

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, March 7,**
4 **2017, beginning 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: Ty Lillywhite, Boy Scout
10 Invocation: Carolyn Lundberg, Councilmember

12 <u>PRESENT</u>	<u>EXCUSED</u>
Jeff Acerson, Mayor	Jacob Hoyt, Councilmember – Via Phone at 7:12pm
14 Van Broderick, Councilmember	
Matt Bean, Councilmember	
16 Carolyn Lundberg, Councilmember	
Dustin Sweeten, Councilmember	
18 Adam Cowie, City Administrator	
Hugh Van Wagenen, Planning Director	
20 Kathryn Moosman, City Recorder	

- 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) **Presentation** – The 2016 Little Miss Lindon Royalty: Queen, Sabrina
30 Romero with attendants Shara Bartholomew, Adelaide Hawkins, Brientz
32 Fuller and Sienna Tomlinson introduced to the Mayor and Council the
34 newly crowned 2017 Little Miss Lindon Royalty: Queen, Laynie
36 Allred and Attendants - Drew Clark, Bailey Tucker, Cortlyn Bunker and
38 Winnter Nichols. They also thanked the Council for their support this past
year and showed their appreciation by presenting the Mayor and Council
with a gift. She also thanked the Mayor and Council for their support of
this wonderful program that inspires and helps girls in the community to
do service projects and to help out the community. Mayor Acerson and the
Council thanked all the participants for their good works and for being
dedicated representatives of the city.
- 40 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of February 7, 2017 were reviewed.

42 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
44 OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 7, 2017 AS
PRESENTED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE

2 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER SWEETEN AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 4. **Consent Agenda** – No items.

8 5. **Open Session for Public Comment**– Mayor Acerson called for any public
comment not listed as an agenda item. Brenda Upright with Waste Management
10 addressed the Council at this time. She mentioned the upcoming spring clean up
noting she is the resource contact and if they have any questions to please contact
12 her. Ms. Upright also presented the Council with a gift in appreciation for their
support and partnership. The Mayor and Council thanked Ms. Upright for coming
14 and expressed their appreciation for the updated information and the gift.

16 **CURRENT BUSINESS**

18 6. **Public Hearing — General Plan Amendment, MS Properties.** The applicant is
requesting a General Plan Land Use Map Amendment from Mixed Commercial to
20 Industrial or Commercial to Industrial on subject properties located in various
locations and identified by Utah County Parcel IDs #s 140620027, 140620051,
22 140630031, 140630067, 140640131, 140640139, 140640143, 140640144,
140650024, 140650051, 140650167, 170210059, 451110002, 451110003,
24 451110004, 451110005, 451110006, 451110007, 451110008, 451110009,
451110010, 451110011, 451110012, 451110013, 451110014, 451110015,
26 451110016, 451110018, 451110025, 457440026, 454740027, 454750027,
454940028, 140630053, 140630039, 140630037, 140630055, 140640145,
28 451110001, 450630052, 465180001, 465180002, 465180003, 465180004,
465180005, 465180006, 465180007, 465180008, 465180009, 465180010,
30 451110008. The Planning Commission recommends approval of the changes.

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

36 *Councilmember Hoyt joined the meeting electronically (via phone) at 7:12 pm.*

38 Hugh Van Wagenen, Associate Planner, began by giving an introduction
explaining this item was originally considered by the Planning Commission on January
40 28, 2016 and at that time it was continued pending the regular review of the General Plan
slated for fall of 2016. That regular review is behind schedule. Therefore, this application
42 is being considered so as not delay the applicant’s request any further. On January 28,
2016, many public comments were taken. Minutes from that Planning Commission
44 meeting are included in the staff report (attachment #8). On February 28, 2017, the
Planning Commission recommended approval of the request to the City Council
46 unanimously. The request is to match what the current code is on the books. He noted the
General Plan is a visionary document that not only helps Lindon City but helps all cities

2 along the Wasatch Front looking out 5 to 20 years or more. They typically update the
4 General Plan every 5 years with the last review being in 2011. As far as materials
6 provided by the applicant (represented by Mr. Sean Monsen) he has provided a letter
8 dated February 23, 2017 regarding the request (included in the staff report). Mr. Van
10 Wagenen stated the applicant would like the General Plan Land Use Map to reflect the
12 current Zoning Map (parcels identified). He noted as shown above, many additional
14 property owners are in support of this application. Currently, all the parcels requesting
16 the change are zoned either Light Industrial or Heavy Industrial. The current status of
18 these parcels on the General Plan Land Use Map ranges from Mixed Commercial to
20 Research & Development to Commercial to Parks – Public Facilities.

22 Mr. Van Wagenen stated the current General Plan Land Use Map does not have a
24 Heavy Industrial area identified on the Map. However, Heavy Industrial is referred to in
26 the General Plan under the Industrial Land Uses section. The General Plan is a living
28 document and not static and can change at anytime. He noted the first public hearing was
30 held in August of 2010 and adopted in November of 2011 so over the year thirteen (13)
32 public hearings in total were held between the City Council and Planning Commission to
34 look at the plan as a whole. For clarifications sake, the minutes from a work session of
the Planning Commission indicate that notices about the open house for the General Plan
(November 2010) were sent to every owner of record between Geneva Road and I-15 in
the fall of 2010.

22 Mr. Van Wagenen then referenced the map noting the pink areas are designated
24 mixed commercial areas and the orange color is referred to as research and development,
26 the green areas are parks and public facilities and General Plan designations into the
28 future, and the light pink areas are designated as commercial for the long range plan. He
30 explained the distinction between the General Plan land use map as a visioning document
32 whereas the zoning map reflects what is administered today on the ground. The General
34 Plan is guiding document or vision that guides policy and decisions. The applicant
request is to have the General Plan land use map reflect the current zoning map. As we
entertain the discussion tonight it is good to know that this application was submitted
over a year ago to the Planning Commission. At that time staff anticipated undertaking on
the 5 year overall of the General Plan in the fall of 2016. Unfortunately that has not
happened as yet and they feel it is prudent the applicant be heard now instead of with the
overall General Plan review.

36 Mr. Van Wagenen further explained in the General Plan maps there is language
38 associated with them and how they are designated and it is prudent to read the language
40 to know what the intent was at that time. He went on to explain specific uses for the
42 various zones and what would happen to new uses if re-zoned and the language included.
44 He also mentioned at the last Planning Commission meeting a lot of residents were in
46 attendance from the Pheasant Brook area to voice their concerns of living next to non-
residential uses but they did not oppose the Planning Commission recommendation. He
informed the Council that there has been some progress made between the businesses and
homeowners and he expressed his thanks to the businesses (Martin Snow) and residents
for taking some steps to mitigate some of these concerns. Mr. Van Wagenen then invited
Mr. Sean Monsen representing UIS forward to speak to the application.

46 Mr. Monsen commented that Mr. Van Wagenen has done a great job of providing
a good overview. Mr. Monsen began by stating they are not asking for a rezone or change

2 of use of their property, they are just asking for an indication or signal from the city that
the manufacturing industry is a part of the long term vision for Lindon. He noted the
4 General Plan gives all residents and businesses a vision for various land uses. Essentially
they are here to express their concerns as they want an indication from the city as to what
6 the future vision/goals are for their activities for industrial manufacturing in the city. Mr.
Monsen stated the General Plan is a vision document that helps inform subsequent zoning
8 requests for particular uses. Mr. Monsen then read part of a letter from earlier
interactions (2016) that the Lindon City Attorney sent to them in response to their
10 concerns including a statement indicating the city clearly has a desire that their operations
continue to have a place in Lindon and be a part of their long term vision as they provide
12 good paying jobs and contribute to the overall economy.

Mr. Monsen pointed out their business provides hundreds of jobs and pays
14 millions of dollars in taxes. He understands, and is sympathetic, with citizen concerns
with the expansion of industrial, but the situation is that the houses were not in place
16 before these businesses but these businesses have been here for well over 30 years. They
have invested millions of dollars in tax revenue and provide hundreds of jobs and they
18 did it with the intention that there would not be houses there. He noted the people buying
these houses knew the industrial was there and they had a choice to move there knowing
20 the industrial was already there. Mr. Monsen stated they realize there will be some
conflict and they are trying to balance and alleviate some of that conflict. He reiterated
22 these businesses pay millions in taxes and provide many jobs and provide higher services
from other businesses and boost other businesses that impact the economy and
24 community. They are here to essentially see these words translate into action so they are
part of the cities long term vision.

Mr. Monsen stated the city acknowledges that there will be that conflict and they
26 have indicated they will not shut the businesses out and they are looking for direction as
to what the long term vision is. Mr. Monsen commented he feels this is a perfect time
28 and opportunity for the city to decide what their long term vision and commitment plan is
for the industrial and manufacturing facilities for the future; that is what they want to
30 know. He added that he would also like to address any questions during the public
hearing portion of the meeting. Mr. Monsen also noted there were some concerns with a
32 potential conflict with the new Ivory Development and that is why they were here before
and the city was good to mitigate some of those concerns.

Mr. Monsen mentioned that there were residents at the Planning Commission
36 meeting that expressed concerns with conflict between residents and businesses; the
residents want the current codes enforced. Some businesses were grandfathered in so
38 there is no way to enforce current codes but Martin Snow contacted those residents who
had concerns and he volunteered to build an 8 ft. wall as a barrier to alleviate their
40 concerns because he wants to be a good neighbor and citizen of Lindon and it shows his
commitment to the city. This is indicative of the businesses to mitigate and alleviate the
42 conflict that is inevitable. Mr. Monsen also made part of the record an email exchange
between Mr. Snow's assistant Robert Tubman that indicated he is trying his best to be a
44 good neighbor to the residents and a good citizen of Lindon.

Councilmember Lundberg commented, in looking at the proposal, she asked if the
46 General Plan matches the underlying zoning map could there not be an argument for
undeveloped land with one potential thought being that they have the uses allowed

2 already but the general vision plan potentially opens up a wider variety of uses to another
4 applicant; there may be some advantages to this. Mr. Monsen stated if the property
6 changes ownership or if they want to engage in another use can they ask for a rezone and
8 an amendment to the General Plan. That option is certainly available and open to
10 property owners in the future and it is not restricting for someone who wants to expand or
12 change the use on their property and they can ask the city for a re-zone.

8 Councilmember Sweeten mentioned the list of property owners in this proposed
10 change and questioned if there are any property owners that are opposed to this change.
12 Mr. Van Wagenen explained that any property included tonight, the property owner had
14 to sign on to the application with written verification.

12 Councilmember Bean asked how common is it in Lindon City to change a
14 General Plan after we have gone through the process and moved forward on the newest
16 version of the General Plan vs. going the other direction. Mr. Van Wagenen explained the
18 overhaul was adopted in 2011 and since that time there have been 13 requests made for
20 General Plan changes. Of which, typically those requests are on individual pieces of
22 property and not over 211 acres. The Ivory Homes Development request came in and the
24 majority of the acreage there was already designated in the General Plan as higher density
residential. But there were some additional properties that were expanded upon there so it
is not uncommon. Councilmember Bean asked if most of those cases have come with a
zone change for a specific reason. Mr. Van Wagenen confirmed that statement adding
most are because it is development driven. Mr. Van Wagenen added not only is the vision
document for land use going forward but it also informs/changes the capital facilities
plans.

26 Councilmember Sweeten stated in anticipation of this issue coming up he has had
28 discussions with a number of business owners in the area to get their opinion (regarding
30 the General Plan) as he was uncomfortable with the idea that the city had told any
32 businesses (or implied) that we did not want them here. He stated that most spoke to the
34 fact that they felt the city does not want them here. Councilmember Sweeten stated he
36 feels we need to cater to the businesses so they don't leave as they are what generates the
38 capital that the city operates under. This concerns him and he feels the General Plan
should match and can be changed on a case by case basis. He does not want to send the
message that the city does not want the businesses here because we do.

34 Mayor Acerson made it clear that the city has never sent a message that they want
36 the businesses to leave. It may have been interpreted that way from the actions of past
38 councils but we want the businesses here and that was never the intent and it is not a
feeling that has been expressed.

38 Mr. Van Wagenen reiterated what is on the books now with zoning and codes are
40 what governs and he gave an example (Intermountain Casting) where there was a snafu
42 on their end with the architect and a misunderstanding. At that time they came to the city
to solve that concern and the city changed the ordinance on their behalf on that specific
project. He feels the practical service businesses received from the city has been good
service.

44 Mr. Van Wagenen reminded the Council to keep in mind that anytime a zone
46 change occurs, land use permissions are both lost and gained, so there is not necessarily a
net loss of permissions from one zoning designation to another.

2 Mr. Van Wagenen also mentioned that Mr. Mike Christensen submitted a letter
4 dated February 24, 2017 that stated opposition to the request. He noted that many
6 neighbors from the Pheasant Brook neighborhood were in attendance at the last Planning
8 Commission meeting where there were many comments regarding the tenants of the
10 industrial park on 880 West that border the neighborhood. Most concerns were with
12 operating hours, code enforcement, and buffering between residential and industrial uses.

14 Mayor Acerson called for any public comment at this time. There were several in
16 attendance who addressed the council at this time as follows.

18 **Clark Olsen:** Mr. Clark stated he is the owner of Utah Pacific Bridge and Steel (West of
20 Geneva road). They became aware of the General Plan update a year ago when the Ivory
22 home plan came about with the buffer being reduced. It comes down to this, does Lindon
24 City want the businesses here (some for 42 years) to prosper and grow in the city or not.
26 When employees and investors see this they think the same thing and he is here to decide
28 if Lindon wants them here or not in the future. He doesn't understand why the vision
30 statement doesn't reflect more of where we are at. He questioned many on the City
32 Council were part of the process in 2011. In 10 or 20 years down the road the city may
34 change their minds again but this is important to them right now as they make business
36 decisions. Mr. Clark stated when the General Plan changes it's a good time to revisit
38 these issues because it affects his decision as a business owner whether to stay here and
40 expand, pay taxes, employ people and be more prosperous or not. He is hesitant to build
42 more and expand when he has a city that doesn't want him here and that is reflected in
44 the General Plan. They love Lindon City but frankly he is offended that he wasn't
46 notified of the meetings in 2011 to have these discussions before it went on the books.
Mr. Olsen stated if a letter would have been sent to the address of record he would have
gotten it because that is his home address. Mr. Clark further stated it is important to
address this issue now, as it devalues their businesses because if a future developer/buyer
looks at the General Plan they may not buy or come here. None of their businesses can
operate in these new zones and it is not conducive to what they are doing at all.

32 **Melvin Radmall:** Mr. Radmall stated he is an industrial property owner and he wants it
34 to go back to the way it was. He also pointed out that the future planning map shows his
36 property will be made into a park and because it shows it as a park he won't be able to
38 sell it and he doesn't plan on having his property being excluded as a park someday down
the road; the way it looks now his property will be a park in the future. They fabricate the
steel that builds infrastructure and the city needs the industrial fabrication and it is a great
place for them to be.

40 Councilmember Bean had a question regarding the city survey and what may be
42 done again in the future. Mr. Van Wagenen stated the last overhaul that was adopted in
44 2011 and began in 2010 with the General Plan Committee where they put together a list of
46 questions based on citizen feedback. The survey was open for 6 months with 730 responses
to that survey which was a great response rate for the size of the city. Based on those
survey responses they helped to craft what became the final document. A question was
asked about land uses on the west side of Lindon between Geneva Road and I-15 where

2 35% (highest response) said they would like to see commercial retail service based
businesses with industrial land use at 16%.

4 Councilmember Bean pointed out we are back in the cycle now of looking at the
General Plan revision and another survey may be needed since it has been 6 years out from
6 the last survey. He expressed that he appreciates the comments here tonight and also the
Planning Commission comments as well. He noted the current zoning governs what you
8 can do on your property so a General Plan change may provide some comfort. A General
Plan is something most cities in the United States craft so that as time goes by and things
10 evolve and the economy and conditions change where city leaders and citizens can put
together a vision and ideas of how they would like the city to grow in the future. A General
12 Plan needs to be representative of how the citizens and business owners feel and things
may be done differently since the last update as the city responds to the feelings of the
14 citizens.

Councilmember Bean went on to say in the Wasatch Front there are a little over 50
16 cities along the I-15 corridor (between Nephi and Tremonton) and he particularly looked at
11 cities (between Lehi to Payson) and their General Plans and compared it to their zoning
18 maps. He explained what he found in 6 of those cities (in comparison) along with Lindon
City that the zoning allows more uses for manufacturing and industrial, than the General
20 Plan map does. Lindon City is evolving and there are different ways that cities look at the
General Plan and that is why the business owners have concerns. He noted he is sensitive
22 to the concerns of property owners regarding the General Plan and it is disconcerting to
hear that any business owner would feel they are not welcome here. He believes nothing
24 the city has done overtly or in an implied way that has ever sent that message. He indicated
there has not been one situation for a non conforming use where the city has not been
26 accommodating. He personally feels the United States is way behind in manufacturing
capabilities in every way and he would like to encourage more manufacturing here.

28 He also appreciated the letter from Mr. Monsen provided to the Planning
Commission dated February 23rd that spoke on his comments. Councilmember Bean then
30 read his comments from the Planning Commission meeting based on the audio noting that
it has never been implied that the industrial/manufacturing businesses are not wanted in
32 Lindon. In conclusion he sympathizes with the business owners who feel the city does not
want them here, but he has yet to see a compelling reason for a change especially with
34 another reiteration of another General Plan land use plan coming up.

Councilmember Sweeten respectfully disagreed with those statements as the
36 compelling reasons are that 100% of the land owners of the parcels in question want to see
the change to match what is currently zoned and the Planning Commission unanimously
38 recommended approval of the change.

Councilmember Bean asked what is behind the thought that it is a compelling issue
40 that all the land owners want it as this was a vision document and does not affect anything
that would impede their operations. Councilmember Sweeten feels we are doing a
42 disservice to these business owners who want to see this change happen. There was then
some exchange between Councilmember Bean and Councilmember Sweeten regarding this
44 issue. Mayor Acerson stated the only “disservice” right now is the fact that the master plan
does not match the zoning. There is a process by which we can bring that more in line with
46 the appropriate direction of which timing is an issue. Mayor Acerson stated there are two

2 options to consider: 1) rule on the application now or 2) to do it through the timely process
to review the General Plan with input and discussion.

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6 **Martin Snow:** Mr. Snow stated Councilmember Bean made the comment that there is less
manufacturing along 1-15 than what was there 10 years ago. When we look at property
8 owners there are 211 acres and 51 parcels and every one of them came to Lindon and
bought because it was industrial property and at the time the General Plan showed it as
10 industrial property. We bought that property because of what it was and the General Plan
has changed it to something they don't want.

12 **Mr. Olsen:** Mr. Olsen stated they had this conversation a year ago. He objects strongly that
the city has not inferred that they don't want them here. There is a strong inference that
14 they don't want them long term. He doesn't think that any of the property owners were part
of the committee back then. He feels the committee was the wrong committee for what is
16 going on. He just wants to know how long they have to wait for it to happen. He is
concerned that no one in this room was involved in this vision plan and that they want to
18 hold onto this plan having not developed the plan, and he has concerns of future councils.

20 **Wayne DeVincent:** Mr. DeVincent stated he takes exception to the method and procedure
of the survey as a guide stick and feels they need to operate more as a republic. He
22 commented to look at what industrial businesses pay their employees compared to other
commercial operations. He feels we have jewel here that is not duplicated elsewhere. With
24 the rail spur here we can do things that other cities just cannot. He thinks relying on citizen
input is good in a way but it needs to be extenuated with the businesses. He is a 40 year
26 resident of Lindon and this area needs to be protected and encouraged and the city needs to
stand behind it.

28
30 Mayor Acerson stated these are all valid points and clarified that the city does not
want these businesses to leave. He explained we are debating a process and whether it was
done right or effectively years ago, but the point is the process needs to be defined. Mayor
32 Acerson stated we are bringing the focus and options to the council to act on it.

34 Councilmember Lundberg stated she toured some of the facilities and knows these
businesses are invested in the city. She recognizes they have a lot invested financially and
a lifetime of building and employees and truly more and more we need a healthy ecosystem
36 of business. When looking at the General Plan let's make sure we have a good diversity of
mixed uses in the city for a healthy balance. She likes the allocation of the parcels and
38 wants to encourage a healthy job and tax base.

40 Councilmember Broderick stated he appreciates the comments made and articulated
on both sides. He also likes the idea of a vision document for planning. He also respects the
decisions of past councils and the use of a survey. He is impressed by Mr. Snow and UIS
42 for their willingness to go above and beyond. He will be voting for the amendment change.

44 Councilmember Hoyt stated he attended the Planning Commission meeting last
week and appreciated the land owners and businesses coming to a consensus and
resolution. As he researched this he appreciates past councils and commissions for their
46 work put into the vision document and understands where they were coming from and he
also understands where the industrial businesses are coming from. When this vision was

2 put together 5 years ago it was not from a place of dislike or not welcoming of the
4 businesses in the industrial zone and he believes that was not their purpose or intent. He
6 noted that he talked to most of the property owners on the list (40%) and unfortunately they
8 felt as if the city was being unwelcoming or telling them to leave (it was a common thread).
10 This is a big concern for him as he feels very strongly about business friendly practices and
12 relationships as these businesses are making large investments in Lindon. The Industrial
14 zone is set up well geographically and it is well-defined by large traffic arteries. His vision
of Lindon does include industrial and has for many years. There may be a day when those
property owners take a hard look at their property and realize they can sell under a different
type of zoning and when that day comes he hopes they will feel comfortable coming to the
City Council and that they haven't told them what that zoning will be. He understands both
sides and the Council will look at this, but he believes in strengthening the bond between
the city and businesses and therefore he is favor of what is being proposed today.

16 Mayor Acerson clarified this is a timing and clarity issue of making sure the
18 businesses feel welcome and this is a step in making that happen, or it could happen
through the natural process which would allow things to be vetted for a better process and
theoretically a better result.

20 Mayor Acerson called for any further public comments at this time. Hearing none
he called for a motion to close the public hearing.

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

26 Councilmember Lundberg stated she wants to understand if there is any reason why
28 we went down the road and however long it takes to do the whole General Plan would
there be a different choice down the road vs. doing this now. It essentially would be in
piece mill and there are other factors to consider.

30 Councilmember Bean believes there are other factors to consider. It is important to
32 remember that the General Plan overview has more elements than just land use. When this
was done 6 years ago the entire city was reviewed but the emphasis was on the west side so
now there would be different kinds of input.

34 Councilmember Lundberg commented if this change is made tonight it will not
36 necessarily cement the future discussion of the overall General Plan land use map. The
timing is what she is trying to understand. Mr. Van Wagenen stated the General Plan
review will be done this year.

38 Councilmember Bean stated he will not vote in favor as he sees no detriment to the
40 property owners right now and no imminent concerns or financial detriment and if that
comes up they could come before the council to address that. With no request for a zoning
change and no imminent development this is a process approach that he is not comfortable
42 with as we are circumventing the process and procedure the city should take.

44 Mayor Acerson wants to make sure that when the General Plan discussion takes
place that the business owners are in attendance. He stated as a council we do our best and
we have learned from the past processes that maybe we could have done a better job.

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

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COUNCILMEMBER SWEETEN MOVED TO APPROVE ORDINANCE #2017-2-O THE APPLICANT’S REQUEST TO CHANGE THE GENERAL PLAN DESIGNATION OF THE LOTS IDENTIFIED IN THE STAFF REPORT TO LIGHT AND HEAVY INDUSTRIAL, RESPECTIVELY WITH NO CONDITIONS.

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

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COUNCILMEMBER BEAN NAY

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COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

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COUNCILMEMBER HOYT AYE

COUNCILMEMBER SWEETEN AYE

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THE MOTION CARRIED FOUR TO ONE.

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Councilmember Lundberg explained her aye vote. She stated at the time that this concern became apparent (because of the Ivory Development) she felt she promised, in essence, to these business owners, to be a good neighbor and to make it a win win for all of the development that occurs in the city and that the city is moving forward in good faith.

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Councilmember Hoyt left the meeting (via phone) at 7:42 pm.

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7. Discussion Item — Residency Requirement for Police Chief. Councilmember Lundberg requested a discussion item on a possible residency requirement for the vacant Police Chief position. Lindon City does not currently impose a residency requirement for employees. This is a discussion item only. No formal action will be taken at this time.

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Adam Cowie, City Administrator, gave some background of this agenda item explaining Lindon City does not have a residency requirement for any employee position. Residency has not been required as a condition of employment at Lindon City in the last 23 years. Currently there are 16 employees that live in Lindon City out of about 60 permanent full & part-time positions. Numerous other seasonal and temporary positions are typically filled by residents (life guards, parks & public works seasonal help, coaches, etc.). Staff gathered some general input from other Utah County cities and comments/thoughts from other City Managers on the topic of requiring residency for employees. Several of the comments are insightful and may provide good food for thought. He noted this item is for discussion only and no motion is needed.

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Mr. Cowie further explained there are a handful of responding cities that do require residency for limited executive staff but the majority of cities along the Wasatch Front do not appear to require residency as a condition of employment. Some cities do have limited response times required for public safety and on-call employees (mile radius or drive time limitation to get to work). Consideration for requiring residency should include Lindon’s higher cost of housing. In a search of real estate listings on March 3, 2017 there were only 15 single-family homes listed in Lindon of which two homes were in the \$300k range and the remaining 13 homes were listed at \$542k or higher. Limited

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2 housing choices and high home & property values are problematic to requiring employee
4 residency in Lindon. In other communities across the nation there are several instances

6 Mr. Cowie pointed out that many of these communities face issues of racial dissimilarity
8 between law enforcement officers and those they police in their communities. Lindon,
10 and most of the Wasatch Front, is very homogenous in its demographics and does not
12 routinely face this issue. Employees who live in Orem, Pleasant Grove, Draper, or
14 Springville are very able to feel empathy for and can relate to most situations that arise
within Lindon City. Of the executive staff in Lindon (City Administrator and Department
Heads) one out of seven lives in Lindon City. However, all have and continue to serve
Lindon City diligently and with utmost concern and care for the City and its citizens.
Employees of the City are almost entirely administrative in their duties. He also
referenced the city code related to this issue 2.03.03. Residence.

16 Mr. Cowie stated while they can certainly be influential with elected officials on
18 policy making, employees of the City ultimately cannot approve codes, laws, or
20 ordinances. Employees cannot approve budgets and capital improvement projects.
22 Employees cannot change utility rates, fees or taxes. Employees cannot approve
24 compensation and benefit packages. All of these decisions can only be made by elected
26 officials. Employees, including the Police Chief, implement laws and directives
28 established by elected officials and in most cases have limited discretionary authority.

30 Mr. Cowie gave his opinion, aside from racial inequality issues; residency
32 requirements for employees may be most impactful on implementation of laws and
34 policies as imposed by elected officials. While I understand the desire for employees to
36 feel vested in a community through a residency requirement, I firmly believe that care for
38 a community, implementation of duties, and job performance does not require residency
40 for success. Should changes to employee performance and/or duty implementation be
42 necessary it can be managed through other appropriate guidance and leadership methods?

44 Mr. Cowie stated he emailed city managers in all Utah County cities and a few
46 other cities that collaborate often with us. He asked if their city has residency
requirements for employees, particularly for executive staff, and if they were willing to
share any pros/cons on this topic. Following are some of those responses:

- **Eagle Mountain:** Eagle Mountain does not have a residency requirement for staff at all.
- **Orem:** Orem does not have a residency requirement for our executive staff. In fact, only three of my 9 key leaders in the organization that live in Orem. Both my Fire and Police Chiefs live in Lindon! Personally, I have a clause in my employment contract that notes that I do not have to live in Orem. From a recruiting perspective, your pool will be much broader in recruiting from outside the city. Your council needs to ask the question, do you want to hire the best candidate or do you want to hire someone from Lindon? Invariably, your best candidates may come from outside the city. Moreover, I have lived in the same city I managed and it was a real challenge. There was never any down time. I would get work questions at church, on the soccer field, at the movies, restaurants, etc. I actually had to travel outside of the city to get some peace! In addition, I also believe that living outside the community also provides some impartiality when it comes to city issues. I can make decisions based on what is

2 best, rather than what my neighbor may be pressuring me to do. Just a few
4 thoughts. In 2012, Provo actually eliminated their residency clause for department
directors.

- 6 • **Highland:** We do not. It would be problematic financially if we did.
- 8 • **Santaquin:** No residency requirement.
- 10 • **Provo:** (Response from Council Administrator). I can't speak for the City
12 Administrator position but Provo no longer requires senior staffers to live in the
14 city. I used to live in remote areas where relocation was simply a necessity of
16 taking a job. In an urban or suburban setting, it seems less a necessity than a
18 preference to live in the city in which one works, unless it's required. I think
20 several factors could be considered (in addition to those previously mentioned by
22 others). I would guess that most cities do not provide relocation allowances if you
24 live a short distance outside the city and what relocation allowances are provided
26 typically cover only the move and not come close to the transactional costs of
selling/buying a home. We also live in a day and age when many (most?)
households are dual income households. Does a city council want to impose a
residency requirement that would impose undue burdens on a spouse to either
move or take on a long commute? In my case, when I took my current job, the
impact was to turn a 35-minute northbound commute to a 40-minute southbound
commute. My wife gets to keep her current 10-minute commute, my kids stay in
their current schools, and the only I am impacted by my job change. (response
from CAO). Excellent policy considerations. In Provo, there is no formal
residency requirement by ordinance for executive staff. We do have some
limitations for first responders. However, the CAO's job description indicates that
he or she will live in the city limits. That is the only position where that provision
is specified in the job description.
- 28 • **Payson:** Payson does not have a residency requirement.
- 30 • **Heber City:** No residency requirement in Heber City.
- 32 • **Springville:** We removed the ordinance requiring residency about a decade ago.
34 For some positions, we require a response time (we have both a ten mile policy
for some positions and a 20 minute response for others.) We strongly encourage
living close by, but do not mandate it. We have encouraged this on some new
hires by offering a move incentive if they live close to town.
- 36 • **Mapleton:** Mapleton does not have a residency requirement.
- 38 • **Park City:** In Park City there is a residency requirement in Section 2-4-1 of the
40 Municipal Code it says, in reference to the City Manager's residential location
states: "At the time of his or her appointment, he or she need not be a resident of
42 the City or state, but during tenure of office he or she shall reside within the City
except at the discretion of the City Council." The City Council used their
44 discretion when I became City Manager, and I did not have to move into the City.
- 46 • **Spanish Fork:** I don't always agree with Mark Christensen, but I am finding that
we agree more and more as time goes on. Is that a function of the Utah County
rubbing off on both of us? I think his points are well articulated and I agree with
them ALL! In Spanish Fork, the only residency requirement is placed on the City
Manager. We had a requirement for many other positions in the past, but that has
gone away. Currently, of the 10 executive Staff members, 3 do not live in SF, but

2 their advocacy for their city and what they believe is best for the community is the
4 same as any other team member. When I was hired as the Assistant City Manager,
6 I was not required to live in SF, however, after 4 years, I chose to move here. I am
8 grateful for that change now 8 years ago, but I am most grateful that I could make
that move on my family's own terms. That has made all the difference for my
family. Best of luck with this discussion with your council.

10 Councilmember Lundberg clarified her intent for this discussion was only for the vacant
12 Police Chief position and not for the Department Heads or Administrator. She personally
14 likes the idea of having the police live within a certain radius (at least the Chief of Police
16 right now). She feels there could be some positives. There are many good arguments
brought up from the comments listed and she would just like to see how the Council feels
about this issue. Councilmember Lundberg clarified she is not looking to make it a
requirement, but is there a value to encourage it or maybe have a radius or to make use of
an incentive.

18 Councilmember Broderick stated he would vote no on a residency requirement
20 and he would only be inclined to use an incentive if it was necessary to get the right
22 person to fill the position. Councilmember Bean stated he would vote no on a residency
24 requirement. Councilmember Sweeten stated he likes the idea of a radius because of the
reasonable response time.

26 Mayor Acerson suggested looking at our procedures and to see if there are any
28 guidelines to move forward. Mr. Cowie stated there would have to be a new policy
30 written. Mayor Acerson stated he is hearing further discussion is needed on this issue and
to consider that it be a requirement or recommendation or use a defined broader radius.

32 Councilmember Bean stated if it came out in a policy discussion and became a
34 policy of the police department he would maybe consider it, but he doesn't know what
36 the inputs are. He noted the interview committee will make their decision based on
ordinance and criteria and we need to be careful with personal preferences. Although we
may feel we are not being coercive it can feel that way depending on how you do it.
Councilmember Broderick agreed with Councilmember Bean's statement.

38 Councilmember Sweeten stated he would like to see the police chief live within a 15 mile
40 radius. Councilmember Lundberg stated she would like to see at least the police chief
42 live in the city or to have a radius as there are some benefits to having this and she would
encourage it. She would also suggest to maybe incentivizing it. She also said she
appreciates the department heads and city employees and is not in any way saying they
are not totally dedicated to their positions and the city.

44 Mayor Acerson observed that it sounds like we may want to have more discussion
46 on this issue when Councilmember Hoyt is in attendance. He noted we are somewhat on
the same page to have it not be a requirement but to perhaps have a radius. He would
suggest making a firm commitment to try and get the best applicant for the position that
wants to be a part of the community and what is best for them.

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

4
6 **8. Review and Action — PG/Lindon Utility Services Interlocal Agreement;
Resolution #2017-6-R.** Lindon City and Pleasant Grove have several properties
8 that are served by utilities from both cities. An older utility sharing agreement
10 from 1978 has been in effect but needed updating to reflect current issues along
12 our common border. This new Interlocal Agreement continues the cooperative
nature of our past utility service sharing with updated guidance and direction for
future utility sharing along the PG/Lindon border. Staff recommends approval of
the agreement.

14 Mr. Cowie explained this is a resolution approving an interlocal agreement
between Lindon City and Pleasant Grove for shared utility services along common
16 boundaries as they have common boundaries and share utilities across those boundaries.
He noted the cities had a prior utility sharing agreement (1978) that needs to be updated.
18 The cities have worked together to draft and update the policies and processes for sharing
of utilities across those common boundaries and doing this is in the best long-term
20 interest of the public and prevents duplication of public services and decreases overall
maintenance costs to both cities.

22 Mr. Cowie stated this interlocal agreement for utility services between the cities
of Pleasant Grove and Lindon has been drafted by both cities and staff recommends
24 adoption of this agreement is in the best interest of Lindon City.

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

28 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
#2017-6-R PG/LINDON WITH THE ADDITION OF ADDING THE GARBAGE
30 BOUNDARIES. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
34 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER SWEETEN AYE
36 THE MOTION CARRIED UNANIMOUSLY.

38 **9. Review and Action — T-Mobile (Crown Castle) Agreement Amendment;
Resolution #2017-7-R.** The City Council will review and consider an amendment
40 to the tenant & lease agreement for the cell tower located at the back of the Public
Works property at 946 W. Center Street. This amendment provides for an updated
42 legal description of the property and grants a non-exclusive access easement
across the property to the cell tower location. Staff recommends approval of the
44 agreement.

46 Mr. Cowie stated this resolution of the city council of Lindon City approving an
interlocal agreement between Lindon City and T-Mobile West Tower LLC.

2 He noted that Lindon City’s Public Works property located at 946 West Center Street has
4 a cell tower on its northeast corner with T-Mobile West Tower LLC (T-Mobile) as its
6 tenant. The City has previously entered into a tenant lease agreement with T-Mobile and
8 managers of the tower (Crown Castle) and this Crown Castle request is that the City
10 provide an access easement to the tower and an updated legal description of the property
12 in order to attract and retain co-locators on the tower.

8 Mr. Cowie explained that this agreement between T-Mobile and Lindon City has
10 been drafted and reviewed by the City Attorney and City Engineer. He added that the
12 easement location has not been found to be detrimental to the Public Works facility and
14 can be relocated at the request of the City. Staff feels approval of this agreement is in the
16 best interest of the public in order to maintain and attract additional tenants and/or
18 carriers to the tower for which the City receives lease revenue and is able to use the funds
20 for general obligations and public purposes.

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

18 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION
20 #2017-7-R THE AGREEMENT BETWEEN T-MOBILE AND LINDON CITY.
22 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
24 RECORDED AS FOLLOWS:

22 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
24 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER SWEETEN	AYE

26 THE MOTION CARRIED UNANIMOUSLY.

28 COUNCIL REPORTS:

30 **Councilmember Hoyt** – Councilmember Hoyt was absent from this portion of the
32 meeting.

34 **Councilmember Broderick** – Councilmember Broderick reported he attended the
36 monthly engineering meeting on February 2nd along with JUB. They had a presentation
38 on road maintenance projects which was very informative. He also attended the Provo
40 Bench Canal meeting on February 18th including the adjudication process regarding the
42 impact of Russ Brown and Jack Jones. He noted the overall water content is in record
44 type years regarding the current snowpack. He also mentioned the Provo River Water
46 Users Association (PRWUA) balloon payment for improvement on the canal. Mr. Cowie
stated we agreed that our portion is \$23,000.00. Councilmember Broderick also reported
he attended the reservoir company meeting and this is the 5th highest water year so there
is a lot of water content which is great. He noted there were also compliments to the
hiring of Brad Jorgensen as our Public Works Director. He added that Mr. Jorgensen
showed him around the wells and the chlorination process which was very informative.
He also asked suggested the Pickle Ball nets up be put up as soon as possible.

2 **Councilmember Bean** – Councilmember Bean reported that there is a full seven member
on the Planning Commission with Commissioner Mike Vanchiere now on board.

4
6 **Councilmember Lundberg** – Councilmember Lundberg reported that the Little Miss
Lindon pageant was a great success. She noted that Traci Stone mentioned Alpine School
District has increased the rental for the school to \$900, so they may come to the council
8 to ask for a little more money. She pointed out the LML donate hundreds of hours to the
city and that costs go up everywhere. Councilmember Lundberg also asked if we have
10 ever recognized businesses in the city for a beautification award. She suggested that we
encourage or bring positive recognition to these businesses. Councilmember Broderick
12 suggested it could be facilitated through the Chamber of Commerce. Councilmember
Lundberg reported that she also attended the CDC Advisors symposium last week and
14 things are going well and it is very positive.

16 **Councilmember Sweeten**– Councilmember Sweeten reported that the Chamber of
Commerce meetings are going well. He also mentioned that he was sorry to have missed
18 the Public Safety Building Ribbon Cutting and Chief Cullimore’s retirement as it looked
like it all went very well.

20
22 **Mayor Acerson** – Mayor Acerson reported NUVASS is active and well and they are
making headway there and they will continue to see where it goes. He also reported there
is a potential assessment for power of “Wildland Protection” for approval that was sent
24 from the state. They want to collectively get cities statewide to participate. He also gave
an update on the Legislature report. Mayor Acerson also reported that the Utah Lake
26 Commission will make an appointment for the technical committee and they need to
make it official by reaffirmation.

28 **Administrator’s Report:**

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

32 **Misc. Updates:**

- 34 • March newsletter
- Newsletter articles – Continue bi-monthly message from Police Chief?
- 36 • May Newsletter: Dustin Sweeten. Article due to Kathy Moosman by last week of
April.
- 38 • City Center Elevator remodel. Architectural plans in progress. Also evaluating
carpet replacement in upstairs areas.
- Public Safety Building – Amazing turnout. Thank you for support and attendance.
- 40 • Budget Committee meeting: March 28th at Noon at City Center conference room.
Lunch provided.
- 42 • Lindon’s K9 Police Dog (Capone) and Officer Eric Whitehead have completed 8
weeks of full-time training and have received Utah POST certification as official
44 narcotics dog & handler.
- 46 • Police Chief Job: 21 applications received. Interview committee members will
evaluate applications and pick their top 8 applicants this week. Hopefully we’ll all
pick the same 5 or 6 top candidates to interview the week of March 13th-17th.

- 2 • Availability for interview dates? (anytime on 14th, afternoon of 15th)
- Legislative Updates
- 4 • Should we hold Council meeting on April 4th? This is the week of Spring Break and the night before most of us leave for St. George ULCT conference. Will we
- 6 have a quorum or should we cancel?
- Well #2 casing & motor being repaired. Two other wells have chlorination
- 8 systems nearly complete. Additional well chlorination to be done by June (has
- 10 more extensive electrical work needed to accommodate chlorination room
- addition).
- 800 West tanks – trenching has occurred around tank and fencing options being
- 12 evaluated.
- Fire/EMS call report is attached.
- 14 • Misc. Items

16 **Upcoming Meetings & Events:**

- Little Miss Lindon pageant on Saturday, March 4th at 6 pm at Oak Canyon Jr.
- 18 High.

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

22 **Adjourn** –

24 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
26 AT 10:30 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – March 21, 2017

30
32 _____
Kathryn Moosman, City Recorder

34
36 _____
Jeff Acerson, Mayor