

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 3,**
4 **2015, beginning with a Work Session at 6:00 p.m.** in the Lindon City Center, City
Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 Conducting: Jeff Acerson, Mayor

- 10 1. **Tour of Lindon City Fire Station Facilities:** *The City Council will tour the*
12 *Lindon City Fire Station facilities at 35 West 60 north and the adjacent firemen*
house on the corner of 60 North Main Street.

14 The Mayor and City Council met for a work session at the Lindon Fire Station for
a tour of the facility located at 35 West 60 North and the adjacent firemen house.
16 Battalion Chief Ryan Petersen and the station firemen were in attendance to conduct the
tour which started with their living quarters where they informed the Council as to the
18 Fire Department daily activities and needs etc. Battalion Chief Petersen then directed the
Council from the living quarters to proceed with the tour of the Fire Station. After
20 touring the facilities, the Mayor and Council expressed their appreciation to Battalion
Chief Petersen and the Fire Department for the service they provide to the city, and noted
22 that their department has become an integral part of the community.

24 **REGULAR SESSION** – 7:00 P.M.

26 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Jacob, Scout troop 1202
28 Invocation: Van Broderick, Councilmember

30 **PRESENT** **ABSENT**
Jeff Acerson, Mayor
32 Randi Powell, Councilmember
Matt Bean, Councilmember
34 Van Broderick, Councilmember
Jacob Hoyt, Councilmember
36 Carolyn Lundberg, Councilmember
Adam Cowie, City Administrator
38 Hugh Van Wagenen, Planning Director
Jordan Cullimore, Associate Planner
40 Cody Cullimore, Chief of Police
Kathy Moosman, City Recorder

42

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

44

2. **Presentations/Announcements** –

46

- a) **Mayor/Council Comments** – There were no announcements at this time.

2 3. **Approval of Minutes** – The minutes of the regular meetings of the City Council
4 of January 20, 2015 were reviewed.

6 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
7 THE REGULAR CITY COUNCIL MEETING OF JANUARY 20, 2015 AS
8 CORRECTED OR AMENDED. COUNCILMEMBER BRODERICK SECONDED
9 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER BEAN AYE
11 COUNCILMEMBER POWELL AYE
12 COUNCILMEMBER BRODERICK AYE
13 COUNCILMEMBER HOYT AYE
14 COUNCILMEMBER LUNDBERG AYE
15 THE MOTION CARRIED UNANIMOUSLY.

16 4. **Consent Agenda** – No items.

18 5. **Open Session for Public Comment** – Mayor Acerson called for any public
20 comment not listed as an agenda item. There were no public comments.

22 **CURRENT BUSINESS**

24 6. **Public Hearing** – *Zone Map Amendment, 53 N. State, Ordinance #2015-4-O.*
25 Brandon Pierce requests approval of a zone map amendment to reclassify Utah
26 County Parcel ID #14:069:0266 from General Commercial (CG) to General
27 Commercial A (CG-A), to allow automobile sales on the lot. The Planning
28 Commission recommends approval.

30 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
31 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
32 VOTED IN FAVOR. THE MOTION CARRIED.

34 Jordan Cullimore, Associate Planner, gave a brief overview of this agenda item
35 stating this is a request by Brandon Pierce who is requesting approval of a zone map
36 amendment to reclassify Utah County Parcel ID #14:069:0266 from General Commercial
37 (CG) to General Commercial A (CG-A), to allow automobile sales on the lot. He noted
38 that the Planning Commission recommended approval to the City Council.

39 Mr. Cullimore explained the principle difference between the General
40 Commercial (CG) and General Commercial A (CG-A) zones is that the CG does not
41 allow used car sales, while the CG-A does. He noted that Mr. Pierce (who is in
42 attendance) currently operates a used car lot (Performance Motors) at 17 North State
43 Street in Lindon (just to the south of the subject property). He added that recently, the
44 landlord of the property where Performance Motors currently operates informed Mr.
45 Pierce that they would like to redevelop the site and potentially add additional buildings
46 to maximize potential use and hence they will need to find a new location to run their
operation.

2 Mr. Cullimore further explained that Mr. Pierce’s business has done well in
Lindon, and he would like to stay in Lindon and would like to continue to be a positive
4 contributor to the community. Mr. Cullimore stated the property in question is located
directly north of the current location of Performance Motors and would serve his needs
6 well, but that location is not zoned to allow used car sales. Mr. Cullimore continued
stating because of that issue Mr. Pierce is requesting that the lot be rezoned from CG to
8 CG-A to allow him to improve the site, construct a new building, and to continue to
operate Performance Motors here in Lindon.

10 Mr. Cullimore then referenced for discussion Subsection 17.04.090(2) of the
Lindon City Code which establishes the factors to review when considering a request for
12 a zone change. He noted the subsection states that the “planning commission shall
recommend adoption of a proposed amendment only where the following findings are
14 made:

- 16 • The proposed amendment is in accord with the master plan of Lindon
City;
 - 18 • Changed or changing conditions make the
proposed amendment reasonably necessary to
carry out the purposes of the division.”
- 20 • The stated purpose of the General Commercial Zone is to
22 promote commercial and service uses for general community
shopping.” Further, the “objective in establishing commercial
24 zones is to provide areas within the City where commercial
and service uses may be located.” Commercial zones include
26 the CG, CG-A, CG-A8, CG-S, PC-1, and PC-2 zones.

28 Mr. Cullimore noted the Planning Commission took several public comments
during their hearing and many of the comments were in regards to the building and site
30 layout that would be constructed if the zone change were approved. He noted the
construction of the building would be considered at a later date under a separate
application.

32 Mr. Cullimore went on to say the most concerns were heard from Els-Marie
Johnson (neighbor to the west of the subject property). He noted that Mrs. Johnson also
34 submitted a letter to the Commission (included in the packet). Mr. Cullimore commented
that many of Mrs. Johnson’s grievances are with the previous operator of Utah Auto
36 Sales, not with Mr. Pierce. Mrs. Johnson stated that she is not in favor of another used car
lot along State Street either. Mr. Cullimore commented that following discussion the
38 Planning Commission felt that the Mr. Pierce’s proposal would be less intrusive as a
neighbor to Mrs. Johnson than other potential commercial uses and the vote was 5-0 in
40 favor of the rezone.

42 Mr. Cullimore then referenced for discussion an aerial photo of the proposed area
to be re-classified, photographs of the proposed area, photographs of the current
Performance Motors site, the current zoning of the area, the conceptual Site Plan,
44 Performance Motors Financial Information from 2012-2014, the letter from Mrs. Johnson
and the Ordinance #2015-04-O. At this time Mr. Cullimore called for any questions or
46 comments from the Council.

2 Councilmember Broderick inquired what the minimum distance is, in that zone,
4 between the property lines to a structure in the back. Mr. Cullimore stated when it abuts a
residential zone it is 40 ft. with the height allowance at 48 ft. in a CG zone no matter
what the business is.

6 Councilmember Bean inquired if the parcel to the south has ever been used for used car
sales. Mr. Cullimore stated to his knowledge it has not been used for car sales. Mr.
8 Pierce confirmed that statement. Councilmember Powell questioned those on the Council
who were here when the CG-A was formed if the 7-Eleven section was included in the
10 zone and if Utah Auto Sales was inactive at that time. Councilmember Bean stated he
recalled that it may have been included. He added that the lines on this zone were drawn
12 as to include these areas so it wasn't piece milled out (which was why the convenience
store was included) and which encompassed the whole general area.

14 Councilmember Powell expressed that she is comfortable with moving the zone
but she is not comfortable with keeping all of the area available for used car sales (she
16 would rather see it piece milled rather than have the large area). Councilmember Bean
agreed with Councilmember Powell's statement. He added that it seems one course could
18 be to approve this with the consideration of reducing the size. Councilmember Powell
questioned what the current landowners intended use for the property is. Mr. Pierce
20 stated that the landowner would like to sell it and be rid of it. Councilmember Lundberg
commented that she would be open to a swap of the properties.

22 Mr. Pierce then explained his conceptual model of the proposed building,
(approximately 1,000 square feet per level). He stated that he has been in the used car
24 business for 20 years (2 ½ years in the current location) and feels he provides a good
service. He noted they average between 35 and 50 cars on the lot and they service their
26 own cars and do light repairs. He went on to say they buy late model cars (lease returns)
that are still under warranty so they do not require a lot of repairs. Mr. Pierce explained
28 that their bays will all face west so the parking is in the front of the building and will
allow plenty of customer parking. He noted there are an additional two employees
30 besides himself. He mentioned that they currently lease the building they are in and they
need to do something different whether it be in Lindon or somewhere else. He noted that
32 the concerns of Mrs. Johnson are all issues with the previous owner.

34 Mayor Acerson opened the meeting to public comment at this time as follows:

36 **Don Blackholder:** Mr. Blackholder, real estate agent for Mr. Pierce, explained when
they started on this property two years ago the tax assessment was \$19,200 a year and he
38 was asked by the present owners to appeal the tax assessment at the county which has a
been a burden on the landowner. He stated that he explained to the appeal hearing officer
40 that this property next door is so far back off the road and even though it is a nice
building, it can't support itself as a car lot as the value is in the building and land the two
42 uses are incompatible for each other. He noted it was used as a car lot for almost 5 years
until the city revoked the automotive status for the use and the county saw the large lot of
44 with the blacktop and the building in the back of the property and the county realized the
property had been wounded by a large building in the back of a large lot and reduced the
46 tax burden to \$12,000. Mr. Blackholder concluded that in the end, the best thing is to do
away with a car lot there and construct two flanking buildings and do an office courtyard

2 as this property was never meant to be a car lot. Mr. Blackholder stated that he suggested
4 this to the new owners and they are taking it under consideration. Mr. Blackholder stated
the current owner would like to transfer the car lot rights to the adjacent property and this
would be an ideal property for Mr. Pierce's business.

6 Councilmember Hoyt asked Mr. Cullimore how he would advise the Council to
8 proceed on this item and if he would perhaps recommend approval on this item and then
bring it back in a later meeting for the other issues. Mr. Cullimore confirmed that they
could approve this item and have more discussion on the other issues. Mr. Van Wagenen
10 stated that the Council should be prepared as there may be push back from the owners for
various reasons. Councilmember Lundberg commented if the owners came to the Council
12 with a compelling case they would listen to it.

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

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

20 Councilmember Bean commented that he is comfortable with approving this item
but is hesitant to increase the size of the zone overall, he would rather approve this and
22 change the zone after noticing other owners as the Council has been careful with this
zone on State Street. Councilmember Lundberg re-iterated she is open to looking at some
24 type of a swap with the properties. Councilmember Powell commented that personally
she would like to see fewer used cars dealerships in the city and she would also like to
26 have further discussion on reducing the size of the CG-A zone. Councilmember Bean
stated that he does not have an issue with approving this item tonight but would also like
28 to have further discussion. Councilmember Hoyt agreed with Councilmember Bean
stating that he would like to push for approval tonight as he does not see any issues and
30 likes the idea of swapping it which would also help by being business friendly.

32 Mr. Cowie asked the Council if there is a need to send the zoning item back to the
Planning Commission or if the Council wants to handle it themselves. Following a brief
discussion the Council was in agreement to send this item back to the Planning
34 Commission for review as they are the land use authority.

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

38 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2015-4-0
40 TO CHANGE THE ZONING DESIGNATION OF THE LOT IDENTIFIED BY UTAH
COUNTY PARCEL #14:069:0266 FROM GENERAL COMMERCIAL (CG) TO
GENERAL COMMERCIAL A (CG-A) WITH NO CONDITIONS.
42 COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

44 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE
46 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE

2 COUNCILMEMBER LUNDBERG AYE
THE MOTION CARRIED UNANIMOUSLY.

4
7. **Public Hearing** – *Ordinance Amendment LCC 17.04.090, Ordinance #2015-3-O.* Lindon City requests approval of an amendment to the Lindon City Code 17.04.090. The proposed amendment would define when amendment proceedings are formally initiated. The Planning Commission recommends approval.

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

14
16 Mr. Cullimore gave a brief summary explaining the Lindon City is requesting
approval of an amendment to the Lindon City Code 17.04.090. He noted the proposed
18 amendment would define when amendment proceedings are formally initiated. He added
that following review the Planning Commission recommended approval to the City
Council. Mr. Cullimore noted this ordinance amendment was initiated at the
20 recommendation of Lindon City Attorney, Brian Haws.

22 Mr. Cullimore then referenced Utah State Code 10-9a-509(1)(a)(ii) which states the
following:

24
26 (1)(a)(ii) Except as provided in Subsection (1)(b), an applicant
is entitled to approval of a land use application if the application
conforms to the requirements of the municipality's land use maps,
28 zoning map, a municipal specification for public improvements
applicable to a subdivision or development, and an applicable land
30 use ordinance in effect when a complete application is submitted and
all application fees have been paid, unless:

32 (A) the land use authority, on the record, finds that a
compelling, countervailing public interest would be
34 jeopardized by approving the application; or

36 (B) in the manner provided by local ordinance and before the
application is submitted, *the municipality has formally initiated*
38 *proceedings* to amend its ordinances in a manner that would prohibit
approval of the application as submitted.

40 Mr. Cullimore explained when determining whether existing or proposed
requirements apply to a specific application, the local municipality may define when
42 amendment proceedings have been “formally initiated”. He noted if the municipality has
formally initiated amendment proceedings before an applicant submits an application for
44 approval, the application will be subject to the proposed requirements if the amendment is
subsequently approved.

46 Mr. Cullimore further explained that Mr. Haws represents another municipality in
Utah County that has not specifically defined when amendment proceedings are formally
48 initiated, and the ambiguity has resulted in litigation. He pointed out that Lindon’s Code

2 does not presently define when amendment proceedings are formally initiated, therefore,
Mr. Haws has recommended that we include a definition in the Code to avoid similar
4 issues. Mr. Cullimore stated this is really just a technicality. He noted the key question
tonight is whether it is in the public interest to approve the proposed amendment.

6 Mr. Cullimore noted that members of the Planning Commission agreed that this
was a technical addition recommended by City's Legal Counsel, and that it should be
8 approved to make sure it is clear and ensure predictability of the Code. He went on to say
the Planning Commission, on a 5-0 vote, recommended approval of the proposed
10 amendment. Mr. Cullimore then referenced the proposed amendment followed by some
general discussion. Mayor Acerson commented that this seems pretty straightforward.

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

14
16 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

18
20 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he called for a motion.

22 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
#2015-3-O TO AMEND SECTION 17.04.090 OF THE LINDON CITY CODE AS
24 PRESENTED WITH GRAMMATICAL CHANGES AS NOTED.
COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
26 RECORDED AS FOLLOWS:

28 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BRODERICK	AYE
30 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER LUNDBERG	AYE

32 THE MOTION CARRIED UNANIMOUSLY.

- 34 8. **Discussion Item** – *Pavement Management & Road Funding*. Mark Christensen,
contract City Engineer, will present an overview of pavement management
36 principles and review findings from an extensive Lindon City pavement condition
study with estimated funding needed to maintain the roadways in the future. No
38 motions will be made.

40 Mr. Cowie then referenced the presentation slides (included in the packet)
prepared by Mark Christensen. He noted that Mr. Christensen will quickly review the
42 materials and focus on his findings and the funds needed. He noted the findings are that
Lindon City is faced with significant funding shortfalls in order to maintain even a small
44 percentage of roadways in reasonable condition. Mr. Cowie stated the City has annually
invested about \$250,000 to \$300,000 in road reconstruction and road maintenance. He
46 noted a few larger projects have been completed through bonding or large cash outlays.

2 Mr. Cowie explained that based on JUB's findings, if the City invests \$400,000
4 per year into road maintenance projects, using funds only to keep the best roads in the
6 best condition (not reconstruct poor roads), by the year 2022 approximately 75% of the
8 roads in Lindon will deteriorate to poor or failed condition. He further explained that road
10 investment of approximately \$1.2 Million per year would be required to maintain
12 approximately 70% to 90% of the roadways in good to fair condition. Mr. Cowie also
14 mentioned that deteriorating roadway conditions far exceed the ability of the City to
16 reasonably maintain or reconstruct them without significant amounts of additional or
18 expanded funding. Mr. Cowie then turned the time over to Mr. Christensen and Mr.
20 Peterson for their presentation.

22 Mark Christensen, City Engineer, along with Don Peterson, Public Works
24 Director were in attendance to address the Council at this time. Mr. Christensen
26 referenced the submitted presentation. He began by stating there are about 50 miles of
28 paved roadways in the city and noted they are the city's largest asset with an estimated
30 value of 43 million dollars. He stated the roads are deteriorating but there are many
32 things to do to try to preserve roads with asphalt preservations. He explained that asphalt
34 pavement is made up of two components 1) Aggregate (rock) and 2) Asphalt binder (by
36 product of refining crude oil). Mr. Christensen further explained that there are several
38 factors that contribute to pavement deterioration such as sunshine, water penetration and
40 temperature and moisture (freeze & thaw), traffic loading and utility cuts or trenching.
42 Mr. Christensen then referenced the pavement treatment options as follows:

- 44 • Routine maintenance – spot repairs, crack seal
- 46 • Preventative maintenance – minor patching, seal coats
- Rehabilitation – major patching, overlay, mill & overlay
- Reconstruction – pulverize asphalt and repave
- Full reconstruction – replace asphalt and base

28 Mr. Christensen discussed that historically only two criteria existed when
30 deciding which roads received maintenance for rehabilitation 1) the worst first and 2)
32 politics. He then went over the costs of pavement deterioration referencing the prepared
34 charts and graphs including the costs involved of delaying maintenance and the pavement
36 life curve. Mr. Christensen also discussed methods to keep the good roads good (which
38 to do first and which roads to do last). Mr. Christensen then referenced the pavement
40 condition map indicating that there are 775 inspection locations throughout the city. He
42 also referenced the PCI value (pavement condition index) which is a numerical rating of
44 the pavement condition that ranges from 0-100 with 0 being the worst possible condition
46 and 100 being the best possible condition. He also showed photos and examples of the
following road descriptions:

- 40 ➤ Good roads (no visible distress)
- 42 ➤ Satisfactory Roads (minor settlement and cracking)
- 44 ➤ Fair Roads (beginning alligator and block cracking)
- 46 ➤ Poor Roads (settlement, patches, widespread cracking)
- Very Poor Roads (potholes, patching, severe cracking and gap opening at cracks)
- Serious Roads – Gap openings at cracks, extreme cracking, severe alligator
cracking

- 2 ➤ Failed Roads – extensive patching with settlement, extreme potholes, extreme
4 alligator cracking

6 Mr. Christensen noted, per a study, that 89% of city roads were in good to fair
7 condition in 2007 and dropped to 65% are in good to fair condition in 2014. This is
8 because a lot of roads were built in the 1990’s which had deteriorated and aged by 2014.
9 He then discussed the types of treatment including the cost per mile. Mr. Christensen also
10 presented a slide depicting the best first treatment scenario – roadway condition over time
11 with the budget at \$400k per year with the priority method being “best first”. He also
12 presented several additional slides showing percentages of all roads in good to fair
13 condition and the best first vs. the worst first scenarios. He noted that when you can treat
14 roads it can add more life but you get to the point where you have done enough seal coats
15 and crack seals etc. that an overlay is needed and that pushes the condition back up. He
16 pointed out that you spend as money as needed to keep the good roads good and keep
17 them from falling into a condition where a more expensive treatment category is needed.

18 Councilmember Hoyt inquired if funds have been taken from the general fund in
19 the last several years as well. Mr. Cowie commented that this year we are projecting to
20 receive about \$390,000 from the state Class C road funds and supplementing another
21 \$300-\$350,000 into that road fund. Of that the majority of State distributed road funding
22 money that comes to Lindon (class C road funds) are being used to pay for the 700 North
23 road bond, street lighting, crack sealing, and minor other roadway repairs (Locust
24 avenue). Mr. Cowie pointed out that without subsidy from the General Fund this funding
25 constraint is expected to continue for several years. Councilmember Lundberg asked if
26 there is anything on the horizon with materials or technology that will make pricing go
27 down. Mr. Christensen replied that there is new technology and products that have
28 polymers in them that are “sunglasses for the road” they block ultraviolet rays and
29 protects the asphalt and there will be new creative ways of preserving roadways.

30 Councilmember Powell mentioned that the Council has had this discussion with
31 Mr. Christensen before with the different “best and worst” scenarios. She inquired how
32 long this issue has been “kicked down the road” as we are at a crossroads where
33 something has to be done. Mr. Christensen stated if we had this 10 years ago when 90%
34 of the roads were good it may be different, however, it is still going to cost \$30,000 per
35 mile; we are going to keep going down for a while before going up even with the
36 funding.

37 Mr. Christensen then presented possible funding sources followed by some
38 general discussion:

- 39 • Class C road funds (Gas Tax)
- 40 • General funds (City)
- 41 • Property tax (City)
- 42 • Transportation utility (City)
- 43 • Gas tax (State)
- 44 • Car registration fee (State)
- 45 • Mileage tax (State)
- 46 • Sales tax (State)

2 There was then some additional lengthy discussion regarding Mr. Christensen’s
presentation. Councilmember Bean mentioned what Provo has done with their utility
4 transportation fund and if this is something worth exploring. Mr. Christensen confirmed
that statement. Mr. Christensen stated there is a valid argument for every one of these
6 types of taxes. Councilmember Lundberg commented that roads are an issue at the
forefront and very important for residents (per the utility study last year), but when it
8 comes time to pay for it what is a palatable way to raise the funds with property taxes
being the least palatable for residents.

10 Councilmember Powell expressed that Locust Avenue is a highly used road and
feels we should at least start out there (which will show some good public relations) and
12 will take all of what is budgeted for, and then find some creative ways to bring in more
revenue. Councilmember Bean suggested doing Locust Avenue first, which is a
14 showcase road, which would show that we are doing something and then if a
transportation utility fee is presented it may be more palatable. Councilmember Powell
16 and Councilmember Lundberg agreed with that statement stating the residents feel the
city is being negligent.

18 Mayor Acerson expressed that we need to be clear and consistent with whatever
plan is implemented to ensure it is sound and has merit. Mr. Christensen stated this is a
20 good time to teach the public on how much road costs are because it is also a statewide
issue. Mayor Acerson commented that he feels the approach should be to focus on the
22 main arteries and collector roads and then focus on the slower, lower traffic use roads as
secondary, which will be the best use of the funds as everyone uses the collector roads.
24 Mr. Cowie pointed out that this issue will be political. Mr. Christensen stated that the
collector roads can be prioritized. Councilmember Broderick suggested some funding
26 options from his standpoint stating first he is hoping that the gas tax goes through the
legislature and secondly the car registration fee, and lastly to look at a transportation
28 utility fee to residents.

 Following some additional discussion, Mr. Christensen gave his recommendations
30 stating he would suggest using the philosophy of “best first” and to obtain funding to
maintain all the roads in fair to good condition. He would also recommend following the
32 plan and to educate the public about the current situation and how to make the most of
available funding. He would also suggest maintaining detailed records of road treatments
34 and to also re-inventory and update the model in 2019.

 Mr. Cowie stated that he will have Mr. Christensen come back after the
36 legislature meets and bring some numbers back on the potential fee. Mr. Peterson noted
they are about ready to bid out for Locust Avenue and asked the Council for direction.
38 The Council was in agreement to direct Mr. Peterson to go ahead and send out the bid for
Locust Avenue.

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

- 42
- 44 9. **Discussion Item** – *Public Safety Building: Timeline & Funding*. The City
Council will review the timeline for design & construction of the future public
46 safety/fire station building and will discuss building alternatives, public
involvement, and possible funding options. No motions will be made.

2 Mr. Cowie led this discussion by giving a brief summary explaining that Lindon
City's current fire department facilities are temporary facilities for use only until a
4 permanent fire station was able to be constructed. He noted that Lindon's contract for fire
and EMS services provided by the City of Orem required that a new fire station facility
6 be ready for operation by July 1, 2013 and due to the financial constraints on the City
during the recession, a time extension was granted by the City of Orem for an additional
8 5-year period so the facility would not need to be finished until July 1, 2018. Mr. Cowie
mentioned that no motions or final decisions will be made tonight as this is a discussion
10 item only and no public comment will be taken unless permitted by the Mayor and
Council.

12 Mr. Cowie then gave some background stating the Police Department facilities
within the current City Center are also inadequate for long-term use with evidence
14 storage space, office facilities, and safety deficiencies that need to be addressed, hence, a
combined Fire/Police Public Safety Building has been contemplated. Mr. Cowie stated
16 the City has explored a standalone fire station in addition to a significant remodel of the
existing City Center in order to accommodate Police Department needs and also resolve
18 other needs at the City Center building.

20 Mr. Cowie further discussed that the City realizes that the current facilities for
both fire and police are inadequate long-term solutions that will need to be upgraded to
accommodate current and future growth in the City. He went on to say that in 2013 the
22 City hired JRCA Architects to prepare a Public Safety Facilities Master Plan and assess
the space needs of Lindon's fire and police departments with the projected costs being
24 around 7 million and if it is split out with a standalone fire station and remodel the city
building for police accommodations would be around 6.8 million. He reminded the
26 Council that this year is the last year on the Aquatics Center bond which is \$180,000 per
year, which the Council had discussed allocating to the public safety building.

28 Mr. Cowie also mentioned that various building locations and options for
development of public safety facilities were evaluated and presented to the City Council
30 in October 2013. Mr. Cowie explained that this study has provided a basis for estimated
costs of various options for future public safety facilities needed by the City and no final
32 building or development decisions have been made. Mr. Cowie noted that RDA funds
cannot be used for building construction (per State code). Bonding has been priced out at
34 approximately 5.5 million, which would be about \$390,000 per year. He also mentioned
possible funding options as follows:

- 36 • Property Tax
- Sales Tax
- 38 • Public Safety Impact Fee
- Other Fees and Taxes

40 Mr. Cowie then referenced a draft timeline for construction and potential capital
42 expenditures for the two most cost-efficient options revealed by the Public Safety
Facilities Master Plan study (included in the packets). Mr. Cowie mentioned that many
44 decisions are yet to be made on this issue. He stated that staff is looking for feedback
tonight regarding options for development, funding, time lines for construction, and level
46 of public involvement desired by the Mayor and Council as this process moves forward.

2 Mr. Cowie stated that tonight he is questioning the potential of taking this matter
4 to the public on a general obligation bond as he knows this has been previously brought
6 up. If so, this would most likely need to get on a ballot this year, otherwise it pushes up
8 against the construction window to get this completed. He went on to say if this a
10 direction the Council wants to go there are some pros and cons. The pro being that the
12 public makes the choice of whether or not to have the tax increase and the con being if
14 they say no we still have a contractual obligation with Orem City which is the biggest
16 dilemma; there are a couple of other options to look at. He noted that it appears that it
18 would be good to have one good facility and it could be broken out, but we would still be
20 faced with a bond either way.

22 Councilmember Powell commented that she is aware that she brought up some
24 “out of the box ideas” but expressed that she feels it is important that the residents know
26 that all options have been looked at and considered. Mr. Cowie added that the Council
28 can raise property taxes without taking it to a vote with truth in taxation hearings,
30 meetings and noticing requirements etc., which is something on the table and something
32 to consider. Mr. Cowie stated if there is any interest at all to take this to the ballot he
34 needs to know as to educate the public, with public relations, open houses, and noticing
36 requirements etc. He added that he would like to sit down with Orem City and play out
38 the scenario and what it does to our relationship if our citizens say no, as we do have a
40 contractual obligation they have given us 10 years to meet.

42 Councilmember Bean commented that he wants to honor that obligation but noted
44 contracts can be re-written (if things become non-viable) and contracts expire, as this one
46 does. If two parties are interested enough to work together they will figure out a way to
48 do a new contract; but he would like to do what we agreed to do and agrees we need new
facilities, but he also doesn’t want the city to feel like we are “painted into a corner
contractually”. Mayor Acerson agreed with that statement adding if it is approached in a
reasonable manner and with good faith. There was then some discussion about the recent
public safety building issue that happened in Pleasant Grove.

30 Councilmember Hoyt pointed out the agreement states that there may need to be
32 changes or adjustments in the contract. He also mentioned the contract states if we
34 terminate the contract with Orem we have to pay for an entire year without having the
36 services. Councilmember Lundberg mentioned that the Lindon station has about half the
38 amount of calls that other stations have and pointed out that we do have a growing
40 population, but how many of that half is just Lindon. Chief Cullimore stated that Lindon
is about 60 % of the calls with the other 40% being North Orem. There was then some
lengthy discussion by the Council regarding this issue.

38 In conclusion, the Council was in agreement to have Mayor Acerson speak with
40 Mayor Brunst at Orem City, after which Mr. Cowie will bring this item back with
42 numbers on the three different options for further discussion.

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

44 **10. Review & Action – *Franchise Agreement with Veracity Networks, LLC.***

46 The City Council will review and take action on an agreement to permit Veracity
48 Networks, LLC, limited use of the public street right-of-way for the installation
of fiber optic communications system.

2 Mr. Cowie gave a brief summary explaining the Lindon City is requesting
approval of an amendment to the Lindon City Code 17.04.090. He noted the proposed
4 amendment would define when amendment proceedings are formally initiated. He added
that following discussion the Planning Commission recommended approval. Mr. Cowie
6 then referenced the agreement (included in the packets) that has been reviewed by staff
and the City Attorney and they are recommending approval of the agreement as
8 presented. Mr. Cowie added this item has no major issues and is pretty straightforward.

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

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
FRANCHISE AGREEMENT WITH VERACITY NETWORKS, LLC, WITH NO
14 CONDITIONS. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

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

22
11. **Review & Action** – Franchise Agreement with Syringa Networks, LLC.

24 The City Council will review and take action on an agreement to permit Syringa
Networks, LLC, limited use of the public street right of way for the installation
26 of telecommunications system.

28 Mr. Cowie gave a brief summary explaining the Lindon City is requesting
approval of an amendment to the Lindon City Code 17.04.090. He noted the proposed
30 amendment would define when amendment proceedings are formally initiated and the
Planning Commission recommended approval. Mr. Cowie then referenced the agreement
32 (included in the packets) noting it has been reviewed by Staff and the City Attorney. He
commented that staff is recommending approval of the agreement as presented and they
34 have no issues as this agreement is pretty straightforward.

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

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
FRANCHISE AGREEMENT WITH SYRINGA NETWORKS, LLC, WITH NO
40 CONDITIONS. COUNCILMEMBER HOYT SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
44 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
46 COUNCILMEMBER LUNDBERG AYE
THE MOTION CARRIED UNANIMOUSLY.

2 12. **COUNCIL REPORTS:**

4 **Councilmember Powell** – Councilmember Powell reported that the Little Miss Lindon
6 workshop starts on Friday. She also reported that Little Caesar’s re-locating from
8 Pleasant Grove to Lindon. She also reported that she will be attending a Community
10 Center Advisory Board meeting next week. Councilmember Powell mentioned an issue
12 with “Skippy the Deer” (pet deer) that is causing some nuisance problems with
14 businesses and residents and there have been several police calls on this issue.
Councilmember Powell also asked for an update on the Tithing House and if it will be
sold soon. Mr. Cowie stated that is should be finalized in the near future. She also
mentioned that she had a conversation the Mayor about the employee recognition budget
and thought it may be a nice idea to have a recognition dinner for the employees (funded
by donations).

16 **Councilmember Bean** – Councilmember Bean mentioned the Utah League meetings to
18 be held this April in St. George. Mr. Cowie stated the training budget was amended in
20 October but there is enough budgeted for training to allow 3 or 4 Councilmembers to
attend. Councilmember Bean stated that he is interested in going if the funding is
available.

22 **Chief Cullimore** – Chief Cullimore had nothing to report at this time.

24 **Councilmember Hoyt** – Councilmember Hoyt reported on the article in the Daily Herald
26 newspaper and on KSL about the police body cams. He noted it was great the cameras
28 were paid for by a grant and congratulated Chief Cullimore on his efforts for obtaining
the grant.

30 **Councilmember Broderick** – Councilmember Broderick reported on a discussion with
32 Mr. Cowie and Mr. Peterson for the need of the cemetery building and the possibility of
34 budget help. He added that they may be finalizing the plans with a smaller version. He
also mentioned the cemetery fence and the possibility of opening it up followed by
discussion.

36 **Councilmember Lundberg** – Councilmember Lundberg reported on the recent Ivory
tour followed by some general discussion.

38 **Mayor Acerson** – Mayor Acerson reported that he attended a MAG meeting and he will
40 be attending the COG meeting on Thursday. He also reported that he attended the Utah
42 Lake Commission meeting noting that Reed Price has accepted another position. Mayor
Acerson also attended the Outreach meeting with Councilmember Powell.

44 **Administrator’s Report:**

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

46 **Misc. Updates:**

- January City newsletter.

- 2 • Everbridge Emergency Notification System: sign-up available to the
4 public on January 5th. Links will be provided on web site and in
newsletter. Please promote sign-ups.
- 6 • Joint CC/PC work session w/ Ivory Homes, Tuesday, Feb. 10th at 6:00 p.m.
- 8 • ULCT Legislative Policy Committee meetings – Each Monday during Legislative
Session.
- 8 • Customer Satisfaction response cards – being formatted and implemented soon
- 10 • Misc. Items.

Upcoming Meetings & Events:

- 12 • Newsletter Assignment: Councilmember Hoyt – March newsletter article. *Due by
14 last week in February.*
- 14 • February 4th 8-10 a.m. – Utah Valley Visitors Bureau partnership meeting: Mayor
Acerson will attend.
- 16 • February 5th at 6 p.m. – Budget Kick Off Meeting.
- 18 • February 10th – Engineering Coordination Meeting at Noon at Public Works:
Mayor Acerson and Councilmember Broderick and Councilmember Powell will
attend.
- 20 • February 10th at 6 p.m. – Joint CC/PC works session with Ivory Homes.
- 22 • February 16th – City Offices Closed for Presidents Day.
- 24 • March 7th at 6:00 p.m. – Little Miss Lindon Pageant at Oak Canyon Jr. High.
- April 24th through May 1st – City Wide Clean Up (dumpsters for public use).

Future items:

- 26 • Employee Policy Manual updates.

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

Adjourn –

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
34 AT 10:47 PM. COUNCILMEMBER POWELL THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – February 17, 2015

38
40 _____
Kathryn Moosman, City Recorder

42
44 _____
Jeff Acerson, Mayor