

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 16,**  
4 **2016, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100  
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor  
Pledge of Allegiance: Zack Bentley, Boy Scout  
10 Invocation: Matt Bean, Councilmember

12 **PRESENT** **ABSENT**

12 Jeff Acerson, Mayor  
14 Matt Bean, Councilmember  
Randi Powell, Councilmember  
16 Van Broderick, Councilmember  
Carolyn Lundberg, Councilmember  
18 Jacob Hoyt, Councilmember

20 **Staff Present**

Adam Cowie, City Administrator  
22 Cody Cullimore, Chief of Police  
Hugh Van Wagenen, Planning Director  
24 Brandon Snyder, Associate Planner  
Brian Haws, City Attorney  
26 Mark Christensen, City Engineer  
Kathryn Moosman, City Recorder

28

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 30 2. **Presentations/Announcements** –
  - 32 a) **Mayor/Council Comments** – There were no announcements at this time.
- 34 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of February 2, 2016 were reviewed.

36

38 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF  
THE CITY COUNCIL MEETING OF FEBRUARY 2, 2016 AS AMENDED.

40 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

42 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
44 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE

46 THE MOTION CARRIED UNANIMOUSLY.

2           4. **Consent Agenda** – No items.

4           5. **Open Session for Public Comment** – Mayor Acerson called for any public  
comment not listed as an agenda item.

6

**Patrice Bretschneier:** Ms. Bretschneier mentioned the city recycling program and  
8 questioned if the implementation of a glass recycling bin is an option. She also suggested  
to perhaps email those residents specifically who are not currently recycling to encourage  
10 them to do so. Mayor Acerson commented that the city has been promoting recycling  
and it is trending upward through education and promotion. Councilmember Powell  
12 mentioned she brought up glass recycling at the last Council meeting for discussion.

Councilmember Lundberg commented that some cities have the “opt-out”  
14 program where every service address in the city automatically receives a recycling can  
and if they don’t want to use it they can the city to have it removed. Lindon City  
16 currently uses the “opt-in” version where residents can contact the city to request a  
recycle can for a nominal fee. She noted the city has been doing a marketing campaign  
18 including monthly newsletter articles to encourage and promote recycling in the city.

Mr. Cowie stated as a reminder, when they looked into a glass recycling program  
20 Republic Waste indicated they would have to retrofit a container at the cost of \$1000 to  
upgrade and it would then be \$325 for each pickup/empty (approx. every 3-6 months). He  
22 noted that all residents are notified about recycling through the utilities bill list. Mayor  
Acerson stated the Council will consider looking further into the option of glass  
24 recycling.

Mayor Acerson called for any further public comment. Hearing none he moved  
26 on to the next agenda item.

28           **CURRENT BUSINESS**

30           6. **Public Hearing—FY 2015-16 Budget Amendment, Resolution #2016-6-R.**

The Council will review and consider proposed amendments to the FY2015-16  
32 budget as presented by City Finance Director, Kristen Colson.

34           COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT  
36 VOTED IN FAVOR. THE MOTION CARRIED.

38           Adam Cowie, City Administrator mentioned that several recent changes and  
updates were significant enough that it was prudent to amend the budget accordingly  
40 prior to these funds being expended or accrued. He then turned the time over to Kristen  
Colson, Lindon City Finance Director, to present the budget amendment report.

42           Ms. Colson then presented the amended budget line items for discussion. She  
noted they will be reviewing budget items much more carefully in the coming months.

- 44           • Development in Lindon City is coming in at an elevated pace higher than  
anticipated which is increasing revenues which in turn is also causing an  
46           increased need for plan review services.
- Interest earnings are also higher than originally budgeted (more cash on

2 hand earning interest).

- 4 • Lindon Days Car Show raised \$5,000 which they donated to Lindon City Police for additional emergency preparedness expenses.
- 6 • Lindon is spending more on public noticing than budgeted.
- 8 • Unanticipated cost of about \$9,700 for the demolition of the tithing office.
- 10 • Repairs to the Chief Building Official's truck were budgeted in the 2015FY, but repairs will be done in the 2016FY.
- 12 • Cost for writing the new Building Permit program is costing more than anticipated.
- 14 • Cost for doing a lighting study at the pool was not originally budgeted for (\$4,000 under the PARC Tax Fund).
- 16 • PARC Tax was budgeted to fund the installation of the sidewalk by the arena on Main Street, in the 2015FY, but was paid for in the 2016FY. The cost was \$22,865 (the bill didn't come until December). Staff has decided to postpone moving the playground at Meadow Park to Creekside Park and replacing it with a new pad and playground. This project was budgeted for \$70,000 and will be re-evaluated this summer.
- 18 • The \$5,000 contribution of PARC Tax funds for Fryer Park playground was not originally budgeted for.
- 20 • Cost for the tennis and pickle ball courts is more than anticipated. Staff is recommending changing the location of the courts from Pheasant Brook Park to Hollow Park. (Increased revenues and postponing the playground at Lindon View Trailhead Park will offset the increased cost of the courts).
- 22 • Reconditioning the pressure reducing stations was budgeted in the 2015FY, but will be done in the 2016FY instead with the cost anticipated to be \$50,000. This will be offset \$22,000 by postponing the rebuild of the traveling screen with a net increase of \$28,000.
- 24 • Revenues and expenses are anticipated to increase in the Recreation fund since the city will now be running the little league baseball program in-house.
- 26 • The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, the fund balances.
- 28
- 30
- 32
- 34

36 Ms. Colson concluded by stating the overall city wide revenues increased \$205,500 and expenses decreased \$5,300 with some carry over that increased expenses \$74,265. The use of fund balance (savings) increased \$40,500 appropriating or adding to the fund balance increased \$177,000. Ms. Colson called for any questions at this time.

38 Councilmember Hoyt asked if the lighting study at the pool was paid with PARC tax funds. Ms. Colson confirmed that statement. Councilmember Lundberg asked if there is there a cost difference in what was originally planned to move the pickle ball courts from Pheasant Brook Park to Hollow Park. Ms. Colson stated Heath Bateman estimated \$60,000 (without bids) but when the engineers got involved it was closer to \$125,000 but the increase doesn't have anything to do with the location.

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

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

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

8  
10 COUNCILMEMBER HOYT MOVED TO APPROVE THE FISCAL YEAR  
2015-16 BUDGET AMENDMENTS AS PRESENTED IN RESOLUTION #2016-6-R.  
COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
12 RECORDED AS FOLLOWS:

14 COUNCILMEMBER POWELL	AYE
14 COUNCILMEMBER BEAN	AYE
16 COUNCILMEMBER BRODERICK	AYE
16 COUNCILMEMBER LUNDBERG	AYE
18 COUNCILMEMBER HOYT	AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 **7. Review & Action—Bid Award, Lindon City Public Safety Building.**

22 Competitive bids for the Lindon City Public Safety Building were received on  
February 11, 2016 with Warner & Associates Construction, Inc. being the low  
24 bidder with a bid of \$3,657,991.86 (includes base bid and recommended  
alternate bid items). Staff recommends awarding the project to the low bidder.

26 Mr. Cowie opened this discussion by giving some background of this agenda  
item. He stated Lindon City solicited bids to construct a combined fire/police public  
28 safety building consisting of approximately 17,500 sq. /ft. of office space, living quarters,  
and equipment bays. There were 9 bidders that were prequalified with the low bidder  
30 being Warner & Associates. He noted that four of the bigger companies passed on the  
submitting a bid. He added that staff feels good about the bid number.

32 Mr. Cowie then referenced the base bids only as follows:

34 \$3,606,753.53 Warner & Associates Construction
\$3,646,350.00 Valley Design & Construction
\$3,735,677.13 Ellsworth Paulson Construction
36 \$3,753,600.00 Bud Mahas Construction
\$3,999,927.74 Zwick Construction

38  
40 Mr. Cowie stated Warner & Associates Construction, Inc. is the low bidder on  
both the base bid and inclusion of the selected alternate bid items. With inclusion of the  
42 police department being fully finished and all the alternates being selected, the total bid is  
almost exactly the same as estimates for building and site work costs that were presented  
44 to the Council on November 17, 2015. He noted that the given the bid pricing meets  
estimated costs, staff is recommending moving forward with the bid award subject to the  
46 city obtaining final contract documents from the contractor, and receiving acceptable  
financing. The market pricing and closing date for the direct placement bond is expected

2 to occur on March 3, 2016. The contractor will be required to complete the total project  
by December 22, 2016 with all landscaping installed no later than October 1, 2016.

4 Mr. Cowie asked the Council for direction on the north Aquatics (grassy area)  
parking lot alternate at a cost of \$35,091.54 for a net increase of 11 new parking spaces,  
6 and also the alternate for the majority of site work, drive entrances, and Aquatics parking  
lot to be completed by May 28<sup>th</sup> at a cost of \$8,840.00 (items are both included in the  
8 total recommended bid amount). He noted that staff recommends approving the alternate  
as the cost is worth it for the season at the aquatics center to make it user friendly.

10 Mr. Cowie noted that previously anticipated amounts of approximately \$120k to  
\$200k still remain for Furnishings, Fixtures, and Equipment (FF&E) including  
12 appliances, IT & phone systems, and security systems. These items are traditionally not  
part of a construction bid and the responsibility of the owner. He noted they are in  
14 process of obtaining bids on several of these items. The majority of anticipated  
contingency funds will be available for possible change orders. He explained that  
16 depending on bids for FF&E items they anticipate total bonding needs of approximately  
\$2.7 million with the remainder of the project paid in cash. He stated he will bring it to  
18 the committee on March 3<sup>rd</sup> which consists of Mayor Acerson, Councilmember Bean and  
Councilmember Hoyt. There was then some general discussion by the Council regarding  
20 this issue.

Mr. Cowie gave a breakdown noting the bid includes the combined building costs  
22 and the site work, he noted that more detail and contract documents will be coming from  
the contractor when awarded. He pointed out that based on rough number approximately  
24 \$500,000 could be assigned to RDA funds.

26 Mayor Acerson asked for the Council's thoughts at this time.

28 Councilmember Hoyt stated he is comfortable with the RFP process and  
understands the obligation to award to the low bidder, but he still has concerns with  
30 the financing and would prefer putting more down, but he is fine in this process of  
awarding the bid as they are two separate items.

32 Councilmember Bean agreed with Councilmember Hoyt's statement.

34 Councilmember Broderick also agreed with Councilmember Hoyt's  
statement but he would not select alternate one or alternate two (he would include  
36 the police finish).

38 Councilmember Lundberg commented that she feels the parking will be  
40 needed at some point in the future and that it doesn't close the option to add it later  
with cash funds and do less bonding.

42 Councilmember Powell commented that she would like to move forward and  
44 is in favor of taking out option one and leaving in numbers 3, 4, and 5.

46 Councilmember Broderick asked Mr. Cowie what the new amount is without  
the two alternates. Mr. Cowie stated that brings the bid award total down to

2 \$3,622,900.32. Mr. Cowie pointed out when this project was designed in 2013 it  
4 was estimated at just over 7 million. Mayor Acerson stated that initially this project  
was double this amount and as Council we have worked collectively to really  
tighten this up and yet still have a first class facility.

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

8  
10 COUNCILMEMBER POWELL MOVED TO AWARD THE LOW BID FOR  
THE LINDON CITY PUBLIC SAFETY BUILDING TO WARNER & ASSOCIATES  
12 CONSTRUCTION, INC. IN THE AMOUNT OF \$3,622,900.32 SUBJECT TO THE  
CITY RECEIVING FINAL CONTRACT DOCUMENTS AND OBTAINING  
14 ACCEPTABLE FINANCING (NOT ACCEPTING ALTERNATE NUMBER ONE OR  
TWO). COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE  
WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
18 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER LUNDBERG AYE  
20 COUNCILMEMBER HOYT AYE  
THE MOTION CARRIED UNANIMOUSLY.

- 22  
24 **8. Public Hearing—Ordinance Amendment, 17.41 Anderson Farms Planned  
Development Zone; Ordinance #2016-7-O.** Ivory Development requests the  
26 creation of the Anderson Farms Planned Development Zone ordinance. The  
purpose of the zone is to encourage efficient use of land and resources and to  
28 provide flexibility in the City’s zoning scheme in order to allow for unique,  
innovative, and well planned developments not otherwise provided for under  
30 one of the City’s other existing zoning classifications. The Planning  
Commission recommended approval.

32 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.  
34 COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

36 Hugh Van Wagenen, Planning Director, led this agenda item by giving a brief  
background of this agenda item. He explained that over a year ago, Ivory Development  
38 approached the City regarding a master planned residential community west of Geneva  
Road, adjacent to the Creekside community, on the Anderson Dairy Farm (named  
40 Anderson Farms). He noted that Lindon City does not currently have a zoning ordinance  
that allows for master planned communities of the size, scope, and housing products that  
42 Ivory Development is proposing and this ordinance creates the framework for the  
Anderson Farms community to be implemented.

44 Mr. Van Wagenen explained the purpose of the Anderson Farms Planned  
Development Zone (PD Zone) is to encourage efficient use of land and resources and to  
46 provide flexibility in the City's zoning scheme in order to allow for unique, innovative,

2 and well planned developments not otherwise provided for under one of the City's other  
existing zoning classifications.

4 Mr. Van Wagenen stated this zone is not intended to be available city wide, but  
rather is restricted to a specific geographic area of Lindon as identified in the ordinance.  
6 He noted the ordinance itself will only be applied to areas identified on the Lindon City  
Zoning Map as the Anderson Farms Planned Development Zone. Mr. Van Wagenen  
8 stated there is currently no such designation on the Zoning Map, but that request is  
coming in a later agenda item. The PD Zone ordinance requires a development agreement  
10 that essentially fills in the framework with the details of the project.

12 Mr. Van Wagenen went on to say the Anderson Farms Master Development  
Agreement is a supplemental document that is required by this ordinance but is not part  
of the code language itself; Ivory is requesting approval of that agreement at a later  
14 agenda item. He noted for this item, Lindon City Code language that will become  
Chapter 17.41 is all that is under consideration tonight. He added that most residential  
16 zoning designations in Lindon allow for accessory apartments to be created if certain  
requirements are met and due to the nature of the PD Zone incorporating smaller lots and  
18 setbacks, accessory apartments are not allowed in this zone. Mr. Van Wagenen then  
reviewed the draft ordinance in its entirety.

20 Mr. Van Wagenen further explained this highlights things that are more fully  
explained and vetted in the development agreement itself and this is part of the larger  
22 scope of the Anderson Farms project that Ivory is proposing. This item is the ordinance  
itself and the next item is the development agreement and lastly the zone map amendment  
24 that will apply this ordinance and the agreement to the land use. They are all separate  
agenda items but they dovetail together in this review. Over the course of the Ivory  
26 Development's proposal to the city he would ask that the Council keep several things in  
mind, generally, as far as the overall concept.

28 He mentioned that Mr. Chris Gamvroulas, President of Ivory Development, will  
give a short presentation regarding the project and will serve as an introduction to all  
30 three agenda items. He pointed out one concern the city has is bringing retail  
development to 700 North corridor which has been considered in this project proposal;  
32 retailers want to see rooftops that will bring the retail in. He also mentioned the sewer lift  
station, sales tax distribution, population growth and buildout, parks and trails, utility  
34 maintenance, property taxes, traffic issues and a future Trax station potential. He then  
turned the time over to Mr. Gamvroulas for his presentation.

36 Chris Gamvroulas gave his PowerPoint presentation at this time. He stated there  
has been a progression of thought at how this project has evolved over time which is part  
38 of the process. He then referenced the newest concept plan and exhibits. He stated the  
property to the north has lots platted and he will address the commercial in more detail  
40 later. He mentioned when they were first approached by city staff about that commercial  
area it was to gauge their interest in giving up some of the area. They thought there were  
42 some real benefits to this piece of property with a larger scale that could become a  
catalyst for this part of Lindon City. He noted it is very unusual to have a large user  
44 (bricks and mortar retail stores) as they are falling away and people are going to Amazon  
not Walmart; unless it is a regional center. To have a big user step up that is a legitimate  
46 player in this market makes sense to find some common ground and overall it will be a  
very good partnership.

2 Mr. Gamvroulas then referenced the latest exhibits (300 units dropped from the  
original number presented). He pointed out the smaller lots noting they made the  
4 decision to break those apart and change the density a little bit. He pointed out the road  
connection with the points of access that were designed in when 700 North was built.  
6 When they started laying out the commercial area they saw the mass and scale of this  
type of user which is very different than a use that goes on a 500 ft. deep pad; this is a  
8 very large scale building/box.

10 Mr. Gamvroulas mentioned they worked on the roundabout that really had a focal  
point, but they realized early on that they needed to place it to manage the traffic in and  
out of this community. Their traffic engineer has looked at this location and they feel it is  
12 far enough away that there will not be a stacking problem. They put in some townhomes  
with the depth of lots being “skooched” up and also the road so the lots are 120 ft. deep  
14 with a 45 ft. rear yard setback; this is part of the buffering for both parties. There will also  
be a nice tree lined center median Blvd. Down on the lower piece are 76 lots (average of  
16 8,000 square ft.) next to the active adult community which is quite a bit denser. They  
matched the density to the neighbor to the west (Fieldstone). The aging population is a  
18 very real thing in this market, so they put this in with the idea that this really could be a  
“cradle to the grave” type of community that connects the neighbors.

20 Mr. Gamvroulas then touched on the buffering factor between the industrial users  
on the borders. He noted they are trying to be a good neighbor. He added they will put in  
22 an 8 ft. masonry wall along the lots with trees and landscaping. The homes will be built  
with an extra insulation factor and triple paned windows to mitigate any sound etc.  
24 through the construction of the home and distance. The very closest home is 160 ft.  
which is a good distance and is also separated by a road. In addition, they have agreed  
26 (included in the MDA) to disclose adjacent property uses that will be recorded on any  
plat within the property (presented to every purchaser). He then read the entire disclosure  
28 document (very common disclosure).

30 Mr. Gamvroulas then referenced the townhomes. He stated they are adjacent to  
the 15 acre park with a nice large green space. They each have an attached 2 car garage,  
and a 20 ft. driveway (4 parking spaces each) plus guest parking. He added this will be a  
32 really nice gathering place and residents really like the raised garden planter beds that are  
very popular.

34 Mr. Gamvroulas then addressed the north side that has had the most conversation  
because it is the densest. Whether the number is right or not remains to be seen as they  
36 are still trying to work it out. They are using the feathering effect of two story townhome  
style up to three and four stories. He mentioned that he received a plan today to present  
38 that they feel addresses some of the concerns they have heard. Mr. Gamvroulas pointed  
out that this area, overall, in the grand scheme of things, is not a little bit of country and  
40 not a place for ½ acre estate lots as it is industrial on two sides. They planned this with  
the idea for a very easy pedestrian connection to get these neighbors integrated into the  
42 larger community.

44 Mr. Gamvroulas then showed the large box for scale on the sketch. He noted the  
sketch shows townhomes (3 story) and the 2 story and the 4 story buildings. He stressed  
to keep in mind this is just a concept plan. They are looking at ways that this can still  
46 work and also create some open space. They are also trying to make the project

2 economically viable and respond to the concerns heard from members of the City  
Council and Planning Commission.

4 Mr. Gamvroulas then discussed the design of the park (14.7 acres) which will  
benefit the community as a whole; including a park pavilion. He also mentioned the great  
6 amenities including Club Ivory, clubhouse, park pavilions, common green, pool, a nice  
crossing island, roundabout, entry monument (3), permanent mounted gate, basketball  
8 courts (2), swing sets, pickle ball courts (4), softball field, soccer field, trails, including a  
new sewer lift station. They are willing to have discussion if the Council wants the Club  
10 Ivory removed the property will be reutilized. He also went over the street tree planting  
plan that ties neighborhoods together including a nice drive and landscaped trail and bike  
12 trail.

Mr. Gamvroulas stated they understand and acknowledge that there is a lot of  
14 density on this property and a lot of infrastructure but that is how you pay for that. The  
Sewer lift station will take two existing, aging sewer lift stations offline at the cost of  
16 more than 1.5 million that the city would otherwise have to replace. This is a  
comprehensive re-design of the city's sewer facilities that has to go in upfront. He noted  
18 another major part of this is the 15 acre park. They proffered to donate that land to the  
city to build the park and receive park impact fee credits; because it is a regional park and  
20 in the master plan and is eligible for park impact fees.

Mr. Gamvroulas noted they are aware there is a risk involved to them in building  
22 this park and they have accepted that and it is also in the development agreement. He  
then explained the way this works. They are taking out building permits and paying the  
24 city park impact fees and the city will collect those fees and place them in an escrow  
account and Ivory will keep paying those to the city which is the city's assurance that the  
26 park gets built. At 60 % of the building permits the park has to be complete. He noted  
they are buying all the land and donating that upfront and advancing the second half of  
28 that money, so the park will come online much sooner than if the city were to build it;  
this is a very big ticket item.

Mr. Gamvroulas stated this is the same presentation he gave to the Planning  
30 Commission and they advanced a recommendation to the Council to approve the plan  
with a couple of conditions being the traffic study and number of units. Mr. Gamvroulas  
32 re-iterated they are trying to be responsive to the concerns and thoughts on what is the  
right number of units and he understands that some members of the Council and  
34 Commission feel the number is too high or the design feels too dense. To demonstrate  
that they are not completely "tone deaf" they came up with a design that would change  
36 the number of apartments from 447 to 380. The Development Agreement contemplates  
that the number of units is what's vested but the plan itself isn't vested necessarily; this  
38 will be worked out with the Council in good faith. He feels confident they will come up  
with a design that meets both the economic need for Ivory and the design components for  
40 the City.

Mr. Gamvroulas then presented and explained the plan/sketch on the screen. He  
42 noted they have run the numbers and they feel this re-design will work and they feel the  
final details can be worked out with Ivory and city staff. He noted they want to be good  
44 partners and members of the community. Mr. Gamvroulas concluded by thanking the  
Council noting they will continue to move forward in good faith to work through the final  
46 issues and will continue to stay engaged.

2 Mr. Van Wagenen reminded the Council the ordinance is the only thing to  
consider in context at this time.

4 Councilmember Hoyt asked for an update regarding an LDS Church being built in  
the area. Mr. Gamvroulas stated the church was initially not interested in a church there.  
6 He noted Ivory had contemplated a meeting house site but it was too small for what the  
LDS Church was looking for so it would have to go back to the drawing board and they  
8 would be willing to discuss this further. Mr. Van Wagenen pointed out the possible  
church site on the plan.

10 **Darrin Jones:** Mr. Jones, LDS Church representative, stated they purchased the ground  
12 with the intention to build there but it wasn't their first choice as they would prefer  
something in the middle closer to the residential area. They have talked to Mr.  
14 Gamvroulas and they feel he is amenable to maybe swapping property etc. and they will  
continue the conversations.

16 Councilmember Powell expressed her appreciation for Ivory's thoughtful  
18 alternative brought before the Council tonight. She noted they are still offering a lot of  
nice amenities with this plan.

20 Mayor Acerson called for any public comment at this time. There were several  
22 attendees that addressed the Council as follows:

24 **Steve Tumblin:** Attorney representing Universal Industrial Sales (UIS). Mr. Tumblin  
pointed out that UIS has contributed millions of dollars to Lindon City for many years  
26 through businesses, community projects, employment, and schools. They have been  
involved with this issue since last October when the Master Plan was changed and they  
28 were told to come back for the zoning issue, so they that is why they are here tonight. He  
stated they have taken a position from the beginning that they are not opposed to the  
30 development but they are opposed from the standpoint of the potential consequences of  
the development.

32 Mr. Tumblin stated UIS has a 40 million dollar (one building alone) interest in  
maintaining the zoning and their business here and they do not like being put in a position  
34 where they will be subject to lawsuits or complaints or feeling like an unwelcome  
neighbor. They acknowledge that the developer has made concessions to allay these  
36 concerns and they are important and helpful, however the concept that it is not what you  
put next to each other but whether they play well together is a nice thought but  
38 questioned if that is really how it will happen. They are one player to 3,000 other players  
and what percentage will be happy with this; some will be unhappy. With respect to the  
40 setbacks, it sounds like a big setback (½ football field) but that includes a road. Fifty 50  
yards seems like a lot but is not that far away, however, they appreciate that there are  
42 constraints (8 ft. wall). The fact remains that the residents will still be looking at an  
industrial building.

44 Mr. Tumblin went on to say there is currently no legal obligation to these  
hypothetical residents but in a few years they will have a concerted interest in  
46 maintaining the value of their properties and will be participants in the process of public  
municipal administration. The fact is that some of these residents will be calling the city

2 and complaining about the industrial businesses and trying to get rid of the noisy, stinky,  
4 dirty factories. Mr. Tumblin pointed out that Ivory is a great developer that builds high  
6 quality homes, but people buying nicer homes will be more likely to complain. He noted  
8 that some will be great neighbors but those are not the ones who will be calling for  
10 stricter enforcement or suing them (legitimately or ill-legitimately) and making them look  
12 like the “bad guys” which is bound to happen. These people are not present here tonight  
14 to hear the City Council and Planning Commission talk about how much they support  
16 their corporate citizens in the city; they are not present to hear that argument. They more  
18 than likely will not have read the warning on the plat that they are buying a house across  
20 from an industrial operation. They won’t remember that it was UIS that submitted the  
22 traffic study that showed the likelihood of backups that will create traffic and safety  
problems. These new resident will not have to figure out how to replace millions of  
dollars in the city and county budget if UIS is pressured to leave, all they will know is  
that they paid a lot for a house with issues from the industrial businesses.

Mr. Tumblin informed the Council they have requested that the Master Plan be  
changed back to show heavy and light industrial use. Mr. Tumblin then read the new  
ordinance. Mr. Tumblin stated if the City is committed to moving forward with this  
development then to say what is actually happening which is the City has decided that no  
transition buffer is required other than a wall and that the inevitable conflicts are going to  
happen and are those residents worth it.

Mr. Tumblin then defined three specific points as follows:

1. UIS has paid for and submitted to the city a traffic engineering study (100 pages)  
that demonstrates the intersection at 500 north will be a problem. He then quoted  
from the study. The city response was that the City Engineer has looked at the  
study and to not worry about it that it was ok. This issue must be addressed before  
moving forward to keep our citizens safe.
2. The current plan shows the road going through property on Anderson Lane which  
is on property currently owned by UIS which is very disconcerting. This issue  
must be addressed before moving forward.
3. As far as he can tell, the accommodations made by the developer, even though  
they appreciate them, are unenforceable by UIS. If a developer in a future city  
Council decides to eliminate those parts of the development agreement or, for  
example, fails to give the proper notice to the new residents that they are moving  
next to an industrial area, UIS may have no ability to challenge that. Section 19 of  
the development agreement provides that UIS will not have any rights to enforce  
the provisions of the agreement. This issue must be addressed before moving  
forward.

In summary, Mr. Tumblin stated if their overall objection is not persuasive, they  
feel the Council should at least delay approval until these specific issues presented are  
addressed and resolved.

City Engineer, Mark Christensen, stated both traffic studies done by Ivory and  
UIS suggests that there is a need for signalization at the 500 North intersection on  
Geneva Road and confirmed that it is closer to 700 north than would meet the UDOT

2 guidelines. Mr. Christensen stated they are interested in UDOT responding to the  
question of whether a signal will be allowed there at some point, but they do not know  
4 the answer to that question yet. He noted there is a meeting with UDOT scheduled for  
next week.

6  
Councilmember Broderick asked for clarification of what the UDOT warrants are  
8 for signalization. Mr. Christensen confirmed there are a variety of warrants related to  
congestion and safety and they will be looking at all of them. Mr. Hales, with Hales  
10 Engineering, mentioned there are signal warrants, peak hours, 4 hour warrants, 8 hour  
warrants, rail crossing warrants, and lastly, what we don't want, if a crash warrant is met  
12 and if there is a safety need they will certainly look at it.

Police Chief, Cody Cullimore stated he is not aware of a large number of  
14 accidents at 500 north and Geneva Road. 700 North and Geneva Road is the most  
dangerous intersection in the city followed by 600 south Geneva Road. There is a large  
16 volume of traffic on that road and heavy traffic because of the industrial uses in the area.

Councilmember Lundberg asked Mr. Hales, when calculating the impact of the  
18 number of traffic users, what the multiplier on industrial/commercial vs. apartments is as  
both those uses will impact additional traffic. Mr. Hales stated he would have to refer to  
20 the manual and can get that specific number to her, but generally single family residential  
are 6-10 trips per day and apartments/townhomes are 6-7 trips per day with Industrial  
22 having a lower trip count at about 3-4 trips per day generally.

Councilmember Broderick asked Mr. Christensen what information he still needs  
24 from UDOT and what is being done with traffic size and potential mitigation attempts if  
traffic is satisfactory for him to make a recommendation. Mr. Christensen confirmed  
26 there are still some issues and questions to work through with the biggest question  
hinging on what the State determines on 500 north. He noted the impact analysis was  
28 based on the proposed units and they haven't gotten the final numbers yet. There was  
then some additional discussion regarding the traffic study and signalization.

30 Mr. Gamvroulas commented that the traffic study is intended to be a tool for staff  
to be able to make some recommendations on how things fit together and not intended to  
32 be the determining factor on whether there is development on this property.

There was then some discussion of required road dedication for Anderson Lane.  
34 Mr. Van Wagenen pointed out it is not required with this project and is a separate issue.

36 **Tyler Buswell:** Mr. Buswell, with Ivory, pointed out in the State of Utah after 10 years of  
public use, the road can be owned but the public has access rights. He noted they have  
38 never been involved with UIS and the dedication of the road but helped the Anderson's  
who want their portion of the road improved.

40  
Councilmember Hoyt asked Mr. Haws if there is any liability with the city having  
42 and "E" or an "F" grade rating if the development is approved and if there is an increased  
amount of crashes on the 500 north intersection. Mr. Haws stated he would have to look  
44 at that closer, but generally speaking he doesn't believe there would be liability because  
this is a phased plan and they are working with UDOT to get a signal there and the  
46 potential is significantly reduced because it has not been ignored. Mr. Haws added that

2 the City would have to enforce it. Mr. Hales stated it is the same with any zoning ordinance, the City has to enforce it. Mr. Haws confirmed that is a fair statement.

4 Councilmember Broderick asked about any instances where an industrial business has been pushed out from residential complaints etc. Mr. Haws stated he is not aware of any specific instance of that occurring. He noted in State Code there is a strong position requiring the developer to record the disclosure and to provide actual notice to the potential buyers that help assist in that defense because they can point out that the buyer had actual notice. Mr. Gamvroulas would suggest including the disclosure in the CC&R's not just on the plat. Councilmember Hoyt asked what the time frame is for the update on the General Plan. Mr. Van Wagenen stated it will be started in the fall of 2016.

12 Mr. Haws mentioned he would be a little concerned about going forward without bringing to the table the resources that we normally expand when doing the review of the general plan. He has a letter that he will be sending to the Council articulating the concerns about looking at the general plan without having a good idea of what specific uses are being asked for. He would suggest to the Planning Commission to deny the request right now until we have the resources set aside to do the general plan.

18 Mayor Acerson asked if we submit a request is there a time table for approval or denial. Mr. Haws confirmed that once the plan is submitted the Planning Commission has the obligation to make a recommendation either for or against it. If the Planning Commission recommends that it not be approved and the City Council agrees the application is denied without opening it to a public hearing. If denied they cannot bring another application for six months (according to statute) without showing there is a substantial change. He re-iterated this information is included in the letter that will be going out to the Council in the next few days.

26 Mayor Acerson questioned if the Council moves forward and approves the ordinance amendment and once that is in place does it just lay the ground work for anything to move forward; and it may not move forward. Mr. Haws confirmed that statement. He also would recommend that the approval of the ordinance be conditioned on approval of the MDA (Master Development Agreement). There was some additional discussion regarding the ordinance framework. Mr. Van Wagenen pointed out that the terms and details of the MDA will be discussed in the next agenda item.

34 Mayor Acerson called for any further public comment at this time.

36 **Bryce Childs:** Mr. Childs, General Manager and representative of the Good Fellow Corporation addressed the Council. He noted their business is an industrial facility that has heavy machinery in their yard and for obvious reasons they have concerns about the ordinance amendment because of the noise and heavy equipment that they move in and out of their property. Mr. Childs publicly stated they are opposed to this ordinance amendment. He added that a lot of their concerns may have more significance when it comes to the master development agreement. Mr. Childs mentioned they appreciate Councilmember Hoyt pointing out that there are currently no proposed barriers between their industrial facility and the townhomes scheduled on the map (Parcel C) he then read the verbiage. He noted they have 600-800 ft. of property along the line where the townhomes will be and they have concerns not only from a nuisance standpoint (visually and noise) but as a safety concern also.

2 Councilmember Hoyt asked Mr. Childs if the 8 ft. wall would mitigate their  
concerns. Mr. Childs stated the wall would somewhat mitigate their concerns but they  
4 would prefer a “non-climbing wall.” Mr. Gamvroulas stated they will implement  
landscaping and perhaps some trees to soften the wall which may also mitigate the  
6 climbing factor.

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

10 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC  
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Mayor Acerson called for any further comments or discussion from the council.  
Hearing none he called for a motion.

16 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE  
18 AMENDMENT 2016-7-O WITH THE FOLLOWING CONDITIONS: 1) UPON  
APPROVAL OF THE ANDERSON FARMS MASTER DEVELOPMENT  
20 AGREEMENT AND 2) THE ANDERSON FARMS ZONE MAP AMENDMENT BE  
APPROVED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE  
22 VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
26 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE

28 THE MOTION CARRIED UNANIMOUSLY.

- 30 **9. Public Hearing—Development Agreement, Anderson Farms Planned**  
**Development Zone; Resolution #2016-7-R.** Ivory Development requests  
32 approval of the Development Agreement regarding the Anderson Farms  
residential project. If approved, the Agreement would become part of the  
34 Anderson Farms Planned Development Zone ordinance. The Agreement  
includes relevant maps and exhibits that speak to the Anderson Farms project.  
36 In total there are 500 single family units, both attached and detached, and 450  
multi-family apartment units allowed by the agreement. There is also a 14 acre  
38 public park being proposed. The Planning Commission recommended approval.

40 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
42 VOTED IN FAVOR. THE MOTION CARRIED.

44 Mr. Van Wagenen led this discussion by stating this Development Agreement  
provides details for the Anderson Farms project and gives assurances to both Ivory  
46 Development and Lindon City regarding the community’s finished product.

Mr. Van Wagenen stated the Development Agreement consists of not only  
48 agreement language, but several exhibits as well. He noted the exhibits give a visual

2 reference to the concept plan and associated amenities and infrastructure associated with  
4 the project. He then referenced the summary of the agreement and gave an overview of  
the exhibits (included in the staff report).

6 Mr. Van Wagenen pointed out that the project will be implemented in several  
8 phases and is a multi-year project that could extend 10 years and beyond and when built  
10 out, the approximately 950 units will accommodate around 3,000 people. Mr. Van  
12 Wagenen mentioned several issues city staff is working through and to include in the  
14 motion if approved as conditions are 1) Traffic study and 2) Pressure Irrigation system  
and 3) Sample language to include at the end of section 4.3 4) 8 ft. Masonry wall 5) Zone  
map change to be approved 6) Apartment layout and units be agreed upon and 7)  
Disclosure included in the CC&R's. Mr. Van Wagenen then called for any questions or  
comments from the Council at this time.

16 **Councilmember Lundberg:** Asked Mr. Van Wagenen to pull up Option B for reference  
18 and discussion. She expressed her appreciation to Ivory and staff for listening and for  
20 being creative in addressing their concerns. She really likes what they are potentially  
22 offering here to reduce the apartments from 450 down to 380 and realizes there are some  
24 legitimate tradeoffs that comes with that. She pointed out one of the values that Lindon  
26 prides itself on is open space (double the national average of parks per resident) with a  
28 wonderful infrastructure of parks and trails. She is pleased that Ivory has offered this  
30 amenity. She then reviewed the parks and trails inventory and the Master Plan and  
Capital Facilities Plan that includes a list of the 20 locations that are identified as  
trailheads and parks. She pointed out under this master plan there are four (4) pocket or  
small neighborhood parks that are under three (3) acre size with roughly four (4) five (5)  
acre parks and six (6) other locations identified on the master plan in the 12-31 acre range  
and zero parks in the 5-12 acre size. So there is the potential of having a 10 acre park that  
fills that void (mid-size park). She really appreciates that the wonderful amenities are  
essentially still there other than some parking stalls which has been resolved. She pointed  
out that Fieldstone already has a park.

32 Councilmember Lundberg noted she had some Fieldstone residents express some  
34 concern about creating a large scale regional park that had to be accessed by traffic  
36 coming into their neighborhood and this will mitigate that somewhat. The costs to  
38 maintain a 15 acres vs. a 10 acre park long term for the city is significant yet we are still  
40 gaining a great park and not losing any amenities. With the ratio of apartments at 450  
42 units and looking at the impact demographically she is not worried about the quality that  
44 Ivory is bringing, but nearly half the doors are rental apartments and add in the 174  
homes with Fieldstone and the Adult Community and we are still at 40%.  
Demographically she would like to see that ease off and balance out a little bit with the  
single family type homes. One resident also pointed out that to be fair the multi-family  
component/townhomes should be included as well, as it sits now if 450 rental apartments  
are approved and an additional 167 townhomes that would represent 66% of the overall  
project. She also feels that reducing the apartments down to 380 the traffic count reduces  
which would potentially benefit our industrial neighbors and traffic impact by  
approximately 420-500 trips per day by dropping 70 apartment units.

46 Councilmember Lundberg expressed that this Council represents Lindon and they  
want to ultimately put together a community that the residents of Lindon will buy into

2 and also preserve those Lindon values that include open space and also a family oriented,  
4 safe environment. She feels this is a great trade off to balance the density and  
demographics and yet still keep the open space and Lindon values.

6 **Councilmember Powell:** Expressed her appreciation to Ivory for all of the time and  
8 effort put into Option B. Councilmember Powell pointed out that she did not have any  
10 problem with Option A, but knowing there are concerns she would absolutely be happy  
12 to endorse Option B. She also appreciates what Mr. Gamvroulas has done to  
14 accommodate other members of the Council who were not happy with the high density.  
16 Overall her biggest concerns are that we have enough rooftops to draw the retail that we  
18 need and down the line, hopefully a UTA stop and light rail station. She mentioned the  
density and quoted Commissioner McDonald who appropriately stated in the work  
session “really what’s the difference, as far as Lindon, between the numbers of doors in  
that parcel?” That is why she doesn’t have a problem; it’s the way it is configured that  
has always been the bottom line for her. However, if this accommodates more of the  
Council as to achieve a vote then she is in favor; she is still comfortable with Option A or  
a combination of Option A and Option B.

20 **Councilmember Broderick:** Stated he appreciates and agrees with Councilmember  
22 Lundberg and how she articulated her thoughts on the density issue. He pointed out that  
24 he has been pretty vocal regarding the 7.5 side yard setback as he is trying to avoid the  
clutter and to maintain a little more open space. He added that a development of this  
magnitude has never come to Lindon before and feels this could only happen at this  
particular location in the city.

26  
28 At this time there was some general discussion with Mr. Gamvroulas regarding  
portions of the Development Agreement for clarification including commercial  
development time frames.

30  
32 **Councilmember Bean:** Stated he would like to see a larger park as it was a large area on  
34 the general plan, but given where we are at this point, with the tradeoffs discussed, he is  
36 fine with the 380 units and the smaller park. At some point he would like to have  
discussion on more parking if needed when looking at the park amenities. He also likes  
the fact (with the tradeoffs) that we are keeping the lift station and the commercial area  
which he feels are very important factors; he’s amenable to the tradeoffs as discussed.

38 **Councilmember Hoyt:** Commented this has been a long process with a lot of thought put  
40 into it by everyone involved. He expressed that he wants to help local business owners  
42 and he also wants to bring businesses to 700 north. He pointed out that his was the only  
44 nay vote on the general map amendment because of his concerns with the buffer,  
46 although he realizes that Ivory put a lot of buffers in place since that time to help mitigate  
these issues. From the comments he has heard here tonight and from several industrial  
business owners who have approached them he feels with the Council changing the zone  
we have done a bit of a disservice to these businesses. This concerns him and he  
questioned if we have gone far enough to help and protect our business citizens that have  
been in Lindon for many years. He feels this obligation to them and he isn’t sure he is

2 there yet. He mentioned the density on the apartments stating he certainly likes the 380  
4 unit number more than 447, but he is still not there. From the beginning he has voiced his  
6 opinion that he is just not comfortable with that much density. He would like to see  
8 something more like the Fruitland Heights Development with 15-20 per acre. Even  
10 coming down to 380 units we are still at 27 per acre which is still too high for what he  
12 envisions as “a little bit of country.”

8 Mayor Acerson called for any public comment or questions at this time.

10 **Steve Tumblin:** Mr. Tumblin clarified that his previous comments reflect on all three  
12 agenda items pertaining to the Anderson Farms Development.

14 **Ron Anderson:** Mr. Anderson expressed his appreciation for the time and effort put into  
16 this process. He mentioned that his family has been here a long time and they appreciate  
18 being in Lindon. He gave a brief history noting there was an annexation 37 years ago  
20 (900 acres) with a lot of people for and against it and they were under a lot of pressure  
22 because they were the swing vote, and even though Lindon didn't have a sewer at the  
time or anything else they went along with the annexation. When the Mayor came to  
them about building 700 North to get the freeway access, they sold the ground and by the  
time it was all done they ended up giving away property, 2 railroad crossings, over an  
acre of easements and plus they have to pay an impact fee for the road.

24 Mr. Anderson stated they can't say they have generated a lot of tax money but for  
26 years they have tried to work with the city. The reason they are not zoned residential is  
because 4 years ago the city brought up a city initiated zone change and they met with  
Mayor Dain and Ott Dameron at that time and asked them to hold off on the change.  
They stated they weren't doing anything right now and to hold off until something  
developed that was compatible with the residential came in by the freeway, which never  
happened. His point is that they are the buffer for everybody as they are the last to  
develop. They are currently in 4 general plans and 3 zoning plans, so they can't make  
anyone happy, the residential neighbors don't want industrial and the industrial neighbors  
want it to stay vacant.

32 Mr. Anderson stressed they certainly don't want to hurt UIS and are not asking  
34 them to leave or trying to drive them out or keeping them from expanding. He mentioned  
there has been a lot of misinformation circulated about this and they have actually been  
36 approached by businesses asking why they are trying to make it so that can't develop  
their property or to drive them out. They have never asked for a zoning change on  
38 anyone's property. He feels the businesses have valid points but throughout this process  
he feels that Ivory has tried to work on the buffers to mitigate any issues and he hopes it  
40 is sufficient and he believes it is. He feels the traffic issue needs to be studied as it is a  
concern. He feels a left turn lane on Anderson Lane would alleviate some of the  
42 problems; but they didn't create the problem. When the city annexed the property they  
agreed to maintain the road at the same level the County had but nothing has been done  
44 for the past 10 years. He feels they have been a good neighbor and it is his hope that this  
works out for everyone but they realize that everyone is not going to be happy.

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

4 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
6 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

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

12 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION 2016-  
7-R THE ANDERSON FARMS MASTER DEVELOPMENT AGREEMENT AS IT  
14 STANDS (OPTION A) WITH THE INCLUSION OF THE FOLLOWING  
CONDITIONS 1. THE REFERENCED PARAGRAPH BE ADDED TO THE END OF  
16 SECTION 4.3 AND 2. THE PRESSURIZED IRRIGATION SYSTEM BE  
FUNCTIONAL AND 3. AN EIGHT (8) FOOT MASONRY WALL BE INSTALLED  
18 ALONG THE (GOODFELLOW) PROPERTY AND 4. SECTION 3.2 – ADDING THE  
FIVE (5) YEAR SUNSET AGREEMENT AND 5. INCLUSION OF THE  
20 DISCLOSURE DOCUMENT IN THE CC&R’S AND 6. TRIPLE PANE WINDOWS  
ON THE ADJACENT INDUSTRIAL WEST SIDE.  
22 THE MOTION DIED FOR LACK OF A SECOND.

24 Mayor Acerson called the motion dead for lack of a second. He then called for an  
alternate motion.

26 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION  
28 2016-7-R THE ANDERSON FARMS MASTER DEVELOPMENT AGREEMENT  
WITH THE FOLLOWING CONDITIONS 1. THE FOLLOWING SENTENCE BE  
30 ADDED TO THE END OF SECTION 4.3: FURTHERMORE, THE PARTIES  
UNDERSTAND AND AGREE THAT DUE TO THE NATURE OF THIS MDA AND  
32 THE PERIOD OF TIME ANTICIPATED TO FULLY DEVELOP THE PROJECT, THE  
PARTIES AGREE TO WORK TOGETHER IN GOOD FAITH TO ADDRESS  
34 ENGINEERING AND DESIGN ISSUES, INCLUDING TRAFFIC FLOWS, THAT  
RELATE TO INADEQUATE OR UNSAFE SERVICE OF THE PROJECT AND  
36 MAKE APPLICABLE AND REASONABLE MODIFICATIONS TO THE EXHIBITS  
ATTACHED TO THIS MDA AS MAY BE NECESSARY. NOT WITHSTANDING  
38 THE FOREGOING, THE PLANS AND DESIGNS SET FORTH IN THE EXHIBITS  
WILL NOT BE MODIFIED SO AS TO REQUIRE (i) THE OVERSIZING OR  
40 “UPSIZING” OF UTILITY LINES OR DESIGN CAPACITIES IN ORDER TO  
PROVIDE FOR OR TO EXPAND SERVICES OUTSIDE OF THE PROJECT OR (ii)  
42 SYSTEM IMPROVEMENTS, WITHOUT THE EXPRESS WRITTEN CONSENT OF  
THE DEVELOPER, IN ITS SOLE AND ABSOLUTE DISCRETION AND 2. CITY  
44 STAFF AND IVORY COME TO AN AGREEMENT ON BUILDING THE  
PRESSURIZED IRRIGATION SYSTEM TO BE FUNCTIONAL BY THE SECOND  
46 IRRIGATION SEASON AND MAKING THE NECESSARY CHANGES TO  
SECTION 9.8. THAT UPON THE FINALIZING OF THIS LANGUAGE, THE

2 MAYOR WOULD BE AUTHORIZED TO SIGN THE MDA ON BEHALF OF THE  
CITY AND 3. AN EIGHT FOOT MASONRY WALL BE INSTALLED ALONG THE  
4 MIXED COMMERCIAL PROPERTY (GOODFELLOW) TO THE WEST AND  
TRIPLE PANE WINDOWS ON ADJACENT TOWNHOMES AND 4. THE  
6 ANDERSON FARMS ZONE MAP CHANGE BE APPROVED AND 5. OPTION B:  
380 APARTMENT UNITS WITH THE 10 ACRE PARK AND NO CLUB IVORY  
8 AND 6. SECTION 3.2 - ADD THE 5 YEAR WINDOW TO ALLOW COMMERCIAL  
TO HAPPEN AND 7. DISCLOSURE LANGUAGE BE ADDED TO THE CC&R'S.  
10 COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

12 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
14 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
16 COUNCILMEMBER HOYT	NAY

THE MOTION CARRIED FOUR TO ONE.

18

20 **10. Public Hearing—Zone Map Amendment, Anderson Farms Planned  
Development Zone; Ordinance #2016-8-O.** Ivory Development requests a  
zone map amendment from Light Industrial and Mixed Commercial to  
22 Anderson Farms Planned Development Zone on the following parcels identified  
by Utah County Tax IDs #14:063:0061, #14:050:0006, #14:063:0048,  
24 #14:063:0046, #14:063:0047, #14:053:0042, #14:064:0012, #14:063:0068. The  
Planning Commission recommended approval.

26

COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.  
28 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

30

Mr. Van Wagenen explained the Anderson Farms project requires an ordinance  
32 amendment (17.41 Anderson Farms Planned Development Zone) and a development  
agreement (Anderson Farms Master Development Agreement) in addition to identifying  
34 the project area on the Zoning Map. He noted this request would create the geographic  
parameters (outline) that would be governed by the Anderson Farms Planned  
36 Development Zone and Anderson Farms Master Development Agreement. He added that  
the entire project is about 137 acres, some of which is zoned Light Industrial and some of  
38 which is zoned Mixed Commercial. The General Plan was recently changed on these  
parcels to Residential-High, which refers to a density of greater than 3.6 dwelling units  
40 per acre. Mr. Van Wagenen then referenced the map showing the requested Zoning Map  
change.

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

44

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

2

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

4

6

COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT’S REQUEST TO CHANGE THE ZONING MAP FROM MIXED COMMERCIAL AND LIGHT INDUSTRIAL TO ANDERSON FARMS PLANNED DEVELOPMENT ZONE ACCORDING TO ORDINANCE 2016-8-O WITH THE FOLLOWING CONDITION 1. THAT THE ANDERSON FARMS MASTER DEVELOPMENT AGREEMENT BE EXECUTED. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8

10

12

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	NAY

14

16

18

THE MOTION CARRIED FOUR TO ONE.

20

*Mayor Acerson called for a five minute break at this time (11:15 pm).*

22

**11. Public Hearing—Zone Map Amendment, Light Industrial to Residential Single Family (R1-12); Ordinance #2016-9-O.** Lindon City is requesting a zone map amendment from Light Industrial to Residential Single Family (12,000 square foot lots) on parcel #14:063:0017. The lot is currently in agricultural use. The Planning Commission recommended approval.

24

26

28

Councilmember Powell, Councilmember Hoyt and Councilmember Broderick were present at 11:22 pm. Councilmember Bean and Councilmember Lundberg followed at 11:25 pm.

30

32

COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34

36

Mr. Van Wagenen led this discussion by explaining this is a city initiated request and related to the Ivory/Anderson Farms Development project and is in close proximity to it (12 acres) owned by the Kent & JoAnn Thorne. This request is to rezone the parcel in order to coordinate residential development with existing homes in the area and the proposed concept plan being developed by Ivory Development. The proposed rezone will also bring the zoning closer to matching the general plan designation. He noted in a 6-0 vote, the Planning Commission recommended approval with the condition that the Thornes be notified of the pending change via certified mail of which a letter was sent on 2/11/16 and they have also tried to reach them by phone.

38

40

42

44

46

Mr. Van Wagenen stated they have been in touch with Kent & JoAnn Thorne’s son, Johnathon Thorne, who indicated they would like to know more about what the implications are for their property, especially regarding the taxes. A letter was submitted today and at minimum the Thorne’s would like this item continued until they can sit

48

2 down with staff and have a discussion. Because this is an agricultural piece and it is in  
the green belt status with 12 acres the zone change doesn't affect their property tax  
4 designation or the ability to use it as an agricultural piece, but they want to look into it  
further. He noted Staff doesn't see a problem sitting down and talking with the Thornes  
6 as per their request and staff does not have a problem with continuing this item.

8 Mayor Acerson called for any public comment at this time.

10 **Martin Snow:** Mr. Snow questioned why the Thornes weren't notified. Mr. Van  
Wagenen stated over the course of the Ivory conversations they reached out to the  
12 Thornes and notices were sent with the initial public hearing with the Planning  
Commission and they received no response. He verified the address with Johnathan  
14 Thorne today who stated his parents are currently out of town. He noted the Planning  
Commission wanted to make sure the notices were received so they were sent the notices  
16 certified mail. Mr. Snow said they contacted the Thornes who indicated they didn't know  
anything about it and that is why they sent the letter.

18 Mr. Cowie stated staff has tried to contact them by phone and they haven't  
returned any of the phone calls. He noted since this is a pending zone change any  
20 applications turned in would be subject to this change, even if this is continued because it  
is in process.

22 Councilmember Lundberg asked if this site is looked at for a church or school  
does the underlying zone matter in those two instances. Mr. Van Wagenen stated he  
24 would have to double check the permitted uses. He believes it is permitted in residential  
zones but is not certain on industrial zones, in mixed commercial it is conditionally  
26 permitted.

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

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

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

36 COUNCILMEMBER BRODERICK MOVED TO CONTINUE THE  
38 APPLICANT'S REQUEST TO CHANGE THE ZONING MAP FROM LIGHT  
INDUSTRIAL TO RESIDENTIAL SINGLE FAMILY (R1-12) ZONE ACCORDING  
40 TO ORDINANCE 2016-9-O. COUNCILMEMBER BEAN SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

44 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER LUNDBERG AYE

46 COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY.

2           **12. Public Hearing—Zone Map Amendment, Light Industrial to Mixed**  
3           **Commercial; Ordinance #2016-10-O.** Lindon City requesting a zone map  
4           amendment to Mixed Commercial from Light Industrial on parcels  
5           #47:283:0001, #47:283:0002, #47:283:0003, #47:283:0004, #47:283:0005,  
6           #47:283:0006, #47:283:0007, #47:283:0008, #47:283:0009, #47:283:00010,  
7           #47:283:0011, #47:283:00012, #47:283:0013, #47:283:0014. Four of the parcels  
8           compromise a commercial building; the rest are platted but currently vacant.  
9           The Planning Commission recommended approval.

10                   COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.  
11           COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
12           VOTED IN FAVOR. THE MOTION CARRIED.

13                   Mr. Van Wagenen led this discussion by explaining this is a similar concept and  
14           is also a city initiated request by Lindon City to rezone the parcel (between Anderson  
15           Farms and Creekside Community) in order to reduce the potential impacts on the  
16           surrounding residential developments. He noted the Mixed Commercial zone allows for  
17           less intense uses than the Light Industrial zone. He then referenced the table comparing  
18           uses that are permitted, conditionally permitted, or not permitted.

19                   Mr. Van Wagenen stated in a 6-0 vote, the Planning Commission recommended  
20           approval with the condition that the owners of the parcels in question be notified of the  
21           pending change via certified mail; letters sent on 2/11/16. He noted one letter has been  
22           delivered and certified (Dean Family) and one is still in progress (Incubator Investments)  
23           as of today; addresses obtained per the tax rolls. Being sent by certified mail was an  
24           additional effort to make sure they are notified and all required standard notices have  
25           been sent.

26                   Councilmember Broderick and Lundberg voiced their concerns that the  
27           landowners haven't received notice even though the required notices have been sent.  
28           Councilmember Lundberg would suggest sending certified notices and to also provide a  
29           reasonable window of time to respond. Councilmember Broderick asked if they can call  
30           the landowners. Mr. Van Wagenen stated he can try to obtain phone numbers and call  
31           them and will continue to make efforts to contact them. There was then some additional  
32           discussion regarding types of uses/zones at this location.

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

35                   COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
36           COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT  
37           VOTED IN FAVOR. THE MOTION CARRIED.

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

40                   COUNCILMEMBER BRODERICK MOVED TO CONTINUE THE  
41           APPLICANT'S REQUEST TO CHANGE THE ZONING MAP FROM LIGHT  
42           INDUSTRIAL TO THE MIXED COMMERCIAL ZONE ACCORDING TO

2 ORDINANCE 2016-10-O. COUNCILMEMBER LUNDBERG SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
6 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER LUNDBERG AYE  
8 COUNCILMEMBER HOYT AYE  
THE MOTION CARRIED UNANIMOUSLY.

10  
12 **13. Public Hearing—Ordinance Amendment, 17.48, Vehicle Sales Site**  
**Requirements; Ordinance #2016-3-O.** Lindon City is considering a City Code  
14 amendment to enact specific site requirements for vehicle sales lots in  
Commercial zones. Landscaping, display areas, buildings, and  
16 customer/employee parking are among the items being considered. The  
Planning Commission recommended approval of the ordinance.

18 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT  
20 VOTED IN FAVOR. THE MOTION CARRIED.

22 Mr. Van Wagenen also led this discussion by explaining over the last several  
months the Planning Commission and City Council have been discussing used vehicle  
24 sales along State Street. He noted these discussions stemmed from concept reviews  
received from applicants looking to change zoning designations on specific lots to allow  
26 used vehicles sales. As part of the discussions, it was contemplated to have specific site  
requirements for vehicle sales lots in commercial zones. This ordinance is a draft of those  
28 possible requirements.

30 Mr. Van Wagenen stated Lindon already has landscaping, parking, and design  
requirements for new sites being developed. However, the requirements in this ordinance  
32 would be additional requirements for not only newly developed vehicle sales lots, but  
also sites converting to vehicular sales lots from in commercial zones where such sales  
34 are allowed. This ordinance in its current form would not apply to vehicle sales lots  
outside of commercial zones and references sections of code found in 17.18 Off-Street  
Parking as many parking standards are covered in that section of the code.

36 Mr. Van Wagenen noted this will also prevent having to update two sections of  
code if standards in 17.18 are amended. With such an ordinance it is possible to require  
38 all existing vehicle sales lots to come into compliance after a certain period of time.  
However, it is typical to allow previously approved uses to continue under the previous  
40 requirements unless they choose to expand their operation in some manner. An  
assessment of existing used vehicle sales lots was conducted for reference in developing  
42 the draft requirements in the ordinance. The Planning Commission continued this item  
from the last meeting and information regarding the practical effects of the proposed  
44 requirements was requested. Mr. Van Wagenen then referenced the presentation on  
existing requirements and application of new ordinance prepared by Brandon Snyder.

46 Councilmember Hoyt mentioned he had the opportunity to listen to the Planning  
Commission on two occasions regarding this issue noting they did a great job in

2 reviewing this ordinance amendment. He noted his only concern is that this is tied to the  
4 business license and not the property, which means there are several used auto locations  
6 that aren't an acre so essentially this could eliminate the ability of some property owners  
8 to have that zoning if the use changes.

6 **Devin Dastrup:** Mr. Dastrup noted this issue applies to all used auto sales lots but Low  
8 Book Sales and possibly one other based on square footage of the acreage and the  
10 frontage. Mr. Dastrup added that he is willing to comply with all requirements and is  
12 anxious to get started.

12 Councilmember Broderick added he feels there are some locations that lend  
14 themselves better to used car dealerships than others. He suggested a quick solution  
16 would be to grandfather in the property owners.

16 Mr. Van Wagenen stated there certainly is a way to draft that in but currently if a  
18 site is grandfathered in and zoned for it they would lose their non-conforming status  
20 unless they maintain the use. He added that the ordinance was drafted, per direction from  
22 the Council, with the intent to have stricter requirements on used car lots as some  
24 Councilmembers are uncomfortable with the number of used car lots so this would  
26 potentially reduce the number if a property owner decided to not continue the use. The  
28 zoning would stay in place so there would essentially be two filters.

22 Councilmember Bean asked why there is a lot size filter in the ordinance if there  
24 is the zoning filter on top of it. Mr. Van Wagenen replied the obvious intent is to allow  
26 those operators who are currently in business to continue operating regardless of the lot  
28 size. It is just to say, for new lots coming in from here on out, that there are additional  
standards they will have to meet regardless of the zoning designation. It's not just the  
amount of lots coming in but the aesthetics of those lots and the one acre minimum gives  
them room to breathe, so to speak.

30 Commissioner Mike Marchbanks was in attendance and commented that the  
32 Planning Commission also had concerns about locations like Skip Dunn's lot and the lot  
34 next to the Karate studio. He noted the Commission had the same thoughts as the Council  
36 If they decide to scratch the business license filter and instead put a moratorium on the  
amount and phase out the less desirable lots they may get the higher quality car lots.

34 Councilmember Bean suggested one approach could be to remove the six month  
36 filter as to not put the owner at risk, but if it stops being used as a car lot then consider  
pulling it out of the zone like we previously did and contact them and let them know.

38 Mr. Van Wagenen explained what triggers the six month filter is the business  
40 license so if we strike that paragraph (business license) these lots become legal non-  
42 conforming, as they don't meet the one acre, but there is not a time continuum of when  
44 they have to keep a business license renewal. If the city sees a lot that is no longer a car  
lot then the route to go would be to rezone it once that use is gone rather than tracking the  
six-month and notify property owners. He said striking paragraph #1 would clear up a lot  
of confusion and the car lot could continue to operate and anyone moving forward would  
have to meet the requirements.

46 There was then some general discussion regarding this issue including different  
filter options, minimum lot size, landscape and hardscaping requirements, customer and  
display parking and various used car lot locations. Mr. Van Wagenen noted they can

2 have discussion with the City Attorney regarding some of the changes discussed outside  
of this ordinance and amend it and come back with a new section of the code. He would  
4 suggest approving this item with the condition of striking paragraph #1 (business license).

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

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

12 Mayor Acerson called for any further discussion or comments from the council.  
Hearing none he called for a motion.

14 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE  
16 AMENDMENT 2016-3-O AS PRESENTED WITH THE CONDITION THAT THE  
FIRST PARAGRAPH OF THE ORDINANCE BE STRICKEN (PARAGRAPH #1).  
18 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

20 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
22 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
24 COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY.

26  
28 **14. COUNCIL REPORTS:**

30 **Councilmember Powell** – Councilmember Powell reported that she attended the first  
Youth Court of the year and commented that this young group handled themselves  
extremely professional.

32 **Chief Cullimore** – Chief Cullimore had nothing to report.

34 **Councilmember Hoyt** – Councilmember Hoyt had nothing to report.

36 **Councilmember Broderick** – Councilmember Broderick had nothing to report.

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

40 **Councilmember Lundberg** – Councilmember Lundberg mentioned the failed  
42 transportation tax bill in our county noting the Council vocalized with the Legislative  
members who recently addressed the Council that they would like to see a revising of the  
44 UTA compromise that was giving them 40% of those revenues and to bring greater  
revenues back to the cities and counties. She noted that Representative Green attempted  
46 to present a new bill that would take UTA out which the ULCT did not support. She  
mentioned that Pleasant Grove City Mayor Daniels supported the bill. She also wrote to

2 Cameron Diehl with the ULCT to see why they took the stance to not support the bill.  
4 She then read the response from Mr. Diehl who indicated they felt this would have  
6 betrayed last year's compromise. She went on to reference her conversation with Mr.  
8 Diehl. There was then some general discussion by the Council regarding this issue.  
10 Councilmember Lundberg stated she doesn't feel anything will happen this legislative  
12 session which is unfortunate.

14 **Mayor Acerson** – Mayor Acerson had nothing to report.

16 **Administrator's Report:**

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

20 **Misc. Updates:**

- 22 • February City newsletter
- 24 • March newsletter article: Councilmember Hoyt. Article due to Kathy Moosman  
26 last week in February
- 28 • 2016 Legislative updates
- 30 • UTOPIA update – Newly hired Executive Director, Roger Timmerman
- 32 • Avalon Senior Apartments – Ribbon cutting, March 12<sup>th</sup> with Little Miss Lindon  
34 at 10:00 am. Mr. Cowie will send out a reminder email
- 36 • Misc. Items

38 **Upcoming Meetings & Events:**

- 40 • February 15<sup>th</sup> – City offices closed for Presidents Day
- 42 • March 5<sup>th</sup> at 6:00 pm – Little Miss Lindon Pageant at Oak Canyon Jr High
- 44 • March 29<sup>th</sup> at noon – Budget Committee working lunch meeting
- 46 • April 6<sup>th</sup>-8<sup>th</sup> – ULCT Spring Conference in St. George
- 48 • Saturday, April 23<sup>rd</sup> – Saturday, April 30<sup>th</sup> –Spring clean-up (dumpsters available)

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

54 **Adjourn** –

56 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
58 POWELL AT 12:40 AM. COUNCILMEMBER SECONDED THE MOTION. ALL  
60 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

62 Approved – March 1, 2016

64 \_\_\_\_\_  
66 Kathryn Moosman, City Recorder

68 \_\_\_\_\_  
70 Jeff Acerson, Mayor