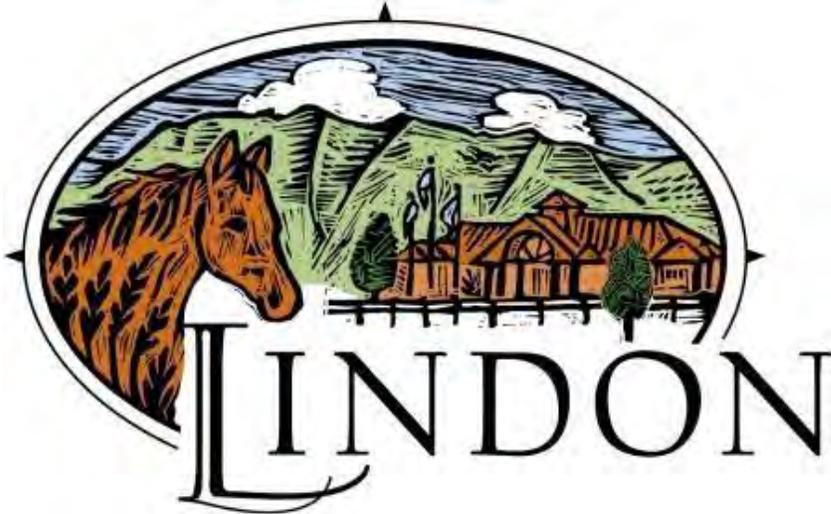


Lindon City Council Staff Report



Prepared by Lindon City
Administration

December 15, 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, December 15, 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: Van Broderick

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements**
 - a) Comments / Announcements from Mayor and Council members.
- 3. Approval of minutes:** Dec 9, 2014; Jan 30, 2015; April 14, 2015; April 21, 2015; Nov 17, 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 17.75 Senior Housing Facility Overlay** (20 minutes)
Jeff Southard of Southaven Homes requests a change to the fencing requirement for senior housing facilities so that fencing will not be required along adjacent commercial properties. The Planning Commission recommends approval of the amendment allowing flexibility in the fencing requirement. **Ord. #2015-29-O**
- 7. Public Hearing — Ordinance Amendment, LCC17.18 Off Street Parking, LCC 17.48 Commercial Zones** Ordinance #2015-28-O (20 minutes)
The Council will review city initiated code amendments regarding setbacks for off-street parking space setbacks in relation to landscaping requirements in Commercial zones. The Planning Commission recommends approval of the amendments.
- 8. Public Hearing —Series 2016 Sales Tax Revenue Bonds for Public Safety Building** (10 minutes)
The City Council will hold a public hearing regarding issuance and sale of \$3,500,000 aggregate principal amount of Sales Tax Revenue Bonds Series 2016, and any potential economic impact that the project (Public Safety Building) to be financed with the proceeds of the series 2016 bonds may have on the private sector.
- 9. Closed Session to Discuss the Sale of Real Property** (30 minutes)
The City Council will enter into a closed executive session to discuss the potential sale of real property per UCA 52-4-205. This session is closed to the general public.
- 10. Council Reports:** (20 minutes)
 - A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, 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, Little Miss Lindon - Randi Powell
 - F) Public Safety, Court, Historic Commission, Budget Committee, Chamber of C. - Jacob Hoyt
- 11. Administrator’s Report** (15 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. 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 **Date:** December 11, 2015
Time: ~11:00 a.m. **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: Van Broderick

Item 1 – Call to Order / Roll Call

December 15, 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.

Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **Dec 9, 2014; Jan 30, 2015; April 14, 2015; April 21, 2015; Nov 17, 2015**

The Lindon City Council and Lindon City Planning Commission held a Joint Work Session on **Tuesday, December 9, 2014 at 6:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 6:00 P.M.

Conducting: Hugh Van Wagenen, Planning Director

PRESENT

- Jeff Acerson, Mayor
- Randi Powell, Councilmember
- Matt Bean, Councilmember
- Van Broderick, Councilmember
- Carolyn Lundberg, Councilmember
- Sharon Call, Chairperson
- Mike Marchbanks, Commissioner
- Rob Kallas, Commissioner – arrived 7:04
- Bob Wily, Commissioner
- Matt McDonald, Commissioner

ABSENT

- Jacob Hoyt, Councilmember
- Andrew Skinner, Commissioner

Staff Present

- Adam Cowie, City Administrator
- Hugh Van Wagenen, Planning Director
- Jordan Cullimore, Associate Planner
- Don Peterson, Public Works Director
- Mark Christensen, City Engineer
- Kathy Moosman, City Recorder

Ivory Development Representatives

- Chris Gamvroulas
- Kyle Honeycutt
- Tim Soffe

1. **Call to Order** – The meeting was called to order at 6:00 p.m.
2. **Discussion Item:** Lindon City Council and Planning Commission will conduct a joint work session with Ivory Development to discuss a residential housing concept plan on property located at approximately 500 North and 1400 West, otherwise known as the Anderson Farm.

Mayor Acerson invited Mr. Ron Anderson forward at this time. He acknowledged Mr. Anderson’s many years of service on the Planning Commission. Mayor Acerson then presented Mr. Anderson with a plaque in honor of his service on the Planning Commission and to Lindon City and its residents.

Hugh Van Wagenen, Planning Director, opened the discussion by stating the Lindon City Council and Planning Commission are meeting tonight with Ivory Development to discuss a residential housing concept plan on property located at approximately 500 North and 1400 West, otherwise known as the Anderson Farm. He then presented the latest concept plan received from Ivory today. He noted the hope is tonight to have Ivory walk the group through the latest layout and explain the thought process behind where things are located etc. He explained that after the presentation they will take approximately 20 minutes to discuss amongst themselves and to provide an opportunity to bounce ideas between each other. He added if there are any questions or concerns on the big picture items (commercial corridor encroachment, apartment density, open space) to please bring it up while the Ivory Representatives are here to answer any questions. At this time he then turned the time over to the Ivory Representatives to give their presentation.

Tim Soffe, with Think Architecture, addressed the group at this time. Mr. Soffe referenced the concept map on the screen showing the commercial corridor property that is not under contract with Ivory and still owned by the Andersons. He noted the existing development is the 55 and older community and referenced the Thorne property that is not a part of the ownership as well. He mentioned one thing they look at as planners are the edges and there are couple of edges that concern them. The freeway corridor that has a lot of noise and a lot of activity which says to them, as planners, that there is influence generated from the activity on the freeway but also on the industrial edge. He pointed out that you need to be careful what you put there, which is probably not the best high value residential neighbor there is. Also a commercial edge is established so you need to find the appropriate buffer. These are the things they looked at when approaching this project.

Mr. Soffe stated he would also like to educate the Council and Commission on principles of a walkable community that will enhance the values along with future land uses as well. If they can plan into the community the ability to walk from place to place and make it pleasant to walk to another area we can reduce auto traffic but also enhance the value of the property just by being able to walk to green places such as parks. They also talked about a park program that could be linked by a road system and a well-articulated serpentine walkway to enhance walkways and link one park to another. He noted if a transit station does come at a future date the ability to walk to the transit station would be invaluable. Looking into the future to walkable parks and a future trax station will be part of the enhancement of the community.

Mr. Soffe also mentioned their concerns of trying to put a multifamily element to get the single family away from the noise and intensity of the freeway and also away from the edges. The park will help to get away from the edges and these issues influence the multifamily areas. Mr. Soffe then explained the positioning of the large and small lots and referenced the Ivory catalog and product line to see what houses go on what property. He noted they have spoken with the Alpine School District and LDS Church which will be ongoing discussions as we go through this process. He then asked for feedback from the group to discuss the planning concepts.

Councilmember Bean mentioned that it has been 7 weeks since they last met and questioned what the biggest changes are from then to now. Mr. Soffe stated it was not lotted or showed size of lots, number of lots and where they were going to go, it was

more a bubble plan as he recalls. He noted this plan represents and is posed for the purpose of soliciting the thoughts of the Council and Commission.

Mr. Van Wagenen added that the biggest change since the last meeting is that the 500 ft. commercial zone. What was presented before was the larger piece all commercial with no housing and the park was displayed a little more prevalent. He also noted that the park has moved from another area with the 3 parks being on one side. The Thorne property is still under contract with the hope that perhaps a school can share an area of the park; those are more or less the biggest changes outside of the interior road layouts and the lotting and the relocation of the park. What is being presented now is the townhome product. Mr. Soffe pointed out one thing planners are always faced with is what is today and what is tomorrow (in terms of what is under contract and what is not). That is the way they have to approach this because they don't know right now.

Councilmember Lundberg questioned the high density on the 2 parcels and how many doors per acre it will include. Mr. Soffe stated it will average 35 doors per acre. Councilmember Bean asked if what was formerly proposed along 700 north is not under contract. Mr. Soffe confirmed that statement. He added that they are dealing with the plan they have today and is what the plan represents.

Mr. Gamvroulas stated at the last meeting they were just here to present some ideas and colors; this is version 5 and they will be on version 20 when all is said and done. Mr. Soffe stated they are just making broad assumptions at this point. He also talked about the reasoning for moving the park because they can use the park as part of the connection and as a buffer from the freeway which seems logical. They are trying to increase the value and to make the property and project sustainable in the future.

Councilmember Lundberg expressed her opinion that she likes the u-shaped road that offers more opportunity for a greater variety of commercial users and creates a buffer. She also likes the potential of Class A office space. Mr. Soffe stated that he has learned to patient over time because as much as we desire this to happen everything is market driven and a big element of it is not controlled. Councilmember Lundberg brought up that Ivory does have a commercial arm and that could be an element that is not eliminated, but she is not sure how the market would support that.

Mr. Gamvroulas pointed out that the Andersons have to be willing to sell the property for commercial and they can't predict what the land owner will and won't do with their property at any given time. Mr. Gamvroulas stated it is also too deep and the other problems are that the road is the buffer and it is simply not viable. They don't control the commercial but they do have a commercial arm and it will still be market driven and the big boxes will not locate there; there are other available better spots for a big box because of the location. At this time Mr. Van Wagenen directed the group to take 20 minutes to talk amongst themselves and then they will regroup.

Following group discussion Mr. Van Wagenen asked the group to touch on the highlights of the discussion as follows:

Councilmember Broderick commented that he feels the lot sizes are too small and the density is too high overall, however he does like the parks. Chairperson Call said she would like to see a feathering approach and she would also like to see not lower than 10,000 sq. foot lots. As a group they feel the transition is uncomfortable and there could be better uses.

Mr. Cowie mentioned that the Fieldstone Development homes are an average of 10,000 sq. ft. with some as low as 8,000 sq. ft. and a few up to 12,000 ft. Mr. Gamvroulas stated their goal is to be the same as Fieldstone in size and noted they plan to use a feathering approach.

Mr. Van Wagenen asked if the concerns are about the total number of units or the lot size. Following discussion Mr. Van Wagenen summarized that he is hearing the park is good with the lot size no less than 8,000 but an average of 10,000 with the apartments being transitioned. Mr. Gamvroulas pointed out that rooftops will support a possible trax station and you have to have the rooftops to have viable commercial.

Commissioner Marchbanks commented that he hears the group concurs (in general) that the depth of the commercial area as 500 ft. and agrees that big boxes will be hard to attract there. Councilmember Bean asked the representatives to explain how the higher density issue could be mitigated. Mr. Honeycutt then explained the different ways to do multifamily units including variations of heights (they would prefer to be taller with more units that way – 3 stories) and if the desire is that the overall acreage could come down in order to have more height. If the group wants to take the number down from 400 they would prefer to take the acreage in and keep the height the same so they would have that configuration that brings more of a “Class A” apartment. He would also suggest a tour of their other projects for the group to see them firsthand.

Councilmember Bean expressed his concerns about the high density piece off of Geneva Road where there may be a trax connection in the future. He asked if there is any way to know if that is a future possibility or just a pipe dream. It would be easier for him to feel good about high density there if he had an idea about that. Mr. Cowie stated that is so far out on the long range plan that it is difficult to predict. He did say they have purchased the rail corridor but it could be 20+ years out. There was then some general discussion regarding the possibility of a trax station at that location.

Councilmember Powell commented on the 35 units per acre on the map. She noted we don’t know what is coming with the commercial (although we will try to shape that), but as you build out she sees the area as a potential of mixed use (with a Riverwood’s flavor) and she can see that may pose an opportunity to have a little commercial that will service the residents in some fashion. Mr. Gamvroulas stated they have studied this issue nationally and they look great but the turnover in the commercial is very high and it is a challenge and something they would not want a lot of.

Councilmember Lundberg commented that she would like to keep the commercial strip open as to keep some options open. She is comfortable with the density similar to Fieldstone but would want a better architectural design to attract a high quality resident for the long term. Mr. Honeycutt referenced their catalog noting they will build a nice, high quality product. Councilmember Lundberg noted she would also like to see the price point range before upgrades. She likes the gathering place with the club house and agrees that Ivory makes a quality and better looking product. Mr. Van Wagenen stated one of the reasons the city is entertaining anything different than the standard price point range is product availability for those who have been priced out of Lindon; the question is to find where the balance is. There was then some discussion on street widths and setbacks. Mr. Van Wagenen stated they will be having further discussion on these issues. Mr. Gamvroulas commented at the end of the day they are offering different things to

different people and they will choose what is right for them; the demographics are changing.

Mr. Cowie summarized that he is hearing the group is comfortable with the residential as a concept and in general they are comfortable with something other than single family homes; to have a mixture. The group confirmed those statements. Councilmember Broderick made it clear he would like to see the maximums and minimums defined and noted he does not like a 5 ft. side setback. Councilmember Powell stated she would like to have further discussion on street widths. Mr. Van Wagenen stated they will be having a super Development Review Committee (DRC) meeting. He advised the group as things come up when reviewing the plan to contact himself or Mr. Honeycutt with any questions or concerns.

Mayor Acerson called for any further comments or discussion from the Council or Commission. Hearing none he adjourned the meeting.

Adjourn – The meeting was adjourned at 8:00 pm.

Approved – December 15, 2015

Kathryn Moosman, City Recorder

Jeff Acerson, Mayor

Sharon Call, Chairperson

The Lindon City Council and Lindon City Planning Commission held a Joint Work Session Tour on **Friday, January 30, 2015 at 9:00 a.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 5:00 P.M.

Conducting: Hugh Van Wagenen, Planning Director

PRESENT

ABSENT

City Council members

Jeff Acerson, Mayor

- Randi Powell, Councilmember
- Matt Bean, Councilmember
- Jacob Hoyt, Councilmember
- Carolyn Lundberg, Councilmember
- Van Broderick, Councilmember

Planning Commission members

- Sharon Call, Chairperson
- Rob Kallas, Commissioner
- Bob Wily, Commissioner
- Andrew Skinner, Commissioner
- Mike Marchbanks, Commissioner

Staff members

- Hugh Van Wagenen, Planning Director
- Jordan Cullimore, Associate Planner
- Heath Bateman, Parks & Rec. Director

Other Attendees

- Kyle Honeycutt, Ivory Homes
- Justin Earle, Ivory Commercial Operations

1. **Work Session Tour**—Ivory Development Commercial Operations Apartment Projects.

Hugh Van Wagenen, Planning Director, explained the purpose of this joint work session is to tour the Ivory Commercial Operations (ICO) apartment projects. The Group then toured the ICO apartment projects in the following order:

- 1) Residences at District Heights, 11100 South River Heights Drive, South Jordan
- 2) Park Lane Village, 500 North Broadway, Farmington
- 3) Residences at Orchard Farms, 893 South Lily Drive, Fruit Heights.

Mr. Van Wagenen made note that Councilmember Broderick and Commissioner Marchbanks did not attend the Residences at Orchard Farms Portion of the tour.

Mr. Van Wagenen thanked the Ivory Representatives for the tour and the valued information it provided. He also thanked the City Council and Planning Commission members for their attendance.

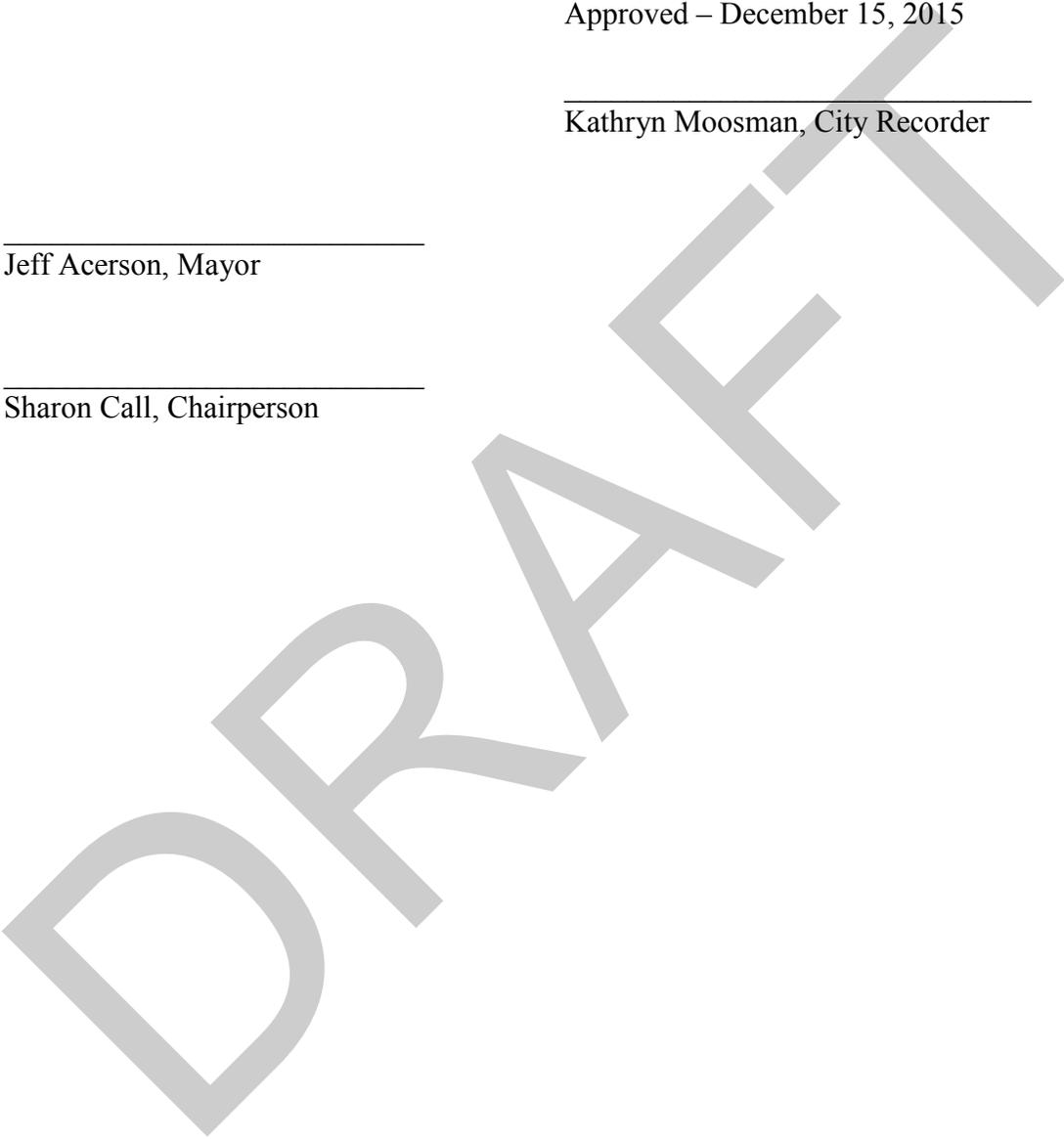
Adjourn – The work session tour was adjourned at 3:00 p.m.

Approved – December 15, 2015

Kathryn Moosman, City Recorder

Jeff Acerson, Mayor

Sharon Call, Chairperson



The Lindon City Council and Lindon City Planning Commission held a Joint Work Session on **Tuesday, April 14, 2015 at 6:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 6:00 P.M.

Conducting: Hugh Van Wagenen, Planning Director

PRESENT

ABSENT

- Jeff Acerson, Mayor
- Randi Powell, Councilmember
- Matt Bean, Councilmember
- Van Broderick, Councilmember
- Carolyn Lundberg, Councilmember
- Jacob Hoyt, Councilmember
- Sharon Call, Chairperson
- Rob Kallas, Commissioner
- Bob Wily, Commissioner
- Matt McDonald, Commissioner
- Mike Marchbanks, Commissioner
- Andrew Skinner, Commissioner – arrived 6:50

Staff Present

- Adam Cowie, City Administrator
- Hugh Van Wagenen, Planning Director
- Jordan Cullimore, Associate Planner
- Heath Bateman, Parks & Rec Director
- Kathy Moosman, City Recorder

Ivory Representatives

- Kyle Honeycutt
- Ken Watson
- Justin Earle, ICO Development
- Keith Bennett, KCB Architecture
- Jim Sieberg

Other Attendees

- Ron Anderson
- Kent Anderson

1. **Call to Order** – The meeting was called to order at 6:10 p.m.
2. **Work Session**—Ivory Development, Anderson Farms. The Council and Commission will discuss the latest concept plan for the Ivory Development, Anderson Farms residential project.

2 Hugh Van Wagenen, Planning Director, opened the discussion by explaining the
purpose of the meeting tonight is to discuss the latest concept plan for the Ivory
4 Development, Anderson Farms residential project. The project is approximately located
at 500 North Anderson Lane and encompasses about 135 acres. Mr. Van Wagenen stated
6 the next step will be a work session without the Ivory representatives present.

6 Kyle Honeycutt, Ivory representative, addressed the group at this time and
referenced the concept plan on the screen. He mentioned he will be bringing up a couple
8 of items and then bring in the ICO team for discussion on the multifamily. He explained
the one item that has been added since the last discussion is they have mixed the lots with
10 the bigger in the middle (estate community next to park) and smaller on the outside. He
noted the sales department felt it was a great thing to have an age targeted community
12 there and designed for the retirees with an active adult lifestyle. He added they have done
similar communities (Daybreak) and feel this is a perfect opportunity here in Utah
14 County. The trail length has changed to over 2 miles of planned trail with a big corridor
leading to the regional park (8 ft. trail) that goes all around the park. They have done the
16 design work on the roundabout and have pushed the sign back to the first roundabout
(from 700 North) with the added trees and brick motif. This is a key entry feature and
18 they are spending a lot on the entryway and designed to be the wow factor coming into
the community.

20 Mr. Honeycutt further explained about the park pavilion with the play structure
being the style that the city likes and are designing it specifically to put in. There will be
22 either basketball or tennis courts and just to let them know what they want. The baseball
will be combined with the soccer field. He also pointed out the future sewer lift station
24 and the detention basin area. He also mentioned the possible water pond that will
pressurize the secondary water system. He then turned the time over to Mr. Earle for the
26 multifamily discussion.

28 Justin Earle spoke at this time. He noted they put together several site plans that
meet the needs and concerns expressed at the last meeting and accomplishes all the
desires expressed from the last meeting. Keith Bennett talked about the 2 parcels that are
30 designated for multifamily. He noted they put something together of what they would do
for the more affluent and lifestyle choice of renter that is willing to pay more for
32 amenities of a community that treats them like they are living in a resort; that is the type
of community they are going for. Mr. Bennett explained that the north end is somewhat
34 off the main entry and begins to be a buffer to the commercial and other uses that are
going to develop as the city develops to the east this is a buffer and will be stepping that
36 density up as we go forward.

38 Mr. Bennett went on to say that the edge buffer with the homes and what they are
proposing is to create smaller units with auto courts between the 12-plex building only
that is what is intended to create a step from the single family to a smaller multifamily
40 and then that would step to a gridded system that extends the feel of a community that
isn't just parking lots and apartments and its facing all the buildings with sidewalks and
42 streetscapes of trees that run along the perimeters creating a grid pattern of streets that are
pedestrian friendly. This will also have access directly to the street and move into higher
44 density behind and graduating finally to 4 story buildings. The idea is to build up and
soften and not adversely impact the single family user. There will be 5 points of access
46 and they will get the feel of a street like any other street in town but will have apartment

use buildings on each side with a pedestrian feel. As we create this hub there will be a community center including a fitness center, theater, swimming pool, hot tub, internet café, outdoor spaces with a pavilion; it will be like resort living every day.

He went on to say to the south it is more landlocked and harder to get good grid. There are similar buildings on north side and bring grid in with landscaped roundabout and the grid and a whole new second amenity package with a green space that ties it directly to the park as a whole with a pedestrian friendly path. They are tying the multifamily and the key is trying to hide the cars and make them secondary. The parking areas are tucked inside as to have access in the middle with a sound and visual buffer. He stated this is a form based design of the streetscape with the treescape with the parking being the driving point. This is a concept that they are looking to do in Draper and Farmington also. Mr. Bennett stated it will be more affluent with higher rent and the person who is willing to pay for the lifestyle that you won't have in other communities.

Mr. Earle showed slides and mentioned that Park Lane Village and Fairbourne Station won clubhouse of the year because of the quality of construction and finishes and because it provides what the people want. This shows attention to detail and quality of finish with the end user in mind. The point is the elevations of the buildings are not what they are proposing (types) but not the building. These are concepts and site plans we like but we can have flexibility (300-400 resident range) with no numbers and get the overall feeling before the group for comments. Mr. Earle mentioned that over the process of the past couple of months multifamily is seen as the big unknown and it is our hope that the group's perception has changed and that it creates a community that integrates with the Ivory Homes style and compliments them also and they truly believe that. He called for any questions or comments at this time.

Mr. Honeycutt asked if the recent tour and a UTA presentation has affected the groups thinking. Are there any concerns with multifamily?

Councilmember Hoyt asked what the average lot size on the big rectangle piece. Mr. Honeycutt stated they will get lot size to them but they have tried to mix the two. There is 52 less lots in the triangle because it is deeper in order to do the big and small mixed together. The next step is to get dimensional site plan.

Councilmember Lundberg commented that she has seen a lot of dog parks in the contemporary urban design projects. Mr. Bennett stated that every single community they do has a dog park and a dog watch. One thing discussed was the feathering approach with a 2 story townhome feel vs. and immediate 3 story. Mr. Earle stated the feathering happens naturally in the community because there will be 2 story homes in the single family lots so there will already be a mix. She also mentioned the clubhouse is more tucked back vs. more of a presentation effect complex. What are the pros and cons? Mr. Bennett stated they feel they want it to be more available for access to the residents and it also strengthens the rear units that are closer to the freeway and they are trying to step and the transition is a greater good. They are after the end user being able to participate as a whole and it is an extension of the community and not just the front door.

Commissioner Wily commented that the disappearing parking is very nice and with the pedestrian access and the flow of the streets and streetscapes he believes this could be much nicer than anything they have looked at. Mr. Bennett stated the parking is hidden and the garages will not be seen from the streets. Commissioner Kallas asked what the feasibility is of the Thorne parcel becoming a part of the project. He has met

with the Thornes several time and the key concern is that Mr. Thorne wants to sell the property and roll it into a cabin property but is struggling to find the property. It would be nice to incorporate it in and it is nice they have a tentative agreement to re-zone this.

Councilmember Lundberg asked about the status with the school district and the possibility of a school as there will be a lot of children commuting. Mr. Cowie stated the school district is not even considering a school at the location. They are looking at expanding Lindon Elementary. Mr. Honeycutt stated the LDS Church has contacted Mr. Thorne about a church on his property and they are very flexible about adding these amenities to the master plan and they are aware of that and they would love to be contacted again.

Commissioner Wily also mentioned he likes the senior living concept and if they will have basements. Mr. Honeycutt stated they may add basements in certain lots but the decision hasn't been made yet. Councilmember Hoyt brought up the greenspace and asked what the plan is on a fence between a buffer between Geneva Road and the freeway. Mr. Honeycutt stated that is based on standard Lindon City rules similar to Cullimore Court. There will be a decorative concrete wall (6 ft.) wherever there is a change in zones. Councilmember Broderick asked if they have done any high density traffic flow studies coming out of the high density.

Mr. Honeycutt stated they have tried to separate the industrial from the residential and when the retail comes does it make the connection. They had a version that blocked the industrial and it made sense to give the connection to have more access points with bike lanes, center median, etc. He stated they could get a formal traffic study done. They are still working out all the details. There was then some additional discussion by the group regarding the multifamily units (including elevators) and the feathering concept, active adult community and street widths and setbacks. Mr. Honeycutt stated they have done several active adult communities (#1 community) that have been very successful. There was then some discussion on the overall design and feel of the community concept. They could design the multifamily units more efficiently but they have conscientiously designed it to not be the standard but designed to be in the best interest of the city and community. He noted they will come up with some recommendations on street widths and setbacks and present it to staff first and then present it at a later meeting.

At this time, Mr. Van Wagenen asked about the sewer lift station box. Mr. Honeycutt said they have done some studies on the utilities on the project noting there is a high water table so they will have collection/detention areas. Sanitary needs a sewer lift station. They have been meeting with the City Engineer for the past 4 months on this issue so there is a good plan for that issue. They have made some great progress and there is big savings if they work together. The costs have not been determined but they realized they will be responsible for portions of the plan. He noted that the secondary water will be tied to the city. Mr. Van Wagenen noted there are some major engineering issues that are being addressed and the city is working with Ivory to make this a workable plan.

Councilmember Lundberg complemented the Ivory representatives on their work on this master planned community as they have included a lot great amenities etc. She appreciates their flexibility and listening to their concerns and added she is looking forward to seeing more detail on the finishes etc. Mr. Honeycutt asked the group to please share any ideas or concerns for the next work session so we can attack the issues

2 and make it a win-win for everyone. He added they will provide a dimensional plan at the
3 next meeting including the setbacks.

4 Councilmember Broderick stated he still has concerns with the density. This is
5 very unique to Lindon and the question is what is in this for Lindon and why should we
6 approve a massive change and maintain the legacy in the field that brought 10,000 people
7 to Lindon. Mr. Honeycutt stated part of the reason they are not coming to the next work
8 session is to allow the group to discuss the proposal and to contribute to the
9 comprehensive list and to contemplate what the trade is. He feels the city is getting a
10 chance to allow your kids and grandkids to live in the city too as they cannot afford to
11 now. This is the qualitative aspect and different is not bad and allows all age spectrums to
12 live together. Commissioner Kallas pointed out, in considering this density, that the city
13 gets a planned unit development with a lot of amenities, nice streets with beautiful
14 landscaping rather than light industrial in the area.

15 Commissioner Marchbanks agreed adding it will bring an opportunity to bring
16 other things that haven't been here before, i.e., 700 North businesses etc. Mr. Honeycutt
17 mentioned there will also be impact fees that will feed the city more money as well; what
18 is the builder providing in exchange for what they are getting; these are details that have
19 to be discussed and worked out. Mr. Van Wagenen stated that staff, along with Ivory, is
20 trying to present something that is not only quantitative but qualitative to the citizens of
21 Lindon and are working to get something on paper to that end to help make the decisions.

22 **Adjourn** – The meeting was adjourned at 7:50

24 Approved –December 15, 2015

26 _____
28 Kathryn Moosman, City Recorder

30 _____
32 Jeff Acerson, Mayor

34 _____
36 Sharon Call, Chairperson

The Lindon City Council and Lindon City Planning Commission held a Joint Work Session on **Tuesday, April 21, 2015 at 6:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 6:00 P.M.

Conducting: Hugh Van Wagenen, Planning Director

PRESENT

Jeff Acerson, Mayor
 Randi Powell, Councilmember
 Matt Bean, Councilmember
 Van Broderick, Councilmember
 Carolyn Lundberg, Councilmember
 Jacob Hoyt, Councilmember
 Sharon Call, Chairperson
 Rob Kallas, Commissioner
 Matt McDonald, Commissioner
 Mike Marchbanks, Commissioner
 Andrew Skinner, Commissioner

ABSENT

Bob Wily, Commissioner

Staff Present

Adam Cowie, City Administrator
 Hugh Van Wagenen, Planning Director
 Jordan Cullimore, Associate Planner
 Cody Cullimore, Chief of Police
 Brain Haws, City Attorney
 Mark Christensen, City Engineer
 Kathy Moosman, City Recorder

1. **Call to Order** – The meeting was called to order at 6:05 p.m.
2. **Work Session**—*Ivory Development, Anderson Farms*. Ivory Development, Anderson Farms (1 hour). The Council and Commission will discuss the latest concept plan for the Ivory Development Anderson Farms residential project. The project is approximately located at 500 North Anderson Lane and encompasses about 135 acres.

Hugh Van Wagenen, Planning Director, opened the discussion by explaining the purpose of the meeting tonight is to discuss the latest concept plan for the Ivory Development, Anderson Farms residential project. He noted this meeting will be a work session held without the Ivory Representatives present.

Mr. Van Wagenen then referenced for discussion the most recent concept plan for the Ivory Development project noting this will give a feel for where things are at. He noted the numbers aren't perfect but will give a feel to help make a decision. He then

referenced the spreadsheet and graphs in detail (attached in the minutes) noting the numbers are broken out as follows:

- Unit Type (single family, active adult, multifamily)
- Single Family Homes (Areas A-E)
- Setbacks (Area A and Areas B,D E)
- Open Space (Areas A-G & Regional Park)
- Parks/Open Space (Lindon Existing, Ivory Proposed, Ivory at City current LOS, Ivory at City adopted LOS, Park Maintenance Cost)
- Police (Lindon existing, Ivory at existing LOS), and Potential Property Taxes (unit type, single family home, active adult, multifamily).

Mr. Van Wagenen concluded with that background and everything heard to date from Ivory, in order to move forward and make progress including conversation with Staff, Ivory, the City Council and Planning Commission we really need to pin down how many units total is wanted and where multifamily is going to go and the minimum lot size. If we could also nail down total units, how the single family lots are mixed and the multifamily locations that would be great. He pointed out that Ivory was polite enough to step away tonight to allow the group to have a discussion amongst themselves. He noted that Mark Christensen, City Engineer and Brian Haw, City Attorney, are in attendance tonight to talk about legalities and to answer any questions and to see that the issues are handled correctly as there have been a lot of questions about what the city will get in exchange for the density. Mr. Van Wagenen called for any questions at this time.

Mayor Acerson mentioned the higher density and the concerns people have is what it means long term. Councilmember Lundberg commented that it is a question of how many doors and what will be the level of the higher density.

Commissioner Kallas mentioned that people move to Lindon because of the large lots, animal rights and open space; this is what draws people here. He noted he feels there are some negatives to this thought process too. He also believes that Lindon has some natural borders and divisions as follows: 1) Freeway 2) Geneva Road 3) State Street 4) Canal. The city has been divided into certain segments and when looking at this development (between the freeway and Geneva Road) he knows we all hope that 700 north develops into a nice professional commercial district and this proposed development goes a long way to get us what we are hoping for on 700 North. He likes that this is a single developer and a planned unit development that they have put a lot of thought into. The layout is really nice the way the higher density sections against Geneva Road rather than clustering them all together and the fact they are separated. In between them there is a nice road and path system and a variety of density in homes and they have given a lot of thought as to how it is laid out. His thoughts are if this was project was proposed above the canal or somewhere else in the city he would not be in favor, but where it is proposed he feels really good about it because if this area of the city would most likely develop piece mill with Light Industrial if not. He likes the feel of this being a planned development that we can be proud of. He feels with Ivory we don't run the risk of them selling it and they will own it for a long long time. Councilmember Powell agreed with Commissioner Kallas' statements.

Mayor Acerson commented that there is a lot of light industrial on the west side and questioned does this blend in better. He noted that previous Councils felt if there

were to be higher density the west side would be the better area to do it. Councilmember Lundberg also agreed with Commissioner Kallas and Councilmember Powell. She likes that this is a master planned community from a very reputable company that has a track record of doing quality work and they seem to be flexible. However, she is concerned about the number of doors (overall on the apartments) as this will be a microcosm of a community within the larger community. And right now, based on their ratios of apartment dwellers, 70% of the doors are renters vs. 30% of home owners or other types of lots; she would like to see the ratio be more even. She does not want to see it become lopsided with the mix of cultures. Councilmember Hoyt commented that he would also like to see numbers come down a little bit. Councilmember Lundberg also mentioned she thinks that Ivory has indicated there is some wiggle room on the range. She feels they are presenting their “wish level” and knows it will come down from there. Mayor Acerson said to keep in mind we need to determine what our “wish level” is and to know the numbers will fluctuate. Commissioner Marchbanks suggested adding the other project (Fieldstone) in with the total numbers

Chairperson Call said her biggest concern is the number of apartments and she would like to know (from Ivory’s point of view) what amenities they would require the city to give up if they reduce the amount of apartments; it seems this is what they are holding over our heads. She would like to see us maintain a sense of community and neighborhood and she has concerns about the turnover and the transient feel of apartments as it is very difficult to maintain that sense of community with the church and school systems. She is comfortable with everything else but that issue. She believes that Ivory is a good developer and they make a quality product, but she would like to see a balance of types of units and the use of feathering because of the constant turnover factor etc. and what kind of community it creates.

Councilmember Hoyt asked Chief Cullimore to talk a little about crime. Chief Cullimore stated it is not the type of people that come in it is just the amount of people per capita that is the issue. There was then some general discussion regarding the possibility of increased crime. Commissioner Kallas commented that he hopes (because of the transient factor) we don’t put too many restrictions on Ivory that they may cut the quality and amenities as to become a less desirable product and then we will be fighting vacancy and the price goes down and then the elements come in. Councilmember Lundberg doesn’t feel that Ivory would balk at reducing the numbers. She likes the idea of keeping the quality high but lowering the numbers of doors; she is open to negotiation.

Brian Haws, City Attorney, commented at this time stating as we come to the point of asking Ivory what we want them to provide we do have to have a rough number of doors that has to be proportionate to the burden on the city. If we reduce the number of units (i.e. the “burden”) then we have to make an adjustment in the exactions of what we are asking for; that is the balance. He went on to say it used to be when giving up higher density it was open as to what you could ask for because you were giving away density. Five years ago the legislature adopted “rough proportionality” and in a SLC case the Supreme Court said it doesn’t matter what type of exaction it is but if you are requiring an exaction you have to be able to show there is a rough proportionality between what is being asked for and the burden they are putting on the city. He went on to say we need to be safe and avoid potential lawsuits down the road, however we still need to do that analysis and still need to have numbers that show the burden. Mayor Acerson suggested

giving them two proposals, 1) with this current level of density 2) with a lower level of density and have them run with it rather than be demanding and if we would be better served. Mr. Haws stated that is probably a better and safer approach. Councilmember Hoyt pointed out the biggest bargaining chip for them is the pump station and asked what the additional amount we would have to spend to take the place of the 2 other pump stations. Mr. Cowie said it was roughly about the same (between \$800,000 and 1.2 million dollars) but the benefits to combining it is that the issues with the park still need to be worked out as it is pretty generic.

Mr. Cowie suggested to ask Ivory to present various amounts from the current plan down to 20 units per acre and show what that does to the overall plan (as far as multifamily housing). Mr. Van Wagenen asked the group if anyone has issues with what is being proposed on the single family or senior living side of the project. Councilmember Broderick voiced his opinion that from the start he has had issues with the 5 ft. setbacks. Councilmember Hoyt stated he shares that concern as well. Councilmember Powell stated she is comfortable with that but has an issue with the age targeted aspect because the other high density areas have a clubhouse or something and it would be nice to have some sort of an enclosed facility/amenity for family gatherings etc. for that demographic. Mr. Van Wagenen stated he will propose that request.

Councilmember Bean commented that he appreciates all the information included on the spreadsheet. He referenced the spreadsheet asking about the single family homes and asked to add area "c" to the spreadsheet. Mr. Van Wagenen stated they will all be standard without variations, just pads and common space, but he will definitely add that in. Councilmember Bean also asked to add something to accommodate seniors comparable to the existing retirement community south of Fieldstone that would be nice. He also mentioned parks and open space and asked for a comparable to a city of our size overall, (Alpine or Mapleton) to understand how much bargaining power we have. Lastly, on property taxes he would like to see a column for the rest of the city (current population) based on number of units (just residential) that would help him to see where we are at.

Councilmember Lundberg expressed that she feels we are in a strong position to get what we are asking because we are re-zoning it is not just the apartments which is a compromise. Mayor Acerson stated the bottom line is we need to find out what the options are based on Ivory's viewpoint then we can negotiate.

Commissioner Marchbanks voiced his opinion that he is totally comfortable with the proposed project because frankly sometimes the higher doors per acre are the class "a" product. That being said, he is also fine with ratcheting down the numbers because he does not think that Ivory is going away but will change the end numbers. What they are proposing and have designed so far he feels the city could end up with a world class, award winning project in our city. He feels we are not going to scare them away by taking units away. He added we are seeing that the demographics are changing dramatically and the millennials don't want to buy a home; what is the difference between 31 doors per acre or less.

Commissioner McDonald mentioned the exchange for amenities and if ratcheted down will we give up better commercial on 700 North or the Trax station, we don't know, but he feels this will be a great addition to the city. He agrees we won't scare them away but if by chance they do go what will end up at that location.

2 Commissioner Kallas stated he would like to see a comparison of what it would
look like at 20 or 25 doors per acre. Councilmember Lundberg agreed with that
statement. Mayor Acerson concluded by stating he is observing there is support to
4 reduce the numbers and to get a comparison from Ivory and then weigh in. Mr. Van
Wagenen stated he will have Ivory come back to present numbers at 20 and 25 doors per
6 acre along with a proposed gathering facility.

8 Mayor Acerson called for any further comments or discussion from the Council
or Commission. Hearing none he adjourned the meeting.

10 **Adjourn** – The meeting was adjourned at 6:50

12 Approved – December 15, 2015

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16 _____
Kathryn Moosman, City Recorder

18
20 _____
Jeff Acerson, Mayor

22
24 _____
Sharon Call, Chairperson

Unit Type	Persons per Household*	Units	Residents
Single Family Homes	3.6	283	1019
Active Adult	2	73	146
Multi Family	3.12	822	2565
Totals		1178	3729

*3.6. UT Cty Avg, 3.12 UT Avg

Single Family Homes	# Lots	Average Lot Size (acres)	Median	Smallest	Largest	Average (s.f.)	Median	Smallest	Largest
Area A	83	0.15	0.14	0.12	0.24	6,466	6,098	5,227	10,454
Area B	41	0.23	0.22	0.18	0.38	9,806	9,583	7,841	16,553
Area D	61	0.20	0.18	0.15	0.4	8,557	7,841	6,534	17,424
Area E	98	0.21	0.21	0.14	0.44	9,308	8,930	6,098	19,166
Totals	283	0.20	0.19	0.12	0.44	8,534	8,113	5,227	19,166

Setbacks	Front	Rear	Side
Area A (6,000 s.f.)	25 or 20	15 or 20	5
Areas B, D, E (8,000+ s.f.)	25	25	8 and 12

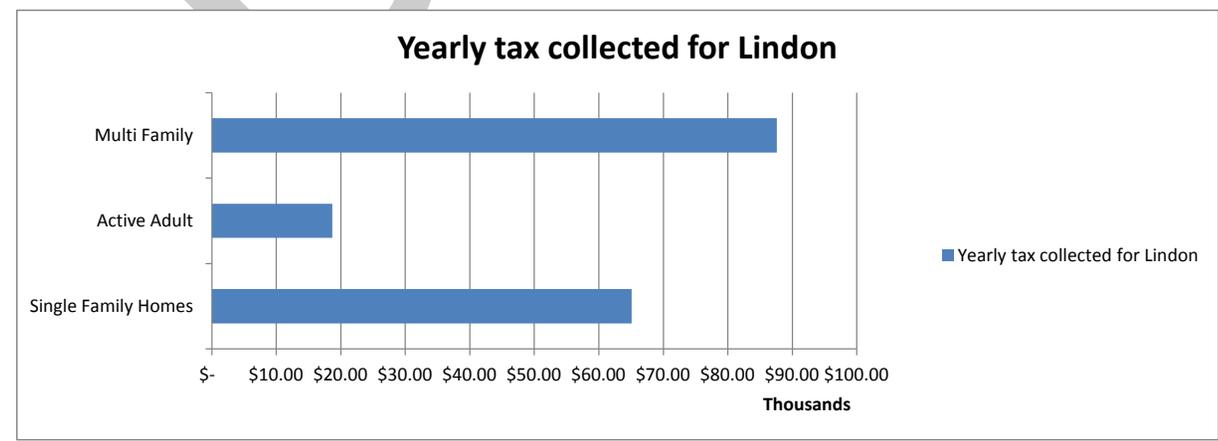
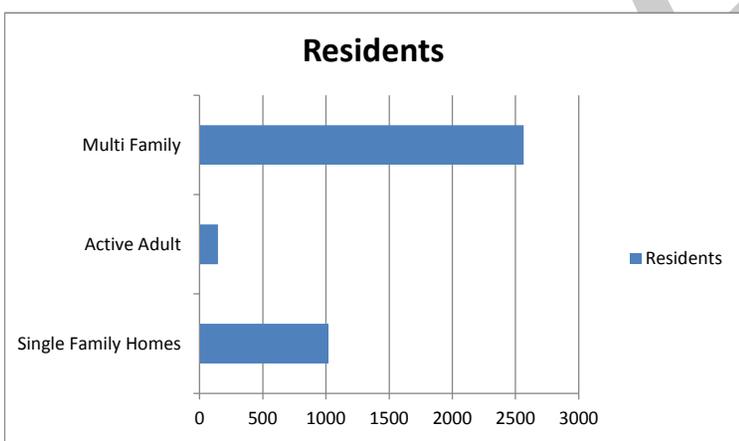
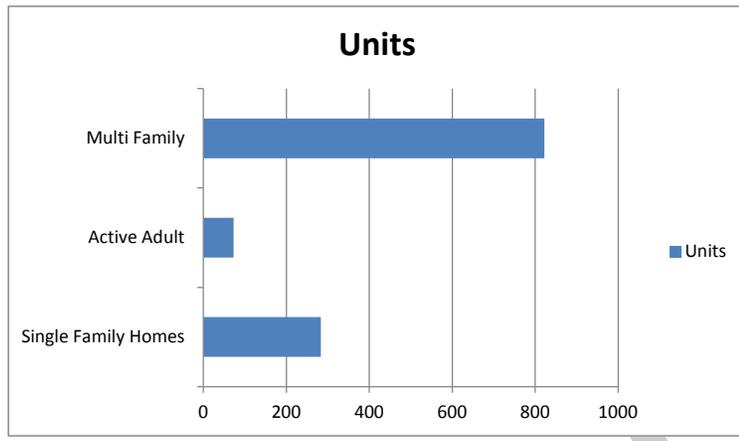
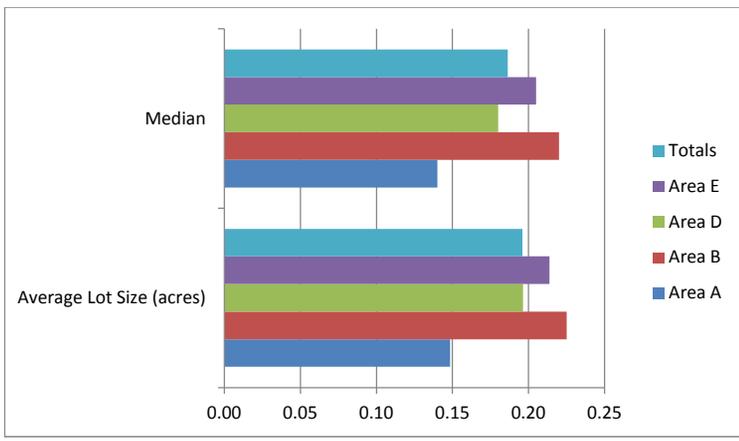
Open Space	Acres	Comments	Unusable/Required
Area A	1.83	Existing ditch, detention, secondary pond	1.83
Area B	0.05	Trail to park	
Area C	0		
Area D	0.06	Entry area, trail connection	
Area E	2.18	Club Ivory, trails, entry area	
Area F	0		
Area G	0.41	Existing ditch	0.41
Regional Park	14.54	Detention area included	1.5
Total	19.07		3.74
			Total "Dedicated" 15.33

Parks/Open Space	Acres	Dollars per person Level of Service (2008 study)	Level of Service per 1,000 residents (acres)	Total Value of Park Improvements and Open Space (2008)	Population
Lindon Existing	115.45	\$1,532.99	10.89	\$16,249,694.00	10,600
Ivory Proposed	15.33	?	4.11	?	3,729
Ivory at City current LOS	40.62	\$1,532.99	10.89	\$5,717,194.23	3,729
Ivory at City Adopted LOS	15	\$1,100.24	4.00	\$4,103,295.84	3,729

Park Maintenance Cost ~1,000/acre \$ 14,540.00

Police	Officers	Officers per capita	Officers per 1,000 residents	Population
Lindon Existing	15	0.0014	1.4	10,600
Ivory at Existing LOS	5	0.0014	1.4	3,729

Potential Property Taxes	Unit Type	Total Units	Yearly tax collected for Lindon
	Single Family Homes	283	\$ 65,090.00
	Active Adult	73	\$ 18,688.00
	Multi Family	822	\$ 87,582.00 (based on acreage, not units)
	Total	1178	\$ 171,360.00



2 The Lindon City Council held a regularly scheduled meeting on **Thursday, November**
4 **17, 2015, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Carson B. Bailey, Boy Scout Troop 260
10 Invocation: Matt Bean, Councilmember

12 **PRESENT** **ABSENT**

12 Jeff Acerson, Mayor
14 Jacob Hoyt, Councilmember
14 Randi Powell, Councilmember
16 Matt Bean, Councilmember
16 Van Broderick, Councilmember
18 Carolyn Lundberg, Councilmember
18 Adam Cowie, City Administrator
20 Hugh Van Wagenen, Planning Director
20 Cody Cullimore, Chief of Police
22 Brian Haws, City Attorney
22 Mark Christensen, City Engineer
24 Kathryn Moosman, City Recorder

- 26 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 28 2. **Presentations/Announcements** –
 - 30 a) Mayor/Council Comments – There were no announcements at this time.
 - 32 b) **Presentations/Announcements** – Glynis Tolerico representing the Utah
32 Valley Women’s Initiative, was in attendance to present to the Council on the
34 Utah Valley Women’s Initiative. Ms. Tolerico noted the group was founded
34 by Paula Fellingham. She stated at the launch of their Utah Valley Chapter at
36 the SCERA Center for the Arts, mayors and leaders from cities in Utah
36 Valley, and women from many cities attended. They spent the evening
38 identifying and discussing the major problems that keep “Happy Valley” from
38 being as “happy” as it could be, for thousands of women who live here. Three
40 primary problems were agreed upon by Utah Valley city leaders and the
40 women in attendance. The new organization, Utah Valley Women (UVW)
42 created The Utah Valley Women’s Initiative to provide solutions to these
42 problems in ways that can be implemented in the short-term and long-term.
44 Ms. Tolerico then read the group’s proclamation. She mentioned that they
44 may want to form a group here in Lindon and hold some meetings here in the
46 future. Mayor Acerson thanked Ms. Tolerico for coming and presenting the
information to the Council.

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

6 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
7 OF THE CITY COUNCIL MEETING OF OCTOBER 20, 2015 AS PRESENTED.
8 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
9 RECORDED AS FOLLOWS:

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

16 4. **Consent Agenda** – No items.

18 5. **Open Session for Public Comment** – Mayor Acerson called for any public
19 comment not listed as an agenda item. Several scouts in attendance addressed the
20 Council as follows:

22 **Emanuel Sandoval:** What are we doing as a city to be prepared for emergencies
23 in Utah such as earthquakes? Councilmember Lundberg commented that the city
24 does the yearly Drill Down for Safety in neighborhoods throughout the city that
25 helps us be prepared for emergencies. Mayor Acerson stated the best preparation
26 is personal preparation and as a city we have a plan where we can be in contact
27 with all citizens (Everbridge) and the more we prepare the better off we will be
28 as a city.

30 **Palmer Ashton Eady:** Under the unlikely circumstance are we prepared for a
31 tornado? Councilmember Powell explained that we practice for a lot of different
32 emergencies in the city and the Council and Mayor are trained to do what we
33 need to do to declare a state of emergency. Chief Cullimore commented that
34 there are a lot of possibilities, but tornados do happen here along with
35 earthquakes, wildfires, flooding, and mudslides are all possible emergencies and
36 we try to practice for any eventuality.

38 **Andrew Pitcher:** What if there was a wildfire here in the city? Mayor Acerson it
39 there were a fire the community would reach out to other resources if need be to
40 fight the fire. Councilmember Powell added that it is important to remember to
41 subscribe to the Everbridge notification system so you and your family can be
42 notified if there is an emergency so everyone is aware of what is going on. She
43 noted the link is on the city website to sign up. Councilmember Lundberg
44 commented that the scouts should watch out for these issues and to use good
45 common sense in these situations. Mayor Acerson noted the number one concern
46 is an earthquake as it will have the broadest impact on the community overall and
 have far reaching effects.

2 Mayor Acerson called for any further public comment. Hearing none he moved
on to the next agenda item.

4
6 **CURRENT BUSINESS**

- 8 6. **Review & Action** – Closed Session to Discuss Pending or Reasonably
Imminent Litigation – Appeal of Administrative Claim Denial, Randy &
Liz Hunter, 420 South 280 West. The City Council will review and
10 consider an application for appeal of an administrative denial of a claim
against Lindon City that was submitted by Randy & Liz Hunter whose
12 property at 420 South 280 West, Lindon, was flooded during a storm event
on June 11, 2015. Upon completion of the appeal presentation by the
14 applicants the City Council will enter into a closed executive session to
discuss pending or reasonable imminent litigation per UCA 52-4-205. This
16 session is closed to the general public. The council will then reconvene into
the regular open session prior to making a final decision on the matter.

18
20 *At this time Mayor Acerson mentioned that the Council will be reviewing this
appeal and presentation. After review will retire into a closed executive session to discuss
the appeal in a private meeting.*

22
24 Adam Cowie, City Administrator, led the discussion by stating Randy and Liz
Hunter are in attendance along with their attorney Rich Roberts, from Howard, Lewis and
Peterson Law Firm in Provo. Mr. Roberts addressed the Council at this time by stating
26 they are appreciative of the opportunity to be heard tonight and to also provide some
additional information and detail from the Hunter's perspective. He stated that Randy &
28 Liz Hunter have lived in Lindon since 1996 right on the border of Orem and Lindon (420
S 280 W) and that is where they have established their home. In that time they have had
30 3 flooding instances. First instance was in 1997 and the last in June of 2015. In the
previous incidents (1997) the second flooding caused some damage in their home that
32 resulted in some personal property damage and there some uncertainty as to which
municipality, Orem or Lindon, would be responsible to cover that incident. A very
34 similar situation occurred this past summer. During this flooding incident the Hunter's
home (which is a 2 tiered basement and 4 tiered home) the 3rd and 4th levels suffered
36 significant flooding damage (detailed copies are provided). Based on the structural
damage the estimation was done by Complete Restoration with the damages totaling
38 \$24,000 and in addition there was \$16,000 damage in personal property loss.

40 Mr. Roberts noted they filed claims with both Lindon and Orem and Orem City
denied the claim because they do not have an appeal process. Mr. Roberts stated that the
42 Hunter's maintain that Lindon City has negligently maintained or constructed the road
(280 W) that forces water from the road into their home and this defective condition has
44 led to the harm to their home. Mr. Roberts then referenced some case law noting these
types of claims have a history with basic landowner obligations for liability for dangerous
or defective conditions on their land. He also spoke about governmental immunity noting
46 these claims are further analyzed and are found in Utah Code and they are not entitled to
governmental immunity on these claims. He also pointed out that the code was just

2 changed (Utah 63.G.7-201) where governmental immunity is set forth. These two statutes
 4 were recently analyzed by the Utah Supreme Court. He then referenced a brief synopsis
 6 of the Court case. He stated that following analyzation of this case the Supreme Court
 8 made four important determinations that impacts governmental immunity statute as
 follows: 1) Clearly defined a defective or unsafe condition that may cause unreasonable
 risk or harm 2) Management of flood waters 3) Defined flood waters more clearly 4)
 Addressed the operation of a flood system.

Mr. Roberts said the question is how the government gets that immunity back. He
 explained that the Supreme Court clarified the rule to say the government must show the
 operation of a storm system must be the proximate cause of the plaintiff's injuries that
 puts the burden back on the city to show and prove that the harm that was done to the
 Hunter's was in the management of the system. In this particular case Lindon City has
 been made aware of the defective road at least since 1997 as there is a significant rise in
 the road (12 inches) and the road leans westward and everything from the east side and
 the south drains towards the Hunter's home and the city has been aware of this defective
 problem. In theory, if that road didn't have that rise it could drain out further down the
 main road to 400 west. Lindon City has continued to maintain that defective condition
 since 1997.

Mr. Roberts stated they are unaware of any evidence that the defect in the road
 condition is subject to immunity to the city. Similarly there is a compounded problem
 with an Orem City storm drain culvert to the south that lacks a water pan that will rise
 with high water and they don't drain properly as it drains out and above and is not a part
 of an internal storm drain system that would go elsewhere. Under these circumstances,
 since earlier this summer, the Hunters have been working towards getting some
 resolution. They are willing to share with Orem and Lindon some of the costs of these
 damages. As of today the Hunters are the only ones who have tried to rectify some of
 these problems and there has been no progressive feedback from either cities.

At this time Mr. Cowie stated staff will run through some information of the
 decision and will then provide the applicant an opportunity to address what is discussed.
 He noted that Brian Haws, City Attorney, and Mark Christensen, City Engineer are in
 attendance tonight to answer any specific questions. He noted that Mr. Haws
 recommended prior to deliberation that the Council move into a closed executive session
 in the conference room and then come back to the regular meeting and inform the
 applicant of the decision.

Mr. Cowie then gave a brief overview stating city records show that on June 6,
 1999 the Hunter property was flooded during a rainstorm and without accepting liability,
 Orem City and Lindon City paid for a portion of the Hunter's alleged damages. He noted
 at the time of the incident Orem and Lindon were both covered by the same provider
 URMMA and Lindon City had had the same provider in 1999 as well. Orem paid
 approximately 60% with Lindon paying the remaining 40%.

After that flooding event Orem City installed additional sumps in the Orem
 neighborhood to the south of the Hunter property and also installed approximately 176'
 of additional storm drain piping and a new sump on Lindon City's 280 West (in front of
 the Hunter property) to assist in carrying storm water past the Hunter's property to
 Lindon's 400 South. Since those additional storm system improvements were installed
 Lindon City is not aware of any other flooding, or claims of flooding, on the Hunter

2 property between June 1999 and June 11, 2015. Mr. Cowie then gave some details on the
logistics on the on the property and presented some photos of the site in question.

4 Mr. Cowie stated on the early afternoon of June 11, 2015 a significant rain storm
occurred throughout Lindon and north Orem. The Hunter property was flooded during
6 the storm as water inundated and overflowed the Orem City storm system and entered
onto the Hunter property. The Hunter's called Lindon City to inform them of the
8 flooding. Lindon City employees responded to provide assistance to the Hunter's where
possible, including placement of sandbags to help divert storm water away from the
10 Hunter property.

12 Mr. Cowie further stated that on June 15, 2015 Randy & Liz Hunter filed a Notice
of Claim with Lindon City claiming \$100,000 in property and personal property
damages, but did not provide any additional documentation or itemization of damages at
14 that time. Additional documentation and photos were provided by the Hunter's at various
other times during investigation of the claim. Documentation submitted by the Hunter's
16 attorney on November 10, 2015 lists \$42,818.05 as total property, personal property, and
other losses being claimed. This amount is detailed as follows:

- 18 • \$24,016.25 – estimate for home repairs by Complete Restoration
- 20 • \$16,479.80 – estimate for personal property losses, including appliances,
furniture, electronics, clothing, and toys.
- 22 • \$1,800 – landscaping costs the Hunter's state *"have or will be required to modify
their landscaping...to help protect their property from future floods"*.
- 24 • \$522 – lost wages from clean-up efforts

26 Mr. Cowie noted that immediately after the Hunter's submitted the Notice of
Claim, Lindon City contacted its insurance carrier, Utah Risk Management Mutual
Association (URMMA). A claims adjuster from URMMA contacted the Hunter's to
28 investigate the claim. Upon investigation of the incident by URMMA and its claims
adjuster it was determined that Lindon City is not liable for the flooding claim and sent
30 notice of Lindon City's denial of the claim effective August 14, 2015. Lindon was
informed that the Hunter's also submitted a claim against Orem City, which Lindon
32 understands has been denied. After the 2015 flooding event City employees have met
with the Hunter's on several occasions either at their property or at the City Center to
34 discuss the claim and consider options to help reduce the potential for future flooding. As
additional measures that could be done to further help alleviate flooding, the following
36 has occurred or is proposed to occur:

- 38 • Lindon City surveyed the curb & gutter areas and found that grinding a section of
the gutter in front of the Hunter home may help to more quickly carry water north
along 280 West. This work has been scheduled.
- 40 • Lindon City will evaluate a possible new storm grate lid near 400 North to allow
less potential for debris blockage from heavy storm events.
- 42 • Orem City engineering has been consulted by Lindon City regarding the incident.
Orem engineering staff has informed Lindon that Orem plans to raise the
44 sidewalk, curb, and gutter and the inlet box in the future. This may help to contain
storm water within the street area instead of it jumping the curb and sidewalk and
46 flowing north and west into the Hunter property during large storm events.
- The Hunters have installed an additional concrete step above their basement

2 entrance to help prevent storm water from entering the basement stairwell. They
also informed the City that they are working on additional trenching and/or
4 landscape improvements to divert storm water away from their buildings.

6 Mr. Cowie went on to say on September 21, 2015 legal counsel for the Hunter's
submitted a letter requesting appeal of the denial and suggesting potential legal action
8 against Lindon City. On November 10, 2015 a formal Appeal Form and additional
documentation was submitted to Lindon City by the Hunter's legal counsel.

10 Mr. Cowie explained the city system is designed for a 10 year storm and
anything beyond that can exceed our storm system. There is no state requirement so it
12 varies on jurisdiction what time frame is on a system. The immunity clause states the
fact that there is no conceivable size to maintain the unimaginable storm or catastrophic
14 events. Cities have immunity for these types of events. He noted that he searched the
Daily Herald for storms and flooding and he then named them and there was a flash flood
16 warning that day. Mr. Cowie stated with the design of the roadway the city does not feel
that the flooding was due to a defective road design. The water exceeded the storm water
18 capacity and Orem City sumps. JUB Engineers have surveyed the curb and gutter and the
bottom line is that URMMA met with the Hunters and we have had several meetings with
20 the Hunters to alleviate this from happening in the future and hence the city denies the
claim.

22 Mayor Acerson asked for clarification from the City Engineer on how he weighs
in on the defective road. Mr. Christensen pointed out that the road has a low point but
24 that is not uncommon and certainly not defective. He noted the city has other roads that
are designed that way and are not considered a defect. Councilmember Hoyt asked about
26 the elevation increase and if it is an extraordinary elevation increase or not. Mr.
Christensen stated it is not an extraordinary elevation increase and the nature of low point
28 and in terms of height there are low points that have a much greater elevation than this
one does. Councilmember Broderick asked exactly where the Lindon border is. Mr.
30 Cowie pointed it out on the screen. Councilmember Powell asked if the home was built in
1996 then when was the shop built. Mr. Hunter stated the first flood was in 1999 that
32 Orem and Lindon collaborated on and that was when the shop was under construction.
Councilmember Powell asked if Panda Homes built the house. Mr. Hunter confirmed that
34 statement. She also asked if the topography was such that they did not excavate as much
for the shop and if the road infrastructure was in place when they moved in and if they
36 purchased the home or if it was a spec home. Mr. Hunter noted the home was built on
the original elevation which the building permits were approved for and after they moved
38 in they excavated so the water that falls on their property would drain away from the
home and confirmed the infrastructure was in and they purchased the home, it was not a
40 spec home. There was then some general discussion on the block wall and the curvature
of the road.

42 Mayor Acerson commented if the city were not to do anything (similar to what
Orem has indicated), that it appears you have already done some things that may rectify
44 the situation, but you as a homeowner, may want to mitigate other things on your
property so it won't happen again. Mr. Hunter stated the danger is that mitigating and
46 diverting it will put it to the next house down the hill. They also tried to make
arrangements to eliminate any property damage to others when it happens next time and

2 it will happen again if it is not fixed. Mrs. Hunter stated that is why the road is the
problem. Mayor Acerson asked Mr. Christensen, based on the design of the road, if the
4 sumps fill up will it get to a capacity that the water will flow downhill. Mr. Christensen
confirmed that statement stating they surveyed every joint in the sidewalk and the
6 elevation, at the high point, is about 7 inches higher than the low point so when water
rises about 7 inches it spills onto the neighbor's yard first. Councilmember Powell asked
8 if the curb and gutter was the standard put in by the developer. Mr. Hunter confirmed
that statement and they had it ground down not re-poured after the first flood.
10 Councilmember Broderick asked Mr. Christensen when the elevation grade was taken
and what the slope is. Mr. Christensen stated they didn't do any surveying on the private
12 property. Mr. Hunter guessed the elevation grade is about 4 inches lower with the high
point being about where the flagpole is.

14 Mr. Hunter asked Mr. Christensen if they had taken any measurements on the east
side stating the significant bump is on the east side of the road that forces the majority of
16 the water to their side of the road and how much it rises (12 inches) and if it is typical.
Mr. Christensen confirmed that they surveyed the east side of the road and he can get that
18 number and noted he believes it is more than on the west side. Mr. Christensen stated
some go more than 12 inches of elevation difference.

20 Mayor Acerson stated he is hearing this is not highly unusual but it is a difference
or change. Mr. Christensen confirmed it is not highly unusual to have a low point in the
22 road. Mr. Hunter asked Mr. Christensen if it is intentionally a high point to drain water
toward the sump. Mr. Christensen stated he does not know the intentions of the designer
24 and does not know if the home was built the way the plans show. Mayor Acerson stated
the water that really created the issue came from Orem. Mr. Christensen stated it wasn't
26 insufficient to handle the water but it exceeded the design storm.

Councilmember Lundberg asked if there is a significant amount of water coming
28 from Orem to the two low points and if it occurs again where the system can't handle it
would the negative slope act as an easy takeaway of the water and if there are any other
30 ideas (as property owners) to mitigate this issue. Mr. Hunter stated they are grating an
area by the shop down 6 inches to see if will be sufficient and they are putting a dry river
32 bed that curves to persuade and encourage the water to go north and go down the hill
safely as to not go to the neighboring homes. They also added a landing and a step down
34 so if the water gets that high it will go around the house and down the road. There was
then some discussion about a wall and he pointed out he is not certain that would help
36 because they can't take the wall into the street. Councilmember Broderick asked if the
Hunter's ever talked to Panda Homes (their builder) as to why the home is sitting so low
38 (elevations). Mr. Hunter stated they had no conversations with Panda Homes and they
never asked about home elevation and placement at the time of construction.

40 Mr. Hunter questioned the Council if they designed the system for 10 year storms
do they have to prepare for flooding every 10 years. Mayor Acerson stated that
42 sometimes we have to step up and do what we can to take precautions to mitigate issues
and stated that he is aware they are taking steps to do that. Mr. Hunter also asked if there
44 is something that has changed significantly as to why the City was responsible and paid
the claim back in 1999 and not now. Mr. Cowie stated the Hunter's signed a waiver form
46 in 1999 stating they would not seek any additional action and the city was not admitting
any fault or liability.

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At this time Mayor Acerson called for a motion to move into a closed executive session.

COUNCILMEMBER POWELL MADE A MOTION TO MOVE INTO A CLOSED EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION PER UCA 52-4-205. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER HOYT AYE
- COUNCILMEMBER LUNDBERG AYE

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER LUNDBERG MADE A MOTION TO CLOSE THE EXECUTIVE SESSION AND RECONVENE THE REGULAR SESSION. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

COUNCILMEMBER HOYT MOVED TO DENY THE APPEAL OF ADMINISTRATIVE CLAIM BY RANDY AND LIZ HUNTER. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER HOYT AYE
- COUNCILMEMBER LUNDBERG AYE

THE MOTION CARRIED UNANIMOUSLY.

- 7. **Concept Review** – *Dastrup Auto Inc. Zone Change, 475 North State Street.*
Devin Dastrup requests feedback on a General Commercial to General Commercial-Auto zone change proposal on the 2.3 acre lot located at 475 North State. The change would allow used cars to be sold on the property. No action will be taken.

Councilmember Hoyt stated due to a conflict of interest he will recuse himself and abstain from this item. He stepped out of the council chambers at this time.

Mr. Van Wagenen explained that Devin Dastrup is in attendance and is requesting feedback on a General Commercial to General Commercial-Auto zone change proposal on the 2.3 acre lot located at 475 North State. He noted this change would allow used cars 4 to

2 be sold on the property. The lots in question currently do not allow for used auto sales. He
noted that Mr. Dastrup is interested in either lot and is looking for feedback from the Council
4 a possible zone change. He noted that no motion is necessary as this item is a concept review
and for discussion only. Mr. Van Wagenen then referenced for discussion aerial photos and
6 the sketch of possible layouts. Mr. Van Wagenen then showed photos of the property and
current used auto sales zones on the zone map. He then turned the time over to Mr. Dastrup
8 for comment.

Mr. Dastrup commented that they are interested in the property that was Patch's
10 Majestic Metals on State Street with the idea to redevelop it into a car lot (he also presented a
sketch). There is a shop still there which is a good structure. The initial plan is to renovate the
12 home into an office and use the eastern portion as a car lot and keep the repairs in the back.
The second plan (long-term) would be to build rental or storage units in the back. The
14 property behind was rezoned for storage units which they feel would be a good use for the
property and a top notch deal and very professional and appealing to the area. He noted that
16 Central Bank currently owns the property and they are holding strong for the asking price.

Mr. Dastrup stated they have an average asking price of \$13,500. They try to stay 10
18 years old and newer to have a nice range to offer and to keep things updated. They currently
have an internet sales operation in Orem. Their inventory is 25 to 30 vehicles and they hope
20 to grow to 60 to 70 vehicles and they feel the property would house that number without
feeling congested as it has a lot of frontage and narrows in the back. The property is run
22 down and is in need of beautification and a facelift. He and his brother will run it and it is a
cash operation with no doubt. They want to expand to a more prominent location and a good
24 location for their concept.

Mr. Dastrup stated that ultimately he would like to demolish the existing house
26 and build a new building and have a 2 rail fence like the other properties in the area. Mr.
Dastrup commented that the property is in foreclosure and there are time frames he is
28 looking at. Councilmember Lundberg voiced her concerns that she has had numerous
residents comment that they feel there are too many car dealerships already on State
30 Street and they have such a limited space on State Street. The past Council actually had a
cap at six used car dealerships on State Street. Councilmember Powell echoed
32 Councilmember Lundberg's sentiments even though they may bring a quality dealership
to the city. Councilmember Broderick asked if they would intend to purchase the
34 property. Mr. Dastrup confirmed that statement but it is dependent on approval and the
feedback from the Council. Councilmember Bean said he would be more comfortable
36 with this and it would be easier to consider other locations if there was a trade out on
some of the red zones. He also has concerns about too many on State Street but is not
38 sure on the exact number he would be comfortable with. There was then some additional
discussion by the Council regarding this item.

Councilmember Lundberg asked when staff plans on proceeding with the
40 potential discussion of looking at what standards they would like to codify for car
dealerships and to set the standards that will give security and keep the quality and beauty
42 on State Street. She asked Mr. Van Wagenen what timeframe he has in mind to look into
this issue. Mr. Van Wagenen stated after the New Year. Mr. Dastrup stated they have
44 good plans for the property and it would be a definite improvement and they would be a
good partner and friend to the city. They would bring more clarity and beautify the
46 property along State Street and also bring tax dollars to the city. Mr. Dastrup stated they
will bring some renderings of their vision that they commit to and a more in-depth plan
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2 back to the Council. The Council agreed that they would review their vision and
renderings and have further discussion.

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

- 6
- 8 **8. Public Hearing – *Lindon Public Safety Building Site Plan & Alteration of 60***
North. The City Council will review and consider the proposed Lindon City
10 Public Safety Building site plan at 60 North State Street which will house fire,
EMS, and police services. The site plan entails closing portions of the 60 North
12 roadway and altering the roadway into a public parking lot area to accommodate
better parking throughout the city center and aquatics center campus. A public
14 hearing for alteration & closure of the roadway has been properly noticed. The
planning commission recommends approval of the site plan.

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

20 Mr. Van Wagenen opened the discussion by stating Chief Gurney and Police
Chief Cullimore are in attendance to answer any questions and noted they have been
22 heavily involved in this process along with Jason Burningham for the next agenda item.
He added that part of this updated site plan is to modify the street (60 North) that requires
24 a public hearing and council approval. He noted this site meets most if not all of the
criteria. He mentioned one condition that needs to be added in the motion regarding the
26 roadway modification is that the city combines the parcels for a city center campus prior
to a building permit being issued. He then turned the time over to Mr. Cowie to present
28 the site plan.

30 Adam Cowie, City Administrator, gave a brief history of this agenda item stating
that Lindon City has a contract with Orem City that provides Fire and EMS services to
Lindon, to build a new fire station by 2018. He explained that after much study and
32 review, it has been determined that it would be most cost and operationally effective to
build a combined fire/police station. The site plan would require a modification of 60
34 North, essentially making it a parking area between the City Center and Public Safety
Building. The parking lot would serve all City functions in the area. The Public Facilities
36 Zone does not have any development standards regarding setbacks, parking, landscaping,
etc. However, every effort has been made to meet General Commercial zone standards.

38 Mr. Cowie also explained the current fire station conditions and the inadequacies
of the current facility. He noted in the last 6 or 8 months there has been an urgency to
40 push this along faster due to the potential rise of interest rates the federal government is
anticipating. Hopefully, it will get out to bid before this may be an impact. Mr. Cowie
42 noted the bond is approximately 2.2 million and will be accommodated within our current
budget with no increased taxes or fees; which is a good situation financially.

44 Mr. Cowie stated there are 132 parking stalls on the existing site, which includes
Aquatic Center and City Center parking. At minimum, the new site would provide 125
46 stalls with a possibility of 136 stalls being the final count. There will be seven ADA stalls
provided under either scenario. There will also be a new bike rack installed in front of the

2 Public Safety Building. Interior landscaping must be provided at 40 square feet per
required stall with one tree per 10 stalls. With the proposed 136 stalls, that equates to
4 5,440 square feet and 14 trees required; 8,483 square feet and over 50 trees are provided.
Part of the issue will be the parking situation during the construction phase.

6 Mr. Cowie then referenced an aerial photo of the site and surrounding area, the
site plan, architectural rendering, landscaping plan, and color palette followed by some
8 general discussion. He noted they have talked to UDOT and have permission to close the
existing roadway. He then explained the road closure procedure/plan. He noted there
10 will be a 3 bay pull through garage and a “sally-port” for the police department (a
secondary garage door). They may also pick up some additional parking at the
12 community center and gain 11 spaces where the grassy area is at the Aquatics center. The
reason for the public hearing is because of the street modification. The intent is to leave a
14 portion open but to have a campus feel. Mr. Cowie then described the site plan and
referenced the updated site plan for discussion. There was some discussion on access
16 points for pick up and drop off for swim lessons and also for fire truck access and making
the turns. He noted the lower parking lot is rarely full during the pool season.

18 Mr. Cowie went on to say the Commercial Design Guidelines indicate that earth
tones are generally referred over harsh or loud colors, except where more vibrant colors
20 are used to create a special effect that is harmonious with the adjacent context. The
Design Guidelines include a color palette for reference in determining compliance with
22 this requirement. He also mentioned the landscaping and the concern of the bigger trees
with the underground utility corridor so they many have to look at smaller trees. The
24 Planning Commission discussed the landscaping including the catch/detention basin
options and maintaining proper visibility. Mr. Cowie stated he would bring those issues
26 up with the landscape architect.

Mr. Cowie then explained in some detail the floor plan and elevations followed by
28 some general discussion. He noted that total square footage is at 16,500 and the cost for
the station including all site work is about 3.8 million with savings and other monies to
30 put towards it the bondable amount will be 2.2 million. He noted the building will
accommodate both genders in the fire and police departments.

32 Mr. Cowie noted that approximately 21.7% of the 121,730 square foot site is in
landscaping for a total of 26,451 square feet. He mentioned that Lindon’s Commercial
34 Design guidelines, which govern architectural treatments in the CG zone, identify
masonry building materials, such as brick, stone, and colored decorative concrete block
36 as the preferred primary building material; and brick, stone, colored decorative concrete
block, stucco, wood/cement fiber siding, and timbers as secondary materials.

38 There was some discussion on the fire station doors and the Planning Commission
wanted to see more windows. Chief Gurney stated too many windows are a lot of
40 maintenance. There was then some discussion on the garage doors. Councilmember
Lundberg mentioned that the building seems blocky and flat and she would like to see
42 some arches and some more articulation on the building; there are too many 90 degree
angles. The city center has some arches and perhaps to add some focal points.
44 Councilmember Powell agreed with that statement. She also likes the red doors and
would like to see arches over the garage doors and windows. Mayor Acerson stated he
46 would like the architect to be here for this discussion. Mr. Cowie stated the mechanicals
are on top of the building. He also asked if the costs on these items would be a factor.

2 Chief Gurney stated that Mr. Cowie has been very cognitive with this process and he has
4 brought this in under budget and this type of design has less labor than using and arch or
6 designs etc. the contractor will add more cost and he is understanding that we need to be
8 very cognitive of the taxpayers money; it is good to have the city council input and it
10 should be a balance. Councilmember Hoyt asked if there was discussion about doing this
12 in stucco rather than stone. Mr. Cowie stated that stucco has maintenance problems (like
14 the city center) but confirmed that stucco is cheaper than stone but brick has virtually no
16 maintenance. Councilmember Hoyt stated he likes the stone look but would like to see a
18 cost comparison on stone vs. stucco (limestone) and it would also match the pool and the
20 city center building.

22 Mr. Cowie stated he is hearing that the Council would like to see options of
24 arches and curvature above the windows, garage etc. and tan block veneers above the
26 windows and to price out stucco vs. brick and calculate the maintenance costs on the life
28 expectancy. He noted he will have Curtis Miner sketch the changes and bring it back for
30 further discussion. Mayor Acerson also suggested contacting the Alpine School District
32 again about locating a school in the area because of the changes and altering the roadway
34 that may have an impact and to make them aware. Mr. Cowie stated he will contact them
36 and let them know. Mr. Cowie mentioned to add the condition to the motion
38 recommended by the Planning Commission to combine the parcels prior to a building
40 permit being issued.

42 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
44 COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
46 FAVOR. THE MOTION CARRIED.

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

52 COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT’S
54 REQUEST FOR SITE PLAN APPROVAL OF THE LINDON PUBLIC SAFETY
56 BUILDING AND 60 NORTH PUBLIC ROADWAY MODIFICATION WITH THE
58 FOLLOWING CONDITIONS 1. THAT THE CITY COMBINE THE PARCELS FOR
60 THE CITY CENTER CAMPUS PRIOR TO A BUILDING PERMIT BEING ISSUED
62 AND 2. LEAVING THE ASPECTS OF THE EXTERIOR ELEVATIONS OPEN FOR
64 FURTHER DISCUSSION. COUNCILMEMBER LUNDBERG SECONDED THE
66 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 68 COUNCILMEMBER POWELL AYE
 - 70 COUNCILMEMBER BEAN AYE
 - 72 COUNCILMEMBER BRODERICK AYE
 - 74 COUNCILMEMBER LUNDBERG AYE
 - 76 COUNCILMEMBER HOYT AYE
- 78 THE MOTION CARRIED UNANIMOUSLY.

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9. **Review and Action** – *Parameters resolution for sales tax revenue bonds, Series 2016 (Resolution #2015-10-R).* The City Council will consider for adoption a resolution of the City Council of Lindon City, Utah authorizing the

2 issuance and sale of not more than \$3,500,000 aggregate principal amount of
 4 sales tax revenue bonds, Series 2016, for construction of the Lindon City public
 safety building at 60 N. State St. and related matters.

6 Mr. Cowie opened this discussion by stating Jason Burningham, with LYRB, is in
 attendance tonight to help present this information and to answer any questions. He
 8 explained that the passage of the parameters resolution will allow the process for bonding
 to move forward so the City can secure the funding for the Public Safety Building prior to
 10 construction in 2016. He explained that adoption of this resolution will not commit the
 City to have to bond, and the City may choose to bond for less than the aggregate
 12 principal amount listed in the resolution. Updated estimated costs of the Public Safety
 Building and site work are at \$3.94 million. By adding a 10% contingency the
 14 construction estimate comes to about \$4.33 million. Some fluctuation in estimated cost
 may occur as the architectural plans are at about 60% design. Mr. Cowie noted with the
 16 current fiscal year in the general fund they had a good legal opinion on this that they can
 use the RDA funds to offset the Aquatics Center bond. They did some research on the
 18 RDA and it seems very clear they can use the funds which will free up approximately
 \$500,000 of general money to offset for RDA money. There is about 1.5 million in the
 20 State Street RDA fund. He noted the Parc tax funds could also be used for the parking lot.

Mr. Cowie stated the final cost estimates will be prepared after design completion
 22 and prior to bidding the project. With the 10% contingency factored in, the City
 anticipates needing to bond for about \$2.6 million or less with the remaining costs of the
 24 Public Safety Building coming from cash. The parameters resolution, if approved with
 the borrowing limit of \$3.5 million, allows more to be borrowed if needed without having
 26 to go back through a public notice process. In consultation with the City Council and
 LYRB, the resolution allows the 'Designated Officers' (Mayor, City Administrator, and
 28 Finance Director) to set the final amounts within the resolution parameters upon bond
 closing. He turned the time over to Jason Burningham for comment at this time.

30 Mr. Burningham explained that previously most of the Council has been through
 the notice of intent to issue bonds as it was also done last year. He stated there is a
 32 distinction under state law that a traditional parameters resolution is a two-step process 1)
 notice of intent to issue bonds and 2) approval of the terms and conditions. A super
 34 parameter resolution is a one step process (which is the consideration tonight). In addition
 it authorizes a designated committee which constitutes the Mayor, Mr. Cowie and Kristen
 36 Colsen, and it would have the Council accept and approve any terms and conditions
 within the parameters that have been established. The super parameter has the market
 38 timing and is more conducive to get the interest rate; they are proposing a super
 parameter be adopted. There are great advantages with a super parameter resolution as
 40 they are less subject to situations in the market and are most commonly used because of
 the flexibility.

42 Mr. Burningham mentioned they anticipate by January they will be in the market
 place noting the city has a double AA rate, which is a very high investment rate. There
 44 are three scenarios they have presented 10, 15, and a 20 year plan and are indicative of
 rates given by purchasers. The difficulty with direct placement (what is proposed because
 46 of the size) is they don't like to go the full 20 years amortization. They would

2 recommend 10 or 15 years because it drives the interest rate down and it has full call and flexibility with pre-payment at no costs.

4 Mr. Burningham noted that most purchasers want call protection which can be a
6 down side if looking to prepay and reduce interest costs. Direct purchase has a quicker
8 time frame and more call flexibility. Both 10 and 15 years are lower than the public
10 offering and a low risk investment. He noted there is really no benefit to the public
12 offering in this particular case. One motivation is that it is almost certain that the feds
14 will raise short term interest rates in December (85% surety). The super parameter will
16 get the process started and if there is movement they can pull the trigger sooner. The first
18 of the year is a better time to issue bonds because there is a lot of redemptions. They are
trying to identify the best timing to go to market and keep consistent with the design and
bidding of the building. Councilmember Hoyt mentioned the last information received
from him in September there was an interest rate of 2.93% on a 20 year bond and asked if
it has an uptake that much in the last 5 months. Mr. Burningham replied they are seeing a
direct placement market that does not want to go 20 years. It is an impact on isolated
investors in terms of the 20 year. There was then some general discussion regarding this
issue.

20 Mr. Cowie noted the city owned property has been listed and that revenue could
22 be used as well if it does sell. He also explained that on a 10 or 15 year loan this will be
24 paid off before the Aquatics Center. If they choose to go with the 10 year we can make it
26 work as there is a good outlook financially with revenues coming in. Mr. Cowie
28 mentioned some of the concerns he has heard from the council is the prepayment option
and getting in the market as soon as possible and to get the best interest rate. He added
they are trying to identify the best time to go to market and keep consistent with the time
schedule. Mr. Burningham said he can do some different thresholds. There was then
some general discussion regarding the parameters and the committee designated officers
noting at least one must be the mayor. Mr. Burningham said has seen this structured in
many ways. Mr. Cowie stated we are running numbers on a preliminary set of
architectural plans and they are not finalized yet, so they feel we need some flexibility
and that is part of the nature where we are at in the process. Councilmember Powell noted
she is fine with the designated officers. Mr. Burningham stated you could consider a
motion that takes into account that one is the mayor and 2 of the 3 be in agreement.
Councilmember Lundberg stated she would nominate Councilmember Hoyt as the
councilmember as the designated officer on the committee.

36 Councilmember Hoyt commented that he doesn't feel comfortable with the
38 number as \$800,000 with interest is about a million dollars (leeway) and he would like
more discussion before this decision is made. Mr. Cowie stated now is the time for
discussion as the only other meeting will be the public hearing. Councilmember Hoyt
40 stated he feels he has made it clear where he stands on debt as there is 3.5 million on this
item and 2.5 million on the next item; to add this significant amount of debt may back
42 them into a corner and if we approve these two bonds we may have to raise property
taxes and that is something he can't do.

44 Councilmember Hoyt went on to say that he has given a lot of thought to this and
46 he would propose to wait until we sell the two city owned properties and build the fire
station and complete just the shell for the police department until we sell the Geneva
property and put that money towards the debt and move forward with the direct purchase

2 option and finish the police station when the Geneva property sells. There are some cons
 4 to the plan and it would be hard to wait but the current police facilities would be good for
 6 another three years. He added that he does not want to obligate the city beyond their
 8 means. Councilmember Lundberg likes the prepayment option plan and to take
 10 advantage of the bonding opportunity as we could alleviate that portion of the debt with
 12 the sales when they occur. Councilmember Broderick said it is a similar type thing as
 this building when the basement wasn't finished for several years in subsequent projects.
 Mr. Burningham asked for clarification as to what the council considers the cost of
 construction inflation and how does that play into this. Councilmember Hoyt said that is
 something to consider and he knows it would be more to construct the police department
 section later.

14 Councilmember Lundberg questioned if the police interior costs are identified and
 16 carved out of this equation if he is on board to bond for the rest. Councilmember Hoyt
 18 said it would be dependent on the sale of properties. Mr. Cowie said the properties have
 only had an appraisal and the properties and the Geneva property was deemed surplus,
 and would have to go through the surplus process with a public hearing etc. He added
 that the planning commission felt strongly that the properties should not be sold. He feels
 it is something that needs further discussion.

20 Mr. Cowie brought up the contract obligation with Orem city. He noted the shell
 22 idea would work, but we would have to be under construction and bid in the summer of
 24 2017. He noted that Mr. Burningham's office is working on the Public safety impact fee
 for new construction with some preliminary numbers and it may bring in 1.9 million and
 those funds could go directly to the building bond.

26 Mr. Burningham said there are options and there is nothing that states that the 3.5
 28 million has to be set as the Council sets the parameter. There was then some additional
 general discussion regarding this issue. Mr. Cowie referenced the site plan again and
 30 pointed out the areas that could be postponed which may not save much money as they
 have been going as bare bones as they can. He noted the building was intended to allow
 for a little bit of growth.

32 Mr. Burningham commented that it sounds like there is an advantage of having
 34 the call flexibility but he is not sure you will get a lower interest rate environment and he
 is not sure where the construction inflation is going and with the flexibility and prepay on
 the bond, but if you don't need certain elements of the building right now to pay as you
 go may be a valid issue. He added it sounds like the fire station has to be completed due
 36 to the contract with Orem City.

38 Councilmember Powell commented that she has watched this get to this point
 40 over the past 4 years and feels we are in a sweet spot and she personally feels that there
 cannot be enough discussion to get this low enough to make certain individuals happy
 unless we sell everything. With that said, she proposed to make a motion even though
 she is aware that the motion may die for lack of a second.

42
 44 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2015-
 10-R AUTHORIZING ISSUANCE AND SALE OF NOT MORE THAN \$3,350,000
 46 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS FOR
 THE CONSTRUCTION OF THE LINDON PUBLIC SAFETY BUILDING WITH THE

2 CONDITION THAT TWO OUT OF THE THREE AUTHORIZED AS LISTED IN THE
RESOLUTION WITH ONE BEING THE MAYOR.

4 **Mayor Acerson called the motion dead for lack of a second.**

6
8 Councilmember Powell explained her reasoning for the motion at this time. She
feels we have paid down by watching the budget and by being able to have this funding
mechanism in place to be able to pay down as we get revenue. She feels we have hit the
10 “sweet spot” and has seen this issue come to the Council numerous times and feels that
dragging this any further is not in the best interest of our obligation to Lindon and most
12 certainly not to the citizens of Lindon.

14 Councilmember Lundberg stated she is on board for completing the building and
would like to see a way to make this work. Councilmember Broderick agreed with that
16 statement. Councilmember Hoyt agreed he is not against the building but he is not
comfortable with the current financing and timing. Councilmember Lundberg stated she
18 is not convinced on selling the two rental houses as she sees the merit that they may be
part of the campus and preservation for future opportunity. There was then some
20 additional discussion regarding the city owned properties and the possible sale of those
properties and possible utilization of those properties.

22 Councilmember Hoyt asked for a scenario where the super parameter is not used.
Mr. Burningham clarified on a parameters resolution it is really just a matter of the City
24 Council reconvening and determining if they are willing to accept the terms and
conditions that have been provided by the purchaser and then make a decision. The super
26 parameters resolution sets a public hearing and then there is a 30 day challenge period
before you can close on a bond issue. The only difference is it has to come back to city
28 council under a parameters resolution and they have to work around whatever the
meeting schedule is. The concern with the super parameters resolution is if the whole
30 entire Council is added again as the designated officers, it constitutes another meeting
that will have to be re-noticed and they have to start the clock process again to give
32 adequate time for anyone to contest or challenge that; he can't get a bond holder to close
under those circumstances. He added with a super parameter resolution, if adopted
34 tonight and then hold a public hearing on December 15th, the Council is still not bound to
issue bonds until the designated officers say they are going to do it. Mr. Cowie pointed
36 out the Council will award the construction bid subject to suitable financing that meets
our needs and that is when we go to market for this because we know what the number is,
38 so we would be opening bids on the first part of February.

40 Councilmember Bean expressed that like the rest of the councilmembers he wants
this to go forward and he is comfortable with a super parameter with the right designated
42 people to make a decision, and he is sensitive to the timeline too. If this doesn't make
sense financially it shouldn't drive the decision. Any number we come up with is an
arbitrary number for each of us and he is not sure we can get to a number we can all agree
44 with tonight until we see more information on the savings on the building. He is
comfortable with a 15 year amortization and callable and if we feel comfortable we can
46 sell some assets. Mr. Cowie stated there are some components we won't know without
getting a bid and it is just guesswork. Councilmember Broderick brought up the site

2 elements and suggested listing the police department tenant finish as an alternate and to
4 go with the 15 year amortization and sell the Geneva property and tithing house; he is
6 saying 2.9 million. He would also like to see the Mayor and Councilmember Hoyt be a
8 component on “pulling the trigger” on the bond with the component of Mr. Cowie and
10 Ms. Colsen in on the discussion. Mr. Cowie stated the Council will see the bid numbers
12 before the trigger is ever pulled. Mayor Acerson observed that the issue with the
14 parameters is to keep our options open and have a clearer picture but still have the ability
16 to say yes or no if we are not comfortable with it.

18 Mr. Burningham commented in this case you can at least move forward with the
20 project and have the ability to prepay the bonds and eliminate the interest costs. Mayor
22 Acerson asked what is the earliest to obligate the city with the timeline set before the
24 Council. Mr. Burningham stated no bond issue from the pricing committee will be
26 approved until there is a bid; the first part of February. Mayor Acerson said the actual
28 costs will be known then and then see if we are comfortable or not and if not, we will be
30 back to the drawing board. Councilmember Broderick stated he would be comfortable
32 pushing it back to save more but not missing the deadline; he’s been clear on this issue.

34 Councilmember Hoyt stated he personally wants to see the cost estimates with a
36 shell on the police department and also get appraisals on the two properties before
38 moving forward because that is a potential for up to \$800,000. Mr. Cowie stated the
40 estimate may take a week and a half to two weeks. Councilmember Lundberg stated she
42 would like to know what Councilmember Hoyt’s threshold or starting point is and the
44 base amount of debt that he is comfortable with. Councilmember Hoyt said it is
46 subjective but he may be comfortable with a 2.2 million bond amount (50% of current
total costs) to get his vote tonight; as he needs more information.

Mr. Burningham would suggest coming back on December 15th with a public
hearing and start the 30 day contestability period and get the process going and if ready
then move forward to the first part of February; but would that change anything discussed
tonight and will it find a number that is collectively agreed upon. Councilmember Bean
said any number decided on tonight will be an arbitrary number but we won’t move
forward until we all agree on the bid number and allow the process to go forward and get
the clock going. He note he appreciated Councilmember Powell’s motion but needed
additional discussion. Councilmember Lundberg agreed with that statement.

Councilmember Broderick asked if the police department shell buildout should be
included in the motion. Mr. Burningham specified to adopt the parameters the way they
are set but include the change of the designated officers and noted the decision needs to
be unanimous. Mr. Cowie voiced his concern if Councilmember Hoyt is a designated
officer and he is a nay vote regardless of the number, then he could have the power to
thwart the whole project and would suggest if he is a nay to let them know.
Councilmember Hoyt stated he understands Mr. Cowie’s concerns and stated he is not a
“no” and threw out the 2.2 million (net) number and to sell some properties and do a shell
on the police department but he wants to pay down more. Mr. Cowie suggested making
the designated officers the mayor and two councilmembers as staff will be involved
anyway as will Mr. Burningham and staff.

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

2 COUNCILMEMBER BEAN MOVED TO APPROVE RESOLUTION #2015-10-
 4 R AUTHORIZING ISSUANCE AND SALE OF NOT MORE THAN \$3,500,000
 6 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS FOR
 8 THE CONSTRUCTION OF THE LINDON PUBLIC SAFETY BUILDING WITH THE
 10 CHANGE TO THE PARAMETERS RESOLUTION THAT THE DESIGNATED
 12 OFFICERS SHALL BE MAYOR JEFF ACERSON, COUNCILMEMBER JAKE
 14 HOYT, AND COUNCILMEMBER MATT BEAN TWO OF WHOM CONSTITUTE
 16 THE CITY BUDGET COMMITTEE AND THAT THE DECISION MADE BY THAT
 18 GROUP NEEDS TO BE A MAJORITY DECISION OF 2 OF 3 OF THE
 20 DESIGNATED OFFICERS IN MOVING FORWARD. COUNCILMEMBER
 POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS
 FOLLOWS:

14 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
16 COUNCILMEMBER BRODERICK	NAY
COUNCILMEMBER LUNDBERG	AYE
18 COOUNCILMEMBER HOYT	NAY

THE MOTION CARRIED 3 TO 2.

22 **10. Review and Action – Parameters resolution for sewer revenue bonds, Series**
2016 (Resolution #2015-11-R). The City Council will consider for adoption a
 24 resolution of the City Council of Lindon City, Utah authorizing the issuance and
 26 sale of not more than \$3,500,000 aggregate principal amount of sales tax revenue
 bonds, Series 2016, for construction of the Lindon City public safety building at
 60 N. State St. and related matters.

28 Mr. Cowie led this discussion by stating Jason Burningham, with LYRB, is in
 30 attendance to help present this information. He explained that passage of the parameters
 32 resolution allows the process for bonding to move forward so the City can secure funding
 34 for a new sewer lift station and associated sewer distribution prior to construction in
 36 2016. The lift station will be a component of the proposed Ivory Homes residential
 development west of Geneva Road and will also allow Lindon to combine flows of three
 different sewer lift stations into one larger lift station thus saving long-term O&M&R
 costs for the City. Ivory Homes is working with the City to finalize an agreement to pay
 its proportional share of the proposed lift station.

38 Mr. Cowie stated that adoption of this resolution will not commit the City to have
 40 to bond, and the City may choose to bond for less than the aggregate principal amount
 listed in the resolution. Preliminary estimated costs of the lift station are between
 \$1million and \$1.5 million for the City’s portion of the project. Some fluctuation in
 estimated cost is expected as design for the lift station has not been finished.

42 Mr. Cowie further explained that the final cost estimates will be prepared after
 44 design completion and prior to bidding the project. While the City anticipates the
 construction of the lift station to be less than \$2.5 million, the parameters resolution, if
 approved with the borrowing limit of \$2.5 million, allows more to be borrowed if needed
 46 without having to go back through a public notice process. In consultation with the City

2 Council and LYRB, the resolution allows the ‘Designated Officers’ to set the final
amounts within the resolution parameters upon bond closing.

4 Councilmember Hoyt expressed that he feels he needs more information to make
a decision regarding this issue. He then asked Mr. Burningham if they will lock in the
6 interest rate. Mr. Burningham confirmed that statement. Councilmember Lundberg asked
when the rate can be locked in. Mr. Burningham replied not more than 30 days with a 40
8 day maximum. Mr. Burningham added that if it is accelerated more than what you want
to do to it can go to January 18, 2016.

10 Mr. Cowie noted this has changed in the past two weeks because of the
information received from Ivory. Mr. Burningham asked Mr. Cowie when you need to
12 proceed. Mr. Cowie stated when we have the design and Ivory has approval which
should be in the early spring. Councilmember Hoyt stated he would like to look at it in
14 January when more variables are wrapped up. Mr. Burningham stated they will have that
flexibility. Following some additional general discussion the Council was in agreement
16 to continue the sewer revenue bond resolution.

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

20 COUNCILMEMBER HOYT MOVED TO CONTINUE RESOLUTION #2015-
11-R WHICH WOULD AUTHORIZE ISSUANCE AND SALE OF NOT MORE THAN
22 \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS
FOR THE CONSTRUCTION OF A SEWER LIFT STATION AND ASSOCIATED
24 SEWER DISTRIBUTION LINES. COUNCILMEMBER LUNDBERG SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 26 COUNCILMEMBER POWELL AYE
 - COUNCILMEMBER BEAN AYE
 - 28 COUNCILMEMBER BRODERICK AYE
 - COUNCILMEMBER LUNDBERG AYE
 - 30 COOUNCILMEMBER HOYT AYE
- THE MOTION CARRIED UNANIMOUSLY.

32
34 **11. Review and Action – *Infrastructure & Pavement Management Plans,***
(*Resolution #2015-12-R*). Mark Christensen, contract City Engineer, will present
36 the finalized Infrastructure Maintenance and Replacement plan and the
Pavement Management plan for the Council’s review and consideration for
38 formal adoption per Resolution #2015-12-R.

40 Mr. Cowie mentioned that Mark Christensen, City Engineer, is in attendance to
present the finalized Infrastructure Maintenance and Replacement Plan and the Pavement
42 Management Plan to the City Council for review and adoption. Mr. Cowie stated the
information in the studies will enable the City to move forward in conducting financial
analysis for future funding needs of these utility and transportation systems.

44 Mr. Christensen then gave his presentation to the Council followed by some
general discussion. Following discussion the Council was in agreement to approve the
46 infrastructure maintenance and replacement plan and the pavement management plan
presented by Mr. Christensen as the official plans for the city.

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

4
6 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2015-
12-R ACCEPTING THE INFRASTRUCTURE MAINTENANCE AND
8 REPLACEMENT PLAN AND THE PAVEMENT MANAGEMENT PLAN AS
OFFICIAL PLANS FOR THE CITY. COUNCILMEMBER BRODERICK SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

16
17 12. **Review and Action - 2016 Street Projects Bid Award.** The City Council will
18 review and consider approval of the 2016 street maintenance and RDA street
19 project to the low bidder, Staker Parson Companies, with a low bid of
20 \$541,536.11. Staff recommends approval of the bid.

21 Mr. Cowie led this agenda item by referencing the letters and bid documents
22 recommending award of the low bid as presented that are included in the staff packets.
23 He noted the low bidder for 2016 Street Projects bid was Parson Companies, with a low
24 bid of \$541,536.11. Mr. Cowie stated that Staff recommends awarding the bid to the
25 lowest bidder being Parson Companies with a low bid of \$541,536.11. Mayor Acerson
26 commented that this seem pretty straightforward.

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

29
30 COUNCILMEMBER HOYT MOVED TO APPROVE THE 2016 STREET
31 PROJECTS BID TO THE LOW BIDDER, STAKER PARSON COMPANIES WITH A
32 LOW BID OF \$541,536.11. COUNCILMEMBER BRODERICK SECONDED THE
33 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER POWELL AYE
35 COUNCILMEMBER BEAN AYE
36 COUNCILMEMBER BRODERICK AYE
37 COUNCILMEMBER LUNDBERG AYE
38 COUNCILMEMBER HOYT AYE
39 THE MOTION CARRIED UNANIMOUSLY.

40
41 13. **Review and Action – Canvass & Certification of Election Results.** The City
42 Council will sit as a Board of Canvassers for the November 3, 2015 Municipal
43 General Election and will certify the results of that election. By state law the
44 City Council, as the Board of Canvassers, must canvass the election no later than
45 fourteen days after the completion of the election, in this case November 17,
46 2015.

2

Mr. Cowie stated that pursuant to State law, it is necessary for the City Council, as the Board of Canvassers, to canvass the election no sooner than fourteen days after the completion of the ballot. After the canvassing has been completed, it will be necessary for the Council, by motion, to officially certify the results of the canvass.

4

6

City Recorder, Kathy Moosman, then guided the City Council through the canvass process. The provisional ballots were counted and the poll worker tally sheets were reviewed and certified. The updated vote tallies were then determined. Following the canvass Mayor Acerson declared Matt Bean, Carolyn Lundberg and Randi Powell as the official elected candidate for the 3 councilmember seats for 4 year terms each.

8

10

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

12

14

COUNCILMEMBER POWELL MOVED TO CERTIFY THE 2015 MUNICIPAL GENERAL ELECTION RESULTS. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16

18

COUNCILMEMBER POWELL AYE

20

COUNCILMEMBER BEAN AYE

22

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER LUNDBERG AYE

24

COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY.

14. **COUNCIL REPORTS:** Due to time constraints there were no council reports at this meeting.

26

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

28

30

Misc. Updates:

32

- November City newsletter:
- Councilmember Powell is Mayor pro tem from October through December 2015
- Misc. Items

34

36

Upcoming Meetings & Events:

38

- November 26th – Community Thanksgiving Dinner, 11am – 2pm at Community Center
- November 26-27th – City offices closed for Thanksgiving
- December 1 – 6:00 pm work session with Legislative reps (Dayton, Jackson, Peterson, Stratton)
- December 8th – Noon at Public Works. Engineering Coordination meeting: Mayor Acerson and Councilmember Broderick will attend.
- December 23rd – Noon at Community Center, Employee Christmas Party
- December 23rd – 25th – City offices close at noon on December 23rd. Closed 24th and 25th

40

42

44

46

- 2 • January 1st – City offices closed for New Year’s Day
- 4 • January 5th – regularly schedule City Council meeting. Swearing-in of elected City Council members.

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

8

Adjourn –

10

COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
 12 1:30 A.M. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
 14 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 15, 2015

16

18

 Kathryn Moosman, City Recorder

20

22

 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)*

6. Public Hearing — Ordinance Amendment, LCC 17.75 Senior Housing Facility Overlay
Ordinance #2015-29-O *(20 minutes)*

Jeff Southard of Southhaven Homes requests a change to the fencing requirement for senior housing facilities so that fencing will not be required along adjacent commercial properties. The Planning Commission recommends approval of the amendment allowing flexibility in the fencing requirement.

See attached information from the Planning Department.

Item 6: Public Hearing — Ordinance Amendment 17.75 Senior Housing Facility Overlay

Jeff Southard of Southhaven Homes requests a change to the fencing requirement for senior housing facilities so that fencing would not be required along adjacent commercial properties. The Planning Commission modified the original requested language change.

<p>Applicant: Jeff Southard Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: Legislative Planning Commission Decision: Recommended attached language in a 5-0 vote</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> 1. Is it appropriate to give the Planning Commission the ability to modify fence requirement for senior housing projects adjacent to commercial uses/zones when requested by the developer? 2. Whether it is in the public interest to approve the proposed amendment. <p><u>MOTION</u> I move to (<i>approve, deny, continue</i>) ordinance amendment 2015-29-O (<i>as presented, with changes</i>).</p>
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BACKGROUND

When the SHFO zone was created, there was discussion on fencing requirements. At the time, both the Commission and Council ultimately felt that such projects should be fenced around their entire perimeter with a site obscuring fence, regardless of adjacent uses or zones.

DISCUSSION & ANALYSIS

Jeff Southard is developing the Avalon Senior Living project at 179 North State Street and building one is nearly complete. The project is finalizing site improvements and Mr. Southard would like the existing fencing requirement to be altered in reference to adjacent commercial properties. The existing code states that site obscuring fencing is required of a SHFO project regardless of the adjacent use or zone. The applicant would like to strike that requirement where SHFO projects abut adjacent commercial development.

On the Avalon project, this would specifically apply to its northern border as shown in the attachments below. Mr. Southard has indicated that he has spoken to Brigham Ashton, the owner of the adjacent vacant commercial property to the north about the ordinance change. In the Planning Commission meeting, Mr. Southard expressed a desire to wait and see what develops adjacent to the senior apartments because it may be a situation where fencing would not be beneficial to either owner, at least not site obscuring fencing.

The SHFO zone is an overlay only allowed in commercial zones and will, more than likely, always have commercial neighbors. This ordinance change would apply zone wide, not just to the example project.

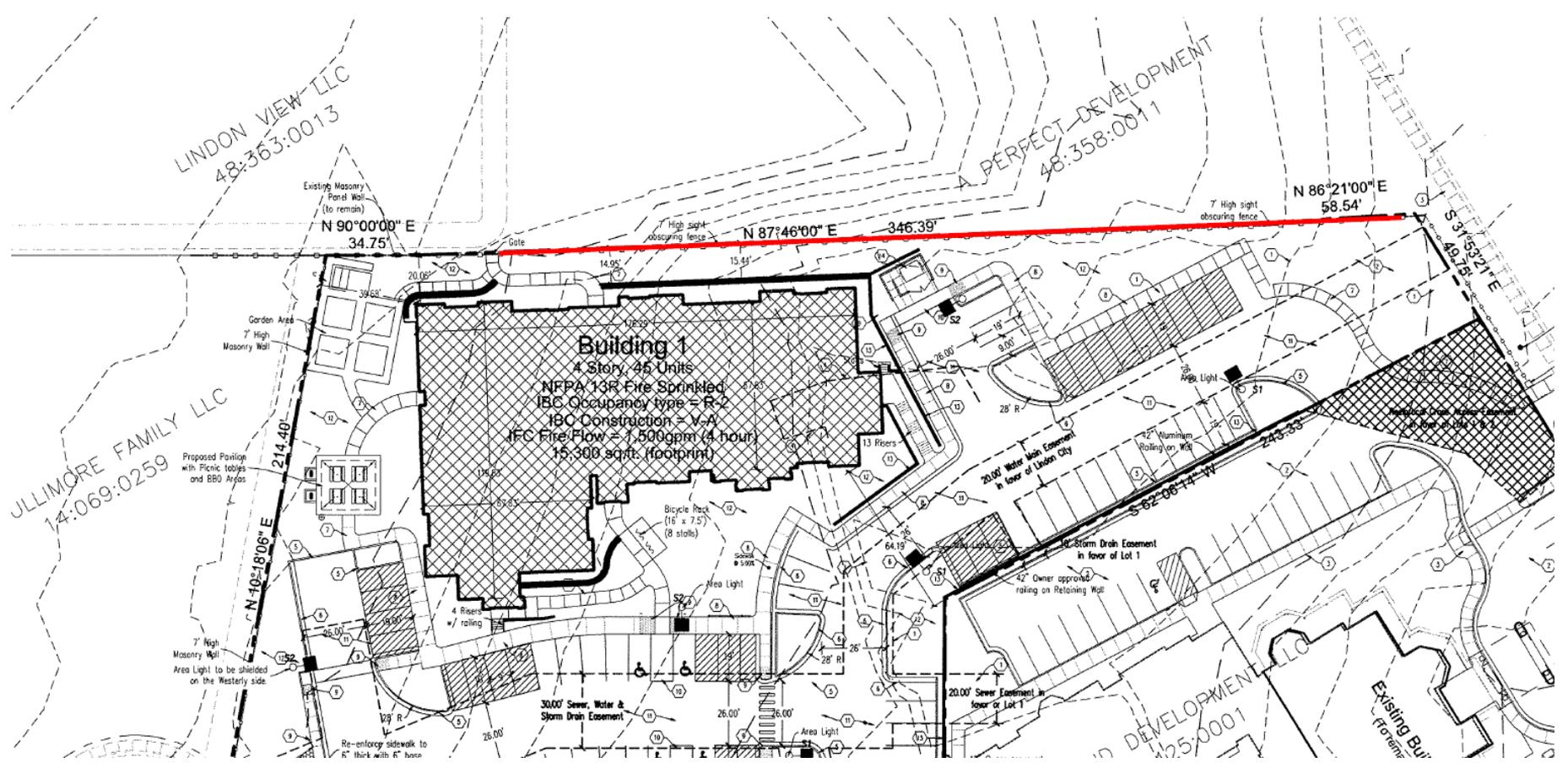
PLANNING COMMISSION

The Planning Commission did not feel comfortable entirely waiving the fence requirement along commercial borders. However, they saw the merit in the wait and see approach when a project is adjacent to vacant commercial property. After discussion, the original draft language was

modified to allow the Commission to determine the timing of installation of a fence in order to accommodate situation like Mr. Southard's. Therefore, in a 5-0 vote the Commission recommended approval of the attached 2015-29-O ordinance draft.

ATTACHMENTS

1. Avalon site plan showing potentially affected area
2. Avalon aerial image of potentially affected area
3. Aerial image of the one other property zoned SHFO
4. Draft of Ordinance 2015-29-O



Attachment One



Attachment Two



Attachment Three

Attachment Four

ORDINANCE NO. 2015-29-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.75.030 OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment will create additional site lines and interaction between senior housing facilities and adjacent commercial property; and

WHEREAS, the proposed amendment will allow property owners discretion on how to fence senior housing facilities; and

WHEREAS, the Lindon City Planning Commission has recommended approval of an amendment to amend Chapter 17.75.030 of the Lindon City Code; and

WHEREAS, a public hearing was held on December 8, 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 **December 15, 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: Chapter 17.75.030 of the Lindon City Code is hereby amended to read as follows:

17.75.030 Senior Housing Facility – Specific Requirements and Conditions of Approval

1. Except as otherwise listed in this chapter, Senior Housing Facilities shall comply with all applicable ordinances and policies required by Lindon City Code for development in the underlying zone, as well as other state and federal laws, including laws related to access.
2. Conformity: The facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.
3. Project Acreage Requirement: Project acreage shall be a minimum of 2.5 acres but not larger than 5 acres.
4. Lot Setbacks:

Front Setback	40 feet
Side or rear yard setback when adjacent to a non-residential zone	20 feet
Side or rear yard setback when adjacent to a residential use or a residential zone	40 feet
Street-side yard setback (corner lot) determined by type of adjacent street	Local street = 30 feet Collector Street = 40 feet Arterial street = 40 feet

For flag lots, setback distances shall be measured from the end of the drive, or “pole,” portion of the lot.

5. Landscaping:
 - a. Except as otherwise listed in this chapter, and regardless of the underlying zone, landscaping requirements shall be the same as those found in LCC 17.48.030-Landscaping within the general commercial zones.
 - b. Open Space. A minimum of thirty percent (30%) of each project shall be maintained in permanent landscaped open space.
6. Fencing: Seven foot (7') high, site obscuring fencing shall be installed along the perimeter of the property, regardless of whether it abuts existing residential or commercial properties or uses. The fence shall be constructed and maintained by the owner of the senior housing facility. Installation of fencing should not limit pedestrian access to vehicular access points. Such fencing will be constructed in a manner consistent with a residential character of the senior housing structure. The Planning Commission shall approve the style and design of any fencing before a conditional use permit is issued. Any exceptions to fence height, material, ~~and~~ location and timing of installation shall be approved by the Planning Commission. A chain link fence with slats shall not be considered site obscuring for the purposes of this section.
6. Parking:
 - a. The facility shall provide off street parking at a ratio of 1.10 parking stalls per dwelling unit or greater. All other parking standards as required in LCC 17.18 shall apply.
 - b. No portion of the senior housing facility's open space shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission.
 - c. Projects are encouraged to provide covered parking and adequate ADA stalls to accommodate the residents and guests of the facility.
7. Density: The Senior Housing Facility Overlay may have a maximum density of 30 dwelling units per acre if full-time on-site management is present and one (1) indoor and one (1) outdoor common area/recreation space is provided within the facility. If full-time onsite management is not present or the two common area/recreation spaces are not provided, the maximum density shall be 15 dwelling units per acre.
8. Maximum Building Height: The maximum primary building height shall be the same as found within the underlying zone. Accessory buildings shall not exceed twenty feet (20') in height.
9. Occupancy Restrictions: The units are restricted to three (3) persons as the maximum number of occupants with a maximum unit size of three (3) bedrooms, with the following restrictions:
 - a. In one (1) bedroom units, the maximum number of occupants shall be two (2) persons;
 - b. The units are intended for, and to be occupied by, at least one person fifty five (55) years of age or older per unit with all occupants being at least 18 years of age;
 - i. A unit may be occupied by the surviving spouse of a household, regardless of age, if the fifty five (55) years of age or older qualifying person has passed away, provided the surviving spouse was a resident of the unit at the time of that qualifying person's death;
 - ii. Dependents of the deceased qualifying person may continue to reside in the unit if a surviving spouse of the qualifying person is remaining in the unit under the circumstances outlined in (8)(a)(i). Otherwise, dependents shall have a 90 day transition period during which they are able to remain in the unit following the qualifying person's death.
 - c. A deed restriction shall be recorded on the property indicating the occupancy restrictions in paragraphs 9 above.
10. Minimum dwelling unit size shall be 700 square feet.
11. Lighting: All outside lighting shall be arranged and shielded as to prevent glare, nuisance, inconvenience or hazardous interference on adjoining streets or property. Street lights shall be installed on all public roads according to standards established in the Land Development Policies, Standard Specifications and Drawings manual.

- 12. RV Storage: A senior housing facility may provide recreational vehicle and/or boat storage areas for up to 20% percent of dwelling units within the development. Storage areas shall be fenced from neighboring properties by a minimum seven-foot (7') solid masonry wall. RVs, motor homes, trailers and boats must be stored in these designated locations on the property and shall not be used as a residence.
- 13. Accessory Buildings and Facilities: Allowable accessory buildings and facilities include free standing club facilities for member use; garage structures, carports, and sheds; pools and hot tubs/spas; recreation facilities such as game rooms, fitness facilities, basketball courts, tennis courts, and similar structures. A minimum separation distance of ten feet (10') shall be maintained between all buildings.
- 14. Architectural Design: The architectural design of a senior housing facility shall comply with architectural design guidelines as established in the underlying zone where the facility is proposed. Also, design should reflect the residential nature of the building use.
- 15. Facilities shall not knowingly accept any resident that would pose a direct threat to the health and safety of others in the facility or community.
- 16. Unified Ownership: Senior housing development projects within the zone shall be under a single ownership, with respect to each development. Individual dwelling units may not be developed or converted to condominiums and may not be sold separately from the rest of the development.

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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2015.

 Jeff Acerson, Mayor

ATTEST:

 Kathryn A. Moosman,
 Lindon City Recorder

SEAL

**7. Public Hearing — Ordinance Amendment, LCC17.18 Off Street Parking, LCC 17.48
Commercial Zones Ordinance #2015-28-O (20 minutes)**

The Council will review city initiated code amendments regarding setbacks for off-street parking space setbacks in relation to landscaping requirements in Commercial zones. The Planning Commission recommends approval of the amendments.

See attached information from the Planning Department.

Item 7: Public Hearing — Ordinance Amendment LCC 17.18 Off-Street Parking, LCC 17.48 Commercial Zones

City Staff requests an amendment to the above codes regarding off-street parking setbacks and landscaping requirements in Commercial zones.

<p>Applicant: Lindon City Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: Legislative Planning Commission: Recommended approval in a 5-0 vote</p>	<p>SUMMARY OF KEY ISSUES</p> <ol style="list-style-type: none"> Whether it is in the public interest to approve the proposed amendment. <p>MOTION I move to (<i>approve, deny, continue</i>) ordinance amendment 2015-28-O (<i>as presented, with changes</i>).</p>
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BACKGROUND

There is a potential conflict between LCC 17.18.090 (off-street parking may not be located in a front or side yard setback) and LCC 17.48.030(4) (20 feet of landscaping is required along public frontages in commercial zones). The conflict arises when a property line, from where front and side yard setbacks are measured, is not immediately adjacent to the starting measurement point for landscape strips along public frontages. Landscape strips begin measurements from back of walk in commercial zones and back of curb in industrial zones. See illustrative example below in attachment one.

DISCUSSION & ANALYSIS

If both codes are strictly adhered to, some property owners could have a 30 foot landscape requirement. It has not been the practice of Community Development to strictly interpret LCC 17.18.090 as long as the required landscaping was being met. See Performance Motors and NuStar approved site plans in attachment two.

The potential risk in allowing parking to be within the front yard setback even with the landscaping requirement being met, is that someday a road may be widened and the 20 foot landscaping strip would no longer be 20 feet. This is mostly a risk along state highways that have very wide rights of way beyond where existing sidewalk exists. State highways in Lindon are State Street, Geneva Road, and North County Boulevard (700 North).

Staff recommends the proposed ordinance amendments in attachment three in order to eliminate the potential code conflict.

PLANNING COMMISSION

The Commission voted 5-0 to recommend approval of the ordinance amendments as attached.

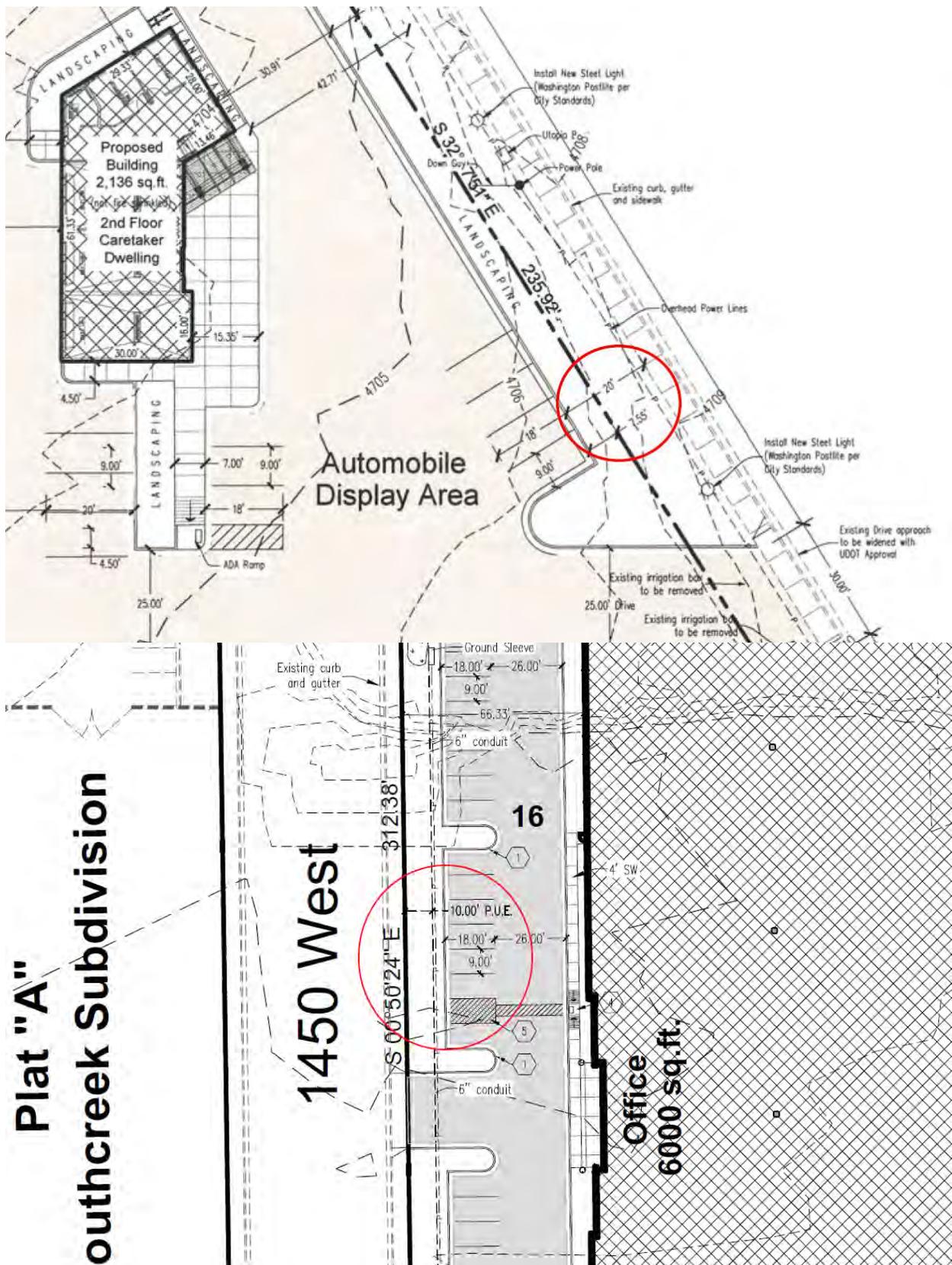
ATTACHMENTS

1. Illustrative example of potential code conflict
2. Approved site plans for Performance Motors, NuStar
3. Ordinance 2015-28-O

Attachment One



Attachment Two



ORDINANCE NO. 2015-28-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.18.090 and CHAPTER 17.48.030 OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment will allow for efficient and effective use of real property; and

WHEREAS, the proposed amendment will promote industry and business within the City; and

WHEREAS, the proposed amendment will continue to promote open space and a beautiful community; and

WHEREAS, the Lindon City Planning Commission has recommended approval of an amendment to Chapter 17.18.090 and Chapter 17.48.030 of the Lindon City Code; and

WHEREAS, a public hearing was held on December 8, 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 **December 15, 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: Chapters 17.18.090 and 17.48.030 of the Lindon City Code are hereby amended to read as follows:

Section 17.18.090 Location.

1. Off-street parking shall not be allowed in required front yard or street-side setbacks as measured from the property line. In commercial and industrial zones, the Land Use Authority may modify this requirement if it is deemed that sufficient landscaping and buffering exists between the parking area and the street or for reasons of topography or unique lot configuration. Unless otherwise permitted under this section, required parking spaces shall be located on the same lot which they are required to serve.
2. On-street parking for uniquely designed road cross sections that vary from the currently adopted road cross section standards may be considered by the Planning Commission for approval on local and private streets where, a recommendation is received from the City Engineer verifying that street widths, traffic patterns, and speed limits allow for the on-street parking to function in a safe and efficient manner and said parking will benefit the character and functionality of the project area. Permitted on-street parking will count towards the total number of required off-street parking spaces only for uses immediately adjacent to the on-street spaces. (Ord. no. 111 §1(part), 1985; prior code §12-106-7.) (Ord. 98-12, Repealed and Replaced, 10/03/2000)

Section 17.48.030 Landscaping within the general commercial zones (CG, CG-A, CG-A8, CG-S).

1. Landscaping objectives. Landscaping plans shall be prepared with a view toward accomplishing the following design objectives (plans will be approved or denied based on how well these objectives are satisfied).
 - a. Enhance the visual environment by:
 - i. Adding visual interest through texture, color, size, shape, etc., and
 - ii. Enhancing perspective by framing view complimenting architecture screening and creating points of interest and activity.
 - b. Ensure public safety by:
 - i. Guiding the circulation of cars and people,
 - ii. Controlling access to parking lots,
 - iii. Making traffic diverters prominent, and
 - iv. Creating street identification by varying the species, height, and location of landscaping.
 - c. Minimize noise and glare.
 - d. Conserve energy.
 - e. Complement architecture by landscaping around buildings.
 - f. Screen areas of low visual interest.
2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be sod or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per LCC 17.18.
3. Open space. A minimum of twenty percent (20%) of each lot shall be maintained in permanent landscaped open space.
4. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped berm at least three (3) feet high and twenty (20) feet width shall be planted with grass and maintained in a living, growing condition along all public street frontages.
 - a. The measurement of the twenty (20) feet in landscaping will be measured from the back of walk, or back curb if no sidewalk exists. Areas with meandering sidewalks will have the twenty (20) feet measured from back of curb but may ~~to not~~ count sidewalk width as part of the twenty (20) feet in landscaping requirement unless otherwise approved in a subdivision cross section. A minimum width of five (5) feet of the landscaping shall be on private property adjacent to the street right of way.
 - b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the non-grass areas shall be submitted and approved by the Planning Director.
 - c. Trees shall be planted thirty (30) feet on center, centered ten feet from the edges of the strip in all required landscaped and bermed areas.
 - d. Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the Planning Commission at the site plan review stage of an application. No net loss of landscaping should occur with any approved alterations. Other landscaping layouts consistent with the Lindon Commercial Design Guidelines may also be considered by the Planning Commission. (Ord. 2013-12 Amended 12/4/13).
5. Trees. Recommended trees may be found in the list of tree species located in the Lindon City Tree Planting Guide and, unless otherwise specified, shall be at least two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height when planted.

- 6. Sprinkling and irrigation. All plantings shall be serviced by an acceptable underground automatic irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.
- 7. Concrete curbing shall be provided between landscaped areas and off-street parking areas that is as at least six inches (6") higher than the parking areas.

(Ord. 2008-10, amended 09/02/2008; Ord. 99-6, Amended, 10/04/2000; Ord. 98-6, Repealed and Replaced, 10/03/2000; Ord. 2006-10, adopted 10/4/2006; Ord. 2013-12 amended 12/4/13)

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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2015.

 Jeff Acerson, Mayor

ATTEST:

 Kathryn A. Moosman,
 Lindon City Recorder

SEAL

8. Public Hearing —Series 2016 Sales Tax Revenue Bonds for Public Safety Building (10 minutes)

The City Council will hold a public hearing regarding issuance and sale of \$3,500,000 aggregate principal amount of Sales Tax Revenue Bonds Series 2016, and any potential economic impact that the project (Public Safety Building) to be financed with the proceeds of the series 2016 bonds may have on the private sector.

This item is for the City Council to receive any public comments on the issuance of bonds for the Public Safety Building. No motion or action by the Council is required other than opening the item for public comment, then closing the public comment period after receiving any information.

Section 9 of the Bond Parameters Resolution #2015-10-R, passed on November 17, 2015, states the following:

“The Issuer shall hold a public hearing on December 15, 2015, to receive input from the public with respect to (a) the issuance of the Series 2016 Bonds, and (b) the potential economic impact that the improvements to be financed with the proceeds of the Series 2016 Bonds will have on the private sector...”

See attached pages from the Resolution that outline the details of the bond issuance. This information has been published, properly noticed, and available for inspection by the public since Nov. 17th.

Sample Motion: No motion required.

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on November 17, 2015, the City Council (the "Council") of Lindon City, Utah (the "Issuer"), intends to adopt a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Sales Tax Revenue Bonds, Series 2016 (the "Series 2016 Bonds") in the maximum principal amount of \$3,500,000 (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Issuer).

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on December 15, 2015, at the hour of 7:00 p.m. at 100 North State Street, Lindon City, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2016 Bonds and (b) any potential economic impact that the Project to be financed with the proceeds of the Series 2016 Bonds may have on the private sector. Interested individuals are invited to express their views, both orally and in writing, on the proposed issue of the Series 2016 Bonds and the location and nature of the Project. All members of the public are invited to attend and participate. Written comments may be submitted to the Issuer at the City Recorder's office located at 100 North State Street, Lindon City, Utah, until 5:00 p.m. on or before December 15, 2015.

PURPOSE FOR ISSUING THE SERIES 2016 BONDS

The Series 2016 Bonds will be issued for the purpose of (a) financing construction of a new public safety building and any related improvements (the "Project"), and (b) paying costs of issuance of the Series 2016 Bonds.

EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge 100% of the revenues produced by local sales and use taxes levied by the Issuer under the Local Sales and Use Tax Act, Title 59, Chapter 12, Part 2, Utah Code (the "Revenues").

PARAMETERS OF THE SERIES 2016 BONDS

The Issuer intends to issue bonds in the aggregate principal amount of not more than Three Million Five Hundred Thousand Dollars (\$3,500,000), to bear interest at the rate or rates of not to exceed five percent (5.00%) per annum, to mature in not more than twenty-two years (22) years from their date or dates, and to be sold at a price not less than 98.5% of the total principal amount thereof. The Series 2016 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a Supplemental Indenture (the "Indenture") which was before the Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution. Said Indenture is to be executed by the Issuer in such form and with such changes thereto as shall be approved by the Designated Officers; provided that the principal amount,

interest rate or rates, maturity, and discount of the Series 2016 Bonds will not exceed the maximums set forth above.

OUTSTANDING BONDS SECURED BY TAX REVENUES

The Issuer has \$10,800,000 of Sales Tax Revenue Bonds currently outstanding that are secured by Revenues (as more fully described in the Indenture).

OTHER OUTSTANDING BONDS OF THE ISSUER

Additional information regarding the Issuer's outstanding bonds may be found in the Issuer's financial report (the "Financial Report") at: <http://auditor.utah.gov/lgReports.html>. For additional information, including any information more recent than as of the date of the Financial Report, please contact Adam Cowie, City Administrator at (801) 785-5043.

TOTAL ESTIMATED COST

Based on the Issuer's current plan of finance (including a Project cost estimate of approximately \$3,000,000) and a current estimate of interest rates, the total principal and interest cost of the Series 2016 Bonds if held until maturity is \$4,795,936.94.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder, 100 North State Street, Lindon City, Utah, where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. Monday through Friday for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture, or the Series 2016 Bonds, or any provision made for the security and payment of the Series 2016 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

DATED this November 17, 2015.

/s/Kathryn Moosman
City Recorder

9. Closed Session to Discuss the Sale of Real Property*(30 minutes)*

The City Council will enter into a closed executive session to discuss the potential sale of real property per UCA 52-4-205. This session is closed to the general public.

Sample Motion: I move to enter into a closed session to discuss the potential sale of real property.

Roll Call Vote:

Matt Bean

Van Broderick

Jake Hoyt

Carolyn Lundberg

Randi Powell

10. **Council Reports:**

(20 minutes)

- | | |
|--|--------------------|
| A) MAG, COG, UIA, Utah Lake, ULCT, NUVAS, 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, Little Miss Lindon | - Randi Powell |
| F) Public Safety, Court, Historic Commission, Budget Committee | - Jacob Hoyt |

II. Administrator's Report:

(15 minutes)

Misc Updates:

- November City newsletter: <http://siterepository.s3.amazonaws.com/442/november15final.pdf>
- Councilmember Powell is Mayor pro tem from October through December 2015
- Cell Tower Lease Agreement, 60 N.
- Misc. Items:
Tree removal at Community Center

Upcoming Meetings & Events:

- December 23rd – Noon @ Community Center, Employee Christmas Party
- December 23rd – 25th – City offices close at noon on Dec 23rd. Closed 24th and 25th
- January 1st – City offices closed for New Year's Day
- January 5th – Swearing-in of elected City Council members
- February 11th @ 6:00pm. – Budget kick-off meeting. Dinner/work session

Adjourn



November 17, 2015

Adam Cowie
50 West 60 North
Lindon, UT 84042

Re: AT&T Lease Expiration Program

FA # 10088467; Lease ID: 73266, UT225/LINDON/UT, located at 50 WEST 60 NORTH, LINDON, UT 84042

Dear Mr. Cowie,

As you are aware, AT&T Mobility ("AT&T") has partnered with Md7, LLC ("Md7") to work with you to facilitate certain modifications to the cell site lease on your property. These modifications will allow AT&T to meet current business requirements and enhance your site's value to the network. AT&T has asked Md7 to provide services in administering AT&T's Lease Expiration Program (LEP). Md7 has been authorized by AT&T to correspond and discuss how the LEP program may be of benefit to you.

Changes in the Wireless Industry

Recent industry developments are changing how wireless telecommunications carriers operate. In the past, carriers focused on rapidly building out their networks in order to provide the best coverage. Today, while consumers are enjoying greater services and better coverage than ever before, operating costs continue to escalate. As a result, the wireless industry is also focusing on operating networks as efficiently as possible.

What does this mean to me?

AT&T would like to work together with you in extending the current lease which is set to expire on 4/30/2025. AT&T is willing to offer the following modifications to secure a longer-term lease with you:

- Commencing **February 1, 2016**: Adjust rent to a revised figure of **\$1411.21 per month** based on regional market analysis and operational performance statistics.
- Rent will remain fixed until **May 1, 2020**. On this date, and every five years thereafter, a **15%** escalator will take effect and be set into place until the termination or expiration of the lease.
- Extend the life of the lease with up to 5 renewal terms (1 term is equal to 5 years).

In order to achieve the necessary lease flexibility required for upcoming technological shifts, the following language must be inserted into the existing lease:

- Expansion of the Premises

"Lessor grants, to the extent practicable and on a space available basis, the Lessee the right to enlarge the Premises or the Lessor shall make space available on the Property for Lessee so that Lessee or its authorized sublessees may implement any necessary modifications, supplements, replacements, refurbishments, or expansions to the Communications Facility or to any equipment related thereto, or for any other reasons, as determined by Lessee in its sole discretion. Should Lessee exercise the right to expand the Premises, Lessee will pay and Lessor will accept as additional Rent under the Lease an

amount equal to the then current rent calculated on a per square foot basis as multiplied by each additional square foot added to the Premises. Upon notice to Lessor, a description and/or depiction of the modified Premises ground will become part of the Lease without any additional action on the part of Lessee and Lessor; however, at the request of Lessee, the parties will execute a Memorandum of Lease in recordable form memorializing the modification of the ground space of Property, which either party may record at its option.”

- Rental Stream Offer

“If at any time after the date of this Agreement, Lessor receives, and is considering to accept, a bona fide written offer from a third party seeking an assignment or transfer of the Rent payments associated with this Agreement (“**Rental Stream Offer**”), Lessor shall immediately furnish Lessee with a copy of the Rental Stream Offer. Lessee shall have the right within ninety (90) days after it receives such copy to match the Rental Stream Offer and agree in writing to match the terms of the Rental Stream Offer. Such writing shall be in the form of a contract substantially similar to the Rental Stream Offer. If Lessee chooses not to exercise this right or fails to provide written notice to Lessor within the ninety (90) day period, Lessor may assign the right to receive Rent payments pursuant to the Rental Stream Offer, subject to the terms of this Agreement. If Lessor attempts to assign or transfer Rent payments without complying with this Section, the assignment or transfer shall be void. Lessee shall not be responsible for any failure to make payments under this Agreement and reserves the right to hold payments due under this Agreement until Lessor complies with this Section.”

AT&T values its affiliation with you and hopes to continue a long and mutually profitable relationship for years to come. Participation in this program is optional and AT&T will continue to abide by the terms of the existing agreement, including AT&T’s rights to not extend the existing lease agreement. After having reviewed this proposal, please contact me prior to November 30, 2015. Thank you for your consideration.

Sincerely,

Mark Nieves

Md7 | Lease Consultant
 10590 West Ocean Air Dr.
 San Diego, CA 92130
 o 858-799-7884
 f 858-630-4281
 mnieves@md7.com

Authorized Agent for AT&T Mobility

cc: Gregory D. Ohmer
 Area Manager Real Estate Transaction, AT&T Mobility



Submission of this letter does not constitute a modified agreement and is only a proposal. The parties acknowledge and agree that they intend to be bound only upon the execution of an amendment detailing the provisions herein.