

2 The Lindon City Council held a meeting on **Thursday, November 12, 2015, beginning**  
4 **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: Ron Anderson  
10 Invocation: Carolyn Lundberg, Councilmember

12 **PRESENT** **ABSENT**

Jeff Acerson, Mayor  
14 Jacob Hoyt, Councilmember – Electronic participation  
Randi Powell, Councilmember  
16 Matt Bean, Councilmember  
Van Broderick, Councilmember  
18 Carolyn Lundberg, Councilmember  
Adam Cowie, City Administrator  
20 Hugh Van Wagenen, Planning Director  
Cody Cullimore, Chief of Police  
22 Brian Haws, City Attorney  
Kathryn Moosman, City Recorder

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 announcements at this time.

30 **Approval of Minutes** – No minutes to approve at this time.

32 **Consent Agenda** – No items.

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

36 **CURRENT BUSINESS**

38 **Public Hearing** – **General Plan Map Amendment, approx. 500 North**  
40 **Anderson Lane (Ordinance #2015-25-0).** Ken Watson of Ivory  
Development is requesting a General Plan Land Use Map Amendment from  
42 Mixed Commercial to Residential-High. Residential-High is defined as  
greater than 3.6 dwelling units per acre. The subject properties are located at  
44 approximately 500 North Anderson Lane, identified by Utah County Parcel  
IDs #14:063:0061, #14:050:0006, #14:063:0048, #14:063:0046,  
46 #14:063:0047, #14:053:0042, #14:064:0012 and approximately 150 North  
1700 West, which is a portion of the parcel identified by Utah County Parcel

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ID #14:063:0068 and are within the Mixed Commercial (MC) zone. The Planning Commission recommends approval of the General Plan Land Use Map amendment.

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

10 Hugh Van Wagenen, Planning Director gave a brief overview stating that over a  
year ago, Ivory Development approached the City regarding a master planned residential  
12 community west of Geneva Road, adjacent to the Creekside community, on the Anderson  
Dairy Farm. He stated that since that time, there have been numerous work sessions with  
14 Ivory Development, City Staff, the Planning Commission and City Council to review and  
comment on a concept plan developed by Ivory Development. He noted there was also a  
16 public open house earlier this year in which Ivory Development presented the concept to  
the Creekside neighborhood.

18 Mr. Van Wagenen mentioned there has been a lot misinformation quoted in recent  
days about this specific application and what impact this may have to the existing and  
20 surrounding properties. He clarified the general land use map has a 5-20 year timeline  
and is visionary in nature and a guide for the city. He noted the General Plan was adopted  
22 in November of 2011 after an extensive review and so it has been on the books for  
several years. He also clarified that the zoning map refers to what the ground conditions  
24 are today and it did not change in 2011 and is different from the General Plan Land Use  
Map; it shows what can you do today and the Standard Land Use Table guides that. Mr.  
26 Van Wagenen stated tonight we are not looking at any zoning changes. He added that  
part of the city code states that any zone change needs to conform to the General Plan; to  
28 get a zone change you would need to do a general plan map amendment.

Mr. Van Wagenen went on to explain that the General Plan currently designates  
30 the property under the category of Mixed Commercial. This category includes retail and  
service oriented businesses, and shopping centers that serve community and regional  
32 needs, as well as light industrial and research and business uses. He stated that Ivory  
Development is requesting that the General Plan designation of the property be changed  
34 to Residential-High, which refers to a density of greater than 3.6 dwelling units per acre.  
He then referenced the relevant General Plan policies to consider in determining whether  
36 the requested change will be in the public interest.

Mr. Van Wagenen noted the entire project is about 137 acres, of which about 92  
38 acres is currently designated as Residential-High on the General Plan Land Use Map.  
This request would change the remaining 45 acres of the project to Residential-High from  
40 its current designation of Mixed Commercial. This is a first step in a multi-step process  
that would make the concept plan a reality. In addition to this General Plan change being  
42 approved, there would need to be zoning map approval along with approval of a new  
ordinance governing the zone change. More than likely, there will be a development  
44 agreement entered into between Ivory Development and the City requiring additional  
review by the Planning Commission and City Council. The conversation and question to  
46 look at tonight is whether the city wants residential in this area long term. He then  
referenced a table identifying the meeting history of the project and noted the latest

2 version of the concept is included in the staff packets. He added that following review of  
this information the Planning Commission voted 6 to 0 to recommend approval of this  
4 General Plan Land Use Map change to the City Council.

6 Mr. Van Wagenen then presented the most recent concept plan showing the entire  
project and outlining the specific areas that are under consideration in this application. He  
noted there is also a modified plan (included in the packets) looking at just the northeast  
8 area. Mr. Van Wagenen stated this plan contemplates commercial development that may  
need additional depth from 700 North than what is shown on the overall concept plan. He  
10 mentioned that the City has expressed a desire to keep this option in order to  
accommodate future commercial development. Mr. Van Wagenen pointed out there has  
12 been some discussion on the 700 north corridor as to how much commercial property the  
city should try to retain to promote economic development in that area. 700 North was  
14 paid for and the City continues to bond for that roadway in anticipation of commercial  
and retail businesses on that prime corridor. With that consideration, within the last day  
16 Ivory and city staff have contemplated amending this request a little bit and pulling away  
about 10 acres from their original request and maintain that in the mixed commercial  
18 zone which would give them a possible bigger site and depth for a larger commercial user  
(Option A).

20 Mr. Van Wagenen stated staff feels very comfortable with this option knowing  
the concerns of the planning commission and city council is to not take away an option in  
22 the future for a large commercial use. He pointed out the concept plan we are looking at  
tonight does not show that but shows a conceptual site plan. Mr. Van Wagenen stated  
24 that depending on which way the motion goes tonight the City Council could reference  
the exhibit with the commercial site cut out of the general plan change so it stays in the  
26 mixed commercial designation for the general plan. Mr. Van Wagenen then referenced  
the submitted written comments regarding the application which are included as  
28 attachments: Shaun Houston of 473 North 1200 West; Universal Industrial Sales, Inc. of  
433 North 1030 West; and Goodfellow Corporation of 390 North 2000 West.

30 Mr. Van Wagenen also mentioned that several letters have been submitted since  
the staff report went out (of which two have been placed in front of the City Council).  
32 He pointed out with the general plan modifications it is a legislative decision and  
technically not findings of fact that are required on any decision on the part of the  
34 Council. He emphasized they are not getting into the details of the concept plan as that is  
later item assuming this moves forward. He re-iterated that the question the Council will  
36 contemplate tonight is whether they want additional high residential in the areas on the  
map shown before them tonight.

38 Mr. Van Wagenen then referenced the map showing the requested General Plan  
Land Use Map change, an aerial photo of the proposed area to be re-classified, Ivory  
40 Development Concept Plan, modified plan for northeast area, letter from Shaun Houston,  
letter from Universal Industrial Sales, letter from Goodfellow Corporation, a map of  
42 properties that were mailed notices, and Ordinance 2015-25-O followed by some general  
discussion.

44 Mayor Acerson called for any questions from the Council at this time, based on  
the information that has been stated, before he turns the discussion over to public  
46 comment.

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Councilmember Powell asked for clarification that the zoning map was not changed in 2011. Mr. Cowie confirmed there were no changes made at that time related to the general plan. She also asked when the last zoning change was made in this area.

6 Mr. Cowie stated they have tried to make ordinances more business friendly for  
businesses to expand. It has been zoned light and heavy industrial in that area for 10+  
8 years. Mr. Van Wagenen then showed the zoning map for reference. He emphasized  
since the inception of discussions of the Ivory plan at any time has there been  
10 conversation amongst city staff or officials contemplating rezoning property outside of  
what Ivory has put in their concept plan.

12 Councilmember Lundberg stated she is aware there are other areas in the city  
where there is currently light industrial backing up to residential right now and asked  
staff to point those out to show that this has occurred before and how, in their estimation,  
14 over the past 10 years what complaints have come with these users. Mr. Van Wagenen  
referenced the current zoning map showing the Creekside Development that is adjacent to  
16 the light industrial zone. Also on 800 West (collector road) has homes bordering and  
adjacent to the light industrial uses. There is also another area by Sunroc and Mountain  
18 States Steel area etc. that borders the LI zone. There have been a handful of nuisance  
complaints in the past three years (3 that he is aware of). In his experience there has not  
20 been a lot of complaints or very frequent. Mr. Cowie stated in the almost 11 years that he  
has been at the city there has been a dozen or fewer complaints over those 10 years and  
22 they have been resolved. Brian Haws, City Attorney, commented that in the 17 years he  
has worked with the city he has never had an action referred to him to bring an abatement  
24 or action for a nuisance in these areas.

26 Councilmember Bean inquired if it would it be correct to say that under our  
ordinance, businesses (whatever zone they are in) are governed by types of noise, light  
etc. regardless of the zone they are in or next to them and if so, would those issues have  
28 been addressed and enforced. Mr. Van Wagenen confirmed that statement. Mr. Van  
Wagenen then turned the time over to the applicant for comment.

30 Mayor Acerson invited the applicant forward at this time. Ken Watson,  
representing Ivory Development along with Chris Gamvroulas, were in attendance to  
32 address the Council. Mr. Watson stated they appreciate the opportunity to be here tonight  
and thanked the City Council for taking the time over the past 15 months to review the  
34 project with them. He noted that staff has been outstanding to get through the project and  
noted they have had numerous meetings and open houses being held of which were well  
36 received and they feel good about that. Mr. Watson stated this process has been going on  
for about 15 months and they have been dealing with the issues and they have spent a  
38 great deal of money to get to this point. He stated it is nice to be here and to bring some  
of these issues to fruition. Mr. Watson then referenced the concept plan and pointed out  
40 and described a designated park. He noted they are requesting a general plan land use  
amendment from commercial to residential and only on the 45 acres in question as the  
42 other is already zoned that way.

44 Mr. Watson stated they feel this plan is very harmonies with the adjacent residents  
and the culture of the community and provides an environment that is rural with high  
quality residential housing for people who want to stay or locate in Lindon. Ivory feels  
46 this community provides four stages of living within this project 1. Apartment 2.  
Townhome 3. Nice quality home 4. Retirement years/adult community. This a quality

2 land use that will continue to contribute to the unique character of the community and  
will strengthen the community values and does not infringe on existing developments or  
4 adversely affect environmental conditions or create adverse transportation needs. Mr.  
Watson stated he would be happy to answer any questions at this time.

6 Councilmember Broderick referenced the UIS building. He mentioned as they  
have talked about different classifications in other business areas in town and the nature  
8 of the business that is there now with the noise, the odors and the truck traffic (attractive  
nuisances). He questioned if there are there any types of mitigation for these types of  
10 concerns with the high residential proposed in the area if this change is approved.

12 Mr. Watson referenced ordinance Chapter 17.49.09 (industrial zones) in the  
special provisions section. He then read the code section referencing nuisances.  
Specifically what they will do to mitigate some of these concern is to implement a tall  
14 masonry wall (6 ft. - 8 ft.) on 500 south. They will have landscaping and sidewalks, etc.  
and a lot of those things that will mitigate the noise situation and whatever it takes.  
16 Secondly, they do not have access or do the trucks have access to their development.  
They will try to keep the trucks from going that way and to keep the traffic from going  
18 back up the road with a curved type arrangement. He pointed out that the biggest noise  
issue would be the freeway.

20 Councilmember Lundberg commented that she has looked at other municipalities  
and a lot of land uses today are looking at mixed uses going forward to find ways to  
22 complement them and to create more compatibility. She noted she visited the site today  
to look at and measure distances, landscaping, buffers, structures, sidewalks etc. and  
24 questioned what the proposed typical setbacks are. Mr. Watson stated 25 to 30 ft., but he  
could get those exact numbers. She mentioned they had soil issues when she built her  
26 house with significant chemicals that are now prohibited. They had to sign a discloser  
stating they were aware of the potential chemicals in the soil and questioned if the  
28 residents could be required to sign a disclosure document of some kind that they are  
aware that their property abuts an industrial area so they don't complain down the road;  
30 this would protect the business owner and the property owner as well. Mr. Watson stated  
they are completely aware of that and it is handled through their CC & R's and disclosed  
32 to all of their buyers and they declare what the neighboring properties are. Mr. Haws  
commented that state law provides if there is a manufacturing facility that has existed for  
34 more than 3 years that changing the zoning around it can't be used to claim either a  
public or private nuisance as long as that use continues and wasn't a nuisance at the time  
36 of the zone change so there is legal protection through state law.

38 At this time Mr. Cowie gave some background of the area. He noted in 2011 UIS  
constructed their building. He noted at that time he was the planning director for the city  
and they spent a lot of time in their meetings discussing how their building would be  
40 compatible with the residential use across the street. They feel there have been instances  
where the business owners would try to be compatible with their residential neighbors  
42 with doing landscaping, trees, etc. to create a visual buffer to protect the residents across  
the street. When the building was approved there was a lot of discussion on how to  
44 protect Mr. Anderson's property rights in his current residence and the building. It was  
zoned light industrial and it was in place when that building was approved with the  
46 compatible uses, and since then and it appears that it has worked out. Mr. Cowie stated,  
on a separate note, some of the businesses are more than a mile from the two areas being

2 changed. He noted that the city understands a letter was sent to multiple industrial/  
3 manufacturing neighboring businesses indicating that their zoning is being changed. Mr.  
4 Cowie stressed the fact that the city has no intent to change the zoning or property use  
5 rights on any industrial businesses/properties in Lindon by this action tonight and the  
6 information that has been circulated is NOT correct information.

7 Councilmember Bean gave some history stating that he and Councilmember  
8 Lundberg were on the Planning Commission in 2011 when the general plan map was  
9 updated. The vision for the city back in 1940 when Geneva Steel was built it spawned a  
10 lot of industrial businesses that we see to this day and it made a lot of sense for that use to  
11 be on the west side. The planning commission talked about what they would like to see  
12 there in the future: i.e. Fieldstone and Creekside Developments and the homes already  
13 there that were very close to the industrial uses. They changed a lot of the general plan  
14 map to include residential high and changed the general plan map so there was no longer  
15 any light or heavy industrial because those were uses that the planning commission and  
16 the council decided on and that was a different direction they wanted to move in. They  
17 specifically did not change the zone in those areas only the general plan map as they  
18 wanted the zones to stay in place so if there were businesses that wanted to expand they  
19 could.

20 Councilmember Hoyt questioned what environmental liability the city has, i.e.,  
21 toxins, contaminants etc. and if that would come back on the city, and questioned if the  
22 city does environmental studies. Mr. Haws mentioned Utah State code states as long as  
23 the business continues to operate in the way they currently are those uses cannot be  
24 deemed a nuisance. He went on to say if there was an environmental accident he does not  
25 see how the city could be responsible; it would be the responsibility of the industrial user.  
26 Mayor Acerson asked if those are state regulations. Mr. Haws confirmed that statement.  
27 Mr. Haws added that environmental studies are the responsibility of the developer not the  
28 city.

29 Councilmember Lundberg commented to Mr. Watson that residential can  
30 potentially become more compatible with light industrial in dealing with space, distance  
31 buffers etc. She pointed out that there are a lot of different design technique to buffer the  
32 residential but yet protect the interest of the user on the other side. She asked if Ivory is  
33 willing to be flexible in some of those design elements. Mr. Watson stated that they  
34 would be glad to review those elements with staff and they are certainly open to those  
35 types of things. He noted this is their concept plan and what they are trying to do and  
36 they can look at these things but there are some that are already in place. He pointed out  
37 that they don't have control of the Thorne property to the west.

38 Mayor Acerson opened the meeting to public comment at this time. Several  
39 residents in attendance addressed the Council as follows:

40 **Shawn Monsen:** Mr. Monsen stated he represents Universal Industrial Supply. He gave  
41 some background of the company noting they are a steel and galvanizing operation that  
42 sprawls over several acres and includes multiple industrial processes. He noted they  
43 utilize some heavy duty temperature and chemicals with this process. He mentioned that  
44 there are also several other manufacturers in this area. Mr. Monsen stated UIS has been in  
45 Lindon for over 30 years and they provide substantial benefits including jobs, taxes and  
46 property taxes etc. Their concerns with this proposal are rooted in the fact that there

2 needs to be a buffer between the residential and industrial areas especially with the high  
4 density. This will be multiple families coming in and it will present dangers and safety  
6 issues for children and it would be a significant concern that their operation would be an  
8 attraction for children. Mr. Monsen stated when the city developed the master plan it  
10 said there needs to be a buffer per the general plan. He then read a portion of the general  
12 plan. He noted that it took a lot of time to decide on the general plan and what has  
14 changed but the fact that Ivory wants to put in high density residential development in  
16 this area. Mr. Monsen noted that he serves on a planning commission and one thing he  
18 has often wished is that he could know the feelings and hear the voices of all residents  
20 when he makes a decision. Mr. Monsen mentioned a Lindon City survey done in 2010.  
22 He noted the survey showed that the top four items that the citizens chose that make  
Lindon unique were as follows: 1. Rural feel 2. Lots sizes 3. Safety 4. Open space. Mr.  
Monsen admonished that this development doesn't accomplish any of these things that  
are important to Lindon City residents.

**Steve Smith:** Mr. Smith stated that the Lindon City website homepage shows that  
Lindon City is recognized for being a top 100 community for raising children. If this  
decision for the future is made tonight we will not have any more of those recognitions as  
we will not be one of the top communities to raise children because it will be changing  
Lindon to something it has not been in the past.

**Eric Jensen:** Mr. Jensen stated he is a consultant planner for Vineyard City and other  
communities in the state. He mentioned that UIS asked him to address the Council  
tonight to present his basic land use and tax policy presentation. Mr. Jensen then showed  
his presentation indicating some of the bulleted points shown below:

- A general plan is not a map, but maps are part of the general plan.
- Value industrial and value residential.
- The fallacy of the post-industrial era, manufacturing facilities are going away.
- Sales tax revenue is less painful.
- Hadachek v. Sebastian (1915) what we can learn from history. What happens when incompatible uses are put next to each other?
- What is the future?
- If they change the general plan map these manufacturer will eventually be forced out because uses don't play well together people do not want to hear that kind of message.

Councilmember Lundberg commented on Mr. Jensen's points. She noted that these questions may be more in the past than others and one or the other would have to be eliminated and these big cities are trying to figure out how to blend and have a mixed use approach. Mr. Jensen commented when you have two uses that don't blend well together you have to try to retrofit them and it is a better solution to avoid the problem in the first place.

**Darrel Frampton:** Mr. Frampton stated he owns property on 500 north where he owns and operates a machine shop. He noted that he served on the Lindon City Council in the

2 1970's and they thought they were forward thinkers but they wanted the residents to be  
4 happy. They decided at that time that everything west of Geneva road would be industrial  
6 because Lindon was considered to be a bedroom community (where you live here but not  
8 work here). People built businesses in those areas years ago when residential moves in  
10 right across the street what are they to do. There are lights, noise, odors, etc. that may  
impact those residents who will complain. Mr. Frampton questioned why the council is  
considering changing any zoning west of Geneva Road. He has lived in Lindon longer  
than anyone in this room and he has tried to do the best for the city and hired a lot of  
people through his shop. He feels we are here to take care of our brothers and sisters.

12 **Dave Nicolson:** Mr. Nicolson stated he has been a resident of Lindon for 24 years and  
14 feels it is a great community. He noted there is a commercial part of Lindon that brings  
16 in revenue. He added that Lindon has a great staff as he has dealt with them a lot through  
18 his business dealings and he is award that they will do what they can with whoever comes  
20 in to the area. He is here tonight as a resident to understand what the city council is doing  
22 as he wants to make sure we do things for the right reasons. He moved his business here  
24 15 years ago on Geneva Road and employs 150 people. There is no doubt that Ivory has  
26 some great communities, but they may have some that may not be right for Lindon. Mr.  
Nicolson then referenced the zoning map and talked about buffers on 800 west. He noted  
that he is not sure that the Fieldstone Development represents what Lindon is. He also  
brought up safety issues and the traffic and the amount of people that this development  
will bring. He added that the buffer needs to be addressed by Ivory; this community may  
happen someday and the parks are great buffers. The question to the Council tonight is  
does this proposed development benefit the city. He would suggest taking into account  
that what decision is made may impact the businesses and they will have to move  
because a group of people/residents complain and say they are a nuisance.

28  
30 **John Springmeyer:** Mr. Springmeyer is with Bonneville Research. Mr. Springmeyer  
32 stated he was asked by Ivory to come and address the council tonight. He noted that they  
34 work with economic development and from a land use planning side, this is a multi-phase  
36 development that will serve the population from 18-80. He noted these types of  
developments help keep communities alive and thriving and the population up; Sandy  
City is a good example. Mr. Springmeyer commented that the reality is Sandy City had to  
change their minds on a similar issue as their kids didn't have anywhere to go and they  
could not afford to live there so they left. Mr. Springmeyer stated that Ivory is not giving  
any proposals or plans that would cause any existing businesses to leave. Mr.  
Springmeyer then gave his presentation with some of the bulleted points as follows:

- 40 • Proposed residential development assesses valuation 200 million dollars
- 42 • Taxable valuation 108 million
- 44 • Property tax 200,000 a year
- 46 • Other taxing entities a million combined
- Residential = more property tax
- Residential = more sales tax
- Conclusion – in general more property tax than industrial
- Raise sales tax revenue
- Increase the population of Lindon raising the city's population based sales

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tax revenue.

4 **Celeste Livingston:** Ms. Livingston stated that she was one of the first families in the  
Fieldstone Development neighborhood and they are there and they exist. There are 180  
6 families there and she is speaking for a lot of those people. She stressed that their  
neighborhood is a part of Lindon and they do matter. They are very involved in the  
8 schools and city and they matter in a huge way. She noted that she has been in the UIS  
building and feels it is a great company and they handle themselves very well. She noted  
10 they hear the sounds and they knew they existed before they moved in. They have not  
affected their neighborhood and they love Lindon and where they live. She went on to  
12 say that the idea of not turning the area into residential and perhaps putting in more  
industrial affects their kids and their neighborhood more. Ms. Livingstone stated that they  
14 want Ivory to go in and they want more homes and want others to see the joys of Lindon  
and feels the buffers can make it work. She added that the Fieldstone residents weren't  
16 here to vote on the survey so their voices weren't heard and they do want this  
development to go in. She pointed out if the homes go in there will be a lot of businesses  
18 follow on 700 north and it will thrive. She concluded by stating this is her whole life and  
they want more families in their neighborhood and they are not going anywhere and the  
20 businesses have done a great job and will continue to do so. She implored the Council to  
go with the residential change and approve the development and put those homes in.

22

**John Williams:** Mr. Williams stated he is a Lindon resident and business owner. He also  
24 mentioned that he is in that area in question and they are expanding. He noted that the  
previous presentation was great about the sales tax and he is not opposed but he does not  
26 think Ivory is coming in with the intention of pushing out businesses. They want to make  
money and there is nothing wrong with that. The businesses are not against homes or  
28 apartments coming into Lindon but their opposition is if it is coming in the right place  
and the right way. These businesses have been here a long time and all they are asking  
30 for is the protection from children wandering in and residents who may complain as they  
have their rights and they would ask the Council to review this and look at how it can  
32 benefit everyone.

34 **Angie Neuwirth:** Ms. Neuwirth commented that she served on the Planning Commission  
when the general plan was approved. She noted that she lives in the Salisbury  
36 Development and loves it she is located right next to Walmart and the light industrial  
zone but she doesn't mind it. She noted there is no street buffer against the light  
38 industrial and the park is only a small buffer. There is not a problem and there is not a  
high fence and anyone can look in but there has not been any incidences. The odors and  
40 noises are not a problem; this is light industrial that is tolerable. Ms. Neuwirth pointed  
out when the general plan was done the houses were in and they did not want the small  
42 island of homes (Fieldstone Development). The fact is that they are there so they looked  
at creating a buffer. In her professional life she knows you have to have the rooftops for  
44 the 700 North corridor and she is hoping for higher density and houses that would create  
the community we love and the same things others in Lindon enjoy. However, she does  
46 have some concerns about having apartments as that may turn into a problem.

2 **Ray Tuckland:** Mr. Tuckland mentioned the 700 north corridor and the fact that Ivory  
involvement has given reason to get more excited with his clients as he represents  
4 landlords, developers and tenants. He noted that the retailers follow the houses which is  
specific to the issue at hand. Mr. Tuckland pointed out that we are talking about 45 acres  
6 of high density and he is intrigued by the diversity of the high density. He added that it is  
exciting to look at the high range and how it relates to retail. With the planned  
8 community families can grow up and never have to move out of the neighborhood and  
the way it is designed plays to that. Mr. Tuckland noted that Ivory brings quality and the  
10 type of development that attracts equal level of people along the corridor. There are the  
economic numbers but obviously sales tax and property tax gives Lindon the opportunity  
12 to reap the tax money and bring it back to Lindon. He noted this could potentially  
employ 250 -300 employees. Mr. Tuckland concluded by stating from a professional  
14 retail prospective he would encourage the City to allow Ivory to do what they have  
planned and let Lindon reap the benefits.

16  
18 **Ryan Done:** Mr. Done stated he also lives in the Fieldstone Development and he grew up  
in Lindon and loves Lindon. He also feels their neighborhood is sometimes  
underrepresented. He stated he loves the outlying fields but knows there will be growth  
20 and the question is who do we want as neighbors? He expressed his concerns that more  
industrial will bring less of a community feel to their area. He has seen the example of an  
22 Ivory Development and was really impressed with the quality of the homes. They are  
very high quality homes and he would love to have more out in their neighborhood. Mr.  
24 Done stated there are a lot of his neighbors that couldn't be here tonight but they feel the  
same way; they would love to have Ivory move out there.

26  
28 **David Gartner:** Mr. Gartner feels that a lot of assumptions have been made tonight that  
if someone builds across from a business they will complain. They were made aware of  
the noises etc. when they moved there. There is a need to come to an even ground. Ivory  
30 will bring more people and then they won't be the "step child" on the west side. Mr.  
Gartner stated the residents want to tell the Anderson's that they can sell their property  
32 but they would like to pick the buyers.

34 **Clark Olsen:** Mr. Olsen stated he owns Utah Pacific Bridge and Steel. He noted the  
business owners are not concerned about high density but are concerned about it being  
36 adjacent to them. He noted there has been talk about barriers and space and buffers but  
one house doesn't complain near as much as 900 houses do, and that is what they have to  
38 deal with. That is his biggest concern with the general use plan. Mr. Olsen stated he has  
been in business for 40 years and he is concerned that this occurred in 2011 and that he  
40 was not made aware of it. He has concerns that if we choose to sell our land and we want  
to decide who can purchase that land not someone else deciding for us. It seems the city  
42 wants to decide what happens with their land. This needs a good buffer but this plan does  
not provide that buffer and he sees this encroaching more and more as the years pass and  
44 ultimately becoming the general map that we were not involved in.

46 **Martin Snow:** Mr. Snow brought up the issue of nuisance complaints. He referenced the  
zoning map. He mentioned an issue at Sonic Plastics where a lady complained so much

2 that they had to move and asked how it was mitigated. He noted the woman complained  
4 about radios on at night, lights being on in the back, a silo that may tip over, and the noise  
6 of the trucks that were bothering her horse. There were numerous other complaints with  
Peter Built Trucks who had a conditional use permit who had to put a cinder block wall  
and 2 additional stacks of blocks. Mr. Snow stated the buildings were here first and he  
had to pay the costs.

8  
**Mark Miner:** Mr. Miner stated he lives in the Creekside Development. He stated he  
10 loves Lindon and the neighbors, businesses, and industrial and everyone seems to be very  
conscientious and mentioned that some interests are more important than others. He is a  
12 Dad and there are 600 people in their neighborhood and they want to be here for life and  
he does care. He is a realtor and he knows that property values go up where Ivory has  
14 touched as they are very conscientious. Mr. Miner commented that we can learn to play  
nice together and we may have to do a little mitigation and it should not all be on the  
16 business owners. He concluded by stating he would rather have people than a warehouse  
in the area and he hopes and prays that the Council makes the decision that will benefit  
18 all of them as they do love their community and they do care. It is a small part of the  
town and he would love to see this development go in.

20  
**Mike Cluff:** Mr. Cluff stated that he also lives in the Creekside Development and really  
22 likes the idea of homes moving in to the area. But having residents by a business can  
happen and there may be problems but the residential is great for him but they can't run  
24 the businesses out if they complain.

26  
**Steward Rees:** Mr. Rees expressed that they want a strong tax base and also a safe and  
happy community, and it all comes back to the buffer. He noted there have been several  
28 stories of businesses getting shut down, but he doesn't mind the odors as it represents  
someone's livelihood. They don't want to get pushed out or fellow businesses but this  
30 may generate complaints.

32  
**Ron Anderson:** Mr. Anderson brought up a few points, one being the misrepresentation  
that the desire is to drive out the industry. He pointed out that the application today is to  
34 just change the one area which is a small area and somewhere there has to be a change  
and a dividing line. Ivory has worked really hard on this and he knows there are things  
36 that need to be mitigated and worked out together as he hopes it will be a good thing for  
the city. He stated that the city isn't trying to drive out any industrial uses. They didn't  
38 ask for this or created this but have been trying to work with the city and hopefully we  
can work together to mitigate these issues.

40  
**Chris Gamvroulas:** Mr. Gamvroulas expressed that he appreciates the hundreds of hours  
42 of staff time for the better part of a year to make sure this is done right and they feel it is a  
good defensible plan. He mentioned that the park is 15 acres and intended to be a duel  
44 use to try and give some buffer between the townhomes. He feels the freeway is more  
problematic. He noted that they may be close to the industrial but they do not abut it. Mr.  
46 Gamvroulas stated they want to be good neighbors and would not try to run someone out  
as that is unconscionable and they do not want to do that; they will be good neighbors. He

2 also named a lot of other developments that are close to industrial etc. He noted that  
attractive nuisances are the responsibility of everyone. He also mentioned buffers and  
4 what is already planned there. They can build an 8 ft. wall and add landscaping buffers.  
They also do a disclosure on a separate document from everything else so it is very clear  
6 and they can disclose and abate the noise. He added that they already do things in their  
homes that are above and beyond what is required. He then explained the phases of the  
8 project. Mr. Gamvroulas stated Ivory can and will continue to work with city staff and  
this will be a high quality Ivory brand development. It is a very important location for  
10 them and they have heard all of the concerns and they have listened and want to be a  
good neighbor and a good addition to the city.

12

At this time Mayor Acerson asked the business owners to write down some clarity  
14 of what they want to do and what they see their business doing down the road and turn it  
back to the city for feedback as to understand their concerns and insights that will help  
16 the Council make decisions down the road. He wants to ensure that they are a part of the  
process.

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

20

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

24

Mayor Acerson called for any further comments or questions from the Council.

26

Councilmember Hoyt brought up Exhibit E and asked the Council to consider the  
28 section of the Anderson property they have considered making a bigger commercial area  
of 400 ft. and questioned if it should be a part of the motion tonight; do we want that on  
30 700 north. He has concerns that we are limiting any commercial growth that could come  
in there. He questioned if we have considered having it stop at 500 ft. and why not have  
32 it at 900 ft. Why limit it case we get a Target or Costco; this is something to think about.  
The decision at hand is the general plan. He understands the concerns of the business  
34 owners if we adopt the general plan as we appreciate the business owners. He has safety  
concerns also when mixing the two uses. He noted he appreciates what Ivory is trying to  
36 accomplish but until there is something more substantial that is where he stands; there  
needs to be some brainstorming with the buffering options.

38

Councilmember Lundberg questioned who has the rights to the property in  
question. Mr. Watson stated that Ivory has the rights and it looks like Exhibit E is trying  
40 to accommodate that and they are being flexible. Mr. Van Wagenen stated that Exhibit E  
is really what is being considered under Ivory's application and they have agreed to  
42 modify it to eliminate the 400 ft. from the residential for this general plan land use  
change. Councilmember Bean pointed out that traditionally the commercial zones have  
44 been 500 ft. on each side of the street that has been the case on 700 North and the Council  
has had the opportunity to consider this over the past year. Given where we are at this  
46 point he shares his feeling that it would be nice to have a little deeper corridor on the  
south. Councilmember Powell commented that it may have been nice to map out a deeper

2 frontage at a much earlier date, but she feels the ball is too far down the road at this point.  
3 Mayor Acerson mentioned that Ivory is bringing forth the potential for the development  
4 project and they seem to be somewhat flexible.

5 Mr. Gamvroulas pointed out that he understands Councilmember Hoyt's concerns  
6 but there is no such thing as a 1,500 ft. deep commercial corridor as 500 ft. is standard.  
7 The fact is that they are half way through the process and they have acquiesced and it is  
8 their intent to be cooperative and he understands his concerns but it is just not very  
9 reasonable. He pointed out that a big box with retail around it is very reasonable and will  
10 act as a catalyst for the rest of the corridor. He sees this as a great value to the future and  
11 current residents and so he feels they are being very cooperative. Councilmember Hoyt  
12 stated he appreciates them working with us but the point he is trying to get across is that  
13 the 900 ft. corridor is what the big box is looking for not that we need to re-write the  
14 entire contract and it may limit us.

15 Councilmember Lundberg stated Ivory is accommodating almost half of this aside  
16 from the area next to the railroad tracks. Mayor Acerson suggested if we can come to  
17 some sort of understanding knowing potential growth is down the road that somehow  
18 Ivory may take it under consideration. Mr. Gamvroulas stated that may be something to  
19 consider down the road with perhaps a flexible use zone or future densities as they are  
20 looking for rooftops. Councilmember Powell thanked Ivory for being flexible and  
21 accommodating in meeting her concerns and those of the Council.

22 Councilmember Broderick commented that he appreciates the concerns of both  
23 sides and he wants to see business owners rights protected. He agrees we need to address  
24 the buffering zone and try to mitigate those concerns. He pointed out that the General  
25 plan map change is not a zoning change and not the individual aspects that may come.  
26 The lot size and traffic issues are a concern to him he but likes the idea of residential  
27 coming in.

28 Councilmember Powell stated she is very sensitive as to how people perceive the  
29 west side. Businesses on the west side deserve to be protected and applauded for what  
30 they bring to the city. She added that the Fieldstone Development is a community in and  
31 of itself and she appreciates what they bring to the community as are the businesses and  
32 we need to find a way to be good neighbors to each other.

33 Councilmember Lundberg complemented UIS noting they are a benefit to the city  
34 along with all the other businesses. The city does not want to see the industrial displaced  
35 as we need it here in the community as they do good work and provide service at large.

36 Councilmember Bean commented that 700 north is important to the city and it  
37 makes sense from a vision standpoint to get the kinds of merchants there to rely on  
38 rooftops and it must be considered when doing things on the west side. He is also  
39 sympathetic to the importance of industry and manufacturing in any city.

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

42  
43 **COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANTS**  
44 **REQUEST TO CHANGE THE GENERAL PLAN DESIGNATION OF THE AREA**  
45 **FROM MIXED COMMERCIAL TO RESIDENTIAL-HIGH ACCORDING TO**  
46 **ORDINANCE 2015-25-O AND HAVE IT BE ON THE RECORD THAT THIS IS FOR**

2 EXHIBIT E. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:  
4 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
6 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT NAY  
8 COUNCILMEMBER LUNDBERG AYE  
THE MOTION CARRIED 4 TO 1 IN FAVOR.

10 *Councilmember Hoyt left the meeting at this time.*

- 12
- 14 7. **Public Hearing – General Plan Map Amendment, approx. 115/117/119 South**  
16 **State Street (Ordinance #2015-26-O).** The City Council will review and discuss  
18 proposed FY2016 budget amendments and fee schedule updates with Lindon  
City Department Heads. A public hearing on final recommendations for the  
budget amendment and the schedule changes will be held on November 17,  
2015.

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

24 Mr. Van Wagenen opened this agenda item by explaining that the applicant, Mr.  
Leonard Lee, is requesting that the general plan designation, and, in the next item, the  
26 zoning classification, be changed from Commercial to Mixed Commercial to allow, more  
broadly, other light industrial, manufacturing, and office/warehousing uses in the  
28 buildings. Mr. Van Wagenen further explained that Mr. Lee has owned the existing  
structures on the subject parcels for many years (County records indicate that the  
30 structures were constructed in 1988). He noted the buildings have typically housed light  
manufacturing, and other industrial related, uses. Similar uses have continued to operate  
32 from the structures over the years. Presently, the buildings are in the General Commercial  
(CG) zone, which is now a zone that is predominantly oriented toward office and retail  
34 uses only. Consequently, as prospective industrial tenants have attempted to obtain  
business licenses from the City to operate out of the structures, staff has had to conduct  
36 research to determine whether the buildings have nonconforming rights to the specific  
uses proposed.

38 Mr. Van Wagenen commented that the current zoning does not allow for  
manufacturing and light industrial uses. The Planning Commission continued this item  
40 for several meetings in order to (1) conduct a site visit on the property and (2) review the  
Standard Land Use (SLU) Table to compare the General Commercial and Mixed  
42 Commercial (MC) zones. The site visit took place on October 13, 2015 and the SLU  
Table review was on October 27, 2015.

44 Mr. Van Wagenen explained that following the site visit and SLU Table review  
the Commission felt it appropriate to recommend approval of the General Plan change  
46 request. However, during the SLU Table review, the Commission made changes to the  
permitted and conditional uses in the MC zone for this particular request, which is

2 permissible when considering a zone change. Those changes were applied during the  
zone change agenda item; this item is the General Plan change request. A comparison of  
4 the CG, MC, and MC amended as created by the Planning Commission are included in  
the staff packets.

6 Mr. Van Wagenen noted that the General Plan currently designates the property  
under the category of Commercial. This category includes retail and service oriented  
8 businesses, and shopping centers that serve community and regional needs. The  
applicant requests that the General Plan designation of the property be changed to Mixed  
10 Commercial, which includes the uses in the General Commercial designation, as well as  
light industrial and research and business uses. Mr. Van Wagenen then referenced the  
12 relevant General Plan policies to consider in determining whether the requested change  
will be in the public interest as follows:

- 14 a. It is the purpose of the commercial area to provide areas in appropriate locations  
where a combination of business, commercial, entertainment, and related  
16 activities may be established, maintained, and protected.
- 18 b. Commercial use areas should be located along major arterial streets for high  
visibility and traffic volumes.
- 20 c. The goal of commercial development is to encourage the establishment and  
development of basic retail and commercial stores which will satisfy the ordinary  
and special shopping needs of Lindon citizens, enhance the City's sales and  
22 property tax revenues, and provide the highest quality goods and services for area  
residents.
- 24 i. Objectives of this goal are to:
  - 26 1) Expand the range of retail and commercial goods and services available  
within the community.
  - 28 2) Promote new office, retail, and commercial development along State Street  
and 700 North.
- 30 d. Applicable city-wide land use guidelines:
  - 32 i. The relationship of planned land uses should reflect consideration of existing  
development, environmental conditions, service and transportation needs, and  
fiscal impacts.
  - 34 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.
  - 36 iii. Commercial and industrial uses should be highly accessible, and developed  
compatibly with the uses and character of surrounding districts.

38 Mr. Van Wagenen then referenced an aerial photo of the proposed area to be re-  
40 classified, photos of the existing structures, use comparison: CG to MC to MC amended,  
ordinance 2015-26-O, and the applicant's letter followed by some general discussion. He  
42 then turned the time over to Mr. Lee for comment. Mr. Lee gave a brief history of the  
properties and stated his request tonight is have the property rezoned to be consistent with  
44 the historical use of the property. He noted the buildings are currently fully occupied.  
There was then some general discussion regarding this item including traffic related to  
46 the charter school access.

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

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

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

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE  
14 APPLICANTS REQUEST TO CHANGE THE GENERAL PLAN DESIGNATION  
FROM COMMERCIAL TO MIXED COMMERCIAL ACCORDING TO ORDINANCE  
2015-26-O. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE  
16 WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER POWELL AYE  
18 COUNCILMEMBER BEAN AYE  
20 COUNCILMEMBER BRODERICK AYE  
20 COUNCILMEMBER LUNDBERG AYE  
THE MOTION CARRIED WITH ONE ABSENT.

- 22  
24 8. **Public Hearing** – *Zone Map Amendment, approx. 115/117/119 South State  
Street (Ordinance #2015-27-O)*. Leonard Lee of L.A. Lee Enterprises requests  
26 approval of a Zone Map amendment to rezone property located at 115/117/119  
South State Street (Utah County Tax IDs 14:0070:0306 from General  
28 Commercial (CG) to Mixed Commercial (MC). The Planning Commission  
recommends approval of the zone change.

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

34 Mr. Van Wagenen stated this item is the zone change following the general plan  
map amendment that was just approved by the City Council involving the General Plan  
36 designation of the lot. He then gave some background of the subject parcels that was  
presented in the staff report for the accompanying General Plan map amendment (the  
38 previous agenda item). He noted this is a request to rezone the parcels from General  
Commercial (CG) to Mixed Commercial (MC). Both the CG and MC zones are subject to  
40 the Commercial Design Guidelines, and both have similar landscaping requirements  
(20% open space required in CG and 15% in MC). Both the General Commercial and the  
42 Mixed Commercial zones only allow outdoor storage of merchandise when the inventory  
is stored behind a sight-obscuring fence.

44 Mr. Van Wagenen noted that following a site visit and Standard Land Use Table  
review the Planning Commission felt it appropriate to recommend approval of the Zone  
46 change request. However, during the SLU Table review, the Commission made changes  
to the permitted and conditional uses in the MC zone for this particular request, which is

2 permissible when considering a zone change. He noted that a comparison of the CG, MC,  
4 and MC amended as created by the Planning Commission are included in the staff  
packets. The current general plan designation does not permit the subject lots to be  
rezoned from CG to MC.

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

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

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

16 COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANTS  
18 REQUEST TO CHANGE THE ZONING FROM GENERAL COMMERCIAL (CG) TO  
MIXED COMMERCIAL (MC) ACCORDING TO ORDINANCE 2015-27-O.

20 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

22 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
24 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER LUNDBERG AYE  
THE MOTION CARRIED WITH ONE ABSENT.

- 26  
28 9. **Public Hearing – Ordinance Amendment, LCC 17.76 PRD Overlay Parking**  
**(Ordinance #2015-24-O).** Lindon City staff is requesting an amendment to the  
30 Planned Residential Overlay parking requirements in order to allow parking  
spaces to be accessed directly form a public street rather than from a private  
drive.

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

36  
38 Mr. Van Wagenen led this discussion by stating the City recently adopted Section  
17.76 of the Lindon City code governing Planned Residential Development Overlays in  
commercial zones. The standards in that code section prohibited private drives for PRD  
40 projects with the expectation that units would be accessed from a public roadway.  
However, there was an existing section of code in the parking ordinance prohibiting  
42 direct parking stall access for any development, excepting one and two family dwellings.  
This existing ordinance requires any multi-family project to access parking stalls from a  
44 private drive, as is evidenced in many of the R2 or old PUD projects in the City.

46 Mr. Van Wagenen noted that ultimately, the code conflict made it difficult to  
process the first site plan application taking advantage of the PRD Overlay. Additionally,  
the City Engineer is concerned with an increase conflict in areas that could result if direct

2 parking access were consistently available to PRD projects as more vehicles would be  
4 pulling onto the street. He added that the proposed amendment solves the conflict in the  
6 existing code while allowing PRD projects to address parking stall access as other multi-  
8 family projects have previously done. He then referenced the ordinance for the  
recommended changes (Proposed PRD Amendment to 17.76.110). Mr. Van Wagenen  
mentioned that staff feels this is just a housekeeping item and a pretty straightforward  
request and recommends approval.

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

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

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

COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE  
AMENDMENT 2015-24-O AS PRESENTED. COUNCILMEMBER BRODERICK  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE

THE MOTION CARRIED WITH ONE ABSENT.

**10. Discussion Item – Used Car Lots in CG Zone along State Street.** Per direction  
from the City Council, staff will discuss land uses generally within the CG zone  
(General Commercial) with specific interest on used auto sales businesses along  
the State Street corridor. Lindon currently has eight existing and /or approved  
used auto sales businesses along it 1.6 miles of State Street with interested  
parties looking for additional sites for used auto sales locations along State  
Street.

Hugh Van Wagenen stated that Councilmember Bean asked that this discussion  
item be scheduled with the Council as there continues to be interest from used auto  
dealers to add additional used car dealership locations along the State Street corridor  
through Lindon. He gave a brief history noting that a few years ago a new zone was  
created that specifically allows Used Auto Sales (he referenced the darker red areas on  
the map along State Street), whereas the traditional CG zoning does not allow used auto  
sales. The CG zone does allow a new auto dealership (Honda, Ford, Toyota, etc.) which  
could sell used autos as part of their new dealership.

Mr. Van Wagenen stated the intent of this discussion is to assist in giving the  
Planning Staff direction on how to proceed when approached with requests for zone  
changes to allow more Used Auto dealerships along State Street. The question is are  
additional used auto sales uses something to encourage and expand, or a use the Council

2 wants to see limited to existing specific zones. There was then some general discussion  
by the Council regarding this agenda item.

4 Following discussion Mr. Van Wagenen stated there is a possibility of drafting an  
ordinance that addresses used cars specifically that would address the concerns that could  
6 be mitigated so they would have to meet the parameters. Councilmember Powell noted  
she is comfortable with the current number but added she is business friendly but feels it  
8 should be limited as there is limited amount of space on State Street. She also knows the  
citizenry feel very strongly about this issue. Councilmember Lundberg commented that  
10 previous Council's put a cap on used auto sales (6) and we have allowed more. It is a  
concern of residents that used auto lots do not look good and are not aesthetically  
12 pleasing and they feel we have gone too far already. New dealerships encompass a great  
area and do more landscaping, and have new inventory etc.

14 Mr. Van Wagenen reminded the Council that used car lots are allowed in the  
mixed commercial and light industrial areas and it is just along State Street where there is  
16 the certain pocket that is in question. Councilmember Bean commented that he is leaning  
to allowing more lots. He pointed out that the Planning Commission was pretty positive  
18 towards this because it could be regulated and it feels a bit arbitrary because we can spot  
zone. He noted that it would be easier to consider and approve if some of them were  
20 removed.

Councilmember Broderick inquired what the verbiage is regarding used auto  
22 dealerships. Mr. Van Wagenen stated there is nothing specific for used car lots. He re-  
iterated that there are some concerns that could be mitigated through an ordinance and if  
24 they met those parameters it could be discussed. Mr. Van Wagenen stated he could do an  
exercise with the Planning Commission to see if it fits a certain criteria to see what makes  
26 sense from a business standpoint to find the well-defined criteria. Councilmember  
Broderick stated he would like to see it defined but would also like to be responsive to  
28 any inquiries. There was then some additional lengthy discussion regarding used auto  
sales on State Street.

30 Mr. Cowie commented that what he is hearing is that the Council is in agreement  
that there is not a strong interest to increase the actual number beyond what is allowed  
32 now for used auto dealerships along State Street. The Council also heard a brief concept  
from Devin Dastrup regarding a request for a zone change proposal at 475 North State  
34 Street on 2.3 acres for a Used Auto lot. Mayor Acerson commented that he feels the  
Council has given Mr. Dastrup sufficient feedback that the Council would hear further  
36 information on the concept to move forward. The Council also agreed to have some work  
sessions for further discussion after the New Year and after the exercise with the  
38 Planning Commission is completed.

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

42 **11. Public Hearing – *FY2016 Budget Amendments & Fee Schedule updates***  
**(*Resolution #2015-8-R*)**. The City Council will review and discuss FY 2016  
44 budget amendments and fee schedule updates. The proposed changes were  
previously discussed in a public meeting on October 20, 2015.  
46

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

6 Mr. Cowie explained on October 20, 2015 Lindon City Department Heads met  
with the Council to present proposed budget and fee schedule amendments for the current  
8 fiscal year. Mr. Cowie then explained the few minor adjustments that are reflected in the  
new documents that included in the staff packets. He added that in the end with all of the  
10 changes we are saving money. He noted he sent the updated fee schedule to the Council  
earlier today. He noted a formal public hearing is required as part of the adoption process  
12 for the amendment and it has been properly noticed. Following some general discussion  
Mayor Acerson called for a motion.

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

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

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

24 COUNCILMEMBER BEAN MOVED TO APPROVE RESOLUTION #2015-8-  
R OUTLINING THE PROPOSED FY2016 BUDGET AMENDMENTS AND FEE  
26 SCHEDULE UPDATES AS PRESENTED. COUNCILMEMBER BRODERICK  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
30 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER LUNDBERG AYE  
32 THE MOTION CARRIED WITH ONE ABSENT.

34 **Recess to Lindon City Redevelopment Agency Meeting (RDA)**

36 COUNCILMEMBER POWELL MOVED TO ADJOURN THE LINDON CITY  
COUNCIL MEETING AT 11:42 PM AND CONVENE AS THE LINDON CITY  
38 REDEVELOPMENT AGENCY BOARD. COUNCILMEMBER BRODERICK  
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
40 CARRIED.

42 BOARDMEMBER POWELL MADE A MOTION TO ADJOURN THE RDA  
MEETING AT 11:47 PM AND RECONVENE THE LINDON CITY COUNCIL  
44 MEETING. BOARDMEMBER BRODERICK SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2           13. **Review and Action** – *Multiple Stage Bidding Process (Resolution #2015-9-R)*.  
4           The City Council will review and consider Resolution #2015-9-R allowing for a  
6           multiple stage bidding process for the Public Safety Building project. Approval  
            of the resolution will allow bidders to be pre-qualified prior to submitting bids  
            for the project.

8           Mr. Cowie referenced the Resolution included in the staff packets. He explained  
10          that adoption of the resolution will allow the City to pre-qualify potential bidders for the  
12          Public Safety Building project, thus eliminating potential low bidders with little to no  
            relevant experience with similar projects. Following some general discussion by the  
            Council regarding this item they were in agreement to have Councilmember Broderick  
            provide input to Mr. Cowie regarding this issue.

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

18                   COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION  
                    #2015-9-R AS PRESENTED. COUNCILMEMBER POWELL SECONDED THE  
                    MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20          COUNCILMEMBER POWELL            AYE  
            COUNCILMEMBER BEAN             AYE  
22          COUNCILMEMBER BRODERICK        AYE  
            COUNCILMEMBER LUNDBERG        AYE  
24          THE MOTION CARRIED WITH ONE ABSENT.

26           14. **Review and Action** – *200 South Water Line Bid Award*. The City Council will  
28           review and consider approval of the 200 South Water Line replacement project  
            to the low bidder, Skip Dunn & Sons Excavating, with a low bid of \$253,876.88.  
            Staff recommends approval of the bid.

30           Mr. Cowie referenced the letters and bid documents included in the packets  
32           recommending award of the low bid as presented followed by some general discussion.  
            He pointed out that this item was previously rejected because of the high bids received.  
34           He noted that staff feels comfortable with the bid and recommends approval.

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

38                   COUNCILMEMBER BRODERICK MOVED TO APPROVE THE 200 SOUTH  
                    WATER LINE REPLACEMENT PROJECT BID TO THE LOW BIDDER, SKIP  
40                   DUNN & SONS EXCAVATING WITH A LOW BID OF \$253,876.88.

42                   COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS  
                    RECORDED AS FOLLOWS:

44          COUNCILMEMBER POWELL            AYE  
            COUNCILMEMBER BEAN             AYE  
            COUNCILMEMBER BRODERICK        AYE  
46          COUNCILMEMBER LUNDBERG        AYE  
            THE MOTION CARRIED WITH ONE ABSENT.

2           15. **COUNCIL REPORTS:** There were no council reports given at this meeting.  
4           The reports will be given at the next meeting to be held on November 17, 2015.

6           **Administrator's Report:**

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

10          **Misc. Updates:**

- 12           • November City newsletter
- 14           • Councilmember Powell is Mayor pro tem from October through  
16           December 2015
- 18           • Misc. Items

20          **Upcoming Meetings & Events:**

- 22           • November 17<sup>th</sup> – regularly scheduled Council meeting
- 24           • November 26<sup>th</sup> – Community Thanksgiving Dinner, 11am – 2pm at  
26           Community Center
- 28           • November 26<sup>th</sup> – 27<sup>th</sup> – City offices closed for Thanksgiving
- 30           • December 1 – 6:00 pm work session with Legislative reps (Dayton,  
32           Jackson, Peterson, Stratton)
- 34           • December 8<sup>th</sup> – Noon at Public Works. Engineering Coordination meeting:  
36           Mayor Acerson and Councilmember Broderick will attend
- 38           • December 23<sup>rd</sup> – Noon at Community Center, Employee Christmas Party  
40           December 23<sup>rd</sup> – 25<sup>th</sup> – City offices close at noon on Dec 23<sup>rd</sup>. Closed 24<sup>th</sup>  
42           and 25<sup>th</sup>
- 44           • January 1<sup>st</sup> – City offices closed for New Year's Day
- 46           • January 5<sup>th</sup> – regularly schedule City Council meeting. Swearing-in of  
elected City Council members.

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

34          **Adjourn –**

36           COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
38           AT 11:58 P.M. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
40           PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42           Approved – December 1, 2015

44           \_\_\_\_\_  
Kathryn Moosman, City Recorder

46           \_\_\_\_\_  
Jeff Acerson, Mayor