

2 The Lindon City Council held a special meeting on **Tuesday, May 23, 2017, beginning**
4 **at approximately 9:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **SPECIAL SESSION** – 9:00 P.M.

8 Conducting: Van Broderick, Mayor Pro Tem

10	<u>PRESENT</u>	<u>EXCUSED</u>
	Van Broderick, Councilmember	Jeff Acerson, Mayor
12	Matt Bean, Councilmember	
	Carolyn Lundberg, Councilmember	
14	Jacob Hoyt, Councilmember	
	Dustin Sweeten, Councilmember	
16	Adam Cowie, City Administrator	
	Hugh Van Wagenen, Planning Director	
18	Brian Haws, City Attorney	
	Kathryn Moosman, City Recorder	

- 20
1. **Call to Order/Roll Call**– The meeting was called to order at 9:00 p.m.
- 22

24 **CURRENT BUSINESS**

2. **Public Hearing — Disposal of Surplus Real Property; Resolution #2017-15-R.** The City Council will review and consider the sale and disposal of 14.51 acres of surplus real property located at approximately 2100 West 600 South, Lindon (Utah County Parcel ID #17:023:0012). The property has been listed for sale since the fall of 2015 and the City has received an acceptable offer. The City will retain 2.06 acres for a future public park and to maintain the existing Lake Shore Trail along the west side of the property.

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

36

38 Adam Cowie, City Administrator, led this discussion by giving a brief history
noting Lindon City purchased this property in 1999 from PacifiCorp with the intent to
create a regional park near the historic Geneva Resort. In the early 2000's an asphalt trail,
40 to become part of the Utah Lake Shoreline Trail, was installed along the west boundary
of the property and no other public improvements have been made to the property. It has
42 been rented in the past for a small fee as equestrian and agricultural property. The 2008
Lindon City Parks, Trails and Recreation Master Plan estimated total improvement costs
44 for the park to be approximately \$1.78 million with the park potentially having
landscaping, two large pavilions, restrooms, picnic areas, playground, exercise
46 equipment, equestrian riding area, a ball field with fencing and lighting, drinking
fountains, and paved parking. It was identified in the plan as potentially being developed

2 between the years 2018-2028, however no funding for development of the park has been
identified in past or current budget cycles.

4 Mr. Cowie went on to say in the spring of 2015 the Lindon City Council began a
review of City owned property, this property included, which could possibly be sold in
6 order to meet ongoing financial obligations such as the newly constructed Public Safety
Building. On April 30, 2015 possible sale of the property was identified as a funding
8 option during the Public Safety Building public open house. In September of 2015 the
property was listed for sale to gauge private interest in a purchase. He noted after
10 receiving several offers, the City Council received an acceptable offer of \$4.30/sq. foot
(\$2,717,839). The sale was conditioned on the City Council declaring the land as surplus
12 property and changing the zoning and general plan designations. The City Council has
discussed options for use of the proceeds focusing on paying down current debt
14 obligations of the City including the Public Safety Building and/or debt owed for the 700
North roadway construction.

16 Mr. Cowie further explained the Council also discussed that by paying down debt
the City will save hundreds of thousands in interest and fees and will also free up future
18 monies to be used for road maintenance or other city priorities in future budgets. The
Council opted to not to list 2.06 acres of the land for sale in order to keep the Shoreline
20 Trail property and potential for a small public park near the lake. This smaller park
property encompasses about 1.5 acres and includes the stand of large cottonwood trees to
22 maintain public ownership of the area believed to have been where the pavilions of the
historic Geneva Resort were once located. A future park with a pavilion, landscaping,
24 restroom, and drinking fountain along the Lakeshore Trail could be accommodated on
this smaller parcel. Lindon City Code requires that the Council provide opportunity for
26 public comment to be received prior to declaring and disposing of surplus real property
therefore this public hearing is being held. Mr. Cowie asked for any questions from the
28 Council at this time.

Councilmember Lundberg asked Mr. Cowie to show the 2011 general plan map.
30 She mentioned one of the concerns heard tonight is if this property were disposed of
would there be a swap for public facilities. She also asked Heath Bateman, Parks &
32 Recreation Director what facilities have been added to the city since 2011. Mr. Bateman
stated the Lindon View Trail Head Park (2.2 acres) has been added and the proposed 10
34 acre park at the Ivory Development is in the plan. She also asked Mr. Cowie for
clarification on the statistics that indicate we have a fairly abundant amount of park space
36 per resident. Mr. Cowie explained the general plan states the city should try to obtain 4
acres of park space per 1,000 residents; that is the goal in the general plan. He further
38 explained it was inventoried in a 2008 study and at that time the city had identified
“Willow Wood Park” (18 acres in the Washburn property off of Geneva Rd.) that was
40 identified as a future park in 2008 with the intent that sometime in the future a larger park
would be on the west side. In 2011 during the general plan update that park was changed
42 into a “floating” yet to be determined park, and as the 10 acre Ivory Development park
solidified it became the reality and that is what we ended up with for the west side.

44 Councilmember Bean commented if the general plan indicates that we hope to
target 4 acres per 1,000 residents, and even though we may change the general plan based
46 on what it is now, will it be based on the open space and is it similar to other cities.

2 Mr. Cowie stated we have exceeded the goal on current population. He also
4 referenced the existing level of service from the 2008 document. Compared to other
cities it is similar to other communities but once inventoried we have exceeded that goal.

6 Councilmember Lundberg stated they are talking about the parks the city owns
but this is adjacent is the Marina. She noted the Utah Lake Commission website states
8 they have 30 official access points around the lake. She questioned what the acreage is
that is solidified there that is owned by the State of Utah. Mr. Cowie pointed out that the
10 lease has recently changed hands at the Lindon Marina. Mr. Van Wagenen stated the
Lindon Marina measures approximately 11 acres. Mr. Cowie reminded the Council the
12 item being considered tonight is the resolution declaring this property being surplus and
able to be sold.

14 Councilmember Sweeten stated he feels there may have been some
miscommunication with this issue. He noted the decision to sell this property was made
before he was on the Council and it was listed nearly two years ago. One reason this is
16 happening is because the council didn't realize there were any opposed to it because it
was discussed at the open house and discussed in numerous meetings that this was
18 happening and it has been listed for that entire time so there is some surprise at the
amount of input that has occurred. They also wanted to close on this so they don't have to
20 pay the interest. He pointed out this would free up about \$200,000 per year and the funds
are needed for roads as they are not in good shape (1.2 million per year needed for roads).
22 He went on to say that we are not taking away a park and even if we weren't trying to
retire the debt this park may still not work because of the easement, power lines, sewer
24 lift station, land fill, power plant, smells etc., in that location. He pointed out we are not
done looking for park property and we will actively continue to look for a better location.
26 He realizes there is significant history down there and they do want to keep the portion
that is historical. One thought is to maybe take part of the proceeds from the sale and
28 improve it right away; the Council is not heartless and trying to get rid of park space.

30 Councilmember Lundberg stated it is important to understand that roads are a
huge discussion item throughout the state and there are massive shortfalls in funding to
maintain the roads. She mentioned the road issues in Highland and Pleasant Grove where
32 they may be raising taxes and fees. The Council has tried to be fiscally responsible and
they want to be wise on how they approach this. She stated she appreciates the wisdom
34 and contribution to those who came before noting this issue weighs heavily on all
councilmember's to make the best decision for the residents of Lindon.

36 Mayor Pro Tem Broderick opened the meeting to public comment at this time.
There were several in attendance who addressed the Council as follows:

38 **Eric Anthony:** Mr. Anthony stated he loves Lindon and has lived here for 22 years. He
40 noted he's a numbers guy and he has evaluated the sale of this property if it goes through
and he has looked at all the numbers options. He feels this is a tough group and hard to
42 influence. He also shared some additional emotion because he is highly and intensely
opposed to what is going on here. He went on to say when he was young and walking the
44 fields of the Geneva Park Resort he was amazed with the Austrian pine trees. Walking
this park changed his life and made him feel free as to not being owned by the
46 congestion. That is why he moved back to Lindon and that is why he plants Austrian
pine trees. All these things including the trees, freedom, access to the lake, and future

2 beaches; this is a vision and this property can become an isolated gem. He pointed out we
4 need this because there is no place in Lindon where we can have a vision by the lake;
6 sometimes it looks great on paper but it is not good for the people. He would strongly
ask the Council to support this spacious area of life and to not change if for economic
gain.

8 **Jim Dain:** Mr. Dain pointed out that Lindon has a history of paying off bonds early with
the resources we have without having to sell assets. The budget is tough work but there is
10 a way to do it without selling off assets (property). He agreed that roads are a difficult
issue but would ask if other cities are selling property. He just doesn't think that selling
12 off property to fix roads is what we should be doing. He noted that he has talked to about
100 people and only one said to sell which mimics the survey at 7%. He doesn't think the
14 general public is behind the City Council on this move. He mentioned an unspecified
source from Vineyard City who indicated that the idea that we are going to be surrounded
16 by industrial may not be true. Mr. Dain stated he is passionate about this piece of
property and feels there is viability at the lake and it is getting major consideration for
18 funding sources and it will be a beautiful gem. He pointed out if one of the
representatives of the city gave their word on a property purchase there is no way he
20 would let them down and would respect that; to put this man (Larry Ellertson) in that
position is just not right. If any of you had given your word on anything in the city he
22 would respect that.

24 *Mr. Van Wagenen stated staff has been in contact with Vineyard staff and they do
not object with the re-zone of the property. Lindon City has also reached out to Vineyard
26 Town to request money to finish the Heritage Trail and they have been denied
participation.*

28 **Larry Ellertson:** Mr. Ellertson explained the Lindon Marina access noting there are
30 only five public marinas and three private accesses on the lake and Lindon is a public
access; the other accesses are walk-in. He pointed out that he spent most of the day today
32 in a meeting relative to a seminar on Utah Lake and there is much attention being paid to
improving Utah Lake (carp removal and phragmites, etc.). There is a real effort and an
34 opportunity here that there is only one Lindon Marina and this one piece of property. He
would encourage the Council to take this into consideration as they make their final
36 decision as the time is coming and people are paying attention. He added that we now
have a Commission that the State of Utah is fully behind and the Utah Lake
38 Commission's plan for the lake is the master plan for Utah Lake. Improvements are
coming and we shouldn't miss the opportunity to have something next to the Lindon
40 Marina. It's not just Lindon City that has road issues it's the whole state and there will
be other attempts to get funding for roads. He is personally attached to this property and
42 pointed out that no one on the current council was here at the time of purchase and they
knew it would be along term asset. He would ask that the Council to take that long term
44 view into consideration.

46 *Councilmember Sweeten commented regardless of the outcome of this that the
Council appreciates the service of past Mayors and Council members and they do not*

2 *discount that. He hopes they realize that sometimes we do things not knowing the future*
4 *and it is hard unless we are contractually obligated.*

6 **Larry Ellertson:** Mr. Ellertson stated some people operate on a handshake and a
8 handshake is more to him than a piece of paper. It will not be able to be used as intended
if the land is sold. Maybe a compromise can be found that will benefit the citizens and
the use of the property and also the city.

10 *Councilmember Sweeten stated maybe the power company should have put it into a*
12 *contract. Perhaps there could be a common ground found with this situation; is it all or*
nothing.

14 **Toby Bath:** Mr. Bath commented that he can assure the Council that everything said
16 here tonight is valid. He noted the initial plan has been stated and to please take this into
18 consideration. He pointed out that at the time he was on the city council there was one
thing that Lindon stood for and that was their legacy; there are special things about
Lindon that other cities don't have. This is an opportunity and you may not see but it's
there and the possibilities are here. He implored the Council to take advantage of it and
keep the legacy going. He also stated the Mr. Dain and Mr. Ellertson are men of integrity
and to listen to what they are saying.

22 **Dave Powell:** Mr. Powell commented that this is an important issue and he trusts the
24 Council and feels they are a sharp group. He noted the city shouldn't be in debt, but there
is a better way to reduce debt than by selling off assets. He asked the Council to not take
26 this plot of ground away and admonished them to be on board and help make this dream
come true. He has trust in the Council and has trust that they will make the right decision.

28 **Russell Stay:** Mr. Stay pointed out there are few representatives here tonight from the
30 east side of town. He noted he respects the open space and wants to see as much in the
city as possible. He pointed out that sometimes you can see the future and if this property
32 is sold it will never come back. He added that this is a special piece of property located
right on the marina and the shoreline trail and if it is sold we will never get back the
34 potential for what we have down there. He is aware there are those here who are trying
to preserve the property and would tell the Council to notice this group and they are
36 unanimous in keeping the property. You as a Council has the responsibility to listen to
these voices and hopefully you didn't come with your minds already made up and will
38 listen to the people.

40 **Jim Dain:** Mr. Dain referenced a poll that took a cross section of people noting 7% want
42 more open space and parks and you can't discount that. How to carve it out is the
question and before selling to please make sure all options are exhausted.

44 **DaNell Smith:** Ms. Smith asked how they will plan to patrol the park with the
46 suspicious activity at the lake. She also asked what the proposed plan is to maintain it as
it is located in an industrial area with no lights, etc. She also questioned how they plan to
fund and support it once it is put in and how do we keep the patrons safe.

2 **Careen Breton:** Ms. Breton commented that she walks the trail there nearly every day
4 and she sees the police there when there is any suspicious activity. As for selling off part
6 of it, she would suggest coming to a compromise with the development of an educational
woodland park as we are right next to the wetland areas.

8 **Kevin Smith:** Mr. Smith commented that his father was the Provo Boat Harbor Master.
10 He stated that maybe the Lindon Boat Harbor can be bought and developed into a State
Park with open space and wetlands etc., so perhaps keeping it around for that possibility
is a good idea.

12 **Samuel Smith:** Mr. Smith stated he represents the silent majority (who speaks very loud)
14 who puts their trust in the council members to make good decisions. From his perspective
16 it is shameful to question the integrity of the council members for not honoring the words
18 of the conversation at some point in time. He mentioned the talk about polls and pointed
out there are many perspectives and good points to keep in mind as there are a lot of
different perspectives on this issue. He trusts that the council will keep the best interest of
the silent majority in mind.

20 **Jim Dain:** Mr. Dain pointed out that the police force is there if there is some suspicious
22 activity and it will go away because when the population moves in the crime moves out.

24 **Randi Powell:** Ms. Powell stated having been on the Council she has the inside
26 knowledge of the discussion and she was opposed to selling the property. She noted she
28 also served on the Council when the Public Safety Building was discussed and mentioned
30 how they strived to fulfill the agreement for the fire station and tried to think outside the
32 box and when to exercise the right to get the bond. She also believes a handshake is
34 worth something if not in a contract and supports Mr. Ellertson in his efforts. She re-
36 iterated she was and is opposed to selling any city owned property. She also talked about
Parc Tax dispersement and noted she pushed the hardest to get it on the ballot to bring in
extra revenue for parks. She is highly disappointed in the way it is dispersed and wanted
it more for infrastructure and parks. Councilmember Lundberg pointed out the council
was enthusiastic and unanimous as a body on the Parc Tax and they were well aware of
other sister cities initiating these types of taxes and they all agreed on it; she feels it is not
fair to characterize herself as the “lone wolf” on the Parc Tax. She added how the Parc
Tax is managed has benefitted the city and has been used for what it was intended for.

38 Ms. Powell commented that a wooded nature area would be a good use of the
40 property in the interim and a good asset to the city. She also would like to know what the
42 feedback was on the poster that was at the open house. Mr. Cowie stated as he recalls
44 there was limited feedback on the sale of the properties with a few questions but no
46 definitive lines drawn in the sand but not a lot of concerns. Ms. Powell stated there was
not a lot of noticing of this public hearing and it was not on Facebook. She is aware that
this body here has spent a lot of time serving the citizens at large and each one here
(former elected officials) are here because of what they thought was forward thinking for
Lindon citizens. She noted she has walked the property several times as Eric Anthony did
and she asked if the Council had walked the property. The Council confirmed they had
all walked the area individually with some noting the bugs and mosquitoes, the smells,

2 the industrial in the area and the distance from the city. They all agreed they want to save
4 the best part of the property and the historical significant aspects, but it is hard to
6 envision a park there. Ms. Powell mentioned that Vineyard has been brought up by staff
8 indicating there is a problem with communication or cooperation on their part. She
10 referenced the site map noting there is a lot of improvement happening on 200 South and
12 in Vineyard and their proposed Town Center area. Ms. Powell stated no amount of debt
14 reduction to take care of the bonds with the sale of the property will preserve this gem
adjacent to the marina. We cannot predict the future and by selling it off we are not
looking at the vision that we as citizens want our City Council to have and not just by
balancing the books. We do not know what the next City Council will do but this Council
can preserve this at this place and time and implored the Council to not deem this to be
surplus property.

16 *At this time Mayor pro tem Broderick made a suggestion that the Council can
18 consider continuing this item as to have more opportunity to review and consider the
20 public input heard tonight. Councilmember Sweeten stated he is in support of continuing
22 as he would like to have the time to look at other options as this is too important an issue
to make a decision tonight. This would also give the time to see if the developer is willing
to reduce the size of their project to the extent that they will be able to make a nice park
that people will be amenable to. The Council agreed to continue the item and offer an
extension to the buyer.*

24 **Larry Ellertson:** Mr. Ellertson stated what he is hearing is that the Council can't
26 envision a park there. He would suggest investing a little money to have a charrette done
28 and go through the process for some additional ideas and to have a vision of what it could
be and to get additional ideas and options for some kind of a compromise.

30 Councilmember Hoyt pointed out we all love Lindon and he appreciates everyone
32 being here tonight and he has great respect for the past Mayors and Councilmembers. He
34 noted Lindon has a reputation and we are unique and the comments and advice tonight
36 weighs heavily. He explained this issue originated by time spent on the Lindon City
38 budget. He pointed out we all understand that since the acquisition of this property the
40 city has added the Aquatics Center, Utopia, the Public Safety Building and Police
42 Department. We have the 700 North bond, and we have to share our sales tax revenue.
44 He stated we have tried to be lean and this is a tight budget. We need 1.2 million to keep
the roads where they need to be. The Council wants everyone to understand where they
are coming from and because of these debts they have to try and make the budget
balance. They have looked at selling the property and that decision came from a financial
decision to take care of the city. It did not come from a negative place for parks but to be
financially and fiscally responsible; they looked at all city owned property. He pointed
out this Council is nothing but reasonable and they listen to the voice of the people and
represent correctly. He would suggest having an open dialogue and to not be negative as
to make the right decision for Lindon and to listen to what the citizens want. He would
like to issue a challenge to dive into the budget to understand it and do the research.

46 Mayor pro tem Broderick echoed Councilmember Hoyts comments. He also
mentioned the financial services noting the city has record revenues but even so we are

2 \$800,000 short every year for roads and we have to come up with the additional funds for
roads somewhere because every year that it gets pushed off it gets worse.

4 Councilmember Bean stated he also appreciates Councilmember Hoyt's
comments. He noted there was a recession for 4 or 5 years and it was felt as a city and
6 the sales tax revenue went down significantly. He noted it may appear we are doing great
but we need to build a buffer and look at the general fund reserves as we don't know
8 what is going to happen. A lot of the city's obligations discussed came from prior
administrations and they are very real.

10 Mayor pro tem Broderick then called for any further public comments. Hearing
none he called for a motion to close the public hearing.

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

16 Mayor pro tem Broderick then called for any further comments or discussion from
18 the Council. Hearing none he called for a motion.

20 COUNCILMEMBER LUNDBERG MOVED TO CONTINUE THE PUBLIC
HEARING (RESOLUTION #2017-15-R) TO DECLARE 14.51 ACRES OF LAND
22 LOCATED AT APPROXIMATELY 2100 WEST 600 SOUTH AS SURPLUS REAL
PROPERTY TO BE SOLD BY THE CITY TO THE NEXT CITY COUNCIL
24 MEETING. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
28 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
30 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

- 32
- 34 **3. Public Hearing — General Plan Amendment, 2100 West 600 South.** Lindon
City Corp. requests a General Plan Land Use Map Amendment from Public
Facilities to Light Industrial, on 14.5 acres identified by Utah County Parcel ID
36 #17:023:0012. (Pending Ordinance 2017-5-O).

38 Mr. Cowie directed the Council to continue this item as the public hearing to
declare the property surplus (Resolution #2017-15-R) was continued to the next city
40 council meeting.

42 Mayor pro tem Broderick then called for any further comments or discussion from
the Council. Hearing none he called for a motion.

COUNCILMEMBER SWEETEN MOVED TO CONTINUE AGENDA ITEM #3
44 TO THE NEXT CITY COUNCIL MEETING. COUNCILMEMBER LUNDBERG
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE

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

6
4. **Public Hearing — Zone Map Amendment, 2100 West 600 South.** Lindon
8 City Corp. requests a Zone Map Amendment from Public Facilities to Light
Industrial, on 14.5 acres identified by Utah County Parcel ID #17:023:0012.
10 (Pending Ordinance 2017-6-O).

12 Mr. Cowie directed the Council to continue this agenda item as the public hearing
to declare the property surplus (Resolution #2017-15-R) was continued to the next city
14 council meeting.

16 Mayor pro tem Broderick then called for any further comments or discussion from
the Council. Hearing none he called for a motion.

18 COUNCILMEMBER SWEETEN MOVED TO CONTINUE AGENDA ITEM #
4 TO THE NEXT CITY COUNCIL MEETING. COUNCILMEMBER LUNDBERG
20 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
22 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
24 COUNCILMEMBER HOYT AYE
COUNCILMEMBER SWEETEN AYE
26 THE MOTION CARRIED UNANIMOUSLY.

28 Mayor pro tem Broderick called for any further comments or discussion from the
Council. Hearing none he called for a motion to adjourn.

30
Adjourn –

32 COUNCILMEMBER HOYT MOVED TO ADJOURN THE CITY COUNCIL
MEETING AT 10:55 PM AND RE-CONVENE THE PLANNING COMMISSION
34 MEETING. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36
38 Approved – June 20, 2017

40 _____
Kathryn Moosman, City Recorder

42 _____
Van Broderick, Mayor Pro Tem