

2 The Lindon City Council regularly scheduled meeting on **Monday, December 19, 2022,**
4 **at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Carolyn Lundberg, Mayor
Invocation: Daril Magleby, Councilmember
10 Pledge of Allegiance: Nate Church

12 **PRESENT** **EXCUSED**

Carolyn Lundberg, Mayor
14 Jake Hoyt, Councilmember
Van Broderick, Councilmember
16 Randi Powell, Councilmember
Mike Vanchiere, Councilmember
18 Daril Magleby, Councilmember
Adam Cowie, City Administrator
20 Mike Florence, Community Development Director
Mike Brower, Chief of Police
22 Kathy Moosman, City Recorder

24 1. **Call to Order/Roll Call** – The meeting was called to order at 6:30 p.m.

26 2. **Presentations and Announcements:**

28 a) Comments / Announcements from Mayor and Council members.
b) Employee Recognition Awards: Heather Hartman, Shelly Church, Lauren
30 Best were recognized for the quarterly employee recognition awards. Mr.
Cowie read some of the nice comments received from fellow co-workers. The
32 mayor and council congratulated and expressed their appreciation to these
valued employees.

34 3. **Open Session for Public Comment** – Mayor Lundberg called for any public
36 comment not listed as an agenda item.

38 Lindon resident, Lincoln Jacobs spoke on the approval for the memorial bench
near the Temple. He explained this will provide people places to stop to get off the path
40 to contemplate. He also suggested adding signage to various sections of the trail may be
considered. He also mentioned that Lindon City has the best council, staff and city
42 employees who work together as a team.

Lindon resident, Miss Funes addressed the council at this time. She stated she is
44 the sister of the Lindon City Youth Mayor, Melia Funes. She asked about having a dog
park near Oak Canyon Jr. High or Lindon City Park. She said she believes having a

2 designated spot would be safer for pets and also the pet owners. She then read some
beneficial reasons. Mayor Lundberg thanked her for the great information stating she will
4 pass it along to the Parks and Recreation Director. She added this has been something
that has been discussed and considered before. We have a parks master plan for the city
6 that talks about dog parks and she believes the council agrees there is a need there. The
Council will take this under advisement and keep looking for solutions.

8 10 **4. COUNCIL REPORTS:**

12 **Councilmember Hoyt** – Councilmember Hoyt reported all the Christmas events were
great and well attended. He stated the Parks and Recreation Dept. does a remarkable job
and he feels we are making our own mark on Christmas. He also spoke on the decision to
14 bring Lindon days booklet in house, noting Mr. Bateman will be coming to meet with the
council soon on this issue. He reported the Police Dept has been very busy with multiple
16 arrests at Home Depot and Walmart. He also attended the recent Nova graduation. He
Chief Brower spoke on distracted driving enforcement that are state funded opportunities
18 to have extra enforcement during the holidays. They will be out with 4- or 5-man teams
to focus on State Street to help cut back on distracted driving.

20 **Councilmember Vanchiere** – Councilmember Vanchiere reported on the great
22 Christmas decorations that are wonderful and lovely for the season. He also thanked the
Public Works Dept for the traffic calming devices that are all designated and marked.
24 He also reported Fence Specialists came to the Planning Commission meeting and
presented their plan that was approved in phases. The first phase will include the fence
26 and drainage portion. He noted Mr. Clyde has applied for the permit so we should see
some progress there. He also reported there is a change coming this year at the NPSWD
28 board. Bradley Gordon will be a board member and he brings a lot of experience. Dave
Shawcroft has left to serve a mission. A new attorney will also be coming on board;
30 things are going well there.

32 **Councilmember Magleby** – Councilmember Magleby reported on the 2024 centennial
celebration. In 2023 they are planning to organize, so if anyone is interested in
34 participating in organizing efforts to please let him know.

36 **Councilmember Powell** – Councilmember Powell reported the Christmas celebrations
were wonderful and thanked the Parks and Recreation Dept for their hard work over the
38 Holidays. She also spoke on scaling back on the lights at the park and being conservative
at this time. She also reported the Youth Council were sworn in and will be going to the
40 “Day at the Legislature” sponsored by the ULCT on the 18th of January. The Senior
Center had a great event for Christmas on the 15th. She expressed her thanks to her
42 fellow council members for the parameters in keeping citizens safe with the massage
ordinance to ensure residents and businesses in the city are safe.

2 **Councilmember Broderick** – Councilmember Broderick reported the events for
Christmas were fun and well received by Lindon citizens. He also mentioned that Phil
4 Brown, Chief Building Official is retiring after 35 years with the city. He expressed his
thanks to Mr. Brown and gave tribute to him for his many years of service.

6 **Mayor Lundberg** – Mayor Lundberg reported the PG/Lindon Chamber of Commerce
8 presented an award to Jiffy Lube in Lindon. She also reported she attended the recent
EdcUtah event with Mike Florence and Mary Barnes.

10 **5. Administrator's Report:** Mr. Cowie reported on the following items.

12 **Misc. Updates:**

- 14 • Next regular council meetings: January 3rd and January 17th (**both on**
TUESDAY's)
- 16 • January 2023 newsletter assignment (due last week of December): Mike
Vanchiere
- 18 • Employee Christmas Party - Tues., December 20th 6:00pm at Community Center.
- City offices closed Dec 23rd at noon; Dec 26th and Dec 27th; January 2nd
- 20 • Misc. Items.

22 **6. Approval of Minutes** – The minutes of the regular City Council meeting of
November 21, 2022 will be reviewed.

24 COUNCILMEMBER POWELL TO APPROVE THE MINUTES OF THE
26 REGULAR CITY COUNCIL MEETING OF NOVEMBER 21, 2022 AS PRESENTED.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
28 RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
30 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE
32 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER MAGLEBY	AYE

34 THE MOTION CARRIED UNANIMOUSLY.

36 **7. Consent Agenda Items** – The following consent agenda items were presented for
approval.

- 38 a) Updated Communities That Care (CTC) contract w/Utah County Health
40 Dept. The County is now providing two-years of payment before the City
is obligated to match any funds.
- 42 b) Employee Merit Increase mid-year evaluation. In the FY2022-23 budget
the City Council approved a merit increase for employees (based upon
44 employee performance) and in accordance with the adopted pay scale. The
merit increase will be effective January 1,2023. Per past practice, the City

2 evaluates mid-fiscal year budget constraints and economic indicators to
determine if recommended merit increases are still financially prudent.
4 Given an optimistic local economic outlook, strong revenues, and healthy
General Fund reserves the City Administration recommends the merit
6 increase be applied as approved in the budget.

8 COUNCILMEMBER MAGLEBY TO APPROVE THE CONSENT AGENDA
ITEMS AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE
10 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE
12 COUNCILMEMBER HOYT AYE
COUNCILMEMBER VANCHIERE AYE
14 COUNCILMEMBER POWELL AYE
COUNCILMEMBER MAGLEBY AYE
16 THE MOTION CARRIED UNANIMOUSLY.

18 **CURRENT BUSINESS**

20 **8. Review & Action: Bid Award for Janitorial Services.** The Council will review
and consider are commendation by Staff to award the city-wide janitorial bid to
22 RBM in the amount of \$110,956.11 annually.

24 Adam Cowie, City Administrator led this agenda item by stating Alex Roylance
sent out the RFP for multiple bids for janitorial services as we felt we needed to make a
26 change. RBM is located in Lindon and staff recommends approving the contract with
RBM in the amount of \$110,956.11 annually.

28 Mr. Roylance then spoke on the issues with the previous janitorial service noting
they addressed some of the issues with them but the issues were not resolved. He pointed
30 out the other bids seem too high to be competitive and he feels confident that RBM will
be a good choice for us, and will be an improvement over MBM.

32 Following some general discussion, the council was in agreement to award the bid
for janitorial services to RBM in the amount of \$110,956.11 as recommended by staff.

34 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

36
38 COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE BID AWARD
FOR JANITORIAL SERVICES TO RBM IN THE AMOUNT OF \$110,956.11
ANNUALLY AS PRESENTED. COUNCILMEMBER HOYT SECONDED THE
40 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE
42 COUNCILMEMBER HOYT AYE
COUNCILMEMBER VANCHIERE AYE
44 COUNCILMEMBER POWELL AYE
COUNCILMEMBER MAGLEBY AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **9. Review & Action: Bid Award for remodel of City Center office.** The Council
will review and consider a recommendation by Staff to award the construction
6 project bid to DB Contractors LLC in the amount of \$22,457.22. This project
entails remodeling one office and hallway space at the CityCenter.

8

10 Mr. Cowie led this discussion item by explaining the bid Award for remodel of
City Center office. He stated it is staff's recommendation to award the construction
project bid to DB Contractors LLC in the amount of \$22,457.22. He explained this
12 project entails remodeling one office and hallway space at the CityCenter.

14 Following some general discussion, the council was in agreement to approve this
request and to award the bid to DB Contractors LLC in the amount of \$22,457.22. as
recommended by staff.

16 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

18

COUNCILMEMBER POWELL MOVED TO APPROVE THE BID AWARD
20 FOR REMODEL OF CITY CENTER OFFICE CONSTRUCTION PROJECT BID TO
DB CONTRACTORS LLC IN THE AMOUNT OF \$22,457.22 AS PRESENTED.
22 COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

24 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
26 COUNCILMEMBER VANCHIERE AYE
COUNCILMEMBER POWELL AYE
28 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

30

32 **10. Public Hearing: Zoning Map Amendment – Approximately 860 W 200 S;
Ordinance #2022-20-O.** The Council will review a recommendation from the
Planning Commission to rezone a .166-acre parcel from R1-20 to LI, with intent
34 to include it in the overall Sunrise Warehouse Park development at approximately
860 W. 200 S. (Parcel ID#14:065:0221, 14:065:0218, 14:065:0213,14:065:0222,
36 14:065:0188).

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

42 Mary Barnes, Associate Planner led this agenda item by explaining this site was
previously approved for storage unit condominiums. The property has now been
44 purchased by a different developer who has proposed two office/warehouse buildings on
the site. She noted at the December 13th meeting, the planning commission granted site

2 plan and subdivision approval contingent upon City Council approval of the zone change.
The planning commission also recommended approval of the zone change. She pointed
4 out the city council is only reviewing the zone change portion of this development.

Ms. Barnes explained the applicant Ryan Litke (who is in attendance) is
6 proposing an industrial warehouse park with two warehouses at approximately 860 W.
200 S. In May 2016, the City Council approved a major subdivision for a 46-storage
8 unit commercial condominium plat on this property. In August 2021, the planning
commission recommended approval for 75 storage units to the City Council. In
10 September 2021, the City Council approved a major subdivision for 75 storage units, and
a rezone of the back portion of the property. Since 2021, the property has changed hands
12 to the current property owners, who have proposed two warehouses on the property.
Building 1 will be 55,353 sq ft, with 8 units with offices and warehouse space. Building 2
14 will be 13,405 sq ft, with 4 units with offices and warehouse space. This zone change
will consolidate the applicant's property and allow the construction of these warehouses.

Ms. Barnes stated the subject property for zone map amendment recommendation,
16 parcel ID #14:065:0222, is .166 acres, or 7229 sq ft. She noted it was a part of Robert
Nielsen's property (136 S 800 W) and was purchased by the previous storage unit
18 developer but was not part of the previous rezone. The applicant is requesting a re-zone,
20 to square off this development and consolidate all of the property into one lot. The
current zone is R1-20, and the proposed zone is LI. Proposed rezone area from R1-20 to
22 Light Industrial. Property rezoned from R1-20 to Light Industrial – September 2021.

Ms. Barnes stated the subject property has a Residential-Low designation in the
24 Land Use Map in the Lindon General Plan. With the upcoming general plan update early
next year, depending on the outcome of this zone change, this designation will be updated
26 to Mixed Commercial, which is what the rest of the property is. According to the General
Plan, the purpose for areas designated as Mixed Commercial is as follows: "This category
28 includes general commercial, low intensity light industrial, and research and business
use." The proposed general plan designation of Mixed Commercial would support a
30 rezone of the property from R1-20 to LI.

Ms. Barnes noted properties in the Light Industrial Zone follow the development
32 requirements in section 17.49 of the Lindon City Code. The purpose section of this
ordinance states the following: *"It shall be the purpose of the LI district to provide areas
34 in appropriate locations where light manufacturing, industrial processes and
warehousing not producing objectionable effects may be established, maintained, and
36 protected. The regulations of this district are designed to protect environmental quality of
the district and adjacent areas."*

Ms. Barnes further explained the Light Industrial Zoning ordinance requires that a
38 masonry or concrete fence seven feet high, be constructed and maintained along any
property line between a non-residential development and a residential use or a residential
40 zone. This fencing requirement will be completed with the approval of the site plan for
Sunrise Warehouse Park. The permitted and conditional uses for the Light Industrial
42 zone are designated in the standard land use table. She noted with the approval of the
minor subdivision, this lot will meet the minimum LI lot size of 1 acre, as it will be
44 consolidated with other parcels owned by the applicant.

2 Ms. Barnes noted Public Hearing Notices, required per Lindon City Code section
17.14, were mailed to properties within 800 feet and to each affected entity. The zone
4 map amendment notice was also published on the State Public Notice and city websites,
also posted at Lindon City Hall, Public Safety, and Community Center buildings.

6 Ms. Barnes indicated the previously approved storage units brought up neighbor,
concerns of possible residences in the storage units. This property is a difficult piece to
8 develop, but putting two warehouses on the property will ensure that there are no illegal
residences, and that this otherwise empty land has investment put into it. This proposal
10 will probably have less potential impact on the neighborhood and will benefit the city by
providing additional employment opportunities. City staff believes that the zone change
12 is appropriate, because it will allow this better use that will bring more businesses into
Lindon, generate more tax for the City, and clean up a site that has been empty for years.

14 Ms. Barnes then presented an Aerial Photo, Ordinance, Site Plan, Landscaping
Plan, Building Elevations and Aerial Photo followed by discussion.

16 Mayor Lundberg called for any further public comments. Hearing none she called
for motion to close the public hearing.

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

22 Following some additional discussion including increased traffic, access issues
24 and history of the property, the Council was in agreement this is a unique piece and will
consolidate and clean this up, and were in agreement to approve this request for a Zone
26 Map Amendment as presented by staff.

28 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

30 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE
2022-20-O TO AMEND THE LINDON CITY ZONING MAP FROM RESIDENTIAL
32 (R1-20) TO LIGHT INDUSTRIAL (LI) AT APPROXIMATELY 860 WEST 200
SOUTH WITH PARCEL NUMBER 14:065:0222 AS PRESENTED.

34 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

36 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
38 COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER POWELL	AYE
40 COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

42
44 **11. Conditional Use Permit – Cell Tower at 490 N. State Street.** The Council will
review a proposal by Atlas Tower for a new 100' cell tower (stealth designed as
evergreen tree) on Alpine School District property at approximately 490 N State

2 St.

4 Ms. Barnes also led this agenda item by stating Atlas Tower is proposing a new
6 100' stealth cell tower on Alpine School District property at approximately 490 N State
8 St. After reviewing Title 5.07, staff has determined that cell towers must go through a
conditional use permit process with the City Council and receive a waiver in order to be
constructed on school district property.

10 Ms. Barnes indicated that Atlas Tower has submitted an application to construct a
new 100' cell tower at 490 N State St., on Alpine School District Property. She also
12 explained that Title 5.07 governs telecommunication facilities in Lindon City. She also
reviewed the goal of this ordinance. She explained that Title 5.07 requires all cell towers
14 to locate on city property as a first priority, and then school district property as a
secondary priority. The applicant is requesting a waiver to the city property requirement,
and the applicant has provided technological evidence to show why they cannot locate
16 this tower on any surrounding city property. She noted this cell tower is tall enough to
allow three levels of antenna to co-locate, which will decrease the number of future
18 towers in the city. Lindon already has 4 cell towers in the city with differing heights as
follows:

- 20 a) Cell Tower at 1820 W 200 S (near transfer station), 100' tall. Originally approved
through CUP in 1996.
- 22 b) Cell Tower at approx. 775 E. 200 S. (near Oak Canyon Junior High), 93' tall.
Originally approved through CUP in 2000 as an 80' tower. Height was increased
24 through amended CUP in 2019.
- 26 c) Cell Tower at 50 W. 60 N. (near community center), 98' tall. Originally approved
through CUP in 2001 as a 70' tower. Height was increased through amended
CUP.
- 28 d) Cell Tower at 944 W Center St (near public works), 100' tall. Originally approved
though CUP in 2005.

30 Ms. Barnes commented that City code 5.07 encourages the co-location of
32 antennas over adding new antennas within the City. T-Mobile will be the first antenna
array to locate on this tower. She stated notices were mailed on December 9, 2022 to
34 adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third
Party Notice. Staff has received no public comment back at this time.

36 Ms. Barnes stated Title 5.07.050 also outlines the site selection criteria for a cell
tower development company, and the site selection criteria for the City. She then
38 referenced the city standards that are required for new cell towers noting all requirements
are met.

40 Ms. Barnes also referenced the following that shows the order of priorities for
locating new communications facilities, according to Title 5.07.060:

- 42 1. Place antennas and stealth towers on city property in the LI, HI, and CG zone.
This is the highest priority whenever feasible. The City Council may waive the
44 requirements of this subsection to allow antennas and towers to be placed on
school district property. If based on technological or engineering data provided by

- 2 the applicant, the City Council determines the location of telecommunication
towers or antenna support structures on city or school district property is not
4 feasible or practicable as required by this subsection, then the priorities set forth
in the following subsections C through E, shall apply.
- 6 2. At the discretion of the City Council, place antennas and towers on school district
property in the MU and R&B zones
- 8 3. Place antennas and towers on other private non-residential property
4. Place antennas and towers in residential districts

10 Ms. Barnes stated, according to the applicant, a 100' tower is needed in this area
12 to help off-load traffic from the neighboring sites. This site is optimal because it's within
a high traffic area that is outlined in the "Site Selection Justification" exhibit. Within this
14 high traffic area, there is no available city property. She noted the applicant did identify
surrounding city property and provide technological justification as to why the tower
16 cannot be located on the properties. These properties include the following:

- Fryer Park. This park is about .51 miles to the east of the proposed site, and not
18 within the required high traffic area.
- The cemetery overflow (Lindon City #1). The overflow is about .6 miles to the
20 east of the proposed site, and not within the required high traffic area.
- Lindon Cemetery (Lindon City #2). The cemetery is about .67 miles to the east of
22 the proposed site, and not within the required high traffic area.
- Lindon City Park and Aquatics Center. This area is about .41 miles south of the
24 proposed site, and it is too close to the existing cell tower (50 W 60 N).
Additionally, it is out of the required high traffic area.

26 Ms. Barnes stated city code allows the City Council to waive the requirement to
28 place a tower on city property or to allow the tower to be placed on school district
property. Therefore, the applicant has requested a waiver to be able to place the tower on
30 school district property at 490 N State Street.

Ms. Barnes noted the second priority talks about school district property in the
32 MU and R&B zones. At the time of this staff report, there are no MU zones within the
city. The Research and Business zone is located in the southwestern corner of Lindon,
34 where the Canopy Business Park is. She noted this area is not within the required high
traffic area, which the applicant has identified as being along State St between 500 N and
36 700 N. Additionally, the school district does not own any property in this zone.

Ms. Barnes stated the applicant is requesting Council approval for placing a tower
38 with antennas on other private non-residential property, which is the third priority.

40 **Co-Location – 5.07.070**

Title 5.07 requires that every new tower within Lindon City provides space for co-
42 location, or for locating multiple antennas on one tower. This is to ensure that there is not
an abundance of towers within Lindon City, with separate antennas on each. To meet this
44 goal, it is required that all new towers shall be designed to accommodate antenna for
more than 1 user. The proposed tower has three (3) spaces for antenna, for three different

telecommunications providers. Additionally, a new tower at or over 100' must have a site plan that delineates at least two areas at the base of the tower for additional equipment buildings for the use of others. The proposed tower site has three (3) areas for other users.

Ms. Barnes note the proposed tower meets all co-location requirements. Ms. Barnes also went over the Design Criteria and Landscaping Standards noting all requirements are met.

Ms. Barnes stated Title 5.07.130 outlines the application requirements, which are as follows:

1. A scaled site plan (provided on exhibits named "Site Plan" and "Larger Area Site Plan")
2. A current map and aerial (provided)
3. A legal description of the parcel (provided)
4. Approximate distance from residential areas, nearest residential unit, or platted residential properties (provided on exhibit named "Supplementary Narrative")
5. A landscape plan showing landscape materials (provided on exhibit named "Landscape Plan")
6. Method of fencing (provided on exhibit named "Site Plan").
7. A notarized letter stating the tower will comply with all EIA standards and applicable federal and state laws and the City Code (provided on exhibit named "Notarized Compliance Letter").
8. A statement as to whether the tower will accommodate co-location (provided on exhibit named "Co-Location Letter").
9. Certification that the antenna usage will not interfere with other neighboring transmission functions (provided on exhibit named "Site Selection Justification")
10. Proof of lease agreements with an FCC licensed provider (provided to staff).

Ms. Barnes indicated that Atlas Tower has provided an analysis to show this tower is needed to help offload traffic from neighboring sites, and that this is the only viable location to fulfill that need. The surrounding city properties are not viable, according to the information that has been provided. The tower has been placed in an area that is 300' away from the closest residential use. According to the Fall Radius Letter, the fall radius will not affect existing structures in the event of high wind or seismic pressure. Falling ice will also not affect existing structures. To minimize the visual impact of the tower, the applicant has provided a landscaping plan that meets the requirements of the 5.07 ordinance. The tower will be a faux evergreen tree, to fulfill the stealth tower requirement in our code. The definition of stealth according to 5.07.020 is as follows:

- "Tower (Stealth)" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas in a manner that shall be camouflaging and constructed in a manner to avoid detection as a cell tower (i.e., flagpole, tree, etc.)

Ms. Barnes pointed out that other cell towers in Lindon have been approved as flagpoles, or have been approved with no stealth configurations at all. According to the code, all new towers must be stealth towers, unless the applicant justifies to the council,

2 in its sole discretion, that a stealth tower is not feasible. She stated it is up to the
Council's discretion to decide what stealth tower means in this instance.

4 Ms. Barnes commented that this tower will meet a growing need for towers in the
area, as explained by the Site Selection Justification document. She added the applicant
6 has provided three spaces on the tower for three service providers, which meets co-
location requirements and meets the requirement to promote co-location on new towers.
8 This will reduce the number of cell towers in this area in the future. She concluded by
stating the applicant has provided all the necessary documents to show that this tower
10 will meet the requirements found in Title 5.07.

Ms. Barnes then presented an Aerial photo of the site and surrounding area, Site
12 Selection Justification, Larger Area Site Plan, Site Plan, Tower Elevation, Co-Location
Letter, Engineer's Letter, Fall Radius Letter, Notarized Compliance Letter, Landscape
14 Plan, Supplementary Narrative, and the Provo Stealth Tower Image followed by some
general discussion.

16 The applicant's then spoke on the benefits to the community and the project itself
noting the tree option does increase the costs and they are more discreet as the technology
18 improves; this is a good location.

Mayor Lundberg called for any public comments at this time. Several residents
20 were in attendance to address the council as follows:

22 **JoAnn Martin:** Ms. Martin expressed her concerns with the tower as you shouldn't live
within 1,300 ft. of a cell tower for health risk issues including increase with headaches,
24 memory loss, cardiovascular issues etc. Also, there are real estate issues with the de-
valuation of property that are great concerns for her and her neighbors on her street.

26 **Cindy Packer:** Ms. Packer asked if this tower would have any interference with cable or
internet? Mr. Powers clarified that it would not interfere as each commercial user is
28 required to stay within their lane and use only their licensed frequency from the FAA.

30 **Mr. Martin:** Mr. Martin asked if the tower could be moved closer to state street so it is
further from residential. He also asked if Lindon would get any revenue from this tower.
32 Mayor Lundberg said it would go to the Alpine School District as it is their property.

34 Mr. Powers stated they have complied with the code and have worked closely
36 with staff and the school district. They have brought a project that meets the code and all
requirements to be approved. This will provide benefits and many uses into the future
38 including emergency services with this type of infrastructure. The capacity issues are not
great in this area and they have studied this for a long time; this is the only viable area.
40 He added they are willing to work on the aesthetic portion and can come back with a
different design if denied; they are requesting a vote on this specific proposal. A stealth
42 tree in this location makes the most sense and they would be planting additional trees
(pinion pines).

44 Mr. Cowie expressed his concern that this would become a landmark in Lindon as
the "fake cell tower" in Lindon City. Brian Haws, City Attorney gave his interpretation

2 on this issue. He stated if you look at the definition, he believes the definition shows the
4 focus is there and allows the council discretion to decide on the stealthing; we are not
6 forced to accept any specific type in the city to help avoid detection. He also pointed out
in the city code we specifically and expressly require them to comply and follow all FCC
standards.

Following some additional discussion, the majority of the council was in
agreement to approve this conditional use permit for a cell tower located at 490 North
State Street as presented by staff.

Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT FOR A 100' CELL TOWER AT 490
NORTH STATE ST, LINDON, WITH THE FOLLOWING CONDITIONS: 1. THE
TOWER IS PERMITTED TO LOCATE ON SCHOOL DISTRICT PROPERTY AT
APPROXIMATELY 490 N. STATE AS IDENTIFIED ON THE SITE PLAN; 2. AS
PER TITLE 5.07.100, EACH YEAR AFTER A FACILITY BECOMES
OPERATIONAL, THE FACILITY OPERATOR SHALL CONDUCT A SAFETY
INSPECTION IN ACCORDANCE WITH EIA AND FCC STANDARDS AND FILE A
REPORT WITH THE CITY ADMINISTRATOR WITHIN 60 DAYS OF THE
INSPECTION; 3. THE SITE WILL CONSIST OF ONE TOWER WITH A MAXIMUM
HEIGHT OF 100'. THE COLOR WILL BE ENVIRONMENTALLY COMPATIBLE
AND BLEND WITH THE SKYLINE. THE LANDSCAPING WILL INCORPORATE
THE LANDSCAPING REQUIREMENTS FOUND IN 5.07.110; 4. THE APPLICANT
WILL SUBMIT FULL STRUCTURAL ENGINEERING PLANS TO BE APPROVED
BY THE CITY AS PART OF THE BUILDING PERMIT APPROVAL; 5. ALL ITEMS
OF THE STAFF REPORT. COUNCILMEMBER BRODERICK SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	NAY
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED FOUR TO ONE.

Councilmember Hoyt stated he is opposed because he doesn't want the "fake
tree" portion. This is a main commercial corridor and he worries what could be there
eventually if the Alpine School District were to sell it in the future.

12. Closed Executive Session — The City Council will enter into a closed executive
session to discuss the potential purchase or sale of real property per Utah State
Code 52-4-205. This session is closed to the public.

2 COUNCILMEMBER BRODERICK MOVED TO MOVE INTO A CLOSED
EXECUTIVE SESSION REPORT. COUNCILMEMBER POWELL SECONDED THE
4 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE
6 COUNCILMEMBER HOYT AYE
COUNCILMEMBER POWELL AYE
8 COUNCILMEMBER VANCHIERE AYE
COUNCILMEMBER MAGLEBY AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE CLOSED
EXECUTIVE SESSION AND RESUME THE REGULAR CITY COUNCIL
14 MEETING. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
18 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
20 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY.

22 Mayor Lundberg called for any further discussion or comments from the Council.
24 Hearing none she called for a motion to adjourn.

26 **Adjourn** –

28 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 9:38 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
30 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – January 17, 2023

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Kathryn A. Moosman, City Recorder

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Carolyn O. Lundberg, Mayor