

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, December 3,**
3 **2013 at 7:00 p.m. beginning with a work session at 6:30 p.m.** in the Lindon City
4 Center, City Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:30 P.M. – Conducting: Randi Powell, Mayor Pro Tem

8 Lindon City Public Works Director, Don Peterson, will meet with the City Council
9 to discuss annual reports, activities, and programs associated with the Public Works
10 Department. No motions will be made at this work session.

12 **PRESENT**

12 Randi Powell, Mayor Pro Tem
13 Jeff Acerson, Councilmember
14 Mark L. Walker, Councilmember
15 Adam Cowie, City Administrator
16 Hugh Van Wagenen, Planning Director
17 Kathryn Moosman, City Recorder

12 **ABSENT**

12 James Dain, Mayor
13 Bret Frampton, Councilmember
14 Matt Bean, Councilmember

18 The meeting was called to order at 6:45 p.m.

20 **Discussion Item:**

22 Councilmember Powell, acting as Mayor Pro Tem, opened the work session by
23 inviting Don Peterson, Public Works Director, forward to present his discussion to the
24 Council on annual activities associated with the Public Works Department.

26 Mr. Peterson opened the discussion by thanking the Council for their continued
27 support and for all they do for his Department and the City. He began by giving a brief
28 summary of his department employees and their duties. He noted that the department has
29 longevity with their employees and they are all good, hard workers who look out for the
30 city. Mr. Peterson mentioned that several projects have been bid out recently including
31 the 500 North Waterline project on Anderson Lane, which came in with a very
32 reasonable bid. He also mentioned the RDA landscape development and sidewalk bid; he
33 noted this will be a good project to get completed and to use the RDA funds for. He also
34 mentioned another upcoming project which is the RDA Catch Basin on the west side. Mr.
35 Peterson noted that the past summer has busy with the State Street widening project
36 going on with all of the underground work etc. There was then some general discussion
37 between Mr. Peterson and the Council regarding the Public Works Department.

38 Mr. Cowie expressed his appreciation for Mr. Peterson and all of his institutional
39 knowledge that he brings to the City. Mayor Pro Tem Powell also expressed her
40 appreciation and thanked Mr. Peterson, on behalf of the Council, for his presentation and
41 for his years of dedicated service to the City. Mayor Pro Tem Powell called for any
42 further comments or discussion from the Council. Hearing none she adjourned the work
43 session at 7:00 p.m.

44 **REGULAR SESSION** – 7:00 P.M.

Conducting: Randi Powell, Mayor Pro Tem
2 Pledge of Allegiance: Jake Hoyt
Invocation: Mark Walker, Councilmember

4
6 **PRESENT**

James A. Dain, Mayor – arrived 9:50
Randi Powell, Councilmember
8 Jeff Acerson, Councilmember
Mark L. Walker, Councilmember
10 Bret Frampton, Councilmember
Adam Cowie, City Administrator
12 Cody Cullimore, Chief of Police
Hugh Van Wagenen, Planning Director
14 Kathryn Moosman, City Recorder

ABSENT

Matt Bean, Councilmember

16 **1. Call to Order/Roll Call** – The meeting was called to order at 7:05 p.m.

18 **2. Presentations/Announcements** –

20 a) **Mayor/Council Comments** – Mayor Pro Tem Powell commended
22 everyone who took part in the Thanksgiving Day Dinner this year at the
Community Center. She noted that it is estimated that over 500 people
24 attended and were served a nice dinner. She added that this is a great event
made possible by the generous sponsors and citizens who donate money,
26 food and volunteer of their time so willingly.

28 **3. Approval of Minutes** – The minutes of the regular meeting of the City Council of
November 19, 2013 were reviewed.

30 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
32 THE MEETING OF NOVEMBER 19, 2013. COUNCILMEMBER FRAMPTON
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER WALKER AYE
36 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER POWELL AYE
COUNCILMEMBER ACERSON AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

38 **4. Consent Agenda** – No items.

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42 **5. Open Session for Public Comment** – Mayor Pro Tem Powell called for any public
comment not listed as an agenda item. There were no public comments.

44 **CURRENT BUSINESS**

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5a. **Review and Action** – *Community Center Fee Waiver Request by Centro Hispano.*

This is a request by Maria Teresa Tavares, with the non-profit group Centro Hispano, for a waiver of rental fees for an event to be held at the Lindon City Community Center on January 6, 2014. Per current policy, non-profit groups may request waiver or reduction of rental fees at the Community Center for one activity per calendar year.

Mr. Cowie opened the discussion by explaining the purpose of this policy is to establish consistent operating guidelines for the Community Center Rental Fee Waiver and Reduction Requests by Community Organizations or groups. He noted that Maria Tavares is in attendance to answer any questions and has submitted all of the required application materials which are included in the packets. Ms. Tavares stated that her group holds this traditional festival every year (which is also a fundraiser for children). She stated that they have previously held the event in Provo, and they are very grateful to have the opportunity to hold it this year in the Lindon Community Center. She added that between 200 - 300 people attend the event every year. Ms. Tavares stated that she can provide liability insurance to the City if needed. Mr. Cowie stated that proof of insurance is not required.

Mr. Cowie stated the waiver is worth \$200.00 and the rental will include the use of the gym, the kitchen, and room #6 of the Community Center and will go from 4:00 p.m. to 9:00 p.m. Councilmember Frampton commended Ms. Tavares for holding this event as it is a very worthy cause for the children. He added that he supports her efforts to reach out in service of others. Mayor Pro Tem Powell mentioned that this event is not just for the Hispanic community, that it is open to the community at large.

Mayor Pro Tem Powell called for any comments or questions from the Council. Hearing none she called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE
COMMUNITY CENTER FEE WAIVER REQUEST BY CENTRO HISPANO.
COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

6. **Public Hearing** – *Ordinance Amendment – LCC 17.48 Commercial Zones and LCC Standard Land Use Table – (Ordinance #2013-12-O).* This a request by Creig Fryer to amend LCC 17.48 to create the General Commercial—Storage (CG-S) zone and reflect said zone in the SLU table. Permitted uses in the CG-S would include self-storage units as well as permitted and conditional uses in the General Commercial (CG) zone. The Planning Commission recommended approval of the request.

2 COUNCILMEMBER ACERSON MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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6 Mr. Van Wagenen opened the discussion by giving a summary of this agenda
item. He noted that this is a request by Creig and Brad Fryer (who were in attendance) to
8 amend LCC 17.48 to create the General Commercial Storage (CG-S) zone and reflect the
zone in the SLU table. Mr. Van Wagenen noted that permitted uses in the CG-S would
10 include mini-storage units as well as existing permitted and conditional uses in the
General Commercial (CG) zone. He added that after review (two meetings), the Planning
Commission recommended approval to the City Council. Mr. Van Wagenen then
12 referenced the changes to the draft as outlined in the packet.

14 Mr. Van Wagenen noted there are several properties located in the CG zone that
do not have frontage along major traffic corridors. He stated that properties without
frontage do not have the same appeal as lots with frontage for traditional commercial
16 uses. Mr. Van Wagenen added that creating the CG-S zone allows one additional use of
mini-storage units to optimize the use of properties not along major corridors. He further
18 noted that a new zone also allows for the regulated development of mini-storage
developments, as any request for a zone change comes before the Planning Commission
and City Council.

20 Mr. Van Wagenen stated that the Planning Commission recommended that the
ordinance amendment be approved with the condition that the Standard Land Use Table
22 reflect the following in the Permitted Primary Uses column regarding Vault Security
Storage – Mini-Storage:

24
26 ***Vault Security Storage - Mini-Storage (outdoor storage by Conditional Use
only and is limited to 15% of total storage space and limited to personal
28 recreational vehicles).***

30 Mr. Van Wagenen stated that this change is reflected in the Standard Land Use
Table as part of the ordinance. Mr. Van Wagenen noted that before the Council tonight is
32 the newly created zone (Chapter 17.48) which references commercial zones. He added
that in these different sections anything underlined is new, but nothing was stricken from
34 the last draft, essentially they are just adding CGS to the other zones. He went on to say
there is also a new column that references setbacks, lot size, height of building etc.

36 Mr. Van Wagenen stated that limited outdoor storage will only be permitted if it
is orderly and not posing a nuisance. Mr. Van Wagenen also mentioned a letter
38 submitted by Lindsey Bayless, resident in the area. She states in the letter that changing
the use and allowing this type of use on State Street is not a good option. She voiced her
40 concerns that by developing properties behind State Street it will have an impact on the
residential areas, and particularly with the size of Gillman Lane. She further stated that
42 this type of development does not generate sales tax revenue which cuts into the State
Street businesses.

44 Mr. Van Wagenen then showed aerial photos of the property in question and
referenced the master plan. Mr. Van Wagenen stated that the only thing this zone
46 creation does is create a new permitted use of vault security mini storage and all of the
other commercial ordinance requirements apply to this, so there are no changes specific

2 to this permitted use. Councilmember Frampton commented that he does not see any
4 problems with the amendment as the applicants have gone through the steps required by
6 the City. Councilmember Acerson agreed that he likes the newly created zone and noted
8 that he feels it identifies and accomplishes what it has set out to do. He added that the
10 Council still has the authority to limit it on a conditional use basis.

12 Mayor Pro Tem Powell called for any public comments. Hearing none she called
14 for a motion to close the public hearing.

16 COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE PUBLIC
18 HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
20 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 Mayor Pro Tem Powell called for any further comments or questions from the
24 Council. Hearing none she called for a motion.

26 COUNCILMEMBER WALKER MOVED TO APPROVE ORDINANCE #2013-
12-O TO LINDON CITY CODE 17.48 SPECIFICALLY MODIFYING, AMENDING,
18 AND REVISING 17.48.010, 17.48.020, 17.48.040, 17.48.080 AND TABLE 17.48.020
20 AND THE STANDARD LAND USE TABLE AS PRESENTED WITH THE NEW CG-
S COLUMN . COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE
22 VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER WALKER	AYE
COUNCILMEMBER POWELL	AYE
26 COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER ACERSON	AYE

28 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

30 **7. Public Hearing** – *Zone Map Amendment – 439 West Gillman Lane (Ordinance*
32 *#2012-13-O)*. This is a request by Creig Fryer to rezone property currently split zoned
34 Residential Single Family (R1-20) and General Commercial (CG) to the General
36 Commercial—Storage (CG-S) zone. The Planning Commission recommended
38 approval of the request.

40 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
42 HEARING. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL
44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

46 Mr. Van Wagenen opened the discussion by explaining this is a request by Creig
Fryer to rezone property currently split zoned Residential Single Family (R1-20) and
General Commercial (CG) to the General Commercial—Storage (CG-S) zone. This
change would permit Vault Security Storage/Mini-Storage as a permitted use on the
property.

Mr. Van Wagenen further explained the request before the Council is to change
the zoning from the current zoning to the previously approved ordinance amendment
creating the CG-S zone. Mr. Van Wagenen noted there are several properties located in
the CG zone that do not have frontage along major traffic corridors, and the Fryer
property is one of them. Mr. Van Wagenen noted that rezoning this property allows an

2 additional permitted use on the property mini-storage units that allows the owners to
3 realize a viable use of the property and a nice transitional use.

4 Mr. Van Wagenen went on to say the applicant has provided a concept plan and
5 several pictures of existing storage facilities that he hopes to mimic. They are also
6 respecting the buffers to the residential uses. Mr. Van Wagenen referenced a citizen
7 letter submitted by John and Lindsey Bayless to the Planning Commission concerning the
8 proposed zone change. The letter is included in the packet. He noted that the Planning
9 Commission unanimously recommended approval of the zone change at this location
10 upon condition that the CG-S zone was created by previous amendment. The applicants
11 addressed the Council at this time. Mr. Fryer stated their hope is to create mini-storage
12 units with the possibility of subdividing the existing building in the future to inside
13 storage with controlled climate. They also hope to provide citizens with a place to store
14 their belongings and to allow them to clean up their property. There was then some
15 general discussion regarding traffic, parking and lighting issues associated with this zone
16 map amendment.

17 Mayor Pro Tem Powell called for any public comments. Hearing none she called
18 for a motion to close the public hearing.

19 COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE PUBLIC
20 HEARING. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL
21 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 Mayor Pro Tem Powell called for any further comments or questions from the
23 Council. Hearing none she called for a motion.

24 COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE
25 #2013-13-O, THE ZONE MAP AMENDMENT FROM GENERAL
26 COMMERCIAL/SINGLE FAMILY RESIDENTIAL TO CG-S ON THE PROPERTY
27 LOCATED AT 439 WEST GILLMAN LANE. COUNCILMEMBER WALKER
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
29 COUNCILMEMBER WALKER AYE
30 COUNCILMEMBER FRAMPTON AYE
31 COUNCILMEMBER POWELL AYE
32 COUNCILMEMBER ACERSON AYE
33 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

34 **8. Review and Action** – *Development Agreement, Ivory Development LLC (Resolution*
35 *#2013-16-R.* This is a request by staff for City Council review and consideration of a
36 development agreement between Lindon City and Ivory Development LLC (Ivory
37 Homes) that will facilitate waiver of storm water impact fees on individual lots within
38 the Cullimore Court Subdivision in lieu of payment for off-site storm water
39 improvements made by Ivory Development.
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41 Mr. Van Wagenen opened the discussion by explaining this is a request by staff
42 for City Council review and consideration of a development agreement between Lindon
43 City and Ivory Development LLC (Ivory Homes) that will facilitate waiver of storm
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2 water impact fees on individual lots within the Cullimore Court Subdivision (off of 400
West) in lieu of payment for off-site storm water improvements made by Ivory
Development.

4 Mr. Van Wagenen noted the City Engineer and Public Works Director identified
that it would be a good time to upgrade the site with storm drain pipes on 400 West in
6 anticipation of future development as Ivory Homes is currently putting in infrastructure.
Mr. Van Wagenen went on to say that the Development Agreement before the Council
8 waives some of the storm water impact fees that would be assessed (approximately
\$7,000) with the building permits for the Cullimore Court Subdivision. He noted that
10 Ivory Homes has reviewed and is on board with this agreement. Mr. Van Wagenen
stated that the credits are easy to track through the building permits. There was then
12 some additional general discussion regarding this development agreement.

14 Mayor Pro Tem Powell called for any further comments or questions from the
Council. Hearing none she called for a motion.

16 COUNCILMEMBER ACERSON MOVED TO APPROVE RESOLUTION
#2013-16-R, THE DEVELOPMENT AGREEMENT FOR IVORY DEVELOPMENT
18 LLC. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER WALKER AYE
COUNCILMEMBER POWELL AYE
22 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER ACERSON AYE

24 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

26 **9. Public Hearing** – *Ordinance Amendment, LCC 17.09 Table #1 (Ordinance #2013-*
28 *14-O)*. This is a City initiated request to amend the Land Use and Appeal Authorities
for certain land use applications as specified in LCC 17.09 Table #1. The Planning
Commission recommended approval of the amendment.

30 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
32 HEARING. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Mr. Van Wagenen opened the discussion by explaining in an effort to streamline
36 the approval process for land use applications within the City (per City Council direction)
and to make the most efficient use of public meeting time, the City is considering
38 changes to LCC 17.09 Table #1. He noted Table #1 designates what body is the final
land use authority and appeal authority for specific land use applications.

40 Mr. Van Wagenen explained that the proposed changes are adding a major
subdivision category with the City Council as the Final Authority and Board of
42 Adjustment as the Appeal Authority, this action will add a minor subdivision category
with the Planning Commission as the Final Authority and City Council as Appeal
44 Authority and will allow the Planning Commission to be the Final Authority on Plat
Amendments with the City Council acting as the Appeal Authority. Mr. Van Wagenen
46 stated the Planning Commission recommended unanimous approval of this ordinance
amendment to the City Council. Mr. Van Wagenen noted that the section of the table,

“Alteration of non-conforming use” was not discussed by the Planning Commission, and staff feels this table supersedes what is in the ordinance. He asked the Council what their thoughts are about this use. He noted that not many come of these applications come in.

Mr. Van Wagenen noted that all changes are shown below:

LCC 17.09, Table #1		
Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change & Zoning Ordinance Amendments	City Council	None
<u>Major</u> Subdivisions	City Council	Board of Adjustment
<u>Minor</u> Subdivisions*	<u>Planning Commission</u>	<u>City Council</u>
Plat Amendment*	City Council <u>Planning Commission</u>	Board of Adjustment <u>City Council</u>
Alteration of Non-Conforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission
Building Permit*	City Staff	Planning Commission
Temporary Site Plan*	City Staff	Planning Commission
Site Plan*	Planning Commission	City Council
Conditional Use Permit*	Planning Commission	City Council
Temporary Conditional Use Permit*	Planning Commission	City Council
Variances	Board of Adjustment	None
Other Administrative actions as listed in code or performed through department policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative actions	City Council	None

*In cases where the City Council implements LCC 17.08.090 and becomes the land use authority, the appeal authority becomes the Board of Adjustment.

Mayor Pro Tem Powell called for any public comments. Hearing none she called for a motion to close the public hearing.

COUNCILMEMBER WALKER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mayor Pro Tem Powell called for comments or questions from the Council. Mayor Pro Tem Powell commented that she likes the suggestion of having the Planning Commission review the Alteration of non-conforming use applications because they often deal with land use issues. Councilmember Walker stated that he would like to see the bureaucracy cut any way possible, and he feels the Planning Commission is competent to review the “Alteration of non-conforming use” applications. Following some additional discussion Mayor Pro Tem called for a motion. Mr. Cowie noted that the Council would still have the ability to appeal a decision of the Planning Commission if warranted. Councilmember Acerson commented if an issue came up the Council would have to walk through it.

COUNCILMEMBER WALKER MOVED TO APPROVE ORDINANCE #2013-14-O, AMENDING LCC 17.09 TABLE #1 WITH THE CHANGE OF THE ALTERATION OF NON-CONFORMING USE, THE LAND USE AUTHORITY WILL

2 BECOME THE PLANNING COMMISSION AND THE APPEAL AUTHORITY WILL
3 BECOME THE CITY COUNCIL. COUNCILMEMBER ACERSON SECONDED THE
4 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER WALKER AYE
5 COUNCILMEMBER FRAMPTON AYE
6 COUNCILMEMBER POWELL AYE
7 COUNCILMEMBER ACERSON AYE

8 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

10 **10. Public Hearing** – *Ordinance Amendment, LCC Appendix A, SLU Table (Ordinance*
11 *#2013-15-O)*. This is a City initiated request to amend the SLU table to make Bed &
12 Breakfast Facilities a non-permitted use in residential zones throughout the City. The
13 Planning Commission recommended approval of the amendment.

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15 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
16 HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
17 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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19 Mr. Van Wagenen opened the discussion by explaining this is a City initiated
20 request to amend the Standard Land Use table to make Bed & Breakfast Facilities a non-
21 permitted use in residential zones throughout the City which has been previously
22 reviewed. Mr. Van Wagenen mentioned that earlier this year, a resident applied for a
23 Conditional Use Permit to operate a Bed & Breakfast in her home in the R1-12 zone. He
24 noted this request concerned several neighbors as well as Commissioners and Council
25 Members who did not realize the effect of allowing Bed & Breakfast facilities as a
26 conditional use in residential neighborhoods.

27 Mr. Van Wagenen stated that based on these concerns, the City is considering
28 removing “Residential Bed & Breakfast Facility – 3 rooms or less” as a conditional use in
29 residential zones. He noted that essentially this will strike any Bed & Breakfast facilities
30 in residential zone. Mr. Van Wagenen noted that this item is pretty straightforward and a
31 good way to go about addressing this issue. He stated that after review the Planning
32 Commission recommended approval of the ordinance amendment prohibiting bed &
33 breakfast uses in residential zones and recommended striking the use completely.
34 However, the Commission also stated they would entertain such a use on lots of one acre
35 or larger (but did not feel strongly about it), if the Council were interested in pursuing
36 that option. Mayor Pro Tem Powell commented that she would like to see this issue
37 demand driven, stating there is currently not much demand for this type of facility in the
38 area. There was then some general discussion regarding this agenda item.

39 Mayor Pro Tem Powell called for any public comments. Hearing none she called
40 for a motion to close the public hearing.

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42 COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE PUBLIC
43 HEARING. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL
44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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46 Mayor Pro Tem Powell called for any further comments or questions from the
Council. Hearing none she called for a motion.

2 COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE
4 #2013-15-O TO LINDON CITY CODE STANDARD LAND USE TABLE WHICH
6 PROHIBITS “RESIDENTIAL BED & BREAKFAST FACILITY- 3 ROOMS OR
8 LESS” IN RESIDENTIAL ZONES. COUNCILMEMBER WALKER SECONDED
10 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE

8 COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER POWELL AYE

10 COUNCILMEMBER ACERSON AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

12
14 **11. Public Hearing** – *Ordinance Amendment, LCC 3.05 PARC Tax (Ordinance #2013-*
16 *16-O)*. This is a City initiated request to create LCC Chapter 3.05 Parks, Arts,
18 Recreation and Culture Tax, which will enact and levy a tax to finance cultural and
recreational facilities and ongoing operations, and to finance operations of cultural
organizations within Lindon City pursuant to U.C.A. § 59-12-1402. Said tax shall be
known as the Parks, Arts, Recreation, and Culture Tax, or ‘PARC’ Tax.

20 COUNCILMEMBER ACERSON MOVED TO OPEN THE PUBLIC
22 HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Mr. Cowie opened the discussion by explaining this is a procedural item. He
26 stated that in the November election there was a 66.7% favorable response from voters
for the PARC Tax implementation. He added that the passage of this ordinance would
28 enact the PARC tax, and by direction of the Council passing the ordinance, they would
then notify the State of the PARC Tax approval which would become effective in April
30 of 2014. Mr. Cowie stated this is a pretty straightforward ordinance and sets forth, by the
authority of the Council, to make this tax effective for a 10 year period, at which time the
32 city has the option to take it back to the public as an opinion question on the ballot to
renew the tax that would have to be passed with a majority vote.

Councilmember Acerson commented that he would prefer to have the full Council
34 present to weigh in before voting to enact the PARC Tax. Mr. Cowie stated that notice
must be given to the State before December 31st, so there is time to postpone the item to
36 the next meeting if that is what the Council would like to do. The Council was in
agreement to continue the item to the next meeting in order to have a full Council present
38 for the vote. Mr. Cowie also presented sample PARC Tax logos for the Council’s review.
There was then some general discussion regarding this issue.

40 Mayor Pro Tem Powell called for any public comments. Hearing none she called
for a motion to close the public hearing.

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44 COUNCILMEMBER WALKER MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 Mayor Pro Tem Powell called for any further comments or questions from the Council. Hearing none she called for a motion.

4 COUNCILMEMBER ACERSON MOVED TO CONTINUE ORDINANCE
6 #2013-16-O, CREATING LINDON CITY CODE CHAPTER 3.06 PARKS, ARTS,
8 RECREATION AND CULTURE TAX AND DIRECT STAFF TO NOTIFY THE
STATE OF THE PARC TAX APPROVAL. COUNCILMEMBER FRAMPTON
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE

10 COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER POWELL AYE

12 COUNCILMEMBER ACERSON AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14
16 **12. Public Hearing** – *Ordinance Amendment, LCC 1.20 Policies and Procedures,*
18 *(Ordinance #2013-17-O).* This is a City initiated request to create LCC Chapter 1.20
Policies and Procedures, to recognize by ordinance the creation and authority of
adopted policies and procedures for employees and other city business.

20 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Mr. Cowie gave a brief summary of this agenda item stating this item is similar to
the annual approval of the Development Manual that is in place in the Community
26 Development Department. He noted that every year the manual is brought before the
Council for ratification and approval to allow the City Administrator to make minor
28 changes to the policy as needed. Mr. Cowie stated this ordinance amendment will allow
the same authority for the Policies and Procedures Manual, and will be recognized, by
30 ordinance, the creation and authority of adopted polices and procedures for employees
and other city business. Mr. Cowie then referenced the proposed Purpose section of the
32 code as follows:

34 ***Section 1.20.10 Purpose:*** *The Lindon City Policies and Procedures Manual (herein*
36 *referenced as the ‘Manual’) shall be created to govern the administrative functions and*
employee policies of the City that are not otherwise outlined within Lindon City Code.
38 *The Manual should identify the organizational structure, rules, benefits, responsibilities,*
and obligations of employment with the City including policies on topics such as risk
40 *management, proper use of city property and equipment, purchasing and procurement,*
personnel policies, employee benefits, performance responsibilities, etc.

42 There was then some general discussion by the Council regarding this proposed
ordinance amendment. Mayor Pro Tem Powell called for any public comments at this
44 time. Hearing none she called for a motion to close the public hearing.

2 COUNCILMEMBER ACERSON MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 Mayor Pro Tem Powell called for further comments or questions from the
Council. Hearing none she called for a motion.

8 COUNCILMEMBER ACERSON MOVED TO APPROVE ORDINANCE
#2013-17-O, CREATING LCC 1.20 POLICIES AND PROCEDURES.

10 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

12 COUNCILMEMBER WALKER AYE

COUNCILMEMBER FRAMPTON AYE

14 COUNCILMEMBER POWELL AYE

COUNCILMEMBER ACERSON AYE

16 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

18 **13. Public Hearing** – *Ordinance Amendment, LCC 1.30 Purchasing and Procurement*
20 *(Ordinance #2013-18-O). This is a City initiated request to create LCC Chapter 1.30*
22 *Purchasing and Procurement, to recognize by ordinance the creation and authority of*
adopted purchasing policies that will be included in the Lindon City Policies and
Procedures Manual.

24 COUNCILMEMBER WALKER MOVED TO OPEN THE PUBLIC HEARING.
26 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

28 Mr. Cowie explained this agenda item is very similar to the previously approved
30 item with the Policies and Procedures Manual, but is initiated to create LCC Chapter 1.30
for Purchasing and Procurement. He noted that Brian Haws, City Attorney, indicated that
32 it is best to have reference to policy, by ordinance, for housekeeping and also for auditing
purposes. He stated this ordinance amendment will allow the same authority for the
34 Purchasing and Procurement Policy and will recognize, by ordinance, the creation and
authority of adopted purchasing policies that will be included in the Lindon City Policies
and Procedures Manual. Mr. Cowie then referenced the proposed Purpose and Adoption
36 section of the code as follows:

38 ***Section 1.20.10 Purpose and Adoption: Pursuant to Utah Code Annotated §10-6-122,***
§10-7-20, §10-8-1, §10-8-2, and other pertinent provisions of the laws of the State of
40 ***Utah, the Lindon City Council hereby adopts and establishes this Purchasing and***
42 ***Procurement ordinance to fairly and legally govern the purchase and procurement of***
goods and services by the City.

44 Mayor Pro Tem Powell called for any public comments. Hearing none she called
for a motion to close the public hearing.

2 COUNCILMEMBER ACERSON MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 Mayor Pro Tem Powell called for any comments or questions from the Council.
Hearing none she called for a motion.

8 COUNCILMEMBER WALKER MOVED TO APPROVE ORDINANCE #2013-
18-O, CREATING LCC 1.30 PURCHASING AND PROCUREMENT.

10 COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

12 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
14 COUNCILMEMBER POWELL AYE
COUNCILMEMBER ACERSON AYE

16 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

18 **14. Review and Action** – *Purchasing and Procurement Policy (Resolution #2013-17-R).*

20 This is a request by staff for City Council review and consideration of new
purchasing and procurement policies. These policies will provide greater flexibility
and clarity for administrative purchases of previously budgeted items, and provide
22 updated bid and procurement processes. Adopted policy will be added to the Lindon
City Policies and Procedures Manual.

24
26 Mr. Cowie opened the discussion item by referencing the outdated purchasing and
procurement policy followed by review of the proposed new policy. He noted these
policies will provide greater flexibility, clarity and will streamline administrative
28 purchases of previously budgeted items, and provide updated bid and procurement
processes. He went on to say the adopted policy will be added to the Lindon City Policies
and Procedures Manual. Mr. Cowie mentioned that the monthly purchase statements are
30 uploaded onto the Council's Google drive accounts for review. Mr. Cowie then reviewed
the Purchasing and Procurement policy followed by some lengthy discussion. Mr. Cowie
32 noted that the City Finance Director has also reviewed this policy.

34 Mayor Pro Tem Powell called for any further comments or questions from the
Council. Hearing none she called for a motion.

36
38 COUNCILMEMBER ACERSON MOVED TO APPROVE RESOLUTION
#2013-17-R CREATING A NEW PURCHASING AND PROCUREMENT POLICY
WITH THE CHANGE OF ADDING SECTION 4.4.5 AND INCLUDE THE CHANGE
40 ON THE TABLE. COUNCILMEMBER FRAMPTON SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
44 COUNCILMEMBER POWELL AYE
COUNCILMEMBER ACERSON AYE

46 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT

15. COUNCIL REPORTS

2

Councilmember Powell – Councilmember Powell reported that she will be attending the NOVA Graduation on December 11th. She also reported that the next CCAB meeting will be held on February 13, 2014. Councilmember Powell mentioned that the Historical Commission did a great job on the Tree Lighting Ceremony this year. She also mentioned that the Lindon Days committee will be meeting in the next couple of months and she is excited about the changes that were recently made regarding Lindon Days.

10 **Councilmember Walker** – Councilmember Walker reported that he attended his last North County Animal Shelter Meeting and they are looking forward to a new representative to represent the city. Councilmember Walker also reported that they are also moving fast, politically, to make sure that the County Commissioners are not doing the appointing; they are trying to run it through the State Legislature right now with some bills and language already being written. Councilmember Walker mentioned that the some of the seniors rode the new bus for the first time and they were very excited. He also asked if there had been any new reports regarding the politics of the city courts. Councilmember Acerson commented that the legislature is currently reviewing the issue and it is getting some attention.

20

Chief Cullimore – Chief Cullimore reported that they have been enforcing traffic on Center Street. He added that there were 12 accidents in town due to the recent snow storm, but no reported injuries. Chief Cullimore also reported on the success of the Thanksgiving Dinner and also the Tree Lighting Ceremony. He also mentioned that there was high sales tax from black Friday at Wal-Mart. There were also 10,000 customers at the store reported between 6:00 and 10:00 pm.

28 **Councilmember Bean** – Councilmember Bean was absent.

30

Councilmember Acerson – Councilmember Acerson reported that the UIA meeting is scheduled for this month and he will be attending. Mr. Cowie then gave a brief summary and update on UIA followed by some general discussion by the Council. Councilmember Acerson asked Mr. Cowie if he could set up a conference call with Attorney, Dave Shaw and Mayor Dain for counsel regarding UIA. Mr. Cowie stated that he will schedule a time with Mr. Shaw and get back to him.

38 **Councilmember Frampton** – Councilmember Frampton had nothing to report.

40

Mayor Dain – Mayor Dain also commended everyone who took part in the annual Thanksgiving Day Dinner. He noted that they estimated that over 500 people were served dinner this year and added that this is a great event made possible by the generous sponsors and citizens who donate money, food and time. Mayor Dain mentioned that he hopes to see this tradition continue into the future under a new Mayor.

46

2 *Mayor Dain joined the meeting at 9:50 p.m.*

4 **16. Administrator's Report:**

6 Mr. Cowie reported on the following items:

8 **Misc Updates:**

- 8 • Project Tracking List.
- 10 • Utah OSHA inspections – Some corrections being made and new safety policies to be implemented.
- 12 • Policy Manual updates coming Dec 17th – There will be significant amounts of change.
- 14 • Audit findings – We expect some correction notices (purchase order policy). We knew items would arise when we made a change in auditors. We will make changes to correct issues.
- 16 • Comcast – contacted to request estimates on hook-up and monthly services to all city facilities.
- 18 • Outgoing Council members – turn in building keys. Mayor Dain, Councilmember Walker and Councilmember Frampton.
- 20 • Update on UTOPIA matters.

22 **Upcoming Meetings & Events:**

- 24 • Newsletter Assignment: Councilmember Acerson – January newsletter article. Due by the last week in December.
- 26 • Dec. 10th at noon – Engineering Meeting at Public Works. Mayor Dain, Councilmember Acerson and Councilmember Walker will attend.
- 28 • Dec. 13th – Men's Choir concert at the Community Center.
- 30 • Dec. 18th at Noon – Outgoing Mayor Dain & Councilmember Walker and Councilmember Frampton recognition lunch.
- 32 • Dec. 24th at Noon – Employee Christmas party at Community Center. All Council members & families are invited to attend.
- 34 • Dec. 25th & 26th – Offices closed for the Christmas Holiday.
- 36 • Jan. 1st – Offices closed.
- 38 • Jan. 7th – Swearing-in ceremony at Council meeting for newly elected officials and appointed staff.
- 40 • Jan. 11th – ULCT newly elected officials training will be held in Provo on Saturday, January 11th from 8:00 a.m.- 1:30 p.m.
- 42 • Jan. 20th – Martin Luther King Day Holiday, offices closed.
- 44 • Jan. 29th – ULCT Local Officials Day at the Legislature. 7:30 a.m. – 2:00 p.m. Utah Capitol/Lunch at the Salt Palace.
- 46 • Feb. 27th at 6:00 p.m. – Budget Kick-off Meeting & Dinner at City Center.

48 **Future items:**

- 50 • Utility Bill formatting.
- 52 • Employee Policy Manual – General updates.

- Fee and Utilities rate studies and review of active service military utility waivers.
- Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor.
- Possible Planning Commission member to fill vacancy – Matt Guinn who lives on 367 South 400 West is willing to serve.

17. **Closed Session:** The City Council will enter into a closed executive session per UCA 52-4-205— to discuss the character and professional competence of an *Individual* (UCA 52-4-205).

COUNCILMEMBER FRAMPTON MOVED TO CONTINUE THE CLOSED SESSION TO THE NEXT CITY COUNCIL MEETING. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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

22

Adjourn –

24

COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT 9:55 P.M. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – December 17, 2013

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Kathryn A. Moosman, City Recorder

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38

James A. Dain, Mayor