

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 18,**
4 **2015, at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: John Williams
10 Invocation: Matt Bean, Councilmember

12 <u>PRESENT</u>	<u>ABSENT</u>
Jeff Acerson, Mayor	Carolyn Lundberg, Councilmember
14 Randi Powell, Councilmember	
Matt Bean, Councilmember	
16 Van Broderick, Councilmember	
Jacob Hoyt, Councilmember	
18 Adam Cowie, City Administrator	
Hugh Van Wagenen, Planning Director	
20 Cody Cullimore, Chief of Police	
Kathy Moosman, City Recorder	

- 22
- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
 - 26 2. **Presentations/Announcements** –
 - 28 a) Mayor/Council Comments – There were no comments at this time.
 - 30 3. **Approval of Minutes** – The minutes of the regular meeting of the regular City
Council meeting of July 21, 2015 were reviewed.

32 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
OF THE CITY COUNCIL MEETING OF JULY 21, 2015 AS AMENDED OR
CORRECTED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
34 VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
38 COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 40
- 42 4. **Consent Agenda** – No items.
 - 44 5. **Open Session for Public Comment** – Mayor Acerson called for any public
attendance who addressed the council at this time as follows:
- 46

2 **Coby Anderson – 380 North 980 East:** Mr. Anderson commented on a recent email
sent to Councilmember Lundberg regarding an experience at the Lindon Aquatics Center.
4 Mr. Anderson expressed his concerns that the lifeguards at the Aquatics Center act as
enforcers as opposed to guardians, so to speak. He indicated that it would just be a simple
6 matter of changing the metrics to fix this issue. He commented if it is the city’s goal is to
be the safest pool in the state then to continue this practice, or if the goal is to acquire
8 new patrons and more funds then some changes need to be made to make the pool fun.
He does not feel they should tell the kids they can’t run on the grass and that fathers can’t
10 horse around with their kids in the pool; this was a new experience for him. He noted
that he obeys pool rules but to be called into question three different times during a single
12 night was uncalled for and he let the lifeguard on duty know how he felt; the definitive
rules should be posted.

14 Mayor Acerson asked Mr. Cowie if this issue has been addressed through a
formal complaint. Mr. Cowie stated the Parks and Recreation Director has been apprised
16 of the situation and asked Mr. Anderson if he had been contacted. Mr. Anderson stated
that he had not been contacted at this time by Mr. Bateman. Mr. Cowie stated he will
18 follow up on this issue with the Parks and Recreation Director. He noted he understands
his concerns but he is also glad to hear the lifeguards are keeping patrons safe.

20 Mayor Acerson commented that it is good the citizens can voice their concerns in
this forum which gives the city the opportunity to review the issues and he appreciates
22 the feedback. Mr. Anderson also noted that his niece is a lifeguard at Provo Aquatics
Center and she hears that a lot of employees don’t like the way the Lindon pool is
24 managed. Councilmember Hoyt commented that he appreciates the comments and added
that it is a hard line to draw when it comes to enforcing the rules and safety issues at the
26 pool and still have patrons be able to enjoy themselves.

28 **Randy Hunter – 420 South 280 West:** Mr. Hunter addressed the Council at this time.
Mr. Hunter expressed his concerns with a flaw in the road and gutter east and south of his
30 property. He noted that he is a Lindon resident who lives right on the border of a
subdivision in Orem. Mr. Hunter explained that on June 11, 2015 a storm brought an inch
32 of rain that directed water to the border of Orem where Lindon has since added the road
(19 years ago). Unfortunately, the grade of the road in Lindon was connected with 50 feet
34 of incline before proceeding down the hill and then turns west to the back area of the
Home Depot. This forces all the storm water into his residential property (third incident)
36 and the second time it has done damage to their home. On the first occasion when their
home was damaged the city put a 10 to 12 inch pipe under the road to help drain water
38 past the hump in the road that prevents the curb and gutter from functioning properly. Mr.
Hunter stated that the pipe was a “band aid” and obviously doesn’t work like it is
40 supposed to. Mr. Hunter stated the event on June 11th caused over \$42,000 in losses to his
property. Don Peterson, Public Works Director, came to their home and witnessed the
42 damage and told them to get a restoration company to assist in the clean-up.

Mr. Hunter stated on Monday the 15th they came to the Lindon city offices to fill
44 out a claim and was advised that storm water may not be covered so they told the
restoration company to stop all work as it appeared the city may not cover the damages.
46 He commented that Mr. Peterson is the highest paid Lindon City employee, and he is
aware of the history of the problem and he told them to get the restoration company and

2 now suddenly the song and dance has changed and he feels that is irresponsible if not
4 criminal. Mr. Hunter stated they are now being told this incident was an act of God and
6 out of the City's control. He expressed that the rain may be an act of God, but God did
8 not build the road in front of his house incorrectly. If the city had done their job the road
10 would have been engineered correctly. He added that the city has insurance to help
12 protect them from these types of matters.

14 Mr. Hunter stated he was informed that he can't buy flood insurance because his
16 property is not in a flood plain. He can't dig a trench on the South of his property
18 because it would dump the water problem on his neighbor, yet that is what Lindon City
20 has done to him; dumped this problem onto them. Mr. Hunter stated his purpose here
22 tonight is to ask the Mayor and City Council to help resolve this problem with the road
24 (which is at a standstill and will certainly happen again) and award their claim so they
can get their house put back together without a lengthy court battle with the City. There
was then some general discussion regarding this issue.

16 Mr. Cowie explained to the Council the city's insurance carrier claims adjuster
18 and city engineer have met on the site with the owners. He noted that both Orem City
20 and Lindon City have claims filed against them on this incident and was denied by both
22 cities. He stated that the property owners have notified the city that they have retained
24 Legal Counsel and may potentially seek legal action, and because of that this is not the
most appropriate forum to have a discussion about this issue without the City Attorney
being present. He did say the City will be happy to meet with the Hunter's at a scheduled
time. Mayor Acerson directed them to set up a meeting to discuss what they can get
resolved.

26 **CURRENT BUSINESS**

- 28 6. **Public Hearing** – *Ordinance Amendment; LI zone setbacks (Ordinance #2015-*
30 *18-O)*. John Williams of Intermountain Precision Casting requests approval of
32 an amendment to LCC 17.49.080 Industrial Zone Development Standards in
order to modify "street side yard" setbacks in the Light Industrial zone from 20
feet to 15 feet. The Planning Commission recommends approval of the change.

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

38 Hugh Van Wagenen, Planning Director, opened the discussion by giving a brief
40 summary of this agenda item. He stated John Williams (who is in attendance) of
42 Intermountain Precision Casting, recently applied for and was approved to build a new
44 building adjacent to their existing site at 1156 West 400 North in the LI zone. This
46 building is for an expansion of their current operation. He noted when construction was
to begin the foundation was staked and a discrepancy was discovered between the
architectural site layout and the engineered site layout. It appeared the architect was
measuring setbacks from the back of the walk while the engineer (appropriately)
measured from the property line. However, the building was designed from the

2 architectural site layout which ultimately placed the building into the required front
setback area.

4 Mr. Van Wagenen explained when this was discovered, the City and Mr.
Williams went over several different scenarios to try and remedy the situation, including
6 an alteration of the architectural plans. He explained that the building is unique in its
design to accommodate the needs of Intermountain Precision Casting and had very little
8 room to make adjustments. He noted the issue was made more complicated because the
lot is only 20,000 square feet (which is small for an industrial property). In addition, it is
10 a corner lot, requiring a 20 ft. setback along both frontages. Following further discussion
on this situation the idea of modifying the setback along “street side yards” was
12 suggested. Mr. Williams felt that would be a great solution to their current problem of
encroachment.

14 Mr. Van Wagenen further explained that currently, all frontages in the LI zone
require a 20 foot building setback from the property line, regardless of building
16 orientation. Thus, corner lots with frontage on two roads are restricted to smaller building
footprints than lots not on a corner which are able to go to a zero lot line. Mr. Williams
18 request is to modify “street side yard” setback to 15 feet, enabling a slightly larger
building footprint. Mr. Van Wagenen stated that staff thinks that a modification of 5 ft.
20 would have minimal impacts on the aesthetics of the streetscape and would not impact
the safe site distance requirements for intersections. It would allow properties on corner
22 lots to utilize slightly more of their property which is otherwise disadvantaged due to
greater setback requirements. There is also a 20 ft. landscape strip requirement along all
24 frontages.

Mr. Van Wagenen went on to say that any approval of a modified setback may
26 affect the 20 ft. requirement on some developments. Typically, however, in the LI zone
the landscape strip is measured from back of curb and not the property line. Therefore,
28 most developments will be able to have a full 20 ft. landscape strip and still build a
footprint within 15 ft. of the property line that will be the case with Intermountain
30 Precision Casting’s new site. Mr. Van Wagenen noted that if approved, the change would
affect the entire LI zone, not just Intermountain Precision Casting’s property. The
32 Planning Commission voted in a 6-0 vote to recommend approval of the ordinance
amendment request and no major concerns were brought up during the meeting.

34 Mr. Van Wagenen then presented for discussion the current zone map, and aerial
of Intermountain Precision Casting Site, Intermountain Precision Casting Site Plans and
36 Ordinance #2015-18-O. Mr. Van Wagenen added that part of the confusion between the
two plans has to do with the 20 ft. landscaping strip (required in Industrial zones) and the
38 fact there is no sidewalk requirement in Industrial zones, and in this instance the City
right-of-way extends 5 ft. beyond the curb with a 20 ft. setback beyond the property line.

40 Councilmember Bean questioned if these provisions would apply in the Light and
Heavy Industrial zones as well. Mr. Van Wagenen referenced the ordinance stating only
42 the Light Industrial zone is affected with changes (only on corner lots) and nothing
changes in the Heavy Industrial zone. Mr. Williams commented that he bought the
44 property 30 years ago with the idea that that they would expand in the future. They are at
that point now and realized the codes have changed and they need to scale back. He
46 noted they are quite diversified and ship across the United States.

2 Mayor Acerson called for public comment at this time. Dustin Sweeten, resident,
4 commented that he has toured their facility and it is very impressive. They are a great
business to have in Lindon and he feels the city should do whatever they can to
accommodate them to help the business thrive.

6 Councilmember Hoyt pointed out that this business has been located in Lindon for
36 years and has brought jobs to Lindon. He also commended staff for how they handled
8 this issue with the timetable and for being flexible as it goes a long way in the business
community and makes Lindon a business friendly city. Mr. Williams thanked the
10 Planning Staff for their hard work in proposing options to make this work.

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

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

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

20 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE #2015-
22 18-O AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

28 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 30 7. **Public Hearing** – ***General Plan Amendment, WICP West Lindon (Ordinance***
32 ***#2015-19-O)***. Mark Weldon of WICP West Lindon requests a General Plan map
amendment to change the General Plan designation of property located at
approximately 1800 West 700 North from Commercial to Mixed Commercial.
34 The applicant intends to establish office and office/warehousing uses on the site.
The Planning Commission recommends approval of the change with conditions.

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

40 Mr. Van Wagenen also led this discussion by explaining Mr. Andrew
42 Bolls Schweiler is in attendance tonight as representative of this agenda item. He further
explained that the applicant submitted a concept plan before the City Council prior to
44 making an official General Plan change application. After meeting with the Council, the
applicant felt confident enough to officially request the General Plan Map change
46 proposed tonight. He is proposing to subdivide and develop the parcel with a site
configuration similar to the site plan concept included in the staff packet. The concept

2 shows a 50,000 s.f. two-story office building fronting on 700 North with a 90,000 s.f.
4 office/warehouse fronting on 1700 West. The current designation of General Commercial
6 currently split designated CG/MC and this request would change where the split in the
8 designation occurs, moving the MC line approximately 480 feet to the north.

10 Mr. Van Wagenen went on to say that whenever a parcel is split designated, the
12 more restrictive designation applies; in this case that is the General Commercial
14 designation and this request will prepare the parcel to be subdivided along the new line.
16 Until then, even with approval of this item, the prevailing General Plan designation will
18 be General Commercial on the entire parcel. He noted that City Code requires that any
20 zone change must be consistent with the City's General Plan Designation. The current
22 General Plan designation is Commercial. He re-iterated that the applicant is requesting
that the General Plan designation be changed to Mixed Commercial to permit the zone
change and allow their desired uses.

16 Mr. Van Wagenen further explained that the General Plan currently designates the
18 property under the category of Commercial. This category includes retail and service
20 oriented businesses, and shopping centers that serve community and regional needs. The
22 applicant requests that the General Plan designation of the property be changed to Mixed
Commercial, which accommodates low intensity light industrial, research and
development, professional and business services, retail and other commercial related
uses.

24 Mr. Van Wagenen then referenced the Relevant General Plan policies to consider
in determining whether the requested change will be in the public interest as follows:

- 26 a) It is the purpose of the commercial area to provide areas in appropriate locations
where a combination of business, commercial, entertainment, and related
activities may be established, maintained, and protected.
- 28 b) Commercial use areas should be located along major arterial streets for high
visibility and traffic volumes.
- 30 c) The goal of commercial development is to encourage the establishment and
development of basic retail and commercial stores which will satisfy the ordinary
32 and special shopping needs of Lindon citizens, enhance the City's sales and
property tax revenues, and provide the highest quality goods and services for area
34 residents.

36 i. Objectives of this goal are to:

- 38 1. Expand the range of retail and commercial goods and services
available within the community.
- 40 2. Promote new office, retail, and commercial development along
State Street and 700 North.
- 42 d) Applicable city-wide land use guidelines:
 - 44 i. The relationship of planned land uses should reflect consideration of
existing development, environmental conditions, service and
46 transportation needs, and fiscal impacts.
 - ii. Transitions between different land uses and intensities should be made
gradually with compatible uses, particularly where natural or man-made
buffers are not available.
 - iii. Commercial and industrial uses should be highly accessible, and

2 developed compatibly with the uses and character of surrounding districts.

4 Mr. Van Wagenen noted the Planning Commission had concerns about truck
6 docks facing 1700 West based on the concept plan. He noted they had some lengthy
8 discussion on how a potential building might be reoriented and/or screened to protect
homeowners to the east. He added there were several residents who commented at the
meeting. Following discussion the Commission recommended approval with the
following two conditions:

- 10 1) If truck docks face east, additional architectural requirements be imposed to
soften industrial look.
- 12 2) Subdivision of land occur along proposed mixed commercial line.

14 Mr. Van Wagenen then presented an aerial photo of the proposed area to be re-
classified with existing General Plan Designation, photographs of the existing site,
16 Exhibit A, the conceptual site plan with proposed General Plan change, conceptual
architectural renderings and Ordinance #2015-19-O followed by discussion. He then
18 turned the time over to Mr. Bollschweiler for comment.

20 Councilmember Hoyt asked for a reminder of the tenants that will be coming in
and what the timeframe is. Mr. Bollschweiler stated the first building is virtually full and
the permits are currently submitted. He added if things keep going the way they are they
22 will all fill up pretty quickly.

Councilmember Bean mentioned that the Planning Commission did a good job in
24 reviewing this item and discussing the issues. Councilmember Powell commented that
she likes the additional architectural landscaping. She also asked what that would entail
26 and how it would be managed. Mr. Bollschweiler stated there was a lot of discussion
regarding the back of the building where the docks are; there was talk about dressing it up
28 with some glazing etc. Mr. Bollschweiler added that they want to do whatever is best and
they are open to any suggestions. They are also open to putting in additional landscape
30 buffers as they want to be good neighbors to the residents in the area. They will also be
piping the ditch in question.

32 Dustin Sweeten, resident in attendance, asked if there is a reason the building
can't be reversed. Mr. Bollschweiler explained they discussed that possibility in the
34 Planning Commission meeting but it would change the building size significantly as there
would not be the shared parking with the second building. He added it would also be
36 difficult to do because a lot of the underground work has already been put in between
buildings one and two. There was then some additional discussion regarding flipping the
38 buildings. Mr. Bollschweiler re-iterated that the problem is there is \$200,000 worth of
ground work that has already been completed and in the ground. Mr. Bollschweiler then
40 referenced the site plan noting in the last discussion with the City Council they talked
about the pre-cast wall, the continuous landscaping and also the truck access. He noted
42 the back of the building will be truck docks and doors but they will be dressing it up and
adding additional landscaping. There was then some general discussion regarding access
44 and ingress and egress for trucks. Mr. Bollschweiler stated that all truck traffic will have
to enter on the side because of the truck access (off of 2000 west). He also explained
46 where the 8' screening wall will be to obscure the truck traffic and noise.

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

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

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

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
14 APPLICANT'S REQUEST TO CHANGE THE GENERAL PLAN AS IDENTIFIED
BY ORDINANCE #2015-19-O WITH THE FOLLOWING CONDITIONS 1. IF
16 TRUCK DOCKS FACE EAST, ADDITIONAL ARCHITECTURAL AND
LANDSCAPE REQUIREMENTS BE IMPOSED TO SOFTEN THE INDUSTRIAL
18 LOOK. AND 2. SUBDIVISION OF LAND OCCUR ALONG PROPOSED MIXED
COMMERCIAL LINE. COUNCILMEMBER HOYT SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

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

24 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 26 8. **Public Hearing** – *Zone Map Amendment; WICP West Lindon (Ordinance #*
28 *2015-20-O)*. Mark Weldon of WICP West Lindon requests a Zone Map
amendment to change the zoning of property located at approximately 1800
30 West 750 North from Commercial to Mixed Commercial. The applicant intends
to establish office and office/warehousing uses on the site. The Planning
Commission recommends approval of the change with conditions.

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

36
38 Mr. Van Wagenen also led this discussion by explaining this item is pretty much
the same conversation as the previous item (General Plan Map) that was just approved.
He noted the only difference being that the Planning Commission didn't put the same
40 conditions on this zone change as they did with the General Plan change and staff
recommends that the same conditions be placed on the zone change as well. He did note
42 that condition number one is no longer applicable as it was just approved.

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

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

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

8
10 COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANTS
REQUEST TO CHANGE THE ZONING MAP AS IDENTIFIED BY ORDINANCE
2015-20-0 WITH THE FOLLOWING CONDITIONS 1. THE GENERAL PLAN MAP
12 CHANGE BE APPROVED BY THE CITY COUNCIL AND 2. IF TRUCK DOCKS
FACE EAST ADDITIONAL ARCHITECTURAL AND LANDSCAPE
14 REQUIREMENTS BE IMPOSED TO SOFTEN THE INDUSTRIAL LOOK AND 3.
SUBDIVISION OF LAND OCCUR ALONG THE PROPOSED MIXED
16 COMMERCIAL LINE AND 4. NO COMMERCIAL TRUCK ACCESS BE ALLOWED
ALONG 1700 WEST. COUNCILMEMBER BRODERICK SECONDED THE
18 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

19 COUNCILMEMBER POWELL AYE
20 COUNCILMEMBER BEAN AYE
21 COUNCILMEMBER BRODERICK AYE
22 COUNCILMEMBER HOYT AYE

23 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 24
25 9. **Public Hearing** – *Ordinance Amendment; MC Zone Area (Ordinance#2015-*
26 *21-O)*. Lindon City requests an amendment to LCC 17.50 Mixed Commercial, to
remove the minimum zone area for the MC Zone. The Planning Commission
28 recommends approval of the proposed amendment.

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

34 Mr. Van Wagenen opened this discussion by giving a brief overview explaining
that currently Lindon City Code requires a minimum zone area of 10 acres. This means
36 that the zone can only be applied to areas that contain at least 10 contiguous acres. The
General Plan indicates that the Mixed Commercial Zone includes general commercial,
38 low intensity light industrial, and research and business uses. Because the Mixed
Commercial zone requires quality architectural and landscaping standards, and because it
40 requires most uses to be conducted indoors, it serves as a complimentary zone to the
General Commercial Zone and a transitional zone between the General Commercial and
42 Light Industrial or between the Light Industrial and other uses.

44 Mr. Van Wagenen went on to say that last year, the minimum zone area of the
Mixed Commercial was reduced from 30 to 10 acres to allow it to be applied more
flexibly. Since then, staff has had additional discussions that have concluded that the
46 justifications for a minimum zone area are not necessarily applicable relative to the
Mixed Commercial because there are other measures related to landscaping, architecture,

2 etc., that ensure uses in the Mixed Commercial Zone are compatible with surrounding
4 uses. Therefore, staff is proposing to remove the minimum zone area for the Mixed
Commercial Zone so that it can be applied flexibly and without unnecessary restriction.

6 Mr. Van Wagenen further explained that the Planning Commission considered the
proposal at its August 11th meeting and at that time the Commissioners discussed the
8 purpose of the MC zone and considered the fact that any request to apply the MC zone
will be considered by the Commission and the Council, and in every instance the
10 Commission and Council will be able to decide whether application of the MC zone to a
particular area or parcel will be in the public interest. Mr. Van Wagenen noted that the
12 Commissioners agreed that the minimum zone area places an unnecessary restriction on
the flexibility and adaptability of the MC zone and with a 6-0, the Commission
14 recommended approval of the proposed amendment. Mr. Van Wagenen then referenced
for discussion the Proposed Amendment and the Lindon City Zoning Map followed by
some general discussion.

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

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

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

26 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
AMENDMENT #2015-21-O AS PRESENTED. COUNCILMEMBER HOYT
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER POWELL AYE
30 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
32 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

34 **10. Public Hearing – *Ordinance Amendment; Accessory Bldg. Standards***
36 **(*Ordinance#2015-22-O*)**. Lindon City requests amendments to LCC 17.04 &
17.44 to modify dimensional requirements for accessory buildings in residential
38 zones. The Planning Commission recommends approval of the proposed
amendment.

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

44 Mr. Van Wagenen explained that Lindon City Code currently addresses accessory
46 building dimensional requirements in two separate places in the Code. He noted that this
action is a City initiated request to bring all the requirements into the same section so
48 everything is easier to find in the code. He noted that staff reviewed the two separate

2 sections and they would like to discuss whether the requirements in LCC 17.04.260 are
4 necessary, or if the remaining requirements in LCC 17.04.270 and LCC 17.44 are
sufficient to achieve the desired result.

6 Mr. Van Wagenen commented that the Commission considered the request and
viewed aerial photos that approximated what accessory building sizes would be allowed
8 on lots if the requirement to keep an accessory building's square footage smaller than the
primary structures were removed. Following discussion by the Commission they
concluded that the current requirement, which ties the allowable size of an accessory
10 building more to the size of the primary structure than to the size of the lot, is
unnecessary. The Commission concluded that the remaining requirements related
12 involving setbacks, total lot coverage, and rear yard coverage are sufficient to achieve the
desired result and recommended approval on a 6-0 vote. Councilmember Hoyt inquired if
14 this section of the code also includes detached accessory apartments. Mr. Van Wagenen
replied that detached apartments are included in the R2 Overlay zone.

16 Mayor Acerson called for any public comments or discussion at this time.

18 *Coby Anderson: Mr. Anderson commented that this appears to be redundant in that
20 someone could just add 10 ft. to their home in order to build a bigger barn.*

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

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

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

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
32 #2015-22-O AS PRESENTED. COUNCILMEMBER HOYT SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
36 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE

38 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

40 11. **Review and Action** – ***Property Acquisition Agreement***. The City Council will
42 review and consider action on an agreement with Dave Nicolson, of Nicolson
Construction Inc. who is requesting to trade a portion of the public Works
44 property in exchange for utility easements and construction related services of
value to the City.

46 Mr. Cowie led this discussion by explaining the city was approached several
months ago by Dave Nicolson, who owns some land adjacent (directly north) to the

2 Public Works office and he has been negotiating with Lindon City regarding a possible
4 property trade at Lindon's Public Works facility. He noted that Mr. Nicolson is proposing
6 construction work and granting of needed sewer and drainage easements (east to west) in
8 exchange for a portion of the Public Works property. Mr. Cowie stated that Lindon will
10 trade 22,046 sq. /ft. of land in exchange for permanent easements and beneficial
12 construction work to the City valued at approximately \$121,000. Mr. Nicolson has
14 offered to pipe the ditch as part of offsetting costs and to also provide sewer easements
and drying beds. Mr. Cowie then referenced the site plan and photos.

10 Mr. Cowie stated that overall this agreement will be beneficial for both parties
and will also accomplish some needs for the city. He noted they have come to an
12 agreement on the price per square foot with a capped dollar value and the City Attorney
has reviewed the agreement and is comfortable with it. The language requirement that it
14 be constructed and approved by the city is included in the agreement.

Councilmember Broderick inquired if Mr. Nicolson will do the work. Mr. Cowie
16 confirmed that he will subcontract the work out to whomever he chooses but he is
responsible for the work and the value of the work. Councilmember Broderick asked for
18 clarification on section 4.1 and 4.1.1 of the agreement (payment request) and how it
applies. Mr. Cowie stated those sections may be transposed and he will review the
20 sections for clarification. Councilmember Hoyt inquired how the work to be done will be
verified and how the value was determined for the work. Mr. Cowie replied that Don
22 Peterson, Public Works Director, is working with some contractors to obtain cost
estimates. He noted the design has been done by the City Engineer. He added that the
24 hope is this will accommodate the city's needs. Councilmember Broderick voiced his
concerns that we are doing back up documentation with other type bids. He would also
26 like to see the price locked so it can't go over without any implications. Mr. Cowie noted
that multiple staff has reviewed this agreement. Councilmember Hoyt pointed out that the
28 property is landlocked and the price per sq. ft. of \$5.50 is reasonable.

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

32 COUNCILMEMBER HOYT MOVED TO APPROVE THE PROPERTY
ACQUISITION AGREEMENT BETWEEN LINDON CITY AND NICOLSON
34 CONSTRUCTION INC. SUBJECT TO THE REVIEW OF AGREEMENT SECTIONS
4.1 AND 4.1.1. COUNCILMEMBER BRODERICK SECONDED THE MOTION.

36 THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

38 COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

40 COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

42
44 **12. Review and Action – Award of Bid for Senior Center Computer Lab Remodel.**

46 The City received a Community Development Block Grant (CDBG) through
Mountain land Association of Governments (MAG) in the amount of \$19,987 in
order to remodel and enlarge the Senior Center computer lab. The City

2 advertised for competitive bids on the project. Staff recommends awarding the
project to the low bidder, Stalwart Development, Inc., in the amount of \$19,777.

4
6 Mr. Cowie led the discussion stating the City received a Community
Development Block Grant (CDBG) through Mountain land Association of Governments
(MAG) in the amount of \$19,987 to remodel and enlarge the Senior Center computer lab.
8 Mr. Cowie pointed out that the Senior Center computer lab has been one of the most
active senior programs offered through the Center. He noted that classes are booked for
10 several months in advance. He added that the lab currently holds about six people at a
time and City has had interest in expanding the computer lab.

12 Mr. Cowie stated that Associate Planner, Jordan Cullimore, and Parks &
Recreation Director, Heath Bateman, applied to Mountainland Association of
14 Governments (MAG) and were awarded the grant for the remodeling and expansion of
the computer lab. Mr. Cowie stated that former Mayor Jim Dain has donated architectural
16 services for the project. He noted the City advertised the construction project and held a
pre-bid meeting where only a few contractors attended and only one bid was submitted
18 and it is under the budgeted grant amount. Mr. Cowie stated staff recommends awarding
the bid is legitimate and to Stalwart Development, Inc. in the amount of \$19,777.

20 Councilmember Hoyt asked if this would qualify for Parc tax funds. Mr. Cowie
stated that issue has been discussed and it is questionable if whether or not the Senior
22 Center would be Parc tax eligible. Councilmember Powell commented if it were located
on the south side it would qualify. Councilmember Broderick voiced his concerns that
24 there is a potentials for some change orders coming in on this.

26 Mayor Acerson inquired if in the event there are some unforeseen changes or
overrides if there is a way that we can we ask for more grants as more funding becomes
available as there may be some flexibility there. Mayor Acerson thanked Mr. Cullimore
28 and Mr. Van Wagenen and Mr. Bateman for their hard work in obtaining the grant for the
city.

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

32
34 COUNCILMEMBER POWELL MOVED TO AWARD THE SENIOR CENTER
COMPUTER LAB REMODEL BID TO STALWART DEVELOPMENT, INC. IN THE
AMOUNT OF \$19,777.00. COUNCILMEMBER BRODERICK SECONDED THE
36 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

38 COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

40 COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

42
44 13. **Presentation and Discussion** – *State of the City Report*. Lindon City
Administrator, Adam Cowie, will review a State of the City report with the City
Council members.

2 Mr. Cowie explained that Mayor Acerson approached him several weeks ago and
asked him to prepare a summary/overview document to highlight city budgetary issues
4 and year-end accomplishments and where finances are at with expenditures for the
departments in an attempt to better inform the public of the city's efforts to provide a
6 high level of services and still remain fiscally prudent.

Mr. Cowie then presented for discussion the *Draft 2015 State of the City* report to
8 the Council for discussion and feedback before finalizing the document for the public. He
referenced services, maintenance responsibilities and performance statistics, 2015-16
10 revenues vs. expenditures, property taxes and utility rates, revenue projections, general
fund revenues and future challenges to the city. He added that no motion is necessary as
12 this item is for feedback only. He noted this report will be repeated every year as an
informative document for the Council and for the public. There was then some lengthy
14 general discussion by the Council regarding the presented report. Following discussion
the Council was in agreement that the report is beneficial and directed Mr. Cowie to
16 generate the report yearly.

Mayor Acerson suggested, upon finalization of the report, to add it onto the city
18 website and to encourage residents to review it and make comments or ask questions. He
feels this is a good start and as there is more discussion and more detailed information
20 comes out we can compare it to what we have and enhance the report. He added this is a
good valuable piece that can hopefully be understood to where residents can ask
22 questions based on the information provided. The Council commended Mr. Cowie on his
work on the presented report and agreed to have the report generated on a yearly basis.
24 Mayor Acerson also suggested mentioning to promote recycling and the savings for
residents from adding a recycling can.

26 Mayor Acerson thanked Mr. Cowie for the valuable information and for his work
on the report. Mayor Acerson then called for any further comments or questions from the
28 Council. Hearing none he moved on to the next agenda item.

30 **14. Review and Action – *Mass Notification Interlocal Agreement with Utah***
County. The City Council will review and consider action on an interlocal
32 agreement with Utah County, and other cities within the County for continued
mass notification services through Everbridge at discounted rates.

34
Mr. Cowie opened this discussion item by explaining that last year, Lindon City
36 signed up individually with Everbridge for emergency mass notification services. Shortly
after most cities in Utah County went together under the umbrella of the County and
38 received a quote for a discounted price from Everbridge. The County then opened the
agreement up to cities already contracted with Everbridge (which includes Lindon, Orem,
40 Springville, Mapleton and several others). The City has been assured that we will
maintain control of our own system and also maintain the ability to use it as we see fit
42 without County emergency managers having control. Mr. Cowie stated staff feels this is a
good agreement for the city. He noted Everbridge has proven to be a very interactive and
44 effective system when utilized.

Mr. Cowie further discussed that under the original agreement, Lindon was going
46 to have to pay \$5,000 per year, and under the new countywide agreement, that number
will drop to \$2,335 per year (assuming all the other cities sign up as it is population

2 based). He noted there are a few potential hold-out cities and so that number is not final
until the documents are signed, but it will cost substantially less than the original price.
4 He noted if several of the larger cities don't sign up, the costs will increase, but they will
still be far less than the \$5,000 for single-city services. Chief Cullimore mentioned that
6 he has been assured that Orem City will be signing the agreement at their next meeting.
Mr. Cowie stated that staff recommends approval of the agreement.

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

10
12 COUNCILMEMBER POWELL MOVED TO APPROVE THE MASS
NOTIFICATION INTERLOCAL AGREEMENT WITH UTAH COUNTY FOR
EMERGENCY NOTIFICATION SERVICES PROVIDED THROUGH EVERBRIDGE.
14 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

22 **15. Closed Session to Discuss the Sale, Purchase, Exchange, or Lease of Real**

24 **Property** – The City Council will enter into a closed executive session to
discuss the sale, purchase, exchange, or lease of real property per Utah Code 52-
4-205. This session is closed to the general public.

26
28 COUNCILMEMBER POWELL MOVED TO RECESS THE REGULAR CITY
COUNCIL MEETING AND MOVE INTO A CLOSED EXECUTIVE SESSION AT
8:54 P.M. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
30 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE CLOSED
EXECUTIVE SESSION AND RE-CONVENE THE CITY COUNCIL MEETING AT
34 9:30 P.M. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

36
38 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he moved on to the next agenda item.

40 **16. COUNCIL REPORTS:**

42 **Councilmember Powell** – Councilmember Powell thanked everyone for their
participation in Lindon Days noting it was a great event again this year. She stated that
44 she met with the Lindon Days committee and they had discussion on some of the event
changes that will happen next year. They received a lot of good feedback and they will
46 making some minor tweaks and changes; they will also be having more discussion. There
was then some general discussion by the Council regarding Lindon Days.

2 Councilmember Powell also had a thank you card for Eric Dowdle for the Mayor and
4 Council to sign for his donated time and efforts to Lindon Days. Councilmember Powell
also reported that the North County Outreach meeting will be held on August 27th.

6 **Councilmember Bean** – Councilmember Bean had nothing to report at this time.

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

10 **Councilmember Lundberg** – Councilmember Lundberg was absent from the meeting.

12 **Councilmember Hoyt** – Councilmember Hoyt inquired if there is an infrastructure
14 report/schedule that could be reviewed in the budgeting process. Mr. Cowie stated JUB
is working on that report and he will present it to the Council when it is complete.

16 **Councilmember Broderick** – Councilmember Broderick expressed his thanks for
18 checking Lou Hendrickson’s home regarding the water usage, as she is showing a
significant loss. He also noted there is a sprinkler systems leak at Citizenship Park that
20 needs to be checked. Mr. Cowie stated he will have the Public Works Department check
into that issue. He also reported that he attended the engineering meeting on August 11th
and they are looking for input on upcoming MAG projects.

22 **Mayor Acerson** – Mayor Acerson mentioned that Mike Dougherty wants information on
24 how to get a residential street light at 835 East 300 North. He gave the contact number to
Mr. Cowie. Mayor Acerson also reported that he will be meeting with the Washburn’s
26 tomorrow at 11:00 at the city building. Mayor Acerson asked if the letter to Brent Hatch
has gone out. Mr. Cowie confirmed that statement. Mayor Acerson asked for an update
28 on the sale of the tithing house. Mr. Cowie said they have accepted an offer at \$116,500
and the buyer will pay all closing costs. Mayor Acerson mentioend that the Provo River
30 Water Users association will be conducting a tour in Kamas on Thursday, August 27th.
He will send the information to Councilmember Broderick. He also mentioned that Karen
32 McCandless and the Food Bank will be presenting a seminar on September 2nd on how to
better serve and relate to constituents in low income brackets. He noted the LPC meeting
34 took place on Monday and they discussed transportation, wildland fires and public safety.
He noted the ULCT will be held on September 18th in Salt Lake City an nominations for
36 representatives needs to be turned in by August 28th.

38 **Administrator’s Report:**

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

40

Misc. Updates:

- 42
- August City newsletter
 - Project Tracking List

44

 - Councilmember Bean is Mayor pro tem from July through September 2015
 - Thanks for all your help and efforts during Lindon Days! Staff has received
46 several positive comments from citizens and participants.
 - Meet the Candidates night, October 22nd – *Be thinking of possible questions*

- 2 • Ivory Homes update
3 • Update on design of Fire Station; City Center
4 • Misc. Items

6 **Upcoming Meetings & Events:**

- 7 • Newsletter Assignment: Councilmember Powell – September newsletter article.
8 *Due by last week in August.*
9 • Sept 7th – City Offices closed for Labor Day
10 • Sept 16th-18th – Utah League of Cities and Towns fall conference in SLC
11 • October 22nd at 7:00 pm - Meet the Candidates Night at the Community Center
12 • November 3rd – Election night

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

16

17 **Adjourn –**

18

19 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
20 10:23 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
21 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22

23 Approved – September 1, 2015

24

25

26 _____
27 Kathryn Moosman, City Recorder

28

29

30 _____
31 Jeff Acerson, Mayor