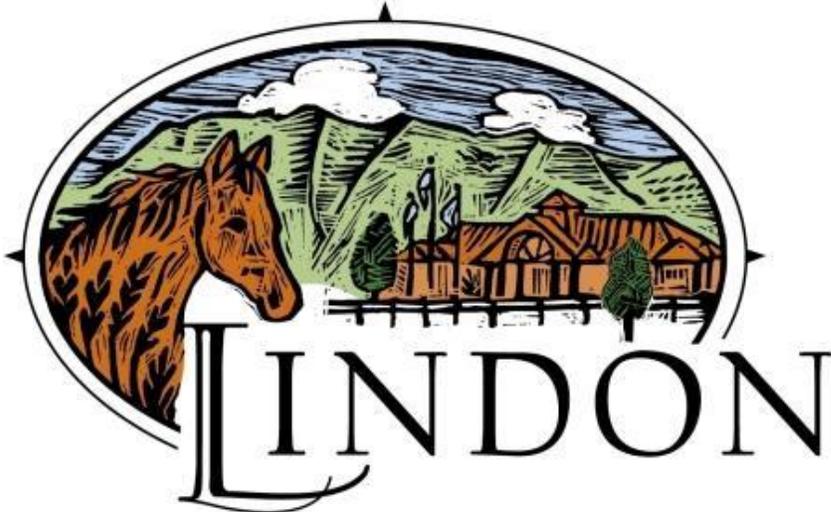


# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

November 21, 2017

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at **7:00 p.m.** on **Tuesday, November 21, 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: Matt Bean

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements**
  - a) Comments / Announcements from Mayor and Council members
  - b) Little Miss Lindon Royalty will present an overview of their summer activities to the City Council.
- 3. Approval of minutes:** Sept. 6, 2017; Sept. 11, 2017; Sept. 19, 2017; October 17, 2017 (5 minutes)
- 4. Consent Agenda – No Items**
- 5. Open Session for Public Comment** (For items not on the agenda) (10 minutes)
- 6. Continued Public Hearing — 2017-18 Budget & Fee Schedule Amendment; Res. 2017-20-R** (20 minutes)
 

This item was continued from the October 17, 2017 meeting. The Council will review and consider Resolution #2017-20-R containing recommended changes to the 2017-18 budget and fee schedule. Finance Director, Kristen Colson, will present the proposed updates for consideration.
- 7. Concept Review — Lindon Ridge Apartments (Center and Main), ~50 E. Center** (25 minutes)
 

Bryant Christensen, CL Christensen Bros., requests concept review of the proposed Lindon Ridge Apartments senior housing development (and any associated rezoning or code amendments), to be located at ~50 E. Center (identified by Utah County Parcel ID #14-070-0034 and additional surrounding parcels), currently in the Single Family Residential (R1-20), General Commercial (CG) and Senior Housing Overlay (SHFO) zones. *A Concept Review allows applicants to quickly receive Planning Commission and/or City Council feedback and comments on proposed projects. No formal approvals or motions are given but general suggestions or recommendations are typically provided.*
- 8. Public Hearing — Ordinance Change; Lindon City Code (LCC) 17.09; Ord. 2017-15-O** (5 minutes)
 

Per request by the Lindon City Council, the Planning Commission has reviewed and recommends amendments to LCC 17.09 Land Use Authority and Appeal Authority, regarding approvals in the Commercial Farm zone.
- 9. Public Hearing — Ordinance Change; Lindon City Code (LCC) 17.51; Ord. 2017-16-O** (40 minutes)
 

Per request by the Lindon City Council, the Planning Commission has reviewed and recommends amendments to LCC 17.51 Commercial Farm Zone with updates to setbacks, minimum acreage, permitted uses, etc.
- 10. Action Item — Canvass & Certification of 2017 General Election Results** (20 minutes)
 

The City Council, acting as the Board of Canvassers, will canvass the results from the November 7, 2017 General Election and then, by motion, officially certify the results of the Canvass.
- 11. Action Item — North Union Irrigation Company, Agreement for Reimbursement** (5 minutes)
 

The Council will review and consider an agreement with North Union Irrigation Company allowing the Company to pay the city back over a 5-year period for canal repair costs fronted by the city. The North Union Irrigation Company Board of Directors has approved the agreement.
- 12. Action Item — Adopt 2018 Annual Meeting Calendar; Resolution 2017-21-R** (5 minutes)
 

The Council will review and consider Resolution #2017-21-R containing the 2018 Annual Meeting Calendar.
- 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  
 F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee

- Dustin Sweeten  
 - Jacob Hoyt

#### **I 4. 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](http://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](http://www.lindoncity.org)) websites.

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

Date: November 16, 2017

Time: 11:00 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: Matt Bean

### **Item 1 – Call to Order / Roll Call**

November 21, 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) Little Miss Lindon Royalty will present an overview of their summer activities to the City Council.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes: **Sept. 6, 2017; Sept 11, 2017; Sept 19, 2017; October 17, 2017**

2 The Lindon City Council held a Special Joint Study Session with Orem City on  
4 **Wednesday, September 6, 2017, beginning at 12:00 p.m.** in the Lindon City Public  
Safety Building, 90 North State Street, Lindon, Utah.

6 **SPECIAL STUDY SESSION** – 12:00 P.M.

8 Conducting: Jeff Acerson, Mayor

10 **PRESENT** **EXCUSED**

- 10 Jeff Acerson, Mayor
- 12 Carolyn Lundberg, Councilmember
- Jacob Hoyt, Councilmember
- 14 Dustin Sweeten, Councilmember
- Matt Bean, Councilmember
- 16 Van Broderick, Councilmember
- Adam Cowie, City Administrator
- 18 Josh Adams, Chief of Police
- Kathy Moosman, City Recorder

20 **OREM CITY**

- 22 Richard Brunst           Greg Stevens
- Jamie Davidson       David Stevenson
- 24 Mark Seastrand       Sam White
- Steve Downs           Debby Lauret
- 26 Brent Sumner         Chris Tschirki
- Brenn Bybee           Scott Gurney
- 28 Gary Giles

30 1. **Call to Order/Roll Call**– The meeting was called to order at 12:00 p.m.

32 **CURRENT BUSINESS**

34 2. **Discuss Matters of Common Interest** — The Lindon City Council and Orem  
36 City Council and Administrative staff met in a special joint study session to  
discuss matters of common interest.

38 Mayor Jeff Acerson opened the discussion by asking the attendees to introduce  
40 themselves and thanking Orem City for initiating this joint study session. He began by  
bringing up the issue of water conservation measures and what can be done long term to  
42 coordinate and plan for in the future. Mr. Cowie mentioned a study done by Orem City  
to pipe the canal that may take millions of dollars. Mr. Davidson spoke on identifying  
revenue for canal projects noting it depends on width, right of way, leakage, and financing.

44 Mr. Tschirki noted there are two or three discharge locations. He stated the North  
Union Canal starts at 800 North in Orem and carries on through Lindon. It is piped at  
46 certain locations (1600 west and 400 west); they are looking into more piping on 400 West.

2 Mr. Cowie spoke on the Aqualastic spray coating that was done last year on the canal  
4 where the cracks were sandblasted and then sprayed it noting it has worked really well. He  
noted the BOR did a study on the product through their engineers and it now uses a lot less  
water.

6 There was then some general discussion on water shares and the demographics of  
8 water users, canal function and the responsibility of the canal. Mr. Davidson pointed out  
that the canal needs to be maintained and the shareholders look at paying the assessments  
10 given the minimal use of the system with development use and leaves fewer people  
interested in maintaining it and the cities end up purchasing the shares for stormwater use  
12 etc. Mayor Brunst stated the water shares are equal to what is required and Orem City has  
that option. Mayor Acerson state Lindon City prefers turning in the shares but there is a  
buy in option.

14 The group also discussed the dynamics of water including ownership and prescriptive  
rights noting property ownership changes hands but the water doesn't. Mr. Cowie pointed  
16 out that part of the dilemma is where to pipe it. Mr. Tschirki stated there is a small amount  
that have ownership or prescriptive right. Mayor Acerson stated it may come down to what  
18 is in the best interest of the city and to collectively propose what that solution is.

20 Mayor Brunst then brought up the issue of raising the speed limit on 2000 North as it  
is becoming an arterial road. Chief Giles stated that enforcement starts at 40 mph.  
22 Councilmember Broderick pointed out that residents who live on the road want the speed  
limit lower. Mayor Acerson stated he is comfortable raising the speed limit. Mayor  
Brunst stated he believes the majority of the Orem Council would be in agreement also.

24 Councilmember Lundberg mentioned the Murdock trail at Canal Road and the  
bikes that cross over and the safety issues there suggesting perhaps we need to invest in  
26 flashing signs or some type of signage that brings awareness at that crossing. Mayor  
Brunst added some type of light may be warranted. Mr. Tschirki stated the signs are bike  
28 activated. Mr. Cowie stated they have talked had discussion on this issue and the costs  
are not feasible.

30 Mayor Brunst asked about the cost of a flashing light. Mr. Davidson stated they  
can do a warrant study to see if it needs a hawk system (\$85,000). Mayor Brunst asked  
32 how to look into switching the speed limit. Mr. Davidson stated they may need to get the  
traffic engineers together and look at these trouble areas. Mr. Cowie pointed out there has  
34 been a lot of work done already. Mr. Tschirki stated there may be resistance from people  
who live on these roads. Mayor Brunst commented all of this may need to be enveloped  
36 together.

38 Mr. Tschirki stated they did post an analysis on several streets and it didn't  
change any opinions. Chief Giles pointed out there are safety issues involved. Mayor  
Brunst suggested having the city manager's work together to raise the speed limit. Mr.  
40 Davidson stated there may be some public feedback noting when 400 South was done  
they worked through the problematic issues. Mayor Acerson suggested that it would be  
42 helpful to see the studies that have already been done. Mayor Brunst commented that it  
makes sense to implement a hawk system or some other kind of system and make it part  
44 of the study as well. Councilmember Lundberg agreed that may work if we have some  
things/options in place.

2 Mayor Acerson suggested having the traffic engineers give their best  
3 recommendations. Mr. Seastrand stated the timing makes sense in conjunction with  
4 intersection upgrades on sidewalks and to hold off to have those upgrades in place first.  
5 Mr. Davidson pointed out costs would have to be looked at first and budgeted in and to  
6 work out a cooperative agreement when anticipating increasing the speed and installing a  
7 hawk system. Mr. Tschirki then described what a hawk system is pointing out it is similar  
8 to a traffic light but there is no reason to stop unless there is a pedestrian there.

9 Councilmember Lundberg then brought up the issue of a long-range  
10 transportation plan. Mayor Brunst stated the State Street Master Plan has some form of  
11 mass transit located on State Street 50 years from now. Light rail is also proposed  
12 through Anderson Geneva and up 800 North to State Street or Orem Blvd. A mass transit  
13 system could be useful and it is on the master plan and being considered; MAG is also  
14 considering it. It is an issue of money and if it is important to get that in place before  
15 looking further north. Mayor Brunst mentioned the Salt Lake City Trax system started  
16 smaller and has grown to over 60,000 riders every day. Long range we are trying to take  
17 more traffic off State Street and to keep pollution down; it would be a real benefit.

18 Mr. Seastrand pointed out that Orem has State Street in common with Lindon and  
19 there have been quite a few studies done on what State Street will be in the future and  
20 they are trying to re-envision what it will look like and shape it into a futuristic look.  
21 Mayor Brunst suggested reviewing the "Orem State Street Master Plan" and have the  
22 council read it and see if that is a help for Lindon or not. Mr. Cowie mentioned UDOT's  
23 response in reducing lanes. Mayor Brunst stated there will still be three lanes and UDOT  
24 requires six lanes. Mr. Davidson pointed out part of the challenge is the left turn lane in  
25 the middle of the right of way and if UDOT can minimize left turn movements it reduces  
26 traffic along the corridor. We will see this happen in the next few years to put medians  
27 back along the roadway to discourage left lane movement and create a placeholder for the  
28 potential of transit and still have something down the center lane.

29 Mr. Davidson noted that MAG (in cooperation with UTA North County) did a  
30 transit study, and they also did a south county study they want to do a central county  
31 study now. MAG consented to set aside money for that and he believes this would  
32 include Lindon. If the trax continues on their frontrunner corridor it doesn't get them to  
33 population based areas. He is set on liking the idea of a model center in Vineyard and  
34 look at ways to get from Vineyard to the population; they have had conversations on  
35 where this should happen. He has heard that Lindon is not interested in transit along the  
36 corridor. Mayor Acerson and Mr. Cowie confirmed that Lindon City is interested in  
37 transit along the corridor. They feel that basically a Central Valley Transit is needed.

38 Mr. Seastrand commented that State Street was geared for retail development.  
39 There are transitions happening now to internet sales so there will not be big box or  
40 smaller stores in the future. The question is what will take the place and we need to  
41 envision a mixed mode of housing and apartments and some retail and business with a  
42 more hospitable environment as opposed of living on the freeway.

43 Councilmember Lundberg suggested that it would be valuable to study the master  
44 plan and have a meeting of coordination with transportation as we are connected to the  
45 future trax line and to tie in to where people live. Mr. Davidson stated we need to  
46 collectively approach MAG and UTA as we want to cooperatively work towards

2 something that may be beneficial. He noted Jim McNulty was the primary contact. Mr.  
4 Seastrand suggested utilizing community feedback. Mayor Brunst stated there were  
11,000 responders to the open houses.

6 Mayor Acerson noted the challenge with UTA is that there are not a lot of avid  
users. Mayor Brunst suggest that those making the decisions should try using UTA. If in  
8 fact it had more mixed use on State Street the estimation is that the commute time gets  
cut in half. If mass transit takes you there you will use it and it will reduce traffic and  
10 alleviate congestion. Mayor Brunst also suggested repositioning the busses to fit into the  
BRT and to relook at how we are doing the busses. Mr. Davidson pointed out the BRT is  
the busiest in the county noting data suggests the need.

12 Mr. Seastrand commented they enjoy these meetings as there are a lot of areas  
that overlap and it is better to hear things first hand. It's nice to meet with other towns  
14 noting there are a lot of things going well and they appreciate the opportunity to share  
ideas and work as a group to make good things happen. In conclusion, Mayor Brunst  
16 observed the group is in agreement to coordinate on State Street and would encourage the  
council members to read the Orem State Street Master Plan.

18 Mayor Acerson thanked the group for the good conversation and well noted  
comments. He then called for any further comments or discussion from the group.  
20 Hearing none he adjourned the meeting at 1:02 pm.

22 Approved – November 21, 2017

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Kathy Moosman, City Recorder

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30 \_\_\_\_\_  
Jeff Acerson, Mayor

2 The Lindon City Council held a Special Meeting on **Monday, September 11, 2017, at**  
3 **6:00 p.m.** in the Lindon City Public Safety Building, 90 North State Street, Lindon, Utah.

4

**REGULAR SESSION** – 6:00 P.M.

6

Conducting: Mayor Jeff Acerson

8

**PRESENT**

**ABSENT**

- 10 Jeff Acerson, Mayor
- 11 Matt Bean, Councilmember
- 12 Van Broderick, Councilmember
- 13 Jacob Hoyt, Councilmember
- 14 Carolyn Lundberg, Councilmember
- 15 Dustin Sweeten, Councilmember
- 16 Adam Cowie, City Administrator
- 17 Kristen Colson, Finance Director
- 18 Josh Adams, Chief of Police
- 19 Doug Eastman, Sargent
- 20 Josh Adams, Sargent

22 1. **Call to Order/Roll Call** – The meeting was called to order at 6:15 p.m.

24 **CURRENT BUSINESS**

26 **Drill Down to Safety — Emergency Training Session.** The Lindon City  
27 Council will meet and participate in a mock city-wide emergency drill for  
28 training and evaluation of disaster preparation and city emergency processes and  
29 procedures. No official action items or motions will occur.

30

The Lindon City Council held a work/training session in conjunction with the  
32 Lindon City Drill Down for Safety on Monday, September 11, 2017 beginning at 6:00  
33 pm at the Lindon City Public Safety Building. The City Council participated in a mock  
34 city-wide emergency drill for training and evaluation of disaster preparation and city  
35 emergency processes and procedures. Training items covered were as follows:

- 36 • Drill for earthquake scenario – 7.3 quake
- 37 • Reviewed mock emergency procedures
- 38 • Training by Utah County Health Dept.

40 No official action items or motions were made during this training work session.  
41 Mayor Acerson called for any further comments or questions from the Council. Hearing  
42 none he adjourned the meeting at 7:40 pm.

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Approved – November 21, 2017

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor

The Lindon City Council and Lindon City Planning Commission held a Joint Training Session on **Tuesday, September 19, 2017 at 6:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**WORK SESSION** – 6:00 P.M.

Conducting: Jeff Acerson, Mayor

**PRESENT**

**ABSENT**

- Matt Bean, Councilmember
- Van Broderick, Councilmember
- Carolyn Lundberg, Councilmember
- Jake Hoyt, Councilmember
- Dustin Sweeten, Councilmember
- Sharon Call, Chairperson
- Mike Marchbanks, Commissioner
- Rob Kallas, Commissioner
- Bob Wily, Commissioner
- Charlie Keller, Commissioner
- Steven Johnson, Commissioner
- Mike Vanchiere, Commissioner

**Staff Present**

- Adam Cowie, City Administrator
- Hugh Van Wagenen, Planning Director
- Brandon Snyder, Associate Planner
- Kathy Moosman, City Recorder

1. **Call to Order** – The meeting was called to order at 6:00 p.m.
2. **Training Session**— The Lindon City Council and Planning Commission held a joint work session present to the City Council and the Planning Commission the Open and Public Meetings Act Training.
3. **Discussion — Open and Public Meetings Act Training**

Brent Bateman, Property Rights Ombudsman, was in attendance to present to the City Council and the Planning Commission the Open and Public Meetings Act Training. Mr. Bateman noted there may also be additional discussion on related topics tonight as follows:

- Land use laws, including hot topics and recent changes;
- Decision making for Local Governments;
- Handling public comments;
- Impact fees;
- Conditional Uses;

Mr. Bateman then gave his power point presentation on Open and Public Meetings Act Training highlighting some of the following bullet points:

- **Quorum**
  - This is important whether electronic or in person and applies to both for the purpose of discussing the public business over which the body has jurisdiction.
- **Regular meetings**
  - special meetings, workshops, site visits, traveling tours, executive sessions, unless it is properly closed.
  - Meeting to not include chance meetings, social meetings, and convening solely for discussion on implementing of administrative or operational matters if:
    - No formal action taken
    - Matter will not come before the city council
- **Electronic meetings**

Cannot hold an electronic meeting if you have adopted the procedures which we have done and when, where and the ability to take comment is available and to make sure to make a record of everyone present.
- **Emails and text messages**

Nothing restricts a member of a public body from the transmitted electronic meeting statute. All are public documents and if you use private email it opens you up to letting people file a request and they can look at private emails. It is easier to use public email for public work; use a Gmail or Yahoo account for city related issues.
- **Closed meetings**
  - What you may NOT do in a closed meeting
  - Cannot take any final action on ordinance, resolution, rule, regulation contract or appointment
  - Interview a person to fill and elected positions
  - Cannot take any final action
- **How to go into a closed meeting**
  - Start in an open meeting
  - Must be quorum present and 2/3 must vote to go into it
  - Name of every person needs to be listed and the reason
  - Identify the location of the closed meeting
  - Minutes can or cannot be done but the recording must be kept
- **Agenda needs to be noticed**
  - Publish annual meeting schedule
  - Agenda for a specific item
  - Date and time

- Post at three public locations
  - Publish on the State Public Notice website
  - Publish in the local media newspaper
  - Enough information to give public idea of what is being discussed
- **Emergency meetings**  
Does not have to be noticed if it is not foreseen and the matter is urgent in nature.  
But must give notice as soon after as possible. Take every action as possible to notify all city council and planning commission and board of adjustment members. A majority of the members are needed to approve.
- **Public Hearing**  
General notification requirements
- **Meetings and Recordings**
    - Minutes are official record
    - Time date and place
    - Those present
    - Substance of what was discussed
    - Recording of votes that was taken
    - Names of those who spoke
- **Closed minutes keep recordings not minutes**
    - Mental or professional competency of an individual. Can turn off the recording
    - Those present, date time etc.
- **Penalties**
    - If intentionally violated the closed meeting provision you can be guilty of a class b misdemeanor
    - Court can void any action taken in violation of the open meeting laws
- **Common violations**
    - Closing meeting without members of the body voting
    - Conducting a closed meeting for an unapproved reason
    - Taking official or final action in a closed meeting
    - Not giving proper notice
- **Executive sessions**
    - Confidential
- **Ethics**  
Must give disclosure for agreements with an interest in a business entity involved with any person's interest or investment that creates a conflict between a person's public duties. Best advice is to recuse yourself if there is a conflict of interest.  
There may be some discussion and instances to recuse yourself from a meeting.

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- **Gifts**  
Must not use office for economic benefit including loans, better rates, or compensation at higher rates for services rendered. Must not use private or protected information to obtain or further economic interest.
- **Civility among council members**  
You represent the people of Lindon City and should at all-time act with dignity and respect. Discussions and debates among members of public bodies should always remain civil and professional. Cannot use your position to attempt to interfere or influence criminal investigations or persecutions.
- **The public has the right to record public meetings**

**Adjourn** – The meeting was adjourned at 7:00 pm.

Approved – October 10, 2017

\_\_\_\_\_  
Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor

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Sharon Call, Chairperson

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 17,**  
4 **2017, beginning with a work session at 6:00 p.m.** in the Lindon City Center, City  
Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 Conducting: Jeff Acerson, Mayor

10 **PRESENT**

**ABSENT**

- 10 Jeff Acerson, Mayor
- 12 Matt Bean, Councilmember
- 12 Carolyn Lundberg, Councilmember
- 14 Van Broderick, Councilmember
- 14 Jacob Hoyt, Councilmember
- 16 Dustin Sweeten, Councilmember
- 16 Adam Cowie, City Administrator
- 18 Kathryn Moosman, City Recorder

20 **DISCUSSION:** The Lindon City Council met with State Legislators including  
22 Representative Stratton and Representative Peterson to discuss matters of common  
24 interest that may be addressed in the 2018 Legislative Session. No motions were made as  
this item was for discussion only.

26 Adam Cowie, City Administrator, opened the discussion by welcoming the  
Legislators to the meeting and thanking them for taking the time to meet with the  
28 Council. Following introductions, the Council discussed the following bullet point issues  
with the Legislators:

- 30 • Prioritize/encourage UDOT funding towards PG/Lindon interchange  
32 improvements & Vineyard Connector improvements.

34 *The group had some discussion on road funding, the frontage road concept  
(potential construction frontage road concept), and UDOT identified improvements on  
36 the Blvd. (as it is currently at a failed level). They talked about trying to get ahead of this  
before it becomes like Thanksgiving Point in Lehi with the traffic issues that have  
38 developed there. Mr. Cowie pointed out this discussion is intended to inform the  
Legislators (if funding opportunities come up) if they can do anything to help funnel  
40 traffic which would be a great help for the city; they have been meeting with UDOT  
(Region 3). He then presented a map showing the draft line work noting a lot of impacts  
42 could occur with businesses also. The Legislators stated they all feel, collectively, on  
how big the issue will be, and would like to move the funding forward before it becomes a  
44 real issue. There was then some discussion on the time line (within 2-3 years).*

- 46 • Proposed Legislation in 2018 session that could impact cities; taxes; etc.

2           The group discussed taxing structures including gas, income and sales tax noting  
 4 there is some imbalance there. There are challenges and there is some validity if the  
 6 cities want to support specific things and how to fund into the problems with 6 million  
 8 people needing to get from a to b. They do not dispute ways are needed to supplement  
 and transit has to be a part of that plan. Tax reform is also a big issue right now. There  
 are a lot of tax credits out there and a lot of those that may be going away. There are  
 some real challenges but we are structurally sound with the allocations.

10           There was then some additional discussion on taxes, general funds, education  
 funding (teacher shortage) and property taxes noting Utah is 51<sup>st</sup> in the United States  
 with education funding.

12           The Legislatures noted there are things on the horizon for cities to prepare for.  
 14 There are some things taking place with the Natural Resource Environment and  
 Agricultural Committee that may affect cities, (the amount of nutrients being release by  
 16 the sewage treatment plants along the Wasatch front) and if brought to the level  
 discussed by environmental quality groups it would be a 7 billion price tag. If you want  
 18 road funding then you don't want to spend 7 billion dollars on something that gives little  
 incremental benefit to the water. Water is also a big discussion item at the Legislative  
 Session including territorial issues. Education is another issue that will be discussed.  
 20 What they are trying to do legislatively is to make sure there is proper legislative  
 oversight in the rule making authority agencies in the state; we need to make sure there  
 22 are good sound policies in place.

24           • Road maintenance funding

26           There was some discussion on road funding at a city level. Lindon City is looking  
 at all options and questioned if a city can put a sales tax for road funding on the ballot.  
 28 Lindon has talked about something similar to the PARC tax to see if a certain percentage  
 of the public is in favor. The Legislators stated you can enact the 1% through the transit  
 30 and road maintenance. Together that failed as a county last time (because of UTA) and  
 the bill to decouple UTA has failed in committee every time because the legislators feels  
 32 UTA is the important aspect for the future plans for the state. UTA has been created to  
 fill a major need and demand and tying the funding together is the result and they would  
 34 like to change that.

36           The Council pointed out we are a finite land size and we value open space so our  
 per person equation of road is far greater than other cities; we lose sales tax so  
 something that we could capture like the PARC tax to go towards roads would be great.  
 38 The Legislators were not opposed to that concept. They added as we entertain this it will  
 be scrutinized because it doesn't have the UTA piece to it. UTA has had their own  
 40 funding district for years and we haven't received any of that for our roads; they are the  
 large player and it has been decoupled for years. They pointed out that the city can look  
 42 at future projections but unfortunately the can has been kicked down the road for cities  
 so long that we can't predict the future; we are just trying to catch up with dilapidation  
 44 and decay on roads and the lack of funding for so long.

46           The reality today is that they approved budget projections and they are fairly flat  
 so there is not a lot of funding just sitting out there to be used and it is a real challenge.  
 The League of Cities and Towns felt there wasn't enough support at the last legislative

2 session with the concept of a new tax. They will have more discussion with the League  
4 (Cameron Diehl) to see what the realities are and then they can sit down and draft a bill.  
6 There has also been a lot of discussion on gas tax and user fees and how to capture that;  
we are relatively flat or even decreasing from the gas tax. There was also discussion on  
how to change the gas tax to create some type of user fee.

- 8 • Update legislation to alter candidate withdrawal dates to better conform to Vote  
10 by Mail requirements. During Primary election the ballots were printed and  
mailed prior to the State deadline allowing candidates to withdraw and not be  
12 placed on ballot.

14 *Filing dates on mail in ballots was discussed pointing out the withdrawal  
16 deadline was after the time the ballots were sent to the printers. The Utah County Clerk  
stated it may need some legislative action to change the date. This issue would normally  
18 would come through the Utah Municipal Clerks Association but they will check into the  
issue.*

20 Following some additional discussion Mayor Acerson and the Council thanked  
the Representatives for their service and for sharing their valuable input on these  
important issues. He then called for any further discussion or comments from the  
22 Council. Hearing none he moved on to the regular City Council session.

24 **REGULAR SESSION** – 7:00 P.M.

26 Conducting:	Jeff Acerson, Mayor
Pledge of Allegiance:	Tyler, Boy Scout
28 Invocation:	Carolyn Lundberg, Councilmember

30 **PRESENT** **ABSENT**

Jeff Acerson, Mayor  
 32 Matt Bean, Councilmember  
 Carolyn Lundberg, Councilmember  
 34 Van Broderick, Councilmember  
 Jacob Hoyt, Councilmember  
 36 Dustin Sweeten, Councilmember  
 Adam Cowie, City Administrator  
 38 Hugh Van Wagenen, Planning Director  
 Kathryn Moosman, City Recorder

- 40 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 42 2. **Presentations/Announcements** –
  - 44 a) **Mayor/Council Comments** – There were no announcements at this time.
  - 46 b) **Employee Recognition Award** – Employee Recognition Award, 3rd Quarter  
2017 - Sherrie Laidler, Utilities Clerk:

2 Sherrie Laidler, Lindon City Utilities Clerk, was chosen for the quarterly  
Employee Recognition Award. Adam Cowie, City Administrator, read comments  
4 submitted by employees nominating Ms. Laidler for this award. He then presented her  
with a plaque and gift card in appreciation for her service. The Mayor and Council also  
6 congratulated and thanked Ms. Laidler for her exemplary example, service and good  
works for the city.

- 8  
10 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of October 3, 2017 was reviewed.

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES  
OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 3, 2017 AS  
14 AMENDED OR CORRECTED. COUNCILMEMBER SWEETEN SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
18 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE  
20 COUNCILMEMBER SWEETEN AYE

THE MOTION CARRIED UNANIMOUSLY.

- 22  
24 4. **Consent Agenda** – No items.  
26 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
comment not listed as an agenda item. There were no public comments.

28 **CURRENT BUSINESS**

- 30 6. **Continued Action Item – Ordinance Amendment, Lindon City Code (LCC)**  
**Ordinance #2017-12-O.** This item was continued from the September 5, 2017,  
32 September 19, 2017, and October 3, 2017 City Council meetings for continued  
deliberation by the Council. The Public Hearing on the item has been closed.  
34 Marc Udall, Dry Canyon Ranch, requests an amendment to LCC 17.04.400,  
regulating Home Occupation requirements, to allow for Summer Physical  
36 Education lessons to have more vehicular traffic than what is currently allowed by  
ordinance.

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

42  
44 Hugh Van Wagenen, Planning Director, led this agenda item by explaining this  
item was continued from the September 5 and October 3, 2017 Council meetings. He  
noted in the October 3, 2017 meeting the Council suggested that up to 14 vehicles could  
46 be parked at the property provided that at least 8 vehicles were parked in off-street  
parking spaces (allowing 6 vehicles to be parked on-street). He mentioned the latest draft

2 of ordinance 2017-12-O has added language (based on the Council's request) regarding  
parking requirements.

4 Mr. Van Wagenen commented that subsequent to the previous meeting, Mr. Udall  
expressed concern about providing eight off-street parking stalls. He noted Mr. Udall is  
6 also requesting formal allowance to have perpendicular parking in front of the home and  
has given examples of the parking in front of the Community Center and Lindon  
8 Elementary as having perpendicular parking and staff has been evaluating this request.  
Mr. Van Wagenen stated that recently, the City has removed other angled parking from  
10 roadways, namely adjacent to the cemetery on 200 East and on Main Street and adjacent  
to the Castle Park event venue. Mr. Van Wagenen then referenced Ordinance 2017-12-O  
12 Home Occupation Requirements (LCC 17.04.400) followed by some general discussion.  
He then turned the time over to Mr. Udall for comment.

14 Mr. Udall addressed the Council at this time. He came prepared with a power  
point presentation including photos. Mr. Udall stated even though the talk is as if their  
16 home is a hub of activity in all actuality 300 days a year it is not busy. For eight years Mr.  
Walker's his drive has not been blocked. He stated they have normal family activities  
18 and he wants to maintain the perpendicular parking (on street parking). He also feels the  
law should be applied evenly to everyone and could violate fairness; please consider this  
20 unintended consequence regarding the 30-ft. deep perpendicular parking.

Mr. Udall then presented examples (photos) of on-street perpendicular parking,  
22 noting the city is full of them, including city owned properties. If their property is  
imposed they should all be imposed and have to go too. They plead for all of these people  
24 and more that nothing is imposed with perpendicular parking for all. Mr. Udall spoke  
about other home occupations (with or without a business license) that will be in  
26 violation with imposed changes with perpendicular parking. He feels it should be  
grandfathered in to use their driveways (for business purposes) for perpendicular parking  
28 (including the Lindon Senior Center). In summary, they propose that the city grant their  
petition that the traffic match the parking previously granted. He then presented a sketch  
30 of their home noting three perspectives to refresh tonight as follows:

- 32 1. We would petition this parking style to be grandfathered into place. This parking  
style precedes our business and our occupancy of the home by nearly a decade  
and has been going on for nearly 40 years, a large part of a century.
- 34 2. We have experimented with parking over the years and the current configuration  
is clearly the least dangerous configuration.
- 36 3. We remember both the planning commission and the council talking about  
making an ordinance change for basically one person as being poor policy. The  
38 talk was more slanted towards positive change. Stating "we don't like making  
changes to the code to basically benefit one person because it goes city wide."  
40 However, it appears that it's okay to make changes to the code that negatively  
affect one person that may similarly have ramifications that would go city wide.  
42 Again, we realize the similarity to a constitutional convention. We are asking that  
the council just do nothing in this regard, there is no compelling reason to change  
44 our parking. The precedent has been set and in play for decades. Allowing the  
status quo is not condoning or promoting anything. (However, we are still willing  
46 to consider giving up all of our business related perpendicular parking and create  
the parking lot we offered at great sacrifice to us; and destroy some green space

2 that was seen as an important plus in the Jorgensen petition. In return for  
 4 compromise, concessions one of which is leaving our personal parking lives out  
 of this.

6 Mr. Udall also reviewed what will happen with personal parallel parking if it  
 comes back to their home. Noting first of all, they will only have two remaining parking  
 8 places in front of their house. Their family and friends will certainly park cross the street  
 as was done years ago because that is the closest to their door. As noted there is no  
 10 regulation in relation to where people can park for personal visits.

12 Mr. Udall stated their perpendicular parking is not like that on Center Street in  
 Provo where a person, out of necessity, backs up into and occludes a traffic lane. There is  
 a wide shoulder at their property. In addition, people are going slow because they are  
 14 coming from a stop. Even so, it has been suggested by city staff that eliminating  
 perpendicular parking would only affect them, but there is another entity that will be  
 16 affected. This entity has a similar broad shoulder with their perpendicular parking, and in  
 addition has off street parking which fills to overflowing. They don't condemn the use of  
 18 their neighbor's frontage and parking spaces and walking across the street.

20 Mr. Udall then presented a photo of the Lindon Senior Center across from the  
 Lindon Elementary. He asked if he is assuming correctly that perpendicular parking was  
 deemed safe enough here in spite of the many children walking with a lot of traffic at the  
 22 beginning and ending of school. He noted at their home they avoid the rush hours with  
 their lessons and schedule lessons in the summer when there's less traffic. Mr. Udall  
 24 stated he is petitioning on behalf of the Senior Center to leave its parking and their  
 parking as is.

26 In conclusion, Mr. Udall stated at this time they would like to withdraw their offer  
 of creating total off street swim lesson parking. They do accept the city's suggestion of  
 28 having a combination of on-street and off-street parking. They would like to use the  
 frontage of their house with perpendicular parking for six cars and the remaining five to  
 30 be in their driveway, off the street.

32 Following some general discussion Councilmember Lundberg commented that  
 she would really like to see something reasonable worked out. She noted Mr. Udall  
 presented pictures of people who park on their driveways and she is not sure that is a  
 34 problem. Staff addressed this issue stating there has been some misunderstanding. Mr.  
 Van Wagenen clarified the required parking spaces for commercial and residential and  
 36 private residences. Mr. Cowie also clarified there is nothing in the code that prohibits  
 someone from parking in the front 30 feet of their driveway or setback, but they can't  
 38 designate a certain number of spaces/stalls.

40 Mr. Udall stated they are just asking that the council consider their petition for  
 trips to and from their home and asking that perpendicular parking be left as is. He stated  
 they are still open to discuss all other options (including their prior offer). They realize  
 42 their position is weak in that they can't command or demand anything and must rely on  
 the council for help but they just asking that it be fair.

44 Councilmember Bean brought up the fact that part of the cars parked  
 perpendicular is that they are in the city right of way, whether for business or personal, so  
 46 that is the issue and not the distinguishing factor. Councilmember Sweeten asked for  
 clarification that when this was previously discussed he thought they had come to an

2 agreement and the perpendicular parking was a separate issue as it has to work for  
4 everyone in the city. Councilmember Hoyt explained what the council is ready to move  
6 on today is to grant the change to the ordinance that allows Mr. Udall to have six on  
street and eight off street parking spaces which essentially allows for the trips and  
parking needed.

8 Mr. Cowie mentioned he sent an email to the council stating himself, the city  
engineer, and police chief visited the site and evaluated the perpendicular parking  
10 request. He noted they provided a summary of recommendations and they all felt they  
would not approve perpendicular parking as part of this home occupation business  
12 request at this location. Mr. Udall stated he assumes this would be applied city wide. Mr.  
Cowie stated this would-be site specific but could also be applied at other locations.

14 There was then some additional discussion regarding the amount of on-street and  
off-street parking. Councilmember Lundberg pointed out the Udall's available frontage is  
16 unique and she would like to see how the council feels about considering having a caveat  
that if a residence has this type of occupational use and has the additional frontage to  
18 allow more than six on-street spaces (if it is contained in their frontage) and if it is not  
impacting any other resident. She added the Udall's have been very proactive and  
20 conscientious and have informed their patrons where to park; they have proven they  
would follow whatever the council asks of them.

22 Councilmember Broderick stated he has no problem with that and would love to  
approve this ordinance and see the lessons continue. He would also like to see them be  
24 able to park along center street and 400 east but to not be a traffic hazard and if parking  
parallel (on days with family etc.) to be able to park perpendicular. Councilmember  
Sweeten pointed out this is a law on the books and we do not do the patrolling.

26 Councilmember Lundberg would like to see something codified that is  
enforceable but fair for all. Mrs. Udall pointed out when they park on center street the  
28 patrons walk through the gate and through the back to their property. Councilmember  
Broderick stated the issue to vote on tonight is to increase the amount of legal parking  
30 and we are not addressing anything regarding the parking at the Udall's; the fourteen  
allowed in the zone adjustment and increasing the amount of traffic. Following some  
32 additional discussion, the council was in agreement to approve the ordinance amendment  
with the self-regulating verbiage (based on frontage) included. Mr. Van Wagenen  
34 clarified the difference in what is currently allowed and what is suggested is the 14  
vehicles. Councilmember Hoyt agrees this will be self-governing.

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

38  
40 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

42  
44 Mayor Acerson called for any further comments or discussion from the Council.  
Hearing none he called for a motion.

46 COUNCILMEMBER HOYT MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR ORDINANCE AMENDMENT #2017-12-O WITH THE LANGUAGE

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

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

- 10  
12 **7. Public Hearing — 2017-18 Budget & Fee Schedule Amendment; Res. #2017-  
20-R.** The Council will review and consider recommended changes to the 2017-  
18 budget and fee schedule. *NOTE: This public hearing has been advertised but  
14 is recommended to be continued to the Nov. 21, 2017 meeting.*

16 Adam Cowie, City Administrator, stated Staff has had computer and server  
glitches this past week and had to recreate some of the lost work and financial analysis  
18 that was done. He explained this issue has caused some delays and because of that staff  
does not have everything ready for the budget amendment discussion at this time. Mr.  
20 Cowie asked that this item be continued to the November 21, 2017 meeting.

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

24 COUNCILMEMBER HOYT MOVED TO APPROVE CONTINUE THIS ITEM  
TO THE NOVEMBER 21, 2017 CITY COUNCIL MEETING. COUNCILMEMBER  
26 LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

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

- 34  
36 **8. Discussion Item — Review 2017 Aquatics Center Season; Lindon Days;  
PARC Tax.** Lindon City Parks & Recreation Director, Heath Bateman, and  
Finance Director, Kristen Colson, will present financial overviews and statistics  
38 for the 2017 Aquatics Center season, Lindon Days, and review PARC tax  
allocations to determine if changes are needed. General feedback will be provided  
40 but no motions made.

42 Mr. Cowie opened this discussion by explaining Lindon City Parks & Recreation  
Director, Heath Bateman, and Finance Director, Kristen Colson, are in attendance to  
44 present the financial overviews and statistics for the 2017 Aquatics Center season,  
Lindon Days, and to also review the PARC tax allocations to determine if changes are  
46 needed. He noted general feedback will be provided by the council but no motions are  
needed as this item is for discussion and informational purposes only.

2 Kristen Colson, Finance Director and Heath Bateman, Parks and Recreation  
4 Director, presented their financial overviews and statistics for the 2017 Aquatics Center  
6 reviewing the Pool Statistics by Sportsman Participant Numbers/Transactions from 2016  
and 2017 and showed the differences by year.

8 Mr. Bateman and Ms. Colson also presented the following Aquatics Center  
statistics for discussion purposes as follows:

10 **Financial:**

- 12 Punch Pass Sales Breakdown
- 10 Punch – 680
- 25 Punch – 202
- 14 50 Punch – 75
- Res. Flow – 16
- 16 Non. Flow – 11
- Water - 25

18 **Challenges:**

- Guard Retention
- 20 Idea: \$.25 per hour worked if employees stay to the specified closing date.

**Coming Pool Maintenance Items:**

- 22 Flowrider Pump Service 2017/2018
- Tile repair 2017/2018
- 24 Deck Calking 2018
- Painting/Staining 2018
- 26 Concrete Treatment Ongoing
- Flowrider Surface 2020/2021

28 Mr. Bateman and Ms. Colson then referenced the Aquatics Center Financial  
30 Report (dated October 13, 2017) showing revenue and expenditures followed by some  
32 general discussion. Following the Aquatics Center presentation, they went on to cover the  
34 Parc tax fund including revenue, facilities maintenance, aquatics center improvements,  
community center improvements, parks & trails improvements, miscellaneous  
contingency and contingency balances and total ending balances. There was then some  
additional discussion by the council regarding the information presented.

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

38  
40 **9. Discussion Item — Review of Commercial Farm Ordinance.** During recent  
discussions regarding the Commercial Farm (CF) zone, several comments were  
42 made by Councilmembers desiring possible changes to the CF ordinance.  
Councilmember Lundberg requested that a discussion on the CF ordinance be  
44 placed on an agenda for consideration by the full Council. The City Council will  
discuss possible changes desired for the Commercial Farm ordinance and give  
46 direction to Staff. Desired amendments to the CF ordinance will be presented to  
the Planning Commission whose formal ordinance change recommendations will  
be made back to the City Council for final consideration. General feedback will

2 be provided but no motions will be made on this discussion item.

4 Mr. Van Wagenen referenced the Commercial Farm zone ordinance as is  
 6 currently adopted. He noted the discussion tonight will be the ordinance itself noting staff  
 8 is asking for direction on what updates may be wanted or desired. He stated the Planning  
 Commission is scheduled to review the ordinance in a public hearing at their upcoming  
 meeting on October 24, 2017 where staff will present the Council's recommended  
 changes to the Planning Commission for consideration.

10 Councilmember Lundberg mentioned a concern she has is that the current  
 ordinance doesn't require owner occupied in this zone. She feels this would engender  
 12 good neighbor relationships and it may be a loophole that should be closed. The council  
 was in agreement that owner occupied should be a requirement. There was then some  
 14 discussion regarding acreage amounts.

16 Alan Colledge gave some background on where the five-acre number originated  
 when this zone was implemented to preserve open space. He pointed out unless we are  
 proactive there will be no open space. He was in a position (with a historical sense of  
 18 preservation) and just fell into the wedding business. They first had a conditional use  
 permit and then expanded to the castle that needed bigger parameters. No one can predict  
 20 the future and there has been a lot of trial and error. When the five-acre parcel was  
 discussed it was about agricultural production and that was the green belt standard; there  
 22 are not many in Lindon that could qualify or maintain the green belt status or threshold.

24 Councilmember Sweeten pointed out as the ordinance currently sits it requires  
 40% in some type of agricultural production. He questioned if we really think this is a  
 good thing for the city and just because this location is smaller it still provides some more  
 26 open space in the city of Lindon, so he is in favor as it is still preserving open space we  
 otherwise wouldn't have. He is not in favor of increasing the acreage, however, he would  
 28 still consider looking at what commercial uses may be allowed.

30 Councilmember Hoyt stated he likes the open space in Lindon. He likes the  
 owner-occupied aspect but he does have concerns with permitted uses and buffering to  
 protect the neighbors as to not be negatively impacted. He thinks that adding more  
 32 acreage may help with the buffering issue.

34 There was then some general discussion including acreage, permitted uses,  
 buffering and open space. Mr. Van Wagenen commented he will bring to the planning  
 commission the following issues for discussion: minimum acreages, owner occupied  
 36 issue, burden of proof for 40% agricultural use, review permitted or conditional uses and  
 potential impacts and buffering (minimal distances) and the measuring of noise decibels.

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

40

### **Council Reports:**

42

There were no council reports given at this meeting.

44

### **Administrator's Report:**

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

### **Misc. Updates:**

- 2 • October newsletter
- 4 • November newsletter article: Jake Hoyt - Article due to Kathy Moosman last week in October
- 6 • UTOPIA/UIA update
- 6 • CDBG grant funding –elevator project for 2018/19; ADA door upgrades at Senior Center
- 8 • Misc. Items

**Upcoming Meetings & Events:**

- 10 • October 30<sup>th</sup> 5:30pm-8:00pm – Hallows Eve Party at the Community Center
- 12 • November 7<sup>th</sup> – General Election Day (No Council meeting)
- 14 • November 23<sup>rd</sup> – Mayor’s Thanksgiving Dinner at the Community Center
- 14 • November 23<sup>rd</sup>, 24<sup>th</sup> – City offices closed for Thanksgiving

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

**Adjourn** –

20 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
22 AT 9:35 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL  
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – November 21, 2017

\_\_\_\_\_  
Kathryn Moosman, City Recorder

\_\_\_\_\_  
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)*

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**6. Continued Public Hearing — 2017-18 Budget & Fee Schedule Amendment; Res. 2017-20-R***(20 minutes)*

This item was continued from the October 17, 2017 meeting. The Council will review and consider Resolution #2017-20-R containing recommended changes to the 2017-18 budget and fee schedule. Finance Director, Kristen Colson, will present the proposed updates for consideration.

See attached materials from the Finance Department. The FY2018 (2017-18) budget was adopted on June 20, 2017. Adjustments and unexpected changes to the budget are regularly anticipated. The City has typically planned quarterly adjustments to the annual budget through advertised public hearings like this one.

**Sample Motion:** I move to (approve, continued, deny) Resolution #2017-20-R containing recommended amendments to the FY2018 budget and fee schedule.

**RESOLUTION NO. 2017-20-R**

**A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING VARIOUS SECTIONS OF THE LINDON CITY BUDGET AND FEE SCHEDULE FOR FISCAL YEAR 2018 AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Municipal Council of Lindon City finds it prudent and in accordance with sound fiscal policy to amend the Lindon City Budget and Fee Schedule for FY2018; and

WHEREAS, the on-going budget reports indicate several items which need to be adjusted to actual costs associated with current projects and revenue/expenditure line items updated based on new information and data obtained since the budget was adopted in June of 2017; and

WHEREAS, adjustments to the Lindon City Fee Schedule are needed to appropriately cover costs of providing services in the community; and

WHEREAS, public notice of the budget amendment has been advertised and public hearing held on November 21, 2017 regarding the proposed budget amendments; and

WHEREAS, the Municipal Council desires to amend the FY2018 Lindon City Budget and Fee Schedule to reflect these more accurate numbers and needed amendments.

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

SECTION I. The FY2018 Lindon City Budget and Fee Schedule is hereby amended as shown on the attached memorandums for specific budgetary line items as listed.

SECTION II. This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the Lindon City Council on this the 21st day of November, 2017.

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Jeff Acerson, Mayor

ATTEST:

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Kathryn A. Moosman, City Recorder

SEAL:

**BUDGET AMENDMENT**  
**FISCAL YEAR 2017-2018**  
 November 21, 2017

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
<b>GENERAL FUND</b>								
10-31-600	1	911 Telephone Tax	105,000	-	(105,000)			
10-33-150	2	CDBG Grants	50,000	-	(50,000)			
10-33-525	3	Police Misc. Grants	-	1,278	1,278			
10-42-250	4	Operating Supplies & Maint				500	1,000	500
10-46-310	5	Professional & Tech Services				75,000	180,000	105,000
10-51-310	6	Professional & Tech Services				2,000	18,000	16,000
10-51-730	2	Building Improvements				100,000	-	(100,000)
10-54-315	1	Dispatch, Orem City				117,935	67,935	(50,000)
10-54-480	2	Special Department Supplies				5,000	6,300	1,300
10-55-551	1	Dispatch				117,935	67,935	(50,000)
10-62-250	4	Operating Supplies & Maint				500	3,500	3,000
10-62-310	4	Professional & Tech Services				1,500	2,500	1,000
10-64-610	7	Equipment Rental				1,000	2,000	1,000
10-67-480	8	Special Dept Supplies				2,000	4,000	2,000
10-75-990	15	Appropriate to Fund Balance				151,790	68,268	(83,522)
			<u>155,000</u>	<u>1,278</u>		<u>575,160</u>	<u>421,438</u>	
<b>NET GENERAL FUND INCREASE</b>					<b>(153,722)</b>			<b>(153,722)</b>
<b>ROAD FUND</b>								
11-30-900	9	Use of Fund Balance	204,796	931,796	727,000			
11-40-735	15	Class C Capital Improvements				500,000	1,227,000	727,000
			<u>204,796</u>	<u>931,796</u>		<u>500,000</u>	<u>1,227,000</u>	
<b>NET ROAD FUND INCREASE</b>					<b>727,000</b>			<b>727,000</b>
<b>PARC TAX FUND</b>								
24-30-900	15	Use of Fund Balance	-	93,105	93,105			
24-41-275	10	Utilities - Gas				17,000	19,000	2,000
24-41-285	10	Utilities - Water/Sewer				4,000	32,000	28,000
24-41-310	11	Professional & Tech Services				-	23,140	23,140
24-41-920	12	Trfr to Recreation-Capital Exp				-	65,600	65,600
24-42-285	10	Utilities - Water/Sewer				4,000	5,000	1,000
24-42-310	13	Professional & Tech Services				15,000	26,715	11,715
24-42-920	14	Trfr to Recreation-Capital Exp				-	5,000	5,000
24-43-310	15	Professional & Tech Services				-	14,900	14,900
24-44-285	10	Utilities - Water/Sewer				26,000	38,000	12,000
24-49-990	15	Appropriate to Fund Balance				70,250	-	(70,250)
			<u>-</u>	<u>93,105</u>		<u>136,250</u>	<u>229,355</u>	
<b>NET PARC TAX FUND INCREASE</b>					<b>93,105</b>			<b>93,105</b>

**BUDGET AMENDMENT**  
**FISCAL YEAR 2017-2018**  
November 21, 2017

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
<b>RECREATION FUND</b>								
55-30-600	14	Grant Proceeds	5,450	10,450	5,000			
55-30-880	12,14	Transfer from PARC Tax Fund	82,950	153,550	70,600			
55-30-900	15	Use of Fund Balance	171,729	173,729	2,000			
55-41-730	12	Aq. Ctr. Improvements				-	65,600	65,600
55-42-250	14	Comm. Ctr. Operating Supplies & Maint				9,000	19,000	10,000
55-42-310	4	Comm. Ctr. Professional & Tech Svcs				6,500	8,500	2,000
			<u>260,129</u>	<u>337,729</u>		<u>15,500</u>	<u>93,100</u>	
		<b>NET RECREATION FUND INCREASE</b>			<b>77,600</b>			<b>77,600</b>
<b>CITYWIDE TOTAL</b>								
			<u>1,017,443</u>	<u>1,761,426</u>		<u>1,569,576</u>	<u>2,313,559</u>	
					<b>743,983</b>			<b>743,983</b>
<b>CHANGE IN REVENUES &amp; EXPENDITURES</b>								
		Change in Citywide Rev. & Exp.	243,400	165,278	(78,122)	504,870	675,625	170,755
		Carryover from Prior Fiscal Year	-	-	-	500,000	1,227,000	727,000
		Increase (Decrease) by Moving Exp in GL	-	-	-	-	-	-
		Increase (Decrease) in Use of Fund Bal.	774,043	1,596,148	822,105			
		Increase (Decrease) in Appr. to Fund Bal.				564,706	410,934	(153,772)
		<b>Citywide Totals</b>	<u>1,017,443</u>	<u>1,761,426</u>		<u>1,569,576</u>	<u>2,313,559</u>	
		<b>Net Increase (Decrease) in Rev. &amp; Exp.</b>			<b>743,983</b>			<b>743,983</b>

## **BUDGET AMENDMENT NOTES**

### **November 21, 2017**

- 1 The State of Utah changed the way that the 911 tax on phone bills is distributed. Instead of going back to the local government in which the phone is located, it is now going to the public safety answering point (PSAP). In Lindon's case, the 911 tax that we previously received (budgeted for \$105,000 for FY2018) is now going to Orem City for their dispatch. Staff is working with Orem City to determine an exact amount that Orem City will decrease their dispatch fees to Lindon City since they are receiving Lindon's 911 tax. This budgeted decrease in the police and fire dispatch expenses is an estimate.
- 2 Lindon City was awarded a CDBG grant for \$50,000 to install an elevator in the City Center. However, after bidding out the project, we found that the project would cost considerably more than anticipated so we have forfeited the grant and cancelled the project for now. Staff will resubmit a grant proposal in the hopes of being awarded a higher amount.
- 3 Chief Adams received a grant from Bullet Proof Vests for \$1,278 so this increases the revenue and expense.
- 4 Software and IT service expenses are increasing with updating computers with MS Office software that's 10 years old or older, switching employee email to Microsoft Exchange, and adding software for the Public Works Engineer.
- 5 Increase the budgeted engineering expenses for JUB Engineers. This is a transition year as Noah, the new Public Works Engineer, is trained and engineering duties are shifted from JUB to Noah.
- 6 Internet services were changed with the opening of the Public Safety Building. The changes in billing were not properly budgeted for the FY2018.
- 7 The parks division rented an air compressor to blow out the sprinklers.
- 8 The cemetery division purchases an auger for urn burials.
- 9 The street maintenance projects which are contracted with Staker were budgeted for the FY2017, but were not completed. The carryover amount for the FY2018 is \$727,000.
- 10 Utility costs are increasing, especially the water costs for the Aquatics Center and Meadow Park. These areas have large meters with high usage.
- 11 Alex, the City's new Facilities Manager, is adding some maintenance projects. At the Aquatics Center, the pools will be caulked for \$9,860 and wood and metal will be stained and sealed for \$13,280.
- 12 Some larger projects that Alex is heading up will be paid from the Recreation Fund, with contributions from the PARC Tax. The pools at the Aquatics Center will be re-tiled. The City is paying for the tiles (\$55,600), but will not be charged for the labor. The Flow Rider pumps will be removed and one pump will be tuned up and the other pump will be diagnosed and repaired and then the pumps will be reinstalled for an estimated cost of \$10,000.
- 13 The Community Center roof will be repaired for \$11,715.
- 14 Cindy Hall received a grant of \$5,000 for the Senior Center to automate 2 doors and update some furniture. The PARC Tax will contribute \$5,000 toward the total estimated cost of \$10,000.
- 15 The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, fund balances.

## PROPOSED FEE SCHEDULE CHANGES

For Nov. 21, 2017 Budget Amendment

### ADDITIONS

#### Rentals

Multipurpose Fields	
City Center Park	\$20/hour
Fryer Park, Pheasant Brook Park, Pioneer Park	
For Youth Teams	\$20/hr/field
For Adult Teams	\$30/hr/field
Deposit	\$100/field

#### Sports Field Rental

Baseball Fields (1 hour minimum, 4 hour maximum, does not include field preparation)	
Pheasant Brook Park (2 fields)	\$20/hr/field
City Center Park (2 fields)	\$20/hr/field
Deposit	\$100/field
Deposits will only be accepted by major credit/debit card and will be processed the day of the rental. Those that qualify for a partial or full deposit refund will receive it via digital transaction.	
Field Lighting (only available on west field of City Center Park)	\$20/hour
Field Preparation	
Monday-Friday	\$40 per diamond
Saturday & Holidays	\$50 per diamond
All field preparation requests must be approved by the Director of Parks & Recreation and may or may not be available due to season and/or staffing level.	

Pickleball Courts (Hollow Park)	\$10/hr/court
Max 2 courts per day, 2 hour blocks only, only courts on south are available for rental	

Tennis Court (Hollow Park) 2 hour maximum	\$20/hour
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### CHANGES

#### Development

Engineering Review Fee	
For reviews not covered by Land Use Application or Building Permit Fees	
In-house engineer	\$80/hr
Third party engineer	Actual Cost

#### Rentals

Deposit	\$200
Deposits will only be accepted by major credit/debit card and will be processed the day of the rental. Those that qualify for a partial or full deposit refund will receive it via digital transaction.	

#### Parks

Pavilions only (~~ball fields are not reserved~~)

Horse Arena	No charge
For-Profit Events	\$200/day
Lights	\$50/evening
Riding Clubs	\$25/season
Surface Preparation	\$30
Special Surface Requests	\$30

## Veteran's Memorial Hall

~~Refundable~~ Security/Damage Deposit \$200 \$100

Deposits will only be accepted by major credit/debit card and will be processed the day of the rental. Those that qualify for a partial or full deposit refund will receive it via digital transaction.

~~Partial Day (10:00 am - 3:30 pm OR 4:30 pm - 10:00 pm)~~

Resident \$100 \$125

Non-Resident \$125 \$150

Commercial \$150 \$175

Non-Profit \$80 \$105

~~Full Day~~

Resident \$200

Non-Resident \$225

Commercial \$250

Non-Profit \$160

**7. Concept Review — Lindon Ridge Apartments (Center and Main), ~50 E. Center** (25 minutes)

Bryant Christensen, CL Christensen Bros., requests concept review of the proposed Lindon Ridge Apartments senior housing development (and any associated rezoning or code amendments), to be located at ~50 E. Center (identified by Utah County Parcel ID #14-070-0034 and additional surrounding parcels), currently in the Single Family Residential (R1-20), General Commercial (CG) and Senior Housing Overlay (SHFO) zones.

*A Concept Review allows applicants to quickly receive Planning Commission and/or City Council feedback and comments on proposed projects. No formal approvals or motions are given but general suggestions or recommendations are typically provided.*

See attached materials from the Planning Department.

No motion needed, but general feedback may be provided.

## Item 7: Concept Review — Lindon Ridge Apartments (Center and Main) ~ 50 E. Center St.

<p>Applicant: Bryant Christensen, CL Christensen Bros. Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: None Council Action Required: No</p>	<p><u>SUMMARY OF KEY ITEMS</u></p> <p>1. This is a concept review to receive feedback from the City Council <b>regarding the applicant's proposal.</b></p> <p><u>MOTION</u> No motion necessary.</p>
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### OVERVIEW

A Concept Review allows applicants to quickly receive Planning Commission and/or 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 proposal is located at approximately 50 E. Center St. Portions of the property are in the General Commercial (CG) zone, Senior Housing Overlay (SHFO) zone, and the Single-family Residential (R1-20) zone. The current regulations of the SHFO zone can be found in Lindon City Code 17.75. The General Plan Land Use Map identifies this area as Commercial and Residential Low. The applicant would like to expand the existing SHFO zone north to Center Street. The concept would potentially require a rezone and overlay, ordinance amendments, and approval of a site plan/CUP. A previous concept was presented to the City Council February 7, 2017. (Minutes attached)

### PLANNING COMMISSION REVIEW

The Planning Commission discussed the concept with the applicant on November 14, 2017. The applicant proposed 142 senior housing units. Discussion points included: affordability, housing options, existing uses surrounding the site, State Street, and density offsetting amenities. Comments raised included: potential for State Street commercial lot, concern over Lindon's large lots and apartments and little housing options in between, concern over exceeding five acres, and recognized challenges of this site. Recognized it is a good project for the property, but is the additional units too much for the site and the City. Applicant can proceed with south property in compliance with existing SHFO zoning regulations. Discussed concerns over commercial uses and higher density creeping further into Lindon's R1-20 zoning areas.



(Present zoning)

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.
- ...
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.).

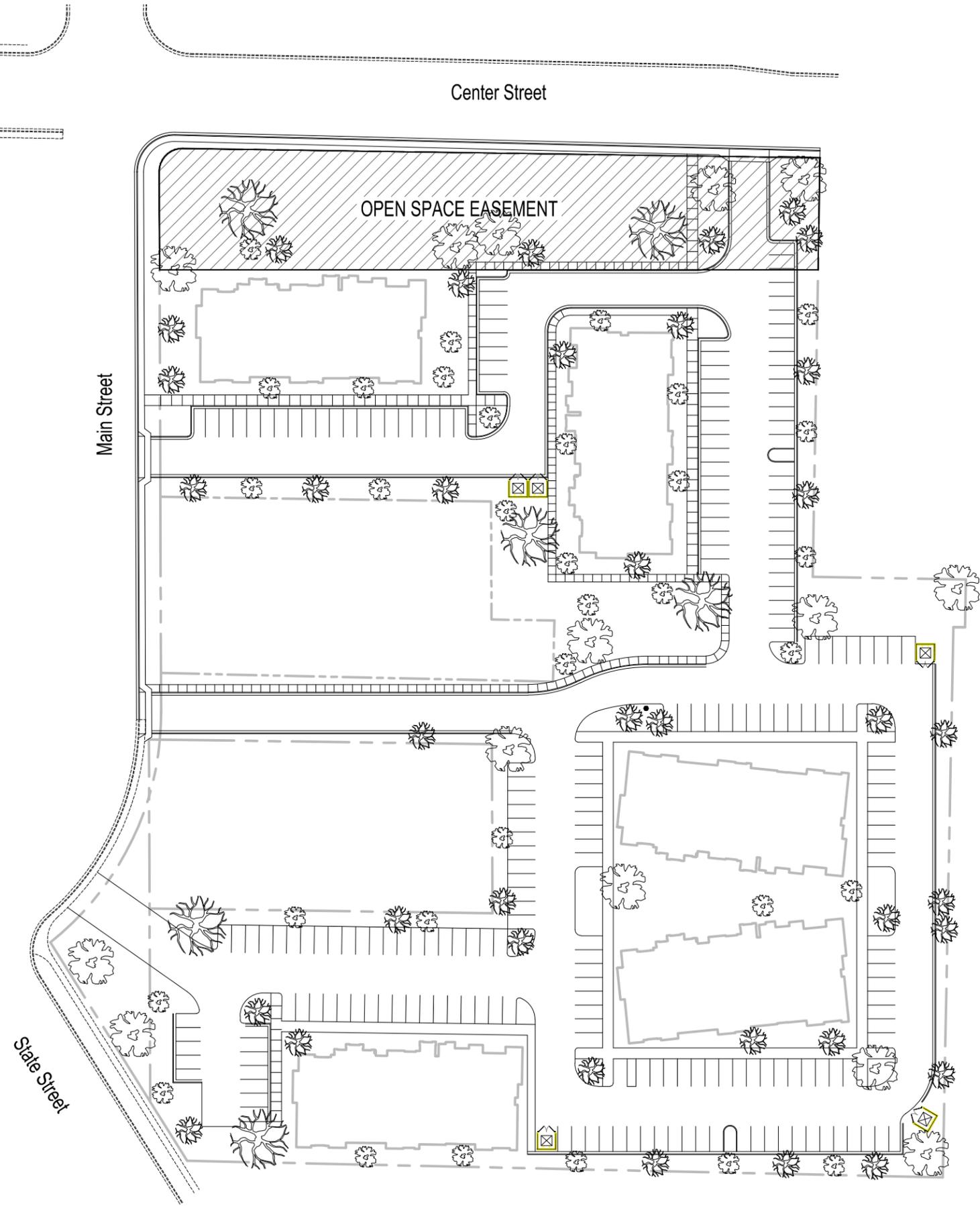
6. Channel future growth and development into areas that can be efficiently and effectively served by public infrastructure and facilities.
7. Ensure that new development is of high quality and reflects quality architectural and site design standards consistent with its particular use and location.

Residential Land Uses include a range of residential classifications including low, medium, and high density. Density is expressed in dwelling units per acre (DU/AC) for single or multiple family dwellings. Zoning regulations may allow in residential areas a limited number of non-residential uses, such as places of worship, neighborhood parks, schools, etc. The goal of housing and residential areas in Lindon City is to provide a housing and living environment that supports and complements the unique rural quality and character of Lindon City. Objectives of this goal are as follows:

1. Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods by avoiding encroachment of land uses which would adversely impact residential areas (i.e. increased traffic, noise, visual disharmony, etc.) and by providing adequate screening and buffering of any adjacent commercial or industrial development including parking and service areas.
2. Consider flexibility in housing development design and density in the R3 zone.
3. Encourage creative approaches to housing development which will maintain and protect natural resources and environmental features.
4. Ensure that new developments in residential areas (including non-residential uses) provide adequate off-street parking.
5. Provide for the unique community needs of the elderly, disabled, and children.

## ATTACHMENTS





Center Street

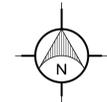
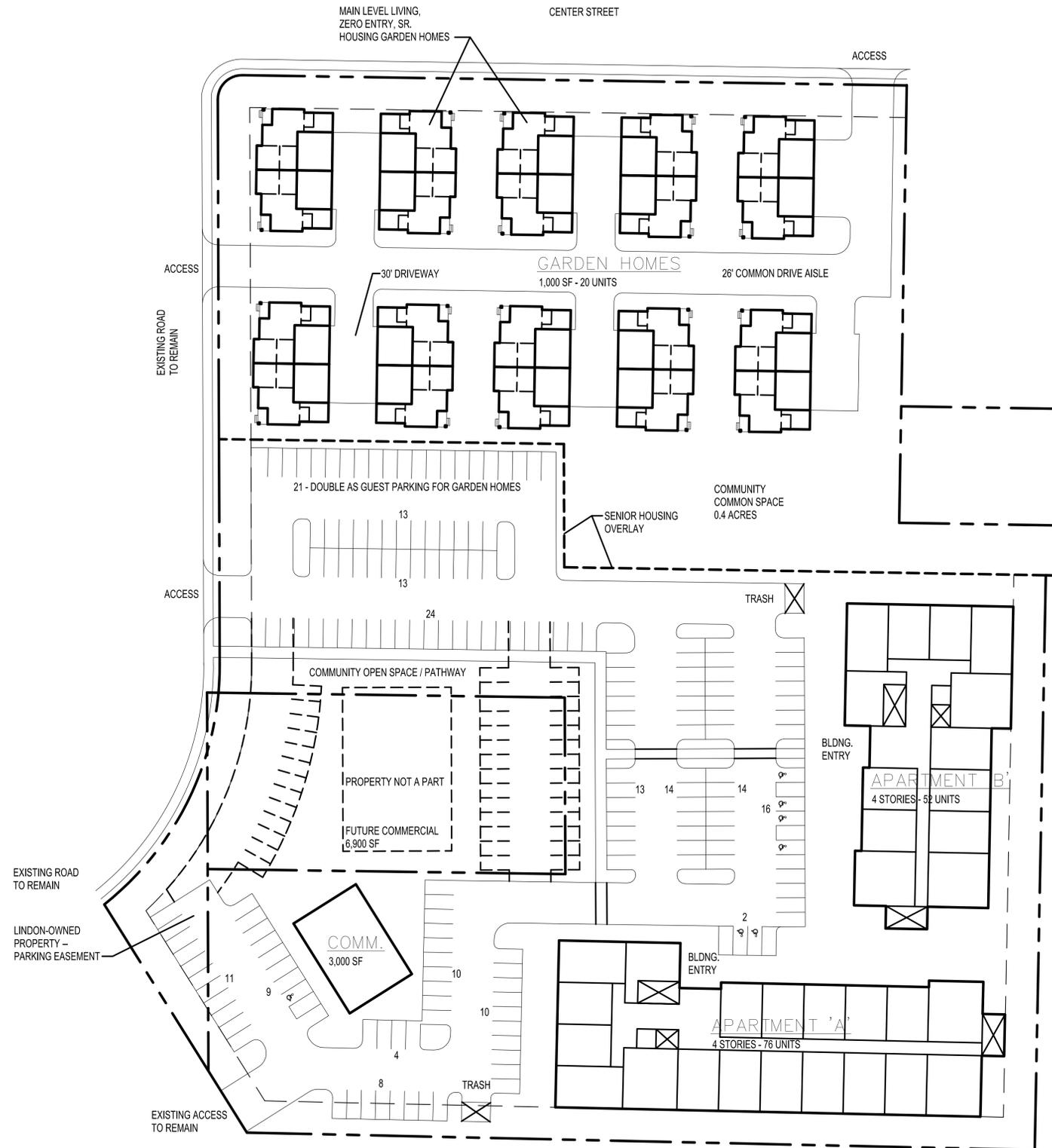
OPEN SPACE EASEMENT

Main Street

State Street







CONCEPTUAL SITE PLAN 'K'  
 SCALE: 1" = 40'-0"

2       **6. Concept Review — Center Street & 25 South Main.** The Council will hear and  
 4       provide feedback to the applicant, Bryant Christensen, CL Christensen  
 6       Brothers, regarding a proposed Senior Apartment and Townhome concept located  
 8       at Center Street and 25 South Main St. The proposal would require a new  
 10       ordinance. Portions of the property are in the General Commercial (CG) zone,  
 12       Senior Housing Overlay (SHFO) zone, and the Single-family Residential (R1-20)  
 14       zone. The current regulations of the SHFO zone can be found in Lindon City Code  
 16       17.75. The General Plan Land Use Map identifies this area as Commercial and  
 18       Residential Low. The Planning Commission will review the concept at their first  
 20       meeting in February. No motion is necessary as this item is for discussion only.

22       Brandon Snyder, Associate Planner, began this discussion by reminding the  
 24       Council a Concept Review allows applicants to quickly receive feedback and comments  
 26       on proposed projects from the Planning Commission and/or City Council. No formal  
 28       approvals or motions are given, but general suggestions or recommendations are typically  
 30       provided. He noted due to timing issues this item is coming before the Council first and  
 32       the Planning Commission will review the concept at their first meeting in February. He  
 34       noted the applicant, Mr. Bryant Christensen, is in attendance tonight representing this  
 36       application and to answer any questions from the Council.

38       Mr. Snyder went on to say this proposal is located at approximately 25 S. Main  
 40       Street and would require a new ordinance. Portions of this property are currently in the  
 42       General Commercial (CG) zone, Senior Housing Overlay (SHFO) zone, and the Single-  
 44       family Residential (R1-20) zone. The General Plan Land Use Map identifies this area as  
 46       Commercial and Residential Low. Mr. Snyder then turned the time over to the applicant  
 for comment.

Mr. Christensen addressed the Council at this time and described his proposed  
 project in detail. He noted they previously purchased the property (3 acres) at the same  
 time the senior housing proposal was presented several years ago and since that time the  
 Scott family has decided to list their family property which is adjacent to their property.  
 Mr. Christensen explained they are trying to work the two projects together and they have  
 talked with staff on several different concepts. He pointed out with the school and  
 community center in close proximity the idea would be to have townhomes for sale that  
 would be managed by a homeowners association (HOA) in a unified effort with the senior  
 housing project.

Mr. Christensen stated they have discussed some different ideas including this  
 proposal with a central park location that everyone in the community would have access to  
 with walking paths etc. The units will be front facing to Center Street and Main with the  
 garages behind to give it a more open feel. He also presented photos and examples at this  
 time. He explained they feel this will be a nice transition to the residential that is currently  
 there and will create a nice walkable facade and also provide a nice street front. They do  
 not own the two (2) neighboring properties and would have to make arrangements with  
 them on the concept plan or zone change of which one portion is zoned senior housing. He  
 added this will be single family housing and will provide a nice buffer to State Street. He  
 pointed out there is not much interest in a large commercial use at this location (State  
 Street).

2 At this time the Council discussed this proposal at length with Mr. Christensen  
 4 including discussion on landscaping, setbacks and fencing and the zoning on the  
 6 property. They also discussed the timeline of the senior housing overlay and the existing  
 8 senior housing facility proposals. Mr. Snyder stated part of their discussion included  
 10 whether or not the Council feels it is beneficial to retain the commercial lots on State  
 12 Street as it is currently part of the senior housing overlay zone. Mr. Christensen suggested  
 14 there may be some trade-offs dependent on the Council's point of view as the senior  
 16 housing zone extends to State Street and would potentially give some commercial back of  
 18 which the city is limited on anyway and would also be providing housing. He noted they  
 20 were approved for 105 units but may just do 80 (minimum) just so it functions properly;  
 22 they may have to juggle some of the space there. Mr. Snyder pointed out the potential  
 24 benefits may include a commercial lot, compact design, efficient use of the site, central  
 26 location, housing options, transition between residential and commercial properties, and  
 28 front porch layout.

16 Councilmember Sweeten asked what the Council's thoughts are on this proposal  
 18 and if it should be treated the same as the "Hatch" piece as the Council has been hesitant in  
 20 the past in taking standard residential to a higher density. Councilmember Lundberg stated  
 22 she was originally open to the Hatch piece with the buffering and medium density in the  
 24 back. She noted she served on the Planning Commission when this came through before  
 26 and some of the reasons that it was even considered to allow it by means of the senior  
 28 housing overlay was because of the uniqueness of the property and its practicality to  
 30 aggregate all of the different homeowners who were not willing to work with the project at  
 32 that time because of the proximity with the schools, traffic and State Street you would not  
 34 get high end homes in there.

26 Mayor Acerson pointed out that part of the challenge with the school to the north is  
 28 with the parking and it becomes an issue. He also mentioned there is a possibility that the  
 30 school district may upgrade the elementary school in the future.

30 Mr. Christensen stated they will build within the current code but they are more  
 32 interested with how the Council feels about townhomes to the north. Councilmember  
 34 Lundberg then referred to the R2 overlay map that allows multi-family housing throughout  
 36 the city. Mr. Snyder stated that would limit the number of units they could have.

34 Councilmember Bean commented that he is not concerned about the townhomes  
 36 because of the location and he is more open to this because of the surrounding uses  
 38 currently there. He did point out that the two properties may be problematic.

36 Councilmember Hoyt stated he is a little hesitant regarding the northern part of the  
 38 property because of the density. He realizes with a trade-off we may get a little general  
 40 commercial if we have some concessions and do the townhomes and he would take that  
 42 into consideration. However, with the approval of the Ivory Development and the amount  
 44 of high density going in there and because there are areas in the city where high density fits  
 46 better to the proximity to State Street, it is certainly something to take into consideration.  
 He also pointed out that adding townhomes will not help the traffic issues at all. This  
 property is one of those segments that is more traditional Lindon and more little bit of  
 country and he may not be willing to go above the senior housing overlay maximum.

46 Councilmember Broderick agreed with Councilmember Hoyt's comments and  
 expressed his concerns about the parking. He would not be inclined to go to the density  
 greater than the senior housing overlay and would want to stay in that level.

2 Councilmember Sweeten stated as a general rule he would be opposed to anything  
 4 in the R1-20 going with any higher density. However, he does like the possibility of getting  
 back some commercial which is the only thing that makes this interesting and something to  
 even consider .

6 Councilmember Lundberg commented that she likes the photograph with the park  
 like atmosphere and also the parking within the property rather than on the street. She  
 8 added she is not sure regarding the quantity of the townhomes but she is open to the general  
 concept.

10 Mayor Acerson commented that he feels the Council has given Mr. Christensen  
 some good feedback and suggestions. Mr. Christensen thanked the Council for their  
 12 comments noting he will take them into consideration. Mayor Acerson then called for any  
 further comments or discussion from the Council. Hearing none he moved on to the next  
 14 agenda item.

- 16 4. **Discussion Item — General Plan Industrial Zone Review.** The Council will  
 receive information regarding the current Lindon City General Plan specifically  
 18 industrial land use designations. No formal action will be taken at this time.

20 Hugh Van Wagenen, Planning Director, gave some background of this agenda  
 item explaining in preparation for updating the General Plan staff will be presenting a  
 22 number of review sessions based on the existing General Plan. He pointed out this is  
 intended as a review only with no updates, amendments, or changes being presented  
 24 tonight as it is such a large document. He added he hopes that this review will lay the  
 groundwork for discussing the upcoming General Plan update.

26 Mr. Van Wagenen further explained in order to become familiar with the purpose  
 and goals of the different non-residential land use designations in the City, he has  
 28 provided excerpts from the current General Plan and a 20 year map history of designated  
 General Plan land uses for review. He noted that review of these documents will allow  
 30 the Council to observe how the land use designations have changed with subsequent  
 General Plan updates since 1995. Mr. Van Wagenen mentioned during their discussion  
 32 the Planning Commission was very interested in the history of the General Plan at a map  
 and land use level.

34 At this time Mr. Van Wagenen presented additional documents including  
 information regarding property taxes, sales tax, and other relevant information regarding  
 36 land use impacts. He pointed out that the General Plan is intended as a guiding document.

38 Mr. Van Wagenen then referenced the following attachments followed by discussion:

- 40 1. Current General Plan (2011) text on commercial/industrial land uses
2. 1995 General Plan Land Use Map
- 42 3. 2001 General Plan Land Use Map
4. 2006 General Plan Land Use Map
5. 2011 General Plan Land Use Map
- 44 6. 2016 General Plan Land Use Map

46 There was then some lengthy discussion amongst the Council regarding the  
 General Plan Update. The discussion focused around mixed commercial and industrial

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including discussion on landscaping, setbacks and fencing and the zoning on the  
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**8. Public Hearing — Ordinance Change; Lindon City Code (LCC) 17.09; Ord. 2017-15-O**  
(5 minutes)

Per request by the Lindon City Council, the Planning Commission has reviewed and recommends amendments to LCC 17.09 Land Use Authority and Appeal Authority, regarding approvals in the Commercial Farm zone.

See attached materials from the Planning Department.

## Item 8 : Ordinance Amendment, Lindon City Code 17.09, Table #1, Land Use Authority and Appeal Authority

<p><b>Applicant:</b> Lindon City Council  <b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Type of Decision:</b> Legislative  <b>Planning Commission Recommendation:</b>                  Approval with 6-0 vote.</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <p>1. Whether it is in the public interest to assign the City Council as the Land Use Authority for site plans and conditional uses in the Commercial Farm zone.</p> <p><b><u>MOTION</u></b>                  I move to (<i>approve, deny, continue</i>) ordinance amendment 2017-15-O (<i>as presented, with changes</i>).</p>
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**BACKGROUND**

Due to a recent request to rezone Single-Family Residential property to Commercial Farm (CF) and the divisive nature of the request, as evidenced by the differing opinions and attitudes of the surrounding community, the City Council has requested to become the Land Use Authority for any site plan or conditional use applications in the CF zone.

**ANALYSIS**

A land use authority is a body designated by the City Council to grant approvals on land use decisions. Currently, the Land Use Authority for site plans and conditional uses generally is the Planning Commission, thereby absolving an applicant from presenting such a request to the City Council.

At present, the Council does have the ability to become the Land Use Authority on any given application by invoking LCC 17.08.090 which states:

***17.08.090 City Council Review.***

*The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for the development application.*

In addition to relieving the Council from invoking the above Review Authority, the current proposal to make the City Council the Land Use Authority for both site plans and conditional use permits in the CF zone will result in a minimum one-week addition to any application approval timeline to accommodate the City Council public meeting. Applications in the CF zone are not common.

In order to make this change, only Table #1 in LCC 17.09 needs to be modified, as shown in the draft ordinance below.

**ATTACHMENTS**

1. Draft 2017-15-17

## ORDINANCE NO. 2017-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING LCC 17.09, TABLE #1, OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goals of the General Plan to maintain the quality of existing and future neighborhoods and recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment; and

WHEREAS, development within the Commercial Farm zone must be well balanced with the needs and desires of the surrounding neighborhood; and

WHEREAS, the City Council finds review of site plans and conditional use permits within the Commercial Farm zone pertinent to their responsibilities as elected officials; and

WHEREAS, the Lindon City Planning Commission has recommended approval of the proposed amendment; and

WHEREAS, a public hearing was held on October 24, 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 November 21, 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:** LCC section 17.09, Table #1 of the Lindon City Code are hereby amended to read as follows:

## Chapter 17.09 LAND USE AUTHORITY AND APPEAL AUTHORITY

LCC 17.09, Table #1

Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change and Zoning Ordinance Amendments	City Council	None
Major Subdivisions	City Council	Board of Adjustment
Minor Subdivisions*	Planning Commission	City Council
Plat Amendment*	Planning Commission	City Council
Alteration of Non-Conforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission
Building Permit*	City Staff	Planning Commission
Temporary Site Plan*	City Staff	Planning Commission
<u>1. Site Plan*</u> <u>+2. Site Plan in CF zone</u>	<u>1. Planning Commission</u> <u>+2. City Council</u>	<u>1. City Council</u> <u>+2. Board of Adjustment</u>
<u>1. Conditional Use Permit*</u> <u>+2. Conditional Use Permit in CF zone</u>	<u>1. Planning Commission</u> <u>+2. City Council</u>	<u>1. City Council</u> <u>+2. Board of Adjustment</u>
Temporary Conditional Use Permit*	Planning Commission	City Council
Variances	Board of Adjustment	None
Other Administrative actions as listed in code or performed through department policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative actions	City Council	None

\* In cases where the City Council implements LCC 17.08.090 and becomes the land use authority, the appeal authority becomes the Board of Adjustment.

(Ord. 2008-11, amended, 2008; Ord. 2013-14, amended, 2013; Ord. 2017-15-O, amended 2017)

**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.

\_\_\_\_\_

Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_

Kathryn A. Moosman,

Lindon City Recorder

SEAL

**9. Public Hearing — Ordinance Change; Lindon City Code (LCC) 17.51; Ord. 2017-16-O**

*(40 minutes)*

Per request by the Lindon City Council, the Planning Commission has reviewed and recommends amendments to LCC 17.51 Commercial Farm Zone with updates to setbacks, minimum acreage, permitted uses, etc.

See attached materials from the Planning Department.

\*Mr. Mike Jorgensen, who recently had property re-zoned to Commercial Farm Zone, is out of town and requested that this item be continued. Staff recommends this accommodation be made since this is a city-initiated item. Please continue to the Dec. 5, 2017 council meeting.

## Item 9: Ordinance Amendment, Lindon City Code 17.51, Commercial Farm Zone

<p><b>Applicant:</b> Lindon City Council  <b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Type of Decision:</b> Legislative  <b>Planning Commission Recommendation:</b>          Approval with 5-0 vote.</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <ol style="list-style-type: none"> <li>Whether it is in the public interest to approve of the proposed changes to CF zone requirements.</li> </ol> <p><b><u>MOTION</u></b>          I move to (<i>approve, deny, continue</i>) ordinance amendment 2017-16-O (as <i>presented, with changes</i>).</p>
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### BACKGROUND

Due to a recent request to rezone Single-Family Residential property to Commercial Farm (CF) and the divisive nature of the request, as evidenced by the differing opinions and attitudes of the surrounding community, the City Council has requested a review of requirements in the CF zone.

### ANALYSIS

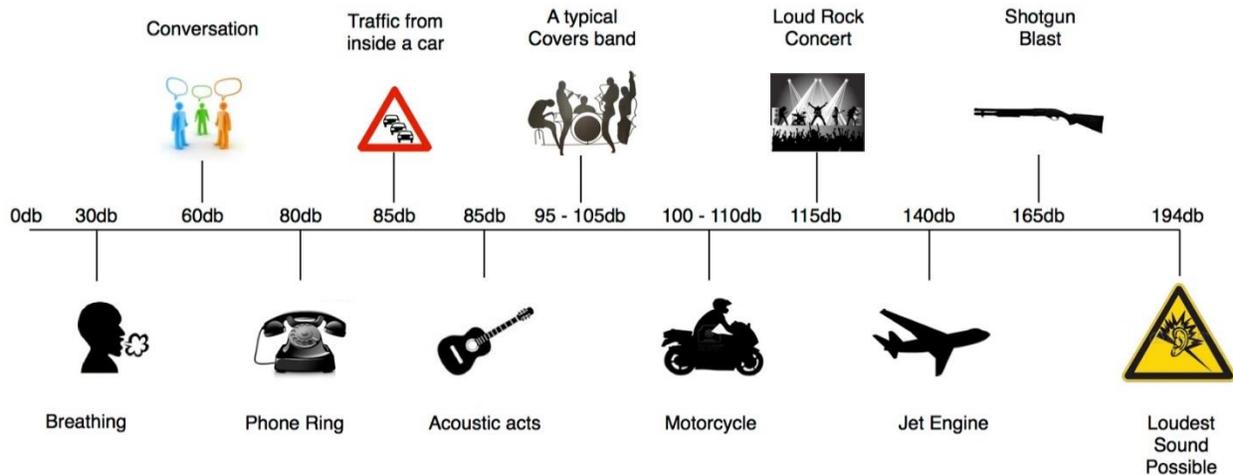
Upon review, the Planning Commission recommended the following changes:

- requirement for a residence on-site that is owner occupied.
- increased setback distances to either the property line or to the nearest residential structure for commercial buildings
- additional parking lot buffering and screening
- specific noise limits for daytime and nighttime activity

### ATTACHMENTS

- Decibel level chart for noise limit reference
- Draft 2017-16-O

#### Attachment 1



Source: <https://www.wetalkuav.com/wp-content/uploads/2017/02/DB-Chart.jpg>

**ORDINANCE NO. 2017-16-O**

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AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, CREATING CHAPTER 17.51, COMMERCIAL FARM ZONE, OF THE LINDON CITY CODE, CREATING THE PROVISIONS OF THE SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to create LLC Chapter 17.51, Commercial Farm Zone, to create code language and identify necessary regulations, finding that approval of such would benefit the city; and

WHEREAS, creation of the Commercial Farm Zone is in conformance with the character and image of ‘a little bit country’ that Lindon City hopes to preserve and protect by allowing continued animal rights and agricultural production throughout the city; and

WHEREAS, the creation of the Commercial Farm Zone will support agriculture and open space by allowing additional sources of potential income for farmers in Lindon by allowing other unique commercial activities associated with working farms; and

WHEREAS, the Planning Commission recommended adoption of the new code provisions, and such provisions will assist in maintaining and enhancing the agricultural and farm character of Lindon which is consistent with the goals and policies established in the Lindon City General Plan; and

WHEREAS, the current ordinance should be created to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Chapter 17.51 of the Lindon City Code is hereby created and will read as follows:

1 **SECTION I:**

2  
3 Chapter 17.51  
4 COMMERCIAL FARM ZONE

5  
6 Sections:

- 7 17.51.010 Purpose and Objectives  
8 17.51.012 Permitted Uses  
9 17.51.014 Owner Residency Required  
10 17.51.015 Agricultural Production Required  
11 17.51.020 Lot Area  
12 17.51.030 Lot Width  
13 17.51.040 Lot Depth  
14 17.51.050 Lot Frontage  
15 17.51.070 Number of Dwellings Per Lot  
16 17.51.080 Non-Commercial Building Yard Setback Requirements  
17 17.51.085 Commercial Building Yard Setback Requirements  
18 17.51.090 Projections Into Yards  
19 17.51.100 Building Height  
20 17.51.110 Distance Between Buildings  
21 17.51.120 Permissible Lot Coverage  
22 17.51.125 Screening and Fencing  
23 17.51.130 Parking  
24 17.51.140 Residential and Agricultural Accessory Buildings  
25 17.51.145 Noise Limits  
26 17.51.150 Other Requirements

27  
28 Section 17.51.010 Purpose and Objectives

29 Commercial Farm Zones (CF) are established to provide encouragement of agricultural production and  
30 associated commercial activities that are compatible with and/or promote agricultural uses within the  
31 city. Objectives of the zone include promoting and preserving agricultural production, promoting  
32 agricultural open space throughout the city, and allowing associated commercial activities which could  
33 be used as additional revenue sources to help sustain and support agricultural industry within Lindon.  
34 Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as  
35 a ‘holding zone’ to allow reasonable options for income from agricultural and/or commercial uses for a  
36 period of time before developing the land in conformance with the General Plan Land Use Map.

37  
38 Section 17.51.012 Permitted Uses

39 The following is a list of permitted, conditional, and non-permitted uses in the CF zone:

- 40 1. Permitted Uses: Single-family residence; accessory buildings to a single-family dwelling;  
41 agricultural production and related accessory buildings; other permitted uses in the R1 residential  
42 zones.  
43 2. Conditional Uses: Caretakers or farm-help accessory dwelling unit; commercial horse stables;  
44 farmers market; greenhouses; plant or garden nursery; garden center; bed & breakfast facility;  
45 educational programs and associated facilities; amphitheater; reception center; conference center;  
46 boutique; café; restaurant; veterinary clinic; and food manufacturing (not to exceed 2,000 sq/ft of  
47 processing and production area).  
48

1 Section 17.51.014 Owner Residency Required

2 Each Commercial Farm project shall have a legal on-site residence that is owner-occupied.

3  
4 Section 17.51.015 Agricultural Production Required

5 1. At least 40% of the property must be maintained in active agricultural production and be managed in  
6 such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse,  
7 such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural  
8 production eligibility.

9 2. For the purposes of this chapter, “agricultural production” shall be defined as the production of food  
10 for human or animal consumption through the raising of crops and/or breeding and raising of domestic  
11 animals and fowl (except household pets) in such a manner that there is a reasonable expectation of  
12 profit.

13  
14 Section 17.51.020 Lot Area

15 The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that  
16 total five acres or more may qualify as meeting the minimum lot area without combining the parcels only  
17 when they are under identical legal ownership and are contiguous. A deed restriction prohibiting the  
18 separation of parcels may be required in order to maintain the minimum five contiguous acres.

19  
20 Section 17.51.030 Lot Width

21 Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section 17.51.020  
22 above, shall have a width of not less one hundred (100) feet (measured at front yard setback).

23  
24 Section 17.51.040 Lot Depth

25 Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section 17.51.020  
26 above, shall have a minimum lot depth of one hundred (100) feet.

27  
28 Section 17.51.050 Lot Frontage

29 Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section 17.51.020  
30 above, shall abut a public street for a minimum distance of fifty (50) feet, on a line parallel to the  
31 centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage  
32 on a street end which does not have a cul-de-sac improved to City standards shall not be counted in  
33 meeting this requirement.

34  
35 Section 17.51.070 Number of Dwellings Per Lot

36 Not more than one (1) single-family dwelling with an accessory apartment, and one (1) caretakers or  
37 farm-help dwelling may be placed on a lot or parcel of land in the CF zone (or conglomeration of parcels  
38 necessary to meet minimum acreage requirements). In no case may the care takers or farm-help dwelling  
39 be sold as a separate, subdivided lot unless it meets all requirements of the underlying zone. Owner  
40 occupancy of a primary residence on the property is required to maintain a caretakers or farm-help  
41 dwelling unit.

1

2 Section 17.51.080 Non-Commercial Building Yard Setback Requirements

3 The following minimum yard requirements shall apply to non-commercial buildings in the CF zone:  
4 (Note: All setbacks are measured from the property line, or for property lines adjacent to a street the  
5 setback shall be measured from the street right-of-way line.

6 1. Front yard setback: thirty (30) Feet

7 Rear yard setback: thirty (30) Feet

8 Side yard setback: ten (10) Feet

9 2. Street Side yard - Corner Lots: On corner lots, the side yard contiguous to the street shall not be less  
10 than thirty (30) feet and shall not be used for vehicle parking, except such portion as is devoted to  
11 driveway use. Of the remaining rear and side yards on a corner lot, one rear yard setback of thirty (30)  
12 feet and one side yard setback of ten (10) feet shall be required on the remaining non-street facing sides  
13 of the lot.

14 Section 17.51.085 Commercial Building Yard Setback Requirements

15 The following minimum yard requirements shall apply to the following commercial buildings/structures  
16 in the CF zone: amphitheater; reception center; conference center; boutique; café; restaurant; veterinary  
17 clinic; and food manufacturing.

18 (Note: Unless otherwise noted, all setbacks are measured from the property line, or for property lines  
19 adjacent to a street the setback shall be measured from the street right-of-way line.)

20 1. Front yard setback: fifty (50) feet

21 2. Rear yard setback: 20 feet to property line minimum and at least 100 feet from any neighboring  
22 residential structureprimary residence

23 3. Side yard setback: 20 feet to property line minimum and at least 100 feet from any neighboring  
24 residential structureprimary residence

25 4. Street Side yard - Corner Lots: On corner lots, the side yard contiguous to the street shall not be less  
26 than fifty (50) feet.

27

28

29

30 Section 17.51.090 Projections into Yards

31 1. The following structures may be erected on or project into any required yard setback:

32 a. Fences and retaining walls in conformance with the Lindon City Code and other City codes or  
33 ordinances;

34 b. Necessary appurtenances for utility service.

35 2. The structures listed below may project into a minimum front, side, or rear yard not more than the  
36 following distances:

37 a. The following may project into a minimum front, side or rear yard not more than twenty-four (24)  
38 inches: Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace  
39 structures and bays (provided that they are not wider than eight (8) feet, measured generally parallel to  
40 the wall of which they are a part), awnings and planting boxes or masonry planters.

41 b. The structures listed below may project into a rear yard not more than twelve (12) feet: A shade  
42 structure or uncovered deck (which does not support a roof structure, including associated stairs and  
43 landings) extending from the main-floor level and/or ground level of a building, provided such structure

1 is open on at least three (3) sides, except for necessary supporting columns and customary architectural  
2 features.

3 c. The following may project into a front, side or rear yard (above or below grade) not more than four  
4 feet as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies,  
5 landings, and fire escapes.

6

7 Section 17.51.100 Building Height

8 No lot or parcel of land in the CF zone shall have a building or structure which exceeds a maximum  
9 average height of thirty-five (35) feet, measuring the four (4) corners of the structure from finished grade  
10 to the highest point of the roof structure. In all zones, the Planning Director and Chief Building Official  
11 shall be responsible for designating and identifying the four corners of a structure. Non-habitable  
12 architectural features or structures not wider than ten (10) feet such as silos, steeples, cupolas, or other  
13 similar structures may exceed the building height up to forty-five (45) feet. No dwelling shall be erected  
14 to a height less than one (1) story above grade.

15

16 Section 17.51.110 Distance Between Buildings

17 The separation distance between any accessory buildings and a dwelling, or the distance between  
18 multiple detached accessory buildings, shall not be less than ten (10) feet.

19

20 Section 17.51.120 Permissible Lot Coverage

21 1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more than  
22 forty (40) percent of the area of the lot or parcel of land, or the conglomeration of parcels as defined in  
23 Section 17.51.020.

24 2. At least forty (40) percent of the front yard setback area of any lot shall be landscaped. On any lot,  
25 concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty (50) percent of a  
26 front yard.

27

28 Section 17.51.125 Screening and Fencing

29 1. The following screening and fencing requirements are required in the CF zone:

30 a. A six (6) foot high site obscuring fence shall be constructed and maintained along any property line  
31 between a residential use or residential zone and a commercial building in the CF zone when the  
32 commercial building is closer than 30' from the property line. The fence shall be placed along the  
33 property line at an area parallel to the commercial building and shall extend a minimum of 50' along the  
34 property line from both directions from the ends of the building.

35 b. Any commercial structure closer than 30' to a residential use or residential zone shall provide a  
36 minimum 10' wide tree-lined buffer from the commercial building to the adjacent residential use or zone.  
37 Trees shall be planted at least every 10' along the buffer area adjacent to the residential use or residential  
38 zone. Trees must be a minimum of 2" caliper measured one foot off the ground and at least 6' tall when  
39 planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at  
40 least 20' tall in order to provide an increased visual barrier between the commercial use and the  
41 residential use.

42 2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in the CF  
43 zone are not considered commercial structures.

3. The Planning Commission may waive or modify the fencing and/or landscape screening requirement upon findings that the fence and/or landscaping is not needed to protect adjacent residential uses from adverse impacts, or that such impacts can be mitigated in another appropriate manner.

Section 17.51.130 Parking

1. Each use in the CF zone shall have, on the same lot or conglomeration of parcels as defined in Section 17.51.020 above, off-street parking sufficient to comply with the number of spaces required by Chapter 17.18 of the Lindon City Code.

2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter 17.18, but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street.

3. Notwithstanding paragraph 2 above, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten (10) foot landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten (10) feet along the landscaped strip. Trees must be a minimum of two (2) inch caliper measured one foot off the ground and at least six (6) feet tall when planted. Trees shall be of a variety that will mature to a height of at least twenty (20) feet tall in order to provide a visual barrier between the parking lot and the residential use/zone.

3. No required parking spaces shall be within thirty (30) feet of a front property line or street side property line.

4. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public buildings being accessed from the spaces.

Section 17.51.140 Residential and Agricultural Accessory Buildings

1. Accessory Building within the Buildable Area (non-commercial). Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling are permitted when in compliance with the following requirements:

- a. Have a building height not taller than thirty-five (35) feet. Height to be calculated as per §17.51.100.
- b. Comply with all lot coverage requirements.

2. Accessory Building Outside the Buildable Area (non-commercial). Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the following:

- a. Be set back a minimum of 30 feet from the front property line and five feet from any other property line.
- b. Be set back a minimum of ten (10) feet from property line when located between the main dwelling and the side property line.
- c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.
- d. Have an average building height of no more than twenty (20) feet in height measured at the four corners of the structure from finished grade to the highest point of the roof structure.
- e. Comply with distance between buildings requirements.

3. Accessory buildings larger than two-hundred (200) square feet shall be required to obtain a building permit.

4. Construction of an accessory building may precede the construction of the primary residence.

1 17.51.145 Noise Limits

2 1. Noise levels, as measured in decibels, from any commercial event/activity shall be limited to the  
3 following levels:

4 a. 85 dBA between 7 a.m. and 10 p.m.

5 b. 55 dBA between 10 p.m. and 7 a.m.

6 2. Devices used to measure noise levels shall:

7 a. be set to the “A” frequency weighting and “slow” response characteristic; and

8 b. be placed at any point on the property line. ~~or at any point fifty (50) feet distance from the noise source~~  
9 being measured.

10 3. Any noise level greater than the approved levels above may be allowed through the issuance of a  
11 Special Event Permit as approved by Lindon City.

12 17.51.150 Other Requirements

13 1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all applicable  
14 sections of Title 6 of the Lindon City Code (animal regulations) pertains to the CF zone, including  
15 setbacks to agricultural buildings and corrals.

16 2. Signage: Signs allowed within the CF zone are limited to monument signs, wall signs, banner signs,  
17 flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully  
18 described in Title 18 of Lindon City Code.

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

21  
22 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by reference  
23 are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a  
24 court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and  
25 continue in full force and effect.

26  
27 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by  
28 law.

29  
30  
31 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this  
32 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

35  
36  
37  
38 \_\_\_\_\_  
39 Jeff Acerson, Mayor

40 ATTEST:  
41 \_\_\_\_\_  
42 Kathryn A. Moosman,  
43 Lindon City Recorder

44  
45  
46 SEAL

## 10. Action Item — Canvass & Certification of 2017 General Election Results (20 minutes)

The City Council, acting as the Board of Canvassers, will canvass the results from the November 7, 2017 General Election and then, by motion, officially certify the results of the Canvass.

The City Recorder recommends that the City Council complete the canvass and, by motion, certify the November 7, 2017 Municipal General Election results.

### BACKGROUND:

Pursuant to State law, the General Election Canvass must be conducted between seven and fourteen days after completion of the ballot. However, it cannot be held prior to thirteen days if there are outstanding military/overseas ballots.

Lindon City contracted with Utah County to have the County administer a vote-by-mail election. The hope was to increase ease of voting and thus increase voter turn-out. Lindon's preliminary voter turn-out thus far is at 40.69%, the highest voter turn-out in at least the last five elections. This equates to approximately 750 more voters than prior high-turn-out election years (2013, 2011). Vote-by-mail significantly increased voter participation in Lindon.

### Lindon voter turn-out by percentage:

2017 – **40.69%** (preliminary turn-out as of Nov 17<sup>th</sup>)

2015 – 21.5%

2013 – 27%

2011 – 27%

2009 – 24%

**Preliminary** vote tallies as of Nov. 17, 2017 are listed below:

### **Lindon Mayor (Vote for 1)**

	Total	
Times Cast	2,228 / 5,475	40.69%

Candidate	Party	Total	
Jeff Acerson	NON	1,932	
Total Votes		1,932	

		Total

### **Lindon City Council - 4 year term (Vote for 2)**

	Total	
Times Cast	2,228 / 5,475	40.69%

Candidate	Party	Total	
Jake Hoyt	NON	1,424	
Russell Stay	NON	0	Withdrew
Van Broderick	NON	1,364	
Desiree Green	NON	516	
Total Votes		3,304	

		Total

## Lindon City Council - 2 year term (Vote for 1)

	Total	
Times Cast	2,228 / 5,475	40.69%

Candidate	Party	Total	
Dustin Sweeten	NON	665	
Daril Magleby	NON	1,459	
Total Votes		2,124	

		Total	

The County will be providing final vote tallies on the afternoon of Tuesday, November 21, 2017 which will then be presented to the Council at the meeting.

The City Council, as the Board of Canvassers, will canvass the election and then, by motion, officially certify the results of the Canvass. Kathy Moosman, City Recorder will walk the Council through this process.

**Sample Motion:** I move to certify the results of the canvass of the 2017 Municipal General Election for Lindon City.

**II. Action Item — North Union Irrigation Company, Agreement for Reimbursement** *(5 minutes)*

The Council will review and consider an agreement with North Union Irrigation Company allowing the Company to pay the city back over a 5-year period for canal repair costs fronted by the city. The North Union Irrigation Company Board of Directors has approved the agreement.

After receiving North Union Irrigation Company board approval, in the spring of 2017 Lindon City fronted the costs of repairs to the North Union Canal (Aqualastic product applied to cracks). The total cost of repairs was \$68,238.00.

City staff and legal counsel drafted a repayment agreement and presented it to the canal board. Councilmember Van Broderick and PW Director, Brad Jorgensen are both canal board members who represent Lindon City. In October the company's board approved the attached agreement to repay the City over a 5-year period with their first payment being made this month.

Staff recommends approval of the agreement.

**Sample Motion:** I move to (approve, continue, deny) the Agreement for Reimbursement of Costs for North Union Canal Repair Services.

## **Agreement for Reimbursement of Costs for North Union Canal Repair Services**

This Agreement For Reimbursement of Costs for North Union Canal Repair Services (“Agreement”) is made and entered into this 21st day of November, 2017, by and between LINDON CITY, a Utah Municipal Corporation (“Lindon”) and North Union Irrigation Company (“Company”).

### RECITALS

- A. Whereas, the North Union Canal (“Canal”) traverses through Lindon and is a primary source of water necessary for Lindon’s secondary water system; and
- B. Whereas, the Company has shareholders that need water from the Canal and water delivery in and through the Canal is a critical need with the Canal infrastructure needing to be maintained in order to adequately and safely deliver the water; and
- C. Whereas, Lindon is a principal shareholder in the Company; and
- D. Whereas, Lindon and Company were made aware of several leaks in the Canal and significant water loss was documented by the Utah USDA NRCS State Hydraulic Engineer in a report titled “Water loss study on the North Union Canal and Provo Bench Canal” dated September 19, 2016; and
- E. Whereas, during various meetings in 2016 Lindon and the Company agreed that repairs to the Canal were warranted and discussed alternatives for repairs, including Company increasing shareholder dues in order to collect additional funds needed for future repairs; and
- F. Whereas, it was decided at a Company shareholders meeting on January 21, 2017 that the AquaLastic crack seal product (to be applied by Matheson Painting, Inc.) was the best product when considering both cost and effectiveness of repairs; and
- G. Whereas, given the Company’s limited financial ability Lindon was willing to front the full cost of the AquaLastic repairs with the Company agreeing to pay back Lindon over a period of time.

NOW, THEREFORE, in consideration of the covenants, promises, obligations, and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Initial Payment of Costs. At the January 21, 2017 Company shareholders meeting Lindon agreed to cover all initial costs associated with installation of the AquaLastic crack seal product by Matheson Painting, Inc. Work has been completed and Lindon has been invoiced and has subsequently paid for the work.

2. Reimbursement of Costs. The Company agrees to reimburse Lindon for the cost of the AquaLastic crack seal improvements as follows:
  - a. The total cost of the product and completed application to the canal is **\$68,238.00** as shown on the invoice from Matheson Painting, Inc attached as 'Exhibit A'. This is the total amount that shall be paid back to Lindon by the Company.
    - i. Supplementary info to show amount to be paid by Lindon shareholder dues compared to amount to be paid by other Company shareholder dues:
      1. As of August 1, 2017 the Company provided the total share count as 1,342.56 shares with Lindon City owning 638.43 shares, or 47.55% of the shares in the Company;
      2.  $\$68,238 \times 47.55\% = \$32,447$  (portion of costs paid by Lindon dues)
      3.  $\$68,238 \times 52.45\% = \$35,791$  (portion of costs paid by other Company shareholders)
3. Time of Reimbursement. The Company shall pay 20% of the cost each calendar year with the first payment of \$13,647.60 made in the month of November 2017 and the final payment made in the month of November 2021.
4. Interest for failure to pay in timely manner. Lindon shall apply a one-percent (1%) interest rate on any outstanding Company balance remaining after the repayment period listed in number 3 above (Time of Reimbursement).
5. Miscellaneous.
  - a. Attorneys' Fees. In addition to any other relief, the prevailing party in any action, whether at law, in equity, to enforce any provision of this Agreement shall be entitled to its costs of action including a reasonable attorneys' fee.
  - b. Entire Agreement. This Agreement all Exhibits thereto, is the entire agreement between the parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.
  - c. No Third Party Rights/No Joint Venture. This Agreement does not create a joint venture relationship, partnership or agency relationship between Lindon and the Company. Further, the parties do not intend this Agreement to create any third-party beneficiary rights.
  - d. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of the Agreement shall remain in full force and affect.

- e. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Utah.
- f. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

COMPANY:

LINDON:

North Union Irrigation Company

City of Lindon,

\_\_\_\_\_

\_\_\_\_\_

Print: \_\_\_\_\_

Jeff Acerson  
Lindon City Mayor

Title: \_\_\_\_\_

CITY ACKNOWLEDGMENT

I, Kathryn A. Moosman, Lindon City Recorder, attest that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Jeff Acerson, the Mayor of City of Lindon, did execute the above entitled agreement on behalf of Lindon City.

\_\_\_\_\_  
KATHRYN A. MOOSMAN  
CITY RECORDER

COMPANY ACKNOWLEDGMENT

STATE OF UTAH )  
 )  
 :ss.  
COUNTY OF UTAH )

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, who, being by me duly sworn, did say that he is the \_\_\_\_\_ of North Union Irrigation Company, and that the foregoing instrument was duly authorized by the Company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC



**12. Action Item — Adopt 2018 Annual Meeting Calendar; Resolution 2017-21-R** (5 minutes)

The Council will review and consider Resolution #2017-21-R containing the 2018 Annual Meeting Calendar.

Attached is the proposed meeting calendar for 2018 for the City Council, Planning Commission and Board of Adjustment. Meeting dates that fall on holidays, caucus meeting nights, election days, or during Lindon Days were removed from the calendar.

*Should Tuesday, July 3<sup>rd</sup> be kept on Council meeting schedule or removed? We wondered if people would take days off prior to the 4<sup>th</sup> which is on a Wednesday.*

We'll leave an asterisk by April 3<sup>rd</sup> as this is Spring Break and the night before the spring ULCT conference in St. George. In prior years we've held a meeting but usually aren't sure if we'll have a quorum until a few weeks before.

**Sample Motion:** I move to (approve, continue, deny) Resolution #2017-21-R containing the 2018 Lindon City Public Meeting Schedule.

**RESOLUTION NO. 2017-21-R**

**A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, ADOPTING THE 2018 LINDON CITY PUBLIC MEETING SCHEDULE FOR THE CITY COUNCIL, PLANNING COMMISSION, AND BOARD OF ADJUSTMENT, AND CITY OBSERVED HOLIDAYS AND OFFICE CLOSURE DATES, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Municipal Council of Lindon City finds it necessary for conformance with State Code to adopt and publish an annual public meeting calendar for the City Council, Planning Commission, and Board of Adjustment; and

WHEREAS, the City desires to declare City observed holidays and to announce when the City facilities will be closed to the public; and

WHEREAS, the Municipal Council has discussed dates for the proposed meeting and holiday schedule and desires to adopt the 2018 Lindon City Public Meeting Schedule.

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

SECTION I. The 2018 Lindon City Public Meeting Schedule is adopted as shown on the attached 'Exhibit A'.

SECTION II. This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the Lindon City Council on this the 21st day of November, 2017.

\_\_\_\_\_  
Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:

# LINDON CITY PUBLIC MEETING SCHEDULE 2018

## Resolution 2017-21-R

ALL MEETINGS TO BE HELD AT THE LINDON CITY CENTER, 100 NORTH STATE STREET, LINDON UNLESS POSTED OTHERWISE

The following chart should be used as a guide when submitting applications for City Council, Planning Commission, and Board of Adjustment review. The City assumes no liability for a missed meeting. “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 the City Recorder, Kathy Moosman, at 801-785-5043, giving at least 24 hours notice.”

**Applications can be filed at any time. The application will be reviewed for completeness and conformance with City standards. When the application is considered complete and major issues have been addressed, it will then be scheduled for the next available meeting. Typical time frame for processing applications is 6 to 8 weeks. It is the applicant’s responsibility to contact the City and inquire as to the status of the application and when it will be scheduled for a particular meeting.**

Business requiring Planning Commission, City Council and/or Board of Adjustment review will be heard on the dates listed below.

CITY COUNCIL	PLANNING COMMISSION	BOARD OF ADJUSTMENT	CITY OBSERVED HOLIDAYS
7:00 P.M. 1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday	7:00 P.M. 2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday		<i>City Offices Closed</i>
JANUARY 2, 2018 JANUARY 16, 2018 FEBRUARY 6, 2018 FEBRUARY 20, 2018 MARCH 6, 2018 APRIL 3, 2018 * APRIL 17, 2018 MAY 1, 2018 MAY 15, 2018 JUNE 5, 2018 JUNE 19, 2018 JULY 3, 2018 * JULY 17, 2018 AUGUST 21, 2018 SEPTEMBER 4, 2018 SEPTEMBER 18, 2018 OCTOBER 2, 2018 OCTOBER 16, 2018 NOVEMBER 20, 2018 DECEMBER 4, 2018 DECEMBER 18, 2018	JANUARY 9, 2018 JANUARY 23, 2018 FEBRUARY 13, 2018 FEBRUARY 27, 2018 MARCH 13, 2018 MARCH 27, 2018 APRIL 10, 2018 APRIL 24, 2018 MAY 8, 2018 MAY 22, 2018 JUNE 12, 2018 JULY 10, 2018 AUGUST 14, 2018 AUGUST 28, 2018 SEPTEMBER 11, 2018 SEPTEMBER 25, 2018 OCTOBER 9, 2018 OCTOBER 23, 2018 NOVEMBER 13, 2018 NOVEMBER 27, 2018 DECEMBER 11, 2018	Board of Adjustment meets on an as needed basis.	JANUARY – 1 <sup>st</sup> – New Year’s Day  JANUARY 15 <sup>th</sup> – Martin Luther King Jr. Day  FEBRUARY 19 <sup>th</sup> – President’s Day  MAY 28 <sup>th</sup> – Memorial Day  JULY 4 <sup>th</sup> – Independence Day  JULY 24 <sup>th</sup> – Pioneer Day  SEPTEMBER 3 <sup>rd</sup> – Labor Day  NOVEMBER 22 <sup>nd</sup> – 23 <sup>rd</sup> – Thanksgiving  DECEMBER 24 <sup>th</sup> – 25 <sup>th</sup> – Christmas (observed)

The City Council will meet as the Redevelopment Agency and Municipal Building Authority on an as needed basis on the same date as its regularly scheduled meetings.

**NOTE:** The Board of Adjustment will meet on an as needed basis. Meeting times and dates are subject to change.

**NOTE:** Meeting dates may be canceled at the discretion of the City Council and Planning Commission due to holidays, municipal elections, or other unforeseen conflicts.

**NOTE:** Special meetings, as needed to serve the public needs, may be added throughout the year for any of the above groups - with a minimum 24 hours public notice.

\*Meeting is subject to cancellation

**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

(10 minutes)

### Misc Updates:

- November newsletter: <https://siterepository.s3.amazonaws.com/442/november17final.pdf>
- December newsletter article: **Dustin Sweeten** - Article due to Kathy last week in November
- Green Waste garbage cans option in lieu of leaf pick-up?
- GRAMA request on written communications
- Recovery group home application
- Elected officials training – Jan 6<sup>th</sup> at ULGT office in North Salt Lake (sign up [HERE](#))
- Lunch time tour of new sewer lift station. Date?
- Misc. Items:

### Upcoming Meetings & Events:

- November 23<sup>rd</sup> – Mayor's Thanksgiving Dinner @ Community Center (Details & volunteer sign up [HERE](#))
- November 23<sup>rd</sup>, 24<sup>th</sup> – City offices closed for Thanksgiving Holiday
- Dec 4<sup>th</sup> 6:30pm – Tree Lighting Ceremony @ Community Center
- Dec 5<sup>th</sup> 6:00pm – Council tour of Community Center & Veterans Hall (prior to regular council mtg)
- Dec 22<sup>nd</sup> @ Noon – Employee Christmas party at Community Center
- Dec 25<sup>th</sup>-26<sup>th</sup> – City offices closed for Christmas Holiday
- Jan 1<sup>st</sup> – City offices closed for New Years
- Jan 2<sup>nd</sup> 7:00pm – Swearing-in of elected officials at regularly scheduled Council meeting

# Adjourn