

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 2,**
4 **2018 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: Hyrum

10 Invocation: Jeff Acerson

12 **PRESENT**

Jeff Acerson, Mayor

14 Matt Bean, Councilmember

Van Broderick, Councilmember

16 Jacob Hoyt, Councilmember

Daril Magleby, Councilmember

18 Adam Cowie, City Administrator

Hugh Van Wagenen, Planning Director

20 Kathryn Moosman, City Recorder

EXCUSED

Carolyn Lundberg, Councilmember

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

24 2. **Presentations/Announcements** –

26 a) **Mayor/Council Comments** – There were no announcements at this time.

28 b) **Oath of Office Ceremony:** Recently elected Mayor, Jeff Acerson, and
Councilmember Van Broderick, Councilmember Jacob Hoyt, and
Councilmember elect Daril Magleby were sworn-into office. The Oath was
30 administered by City Recorder, Kathryn Moosman. Mayor Acerson and
Councilmember Broderick and Councilmember Hoyt will serve 4-year terms
in office. Councilmember Magleby is serving a 2-year term of office.

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34 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of December 19, 2017 were reviewed.

36 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 19, 2017 AS
38 PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER BEAN AYE

COUNCILMEMBER HOYT AYE

42 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER MAGLEBY AYE

44 THE MOTION CARRIED UNANIMOUSLY.

46 4. **Consent Agenda** – No items.

2 5. **Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item.

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Meeting attendee, Randi Powell voiced her opinion on Agenda item #10
(Consideration of Offer on Sale of Real Property). Ms. Powell restated her opinion that
she is opposed to allowing the development of storage units at the Geneva park property.

8

CURRENT BUSINESS

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6. **Review & Action — Mayor pro tem & Councilmember assignments (Res.
#2018-1-R)** This is a request by Mayor Acerson for the Council’s consent to the
appointments of the 2018 Mayor pro tem and other Councilmember liaison duties
and appointments as assigned by the Mayor, including appointment of all Council
members as Board members of the Lindon City Redevelopment Agency (RDA).
The Mayor pro tem appointment will rotate quarterly among City Council
members as listed in Resolution #2018-1-R.

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Adam Cowie, City Administrator, led this agenda item stating this is a request by
Mayor Acerson for the Council’s consent to the appointments of the 2018 Mayor pro tem
and other Councilmember liaison duties and appointments as assigned by the Mayor,
including appointment of all Council members as Board members of the Lindon City
Redevelopment Agency (RDA). He noted the Mayor pro tem appointment will rotate
quarterly among City Council members as listed in Resolution #2018-1-R. He then
referenced the Resolution for details. He explained this list is put together every year and
the Mayor has reviewed it and Daril Magleby has been put in place of Dustin Sweeten’s
assignments and Healthy Lindon has been removed.

28

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

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COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
#2018-1-R APPROVING CALENDAR YEAR 2018 MAYOR PRO TEM AND
COUNCILMEMBER LIAISON ASSIGNMENTS AND APPOINTMENTS TO THE
RDA BOARD. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

36

COUNCILMEMBER BEAN AYE

37

COUNCILMEMBER BRODERICK AYE

38

COUNCILMEMBER HOYT AYE

39

COUNCILMEMBER MAGLEBY AYE

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THE MOTION CARRIED UNANIMOUSLY.

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7. **Review & Action — North Pointe Solid Waste Special Service District
Appointment (Resolution #2018-2-R).** Lindon City Council will review and
consider the recommendation of Mayor Acerson to appoint Councilmember Daril
Magleby as the Lindon City voting representative on the North Pointe Solid
Waste Special Service District.

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2 Mr. Cowie stated the Lindon City Council will review and consider the
3 recommendation of Mayor Acerson to appoint Councilmember Daril Magleby as the
4 Lindon City voting representative on the North Pointe Solid Waste Special Service
5 District. He then referenced Resolution #2018-2-R outlining the appointment of
6 Councilmember Daril Magleby to the North Pointe Board of Directors to vote on behalf
7 of Lindon City. He noted Daril Magleby is replacing Dustin Sweeten on the Board.

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

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11 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2018-2-
12 R APPOINTING COUNCILMEMBER DARIL MAGLEBY TO THE NORTH POINTE
13 SOLID WASTE SPECIAL SERVICE DISTRICT BOARD OF DIRECTORS.

14 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
15 RECORDED AS FOLLOWS:

16 COUNCILMEMBER BEAN AYE

17 COUNCILMEMBER BRODERICK AYE

18 COUNCILMEMBER HOYT AYE

19 COUNCILMEMBER MAGLEBY AYE

20 THE MOTION CARRIED UNANIMOUSLY.

- 21
22 **8. Public Hearing — Development Manual Updates for Pressure Irrigation**
23 **Meters; Ordinance #2018-1-O.** The Council will consider new specifications for
24 installation of Pressure Irrigation meters to be included in the Land Development
25 Policies, Standard Specifications and Drawings (Development Manual).

26
27 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
28 HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
29 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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31 Mr. Cowie gave an overview of this agenda item stating the Council will consider
32 new specifications for installation of Pressure Irrigation meters to be included in the Land
33 Development Policies, Standard Specifications and Drawings (Development Manual). He
34 then referenced the materials that are requested by our City Engineers to be adopted by
35 the Council and included in the Development Manual. He noted new subdivisions in the
36 Anderson Farms development (Ivory Homes project) are required by the Development
37 Agreement to install meters on secondary water connections.

38 Mr. Cowie further explained the details and specifications outline the information
39 needed by a contractor so the correct components will be installed and proper
40 connections made. Once piped connections are installed and a meter box is set by the
41 contractor the city Water Division will then install the pressure irrigation meter. All water
42 meters (both culinary and secondary) are installed only by City employees to ensure
43 proper installation and that no tampering has occurred. The base rate and usage fees for
44 the pressure irrigation metering and the ground water pumping system in the Anderson
45 Farms Development are being finalized by the City Engineers. He noted staff anticipates
46 these recommended fees will be brought forward to the Council soon for review and

2 adoption. He pointed out the Development Manual contains all the submittal
4 requirements, construction specifications and plan details that are required for
development plans and project improvements in Lindon.

The information from City Engineer Noah Gordon was presented as follows:

- 6 • 18 - SINGLE SERVICE CONNECTION FOR PRESSURE IRRIGATION
- 18a - DOUBLE SERVICE CONNECTION FOR PRESSURE IRRIGATION
- 8 • 19 - METER AND LINESETTER DETAIL FOR PRESSURE IRRIGATION

10 **Reason for change to detail(s)**

The details have added a meter for pressure irrigation. Previously, Lindon City has not
12 metered pressure irrigation use due primarily because the meters used for potable
(culinary) water were not suitable for metering “dirty” pressure irrigation water.
14 Advances in technology have now made it possible for cost effective metering of
pressure irrigation. The Anderson Farms development is the only area of the City that is
16 presently planned for the pressure irrigation system to be metered, but it is anticipated
that the State will eventually require that all pressure irrigation use be metered, similar to
18 how it is currently required for culinary use, in order to promote water conservation. The
proposed detail, therefore, will be used for all new installations, but in areas outside of
20 the Anderson Farms development a “jumper” will be installed in place of the meter.

22 **Reason that detail(s) need to be adopted by City Council**

The State’s Land Use, Development, and Management Act (LUDMA) has recently
24 redefined portions of what constitutes a “Land use regulation” to include specifications
that govern the use or development of land (section 10-9a-103) and that “Only a
26 legislative body may enact a land use regulation” and this may only be done by ordinance
(section 10-9a-501). (Copies of these portions of the State Code are found below.)
28 Therefore, while in the past changes to the City’s standards, specifications, and
associated standard drawings were able to be approved by the DRC, they must now be
30 approved by the City Council.

32 ***Mr. Gordon referenced the applicable State Code Sections as follows:*** (Effective
5/9/2017)

34 10-9a-103. Definitions.

As used in this chapter:

36 (29) "Land use regulation":

38 a) means an ordinance, law, code, map, resolution, specification, fee, or rule that
governs the use or development of land; and

b) does not include:

40 (i) a general plan;

42 (ii) a land use decision of the legislative body acting as the land use authority,
even if the decision is expressed in a resolution or ordinance; or

44 (iii) a temporary revision to an engineering specification that does not
materially:

46 (A) increase a land use applicant's cost of development compared to the
existing specification; or

- 2 (B) impact a land use applicant's use of land.
Effective 5/9/2017
- 4 10-9a-501. Enactment of land use regulation.
1. Only a legislative body may enact a land use regulation.
 - 6 2. (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.
 - 8 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.
 - 10 3. A land use regulation shall be consistent with the purposes set forth in this chapter.

12 **Financial Impact**

14 It is estimated that the proposed changes to the PI service standard will increase the cost for each PI service by approximately \$300, as follows:
\$150 = developer cost (setter, fittings, etc.)
16 \$150 = City cost (meter, radio, etc.)

18 Mr. Gordon stated it should be noted that the City's cost will only be incurred for those services where a meter is installed (i.e. Anderson Farms development for now).
20 The City does not currently charge a hookup fee for PI. He stated the City Council may want to consider charging a hookup fee, especially for those areas where meters are to be installed to cover the cost of the meter, installation labor, and administrative costs. There was then some general discussion by the council regarding the information presented.

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

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

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

34 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE ADDITION OF THE SPECIFICATIONS AND STANDARD DRAWINGS FOR INSTALLATION OF PRESSURE IRRIGATION METERS FOR THE SECONDARY WATER SYSTEM AS PRESENTED. COUNCILMEMBER MAGLEBY SECONDED THE MOTION.

38 THE VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
42 COUNCILMEMBER MAGLEBY AYE

44 THE MOTION CARRIED UNANIMOUSLY.

- 46 9. **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

2 of real property per Utah Code 52-4-205. This session is closed to the general
public.

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COUNCILMEMBER HOYT MADE A MOTION TO MOVE INTO A CLOSED
6 SESSION FOR THE PURPOSE OF DISCUSSING THE POTENTIAL SALE OF REAL
PROPERTY PER UTAH CODE 52-4-205. COUNCILMEMBER BEAN
8 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE

10 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

12 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14

COUNCILMEMBER MAGLEBY MADE A MOTION TO CLOSE THE
16 CLOSED EXECUTIVE SESSION AND MOVE INTO THE REGULAR SESSION.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
18 VOTED IN FAVOR. THE MOTION CARRIED WITH ONE ABSENT.

20 **10. Public Hearing — Consideration of Offer on Sale of Real Property;**

Resolution #2018-3-R. Lindon City Council will review and consider an offer
22 received on nine acres of surplus real property located at approximately 2100
West 600 South, Lindon (portion of Utah County Parcel ID #17:023:0012). The
24 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 Council as surplus real
26 property through Resolution #2017-15-R.

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

32 Mr. Cowie gave an overview of this agenda item stating the City Council will
accept public comment on and consider an offer received from “Garlington Development
34 LLC and/or assigns” for purchase of real property owned by the City and declared as
surplus in June of 2017. The listed asking price on the nine-acre parcel is \$4.75 per
36 square foot. The buyers offering price is \$1,822,986 as calculated at \$4.65 / sq. ft. of
deeded land, and will be further verified by an A.L.T.A. survey and net of any
38 jurisdictional wetlands. He noted Jared Hunt, Realtor, is participating through a
conference call for this item to answer any questions.

40 Mr. Cowie explained the purchase offer is also conditioned upon the City
Council’s review of a proposed site plan and changing the zoning of the parcel to Light
42 Industrial. The buyers have indicated preliminary intent to build storage units on the
property. He noted background information and dates of some more recent public
44 meetings and public hearings regarding the disposal of this property is outlined in the
Resolution #2018-3-R. He pointed out the City Council has already declared the land as

2 surplus real property and, having an offer near the listing price in hand, is now ready to
3 accept public comment on the offer and sale.

4 Following some general discussion, the majority of the Council reaffirmed that
5 they felt selling the east 9 acres of the property was still in the best interest of the city.
6 Mr. Cowie made note that the property be divided by deed or other instrument because it
7 is anticipated that the property could be developed or subdivided further.

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

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

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

15 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION 2018-3-R
16 PROPOSING A COUNTER OFFER ON THE PURCHASE OFFER BY
17 GARLINGTON DEVELOPMENT LLC WITH THE FOLLOWING
18 CHANGES:1.THAT THE SETTLEMENT DEADLINE BE CHANGED TO JUNE 1,
19 2018 AND 2. THE ERNEST MONEY DEPOSIT BE INCREASED TO \$75,000 AND
20 3. THE NON REFUNDABLE DEADLINES BEING SET AT MARCH 1ST FOR THE
21 FIRST \$25K , APRIL 1ST AN ADDITIONAL \$25K AND AGAIN ON MAY 1ST WITH
22 THE CLOSING ON JUNE 1ST AND 3. THAT THE PROPERTY BE DIVIDED BY
23 DEED OR OTHER INSTRUMENT BECAUSE IT IS ANTICIPATED THAT THE
24 PROPERTY COULD BE DEVELOPED OR SUBDIVIDED FURTHER.

25 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
26 RECORDED AS FOLLOWS:

27 COUNCILMEMBER BEAN AYE
28 COUNCILMEMBER BRODERICK AYE
29 COUNCILMEMBER HOYT AYE
30 COUNCILMEMBER MAGLEBY NAY

31 THE MOTION CARRIED THREE TO ONE.

32 Councilmember Magleby explained his nay vote stating he feels he doesn't have
33 enough information to make a decision to go forward. He stated he feels holding on to the
34 land for a longer period of time would pay off in the future with increased land values
35 over time. He understands the motive of the sale is to reduce the debt on the Public Safety
36 Building and it was a good goal, but not something that should be driving the sale of the
37 land at this time and he feels it is not in the best interest of the city.

42 COUNCIL REPORTS:

43 **Councilmember Hoyt** – Councilmember Hoyt had nothing to report at this time.

2 **Councilmember Broderick** – Councilmember Broderick reported on some property to
watch and be aware of located at 4th North and 200 East in case the city is interested in
4 expanding the park located by the property. Mr. Cowie suggested having this an agenda
item to review the parks master plan; maybe at the retreat. He also reported the employee
6 Christmas party was fun and well attended and he thanked staff and all employees for all
their hard work.

8
10 **Councilmember Bean** – Councilmember Bean reported he appreciates Chief Adams for
obtaining the grants. He also thanked the Police Department for all their efforts. He also
12 reported Bob Wily may be leaving the Planning Commission as he has made an offer on
a home outside of Lindon.

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

16 **Councilmember Magleby**– Councilmember Magleby reported he received an email
about the money awarded to the Police Department where the program is seeking a 50/50
18 match for the vests. He then asked Chief Adams to speak on the grant. Chief Adams
pointed out they currently have great equipment but they are now ahead of the curve. He
20 noted the State Dept. of Alcohol gave grants to get good camera systems which is a hot
issue all over the country. He pointed out the body worn camera system money will help
22 offset costs and buy better dash cam systems which will be much more efficient.
Councilmember Magleby also reported he had the opportunity to tour all city facilities
24 with Mr. Cowie which was beneficial.

26 **Mayor Acerson** – Mayor Acerson reported he has received some emails on animal issues
at the shelter. He noted the director handles his job very well at the animal shelter.

28
30 11. **Administrator’s Report:** Mr. Cowie reported on the following items followed by
discussion.

32 **Misc. Updates:**

- 34 • December newsletter
- 34 • January newsletter article: Carolyn Lundberg - Article due to Kathy Moosman
last week in December
- 36 • Elected officials training – January 6th at ULGT office in North Salt Lake
- 38 • Misc. Items

40 **Upcoming Meetings & Events:**

- 40 • Dec 25th – 26th – City offices closed for Christmas Holiday
- 42 • January 1st – City offices closed for New Years
- 42 • January 2nd 7:00 pm – Swearing-in of elected officials at regularly scheduled
Council meeting
- 44 • January 16th at 6:00 pm – tour of new sewer lift station (prior to Council meeting)
- January 24th – Christmas tree curb-side pick-up. Dumpster will also be available

2 at the Aquatics Center Parking lot from Jan 3rd through end of the month (for
trees only! No garbage).

- 4 • Received offer on basement. They have requested some minor renovations.

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

8

Adjourn –

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COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
12 AT 8:25 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – January 16, 2018

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor

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