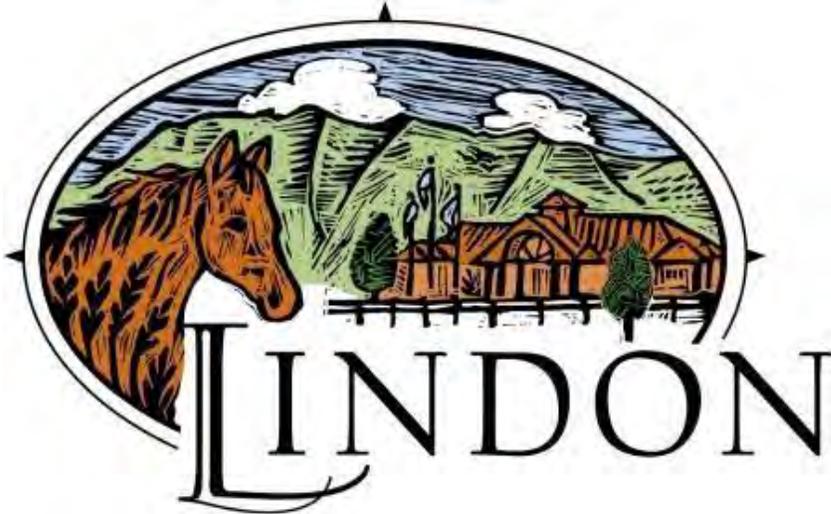
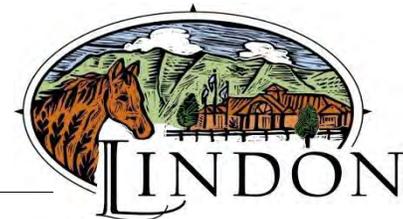


Lindon City Council Staff Report



Prepared by Lindon City
Administration

September 4, 2018



Notice of Meeting of the Lindon City Council

The Lindon City Council will hold a meeting at 7:00 p.m. on Tuesday, September 4, 2018 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)
(2 minutes)

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

Pledge of Allegiance: By Invitation
Invocation: Carolyn Lundberg

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements** *(15 minutes)*
 - a) Comments / Announcements from Mayor and Council members
- 3. Approval of minutes:** August 21, 2018 *(5 minutes)*
- 4. Consent Agenda** – No consent agenda items. *(5 minutes)*
- 5. Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
- 6. Public Hearing — Zone Map Amendment, Commercial Farm Zone ~450 E. Center St.; Ordinance 2018-16-O** *(25 minutes)*

Mike Jorgensen, Walker Farms of Lindon, LLC, requests approval of a Zone Map Amendment (Ordinance 2018-16-O) to reclassify the following parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone: 14:073:0237 (Mike Jorgensen, MJ Real Estate Holdings LLC) and 14:073:0036 (Mike Jorgensen, MJ Real Estate Holdings LLC). Total land area of ~1.06 acres. The Planning Commission recommended approval with conditions.

7. Review & Action — Direction on Use of Property Sale Proceeds *(15 minutes)*

The City Council will review and take action on use of approximately \$1.8 million in proceeds from the sale of surplus property. On June 5, 2018 the Council was presented with alternatives for use of the proceeds having previously directed that the funds should be primarily used for reduction of debt. Recommendations from the Finance Director and City Administrator were to fully pay off the 700 North road construction bond and partial payment of the Public Safety Building bond to save (as of the June 2018 estimates) approx. \$337,600 in interest and fees, which then frees up encumbered General Fund revenues of approx. \$266,400 annually to be used for other purposes. The Council will provide a formal motion on whether or not to proceed with finalizing these debt payment processes with the lenders, and to hold a public hearing for a budget amendment to accept public comment on the planned expenditure of funds.

8. Review & Action — Cooperative Agreement with UDOT for Geneva Road storm water *(10 mins)*

The City Council will review and consider a cooperative agreement with UDOT in which construction work completed by Lindon City will benefit UDOT by alleviating some ponding storm water along Geneva Road, for which UDOT will pay half of the cost of the work (\$4,000) in addition to granting Lindon City additional capacity in UDOT owned storm drainage pipes along Geneva Road and Center Street.

9. Review & Action — Powerline Easement for Rocky Mountain Power *(10 minutes)*

The City Council will review and consider granting a powerline easement to Rocky Mountain Power on city property behind the Parks Department garage and adjacent to the cell tower at approximately 35 West 60 North. The DRAFT easement is being presented to the Council with request that the Council authorize the Mayor to sign the finalized easement after reasonable compensation has been received.

10. Discussion Item — Secondary Water Connection Options *(20 minutes)*

At the request of Councilmember Broderick, the Council will review and discuss options for possible reductions or alternatives to the water share submittal requirements for certain properties in order to help facilitate connections to the secondary water system. No motions will be made.

11. 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 | - Daril Magleby |
| F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee | - Jacob Hoyt |

I2. Administrator's Report

(10 minutes)

Adjourn

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

CERTIFICATE OF POSTING:

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

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

Date: August 31, 2018; **Time:** 11:30 a.m.; **Place:** Lindon City Center, Lindon Police Dept., Lindon Community Center

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

Pledge of Allegiance: By Invitation

Invocation: Carolyn Lundberg

Item 1 – Call to Order / Roll Call

September 4, 2018 Lindon City Council meeting.

Jeff Acerson
Matt Bean
Van Broderick
Jake Hoyt
Carolyn Lundberg
Daril Magleby

Staff present: _____

Item 2 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.

Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **August 21, 2018**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 21,**
4 **2018, 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: Mayor Jeff Acerson

10 **PRESENT**

- 10 Jeff Acerson, Mayor
- 12 Matt Bean, Councilmember
- 12 Van Broderick, Councilmember
- 14 Jacob Hoyt, Councilmember
- 14 Carolyn Lundberg, Councilmember
- 16 Daril Magleby, Councilmember
- 16 Adam Cowie, City Administrator
- 18 Hugh Van Wagenen, Planning Director
- 18 Kathryn Moosman, City Recorder

ABSENT

20
22 At this time, Mayor Acerson called for a motion to amend the agenda order to
hear agenda item number three first and resume the regular agenda order thereafter.

24 COUNCILMEMBER BRODERICK MADE A MOTION TO AMEND THE
26 AGENDA ORDER TO HEAR AGENDA ITEM NUMBER THREE FIRST AND
RESUME THE REGULAR AGENDA ORDER THEREAFTER. COUNCILMEMBER
HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 28 COUNCILMEMBER BEAN AYE
- 28 COUNCILMEMBER LUNDBERG AYE
- 30 COUNCILMEMBER BRODERICK AYE
- 30 COUNCILMEMBER HOYT AYE
- 32 COUNCILMEMBER MAGLEBY AYE

34 THE MOTION CARRIED UNANIMOUSLY.

- 36 3. **Closed Session — Closed Executive Session:** The Mayor and City Council
pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session
38 for the purpose of discussing pending or imminent litigation, or to discuss the
sale, purchase, exchange or lease of real property. This session is closed to the
40 general public.

42 COUNCILMEMBER BRODERICK MADE A MOTION TO ENTER INTO A
CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF
44 PENDING OR IMMINENT LITIGATION, OR TO DISCUSS THE SALE,
PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY. THIS SESSION IS
CLOSED TO THE GENERAL PUBLIC PER UTAH CODE 52-4-205.

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

2 COUNCILMEMBER BEAN AYE
 COUNCILMEMBER LUNDBERG AYE
 4 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 6 COUNCILMEMBER MAGLEBY AYE
 THE MOTION CARRIED UNANIMOUSLY.

8

COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE
 10 CLOSED EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY
 COUNCIL SESSION. COUNCILMEMBER LUNDBERG SECONDED THE
 12 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Adam Cowie, City Administrator, stated due to time constraints the two
 remaining work session items (presentations by the Chief of Police and the City
 16 Engineer) will be heard in the regular session.

Mayor Acerson called for any further comments or discussion from the Council.
 18 Hearing none he moved on to the regular session.

20 **REGULAR SESSION** – 7:00 P.M.

22 Conducting: Jeff Acerson, Mayor
 Pledge of Allegiance: Brian Haws, City Attorney
 24 Invocation: Jake Hoyt, Councilmember

26 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor
 28 Matt Bean, Councilmember
 Carolyn Lundberg, Councilmember
 30 Jacob Hoyt, Councilmember
 Van Broderick, Councilmember
 32 Daril Magleby, Councilmember
 Adam Cowie, City Administrator
 34 Hugh Van Wagenen, Planning Director
 Kathryn Moosman, City Recorder

36

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

38

4. **Presentations/Announcements** –

40

a) **Comments/Announcements from Mayor and Council** – There were no
 announcements at this time.

42

b) **Presentation:** Chief of Police, Josh Adams, and police officer Curtis
 Campbell (School Resource Officer) was in attendance to give a brief
 44 presentation on Lindon’s school emergency drills and school shooting training
 followed by some general discussion. Chief Adams also presented information
 46 on urban deer hunt regulations including state code followed by some general
 discussion. Shelly Bonnett, resident in attendance commented that these are

2 resident deer not migrating deer; they are not healthy deer and basically, they
4 will die here. She stated she can call the police on the nuisance deer, but she
6 would like to see an ordinance passed for archery hunters to help mitigate this
8 issue. She would like to see something happen and feels the Council is on the
10 right track. Others in the audience also spoke on the deer nuisances, including
12 personal safety issues, at their residences. There was then some general
14 discussion regarding this issue. Mayor Acerson suggested presenting
16 information to the public through a survey to solicit opinions as what to do as
18 a city, and to also educate the public on this issue to get a broader view as to
20 come up with a solution to implement. Following discussion, Mr. Cowie
22 suggested that staff bring this issue back as an official action item on the
24 agenda to vote on.

- 14 c) **Oath of Office Ceremony** - Gilbert Sanchez was ceremonially sworn-in as a
16 new Lindon City Police Officer by the City Recorder. Officer Sanchez
18 officially began service with Lindon City on August 20, 2018. The Mayor and
20 Council congratulated Officer Sanchez and welcomed him to the city.
- 22 d) **Discussion Item:** Noah Gordon, City Engineer, was in attendance to present
24 an update on the Transportation Utility Fee (TUF) study that he has been
26 spearheading for the City. Mr. Gordon also provided general updates on other
possible road funding options and issues on the horizon followed by some
general discussion. Following discussion, the Council agreed to observe what
Pleasant Grove’s model does before beginning a public relations campaign.

- 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of July 17, 2018 were reviewed.

28 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
30 OF THE REGULAR CITY COUNCIL MEETING OF JULY 17, 2018 AS
PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
32 WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
34 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
36 COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 38 4. **Consent Agenda Items** – No consent items to approve.
- 40 5. **Open Session for Public Comment** – Mayor Acerson called for any public
42 comment not listed as an agenda item.

44 Haylie Leichty, resident in attendance addressed the Council at this time. She
46 mentioned that there are two new streetlights in her neighborhood (Kens Cove) that are
too bright and disturbing and they feel are unnecessary. She noted they keep the entire
neighborhood up at night and some of the neighbors are irate. Mr. Cowie explained

2 where the lights are located that were required to be installed by the developer per city
code. Councilmember Lundberg asked if the brightness can be changed. Mr. Cowie said
4 shields or motion sensors may be a possibility. Mayor Acerson stated they will take this
issue under consideration to find a solution.

6 **CURRENT BUSINESS**

8
6. **Public Hearing — City Boundary Adjustment; Annexation Plat (Ord. 2018-14-O).** Lindon City requests approval of Ordinance 2018-14-O amending the
10 common boundary with the City of Vineyard through approval of an Annexation
Plat titled Boat Harbor Addition. The boundary area to be adjusted from Lindon
12 to Vineyard includes a nine-acre parcel at approximately 2100 W. 600 S. and a
portion of Lindon’s 600 South roadway (Vineyard’s 1600 N) between the UTA
14 commuter rail line and the Lindon Marina. The properties that are within the
boundary adjustment area will automatically be annexed by the City of Vineyard
16 and by any local service districts providing public services within the City of
Vineyard including utility services, fire protection, paramedic and law
18 enforcement services.

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

24
Adam Cowie, City Administrator, referenced Ordinance 20018-14-O noting it
26 approves the plat associated with this boundary adjustment. He stated the following
items are necessary and required by State Code in order to amend the common boundary
28 between two cities: Notices to the State, notice to the newspaper, and notice to property
owners impacted by the change which have been completed. He noted the properties
30 impacted by the change include property owned by Lindon City, UTA, UDOT, and
Anderson Geneva Development. He stated a copy of the notices that were sent to these
32 property owners are included in the Staff Report. He indicated the next agenda item is the
interlocal agreement associated with this item.

34 Mr. Cowie pointed out that the City of Vineyard will be holding their own public
hearings on these same matters on August 22, 2018 and once both cities have met all
36 requirements for amending the boundary, the nine-acre property sale transaction can be
finalized and everything will be recorded.

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

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

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

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
#2018-14-O AND THE BOAT HARBOR ADDITION ANNEXATION PLAT
4 ADJUSTING THE COMMON BOUNDARY BETWEEN LINDON CITY AND THE
CITY OF VINEYARD. COUNCILMEMBER MAGLEBY SECONDED THE
6 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
8 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
10 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

12 THE MOTION CARRIED UNANIMOUSLY.

14 7. **Review & Action — Interlocal Agreement – Resolution 2018-17-R.** Lindon
City requests approval for Resolution 2018-17-R and the accompanying Interlocal
16 Agreement associated with the boundary change with the City of Vineyard
requiring that the area be transferred back into Lindon should Vineyard sell the
18 property in the future.

20 Mr. Cowie referenced the Resolution and Agreement included in the staff report.
He noted the agreement has been reviewed by both city attorneys and staff believes it
22 should meet the City Council’s intent of ensuring the property boundary will be changed
if ever the property is sold from Vineyard. He noted the agreement is proposed for a 50-
24 year term in which if the property is sold by Vineyard or changes its tax-exempt status
the cities agree to amend the boundary again so that the taxable property changes back
26 within the Lindon City limits. There was then some general discussion regarding the
interlocal agreement.

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

30 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2018-
32 17-R AND THE ASSOCIATED INTERLOCAL AGREEMENT BETWEEN LINDON
CITY AND VINEYARD CITY. COUNCILMEMBER BRODERICK SECONDED
34 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
36 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
38 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 8. **Public Hearing — Ordinance Change; LCC 5.08 – Alcohol Sales & Licensing**
(Ord. 2018-11-O). The City Council will review and consider Ordinance #2018-
44 11-O bringing the city’s alcohol sales and licensing ordinance up to date with
current Utah State codes. This item was continued from the July 17, 2018 city
46 council meeting. City Attorney, Brian Haws, will be in attendance for this item.

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

6 Mr. Cowie led this discussion by referencing the Ordinance with proposed
 changes from the prior review. He noted Brian Haws, City Attorney is present tonight to
 8 answer any questions. He explained at the last review of the code changes there was
 concern about Section 5.08.030(5), Proximity to Community Locations (separation
 10 distances from schools, churches, parks, etc.). Mr. Haws informed the Council that the
 separation requirements as listed in our local code only applies to retail sales (stores)
 12 where beer is not consumed at the place of sale. He indicated the proposed ordinance is
 not regulating separation requirements of places that serve alcohol for on-site
 14 consumption (restaurants, bars). He pointed out these types of uses and the associated
 separation/licensing are fully regulated by State and not administered through the City
 16 except through consent of an on-site consumption license being issued. There was then
 some general discussion regarding this ordinance amendment.

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

20
 22 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
 HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
 24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

28 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
 #2018-11-O. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE
 30 VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
34 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER MAGLEBY	AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **9. Major Subdivision — Estates at Anderson Farms – Ivory Development LLC.**

40 The City Council will review and consider a major subdivision request by Ken
 Watson, on behalf of Ivory Development LLC, for major subdivision approval for
 42 a 51-lot subdivision on 17.5 acres in the Anderson Farms Planned Development
 Zone. The Planning Commission recommended approval following review.

44 Hugh Van Wagenen, Planning Director, gave some background of this item
 stating this is the seventh plat of the Anderson Farms Planned Development which was
 46 approved by Development Agreement between Lindon City and Ivory Development, in
 June of 2016. He explained Estates at Anderson Farms consists of 56 units in what is

2 considered Parcel E of the Anderson Farms concept plan. He noted development of
 4 Anderson Farms is governed by the Anderson Farms Master Development Agreement
 and all standards are referred to here are a part of that Agreement. He stated the largest
 6 lot is 14,864 s.f. and the smallest is 8,290 s.f. with the average at 10,214 s.f. These lots
 are consistent with the concept plan. Parcel A is an access road to the sewer lift station
 8 and regional park. The setbacks are as follows: 20-foot front, 20-foot rear, 6/10-foot side
 yards for a total of 16 feet between homes. This is consistent with the concept plan. He
 explained that 56 lots is one more lot than what is shown on the concept plan for Parcel E
 10 (55). However, Gardens at Anderson Farms (Parcel F), which has also been applied for,
 has four fewer lots than the concept plan. Staff will ensure the overall units (865) for the
 12 project do not exceed approvals of the Development Agreement.

14 Mr. Van Wagenen noted new roads will be built to serve the subdivision. Curb,
 gutter and five-foot sidewalks will be installed along the new local streets in addition to
 16 six-foot planter strips. The eastern edge of the subdivision border Anderson Lane (not to
 be confused with Anderson Boulevard). The Development Agreement requires certain
 improvements to Anderson Lane in conjunction with this plat: "It will include grading
 18 and slag/asphalt improvements along Anderson Lane." He then referenced the
 Development Agreement Requirements noting they have met all the parameters. He
 20 pointed out the park amenities are associated with building permits issued, not lots
 recorded.

22 Mr. Van Wagenen then referenced an Aerial photo of the proposed subdivision,
 Overall Anderson Farms Concept Plan, Estates Concept Plan, Preliminary Estates at
 24 Anderson Farms Plat A, and the 55-foot Right of Way Local Street Cross Sections
 followed by discussion. He then turned the time over to Mr. Watson for comment.

26 Mr. Watson stated they have sold 26 units in plat A which is just about sold out
 and they are just starting to build the townhome phase; he would encourage the Council
 28 to visit the site. He feels people will want these bigger lots for mainline type homes and
 should work out well. He noted the park will not be done until 60% of all permits are in
 30 and they haven't gotten to that point as yet. There was then some general discussion
 including fencing, the park, and price point (not set on bigger lots yet).

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

34
 36 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE
 APPLICANT'S REQUEST FOR APPROVAL OF A 56-LOT RESIDENTIAL
 SUBDIVISION TO BE KNOWN AS ESTATES AT ANDERSON FARMS WITH THE
 38 FOLLOWING CONDITIONS: 1. COMPLY WITH ASPECTS OF DEVELOPMENT
 AGREEMENT AS LISTED IN THE STAFF REPORT. 2. RENAME THE STREETS
 40 LISTED AS BROOKVIEW IN ORDER TO AVOID CONFUSION WITH PLATS A
 AND B. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE
 42 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
 44 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER BRODERICK AYE
 46 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER MAGLEBY AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **10. Major Subdivision — Gardens at Anderson Farms – Ivory Development**
 6 **LLC.** The City Council will review and consider a major subdivision request by
 8 Ken Watson, on behalf of Ivory Development LLC, for major subdivision
 approval for a 65-lot subdivision on 12.7 acres in the Anderson Farms Planned
 Development Zone. The Planning Commission recommended approval following
 review.

10
 12 Mr. Van Wagenen explained this is the sixth plat of the Anderson Farms Planned
 Development which was approved by Development Agreement between Lindon City and
 Ivory Development. The Gardens at Anderson Farms consists of 62 units in what is
 14 considered Parcel F of the Anderson Farms concept plan. Parcel F is identified as an
 “Active Adults Community.” Development of Anderson Farms is governed by the
 16 Anderson Farms Master Development Agreement and all standards are referred to here
 are a part of that Agreement. Although not required by the Development Agreement, a 6-
 18 foot pedestrian access way in the southwest corner (Lots 131/132) of the development
 would provide more direct access to the surrounding area and regional park. He noted the
 20 Planning Commission recommended this as a condition as long as there are no utility
 conflicts in the area.

22 Mr. Van Wagenen stated in the concept plan, this parcel shows individually
 owned pad sites, like a townhome or condo, with common space in between each pad.
 24 However, this application has privately owned lots without the common space. The
 concept plan shows 69 units. The current application has 62 lots, a 7-unit reduction and
 26 the home site configuration has been slightly adjusted. The largest lot is 14,579 s.f. and
 the smallest is 4,860 s.f. with the average at 6,480 s.f.

28 Mr. Van Wagenen indicated that new roads will be built to serve the subdivision.
 Curb, gutter and five-foot sidewalks will be installed along the new local streets in
 30 addition to six-foot planter strips. The eastern edge of the subdivision border Anderson
 Lane (not to be confused with Anderson Boulevard). The Development Agreement
 32 requires certain improvements to Anderson Lane in conjunction with this plat: “It will
 include at least grading and asphalt improvements sufficient to accommodate future
 34 industrial traffic along Anderson Lane as shown in Exhibit J.”

36 Mr. Van Wagenen then referenced an aerial photo of the proposed subdivision,
 Overall Anderson Farms Concept Plan, Active Adult Concept Plan, Preliminary Gardens
 at Anderson Farms Plat A, 55-foot Right of Way Local Street Cross Section, Exhibit J for
 38 Anderson Lane, and the 47.5-foot Right of Way Anderson Lane Cross Section followed
 by discussion. He then turned the time over to Mr. Watson for comment.

40 Mr. Watson explained the reduction of units and the new phase which will be all
 ramblers with no two-story units. They will be age targeted for 55 and over and will be
 42 part of the overall HOA and will be done in one plat.

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

46 **COUNCILMEMBER BRODERICK MOVED TO APPROVE THE**
APPLICANT’S REQUEST FOR APPROVAL OF A 62-LOT SENIOR LIVING

2 RESIDENTIAL SUBDIVISION TO BE KNOWN AS GARDENS AT ANDERSON
 4 FARMS PLAT A WITH THE FOLLOWING CONDITIONS: 1. PROVIDE
 6 CONDITIONS, COVENANTS, AND RESTRICTIONS VERIFYING THIS IS A 55+
 8 SENIOR LIVING COMMUNITY AND 2. COMPLY WITH ASPECTS OF
 10 DEVELOPMENT AGREEMENT AS LISTED IN THE STAFF REPORT AND 3.
 12 PROVIDE A 6-FOOT PEDESTRIAN ACCESS WAY BETWEEN LOTS 131 AND 132
 14 FROM ORCHARD LANE TO ANDERSON BOULEVARD IF THERE ARE NO
 16 UTILITY CONFLICTS. COUNCILMEMBER MAGLEBY SECONDED THE
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
 COUNCILMEMBER BEAN AYE
 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER MAGLEBY AYE
 THE MOTION CARRIED UNANIMOUSLY.

18 **11. Public Hearing — Residential Business Overlay; (Ordinance 2018-7-O).** Lani
 20 Podzikowski requests approval of an amendment to Lindon City Code Title 17
 Zoning, to adopt a Residential Business Overlay zone (Ordinance #2018-7-O).
 The Planning Commission recommended approval following review.

22 COUNCILMEMBER MAGLEBY MOVED TO OPEN THE PUBLIC
 24 HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
 26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Mr. Van Wagenen explained this is a request for a new section of code to be
 30 added to Title 17 called Residential Business Overlay (RBO) zone. The ordinance gives
 32 greater allowances than current home occupation standards in regards to parking, hours
 34 of operation, and clients. Unlike the home occupation ordinance, however, only certain
 36 properties will be eligible for the overlay based on frontage, size, and proximity to
 collector roads and commercial zones. Additionally, any property desiring to use the
 RBO zone would need to apply for a Zone Map change to apply the overlay to a specific
 property. Although this request only deals with the zoning text and not the zoning map, it
 is important to understand why the applicant is making the request and how it pertains to
 her property.

38 Mr. Van Wagenen gave some background explaining in 2016, Ms. Podzikowski
 40 purchased the property on the corner of Main Street and 200 South (172 South Main). At
 42 the time, the property had an old home on it and the property was split zoned with a small
 44 corner residential and the majority commercial. With plans to build a new home and
 46 operate her existing dance company from the home, Ms. Podzikowski felt the property
 was a good fit with its proximity to commercial operations. Ms. Podzikowski was able to
 demolish the old home and build a new home under City ordinances allowing such, in
 addition to the small corner of the property being residential. At the time, new
 construction of a home after demolition of an existing home did not require any public
 improvements. Upon completion of the home, Ms. Podzikowski obtained a home
 occupation license and began operating her dance company.

2 Mr. Van Wagenen stated not long after operations began, City Staff became
 4 aware that the number of students and contracted staff was well beyond the home
 6 occupation allowances. After many discussions with City Staff on potential solutions to
 8 the situation, Ms. Podzikowski decided to apply for a new ordinance, a draft of which is
 before you. The creation of a new zoning ordinance is always met conservatively as
 unintended consequences are feared. To alleviate the concern about proliferation of this
 zone, parameters for property to even be eligible are included in the text.

1. *Site requirements for zone eligibility are as follows:*

- 10 a) *Property must have a minimum of fifty (50) feet of street frontage along a major
 collector road as identified by the Lindon City Street Master Plan Map.*
- 12 b) *Property must be a minimum of 30,000 square feet.*
- 14 c) *Property must be adjacent to the General Commercial zone along State Street or
 within a non-residential zone. For purposes of this ordinance, the Commercial
 Farm zone is not considered a non-residential zone.*

16 Mr. Van Wagenen then referenced the map showing which properties within the
 18 City would be eligible to apply to the zone. He noted even with eligibility established, an
 applicant would need approval from the City before the overlay would be in place.

20 Highlights of the ordinance are as follows:

- 22 1. Public improvement requirements can be waived by the City Council under
 certain circumstances.
- 24 2. All building and fire codes must be met based on desired occupancy (this can
 require significant upgrades if using a residence for certain commercial purposes).
- 26 3. Business owner must live on-site as primary resident
- 28 4. Permitted Uses are:
 - 30 a. Barbers, cosmetologists, manicurists.
 - 32 b. Culinary, Bakery, Food Preparation.
 - 34 c. Consultant or Professional Services with additional employees or
 contractors.
 - 36 d. Contractor, “handyperson”, and landscape or yard maintenance contractor;
 subject to the special conditions that no construction materials or
 equipment will be stored on the premises outside of an approved structure.
 - 38 e. Pre-School
 - 40 f. Home instruction including, but not limited to, in-home lessons such as:
 musical instruments, voice, dance, acting, graphic arts, art, and
 educational subjects, swimming, tennis, and other athletic instruction.
 - 42 g. Other permitted uses include any land use permissions in the underlying
 zone.
- 44 5. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential
 zones.
- 46 6. Minimum of eight feet of landscaping is required adjacent to public rights of way.
- 7. Operating hours are from 7:30 am to 9:00 pm.
- 8. Ten patrons are allowed per hour for most businesses with preschool and home
 instruction patrons allowed based on occupancy of the structure as determined by
 building and fire code.
- 9. Up to five employees not residing on the property are allowed.

- 2 10. Off-street parking requirements are based on type of use
 4 11. Only one permanent sign allowed; temporary signs allowed under certain parameters

6 Mr. Van Wagenen then referenced Ordinance 2018-8-O Residential Business
 8 Overlay Zone draft, Map of properties that meet parameters to request the overlay, and
 the Current Zoning Map of 172 South Main followed by discussion. He then turned the
 time over to Ms. Krishelle Travis, representative of the applicant, for comment.

10 Ms. Travis explained her children attend Ms. Podzikowski's dance school and she
 volunteered her services to assist Ms. Podzikowski as she has a vested interest. Ms.
 12 Travis stated the home was built to comply with residential standards, not commercial
 standards, so they worked with the Building Department to draft a list of items that need
 14 to be corrected to bring it into compliance with commercial operation standards or for the
 occupancy dedicated within the building once the zone is overlaid. She noted Ms.
 16 Podzikowski's is prepared to make these changes once the overlay is in place.

Ms. Travis stated they are proposing that this ordinance change will also function
 18 for other locations as this is a major home occupation which the city lacks and the trend
 is a need for something like this. They would also like it to be a tool for others to use and
 20 for it to work on a broad forum; to look and act like residential but with a higher use. She
 pointed out that financially this is not a commercial business which is also something to
 22 take into consideration. She noted that they did look at several other cities that have
 major home occupations and she feels the city can feel good about this change. She
 24 noted Ms. Podzikowski believes she was open and honest when purchasing this property
 and it was sold to her as a commercial lot. She noted Ms. Podzikowski was not aware
 26 until after purchase that it had a residential component.

Ms. Travis further explained they are not trying to find a way to get out of doing
 28 the improvements as they are more than willing to do the improvements this is just
 another tool in the cities "tool box" to make the transition in the areas that are different
 30 from a commercial use; she added this is not a full commercial use. She pointed out the
 City Council and has the leverage to have the discretion to approve it if they meet the
 32 criteria that the city attorney has laid out, and for the most part, if applied, those standards
 would be applicable.

Ms. Travis re-iterated Ms. Podzikowski wants to make the improvements but it is
 34 a timing issue and they would also agree to sign a development agreement if needed;
 36 there are circumstances involved with the property and other items to look at and they are
 willing to do that. Ms. Travis re-iterated that this is a good negotiation tool for the city
 38 that allows for opportunities not only for this location but for the future as well; she
 recognizes there is compromise on both sides. She noted Ms. Podzikowski does an
 40 excellent job running the dance studio and brings a positive influence to the
 neighborhood and she is more than willing to meet the requirements. Ms. Travis pointed
 42 out that Ms. Podzikowski is doing all she can and is more than willing and prepared to
 make the required changes and improvements to the property.

44 There was then some general discussion by the Council including the issues of
 parking, parking lot requirements and the required improvements (curb, gutter,
 46 sidewalks), street improvements, waiving the financial hardship, and the criteria provided
 by the City Attorney. Following discussion, Mr. Van Wagenen clarified the conditions

2 he is hearing are as follows: 1. stormwater be handled on site and 2. the landscaping
 4 requirements must be clarified with reference to commercial landscaping standards. Ms.
 6 Travis stated this action will allow them to start spending money wisely on improvements
 8 and allow them to get to the point where they can get things moving in a positive
 10 direction.

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

16 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
 18 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
 20 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

26 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
 28 APPLICANT'S REQUEST FOR ORDINANCE 2018-7-O WITH THE FOLLOWING
 30 CONDITIONS: 1. STORMWATER MUST HANDLED/CONTAINED ON SITE AND
 32 2. LANDSCAPING REQUIREMENTS MUST BE CLARIFIED WITH REFERENCE
 34 TO COMMERCIAL LANDSCAPING STANDARDS AND GIVE THE MAYOR THE
 36 AUTHORIZATION TO SIGN. COUNCILMEMBER MAGLEBY SECONDED THE
 38 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER BEAN AYE
 42 COUNCILMEMBER LUNDBERG AYE
 44 COUNCILMEMBER BRODERICK AYE
 46 COUNCILMEMBER HOYT NAY
 COUNCILMEMBER MAGLEBY AYE
 THE MOTION CARRIED UNANIMOUSLY.

30 *Councilmember Hoyt explained his nay vote citing he has concerns of unintended*
 32 *consequences of future parking lots similar to this one, but he supports the Council's*
 34 *decision.*

36 **12. Public Hearing — Cemetery Ordinance Amendment; (Ordinance 2018-15-**
 38 **O).** The City Council will review and consider Ordinance #2018-15-O amending
 the cemetery code to update grave marker policies. Brad Jorgenson, Lindon City
 Cemetery Sexton, will be in attendance for this item.

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

44 Mr. Cowie referenced Ordinance 2018-15-O noting the proposed changes (based
 46 on feedback from the City Council) which staff believes meets the intent of the resident
 requesting an all-granite grave marker while still ensuring compliance with the rules and
 intent of the code. He noted after checking with seven cities Orem City was the only one

2 who allows this. Mr. Cowie then read the ordinance changes. He indicated that this
4 change will also provide additional clarification regarding grave markers and placement
of the markers in the Lindon City Cemetery. He noted it also clarifies recognition of
veteran’s graves with a marker.

6 Mr. Cowie stated in the event something is broken or damaged the ordinance does
clarify that the city is exempt from liability unless the city knows they were at fault and
8 we will complete the repairs. He indicated this change will allow for a 6” thick solid
granite slab. Mr. Cowie then showed examples of the granite slab borders followed by
10 some general discussion.

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

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

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

20 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE
22 2018-15-O AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER LUNDBERG AYE
26 COUNCILMEMBER BRODERICK AYE
28 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

30 **COUNCIL REPORTS:**

32 **Councilmember Hoyt** – Councilmember Hoyt reported the Pleasant Grove/Lindon
34 Chamber of Commerce attended the State Chamber of Commerce Conference and was
awarded with the fastest growing Chamber in the State of Utah, which is quite an honor.
36 He noted Josh Walker, President of the Pleasant Grove/Lindon Chamber of Commerce,
said he believes this honor is due to having Lindon City come on board and the amount
of Lindon businesses that have joined the Chamber.

38 **Councilmember Broderick** – Councilmember Broderick reported the pickle ball
40 (windscreen) nets are up around the courts and mentioned a vision issue. He also
reported he will be attending the Provo Bench Canal meeting tomorrow. He also
42 mentioned 25 years ago secondary water was brought to Lindon which has been a great
thing. He noted there are homes that are not hooked up now. He questioned if we can do
44 some research as to make secondary water available to others without paying \$25,000
and if it would be prudent for the city (if there are not unintended circumstances). Mr.
46 Cowie explained how the hookup process worked 25 years ago. He stated he will talk

2 with the Public Works Director and City Engineer about potential options with this issue.
 He noted it would require an ordinance change.

4 **Councilmember Bean** – Councilmember Bean was absent.

6 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the Tri
 8 Chamber luncheon at Thanksgiving Point where Governor Herbert spoke on economic
 status and things on the horizon noting it was a good event. She also reported that Lindon
 10 Days was great this year with a lot of participation from the community.

12 **Councilmember Magleby**– Councilmember Magleby handed out the Lindon Days
 Recap noting that overall it was a great week of events with a lot of input from the
 14 community. He suggested looking for community members to take on certain
 events/projects next year. He asked the Council if they have any input/feedback to please
 16 let him know. Following some discussion, the Council agreed to cook at the mayor’s
 breakfast next year. He also mentioned an email regarding the flyer for the Police
 18 Department City Drill to be held on September 17th. He also mentioned the Preparedness
 Fair (new event) will be held on August 30th at the Community Center.

20 **Mayor Acerson** – Mayor Acerson mentioned the Utah League of Cities and Towns
 22 meeting is coming up September 12th -14th in Salt Lake City. He also reported they signed
 the bond for UIA that was previously approved through the bond parameters.

24 **Administrator’s Report:** Mr. Cowie reported on the following items followed by
 26 discussion.

28 **Misc. Updates:**

- 30 • August - City newsletter
- 32 • September newsletter article: Mayor Acerson - Article due to Kathy Moosman
 last week in August
- 34 • Police Officer recruitment competitiveness and possible options for consideration.
- 36 • Lindon Days: Thank you for all your efforts and time! We’ve heard many
 compliments and positive remarks about the events. (We did receive a small
 amount of complaints regarding fireworks display occurring while there was so
 much smoke already in the valley.)
- 38 • Facilities work: Vet Hall exterior work being done (brick restoration completed,
 soffit / fascia wrap being added, wood staining); Security camera system at
 40 Community Center/City Center; update fire sprinkler monitoring system at City
 Center; elevator project ready to bid as soon as MAG gives OK; carpet flooring
 42 updates in Community Center/City Center; columns in front of City Center/Public
 Works; repainted well/pump houses; updated landscaping at 835 E water tanks
 nearing completion. Lots going on the Alex, Facilities Manager, and public
 44 works/parks has helped to update and maintain.
- 46 • FYI - Alpine School District Board approved property tax increase.
- Misc. Items

2 **Upcoming Meetings & Events:**

- 4 • August 28th at Noon at Public Works: Engineering Coordination Meeting w/Mayor Acerson, Councilmember Broderick and Staff
- 6 • Monday, September 3rd – Offices closed for Labor Day
- 8 • September 12th-14th – Utah League of Cities & Towns, Fall Conference in SLC
- 10 • Monday, September 17th at 6:00pm – Citywide Emergency Drill. If available, please plan to stay for training and re-cap after drill is completed.
- 12 • Monday, October 1st, 2:30 pm-5:00 pm – Public Immunization Clinic in City Council room.
- 14 • November 2nd – 10th – Fall Leaf Clean-Up. City will continue to pick up bags, but will also have dumpsters available around town for public use.
- 16 • November 6th – General Election
- 18 • November 22nd – Mayor’s Thanksgiving Dinner event.
- 20 • Nov 22nd-23rd – Offices closed for Thanksgiving holiday.
- 22 • Dec 21st at Noon – Employee Christmas party at Community Center
- 24 • Dec 24th -25th – City offices closed for Christmas holiday.
- 26 • Tuesday, January 1st – City offices closed for New Year’s holiday. No Council meeting.

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

30 **Adjourn** –

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 10:10 PM. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – September 7, 2018

36 _____
Kathryn Moosman, City Recorder

38 _____
Jeff Acerson, Mayor

Item 4 – Consent Agenda – *Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.*

- a) No items.

Sample Motion: *I move to approve the Consent Agenda items.*

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

6. Public Hearing — Zone Map Amendment, Commercial Farm Zone ~450 E. Center St.; Ordinance 2018-16-O *(25 minutes)*

Mike Jorgensen, Walker Farms of Lindon, LLC, requests approval of a Zone Map Amendment (Ordinance 2018-16-O) to reclassify the following parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone: 14:073:0237 (Mike Jorgensen, MJ Real Estate Holdings LLC) and 14:073:0036 (Mike Jorgensen, MJ Real Estate Holdings LLC). Total land area of ~1.06 acres. The Planning Commission recommended approval with conditions.

See attached materials from the Planning Department.

Item 6 : Public Hearing — Zone Map Amendment Commercial Farm Zone ~450 E. Center St.

(20 minutes)

Mike Jorgensen, Walker Farms of Lindon, LLC, requests approval of a Zone Map Amendment to reclassify the following parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone: 14:073:0237 (Mike Jorgensen, MJ Real Estate Holdings LLC) and 14:073:0036 (Mike Jorgensen, MJ Real Estate Holdings LLC). Total land area of ~1.06 acres. (Pending Ordinance 2018-16-O).

Please refer to attached materials from the Planning Department

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended to approve the **applicant's request** to rezone the subject properties with the following condition:

1. That the applicant works with City Staff to address and correct: setback concerns and lot issues raised by recent unapproved divisions of land.

SAMPLE MOTION

I move to (approve, deny, continue) Ordinance #2018-16-O with the following condition(s) (if any):

1. That prior to final site plan approval of the pending Commercial Farm reception center application, that the applicant works with City Staff to address and correct: setback concerns and lot issues raised by recent unapproved divisions of land.

Mike Jorgensen, Walker Farms of Lindon, LLC, requests approval of a Zone Map Amendment to reclassify the following parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone: 14:073:0237 (Mike Jorgensen, MJ Real Estate Holdings LLC) and 14:073:0036 (Mike Jorgensen, MJ Real Estate Holdings LLC). Total land area of ~1.06 acres. (Pending Ordinance 2018-16-O).

<p>Applicant: Mike Jorgensen, Walker Farms of Lindon, LLC Presenting Staff: Brandon Snyder</p> <p>General Plan: Residential Low Current Zone: Residential (R1-20)</p> <p>Property Owner(s): Mike Jorgensen, MJ Real Estate Holdings LLC Address: ~450 E. Center St. Parcel IDs: 14:073:0237 and 14:073:0036 Area Size: ~1.06 acres</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ITEMS</u></p> <ol style="list-style-type: none"> Whether to approve of the request to change the zoning map for the subject properties from Residential (R1-20) to Commercial Farm (CF).
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PLANNING COMMISSION REVIEW

The Planning Commission held a public hearing on August 28, 2018. No public comments were given. The Planning Commission recommended approval with one condition. The vote to approve was unanimous (6-0).

(In addressing the recommended condition, if the boundary line of the existing parcel is shifted slightly to the east to accommodate the required setbacks from the existing accessory buildings, Planning Staff can appropriately display the new zoning boundary line as the adjusted property line per Lindon City Code: 17.40.030 Rules for locating boundaries.)

OVERVIEW

The applicant is requesting to rezone the subject properties from Residential (R1-20) to the Commercial Farm (CF) zone. The properties under consideration were recently purchased by the applicant. In discussions with the applicant, it appears that the main reason for rezoning the properties is to add them to the adjacent CF zoned parcels also under his ownership. This will increase the area for a proposed reception center by the applicant in the CF zone that is currently under review by City Staff (which will come before the Planning Commission and City Council at a later date for review and approval). Adding acreage will more easily allow the proposed reception center proposal to be able to comply with the Lindon Code requirement that some of the property associated with the use be left in agricultural production. (See Lindon City Code 17.51.015). The applicant would be adding the acreage of these properties to the adjacent properties recently rezoned to the CF zone. (Please refer to the attached minutes from 2017 and map below.) The applicant intends to build a reception/event center while raising and breeding alpacas and selling alpaca wool.

(As previously noted, the applicant is currently going through Staff review of the proposed site plan/conditional use permit for the reception center. Staff is reviewing the site plan application to ensure all site requirements are met regarding parking, landscaping, fencing, building height, etc. That item will be brought before the Planning Commission and City Council once ready. The latest version of the site plan is attached.) The properties currently being considered for rezoning (depicted below) are vacant and most recently have been used for agricultural related purposes.

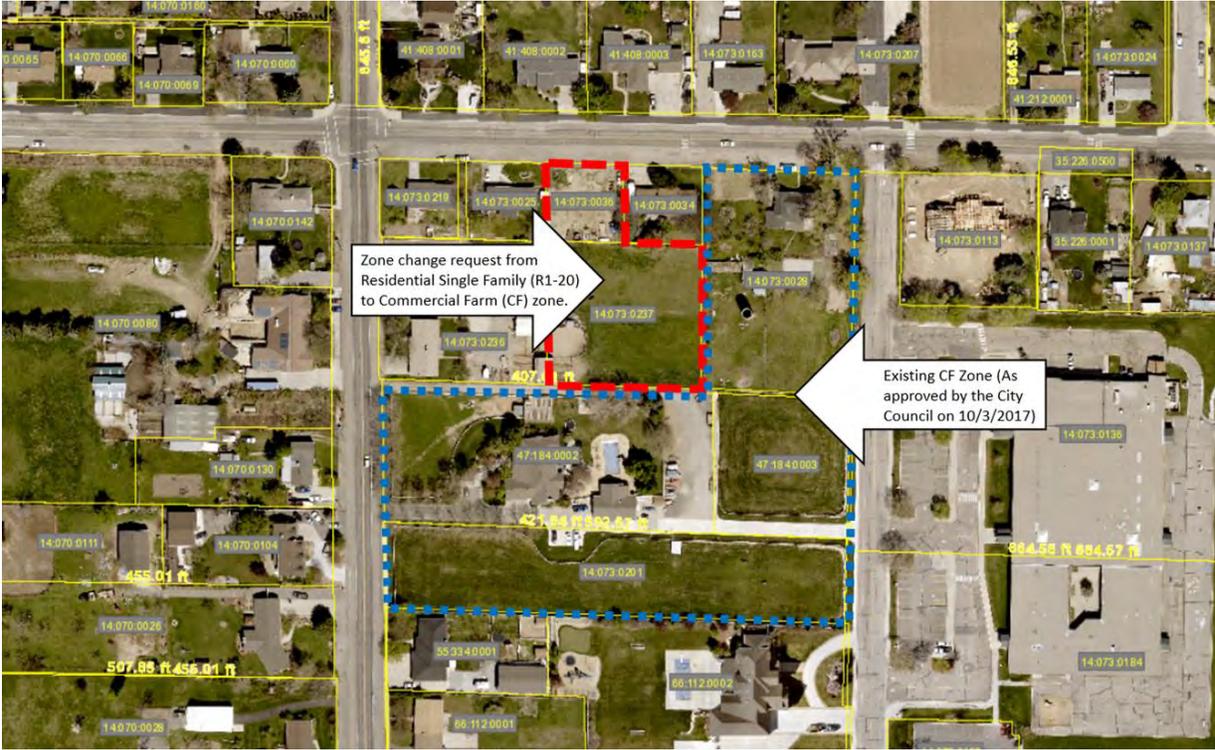


Lindon City Code 17.51.010 Purpose and Objectives:

Commercial farm zones (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial activities which could be used as additional revenue sources to help sustain and support agricultural industry within Lindon. Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as a **“holding zone”** to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the general plan land use map.

Permitted uses in the CF zone include: Single-family residence; accessory buildings to a single-family dwelling; agricultural production and related accessory buildings; other permitted uses in the R1 residential zones. Uses that are permitted conditionally include: **Caretaker’s or farm-help**

accessory dwelling unit; commercial horse stables; farmers' market; greenhouses; plant or garden nursery; garden center; bed and breakfast facility; educational programs and associated facilities; amphitheater; reception center; conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet of processing and production area). (Please refer to Lindon City Code 17.51.012 Permitted Uses.)



Public Hearing Notices required per Lindon City Code section 17.14 were mailed on August 16, 2018. No public comments have been received at this time.

FINDINGS OF FACT

The proposed area to be rezoned is 1.06 acres. The existing CF zone is 5.23 acres. Combined total would be ~6.29 acres. Increasing the acreage of the CF project will help to further address a concern raised in 2017, if 5 acres as a minimum project size is adequate.

LCC 17.51.020 Lot Area requires: The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous. A deed restriction prohibiting the separation of parcels may be required in order to maintain the minimum five (5) contiguous acres.

Staff has concerns over recent deed work by the applicant that has resulted in setback issues for existing accessory buildings, parcels that have been created that are land-locked (no frontage along a public street), and a parcel that doesn't have adequate acreage to comply with the zoning

requirements (See LCC 17.44, 17.51 and Utah State Code 10-9a-103(57)). These issues were created when the applicant negotiated to buy additional parcels. Staff can work with the applicant to address and correct the concerns by adjusting property lines in accordance with Utah State Code and combining parcels in order to comply with zoning regulations relating to setbacks, acreage, frontage and subdividing. Another option to address the setback concerns would be to relocate or remove the existing accessory buildings.



The applicant has previously provided a brief business plan and is working through a concept site plan for the property. Staff anticipates minor changes to the site plan if additional area is added to the CF zone. The most recent site plan layout (going through City Staff review) is attached

- Business Plan for the Commercial Farm
 - **“We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs, or what’s called a starter pack. This will consist of a pregnant female and an unrelated male. We can also sell the wool which can be quite expensive and highly sought after.”**
 - The reception/event center will be an additional revenue source for the alpaca operation. This is a conditionally permitted use in the CF zone.

One of the main requirements for CF zone consideration is listed in LCC 17.51.015 and states:

- Agricultural Production Required
 - 1. At least 40% of the property must be maintained in active agricultural production and be managed in such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility.
 - 2. **For the purposes of this chapter, “agricultural production” shall be defined as** the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit.

The application does meet the requirements for lot area, lot width, lot depth, and lot frontage.

The concept site plan does show the existing single-family home in addition to a caretaker dwelling that is currently being restored (Center and 500 East).



ATTACHMENTS

1. Ordinance #2018-16-O
2. Conceptual Site Plan and Building Elevations
3. LCC 17.51 Commercial Farm Zone
4. Planning Commission and City Council meeting minutes (2017)

ORDINANCE NO. 2018-16-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE ZONING MAP ON PROPERTIES IDENTIFIED BELOW FROM RESIDENTIAL SINGLE FAMILY (R1-20) TO COMMERCIAL FARM (CF) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the General Plan goal to recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment; and

WHEREAS, the proposed amendment is consistent with the General Plan goal to preserve, protect and enhance the cultural resources of the community; and

WHEREAS, the proposed amendment promotes and preserves agricultural production within the community, promotes open space, and allows additional revenue sources to help sustain agricultural industry within Lindon; and

WHEREAS, the Lindon City Planning Commission recommended approval of the proposed zone map change; and

WHEREAS, a public hearing was held on August 28, 2018, to receive public input and comment regarding the proposed amendment; and

ALTHOUGH, no public comments were given during the hearing; and

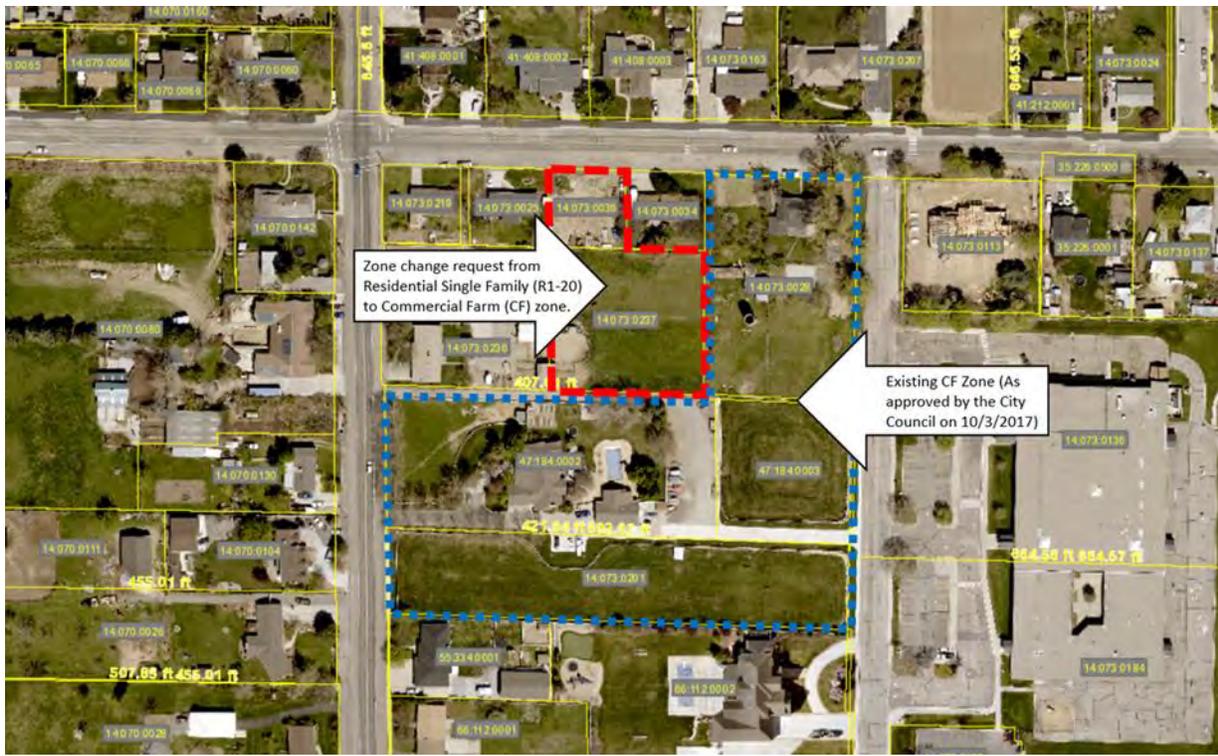
WHEREAS, the Council held a public hearing on September 4, 2018, to consider the recommendation and receive comments from the public.

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

SECTION I: The Lindon City Zoning Map is hereby amended as follows:

The following properties are now designated as Commercial Farm (CF) zone as shown on the map below:

Parcel ID	Owner	Address
14:073:0237	Mike Jorgensen, MJ Real Estate Holdings LLC	~450 E. Center St.
14:073:0036	Mike Jorgensen, MJ Real Estate Holdings LLC	~450 E. Center St.



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.

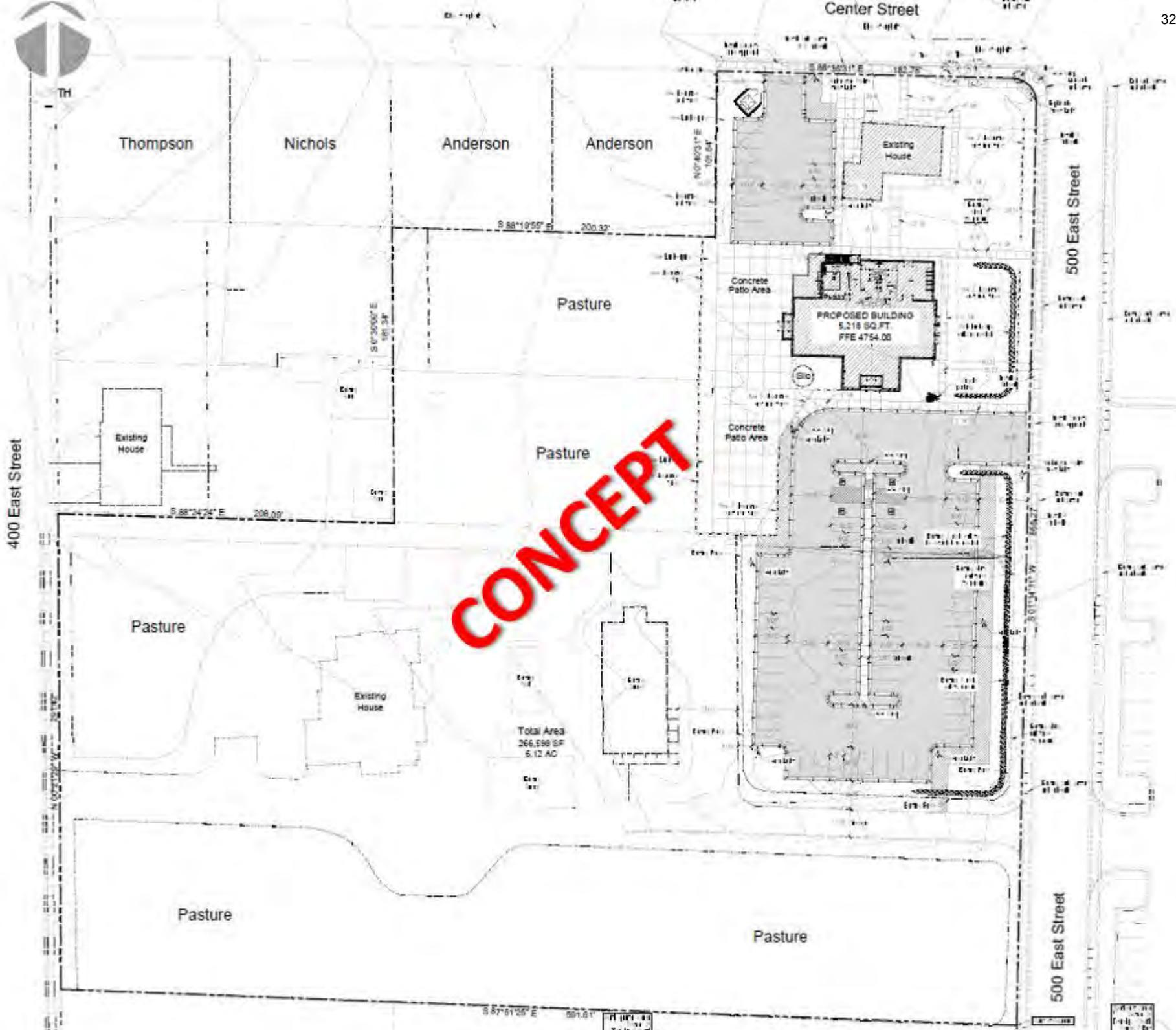
PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2018.

 Jeff Acerson, Lindon City Mayor

ATTEST:

 Kathryn A. Moosman, Lindon City Recorder

SEAL



CONCEPT

Total Area
266,599 SF
6.12 AC

Center Street

400 East Street

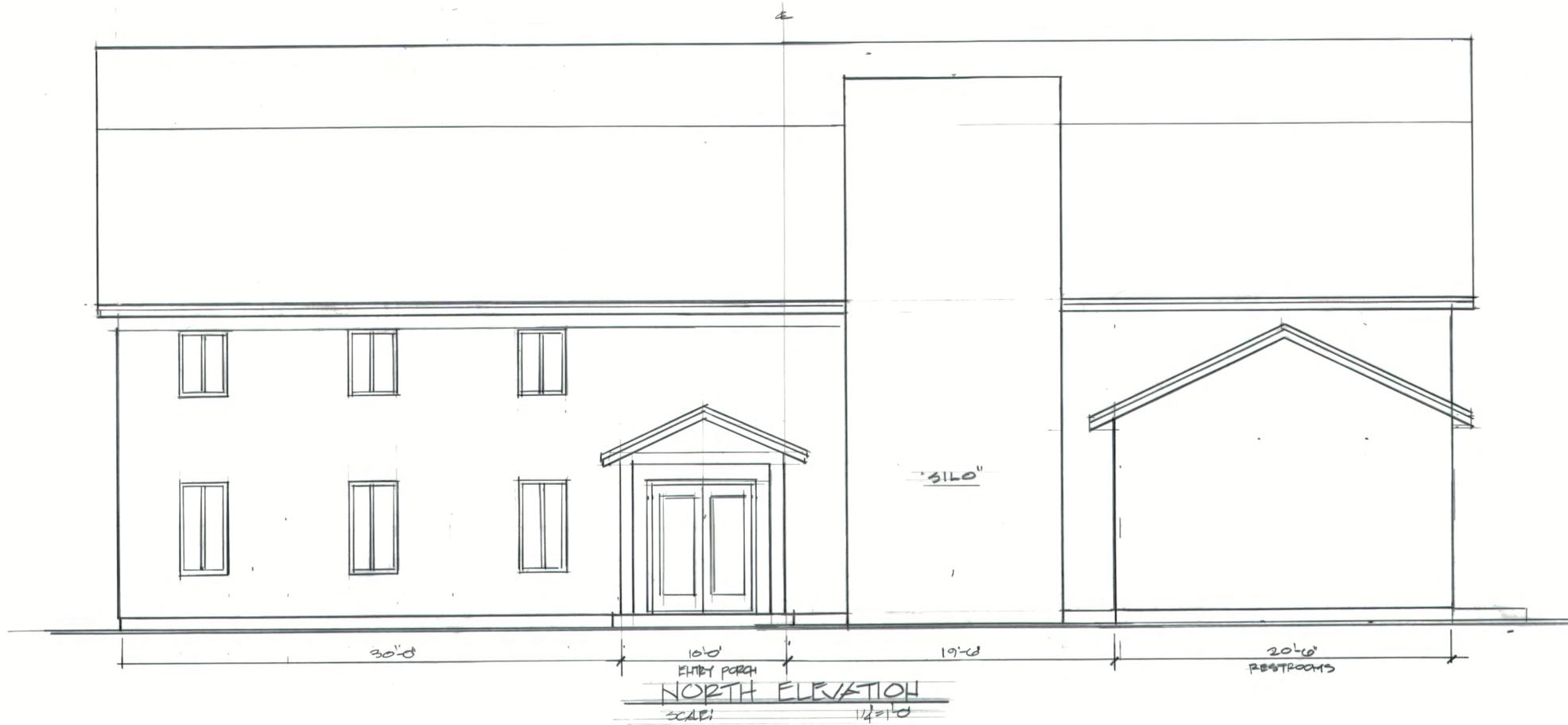
500 East Street

500 East Street

8.87°51'25" E 991.61'

PL 01/11/11
TAB 1/1
DATE 11/11/11

11/11/11
11/11/11
11/11/11



WALKER FARM
500 EAST CENTER ST.
LIMON, UTAH



WEST ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"

KELKER FARM
500 EAST CENTER ST. LINCOLN, UT.

Chapter 17.51

COMMERCIAL FARM ZONE

Sections:

- 17.51.010 Purpose and objectives.**
- 17.51.012 Permitted uses.**
- 17.51.014 Owner residency required.**
- 17.51.015 Agricultural production required.**
- 17.51.020 Lot area.**
- 17.51.030 Lot width.**
- 17.51.040 Lot depth.**
- 17.51.050 Lot frontage.**
- 17.51.070 Number of dwellings per lot.**
- 17.51.080 Noncommercial building yard setback requirements.**
- 17.51.085 Commercial building yard setback requirements.**
- 17.51.090 Projections into yards.**
- 17.51.100 Building height.**
- 17.51.110 Distance between buildings.**
- 17.51.120 Permissible lot coverage.**
- 17.51.125 Screening and fencing.**
- 17.51.130 Parking.**
- 17.51.140 Residential and agricultural accessory buildings.**
- 17.51.145 Noise limits.**
- 17.51.150 Other requirements.**

17.51.010 Purpose and objectives.

Commercial farm zones (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial activities which could be used as additional revenue sources to help sustain and support agricultural industry within Lindon. Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as a “holding zone” to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the general plan land use map. (Ord. 2017-16 §1, amended, 2017)

17.51.012 Permitted uses.

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

1. *Permitted Uses.* Single-family residence; accessory buildings to a single-family dwelling; agricultural production and related accessory buildings; other permitted uses in the R1 residential zones.
2. *Conditional Uses.* Caretaker's or farm-help accessory dwelling unit; commercial horse stables; farmers' market; greenhouses; plant or garden nursery; garden center; bed and breakfast facility; educational programs and associated facilities; amphitheater; reception center; conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet of processing and production area). (Ord. 2017-16 §1, amended, 2017)

17.51.014 Owner residency required.

Each commercial farm project shall have a legal on-site residence that is owner occupied. (Ord. 2017-16 §1, adopted, 2017)

17.51.015 Agricultural production required.

1. At least forty percent (40%) of the property must be maintained in active agricultural production and be managed in such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility.
2. For the purposes of this chapter, "agricultural production" shall be defined as the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit. (Ord. 2017-16 §1, amended, 2017)

17.51.020 Lot area.

The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous. A deed restriction prohibiting the separation of parcels may be required in order to maintain the minimum five (5) contiguous acres. (Ord. 2017-16 §1, amended, 2017)

17.51.030 Lot width.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall have a width of not less one hundred feet (100') (measured at front yard setback). (Ord. 2017-16 §1, amended, 2017)

17.51.040 Lot depth.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall have a minimum lot depth of one hundred feet (100'). (Ord. 2017-16 §1, amended, 2017)

17.51.050 Lot frontage.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall abut a public street for a minimum distance of fifty feet (50'), on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement. (Ord. 2017-16 §1, amended, 2017)

17.51.070 Number of dwellings per lot.

Not more than one (1) single-family dwelling with an accessory apartment, and one (1) caretaker's or farm-help dwelling, may be placed on a lot or parcel of land in the CF zone (or conglomeration of parcels necessary to meet minimum acreage requirements). In no case may the caretaker's or farm-help dwelling be sold as a separate, subdivided lot unless it meets all requirements of the underlying zone. Owner occupancy of a primary residence on the property is required to maintain a caretaker's or farm-help dwelling unit. (Ord. 2017-16 §1, amended, 2017)

17.51.080 Noncommercial building yard setback requirements.

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

1. Front yard setback: thirty feet (30').
2. Rear yard setback: thirty feet (30').
3. Side yard setback: ten feet (10').
4. *Street Side Yard - Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than thirty feet (30') and shall not be used for vehicle parking, except such portion as is devoted to driveway use. Of the

remaining rear and side yards on a corner lot, one (1) rear yard setback of thirty feet (30') and one (1) side yard setback of ten feet (10') shall be required on the remaining non-street-facing sides of the lot. (Ord. 2017-16 §1, amended, 2017)

17.51.085 Commercial building yard setback requirements.

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

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

1. Front yard setback: fifty feet (50').
2. Rear yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
3. Side yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
4. *Street Side Yard – Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than fifty feet (50'). (Ord. 2017-16 §1, adopted, 2017)

17.51.090 Projections into yards.

1. The following structures may be erected on or project into any required yard setback:
 - a. Fences and retaining walls in conformance with the Lindon City Code and other city codes or ordinances.
 - b. Necessary appurtenances for utility service.
2. The structures listed below may project into a minimum front, side, or rear yard not more than the following distances:
 - a. The following may project into a minimum front, side or rear yard not more than twenty-four inches (24"): cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
 - b. The structures listed below may project into a rear yard not more than twelve feet (12'): a shade structure or uncovered deck (which does not support a roof structure, including associated stairs and landings) extending from the main-floor level and/or ground level of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

- c. The following may project into a front, side or rear yard (above or below grade) not more than four feet (4') as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies, landings, and fire escapes. (Ord. 2017-16 §1, amended, 2017)

17.51.100 Building height.

No lot or parcel of land in the CF zone shall have a building or structure which exceeds a maximum average height of thirty-five feet (35'), measuring the four (4) corners of the structure from finished grade to the highest point of the roof structure. In all zones, the planning director and chief building official shall be responsible for designating and identifying the four (4) corners of a structure. Nonhabitable architectural features or structures not wider than ten feet (10') such as silos, steeples, cupolas, or other similar structures may exceed the building height up to forty-five feet (45'). No dwelling shall be erected to a height less than one (1) story above grade. (Ord. 2017-16 §1, amended, 2017)

17.51.110 Distance between buildings.

The separation distance between any accessory buildings and a dwelling, or the distance between multiple detached accessory buildings, shall not be less than ten feet (10'). (Ord. 2017-16 §1, amended, 2017)

17.51.120 Permissible lot coverage.

1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot or parcel of land, or the conglomeration of parcels as defined in [Section 17.51.020](#).
2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped. On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. (Ord. 2017-16 §1, amended, 2017)

17.51.125 Screening and fencing.

1. The following screening and fencing requirements are required in the CF zone:
 - a. A six-foot (6') high site obscuring fence shall be constructed and maintained along any property line between a residential use or residential zone and a commercial building in the CF zone when the commercial building is closer than thirty feet (30') from the property line. The fence shall be placed along the property line at an area parallel to the commercial building and shall extend a minimum of fifty feet (50') along the property line from both directions from the ends of the building.

- b. Any commercial structure closer than thirty feet (30') to a residential use or residential zone shall provide a minimum ten-foot (10') wide tree-lined buffer from the commercial building to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the buffer area adjacent to the residential use or residential zone. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide an increased visual barrier between the commercial use and the residential use.
2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in the CF 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. (Ord. 2017-16 §1, amended, 2017)

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](#), off-street parking sufficient to comply with the number of spaces required by Chapter [17.18](#).
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 Subsection [\(2\)](#) of this section, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten-foot (10') landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the landscaped strip. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. Trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide a visual barrier between the parking lot and the residential use/zone.
4. No required parking spaces shall be within thirty feet (30') of a front property line or street side property line.
5. 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. (Ord. 2017-16 §1, amended, 2017)

17.51.140 Residential and agricultural accessory buildings.

1. *Accessory Building within the Buildable Area (Noncommercial).* 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 feet (35'). Height to be calculated as per Section [17.51.100](#).
 - b. Comply with all lot coverage requirements.
2. *Accessory Building outside the Buildable Area (Noncommercial)*. 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 thirty feet (30') from the front property line and five feet (5') from any other property line.
 - b. Be set back a minimum of ten feet (10') 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 feet (20') in height measured at the four (4) 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. (Ord. 2017-16 §1, amended, 2017)

17.51.145 Noise limits.

1. Noise levels, as measured in decibels, from any commercial event/activity shall be limited to the following levels:
 - a. Eighty-five (85) dBA between 7:00 a.m. and 10:00 p.m.
 - b. Fifty-five (55) dBA between 10:00 p.m. and 7:00 a.m.
2. Devices used to measure noise levels shall:
 - a. Be set to the "A" frequency weighting and "slow" response characteristic; and
 - b. Be placed at any point on the property line.
3. Any noise level greater than the approved levels above may be allowed through the issuance of a special event permit as approved by Lindon City. (Ord. 2017-16 §1, adopted, 2017)

17.51.150 Other requirements.

1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all applicable sections of Title [6](#) (Animal Regulations) pertain to the CF zone, including setbacks to agricultural buildings and corrals.
2. *Signage.* Signs allowed within the CF zone are limited to monument signs, wall signs, banner signs, flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully described in Title [18](#). (Ord. 2017-16 §1, amended, 2017; Ord. 2011-6, amended, 2011)

The Lindon City Code is current through Ordinance 2018-13, passed July 17, 2018.

Disclaimer: The city recorder's office has the official version of the Lindon City Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.lindoncity.org](http://www.lindoncity.org)

City Telephone: (801) 785-5043

[Code Publishing Company](#)

2 provided. Required Open Space the LVC zone requires a minimum of 20% open space
on the site. This site requires 9,322 s.f. of open space and 23,655 s.f. is provided.

4 Mr. Van Wagenen went on to say all building in the LVC zone must meet Lindon
City Design Standards. The building materials proposed are brick and concrete fiberboard
6 for the primary materials and stucco and woodgrain siding as secondary materials with
black metal trim for the doors and windows. He noted the colors appear to meet the color
8 palette requirements but staff is not sure of the placement of mechanical units but they
must be visually screened. Also, there does not appear to be a cornice treatment on the
10 parapet wall/roof, as required and these items need to be addressed. He noted the
building is within the 48 foot height limit in the LVC zone, the highest point of the
12 parapet wall being 30 feet. He added there are some engineering issues that will need to
be resolved before the plans are finalized and staff will ensure all requirements are met.

14 Mr. Van Wagenen then referenced an aerial photo of the site and surrounding area,
site plan, landscaping plan, architectural elevations and the color palette followed by
16 discussion. He then turned the time over to the applicant for comment.

18 Mr. Aguilar explained the cornice treatment on the parapet stating they didn't
know exactly what was required with height and shape but they are flexible and will be
happy to comply with any requirement. Mr. Van Wagenen explained modern cornice
20 treatments and showed some photos. Following some general discussion the commission
was in agreement that because the cornice treatment isn't specified in the code to allow
22 the architect to recommend a modification of what would look good with the
contemporary theme they are proposing and to allow staff to approve the cornice
24 treatment. There was also some discussion on parking, landscaping and the dumpster
enclosure requirements. The Commission also agreed it is a good use of an irregular
26 shaped lot and they have taken care of all the amenities and have done a good job.
Chairperson Call pointed out it appears to meet the intent of the ordinance with the
28 conditions listed and will be a nice addition to the area.

30 Chairperson Call asked if there were any further comments or discussion. Hearing
none she called for a motion.

32 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
APPLICANT'S REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING
34 CONDITIONS: 1. LANDSCAPING REQUIREMENTS MUST BE MET AND 2.
MECHANICAL UNITS MUST BE VISUALLY SCREENED AND 3. PARAPET
36 MUST HAVE A CORNICE TREATMENT WORKED OUT WITH STAFF TO MEET
THE INTENT OF THE ORDINANCE. COMMISSIONER KALLAS SECONDED THE
38 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- CHAIRPERSON CALL AYE
 - 40 COMMISSIONER KALLAS AYE
 - COMMISSIONER MARCHBANKS AYE
 - 42 COMMISSIONER WILY AYE
 - COMMISSIONER KELLER AYE
 - 44 COMMISSIONER JOHNSON AYE
- THE MOTION CARRIED UNANIMOUSLY.

46

6. Public Hearing — Zone Map Amendment, Request: Commercial Farm Zone

2 **Walker Farms of Lindon, 55 South 400-500 East.** Mike Jorgensen requests
 approval of a Zone Map Amendment to reclassify multiple parcels from
 4 Residential Single Family (R1-20) to the Commercial Farm (CF) zone on the
 following parcels: 47:184:0002 (Michael B & Jill Jorgensen 55 South 400 East),
 6 14:073:0201 (Michael & Jill Jorgensen 85 South 400 East), 47:184:0003 (Michael
 B & Jill Jorgensen 53 South 500 East), and 14:073:0028 (Michael B Jorgensen on
 8 behalf of MJ Real Estate Holdings LLC 484 East Center Street). Total land area
 of 5.19 acres. Recommendation(s) will be forwarded to the City Council (Pending
 10 Ordinance 2017-___-O).

12 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC
 HEARING. COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT
 14 VOTED IN FAVOR. THE MOTION CARRIED.

16 Mr. Van Wagenen gave an overview of this item explaining the Commercial Farm
 (CF) zone was created in 2011 to provide encouragement of agricultural production and
 18 associated commercial activities that are compatible with and/or promote agricultural
 uses within the city. Although the intent of the zone is to promote agricultural uses within
 20 the city, the zone may be utilized as a holding zone to allow reasonable options for
 income from agricultural and/or commercial uses for a period of time before developing
 22 the land in conformance with the General Plan Land Use Map. The applicant is
 requesting a rezone of the subject properties in order to build a reception/event center
 24 while raising and breeding alpacas and selling alpaca wool.

 Mr. Van Wagenen noted the applicant (Mike and Jill Jorgensen) who are in
 26 attendance have provided a brief business plan and concept site plan for the property. He
 then referenced the submitted Business Plan for the Commercial Farm as follows:

- 28 • We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs, or
 what’s called a starter pack. This will consist of a pregnant female and an
 30 unrelated male. We can also sell the wool which can be quite expensive and
 highly sought after.
- 32 • The reception/event center will be an additional revenue source for the alpaca
 operation. This is a conditionally permitted use in the CF zone. One of the main
 34 requirements for CF zone consideration is listed in LCC 17.51.015 and states:

36 Mr. Van Wagenen then referenced the Agricultural Production Requirements as follows:

- 38 1. At least 40% of the property must be maintained in active agricultural
 production and be managed in such a way that there is a reasonable expectation
 of profit. Land used in connection with a farmhouse, such as landscaping,
 40 driveways, etc., cannot be included in the area calculation for agricultural
 production eligibility.
- 42 2. For the purposes of this chapter, “agricultural production” shall be defined as
 the production of food for human or animal consumption through the raising of
 44 crops and/or breeding and raising of domestic animals and fowl (except
 household pets) in such a manner that there is a reasonable expectation of profit.
 46 The application does meet the requirements for lot area, lot width, lot depth, and
 lot frontage.

48

2 Mr. Van Wagenen went on to say the parcels presented are not currently under
 4 identical ownership as required in LCC 17.51.020 noting this should be a requirement if
 an approval is recommended. He added the concept site plan does show the existing
 6 single family home in addition to a caretaker dwelling that is currently being restored
 (Center and 500 East). He noted the caretaker dwelling being restored has nonconforming
 setbacks due to the age of the original construction.

8 Mr. Van Wagenen stated although the application appears to meet the
 requirements for the properties in question to be rezoned, this is a legislative action.
 10 Therefore, the Planning Commission is not obligated to recommend approval if the
 Commission decides the request is not in the best interest of the public and Lindon City.

12 Mr. Van Wagenen pointed out in looking to the future the home on this site will
 have to be associated with the proposed reception/event center because of the minimum
 14 size requirements of the Commercial Farm zone. He added as we have recently seen with
 other properties, this can be problematic when the current owner moves on and the
 16 property is sold to future operators. If the applicant's request is granted, a separate site
 plan application will need to be submitted to ensure all site requirements are met
 18 regarding parking, landscaping, fencing, building height, etc.

Mr. Van Wagenen then referenced for discussion an Aerial photo of the proposed
 20 area to be rezoned, Current Zoning Map, Conceptual Site Plan, Applicant provided
 information on alpaca farming and LCC 17.51 Commercial Farm Zone. Mr. Van
 22 Wagenen then turned the time over to Mr. & Mrs. Jorgensen to speak on their request.

Mr. Jorgensen gave a handout depicting the proposed buildings including the
 24 locations and uses of the buildings. He also listed the animals they will raise located at
 the property noting the amounts meet the code. He explained their vision is to create a
 26 mini "Wheeler Farm" for uses for field trips, petting zoo, pumpkin patch etc. They are
 also proposing an "event barn" to use for vintage fairs, weddings, family reunions,
 28 parties, antique sales etc. He also explained the ownership of the properties noting they
 can transfer ownership as required.

30 Mr. Van Wagenen spoke on properties in Lindon developed for specific and
 unique purposes (built to suit) noting they are now running into "exiting" issues in trying
 32 to sell them and finding beneficial uses for these properties based on the unique build.
 Mr. Jorgensen stated they have thought about this and where the barn is will be one
 34 property and their home and they can consider dividing the property into two lots if they
 ever want to sell. Mr. Van Wagenen explained the only way this can continue to operate
 36 under the current ordinance in perpetuity going forward, is keeping the property
 combined together if it meets the minimum and doesn't exceed it. Because this is the
 38 minimum 5 acres in the farm zone, you couldn't take the existing home the Jorgensen's
 live in and sell it off and continue to operate the event center. If any new buyer comes in
 40 and buys and want to continue to operate the event barn they would have to buy the full 5
 acres.

42 There was then some discussion of the options if the applicant decides to sell the
 properties at some future date. Chairperson Call expressed one of her biggest concerns
 44 because of the recent situation they have dealt with is trying to revert back to residential
 once it has been developed as commercial. Mr. Jorgensen stated the ordinance speaks to
 46 those issues. He added they are going into this with their eyes open and they understand
 the implications.

2 Chairperson Call asked if there were any public comments. There were several
residents in attendance who addressed the commission at this time as follows:

4 **Boyd Walker:** Mr. Walker asked how many parking stalls they are proposing. Mr. Van
6 Wagenen stated they are proposing 72 proposed stalls with overflow grass parking
dependent on approval of the zone with no street parking.

8 **Judy Anderson:** Ms. Anderson stated this proposal is right next to her mother's house.
10 She expressed her concerns with the parking next to her property and that it will bring a
lot of traffic and cut down the value of her property. These are things to take into
12 consideration as it is a concern.

14 **Larry Anderson:** Mr. Anderson suggested putting the parking on the left of their old
house and to move to pumpkin patch so the parking is not right next to his mother's
16 house as that causes them come concerns. They need to put up a barriers or buffers. Mr.
Jorgensen stated this is the first draft and there are options they can consider.

18 *Chairperson Call pointed out the commission is not considering the site plan tonight only*
20 *whether to make the zone change or not.*

22 **Ann Johnson:** Ms. Johnson stated she talked to her neighbors and they didn't get noticed
24 about this meeting and she feels another public hearing should be held before a decision
is made. All of the neighbors should be allowed to have their voices and opinions heard
26 and it should be advertised more. She stated this is a big change with traffic, noise, influx
of crime and their property values going down. Rezoning to commercial is not a good
idea for our residential areas and once it starts it will continue. We also need to protect
28 our kids as the school is directly across the street. She stated the Jorgensen's bought their
property knowing it wasn't zoned commercial. None of this is needed or wanted in the
30 neighborhood and she is 100% opposed to this change.

32 **Eileen Nybo:** Ms. Nybo stated they moved to Lindon 25 years ago to live in a quiet
residential neighborhood. She mentioned her concerns with the school being across the
34 street from this proposal and with the parking and noise and traffic etc. She is against this
change and is 100% against this being in her neighborhood. She stated the Jorgensen's
36 bought residential and it should stay that way and if they want to do this type of business
go to a commercial area.

38 **Lucinda Preece:** Ms. Preece also brought up the issues of noise and traffic if this is
40 changed to commercial. They bought here in Lindon to have residential and she is against
this proposal. She opposes 100%.

42
44 Mr. Van Wagenen clarified the commercial farm zone requires a minimum of 5
acres and this proposal presented tonight is 5 acres and meets that requirement. The only
46 thing changing with this zone request is the ability to operate an event center. The event
center is the distinguishing factor (as they are allowed to have the alpaca business, farm
etc.) but because of the minimum acreage designation, at any time in the future, if they
48 wanted to sell a portion of the property (5 acres) or just the home piece, it would be in

2 violation of the zone and the ability to run any type of commercial event center on the
4 property and the business license would be null and void and no one would be allowed to
run an event center on this property. Or they could opt to divide the property into 1/2 acre
lots and sell building lots.

6 Mr. Jorgensen commented that this is a wonderful historic Lindon site and they are
going to extreme expense to restore the old historic Walker home and will ensure that this
8 will be a beautiful, nice addition and amenity to the city.

10 COMMISSIONER KELLER MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
12 VOTED IN FAVOR. THE MOTION CARRIED.

14 Chairperson Call stated the question is if this proposal is the appropriate use in this
location with this amount of land. Commissioner Wily also asked what the standard is for
16 recommending approval or denial. Mr. Van Wagenen replied in this instance the
commission can consider the public comments presented tonight and consider the health,
18 welfare and safety of the neighborhood; anything presented or heard tonight can be
considered in the recommendation. Commissioner Johnson asked for clarification that
20 there is currently only one commercial farm in the city. Mr. Van Wagenen confirmed
that statement noting Wadley Farms is the only one and this would be the second.
22 Commissioner Johnson commented that Wadley Farms is much larger and this smaller
proposal may have less of an impact on the neighbors.

24 Commissioner Kallas commented that he knows the Jorgensen’s and everything
they do is first class and the proposal looks very good, but he has concerns about more
26 commercial uses in residential areas in the city and the use of a reception/event center.

Commissioner Marchbanks stated he is in a quandary on this issue. He pointed out
28 that the whole purpose of the commercial farm zone was to maintain some farm feel and
history in the city. Things like this are what allows people to refurbish historic homes and
30 maintain a farm feel with animals etc. and this is what the zone was created for as these
are the components needed to make it work. He agreed that Wadley Farms is a much
32 larger facility and there have not been a lot of complaints or issues so he is confused.
Commissioner Keller feels like this is a nice proposal and plan but he is also torn with
34 putting commercial into a residential area. Commissioner Wily stated there are many
appealing components with this proposal and maybe the undesirable parts could be
36 mitigated with conditions.

Commissioner Johnson asked Mr. Van Wagenen by rezoning this property what
38 rights do we give the property. Mr. Van Wagenen referenced the permitted uses section
of the code and conditional uses and mitigating effects that would be tied to actual
40 concerns; there is a large hurdle to deny a conditional use. Commissioner Keller asked if
this was the same process Wadley Farms went through to change the zone. Mr. Van
42 Wagenen confirmed that statement. Mr. Jorgensen pointed out the ordinance currently
allows for what they are requesting so they feel to deny that would be unfair.

44 Commissioner Kallas stated he doesn’t have a problem except for the issue of the
noise associated with the event center and he is not sure it could be mitigated. Mr.
46 Jorgensen pointed out the garden noise area is on their side of the building and would be
closer to their own home. Commissioner Wily pointed out this is not a question if this
48 application meets the requirements but a quasi legislative action and not a matter if the

2 requirements are met, this issue rests on if this proposal/change is in the best interest of
the city and the residents; he is not sure we can agree that it is or isn't in the best interest
4 of the city. Commissioner Johnson stated he feel these issues could be mitigated with
conditions and he would suggest sending it to the city council with approval.

6 Chairperson Call asked if the Commission should consider continuing this item in
order for more residents to be aware of the issue even though additional noticing cannot
8 be done. Mr. Van Wagenen stated he would feel uncomfortable with that as it would not
be treating this applicant the same as other applicants. He pointed out whatever
10 recommendation is made tonight (rather approval or denial) it will go on to the City
Council.

12 Chairperson Call asked if there were any further comments or discussion. Hearing
none she called for a motion.

14
16 COMMISSIONER JOHNSON MOVED TO RECOMMEND TO THE CITY
COUNCIL APPROVAL OF THE APPLICANT'S REQUEST WITH THE CONDITION
18 THAT ALL PARCELS BE UNDER THE SAME OWNERSHIP AS REFLECTED ON
THE DEEDS. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

20	CHAIRPERSON CALL	NAY
	COMMISSIONER KALLAS	NAY
22	COMMISSIONER MARCHBANKS	AYE
	COMMISSIONER KELLER	NAY
24	COMMISSIONER JOHNSON	AYE
	COMMISSIONER WILY	NAY

26 THE MOTION FAILED FOUR TO TWO.

28 THERE WERE NO ADDITIONAL MOTIONS MADE SO THE MOTION WAS
RECORDED AS AN EFFECTUAL DENIAL.

30

32 7. **Conditional Use Permit — Geo Automotive and Tire, 973 West 240 North,
Unit "B"**. Heber G. Cordova, Geo Automotive and Tire, requests conditional use
permit (CUP) approval for general auto/vehicle repair services to be located at
34 973 West 240 North, Unit "B", in the Light Industrial (LI) zone.

36 Brandon Snyder, Associate Planner, gave some background of this item stating
the applicant Heber Cordova (who is in attendance) has requested approval for general
38 auto/vehicle repairs. The Lindon City Land Use Table indicates that "General
auto/vehicle repair" is a conditional use in the LI zone. The applicant provides vehicular
40 repair services mainly for used car dealerships. The applicant has been operating without
a business license or CUP since around March of this year. Mr. Snyder noted City
42 records (as of 08/29/2017) indicate two open/active business licenses for this location:
Auto City Deals (Used Vehicle Sales Lot and office only. No approval for general
44 auto/vehicle repair.), and Taylor Products (Bathroom accessories supply warehouse, i.e.
shower doors and mirrors). Car Finder (Used Vehicle Sales Lot) and Fine Line Footings
46 and Forms (Construction) were previously located on the site. The property is part of the
Mountainview Industrial Park L.C. Subdivision, which was recorded 06/13/2003 (file 00-

2 this item is for discussion only. He then turned the time over to Mark Christensen,
 Engineer with JUB Engineers for his presentation.

4 Mr. Christensen presented an overview of the functionality of Lindon’s water
 system and explained how the fee structure has been established. He explained that in the
 6 2016 General Session, the Utah State Legislature passed the “Water System Conservation
 Pricing” bill which requires all retail water providers, including Lindon City, to establish
 8 an increasing rate structure for culinary water. In June 2017 the City Council adopted a
 new tiered water rate structure in conformance with updated State requirements. The fees
 10 went into effect for the July utility billing. He noted the intent of the State’s required
 tiered structure is to financially incentivize water conservation by having larger volumes
 12 of water usage charged at higher rates.

Mr. Christensen went on to say the City adopted a tiered rate schedule designed to
 14 keep the total annual water revenue at a constant (not increasing or decreasing). He noted
 during summer months when customers use more water the revenues will increase, and
 16 during winters months when customers use less water the revenues will decrease. An
 additional base rate change was also incorporated into the City’s new rate schedule per
 18 previously evaluated annual increases recommended to help build water fund revenues to
 adequately cover costs of operations, maintenance, and replacement of water system
 20 infrastructure. He then referenced the water rate adjustments as adopted by the City
 Council in June followed by some general discussion.

22 Brad Jorgenson, Public Works Director, spoke on the chlorination option in the
 water noting this is the best and least expensive option for the city. He also talked about
 24 cross connections/contamination and water conservation followed by some additional
 discussion.

26 Following the presentation Mr. Cowie stated the intent of this discussion was to
 give an overview of the rate changes made in July. He noted this will come back to the
 28 council later in the spring and they will go from there.

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

32 **8. Public Hearing — Zone Map Amendment, Request: Commercial Farm Zone
 Walker Farms of Lindon 55 South 400-500 East. Ordinance #2017-14-O.**

34 Mike Jorgensen requests approval of a Zone Map Amendment to reclassify
 multiple parcels from Residential Single Family (R1-20) to the Commercial Farm
 36 (CF) zone on the following parcels: 47:184:0002 (Michael B & Jill Jorgensen 55
 South 400 East), 14:073:0201 (Michael & Jill Jorgensen 85 South 400 East),
 38 47:184:0003 (Michael B & Jill Jorgensen 53 South 500 East), and 14:073:0028
 (Michael B Jorgensen on behalf of MJ Real Estate Holdings LLC 484 East Center
 40 Street). Total land area of 5.19 acres. The Planning Commission recommended
 denial of the request.

42
 44 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
 HEARING. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 Hugh Van Wagenen, Planning Director, opened this discussion item by giving an
 4 overview stating the Commercial Farm (CF) zone was created in 2011 to “provide
 6 encouragement of agricultural production and associated commercial activities that are
 8 compatible with and/or promote agricultural uses within the city. He pointed out although
 10 the intent of the zone is to promote agricultural uses within the city, the zone may be
 12 utilized as “holding zone” to allow reasonable options for income from agricultural
 14 and/or commercial uses for a period of time before developing the land in conformance
 16 with the General Plan Land Use Map.” He noted the applicant is requesting a rezone of
 18 the subject properties in order to build a reception/event center while raising and breeding
 20 alpacas and selling alpaca wool.

22 He then referenced for discussion a brief business plan and concept site plan for
 24 the property provided by the applicant as follows:

26 Business Plan for the Commercial Farm

- 28 • “We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs, or
 30 What’s called a starter pack? This will consist of a pregnant female and an
 32 Unrelated male. We can also sell the wool which can be quite expensive and
 34 Highly sought after.”
- 36 • The reception/event center will be an additional revenue source for the alpaca
 38 operation. This is a conditionally permitted use in the CF zone.

40 One of the main requirements for CF zone consideration is listed in LCC
 42 17.51.015 and states:

44 Agricultural Production Required

- 46 1. At least 40% of the property must be maintained in active agricultural
 48 production and be managed in such a way that there is a reasonable expectation
 50 of profit. Land used in connection with a farmhouse, such as landscaping,
 52 Driveways, etc., cannot be included in the area calculation for agricultural
 54 Production eligibility.
- 56 2. For the purposes of this chapter, “agricultural production” shall be defined as
 58 The production of food for human or animal consumption through the raising of
 60 Crops and/or breeding and raising of domestic animals and fowl (except
 62 Household pets) in such a manner that there is a reasonable expectation of profit.
 64 The application does meet the requirements for lot area, lot width, lot depth, and
 66 lot frontage.

68 Mr. Van Wagenen stated the parcels presented are not currently under identical
 70 ownership as required in LCC 17.51.020 and this should be a requirement if an approval
 72 is granted. The concept site plan does show the existing single family home in addition to
 74 a caretaker dwelling that is currently being restored (Center and 500 East). He noted the
 76 caretaker dwelling being restored has nonconforming setbacks due to the age of the
 78 original construction.

80 Mr. Van Wagenen stated although the application appears to meet the
 82 requirements for the properties in question to be rezoned, this is a legislative action.
 84 Therefore, the City Council is not obligated to approve if the Council decides the request
 86 is not in the best interest of the public and Lindon City.

2 Mr. Van Wagenen pointed out in looking to the future; the home on this site will
4 have to be associated with the proposed reception/event center because of the minimum
6 size requirements of the Commercial Farm zone. He mentioned as we have recently seen
8 with other properties, this can be problematic when the current owner moves on and the
property is sold to future operators. He added if the applicant's request is granted, a
separate site plan application will need to be submitted to ensure all site requirements are
met regarding parking, landscaping, fencing, building height, etc.

10 Mr. Van Wagenen stated the Commission heard this request on September 12,
12 2017. Several citizens came to the public hearing and opposed the applicant's request.
14 There were concerns about traffic and noise from the proposed event/reception center.
16 The Commission considered the item for an hour, discussing the positives and negatives
18 of the request. He noted one motion to approve the request, with the consideration that a
future reception center would be a conditional use permit where conditions could be
placed on the property to mitigate negative effects on the neighborhood was defeated. No
member of the Commission offered an alternative motion. He noted a lack of an
approved motion automatically becomes a recommended denial of the request to the City
Council. He also mentioned three letters were received today that were emailed to the
council regarding this request.

20 Mr. Van Wagenen then referenced the Draft ordinance 2017-14-O, an Aerial
22 photo of the proposed area to be rezoned, Current Zoning Map, Conceptual Site Plan,
24 information provided by the applicant on alpaca farming, and LCC 17.51 Commercial
Farm Zone followed by discussion. He then turned the time over to the applicant for
comment.

26 Mr. Jorgensen gave a brief history of how they came to live in Lindon (19 years
28 ago) and their background noting they moved to Lindon for the "little bit of country" feel.
30 He added they have owned and operated several businesses. Mr. Jorgensen stated it is
their hope to answer some questions tonight and to alleviate some of the neighbor's fears
as he has seen the comments from the neighbors and there is a lot of confusion of what
they will be allowed to do with their property.

32 Mr. Jorgensen stated the zone is well written because when you have five (5)
34 acres at least 40% must be green space or agricultural production and is required; the
zone controls and manages itself. He pointed out the zone was created to be able to hold
36 on to the "little bit of country" theme here in Lindon. They feel this is unique as they
gathered up the parts and reassembled them and are trying to preserve the integrity and
38 history of the property. They chose to do an "event barn" and call it Walker Farms as a
lot of their property was acquired from Reed Walker. He pointed out things like this
40 proposal are what the zone was written for (for places like Wadley Farms) and when the
ordinance was drafted for the zone the council was aware of that and they wrote it with
that in mind; to be able to have a commercial aspect that makes it viable.

42 Councilmember Lundberg asked Mr. Van Wagenen to explain how conditional
44 uses are treated. Mr. Van Wagenen explained the conditional use process and also the
permitted uses in the code.

46 Mayor Acerson called for any public comment at this time. There were several
residents in attendance who addressed the Council as follows:

2 **Karen Hill:** Ms. Hill stated she is not a resident yet of Lindon but will be in three weeks.
 4 She noted they built directly across the street by the school so she will be a neighbor to
 6 this proposed site. When she heard that the rural feel may be taken away she was upset
 8 as this would increase noise and traffic in the area and vandalism may increase. The
 overflow parking would go into the school parking lot that is adjacent to her property and
 the school traffic is already bad. She doesn't see that there would be much of a buffer and
 would not be set back from the street so the visual alteration is a concern. Putting a
 commercial endeavor in a residential area is not a good idea.

10 **Judy Anderson:** Ms. Anderson stated her Mother's house is west of where this proposed
 12 parking lot will be. She stated she is not concerned about the animals but worries about
 the noise and it will put a burden on these people.

14 **Belva Parr:** Ms. Parr stated this is a real safety issue as the east entrance to the area is
 16 almost next to the school. The road is narrow and there are four schools on Center Street
 where kids walk to school; if we add to the traffic this could put kids in danger and this
 18 causes her great concern.

20 **Earl Porter:** Mr. Porter stated he is the Vice Principle at Timpanogos Academy. He
 22 noted he has approached the Planning Commission for help with safety issues with the
 school kids on Center Street in the past. He pointed out there are some things to look into
 for safety if this proposal goes through adding it would be easier to support if the safety
 24 issues are addressed.

26 **Dan Whittle:** Mr. Whittle stated he has lived on Center Street for 39 years noting it is a
 28 great place to live but there is only a "little built of country" left in the city. He has
 concerns with increased traffic as there is a traffic problem now. He added that he doesn't
 feel good about the event center and feels the residents will be impacted. The associated
 30 noise is also a concern. The Council should address some of these issues before allowing
 something like this to go through.

32 **Cindy Tate:** Ms. Tate stated she didn't receive a notice. She commented that there is
 34 already an overflow of traffic with the schools and more traffic is not a good idea for
 safety concerns and is a real issue. Having the Alpacas is great not an event center.

36 **Joel Tate:** Mr. Tate stated he loves the quiet aspect but with having events there with all
 38 the traffic and noise and overflow street parking it is probably not a good idea unless
 those issues are resolved because it will be a popular successful event center.

40 **Evan Nixon:** Mr. Nixon asked if this zone was created when for Wadley Farms and
 42 what year. Mr. Van Wagenen explained the zone was applied to Wadley Farms in 2011.
 Mr. Nixon stated his concern is with changing the zone and that the ordinance is stating
 44 non permissible uses.

2 **Larry Anderson:** Mr. Anderson stated the parking lot area will be right next to his
4 mother's fence and poses a concern and would suggest that Mr. Jorgensen move the
parking lot to the pumpkin patch area. He also has concerns that there may be loud music.
6 Mr. Van Wagenen pointed out this is just a draft site plan and explained the site
requirements noting the conditional use permit would be put in place with specific
conditions.

8

10 **Rex Daley:** Mr. Daley stated he likes the ideas of doing a farm and preserving green
space and feels if the Jorgensen's are willing to move things around and mitigate some of
12 these issues that it will be better than what is there now and traffic won't be an issue. The
Jorgensen's will do this very nice and make it better than what is there now. He is in
support.

14

16 **Ginger Romriell:** Ms. Romriell commented that she is excited about this project and
what it will bring to the community. She noted there are two traffic entrances on two
18 different roads and pointed out that the events will be held at night so that won't affect
the traffic with the schools. She noted the Jorgensen's will put in buffers for the noise
and a sidewalk and they have great taste and will make it beautiful. The proposed petting
20 zoo would be great for the school students also. She is in favor of this proposal 100%.

22 **Corrine Ross:** Ms. Ross asked about the 300 ft. noticing requirement. She asked if there
was a better process to get notices further than that for a commercial issue. Mr. Van
24 Wagenen stated it is a legislative action. She also asked how hard it is to change the
zoning back to residential if the applicant leaves and what the process is. Mr. Van
26 Wagenen stated they would have to apply with an application and go to the Planning
Commission and City Council where it is a legislative action and what happens would be
28 up to whoever buys it.

30 **Carmen Durfey:** Ms. Durfey expressed her opinion stating this is a wonderful plan the
Jorgensen's are proposing that will help make Lindon look the way it used to with the
32 open space and historical aspects preserved. She pointed out that the events will be at
night so the parking lot and traffic issues won't conflict with school traffic and parking.
34 She is in support of this proposal 100%.

36 **Shelley Savage:** Ms. Savage stated she lives just south from the Jorgensen's and they are
totally excited about this plan the Jorgensen's are proposing. She understands school
38 traffic issues or football traffic etc. having dealt with it over the years but it just the way it
is. So knows there will be times when traffic increases but she would like to keep the
40 rural feel without 5 or 6 new homes coming in there. The schools field trips the
Jorgensen's will offer would be awesome and a great opportunity to enjoy the animals.
42 They will do an incredible job with the event barn and will impact the neighbors as little
as possible. This will be a classy operation and it is her hope that it gets approved.

44

46 **Linda Matheson:** Ms. Matheson asked about the legal perspective and if it's changed
would the whole thing be commercial and if it could potentially be another commercial

2 area and if the owner has to live onsite. Mr. Van Wagenen stated there is not a
 4 requirement that the owner has to live on site and any new use would have to come
 6 through the review process. In order for these 5 acres to operate as a commercial farm it
 has to maintain the 5 acres and if someone wants to come in they would have to change it
 back.

8 **Don Wharton:** Mr. Wharton stated he is in favor of the Jorgensen’s proposal. He also
 10 questioned at what point does the city put in speed bumps for the increased traffic on
 Center Street and if there is an ordinance in place as that is a separate concern. Mr.
 12 Cowie stated Lindon has a policy that residents and neighborhoods can sign a petition
 and submit and the engineers will do an evaluation in the area and give a
 14 recommendation; speed bumps are allowed on side streets but not on collector roads.

16 **Ann Johnson:** Ms. Johnson stated there has been such an increase of traffic on Center
 Street with school events at night that poses a safety issue. She doesn’t have problem
 18 with an event center but feels this is not in the right spot. She also passed out a letter to
 the council listing the neighbors concerns.

20 **Ruth Udall:** Ms. Udall stated she lives across the street from the Jorgensen’s and their
 place is immaculate. She pointed out we have lost a “little bit of country” in Lindon when
 22 they built smaller than half acre lots above the canal and opened the road to Pleasant
 Grove and Center Street. She has also requested speed bumps in the past. Ms. Udall
 24 stated what the Jorgensen’s are proposing is beautiful and she would much rather see
 what they are proposing with a little more country rather than have more houses. She is
 26 in support of this proposal.

28 **Dan Linville:** Mr. Linville commented this is a great idea and he lives across the street
 from the Jorgensen’s. Some of these properties have been an eyesore for years and what
 30 they plan to do will improve it a lot. The schools and car lots have brought more traffic
 than what this will. What the Jorgensen’s are proposing will not be an issue and we
 32 already have a noise ordinance in place to control any noise. He is in support of this
 proposal.

34 **Ross Wright:** Mr. Wright stated he is in support of what the Jorgensen’s are proposing.
 36 He lived here when the two schools were put in and he also suggested that they increase
 parking capacity and widening roads that was turned down. He was told the schools can
 38 do whatever they want. He noted across from the Jorgensen’s property there is a “share
 the harvest shed” that has been there for many years for neighbors to share produce etc.
 40 the school is who to blame for the traffic. The Jorgensen’s do quality work and it speaks
 for itself; he is 100% in favor of this proposal.

42 **Virginia Pugh:** Ms. Pugh stated when they opened canal road that is when the increased
 44 traffic came and they drive so fast on Center Street; school traffic is the issue and a
 hazard. She feels we need to preserve this property and this would look nice and she

2 would be in favor of this if the event center is located in the southwest end of the property
so it is not by the school traffic.

4
6 **Jeremy King:** Mr. King stated his wife is against this issue because of the traffic, but he
is in support of it because he doesn't want to see more homes going in. He feels we
should keep nice gathering places here in Lindon as these are located in beautiful areas
8 and he believes weddings/receptions really don't increase the traffic. He is in support of
this request.

10
12 *Mayor Acerson excused himself from the meeting at 9:27 p.m. Councilmember
Hoyt stepped in as Mayor Pro Tem as this time.*

14 Mr. Jorgensen explained the site plan (drafted by Jim Dain) and event barn
concept at this time including the size, parking plan, landscaping, occupancy load (220)
16 noting they plan on putting in a nice wall and landscaping buffers. They will also help to
alleviate some of the overflow parking issues at the school for soccer games, events etc.
18 There was then some general discussion regarding these issues.

20 **Debbie Rohbock:** Ms. Rohbock stated she moved to Lindon 24 years ago noting we all
moved here for a little bit of country. She is worried about the noise and how late into
22 the night the events will go. She also feels you can't control what kind of beverages
come into the area. She would suggest building an event center somewhere else.

24
26 **Ilene Hugo:** Ms. Hugo stated she attended the Planning Commission meeting and it was
denied for many reasons. The neighbors do not want a reception center as there will be
problems with zoning for parking and it should be addressed; we need to keep our way of
28 life here.

30 **Mrs. Linville:** Ms. Linville pointed out there are two parking lots and two entrances. Her
daughter was married in a backyard and there were over 200 guests. There are a lot of
32 things going on that generate noise in the city and the idea that people will be sneaking
liquor in is ridiculous. The Jorgensen's are the caretakers of their property and they will
34 make sure the activities going on will be in their best interest too.

36 **Alan Colledge:** Mr. Colledge stated he owns Wadley Farms which facilitated a lot of
this discussion. They developed something for the future it was not economically and not
38 for money it was for homesteading land and to work at how to preserve the history with
food and farms etc. When they started the commercial farm zone the goal was to look at
40 Lindon to see if there were any areas that fit in the zone. With the five (5) acre limit it is
economical viable to keep their farm a farm and some will like it and some won't. He
42 noted they employ a lot of people and it does affect the neighbors to some extent. With
their newest addition on the castle a lot of friends and neighbors complained. They are
44 putting up a 12 ft. barrier wall for sound and addressing parking issues but these things
can be mitigated; preserving open space is not easy.

2 **Luanne Fullmer:** Ms. Fullmer pointed out that no one complains about the traffic at
 4 churches. This event will be less than an event on a Saturday or in the evening and will
 6 create jobs for young people. Building more homes will bring more noise than this will.
 8 What they are proposing will keep it more country with the barn and animals etc. The
 noise will be minor and it will be a beautiful event center to share as a community rather
 than subdividing with more homes; it is keeping it in the family. She is in support of this
 proposal.

10 **John Roylance:** Mr. Roylance stated it is important to think outside of the box. The
 12 Police will ticket people who are speeding on Center Street. This isn't a Wal-Mart it is a
 14 reception center. If it is booked and busy it will be because it is a nice place. If we are
 16 serious about keeping Lindon a "little bit of country" things like this need to happen in
 the city. He realizes it is up-setting to have the city tell you what to do with your property
 but the quality of what they do will awesome and they will do right by the neighborhood.
 He is in support of this and supports keeping a little bit of country; this will just keep it
 viable.

18 **Roy Jacklin:** Mr. Jacklin stated when he was on the council there has been fear every
 20 time something new came along in the city; usually unfounded fear. He feels this
 22 proposal will work out very well. Mr. Jacklin stated he has known Mr. Jorgensen for
 many years and he has integrity and he and Jill will make this great for years to come. He
 voiced that he is in support of their proposal.

24 **Eric Dowdle:** Mr. Dowdle stated that we need beautiful things in the world and if you
 26 build something beautiful the emotion and happiness it will bring will add up. This city
 28 needs this change and addition to the city and Mike and Jill Jorgensen will do a fantastic
 job. He completely approves this proposal.

30 **Resident:** The building department and ordinances will take care of any noise or traffic
 32 issues. This proposal will bring so many improvements. The issue tonight is to look at the
 zoning change only and we are not the building department.

34 ***Mayor Acerson returned to the meeting at 10:10 pm.***

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

38
 40 COUNCILMEMBER SWEETEN MOVED TO CLOSE THE PUBLIC
 HEARING. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
 42 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

44 Councilmember Hoyt asked how many alpacas they plan to have. Mr. Jorgensen
 46 stated they currently have 7 and the city ordinance states with three species they can have
 up to 14. He also asked for a recap from the planning commission. Commissioner Steve
 Johnson gave a recap of the planning commission decision noting it was a denial by

2 default as there weren't enough votes to deny. He pointed out that was a different
meeting as there were mostly negative comments and they are seeing a lot of positive
4 comments heard tonight; they have heard plenty on both sides. Councilmember Bean
agreed it was a different meeting as there have been a lot of support and positive
6 comments heard here tonight. He added no one on the commission wanted to make a
motion to deny because the applicant meets the requirements of the ordinance.

8 Councilmember Sweeten commented that it sounds like the consensus of the
commission was to move the decision to the city council to decide as they were
10 undecided. He would also like to hear as much public input as possible as he likes a lot of
aspects of this. It appears the opposition is with the event center but the hard part is
12 because the ordinance was not put in place just for one location. If approved most of the
concerns and challenges brought up would most likely end up not being a problem and
14 everything is reviewable on complaint and there are things in place to mitigate concerns.
He is a supporter of property rights and to preserve the country feel, if done properly with
16 some tweaking this can be made viable. He is overall in support of this proposal.

Councilmember Bean commented that he really appreciates the tenor of the
18 comments heard here tonight with everyone being very civil noting that's what's great
about Lindon City. We have a unique opportunity here in Lindon but this is a difficult
20 issue. It appears the applicant meets the requirements of the ordinance, so the decision is
in this particular location, that a zone change can be made and is a decision of the
22 Council. He appreciates the creativity gone into by the applicant and, overall despite
some concerns, we do let some of our fears drive decisions more than what we should;
24 overall he is comfortable with this request.

Councilmember Lundberg commented she was on the City Council when the
26 commercial farm ordinance was crafted. She noted anytime there is something new on
the books we don't have a crystal ball to know what future applicants will come forward
28 and the mitigating caveats. She pointed out what is appealing about the commercial farm
zone was preserving open space but she is concerned with any spill over of issues that
30 may not be ideal. She loves the idea of anything related to the farm side of it, but she
worries about the impact on the neighbors. She is not sure how this will look and what
32 will be passed on but we need to weigh seriously on this matter and how to manage
growth.

34 Councilmember Broderick stated he appreciates the comments heard tonight
noting the Council agrees and loves the "little bit of country" theme in the city. He stated
36 this will change the dynamic of the neighborhood and be an impact on the neighbors; he
loves so many things about this but it is a hard decision.

38 Councilmember Hoyt stated he came here tonight feeling opposed to this proposal
but now after hearing the various comments he torn in his opinion as he sees the merit of
40 it, but is a little hesitant knowing it is legislative decision and it fits the code. He would
like to have more research on some additional areas before making a decision in moving
42 forward as a lot of valid questions have been brought forth tonight.

44 Mayor Acerson commented this is forum where residents can speak openly and if
we lose that we lose Lindon. He hopes in any given situation we set the proper
expectation and if this moves forward that we be sensitive and thoughtful and try to be

2 accommodating. He clarified that the Council can continue this item in order to gather
more research and information.

4 Councilmember Lundberg commented that it appears the Jorgensen’s want to be
good neighbors and be accommodating and mitigate the issues mentioned. She asked if
6 he has any other business model. Mr. Jorgensen stated this is the only model and they just
want to be treated fairly as they fit into this ordinance and fit all of the criteria in the
8 commercial farm zone. They are trying to preserve some of Lindon’s history and the
ordinance wasn’t written only for Wadley Farms. Mr. Cowie pointed out the focus
10 tonight is approving or not approving the zone and the site plan is secondary.

12 Mr. Van Wagenen stated he will bring this back after researching the effects of
commercial in a residential area, additional renderings, buffers (landscaping, walls,
fencing) any complaints on other similar facilities/uses in the city, noise pollution
14 mitigation, traffic study, parking etc.

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

18 COUNCILMEMBER SWEETEN MOVED TO CONTINUE THE
20 APPLICANTS REQUEST FOR APPROVAL OF ORDINANCE 2017-14-O TO THE
NEXT AVAILABLE CITY COUNCIL MEETING. COUNCILMEMBER LUNDBERG
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 22 COUNCILMEMBER BEAN NAY
- COUNCILMEMBER LUNDBERG AYE
- 24 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER BRODERICK AYE
- 26 COUNCILMEMBER SWEETEN AYE

THE MOTION CARRIED 4 TO 1.

28

9. **Public Hearing — Zone Map Amendment & Ordinance Adoption. 400 North
30 2800 West, LCC 17.54 Regional Commercial (RC) Zone (Ordinance #2017-
11-O).** Lindon City requests review and approval of a Zone Map Amendment
32 from General Commercial Auto (CG-A8) to Regional Commercial (RC), on
multiple parcels located at approximately 400 North 2800 West. Lindon City also
34 requests approval of an amendment to Lindon City Code by way of adopting
17.54 Regional Commercial Zoning Ordinance, to address development
36 regulations, activities and uses in the RC zone. These items may be continued for
further review. The Planning Commission recommended approval.

38

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

42

Mr. Van Wagenen explained Lindon City is requesting review and approval of a
44 Zone Map Amendment from General Commercial Auto (CG-A8) to Regional
Commercial (RC), on multiple parcels located at approximately 400 North 2800 West.
46 Lindon City also requests approval of an amendment to Lindon City Code by way of

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

8

7. **Continued Action Item — Zone Map Amendment, Request: Commercial Farm Zone Walker Farms of Lindon 55 South 400-500 East. Ordinance #2017-14-O.** This item was continued from the September 19, 2017 City Council meeting for continued deliberation by the Council. The Public Hearing on the item has been closed. Mike Jorgensen requests approval of a Zone Map Amendment to reclassify multiple parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone on the following parcels: 47:184:0002 (Michael B & Jill Jorgensen 55 South 400 East), 14:073:0201 (Michael & Jill Jorgensen 85 South 400 East), 47:184:0003 (Michael B & Jill Jorgensen 53 South 500 East), and 14:073:0028 (Michael B Jorgensen on behalf of MJ Real Estate Holdings LLC 484 East Center Street). Total land area of 5.19 acres. *The Planning Commission recommended denial of the request.*

22 *Councilmember Hoyt disclosed at this time for the public record that he is employed at Rock Canyon Bank where the applicant’s do their banking but he does not have any banking relationship with the Jorgensen’s accounts or business transactions through Rock Canyon Bank.*

26

Mr. Van Wagenen gave some background stating the Council voted to continue this item from the September 19, 2017 meeting and requested the following information: (1) examples of the building being proposed on the property; (2) traffic counts on Center Street; and (3) review of buffering requirements between commercial and residential properties.

32

1. Home Values

34

2. Building examples

36

3. Center Street Traffic Counts

38

4. Buffering requirements:

40

a) Screening and Fencing in the CF zone requires

42

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

44

ii. any commercial structure closer than 30' to a residential use or residential zone shall provide a minimum 10' wide tree-lined buffer from the commercial building to the adjacent residential use or zone. Trees shall be

46

- 2 planted at least every 10' along the buffer area adjacent to the residential
 use or residential zone. Trees must be a minimum of 2" caliper measured
 4 one foot off the ground and at least 6' tall when planted. In addition to
 any required fencing, trees shall be of a variety that will mature to a height
 6 of at least 20' tall in order to provide an increased visual barrier between
 the commercial use and the residential use;
- 8 iii. residential dwelling units and agricultural accessory buildings are not
 considered commercial structures.
- 10 b. Screening and fencing in *other commercial zones* requires
- 12 i. a 40 foot building setback to a residential property;
- 14 ii. a masonry or concrete fence seven feet high be constructed along any
 property line between nonresidential development and a residential
 use/zone;
- 16 iii. any off-street parking lot adjacent to a residential use/zone shall provide a
 minimum 10 foot landscape buffer from the parking lot to the adjacent
 residential use/zone with trees planted every 10 feet.

18 Mr. Van Wagenen explained the Commercial Farm (CF) zone was created in
 20 2011 to “provide encouragement of agricultural production and associated commercial
 activities that are compatible with and/or promote agricultural uses within the city.
 22 Although the intent of the zone is to promote agricultural uses within the city, the zone
 may be utilized as “holding zone” to allow reasonable options for income from
 24 agricultural and/or commercial uses for a period of time before developing the land in
 conformance with the General Plan Land Use Map.” The applicant is requesting a rezone
 26 of the subject properties in order to build a reception/event center while raising and
 breeding alpacas and selling alpaca wool.

28 Mr. Van Wagenen stated the applicant has provided a brief business plan and
 concept site plan for the property (see attached).

- 30 • Business Plan for the Commercial Farm
- 32 ○ “We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs,
 or what’s called a starter pack. This will consist of a pregnant female and an
 34 unrelated male. We can also sell the wool which can be quite expensive and
 highly sought after.”
- 36 ○ The reception/event center will be an additional revenue source for the alpaca
 operation. This is a conditionally permitted use in the CF zone.

38 One of the main requirements for CF zone consideration is listed in LCC 17.51.015
 and states:

- 40 • Agricultural Production Required
- 42 1. At least 40% of the property must be maintained in active agricultural
 production and be managed in such a way that there is a reasonable
 44 expectation of profit. Land used in connection with a farmhouse, such as
 landscaping, driveways, etc., cannot be included in the area calculation for
 agricultural production eligibility.
- 46 2. For the purposes of this chapter, “agricultural production” shall be defined as

2 the production of food for human or animal consumption through the raising
4 of crops and/or breeding and raising of domestic animals and fowl (except
household pets) in such a manner that there is a reasonable expectation of
profit.

6 Mr. Van Wagenen noted the application does meet the requirements for lot area,
lot width, lot depth, and lot frontage. However, the parcels presented are not currently
8 under identical ownership as required in LCC 17.51.020. This should be a requirement if
an approval is granted.

10 Mr. Van Wagenen further explained the concept site plan does show the existing
single family home in addition to a caretaker dwelling that is currently being restored
12 (Center and 500 East). The caretaker dwelling being restored has nonconforming
setbacks due to the age of the original construction. Although the application appears to
14 meet the requirements for the properties in question to be rezoned, this is a legislative
action. Therefore, the City Council is not obligated to approve if the Council decides the
16 request is not in the best interest of the public and Lindon City. In looking to the future,
the home on this site will have to be associated with the proposed reception/event center
18 because of the minimum size requirements of the Commercial Farm zone. As we have
recently seen with other properties, this can be problematic when the current owner
20 moves on and the property is sold to future operators.

Mr. Van Wagenen stated if the applicant's request is granted, a separate site plan
22 application will need to be submitted to ensure all site requirements are met regarding
parking, landscaping, fencing, building height, etc.

24 Mr. Van Wagenen pointed out the Planning Commission heard this request on
September 12, 2017. Several citizens came to the public hearing and opposed the
26 applicant's request. There were concerns about traffic and noise from the proposed
event/reception center. He noted the Commission considered the item for an hour,
28 discussing the positives and negatives of the request. One motion to approve the request,
with the consideration that a future reception center would be a conditional use permit
30 where conditions could be placed on the property to mitigate negative effects on the
neighborhood was defeated. No member of the Commission offered an alternative
32 motion. Lack of an approved motion automatically becomes a recommended denial of the
request to the City Council.

34 Mr. Van Wagenen then referenced the draft ordinance 2017-14-O, and aerial
photo of the proposed area to be rezoned, the current zoning map, the conceptual site
36 plan, the information provided on alpaca farming, LCC 17.51 Commercial Farm Zone,
building examples and the center street traffic counts followed by discussion. At this time
38 he called for any questions from the Council.

Councilmember Sweeten asked for clarification on the intent of this ordinance
40 that it was not drafted for just one property and not for others. Mr. Cowie clarified the
intent noting they looked at a specific site to address issues but knowing that it may be
42 utilized by other properties. He noted this is a unique use but everyone thought it was a
benefit to the community and to help keep the agricultural open space in Lindon. Mr. Van
44 Wagenen clarified this is a legislative decision noting they can meet the commercial farm
ordinance but they are under no obligation otherwise to approve. At this time
46 Councilmember Hoyt read several lines from an email sent by the City Attorney noting it

2 is important to know that this can be reasonably debatable in moving forward and in
making a decision.

4 Councilmember Sweeten pointed out the original Wadley Farms has a lot of
similar things to this proposal and to remember what the intent was and what the original
6 ordinance was. Councilmember Lundberg stated she has thought about this historically
and the fact that Wadley Farms had a conditional use for many years with their original
8 event barn, so they were really able to establish themselves to be a good neighbor and it
was not an inherit right to continue on and they had to prove their model; they had to give
10 weight to the neighbors to show they would be a good neighbor. She noted this is a
divisive issue and we must give weight to the fact that this has been a residential zone and
12 the event facility itself has been so divisive; it would be nice to stage this and see how it
progresses through stages.

14 Councilmember Sweeten stated the comments received are almost split down the
middle with half for pro and half for con, but he is hearing a lot of positives especially
16 from those neighbors who are in close proximity to the applicant; if he lived across the
street from this proposal he would be okay as it is proposed. Councilmember Lundberg
18 stated she has received some additional emails from neighbors who feel they will be
impacted by the noise and traffic.

20 At this time Mr. Van Wageningen stated the applicants are in attendance to address the
council and provide additional information if needed.

22 Mr. Jorgensen made note of the letters they have received that are for and against
noting it appears that those who live near to them (who this may impact the most) are in
24 support of them and those who aren't supportive live further away. Shelly Savage, direct
neighbor to the Jorgensen's stated she is in favor of this proposal. She also pointed out that
26 some of the residents who were in attendance showing support to the Jorgensen's did not
send emails. Mr. Jorgensen pointed out that he has been looking at the minutes from when
28 the commercial farm zone was put in to place and the arguments made (he read portions
from the minutes from 2011). He also referenced the zone map. Mr. Jorgensen stated they
30 are going to great expense to acquire and preserve these properties for the very reason
Lindon City adopted this ordinance in the first place. This will be a great event center for
32 the community. He understands these concerns but they will be mitigated through a
conditional use permit. They have been here for 18 years and this will be a good thing for
34 the community and it will be a nice addition. He pointed out their property is bordered by
two collector roads and will not make much more of an impact on traffic than what is
36 already generated.

38 Councilmember Broderick stated it is interesting on the number of comment, texts
and emails pointing out that all are favorably to the Jorgensen's integrity. He has been to
the property at least five times with those who are pro and con and walked through and
40 looked at the areas and some changed their mind after walking through (both pro and con).
He is for preserving the residential area based on the zoning so he will not be in favor.

42 Councilmember Hoyt stated he values residential properties and he is familiar with
this property location in question. He stated he reached out to and was given the opinion of
44 three real estate agents and all had similar answers and they all agreed in the best case
scenario that the home values would be minimally affected. He went back to two meetings
46 ago where they discussed preserving residential areas. The General Plan is written to decide

2 where residential areas should be and we don't want them negatively affected. This is a
controversial issue and he has concerns about the buffering and noise. He appreciates the
4 Jorgensen's and the thought gone into this, but he worries that it may be too much
infringement on a general planned residential area and therefore he will not be in favor.

6 Councilmember Bean stated when this commercial farm zone was initiated he and
Councilmember Lundberg were on the Planning Commission so there is some related
8 institutional knowledge and background here tonight. At the time the Wadley Farms
property had been operating for about 10 years and they wanted to expand it and it is
10 probably bigger now than what would have been foreseen. Being that Wadley Farms is a
historical farm site was significant and the 18 acres provides a large buffer. He is aware
12 that Wadley Farms has expanded and the applicant's proposal is much smaller. In
retrospect he would have liked to see the minimum size (in the ordinance) be larger than 5
14 acres as he feels they did not anticipate future applicant's putting together parcels to
achieve the 5 acre minimum; he has mixed feelings but they have met the ordinance.

16 Councilmember Sweeten asked the Council where in the city they would like to see
this ordinance used if not at this location as he feels it is a great location to see this
18 ordinance used; if not here then why do we even have this ordinance. Councilmember
Lundberg stated the ordinance was put in place to encourage saving some open space; that
20 was the intent of the ordinance and she personally likes the concept. The only issue that
seems to be divisive is this plan that can bring in several hundred people multiple times a
22 week. She agrees it is on a collector street so it is not a super quiet residential area.
Councilmember Sweeten questioned the Council if it were 10 acres would it be okay.
24 Councilmember Lundberg stated for her it is the distance from a conditional use event
center to an adjacent residential home and if there is enough of a buffer. Mr. Jorgensen
26 stated it was approved by the past council as a 5 acre piece and questioned what has
changed since then. Mr. Jorgensen expressed that he feels they are not being treated fairly
28 and this appears to be a double standard (as it pertains to Wadley Farms) as they have come
in under that same ordinance.

30 Councilmember Lundberg stated Wadley Farms has been operating in that activity
for many years and they have established good neighbor relationships for the operation of
32 that business and she is sure the Jorgensen's have that same intention. Where we are going
in changing a zone to accommodate this we should have to give weight to those folks who
34 want to maintain a residential area. Mr. Jorgensen said their property was a farm long
before it was residential and it was a great idea then but why not now and why and what
36 better place to put another one. He pointed out this is named Walker Farms, a historical
name synonymous with Lindon. We need these zones...it was a great idea then and if not
38 here then where in the city would you want this? What has changed since then?

40 Michael Travis, resident in attendance, pointed out that the Udall's were raked over
the coals tonight for their trip count and their requirements and looking at this proposal
there has been no discussion addressed that this proposal is across the street from the
42 elementary school which will induce mass chaos with traffic. He questioned if this is in an
appropriate location; he feels it is not. Mr. Van Wagenen pointed out there are buffering
44 comparisons included in the staff report.

46 Mayor Acerson stated the Council has weighed in on this issue and called for action
at this time.

2

4

At this time Mr. Jorgensen asked to read a prepared statement for the record as follows:

6

I do not feel that our application has been treated the same as other similar applications that have been made over the years and I have several examples that I want to get on the record.

8

10

Back in 2011, Alan Colledge of Wadley Farms requested Lindon City to draft a new zone that would accommodate his plans to expand his reception business. According to his comments in this room at our last meeting, (which are recorded) he helped write the language for the zone change. Taking from that same recorded testimony, "there were no other parcels in the city at that time that this new zone could be applied to, and so we set the minimum acreage for the zone to 5." Minutes from Lindon Council records:

12

14

16

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LCC 9-20-2011: The council was asked to review and give feedback concerning a proposed concept of creating a new zone to better accommodate future needs of his farm and reception facility at 35 East 400 North in the R1-20 zone.

20

22

PZ 9/27/2011: In the Planning Directors Report, Mr. Cowie reported that; "Mr. Colledge is requesting to expand the reception center to accommodate a 300 person capacity, which will need an ordinance change. Mr. Cowie noted that this could be a potential farm zone, which is currently zoned residential. The City Council felt strongly enough about preserving this property that they directed the planning staff to prepare an ordinance change for farm use.

24

26

28

This will be coming to the Planning Commission the end of October for a CUP, Ordinance Change and a Zone Change. Basically a done deal!

30

32

*PZ 10/25/2011:
Add a Commercial Farm Zone
Approve Wadley Farms for the new zone change* Approve a CUP, (even before the CC approved) Approved Approved Approved*

36

38

**NO hard questions, no concerns about traffic, noise, impact of home values, no requests for what his new building would look like...*

40

None of the questions that Councilwomen Lundberg asked at our last meeting were asked at that meeting by any of them, including then Commissioner Lundberg.

42

*LCC 11/1/2011:
Mr. Cowie opened the discussion by stating this proposed ordinance is a *city initiated**

2 *change to add a commercial farm zone to the Lindon City ordinances.*
 4 *Mr. Cowie also noted that **this ordinance would be intended for other people to use this in other areas of the city.***

6 *Mr. Cowie noted some key items for discussion as follows:*

- 8 • *a minimum 5 acre lot size*
- 10 • *40% agricultural required*
- 12 • *Lot width and depth and frontage as same as residential zone*
- 14 • *Number of dwellings per lot (not more than one single family dwelling).*
- 16 • *Setback requirements. Any potential commercial building should have same setbacks as residential units.*
- 18 • *Maximum building height of 35 ft. with an additional 10 ft. for other uses, i.e. cupola, HVAC.*
- 20 • *Distance of 10 ft. between buildings as required by building code. Permissible lot coverage of 40% of the lot area.*
- 22 • *40% of front yard setback must be landscaped.*
- 24 • *Screened fencing.*

26 *Mr. Cowie then went over permitted uses and conditional uses. He also noted that there are enough conditions in the Conditional Use Permit to set limits and make it compatible. Mr. Cowie also mentioned concerns regarding potential nuisances such as odors, flies, loose animals, etc. Mr. Cowie asked if there were any concerns with any of the listed uses. Councilmember Bayless noted that the Planning Commission discussed this issue thoroughly. There were no other concerns or comments.*

28 *Fast Forward to PZ April 11 2017:*

30 *Site Plan Amendment —Wadley Farms, Alan Colledge requests amended site plan approval for a 5,500 square foot addition to the Wadley Farms Castle.*

32 *Mr. Van Wagenen stated they are providing vehicle parking for up to 1,645 persons, Note: with only one entrance and exit to the site.*

36 *THERE WERE NO CONCERNS RAISED BY ANY COMMISSIONERS*

38 *COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S*
 40 *REQUEST FOR A 5,500 SQUARE FOOT ADDITION TO THE COMMERCIAL*
 42 *BUILDING*

Our Experience:

2 *PZ 9112/2017: This was a request for a zone change. We shouldn't have even been*
discussing what our intended use of the property could be. That should have
 4 *happened when and if we applied for a CUP after approval of our zone change*
While I appreciate the support of Commissioners Johnson and Marchbanks, I am
 6 *concerned about comments made by other commissioners, specifically Rob Kallas. He*
stated that he could get behind anything else but the "R" word, reception center. He
 8 *was especially critical of the lights and noise that would spill over to the neighbors*
around us and he used the Linden Barn as an example. Note: I've personally known
 10 *Rob for 30 years and I found this to be ironic since he and his employer, the Woodbury*
Corporation have systematically wiped out literally blocks of single family homes in
 12 *expanding their University Mall (Place).*

14 *This was the same PZ commissioner who just 5 months ago made the motion to approve*
Wadley Farms request to build an additional 5500 sf. This addition will take their total
 16 *amount of reception center space to more than 23,000 sf, and accommodate 1645*
people, and not one of them made a peep.

18 *LCC 9119/2017:*

20 *Mr. Wadley was allowed to make a speech TO THE AUDIENCE, his back to the*
council, and made these comments:

- 22 • *Your neighborhood will never be the same,*
- 24 • *Your relationships with your neighbors will never be the same,*
- 26 • *You are putting your foot in a bear trap,*
- 28 • *and questioned our ability to control our guest's behaviors.*

30 *I know he had a right to be there and take his 3 minutes, but why he, as a competitor,*
 32 *would be allowed to make such a long presentation with NO attempt from the council*
 34 *to stop or remind HIM of the rules regarding the format of the meeting.*

In Summary:

36 *What is before you is an application for a zone change. What we do with our*
 38 *property after that SHOULD have been dealt with under a completely separate*
 40 *application and process.*

42 *Lindon City created a Commercial Farm Zones (CF) to provide encouragement of*
 44 *agricultural production and associated commercial activities that are compatible*
with and/or promote agricultural uses within the city. Objectives of the zone include
promoting and preserving agricultural production, promoting agricultural open
space throughout the city, and allowing associated commercial activities which
could be used as additional revenue sources to help sustain and support agricultural
industry within Lindon and it is still on the books.

2 *We meet ALL of the city's requirements for the zone and while there are those who*
 4 *oppose this, (and they have that right) public clamor is not an acceptable reason for*
 6 *the city to deny our application. If the majority of the citizens of Lindon want to*
 8 *change or eliminate this zone, there is a process to do it and they are free to do so.*
This meeting should be about whether or not we meet the requirements for a zone
change and after that we should be discussing our CUP, but that horse has long left
the barn.

10 *Our project and its use is exactly what the Zone was intended for. It's located on one*
 12 *of the few remaining pieces of the original Walker Farms, with the house that most of*
them grew up in being painstakingly restored.

14 *The location couldn't be better as it is bordered on 2 of 3 sides with Major Collector*
 16 *roads according to Lindon City Street Master Plan. Also, we have 2 ways in and 2 ways*
out on 2 separate roads

18 *The criteria laid out in the Zone dictates a small size for our operation. Our proposed*
 20 *Event Barn is only 4900 sf. (21% the size of Wadley Farms) and our occupancy is*
 22 *220 (13% of Wadley's). We are providing more off street parking that the city*
requires (9 more spaces).

24 Following the statement Mr. Jorgensen thanked the Mayor and Council for their
 time and consideration in this matter.

26 Councilmember Bean asked Mayor Acerson to voice his comments. Mayor
 Acerson commented that these issues arise in the city and you have heard the council weigh
 28 for support or non support on this issue. This is a different council from years past and
 things change. We want a "little bit of country" in Lindon but this is a divisive issue and
 the fear of the unknown exists. There is a chance over time that those who are opposed
 30 may find these fears are unfounded. The Council has to weigh in on all comments from all
 citizens and the council is going to vote the way they feel. His greatest desire is to ensure
 32 that all citizens can voice their opinion and in the end this legislative body has to make a
 decision whether right or wrong. The challenge is that Lindon is growing and Lindon likes
 34 open space and large properties with open areas. This is a situation where we all need to
 work together; the Council is trying to be the voice of the people.

36 Councilmember Lundberg commented that her comments are not put verbatim in
 the minutes and are summarized. She noted there was a lot of healthy discussion with
 38 Wadley Farms and the zone and she is leaning to approval. She expressed that we need to
 be respectful to everyone and they did neighbor to neighbor work to mitigate concerns and
 she wants to be careful because there may be those who will be impacted but the event
 40 center will have a conditional use associated with it to mitigate the issues and concern. She
 feels 5 acres is sufficient but the use of the building and the buffering is a concern. She
 42 stated it appears Mr. Jorgensen is starting the groundwork to establish good relationships
 and earn the respect and rapport with the neighbors and she would like to see that continue.
 44

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

2

COUNCILMEMBER HOYT MOVED TO DENY THE APPLICANTS
 REQUEST FOR APPROVAL OF ORDINANCE 2017-14-O WITH NO CONDITIONS.
 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

3	COUNCILMEMBER BEAN	NAY
8	COUNCILMEMBER LUNDBERG	NAY
	COUNCILMEMBER HOYT	AYE
10	COUNCILMEMBER BRODERICK	AYE
	COUNCILMEMBER SWEETEN	NAY

12 THE MOTION FAILED 3 TO 2.

14 Mayor Acerson called for another motion because the motion failed.

16 Councilmember Lundberg brought up the issues at hand: traffic, location, off
 street parking. She asked Mr. Jorgensen if he would be willing to do this incrementally
 18 and get the feedback from the community and develop relationships and build a good
 rapport with the neighbors as to mitigate the concerns and issues. Mr. Jorgensen agreed
 20 that they would be happy to do this incrementally and to continue to mitigate any issues
 as to alleviate the neighbors concerns. Councilmember Lundberg clarified this is only the
 22 zone change tonight and not the conditional use permit.

24 COUNCILMEMBER SWEETEN MOVED TO APPROVE THE APPLICANTS
 REQUEST FOR APPROVAL OF ORDINANCE 2017-14-O WITH THE CONDITION
 26 THAT ALL PARCELS BE UNDER THE SAME OWNERSHIP. COUNCILMEMBER
 BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28	COUNCILMEMBER BEAN	AYE
	COUNCILMEMBER LUNDBERG	AYE
30	COUNCILMEMBER HOYT	NAY
	COUNCILMEMBER BRODERICK	NAY
32	COUNCILMEMBER SWEETEN	AYE

THE MOTION PASSED 3 TO 2.

34

8. **Discussion Item — Parks & Recreation Facilities Visioning; Park Signs;
 Field Rental Fees; etc.** Lindon City Parks & Recreation Director, Heath
 Bateman, will review several items for discussion and feedback including long-
 term visioning and intended use of the Community Center & Veterans Hall,
 review possible park & sports field rental policies and fees, standardizing park
 entry signage, possible pavilions and expanded fencing around the Aquatics
 Center, and other matters pertaining to the Parks & Recreation Department.

42

Heath Bateman, Parks and Recreation Director, was in attendance to review
 several items for discussion and feedback including long-term visioning and intended use
 44 of the Community Center & Veterans Hall, review possible park & sports field rental
 policies and fees, standardizing park entry signage, possible pavilions and expanded
 46

7. Review & Action — Direction on Use of Property Sale Proceeds (15 minutes)

The City Council will review and take action on use of approximately \$1.8 million in proceeds from the sale of surplus property. On June 5, 2018 the Council was presented with alternatives for use of the proceeds having previously directed that the funds should be primarily used for reduction of debt. Recommendations from the Finance Director and City Administrator were to fully pay off the 700 North road construction bond and partial payment of the Public Safety Building bond to save (as of the June 2018 estimates) approx. \$337,600 in interest and fees, which then frees up encumbered General Fund revenues of approx. \$266,400 annually to be used for other purposes. The Council will provide a formal motion on whether or not to proceed with finalizing these debt payment processes with the lenders, and to hold a public hearing for a budget amendment to accept public comment on the planned expenditure of funds.

See attached memo from Finance Director, Kristen Colson. The City has completed all requirements for disposal of the surplus property and has signed all paperwork with Vineyard and the title company for closing on the property. Boundary change notification documents have been sent to the State for their approval. Once the city receives a certificate of boundary change approval from the State, the documents and boundary/annexation plat will be recorded and the money transferred from Vineyard to Lindon. We anticipate this will all be completed within the next few days.

Getting documents ready for paying off the 700 North road bond and paying down part of the Public Safety Building takes a few weeks, with interest accruing each day. Therefore, Staff wanted to get firm direction from the Council to ensure that this course of action (debt relief) is what the Council desires to do with the property sale proceeds.

Sample Motion: I move to use the approximately \$1.8 million in property sale proceeds for debt relief and direct Staff to, 1) schedule a budget amendment public hearing to receive public comment on the proposed use of the funds; and 2) begin preparation of necessary paperwork with the applicable lenders to pay-off the 700 North road debt and pay down and Public Safety Building debt as discussed, after having received public comment on the budget amendment.



M E M O R A N D U M

To: Mayor Acerson and City Council
 From: Kristen Colson
 Date: June 1, 2018
 Re: Possible uses of proceeds from sale of property

We can use the proceeds from the sale of surplus property by Utah Lake to

- Save about \$337,600 in interest expense
- Free up cash flow of about
 - \$266,400 per year, which is currently encumbered until 2025 for the 2005 series debt service payments
 - \$14,000 per year, which is currently encumbered until 2026 for interest payments on the last five years of the 2016 series bonds
 - \$197,400 per year from 2027-2031, which is encumbered for the 2016 series debt service payments
- Save an additional \$22,000 in bond trustee fees

How? With the following proposal for the use of these proceeds.

Background

The City Council approved the sale of surplus property by Utah Lake. There is currently an offer on this property which could generate approximately \$1.8 million in revenue. We've had offers before and we have discussed the options for their use before.

The best option for saving money and freeing up future cash flow is to use these proceeds to

- **Payoff the 2005 Series Bonds for 700 North**
- **Pay down the last 5 years of the 2016 Series Bonds for the Public Safety Building**

Sales Tax Revenue Bonds, Series 2005

- were used to construct 700 North street and install water and storm drainage lines
- are scheduled to mature June 1, 2025
- have an interest rate of 3.75%
- are subject to a pre-payment penalty ("redemption premium") calculated according to a formula set out by the purchaser of the Bonds, Bank of America.
 - Bank of America provided an estimated penalty for May 31, 2018 of about \$86,600.
 - This is sooner than would be possible and there is an annual payment due June 1. So with help from LYRB, I am estimating that the prepayment penalty for July 1, 2018 would be around \$55,500.

- ▶ There are several economic variables which could cause it to go up or down. The lender will not give us an exact prepayment penalty and loan payoff until 5 days before making the payment.
- The City's money can go further by paying down this debt because the debt is also being repaid with water and storm water impact fees.

The debt service payments on this bond are being made using the following funding and allocation. Also shown is the allocation of the principal, interest, and penalty required to pay off the bonds.

Fund	Funding Source	Allocation	Payoff (P+I+penalty)
Road	General Fund	79.67%	\$1,334,109.01
Water	Water Impact Fees	5.47%	\$91,597.54
Storm	Storm Water Impact Fees	14.86%	\$248,837.20
Total		100.00%	\$1,674,543.75

Below is a breakdown of how the Series 2005 bonds would be paid off.

Fund	Budgeted Funds	Proceeds from Sale	Fund Balance	Total Funds
General	\$212,340.47	\$1,121,768.54	\$0.00	\$1,334,109.01
Water	\$14,578.92	\$0.00	\$77,018.63	\$91,597.55
Storm	\$39,605.62	\$0.00	\$209,231.59	\$248,837.21
Total	\$266,525.01	\$1,121,768.54	\$286,250.22	\$1,674,543.77

There is a sufficient surplus of water impact fees to make the extra payment necessary to pay off the water portion of the debt, as well as adequate storm water fund balance to pay off the storm water portion of the debt.

Sales Tax Revenue Bonds, Series 2016

- were used to construct the Public Safety Building.
- debt service payments are being made from the general fund
- are scheduled to mature March 1, 2031
- has interest rates which vary
 - ▶ 1.00% - 2.45% for maturities 2017 through 2026
 - ▶ 1.48% for maturities 2026 through 2031, but are subject to interest rate adjustments on March 1, 2021 and March 1, 2027. This means that \$945,000 of this bond series is subject to unknown interest rate adjustments which we assume will increase.

We could payoff the final five years of maturities of the Series 2016 bonds

- using the remaining proceeds from the sale of the property, estimated to be \$678,231.46, which would be \$1,800,000 less the \$1,121,768.54 used for the Series 2005 bonds payoff,
- plus General Fund reserves of about \$266,768.54.

Retiring the 2005 (700 North) bonds 6 years early and the 2016 (Public Safety Bldg) bonds 5 years early would

- Save about \$337,666 in interest expense
- Save an additional \$22,000 in bond trustee fees being paid at \$2,000 per year per bond to US Bank. This fee increased this year and could be increased again in the future
- Free up cash flow of about
 - ▶ \$266,400 per year, which is currently encumbered until 2025 for the 2005 series debt service payments
 - ▶ \$14,000 per year, which is currently encumbered until 2026 for interest payments on the last five years of the 2016 series bonds
 - ▶ \$197,400 per year from 2027-2031, which is encumbered for the 2016 series debt service payments
- Mean that we are no longer paying debt service on a road that we do not own

Most of the interest savings, as well as the prepayment penalty, are estimated and are bound to change with the passage of time, as interest accrues and the treasury rate fluctuates.

There are also realtor fees and closing costs which would come from the General Fund. These expenses along with the proposed \$266,768.54 to pay down the 2016 (Public Safety Bldg) bonds could

- come from General Fund reserves, or
- come from decreasing the budgeted 2019FY transfer from General Fund to Road Fund.

Other Possible Uses for These Proceeds

Payoff the 2016 (Public Safety Bldg) Bond

This would require

- the full \$1.8 million in proceeds,
- plus additional General Fund reserves of ~~\$505,276.95~~ **\$307,723.05**

This option would save ~~\$261,419.35~~ in interest and free up annual cash flow of \$197,400, which is currently encumbered for the 2016 series debt service payments until 2031.

Correction: The already budgeted debt service amount of \$197,553.90 was not taken into account.

Capital Outlay

Other options for the use of the sale proceeds is to use this one-time money for on-time projects, such as:

- fund pending capital projects such as sidewalk construction and road reconstruction,
- fund capital projects currently planned for the next 5-7 years such as trails, traffic signals, street lights, parks and amenities, piping canals and ditches, or
- purchase capital assets.

Most of the City's capital outlay needs are in the enterprise funds where user fees provide the funding. There is also sufficient park impact fees which can be used to improve new parks and add new amenities to current parks.

Once the property sale has closed and the proceeds are received, staff will return to City Council for a final approval and a budget amendment.

8. Review & Action — Cooperative Agreement with UDOT for Geneva Road storm water

(10 mins)

The City Council will review and consider a cooperative agreement with UDOT in which construction work completed by Lindon City will benefit UDOT by alleviating some ponding storm water along Geneva Road, for which UDOT will pay half of the cost of the work (\$4,000) in addition to granting Lindon City additional capacity in UDOT owned storm drainage pipes along Geneva Road and Center Street.

See attached agreement. This is a win-win for UDOT and Lindon as it helps resolve a Geneva Road drainage problem for UDOT and adds needed capacity for Lindon's storm drain line that carries water across Geneva Road. The work has been completed as part of the sewer line bore project that was recently done at Geneva Road and Center Street. The cooperative agreement outlines the financial participation by UDOT/Lindon and the Detention Basin Construction, Maintenance and Operation Agreement – Addendum No. 2 outlines the agreed upon work and ability for the city to use some of the capacity in UDOT's pipe.

The documents included for your review are in draft form, but we don't expect any significant changes other than dates being updated. The agreements have stalled due to some turnover in staffing – but verbal ok's had previously been given to proceed. As the work has now been completed we are anxious to finalize the documents so we can submit payment requests of UDOT.

Staff asks that the Council approve the agreements and authorize the Mayor to sign them subject to the City receiving the finalized and updated version from UDOT.

Sample Motion: I move to (approve, deny) the Cooperative Agreement for UDOT financial participation on work done on Geneva Road and the Addendum No. 2 of the Detention Basin Construction, Maintenance and Operation Agreement, and authorize the Mayor to sign the finalized documents.

Detention Basin Construction,
 Maintenance and Operation
 Agreement; approx. 100 N. 1200 W.
 in Lindon
LINDON CITY
 Federal ID No. 87-6000242

AMENDMENT NO. 2 TO
AGREEMENT NUMBER 998094

THIS AGREEMENT, made and entered into this _____ day of _____, 2018, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and **LINDON CITY**, a political subdivision of the State of Utah, hereinafter referred to as the “**CITY**.”

RECITALS

WHEREAS, the **CITY** and **UDOT** entered into agreement No. 998094 dated September 2, 1998 and Amendment No. 1 to Agreement Number 998094 dated April 10th, 2014. A copy of said agreements and exhibits are marked “**EXHIBIT A**” (consisting of 4 sheets of original agreement text and 5 sheets of original agreement drawings), “**EXHIBIT B**” (consisting of 7 sheets of Amendment No. 1 drawings), and “**EXHIBIT C**” (consisting of 4 sheets of Amendment No. 1 text), attached hereto and thereby made a part hereof; and

WHEREAS, the **CITY** desires to discharge storm water through a segment of **UDOT** pipes on Center Street and Geneva Road that eventually discharge into the existing detention basin referenced in **EXHIBIT A**, **EXHIBIT B** and **EXHIBIT C**; and

WHEREAS, **UDOT** has determined that this Cooperative Agreement is beneficial to Lindon City by allowing them to utilize existing capacity of **UDOT** owned pipes instead of costly upsizing.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. **UDOT** will allow the **CITY** to discharge storm water from **CITY**’s storm drain into **UDOT**’s storm drain at or near the intersection of Center Street and Geneva Road in Lindon. The **CITY** agrees to perform the construction required to connect the **CITY**’s storm water system to **UDOT**’s storm water system . The **CITY** assumes responsibility and liability for the construction, operation, and maintenance of any new storm drain infrastructure connecting the **CITY**’s storm drain to **UDOT**’s storm drain, and holds **UDOT** harmless from any liability or expense resulting from the **CITY**’s operation and maintenance of the

Detention Basin Construction,
 Maintenance and Operation
 Agreement; approx. 100 N. 1200 W.
 in Lindon
LINDON CITY
 Federal ID No. 87-6000242

infrastructure. Drawings showing the two storm drain systems are marked “**EXHIBIT D**”, attached hereto and thereby made a part hereof.

2. The **CITY** and **UDOT** are both governmental entities as defined in the Utah Governmental Immunity Act (the “Act”). Nothing in this Agreement shall be deemed as a waiver by either or both parties of any defenses or protections provided by the Act. Nor shall this Agreement be construed, with respect to third parties, as a waiver of any governmental immunity to which a party to this Agreement is otherwise entitled. The **CITY** agrees to indemnify, save harmless, and release **UDOT** from and against any and all loss, damages, injury, liability, suits, claims and proceedings arising out of the performance of this Agreement, or negligence of the **CITY**’s officers, agents, contractors, or employees, except to the extent where the claim was caused by the negligence of **UDOT**. This provision shall survive the termination of this Agreement. **CITY** shall indemnify **UDOT** for any losses, damages, injury, liability, claims, suits and proceedings arising out of the operation and maintenance of the Detention Basins by the **CITY** within **UDOT**’s right-of-way.
3. This Agreement may be executed in counterparts by the **UDOT** and **CITY**.
4. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
5. This Agreement does not create any type of agency relationship, joint venture, or partnership between the **CITY** and **UDOT**.
6. No subsequent modification or amendments will be valid unless in writing and signed by both parties.
7. With the exception of the terms contained in Amendment No. 2, all other terms in the Agreement dated September 2, 1998 and Amendment No. 1 shall remain in full force and effect. In the event of any inconsistency between the Agreement, Amendment No. 1 and Amendment No. 2, the provisions of Amendment No 2 shall supersede and control the provisions of the Agreement and Amendment No. 1.
8. Each party represents that it has the authority to enter into this Agreement.

Detention Basin Construction,
Maintenance and Operation
Agreement; approx. 100 N. 1200 W.
in Lindon

LINDON CITY

Federal ID No. 87-6000242

Detention Basin Construction,
Maintenance and Operation
Agreement; approx. 100 N. 1200 W.
in Lindon
LINDON CITY
Federal ID No. 87-6000242

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its duly authorized officers as of the day and year first above written.

ATTEST:

LINDON CITY, a political subdivision of the State of Utah

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

(IMPRESS SEAL)

**RECOMMENDED FOR APPROVAL:
TRANSPORTATION**

UTAH DEPARTMENT OF

By: _____
Region 3 Utilities and Railroads Leader

By: _____
Region 3 Director

Date: _____

Date: _____

COMPTROLLER OFFICE

By: _____
Contract Administrator

Date: _____



State of Utah
Department of Transportation

Cooperative Agreement Local Agency Performing Work for UDOT	Project Description: 2 Locations North Orem & Pleasant Grove	\$4,000.00 Lump Sum Payment
	Local Agency: Lindon City	Date Executed
Pin:12309 CID: 54941 Job/ Project: F-R399(262)		

THIS AGREEMENT, made and entered into on the executed date , by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and Lindon City, a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency**.”

UDOT requested that the Work be included in the Local Agency's Project. Subject to the attached provisions, **Local Agency** will include the following items into its Project. Unless the parties agree to a lump sum, upon signing this Agreement, **UDOT** agrees that the costs shown are estimates and that it will be responsible for paying the actual costs associated with these items, based on unit bid prices, and actual quantities placed. If a lump sum payment is specified, **UDOT** will not pay for any additional costs beyond the lump sum payment amount.

Description of Work:

Local Agency will construct the drainage improvements at Center Street to connect the City's system to UDOT's system. **Local Agency** will design and construct the pipeline, boxes, and connection(s) to **UDOT** standards, with **UDOT** providing review and approval prior to starting work.

Costs to include:

List or Description of Items

Item #	Item Description	Estimated Quantity	Unit Price	Estimated Cost
#1	<i>24 Inch smooth leak resistant pipe</i>	42 ft	\$65	\$2,600.00
#2	<i>Manhole</i>	1	\$5,000.00	\$5,000.00
#3	<i>Drainage System Connection</i>	1	\$400.00	\$400.00
Estimated Total Cost				\$8,000.00

LUMP SUM PAYMENT: TOTAL AMOUNT TO BE PAID BY UDOT	\$4,000.00
--	------------

Project Completion Date: September 30, 2017

Billing must be submitted within 3 months of work completion date.

If the actual costs exceed the agreed maximum total cost, **Local Agency** will immediately notify **UDOT** and **UDOT** can determine whether to reduce the scope of Work or continue with the Work at the increased cost. Once final **UDOT** signoff has occurred, the **Local Agency** will submit the receipts of payments for the Work to the **UDOT** Region office. **UDOT** will process the payment of the committed amount or the direct costs of approved activities, whichever is less, within 45 days and send a check to the **Local Agency**.

Total Estimated Reimbursement to the Local Agency is Lum Sum Payment of \$4,000.00

Provisions

Local Agency will include the UDOT's Work provided UDOT pays the actual costs incurred for the Work. Local Agency's contractor will perform the Work described in this Agreement in accordance with UDOT's plans and specifications. Local Agency will notify UDOT two weeks in advance prior to starting the Work so UDOT may inspect the Work. UDOT has the right to inspect the Work but may choose not to exercise this right. Regardless of any inspection by UDOT, Local Agency is still required to construct the Work in accordance with the plans and specifications. UDOT, through its inspection of the Work, will provide Local Agency with information addressing any problems or concerns UDOT may have with acceptance of said Work. Upon completion of the Work, the Local Agency will contact UDOT for a final review and inspection. UDOT reserves the right to withhold payment unless the Work is completed to UDOT standards and specifications. The Local Agency has the right to correct any deficiencies in a timely manner and resubmit the Work for inspection and approval.

I. Liability:

UDOT and the Local Agency are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Agreement. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be construed as a waiver of the protections of the Governmental Immunity Act by the parties. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

II. Termination:

This Agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing
- b. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this Agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination. If a party fails to cure the breach, the other party may terminate this Agreement.
- c. By UDOT for the convenience of the State upon written notice to the Local Agency. However, UDOT will be responsible for the costs incurred for the Work before the termination of the Agreement.

III. Maintenance:

Division of jurisdiction and responsibilities of state highways shall be in accordance with Utah Code Section 72-3-109 and applicable rules.

IV. Payment and Reimbursement to Local Agency:

UDOT shall be responsible for all actual costs associated with the Work described in this Agreement up to the maximum total cost or lump sum. The Local Agency must submit the billing within 3 months of the Work completion date.

V. Change in Scope and Schedule:

If Work scope or schedule changes from the original intent of this Agreement, UDOT will notify the Local Agency prior to changes being made. If the Local Agency modifies its Project and the modification affects the Work, Local Agency will immediately notify UDOT. In the event there are changes in the scope of the Work, extra work, or changes in the planned Work covered by this Agreement, a modification to this Agreement must be approved in writing by the parties prior to the start of work on the changes or additions.

VI. Environmental Compliance

The Local Agency will assure compliance of the Project with all applicable state and federal

environmental statutes, regulations, rules, and permitting requirements.

VII. Miscellaneous:

Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of the Agreement at the request of the other party.

The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

This Agreement does not create any type of agency relationship, joint venture or partnership between the parties.

Each party represents that it has the authority to enter into this Agreement.

This Agreement may be executed in counterparts by the parties.

VIII. Content Review:

Language content was reviewed and approved by the Utah AG's office on February 2, 2015.

Lindon City				Utah Department of Transportation			
By		Date		By		Date	
Title/Signature of Official				UDOT Project Manager			
By		Date		By		Date	
Title/Signature of additional official if required				Region Director			
By		Date		By		Date	
Title/Signature of additional official if required				Comptrollers Office			

9. Review & Action — Powerline Easement for Rocky Mountain Power (10 minutes)

The City Council will review and consider granting a powerline easement to Rocky Mountain Power on city property behind the Parks Department garage and adjacent to the cell tower at approximately 35 West 60 North. The DRAFT easement is being presented to the Council with request that the Council authorize the Mayor to sign the finalized easement after reasonable compensation has been received.

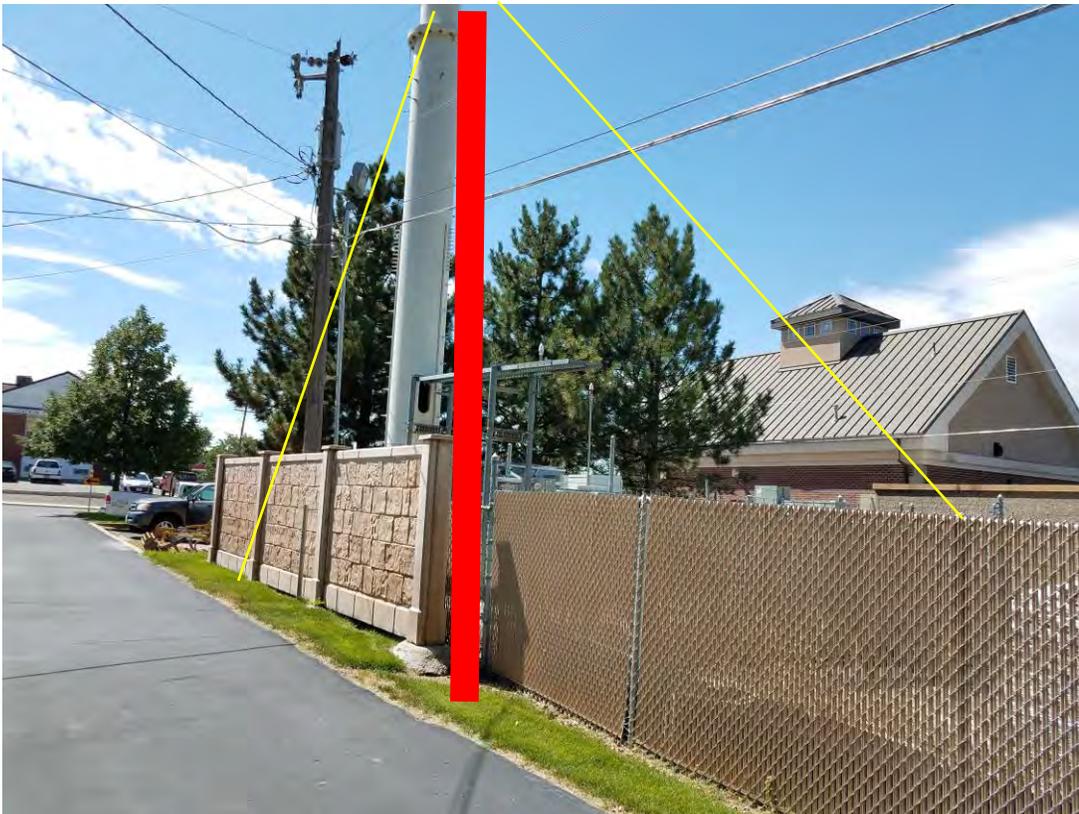
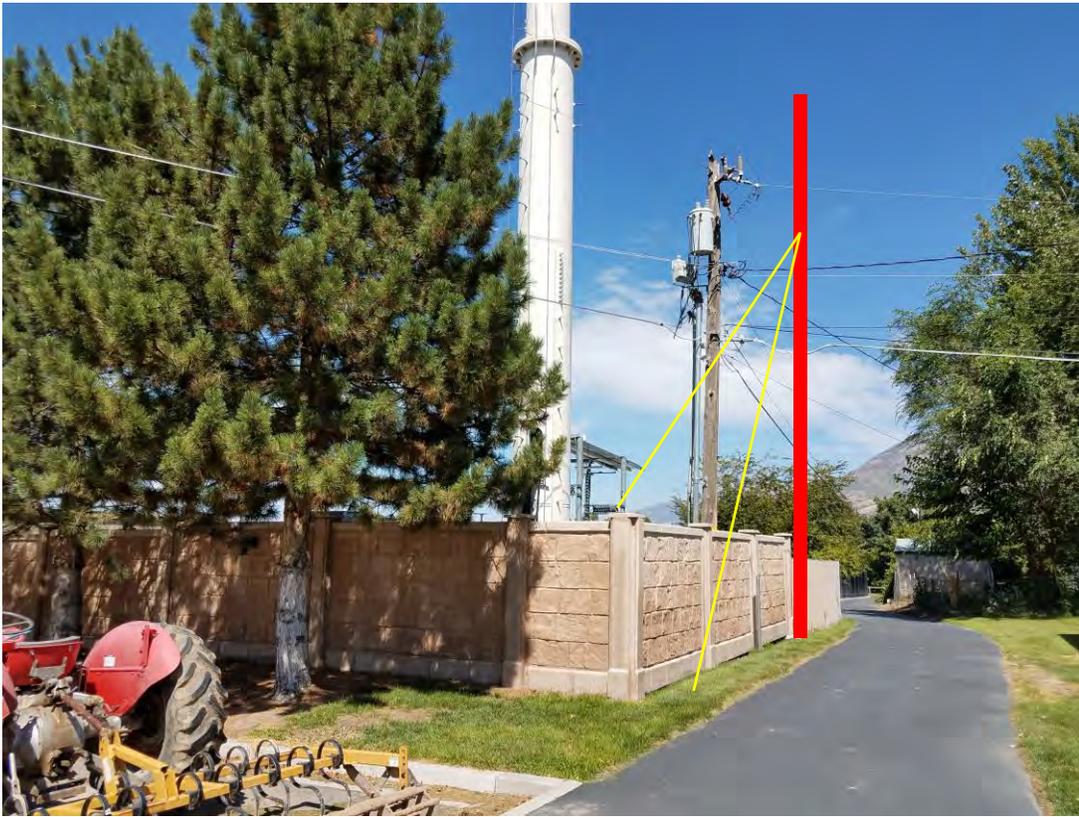
Rocky Mountain Power contacted the City several months ago about the need to install a replacement power pole on the northeast corner of the cell tower compound adjacent to the Parks Garage (old fire station). The upgrade is triggered by a new cell tower carrier locating on the existing pole. The proposed easement is “L” shaped for guy wires to be installed on two sides of the new pole. The easement will extend into the city’s trail area and into the storage yard area behind the Parks Garage. Rocky Mountain Power feels the guy wires can be installed close to fence lines on the site and won’t impede too far into the trail or storage yard – but can’t guarantee this won’t change in the future.

Since the proposed easement essentially removes any ability to construct something within it Rocky Mountain Power was asked in a group meeting with city staff and through several emails to compensate the City for the easement at a rate of \$6.00 per sq/ft (300 sq/ft x \$6 = \$1,800). They have not responded to this request and are working with a client on the cell tower upgrade to cover the cost of the easement. As the tower is on city property and the city involved in the lease agreements to the cell collocutors, we are obligated by our own agreements with the cell tower owner to help facilitate utility services to the new pole location. Staff is also concerned that if the city needs the land area in the future then the city will bear the financial burden to relocate the pole and guy wires. Staff feels a condition in the easement should be that the City not bear this responsibility if the city needs the ground for future purposes.

The cell tower co-locator has recently indicated an urgency to get this matter resolved so they can move forward. Staff asks that the Council approve the draft easement and authorize the Mayor to sign final easement subject to the City receiving reasonable compensation and updated easement language meeting staff’s satisfaction.

Sample Motion: I move to (approve, deny) the easement for Rocky Mountain Power and authorize the Mayor to sign the easement subject to the City receiving agreed upon finalized documents and reasonable compensation.







REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Blake Ashcroft

1407 West North Temple Ste. 110

Salt Lake City, UT 84116

Project Name: FPIA LDN13 FP339403 R/R 35/45 Pole

WO#: 6495435

RW#:

RIGHT OF WAY EASEMENT

For value received, **Lindon City Corporation**, (“Grantor”), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, (“Grantee”), ~~an~~ a non-exclusive easement for a right of way 5 feet in width and 60 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, on, over, or under the surface of the real property of Grantor in **Utah** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit “A” attached hereto and by this reference made a part hereof:

Legal Description: **COM S .42 FT & W 310.47 FT FR E 1/4 COR. SEC. 33, T5S, R2E, SLB&M.; S 89 DEG 55' 36" W 527.73 FT; S 79.86 FT; S 70 DEG 0' 0" W 141.09 FT; S 31 DEG 58' 40" E 102.62 FT; S 63 DEG 24' 19" W 20.92 FT; S 31 DEG 58' 40" E 387.46 FT; N 89 DEG 41' 28" E 26.9 FT; S 32 DEG 8' 6" E 208.21 FT; N 89 DEG 45' 27" E 296.82 FT; S 0 DEG 11' 57" E 132.54 FT; N 89 DEG 45' 19" E 97.03 FT; N 132 FT; S 89 DEG 45' 4" W 2.49 FT; N 0 DEG 11' 51" W 177.68 FT; E 58.11 FT; N 0 DEG 0' 35" E 454.5 FT; N 60 DEG 0' 0" W 193.48 FT TO BEG. AREA 10.996 AC**

Assessor Parcel No.

14:069:0305

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee’s facilities or impede Grantee’s activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

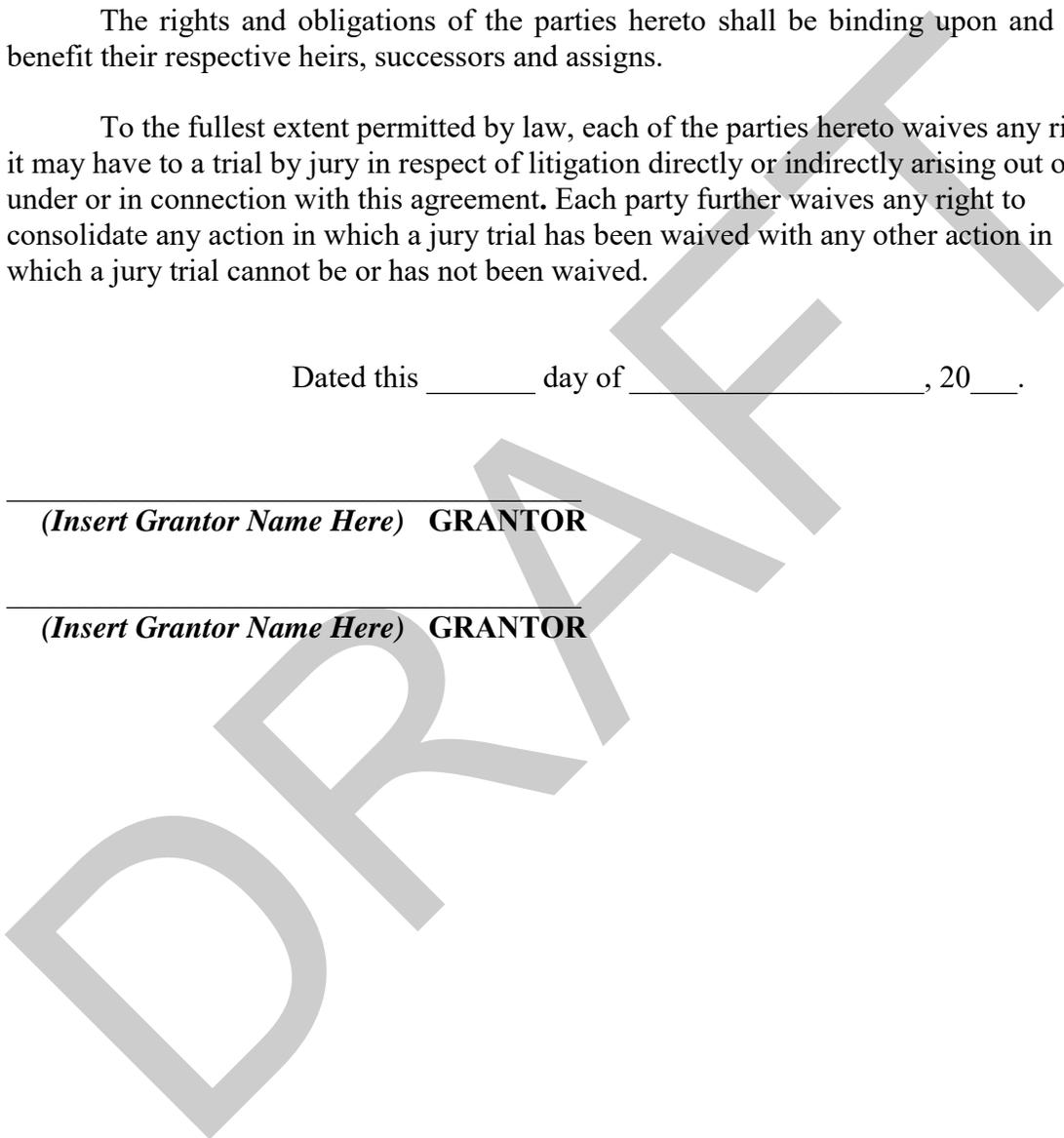
The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this _____ day of _____, 20__.

(Insert Grantor Name Here) **GRANTOR**

(Insert Grantor Name Here) **GRANTOR**



Acknowledgment by a Corporation, LLC, or Partnership:

STATE OF _____)
) ss.
County of _____)

On this ___ day of _____, 20 ____, before me, the undersigned Notary Public in and for said State, personally appeared _____(name), known or identified to me to be the _____(president / vice-president / secretary / assistant secretary) of the corporation, or the (manager / member) of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of _____(entity name), and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notary Signature)

NOTARY PUBLIC FOR _____(state)

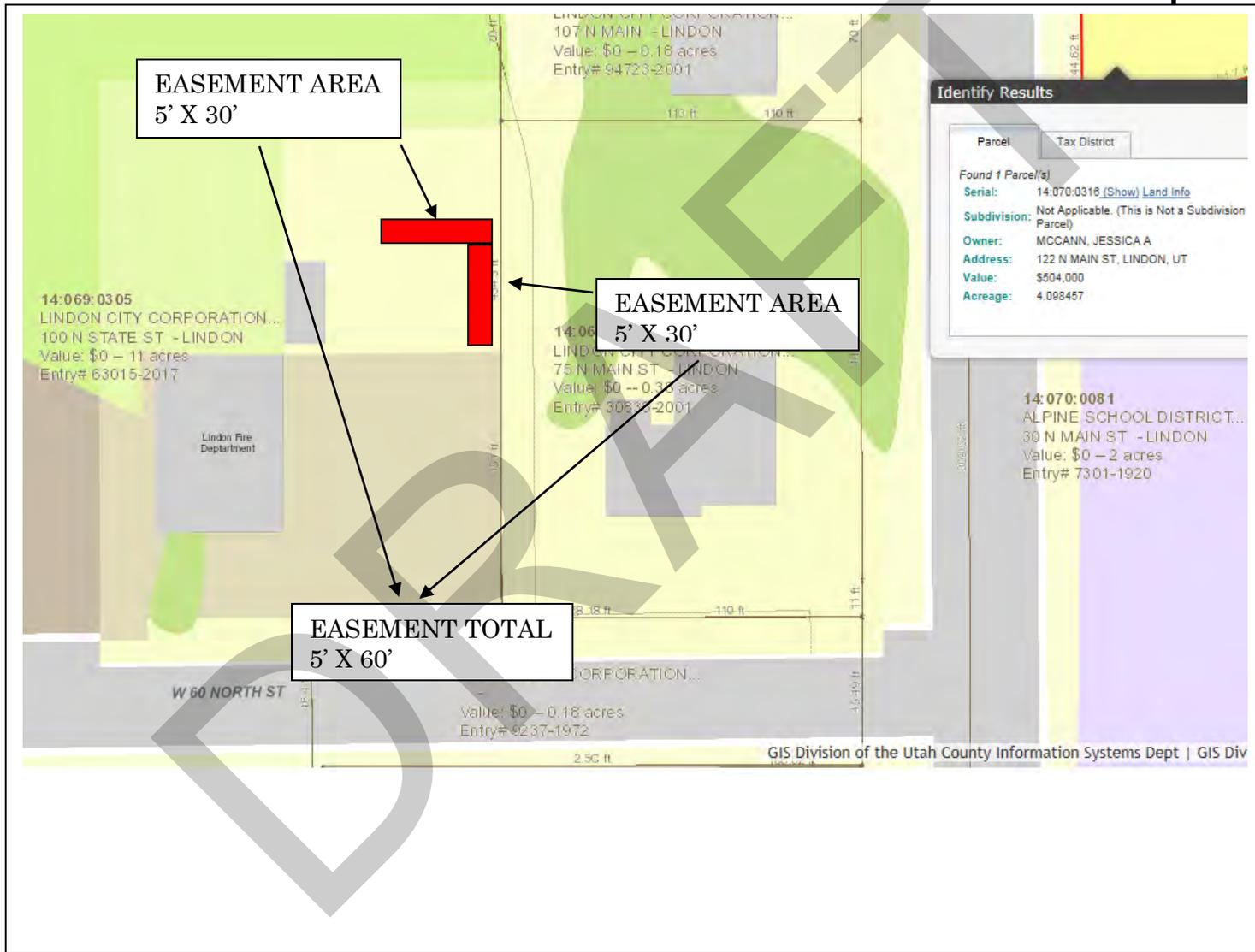
Residing at: _____(city, state)

My Commission Expires: _____(d/m/y)



Property Description

Quarter: NE 1/4 Quarter: SE 1/4, Section: 33, Township 5S, Range 2E,
Salt Lake Base & Meridian
County: Utah, State: Utah
Parcel Number: 14:069:0305



CC#: 11421 WO#: 6495435

Landowner Name: Lindon City Corporation

Drawn by: 35153

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



SCALE: Not To Scale

10. Discussion Item — Secondary Water Connection Options

(20 minutes)

At the request of Councilmember Broderick, the Council will review and discuss options for possible reductions or alternatives to the water share submittal requirements for certain properties in order to help facilitate connections to the secondary water system. No motions will be made.

Councilmember Broderick asked that Staff come up with some possible ideas for how to hook up residential properties to the secondary water system without requiring the owners to turn in water shares or expend large amounts of money to purchase shares or pay in lieu of shares.

In discussing this idea with the city's engineering and public works staff it sounds like the concept is feasible if new city law is created by the Council. Mark with JUB Engineers did not think hooking up 50-100 existing residential lots will have a detrimental impact on the system at the current time, although no formal calculations have been performed. He did express some concern that at build-out there may be shortage of secondary water in drier years and that shares not turned in would be regretted.

The basis for requiring water shares has been discussed often and the City Council passed the attached Resolution #2011-14-R as formal recognition of the justification for the amount of water shares being required. Essentially, in low-water years the City would not have enough secondary water to meet demands and therefore water shares have continued to be required even though in 'wet years' there appears to be plenty of water available.

The General Plan and current city ordinances require water shares to be submitted prior to connecting to the PI system. If the Council chooses to waive or reduce water share submittal and/or not require shares to be submitted as a condition of hooking up to the PI system the Resolution above would need to be updated and the following plans and ordinances would need to be modified and updated:

- Lindon City General Plan: Culinary Water System Plan Guidelines, 4. *Private development should provide all internal distribution facilities and water shares (or cash equivalents) necessary to serve individual projects.*
- Lindon City Code sections requiring submittal of water shares prior to access to secondary system:
 - Chapter 17.66, *Delivery of Irrigation Water Stock;*
 - Chapter 17.32.270, *Water – Subdivider Obligation to Provide Sufficient Quantity;*
 - Chapter 13.18, *Pressurized Irrigation;* and
 - Chapter 13.19 *City Pressurized Irrigation System;* and there may be others.
- Lindon City Land Development Policies, Standard Specifications and Drawings: *Various sections.*

Issues to consider:

- Submittal of water shares prior to receiving a secondary connection has been required since 1992.
 - Prior to adoption of the 1992 Pressurized Irrigation ordinance we understand that residents could hook up to the PI system for \$375 (and we believe they also had to turn in water shares, but we're working to verify this). The \$375 required in July 1992 modified for inflation is equivalent to \$672 in July 2018.
- Cash payment in lieu of turning in water shares is \$20,425/acre (as of June 2018).
- As of July 5, 2018 there's about 2,600 secondary water connections and about 3,285 total culinary connections. There's 299 residential utility services with NO secondary water connections (according to billing). Approximately 104 of those properties have secondary service assumed accessible in the street (not verified). The remaining 195 addresses are assumed not having reasonable access to a secondary main line.

Possible Options:

- Up to the Council.....
 - Possibly reduce amount of shares required per acre or reduce fee-in-lieu.
 - Possibly only allow reductions/waivers for 'legacy' homes that were in existence in 1992 but didn't hook up to the PI system.
 - Possibly allow annual payment plan where the total cost of the fee-in-lieu of shares is billed over time and applied to the utility bill. The total amount owed could be assessed/recorded on the property and paid monthly or in full at the time of a sale - much like the UTOPIA connection options have done in the past. This seems a more equitable method for those who have purchased shares and turned them over to the City in the past.
 - Possibly create discounted culinary rates during summer; or adjust the tiered rate structure to be less expensive for those without secondary (feasible, but kind of a pain to track for utility billing).
 - Possibly create a 'hardship' option for residents to document financial hardship or other compelling issue that the Council can determine on a case-by-case basis to see if there's justification for a waiver/fee reduction.
 - Meter Secondary water use: New PI connections in Anderson Farms (Ivory development) are metered connections required to pay a usage fee in addition to the base rate. Perhaps any 'legacy' connections that hook into the system at some discounted rate or waived water shares are required to be metered and pay a usage fee regardless of their location within the city. This give access, but not without some cost to user.
 - Current rates for the Anderson Farms area (for lot sized 11,001 sq/ft to 21,000 sq/ft) = \$16/month secondary water base rate + \$0.55/1,000 gallons secondary water used.
 - Perhaps a higher usage rate is applied to 'legacy' connections since the property did not turn in water shares.

Questions:

- Is it feasible to do this?
 - Yes, if the Council chooses to modify current city laws.
- Is it in the best interest of the general public?
 - Up to you to decide. Concern about equity and fairness for those who have turned in water shares in the past is a definite issue; as well as future development.
- How does this further the best interest of the City?
 - There's certainly benefit to not having as much strain on the culinary system and getting properties hooked onto the secondary water system. However, the city does have more uncertainty about the future of secondary water service than it does culinary water (actual secondary water conveyance/delivery, meeting demand, canal company issues, limitations from the State, etc). The City does receive far more complaints and resident concerns about secondary water system issues than culinary services (pressure, supply, delivery, accessibility, cost to connect, etc). In a significant drought the City will most likely restrict secondary water use, but not likely culinary water.
- Will it negatively impact the overall water system?
 - Probably not with 104 or fewer possible 'legacy' connections - but difficult to determine total impact until build-out during a dry water year. More engineering study would be needed to make a determination on this.
- Do you provide opportunity for those who have turned in shares or paid a fee in lieu of shares in the past to get rebates or credits based on a new policy?
 - Up to you. This could have significant financial implications.

II. 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
- Daril Magleby
- Jacob Hoyt

12. Administrator's Report

(10 minutes)

Misc Updates:

- August - City newsletter: <https://media.rainpos.com/442/august18final.pdf>
- October newsletter article: Adam (scheduled as Hugh, but... ☹) - Article due to Kathy last week in Oct.
- 1600 North widening project. Open House on Sept 26th hosted by Orem City
- Planning Director hiring process (Matt, Mayor – can you participate on final interview panel?)
- Storm water flooding; Main Ditch. Master plan update & possible bonding for completion of improvements
- 700 North economic development update
- Misc. Items:

Upcoming Meetings & Events:

- Monday, September 3rd – Offices closed for Labor Day
- September 12th-14th – Utah League of Cities & Towns, Fall Conference in SLC
- **Monday, Sept. 17th @ 6:00pm – Citywide Emergency Drill. If available, please plan to stay for training and re-cap after drill is completed.**
- Monday, October 1st, 2:30pm-5:00pm – Public Immunization Clinic in City Council room.
- Nov 2nd-10th – Fall Leaf Clean-Up. City will continue to pick up bags, but will also have dumpsters available around town for public use.
- November 6th – General Election
- November 22nd – Mayor's Thanksgiving Dinner event.
- Nov 22nd-23rd – Offices closed for Thanksgiving holiday.
- Dec 21st at Noon – Employee Christmas party at Community Center
- Dec 24th-25th – City offices closed for Christmas holiday.
- Tuesday, January 1st – City offices closed for New Year's holiday. No Council meeting.

Adjourn