

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, June 18, 2013**  
at **7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street,  
Lindon, Utah.

4 **REGULAR SESSION** – 7:00 P.M. – Conducting: Randi Powell, Mayor Pro Tem

6 Pledge of Allegiance: Cody Cullimore, Chief of Police

8 Invocation: Jeff Acerson, Councilmember

10 **PRESENT**

Randi Powell, Councilmember

12 Mark L. Walker, Councilmember

Bret Frampton, Councilmember – arrived 9:04

14 Matt Bean, Councilmember

Jeff Acerson, Councilmember

16 Adam Cowie, City Administrator

Cody Cullimore, Chief of Police

18 Hugh Van Wagenen, Planning Director

Kathryn Moosman, City Recorder

**ABSENT**

James A. Dain, Mayor

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

22 2. **Presentations/Announcements** –

24 a) **Mayor/Council Comments** – Mayor Pro Tem Powell mentioned  
26 that volunteers are still needed for Lindon Days and the plans for the  
celebration are moving forward. She noted the contact to volunteer is  
28 Angie Hendrickson, Lindon Days Chairman.

30 b) **Recognition**– *Chief Cody Cullimore Appointment.* Mayor Pro Tem  
Powell and the Council recognized Chief Cody Cullimore for his  
32 appointment by the Utah State Attorney General to serve a 4-year term as  
the Chief of Police Representative on the State Advisory Board for the  
34 Utah Children’s Justice Center Program. Mayor Pro Tem Powell  
expressed her appreciation to Chief Cullimore for his dedication,  
36 experience, and valued contribution to law enforcement in Lindon City  
and throughout the State.

38 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of  
40 June 4, 2013 were reviewed.

42 COUNCILMEMBER ACERSON MOVED TO APPROVE THE MINUTES OF  
THE MEETING OF JUNE 4, 2013 AS CORRECTED. COUNCILMEMBER BEAN  
44 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE

46 COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE  
2 COUNCILMEMBER ACERSON AYE  
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4  
4. **Consent Agenda** – No items.

6  
5. **Open Session for Public Comment** – Mayor Pro Tem Powell called for any public  
8 comment not listed as an agenda item. There were no public comments.

10 **CURRENT BUSINESS**

12 6. **Public Hearing** – *New Ordinance: LCC 17.75 – Senior Housing Facility Overlay.*  
14 This is a request by Matt Gneiting for approval of a new city ordinance, Lindon City  
Code 17.75 “Senior Housing Facility Overlay”, creating development standards and  
16 approval criteria for high density senior housing complexes. The Planning  
Commission recommended approval of the proposed road.

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

22 Mr. Van Wagenen opened the discussion by explaining this is a request by Matt  
24 Gneiting for approval of a land use ordinance amendment to allow for a Senior Housing  
Facility Overlay Zone. He noted the ordinance will govern high density, senior housing  
26 for individuals aged 55 and older. Mr. Van Wagenen stated that Mr. Gneiting presented a  
concept review for this type of facility on 65 South Main Street before the City Council at  
28 a meeting earlier this year. The applicant is now submitting applications to move from  
conceptual project to actual project. He added that reviewing and adopting an ordinance  
30 allowing this type of facility is the first step in this process and an ordinance allowing for  
this type of density is new to Lindon City. Some of the more notable sections of the  
ordinance are as follows:

- 32 1. Allowance of 27 units per acre.  
34 2. Requiring 1.1 parking stalls per unit  
36 3. Only allowing residents aged 55 and older (with minimal exceptions for  
spouses and others over 18 years of age).  
4. Limiting the location of the overlay zone.

38 Mr. Van Wagenen noted that in addition to the ordinance language, a matrix  
40 displaying other cities’ codes on senior housing is attached. Not all of these examples can  
be compared apples to apples, but they are good reference points regarding density and  
42 parking requirements as found in other cities. Mr. Gneiting worked with staff to provide  
the information. Specific examples of senior housing along the Wasatch Front were  
44 brought up during Planning Commission discussion. By way of information, the  
Thornberry in Pleasant Grove has about 43 units/acre, if you only count the senior  
housing, with approximately 1.3 parking stalls per unit. The whole complex is 24 units

per acre. The Rosegate facility in Sandy is 48 units/acre with 1.25 stalls/unit and was just finished recently.

Mr. Van Wagenen then gave an overview of the ordinance draft on the Senior Housing Facility Overlay. Mr. Van Wagenen commented that the Planning Commission worked on the ordinance language throughout four meetings. This draft was unanimously recommended for approval by the Commission. However, the zoning map amendment application that is intended to accompany this ordinance change has not been passed by the Planning Commission at this time. Therefore, staff recommends that this item be continued until such time that the zoning map amendment that Mr. Gneiting applied for is before the Council. It is not necessary, however, to have that application before you in order to discuss the ordinance language in this application. Mr. Van Wagenen then noted the two points that will be addressed tonight as follows:

1. Site specific zone acting as an overlay only in the mixed and general commercial zones.
2. This zone would allow the underlying zone uses to keep using the “bubble up” through the overlay so once the overlay is placed it doesn’t restrict the underlying uses that are in place.

Mr. Van Wagenen stated that when an application for a zone map amendment comes before the Planning Commission and the Council this ordinance asks that a concept plan with elevations and renderings be presented at the same item for the project so the commission and council has an idea of the type of project is being proposed before the actual site plan comes before the Planning Commission to take into consideration for a zone change.

Mr. Van Wagenen further stated that density was a bigger talking point of the ordinance. The original application was asking for 30 units per acre and the Planning Commission deliberated and was comfortable with 27 units per acre with the following conditions:

1. Full time onsite management.
2. Two gathering spaces (one indoor and one outdoor).
3. Minimum acreage is 2.5 acres with a maximum of land 5 acres.
2. Parking ratio 1.1 stalls per unit.

Mr. Van Wagenen then discussed the setback requirements as follows:

**Setbacks:** Front setback: 30 ft.  
Side setback: 15 ft.  
Rear setback: 40 ft.  
Street/yard setback: 30 ft.

Mr. Van Wagenen stated the Planning Commission also recommended a 7 ft. high masonry fence be installed regardless of abutting uses surrounding these projects. Maximum building height in the underlying zone is 48 ft. in commercial zone with accessory building heights at 20 ft. Occupancy restriction would include 55 years of age and older restriction with the exception if a qualifying person passes away a spouse can remain, if there are dependants, they have a 90 day transition period to obtain new

housing, with no one under the age of 18 would be allowed to stay in the apartment regardless of marital status or dependency.

Mr. Van Wagenen noted the occupancy restrictions would be on a deed restriction and recorded at the County, so if there is a change of ownership it would be very clear as to what the parameters are. He added that all of these types of projects would have to be maintained under a unified ownership and the ordinance is not meant to address condominiums or private ownership of smaller units; it would be under one management and one ownership, that it the intent of the ordinance. Mr. Van Wagenen commented that there is a site that this ordinance is intended for to be acted upon quickly and noted that the zoning change is still with the Planning Commission.

Councilmember Walker had a question on the 1.1 parking stall per unit ratio and if that number is an average, and he mentioned that other similar facilities have raised the parking ratio dependent on one, two or three bedroom units. Mr. Van Wagenen noted that the parking ratio plays into this and is dependant on the demographics, and management usually will take of that or it can be taken care of in the ordinance.

Councilmember Acerson asked Mr. Van Wagenen if he feels that the 1.1 ratio is sufficient based on density. Mr. Van Wagenen confirmed that he thinks the ratio is sufficient considering the population it will serve. Councilmember Acerson also inquired that in the event this does move forward and is permitted, are there additional properties to acquire in case the parking is not adequate. Mr. Van Wagenen replied that it difficult to know without seeing the full site plan. Councilmember Acerson noted that he would like to see a provision in the ordinance to have the option of acquiring more property to build more parking stalls, as sometimes there is not enough parking at these types of facilities.

Mayor Pro Tem Powell clarified that tonight we are just dealing with the overlay zone and the focus has to be on the overall ordinance overlay. She further clarified that the Council needs to define an ordinance and overlay that is best for the city, not to make it work just for this particular project. Councilmember Bean would agree with Councilmember Powell's statement. He noted that he appreciates what Mr. Van Wagenen has done with looking at what other cities ordinances are, and stated that it is important to note that it is not uncommon for an applicant, such as Mr. Gneiting, to come before a body where there are currently no ordinances in place that provide some assistance or direction, as far as what has been seen and done in the past, and what the applicant can offer. He further stated that this does not mean that it drives the Council's decision, but the Council needs to look at this issue long term and what we really want in an overlay like this because it could, and probably will, happen elsewhere.

Mr. Van Wagenen reminded the Council that this application is not a city initiated ordinance change, but in fact an application paid in full by Mr. Gneiting. Mayor Pro Tem Powell noted that the Council will make sure this issue has a lot of discussion and it will most likely be continued tonight. Councilmember Walker commented that it is important to recognize that the Council has heard from many people either by letter or email and they have listened to their concerns.

Mayor Pro Tem Powell called the applicants forward to address the Council at this time. The applicants, Matt Gneiting and Mike Stengel, were in attendance to address the Council and expressed their appreciation to the Council, Planning Commission and staff for their input, consideration and work on this matter. Mr. Gneiting presented a

2 slideshow providing an overview from the last presentation including some new  
3 additional information. Mr. Gneiting commented that he has tried to address the  
4 concerns that residents and the Planning Commission brought up at previous meetings,  
5 including items that are more appropriate for tonight’s dialogue including access, parking  
6 and density issues. He also stressed the importance of getting educated to make right  
7 decisions and noted that he has tried to be thoughtful yet concise in the language.

8 Mr. Stengel commented that they do not want the Council to feel “pushed” even  
9 though they would like this development to happen at this location, as they are biased.  
10 Mr. Stengel commented that Mr. Gneiting has a lot of good information to present and  
11 this is an attempt to educate and to not “hurry” the Council. Mr. Gneiting commented  
12 that they have worked at extra lengths to listen to the neighbors in close proximity for  
13 awareness and feedback and have tried to put a good foot forward and be thoughtful by  
14 way of approach and by way of questions or concerns about the project, and to provide  
15 guidance and also to seek and address concerns of the community.

16 Mr. Gneiting then referenced and addressed each of the following concerns of the  
17 dedicated senior housing project as follows:

18 **Concerns/Issues:**

- 20 1. Blight to the City in 10 years.

21 *He mentioned Thornberry Apartments in Pleasant Grove and*  
22 *noted that it was built in 2001 and the property still looks nice and*  
23 *has been well maintained. There have been no complaints*  
24 *regarding the facility (per Pleasant Grove City Manager).*

- 26 2. Orem eyesore – Midtown Village.

27 *Midtown Village is a 98 ft. tall 8 story structure with a 1<sup>st</sup> floor of*  
28 *commercial, 2<sup>nd</sup> and 3<sup>rd</sup> floor of office space with remaining floors*  
29 *being residential condominiums. His proposed facility will not be*  
30 *near the size or scope of Midtown Village nor the risk.*

- 32 3. What will immediate residents do? Sell now or sell later?

33 *As developers it is not standard to determine when or if a property*  
34 *owner will sell their property as residents will have certain life*  
35 *circumstances and financial situations that are more important*  
36 *than money. The Abbott and Lewis property meet the city*  
37 *requirement for commercial zoning and whether they sell now or*  
38 *in the future that will not change.*

- 40 4. Is the tail wagging the dog, instead of the dog wagging the tail? Zoning changes  
41 should be introduced by the city.

42 *In speaking with other cities it is not unusual for a developer to bring this*  
43 *issues to the forefront and create language and this is partly due to limited*  
44 *resources and time. After checking with a lot of other cities these senior*  
45 *projects have not had any negative feedback.*

5. Lindon is ½ acre lots and a little bit of country.

*Lindon has a wonderful legacy of spacious homes and large lots. Currently State Street brings about 25,000 cars through the city on a daily basis. The property is within a football field from State Street and within the commercial corridor. They feel that their development Lindon will still meet the little bit of country feel and will meet the vision of the city leaders and residents.*

6. The density is too high. It will feel like New Jersey.

*Words conjure images. New Jersey is 4 times the size of Utah. Project if best suited to the guidelines of Utah, it is local not national.*

7. It's too big of a building.

*The current code for general commercial allows for office or retail building to be 48 ft. high. A similar building is the Tri-City Medical building. He spoke with the Wheeler's, residents who live near the building and they have not had any issues with the development. He also showed a rendering depicting the proposed building compared to the Tri-City Medical building.*

8. Old people who can't see well or think straight will threaten our school kids.

*Anyone can have an error of judgment in driving. International research shows teens are in the highest risk group for accidents. Statistics show fewer seniors drive and seniors are more responsible, experienced, slower drivers.*

9. There will be tons of traffic coming in and out with that type of density. Excessive traffic near the elementary school.

- **Traffic:** Observed traffic at Tri-City, a retail center, and Thornberry apts. for comparison. He noted that the Thornberry apts. had the least traffic.
- **Density:** Actual impacts that come with density. Meets current city commercial zoning guidelines, visually shielded and a great distance from residents on all sides. No crime or noise issues.

### **Why Senior Housing:**

- Age 55 and older represents a responsible population.
- Lindon seniors need flexible housing options.
- Senior housing is a low impact solution given the surrounding properties.
- New senior housing will compliment downtown and create consumers for retail and service usage and additional city taxing base.
- Seniors are quiet and conservative city neighbors.

2 Mr. Gneiting concluded that they would like to move forward with this project or  
continue it for more discussion, but either way the zoning language is created and this is a  
4 valuable city project. Mr. Stengel addressed the demographics of the proposed senior  
housing. He noted that the average resident is 70 plus, usually female, and it is usually  
6 transition housing with retired couples as they are downsizing. He reiterated that this is  
not assisted living but dedicated senior apartments which provides flexibility. Mr.  
8 Gneiting noted that he and Mr. Stengel are the owners and will run the facility, he added  
that he is a long time Utah County resident. Mr. Gneiting commented that Wendell  
10 Christensen, a resident from Thornberry Senior Housing, is here to address the Council  
tonight as well.

12 Mayor Pro Tem Powell called for public comment at this time. Several residents  
in attendance addressed the Council as follows:

14 **Wendell Christensen:** Mr. Christensen commented that he has lived at Thornberry  
Senior Housing facility for the past 10 years and indicated that they really enjoy living at  
16 Thornberry and it is a tight community where the seniors care for one another like family.  
A lot of seniors move to the area to be close to their children and families. They love the  
18 quiet atmosphere and noted that traffic is not an issue at all and the facility is well  
maintained. The seniors are stable people, and the move to Thornberry is one of the last  
20 places they will live, and these types of facilities are needed for seniors in the  
community.

22 **Leonard Lee:** Mr. Lee commented that he owns the preschool and the property south to  
24 the proposed facility property. Mr. Lee noted confirmed that the Council's biggest  
concern tonight is the senior housing overlay. He inquired if this overlay is similar to the  
26 accessory apartments overlay. Mayor Pro Tem Powell replied that it was the R2-Overlay  
that applied to accessory apartments. Mr. Lee mentioned the new proposed senior  
28 housing overlay, and noted that it makes a lot of sense. Mr. Lee further noted that the  
idea of it being on a flag lot also makes sense too because it takes it off of the street,  
30 which has been an argument in the past. Mr. Lee commented that, as a neighbor, he can't  
think of a better use for the proposed area.

32 **Beverly Udall:** Ms. Udall came to the last meeting also and noted that she has several  
34 questions. She mentioned the issue of the proposed facility being so close to the  
Elementary School and the Community Center. Ms. Udall commented that would make  
36 sense to not have any commercial site there as far as traffic at the school. She noted that  
the applicants time frames on their traffic study were taken at the wrong time of the day  
38 as there is a huge amount of traffic packed with kindergarten kids as well as seniors at the  
senior center and how many of these 180 seniors at the proposed facility will be coming  
40 to eat at the community center which will also pose a lot of traffic and safety issues. Ms.  
Udall commented that there is already nowhere to park when picking the kids from  
42 school and it is already a safety issue and it would just get worse. She stated that there is  
no feasible reason to not put a non-commercial zone in that area as it only makes sense.

44 **Jerry Rogers:** Ms. Rogers commented that she is owns property in the area of  
46 discussion. She also noted that she was a teacher at Lindon Elementary school, and stated

2 that her biggest worry are the charter school parents that zoom by. Ms. Rogers  
4 commented that she is looking at the future, in terms of the senior center, and one of  
6 things that she suggested was to use a shuttle bus or seniors could walk on the planned  
8 walkway to the senior center. Ms. Rogers noted that she is looking to the positive side of  
10 the facility. She commented that as a teacher, she sees the possibility of seniors doing  
12 volunteerism and community service activities where the schools can interact with the  
14 seniors. She does not see this as a negative.

8 Ms. Rogers commented that the only downside is that her property is zoned  
10 commercial and the reality is that they are going to do something with the property; it  
12 could potentially become an eyesore to the community. She added that they are trying to  
14 be accommodating to try to make something work as a perk to the community and  
16 nothing has worked so far. She concluded by stating that they are at the point that if this  
project doesn't go through they will rent their property out to construction people to store  
their equipment, which will be an eyesore, but they would be getting some revenue, as  
they cannot afford to keep paying on it. They are just trying to do something good for the  
community.

18 **Susan Fisher:** Ms. Fisher commented that she already addressed the council in a letter.  
20 She further stated her concerns regarding the development being commercial zoned. She  
22 noted that the reality is there is already a community neighborhood there on Main Street  
24 of wonderful people and she is concerned for her neighbors and what the impact will be  
26 on their quality of life. Ms. Fisher commented, from her perspective, it is not a good idea  
28 to put a commercial development behind an existing neighborhood; it makes no sense at  
30 all. She suggested changing the zone to residential to give the property owners some tax  
relief and also allow a good development of a neighborhood with strong families that will  
contribute to the community. Ms. Fisher further noted that this proposed facility will take  
a lot out of the city financially. Ms. Fisher concluded that she is willing to collect  
petitions or signatures in order to change the zoning in order to become something that  
will be more of a contribution to the area rather than consumption.

32 *Mayor Pro Tem Powell made comment for the record at this time that Susan Fisher,  
34 Kanawi Fisher, Val Killian and Bill Lewis addressed the Council by email earlier today  
and yesterday.*

36 **Jared Osmond:** Mr. Osmond commented that he does not know the proposed area but  
38 he does know about senior housing. Mr. Osmond stated that demographically this is a  
40 huge issue. He also stated that seniors contribute a lot to a community and there is a great  
42 majority of seniors who are private pay and self sustaining. Mr. Osmond noted that he is  
a proponent of senior housing as the need is increasing. Statistics show that senior  
population housing is not a drain on the economy as they are quiet and manageable  
facilities.

44 **Val Killian:** Mr. Killian agreed with the fact that we need senior housing and seniors do  
46 contribute to the community and they are a profitable resource. Mr. Killian noted that  
most of the emotion on this issue is based on a particular impact of a site that has yet to  
be planned, which is unfortunate, because some comments have been made and said that

2 are not appropriate or that carry the full weight of their heart. Mr. Killian noted that he  
3 moved from a planned unit development to a half acre lot in Lindon. Mr. Killian noted  
4 that he picked Lindon to move to because it is not like the other surrounding cities; it is  
5 unique, and without question, a paramount city in the state. Mr. Killian stated that we  
6 have modified the half acre lot rule with some success and some problems. He stated that  
7 creating this zone will modify it even more, unless the verbiage is clear and distinct and  
8 there are teeth in the ordinance. He noted that he is not opposed to a 4-story building  
9 provided that it requires that the developer give us more open space, more distance,  
10 create more landscaping, create two or more common areas and provide a bus. He added  
11 that if all of this is not included in the code then the developer will do whatever they can  
12 do to line their pockets, as it is always profit driven.

13 Mr. Killian mentioned that the city code is the only opportunity, as citizens, to  
14 make sure we get development in the city that meets the expectation and the intent of  
15 what is in the land use code. He stated that density and traffic issues must be addressed  
16 and there must be a traffic study done before an application is given. Mr. Killian  
17 expressed his concern that the way that the commercial zone can “bubble up” is wrong.  
18 If you want to apply the overlay to a zone, and it is a commercial zone, then you need to  
19 write the ordinance so that it specifically has its own setback requirements, and those  
20 need to be mitigated in respect to height, distance, percentage of landscaping etc. Mr.  
21 Killian stated that this development could possibly be great, provided that the code is  
22 clear and distinct. Mr. Killian concluded by stating that Lindon City will be unjustly  
23 served if they don’t serve the seniors, but he does not want to see a developer drive what  
24 he believes the seniors need or want.

25 **Bill Lewis:** Mr. Lewis commented that he respects the opinions expressed tonight,  
26 specifically about the site specific area that applies to many other areas the overlay may  
27 affect. Mr. Lewis noted that when they moved to 75 South Main there many years ago  
28 their biggest concern was raising their eight kids on State Street. Mr. Lewis stated that he  
29 does not recommend a residential area to be there because of the proximity of State  
30 Street. Mr. Lewis commented that they are aware that they live around a commercial  
31 area, that is a natural corridor and he will not fight that. He further commented that the  
32 neighbors there realized that the area will eventually be commercial and what goes in  
33 there will be the choice of the City Council. Mr. Lewis stated that we need to be realistic  
34 at looking to the future as to what development is best for Lindon. Mr. Lewis stated that  
35 he can’t see, in this particular area; that anyone can realize they will not be living in a  
36 residential area there forever.

37 Mayor Pro Tem Powell noted that the Council has received many emails and  
38 letters from residents concerned with this proposed development that the Council will  
39 consider. Mayor Pro Tem Powell called for any further public comment. Hearing none  
40 she called for a motion to close the public hearing.

41  
42  
43 COUNCILMEMBER WALKER MOVED TO CLOSE THE PUBLIC  
44 HEARING. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL  
45 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.  
46

2 Councilmember Walker asked Councilmember Bean what the feel of the Planning  
Commission was at the meeting he attended. Councilmember Bean commented that  
4 overall the Planning Commission has been open to this idea of an overlay zone, and they  
have been a little more open to it since they heard back from the Council. They have also  
6 looked carefully at a lot of issues. Councilmember Bean expressed one of his concerns is  
that the Council has not had a chance to review the Planning Commission's most recent  
8 deliberations where they made a few changes. Councilmember Bean noted that the  
citizens have been in attendance to address the Commission on this issue.

10 Councilmember Walker noted the importance of citizen input both at Planning  
Commission and City Council meetings and to make sure there are open meetings for  
public feedback and citizen participation.

12 Councilmember Acerson commented that the emails and citizen comments he has  
received gives him adequate concern that where the Council is trying to come up with a  
14 good overlay ordinance, it is important to take some time to really work through it and  
come to a good decision that meets the needs of the citizens. Councilmember Acerson  
16 further noted that he is trying to commit to more time to do what he can to add to the  
function of an overlay that may work in Lindon City.

18 Mayor Pro Tem Powell echoed Councilmember Acerson's comments. She also  
mentioned that she appreciates the fact that we are looking at this important overlay  
20 ordinance and she appreciates what the Planning Commission has done to this point as  
there are a lot of concerns with these types of ordinances, which is part of the process.  
22 Mayor Pro Tem Powell then reviewed several of the concerns brought up by Mr.  
Gneiting. Mayor Pro Tem Powell mentioned the "bubble up" effect of an existing  
24 commercial zone and noted her concerns that we will be "warehousing" individuals if we  
use a commercial district to overlay residential occupants. She further stated she would  
26 want to repeal the underlying commercial zone and replace it with this overlay zone,  
whatever the Council chooses it to be, as she would not want the original zone to be able  
28 to "bubble up". She went on to say she would like to like to see the Council set the  
setbacks, add more parking, green space and more amenities etc. to be able to benefit the  
30 occupants as to not create a microcosm that does not have the amenities that they should  
have.

32 Councilmember Walker expressed his appreciation for the good comments from  
residents and their participation. He stated the importance of good transparency and  
34 communication. Councilmember Walker stated that he is in agreement with  
Councilmember Acerson's comment that we need more time to look at this ordinance to  
36 ensure it is developed correctly, and it is his personal opinion to spend more time on this  
issue for further discussion. He further noted that the developer took the information  
38 given to them and had answers for every one of those concerns, which is very  
professional on his part and helped him to understand where they are coming from  
40 Councilmember Walker stated that right now all eyes need to be on the overlay.  
Councilmember Walker also commended the Planning Commission for the great job they  
42 have done in reviewing this issue.

44 Mayor Pro Tem Powell asked if this issue will be kept with the Council now or if  
there is the opportunity to send it back to the Planning Commission. Councilmember  
46 Bean noted that Mr. Van Wagenen has summarized some of what is in the ordinance in <sup>d</sup>  
paragraph three, including the density, parking, age restrictions, location of the overlay

2 zone and the limits etc. These are some of the issues to be addressed and if the Council  
has strong feelings it could be brought back to the Planning Commission if necessary. He  
4 also commented that this issue is site specific so the Council may not want to address it  
now, but at some point the Council should talk about whether or not to look at rezoning  
in this area, there may not be, but in fairness to the residents, it should be brought up.

6 Councilmember Acerson stated that if the Council moves forward on the overlay  
zone and they get a more comfortable feeling based on the feedback on what needs to  
8 happen, and knowing there is a need for this type of facility, Lindon needs to be a City  
that is open to allow that to happen, and determine some zoning in this area to be more  
10 consistent. He further noted that he would like to see complimentary services or  
businesses that would enhance the overlay as to gain a vision for the residents to see what  
12 may come in that commercial area.

14 Councilmember Bean asked if staff would recommend changing the zone based  
on where this overlay is likely to be, and it would help to further define exactly how big  
the zone is (the north and south entrances), and when we know better what it is going to  
16 be, to look at possible future uses of the properties to the west along main street.

18 Councilmember Walker commented that if this is sent back to the Planning  
Commission it should be sent with specifics. Mr. Cowie noted that a joint work session  
with the Council and the Planning Commission is an option.

20 Mr. Gneiting commented that he appreciates the direction the Council is heading  
with their thoughts about creating a buffer zone, but from a developer's perspective, they  
22 have researched a lot of communities across the Wasatch Front of these types of product,  
and realistically, they have not seen any other communities do that. He noted that he has  
24 seen other communities that have a commercial element, and the market, all on its own,  
drives what goes in next door, and it is usually a good indicator. He noted that this site  
26 has some dynamics with retail elements close by including shops, restaurants, office and  
medical buildings etc. and residents will patronize these businesses. Mr. Gneiting  
28 expressed his opinion that creating a buffer zone, and going to those lengths to legislate,  
will not be a good approach, because you will get more caught up in honing and  
30 detailing, and there will also be an unintended consequence. He added that the market  
does a good job of legislating those things. Mr. Snelding commented that what they are  
32 proposing is a buffer zone on this site specific location. Councilmember Acerson noted  
that his comments are based on citizen feedback and he represents the citizens of Lindon.  
34 He further noted that he is trying to move this towards a consensus where everyone feels  
that there is a balance; he added that he feels the Council is not there yet and he hasn't  
36 sensed from the comments made that the citizens see is as a buffer zone.

38 Mayor Pro Tem Powell mentioned that the Council has listened and appreciates  
all of the views heard tonight. She added that even though a decision was not made  
tonight the Council will be contemplating the comments and they want to look at this  
40 again for more discussion and direct staff to bring back additional information and allow  
the time needed to review the Planning Commission minutes. Mr. Van Wagenen  
42 requested that staff receive copies of the emails from residents to include as part of the  
file for public record.

44 Mayor Pro Tem Powell called for any further comment or discussion from the  
Council. Hearing none she called for a motion.

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COUNCILMEMBER BEAN MOVED TO CONTINUE THE LAND USE ORDINANCE AMENDMENT TITLED LCC 17.75 SENIOR HOUSING FACILITY OVERLAY FOR FURTHER DISCUSSION AT THE JULY 2, 2013 CITY COUNCIL MEETING. COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE  
COUNCILMEMBER FRAMPTON AYE  
COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
COUNCILMEMBER ACERSON AYE  
THE MOTION CARRIED UNANIMOUSLY.

7. **Review and Action** – *Auditor Selection – Keddington & Christensen (K&C)*. This is a request by Staff for approval of Keddington & Christensen Certified Public Accountants, LLC to provide auditing services for Lindon’s fiscal year ending June 30, 2013. K&C is recommended after review of multiple proposals and interview with qualified firms. The auditing services fee by K&C for the 2012-13 fiscal year is proposed at \$15,000.

Mr. Cowie opened the discussion by explaining that a Request for Proposal (RFP) was sent out to provide auditing services for Lindon’s fiscal year ending June 30, 2013. He further explained that the Budget Selection Committee included Mayor Dain, Councilmember Walker, Councilmember Bean, Mr. Cowie and Kristen Colson. Mr. Cowie explained they received six proposal from different firms of which three candidates were interviewed and a recommendation was made for Keddington & Christensen (K&C) to audit the past fiscal year after multiple proposals and interviews with qualified firms were conducted. The proposal from Keddington & Christensen (K&C) to perform the audit for fee services is \$15,000. Mr. Cowie noted the final approval and details will be worked out at staff level. Mayor Pro Tem Powell called for any comments or discussion from the Council. Hearing none she called for a motion.

COUNCILMEMBER ACERSON MOVED TO APPROVE THE SELECTION OF KEDDINGTON & CHRISTENSEN CERTIFIED PUBLIC ACCOUNTANTS, LLC AS THE AUDITORS FOR THE 2012-2013 FISCAL YEAR BUDGET AND AUTHORIZE THE MAYOR TO SIGN A LETTER OF UNDERSTANDING REGARDING K&C’S PROPOSED AUDIT SERVICES. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE  
COUNCILMEMBER FRAMPTON AYE  
COUNCILMEMBER BEAN AYE  
COUNCILMEMBER POWELL AYE  
COUNCILMEMBER ACERSON AYE  
THE MOTION CARRIED UNANIMOUSLY.

8. **Public Hearing** – *Final Budget for Fiscal Year 2013-2014 (Resolution #2013-10-R); Amend 2012-2013 Budget*. This item is continued from the June 4, 2013 City Council

meeting. The Council will hear public comment on the proposed final city budget for fiscal year 2013-2014, including the allocation of revenue from the water, sewer, storm water and other enterprise funds to the general fund. Two public hearings, a public work session and budget committee meetings have been held where budget issues have been discussed in detail. City Staff recommends that the Council approve the final budget for fiscal year 2013-2014, approve the amended budget for fiscal year 2012-2013, approve the agreement for services between the RDA and the City, and approve the city-wide fee schedule and compensation programs.

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

Mr. Cowie was in attendance to present the Final Budget for fiscal year 2013-2014. Mr. Cowie noted that two public hearings, a public work session and budget committee meetings have been held where budget issues have been discussed in detail. He added this item was continued from the June 4, 2013 City Council meeting. Mr. Cowie explained the Council will hear public comment on the proposed final city budget for fiscal year 2013-2014, including the allocation of revenue from the water, sewer, storm water and other enterprise funds to the general fund. City Staff recommends that the Council approve the final budget for fiscal year 2013-2014, approve the amended budget for fiscal year 2012-2013, approve the agreement for services between the RDA and the City, and approve the city-wide fee schedule and compensation programs. He further explained it was the hope to adopt the final budget at the last meeting, but the Certified Property Tax rate had not come in from the County which will change the numbers slightly. Mr. Cowie noted that the CPI rate went from the current rate of .002107 to the new proposed rate of 0.002043(effective July 1<sup>st</sup>). Mr. Cowie stated that Resolution #2013-10-R outlines (if approved) the adoption of the proposed budget amendment of current fiscal year budget and also the agreement with the RDA for the city to provide services.

Mr. Cowie then made several points. He noted that notification of transfer of funds (enterprise fund - 12%) to cover administration costs and other additional costs, and the garbage and recycling fee changes were included in the newsletter and there have not been any calls as of yet regarding these issues. He added that several residents have called to switch to recycling which is positive. Mr. Cowie reiterated that the budget has been tightened as much as possible for this fiscal year. He stated the total city budget is 18.7 million which represents a .6% increase which is status quo on the budget. Mr. Cowie commented that he is not projecting a lot of increase in services; however, there are specialized funds that can only be used for certain things.

Mr. Cowie explained that the budget is a largely balanced budget because of previous borrowing from the enterprise funds. Mr. Cowie noted that his concern is not for this fiscal year but the following 2014-2015 year. He added that this is a balanced budget because we are living off of borrowed funds and without an increase in revenues of taxes or fees this is not a sustainable budget. Mr. Cowie stated, in his opinion, everything needs to be on the board as far as what the city is looking at for evaluation of rates and fees and property taxes. He further stated that a property tax increase is not

recommended this year. He noted that the CARE tax has been discussed (which is a ballot issue) and if approved would not be effective until April of next year. He went on to say that there are plans to review impact fees with the city engineer this fall, as the impact fees and services have not been evaluated and updated for many years. Mr. Cowie noted that the recreation aspect of what has been added the last few years, i.e., Community Center and the Aquatics Center was a significant amount in an economic downturn and warrants more discussion. He further stated that the merit increase is an issue to be careful and sensitive on. Mr. Cowie noted that he has tried to give the Council a good picture of the requests that came from the department heads and where we ended up with on this budget. Councilmember Acerson commented that we need to deal with reality and do the best we can to be wise and prudent and make the tough decisions. Councilmember Bean commented that we can be fiscally conservative but we can also be fiscally irresponsible if we are not, at least, covering costs.

Mr. Cowie reiterated that this budget is status quo from last year and he will continue to discuss it with the Council. Mr. Cowie stated that he feels good about the Council approving this proposed budget tonight. Mayor Pro Tem Powell asked for an estimate as to how long this problem has been happening. Mr. Cowie replied that it is all entirely a product of the economy as far as the current situation. Mr. Cowie expressed that he feels that taxes and fees should have been evaluated years ago during the “good times” anticipating that sales tax could drop dramatically. He added that a lot of the sales tax is coming back now but it we are growing faster than we are recovering.

Mr. Cowie then reviewed the following critical issues:

**Critical Issues:**

- This budget document includes a balanced budget proposal for the 2013-2014 fiscal year. The budget has minimal increases in total budget expenditures over the previous 2012-13 budget year. Staff has worked hard to reduce budget expenditures while still providing requested needs and services and while also maintaining competitive compensation programs for employees. Staffing levels are at minimum numbers necessary to fulfill basic needs and services requested by the City Council and our residents.
- While economic recovery appears on the horizon this budget represents a ‘*status quo*’ financial situation for Lindon City. The proposed budget leaves little to no room for potential growth in city programs and services nor ability to make significant progress in maintenance and/or replacement of critical infrastructure. Fund balances (reserves) in nearly all of Lindon’s general and proprietary funds are slowly being depleted.
- Past growth of city services and facilities, in addition to financial commitments for various items, have appreciably outpaced revenues. In years past, during the height of the recession, the City approved loans from the Sewer and Water enterprise funds to help supplement shortfalls to the General Fund. Nearly all of these previously loaned amounts are projected to be depleted by the end of this 2013-2014 fiscal year.

- Continued operation of all current facilities, programs, services, and employee compensation programs will not be sustainable without significant increases in revenues and/or additional borrowing of funds prior to the 2014-15 fiscal year. Increases in fees and/or taxes will very likely be necessary to maintain even ‘status quo’ operations compensation programs, and services.

There was then some lengthy general discussion by the Council regarding the proposed budget numbers.

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

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

Mayor Pro Tem Powell expressed her appreciation for all of the hard work that has been done on the budget and noted that it is a good process. Mayor Pro Tem Powell then called for any further comments or discussion from the Council. Hearing none she called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE FINAL BUDGET FOR FISCAL YEAR 2013-2014 (RESOLUTION #2013-10-R) AMENDING THE BUDGET FOR THE 2012-2013 FISCAL YEAR, SETTING THE CERTIFIED PROPERTY TAX RATE, ADOPTING A FEE SCHEDULE, ADOPTING THE COMPENSATION PROGRAMS, AND ENTERING INTO AN AGREEMENT TO PROVIDE SERVICES TO THE LINDON CITY REDEVELOPMENT AGENCY AND GIVE THE MAYOR THE AUTHORIZATION TO SIGN. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

## 9. COUNCIL REPORTS

**Councilmember Powell** – Councilmember Powell reported that she contacted Boyd and Barbara Walker and they have accepted the invitation to be the Lindon Days 2013 Grand Marshalls. Councilmember Powell also reported that the Historical Commission is still looking for members. The CCAB next meeting is on July 10<sup>th</sup> and they are working on Huck Finn days. She will be attending a Lindon Days meeting tomorrow with Angie Hendrickson, Lindon Day Chairman.

2 **Councilmember Walker** – Councilmember Walker had nothing to report at this meeting.

4 **Chief Cullimore** – Chief Cullimore was absent. Lindon Police Sergeant Doug Eastman was in attendance in Chief Cullimore’s absence. Sergeant Eastman reported that they have implemented extra patrol bikes on the Murdock Canal Trail. He further noted that the Police Department will be patrolling the trail and they have been informed by Utah County that they will provide keys for all of the trail crossings on the Murdock Canal.

10 **Councilmember Bean** – Councilmember Bean reported the Planning Commission did a great job reviewing the Senior Housing Facility Overlay.

12 **Councilmember Acerson** – Councilmember Acerson reported that the City Attorney needs to draft the language for the UIA bonds certificates. Councilmember Acerson will forward the email the UIA information to Mr. Cowie. He further noted that the City Attorney also needs to look at the budget as well. Councilmember Acerson reported that he will be attending the UIA Board Meeting on June 20, 2013.

18 **Councilmember Frampton** – Councilmember Frampton thanked Councilmember Powell for filling as Mayor Pro Tem at tonight’s meeting.

22 **Mayor Dain** – Mayor Dain was absent.

24 **Administrator’s Report**

Mr. Cowie reported on the following items:

26 **Misc Updates:**

- 28 • Project Tracking List.
- 30 • Discuss collection of building keys from City Council members. This is in conjunction with our rental policies for all groups – and desire to promote rentals / limit non-paying uses of facilities.
- 32 • Also updating employee facility use policy: Up to four (4) free rentals of pavilions, vet hall, city center, or community center per year for each full-time or permanent part-time employee. No more unlimited free rentals by employees.
- 36 • Bike accident case: No new information on settlement negotiations. Attorneys have been out of town.
- 38 • ‘Ex Parte Contacts’ memo from Brian Haws.
- 40 • Use of RDA funds after expiration of tax increment is permissible, but may require resolution by RDA Board. LYRB financial consultants are looking into it for us.
- 42 • 50-60 people attended ‘Movie in the Park’ at Pioneer Park. (\*Am Bank donated \$1,200 for movies).
- 44 • Lifeguard employee was dismissed for theft (forged flow-rider wrist bands for friends).

- Staff working on Janitorial services RFP. Consolidate cleaning contract and evaluate pricing.
- Bruce Chestnut, Orem City Manager, retirement open house: June 25th from noon to 2:00 p.m. at Orem City Council Chambers.
- Poll Worker info with election dates attached. \*Lindon Days assignments attached.

**Upcoming Meetings & Events:**

- June 19th (Wednesday) at 6:30 p.m. – Mayor’s Open House at Mayor Dain’s residence. Mayor Dain, Councilmember Acerson and Councilmember Powell will attend.
- June 20th at 6:00 p.m. – City employee’s summer party at the Aquatics Center.
- June 22nd – Strawberry Days parade (all available Council members).
- June 28th at Dusk – “Movies in the Park” – Meadow Park (1650 W 500 N).
- Newsletter Assignment: Councilmember Powell - July newsletter article. Due by last week in June.
- July 11th at 6:30 p.m. – Mayor’s Open House. Sue Easton residence (1437 East 80 South) Mayor Dain, Councilmember Acerson and Councilmember Bean will attend.
- July 16th at 6:00 p.m. – Council work session tour of TSSD sewer plant.
- July 18th at 6:30 p.m. – Candidates meeting with City Staff.
- July 19th at Dusk: “Movies in the Park” – Pheasant Brook Park (400 N 800 W)
- July 25th – Flow Tour at Aquatics Center.
- Meet the Candidates night for Primary Election and is it necessary. It was agreed to have an opening statement period followed by an Open House style. To be held on August 1st at 6:30 p.m. at the community center.
- August 2nd – 10th – Lindon Days. **NO CITY COUNCIL THIS WEEK.**
- August 13th – Primary elections. Planning Commission will be cancelled.
- August 16th at Dusk: “Movies in the Park” – Hollow Park (300 E 400 N).
- Meet the Candidates night at Community Center to be held on October 24<sup>th</sup> at 7:00 p.m.
- November 5th – General Elections.

**Future Items:**

- Creekside Retirement Subdivision: development agreement updates.
- Bicycle Master Plan, spring 2013.
- Review of active service military utility waivers, utility bill formatting; utility bill rates.
- Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor.
- Discussion to defer additional land use decisions to Planning Commission.
- Discussion of economic development policies and programs.

Mayor Pro Tem Powell called for any further comments or discussion from the Council. Hearing none she called for a motion to adjourn.

**Adjourn** –

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COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING  
4 AT 10:35 P.M. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – July 2, 2013

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Kathryn A. Moosman, City Recorder

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Randi Powell, Mayor Pro Tem