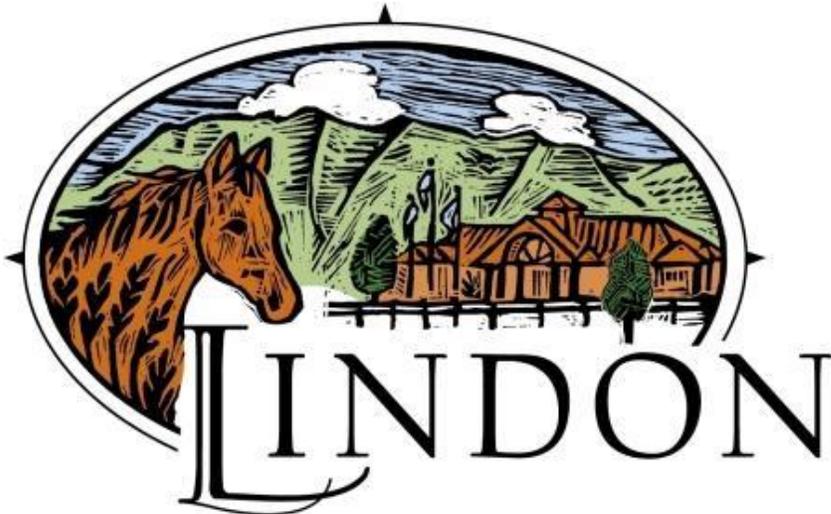


Lindon City Council Staff Report



Prepared by Lindon City
Administration

July 18, 2017

AMENDED - Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at **7:00 p.m. on Tuesday, July 18, 2017** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

Scan or click here for link to download agenda & staff report materials:



(Review times are estimates only)

REGULAR SESSION – 7:00 P.M. - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Van Broderick

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements**
 - a) Comments / Announcements from Mayor and Council members
 - b) Presentation: Employee Recognition Award - Dennis Kendall, Water Superintendent
- 3. Approval of minutes:** June 20, 2017
- 4. Consent Agenda** – No Items
- 5. Open Session for Public Comment** *(For items not on the agenda)*
- 6. Concept Review — Mecca Holdings LLC, ~400 S. Lindon Park Dr.**

Willie Blocker, with Mecca Holdings LLC, requests concept review of a proposed multi-family housing development (and any associated rezoning or code amendments), to be located at ~400 S. Lindon Park Drive (identified by Utah County Parcel ID's #17:015:0121 (6.8 acres) and 40:283:0007 (2.8 acres)), currently in the Research and Business (R&B) and Planned Commercial (PC-1) Zones.
- 7. Public Hearing — Ordinance Amendment, Lindon City Standard Land Use Table**

Lindon City requests approval of an amendment to the Lindon City Standard Land Use Table to remove Packing and Crating Services as an allowed use in the General Commercial (CG) zones. The Planning Commission recommends approval. (Ordinance #2017-10-O)
- 8. Discussion Item — Utah County Bookmobile**

Utah County has paid for bookmobile service stops in Lindon City over the last three fiscal years with 20 current card holders within the City. The County is requesting financial participation (approximately \$14,818) to continue the service in Lindon. The City Council will discuss the Bookmobile program, its use within Lindon City, and if future funding should be considered to keep the bookmobile program in Lindon. Direction will be given but no motions made.
- 9. Public Hearing — Series 2017 Sewer Revenue Bonds**

The City Council will hold a public hearing to allow input regarding the issuance and sale of not more than \$1,600,000 aggregate principal amount of sewer revenue bonds, Series 2017, and any potential economic impact that the project to be financed with the proceeds of the Series 2017 bonds issued under the act may have on the private sector; and related matters.
- 10. Action Item — City Center Elevator Remodel Bid Award**

The City Council will review and consider the bid received for the City Center elevator remodel project that was funded in part through a \$50,000 CDBG grant. The City received one bid from Warner Construction in the amount of \$242,026.00. This amount exceeds the anticipated cost of the remodel. Staff recommends that all bids be rejected and the project re-bid at a future date.
- 11. Closed Session to Discuss the Sale, Purchase, Exchange, or Lease of Real Property**

The City Council will enter into a closed executive session to discuss the sale, purchase, exchange, or lease of real property per Utah Code 52-4-205. This session is closed to the general public.
- 12. Action Item — Cell Tower Co-Locator Agreement; Verizon Wireless**

The City Council will review and consider a co-locator agreement with Verizon Wireless LLC allowing co-location of wireless communication facilities on a cell tower owned by a third party (Crown Castle) and located on property owned by Lindon City at 946 W. Center Street (public works yard). Annual co-locator lease fees will be paid to the City per the agreement.

13. Council Reports:*(20 minutes)*

- | | |
|---|--------------------|
| A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee | - Jeff Acerson |
| B) Public Works, Irrigation/water, City Buildings | - Van Broderick |
| C) Planning, BD of Adjustments, General Plan, Budget Committee | - Matt Bean |
| D) Parks & Recreation, Trails, Tree Board, Cemetery | - Carolyn Lundberg |
| E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste | - Dustin Sweeten |
| F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee | - Jacob Hoyt |

14. Administrator's Report*(10 minutes)***Adjourn**

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindoncity.org) websites.

Posted by: /s/ Kathryn A. Moosman, City Recorder

Date: July 17, 2017

Time: 11:30 a.m.

Place: Lindon City Center, Lindon Police Dept., Lindon Community Center

REGULAR SESSION – 7:00 P.M. - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation
Invocation: Van Broderick

Item 1 – Call to Order / Roll Call

July 18, 2017 Lindon City Council meeting.

Jeff Acerson
Matt Bean
Van Broderick
Jake Hoyt
Carolyn Lundberg
Dustin Sweeten

Staff present: _____

Item 2 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) Presentation: Employee Recognition Award - **Dennis Kendall**, Water Superintendent

Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **June 20, 2017**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, June 20, 2017,**
4 **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: Doug Eastman
10 Invocation: Dustin Sweeten

12 **PRESENT**

EXCUSED

12 Jeff Acerson, Mayor
14 Matt Bean, Councilmember
Carolyn Lundberg, Councilmember
16 Jacob Hoyt, Councilmember
Dustin Sweeten, Councilmember
18 Adam Cowie, City Administrator
Hugh Van Wagenen, Planning Director
20 Kristen Colson, Finance Director
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 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
- 30 meeting of June 6, 2017 and special meeting minutes of May 23, 2017 and the
- mobile tour minutes of June 13, 2017 were reviewed.

32 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
34 OF THE REGULAR CITY COUNCIL MEETING OF JUNE 6, 2017 AND THE
SPECIAL MEETING MINUTES OF MAY 23, 2017 AND THE MOBILE TOUR
36 MINUTES OF JUNE 13, 2017 AS AMENDED. COUNCILMEMBER SWEETEN
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
38 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
40 COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 42 4. **Consent Agenda** – No items.
- 44

- 2 5. **Open Session for Public Comment**– Mayor Acerson called for any public
4 comment not listed as an agenda item. There was a resident in attendance who
 addressed the Council at this time as follows:

6 **Verl Cook:** Mr. Cook stated he is the Lindon Hollow Water President. Mr. Cook
8 voiced his concerns of the Lindon water system. He noted the recently passed water
10 legislative bills indicate that the Lindon canal should be piped as there is a concern
12 with safety issues and possible lawsuits. Mayor Acerson stated as a city our desire is
14 to pipe the canal but it takes money that needs to be appropriated and we are pursuing
16 some grants and funding mechanisms. Mr. Cowie stated the grants awarded were for
18 the North Union Canal and this is the main ditch Mr. Cook is referring to. Mr. Cowie
20 stated the city has looked at options in the past and it would be in the millions to pipe
22 the ditch. Mr. Cowie then showed the map showing the sections of ditch that are
 currently piped. Mr. Cook pointed out the problems are from the Lindon Nursery on
 down. Mr. Cook stated there are issues of possible flooding and the question is who
 owns the pipe and who is responsible. Mr. Cook added the State may offer a long
 term loan to help facilitate the funds. Mr. Cowie stated they will continue to have
 discussion on ways to facilitate the piping of the ditch but it does take time and
 money; the long term goal of the city is to pipe the ditch. Mayor Acerson directed Mr.
 Cowie to follow up with this issue and to keep Mr. Cook apprised of the situation.

24 **CURRENT BUSINESS**

26 6. **Public Hearing — FY 2018 Transfer of Enterprise Funds to General Fund.**

26 The City Council will accept public comment as it reviews and considers
28 proposed transfer of enterprise funds to the general fund as part of the fiscal year
30 (FY) 2018 budget. The proposed transfers are as follows: Water Fund \$266,787
32 (11.2% of fund expenditures); Sewer Fund \$223,768 (7.0% of fund
34 expenditures); Solid Waste Collection Fund \$16,240 (3.7% of fund
36 expenditures); and Storm Water Drainage Fund \$108,528 (12.5% of fund
 expenditures). The City has annually transferred some of the enterprise funds to
 the general fund for use in supplementing such city services as fire, police, street
 maintenance, administration, parks & recreation, and other city functions. No
 motions will be made as this hearing is to only receive and consider public
 comment on the proposed enterprise fund transfers.

38 COUNCILMEMBER SWEETEN MOVED TO OPEN THE PUBLIC HEARING.
40 COUNCILMEMBER BEAN SECONDED THE MOTION. ALL PRESENT VOTED IN
 FAVOR. THE MOTION CARRIED.

42 Adam Cowie, City Administrator, opened the discussion by explaining the City is
44 required by new State legislation to hold a public hearing separate from any other budget
46 hearings to receive comment on any proposed transfer of money from the enterprise
 funds (water, sewer, storm water, garbage). He pointed out the City is also required to
 notice utility customers of the transfer by mail, email, website, and social media. He

2 noted post cards with the estimated and proposed transfer information were mailed to
Lindon utility customers on May 31, 2017. The new legislation also requires that a
4 follow-up notices be sent and posted by the same methods to utility customers informing
them of any transfers that were approved as part of the budget adoption and this will be
6 done in July. After mailing and posting the notices, staff has had one resident mention
that the transfers to keep property taxes low is a good idea, and one other resident sent an
8 email asking several questions about the transfers.

10 Mr. Cowie further explained that transferring of funds from enterprise accounts to
the general fund is legal and permitted by Utah State Code 10-6-135.5. It has been a
common practice by Lindon and most other cities in Utah for many years. The enterprise
12 funds (utility services) are created and accounted for like individually run business
accounts. They are revenue generating enterprises facilitated and managed by and
14 through Lindon City. Revenues are generated from these business accounts from the
payment of the services they provide (delivery of water, sewage disposal, garbage
16 disposal, removal/treatment of storm water). There are a great many administrative,
overhead, and support services that are funded by the Lindon City general fund that also
18 support and provide services to the enterprise fund business activities (finance, HR,
police/fire, etc). The City assesses a percentage to each enterprise fund to cover the costs
20 of these administrative and support services. These assessments/fees for services
provided to the enterprise funds are collected (transferred) by Lindon City and put into
22 the general fund – which is used to pay for many other needs and services the city
provides.

24 Mr. Cowie further explained in regards to increasing utility rates and having
'surplus' enterprise funds. The enterprise funds may collect revenue and build reserves
26 beyond typical operations and maintenance costs in order to fund future replacement and
growth related projects. He noted our engineers evaluate future operations and
28 replacement costs for the utility infrastructure and then provide utility rate
recommendations on those calculated and documented needs. During the recession the
30 enterprise funds were being depleted and were not trending to remain self-sufficient.
Therefore, after detailed engineering studies, utility rates have increased annually over
32 several years in order to build the reserves in the utility funds needed to cover the costs of
operations and replacement of the utility systems.

34 There was then some general discussion regarding the funds transfer including the
process of evaluating and assessing the percentage amounts that is not unique of what has
36 been done in the past. Mayor Acerson mentioned it is important to comply with state
requirements and legislative mandates. Mr. Cowie clarified we are assessing these
38 enterprise funds (business accounts) and taking the rate out for administrative costs and
the percentage is what is left. He added after looking at other cities staff feels these rates
40 are reasonable transfer amounts; there is a rationale that is followed from years past and it
is looked at with an evaluation every year.

42 Mr. Cowie noted this is for discussion only with no motion needed and this
hearing is only for accepting public comment on the intended transfers from the
44 enterprise funds. Mayor Acerson then called for any public comment at this time.
Hearing none he called for a motion to close the public hearing.

2 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

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

8
7. **Public Hearing — Budget Adoption for FY 2018; Amend FY 2017 Budget
(Resolution #2017-17-R).** Kristen Colson, Lindon City Finance Director, will
10 present the final Lindon City Budget documents for FY2018 beginning July 1,
12 2017. The tentative budget for FY2018 was approved in a public hearing on
14 April 18, 2017. The City Council also held a public meeting on the proposed
budget on May 2, 2017 and a public hearing on May 16, 2017 where budget
16 issues were discussed in detail. The City Council will review the final budget for
FY 2018, review the amended budget for FY 2017, review the agreement for
18 services between the RDA and the City, will set the Certified Tax Rate, and
review the city-wide fee schedule and compensation programs.

20 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT
22 VOTED IN FAVOR. THE MOTION CARRIED.

24 Kristen Colson, Lindon City Finance Director, opened the discussion by
referencing the resolution and budget documents previously discussed and also the
26 changes since the proposed budget as follows:

- FY 2017: Transferring \$61k from Public Safety Building Capital Improvement Fund back to General Fund
- FY 2017: Increased transfer from General Fund to Road Fund \$100,000
- FY 2017: Took out \$2.5 million revenue for the sale of park property, as well as the expenditure of those proceeds in debt service payments
- FY 2018: Various changes in the General Fund resulting in an increased appropriation to the fund balance of \$167k
- FY 2018: Added debt service payments for the 2005 bond which had been proposed to be paid off

36 Ms. Colson then presented the FY2018 Budget Issues as follows:

38
39 **Budget Issue #1**
40 **Should Lindon City provide employees with a 1.5% Cost Of Living Allowance (COLA) increase and provide for a merit step or 3.0% increase in January?**
42

44 Ms. Colson explained the Consumer Price Index (CPI) had an average annual
increase of 1.5% from March 2016 to February 2017 according to US Department of
Labor. Performance evaluations are performed annually in January at which time merit
46 increases would be available to those who meet a predetermined criteria. Historically,

COLA and merit increases have provided somewhat consistent buying power for the employees and have kept salaries competitive and employee morale high. She stated the Fiscal impact for both is \$124,000 (broken out by fund). The merit increase is budgeted based on the unreserved General Fund balance as a percentage of revenue. A 3.0% Merit Increase is budgeted for 2016FY, effective Jan. 1, 2017. The Merit Increase is awarded based on employee evaluation scores. She noted that both the COLA and Merit increases are reflected in the Final Budget. Ms. Colson asked if there were any questions or concerns at this time.

Mayor Acerson called for any public comment at this time. A resident in attendance questioned if all employees will receive a 3% merit increase. Ms. Colson explained the merit varies by employee and is based on evaluation performance.

Following some general discussion the Council took a vote regarding Budget Issue #1 was recorded as follows:

THE COUNCIL VOTE FOR BUDGET ISSUE #1 WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE
THE VOTE WAS UNANIMOUS	

Budget Issue #2

Should Lindon City hire a full-time Public Works Engineer and a full-time Facilities Manager?

Ms. Colson explained the following full time Public Works Engineer and Facilities Manager positions for consideration as has been previously discussed:

Public Works Engineer:

- Engineering costs increasing as Lindon City grows
- JUB has 10 engineers that provide service to Lindon City, with 3 of them almost exclusively working on Lindon projects
- PW Engineer could reduce workload at JUB by one engineer, approximately \$188,000 per year
- The cost of PW Engineer would be \$136,000 so an annual savings of about \$52,000
- Duties would include site plan reviews, attend DRC Meetings, attend governmental coordination meetings (i.e., UDOT, other cities), helping with various city projects, coordinate with JUB, assist other Lindon staff

Facilities Manager:

- Lindon City growing with most recent addition of Public Safety Building
- Lindon owns 113,000 ft² of roofed facilities (buildings, pavilions, restrooms, well houses, pump houses, etc.)

- 2 • Different departments managing these facilities resulting in inconsistent maintenance and extra hours
- 4 • Duties would include facilities maintenance, assist with department projects, oversee upcoming City Center elevator remodel, maintain Aquatics Center in winter months, supervise all janitorial services, manage City fleet registration and maintenance scheduling

8 Ms. Colson then explained the Fiscal Impact stating the salary and benefits for these positions is listed below without COLA and Merit increases. COLA and Merit increase costs for these positions are included with Budget Issue #1.

	<u>PW Engineer</u>	<u>Facilities Mgr</u>
12 Salary	\$90,001.60	\$43,659.20
14 Benefits	<u>\$46,077.60</u>	<u>\$32,304.63</u>
16 Total	\$136,079.20	\$75,963.83

16 She noted that both positions would be paid from the General Fund. The Public Works Engineer would have equal cost share contributions from the Water, Sewer and Storm Water Funds totaling \$102,059.40. She then referenced the total impact by fund as follows:

20 General Fund	\$109,983.63
22 Water Fund	\$34,019.80
24 Sewer Fund	\$34,019.80
Storm Water Fund	\$34,019.80

24 Ms. Colson noted these positions are reflected in the Final Budget. Ms. Colson asked if there were any questions or concerns at this time.

26 Following some general discussion by the Council the vote regarding Budget Issue #2 was recorded as follows:

28 THE COUNCIL VOTE FOR BUDGET ISSUE #2 WAS RECORDED AS FOLLOWS:
 30 COUNCILMEMBER BEAN AYE
 32 COUNCILMEMBER LUNDBERG AYE
 6COUNCILMEMBER HOYT AYE
 34 COUNCILMEMBER SWEETEN AYE
 THE VOTE WAS UNANIMOUS

36 **Budget Issue #3:**
 38 **Should Lindon City increase Water, Sewer and Storm Water utility rates?**

40 Ms. Colson explained utility rates should not only cover current operational expenses, but should also allow reserves to be established over time in order to fund repairing and/or replacing of aging system components. She noted the current utility rates do not meet this objective. In addition, recent legislation mandates that culinary water rates be structured in a tier format to encourage conservation. She noted the City Engineer conducted an infrastructure assessment and maintenance evaluation as well as a utility rate study to determine and recommend utility rate increases for water, sewer, and

2 storm water utilities. The recommendation was to implement an annual increase over five
4 years of 9% for water rates, 4% for sewer rates, and 13% for storm water rates. The
6 annual rate increases began July 1, 2014. She noted these rate increases do not currently
include culinary water pumping costs to upper zones, nor the tiered rate structure
changes. JUB Engineers is currently evaluating these fees.

8 Ms. Colson stated they are recommending approval of the increases in water,
sewer and storm water utility rates. These changes are reflected in the Final Budget and
10 revised Fee Schedule. Ms. Colson asked if there were any questions or concerns at this
time.

12 Ms. Colson then referenced the Differential Fiscal Impact as follows:

Water Fund	\$122,780
Sewer Fund	\$ 60,890
Storm Water Fund	\$ 81,505

14 Following some general discussion by the Council the vote regarding Budget
Issue #3 was recorded as follows:

16 THE COUNCIL VOTE FOR BUDGET ISSUE #3 WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER BEAN AYE
 COUNCILMEMBER LUNDBERG AYE
 20 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 22 COUNCILMEMBER SWEETEN AYE
 THE VOTE WAS UNANIMOUS

24 Ms. Colson also presented the following budget items that were previously
26 discussed in prior meetings as follows:

28 **FEE SCHEDULE CHANGES**

Ms. Colson then went over the Fee Schedule Changes previously discussed
30 including rental rates and pool passes at the Aquatics Center, a candidate filing fee and
secondary water meter rates and utility rates and water shares (equivalency to North
32 Union). Ms. Colson noted the changes in existing fees including the Corporate Block
passes at Aquatic Center.

34 **CHANGES IN FUND BALANCE AND CAPITAL EXPENDITURES**

36 Ms. Colson went over the changes in the fund balance. She also noted additional
capital expenditure items including \$100,000 for the City Center elevator remodel,
38 \$82,000 for two (2) police vehicles, \$50,000 for two (2) trucks for the two new
employees, \$39,665 for a truck for Parks Department as well as Salter & broom for the
40 Kubota and \$20,000 for a car for Planning Department. She also mentioned the \$500,000
for major maintenance and/or reconstruction (Road Fund) and \$100,000 (Parc Tax) to fix
42 or replace Meadow Park playground, \$39,000 (Water Fund) for a truck and \$652,000 for
special projects including \$250k for preliminary work on new well, \$100k for water
44 portion of off-site improvements for SL# 7 and \$202k for projects postponed from

2 2017FY and \$1.4 Million for sewer lift station #7 (Sewer fund) and (Storm Water Fund)
4 \$35,000 for storm water portion of off-site improvements for SL# 7. Ms. Colson called
for any further questions at this time on the budget. There were no further questions.

6 Mayor Acerson then called for any further public comment. Hearing none he
called for a motion to close the public hearing.

8 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
10 COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

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

16 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2017-
17-R AND THE FISCAL YEAR 2018 FINAL BUDGET, AMENDING THE
18 BUDGET FOR THE 2016-2017 FISCAL YEAR (FY2017), SETTING THE
19 CERTIFIED TAX RATE, ADOPTING A FEE SCHEDULE, ADOPTING THE
20 COMPENSATION PROGRAMS, AND ENTERING INTO THE AGREEMENT WITH
THE LINDON REDEVELOPMENT AGENCY. COUNCILMEMBER LUNDBERG
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 22 COUNCILMEMBER BEAN AYE
- 23 COUNCILMEMBER LUNDBERG AYE
- 24 COUNCILMEMBER HOYT AYE
- 25 COUNCILMEMBER SWEETEN AYE

26 THE MOTION CARRIED UNANIMOUSLY.

28 **8. Recess to Lindon City Redevelopment Agency Meeting (RDA).** The RDA
30 Board of Directors will review and consider the Proposed Budget for fiscal year
2018. The RDA will also hold a public hearing to adopt the Final Budget on June
32 20, 2017.

34 COUNCILMEMBER SWEETEN MOVED TO ADJOURN THE MEETING OF
THE LINDON CITY COUNCIL AND CONVENE THE MEETING OF THE LINDON
36 CITY REDEVELOPMENT AGENCY AT 8:02 P.M. COUNCILMEMBER HOYT
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

38 BOARDMEMBER LUNDBERG MOVED TO ADJOURN THE MEETING OF
40 THE LINDON CITY RDA AND RE-CONVENE THE MEETING OF THE LINDON
CITY COUNCIL MEETING AT 8:07 P.M. BOARDMEMBER SWEETEN
42 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

44 **9. Major Subdivision — Parkview Towns at Anderson Farms Subdivision, 300**
46 **North 1610 West.** Ken Watson, on behalf of Ivory Development, LLC, seeks

2 preliminary approval of a twenty-nine (29) lot townhome subdivision, including
 4 dedication of public streets, at approximately 300 North 1610 West, in the
 Anderson Farms Planned Development (AFPD) zone. The Planning Commission
 recommends approval.

6
 8 Hugh Van Wagenen led this agenda item by explaining this is the third phase of
 the Anderson Farms Planned Development which was approved by a Development
 Agreement between Lindon City and Ivory Development in June of 2016. He noted
 10 Parkview Towns consists of 29 townhome units in what is considered Parcel C of the
 Anderson Farms concept plan (2.9 acres). The development of Anderson Farms is
 12 governed by the Anderson Farms Master Development Agreement and all standards
 referred to tonight are a part of that Agreement. He pointed out this application meets the
 14 standards agreed to in that Development Agreement and Concept Plan (plat A has been
 recorded). He noted the Planning Commission recommended approval in a 6-0 vote.

16 Mr. Van Wagenen explained the average lot size of the townhomes is 1,577 s.f.
 with the largest lot being 1,691 s.f. and the smallest being 1,474 s.f. and these lots are
 18 consistent with the concept plan for the townhomes. This is the first phase of the
 townhomes, which will eventually consist of 125 units. The driveways have a minimum
 20 20 foot depth and the new roads will be built to serve the subdivision, however they will
 be private roads and or drives. He noted this plat will require a combination sewer,
 22 ground water, and pressure irrigation system pump station with associated off-site lines to
 be built (they were also required for Plats A and B) and once built, this infrastructure will
 24 serve the remainder of the development.

Mr. Van Wagenen explained these systems will need to be operational before any
 26 certificates of occupancy are approved with no park improvements being required at this
 time. Mr. Van Wagenen then referenced for discussion an aerial photo of the proposed
 28 subdivision, preliminary Parkview Towns at Anderson Farms Plat, Townhome
 elevation/rendering example, Landscaping example, Photo of the existing site, Anderson
 30 Farms overall concept plan, Overall townhome concept (Parcel C), Street cross sections
 and the Off-site utility maps. Mr. Van Wagenen then turned the time over to Mr. Ken
 32 Watson, representing Anderson Development to speak on the overall project and product.

Mr. Watson gave a quick overview of the townhome subdivision and
 34 improvements including the landscaping. He stated the pump house is 80% complete and
 is ahead of schedule and the pumps are set. The off-site improvements are well underway
 36 (75%) and both should be done by mid-July with the infrastructure being put in place. He
 noted the plat is recorded and they will be getting building permits into the city soon. He
 38 then presented the townhome renderings and orientation for review for Plat A. He noted
 the plans are into staff now for approval. He also presented the color scheme followed by
 40 discussion.

Mr. Watson also discussed the square footage of the units noting the basements
 42 will be unfinished and the units will have two car garages (22 ft. deep) with a lot of
 landscaping on the project. Mr. Watson then presented a list of options that potential
 44 home buyers can come in and buy. Mr. Watson pointed out when they reach 66 % of
 single family units the threshold will be triggered to build the park. There was then some
 46 additional discussion including buffering, setbacks and accesses and utilities and a sales

2 timeline. Chris Gamvroulas, Ivory Homes, addressed the Council at this time. Mr.
 4 Gamvroulas stated the market will dictate sales. He pointed out between the
 6 infrastructure and the sewer lift station costs they need to get some homes going but the
 8 market is strong for townhomes and these will be very nice with a lot of articulation in
 10 the front. He also pointed out the determination of what got developed first was related
 12 to the infrastructure. He noted the wall/fencing along the freeway will be adjusted (per
 14 UDOT). There was also some discussion on the possibility of a retail big box in the area
 with Mr. Gamvroulas stating they are still cooperating with the brokers and the
 Andersons and are hoping to set a nice tone at the front. There are reservations on the
 single family homes and they will start taking contracts next week with the townhomes
 contracts to follow several months later.

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

16 COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANT’S
 18 REQUEST FOR APPROVAL OF A 29 LOT RESIDENTIAL TOWNHOME
 20 SUBDIVISION WITH THE FOLLOWING CONDITIONS: 1. DEVELOPER BE
 22 RESPONSIBLE TO PUMP GROUNDWATER COLLECTED BY THE LAND DRAIN
 24 SYSTEM UNTIL THE GROUNDWATER PUMP STATION IS OPERATIONAL. 2.
 OFF-SITE SEWER, GROUND WATER, AND PRESSURE IRRIGATION SYSTEM
 PUMP STATION AND OFF-SITE SEWER FORCE MAIN AND PRESSURE
 IRRIGATION LINE SHALL BE CONSTRUCTED AND FUNCTIONAL BEFORE
 ANY HOMES CAN BE OCCUPIED OR CULINARY WATER SERVICE IS
 PROVIDED TO ANY HOMES. COUNCILMEMBER LUNDBERG SECONDED THE
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 26 COUNCILMEMBER BEAN AYE
- 28 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER HOYT AYE
- 30 COUNCILMEMBER SWEETEN AYE
- 32 THE MOTION CARRIED UNANIMOUSLY

10. **Discussion Item — Land Uses around 700 N. Corridor and PG/Lindon**

34 **Interchange.** The City Council will review and consider various types of land
 36 uses currently permitted in zones along the 700 North corridor and areas around
 38 the PG/Lindon I-15 interchange. Direction may be given to staff regarding the
 City Council’s envisioned changes and/or limitations in land uses that may be
 needed along the corridor.

40 Mr. Van Wagenen opened this agenda item by explaining there are several items
 42 are included in the packet for referenced to the discussion around land uses in the subject
 44 areas. The two zones governing are the CG-A8 zone around the Lindon/PG interchange
 46 and the Lindon Village Commercial zone along 700 North. He then referenced the
 current zoning maps noting West of I-15 UDOT has future facilities that will impact the
 area, namely the Vineyard Connector and I-15 frontage roads. He then referenced a
 concept plan of those facilities if approved. Around the Lindon/PG interchange there are

2 several developments proposed. He pointed out that both the General Commercial and
 4 Lindon Village Commercial (LVC) zone have similar permission on land uses per the
 standard land use table. He then referenced the CG zones that have several permitted uses
 that are not allowed in the LVC zone. Mr. Van Wagenen turned the time over to the city
 6 council for discussion regarding the land uses and the implementation and guiding forces
 on the 700 North Corridor.

8 Councilmember Lundberg gave a brief summary of what other cities have
 planned and similar to what Lindon is considering for that area. She noted they are done
 10 through a consulting firm with a plan overview, summary, urban design, land use,
 transportation plans, circulation, implementation, utilities, etc. She feels everyone is on
 12 the same page and agrees that this is a very critical area for the future of Lindon City and
 different than Lindon Village; the key is diversity in the economic mix. This is
 14 potentially a definable downtown area for Lindon since there is not a historic downtown
 area.

16 There was then some general discussion by the Council where they considered
 various types of land uses currently permitted in zones along the 700 North corridor and
 18 areas around the PG/Lindon I-15 interchange. They discussed their vision changes and/or
 limitations in land uses that may be needed along the corridor. The Council also felt that
 20 a joint meeting with the Planning Commission should be considered to share their ideas
 and vision of the area and what they are hoping to accomplish and what types of
 22 businesses constitutes revenue for the city.

24 Ben Richardson, with Coldwell Banker, pointed out that the big box days are
 changing because of online buying. As retail changes the trade core is very important
 where you place jobs to drive the retail as it is as important as rooftops. Retail and office
 26 developers are working hand in hand and chasing each other. Lindon has the ability to
 handle major traffic because of the interchange with the Vineyard Connector.

28 Following discussion Mayor Acerson asked Mr. Van Wagenen if the Council has
 given him sufficient direction on how to proceed. Mr. Van Wagenen stated he is hearing
 30 the Council would like to have a joint work session with the Planning Commission to
 discuss the concerns about 700 North filling up with office/warehouse space and the west
 32 side of I-15 and possibly capping certain types of uses. He is also hearing they would like
 to look at what a new zone at the interchange may consist of and more information on a
 34 small area plan for 700 North and to also look into the possibility of using professional
 services for a specific area plan.

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

- 38
- 40 **11. Public Hearing — General Plan Amendment, 725 N. 2800 West. Ordinance**
#2017-3-O. Mark Weldon, WICP West Orem #3 (3/4), LLC, requests a General
 42 Plan Land Use Map Amendment from Commercial to Mixed Commercial, on
 property (north 5.5 acres) located at 725 North 2800 West, and identified by Utah
 44 County Parcel ID #13:063:0085. The Planning Commission recommends
 approval.

2 COUNCILMEMBER SWEETEN MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Van Wagenen led this agenda item by giving an overview stating this
property in question is located on the Lindon border with American Fork this property is
8 currently surrounded by General Commercial property to the south and east and Mixed
Commercial property to the north. The Mixed Commercial property to the north was
10 rezoned in 2015 from General Commercial to Mixed Commercial in order to
accommodate development of a flex office/warehouse project. He noted Mr. Scott
12 Thorsen and Mr. Ben Richardson are in attendance tonight as representatives of this
agenda item.

14 Mr. Van Wagenen stated the current development proposal would possibly
construct a flex office/warehouse as part of a corporate campus concept if the General
16 Plan and zoning designations were approved. He noted that flex office/warehouse
typically serves businesses that require space in which light assembly, packaging, and
18 shipping activities will occur. The conceptual layout shows this land as part of the larger
Mountain Tech campus. He pointed out that Building #1 is operational (office) with
20 Building #2 (office) being under construction. Building #3 would be the flex space that
this application would allow to happen while Building #4 would be an additional office
22 on the corner of 600 North (PG Boulevard) and 2800 West. A parking deck is also being
envisioned on the site if parking demands require it. The applicant's proposed use for the
24 flex building is not allowed in the CG zone, but it is in the MC zone. He added that the
applicant will request the appropriate zoning on the next agenda item.

26 Mr. Van Wagenen went on to explain that City Code requires that any zone
change must be consistent with the City's General Plan Designation. The current General
28 Plan designation is Commercial, so the General Plan map must first be modified for the
rezone request to be possible. Therefore, the applicant is requesting that the General Plan
30 designation be changed to Mixed Commercial to permit the zone change and allow the
desired uses.

32 Mr. Van Wagenen further noted that following a lot of discussion with the
applicant and among themselves, the Planning Commission recommended approval of
34 the requested General Plan change. He stated the Commission felt that the locations
proximity to the MC zone to the north, American Fork's Planned Industrial zone to the
36 west and keeping 600 North frontage as General Commercial along with the presented
concept plan were enough compelling reasons to recommend approval.

38 Mr. Van Wagenen stated the General Plan currently designates the property under
the category of Commercial. This category includes retail and service oriented
40 businesses, and shopping centers that serve community and regional needs. The
applicant is requesting that the General Plan designation of the property be changed to
42 Mixed Commercial, which includes the uses in the General Commercial designation, as
well as light industrial and research and business uses.

44 Mr. Van Wagenen then referenced the relevant general plan policies to consider
in determining whether the requested change will be in the public interest followed by
46 discussion. He also referenced an aerial photo of the proposed area to be re-classified,

2 the current general plan land use map, conceptual site plans, photos of the existing site,
 4 the future UDOT facilities in the vicinity, the Standard Land Use Table - CG-A8 and MC
 comparison (changes highlighted) and the Draft Ordinance 2017-3-O. He then turned the
 time over to the representatives to comment on the proposed project.

6 Mr. Thorsen commented that they have done a lot of work on this project and the
 four story tower is currently going up and the building to the south (Jive Communication)
 8 is going in. He stated they have a concept of building a high bay warehouse that looks
 like an office building that is for one whole campus. Mr. Thorsen stated their preference
 10 would be to have office on the Mountain Tech side and move the industrial to the south
 of Pleasant Grove Blvd. He noted the issue is where they have some very expensive
 12 office buildings and tenants in the two buildings that border the highway, and the tenants
 have asked if they can shield any future construction.

14 Mr. Thorsen stated they plan to operate a clean campus facility that will look like
 an office building with a warehouse with high end industry that will bring a lot of jobs.
 16 The challenge will be how to facilitate developing this if they are able to have a mixed
 use for the 40 acres. Depending on what happens on Mountain Tech north he would like
 18 the right to put the office warehouse at that location. They are in due diligence with the
 40 acres below them and are prepared to close on the property. He also referenced the
 20 renderings showing the 50 ft. concrete wing wall that will shield the dock area. Mr.
 Thorsen pointed out there is some incentive as it is the same developer and Mr. Weldon
 22 wants to keep his tenants happy and has a vested interest in the area and in building a top
 notch product.

24 Mr. Thorsen went on to say they have a big investment in the two existing office
 buildings and would like to have the option to shield from the Blind Man and don't want
 26 to see the trucks and want to accommodate the existing tenants as they are both 10 year
 tenants (Global Payments and Jive Communications). Mr. Thorsen commented that Mr.
 28 Weldon is not asking for anything that the city has not already granted to others and is
 simply asking what has already been granted to the property to the north of him. He
 30 pointed out they are a long term player and have spent a lot of money and brought a lot of
 jobs to Lindon.

32 There was then some general discussion by the Council regarding this issue
 including concerns with the Blind Man business operations and other established
 34 businesses and the use of a potential landscaping buffer. The Council was in agreement that
 Mr. Weldon produces a nice product and has a vested interest and is acquiring a lot of
 36 ground and making significant moves in Lindon. They do want balance and diversity and
 need to look at what areas make sense.

38 Mayor Acerson then called for any further public comment. Hearing none he
 called for a motion to close the public hearing.

40
 42 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
 COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT
 VOTED IN FAVOR. THE MOTION CARRIED.

44
 46 Mayor Acerson then called for any further comments or discussion from the
 Council. Hearing none he called for a motion.

2 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE 2017-3-O
 WITH NO CONDITIONS. COUNCILMEMBER BEAN SECONDED THE MOTION.
 4 THE VOTE WAS RECORDED AS FOLLOWS:
 COUNCILMEMBER BEAN AYE
 6 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER HOYT AYE
 8 COUNCILMEMBER SWEETEN AYE
 THE MOTION CARRIED UNANIMOUSLY.

10
 12 **12. Public Hearing — Zone Map Amendment, 725 N. 2800 W.; Ordinance**
 #2017-4-O. Mark Weldon, WICP West Orem #3 (3/4), LLC, requests approval
 of a Zone Map Amendment from General Commercial Auto (CG-A8) to Mixed
 14 Commercial (MC), on property (~north 5.5 acres) located at 725 North 2800
 West, and identified by Utah County Parcel ID #13:063:0085. The Planning
 16 Commission recommends approval.

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

22 Mr. Van Wagenen stated based on the previous discussion on the General Plan
 Amendment item that was just approved he doesn't have any further information to
 24 provide on the zone map amendment as these items are connected.

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

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

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

34
 36 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE 2017-4-O
 REGARDING THE ZONE MAP AMENDMENT WITH NO CONDITIONS.
 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
 38 RECORDED AS FOLLOWS:
 COUNCILMEMBER BEAN AYE
 40 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER HOYT AYE
 42 COUNCILMEMBER SWEETEN AYE
 THE MOTION CARRIED UNANIMOUSLY.

44
 46 **13. Continued Public Hearing — Disposal of Surplus Property; Resolution**
 #2017-15-R. This item was continued from the June 6, 2017 City Council

2 meeting. The City Council will review and consider the sale and disposal of up
 4 to 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.

6 *Mayor Acerson called for a five minute break at this time.*

8
 10 COUNCILMEMBER LUNDBERG MOVED TO OPEN THE PUBLIC
 HEARING. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL
 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12
 14 Adam Cowie, City Administrator, led this agenda item by giving a brief overview
 of this agenda item explaining the City Council is considering the sale and disposal of the
 majority of the property with proposed sale proceeds intended to be used to pay down
 16 existing city debts. He stated this item was discussed and continued from the May 16,
 2017 City Council meeting, then discussed and continued again at the June 6, 2017
 18 meeting to allow an on-site visit of the property by the entire Council, which occurred on
 June 13th. After the June 6th meeting the City Council directed staff that offers on the
 20 property continue to be received but not considered for acceptance until the Utah Lake
 Commission had a few weeks to come up with a concept plan for a possible Nature
 22 Center on the property.

24 Mr. Cowie noted the Council also directed staff to prepare two different options
 for a resolution/declaration of surplus property to be considered at this meeting tonight as
 follows:

- 26 • Resolution Option #1: Declare all of the originally listed 14.51 acres as surplus
 real property, or
- 28 • Resolution Option #2: Declare a smaller portion of the property (TBD by
 Council) as surplus real property.

30
 32 Mr. Cowie stated the approximate acreage can be determined tonight if less than
 the full 14.5 acres is declared as surplus. He added if either resolution declaring the
 property as surplus is adopted the Council will still need to accept public comment on a
 34 final accepted offer. He further added that City attorney indicated that this can occur
 through acceptance of written comments or through a future public meeting, at the
 36 discretion of the Council. Mr. Cowie pointed out if land acreage that was not declared
 surplus is later intended to be sold it will need to be declared surplus by Council action
 38 with an updated resolution.

40 Mayor Acerson called for any public comment at this time. Several in attendance
 addressed the Council as follows:

42 **Jim Dain:** Mr. Dain presented and explained a conceptual plan with three different
 schemes of what may fit (a combination) at the property including soccer fields,
 44 pavilions, education center etc. He also presented a copy of the approved Vineyard
 zoning map. Mr. Dain indicated the Utah Lake Commission may consider a visitor's
 46 center on the far north end of the property with a clear unobstructed view of the lake. He

2 added if former city councils had ground/property that they thought was unusable we
 4 wouldn't have the Lindon City Park or even the ground where this city building sits
 today. He feels this is a premium parcel and really believes that down the road if this is
 6 sold it would be very regrettable and we should hang on to this. He would say to think of
 the future and to find other ways to bring down debt as the city is not in financial straits
 right now and has a flush budget. Mr. Dain also mentioned he spoke with Brandon
 8 Gillins, who is the men's soccer coach at BYU and who plays a big role in youth soccer.
 He asked Mr. Gillins if people would play and use the fields if soccer fields were put in at
 10 the property. Mr. Gillins indicated he firmly believes people would play and the fields
 would definitely be well used. Mr. Dain also read a written statement from previous
 12 councilmember Richard Draper who is in support of retaining the property and to
 preserve it for public use as was intended.

14
Eric Ellis: Mr. Ellis, Utah Lake Commission Director, stated he appreciated the Council
 16 coming to tour the property to visualize the potential. He noted with the portion up for
 sale there have been a lot of interesting presented options to preserve it for public use.
 18 He pointed out that Lindon City did adopt a model ordinance in 2012 (through the Utah
 Lake Commission) for lakeshore properties and each community was represented; he can
 20 re-share the model ordinance for review if requested. He pointed out that there are so
 many options to consider. When he spoke to Vineyard they suggested turning it into an
 22 RV/campsite park that would be revenue generating and bring tourism. He would
 encourage the Council to keep the idea open and to keep other options open because of
 24 the Marina access and the recently adopted Vineyard zone change map.

26 **Larry Ellertson:** Mr. Ellertson mentioned one thing relative to this property different
 from other lakeshore areas is that it has a raised shoreline and won't flood. He agreed we
 28 don't know what the future will bring, but he would suggest giving some thought to these
 concepts and future uses. Selling the property for road funding when the amount needed
 30 is less than 15 % of what is needed is not a good option and does not solve the problem; a
 solution will still be needed to fund roads; an issue all communities are facing. He
 32 suggested that this is not that solution and would only be a small portion of what is
 needed for roads. This property needs to be preserved how it was originally perceived
 34 and if sold we are giving away a potential for future use; selling is not the right thing. He
 implored the Council to consider the original concept as it is incumbent on future
 36 Councils to honor those things.

38 **Gary Brodeur:** Mr. Brodeur, Orem resident and a realtor with Osmond Real Estate. He
 stated he went on the recent walk-through of the property with the Council. He came
 40 upon this issue but he didn't perceive an integrated concept for this and feels having
 delayed this has been helpful to bring a vision together for the use of the property. The
 42 plan they saw last week during the walk through has provided some progress because the
 commercial aspect is easier to work with the agent. He noted he grew up in southern
 44 California and saw a lot of the land go to development and he feels this property
 represents a unique opportunity for the city as it sits in a transit corridor that will be
 46 highly visible in the future and sometimes perception is reality. The Council has the

2 opportunity in the future to decide what to do with this property and he speaks in favor of
4 having this parcel as an attractive entry point for the city.

6 Councilmember Hoyt commented they have discussed Renewable Energy
8 Renovations and the possible site for a Nature Education Center and asked Mr. Ellis if
10 there has been any progress on this with the Board. Mr. Ellis stated they have not had the
12 chance to meet as a board since the last meeting but they have indicated their interest and
14 this issue is on the next agenda.

16 Councilmember Sweeten brought up the discussion when walking the property
18 the portion they proposed to keep and asked Mr. Ellis if it would be sufficient space for
20 the Education Center they are proposing. Mr. Ellis confirmed that statement if it would
22 allow for drive space/parking for both facilities.

24 Mayor Acerson then called for any further public comment. Hearing none he
26 called for a motion to close the public hearing.

28 COUNCILMEMBER SWEETEN MOVED TO CLOSE THE PUBLIC
30 HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
32 VOTED IN FAVOR. THE MOTION CARRIED.

34 Councilmember Sweeten asked Mr. Cowie to present the slide (map) of the recent
36 tour of the property. Mr. Cowie showed the map followed by discussion on the property
38 areas and possible sectioning/line drawing of the parcel.

40 Councilmember Lundberg commented Mr. Ellis had also mentioned a
42 public/private partnership with perhaps an RV/Campground, boat storage etc. however,
44 she did not there are some concerns with management and safety concerns. She pointed
out these uses could enhance the harbor use as well. Her initial thought is that there are so
many beautiful Lindon parks and she is leaning towards obtaining the education center
but with a natural space in the area that would be amenable with the wildlife and artesian
wells, ponds etc. and may be a higher use and to keep it natural may be ideal.

46 Councilmember Hoyt stated there is no need to sell the property unless they can
48 completely liquidate one of the some of the debt which would free up cash flow to
facilitate roads; the purpose is to free up cash flow to go towards roads.

50 Mayor Acerson questioned the Council at this time, based on the many options
52 presented here, are there any sitting councilmember's that feel, at this point in time, to
54 defer selling the property and keep it for some future public use or if they feel to sell the
property is imminent if the right offer comes in.

56 **Councilmember Sweeten:** He would agree sell if the right offer comes in.

2 COUNCILMEMBER LUNDBERG NAY
 COUNCILMEMBER HOYT NAY
 4 COUNCILMEMBER SWEETEN AYE

6 **DUE TO A TIE VOTE MAYOR ACERSON VOTED TO BREAK THE TIE WITH
 A NAY VOTE. THE MOTION FAILED THREE TO TWO.**

8

10 *Following some additional discussion Mayor Acerson called for a new motion
 due to the failure of the previous motion.*

12 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2017-
 15-R OPTION NUMBER TWO DECLARING THE DISPOSAL OF A SMALLER
 14 PORTION (ROUGHLY 9 ACRES) OF THE PROPERTY WITH THE LINE
 DICTATED BY EXHIBIT A. COUNCILMEMBER SWEETEN SECONDED THE
 16 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN NAY
 18 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER HOYT AYE
 20 COUNCILMEMBER SWEETEN AYE
 THE MOTION CARRIED THREE TO ONE.

22

24 **14. Action Item — Street Lighting Request at 290 N. 712 W.** An application for
 installation of a street light has been received and public signatures for
 26 endorsement of the light have been met. Total cost to install a Granville type
 street light at this location is estimated at \$4,417.65.

28 Mr. Cowie led this agenda item by explaining the City received a Streetlight
 Installation Application request from Mr. Jack Anderson of 290 N. 712 W. in the
 30 Pheasant Brook subdivision that was signed by 19 other individuals from the
 neighborhood. He noted the application meets the criteria for a new street light in a mid-
 32 block location on 290 North, subject to City Council approval.

34 Mr. Cowie explained the criteria for street lights include that roads over 650 feet
 long are eligible for a mid-block light. This section of roadway is over 850 feet long and
 almost 1,000 feet between existing street lights. Total estimated cost of the new light at
 36 this location is \$4,417.65. He pointed out the City has available budgeted funds for street
 light installations to construct a light at this location and staff recommends approval of
 38 this request.

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

42 COUNCILMEMBER HOYT MOVED TO APPROVE A NEW STREET LIGHT
 TO BE INSTALLED AT APPROXIMATELY 290 NORTH 712 WEST.
 44 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

46 COUNCILMEMBER BEAN AYE

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

6

10. **COUNCIL REPORTS:**

8

10 **Councilmember Hoyt** – Councilmember Hoyt reported on the recent PG/Lindon
 Chamber Tri-Chamber luncheon noting it was a good meeting and well attended. He also
 12 noted Josh Walker, Chamber President, would be more than willing to give a report when
 requested by the council.

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

16 **Councilmember Bean** – Councilmember Bean had nothing to report.

18 **Councilmember Lundberg** – Councilmember Lundberg had nothing to report.

20 **Councilmember Sweeten**– Councilmember Sweeten reported he participated in the
 recent Strawberry Days celebration and he has some ideas to discuss with Heath Bateman
 22 for Lindon Days. He also spoke on the interviewing process and asked the Council if they
 feel a councilmember should be involved in the interview process. Following discussion
 24 the Council was in agreement that the City Manager should make that determination
 unless it is under their assignment and responsibility.

26

28 **Mayor Acerson** – Mayor Acerson reported he attended the recent UIA meeting along
 with Mr. Cowie where they discussed the upcoming budget. He also attended the IHC
 Outreach meeting where they discussed wellness programs.

30

32 11. **Administrator's Report:** Mr. Cowie reported on the following items followed
 by discussion.

34 **Misc Updates:**

- 36 • June newsletter
- 38 • July newsletter article: Van Broderick - Article due to Kathy Moosman last week
 in June.
- 40 • UTOPIA/UIA – new bond proposed for continued build-out.
- 42 • Primary Elections Meet the Candidates night tentative date: July 20th at 7pm.
 Questions/topics/format.
 - Tentative date for General Election Meet the Candidate night: October
 12th at 7pm
- Misc. Items

44 **Upcoming Meetings & Events:**

- 46 • July 4th – City offices closed. No Council meeting. Next regularly scheduled
 meeting is July 18th

- 2 • July 20th at 7pm – Tentative date for Primary Election Meet the Candidate night
- July 24th – City offices closed
- 4 • August 7th-12th – Lindon Days
- August 15th – Primary Election (No Council meeting)
- 6 • September 4th – City offices closed
- October 12th – Tentative date for General Election Meet the Candidate night
- 8 • November 7th – General Election (No Council meeting)

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

12 **Adjourn –**

14 COUNCILMEMBER HOYT MOVED TO ADJOURN THE MEETING AT
 16 11:52 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL
 18 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

20 Approved – July 18, 2017

22 _____
 24 Kathryn Moosman, City Recorder

26 _____
 28 Jeff Acerson, Mayor

Item 4 – Consent Agenda – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

Item 5 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

6. Concept Review — Mecca Holdings LLC, ~400 S. Lindon Park Dr. *(20 minutes)*

Willie Blocker, with Mecca Holdings LLC, requests concept review of a proposed multi-family housing development (and any associated rezoning or code amendments), to be located at ~400 S. Lindon Park Drive (identified by Utah County Parcel ID's #17:015:0121 (6.8 acres) and 40:283:0007 (2.8 acres)), currently in the Research and Business (R&B) and Planned Commercial (PC-1) Zones.

See attached materials from the Planning Department.

Concept Review — Mecca Holdings ~400 S. Lindon Park Dr.

<p>Applicant: Willie Blocker, Mecca Holdings Presenting Staff: Brandon Snyder</p> <p>Type of Decision: None Council Action Required: No</p>	<p><u>SUMMARY OF KEY ITEMS</u></p> <ol style="list-style-type: none"> 1. This is a concept review to receive feedback from the City Council regarding the applicant’s proposal. <p><u>MOTION</u> No motion necessary.</p>
---	---

OVERVIEW

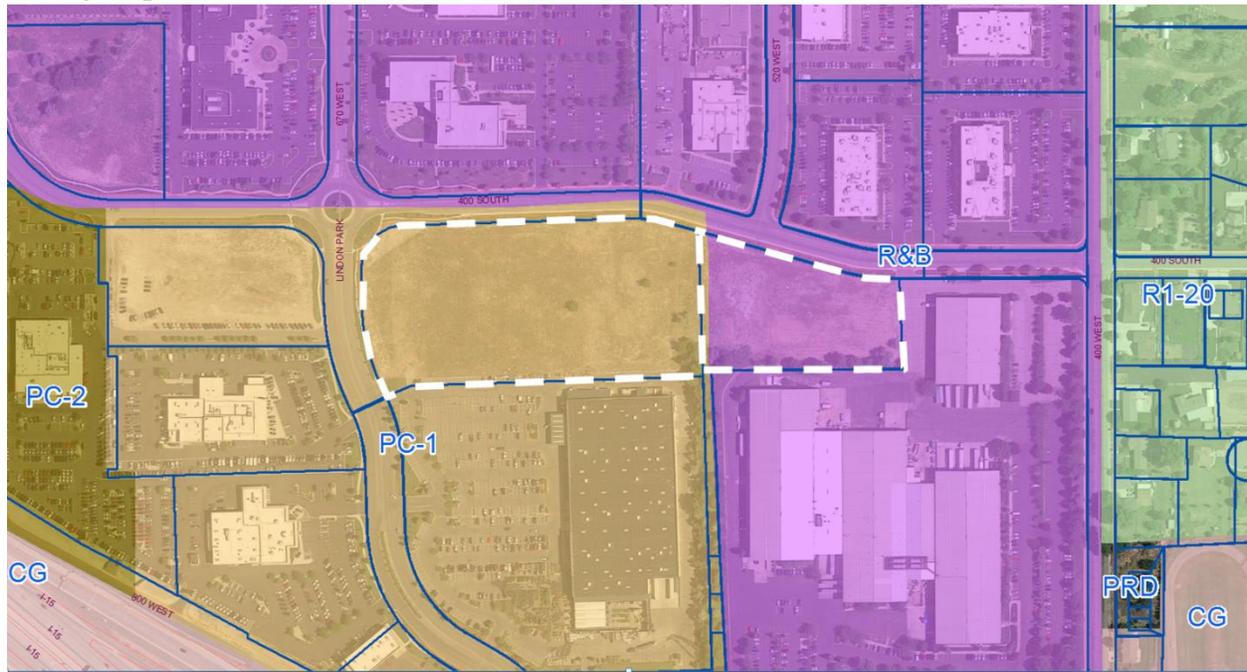
A Concept Review allows applicants to quickly receive City Council feedback and comments on proposed projects. No formal approvals or motions are given, but general suggestions or recommendations are typically provided. Although not mandatory, a Concept Review is recommended for all large development projects. The Planning Commission reviewed the proposal on June 27, 2017. Their comments are provided below.

The applicant requests feedback on a proposed multi-family housing development (and any associated rezoning or code amendments), to be located at ~400 S. Lindon Park Dr. (identified by Utah County Parcel ID’s #17:015:0121 (6.8 acres) and 40:283:0007 (2.8 acres)), currently in the Planned Commercial (PC-1) and Research and Business (R&B) Zones. The General Plan Land Use Map identifies this area as Commercial and Research & Development.

The applicant is looking for approximately 270 units on the combined 9.6 acres. He has discussed a parking ratio of 1.7 per dwelling unit. Amenities proposed would possibly include: clubhouse, pool, gym, and onsite office.

The Planning Commission as a whole was generally opposed to the idea. A main concern was potentially giving up on office, commercial and retail opportunities. A few commented that it is appropriate to provide housing options. Some questioned if this is the right location.

Zoning Map:



Lindon City Codes:

17.48.010 “The Commercial Ordinance is established to promote commercial and service uses for general community shopping. The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located.”

17.47.010 “The purpose of the Research and Business (R&B) zone is to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, research and development institutions, and certain specialized assembling and packaging uses as a secondary use to the primary function of the building. The essential purpose of this zone is to achieve development in a park-like setting that is an economic asset to the owners, neighbors, and the community. This zone is more restrictive than other commercial and manufacturing zones in the city with grounds that have an abundance of landscaping, and land uses that do not create air, ground, noise, or water pollution. Because the zone may be located adjacent to residential development it must be properly screened with a wall and landscaping to create compatibility. The zone should always be located adjacent to collector or arterial streets. The zone is to be characterized by attractively designed buildings and off-street parking lots situated among lawns, shrubs, and trees which give a more pleasing appearance than other commercial and business zones.”

The Lindon City General Plan indicates the following:

Community Vision

It is Lindon City's community vision to provide for a strong, positive civic image and identity within a clean and attractive physical setting which seeks to preserve a high quality, open, rural living atmosphere which is also receptive to compatible services and amenities provided by some elements of urban living.

The Objectives of this Community Vision are to:

1. Recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment consistent with its traditional, family-oriented values.
2. Promote Lindon as a regional center for technology, commercial, and industrial facilities with excellent accessibility and a high quality business environment.
3. Organize and develop land use areas to take full advantage of Lindon's strategic location in regard to the major rail, highway, and air amenities.
5. Maintain the quality of existing and future neighborhoods and land use areas within the City through preservation of animal rights, community beautification, improved parks & trails, and other pursuits relating to provident living, recognizing all segments of our community (age, economic status, etc.).
6. Channel future growth and development into areas that can be efficiently and effectively served by public infrastructure and facilities.
7. Ensure that new development is of high quality and reflects quality architectural and site design standards consistent with its particular use and location.

Commercial Land Uses provide a variety of goods and services to the people who visit, live, and work in Lindon. It is the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected. Commercial use areas should be located along major arterial streets for high visibility and traffic volumes.

Whenever commercial uses are adjacent to established or planned residential areas, special care must be taken to ensure privacy and protect personal property. Methods of protecting residential areas by providing transitions and buffers between residential and commercial areas include increased setbacks, landscaping, restricted land uses, diversion of traffic, controlled noise or light, height limitations, and transitional land uses such as research and development office uses.

General Commercial: This category includes retail and service oriented businesses, and shopping centers which serve community and regional needs. Includes area typically zoned CG, PC-1, and PC-2.

Industrial Land Uses provide for employment and manufacture of materials which are essential to the economy of Lindon City. It is the purpose of this industrial district to provide areas in appropriate locations where a combination of research and development, manufacturing, and industrial processing and warehousing may be conducted.

Research and Development: This category is for areas of very light industrial uses with the character of a high-tech research park, corporate offices, and/or commercial uses which are compatible with surrounding properties. Depending on specific business activities, this type of development is viewed as particularly helpful for buffering between residential and other uses. Includes areas typically zoned R&B.

MOTION

No motion necessary.

2 Hugh Van Wagenen, Planning Director, stated this item will need to be continued
as the City Council and Planning Commission has expressed a desire to have a joint work
4 session regarding the interchange. The applicant, Mr. Weldon, has also agreed to
continue this item due to pending city discussion on a new zone creation potentially
6 affecting this property and he was a party to that decision. He noted the next agenda item
for the zone map will therefore need to be continued and he would recommend
8 continuing both agenda items four and five.

Chairperson Call asked if there were any comments. Hearing none she called for a
10 motion to continue the public hearings for agenda items four and five.

12 COMMISSIONER MARCHBANKS MOVED TO CONTINUE AGENDA
ITEMS NUMBER FOUR AND FIVE TO THE NEXT MEETING. COMMISSIONER
14 JOHNSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

16 CHAIRPERSON CALL AYE
COMMISSIONER MARCHBANKS AYE
18 COMMISSIONER KALLAS AYE
COMMISSIONER WILY AYE
20 COMMISSIONER JOHNSON AYE
THE MOTION CARRIED UNANIMOUSLY.

22
5. **Public Hearing — Zone Map Amendment, 400 North 2800 West.** Mark
24 Weldon requests approval of a Zone Map Amendment from General
Commercial Auto (CG-A8) to Mixed Commercial (MC), on property located at
26 approximately 400 North 2800 West, and identified by Utah County Parcel ID
#14:059:0040 (40.3 acres). Recommendations will be forwarded to the City
28 Council. (Pending Ordinance 2017-9-O). *The applicant has requested to
continue this item.*

30
Mr. Van Wagenen stated this item has been also been continued and the applicant
32 has requested to continue this item due to pending city discussion on a new zone creation
potentially affecting this property. He noted the motion to continue was made for both
34 agenda item numbers four and five in the previous motion.

36 6. **Concept Review — Mecca Holdings LLC, 400 South Lindon Park Drive.**
Willie Blocker, Mecca Holdings LLC, requests concept review of a proposed
38 multi-family housing development (and any associated rezoning or code
amendments), to be located at ~400 S. Lindon Park Dr. (identified by Utah
40 County Parcel ID’s #17:015:0121 (6.8 acres) and 40:283:0007 (2.8 acres)),
currently in the Research and Business (R&B) and Planned Commercial (PC-1)
42 Zones.

44 Brandon Snyder, Associate Planner gave an overview of this agenda item noting a
Concept Review allows applicants to quickly receive Planning Commission and/or City
46 Council feedback and comments on proposed projects with no formal approvals or
motions needed, but general suggestions or recommendations are typically provided. He

2 noted although not mandatory, a Concept Review is recommended for all large
development projects.

4 Mr. Snyder noted Willie Blocker (Mecca Holdings) and Rob Heywood (The
Ritchie Group, LLC) are in attendance tonight representing this item. Mr. Blocker is
6 requesting feedback on a proposed multi-family housing development (and any
associated rezoning or code amendments), to be located at 400 S. Lindon Park Dr.
8 (identified by Utah County Parcel ID's #17:015:0121 (6.8 acres) and 40:283:0007 (2.8
acres)) and is currently located in the Planned Commercial (PC-1) and Research and
10 Business (R&B) Zones. He noted the General Plan Land Use Map identifies this area as
Commercial and Research & Development. He then referenced the code section
12 (17.48.010) regarding the zoning map and also the Lindon City General Plan indicating
the Community Vision. He then turned the time over to the applicant for comment.

14 Mr. Blocker and Mr. Ritchie addressed the Commission at this time. Mr. Blocker
referenced the site plan (9 3/4 acres) noting the zoning of the property in question. He
16 explained he came before the Commission several years ago with a concept plan of an
180,000 sq. ft. commercial office building. He further explained since that time some
18 dynamics and economics have changed in the marketplace that don't lend itself well to
that project. So now they are contemplating the best use of the property and have come to
20 the conclusion that multifamily housing would be a good use and they are exploring that
opportunity. He then referenced the Standard Land Use Table and the uses in the zones
22 that are permitted and conditional uses noting there are only two (on the table) that would
fit in this space and are viable, retail space (which is not viable) and professional office
24 use. Mr. Heywood made note there is not enough space to warrant a retail box and that
option is not proportionally viable.

26 Mr. Blocker stated they also looked at different types of developments (hotels)
and that is also not a promising option. The other opportunity to look at was the
28 multifamily housing option as they are sitting on 20 acres of undeveloped ground and it
seems to pencil out quite well. He mentioned that they had an appraisal market study and
30 feasibility study done that carried a lot of weight. He then read the conclusion from the
study that takes in the population growth and the need for housing which is strong. They
32 are now faced with two pieces of ground that are zoned for something they cannot
develop on.

34 Mr. Heywood stated when Mr. Blocker started looking at options his company
was contacted as a development consultant. They feel strongly there is a strong market
36 for multifamily use as there is not much in the city. They feel this is a good idea for the
city to consider a zone change for this location and a great fit for the property. It would
38 also be an asset to the existing businesses in the area. He then read portions of the
Lindon City Community Vision. He pointed out they feel they can create some housing
40 opportunities for young people wanting to establish their home in Lindon without having
a 1/2 acre lot. He noted the average home price in Lindon is \$400,000 and this would be
42 affordable housing for those wanting to live in Lindon. This acreage is situated where it is
conducive to their development but would also have direct access to the I15 corridor with
44 easy access; this would be a nice amenity to the city. He then showed the different
models and styles they are looking at noting they would use a lot of amenities and qualify
46 the renters and it would be mutually aligned. There was then some general discussion by
the Commission regarding this concept, including amount of units (270), management of
48 the projects, amenities (clubhouse, pool, fitness center etc.) and parking ratios (1.7).

2 Chairperson Call commented that she has concerns about giving up planned
 4 commercial property for multifamily housing. She pointed out that Lindon already has a
 massive development (Ivory) going in on the west side that will provide a lot of choices
 and she would have a difficult time losing that zoning. Commissioner Marchbanks stated
 6 he agrees with Chairperson Call's statement noting he liked the previous proposal
 presented two years ago and because of what they have already done in the area he feels
 8 they have been a great neighbor.

10 Commissioner Kallas also agreed with Chairperson Call's statement adding he is
 not against residential development but he would hate to give up that particular piece of
 property for residential; they have a tremendous asset there with Class A office space
 12 with freeway exposure. Commissioner Keller commented he feels having residential
 surrounded by commercial in that area doesn't really make sense and feels there may be
 14 another use that would be more valuable in that location. Mr. Blocker agreed it is a
 superb location and they need to look at the highest and best use relative to ownership
 16 and given the constraints of commercial real estate vs. residential the residential makes
 more sense.

18 Commissioner Wily stated they are talking about turning it into a mixed use and
 he may be a bit more open to this concept than some of the other members of the
 20 Commission and would suggest taking it to the city council but he feels the applicant
 knows what the issues and concerns are. Mr. Blocker stated the only issue they are
 22 hearing is if this remains a commercial island or they make a multi family island in a
 commercial setting. Chairperson Call pointed out this is a very valuable piece of
 24 property for research and development use and they are not willing to let that go to a
 multi-housing use as this area generates a lot of revenue for the city and there are not a lot
 26 of prime exit areas for development left in the city.

28 Mr. Blocker stated seeing this as a land owner he feels he would have to sell his
 rights to his property as opposed to generating income off of it and he would just get a
 one-time bonus on the property whereas if he puts in commercial he is looking at decades
 30 before getting a significant return on his investment and with multifamily he could turn
 his return rather quickly, or he would have to sell it; and he doesn't want to sell.

32 Following some additional discussion the Commission was in agreement that they
 are not comfortable going in the direction of a re-zone and agreed this is a difficult
 34 situation. Chairperson Call concluded she feels the Commission has given sufficient
 feedback noting they have the option to take this concept to the City Council for review.

36 Chairperson Call asked if there were any further comments or discussion. Hearing
 none she moved on to the next agenda item.

38
 40 **7. Public Hearing — Ordinance Amendment, Lindon City Standard Land Use**
Table. Lindon City requests approval of an amendment to the Lindon City
 Standard Land Use Table to remove Packing and Crating Services as an allowed
 42 use in the General Commercial zones. Recommendations will be forwarded to the
 City Council for final approval. (Pending Ordinance 2016-10-O).
 44

46 COMMISSIONER KELLER MOVED TO CLOSE THE PUBLIC HEARING.
 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
 FAVOR. THE MOTION CARRIED.
 48

7. Public Hearing — Ordinance Amendment, Lindon City Standard Land Use Table *(10 minutes)*

Lindon City requests approval of an amendment to the Lindon City Standard Land Use Table to remove Packing and Crating Services as an allowed use in the General Commercial (CG) zones. The Planning Commission recommends approval. (Ordinance #2017-10-O)

See attached Ordinance and materials from the Planning Department.

Ordinance Amendment, Lindon City Code Standard Land Use Table, Packing and Crating

<p>Applicant: Lindon City Planning Department Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: Legislative Planning Commission Recommendation: Recommended for approval in a 6-0 vote.</p>	<p>SUMMARY OF KEY ISSUES</p> <p>1. Whether it is in the public interest to have Packing & Crating Services as a conditionally permitted use in General Commercial zones.</p> <p>MOTION I move to (<i>approve, deny, continue</i>) ordinance amendment 2017-10-O (<i>as presented, with changes</i>).</p>
--	---

BACKGROUND

A recent review of a potential development initiated a closer look at Packing & Crating Services as a line item in the Standard Land Use Table. The Occupational Safety and Health Administration defines Packing & Crating as “Establishments primarily engaged in packing, crating, and otherwise preparing goods for shipping.”

The Standard Land Use Table places Packing & Crating Services under the Transportation, Communications, & Utilities section and is a conditionally permitted use in the CG, CG-A, CG-A8, CG-S, and MC zones. It is a Permitted Use in the Heavy and Light Industrial zones.

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*						Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
4000	Packing & Crating Services	N	N	N	N	N	C	C	C	C	C	P	P	N

ANALYSIS

Section 17.48.010 of the Lindon City Code states, “The Commercial Ordinance is established to promote commercial and service uses for general community shopping. The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located.”

Based on the above purpose of the General Commercial zones staff suggests that Packing & Crating Services become a non-permitted use in the CG, CG-A, CG-A8, and CG-S zones as shown below. It would remain conditionally permitted in the MC zone and permitted in the Heavy Industrial and Light Industrial zones.

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*						Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
4000	Packing & Crating Services	N	N	N	N	N	€N	€N	€N	€N	C	P	P	N

ATTACHMENTS

1. 2017-10-O

LINDON CITY CODE

ORDINANCE NO. 2017-10-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE STANDARD LAND USE TABLE OF THE LINDON CITY CODE TO AMEND USE PERMISSIONS FOR PACKING & CRATING SERVICES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to encourage the establishment and development of basic retail and commercial stores which will satisfy the ordinary and special shopping needs of Lindon citizens, enhance the City’s sales and property tax revenues, and provide the highest quality goods and services for area residents; and

WHEREAS, the Lindon City Planning Commission has recommended approval of an amendment to the Standard Land Use Table of Lindon City Code; and

WHEREAS, a public hearing was held on June 27, 2017, to receive public input and comment regarding the proposed amendment; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on June 18, 2017, to consider the recommendation and no adverse comments were received.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: The Packing & Crating line item in the Standard Land Use Table of the Lindon City Code is hereby amended to read as follows

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*						Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
4000	Packing & Crating Services	N	N	N	N	N	€N	€N	€N	€N	C	P	P	N

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2017.

LINDON CITY CODE

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

8. Discussion Item — Utah County Bookmobile

(15 minutes)

Utah County has paid for bookmobile service stops in Lindon City over the last three fiscal years with 20 current card holders within the City. The County is requesting financial participation (approximately \$14,818) to continue the service in Lindon. The City Council will discuss the Bookmobile program, its use within Lindon City, and if future funding should be considered to keep the bookmobile program in Lindon. Direction will be given but no motions made.

The County has been covering the cost of bookmobile service in Lindon for the last three fiscal years. They started a stop in Lindon at request from patrons (not request by the City), then added a second stop in 2015-16. There is no cost for residents to get a check-out card for the bookmobile. Currently the bookmobile stops every other Monday at the Community Center (25 N. Main) and also near Meadow Park in the Fieldstone Homes development (1700 W 500 N).

The program director for the bookmobile indicated that Lindon's usage & number of card holders for the service is small compared to its other stops. Stats for the bookmobile in Lindon are as follows:

Fiscal Year	# of checked out items	Number of card holders
2014-15	80	9
2015-16	303	17
2016-17	630	20

The County is requesting that the City pay approximately **\$14,818** annually (based on population) to continue the service stops in Lindon. Other north Utah County cities that pay for the bookmobile are Alpine and Vineyard. The bookmobile provides service to mostly rural areas of the County and is based out of Mapleton. However, anyone in the County can use the bookmobile services at any of its stops.

Lindon does not have a library but does have several hundreds of books available for check-out to seniors at the Senior Center and also budgets \$16,000 annually for library card reimbursements to allow decreased cost of library cards at neighboring cities. The City typically spends about \$14k to \$15k on library card reimbursements (one per household per year for those that bring in a receipt).

No motion is needed. The County Commission is going to start charging for the service stops and wants to receive general feedback on whether Lindon is interested in continuing the service at the estimated cost of \$14,818/yr. The service can start or stop any time it's requested or discontinued in the future.

9. Public Hearing — Series 2017 Sewer Revenue Bonds

(10 minutes)

The City Council will hold a public hearing to allow input regarding the issuance and sale of not more than \$1,600,000 aggregate principal amount of sewer revenue bonds, Series 2017, and any potential economic impact that the project to be financed with the proceeds of the Series 2017 bonds issued under the act may have on the private sector; and related matters.

The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2017 Bonds and (b) any potential economic impact that the Project to be financed with the proceeds of the Series 2017 Bonds may have on the private sector.

The Series 2017 Bonds will be issued for the purpose of (a) financing the acquisition and construction of improvements to the Issuer's waste water/sewer system (specifically a new sewer lift station and associated piping), (b) funding a debt service reserve fund, as necessary, and (c) paying costs of issuance of the Series 2017 Bonds.

Per Resolution #2017-16-R passed by the Lindon City Council on June 6, 2017, the City (Issuer) intends to issue the Series 2017 Bonds in the aggregate principal amount of not more than One Million Six Hundred Thousand Dollars (\$1,600,000), to mature in not more than sixteen (16) years from their date or dates, to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof, and bearing interest at a rate or rates not to exceed six percent (4.00%) per annum.

Sample Motion: No discussion or motion needed. This hearing is only for accepting public comment on the intended bond issuance.

10. Action Item — City Center Elevator Remodel Bid Award

(10 minutes)

The City Council will review and consider the bid received for the City Center elevator remodel project that was funded in part through a \$50,000 CDBG grant. The City received one bid from Warner Construction in the amount of \$242,026.00. This amount exceeds the anticipated cost of the remodel. Staff recommends that all bids be rejected and the project re-bid at a future date.

The City has received a \$50,000 CDBG reimbursement award to install an elevator for ADA access improvements in the City Center. The City budgeted a place-holder amount for this project of \$100,000 expecting the cost could be upwards of \$120,000 to \$150,000 based on 2015 sq/ft remodel estimates we received from Curtis Miner Architecture.

Two contracting companies inquired of the project but the city received only one bid from Warner Construction in the amount of \$242,026.00. This amount equates to approximately \$225/sq ft construction price. For comparison, the new Public Safety Building cost was approx. \$180/sq ft.

The contractor's estimator indicated that they are struggling to receive competitive bids from sub-contractors as everyone is so busy right now. It's a hot building market with heavy demand and high prices. He didn't expect that costs would go down significantly even if the City re-bid the project in Dec/Jan time frame (typically costs are lower if bid in the winter months).

Staff recommends the bid for the project be rejected and nothing be awarded at this time. We're working with MAG to see if the grant can be extended but most likely the City will have to forgo ability to use the grant funding. Staff feels the project may be able to be worked on over time and/or additional funds budgeted in order to complete the project. It is still something felt needed for disabled and elderly patrons.

Sample Motion: I move to (award; reject all bids and not award) the bid on City Center Elevator Remodel project.

Lindon Elevator Addition - Bid Form (Warner Construction - 7/12/2017)

Provide break down of bid in the following categories. (Leave blank if Not Applicable.)

Description:	Unit (LF, SF, Ton, EA, etc)	Quantity	Unit Price	Total Amount
Mobilization			\$ -	\$ -
Traffic Control (if needed)			\$ -	\$ -
Demolition	LS	1	\$ 5,880.00	\$ 5,880.00
Temporary Fencing / Dust control (interior / exterior)	LS	1	\$ 1,250.00	\$ 1,250.00
Site utilities (if needed)			\$ -	\$ -
Excavation, back fill, compacting			\$ -	\$ -
Damproofing			\$ -	\$ -
Concrete	LS	1	\$ 4,857.00	\$ 4,857.00
Structural Steel	LS	1	\$ 2,250.00	\$ 2,250.00
Sheathing			\$ -	\$ -
Wood Framing	LS	1	\$ 12,500.00	\$ 12,500.00
Insulation	LS	1	\$ 1,500.00	\$ 1,500.00
Glass wall system (conference room)	LS	1	\$ 22,000.00	\$ 22,000.00
Doors / windows	LS	1	\$ 1,009.00	\$ 1,009.00
Elevator	LS	1	\$ 57,000.00	\$ 57,000.00
Gypsum Drywall	LS	1	\$ 16,500.00	\$ 16,500.00
Finish trim and other finishes	LS	1	\$ 1,500.00	\$ 1,500.00
Caulking	LS	1	\$ 350.00	\$ 350.00
Carpet	LS	1	\$ 1,250.00	\$ 1,250.00
Base			\$ -	\$ -
Millwork	LS	1	\$ 5,100.00	\$ 5,100.00
Countertops			\$ -	\$ -
Tile (floors)	LS	1	\$ 2,500.00	\$ 2,500.00
Acoustical Tile Ceiling / Grid	LS	1	\$ 2,200.00	\$ 2,200.00
Fire Protection / sprinkling system	LS	1	\$ 1,500.00	\$ 1,500.00
Equipment receiving staging & Installation		1	\$ -	\$ -
Painting	LS	1	\$ 4,500.00	\$ 4,500.00
Miscellaneous (accessories, etc.)	LS	1	\$ 500.00	\$ 500.00
Plumbing	LS	1	\$ -	\$ -
Mechanical	LS	1	\$ 2,500.00	\$ 2,500.00
Electrical	LS	1	\$ 63,893.00	\$ 63,893.00
Clean up and Final	LS	1		\$ -
Supervision	LS	1	\$ -	\$ -
General Conditions	LS	1	\$ 17,450.00	\$ 17,450.00
Overhead and Profit	LS	1	\$ 11,395.00	\$ 11,395.00
Payment / Performance Bond	LS	1	\$ 2,642.00	\$ 2,642.00
Contingency			\$ -	\$ -
Other:			\$ -	\$ -
Other:			\$ -	\$ -
Other:			\$ -	\$ -
Total bid:			\$ 242,026.00	\$ 242,026.00

II. Closed Session to Discuss the Sale, Purchase, Exchange, or Lease of Real Property *(20 minutes)*

The City Council will enter into a closed executive session to discuss the sale, purchase, exchange, or lease of real property per Utah Code 52-4-205. This session is closed to the general public.

Motion: I move to enter into a closed session to discuss the sale, purchase, exchange or lease of real property.

(A roll-call vote is needed to enter into a closed session.)

Motion to end closed session: I move to end the closed session and return to the open public session of the meeting. *(No roll-call vote needed)*

12. Action Item — Cell Tower Co-Locator Agreement; Verizon Wireless *(5 minutes)*

The City Council will review and consider a co-locator agreement with Verizon Wireless LLC allowing co-location of wireless communication facilities on a cell tower owned by a third party (Crown Castle) and located on property owned by Lindon City at 946 W. Center Street (public works yard). Annual co-locator lease fees will be paid to the City per the agreement.

Over the last several months the City has been working with the cell tower owner, Crown Castle, to identify and update the easements to access the cell tower at Public Works. Easements and updated agreements with Crown Castle were finalized and approved in March 2017. Per the terms of our agreement with Crown Castle each future co-locator is required to enter into a separate lease agreement with the City.

Verizon Wireless has worked with the City and our attorney to finalize the attached co-locator agreement. Annual lease payments will be paid by Verizon to Lindon City per the fees specified in the agreement. Staff recommends the Council approve the agreement.

Sample Motion: I move to (approve, not approve, continue) the co-locator agreement between Verizon Wireless LLC and Lindon City and authorize the Mayor to sign the agreement.

CO -LOCATOR AGREEMENT

This Agreement is executed in duplicate this ____ day of _____, 201__, by and between Lindon City, a municipal corporation and political subdivision of the State of Utah, with its principal offices located at 100 North State Street, Lindon, Utah 84042 (the "City"), and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless ("VZW"), with its principal place of business located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920.

RECITALS

WHEREAS, the City has enacted Chapter 5.07 of Title 5 of the Lindon City Code which outlines the requirements for siting, construction and co-location of wireless communications facilities and equipment within Lindon City; and

WHEREAS, an agreement between Lindon City and VZW is contemplated within the referenced ordinance; and

WHEREAS, the applicant wishes to co-locate antennas on an existing telecommunications tower owned by a third party (Cell Tower Owner) and install ground equipment which is located on property owned by Lindon City; and

WHEREAS, the Municipal Council of Lindon, Utah finds that all the citizens of Lindon City are impacted by the presence of wireless communications towers, antenna arrays, and ground equipment either visually, or audibly; and

WHEREAS, the members of the Municipal Council of Lindon, Utah have determined that it is in the best interests of Lindon City and its residents to explicitly require an agreement between the applicant and the City which also stipulates fees associated with locating in the City to help offset the impacts on the community as a whole; and

WHEREAS, it is in the public interest to co-locate as many antennas on existing structures as feasible; and

WHEREAS, this agreement may be modified, if necessary, to fit the unique circumstances of VZW and City, bearing in mind the intent of the City to provide the ability to regulate the siting, construction, and maintenance of wireless communications facilities including antenna arrays in Lindon City; and

WHEREAS this Agreement sets forth the parties' respective rights and responsibilities related to the construction, operation and maintenance of a tower, or antenna support structure, and/or antenna arrays.

COVENANTS

NOW, THEREFORE, in consideration of the mutual covenants of the parties as hereinafter set forth, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. **Term.** The Agreement, rights, and privileges herein granted shall be for a term coinciding with the term of the agreement between City and the Cell Tower Owner, including any

renewals thereof, and shall, without any further action on the part of City or Applicant.

2. **Premises.** When the applicant locates on city owned property, the City hereby agrees to lease to VZW a portion of the property located at approximately 946 West Center Street, Lindon, Utah. That portion of the property to be leased to VZW shall include the area described in the attached Exhibit "A" (the "Premises"). Exhibit "A" is by reference incorporated herein. This lease is subject to the following terms and conditions:

3. **Use.** The Premises shall be used for transmitting and receiving wireless telephone and radio communication signals and for constructing, operating, maintaining, repairing and replacing related facilities, antennas and equipment, and other structures described in the site plan, vicinity map and enlarged site plan submitted to the City by or on behalf of VZW, including but not limited to space for an equipment shelter and antenna structure. Applicant's right to use the Premises is non-exclusive.

4. **Construction.** Applicant shall construct an equipment building, and/or an antenna array on the Premises or on other property not owned by the city, in which case the any additional lease will be negotiated with the owner of said property. The design of the equipment building and associated facilities, antennas and equipment is depicted on the site plan, vicinity map and enlarged site plan submitted to the City by or on behalf of VZW. Any other construction must be approved in writing by the City. Notwithstanding the foregoing, VZW shall have the right to upgrade its facilities and equipment provided that said upgrade does not materially change the nature of VZW's use of the property or deviate from the previously approved site plan. Modification of any existing tower to accommodate the applicant's antenna array must comply with the requirement of Chapter 5.07 of Title 5 of the Lindon City Code.

5. **Construction Costs.** VZW shall pay all costs associated with constructing any facilities, antennas or equipment related to VZW's use of the leased property. The City and all co-locators shall pay all costs associated with improvements which they place on the property for their own use.

6. **Appearance.** VZW shall keep and maintain the leased property, and any tower, or antenna support structure, building, tower, facility, antenna or equipment, in a neat, orderly and safe condition, excepting only any equipment or facility that is placed upon the property or tower by any other party, which party shall be responsible for the maintenance of the equipment and facilities placed by it.

7. **Compliance.** VZW shall comply with all Federal, State and local laws and regulations in constructing and using the antenna, including applicable zoning, building code and FCC requirements ("Applicable Laws"). VZW shall obtain, at its own expense, all licenses, permits and authorizations required for its use of the property.

8. **Easement.** When locating on city property, the City grants VZW a non-exclusive easement over the property for access to the Premises. The City may designate the location(s) where VZW may access the Premises and to the appropriate, in VZW's discretion, source of electric and telephone facilities.

9. **Quiet Possession.** When locating on city property, the City grants VZW quiet possession of the Premises during the term of this Agreement (including extensions), subject to the City's or any approved co-locator's right to use or lease a portion of the tower, or antenna

support structure, and also subject to the City's use of the Property, provided that VZW is not in default beyond the expiration of any cure period.

10. **Non-Disturbance.** In no event shall VZW's use of the Premises limit or disrupt the City's use of the Property, or in any way interfere with the City's existing or proposed communications systems. VZW shall take any and all steps necessary to ensure that its transmissions from the Premises and its use of the Premises do not interfere with any of the City's communication systems. VZW agrees to promptly remedy any such disruption or interference at its own expense. All other types of interference problems shall be dealt with as discussed in Section 8 herein. VZW shall coordinate construction and/or maintenance access to the Premises through the Lindon City Public Works office located at 946 West Center Street, Lindon, UT 84042 (801-796-7954).

11. **Safety.** VZW acknowledges that the leased property upon which VZW will construct the equipment building, antenna array, and related facilities, are located in proximity to other public and private buildings and structures. VZW shall construct and maintain its facilities in a manner that is consistent with all Applicable Laws for such other buildings or individual uses and/or such structures and VZW shall take whatever steps may be necessary to eliminate the risk of such injury or accident to any surrounding properties or users.

12. **Consideration.** VZW shall provide the following consideration to the City in exchange for VZW's right of co-location of an antenna array.

- a. **Annual Rent Payment.** The "Commencement Date" shall be the first day of the month after VZW begins installation of VZW's communications equipment at the property. VZW shall make annual rent payments to the City. Rent shall be paid according to the terms and conditions set forth in this Section with the first annual payment delivered to the City within sixty (60) days after the Commencement Date of this Agreement.
- b. **Standard Co-Locator Fee.** The standard annual fee for co-location by VZW shall be equal to fifty percent (50%) of the annual rent payment which the owner of the telecommunications tower upon which the antenna array is to be located currently pays to the City, and standard annual fee shall increase by four percent (4%) each year during the term of this Agreement and for each year of any renewal term. For example purposes only, the annual increase is illustrated below:
 - i. Year 1 (2017) \$11,688.31
 1. 4% increase \$467.53
 - ii. Year 2 (2018) \$12,155.84
 1. 4% increase \$486.23
 - iii. Year 3 (2019) \$12,642.07
 1. 4% increase \$505.68
 - iv. Year 4 (2020) \$13,147.75
 - v. *...and so forth with 4% increase annually.*
- c. **Automatic Increases to Fees to be paid by VZW.** If the amount of the annual fee paid to the City by the owner of telecommunication tower upon which the antenna array is built VZW, automatically increases each year, the fee paid by VZW shall likewise automatically increase so that the fee paid remains at Fifty Percent (50%) of the fee paid by the owner of the telecommunication tower.

- d. **Payment Schedule.** Annual rent payments shall be paid in advance, on or before the anniversary of the Commencement Date of this Agreement. Any payment which is not received by the City within ten (10) days of the due date shall be subject to interest at the rate of fifteen percent (15%) per annum, computed from the due date of the payment. The annual rent payment shall increase by four percent (4%) each year.

13. **Technical Report.** VZW, shall provide the City and all other parties using the telecommunications with detailed specifications for and the weight of the proposed new antenna array(s) and the proposed transmission frequency, together with an engineering report satisfactory to VZW, the City and the other users showing that the tower, or antenna support structure, will support the load, and that the use of the new antenna array(s) at the specified frequency will not cause any interference to VZW, the City or the other colocators' use of their antenna facilities.

14. **Ownership of Tower, Support Structure, or Antenna(s).** VZW shall own the antenna(s) and ground equipment. When located on City property, at the expiration of the lease term, if VZW desires to continue to lease the Premises and antenna, the City and VZW may agree to extend this lease agreement for an additional term or may agree to negotiate a new lease with terms and conditions acceptable to both parties. If the parties do not agree to extend this lease or negotiate a new lease at the expiration of the final lease term, VZW shall promptly remove its equipment within ninety (90) days.

15. **Assignment.** VZW may not assign, or otherwise transfer, all or any part of its interest in this Agreement or in the Premises without the prior written consent of the City which consent shall not be unreasonably withheld; provided, however, that VZW may assign its interest to its parent company, any subsidiary or affiliate or to any successor-in-interest or entity acquiring fifty-one percent (51 %) or more of its stock or assets. The City may assign this Agreement upon written notice to VZW, subject to the assignee assuming all of the City's obligations herein. VZW shall not sublet or license all or any portion of the Premises without the City's consent. Upon an assignment that conforms with the provisions of this Section 5.1, VZW shall be relieved of all performance, liabilities and obligations under this Agreement.

16. **Waiver.** The City waives any lien rights it may have concerning the VZW facilities which are deemed VZW's personal property and not fixtures, and VZW has the right to remove the same at any time without the City's consent.

17. **Notices.** All notices must be in writing and are effective when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery, or as otherwise provided by law. Notice to the City may be sent to the following address:

Lindon City
100 North State Street
Lindon, Utah 84042

Notice to VZW may be sent to the address listed below:

Verizon Wireless (VAW) LLC
 d/b/a Verizon Wireless
 180 Washington Valley Road
 Bedminster, NJ 07921
 Attention Network Real Estate

18. **Compliance with Laws.** The City represents that its Property (including the Premises), and all improvements located thereon, are in substantial compliance with building, life/safety, disability and other laws, codes and regulations of applicable governmental authorities.

19. **Interference.** The City may have existing microwave and other radio transmission equipment on the Property. VZW shall promptly resolve any interference caused to the City's existing communications systems by VZW's support structure, antenna(s), and related facilities.

20. **Utilities.** VZW has had an opportunity to inspect utilities present on the Property, and at the Premises, and is satisfied that such utilities are adequate for its needs. The City shall cooperate with VZW in its efforts to provide needed utilities to the Premises, although VZW shall pay any costs associated with bringing utilities to the Premises.

21. **Termination.** VZW may terminate this Agreement without further liability if VZW does not obtain all permits or other approvals (collectively, "approval") required from any governmental authority or any easements required from any third party to operate the Wireless Communications System, or if any such approval is canceled, expires or is withdrawn or terminated, or if the City fails to have proper ownership of the Premises or authority to enter into this Agreement. If for any other reason, in (Applicant's) sole discretion, determines that it shall be unable to use the Premises for its intended purpose, VZW can terminate this Agreement with 60 days written notice. Upon termination, any annual rent prepared shall be prorated for the number of unused months left remaining at termination or after the 60 day notice and shall be refunded to VZW.

22. **Default.** If any party is in default under this Agreement for a period of (a) 60 days following receipt of written notice from the non-defaulting party with respect to a default which may be cured solely by the payment of money, or (b) 60 days following receipt of written notice from the non-defaulting party with respect to a default which may not be cured solely by the payment of money, then, in either event, the non-defaulting party may pursue any remedies available to it against the defaulting party under applicable law, including, but not limited to, the right to terminate this Agreement. If the non-monetary default may not reasonably be cured within a 60 day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within such 60 day period and proceeds with due diligence to fully cure the default

23. **General Indemnification.** VZW shall indemnify and hold the City and its officers, officials, employees, agents and volunteers harmless from and against all claims, damages, losses and expenses (including attorney's fees), arising out of or resulting from (Applicant's) activities under this Agreement. The City shall indemnify VZW from and against the City's own negligent acts.

24. **Hazardous Substances.** The City represents that it has no knowledge of any substance, chemical or waste (collectively, "substance") on City owned property that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. VZW

shall not introduce or use any such substance on the Premises except in compliance with all applicable federal, state or local laws and regulations. VZW shall not be responsible for any hazardous substance existing on the Property that existed on the effective date of this Agreement or that otherwise did not result from the activities of VZW.

25. **Taxes.** VZW shall be responsible for payment of all personal property taxes assessed directly its personal property located on the Premises, including support structure and/or antenna(s), or any other equipment or facilities owned by VZW. The City's real property is normally exempt from property taxes. If, as a result of this Agreement, real property taxes are assessed against the Premises, VZW shall pay any such taxes attributable to the antenna or other equipment and facilities on the Premises.

26. **Memorandum of Agreement.** If requested by VZW, the City agrees to promptly execute and deliver a recordable memorandum of this Agreement to VZW.

27. **General Provisions**

28. **Lawful Agreement.** The parties represent that they have lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation.

29. **Utah Law.** This Agreement shall be interpreted pursuant to Utah law.

30. **Time of Essence.** Time shall be of the essence of this Agreement.

31. **Attorney's Fees.** If any party retains, uses or consults an attorney because of the default, breach or failure to perform of any other party to the Agreement, then the non-breaching or non-defaulting party shall be entitled to recover a reasonable attorney's fee.

32. **Interpretation of Agreement.** Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders. The paragraphs and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

33. **No Presumption.** All parties have participated in preparing this Agreement. Therefore, the parties stipulate that any Court interpreting or construing the Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting party.

34. **Amendments.** This Agreement may be modified or amended by written Agreement only. No oral modifications or amendments shall be effective.

35. **Binding Agreement.** This Agreement shall be binding on the heirs, successors, administrators and assigns of each of the parties.

36. **Complete Agreement.** This Agreement, including Exhibits, represents a complete and formal Agreement of the parties. This Agreement was entered into at arms length, and the terms hereof represent the will of the parties. Therefore, no usage of trade, course of dealing, course of performance, or longstanding practices, policies, or procedures of any of the parties, or their agents, may be inferred as part of this Agreement, may be incorporated in any way as part of this

Agreement, nor may constitute a waiver of rights by any of the parties hereto.

SIGNED and ENTERED INTO this _____ day of _____, 201__

LINDON CITY, by

JEFF ACERSON
MAYOR

ATTEST:

Kathy Moosman
City Recorder

Verizon Wireless (VAW) LLC d/b/a Verizon Wireless

By: _____

Name: _____

Title: _____

Date: _____

STATE OF _____)
):ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of
201____, by _____,
_____, of _____, who acknowledged that he did
sign on behalf of _____.

NOTARY PUBLIC

(Seal)

My commission expires:

STATE OF COLORADO

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ (date) by
_____, _____ of
Verizon Wireless (VAW) LLC d/b/a Verizon Wireless, a Delaware limited liability company, on
behalf of the company.

Notary Public

Print Name: _____

My commission expires:

Notary Seal

EXHIBIT "A" (Page 1 of 2)

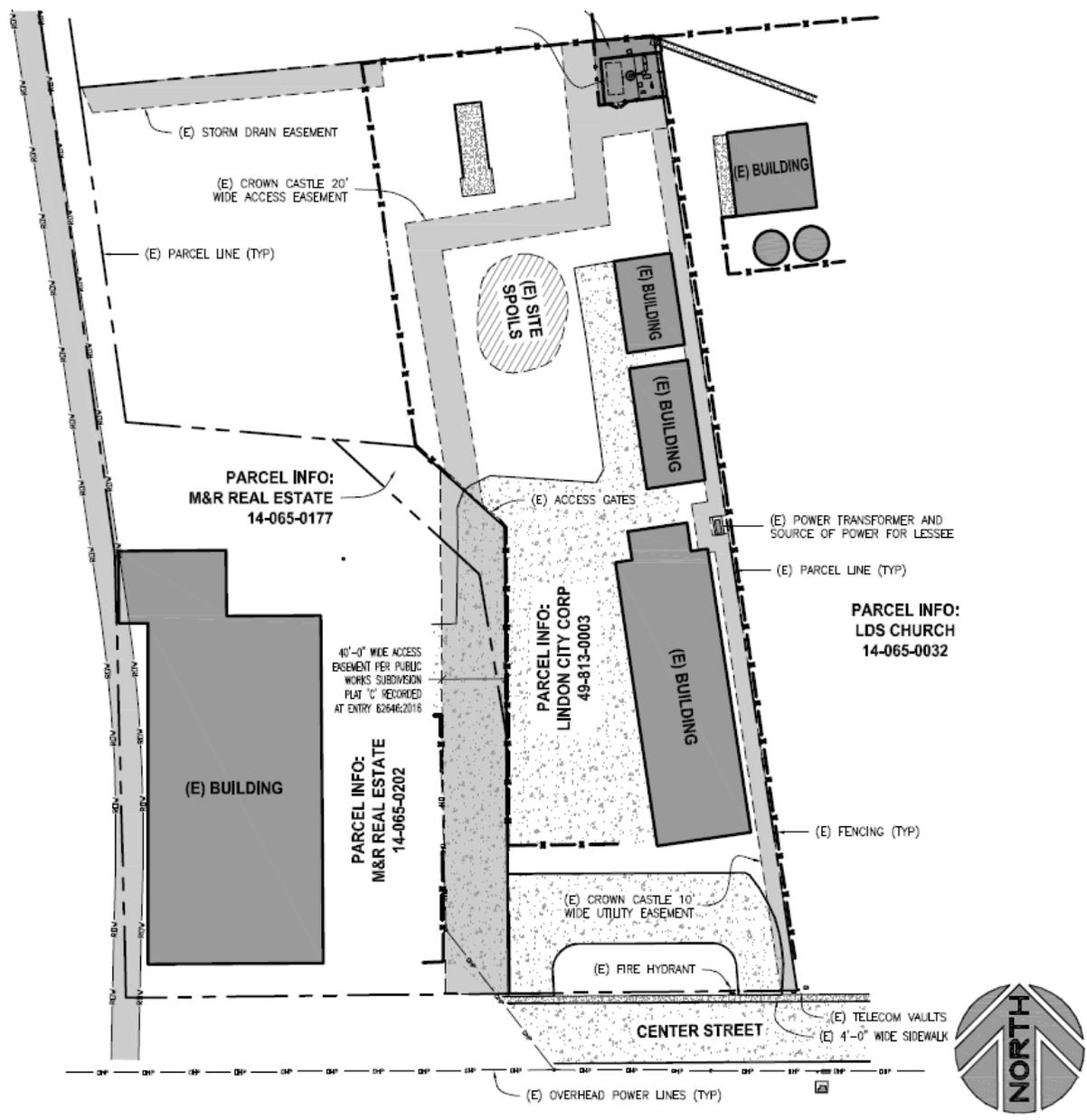


EXHIBIT "A" (Page 2 of 2)

CROWN CASTLE LEASE AREA DESCRIPTION:

ALL THAT PORTION OF LOT 3, PLAT C, PUBLIC WORKS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE UTAH COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 08° 31' 38" EAST, 37.71 FEET; THENCE DEPARTING SAID EAST LINE, SOUTH 81° 28' 22" WEST, 40.00 FEET; THENCE NORTH 05° 08' 44" WEST, 40.00 FEET TO THE NORTH LONE OF SAID LOT; THENCE ALONG THE NORTH LINE THEREOF, NORTH 84° 51' 16" EAST, 37.71 FEET TO SAID NORTHEAST CORNER AND THE POINT OF BEGINNING.

CONTAINING 1,509 SQUARE FEET, MORE OR LESS.

CROWN CASTLE ACCESS EASEMENT DESCRIPTION:

ALL THAT PORTION OF LOT 3, PLAT "C", RECORD OF SURVEY, PUBLIC WORKS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE UTAH COUNTY RECORDER'S OFFICE, BEING A 20.00 FOOT WIDE STRIP, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 08° 31' 38" EAST, 47.71 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE, SOUTH 81° 28' 22" WEST, 50.61 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 05° 08' 44" WEST, 50.61 FEET TO THE NORTH LINE OF SAID LOT 3 AND THE POINT OF TERMINUS; AND BEGINNING AT AFOREMENTIONED POINT "A"; THENCE SOUTH 05° 08' 44" EAST, 54.67 FEET; THENCE SOUTH 81° 28' 22" WEST, 106.00 FEET; THENCE SOUTH 09° 08' 07" EAST, 159.80 TO THE POINT OF TERMINUS ON A PROPERTY LINE OF SAID LOT 3, SAID LINE SHOWN ON SAID PLAT AS NORTH 48° 00' 05" WEST, 75.00 FEET.

THE SIDELINES OF SAID STRIP ARE TO INTERSECT AT ALL ANGLE POINTS TO PROVIDE THE SPECIFIED WIDTH THROUGHOUT AND ARE TO BE LENGTHENED OR SHORTENED AT THE POINT OF TERMINUS TO TERMINATE ON SAID PROPERTY LINE.

CONTAINING 8,234 SQUARE FEET, MORE OR LESS.

CROWN CASTLE UTILITY EASEMENT DESCRIPTION:

ALL THAT PORTION OF LOT 3, PLAT C, PUBLIC WORKS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE UTAH COUNTY RECORDER'S OFFICE, BEING A 10.00 FOOT WIDE STRIP, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 08° 31' 38" EAST, 37.71 FEET; THENCE DEPARTING SAID EAST LINE, SOUTH 81° 28' 22" WEST, 5.00 FEET TO THE POINT OF BEGINNING; THENCE 5.00 FEET WESTERLY OF AND PARALLEL WITH SAID EAST LINE, SOUTH 08° 31' 38" EAST, 258.31 FEET; THENCE SOUTH 81° 28' 22" WEST, 10.00 FEET; THENCE SOUTH 08° 31' 38" EAST, 21.27 FEET; THENCE NORTH 81° 28' 22" EAST, 10.00 FEET TO A POINT THAT IS 5.00 FEET EAST OF SAID EAST LINE OF LOT 3; THENCE 5.00 FEET WESTERLY OF AND PARALLEL WITH SAID EAST LINE, SOUTH 08° 31' 38" EAST, 281.46 FEET TO THE POINT OF TERMINUS ON THE SOUTH LINE OF SAID LOT 3.

THE SIDELINES OF SAID STRIP ARE TO INTERSECT AT ALL ANGLE POINTS TO PROVIDE THE SPECIFIED WIDTH THROUGHOUT AND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID SOUTH LINE.

CONTAINING 5,810 SQUARE FEET, MORE OR LESS.

13. Council Reports:

- A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee
- B) Public Works, Irrigation/water, City Buildings
- C) Planning, BD of Adjustments, General Plan, Budget Committee
- D) Parks & Recreation, Trails, Tree Board, Cemetery
- E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste
- F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee

(20 minutes)

- Jeff Acerson
- Van Broderick
- Matt Bean
- Carolyn Lundberg
- Dustin Sweeten
- Jacob Hoyt

14. Administrator's Report

(5 minutes)

Misc Updates:

- July newsletter: <https://siterepository.s3.amazonaws.com/442/july17final2.pdf>
- August newsletter article: **Heath Bateman** - Article due to Kathy last week in July.
- Utah County Fair / bull promotion decorated by Little Miss Lindon – sign the bull in the front lobby
- Primary Elections – NO primary / NO Meet the Candidates night prior to primary. Some ballots may contain primary candidates' names as they were printed by the County prior to Alan Smoot withdrawing. Any primary votes cast for local offices won't be counted. Federal primary election to fill Rep. Chaffetz's seat will still appear on Primary ballot (being mailed to registered republicans only).
- Tentative date for General Election Meet the Candidate night: October 12th @ 7pm at Community Center.
- FYI: Orem City Council would like to have a lunch meeting with Lindon Councilmembers as a type of coordination meeting on issues of common interest. We're exploring dates and potential discussion topics with Orem. Meeting will be held in the Public Safety Bldg training room.
- Misc. Items:

Upcoming Meetings & Events:

- July 24th – City offices closed
- August 7th-12th – Lindon Days
- August 15th – Primary Election Day (No Council meeting)
- September 4th – City offices closed
- October 12th – *Tentative date* for General Election Meet the Candidate night
- November 7th – General Election Day (No Council meeting)

Adjourn