

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, December 15,**  
4 **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: Jeff Southard  
10 Invocation: Van Broderick, Councilmember

12 **PRESENT** **ABSENT**

Jeff Acerson, Mayor  
14 Randi Powell, Councilmember  
Matt Bean, Councilmember  
16 Van Broderick, Councilmember  
Jacob Hoyt, Councilmember  
18 Carolyn Lundberg, Councilmember  
Adam Cowie, City Administrator  
20 Cody Cullimore, Chief of Police  
Kathryn Moosman, City Recorder

22

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

24

2. **Presentations/Announcements** –

26

a) Mayor/Council Comments – There were no announcements at this time.

28 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of November 17, 2015 were reviewed. Also reviewed were the Joint  
30 Work Session Meetings from 12/9/14, 1/30/15, 4/14/15, and 4/21/15.

32 Councilmember Hoyt mentioned that he received a phone call today from some  
business owners who are interested in the Ivory Development. They indicated that it  
34 appears suspicious that numerous minutes are being approved simultaneously and were  
accusatory that the city is trying to retain information from them regarding the project  
36 and “sneaking” something through without their knowledge. Mayor Acerson pointed out  
that all of the work session meetings were open to the public and if they were interested  
38 they could have attended. He added that all of the meetings are noticed properly. Mr.  
Cowie mentioned that there is no action taken at the work sessions as the purpose is for  
40 discussion only. He added there are Board of Adjustment and Redevelopment Agency  
minutes that may not be approved for a year or more. He noted that all meetings were  
42 advertised on an official agenda with multiple days’ notice and every meeting was a  
public meeting. Councilmember Powell commented that the minutes contain more  
44 verbiage and detail versus other cities and are also noticed beyond what the state statute  
requires. Councilmember Hoyt stated that perhaps there was some miscommunication on  
46 their part as they thought they were closed meetings. Mr. Cowie confirmed these work  
sessions were noticed and open public meetings where anyone could attend.

2 Councilmember Hoyt suggested that the Council be careful as we are being watched  
pretty closely by the business owners when it comes to this specific project and  
4 everything will be looked at from a legal standpoint and a policy standpoint. He also  
stated that he explained to them that the city is not trying to sneak anything through and  
6 encouraged them to attend the meetings. Mayor Acerson re-iterated that he would invite  
them to attend the meetings. Councilmember Bean commented that he appreciates  
8 knowing about this but he also would invite them to attend the meetings and voice their  
concerns on the public record, but he has found that many of them are unwilling to do  
10 that because it can be conciliatory as the Council is very transparent. Following some  
general discussion Mayor Acerson called for a motion to approve the minutes.

12

COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF  
14 THE CITY COUNCIL MEETING OF NOVEMBER 17, 2015 AND THE JOINT  
WORK SESSIONS DATED 12/9/14, 1/30/15, 4/14/15, AND 4/21/15 AS CORRECTED  
16 OR AMENDED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER POWELL                    AYE  
COUNCILMEMBER BEAN                    AYE  
20 COUNCILMEMBER BRODERICK            AYE  
COUNCILMEMBER HOYT                    AYE  
22 COUNCILMEMBER LUNDBERG            AYE  
THE MOTION CARRIED UNANIMOUSLY.

24

4. **Consent Agenda** – No items.

26

5. **Open Session for Public Comment** – Mayor Acerson called for any public  
comment not listed as an agenda item.

28

### 30 **CURRENT BUSINESS**

32 6. **Public Hearing** – **Ordinance Amendment, LCC 17.75 Senior Housing**  
**Facility Overlay.** Jeff Southard of Southhaven Homes requests a change to  
34 the fencing requirement for senior housing facilities so that fencing will not  
be required along adjacent commercial properties. The Planning  
36 Commission recommends approval of the amendment allowing flexibility in  
the fencing requirement.

38

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

42

Mr. Van Wagenen opened the discussion by giving some background of this  
44 agenda item noting when the SHFO zone was created, there was discussion on fencing  
requirements. At that time, both the Commission and Council ultimately felt that such  
46 projects should be fenced around their entire perimeter with a site obscuring fence,  
regardless of adjacent uses or zones. He noted that Jeff Southard (who is attendance) is

2 developing the Avalon Senior Living project at 179 North State Street and building one is  
nearly complete. He noted this project is finalizing the site improvements and Mr.  
4 Southard would like the existing fencing requirement to be altered in reference to  
adjacent commercial properties. The existing code states that a site obscuring fence is  
6 required of a SHFO project regardless of the adjacent use or zone and Mr. Southard  
would like to strike that requirement where SHFO projects abut adjacent commercial  
8 development. Mr. Van Wagenen explained on the Avalon project, this would specifically  
apply to its northern border as indicated.

10 Mr. Van Wagenen further explained that Mr. Southard stated he has spoken to  
Brigham Ashton, the owner of the adjacent vacant commercial property to the north  
12 about the ordinance change. He went on to say that in the Planning Commission meeting,  
Mr. Southard expressed a desire to wait and see what future development happens  
14 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. He noted the SHFO zone  
16 is an overlay only allowed in commercial zones and will, more than likely, always have  
commercial neighbors. He pointed out that this ordinance change would apply zone wide,  
18 not just to this project.

Mr. Van Wagenen stated the Planning Commission did not feel comfortable  
20 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  
22 property. He stated that after discussion, the Commission modified the original draft  
language to allow them the time to determine the timing of the installation of a fence in  
24 order to accommodate a situation like Mr. Southard’s. Following their discussion the  
Commission recommended approval to the Council of the ordinance draft in a 5-0 vote.  
26 Mr. Van Wagenen pointed out that this is a relatively minor change as far as the code is  
concerned.

28 Mr. Van Wagenen then referenced the Avalon site plan showing potentially  
affected area, the Avalon aerial image of potentially affected area, the aerial image of the  
30 one other property zoned SHFO and the draft of Ordinance 2015-29-O followed by  
discussion. Mr. Van Wagenen then turned the time over to Mr. Southard for comment.

32 Mr. Southard explained that he has met with Brigham Ashton on site and they  
have discussed this issue 4 or 5 times. He noted they have worked out how to do a final  
34 grade on the property and he let Mr. Ashton know that they want to be good neighbors.  
He noted that Mr. Ashton indicated that he does not know what or when something is  
36 going to develop on his property at this time. Mr. Southard pointed out there may also be  
a big retaining wall there too which would change whatever fence they put in or he may  
38 want to leave it open (like Osmond’s) dependent on what develops there and what the use  
is.

40 Mr. Southard stated they are requesting the zone change (on the one area) so they  
can hold off until they know what develops on Mr. Ashton’s property. They will be  
42 putting a fence in now in the other areas. He noted they also plan to work in conjunction  
with each other and to have some flexibility. There was then some general discussion  
44 regarding the fencing issue. Following discussion Mr. Southard stated, for the record,  
that he would be happy to have the obligation for the fencing, whatever it may be (but not  
46 retaining) fall upon Avalon Senior Housing. Mr. Van Wagenen stated staff could handle  
this administratively with documentation when it comes up down the road.

2 Councilmember Broderick agrees that flexibility is warranted in this situation.  
3 Councilmember Lundberg referenced some examples of senior housing facilities (Treeo  
4 in Orem, the Atrium in Sandy, and Thorneberry in Pleasant Grove) and pointed out the  
5 fencing used at these facilities. Mayor Acerson stated dependent on what goes in there at  
6 that time the Planning Commission will make the decision on the complimentary uses.  
7 Mr. Southard pointed out that they would like the flexibility on the uses. He added they  
8 are well aware that they will have to comply with the decision. He feels the way the  
9 ordinance is written it facilitates what they are trying to accomplish and also protects  
10 everyone at the same time. Mr. Southard also mentioned that they will be doing a grand  
11 opening and invited the Mayor and Council to attend.

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

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

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

21  
22 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE  
23 AMENDMENT 2015-29-O AS PRESENTED. COUNCILMEMBER BEAN  
24 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

|                            |     |
|----------------------------|-----|
| 25 COUNCILMEMBER POWELL    | AYE |
| 26 COUNCILMEMBER BEAN      | AYE |
| 27 COUNCILMEMBER BRODERICK | AYE |
| 28 COUNCILMEMBER HOYT      | AYE |
| 29 COUNCILMEMBER LUNDBERG  | AYE |

30 THE MOTION CARRIED UNANIMOUSLY.

- 31  
32 7. **Public Hearing** – *Ordinance Amendment LCC 17.18 Off-Street Parking, LCC*  
33 *17.48 Commercial Zones*. The City Council will review city initiated code  
34 amendments regarding setbacks for off street parking space setbacks in relation  
35 to landscaping requirements in Commercial zones. The Planning Commission  
36 recommends approval of the amendments.

37  
38 COUNCILMEMBER HOYT TO OPEN THE PUBLIC HEARING.  
39 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED  
40 IN FAVOR. THE MOTION CARRIED.

41  
42 Mr. Van Wagenen opened this discussion by stating there is a potential conflict  
43 between LCC 17.18.090 (off-street parking may not be located in a front or side yard  
44 setback) and LCC 17.48.030(4) (20 feet of landscaping is required along public frontages  
45 in commercial zones). He noted this conflict arises when a property line, from where the  
46 front and side yard setbacks are measured, is not immediately adjacent to the starting  
measurement point for landscape strips along public frontages. He explained the

2 landscape strips begin measurements from the back of a walkway in commercial zones  
and the back of the curb in industrial zones.

4 Mr. Van Wagenen further explained that if both codes are strictly adhered to,  
some property owners could have a 30 foot landscape requirement. He noted that it has  
6 not been the practice of the Community Development Department to strictly interpret  
LCC 17.18.090 as long as the required landscaping is met.

8 Mr. Van Wagenen went on to say the potential risk in allowing parking to be  
within the front yard setback even with the landscaping requirements are being met, is  
10 that someday a road may be widened and the 20 foot landscaping strip would no longer  
be 20 feet. This is a risk along state highways that have very wide right of ways beyond  
12 where existing sidewalks exist. He mentioned that the State highways in Lindon are State  
Street, Geneva Road, and North County Boulevard (700 North). He noted that staff  
14 recommends approval of the proposed ordinance amendments in order to eliminate the  
potential code conflict.

16 Mr. Van Wagenen mentioned that the Planning Commission voted 5-0 to  
recommend approval to the City Council of the ordinance amendments. He then  
18 referenced for discussion the illustrative example of the potential code conflict, the  
approved site plans for Performance Motors, NuStar, and he also clarified Ordinance  
20 #2015-28-O. There was then some general discussion by the Council regarding the  
above referenced amendments and different types of application scenarios (including  
22 waivers) and what staff is trying to accomplish with cleaning up the ordinance and to  
accommodate property owners as well.

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

26  
28 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

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

34 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE  
AMENDMENT 2015-28-O AS PRESENTED. COUNCILMEMBER HOYT  
36 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
COUNCILMEMBER POWELL AYE  
38 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER BRODERICK AYE  
40 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER LUNDBERG AYE  
42 THE MOTION CARRIED UNANIMOUSLY.

44 8. **Public Hearing** – *Series 2016 Sales Tax Revenue Bonds for Public Safety*  
46 ***Building.*** 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

2 Building) to be financed with the proceeds of the series 2016 bonds may have on  
the private sector.

4  
6 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

8  
10 Mr. Cowie opened this discussion by stating this item is for the City Council to  
receive any public comments tonight regarding the issuance of bonds for the Public  
Safety Building. He noted that no motion or action by the Council is required other than  
12 opening the item for public comment, then closing the public comment period after  
receiving any comments or questions. Mr. Cowie noted there has not been any public  
14 comment received. Mr. Cowie stated that Section 9 of the Bond Parameters Resolution  
#2015-10-R, passed on November 17, 2015, states the following:

16  
18 *“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  
20 economic impact that the improvements to be financed with the proceeds of the Series  
2016 Bonds will have on the private sector...”*

22 Mr. Cowie then referenced the Resolution outlining the details of the bond  
issuance. He noted this information has been published, properly noticed, and available  
24 for inspection by the public since November 17, 2015. Councilmember Lundberg  
mentioned a letter received today from Dan Engeman (from Pleasant Grove City).  
26 Mayor Acerson stated he received the letter as well. Councilmember Lundberg forwarded  
the letter to the Council and Mr. Cowie. Mayor Acerson then referenced the security  
28 concerns stated in the letter. Councilmember Hoyt commented that he also read the letter  
and feels these are concerns that should be left to the experts, i.e., Fire Chief Gurney and  
30 Police Chief Cullimore. Chief Cullimore stated these safety issues have been thoroughly  
discussed. Mr. Cowie commented they feel it will be a more secure facility with both  
32 Firemen and Policemen located at the facility.

34 Councilmember Lundberg suggested that it is a good list to review and look at  
and suggested that it would be helpful to answer and respond to his list of points at the  
next meeting as the letter was addressed to the Council. Councilmember Powell agreed  
36 with that statement. Mayor Acerson suggested if there are any concerns to bring it up to  
Chief Cullimore and he can share his insights to see if we are comfortable with the  
38 direction we are going and at some point get a response back to the individual. Mr. Cowie  
pointed out we have had a really good collaboration with Orem City fire department staff  
40 and noted the concerns will be reviewed and they will respond to Mr. Engeman to advise  
him that the Council discussed his concerns.

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

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

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

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9. **Closed Session to Discuss the Sale of Real Property** – 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.

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At this time Mayor Acerson called for a motion to move into a closed executive session to discuss the potential sale of real property.

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COUNCILMEMBER POWELL MADE A MOTION TO MOVE INTO A CLOSED EXECUTIVE SESSION TO DISCUSS THE SALE OF REAL PROPERTY AT 8:02 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

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*\*\*Mayor Acerson left the meeting at 8:40 p.m. with Councilmember Powell acting as Mayor Pro Tem for the remainder of the meeting.*

26

COUNCILMEMBER HOYT MADE A MOTION TO CLOSE THE EXECUTIVE SESSION AND RECONVENE THE REGULAR SESSION OF THE CITY COUNCIL AT 8:57 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

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10. **COUNCIL REPORTS:**

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**Councilmember Broderick** – Councilmember Broderick reported that he attended the bi-monthly Engineering Coordination meeting with JUB and city staff on December 8<sup>th</sup> at Public Works. He noted the biggest item discussed was the water table level and the issue of basements or not at the proposed Ivory project. He then explained JUB’s point of view on this issue followed by some general discussion. Councilmember Broderick suggested having this as an agenda item at a regular City Council meeting as to have sufficient time for Council discussion and collaboration. Mr. Van Wagenen suggested sending any concerns or ideas to him prior to the meeting for discussion. Mr. Cowie would advise that

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2 it will be advertised as a public meeting and if it is not a public hearing to not take  
4 invitation to public comment. Mr. Cowie stated the first meeting in January would be a  
6 good time to schedule the discussion with the Planning Commission meeting the  
following week and then hold a joint work session. The Council was in agreement with  
the proposed schedule.

8 **Councilmember Bean** – Councilmember Bean reported there is an individual they are  
considering for the Planning Commission. He then asked Mr. Van Wagenen to explain.  
10 Mr. Van Wagenen stated the gentleman is Charlie Keller who lives in the Fieldstone  
Development and works for Clyde Companies. He stated Mr. Keller came to observe the  
12 last Planning Commission meeting and noted that representation from that area of the city  
will be beneficial and he is willing to do the job. They are hoping to have him approved  
14 at the next meeting. Councilmember Lundberg also mentioned another gentleman from  
Fieldstone, David Gardner, who has expressed a genuine interest in serving the city in  
16 some capacity.

18 **Councilmember Powell** – Councilmember Powell had nothing to report at this time. She  
did ask Chief Cullimore to report on the recent Pleasant Grove High School incident.

20 **Chief Cullimore** – Chief Cullimore reported on the recent Pleasant Grove High School  
22 incident where there was a report of a gunman at the school (which turned out to be a  
false report). He noted they had a unified response with around 200 law enforcement  
24 officers at the scene. He added it was an unfortunate incident but was a very good drill if  
nothing else. There was then some general discussion regarding this incident.

26 **Councilmember Hoyt** – Councilmember Hoyt reported that the tree lighting ceremony  
28 was a success and was well attended. He commended Parks and Recreation staff and the  
Historical Preservation Commission for their hard work on the event. He also spoke with  
30 the Vice Principal at Lindon Elementary about the Ivory Development. Mr. Van  
Wagenen suggested setting up a meeting for discussion.

32 **Councilmember Lundberg** – Councilmember Lundberg reported they had their kickoff  
34 meeting for the 700 North Steering Committee and it went well. They discussed the area  
and objectives approved by the Council and they would like to invite a representative  
36 from Ivory to help them understand and answer their questions. She also mentioned that a  
Charter School may be another option at the Ivory Development as it is separate from the  
38 Alpine School District who do not seem interested in facilitating a school in the area.

40 **Mayor Acerson** – Mayor Acerson was absent from the meeting at this time.

42 **Administrator's Report:**

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

44

**Misc. Updates:**

46

- December City newsletter
- Councilmember Powell is Mayor pro tem from October through December 2015

- 2       • Cell Tower Lease Agreement, 60 North  
3       • Misc. Items: Tree removal at the Community Center

4

**Upcoming Meetings & Events:**

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

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

16     Adjourn –

18             COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
19     AT 10:06 PM. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL  
20     PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – January 5, 2016

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

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Jeff Acerson, Mayor