

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 16,**  
4 **2018, beginning with a Mobile Work Session Tour at 6:00 p.m.** in the Lindon City  
Center, City Council Chambers, 100 North State Street, Lindon, Utah.

6 **MOBILE TOUR** – 6:00 P.M.

8 Conducting: Mayor Jeff Acerson

10 **PRESENT** **ABSENT**

Jeff Acerson, Mayor  
12 Matt Bean, Councilmember  
Van Broderick, Councilmember  
14 Carolyn Lundberg, Councilmember  
Jacob Hoyt, Councilmember  
16 Daril Magleby, Councilmember  
Sharon Call, Planning Commission Chair  
18 Steven Johnson, Planning Commissioner  
Adam Cowie, City Administrator  
20 Margaret Dayton, Senator  
Brad Jorgensen, Public Works Director  
22 Kevin Muhlestein, Wastewater Supervisor  
Chad Hendrickson, Wastewater Technician

- 24
1. **Tour of New Sewer Lift Station.** The Lindon City Council will meet and tour  
26 the Lindon City Community Center at 25 N. Main Street and then tour the  
Veterans Hall at 200 N. 135 W. in the City Center Park. No motions were made at  
28 this meeting as this tour was for informational purposes only.

30 The City Council and staff met at the Lindon City Center then drove to Lindon’s  
new sewer lift station for a tour given by Brad Jorgensen, Lindon City Public Works  
32 Director. Mr. Jorgensen gave an overview of the facility and explained how the lift  
station works. Mr. Jorgensen made note that this facility has been identified as unique as  
34 it serves a dual purpose not only as a sewer lift station but it also houses the pumps for  
the pressure irrigation system that will serve the Anderson Farms Development. The new  
36 lift station is located at approximately 150 North 1600 West. No motions were made at  
this meeting as it was an instructional tour of the facility only. Following the work  
38 session tour, the Council returned to the city building for the regularly scheduled City  
Council meeting.

40 **REGULAR SESSION** – 7:00 P.M.

42 Conducting: Jeff Acerson, Mayor  
44 Pledge of Allegiance: Spencer, Boy Scout  
Invocation: Jake Hoyt, Councilmember

46 **PRESENT** **ABSENT**

- 2 Jeff Acerson, Mayor
- Matt Bean, Councilmember
- 4 Carolyn Lundberg, Councilmember
- Van Broderick, Councilmember
- 6 Jacob Hoyt, Councilmember
- Daril Magleby, Councilmember
- 8 Adam Cowie, City Administrator
- Hugh Van Wagenen, Planning Director
- 10 Noah Gordon, City Engineer
- Brian Haws, City Attorney
- 12 Kathryn Moosman, City Recorder

- 14 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 16 2. **Presentations/Announcements** –
  - 18 a) **Mayor/Council Comments** – There were no announcements at this time.
  - 20 b) **Character Connection** – Cathy Allred was in attendance to present to the Mayor and City Council the accomplishments and activities that have
    - 22 occurred during the 2017 Lindon Character Connection program. Ms. Allred gave a brief history about the Character Connection Program. She then presented the Character Connection calendars and posters to the Mayor and Council. She also recognized the Principal from Lindon Elementary, Kate Ross, Bret Bown, Assistant Principal from Aspen Elementary and Doran Williams from Wasatch Mental Health. Ms. Allred then announced and invited the winning students forward and presented the awards as follows: Daisy (Aspen Elementary), Isaac (Lindon Elementary), Audrey (Lindon Elementary), McKenzie (Lindon Elementary), Kimberly (Lindon Elementary), Elena (Lindon Elementary), Cameron (Lindon Elementary), Haleigh (Lindon Elementary), Nan (Lindon Elementary), Alaina (Lindon Elementary), Ashlyn (Lindon Elementary) and Almaya (Aspen Elementary). Following the presentation, Mayor Acerson and the Council congratulated the students and thanked Mrs. Allred for her good works and service to the community with the Character Connection Program.
- 30 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council meeting of January 2, 2018 were reviewed.

38 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE  
 40 REGULAR CITY COUNCIL MEETING OF JANUARY 2, 2018 AS PRESENTED.  
 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS  
 42 RECORDED AS FOLLOWS:  
 COUNCILMEMBER BEAN AYE  
 44 COUNCILMEMBER LUNDBERG AYE  
 COUNCILMEMBER BRODERICK AYE  
 46 COUNCILMEMBER HOYT AYE  
 COUNCILMEMBER MAGLEBY AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 4. **Consent Agenda** – No items.

6 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
8 comment not listed as an agenda item. Lindon 10 Webelo’s Den, was in  
10 attendance working on their citizenship merit badge and had several questions.  
12 Ricky Griffin asked if the city will be putting in a library in the future and if there  
14 are plans to put a bubble over the pool to use the pool year-round. Heath  
Bateman said they are looking at options and costs to put a bubble on over the  
pool. Councilmember Hoyt commented that the Council loves libraries but they  
are very expensive so the city subsidizes the passes from other libraries (pay for  
part of it); perhaps in the future a library may be an option.

16 **CURRENT BUSINESS**

18 6. **Review & Action — Lease Agreement for City Center basement office space.**  
20 The City Council will review and consider a 5-year office lease agreement  
22 between Lindon City and Inter Vivos, PLLC – Law Firm. The office space was  
previously occupied by the Lindon City Police Department and vacated in early  
24 2017. The City does not anticipate need for the office space during the term of the  
lease.

26 Adam Cowie, City Administrator, led this agenda item by referencing the draft  
28 lease agreement explaining the details of the pending lease agreement for the basement  
office area at the City Center (previously occupied by the Police Department). He noted  
30 the final details of the agreement are still being negotiated with the future tenant (Inter  
Vivos, PLLC – Law Firm). The total construction/remodel costs and payment of listing  
agent/realtor fees are estimated to be between \$14k to \$15k (Realtor fees alone is  
estimated at \$8,830 or 6% of total transaction value).

32 Mr. Cowie stated the total anticipated rental income over the 5-yr. lease term is  
34 expected to be approximately \$147,169 annually or \$2,310 per month (based on the  
current DRAFT agreement), therefore it will take about 6 ½ months to break even on  
36 expenses for remodeling and for the realtor fees. He noted the tenant is anticipating  
taking occupancy starting in April 2018 but it has been agreed through the final  
38 negotiations that they can begin moving some of their furniture, equipment etc., on  
March 1<sup>st</sup> with no additional charge and with the understanding that some remodeling  
40 will be going on, so they will essentially be getting one month free. There was then some  
general discussion by the Council regarding the lease agreement. Mr. Cowie also  
42 presented photos of the office space and described the renovations. He added the tenant  
will be required to have renter’s insurance by March 1<sup>st</sup>. He noted that overall staff feels  
44 this will be beneficial for the city. The Council agreed this appears to be a good lease and  
uniform approach.

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

2 COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE OFFICE  
4 LEASE AGREEMENT BETWEEN LINDON CITY AND INTER VIVOS, PLLC LAW  
6 FIRM FOR LEASE OF THE BASEMENT OFFICES AT THE CITY CENTER  
8 BUILDING. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE  
10 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE  
8 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
10 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER MAGLEBY AYE

12 THE MOTION CARRIED UNANIMOUSLY.

- 14 7. **Discussion Item — Options for Land and Water Conservation Fund.** Lindon  
16 City Parks & Recreation Director, Heath Bateman, and grant consultant, Ron  
18 Clegg, will review options for possible grant opportunities available through the  
Land and Water Conservation Fund. The Council will give direction to the Parks  
Department to pursue, or not pursue, grant funding for specific park projects.

20 Mr. Cowie introduced Heath Bateman and Ron Clegg to present materials to the  
22 Council regarding options for the Land and Water Conservation Fund. He also referenced  
the website for highlights on the Land and Water Conservation Fund grant program,  
24 which is a Federal grant administered through the National Park Service. He noted they  
will cover several possible project ideas and potential property purchases for future park  
areas for discussion.

26 Mr. Cowie stated Mr. Clegg has been hired by the Parks Department as a  
consultant to assist in evaluating options for the grant and, if a project application is  
28 desired by the Council, Mr. Clegg can further assist the City in applying for the federal  
grant. He noted a copy of the most current Parks & Trails Master Plan Map from 2011 is  
30 included in the staff packet for reference. He noted direction and feedback will be  
provided, but no motions will be made as this item is for discussion only.

32 Mr. Bateman stated there is a lot of grant money available especially for parks  
and Lindon has been lacking in obtaining these grants (most matching grants). He then  
34 gave a brief history noting the Land and Water Conservation Fund was established by  
Congress in 1964 to fulfill a bipartisan commitment to safeguard our natural areas, water  
36 resources and cultural heritage, and to provide recreation opportunities to all Americans.  
He also mentioned other local cities who have used the LWCF. He then presented the  
38 following information through his power point presentation to the Council followed by  
discussion.

40 **Guidelines for using the LWCF money:**

- 42 ▶ Must be used for outdoor recreation  
▶ Active recreation is preferred  
44 ▶ Should not be used for trails – there are other grant funds for that  
▶ Requires matching funds  
46 ▶ Requires NEPA clearances

2 **Grant information:**

- ▶ Utah State Grant Coordinator is Susan Zarekarizi
- ▶ Applications will be posted in February
- ▶ Applications are due in May and selections made in August
- ▶ Compete with other applicants
- ▶ Last year there were 8 applicants in Utah and 3 were awarded grant money
- ▶ 2017 available grant dollars were \$1,074,988
- ▶ Funds can be used to purchase land or develop on existing land
- ▶ Using LWCF money encumbers the land in perpetuity

12 **Land Purchases:**

- ▶ Four options (preliminary)
  - Kenneth and Stephanie Nelson
  - Cooks Land and Investment, LLC
  - DMR Investments LLC
  - Donald and Jewell Hutchison

18  
20 Mr. Bateman also presented a map showing properties ¼ mile from parks buffer  
22 which they feel is a reasonable walking distance. He also mentioned other Bike Parks  
24 including Pleasant Grove City (Mountain Bike Park) and Price City (Urban Bike Park).  
He also mentioned the Lindon Bike Park idea including an urban bike park near the city  
center or mountain bike park on city owned property in the foothills.

26 **City Council Direction:**

- ▶ Seeking approval to move forward with the grant application
- ▶ Proposed amount for grant application is around \$200,000 (Parc tax can be used)
- ▶ Will be back in April to present more details of the grant application and to get a signed resolution to submit the application

30 **RTP Grant (Recreational Trails Program):**

- ▶ 50/50 match required
  - Match may be comprised of sponsor cash, in-kind services, volunteer labor, or donations
- ▶ Reimbursement grant
- ▶ Application due by May 1<sup>st</sup>
- ▶ Funding Cap \$100,000

38 **Utah Outdoor Recreation Grant:**

- ▶ In 2018, award amounts will range from a minimum of \$5,000 up to a maximum of \$150,000.
- ▶ The built recreational infrastructure must provide an economic opportunity for the local area with the ability to attract or retain residents and/or increase the visitation to the region.
- ▶ Thursday, April 19, 2018 by 5 pm MST

46 **Lindon Zip Line Possibility (around the pool):**

- 2 ▶ Point Adventures
- ▶ Fully Insured
- 4 ▶ Profit Sharing Model
- ▶ Year-Round usage
- 6 ▶ Tower ownership
- ▶ Tower Removal

8  
10 There was then some general discussion regarding the proposed options including  
the possibility of giving the arena at the city center park a facelift. Following discussion,  
12 the Council was in agreement to direct Mr. Bateman and Mr. Clegg to pursue the grant in  
conjunction with the Parc tax revenue and to find the right project as to double down on our  
14 money. Mr. Bateman stated they will coordinate with Susan Zarekarizi, Utah State Grant  
Coordinator, and put more research in and define the projects/options to maximize the  
16 funds and bring it back to the Council. The Council also conferred that they would need  
more information regarding the zipline proposal before making decision.

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

20 **8. Discussion Item — Transportation Utility Fee Options for Road**  
**Maintenance.** The City Engineer, Noah Gordon, will review options for  
22 implementation of a Transportation Utility Fee (TUF) for the Council to consider  
to help generate dedicated funds for city-wide road maintenance. On December 5,  
24 2017 the City Council discussed the TUF and directed the City Engineer to  
perform an analysis showing estimated monthly fees for several target properties  
26 throughout Lindon. The Engineer will present this analysis and allow the Council  
to view possible TUF rates based on various funding scenarios. The Council will  
28 consider a target funding amount and provide feedback and direction on  
presenting further information to the public.

30  
32 Mr. Cowie gave some background of this agenda item noting for several years the  
City Council has been discussing ways to fund road maintenance projects with  
34 sustainable revenue sources. He stated the annual road maintenance funding has  
fluctuated widely year-to-year and has not been consistent nor sufficient enough to  
36 handle all road maintenance needs. In 2014-15 the Council directed the city engineer to  
prepare a Pavement Management Plan to inventory roadway conditions and to identify  
the total dollar amounts needed to adequately maintain roads in Lindon.

38 Mr. Cowie explained the plan was adopted by the Council in November of 2015.  
Additional discussions through 2016 occurred on possible transportation funding and  
40 review of transportation utility fees that had been adopted by other cities. The Council  
discussed other road maintenance funding options (property tax, sales tax, bonding,  
42 budget re-allocation, etc.) finding that the Transportation Utility Fee appeared to be the  
most sustainable and transparent funding opportunity for the City. In February 2017 the  
44 City Council had a formal discussion item to review a possible Transportation Utility  
Fee. The Council requested that staff bring back more detailed information on a proposed  
46 ordinance or policy including possible fee amounts.

2 Mr. Cowie stated Noah Gordon, City Engineer, has now compiled this  
information and will present an overview of possible funding options for road  
4 maintenance and basis for consideration of the Transportation Utility Fee option. He  
explained after gathering more direction from the Council on possible total funding  
6 amounts desired, staff will prepare more detailed information on the fee impacts to  
specific properties and then bring that information back to the Council for review. If the  
8 Council desires to move forward after that point the city will schedule public open  
house(s) in early 2018 to present the proposed fees and background information to the  
10 public and receive comments. The Council will then evaluate public comments and  
determine if a fee (and what rate) should be adopted by formal action in late spring/early  
12 summer 2018.

14 Mr. Cowie then referenced the information from Mr. Gordon that was previously  
presented in December, to help with the discussion. He indicated that direction and  
feedback from the Council is needed with regards to a TUF amount or range that should  
16 be presented to the public in future meetings or through other notifications. He noted no  
formal motion will be made as this item is for discussion only.

18 Mr. Gordon then presented the TUF rates for some properties as examples  
(included in the staff packet) to show the impact of various funding levels as desired by  
20 the Council. He noted that he will essentially use an Excel spreadsheet program to plug in  
total desired funding numbers, as directed by the Council, which will adjust the monthly  
22 TUF rates accordingly. Mr. Gordon then presented a list of approximately 20  
commercial/industrial sites for review (included in the staff report). He noted residential  
24 properties will also be evaluated (single-family / multi-family). He pointed out these sites  
have been selected to help the council see the possible financial effect of implementing a  
26 transportation fee.

28 Mr. Gordon then gave some background information on TUFs and reviewed other  
Utah cities using or considering TUFs. He also went over the 2017 Road Maintenance  
Fee Opinion Poll.

30 Mr. Gordon then discussed the Lindon City's road funding situation as follows:  
32 (previously presented).

#### Historical Funding Sources

- 34 • Class C Road Funds
- General Fund Transfers

36 Simplified breakdown for road funding:

\$390,000 = Average annual Class 'C' Road Funds received from State over last 4 years.

38 Typical expenditures categorized below:

- 40 • \$213,000 is used annually to pay for the 700 North road bond. This bond  
continues until 2025.
- 42 • \$7,000 for street striping
- \$25,000 for crack sealing
- 44 • \$85,000 is used annually to pay power utilities on street lights
- \$15,000 for new street light purchases
- 46 • \$30,000 for professional & tech services (engineering, studies, 500 N. UDOT RR  
crossing design, etc.)
- \$... Anything remaining goes toward road maintenance. (For this example, it's

2 about \$15,000)

4 Mr. Gordon noted a very minimal amount annually from Class C funds is being  
6 put towards actual surface treatments other than crack sealing. So, the City has  
8 traditionally supplemented the Road Fund with General Funds (sales tax, property tax,  
franchise taxes) to whatever affordable amount the Council approves. During the  
recession it was hardly anything and over the last couple years it's been hundreds of  
thousands of dollars.

10 He then referenced the amounts the City Council approved to supplement roads  
from the General Fund as follows:

- 12 • FY2015-16 - \$66,000
- FY2016-17 - \$800,000
- 14 • FY2017-18 - \$500,000

16 Mr. Gordon pointed out that RDA areas have also used funding for road  
improvements but those are limited to those specific RDA districts (Home Depot  
18 business park area; East side of State Street; 700 North) and can't be used for city-wide  
projects. There was then some general discussion following the presentation.

20 Mr. Gordon stated he would like direction from the Council tonight noting there is  
a lot more analysis that needs to be done with these analyses as it is preliminary. They  
22 would like to see how the distribution should be allocated (residential vs. businesses) and  
also the funding levels. They are looking at a couple of questions tonight as follows: 1.  
24 Are we looking for 1.2 million dollars of TUF revenue (more or less) with the anticipated  
\$400,000 (approximate) from the Class C Road funding in order to meet the need of 1.6  
26 million and 2. What the single-family essential rate should be; based on those figures the  
rest will fall in place.

28 He then presented the corresponding numbers based on number of trips generated.  
Following discussion, the Council was in agreement they need more time to digest the  
30 information and to clarify the graph presented and to work with the numbers with a better  
level of detail before making a decision or hiring a consultant. Mr. Gordon stated he will  
32 forward this presentation and information on to the Council for further review and bring  
it back before the Council.

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

36

9. **Public Hearing — Ordinance Amendment, Lindon City Codes 5.42  
38 Residential Facility Business License and 17.70 Group Homes; Ordinance  
#2018-2-O.** The City Council will review and consider Ordinance #2018-2-O  
40 amending Lindon City Code to conform to current legal standards for processing  
applications for residential treatment facilities and group homes.

42

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

46

2 Hugh Van Wagenen, Planning Director, gave a brief overview of this item  
4 explaining Lindon City is constantly evaluating city code to ensure it is consistent with  
6 the current legal environment. LCC 17.70 Group Homes is in need of amendments to  
Facilities. LCC 5.42 is being added to help facilitate the licensing of Residential

8 Mr. Van Wagenen stated the proposed changes are recommended by Lindon City  
Attorney Brian Haws (who is in attendance), and are in conformance with the most recent  
case law and federal and state requirements.

10 He then referenced a summary of the changes as follows:

- 12 1. Residential facilities serving the elderly and disabled, as defined by the  
Americans with Disability Act and Utah State Code, can have anywhere from  
14 four (4) to eight (8) residents by right and are permitted to located in residential,  
commercial, and mixed commercial zones.
- 16 2. A facility requesting nine (9) to sixteen (16) residents must apply for a  
Reasonable Accommodation Request and provide evidence as to why that number  
of residents is needed.
- 18 3. Facilities serving more than sixteen individuals fall under LCC 17.72 Care  
Facilities Overlay.
- 20 4. Applications for residential facilities, associated business license, and reasonable  
accommodations are approved at the staff level, similar to a building permit is  
22 approval.
- 24 5. If an application meets approval criteria, notices will be sent to surrounding  
properties within 300 feet indicating that the City is intends to approve the  
26 application. Application materials will be available for review and an appeal can  
be made to the City Administrator within 14 days of the notice if a party feels the  
application does not meet the criteria for approval.

28 Mr. Van Wagenen stated in a 5-0 vote, the Planning Commission recommended  
30 approval of the ordinance as presented by Mr. Haws. The Commission also expressed  
their concerns with the lack of discretion available to any body reviewing these  
32 applications and the difficulty of handling the approval procedure in a public  
meeting/hearing. He then turned the time over to Mr. Haws for comment.

34 Mr. Haws spoke concerning the changes noting they are partly due to recent case  
law and also to comply with State and Federal requirements. He noted because the law is  
36 so defined this change is being made as a more administrative function through the  
Planning Director (with a business license provision) instead of bringing it to the Council.  
38 He pointed out if this is challenged there is an appeal process through the City  
Administrator and if challenged further it could be reviewed by the District Court. Mr.  
40 Haws confirmed these applications would no longer come before the Planning  
Commission either for review or approval but will be reviewed on an administrative  
42 level. Mr. Haws then discussed the changes being made to licensing requirements found  
in LCC 5.42. He also went over the definition of a disabled person.

44 Mr. Van Wagenen explained the application approval process based on this  
ordinance noting it will be very similar to the building permit and accessory apartment  
46 process. There was then some discussion surrounding noticing requirements as to inform  
the public without creating public clamor. Mr. Haws also discussed the reasonable

2 accommodations request allowed under the American with Disabilities Act (See  
17.70.060). He also reviewed the appeal process defined in section 17.70.070. Mr. Haws  
4 expressed that he feels this is the right time to make these changes to come into  
compliance noting a lot of cities are adopting this procedure. Councilmember Lundberg  
6 suggested including language/statement that states the application appears to meet all  
state and federal requirements subject to meeting all criteria. Mr. Haws stated they can  
8 certainly draft the language to articulate that standard. Mr. Haws also made note of one  
typo in the draft that will be amended in the final draft.

10 Mr. Van Wagenen then referenced the Ordinance Draft (showing all redline  
changes from existing code to be amended), LCC 17.70 Residential Facilities (Clean  
12 Draft), and LCC 5.42 Residential Facility License (Clean Draft) followed by some  
additional discussion.

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

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

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

24 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE  
AMENDMENT 2018-2-O AS PRESENTED WITH THE CORRECTION NOTED BY  
26 MR. HAWS. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
30 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE  
32 COUNCILMEMBER MAGLEBY AYE  
THE MOTION CARRIED UNANIMOUSLY.

34  
36 **10. Public Hearing — Ordinance Amendment, Lindon City Code 17.14,**  
**Noticing; Ordinance #2018-3-O.** The City Council will review and consider  
Ordinance #2018-3-O amending Lindon City Code to increase noticing distances  
38 for mailed notices sent to property owners regarding various land use  
applications.

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

44  
46 Mr. Van Wagenen stated after reviewing a recent zone change request and  
considering the third-party notices mailed to surrounding properties, the City Council  
asked the Planning Commission to review third party notice distances for land use

2 applications. With this request, staff has also made some general updates to bring  
4 noticing requirements up to date with state code regarding zoning map proposals.

6 Mr. Van Wagenen explained the purpose of providing notices to third parties  
8 about pending developments stems from the Utah Open and Public Meetings Act, which  
10 states: “The Legislature finds and declares that the state, its agencies and political  
12 subdivisions, exist to aid in the conduct of the people’s business. It is the intent of the  
14 Legislature that the state, its agencies, and its political subdivisions take their actions  
openly; and conduct their deliberations openly.” Currently, most land use applications in  
Lindon require a 300-foot notice buffer to adjoining properties. He noted staff prepares  
mailing lists, prints the notices and places them in envelopes and finally stamps them for  
mail delivery. The question before the Council tonight is whether or not 300 feet notifies  
a sufficient number of properties that may be affected by an application.

16 Mr. Van Wagenen indicated the applications that would be affected by this  
18 change would include “*site plans, conditional uses, subdivisions, variances, alteration of  
20 non- conforming uses, zone map and general plan map changes, appeals heard by the  
22 Board of Adjustments, and for other land use applications that the Planning Director  
determines to have more than routine significance and for which the surrounding  
property owners should be notified in order to protect the public interest.*” Land use  
ordinance changes that directly affect properties may also be noticed with the new  
distances.

24 Mr. Van Wagenen then referenced a table comparing some of the hard cost  
differences between the differing noticing distances as follows:

<i>Examples</i>	<b>Industrial</b>	<b>Cost Difference</b>	<b>Residential</b>	<b>Cost Difference</b>
<b>300-foot</b> buffer	28 notices	-	46 notices	-
<b>500-foot</b> buffer	34 notices	\$3.36	81 notices	\$19.60
<b>800-foot</b> buffer	45 notices	\$9.52	122 notices	\$42.56

Stamp = \$0.46; Envelope = \$.09; Paper = \$.01; Staff time, printer toner, other overhead not included

26 Mr. Van Wagenen stated Section 10-9a-205 of the Utah State Code gives precise  
28 requirements for notices to property owners whose land may be affected by a zoning map  
30 change and the new language in the draft ordinance reflects those requirements; in  
practice, staff has already been following these requirements.

32 Mr. Van Wagenen commented in a 5-1 vote, the Planning Commission  
34 recommended that projects in residential zones have a 500-foot notice radius and projects  
36 in non-residential zones have an 800-foot notice radius. Overall, they were in support of  
the increased noticing. He also made note that the Commission felt that a larger radius  
was appropriate for non-residential projects because lots in those zones tend to be larger  
in size. Commissioner Vanchiere voted nay on the motion citing he preferred a 1000-foot  
notice buffer in non-residential zones. Mr. Van Wagenen then presented the industrial  
38 notice map comparison, residential notice map comparison and draft ordinance proposed  
changes followed by discussion.

2 Following discussion, the Council was in agreement that increasing the radius is a  
4 good move as this has come up on several occasions over past years and the intent being  
that public discussion is heard. The Council also agreed to go with the recommendation  
from the Planning Commission and see how it goes from there.

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

8  
10 COUNCILMEMBER HOYT 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 further comments or discussion from the Council.  
Hearing none he called for a motion.

16 COUNCILMEMBER MAGLEBY MOVED TO APPROVE ORDINANCE  
AMENDMENT 2018-3-O AS PRESENTED. COUNCILMEMBER LUNDBERG  
18 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
22 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER MAGLEBY AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 **11. Public Hearing — FY2017-18 Lindon City Fee Schedule Update; Ordinance**  
#2018-4-O. The City Council will review and consider Ordinance #2018-4-O  
28 amending various fees within the FY2017-18 Lindon City Fee schedule, including  
adoption.

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

34  
36 Mr. Cowie stated this request is for the City Council's review and consideration  
of Ordinance #2018-4-O amending various fees within the FY2017-18 Lindon City Fee  
38 schedule, including adoption of new utility fees for pressure irrigation metering and  
groundwater pumping, where applicable. He then referenced for discussion the Ordinance  
and recommended fee schedule changes including new additions to the fee schedule for  
40 the Aquatics Center, the Standard Land Use Table, Business Licensing, Public Works  
(street lighting), Groundwater Pumping, Metered secondary water (Anderson  
42 Development area only) Cemetery, Police Fingerprinting, and Recreation programs.

44 There was then some general discussion regarding the metering of the secondary  
water. Mr. Cowie explained the new Ivory Anderson Development zone (west of Geneva  
Road) will have meters only unless the Council determines otherwise. He also explained  
46 the pressurized irrigation system noting the difference with the Ivory Development is the  
groundwater pumping. He pointed out that Ivory turned in water shares (NOT north

2 union water) as is required for everyone. Several residents in attendance expressed their  
concerns of everyone being metered in the future (not just the Ivory Development) if the  
4 Council so chooses. Mayor Acerson stated the bottom line is that we live in a desert and  
we have limited water resources; the best governance is self-governance. Mr. Cowie  
6 stated the actuality is in dry years we may not have enough water to service the residents  
to use unlimited water without putting in restrictions; we are not restricting secondary  
8 water use right now we just need to be water wise. Mr. Cowie clarified the only metering  
being discussed tonight is for the Anderson Development. Mayor Acerson stated it is the  
10 Council's intent to be transparent as to make sure everyone is involved.

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

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

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

20 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE  
22 2018-4-O AMENDING THE FISCAL YEAR 2017-18 LINDON CITY FEE  
SCHEDULE WITH THE TWO \$5 INCREASES AS DISCUSSED.

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

26 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
28 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE  
30 COUNCILMEMBER MAGLEBY AYE  
THE MOTION CARRIED UNANIMOUSLY.

32  
34 *At this time Councilmember Hoyt stated at the advisement from the city attorney,  
and due to a conflict of interest, he will recuse himself from the next two agenda items.*

36 **12. Closed Session — Closed Session to Discuss the Sale of Real Property.** The  
City Council will enter into a closed executive session to discuss the potential sale  
38 of real property per Utah Code 52-4-205. This session is closed to the general  
public.

40  
42 COUNCILMEMBER BRODERICK MADE A MOTION TO MOVE INTO A  
CLOSED SESSION FOR THE PURPOSE OF DISCUSSING THE POTENTIAL SALE  
OF REAL PROPERTY PER UTAH CODE 52-4-205. COUNCILMEMBER  
44 LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

46 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE

2 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER MAGLEBY AYE  
4 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

6 COUNCILMEMBER LUNDBERG MADE A MOTION TO CLOSE THE  
CLOSED EXECUTIVE SESSION AND MOVE INTO THE REGULAR SESSION.  
8 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

10  
12 **13. Public Hearing — Consideration of Offer on Sale of Real Property; Res**  
**#2018-4-R.** Lindon City Council will review and consider a new offer to purchase  
14 nine acres of surplus real property located at approximately 2100 West 600 South,  
Lindon (portion of Utah County Parcel ID #17:023:0012). Previously entertained  
16 offers and counter offers were not finalized and now void. This is a new offer on  
the property. The property has been listed for sale by the City since the fall of  
2015. The nine-acre section of this parcel was officially declared by the City  
18 Council as surplus real property through Resolution #2017-15-R.

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

24 Mr. Cowie referenced Resolution #2018-4-R and the purchase offer from Sunrise  
Square Associates LC (Bill West with Knight West Construction). He noted the City  
26 Council will accept public comment tonight and consider the offer received from  
“Sunrise Square Associates LC and/or assigns” for purchase of real property owned by  
28 the City and declared as surplus (by Resolution) in June of 2017. The listed asking price  
on the nine-acre parcel is \$4.75 per square foot. The buyers offering price is \$1,822,986  
30 as calculated at \$4.65 / sq. ft. of deeded land with the anticipated closing to be within 60  
days of signing the contract.

32 Mr. Cowie then gave some background information and dates of some more  
recent public meetings and public hearings regarding the disposal of this property that are  
34 outlined in Resolution #2018-3-R. He clarified the City Council has already declared the  
land as surplus real property and, having an offer near the listing price in hand, is now  
36 accepting public comment on the offer and sale as required by code. There was then some  
general discussion on the purchase offer. Following discussion, the Council was in  
38 agreement to accept the purchase offer by Sunrise Square Associates.

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

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

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

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION  
#2018-4-R ACCEPTING THE PURCHASE OFFER BY SUNRISE SQUARE  
4 ASSOCIATES LC. COUNCILMEMBER BEAN SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
8 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER MAGLEBY AYE

10 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

12 *Councilmember Hoyt re-joined the meeting at this time.*

14 **14. COUNCIL REPORTS:**

16 **Councilmember Hoyt** – Councilmember Hoyt reported the Historic Preservation  
Commission is still missing one board member and to let him know of any potential  
18 names of those who may want to serve. He also attended the PG/Lindon Chamber of  
Commerce luncheon where Mayor Acerson gave the State of the City report and did a  
20 great job. He and the Mayor also attended the Marco’s Pizza ribbon cutting noting this is  
a good business to have in Lindon.

22 **Councilmember Broderick** – Councilmember Broderick reported he will be attending  
24 the upcoming North Union Irrigation Company board meeting. Mr. Cowie will follow up  
with Brad Jorgensen about the meeting.

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

28 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the Utah  
30 Valley Chamber of Commerce breakfast where they put together a legislative meeting to  
look at putting forth a public policy statement including some of the following items that  
32 were discussed: 1. Workforce Development 2. Transportation Infrastructure and  
Projected Growth in Utah County and 3. Education Funding. She noted they plan to  
34 finalize this document on January 25<sup>th</sup>.

36 **Councilmember Magleby**– Councilmember Magleby reported he had the opportunity to  
speak at the NOVA graduation at Lindon and Aspen Elementary schools with Officer  
38 Campbell and Chief Adams noting it is a great program. He also reported he will be  
attending his first North Point meeting this Monday where there will be a lot of issues  
40 addressed over the next few months.

42 **Mayor Acerson** – Mayor Acerson expressed his appreciation for the opportunity to  
participate and address the PG/Lindon Chamber of Commerce meeting. He would also  
44 encourage the Council to attend as many events as possible as it helps to extend our reach  
and develops relationships. He also reported a national storytelling speaker, Kim  
46 Whitecamp, will doing a free event at the Community Center on Monday January 22<sup>nd</sup> at  
7pm. This event is sponsored through the Parc Tax.

