

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 20,**
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: Matt Bean, Mayor Pro Tem
Pledge of Allegiance: Daril Magleby
10 Invocation: Matt Bean

12 **PRESENT**

Matt Bean, Councilmember
14 Carolyn Lundberg, Councilmember
Van Broderick, Councilmember
16 Jacob Hoyt, Councilmember
Daril Magleby, Councilmember
18 Adam Cowie, City Administrator
Hugh Van Wagenen, Planning Director
20 Brandon Snyder, Associate Planner
Kathryn Moosman, City Recorder

EXCUSED

Jeff Acerson, Mayor

- 22
- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
 - 26 2. **Presentations/Announcements** –
a) **Mayor/Council Comments** – There were no announcements at this time.
 - 28 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
30 meeting of February 6, 2018 and February 20, 2018 and the Budget Kick-off
meeting from February 8th were reviewed.
 - 32 4. **Consent Agenda** – No items.
 - 34 5. **Open Session for Public Comment** – Mayor Pro Tem Bean called for any public
comment not listed as an agenda item. There were no public comments.

36

CURRENT BUSINESS

38

- 40 6. **Public Hearing — 2017-18 Budget Amendment; Resolution 2018-6-R.** The
City Council will review and consider Resolution #2018-6-R containing
42 recommended amendments to the 2017-18 budget. The City typically updates the
budget on a quarterly basis. Lindon City Finance Director, Kristen Colson, will
44 present the proposed amendments for consideration.

44

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

2 Adam Cowie, City Administrator led this discussion by stating this is the
quarterly budget amendment on the 2017-18 fiscal year budget. He noted the Finance
4 Director, Kristen Colson, will be presenting the changes. He mentioned one item that was
listed on the set of changes dealing with the CDA pointing out that, technically, it should
6 be advertised under the RDA amendment, so they will properly advertise it in the paper
as a public hearing and bring it back in two weeks. He then turned the time over to Ms.
8 Colson for her presentation.

10 **Ms. Colson then presented the Budget Amendment Notes (changes) as follows:**

- 12 1. The Utah County Recreation Grant was budgeted in the Recreation Fund for
14 \$5,450. It was used to help pay for picnic tables which were purchased in the
General Fund so the grant revenue needs to be moved to the General Fund as
16 well. The amount of the grant was actually \$5,705. The cost of the picnic tables
was \$6,580 and needs to be added to the Parks Purchase of Equipment budget
(GL# 10-64-675).
- 18 2. The City Council Salaries and Wages budget needs to increase \$400 for the tech
allowance given to Daril Magleby as a new Council Member.
- 20 3. Move \$3,000 of the \$4,000 budget for a management intern to police so that they
can pay their intern.
- 22 4. Increase Government Buildings budget for Professional Services by \$8,830 to
cover the realtor costs for renting the basement.
- 24 5. Public Works is purchasing 13 safety jackets with Lindon logos in Streets, PW
Admin, Water, Sewer and Storm Water departments. Jackets are also being
26 purchased for Community Center staff.
- 28 6. The Streets department is adding radios and equipment for the snow plow trucks
for \$4,075 and purchasing speed monitoring equipment and laptop for \$6,000.
- 30 7. There were multiple items budgeted in the Parks Purchase of Capital Assets
which are not actually capital assets, but equipment purchases so \$12,315 is being
32 moved from 10-64-740 to 10-64-675.
- 34 8. The Planning department budget for a new vehicle needs to increase \$1,115 to
cover the actual cost.
- 36 9. The 700 N CDA did not have a budget in this current fiscal year. With the receipt
of CDA tax increment, the CDA will reimburse the Road Fund for \$41,810 in
38 expenses incurred to establish the CDA. Additionally, the Road Fund has received
payments from developers to reimburse the City for road work.
- 40 10. The State Street RDA tax increment for the current tax year came in above budget
while the tax increment collected for prior tax years came in below budget. The
42 net difference is still \$11,925 in extra revenue.
- 44 11. The PARC Tax is transferring \$56,755 to cover repairs for the flow rider pump
(\$30,700) and to refurbish the water slides (\$26,055).
- 46 12. The installation of the playground at Lindon View Park was postponed from last
fiscal year.
13. The first interest payment for the 2017 sewer bond which just closed in December
will be due at the end of this fiscal year.
14. Vineyard City is billing for water usage in the Lindon Hollow and they billed for
usage back to the 2014 fiscal year.

2 15. The changes in revenues and expenses are balanced and offset by changes in the
4 use of, or appropriation to, fund balances.

6 Ms. Colson also made note that effective March 1, 2018, all new residential utility
8 customers will be signed up for a recycling can unless they opt OUT of recycling when
10 signing a utility application. Currently, customers need to “opt in” by requesting a
12 recycling can. She noted this change will not affect current residential utility customers.
Mr. Cowie stated they will anticipate the RDA discussion in 2 weeks and as far as
additional budget amendments they will be at the first meeting in April.

12 Mayor Pro Tem Bean called for any public comments. Hearing none he called for
14 a motion to close the public hearing.

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

18 Mayor Pro Tem Bean called for any comments or discussion from the Council.
20 Hearing none he called for a motion.

22 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION
2018-6-R FOR AMENDMENTS TO THE 2017-18 CITY BUDGET.
COUNCILMEMBER MAGLEBY SECONDED THE MOTION.

24 THE VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BEAN AYE
28 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

30 THE MOTION CARRIED UNANIMOUSLY.

32 **16. Review & Action — Extension of Solid Waste Collection & Recycling**

34 **Agreement; Resolution #2018-7-R.** The City Council will consider Resolution
36 #2018-7-R extending the Residential Solid Waste Collection & Recycling
Agreement with Republic Services through June 30, 2021. Republic Services has
requested increased rates be considered by the Council as part of the extension.

38 Mr. Cowie stated specific to the CPI rate, the City has traditionally used the
40 federal CPI for basis of its own utility and merit pay increases. Republic Services is
42 asking to increase the CPI in the 2nd & 3rd years of the contract extension to a flat 3%
annual rate with basis on the Wasatch Front index which is typically higher than the
44 federal index. He noted that staff recommends no change in the inflationary index and
recommends staying consistent with the federal index as outlined within the current
46 service Agreement as the preferred reference for inflationary indexing. The federal CPI is
the reference for other inflationary sensitive aspects within the city budget (utilities, merit
pay).

2 Mr. Cowie further explained that tonight the Council will review the proposed
4 request for rate and inflation increases and make a determination on what increases, if
6 any, to accept. He noted both parties must agree in writing to extend the contract for
another three years. If Republic opts not to continue services with Lindon City, the City
will need to solicit proposals for solid waste disposal services through another provider
and have a new contract in place by July 1, 2018.

8 Mr. Cowie pointed out that Republic Services has been a very good provider of
10 solid waste disposal services for Lindon City and they are very responsive to the needs
and concerns of residents and the City. Staff sees no reason not to exercise the option for
12 another 3-year extension of the Agreement pending decision of Republic's proposed
rate/inflation increases. Mr. Cowie then turned the time over to Kristen Colson, Finance
Director for her presentation.

14 Ms. Colson addressed the Council at this time. She noted Lindon City charges
residents for garbage and recycling collection. The rates are determined by three factors
16 as follows:

- 18 1. Republic Service's collection rates (fixed, charged per can)
- 20 2. Republic Service's fuel surcharge (variable, reviewed monthly)
3. North Pointe Solid Waste Transfer Station's tipping fees (based on varying
weights)

22 Ms. Colson further noted that Lindon businesses contract directly with the
garbage collection service providers of their choice. In 2010, Republic Services changed
24 from billing a fixed cost per can, which included fuel costs and tipping fees, to billing a
reduced fixed per can cost and adding a variable fuel surcharge. Tipping fees would be
26 paid by Lindon City directly to North Pointe Solid Waste Special Service District
(NPSWSSD) instead of paying Republic Services who would then pay NPSWSSD. Their
28 costs are based on the tonnage of waste that Republic Services delivers on behalf of
Lindon residents.

30 Ms. Colson explained the rates to charge the customer were calculated to cover
expenses which were projected higher than realized because a significant portion of the
32 expenses were variable. Lindon City built up a fund balance which peaked at \$113,282 in
June 2016. Lindon City decreased garbage and recycling utility fees beginning July 2016
34 and the rates have not changed since then, even with increases from Republic Services.
Lindon City is projected to end the 2017-2018 fiscal year with a fund balance of \$56,000.
36 This is still more than sufficient for a fund which is designed to just pass through costs.

Ms. Colson stated Lindon's most recent contract with Republic Services was
38 entered into in March 2010 for 5 years with the option of 2 three-year extensions. She
noted Republic Services is requesting the second three-year extension of our service
40 contract and has proposed the following changes to our contract.

- 42 1. Decrease the MSW 1st container (2708 homes) rate from the July 1, 2018
approximate rate of \$5.85 per home to \$5.50 per home.
- 44 2. Increase the recycling (1129 homes in the program) rate from the approximate
rate of \$3.58 per home to \$4.80 per home to cover the changes in recycling
46 requirements and commodity fluctuations and to get the recycling LOB to a
positive segment of the contract.
3. Put in a 3% fixed PI for years 2 and 3 of the contract (July 1, 2019 and July 1,

2 2020).

4 Ms. Colson pointed out without these changes, Republic Service's rates would
6 increase by the CPI of 2.1%. Ms. Colson stated she is presenting 3 possible scenarios for
8 garbage and recycling utility rate increases based on if the City Council approves the
10 changes proposed by Republic Services and how the City Council would like to handle
12 the remaining fund balance in the Solid Waste Fund as follows:

- 14 1. The City Council approves the three-year extension of the Republic Services
16 contract, but does not approve the proposed changes to the contract. The utility
18 rates are increased slightly with the intention of using approximately \$30,000 of
20 fund balance to supplement revenues in order to cover the fund's expenses.
- 22 2. The City Council approves the three-year extension of the Republic Services
24 contract, and also approves the proposed changes to the contract. The utility rates
26 are increased slightly more with the intention of using approximately \$30,000 of
28 fund balance to supplement revenues in order to cover the fund's expenses.
- 30 3. The City Council approves the three-year extension of the Republic Services
32 contract, and also approves the proposed changes to the contract. The utility rates
34 are increased with the intention of covering all anticipated expenses. The fund
36 balance would remain around \$56,000 and Council could consider contributing
38 \$40,000 of that fund balance towards road repairs of 200 South and 2000 West
down by NPSWSSD which have been negatively impacted by the high volume of
large garbage trucks.

40 Ms. Colson noted the rate calculations for each of these scenarios and evaluations
42 are included in the staff report. She pointed at this time Staff is looking for direction on
44 Republic Services request for a three-year contract extension and their proposed changes
46 to the contract, and how to calculate garbage and recycling utility rates which will
become effective July 1, 2018. There was then some general discussion regarding the 3
options/scenarios presented. Mayor Pro Tem Bean observed that with all three scenarios
the rates go up somewhat. He added that we don't know what the CPI will be as there is
currently inflation pressure coming and interest rate increases to try and address that. Mr.
Cowie stated he is more comfortable with the fixed rate.

The applicant, Reece DeMille addressed the council at this time. Mr. DeMille
pointed out that recycling isn't free and it becomes a raw materials and sustainability
issue and there is a cost for commodity. That is why they have to get the price up, almost
to the price of trash; they are committed as a company long term to recycling. Mr. Cowie
stated he and Councilmember Magleby will sit down with the District to have a
discussion.

Councilmember Broderick stated he is completely in favor of extending the contract
with Republic and likes the accommodation of the adjustment in recyclables to see what
the rate will do and he also likes scenario #3. Councilmember Magleby stated he is also
comfortable with scenario #3 but would like to look at other cities to try and reduce the fee
to Lindon residents; even though we are second to lowest. He knows that Republic is a
great company as most of the cities in the county utilize their services.

Following some additional discussion including road improvements with the fund
balance, the Council was agreement to continue this item as to revise some numbers and
bring it back before the council along with Reece DeMille for further discussion.

2 Councilmember Hoyt stated he will be happy to see what they come back with and
feels Republic knows where the council is at. Councilmember Lundberg stated our
4 philosophy of pricing is if you want to keep the first can (and we love being the lowest in
the valley), but if you have a second can you should really be getting a recycling can.
6 Mayor Pro Tem Bean commented he is also comfortable with something close to scenario
#3 to the extent that we can sharpen it a bit and understand what Republic is able to do.

8 Mr. DeMille stated what he is hearing is to get the second can back down to
where it was at \$3.77 and see what the stack would be with the increase in recycling
10 percentage. Councilmember Magleby commented that he feels it is important to educate
our citizen as much as possible; if they participate in recycling it benefits all. Mr. Cowie
12 stated they will also sharpen the numbers and will bring back a final proposal to the
council.

14 Mayor Pro Tem Bean called for any further comments or discussion from the
Council. Hearing none he called for a motion.

16
18 COUNCILMEMBER LUNDBERG MOVED TO CONTINUE RESOLUTION
2018-7-R FOR AN EXTENSION OF THE RESIDENTIAL SOLID WASTE
COLLECTION AND RECYCLING AGREEMENT WITH REPUBLIC SERVICES TO
20 THE NEXT MEETING. COUNCILMEMBER MAGLEBY SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

22 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
24 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
26 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY.

- 28
30 **8. Major Subdivision — Parkview Towns at Anderson Farms Subdivision (B),
280 N. 1690 W.** Ken Watson, on behalf of Ivory Development, LLC, seeks
preliminary approval of a thirty-seven (37) lot townhome subdivision plat,
32 including dedication of public streets, at approximately 280 North 1690 West, in
the Anderson Farms Planned Development (AFPD) zone.

34
36 Hugh Van Wagenen, Planning Director, gave some background of this item
noting this is the second townhome phase of the Anderson Farms Planned Development
which was approved by Development Agreement between Lindon City and Ivory
38 Development, LLC in June of 2016. Parkview Towns Plat B consists of 37 townhome
units in what is considered Parcel C of the Anderson Farms concept plan. Development
40 of Anderson Farms is governed by the Anderson Farms Master Development Agreement.
All standards are referred to here are a part of that Agreement. The average lot size of the
42 townhomes is 1,398 s.f. with the largest lot being 1,510 s.f. and the smallest being 1,340
s.f. These lots are consistent with the concept plan for the townhomes. This is the second
44 phase of the townhomes, which will eventually consist of 125 units. The first phase
consists of 29 townhomes.

46 Mr. Van Wagenen explained the new roads will be built to serve the subdivision,
however they will be private roads and or drives. He noted Lancaster Way (300 North) is

2 public and already constructed, although a portion will be dedicated with this plat.
3 Section 7.4.3 of the Development Agreement states that development of more than 25%
4 of the townhome parcel requires construction of Anderson Blvd from 500 North to the
5 roundabout, the roundabout, and 300 North to 1700 West; this plat will put development
6 beyond the 25% threshold. The required improvements are being constructed with the
7 already approved Anderson Farms Plat B.

8 Mr. Van Wagenen went on to say the offsite secondary water line is required
9 (connects at Lakeview Drive and 400 West) but can be installed following one full
10 irrigation season per the Development Agreement. The Proctor Ditch runs along the
11 western border of this plat and will be enclosed with a 48-inch pipe as part of the
12 development.

13 Mr. Van Wagenen noted no park improvements are required at this time. Units on
14 the west end of the development adjacent to the mixed commercial area require triple
15 pane glass per Section 7.4.3 of the Development Agreement. An eight (8) foot tall
16 masonry wall is required along the rear yards of the units to the west, adjacent to the
17 mixed commercial area per Section 7.4.3 of the Development Agreement.

18 Mr. Van Wagenen indicated that based upon the application meeting the
19 requirements of the Development Agreement, the Commission recommended approval of
20 the subdivision with the one condition listed in the sample motion. Mr. Van Wagenen
21 then referenced for discussion an Aerial photo of the proposed subdivision, the
22 Preliminary Parkview Towns at Anderson Farms Plat B, Photo of existing site, the
23 Overall townhome concept (Parcel C), Street cross sections and the Off-site utility maps.
24 Mr. Van Wagenen then turned the time over to the applicant for comment.

25 The applicant Ken Watson, representing Ivory Development, addressed the
26 Council at this time. There was some general discussion regarding the Proctor ditch
27 improvements. Mr. Van Wagenen noted that the plat will state that triple-pane glass
28 windows be required in the units located by Goodfellow Crushers. There will also be an
29 8' tall masonry wall along the west edge. Mr. Van Wagenen reminded the Council that
30 the roads will be private but the utilities will be public. He noted there will be no park
31 (large main park) improvements to be done with this plat.

32 Mr. Watson indicated Ivory will try to have all of the townhome lots platted by
33 the end of the year. Mr. Watson also highlighted the garden plots and open spaces noting
34 this seems to be a new trend with townhome owners. Mr. Watson also shared the
35 townhome building elevations with Council. There was then some general discussion
36 regarding pricing and parking. Mr. Watson pointed out that on-street (private street)
37 parking will not be allowed. He also showed on the map where they are developing the
38 road and round-about. He stated that hopefully they will pave as early as possible,
39 weather permitting. The preliminary plats are in to the city engineer and are under
40 review. He noted that sales are coming along and during the open house there were three
41 sales. He re-iterated the goal is to have all the townhomes paved and recorded by the end
42 of the year. The HOA (CCMC) will be in charge of everything but the sanitary sewer.

43 Following some general discussion, Mayor Pro Tem Bean called for any further
44 comments from the Council. Hearing none he called for a motion.

45
46 COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR APPROVAL OF A 37-LOT RESIDENTIAL TOWNHOME

2 SUBDIVISION WITH THE FOLLOWING CONDITION: 1. CONDITIONS OF
SECTION 7.4.3 OF THE DEVELOPMENT AGREEMENT BE MET.

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

6 COUNCILMEMBER BEAN AYE

COUNCILMEMBER LUNDBERG AYE

8 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

10 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY.

12
14 **9. Major Subdivision — Parkview Towns at Anderson Farms Subdivision (C),**
280 N. 1690 W. Ken Watson, on behalf of Ivory Development, LLC, seeks
16 preliminary approval of a twenty-five (25) lot townhome subdivision plat,
including dedication of public streets, at approximately 280 North 1690 West, in
18 the Anderson Farms Planned Development (AFPD) zone.

20 Mr. Van Wagenen explained this is the third townhome phase of the Anderson
Farms Planned Development Parkview Towns Plat C that consists of 25 townhome units
22 in what is considered Parcel C of the Anderson Farms concept plan that will eventually
consist of 125 units. The first and second phases consist of 29 and 37 townhomes. New
24 roads will be built to serve the subdivision; however, they will be private roads and or
drives. Section 7.4.3 of the Development Agreement states that development of more
26 than 25% of the townhome parcel requires construction of Anderson Blvd from 500
North to the roundabout, the roundabout, and 300 North to 1700 West. This plat will put
28 development beyond the 25% threshold. These improvements are being constructed as
part of Anderson Farms Plat B (single family home phase).

30 Mr. Van Wagenen noted the offsite secondary water line is required (connects at
Lakeview Drive and 400 West) but can be installed following one full irrigation season
32 per the Development Agreement and no park improvements are required at this time.
Based upon the application meeting the requirements of the Development Agreement.
34 He noted the Commission recommended approval of the subdivision with the one
condition listed in the sample motion. He then turned the time over to the applicant for
comment.

36 The applicant Ken Watson addressed the Council at this time. Mr. Watson gave
an update regarding the UDOT I-15 study. The question was raised about who and when
38 (if required) will install the sound wall along I-15. Mr. Watson stated he has discussed
this issue with UDOT and is awaiting more information from them; they will continue to
40 follow up. Mr. Van Wagenen clarified that the Development Agreement does not require
Ivory to put in a sound wall. He also explained the preliminary frontage road concept
42 noting they are hopeful any UDOT impact will not affect any of the units directly. He
noted it will not impact the new sewer lift station either.

44 Following some additional discussion, Mayor Pro Tem Bean called for any further
comments from the Council. Hearing none he called for a motion.

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
4 APPLICANT’S REQUEST FOR APPROVAL OF A 25-LOT RESIDENTIAL
6 TOWNHOME SUBDIVISION WITH THE FOLLOWING CONDITION: 1.
8 CONDITIONS OF SECTION 7.4.3 OF THE DEVELOPMENT AGREEMENT BE
10 MET. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE
12 WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

14
16 **10. Review & Action — Land and Water Conservation Fund Grant; Resolution**

2018-8-R. Lindon City Parks & Recreation Director, Heath Bateman, will present
18 a request for Council support to apply for grant funding through the Land and
20 Water Conservation Fund for new pickle ball courts and possible replacement of
22 other structures at Creekside Park (100 S. 600 W.). The grant requires a
24 commitment of funding with a 50% match if awarded, which funds are proposed
26 to come from PARC tax contingency.

28 Heath Batman addressed the Council at this time. He referenced the resolution
30 and map provided in the staff packet. He noted this proposal includes possible
32 replacement of aging structures and the walking trail with the addition of new pickle ball
34 courts at Creekside Park.

36 Mr. Bateman stated after looking at the needs in the city they would like to apply
38 for the Land and Water Conservation Grant to upgrade and replace aging structures at
40 Creekside Park. He noted the Grant is a 50/50 match opportunity. Mr. Bateman stated
42 they would also like Council support on this grant and a resolution not to exceed
44 \$150,000. He then referenced the cost estimates as follows:

- 32 • Pickleball courts are running about \$13 per sq/ft. This includes post tension
34 courts, nets, fences and lights. Estimated \$50K. This does not include the
36 sidewalk, electrical hook up or site restoration: \$10,000
- 38 • The Playground is estimated at \$70,000 including install
- 40 • The pavilion at 24’ X 40’ is listed on State contract for \$16,338 plus install.
42 Estimated \$ 46,372 (this does not include removal of old pavilion and concrete.
44 Est \$5,000)
- Trail pavement replace \$4 per sq/ft at 375’ X 5’ Wide – (35 tons needed) \$10,000
with installation
- Restroom Estimated at \$100,000

46 Total Costs: \$191,372 without Restroom (Lindon City Commitment \$100K)
\$291,372 with restroom. (Lindon City Commitment \$150,000)

48 He then asked the council what parts of the proposal they feel comfortable with.
Mayor Pro Tem Bean commented that this appears to be the most significant use of the

2 Parc Tax funds on a single project to date. Mr. Bateman confirmed that statement adding
4 this seems to do the most good in updating as well building a new amenity. Following
6 some general discussion, the council agreed this this is an aged park in need of an update
8 and will be a good use of Parc Tax funds. Councilmember Hoyt stated he reached out to
some of the neighbors (by Creekside Park) that may be impacted but overall, they seemed
to be on board with the proposal. Mr. Bateman pointed out that Pickle ball is not a passing
phase and many local cities are putting in more courts.

10 Mayor Pro Tem Bean called for any further comments or discussion from the
Council. Hearing none he called for a motion.

12 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION 2018-8-R
14 COMMITTING MATCHING FUNDS FOR THE PROPOSED LAND AND WATER
CONSERVATION FUND GRANT UP TO 150,000. COUNCILMEMBER
16 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

18 COUNCILMEMBER BEAN AYE
19 COUNCILMEMBER LUNDBERG AYE
20 COUNCILMEMBER BRODERICK AYE
21 COUNCILMEMBER HOYT AYE
22 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

24 **11. Continued Public Hearing — General Plan Land Use Map Change; Ord.**
25 **2017-5-O.** This item was continued from the June 6, 2017 City Council meeting.
26 The City Council will review and consider Ordinance #2017-5-O to change the
27 General Plan designation from Public Facilities to Light Industrial on 9-acres of
28 property located at approximately 2100 West 600 South, Lindon (portion of Utah
County Parcel ID #17:023:0012).

30 *At this time Councilmember Hoyt recused himself from the next three agenda*
32 *items due to a conflict of interest.*

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

38 Mr. Van Wagenen gave a brief overview of this item stating this is a request to
39 change the General Plan Map on City owned property from Public Facilities to Light
40 Industrial. He pointed out this item is being considered in order to accommodate the sale
41 of the 9 acres being considered in this request. Previous discussions about this City
42 owned land considered selling and rezoning the entire 14 acres. Since this item was last
43 continued from the June 6, 2017 meeting, the Council has determined to retain 5 of the 14
44 acres. This decision was made following much public input, a site visit by the Council,
and further discussions. Mr. Douglas Weight representing the buyer (Knight-West
46 Builders) was in attendance and explained their project and structures they envision.

2 Mr. Van Wagenen noted Lindon City purchased the property in 1999 from
3 PacifiCorp with the intent to create a regional park near the Historic Geneva Resort. In
4 the Spring of 2015 the City Council began a review of City owned property, including
5 this property, that could possibly be sold in order to meet ongoing financial obligations,
6 such as the newly constructed Public Safety Building or road maintenance. In September
7 of 2015 the property was listed for sale to gauge private interest in a purchase.

8 Mr. Van Wagenen noted that Lindon is currently under contract to sell the
9 approximately nine (9) acres being considered in this item. The prospective buyer intends
10 to build office/warehouse buildings on the property. The General Plan currently
11 designates the property under the category of Public Facilities. This category includes
12 public infrastructure for water, storm water systems, sewer systems, public parks, and
13 other City owned buildings. The applicant requests that the General Plan designation of
14 the property be changed to Light Industrial, which accommodates manufacturing,
15 industrial processes, and warehousing uses not producing objectionable effects. The Light
16 Industrial designation also allows some appropriate related retail uses such as gasoline
17 service stations. Mr. Van Wagenen also referenced the Relevant General Plan policies to
18 consider in determining whether the requested change will be in the public interest.

19 Mayor Pro Tem Bean also gave a brief background and explanation of the
20 council's decision on the sale of the property. Councilmember Lundberg noted the
21 council also did some compromising with the parcel and made a commitment to retain
22 some of the acreage. Mayor Pro Tem Bean asked the council at this time if any of their
23 opinions or thoughts on the sale of the property have generally changed since receiving
24 the offer on the property regarding its future use or if they are good in moving ahead. The
25 council agreed they are comfortable with moving ahead.

26 Mr. Van Wagenen then referenced an Aerial photo of the proposed area to be re-
27 classified, Current General Plan Land Use Map, ALTA Survey with approximate
28 property request, and the Draft ordinance 2017-5-O followed by some general discussion.

29 Mayor Pro Tem Bean called for any public comments. Hearing none he called for
30 a motion to close the public hearing.

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

36 Mayor Pro Tem Bean called for any further comments or discussion from the
37 Council. Hearing none he called for a motion.

38 **COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
39 2017-5-O WITH NO CONDITIONS. COUNCILMEMBER MAGLEBY SECONDED
40 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:**

42 **COUNCILMEMBER BEAN AYE**

43 **COUNCILMEMBER LUNDBERG AYE**

44 **COUNCILMEMBER BRODERICK AYE**

45 **COUNCILMEMBER MAGLEBY AYE**

46 **THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.**

2 **12. Continued Public Hearing — Zoning Map Change; Ord. 2017-6-O.** This item
4 was continued from the June 6, 2017 City Council meeting. The City Council will
6 review and consider Ordinance #2017-6-O to change the Zoning Map designation
8 from Public Facilities to Light Industrial on 9- acres of property located at
10 approximately 2100 West 600 South, Lindon (portion of Utah County Parcel ID
12 #17:023:0012).

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

20 Mr. Van Wagenen stated with the previous approval of the General Land Use map
22 change this will now allow the request to change the Zoning Map on City owned property
24 from Public Facilities to Light Industrial for the reasons stated in the previous item.

26 Mayor Pro Tem Bean called for any public comments. Hearing none he called for
28 a motion to close the public hearing.

30 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
32 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
34 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 Mayor Pro Tem Bean called for any further comments or discussion from the
38 Council. Hearing none he called for a motion.

40 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
42 2017-6-O WITH NO CONDITIONS. COUNCILMEMBER MAGLEBY SECONDED
44 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER BEAN AYE
48 COUNCILMEMBER LUNDBERG AYE
50 COUNCILMEMBER BRODERICK AYE
52 COUNCILMEMBER MAGLEBY AYE

54 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

56 **13. Public Hearing — Amendment of Purchase Offer on Sale of Real Property.**

58 Lindon City Council will review and consider an amendment to a current
60 purchase offer approved by Resolution #2018-4-R to sell nine acres of surplus
62 real property located at approximately 2100 West 600 South, Lindon (portion of
64 Utah County Parcel ID #17:023:0012) for \$1,822,986.00. The buyer, Sunrise
66 Square Associates L.C., is requesting an extension of about 3-weeks additional
68 time to complete due diligence by March 30, 2018 and requesting about a 3-week
70 extension for closing to be completed by April 20, 2018. No other change to the
72 original offer is proposed.

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

2 Mr. Cowie referenced the purchase contract amendment document. He explained
4 that staff was contacted by Bill West of Sunrise Square Associates the day after the initial
6 purchase agreement was approved and signed on January 17, 2018. Mr. West indicated at
8 that time that they may need a little more time for due diligence and closing than
10 originally anticipated to March 30th. He noted the City received this formal Addendum
12 request on the afternoon of February 16th. He indicated that staff knows the property was
accessed last week to perform soils testing for the buyers, so it appears they're moving
forward with due diligence and continued interest in the property. Following some
discussion, the council agreed this seems to be a reasonable request. Mayor Pro Tem
Bean called for any public comments at this time. Larry Ellertson was in attendance and
addressed the council.

14 Mr. Ellertson stated he is against the sale of the property. He spoke on this issue
16 stating the past council bought this property with the understanding that it was for the
18 city's future use and benefit and feels the council is looking at it with short term use. He
20 would encourage the council to reconsider the sale of the property and to hold on to it as
22 there will be potential future value and once it's gone it is gone. His plea is to re-
24 consider the sale of the property. There are members in the community who feel the same
and to look at this long term as there will be some real future values. He added the city is
sound and can survive the concerns and find a real solution for the road problem. He is
appreciative of the fact that they saved five acres of the property but the intent was that it
all be used for city benefit when the original purchase was made; he feels the council is
selling the citizens of Lindon city short. Mayor Pro Tem Bean stated on behalf of the
mayor and council they appreciate his heartfelt concerns as it is evident how much he
cares for the city.

26 Mayor Pro Tem Bean commented that this was a tough decision and they heard
28 from citizens and former elected officials and keeping the five acres was a good step
30 forward. There are some strong and compelling reasons why they decided to sell the
property; some have to do with location and what is already there and the possible uses so
there are compelling reasons.

32 Councilmember Lundberg stated the only reason she would potentially consider
34 hanging on to the property is that the value will naturally increase with time, but we do
need to consider road funding.

36 Councilmember Magleby expressed his sentiment that it was not his intent when
38 running for city council to disrupt the system that was currently in place but to learn and
listen and to be a voice for change. He feels he needs to do what is in the best interest of
the city and after hearing all of the discussion and looking at all of the issues he feels we
are moving in the right direction.

40 Councilmember Broderick stated he is in favor of this action.

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

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

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE ADDENDUM
4 NO. 2 TO THE REAL ESTATE PURCHASE CONTRACT BETWEEN LINDON CITY
AND SUNRISE SQUARE ASSOCIATES L.C., AND AUTHORIZE THE CITY
ADMINISTRATOR TO SIGN THE ADDENDUM ON BEHALF OF THE CITY.
6 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

12 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14 *Councilmember Hoyt returned to the meeting at 9:43 pm.*

16 **14. COUNCIL REPORTS:**

18 **Councilmember Hoyt** – Councilmember Hoyt reported he attended a road fee meeting at
the PG/Lindon Chamber of Commerce along with Adam Cowie noting it was a good
20 event with good information presented. He also mentioned the Salt Lake Tribune ran an
article about the 700 North Corridor in the February 10th issue that had some interesting
22 insights.

24 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo
Bench annual stockholders canal meeting where he was elected to the board along with
26 Brad Jorgensen (Public Works Director). He noted they are in good shape financially and
at 50% of water compared to last year (before this recent storm). He also attended the
28 monthly engineering meeting. He noted they are very pleased with the resurfacing of the
north union canal where they have come back and touched it up.

30 **Councilmember Bean** – Councilmember Bean reported they have one vacancy on the
32 planning commission and may be having another come up. He noted Mr. Van Wagenen
is putting together an application for potential planning commissioners.

34 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the
36 public officials breakfast last Friday with Mr. Van Wagenen. She pointed out that
EDCUtah is offering services with community development even on the retail side noting
38 there were some interesting things presented there. She added they would be willing to
come to the council and present the services they offer.

40 **Councilmember Magleby** – Councilmember Magleby reported he will be attending the
42 Lindon Days meeting next Wednesday to discuss Lindon Days. He also mentioned the
Transfer station approved some loaders to be delivered in June. He also mentioned the
44 Air monitors that were recently approved along the trail noting he got the approval from
one of the residents to have the monitors be placed in their back yard in exchange for a
46 pool punch pass for electricity use.

2 **Mayor Acerson** – Mayor Acerson was absent from the meeting.

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

6

Misc. Updates:

- 8 • February newsletter
- March newsletter article: Matt Bean - Article due to Kathy last week in February
- 10 • Recycling pick up week will be switched starting April 6th. So, recycling will get
picked up on March 30th then again the next week on April 6th and then every
12 other week going forward from that April 6th date.
- UTOPIA / UIA: partial OpEx repayment approved for cities that paid past OpEx
14 assessments ‘in full’.
- Legislative updates
- 16 • Misc. Items

18 **Upcoming Meetings & Events:**

- February 19th – offices closed for Presidents Day
- 20 • April 6th-14th Spring Clean-up – (dumpsters available throughout City)
- April 25th – 27th – ULCT Spring Conference in St. George

22

24 Mayor Pro Tem Bean called for any further comments or discussion from the
Council. Hearing none he called for a motion to adjourn.

26 **Adjourn** –

28 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 10:25 PM. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
30 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32

Approved – March 6, 2018

34

36

Kathryn Moosman, City Recorder

38

40 _____
Matt Bean, Mayor Pro tem