve that number on the first phase. In total, the new phase will bring the facility to 26 85 rooms with a capacity for 105 residents or beds; up 15 of those residents may be "nonqualifying" individuals per City Code and no more than 90 may be "qualifying" residents. He mentioned some highlights of the application noting the elevations will 28 match the existing facade. Mr. Van Wagenen then referenced an aerial photo of the site 30 and surrounding area, the buffer distance map to other facilities, photographs of the existing site, site plan, architectural rendering & elevations, the landscaping plan and color palette followed by discussion. 32

Mr. Van Wagenen further explained that large care facilities are conditionally permitted in the General Commercial zone and have to meet the following site requirements (staff response is noted in red):

- 1. Facility Separation Requirement. Large facilities shall not be within one-thousand five-hundred (1500) feet of any other approved small or large care facility, group home for the elderly, group home for persons with a disability, juvenile group home, or transitional/treatment group home as defined by the Lindon City Code.

 Requirement has been met.
- 2. Lot Size Requirement. Lot size shall be according to the zone where proposed.

 There are some existing property lines that need to be cleaned up in order for the site to be approved. Mr. Osmond has indicated that an amended plat has been prepared and will presently be submitted to the City for review. It is recommended that a condition of approval be that an amended plat be recorded that satisfies City requirements before a building permit is issued for Phase II.

2 3. Project Site and Design Requirements. Large facilities shall be subject to the architectural, site plan, height and setback requirements of the commercial zone 4 were proposed. Setbacks met on frontage (20 feet) and along residential use (40 feet); height verified at time of building permit approval, but appears to be about 6 33 feet which is well below the 48 foot limit. 8 4. Landscaping. A minimum of thirty (30) percent of the lot shall be maintained in permanent landscaped open space. Also, a 20 foot landscape strip with a 3 foot 10 high berm along frontages is required with turf grass and trees every 30 feet on center. 12 In conjunction with the existing site, the requirement is met; 36% in landscaping. The required 20 foot landscape strip with a berm and trees 14 every 30 feet on center is shown. 5. Parking. Off-street parking shall be provided to accommodate staff and one (1) visitor per three (3) residents. If at such time parking is deemed insufficient by the 16 Lindon City Planning Commission and/or City Council, facility operators may be required to increase the number of parking stalls on their site or reduce the 18 number of residents in their facility. 20 Requirement met for whole site; 56 stalls provided, 35 for visitors and 21 for staff. There are 16 new stalls being added to the site which will require two additional trees in the parking lot landscaping requirement. 22 6. Facility Size. Large facilities shall provide a minimum of four-hundred (400) 24 square feet of floor area per resident. Requirement met for Phase II; over 25,000 total square feet provided or 26 about 640 s.f. per resident. 7. Architectural Design. The architectural design of care centers shall comply with architectural design guidelines as established in the respective commercial zone 28 where the facility is proposed. 30 The new phase will match the existing structure. 8. The Code requires that any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum 10' landscaped buffer from the parking 32 lot to the adjacent residential use or zone. Trees shall be planted at least every 10' along the landscaped strip adjacent to the residential use or residential zone. Trees 34 must be a minimum of 2" caliper measured one foot off the ground and at least 6' 36 tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least 20' tall in order to provide a visual barrier between the non-residential use and the residential use. 38 The landscape strip is provided, but the trees are not shown adjacent to the parking stalls located on the southwest corner of the lot. A recommended 40 condition of approval is that this requirement be satisfied. 9. Bike parking is required at 8% of the total number of parking stalls. 42 Seven total bike stalls are provided and five are required. 44 Mr. Van Wagenen stated there are a few engineering issues that will need to be resolved before the plans are finalized and staff will ensure all requirements are met. He 46

noted that the Planning Commission had some questions about the type of fence being

- 2 placed along the residential uses to the south of the property and whether fence type would be coordinated with Avalon Senior Apartments. He stated that ultimately, the
- 4 Commission left the fence design to be decided by Mr. Osmond and encouraged him to coordinate with Avalon. An approval vote of 6-0 was passed for the site plan with the
- 6 two conditions as noted in the sample motion. Mr. Van Wagenen then turned the time over to Mr. Osmond for comment.
 - Mr. Osmond addressed the Council at this time noting they were originally approved for 3 stories (90 units) and then the State Fire Marshall came back (after approving their plans) and changed their minds (with no good reason why) on the third story, so they had to remove the floor which was very disappointing.
- Mr. Osmond stated they love what they do and he invited the Council to visit the facility at any time. They have great food, activities and their staff ratio is better than any other similar facility in the valley. He noted this addition will be an expanded memory care facility and then gave a brief description of what that involves noting he is excited about the changes and this will put them in a good position. There was then some general discussion regarding the proposed facility.
- Mr. Osmond stated they will do great landscaping all around and it will be aesthetically pleasing; they will go above and beyond the requirements to ensure that it looks very nice and they will be a good neighbor. Mr. Van Wagenen stated staff is comfortable with the plan and everything seems to be in compliance with city code and they are moving forward.
 - Mayor Acerson called for any comments or questions from the Council. Hearing none he called for a motion.
- 26 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE APPLICANTS REQUEST FOR SITE PLAN APPROVAL OF A TWO STORY 23,400
- 28 SQUARE FOOT ADDITION TO OSMOND SENIOR LIVING WITH THE TWO CONDITIONS AS SET FORTH BY THE PLANNING COMMISSION.
- 30 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
- 32 COUNCILMEMBER POWELL AYE COUNCILMEMBER BEAN AYE
- 34 COUNCILMEMBER BRODERICK AYE COUNCILMEMBER HOYT AYE
- 36 COUNCILMEMBER LUNDBERG AYE THE MOTION CARRIED UNANIMOUSLY.

At this time Mr. Cowie stated that Judge Bullock was invited to attend for the next agenda item and is not in attendance at this time. He suggested moving to the next agenda item. Mayor Acerson called for a motion to amend the agenda order.

COUNCILMEMBER POWELL MOVED TO ADJUST THE AGENDA ORDER
44 AS NEEDED. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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8. Public Hearing – Lindon City Design Guidelines, Ordinance #2015-23-O.
Lindon City requests approval of Ordinance #2015-23-O outlining amendments to the Lindon City Commercial Design Guidelines to change the recommended Design Guidelines to required Design Standards. Additional review and updates to the Design Standards and city code sections will follow in future meetings. The Planning Commission recommends approval of the changes.

COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT

VOTED IN FAVOR. THE MOTION CARRIED.

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Mr. Van Wagenen explained this action is to review and approve Ordinance #2015-23-O that will change the recommended Design Guidelines to the required Design Standards. He noted there will be additional updates and alterations to the guidelines in the near future. He noted that an intense review of the proposed document is not intended

at this time. He added as per direction from the City Council in previous discussions, it was deemed beneficial to adopt the current guidelines as 'standards' as soon as possible to avoid developments that the City felt were not appropriate for commercial corridors.

He noted the Planning Commission will continue to review the standards and will make recommendations for additional minor updates as needed. He noted the Planning

22 Commission voted 6-0 to recommend approval of the proposed changes to the document.

Mr. Van Wagenen also reminded the City Council of a joint work session several weeks ago where consultant, Brent Overson, gave a presentation about Design Standards for Commercial zones. Mr. Van Wagenen stated this change is a first step in a more thorough review of the language in the document, but does give staff more ability to require the concepts described in the document. The only changes at this point are replacing the word "guideline" anywhere in the document with the word "standard" and removing the introductory paragraph that talked about guidelines and not standards.

Mr. Van Wagenen stated essentially what this action does will ensure that staff will be more thorough in architectural and site reviews as far as orientation and material use in buildings. He explained that there will be more massaging of this document going forward, but this will get us on track and limits any ability to push back on what is established with these design standards. He added that there is still work to be done to interpret the standards and a certain level of expertise involved and this will close some loopholes. There was then some general discussion regarding the presented ordinance amendment. Following discussion the Council was in agreement to move forward with the changes with the knowledge that the document can be massaged as needed.

Mayor Acerson called for any public comments. Hearing none he called for a motion to close the public hearing.

42 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL 44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

There was then some brief discussion with Mr. Van Wagenen regarding current development projects on the 700 North Corridor. Mayor Acerson called for any further comments or questions from the Council. Hearing none he called for a motion.

6 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE 2015-23-O AMENDING THE COMMERCIAL DESIGN GUIDELINES AS

- 8 PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
- 10 COUNCILMEMBER POWELL AYE COUNCILMEMBER BEAN AYE
- 12 COUNCILMEMBER BRODERICK AYE COUNCILMEMBER HOYT AYE
- 14 COUNCILMEMBER LUNDBERG AYE THE MOTION CARRIED UNANIMOUSLY.

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7. Review and Action – Lindon City Justice Court Recertification Resolution #2015-7-R. The City Council will review and consider Resolution #2015-7-R to recertify the Lindon City Court as required by the Utah Judicial Council every four years. Judge W. Bullock and Lindon City Attorney, Brian Haws, certify that the Lindon City Justice Court meets minimum operational standards as required by State Code.

Mr. Cowie opened the discussion by stating this action tonight is to review and approve the Resolution that will recertify the Lindon City Justice Court. Mr. Cowie explained that the Lindon City Justice Court provides a valuable resource to the community noting the court processed 1,652 criminal, traffic, and civil cases in the 2014 calendar year and over 1,020 cases to date in 2015. With this level of caseloads the court is considered a Class III court. He noted that every four years the Justice Court is required to be recertified by the State to ensure operational compliance with State law.

Mr. Cowie further explained that the materials included in the council packet outlines the recertification requirements and responses from Judge W. Brent Bullock and City Attorney Brian Haws. He added that the Justice Court operations are largely funded by court fines and traffic school fees and the fines and fees cover about 80% of the court expenditures (attorney fees, bailiffs, employee salaries and benefits, operational and office expenses, etc.). This fiscal year the Lindon City general fund is anticipated to subsidize about 20.1% of the operational costs. This represents a decreased (improved) level of general fund subsidy, with the highest subsidy year being FY2012-13, in which approximately 24.5% of the court was supported by general funds. Mr. Cowie mentioned that the Judge, Court Clerks, and City Administration have made positive efforts to improve efficiency and reduce costs of operations in the court.

Mr. Cowie went on to say that the City has regularly looked at the Justice Court costs and benefits and feels the Justice Court plays a critical role in the community. He noted that having a local court to hear cases that originate in Lindon instead of having to attend a court in another jurisdiction has been a key factor in keeping the court operational. Also, having a Judge that is appointed by the City Council and who has

2 developed positive relationships with employees and local law enforcement officers has been a critical benefit for the City.

Mr. Cowie also mentioned that the city has the option to close the Justice Court and outsource the court functions, but would still bear the burden of paying for the court services and attorney's fees for cases that originate within the city. He noted that in past evaluations outsourcing of court services to another justice court has been calculated to not provide significant cost benefits to the City and would decrease levels of service for those being processed by a local justice court. In conclusion, Mr. Cowie stated that staff recommends continuing to operate the Lindon City Justice Court and recommends that the Council approve the resolution to recertify the Justice Court. There was then some general discussion by the Council regarding this issue.

Mayor Acerson called for any further comments or questions from the Council. Hearing none he called for a motion.

- 16 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION #2015-7-R TO RECERTIFY THE LINDON CITY JUSTICE COURT.
- 18 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
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- 22 COUNCILMEMBER BRODERICK AYE COUNCILMEMBER HOYT AYE
- 24 COUNCILMEMBER LUNDBERG AYE THE MOTION CARRIED UNANIMOUSLY.

9. <u>Presentation & Discussion</u> – *Fire Station & Police Department facilities update*. Lindon City has contracted with Curtis Miner Architecture to design the new Fire Station and City Center/Police Department remodel projects. The City Administrator will review the status of the design process and update the Council on alternatives being explored and their associated costs.

Mr. Cowie opened this agenda item by explaining it has been three weeks since the last meeting and he thought an update and refresher on the Fire Station and City Center/Police Department remodel projects would be beneficial. Mr. Cowie then passed

out an additional summary sheet of needs and cost analysis to the council (draft form and not for public information). He noted that no motion is necessary as this item is for discussion only.

Mr. Cowie then gave a brief history of the background of the Fire Station and City Center/Police Department remodel projects beginning with the primary needs stating the number one need being the new fire station is required by our emergency services

- 42 contract with Orem City with the construction and the obligation in the contract with the goal being that the fire station accommodates Lindon City throughout buildout (50 year
- lifespan). The second primary need is the City Center updates including an elevator to improve ADA access between floors and an additional 5-7 new office spaces (at
- buildout), carpet replacement (upper level) and a better more efficient use of city center space.

Mr. Cowie then reviewed the objectives as follows: 1. Construct a new fire station to meet the contractual obligation with Orem and also meet the city fire station needs through buildout and 2. Explore opportunities to expand the Police Department at the

same time as the fire station. He then reviewed the objective criteria and alternatives for

- objective items #1 and #2. Mr. Cowie then reviewed for discussion the financial impacts and costs estimates for the projects referencing the draft summary sheet provided to the
- 8 Council. Mr. Cowie mentioned things they are trying to meet for the low costs is to take advantage of the low interest rates in the bond market which is critical. He noted they met with Jason Burningham (financial advisor) several weeks ago and mapped out the bonding calendar for this project and he indicated that everyone in the industry is waiting

to see if the federal government hikes the rates (rates have not changed in the last six months).

Mr. Cowie noted the estimates provided by Mr. Burningham on costs and numbers are 200 basis points higher than what they are at now, so there is a little bit of room, so the numbers shown are the worst case scenario. He mentioned a good thing with the timing is that the goal is to have the plans finalized and the project bid and awarded by December and go to the bond market and close on the second week in January (best time to be in the market; per Jason Burningham and the underwriter). If that target week can be hit it should get the best rates throughout the calendar year. The other issue with the low cost is that the proposed site is within the State Street RDA and those resource funds can be used for site work.

Mr. Cowie commented that we want to meet our contractual obligation with Orem City and the city needs for buildout, and we are trying to achieve council support and the support of the public and to keep the city center campus feel with the least impact to other properties. He noted that combining architectural services has been a key component. He mentioned they meet twice a week with the architects and the committee and it has been helpful to discuss both projects at the same time so they understand where we are heading. He also mentioned the concerns and needs with the police department remodel and how to keep facilitating services to the public. There was then some lengthy discussion by the Council regarding this issue including the utilization of RDA funds costs estimates, bonding and project totals.

Following discussion Mr. Cowie stated a special meeting may need to be held to have further discussion on this issue. Mayor Acerson called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

10. Review and Action – Appointments to Tree Advisory Board. The City Council will review and consider recommended appointments to the Lindon City Tree Advisory Board. It is recommended that Lindon residents Terri Cowser, Jennifer Brown, and Sarah Allred be appointed by the Council to service four-year terms on the Tree Advisory Board.

Mr. Cowie explained the Parks & Recreation Director recommends appointment approval of Terri Cowser, Jennifer, Brown, Sarah Allred and George Rowan to the Lindon City Tree Advisory Board. He noted that all of the individuals have been contacted and are willing to serve on the Board. Following discussion the Council agreed to approve the recommended individuals to the Lindon City Tree Advisory Board.

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2 Mayor Acerson called for any comments or questions from the Council. Hearing none he called for a motion. 4 COUNCILMEMBER LUNDBERG MOVED TO APPOINT TERRI COWSER, JENNIFER BROWN. SARAH ALLRED AND GEORGE ROWLAND TO THE 6 LINDON CITY TREE ADVISORY BOARD AS PRESENTED. COUNCILMEMBER 8 POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS: 10 COUNCILMEMBER POWELL AYE COUNCILMEMBER BEAN **AYE** 12 COUNCILMEMBER BRODERICK AYE **COUNCILMEMBER HOYT** AYE 14 COUNCILMEMBER LUNDBERG AYE THE MOTION CARRIED UNANIMOUSLY. 16 11. COUNCIL REPORTS: 18 **Councilmember Powell** – Councilmember Powell reported that she attended the Utah 20 County Outreach meeting where they had a presentation regarding senior's and incidents with ground level falls and risks of head trauma and the importance of getting to the hospital in the event of a fall. She also reported that City Center receptionist, Elizabeth 22 Christensen, has taken a new position with URMMA and Debbie Cullimore will be 24 coming back as the part-time receptionist. Councilmember Powell also mentioned that she would like to receive the County Commission agendas. Mr. Cowie stated he will 26 check into forwarding the agendas. 28 <u>Councilmember Bean</u> – Councilmember Bean reported that the Planning Director will be interviewing for the vacant planner position (5 candidates). Councilmember Bean also 30 reported that he spoke with the Planning Director about having some future discussion about the vacant Planning Commissioner position. He also asked Mr. Van Wagenen about a future meeting on the proposed Ivory Development. 32 34 Chief Cullimore – Chief Cullimore reported on the recent DUI checkpoint on Geneva Road noting it went well and was successful (they had nine DUI arrest in 4 hours). 36 **Councilmember Lundberg** – Councilmember Lundberg reported that the Lindon Chamber Music Society has a great orchestra program called TACO and they are 38 drawing youth from other areas besides Lindon; they will be having a program on November 20th. Councilmember Lundberg also reported she attended the Utah League 40 of Cities and Towns Fall conference noting they provided some very good training and 42 she appreciated the opportunity to attend. <u>Councilmember Hoyt</u> – Councilmember Hoyt mentioned an email sent from Mr. Cowie 44 about NUVAS and the city doing a better job at advertising animals that are up for

adoption.

2 <u>Councilmember Broderick</u> – Councilmember Broderick had nothing to report at this time.

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- <u>Mayor Acerson</u> Mayor Acerson reported on the Utah Lake Commission noting there
- has not been any feedback regarding the lake front property. He also reported that MAG is looking at appointing someone to the UTA Board and he has been approached and
- 8 noted it may come up at the November meeting. Mayor Acerson commented that he attended the league meetings and had the opportunity to talk to some of the Mayors
- which was very beneficial.

12 Administrator's Report:

Mr. Cowie reported on the following items followed by discussion.

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Misc. Updates:

- October City newsletter
 - Project Tracking List
- Councilmember Powell is Mayor pro tem from October through December 2015
 - DUI checkpoint statistics
- Elections sign location reminder; questions for Meet the Candidate night; Proposition #1 information
- Culinary water violation notice sent out in utility bills (required by the State). Options for chlorination of wells still be evaluated.
- Questar Gas line project in State Street. Project expected to last up to 8-weeks through Lindon.
- Claims updates
 - Misc. Items

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Upcoming Meetings & Events:

- Newsletter Assignment: Van Broderick November newsletter article. *Due by last week in October*.
- October 22nd at 7:00 pm Meet the Candidates Night at Community Center format and questions were discussed
- October 29th 4:30-6:30 pm MAG Transportation & Community Planning Open House, Orem Senior Center
- October 30th All Hallows Eve party at Community Center
 - November 3rd Election night
 - November 17th 6:00 pm work session with Legislative representatives (Dayton, Jackson, Peterson, Stratton)
- November 26th − Community Thanksgiving Dinner, 11am − 2 pm at Community Center.

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Mayor Acerson called for any further comments or discussion from the Council.

Hearing none he called for a motion to adjourn.

46 Adjourn –

2	COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
	AT 9:55 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
4	PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
6	Approved – October 20, 2015
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10	Kathryn Moosman, City Recorder
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14	Jeff Acerson, Mayor