

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, April 15, 2014**
3 **at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street,
4 Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Jeff Acerson, Mayor
8 Pledge of Allegiance: Bob Wily, Planning Commissioner
9 Invocation: Randi Powell, Councilmember

10 **PRESENT**

ABSENT

11 Jeff Acerson, Mayor
12 Matt Bean, Councilmember
13 Randi Powell, Councilmember
14 Van Broderick, Councilmember
15 Jacob Hoyt, Councilmember
16 Carolyn Lundberg, Councilmember
17 Adam Cowie, City Administrator
18 Hugh Van Wagenen, Planning Director
19 Cody Cullimore, Chief of Police
20 Kathryn Moosman, City Recorder

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

22 **2. Presentations/Announcements** –

23 a) **Mayor/Council Comments** – There were no comments at this time.

24 b) The Mayor and Council recognized Heath Bateman, Parks & Recreation
25 Director for his efforts in obtaining the 2013 Tree City USA designation from
26 the Arbor Day Foundation. This is Lindon City’s ninth year of earning this
27 designation.

28 **3. Approval of Minutes** – The minutes of the regular meeting of the City Council of
29 April 1, 2014 were reviewed.

30 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
31 THE MEETING OF APRIL 1, 2014 AS AMENDED. COUNCILMEMBER
32 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS
33 FOLLOWS:

34 COUNCILMEMBER POWELL AYE

35 COUNCILMEMBER BEAN AYE

36 COUNCILMEMBER BRODERICK AYE

37 COUNCILMEMBER HOYT AYE

38 COUNCILMEMBER LUNDBERG AYE

39 THE MOTION CARRIED UNANIMOUSLY.

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4. **Consent Agenda** – No items.

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

CURRENT BUSINESS

6. **Discussion Item** – *Economic Development Policies*. Lindon’s Planning & Economic Development Director, Hugh Van Wagenen, will discuss with the Council the creation of specific economic development policies, particularly focusing on attracting development to the 700 North corridor. The Council will provide direction and input. No official motions will be made.

Hugh Van Wagenen, Planning Director, led the discussion by giving a brief summary stating this agenda item is for discussion only for the creation of specific economic development policies, particularly focusing on attracting development to the 700 North corridor. Mr. Van Wagenen also mentioned that incentives will also be a topic of discussion. He also referenced maps included in the packets of the 700 North corridor and the CDA. He then explained the RDA & CDA process and the taxing entities increments.

Mr. Van Wagenen then gave the projections for the corridor. He noted that the former Noah’s building is the only building there at this time. Mr. Van Wagenen then mentioned the taxing entities for the source of funds including Utah County, Alpine School District, Lindon City, Central Utah Water and North Utah County Water Conservancy District, with the lion’s share of the source of funding coming from the Alpine School District with all of the other entities signed up and on board with interlocal agreements.

Mr. Van Wagenen noted that they project 14 million will be generated over 20 years, with the present value estimated at 8.7 million. He stated that this amount will not cover all of the infrastructure including new streets, utility work, landscaping, street lighting, and sidewalks. Mr. Van Wagenen explained that the uses of funds, as part of the proposal, will be for administrative fees, development incentives, land assembly and housing, etc. He noted this is in process, with most of the entities on board, just waiting on Alpine School District and can triggered as soon as needed but as late as 2018.

Mayor Acerson commented that from a meeting he attended that the end result was a commitment by the Alpine School District to work with Lindon City. Mr. Van Wagenen reiterated that all entities are participating at a 50% level (which is what was proposed) and it is in process. Mr. Van Wagenen explained that the purpose of setting up this CDA is to help incentivize some development on the corridor. He noted that there are a lot more inquiries coming in as of late and not just on 700 north. There was then some general discussion of ideas on incentives, generally (not just on 700 north). Councilmember Lundberg inquired if we can be selective about the incentive and who we offer them too. Mr. Van Wagenen confirmed that we can be selective and it does not have to be on a first come first serve basis by any means. He noted they are actively focusing on reaching out to people in real estate and businesses.

2 Mr. Van Wagenen agreed with Councilmember Lundberg's statements that
3 GOED, (Governor's Office of Economic Development) is trying to bring in out of state
4 players and there are state incentive packages that can be included. He also noted that
5 there are some requests come from ECDU Utah, which is a mix of both state and local
6 incentives, but it does not have to always be cash incentive.

7 Councilmember Hoyt inquired what Lindon City has done in the past with
8 incentives and if we have been fairly selective. Mr. Van Wagenen stated that the city has
9 been selective but it has not happened too often. He mentioned an example was Murdock
10 Hyundai, where the sign ordinance was tweaked a little and also with some ground where
11 the detention basin is.

12 Mayor Acerson commented at one time the city worked with Pleasant Grove City
13 through a joint agreement for the 700 North corridor (which has since been rescinded)
14 and it didn't matter what business came in, with the idea the cities would share and
15 benefit in the sales tax as to not compete with each other. Mr. Van Wagenen stated that it
16 must be a calculated assessment of what the city will gain during a specific time frame.
17 He reiterated that it would be beneficial to staff to have parameters of what the incentives
18 are to inform people, but noted that they would need to be evaluated appropriately.

19 Mr. Van Wagenen then referenced various types of incentives used by other cities
20 to draw businesses to their community.

- 21 • Pay utility bills
- 22 • Cover impact fees
- 23 • Sales tax kickbacks
- 24 • Infrastructure projects

25 Mr. Van Wagenen questioned what the city is willing to give up; long term sales
26 tax or property tax increases. He stated that the City's image needs to be considered and
27 if it attracts other development. He noted because there is the 20 year time frame to pick
28 up the tax increment financing; it is not uncommon to bond upfront in anticipation of
29 being able to pay off those bonds in the future for the cash infusion now. Councilmember
30 Bean brought up "The Meadows" in American Fork, and what they used for incentives.
31 Mr. Van Wagenen stated that he will check into that and get back with him. Mayor
32 Acerson suggested compiling a list of the top 10 businesses that the city feels we could be
33 supportive with incentives that may benefit the city. Councilmember Lundberg expressed
34 that she feels that the city should negotiate on a case by case basis as not to be boxed in a
35 set of policies.

36 Mr. Van Wagenen asked the Council for incentive ideas to put on the table of
37 what they are interested in participating in to give prospective businesses a set of
38 parameters. Mr. Cowie stated that something like a structured job creation threshold
39 would be very helpful. Mr. Van Wagenen stated that sales tax, property tax, job creation
40 are tangible things to look at and if this a benefit to the city what they are bringing in
41 based on projections. Councilmember Broderick inquired how incentives are weighed on
42 a new business coming in that may compete with an existing business which may give
43 them unfair advantage. He commented that we need to be fair and equitable as to not
44 penalize people that are already here. Councilmember Powell commented that by
45 bringing the businesses in they are also going to trickle out to existing businesses with the

2 potential to drive more business. There was then some general discussion on what types
of projects to incentivize to bring the city.

4 David Adams addressed the Council at this time. He noted that he is a broker
who was hired by the investment group that owns the 40 acres (north) on 700 North. Mr.
6 Adams stated that they are looking forward to being active planners with the city. He
added that they are open to the creativity of the city and appreciates the open mindedness
of the council that he has heard here tonight.

- 8 1. It would help them to hear back from the city as to what types of businesses to
see there and they will approach them.
- 10 2. They know the parameters of the approval process. They will want flexibility
but to have high standards in design, landscaping, etc. The council will direct
12 them and bring them in and have the ordinance, zoning, design, landscaping
etc. in place.
- 14 3. They have worked with the State Economic Office and one advantage is that
they have it on file and when they come to see where they can locate they look
16 at your parcel (mixed use is the best use) and there are some things to discuss.
This area can be very desirable and can look good and they would like to
18 work with the city.

20 There was then some additional general discussion by the Council regarding the
possible development on the 700 North corridor. Mr. Van Wagenen noted that there has
22 been a few ideas discussed tonight including bonding, types of businesses (which will
require further discussion) and possible incentives. Mr. Van Wagenen thanked the
24 Council for their input and direction.

26 Mayor Acerson thanked Mr. Van Wagenen for the discussion and the valuable
information presented. He then called for any further questions or comments. Hearing
none he moved on to the next agenda item.

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30 **7. Discussion Item – *PARC Tax Policies.*** Lindon’s Parks & Recreation Director, Heath
Bateman, will discuss proposed policies and project prioritization for use of
32 anticipated Park, Arts, Recreation & Culture (PARC) tax funds. The Council will
provide direction

34 Heath Bateman, Parks & Recreation Director was in attendance to present the
proposed policies and project prioritization for use of anticipated Park, Arts, Recreation
36 & Culture (PARC) tax funds. Mr. Bateman led the discussion by giving some
background regarding the PARC Tax. He noted that this proposal is a draft that has not
38 been reviewed by the City Attorney. He went on to explain that in 2013, Lindon City
voters approved at (1/10th of 1%) increase in the local sales and use tax as a means of
40 enhancing funding for local culture organizations and recreational facilities within
Lindon City (these funds are to be distributed as consistent with Utah Code). Mr.
42 Bateman stated that the Lindon City Finance Director estimates the tax generated would
be approximately \$300,000 to \$400,000 per year in revenue. Mr. Bateman stated that the
44 PARC Funding Decision Process is the most relevant item for discussion tonight. He also
presented the PARC Tax logo for the Council’s review.

2 Mr. Bateman noted that the purpose of the program is to support organizations
that enrich the overall quality of life for residents throughout Lindon City. He stated that
4 the Parks, Arts, Recreation & Culture (PARC) Program is committed to fair and equitable
access to PARC funding and educational resources; it will also work to increase the
6 public awareness of the value of the PARC program. Mr. Bateman commented that the
PARC program exists to enhance the financial support of the City's Cultural
8 organizations through the imposition, collection and distribution of 1/10th of 1% City
sales and use tax.

10 Mr. Bateman explained that under the PARC program the City council will
distribute the revenues collected annually as a result of the imposition of a sales and use
tax designed to help defer costs for City's qualifying cultural organizations.

12 Mr. Bateman then referenced the definitions that will be used when referencing
the PARC Tax. He also referenced the general guidelines stating that the PARC tax
14 revenue may only be used for capital development and ongoing operations of government
owned or operated recreational and cultural facilities, and for the ongoing operations of
16 nonprofit cultural arts organizations. He went on to say that by that definition,
recreational facilities are defined as and include parks, playgrounds, golf courses, athletic
18 fields, gymnasiums, swimming pools, trail systems, or other facilities used for
recreational purposes.

20 Mr. Bateman stated that cultural facilities include museums, theaters, art centers,
music halls, or other cultural or arts facilities; government owned or operated facilities
22 are the only facilities eligible for PARC funds. He noted that funding for this program
comes from sales tax revenues that are collected by the State of Utah and distributed to
24 Lindon City. We added that to ensure more funds are not disbursed than received for the
year, total actual fiscal year revenues cannot be disbursed until received by the City
26 Finance Director and reconciled by the City Administrator.

28 Mr. Bateman then explained the PARC tax funding decision process. He stated
that the Lindon City Council will make the final decision on what projects are funded,
what grants are allocated and how the PARC money is spent. The Lindon City Staff,
30 namely the Parks and Recreation Director and City Administrator, will make
recommendations on projects, needs, suggested funding areas, recommended grants,
32 needed facilities, etc. He noted that the City Council will make their decision in
conjunction with this plan and the budget acceptance for the following fiscal year
34 (decision most likely will be made in May).

Mr. Bateman then referenced the PARC areas of spending as follows:

- 36 • Parks & Trails
- Community/Recreation Center
- 38 • Aquatics Center
- Administration
- 40 • Maintenance
- Mini Grants
- 42 • Contingency Fund

44 There was then some lengthy discussion by the Council regarding possible uses of
the PARC tax. Mr. Bateman added that percentages in each area will may change from

2 year to year and may depend upon certain project costs and needs. He then referenced a
graph depicting what the years 2014 and 2015 will look like.

4 Mr. Bateman noted that other 'Cultural Arts Organizations' may be eligible for
funds. He added that the qualifying organizations must have a significant presence and in
Lindon City and mentioned that only mini grants are available for Cultural Arts
6 Organizations. Mr. Bateman further discussed that the grant applicants must fill out the
application form and then present the information to the Lindon City Parks & Recreation
8 Director for review. The Parks & Recreation Director will then forward this application
to the City Administrator for Council Agenda Preparation. After which, the Lindon City
10 Council will evaluate all mini grant applications on a broad spectrum of disciplines for
eligibility including visual arts, performing arts, literary arts, historic preservation, and
12 arts education.

14 Mr. Bateman explained that organizations applying for grants may be awarded up
to 5% of the total of PARC funding available however PARC funds granted to cultural
organizations may not be used for capital construction expenses, payments into an
16 endowment fund, expenditures for programs outside of Lindon, activities not available to
the general public, political lobbying, fundraising expenses related to capital or
18 endowment campaigns, or for other expenses not related to the organization's primary
cultural purpose or directly related to or for the direct benefit to the residents of Lindon.
20 He further explained that the portion of this revenue designated for cultural arts is
intended to support nonprofit cultural arts organizations rather than individuals.

22 Mr. Bateman then referenced the following expenditures that the PARC funding
24 may not be used for:

- 26 • Accumulated deficits or debt retirement
- Capital improvements; Public Schools and/or school programs or hiring of
temporary or permanent staff in any school or school system
- 28 • Lobbying Expenses
- Scholarships, purchase awards or cash prizes
- 30 • Magazines or newspapers
- Broadcasting network or cable communications systems
- 32 • Performances, events and activities that take place outside of Lindon City
- Activities intended for primarily for Fundraising
- 34 • Recreational, rehabilitative, or therapeutic programs
- Social Service Programs
- 36 • Fireworks
- Sister City Programs
- 38 • Rodeos
- Non-cultural Celebratory events
- 40 • Activities that are primarily religious in purpose
- Cash reserves
- 42 • Start-up organizations
- Private Foundations

2 Mr. Bateman commented that qualifying organizations requesting funds must be a
4 nonprofit entity with 501(c)(3) status at the time of the application from deadline or a
6 municipal cultural Council. He noted that all qualifying organizations may apply once
8 per calendar year, and the application form must be accurate, complete and all
supplemental information included prior to the deadline (late submissions will not be
accepted). He added that it is not the responsibility of the PARC staff to contact the
applicants regarding information missing from their application.

10 Mr. Bateman went on to say that each qualifying organization must submit a
12 compliance report detailing how it expended the funds it received pursuant to these
14 polices and procures. He noted that the purpose of the compliance report is to account for
16 funds distributed and the report must be submitted by the deadline indicated. PARC
18 funding may be withheld due to inadequate, incomplete, or non-submitted compliance
reports.

20 Mr. Bateman concluded that the length of term for the PARC tax is 10 years. It is
22 anticipated that approximately \$300,000 – 400,000 will be collected each year with a 10
24 year total of \$3,000,000 - \$4,000,000. He stated that the money will be collected for a 10
year period ending June 2025, and it may be renewed by a ballot measure at that time for
an additional 10 years. Mr. Bateman then referenced the applications forms.

26 There was then some additional general discussion by the Council. Mayor
28 Acerson commented that he would like to see big and small projects funded and to ensure
that the needs of the City are identified, and to match funds for those who would like to
participate in the heritage of the City. At this time Mayor Acerson thanked Mr. Bateman
for the valuable discussion and information presented. He then called for any further
discussion, hearing none he moved on to the next agenda item.

30 **8. Review & Action – *Appointment to the Provo River Water Users Association.* This
32 is a request to appoint Council member Van Broderick as the Lindon City’s official
34 shareholder representative to the Provo River Water Users Association.**

36 Mr. Cowie opened the discussion by explaining this item is a request for the
38 Council’s approval to appoint Council member Van Broderick as the Lindon City’s
official shareholder representative to the Provo River Water Users Association. Mr.
Cowie further explained by appointing Council member Broderick as an official
representative for the PRWUA shares that Lindon owns he will be able to vote on
budgetary matters and other actions required at annual board meetings. He noted that it is
anticipated that Councilmember Broderick will serve in this position until the end of his
term on the City Council, or as otherwise replaced by new appointment of the Lindon
City Council, and this appointment shall take effect immediately.

40 Mr. Cowie stated that, on approval, he will send a letter notifying the Provo River
42 Water Users Association that the Council appointed Councilmember Broderick to serve
44 as Lindon City’s official share holder representative.

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

COUNCILMEMBER HOYT MOVED TO APPOINT COUNCILMEMBER
VAN BRODERICK AS LINDON CITY’S OFFICIAL SHAREHOLDER

2 REPRESENTATIVE TO THE PROVO RIVER WATER USERS ASSOCIATION.
3 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
4 RECORDED AS FOLLOWS:

4 COUNCILMEMBER POWELL AYE
5 COUNCILMEMBER BEAN AYE
6 COUNCILMEMBER BRODERICK AYE
7 COUNCILMEMBER HOYT AYE
8 COUNCILMEMBER LUNDBERG AYE
9 THE MOTION CARRIED UNANIMOUSLY.

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11 9. COUNCIL REPORTS:

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13 **Councilmember Powell** – Councilmember Powell reported she attended a nice evening
14 at the recognition dinner and noted she appreciated Councilmember Broderick’s help in
15 handing out the awards. She also reported that there is a meeting next week for the North
16 Utah County Outreach and also a Lindon Days Committee meeting on Thursday night.
17 Councilmember Powell expressed that it was a great discussion tonight regarding the
18 PARC tax, and commented that it is an important issue for her personally. She added that
19 it will be good to start getting the money coming in. Councilmember Powell also
20 mentioned a letter about the character connection that she received. Councilmember
21 Powell commented that with the city newsletter going digital she feels that the character
22 connection should also go paperless as there could be a link on the city website to their
23 website. She noted that Ms. Allred has not handed out the Councilmember assignments
24 as yet. Councilmember Powell commented that the city pays \$1,200 a year (grant) for
25 the character connection. Mayor Acerson stated that he would be happy to meet with
26 Cathy Allred.

27 **Councilmember Bean** – Councilmember Bean commented that the ULCT conference in
28 St. George was very informative. He expressed that he appreciated being able to attend
29 with Mayor Acerson, Mr. Cowie and Councilmember Lundberg. Councilmember Bean
30 also reported that Mr. Cowie led the Utopia meeting and did a great job.

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32 **Chief Cullimore** – Chief Cullimore reported that he has two upcoming Nova
33 graduations, one at Rocky Mountain Elementary on April 29th and one on May 1st at
34 Timpanogos Academy. Chief Cullimore also reported that the “Lindon Tribute” is still
35 on hold, but he has tentatively heard that it may be held on May 17th. Chief Cullimore
36 noted that there is a DUI checkpoint scheduled for April 25th.

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38 **Councilmember Hoyt** – Councilmember Hoyt reported that the North County Animal
39 Shelter will have a booth at Lindon Days. He also reported that he will be attending the
40 engineering meeting tomorrow.

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42 **Councilmember Broderick** – Councilmember Broderick reported attended the
43 engineering meeting tomorrow. He also attended the recognition dinner at the
44 Community Center and noted the people were appreciative who were recognized and
45 they make a huge impact in the city.
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2 **Councilmember Lundberg** – Councilmember Lundberg reported that she enjoyed
4 attending the ULCT conference. She noted that the networking was great and also the
6 discussion of best practices. She noted that she did the bicycle tour while she was there
and stated that St. George has a fantastic trail system. Councilmember Lundberg
mentioned that she would like to have a badge or nametag for identification as a Lindon
Councilmember.

8 **Mayor Acerson** – Mayor Acerson reported should have some discussion going forward
10 with recycling about opting in and opting out and the benefits. The dumping fees could
12 amount to around \$10,000 in savings. There is the opportunity to talk to citizens about
14 how they feel about opt out program. Councilmember Powell suggested encouraging
recycling in the newsletter that will coincide with earth day. Mayor Acerson noted that
he will meet with Republic to find ways to help educate and engage the citizens to save
money and it will help out in the the long term. He also suggested implementing
recycling with Lindon Days.

16 Mayor Acerson reported that he attended the Mayor’s Utopia meeting in Payson
18 and hopefully they will have more information within 2 weeks. He will also be attending
the engineering meeting tomorrow. He also attended the IHC meeting and they had a
20 guest speaker on industry issues dealing with health care issues which was very
informative.

22 **Administrator’s Report:**

24 Mr. Cowie reported on the following items:

26 **Misc Updates:**

- 28 • April City Newsletter link:
<http://siterepository.s3.amazonaws.com/442/april14final.pdf>
- 30 • Project Tracking List
- ULCT conference reports

32 **Upcoming Meetings & Events:**

- 34 • Newsletter Assignment: Councilmember Lundberg - May newsletter
article. *Due by last week in April.*
- 36 • April 11th at 6:00 p.m. – Volunteer Appreciation Dinner at the Community
Center. Councilmember Powell and Councilmember Broderick will
attend.
- 38 • Tentative: April 11th–19th Spring clean-up. Dumpsters will be located at
40 Public Works, the horse Arena, Pheasant Brook Park, Hollow Park, and at
the LDS East Stake Center.
- 42 • April 16th at 9:00 a.m. – Bicycle Steering Committee mtg. Community
Development conference room. Mayor Acerson and Councilmember
Lundberg will attend.
- 44 • April 16th at Noon. Engineering Coordination meeting at Public Works.
Mayor Acerson, Councilmember Hoyt and Councilmember Broderick will
46 attend.

- April 19th – Easter Egg Hunt at 9:00 a.m. City Center Park. Councilmember Lundberg will attend.
- April 23rd at 1:00 p.m. at Liberty Park. SLC Bike route tour (leaving Lindon at Noon)
- April 25th – DUI Check point on Geneva Road.
- April 29th at Noon at City Center. Budget Committee Meeting. Mayor Acerson, Councilmember Hoyt and Councilmember Bean will attend.
- May 26th – Memorial Day Ceremony at 9:00 a.m. at the Lindon cemetery. (City offices closed). Mayor Acerson and Councilmember Hoyt will attend.

Future items:

- Planning Commission member vacancy
- 2014-15 Budget hearings
- Policy Manual updates
- Fee and Utilities rate studies / review of active service military utility waivers
- Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor

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

Adjourn –

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 10:25 P.M. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – May 6, 2014

Kathryn Moosman, City Recorder

Jeff Acerson, Mayor