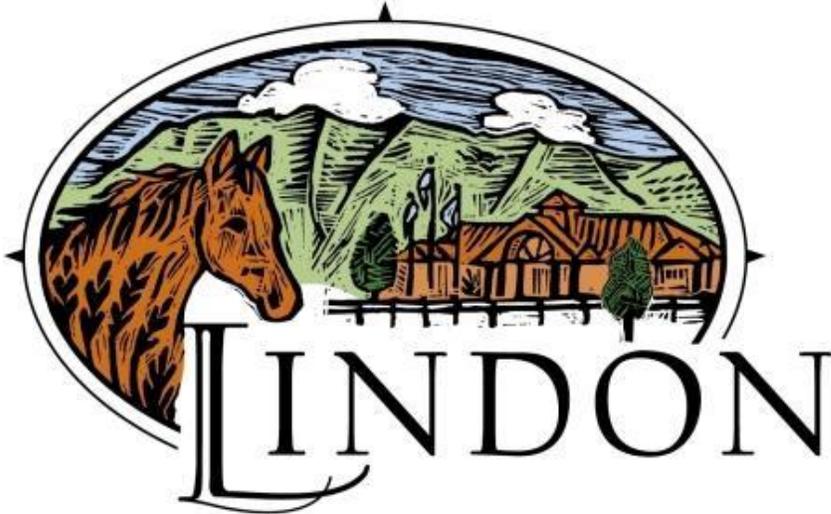


# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

February 17, 2015

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a regularly scheduled meeting beginning at **7:00 p.m.** on **Tuesday, February 17, 2015** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

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



*(Review times are estimates only)*

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

Pledge of Allegiance: By Invitation  
Invocation: Jake Hoyt

### **1. Call to Order / Roll Call**

*(5 minutes)*

### **2. Presentations and Announcements**

*(5 minutes)*

- a) Comments / Announcements from Mayor and Council members.
- b) Mayor Acerson and Parks & Recreation Director, Heath Bateman, will recognize AmBank for their support of community events and programs in Lindon City.
- c) Mayor Acerson will recognize Finance Director, Kristen Colson, for her efforts in achieving the GFOA Distinguished Budget Presentation Award for Lindon City's 2014-15 fiscal year budget.

### **3. Approval of minutes:** October 20, 2014 and February 3, 2015

*(5 minutes)*

### **4. Consent Agenda – No Items**

### **5. Open Session for Public Comment** *(For items not on the agenda)*

*(10 minutes)*

### **6. Public Hearing — Ordinance Amendment, LCC 17.49.070 & 17.50.070 Arch. Design, Ord.#2015-6-O**

*(10 minutes)*

Lindon City requests approval of an amendment to Lindon City Code 17.49.070 and 17.50.070. The proposed amendment will modify architectural requirements in the Light Industrial (LI) and Mixed Commercial (MC) zones. The Planning Commission recommends approval.

### **7. Discussion Item — Public Safety Building: Timeline & Funding**

*(45 minutes)*

The City Council will review the timeline for design & construction of the future public safety/fire station building and will discuss building alternatives, public involvement, and possible funding options. No motions will be made.

### **8. Discussion Item — Refunding of Series 2008 Bonds**

*(15 minutes)*

The City Council will discuss options for refunding (refinancing) Lindon's Series 2008 Sales Tax Revenue Bonds through possible private placement purchase. The Council will give feedback and direction to Staff regarding their desire on how to pursue the refunding.

### **9. Discussion Item — Insurance Coverage for Lindon City**

*(15 minutes)*

The City Council and Staff will discuss current property and liability insurance coverages and desired procedures for soliciting bids for future insurance coverage.

### **10. Council Reports:**

*(20 minutes)*

- |  |                    |
|--|--------------------|
| A) MAG, COG, UIA, Utah Lake, ULCT, 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) Administration, Com Center Board, Lindon Days, Chamber of Commerce          | - Randi Powell     |
| F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee | - Jacob Hoyt       |

### **11. Administrator's Report**

*(20 minutes)*

## **Adjourn**

This meeting may be held electronically to allow a council member to participate by video conference or teleconference.

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

**Posted By:** Kathy Moosman  
**Time:** ~1:30 p.m.

**Date:** February 13, 2015  
**Place:** Lindon City Center, Lindon Police Dept, Lindon Community Center

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

Pledge of Allegiance: By Invitation

Invocation: Jake Hoyt

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

February 17, 2015 Lindon City Council meeting.

Jeff Acerson  
Matt Bean  
Van Broderick  
Jake Hoyt  
Carolyn Lundberg  
Randi Powell

*Staff present:* \_\_\_\_\_

### **Item 2 – Presentations and Announcements**

- a) Comments / Announcements from Mayor and Council members.
- b) Mayor Acerson and Parks & Recreation Director, Heath Bateman, will recognize AmBank for their support of community events and programs in Lindon City.
- c) Mayor Acerson will recognize Finance Director, Kristen Colson, for her efforts in achieving the GFOA Distinguished Budget Presentation Award for Lindon City's 2014-15 fiscal year budget.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes: **October 20, 2014** and **February 3, 2015**

The Lindon City Council and Lindon City Planning Commission held a Joint Work Session on **Monday, October 20, 2014 at 6:00 p.m.** in the Downstairs Conference Room at Ivory Ridge, 3340 North Center Street, Lehi, Utah.

**WORK SESSION** – 6:00 P.M.

Conducting: Hugh Van Wagenen, Planning Director

**City Council Members Present**

- Jeff Acerson, Mayor
- Randi Powell, Councilmember
- Matt Bean, Councilmember
- Jacob Hoyt, Councilmember
- Carolyn Lundberg, Councilmember

**Planning Commission Members Present**

- Sharon Call, Chairperson
- Ron Anderson, Commissioner
- Rob Kallas, Commissioner
- Andrew Skinner, Commissioner
- Bob Wily, Commissioner
- Matt McDonald, Commissioner

**Lindon City Staff Present**

- Adam Cowie, City Administrator
- Hugh Van Wagenen, Planning Director
- Jordan Cullimore, Associate Planner
- Don Peterson, Public Works Director
- Heath Bateman, Parks & Rec. Director

**Absent**

- Van Broderick, Councilmember
- Mike Marchbanks, Commissioner

**Ivory Homes Representatives**

- Chris Gamvroulas – Ivory Homes
- Kyle Honeycutt – Ivory Homes
- Ken Watson – Ivory Homes
- Troy Sanders – Think Architecture
- Ron Hales – Hales Engineering
- Rex Burgener

1. **Call to Order** – The meeting was called to order at 6:00 p.m.
2. **Discussion Item:** The Lindon City Council and Planning Commission conducted a joint work session to hear a presentation from Ivory Homes to discuss a housing development proposed on the Anderson Farm, located at approximately 1400 West and 500 North in Lindon.

Hugh Van Wagenen, Planning Director, led the discussion by explaining the purpose of this work session is to hear a presentation from the representatives of Ivory Homes and to discuss a proposed housing development to be located at Anderson Farm, approximately 1400 West and 500 North in Lindon, and to tour the Ivory Ridge facility. Mr. Van Wagenen noted that representatives from Ivory Homes are in attendance to present ideas and opinions and to hear feedback from the Council, Commission and staff on the proposed development in Lindon. He noted that no motions will be made as this presentation is for discussion and information only.

At this time, Chris Gamvroulas, Ivory Homes representative, gave a brief summary explaining developments like Ivory Ridge are a master-planned community of homes that have something for homebuyers in many stages of life. They mentioned that residents benefit from living in these types of communities because they have great amenities right outside their door. Their communities offer amenities like tennis courts (indoor and outdoor), swimming pools, workout facilities, and space for business or social gatherings.

Mr. Gamvroulas then gave the attendees a walk-thru tour of the Ivory Ridge facility showing the development and the amenities offered there. The group was then directed to the Ivory Ridge conference room where they congregated for a working dinner/discussion of the tour and the proposed housing development to be located at Anderson Farm in Lindon. Mr. Gamvroulas presented concept plans for their potential development and highlighted the different housing types that may be considered for the area. Mr. Gamvroulas also identified that this is the first of many drafts anticipated to be presented.

Following some additional discussion the meeting was adjourned at 8:05 p.m.

Approved – February 3, 2014

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

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

\_\_\_\_\_  
Sharon Call, Chairperson

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 3,**  
4 **2015, beginning with a Work Session at 6:00 p.m.** in the Lindon City Center, City  
Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 Conducting: Jeff Acerson, Mayor

- 10 1. **Tour of Lindon City Fire Station Facilities:** *The City Council will tour the*  
12 *Lindon City Fire Station facilities at 35 West 60 north and the adjacent firemen*  
*house on the corner of 60 North Main Street.*

14 The Mayor and City Council met for a work session at the Lindon Fire Station for  
a tour of the facility located at 35 West 60 North and the adjacent firemen house.  
16 Battalion Chief Ryan Petersen and the station firemen were in attendance to conduct the  
tour which started with their living quarters where they informed the Council as to the  
18 Fire Department daily activities and needs etc. Battalion Chief Petersen then directed the  
Council from the living quarters to proceed with the tour of the Fire Station. After  
20 touring the facilities, the Mayor and Council expressed their appreciation to Battalion  
Chief Petersen and the Fire Department for the service they provide to the city, and noted  
22 that their department has become an integral part of the community.

24 **REGULAR SESSION** – 7:00 P.M.

26 Conducting: Jeff Acerson, Mayor  
 Pledge of Allegiance: Jacob, Scout troop 1202  
 28 Invocation: Van Broderick, Councilmember

30 **PRESENT** **ABSENT**

- 32 Jeff Acerson, Mayor
- 32 Randi Powell, Councilmember
- 32 Matt Bean, Councilmember
- 34 Van Broderick, Councilmember
- 34 Jacob Hoyt, Councilmember
- 36 Carolyn Lundberg, Councilmember
- 36 Adam Cowie, City Administrator
- 38 Hugh Van Wagenen, Planning Director
- 38 Jordan Cullimore, Associate Planner
- 40 Cody Cullimore, Chief of Police
- 40 Kathy Moosman, City Recorder

- 42 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 44 2. **Presentations/Announcements** –
- 46 a) **Mayor/Council Comments** – There were no announcements at this time.

2 3. **Approval of Minutes** – The minutes of the regular meetings of the City Council  
4 of January 20, 2015 were reviewed.

6 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF  
7 THE REGULAR CITY COUNCIL MEETING OF JANUARY 20, 2015 AS  
8 CORRECTED OR AMENDED. COUNCILMEMBER BRODERICK SECONDED  
9 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 10 COUNCILMEMBER BEAN AYE
  - 11 COUNCILMEMBER POWELL AYE
  - 12 COUNCILMEMBER BRODERICK AYE
  - 13 COUNCILMEMBER HOYT AYE
  - 14 COUNCILMEMBER LUNDBERG AYE
- 14 THE MOTION CARRIED UNANIMOUSLY.

16 4. **Consent Agenda** – No items.

18 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
20 comment not listed as an agenda item. There were no public comments.

22 **CURRENT BUSINESS**

24 6. **Public Hearing** – *Zone Map Amendment, 53 N. State, Ordinance #2015-4-O.*  
26 Brandon Pierce requests approval of a zone map amendment to reclassify Utah  
28 County Parcel ID #14:069:0266 from General Commercial (CG) to General  
Commercial A (CG-A), to allow automobile sales on the lot. The Planning  
Commission recommends approval.

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

34 Jordan Cullimore, Associate Planner, gave a brief overview of this agenda item  
36 stating this is a request by Brandon Pierce who is requesting approval of a zone map  
amendment to reclassify Utah County Parcel ID #14:069:0266 from General Commercial  
(CG) to General Commercial A (CG-A), to allow automobile sales on the lot. He noted  
that the Planning Commission recommended approval to the City Council.

38 Mr. Cullimore explained the principle difference between the General  
40 Commercial (CG) and General Commercial A (CG-A) zones is that the CG does not  
allow used car sales, while the CG-A does. He noted that Mr. Pierce (who is in  
42 attendance) currently operates a used car lot (Performance Motors) at 17 North State  
Street in Lindon (just to the south of the subject property). He added that recently, the  
44 landlord of the property where Performance Motors currently operates informed Mr.  
Pierce that they would like to redevelop the site and potentially add additional buildings  
46 to maximize potential use and hence they will need to find a new location to run their  
operation.

2 Mr. Cullimore further explained that Mr. Pierce's business has done well in  
 4 Lindon, and he would like to stay in Lindon and would like to continue to be a positive  
 contributor to the community. Mr. Cullimore stated the property in question is located  
 6 directly north of the current location of Performance Motors and would serve his needs  
 well, but that location is not zoned to allow used car sales. Mr. Cullimore continued  
 stating because of that issue Mr. Pierce is requesting that the lot be rezoned from CG to  
 8 CG-A to allow him to improve the site, construct a new building, and to continue to  
 operate Performance Motors here in Lindon.

10 Mr. Cullimore then referenced for discussion Subsection 17.04.090(2) of the  
 Lindon City Code which establishes the factors to review when considering a request for  
 12 a zone change. He noted the subsection states that the "planning commission shall  
 recommend adoption of a proposed amendment only where the following findings are  
 14 made:

- 16 • The proposed amendment is in accord with the master plan of Lindon  
 City;
  - 18 • Changed or changing conditions make the  
 proposed amendment reasonably necessary to  
 carry out the purposes of the division."
- 20 • The stated purpose of the General Commercial Zone is to  
 promote commercial and service uses for general community  
 22 shopping." Further, the "objective in establishing commercial  
 zones is to provide areas within the City where commercial  
 24 and service uses may be located." Commercial zones include  
 the CG, CG-A, CG-A8, CG-S, PC-1, and PC-2 zones.

26 Mr. Cullimore noted the Planning Commission took several public comments  
 28 during their hearing and many of the comments were in regards to the building and site  
 layout that would be constructed if the zone change were approved. He noted the  
 30 construction of the building would be considered at a later date under a separate  
 application.

32 Mr. Cullimore went on to say the most concerns were heard from Els-Marie  
 Johnson (neighbor to the west of the subject property). He noted that Mrs. Johnson also  
 34 submitted a letter to the Commission (included in the packet). Mr. Cullimore commented  
 that many of Mrs. Johnson's grievances are with the previous operator of Utah Auto  
 36 Sales, not with Mr. Pierce. Mrs. Johnson stated that she is not in favor of another used car  
 lot along State Street either. Mr. Cullimore commented that following discussion the  
 38 Planning Commission felt that the Mr. Pierce's proposal would be less intrusive as a  
 neighbor to Mrs. Johnson than other potential commercial uses and the vote was 5-0 in  
 40 favor of the rezone.

42 Mr. Cullimore then referenced for discussion an aerial photo of the proposed area  
 to be re-classified, photographs of the proposed area, photographs of the current  
 Performance Motors site, the current zoning of the area, the conceptual Site Plan,  
 44 Performance Motors Financial Information from 2012-2014, the letter from Mrs. Johnson  
 and the Ordinance #2015-04-O. At this time Mr. Cullimore called for any questions or  
 46 comments from the Council.

2 Councilmember Broderick inquired what the minimum distance is, in that zone,  
3 between the property lines to a structure in the back. Mr. Cullimore stated when it abuts a  
4 residential zone it is 40 ft. with the height allowance at 48 ft. in a CG zone no matter  
5 what the business is.

6 Councilmember Bean inquired if the parcel to the south has ever been used for used car  
7 sales. Mr. Cullimore stated to his knowledge it has not been used for car sales. Mr.  
8 Pierce confirmed that statement. Councilmember Powell questioned those on the Council  
9 who were here when the CG-A was formed if the 7-Eleven section was included in the  
10 zone and if Utah Auto Sales was inactive at that time. Councilmember Bean stated he  
11 recalled that it may have been included. He added that the lines on this zone were drawn  
12 as to include these areas so it wasn't piece milled out (which was why the convenience  
13 store was included) and which encompassed the whole general area.

14 Councilmember Powell expressed that she is comfortable with moving the zone  
15 but she is not comfortable with keeping all of the area available for used car sales (she  
16 would rather see it piece milled rather than have the large area). Councilmember Bean  
17 agreed with Councilmember Powell's statement. He added that it seems one course could  
18 be to approve this with the consideration of reducing the size. Councilmember Powell  
19 questioned what the current landowners intended use for the property is. Mr. Pierce  
20 stated that the landowner would like to sell it and be rid of it. Councilmember Lundberg  
21 commented that she would be open to a swap of the properties.

22 Mr. Pierce then explained his conceptual model of the proposed building,  
23 (approximately 1,000 square feet per level). He stated that he has been in the used car  
24 business for 20 years (2 ½ years in the current location) and feels he provides a good  
25 service. He noted they average between 35 and 50 cars on the lot and they service their  
26 own cars and do light repairs. He went on to say they buy late model cars (lease returns)  
27 that are still under warranty so they do not require a lot of repairs. Mr. Pierce explained  
28 that their bays will all face west so the parking is in the front of the building and will  
29 allow plenty of customer parking. He noted there are an additional two employees  
30 besides himself. He mentioned that they currently lease the building they are in and they  
31 need to do something different whether it be in Lindon or somewhere else. He noted that  
32 the concerns of Mrs. Johnson are all issues with the previous owner.

34 Mayor Acerson opened the meeting to public comment at this time as follows:

36 **Don Blackholder:** Mr. Blackholder, real estate agent for Mr. Pierce, explained when  
37 they started on this property two years ago the tax assessment was \$19,200 a year and he  
38 was asked by the present owners to appeal the tax assessment at the county which has a  
39 been a burden on the landowner. He stated that he explained to the appeal hearing officer  
40 that this property next door is so far back off the road and even though it is a nice  
41 building, it can't support itself as a car lot as the value is in the building and land the two  
42 uses are incompatible for each other. He noted it was used as a car lot for almost 5 years  
43 until the city revoked the automotive status for the use and the county saw the large lot of  
44 with the blacktop and the building in the back of the property and the county realized the  
45 property had been wounded by a large building in the back of a large lot and reduced the  
46 tax burden to \$12,000. Mr. Blackholder concluded that in the end, the best thing is to do  
away with a car lot there and construct two flanking buildings and do an office courtyard

2 as this property was never meant to be a car lot. Mr. Blackholder stated that he suggested  
4 this to the new owners and they are taking it under consideration. Mr. Blackholder stated  
the current owner would like to transfer the car lot rights to the adjacent property and this  
would be an ideal property for Mr. Pierce’s business.

6 Councilmember Hoyt asked Mr. Cullimore how he would advise the Council to  
8 proceed on this item and if he would perhaps recommend approval on this item and then  
bring it back in a later meeting for the other issues. Mr. Cullimore confirmed that they  
could approve this item and have more discussion on the other issues. Mr. Van Wagenen  
10 stated that the Council should be prepared as there may be push back from the owners for  
various reasons. Councilmember Lundberg commented if the owners came to the Council  
12 with a compelling case they would listen to it.

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

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

20 Councilmember Bean commented that he is comfortable with approving this item  
but is hesitant to increase the size of the zone overall, he would rather approve this and  
22 change the zone after noticing other owners as the Council has been careful with this  
zone on State Street. Councilmember Lundberg re-iterated she is open to looking at some  
24 type of a swap with the properties. Councilmember Powell commented that personally  
she would like to see fewer used cars dealerships in the city and she would also like to  
26 have further discussion on reducing the size of the CG-A zone. Councilmember Bean  
stated that he does not have an issue with approving this item tonight but would also like  
28 to have further discussion. Councilmember Hoyt agreed with Councilmember Bean  
stating that he would like to push for approval tonight as he does not see any issues and  
30 likes the idea of swapping it which would also help by being business friendly.

32 Mr. Cowie asked the Council if there is a need to send the zoning item back to the  
Planning Commission or if the Council wants to handle it themselves. Following a brief  
discussion the Council was in agreement to send this item back to the Planning  
34 Commission for review as they are the land use authority.

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

38 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2015-4-0  
40 TO CHANGE THE ZONING DESIGNATION OF THE LOT IDENTIFIED BY UTAH  
COUNTY PARCEL #14:069:0266 FROM GENERAL COMMERCIAL (CG) TO  
GENERAL COMMERCIAL A (CG-A) WITH NO CONDITIONS.  
42 COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

44 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER POWELL AYE  
46 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE

2 COUNCILMEMBER LUNDBERG AYE  
THE MOTION CARRIED UNANIMOUSLY.

4

7. **Public Hearing** – *Ordinance Amendment LCC 17.04.090, Ordinance #2015-3-O.* Lindon City requests approval of an amendment to the Lindon City Code 17.04.090. The proposed amendment would define when amendment proceedings are formally initiated. The Planning Commission recommends approval.

10

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

14

Mr. Cullimore gave a brief summary explaining the Lindon City is requesting approval of an amendment to the Lindon City Code 17.04.090. He noted the proposed amendment would define when amendment proceedings are formally initiated. He added that following review the Planning Commission recommended approval to the City Council. Mr. Cullimore noted this ordinance amendment was initiated at the recommendation of Lindon City Attorney, Brian Haws.

20

Mr. Cullimore then referenced Utah State Code 10-9a-509(1)(a)(ii) which states the following:

24

(1)(a)(ii) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning map, a municipal specification for public improvements applicable to a subdivision or development, and an applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid, unless:

32

(A) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

34

(B) in the manner provided by local ordinance and before the application is submitted, *the municipality has formally initiated proceedings* to amend its ordinances in a manner that would prohibit approval of the application as submitted.

38

Mr. Cullimore explained when determining whether existing or proposed requirements apply to a specific application, the local municipality may define when amendment proceedings have been “formally initiated”. He noted if the municipality has formally initiated amendment proceedings before an applicant submits an application for approval, the application will be subject to the proposed requirements if the amendment is subsequently approved.

46

Mr. Cullimore further explained that Mr. Haws represents another municipality in Utah County that has not specifically defined when amendment proceedings are formally initiated, and the ambiguity has resulted in litigation. He pointed out that Lindon’s Code

48

2 does not presently define when amendment proceedings are formally initiated, therefore,  
 4 Mr. Haws has recommended that we include a definition in the Code to avoid similar  
 issues. Mr. Cullimore stated this is really just a technicality. He noted the key question  
 tonight is whether it is in the public interest to approve the proposed amendment.

6 Mr. Cullimore noted that members of the Planning Commission agreed that this  
 was a technical addition recommended by City's Legal Counsel, and that it should be  
 8 approved to make sure it is clear and ensure predictability of the Code. He went on to say  
 the Planning Commission, on a 5-0 vote, recommended approval of the proposed  
 10 amendment. Mr. Cullimore then referenced the proposed amendment followed by some  
 general discussion. Mayor Acerson commented that this seems pretty straightforward.

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

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

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

22 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE  
 #2015-3-O TO AMEND SECTION 17.04.090 OF THE LINDON CITY CODE AS  
 24 PRESENTED WITH GRAMMATICAL CHANGES AS NOTED.  
 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
 26 RECORDED AS FOLLOWS:

28 COUNCILMEMBER BEAN	AYE
29 COUNCILMEMBER POWELL	AYE
30 COUNCILMEMBER BRODERICK	AYE
31 COUNCILMEMBER HOYT	AYE
32 COUNCILMEMBER LUNDBERG	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 34 8. **Discussion Item** – *Pavement Management & Road Funding*. Mark Christensen,  
 36 contract City Engineer, will present an overview of pavement management  
 principles and review findings from an extensive Lindon City pavement condition  
 38 study with estimated funding needed to maintain the roadways in the future. No  
 motions will be made.

40 Mr. Cowie then referenced the presentation slides (included in the packet)  
 prepared by Mark Christensen. He noted that Mr. Christensen will quickly review the  
 42 materials and focus on his findings and the funds needed. He noted the findings are that  
 Lindon City is faced with significant funding shortfalls in order to maintain even a small  
 44 percentage of roadways in reasonable condition. Mr. Cowie stated the City has annually  
 invested about \$250,000 to \$300,000 in road reconstruction and road maintenance. He  
 46 noted a few larger projects have been completed through bonding or large cash outlays.

2 Mr. Cowie explained that based on JUB's findings, if the City invests \$400,000  
 4 per year into road maintenance projects, using funds only to keep the best roads in the  
 best condition (not reconstruct poor roads), by the year 2022 approximately 75% of the  
 roads in Lindon will deteriorate to poor or failed condition. He further explained that road  
 6 investment of approximately \$1.2 Million per year would be required to maintain  
 approximately 70% to 90% of the roadways in good to fair condition. Mr. Cowie also  
 8 mentioned that deteriorating roadway conditions far exceed the ability of the City to  
 reasonably maintain or reconstruct them without significant amounts of additional or  
 10 expanded funding. Mr. Cowie then turned the time over to Mr. Christensen and Mr.  
 Peterson for their presentation.

12 Mark Christensen, City Engineer, along with Don Peterson, Public Works  
 Director were in attendance to address the Council at this time. Mr. Christensen  
 14 referenced the submitted presentation. He began by stating there are about 50 miles of  
 paved roadways in the city and noted they are the city's largest asset with an estimated  
 16 value of 43 million dollars. He stated the roads are deteriorating but there are many  
 things to do to try to preserve roads with asphalt preservations. He explained that asphalt  
 18 pavement is made up of two components 1) Aggregate (rock) and 2) Asphalt binder (by  
 product of refining crude oil). Mr. Christensen further explained that there are several  
 20 factors that contribute to pavement deterioration such as sunshine, water penetration and  
 temperature and moisture (freeze & thaw), traffic loading and utility cuts or trenching.  
 22 Mr. Christensen then referenced the pavement treatment options as follows:

- Routine maintenance – spot repairs, crack seal
- Preventative maintenance – minor patching, seal coats
- Rehabilitation – major patching, overlay, mill & overlay
- Reconstruction – pulverize asphalt and repave
- Full reconstruction – replace asphalt and base

28 Mr. Christensen discussed that historically only two criteria existed when  
 30 deciding which roads received maintenance for rehabilitation 1) the worst first and 2)  
 politics. He then went over the costs of pavement deterioration referencing the prepared  
 32 charts and graphs including the costs involved of delaying maintenance and the pavement  
 life curve. Mr. Christensen also discussed methods to keep the good roads good (which  
 34 to do first and which roads to do last). Mr. Christensen then referenced the pavement  
 condition map indicating that there are 775 inspection locations throughout the city. He  
 36 also referenced the PCI value (pavement condition index) which is a numerical rating of  
 the pavement condition that ranges from 0-100 with 0 being the worst possible condition  
 38 and 100 being the best possible condition. He also showed photos and examples of the  
 following road descriptions:

- Good roads (no visible distress)
- Satisfactory Roads (minor settlement and cracking)
- Fair Roads (beginning alligator and block cracking)
- Poor Roads (settlement, patches, widespread cracking)
- Very Poor Roads (potholes, patching, severe cracking and gap opening at cracks)
- Serious Roads – Gap openings at cracks, extreme cracking, severe alligator  
 46 cracking

- 2       ➤ Failed Roads – extensive patching with settlement, extreme potholes, extreme  
4 alligator cracking

6           Mr. Christensen noted, per a study, that 89% of city roads were in good to fair  
8 condition in 2007 and dropped to 65% are in good to fair condition in 2014. This is  
10 because a lot of roads were built in the 1990's which had deteriorated and aged by 2014.  
12 He then discussed the types of treatment including the cost per mile. Mr. Christensen also  
14 presented a slide depicting the best first treatment scenario – roadway condition over time  
16 with the budget at \$400k per year with the priority method being “best first”. He also  
presented several additional slides showing percentages of all roads in good to fair  
condition and the best first vs. the worst first scenarios. He noted that when you can treat  
roads it can add more life but you get to the point where you have done enough seal coats  
and crack seals etc. that an overlay is needed and that pushes the condition back up. He  
pointed out that you spend as money as needed to keep the good roads good and keep  
them from falling into a condition where a more expensive treatment category is needed.

18           Councilmember Hoyt inquired if funds have been taken from the general fund in  
20 the last several years as well. Mr. Cowie commented that this year we are projecting to  
22 receive about \$390,000 from the state Class C road funds and supplementing another  
24 \$300-\$350,000 into that road fund. Of that the majority of State distributed road funding  
26 money that comes to Lindon (class C road funds) are being used to pay for the 700 North  
28 road bond, street lighting, crack sealing, and minor other roadway repairs (Locust  
avenue). Mr. Cowie pointed out that without subsidy from the General Fund this funding  
constraint is expected to continue for several years. Councilmember Lundberg asked if  
there is anything on the horizon with materials or technology that will make pricing go  
down. Mr. Christensen replied that there is new technology and products that have  
polymers in them that are “sunglasses for the road” they block ultraviolet rays and  
protects the asphalt and there will be new creative ways of preserving roadways.

30           Councilmember Powell mentioned that the Council has had this discussion with  
32 Mr. Christensen before with the different “best and worst” scenarios. She inquired how  
34 long this issue has been “kicked down the road” as we are at a crossroads where  
something has to be done. Mr. Christensen stated if we had this 10 years ago when 90%  
of the roads were good it may be different, however, it is still going to cost \$30,000 per  
mile; we are going to keep going down for a while before going up even with the  
funding.

36           Mr. Christensen then presented possible funding sources followed by some  
general discussion:

- 38           • Class C road funds (Gas Tax)
- 40           • General funds (City)
- 42           • Property tax (City)
- 44           • Transportation utility (City)
- Gas tax (State)
- Car registration fee (State)
- Mileage tax (State)
- 46           • Sales tax (State)

2           There was then some additional lengthy discussion regarding Mr. Christensen's  
 4 presentation. Councilmember Bean mentioned what Provo has done with their utility  
 6 transportation fund and if this is something worth exploring. Mr. Christensen confirmed  
 8 that statement. Mr. Christensen stated there is a valid argument for every one of these  
 types of taxes. Councilmember Lundberg commented that roads are an issue at the  
 forefront and very important for residents (per the utility study last year), but when it  
 comes time to pay for it what is a palatable way to raise the funds with property taxes  
 being the least palatable for residents.

10           Councilmember Powell expressed that Locust Avenue is a highly used road and  
 12 feels we should at least start out there (which will show some good public relations) and  
 will take all of what is budgeted for, and then find some creative ways to bring in more  
 revenue. Councilmember Bean suggested doing Locust Avenue first, which is a  
 14 showcase road, which would show that we are doing something and then if a  
 transportation utility fee is presented it may be more palatable. Councilmember Powell  
 16 and Councilmember Lundberg agreed with that statement stating the residents feel the  
 city is being negligent.

18           Mayor Acerson expressed that we need to be clear and consistent with whatever  
 20 plan is implemented to ensure it is sound and has merit. Mr. Christensen stated this is a  
 good time to teach the public on how much road costs are because it is also a statewide  
 22 issue. Mayor Acerson commented that he feels the approach should be to focus on the  
 main arteries and collector roads and then focus on the slower, lower traffic use roads as  
 secondary, which will be the best use of the funds as everyone uses the collector roads.  
 24 Mr. Cowie pointed out that this issue will be political. Mr. Christensen stated that the  
 collector roads can be prioritized. Councilmember Broderick suggested some funding  
 26 options from his standpoint stating first he is hoping that the gas tax goes through the  
 legislature and secondly the car registration fee, and lastly to look at a transportation  
 28 utility fee to residents.

30           Following some additional discussion, Mr. Christensen gave his recommendations  
 stating he would suggest using the philosophy of "best first" and to obtain funding to  
 32 maintain all the roads in fair to good condition. He would also recommend following the  
 plan and to educate the public about the current situation and how to make the most of  
 available funding. He would also suggest maintaining detailed records of road treatments  
 34 and to also re-inventory and update the model in 2019.

36           Mr. Cowie stated that he will have Mr. Christensen come back after the  
 legislature meets and bring some numbers back on the potential fee. Mr. Peterson noted  
 they are about ready to bid out for Locust Avenue and asked the Council for direction.  
 38 The Council was in agreement to direct Mr. Peterson to go ahead and send out the bid for  
 Locust Avenue.

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

- 42
- 44           9. **Discussion Item** – *Public Safety Building: Timeline & Funding*. The City  
 Council will review the timeline for design & construction of the future public  
 46 safety/fire station building and will discuss building alternatives, public  
 involvement, and possible funding options. No motions will be made.

2 Mr. Cowie led this discussion by giving a brief summary explaining that Lindon  
City's current fire department facilities are temporary facilities for use only until a  
4 permanent fire station was able to be constructed. He noted that Lindon's contract for fire  
and EMS services provided by the City of Orem required that a new fire station facility  
6 be ready for operation by July 1, 2013 and due to the financial constraints on the City  
during the recession, a time extension was granted by the City of Orem for an additional  
8 5-year period so the facility would not need to be finished until July 1, 2018. Mr. Cowie  
mentioned that no motions or final decisions will be made tonight as this is a discussion  
10 item only and no public comment will be taken unless permitted by the Mayor and  
Council.

12 Mr. Cowie then gave some background stating the Police Department facilities  
within the current City Center are also inadequate for long-term use with evidence  
14 storage space, office facilities, and safety deficiencies that need to be addressed, hence, a  
combined Fire/Police Public Safety Building has been contemplated. Mr. Cowie stated  
16 the City has explored a standalone fire station in addition to a significant remodel of the  
existing City Center in order to accommodate Police Department needs and also resolve  
18 other needs at the City Center building.

20 Mr. Cowie further discussed that the City realizes that the current facilities for  
both fire and police are inadequate long-term solutions that will need to be upgraded to  
accommodate current and future growth in the City. He went on to say that in 2013 the  
22 City hired JRCA Architects to prepare a Public Safety Facilities Master Plan and assess  
the space needs of Lindon's fire and police departments with the projected costs being  
24 around 7 million and if it is split out with a standalone fire station and remodel the city  
building for police accommodations would be around 6.8 million. He reminded the  
26 Council that this year is the last year on the Aquatics Center bond which is \$180,000 per  
year, which the Council had discussed allocating to the public safety building.

28 Mr. Cowie also mentioned that various building locations and options for  
development of public safety facilities were evaluated and presented to the City Council  
30 in October 2013. Mr. Cowie explained that this study has provided a basis for estimated  
costs of various options for future public safety facilities needed by the City and no final  
32 building or development decisions have been made. Mr. Cowie noted that RDA funds  
cannot be used for building construction (per State code). Bonding has been priced out at  
34 approximately 5.5 million, which would be about \$390,000 per year. He also mentioned  
possible funding options as follows:

- 36 • Property Tax
- Sales Tax
- 38 • Public Safety Impact Fee
- Other Fees and Taxes

40 Mr. Cowie then referenced a draft timeline for construction and potential capital  
42 expenditures for the two most cost-efficient options revealed by the Public Safety  
Facilities Master Plan study (included in the packets). Mr. Cowie mentioned that many  
44 decisions are yet to be made on this issue. He stated that staff is looking for feedback  
tonight regarding options for development, funding, time lines for construction, and level  
46 of public involvement desired by the Mayor and Council as this process moves forward.

2 Mr. Cowie stated that tonight he is questioning the potential of taking this matter  
 4 to the public on a general obligation bond as he knows this has been previously brought  
 6 up. If so, this would most likely need to get on a ballot this year, otherwise it pushes up  
 8 against the construction window to get this completed. He went on to say if this a  
 10 direction the Council wants to go there are some pros and cons. The pro being that the  
 12 public makes the choice of whether or not to have the tax increase and the con being if  
 14 they say no we still have a contractual obligation with Orem City which is the biggest  
 16 dilemma; there are a couple of other options to look at. He noted that it appears that it  
 18 would be good to have one good facility and it could be broken out, but we would still be  
 20 faced with a bond either way.

12 Councilmember Powell commented that she knows she brought up some “out of  
 14 the box ideas” but she feels it is important that the residents know all options have been  
 16 looked at and considered. Mr. Cowie added that the Council can raise property taxes  
 18 without taking it to a vote with truth in taxation hearings, meetings and noticing  
 20 requirements etc. which is something on the table and something to consider. Mr. Cowie  
 22 stated if there is any interest at all to take this to the ballot he really needs to know as to  
 24 educate the public, with public relations, open houses, and noticing requirements etc. He  
 26 added that he would like to sit down with Orem City and play out the scenario and what it  
 28 does to our relationship if our citizens say no, as we do have a contractual obligation they  
 30 have given us 10 years to meet.

22 Councilmember Bean commented that he wants to honor that obligation but noted  
 24 contracts can be re-written (if things become non-viable) and contracts expire, as this one  
 26 does. If two parties are interested enough to work together they will figure out a way to  
 28 do a new contract; but he would like to do what we agreed to do and agrees we need new  
 30 facilities, but he also doesn't want the city to feel like we are “painted into a corner  
 32 contractually”. Mayor Acerson agreed with that statement adding if it is approached in a  
 34 reasonable manner and with good faith. There was then some discussion about the recent  
 36 public safety building issue that happened Pleasant Grove.

30 Councilmember Hoyt pointed out the agreement states that there may need to be  
 32 changes or adjustments in the contract. He also mentioned the contract states if we  
 34 terminate the contract with Orem we have to pay for an entire year without having the  
 36 services. Councilmember Lundberg mentioned that the Lindon station has about half the  
 38 amount of calls that other stations have and pointed out that we do have a growing  
 40 population, but how many of that half is just Lindon. Chief Cullimore stated that Lindon  
 42 is about 60 % of the calls with the other 40% being North Orem. There was then some  
 44 lengthy discussion by the Council regarding this issue.

38 In conclusion the Council was in agreement to have Mayor Acerson speak with  
 40 Mayor Brunst at Orem City after which Mr. Cowie will bring this item back with  
 42 numbers on the three different options for further discussion.

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

44 **10. Review & Action – *Franchise Agreement with Veracity Networks, LLC.***

46 The City Council will review and take action on an agreement to permit Veracity  
 48 Networks, LLC, limited use of the public street right-of-way for the installation  
 of fiber optic communications system.

2 Mr. Cullimore gave a brief summary explaining the Lindon City is requesting  
4 approval of an amendment to the Lindon City Code 17.04.090. He noted the proposed  
6 amendment would define when amendment proceedings are formally initiated. He added  
8 that following discussion the Planning Commission recommended approval. Mr. Cowie  
then referenced the agreement (included in the packets) that has been reviewed by staff  
and the City Attorney and they are recommending approval of the agreement as  
presented. Mr. Cowie added this item has no major issues and is pretty straightforward.

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

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE  
14 FRANCHISE AGREEMENT WITH VERACITY NETWORKS, LLC, WITH NO  
CONDITIONS. COUNCILMEMBER POWELL SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BEAN AYE  
17 COUNCILMEMBER POWELL AYE  
18 COUNCILMEMBER BRODERICK AYE  
19 COUNCILMEMBER HOYT AYE  
20 COUNCILMEMBER LUNDBERG AYE

THE MOTION CARRIED UNANIMOUSLY.

22 **11. Review & Action** – Franchise Agreement with Syringa Networks, LLC.

24 The City Council will review and take action on an agreement to permit Syringa  
26 Networks, LLC, limited use of the public street right of way for the installation  
of telecommunications system.

28 Mr. Cowie gave a brief summary explaining the Lindon City is requesting  
30 approval of an amendment to the Lindon City Code 17.04.090. He noted the proposed  
32 amendment would define when amendment proceedings are formally initiated and the  
34 Planning Commission recommended approval. Mr. Cowie then referenced the agreement  
(included in the packets) noting it has been reviewed by Staff and the City Attorney. He  
commented that staff is recommending approval of the agreement as presented and they  
have no issues as this agreement is pretty straightforward.

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

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE  
40 FRANCHISE AGREEMENT WITH SYRINGA NETWORKS, LLC, WITH NO  
CONDITIONS. COUNCILMEMBER HOYT SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER BEAN AYE  
43 COUNCILMEMBER POWELL AYE  
44 COUNCILMEMBER BRODERICK AYE  
45 COUNCILMEMBER HOYT AYE  
46 COUNCILMEMBER LUNDBERG AYE

THE MOTION CARRIED UNANIMOUSLY.

2           12. **COUNCIL REPORTS:**

4       **Councilmember Powell** – Councilmember Powell reported that the Little Miss Lindon  
workshop starts on Friday. She also reported that Little Caesar’s re-locating from  
6       Pleasant Grove to Lindon. She also reported that she will be attending a Community  
Center Advisory Board meeting next week. Councilmember Powell mentioned an issue  
8       with “Skippy the Deer” (pet deer) that is causing some nuisance problems with  
businesses and residents and there have been several police calls on this issue.  
10      Councilmember Powell also asked for an update on the Tithing House and if it will be  
sold soon. Mr. Cowie stated that is should be finalized in the near future. She also  
12      mentioned that she had a conversation the Mayor about the employee recognition budget  
and thought it may be a nice idea to have a recognition dinner for the employees (funded  
14      by donations).

16      **Councilmember Bean** – Councilmember Bean mentioned the Utah League meetings to  
be held this April in St. George. Mr. Cowie stated the training budget was amended in  
18      October but there is enough budgeted for training to allow 3 or 4 Councilmembers to  
attend. Councilmember Bean stated that he is interested in going if the funding is  
20      available.

22      **Chief Cullimore** – Chief Cullimore had nothing to report at this time.

24      **Councilmember Hoyt** – Councilmember Hoyt reported on the article in the Daily Herald  
newspaper and on KSL about the police body cams. He noted that it was great the  
26      cameras were paid for by a grant and congratulated Chief Cullimore on his efforts for  
obtaining the grant.

28      **Councilmember Broderick** – Councilmember Broderick reported on a discussion with  
30      Mr. Cowie and Mr. Peterson for the need of the cemetery building and the possibility of  
budget help. He added that they may be finalizing the plans with a smaller version. He  
32      also mentioned the cemetery fence and the possibility of opening it up followed by  
discussion.

34      **Councilmember Lundberg** – Councilmember Lundberg reported on the recent Ivory  
36      tour followed by some general discussion.

38      **Mayor Acerson** – Mayor Acerson reported that he attended a MAG meeting and he will  
be attending the COG meeting on Thursday. He also reported that he attended the Utah  
40      Lake Commission meeting noting that Reed Price has accepted another position. Mayor  
Acerson also attended the Outreach meeting with Councilmember Powell.

42           **Administrator’s Report:**

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

46           **Misc. Updates:**

- January City newsletter.

- 2 • Everbridge Emergency Notification System: sign-up available to the public on January 5<sup>th</sup>. Links will be provided on web site and in
- 4 newsletter. Please promote sign-ups.
- 6 • Joint CC/PC work session w/ Ivory Homes, Tuesday, Feb. 10<sup>th</sup> at 6:00 p.m.
- 6 • ULCT Legislative Policy Committee meetings – Each Monday during Legislative Session.
- 8 • Customer Satisfaction response cards – being formatted and implemented soon
- 8 • Misc. Items.

10 **Upcoming Meetings & Events:**

- 12 • Newsletter Assignment: Councilmember Hoyt – March newsletter article. *Due by last week in February.*
- 14 • February 4<sup>th</sup> 8-10 a.m. – Utah Valley Visitors Bureau partnership meeting: Mayor Acerson will attend.
- 16 • February 5<sup>th</sup> at 6 p.m. – Budget Kick Off Meeting.
- 18 • February 10<sup>th</sup> – Engineering Coordination Meeting at Noon at Public Works: Mayor Acerson and Councilmember Broderick and Councilmember Powell will attend.
- 20 • February 10<sup>th</sup> at 6 p.m. – Joint CC/PC works session with Ivory Homes.
- 20 • February 16<sup>th</sup> – City Offices Closed for Presidents Day.
- 22 • March 7<sup>th</sup> at 6:00 p.m. – Little Miss Lindon Pageant at Oak Canyon Jr. High.
- 24 • April 24<sup>th</sup> through May 1<sup>st</sup> – City Wide Clean Up (dumpsters for public use).

26 **Future items:**

- 26 • Employee Policy Manual updates.

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

32 **Adjourn –**

34 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
 36 AT 10:47 PM. COUNCILMEMBER POWELL THE MOTION. ALL PRESENT  
 38 VOTED IN FAVOR. THE MOTION CARRIED.

40 Approved – February 17, 2015

42 \_\_\_\_\_  
 44 Kathryn Moosman, City Recorder

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

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

- No Items.

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

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**6. Public Hearing — Ordinance Amendment, LCC 17.49.070 & 17.50.070 Arch. Design, Ord.#2015-6-O**

*(10 minutes)*

Lindon City requests approval of an amendment to Lindon City Code 17.49.070 and 17.50.070. The proposed amendment will modify architectural requirements in the Light Industrial (LI) and Mixed Commercial (MC) zones. The Planning Commission recommends approval.

See attached information from Planning Director, Hugh Van Wagenen.

## Public Hearing — Ordinance Amendment, Lindon City Code 17.49.070 & 17.50.070 Arch. Design

Lindon City requests approval of an amendment to Lindon City Code 17.49.070 and 17.50.070. The proposed amendment will modify architectural requirements in the Light Industrial (LI) and Mixed Commercial (MC) zones.

<p><b>Applicant:</b> Lindon City  <b>Presenting Staff:</b> Jordan Cullimore</p> <p><b>Type of Decision:</b> Legislative  <b>Council Action Required:</b> Yes</p> <p><b>Planning Commission Recommendation:</b>  Approval; 6:0 vote in favor.</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <ol style="list-style-type: none"> <li>Whether it is in the public interest to approve the proposed amendment.</li> </ol> <p><b><u>MOTION</u></b>  I move to (<i>approve, deny, continue</i>) ordinance amendment 2015-6-O (<i>as presented, with changes</i>).</p>
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### **DISCUSSION & ANALYSIS**

On August 26, 2014, the Planning Commission considered examples of concrete tilt-up buildings and discussed Lindon City's architectural standards for such buildings in the Mixed Commercial (MC) and Light Industrial (LI) zones. The Commission determined that it would be in the public interest to adjust the standards to ensure structures will be well designed and aesthetically pleasing. The Commission recommended the following changes:

Recommendation for the LI zone:

- Allow bare concrete buildings as long as such buildings incorporate additional architectural accents.
- Allow painted or colored concrete buildings as long as the individual colors are consistently shaded. Do not require additional accents for painted or colored concrete buildings.

Recommendations for the MC zone:

- Prohibit bare concrete buildings.
- Allow painted or colored concrete buildings as long as the color shades are consistent. Require that the buildings also incorporate additional architectural accents.

The proposed amendment seeks to codify the Commission's recommendations.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission reviewed the proposed amendment at its February 10, 2015 Planning Commission meeting. The Commissioners determined that the proposal properly implements the changes they recommended. On a 6:0 vote, the Commission recommended approval of the amendment.

### **ATTACHMENTS**

- Proposed amendment

ORDINANCE NO. 2015-6-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING SECTIONS 17.49.070 & 17.50.070 OF THE LINDON CITY CODE TO MODIFY ARCHITECTURAL STANDARDS IN THE LIGHT INDUSTRIAL AND MIXED COMMERCIAL ZONES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment will provide greater certainty and predictability in the land use application process; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to ensure that new development is of high quality; and

WHEREAS, the Lindon City Planning Commission has recommended approval of an amendment to sections 17.49.070 and 17.50.070 of the Lindon City Code; and

WHEREAS, a public hearing was held on February 10, 2015, to receive public input and comment regarding the proposed amendment; and

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

WHEREAS, the Council held a public hearing on February 17, 2015 to consider the recommendation and **no adverse comments were received.**

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

**SECTION I:** LCC sections 17.49.070 and 17.50.070 of the Lindon City Code are hereby amended to read as follows:

Section 17.49.070 Architectural design.

All buildings in the LI and HI zone shall be aesthetically pleasing, well-proportioned buildings, which blend with the surrounding property and structures. The following criteria shall be applied to all buildings and/or structures constructed in the LI, HI and T zones and any other construction requiring a building permit in the LI, HI and T zones as per the currently adopted building code for Lindon City:

- 1. Twenty-five percent (25%) minimum of the exterior of all buildings (except as permitted in 17.49.070(42)) shall be covered with brick, decorative block, stucco, wood, or other similar materials as approved by the Planning Commission. Precast concrete or concrete tilt-up buildings also meet the architectural treatment requirement, subject to the standards in section 17.49.070(2). Colored pre-cast concrete or colored tilt-up buildings also meet the architectural treatment requirement. (These architectural treatment standards are not applicable in the HI zone). ~~Thirty percent~~

- a. With the consent of the property owner, the Planning Commission may allow some or all of the required architectural treatment on a proposed building or addition to be transferred to a pre-existing building or structure, or transferred to one or more sides of a proposed structure, which may be more visible from a public street. Said transfer of architectural treatment would need to improve the overall visual character of the area in a greater manner than if the treatment is only applied to the less visible building, addition, or side of the structure being considered. No net loss of treatment should occur. When considering a transfer

of the architectural treatment, the Planning Commission should be conscious of visual site lines of adjacent buildings and properties to determine if they would be negatively impacted by a Planning Commission decision to allow transfer of the architectural treatment on the proposed structures.

2. Precast concrete or concrete tilt-up buildings are permitted in the LI zone and meet the architectural treatment requirement in subsection 1 above, subject to the following standards:

a. Bare concrete exteriors are permitted if the concrete color is consistent and if the building is also finished with additional architectural details such as entrance canopies, wrought iron railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.

b. Painted or colored concrete exteriors are also permitted if the shade of each color is consistent. No additional architectural details are required on painted or colored exteriors.

~~2.3.~~ All exterior building materials in the LI, HI and T zones shall be earth-tone colors. A sample color palette of acceptable earth-tone colors is found in the Appendix of the Lindon City Commercial Design Guidelines.

~~3.4.~~ The Planning Commission may approve ribless, metal, flat-faced, stucco embossed, metal sandwich panel buildings when the Planning Commission finds that the building is aesthetically pleasing, adequately trimmed, contrasted with different colors, is well proportioned, blends in with surrounding property, and has a similar look to that achieved by 17.49.070(1). The exterior appearance of such buildings shall primarily be of earth tone colors. Applicants desiring to apply for this type of construction may consider the Lindon City Public Works building located at 946 West Center Street and the building located at 375 North 700 West in Pleasant Grove as examples of structures in compliance with this architectural design standard.

(Ord 2015-6, amended XX/XX/2015; Ord 2008-8, amended 09/25/2008~~;~~ Ord 2008-4, amended 2/19/2008~~;~~ Ord. 2003-1, Amended, 02/18/03) (Ord. 98-9, Amended, 10/03/2000)

Section 17.50.070 Architectural Design

1. All structures in the MC zone shall be aesthetically pleasing, well-proportioned buildings that blend with the surrounding property and structures. All structures in the MC zone shall have finishes of brick, decorative block, stucco, wood, concrete tilt-up, or other materials and designs approved within the Lindon City Commercial Design Guidelines, or as otherwise approved by the Planning Commission.

2. Concrete tilt-up buildings shall comply with the following standards:

a. Painted or colored concrete exteriors are permitted. The shade of each color must be consistent.

b. Bare concrete exteriors are not permitted.

c. The exterior of a concrete tilt-up building shall be finished with additional architectural details such as entrance canopies, wrought iron railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.

(Ord. 2015-6, amended XX/XX/2015; Ord. 2012-8 amended 6/19/12)

**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.

103  
104 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as  
105 provide by law.

106  
107 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this  
108 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

109  
110  
111  
112 \_\_\_\_\_  
113 Jeff Acerson, Mayor

114  
115  
116  
117 ATTEST:  
118  
119 \_\_\_\_\_  
120 Kathryn A. Moosman,  
121 Lindon City Recorder

122  
123  
124 SEAL

## 7. Discussion Item — Public Safety Building: Timeline & Funding

(45 minutes)

The City Council will review the timeline for design & construction of the future public safety/fire station building and will discuss building alternatives, public involvement, and possible funding options. No motions will be made.

**Background:** *Lindon City's current fire department facilities are temporary facilities contemplated for use only until a permanent fire station was able to be constructed. Lindon's contract for fire and EMS services provided by the City of Orem required that a new fire station facility be ready for operation by July 1, 2013. Due to the financial constraints on the City during the recession, a time extension was granted by the City of Orem for an additional 5-year period so the facility would not need to be finished until July 1, 2018.*

*Police Department facilities within the current City Center are also inadequate for long-term use with evidence storage space, office facilities, and safety deficiencies that need to be addressed. Therefore, a combined Fire/Police Public Safety Building has been contemplated. The City has explored a standalone fire station in addition to a significant remodel of the existing City Center in order to accommodate Police Department needs and also resolve other needs at the City Center building.*

*The City realizes that the current facilities for both fire and police are inadequate long-term solutions that will need to be upgraded to accommodate current and future growth in the City. In the summer of 2013 the City hired JRCA Architects to prepare a Public Safety Facilities Master Plan and assess the space needs of Lindon's fire and police departments. Various building locations and options for development of public safety facilities were evaluated and presented to the City Council in October 2013. This study has provided a basis for estimated costs of various options for future public safety facilities needed by the City. No final building or development decisions have been made.*

A DRAFT timeline for construction and potential capital expenditures for the two most cost-efficient options revealed by the Public Safety Facilities Master Plan study is attached. Many decisions are yet to be made on this issue. Staff desires feedback regarding options for development, funding, time lines for construction, and level of public involvement desired by the Mayor and Council as this process moves forward.

Mayor Acerson and Staff will report on discussions with Orem City representatives since our last meeting. Some flexibility in fire station size and design appears possible within the current contract, thus potentially reducing the cost of the facility. We'll also discuss additional funding issues and status of the public safety impact fee study.

No motions or final decisions will be made.

\*To assist with visualization of potential fire station space and living quarter needs, a City Council tour of Orem's Fire Station #3 located at 255 North 1200 West, Orem has been scheduled for March 3<sup>rd</sup> at 6:00pm.

**Sample Motion:** No motion needed for discussion item.

## **Public Safety Building**

### **Most preferred options w/estimated cost:**

- |  |               |                    |
|--|---------------|--------------------|
| A. Combined Fire/Police Public Safety Building | <i>Total:</i> | <i>\$7,002,000</i> |
|  |               |                    |
| B. Separate Fire/Police buildings              |               |                    |
| a. Standalone Fire Station                     |               | \$4,250,000        |
| b. Remodel - Expand Police Dept / City Center  |               | <u>\$2,547,000</u> |
|  | <i>Total:</i> | <i>\$6,797,000</i> |

### **Available Funding:**

- ~\$360,000. Reserve retired Hogan bond (Flow Rider) amounts for future Public Safety Building. (Approx \$180,000/yr) (FY2016, FY2017)
- ~\$1.5 Million. State Street RDA (restricted funds for non-building costs) (FY2017)

Estimated 20-yr bond amount needed to cover remaining costs = \$5.5 Million. (approx \$390,000 / year)  
Possible funding sources: property taxes, sales taxes, Public Safety Impact Fee, other fees/taxes.

### **DRAFT Timeline:**

Public involvement: inform / gather feedback	6 Months	(Winter 2015 to Spring 2016)
Architect Selection	1 ½ Months	(May 2016)
Additional Public involvement	1 Month	(July 2016)
• Inform / educate on final decisions		
Design & Securing of Finances (bond)	5 Months	(August 2016)
Possible Property Acquisition / Council action	4 Months	(January 2017)
Contractor Selection & Bid Award	1 ½ Months	(April 2017)
Construction	10 Months	(June 2017)
<u>Contingency &amp; Move-in</u>	<u>2 Months</u>	<u>(May 2018)</u>
<b>Total Estimated Development Schedule</b>	<b>31 Months</b>	<b>(July 2018)</b>

**8. Discussion Item — Refunding of Series 2008 Bonds***(15 minutes)*

The City Council will discuss options for refunding (refinancing) Lindon's Series 2008 Sales Tax Revenue Bonds through possible private placement purchase. The Council will give feedback and direction to Staff regarding their desire on how to pursue the refunding.

A few meetings ago the Council met with Jason Burningham from LYRB to discuss possible refunding options for the 2008 bonds. The Council asked for a breakdown of possible scenarios based on various outcomes of the market if refunding through a private placement purchase.

Please review attached email from LYRB in order to give staff direction if this private placement option is within the level of risk that the City Council is willing to take to refund the bonds. Staff did not include the lengthy attachments referenced by Mr. Burningham, but they can be sent to individual Council members if you would like to review them.

Bottom line, this private placement option looks beneficial and LYRB feels that given historic interest rates we should realize \$45k to \$60k savings per year for at least the first 5 years. If the rates were to increase 100 basis points every five year period, we would still realize savings. The bond remains callable in this scenario, so we could also seek to refund the bond again if this placement option is not to our benefit. Given historical interest rates, overall risk for this refunding transaction appears moderately low. We'll discuss more details in the meeting.

**Sample Motion:** No motion needed for discussion item.

## Adam Cowie

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**From:** Jason Burningham <jason@lewisyoung.com>  
**Sent:** Friday, January 23, 2015 7:30 PM  
**To:** Adam Cowie  
**Cc:** Cody Deeter; Cami Hamilton  
**Subject:** LINDON CITY SALES TAX REVENUE REFUNDING BONDS -- SENSITIVITY ANALYSIS AND UPDATED REFUNDING NUMBERS  
**Attachments:** Zions 1.20.15.pdf; Zions 1.20.15 Reset Rates.pdf; Zions 1.20.15 Reset at historic.pdf; Zions 1.20.15 back end reduced.pdf; Seattle FLBS Historic Rates 1990 - 2014.pdf; Lindon Sales Tax Revenue Refunding Bonds - Calendar 1.20.15.pdf

Adam:

As we discussed briefly the other day, we have completed the analysis requested by the City Council regarding the potential sales tax revenue refunding bonds. Attached hereto are the following:

- **Attachment 1:** Updated Refunding Analysis assuming updated interest rates as of 1/22/2015 (*NPV of \$1.037M or 12.58%*)
- **Attachment 2:** Updated Refunding Analysis assuming updated interest rates as of 1/22/2015 and 100 basis point increase in interest rates every five year period (*NPV of \$432K or 5.25%*)
- **Attachment 3:** Updated Refunding Analysis assuming updated interest rates as of 1/22/2015 and using savings to accelerated debt service (*NPV of \$1.0M and reduces final maturity from 2033 to 2031*)
- **Attachment 4:** Updated Refunding Analysis assuming updated interest rates as of 1/22/2015 and historic average interest rate increases every five year period (*NPV of \$712K of 8.64%*)
- **Attachment 5:** 5,10,15,20, and 25 Year Historic Averages for Seattle Federal Home Loan Bank Five Year Index
- **Attachment 6:** Updated Calendar of Events for the Refunding Process

I would like to see if we could find a few minutes next week to review the information and discuss next steps. I hope you have a great weekend.

Regards,



**9. Discussion Item — Insurance Coverage for Lindon City***(15 minutes)*

The City Council and Staff will discuss current property and liability insurance coverages and desired procedures for soliciting bids for future insurance coverage.

Lindon City has given its one-year advance Notice of Intent to Withdraw from the Utah Risk Management Mutual Association (URMMA) and its joint protection insurance program, which withdrawal will be effective July 1, 2015. The notice was provided in order to solicit competitive bids and select best overall services for insurance coverage prior to Lindon's 2015-16 fiscal year (July 1<sup>st</sup>).

The City's intent is to request competitive bids in the spring of 2015. URMMA will be invited to be part of the bid process. We anticipate that other insurance brokers/providers will also bid on the service.

Staff will discuss how the Council would like to proceed with soliciting bids or an RFP, and how they would like to select a final insurance provider.

**Sample Motion:** No motion needed for discussion item.



[Redacted]

Re: [Redacted] - see description in agreement with Lindon City

September 15, 2014

This will certify that Lindon City is a member in good standing of the Utah Risk Management Mutual Association and, as such, is protected by the provisions of the Association's Joint Protection Program.

Name of insurance company: Utah Risk Management Mutual Association  
502 East 770 North  
Orem, UT 84097  
(801) 225-6692

Name of Permit Applicant: Lindon City  
Project Location: See Application

Policy Effective Dates: July 1, 2014 through June 30, 2015

Certificate Holder: [Redacted]

Coverage Limits: \$6 million per occurrence, no aggregate

Additional insureds: URMMA's Interlocal Agreement does not allow any other entity to be named as an additional insured.

Further inquiries should be directed to this office.

Kathy Kenison  
Administrative Services Manager

cc: Adam Cowie



## DECLARATION OF COVERAGE FOR FISCAL YEAR 2014-15

<b>Member Entity:</b> Lindon City <b>Address:</b> 100 North State Lindon, Utah 84042	<b>Member Representative:</b> Adam Cowie <b>Telephone:</b> (801) 785-5043 <b>Fax:</b> (801) 785-4510
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### 2014-15 Fiscal Year Coverage:

- A. Type: THIRD PARTY LIABILITY - CLAIMS MADE**  
 Limits: See 2014-15 Joint Protection Program  
 Deductible: \$5,000  
 Policy #: [REDACTED]  
 Availability: October 1, 1985  
 Comments: 2013-14 Joint Protection Program contains all details
- B. Type: PROPERTY - MASTER POLICY**  
 Limits: Per individual Member policy  
 Deductible: Per individual Member policy  
 Policy #: [REDACTED] through Fred A. Moreton & Co.  
 Availability: July 1, 1990  
 Comments: Member may selected a variety of coverage provided under the Master Policy through Fred A. Moreton & Co.
- C. Type: AUTO PHYSICAL DAMAGE FOR VEHICLES UNDER \$50,000**  
 Deductible: \$1,000  
 Policy #: [REDACTED]  
 Comments: Scheduled autos comp & collision
- D. Type: SPECIAL EVENTS LIABILITY - MASTER POLICY**  
 Limits: \$2,000,000 URMMA/Member named as insured  
 Deductible: Per each policy  
 Policy #: [REDACTED] through Fred A. Moreton & Co.  
 Availability: July 1, 1995  
 Comments: Member must contact Fred A. Moreton & Co. regarding coverage available. Fred A. Moreton & Co. will deal directly with the organization and/or individual. No additional involvement is required by Member. A certificate of coverage will be provided to the Member by Fred A. Moreton & Co.
- E. Type: OFF-DUTY VEHICLE LIABILITY - MASTER POLICY**  
 Limits: Per individual member  
 Deductible: Per individual member  
 Policy #: [REDACTED] through Fred A. Moreton & Co.  
 Availability: July 1, 1988  
 Comments: Member must contact Fred A. Moreton & Co. regarding coverage available and costs. A certificate of coverage will be provided to the member from Fred A. Moreton & Co.

**THE VARIOUS COVERAGES OUTLINED IN A, B, C, AND D ARE THE  
COMPLETE COVERAGES OFFERED BY URMMA TO ITS MEMBERS**

## 10. **Council Reports:**

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*(20 minutes)*

- |  |                    |
|--|--------------------|
| A) MAG, COG, UIA, Utah Lake, ULCT, 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) Administration, Com Center Board, Lindon Days, Chamber of Commerce          | - Randi Powell     |
| F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee | - Jacob Hoyt       |

## **II. Administrator's Report:**

(20 minutes)

### **Misc Updates:**

- February City newsletter: <http://siterepository.s3.amazonaws.com/442/february15final.pdf>
- Everbridge Emergency Notification System: sign-up available to the public. Links provided on web site and in newsletter. Please promote sign-ups!!! Sign up here:  
<https://member.everbridge.net/index/892807736722443#/login>
- Alpine School District – CDA update
- Legislative Updates
- Budget Meeting Kick-off: How was it? How can we make it better/more informative?
- Misc. Items:

### **Upcoming Meetings & Events:**

- Newsletter Assignment: **Jake Hoyt** - March newsletter article. *Due by last week in February.*
- March 3<sup>rd</sup> @ 6:00pm – Orem Fire Station tour. 255 N. 1200 W., Orem **All Councilmembers**
- March 7<sup>th</sup> @ 6:00pm – Little Miss Lindon Pageant @ Oak Canyon Jr High
- April 13<sup>th</sup> @ 12:30pm – Budget Committee lunch meeting **Mayor, Matt, Jake**
- April 14<sup>th</sup> @ Noon – Engineering Coordination meeting at Public Works **Mayor, Van, ???**
- April 24<sup>th</sup> through May 1<sup>st</sup> – City Wide Clean Up (dumpsters for public use)

### **Future items:**

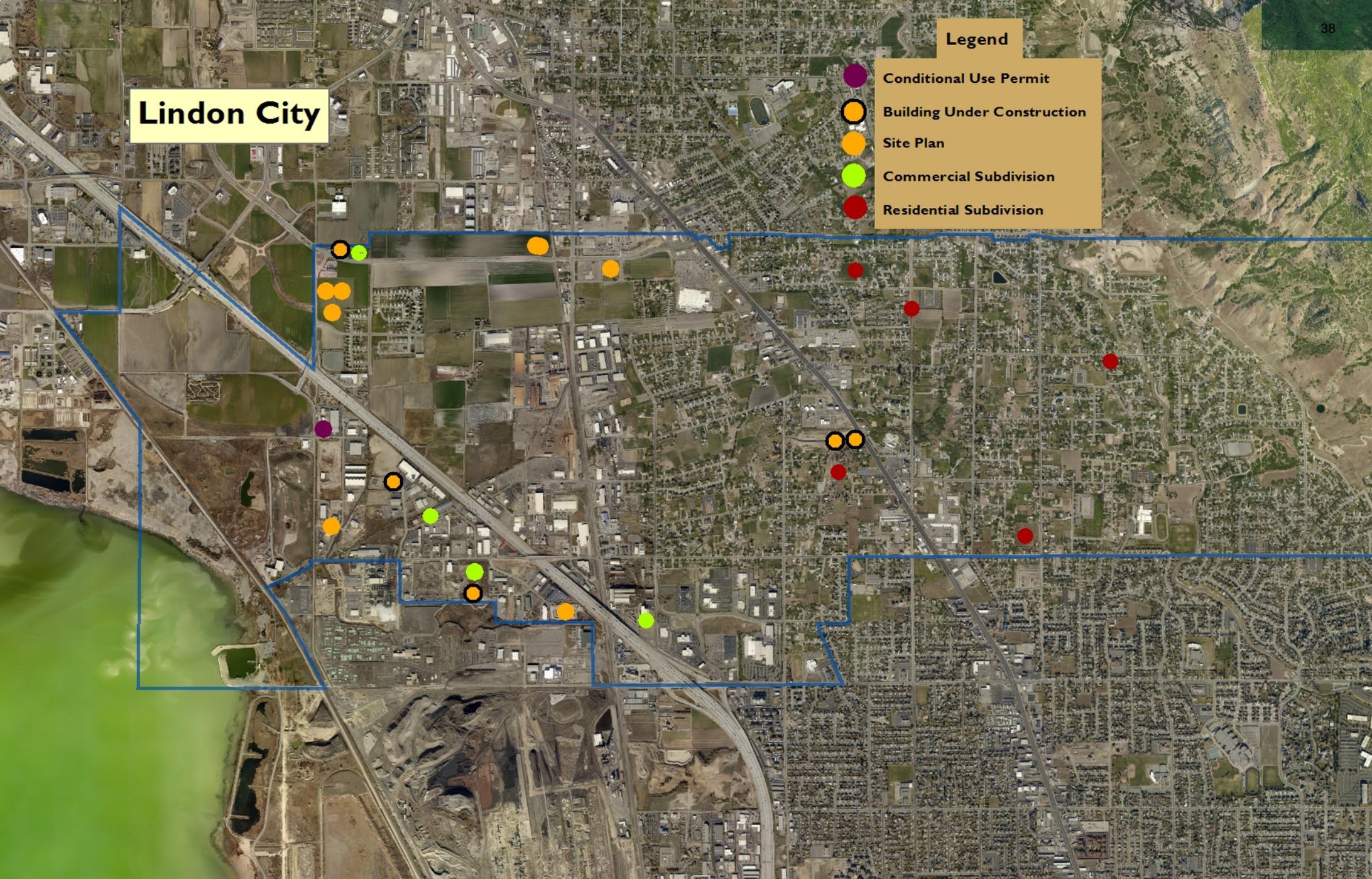
- Employee Policy Manual updates

# Adjourn

# Lindon City

## Legend

- Conditional Use Permit
- Building Under Construction
- Site Plan
- Commercial Subdivision
- Residential Subdivision





Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
<b>Annual review - Lindon Care Center</b> 680 North State Street (File # 05.0383.8) <a href="mailto:administrator@lindoncare.com">administrator@lindoncare.com</a>	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	<b>March 2015</b> Last Reviewed: 3/14	N/A
<i>Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.</i>				
<b>Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1)</b> <a href="mailto:lsmith@housinguc.org">lsmith@housinguc.org</a>	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	<b>March 2015</b> Last Reviewed: 3/14	N/A
<i>Annual review of CUP to ensure conformance with City Code. Group home at entrance to Hollow Park was permitted for up to 3 disabled persons.</i>				
<b>Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345)</b> <a href="mailto:info@heritageyouth.com">info@heritageyouth.com</a> <a href="mailto:info@birdseyvertc.com">info@birdseyvertc.com</a>	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	<b>March 2015</b> Last Reviewed: 3/14	N/A
<i>Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth (16 for Timp RTC) not over the age of 18.</i>				

Grant Applications	
Pending	Awarded
<b>Bikes Belong</b> - Trail construction grant. Requested amount: \$10,000 o Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2015.	<b>MAG Bicycle Master Plan Study</b> Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
<b>Land and Water</b> – Trail construction grant. Requested amount: \$200,000 o Status: NOT SELECTED. RE-APPLY IN 2015.	<b>EDCUtah 2014</b> — Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014.
<b>Hazard Mitigation Grant / MAG Disaster Relief Funds-</b> (pipe main ditch)	<b>CDBG 2014 Grant</b> – Senior Center Computer Lab (\$19,000)
<b>FEMA Hazard Mitigation Grant</b> – (pipe Main Ditch)	

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 228 New residential units: 53	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses:74	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 64 Drug-free zone maps: 27	Lindon Heritage Trail Phase 3		Lindon Historic Preservation Commission: Bimonthly Utah APA Fall Conference Committee