

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, March 15,**
3 **2016, beginning with a work session at 6:00 p.m.** in the Lindon City Center, City
4 Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M. - Discussion on proposed Public Safety Impact Fees.

8 Conducting: Jeff Acerson, Mayor

10 **PRESENT**

ABSENT

Jeff Acerson, Mayor

12 Matt Bean, Councilmember

Randi Powell, Councilmember

14 Van Broderick, Councilmember

Carolyn Lundberg, Councilmember

16 Jacob Hoyt, Councilmember

Adam Cowie, City Administrator

18 Cody Cullimore, Chief of Police

Kathy Moosman, City Recorder

20

Adam Cowie, City Administrator, introduced Fred Philpot, representative from
22 Lewis Young Robertson & Burningham who is here to discuss the Public Safety Impact
Fee study. He explained the City has been working with LYRB to prepare this impact fee
24 study. He noted the City prepared a Public Safety Impact Fee study in 2010, but decided
not to finalize and implement the fee at that time because of the recession. Mr. Cowie
26 noted that the State mandated methodology for impact fee studies has since been updated
and in 2014 the City approached LYRB to start a new study. The Public Safety Impact
28 fee will only be collected from new development at the time of building permit issuance.
The collected amounts will help to offset costs of the Public Safety Building, which is
30 increasing the level of service for public safety needs in order to accommodate future
growth.

32 Mr. Cowie pointed out now that the Public Safety Building costs are fully known,
the study has been finalized. Mr. Cowie noted the purpose of this work session is to
34 evaluate the methodology and to discuss the proposed fee and review the associated
processes for adoption. He noted the City anticipates holding a public hearing to adopt
36 the impact fee on April 5, 2016. He then turned the time over to Mr. Philpot to review his
PowerPoint presentation in detail.

38 Mr. Philpot then gave an overview of the impact fees and their intended use and
gave his recommendations followed by discussion. He explained that impact fees are a
40 one-time charge on development activity to ensure the fair share of capital investment is
paid, whether historic or future capital investment. The impact fee is intended to recoup
42 that cost to new development activity (at least 10 or more years) and in order to do that a
process is followed (Utah Impact Fees Act) with regards to an impact fees facility plan
44 and impact fee analysis (which includes the proportionate share analysis). He noted these
documents are completed (fire and police) and they have provided the drafts to the city
46 and those documents, once completed, will be utilized to notice the public for review in
preparation for a public hearing. He then referenced the draft documents and noted the

2 public facilities that can be included as follows: water rights and water supply, treatment,
3 storage, and distribution facilities, wastewater collection and treatment facilities, storm
4 water, drainage, and flood control facilities, municipal power facilities, roadway
5 facilities, parks, recreation facilities, open space, and trails, public safety facilities; and
6 environmental mitigation.

7 Mr. Philpot explained impact fees are intended to recover the costs of capital
8 infrastructure that relate to future growth. The impact fee calculations are structured for
9 impact fees to fund 100% of the growth-related facilities identified in the proportionate
10 share analysis as presented in the impact fee analysis. He further explained there may be
11 years that impact fee revenues cannot cover the annual growth-related expenses. In those
12 years, other revenues such as general fund revenues will be used to make up any annual
13 deficits and any borrowed funds are to be repaid in their entirety through impact fees.

14 Mr. Philpot went on to say an entity may only impose impact fees on
15 development activity if the entity's plan for financing system improvements establishes
16 that impact fees are necessary to achieve parity between existing and new development.
17 He noted this analysis has identified the improvements to public facilities and the funding
18 mechanisms to complete the suggested improvements. Impact fees are identified as a
19 necessary funding mechanism to help offset the costs of new capital improvements
20 related to new growth. In addition, alternative funding mechanisms are identified to help
21 offset the cost of future capital improvements.

22 Mr. Philpot stated the process typically revolves around these main components,
23 the different levels of demand and then level of service. The collection of the impact fee
24 cannot raise the level of service, it can only maintain the existing level of service or they
25 can propose something that is lower than the existing level of service following an
26 evaluation. He stated they look at existing facilities to determine capacity to bring into
27 the impact fee study. They also look at the financing strategy and how to finance those
28 improvements whether it be bonds, grants or donations etc., and will be considered in the
29 proportionate share analysis.

30 Mr. Philpot then referenced the requirements defined in the statute that determine
31 noticing procedures to ensure that the public is aware of the process. He noted they have
32 already gone through the notice of intent and completed the impact fee analysis draft and
33 the impact fees facility plan and the impact fee ordinance draft that will also be made
34 available to the public (made available to the public 10 days in advance). After the
35 noticing steps are completed the public hearing will be held where the Council has the
36 option to adopt, modify or reject the proposed impact fees.

37 Mr. Philpot then discussed the details regarding the fire and police impact fees
38 addressing the variables including the financing strategy, including service areas and
39 demand analysis. He also showed what the proportionate share analysis produces with
40 regard to an impact fee. He noted the Impact Fees Act allows for the inclusion of a time
41 price differential to ensure that the future value of costs incurred at a later date are
42 accurately calculated to include the costs of construction inflation. He pointed out the
43 City does not anticipate any extraordinary costs necessary to provide services to future
44 development and construction inflation has not been included since no additional capital
45 facilities are planned for the future. There was then some general discussion by the
46 Council regarding the information presented. Mayor Acerson thanked Mr. Philpot for his
attendance and for the valuable information.

2 **REGULAR SESSION** – 7:00 P.M.

4 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Jake Hoyt, Councilmember
6 Invocation: Van Broderick, Councilmember

8 **PRESENT** **ABSENT**

Jeff Acerson, Mayor
10 Matt Bean, Councilmember
Randi Powell, Councilmember
12 Van Broderick, Councilmember
Carolyn Lundberg, Councilmember
14 Jacob Hoyt, Councilmember
Adam Cowie, City Administrator
16 Cody Cullimore, Chief of Police
Hugh Van Wagenen, Planning Director
18 Kathryn Moosman, City Recorder

- 20 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 22 2. **Presentations/Announcements** –
- 24 a) **Mayor/Council Comments** – There were no announcements at this time.
- 26 b) **Presentation:** Lindon City Employee Recognition Award – Jacob Woodcox,
28 Parks Maintenance Technician, was recognized for being outstanding
employee and for his service to the city with his name on a plaque and gift
cards. Mr. Cowie read the comments received from fellow employees
commending Jake on his good work ethic and service to the city.
- 30 c) **Presentation:** The 2015 Little Miss Lindon Royalty: Queen, Haylee
32 MacGillvray with attendants: Mariah Evelyn, Gracie Cook, Grace Robinson,
and Miriam Belliston introduced to the Mayor and Council the new 2016
34 Little Miss Lindon Royalty: Queen, Sabrina Romero with attendants Shara
Bartholomew, Adelaide Hawkins, Brientz Fuller and Sienna Tomlinson. They
36 also thanked the Council for their support this past year and showed their
appreciation by presenting the Mayor and Council with a gift (along with the
38 City Administrator, Chief of Police, Parks & Rec. Director, and Recorder).
Mayor Acerson and the Council thanked all the participants for their good
works and for their service to the city.
- 40 d) **Proclamation:** Mayor Acerson read the Lindon City Arbor Day Proclamation
declaring May 14, 2016 as Lindon City Arbor Day.
- 42 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
44 meeting of March 1, 2016 were reviewed.

46 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
THE CITY COUNCIL MEETING OF MARCH 1, 2016 AS AMENDED.

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

4 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
6 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER LUNDBERG AYE
8 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

10
12 4. **Consent Agenda** – No items.

14 5. **Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item. There were several residents in
attendance who addressed the council as follows:

16
18 **Franklin West:** 18 East 710 North, Lindon. Mr. West thanked the Council for their work
on Fryer Park. He also questioned the city fireworks code noting there have been three
20 fireworks incidents since he has lived in Lindon involving teenagers setting off fireworks
in the street and a group who came to their neighborhood park to shoot off fireworks
22 where some went horizontal and lighted the grass on fire with a piece actually hitting
him. Mr. West stated these issues pose some real safety issues. Mr. West then read the
code stating no type of fireworks shall be allowed in the parks and undeveloped land. He
24 questioned if this isn't an illegal activity. Mr. West stated he called the police department
on the 3rd of July to report the incident and the police didn't seem interested. He asked if
26 there is something the city can do to enforce the code. Chief Cullimore commented that
they try to get information to the officers and the public regarding fireworks but they are
28 not heavy handed. He noted they will try to advertise more with signs etc.

30 Mr. Franklin suggested posting signs at the parks with a number to call the police
would be very helpful. Councilmember Powell commented that if the call was placed to
32 the non-emergency dispatch line that goes to Orem that perhaps they didn't know our
code specifically; there is not a special permit required. Mr. Franklin also asked if it is
34 illegal to shoot fireworks on the street. Chief Cullimore confirmed that statement adding
it is not heavily enforced. Chief Cullimore advised Mr. Franklin if there is an incident to
36 call the police and they will respond. Mayor Acerson commented that residents should
be good neighbors and respectful and the police will come to mediate the situation if
needed. He noted they will put signs up at the parks.

38
40 **LeAnn North:** 513 North 1700 West, Lindon. Ms. North inquired about library card
reimbursements. She noted she purchased an American Fork library card not realizing it
42 was not on the reimbursement list. She suggested adding American Fork onto the list
stating it would save the city money as the cards are only \$70 (cheaper than other cities)
and American Fork is also linked to other cities libraries. Mayor Acerson asked Mr.
44 Cowie to gather some information regarding this issue. Mr. Cowie stated he will check
into the issue and obtained contact information from Ms. North to follow up.
46

2 **CURRENT BUSINESS**

- 4 6. **Continued Public Hearing—Zone Map Amendment, Light Industrial to Residential Single Family (R1-12); Ordinance #2016-9-O.** This item was
6 continued from the February 16, 2016 Council meeting. Lindon City is
8 requesting a zone map amendment from Light Industrial to Residential Single
10 Family (12,000 square foot lots) on parcel #14:063:0017. The lot is currently
12 use agricultural use. The Planning Commission recommended approval.

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

20 Hugh Van Wagenen, Planning Director, gave an brief overview of this agenda
22 item noting it was continued from the February 16, 2016 City Council meeting pending
24 communication with the property owner. He noted this is a request by Lindon City to
26 rezone the parcel in order to coordinate residential development with existing homes in
28 the area and the proposed concept plan being developed by Ivory Development. The
30 proposed rezone will also bring the zoning closer to matching the general plan
32 designation. Mr. Van Wagenen stated in a 6-0 vote, the Planning Commission
34 recommended approval with the condition that the owner of the parcel in question be
36 notified of the pending change via certified mail; that letter was sent on 2/11/16. The
38 Thorne family owns the property in question (12 acres) and were sent notice via certified
40 mail; that notice was received.

42 Mr. Van Wagenen mentioned in addition to the certified mail, Mr. Kent Thorne
44 met with himself and Mr. Cowie on February 29th to discuss the rezone and the Anderson
46 Farms project. Mr. Thorne indicated that he had received prior notifications from the City
regarding the surrounding development proposals but he was unable to respond or attend
the public meetings on the proposals. Mr. Thorne expressed his concerns that the
government has the ability to dictate land uses and zoning on people's property and was
generally unhappy with any development occurring around the property, whether it be
industrial or residential. He also indicated he had no plans or intentions to develop the
property at the current time. Mr. Van Wagenen stated a follow up email was sent to Mr.
Thorne requesting any comments from him regarding the application being presented in
writing prior to the March 15th Council meeting. He noted there have been no comments
received to date.

Mr. Cowie commented that Mr. Thorne has been approached by the LDS Church,
Ivory Development and some other individuals. He added Mr. Thorne is interested in a
property exchange to avoid tax implications so he is really not opposed to disposing of
the property it is just inconvenient for them and they do not want to develop the property
themselves. Mayor Acerson pointed out that part of the reason this was continued was to
have the opportunity to speak with the Thornes and to ensure contact had been made and
to get their feedback. Councilmember Bean commented that a property exchange could
possibly occur. Councilmember Hoyt asked what the zoning would have to be to
facilitate a church or school going in. Mr. Van Wagenen stated churches, synagogues

2 and temples are not permitted in any commercial zones except for the MC and not
permitted in industrial zones; public schools are permitted in any zone.

4 Mr. Van Wagenen explained the General Plan currently designates the property
under the category of Residential High. This category includes densities greater than 3.6
6 DU/AC. It is the purpose of this category to provide modest amounts of high density,
residential development which includes areas typically zoned R3 or R2-Overlay. He
8 stated the applicant (city) is requesting that the General Plan designation remain
unchanged at this time. There was then some general discussion by the Council regarding
10 this issue.

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

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

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

20 COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT'S
22 REQUEST TO CHANGE THE ZONING MAP FROM LIGHT INDUSTRIAL TO
RESIDENTIAL SINGLE FAMILY (R1-12) ZONE ACCORDING TO ORDINANCE
24 #2016-9-0. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
28 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
30 COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 32
- 34 **7. Continued Public Hearing—Zone Map Amendment, Light Industrial to
Mixed Commercial Ordinance #2016-10-O.** This item was continued from
the February 16, 2016 Council meeting. Lindon City is requesting a zone map
36 amendment to Mixed Commercial from Light Industrial on parcels
#47:283:0001, #47:283:0002, #47:283:0003, #47:283:0004, #47:283:0005,
38 #47:283:0006, #47:283:0007, #47:283:0008, #47:283:0009, #47:283:00010,
#47:283:0011, #47:283:00012, #47:283:0013, #47:283:0014. Four of the parcels
40 compromise a commercial building; the rest are platted but currently vacant.
The Planning Commission recommended approval.

42

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

2 Mr. Van Wagenen led this discussion by explaining this item was also continued
4 from the February 16th City Council meeting pending additional communication with the
6 property owners. He noted this is also a request by Lindon City to rezone the parcel in
8 order to reduce the potential impacts on the surrounding residential developments. He
10 explained the Mixed Commercial zone allows for less intense uses than the Light
12 Industrial zone. The goal of commercial development is to encourage the establishment
14 and development of basic retail and commercial stores which will satisfy the ordinary and
16 special shopping needs of Lindon citizens, enhance the City's sales and property tax
18 revenues, and provide the highest quality goods and services for area residents. He noted
20 in a 6-0 vote, the Planning Commission recommended approval with the condition that
22 the owners of the parcels in question be notified of the pending change via certified mail;
those letters were sent on 2/11/16.

14 Mr. Van Wagenen stated, per direction from the council, both Incubator
16 Investments and DC Dean Family Investments were also sent certified notices of the
18 application and each notice was verified as received. Additionally, phone calls were made
20 to each owner. Ken Sonnenberg of Incubator Investments replied via email that he had
22 reviewed the application and had no concerns with the zone change. Don Dean of DC
Dean Family Investments indicated he would provide comments on the request, but no
comments have been received at this point in time. Mr. Van Wagenen stated if there are
concerns by the property owners they apparently are not large enough to reach out and
respond back.

24 Mr. Van Wagenen then referenced the land use table (as an example) comparing
26 the uses that are permitted, conditionally permitted, or not permitted. He noted that the
28 table does not include uses that are the same in both zones. Councilmember Lundberg
commented that she appreciates staff going the extra mile to reach out to the property
owners to give them an opportunity to respond.

30 Mayor Acerson called for any public comment. Hearing none he called for a
32 motion to close the public hearing.

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

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

42 COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANTS
44 REQUEST TO CHANGE THE ZONING MAP FROM LIGHT INDUSTRIAL TO THE
46 MIXED COMMERCIAL ZONE ACCORDING TO ORDINANCE #2016-10-O.
COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

2 THE MOTION CARRIED UNANIMOUSLY.

4 8. **Review & Action—Amendment to Utility Agreement with UDOT.** The
6 Council will review and consider an Amendment to Utility Agreement between
UDOT and Lindon City to enable a public utility easement to be created in
8 order to facilitate permanent power hook-up to a sewer lift station in west
Lindon.

10 Mr. Cowie gave a brief background of this agenda item explaining this is an
12 amendment to the original Utility Agreement between UDOT and Lindon City to allow a
public utility easement to be created in order to facilitate permanent power hook-up to a
14 sewer lift station in west Lindon. Mr. Cowie noted this action is just to satisfy UDOT and
to follow the original transfer agreements and maintain intent. This also grants the rights
to the third party into the corridor. He added this is a cooperative agreement.

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

18
20 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
AMENDMENT TO THE UTILITY AGREEMENT BETWEEN UDOT AND LINDON
CITY. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
22 RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE
24 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
26 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 9. **COUNCIL REPORTS:**

32 **Councilmember Powell** – Councilmember Powell reported the Little Miss Lindon
34 contestants did a fabulous job at the pageant. There were 20 girls who participated and
the pageant was done very well. She also thanked Councilmember Lundberg for her
attendance. She also reported that she has been questioned about the placement of the
36 mailbox and utility box by some senior residents. Mr. Cowie stated the location is
temporary and is only for a couple of months during construction. Councilmember
38 Powell also suggested adding several more directional signs into the city building.
Councilmember Powell mentioned the negative impacts of the Questar project on some
40 local businesses with some implying it is a city project. She would like to have seen some
outreach happen to make the construction project easier on these businesses and to be
42 pro-active. She also mentioned that she appreciated being at the capital this last session
and also appreciated Mr. Cowie’s attendance. They had the opportunity to interact with
44 some of the legislators and stressed the importance of the Council being involved,
engaged and aware as the legislators are willing to have discussion.

46 **Chief Cullimore** – Chief Cullimore had nothing to report at this time.

2 **Councilmember Hoyt** – Councilmember Hoyt reported that he attended the Historic
4 Preservation Commission meeting and they are getting close on two new additional
locations for the historic plaque and wheel within the city.

6 **Councilmember Broderick** – Councilmember Broderick asked for the status of the light
8 pole by 300 North corner (Mike & Irene Dougherty). Mr. Cowie stated he will check into
that issue with Van Hansen at Public Works and report back.

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

12 **Councilmember Lundberg** – Councilmember Lundberg reported that the recent work
14 session tour of Wadley farms was very nice, noting it is a beautiful facility and a great
asset to Lindon City. She also mentioned she attended the Avalon Senior Apartments
16 ribbon cutting and hopefully they will get more occupancy and be able to start on the
second building soon. She also attended the tour/lunch of the Utah Valley Mortuary
18 which is also a great facility. She reported the Annual Easter Egg hunt is coming up on
Saturday, March 26th at Pheasant Brook Park at 9 am sharp.

20 **Mayor Acerson** – Mayor Acerson also mentioned his concerns with the safety of
22 entering the temporary city building entry during construction and suggested
implementing more patrol/enforcement of the area. He also reported he will be attending
24 a MAG meeting on March 24, 2016. The UTA Chairman of the Board will be in
attendance which will give local officials some time to ask questions and have some good
26 discussion, which is a good step in the right direction. He mentioned that Provo and
Orem are collaborating with the BRT and there is more of a local flair and participation
28 to it so the citizens are more involved in the decision making process. Mayor Acerson
noted Proposition #1 passed in other counties (not Utah County). He was able to view
30 specifically what they are proposing and coordinating to see what their monies are going
to get for them. He noted that UIA is making revenue and will plateau at some point
when there is no new money to invest in construction.

32

Administrator's Report:

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

Misc. Updates:

- 36 • March City newsletter
- 38 • May newsletter article: Matt Bean - Article due to Kathy Moosman last week in
April.
- 40 • Public Works Water Department – RWUA Awards
- Pool now hiring all positions; summer temporary help positions opening soon
- 42 • April 5th Council meeting (during Spring Break) – Mr. Cowie will check the
agenda schedule to see if the meeting will be canceled.
- 44 • Misc. Items

Upcoming Meetings & Events:

- March 12th at 10 am – Avalon Senior Apartments ribbon cutting & open house

