

2 The Lindon City Council held a regularly scheduled meeting on **Thursday, November**
3 **17, 2015, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

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

12 **PRESENT** **ABSENT**

13 Jeff Acerson, Mayor
14 Jacob Hoyt, Councilmember
15 Randi Powell, Councilmember
16 Matt Bean, Councilmember
17 Van Broderick, Councilmember
18 Carolyn Lundberg, Councilmember
19 Adam Cowie, City Administrator
20 Hugh Van Wagenen, Planning Director
21 Cody Cullimore, Chief of Police
22 Brian Haws, City Attorney
23 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
33 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
35 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
37 Valley, and women from many cities attended. They spent the evening
38 identifying and discussing the major problems that keep “Happy Valley” from
39 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
41 women in attendance. The new organization, Utah Valley Women (UVW)
42 created The Utah Valley Women’s Initiative to provide solutions to these
43 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
45 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
47 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
10 **Imminent Litigation – Appeal of Administrative Claim Denial, Randy &**
12 **Liz Hunter, 420 South 280 West.** The City Council will review and
14 consider an application for appeal of an administrative denial of a claim
16 against Lindon City that was submitted by Randy & Liz Hunter whose
18 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
applicants the City Council will enter into a closed executive session to
discuss pending or reasonable imminent litigation per UCA 52-4-205. This
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.

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

24 Adam Cowie, City Administrator, led the discussion by stating Randy and Liz
26 Hunter are in attendance along with their attorney Rich Roberts, from Howard, Lewis and
28 Peterson Law Firm in Provo. Mr. Roberts addressed the Council at this time by stating
30 they are appreciative of the opportunity to be heard tonight and to also provide some
32 additional information and detail from the Hunter's perspective. He stated that Randy &
34 Liz Hunter have lived in Lindon since 1996 right on the border of Orem and Lindon (420
36 S 280 W) and that is where they have established their home. In that time they have had
38 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
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
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
significant flooding damage (detailed copies are provided). Based on the structural
damage the estimation was done by Complete Restoration with the damages totaling
\$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
42 denied the claim because they do not have an appeal process. Mr. Roberts stated that the
44 Hunter's maintain that Lindon City has negligently maintained or constructed the road
46 (280 W) that forces water from the road into their home and this defective condition has
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
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
were recently analyzed by the Utah Supreme Court. He then referenced a brief synopsis
4 of the Court case. He stated that following analyzation of this case the Supreme Court
made four important determinations that impacts governmental immunity statute as
6 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)
8 Addressed the operation of a flood system.

10 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
12 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
14 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
16 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
18 main road to 400 west. Lindon City has continued to maintain that defective condition
since 1997.

20 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
22 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
24 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
26 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
28 these problems and there has been no progressive feedback from either cities.

30 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
32 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
34 in the conference room and then come back to the regular meeting and inform the
applicant of the decision.

36 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,
38 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
40 URMMA and Lindon City had had the same provider in 1999 as well. Orem paid
approximately 60% with Lindon paying the remaining 40%.

42 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'
44 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
46 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.

2

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

4

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.

6

8

10

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

THE MOTION CARRIED UNANIMOUSLY.

12

14

16

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.

18

20

22

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

24

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:

26

28

30

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

THE MOTION CARRIED UNANIMOUSLY.

36

7. **Concept Review** – *Dastrup Auto Inc. Zone Change, 475 North State Street.*

38

40

42

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.

44

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

46

48

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

10 Mr. Dastrup commented that they are interested in the property that was Patch's
12 Majestic Metals on State Street with the idea to redevelop it into a car lot (he also presented a
14 sketch). There is a shop still there which is a good structure. The initial plan is to renovate the
16 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
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
Central Bank currently owns the property and they are holding strong for the asking price.

18 Mr. Dastrup stated they have an average asking price of \$13,500. They try to stay 10
20 years old and newer to have a nice range to offer and to keep things updated. They currently
22 have an internet sales operation in Orem. Their inventory is 25 to 30 vehicles and they hope
24 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
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
location for their concept.

26 Mr. Dastrup stated that ultimately he would like to demolish the existing house
28 and build a new building and have a 2 rail fence like the other properties in the area. Mr.
30 Dastrup commented that the property is in foreclosure and there are time frames he is
32 looking at. Councilmember Lundberg voiced her concerns that she has had numerous
34 residents comment that they feel there are too many car dealerships already on State
36 Street and they have such a limited space on State Street. The past Council actually had a
38 cap at six used car dealerships on State Street. Councilmember Powell echoed
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
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
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
sure on the exact number he would be comfortable with. There was then some additional
discussion by the Council regarding this item.

40 Councilmember Lundberg asked when staff plans on proceeding with the
42 potential discussion of looking at what standards they would like to codify for car
44 dealerships and to set the standards that will give security and keep the quality and beauty
46 on State Street. She asked Mr. Van Wagenen what timeframe he has in mind to look into
48 this issue. Mr. Van Wagenen stated after the New Year. Mr. Dastrup stated they have
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
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

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 *Councilmember Hoyt re-joined the meeting at this time.*

- 8
- 10 8. **Public Hearing** – ***Lindon Public Safety Building Site Plan & Alteration of 60***
North. The City Council will review and consider the proposed Lindon City
12 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
14 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
16 hearing for alteration & closure of the roadway has been properly noticed. The
planning commission recommends approval of the site plan.

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

22 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
24 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
26 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
28 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
30 the site plan.

32 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
34 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
36 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
38 Zone does not have any development standards regarding setbacks, parking, landscaping,
etc. However, every effort has been made to meet General Commercial zone standards.

40 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
42 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
44 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.

46 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

2 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
4 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
6 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.

8 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
10 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
12 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
14 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
16 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
18 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.

20 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
22 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
24 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
26 Planning Commission discussed the landscaping including the catch/detention basin
options and maintaining proper visibility. Mr. Cowie stated he would bring those issues
28 up with the landscape architect.

Mr. Cowie then explained in some detail the floor plan and elevations followed by
30 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
32 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.

34 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
36 Design guidelines, which govern architectural treatments in the CG zone, identify
masonry building materials, such as brick, stone, and colored decorative concrete block
38 as the preferred primary building material; and brick, stone, colored decorative concrete
block, stucco, wood/cement fiber siding, and timbers as secondary materials.

40 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
42 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
44 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.
46 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

2 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.
4 Chief Gurney stated that Mr. Cowie has been very cognitive with this process and he has
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
very cognitive of the taxpayers money; it is good to have the city council input and it
8 should be a balance. Councilmember Hoyt asked if there was discussion about doing this
in stucco rather than stone. Mr. Cowie stated that stucco has maintenance problems (like
10 the city center) but confirmed that stucco is cheaper than stone but brick has virtually no
maintenance. Councilmember Hoyt stated he likes the stone look but would like to see a
12 cost comparison on stone vs. stucco (limestone) and it would also match the pool and the
city center building.

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

24
26 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

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

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

40 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
42 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER LUNDBERG AYE
44 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

46

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

10 Mr. Cowie opened this discussion by stating Jason Burningham, with LYRB, is in
12 attendance tonight to help present this information and to answer any questions. He
14 explained that the passage of the parameters resolution will allow the process for bonding
16 to move forward so the City can secure the funding for the Public Safety Building prior to
18 construction in 2016. He explained that adoption of this resolution will not commit the
20 City to have to bond, and the City may choose to bond for less than the aggregate
22 principal amount listed in the resolution. Updated estimated costs of the Public Safety
24 Building and site work are at \$3.94 million. By adding a 10% contingency the
 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
 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
 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
 State Street RDA fund. He noted the Parc tax funds could also be used for the parking lot.

24 Mr. Cowie stated the final cost estimates will be prepared after design completion
26 and prior to bidding the project. With the 10% contingency factored in, the City
28 anticipates needing to bond for about \$2.6 million or less with the remaining costs of the
30 Public Safety Building coming from cash. The parameters resolution, if approved with
32 the borrowing limit of \$3.5 million, allows more to be borrowed if needed without having
 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
 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.

34 Mr. Burningham explained that previously most of the Council has been through
36 the notice of intent to issue bonds as it was also done last year. He stated there is a
38 distinction under state law that a traditional parameters resolution is a two-step process 1)
40 notice of intent to issue bonds and 2) approval of the terms and conditions. A super
42 parameter resolution is a one step process (which is the consideration tonight). In addition
44 it authorizes a designated committee which constitutes the Mayor, Mr. Cowie and Kristen
 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
 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
 they are less subject to situations in the market and are most commonly used because of
 the flexibility.

46 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
 are three scenarios they have presented 10, 15, and a 20 year plan and are indicative of

2 rates given by purchasers. The difficulty with direct placement (what is proposed because
4 of the size) is they don't like to go the full 20 years amortization. They would
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.

6 Mr. Burningham noted that most purchasers want call protection which can be a
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
offering and a low risk investment. He noted there is really no benefit to the public
10 offering in this particular case. One motivation is that it is almost certain that the feds
will raise short term interest rates in December (85% surety). The super parameter will
12 get the process started and if there is movement they can pull the trigger sooner. The first
of the year is a better time to issue bonds because there is a lot of redemptions. They are
14 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
16 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
18 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
20 issue.

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
paid off before the Aquatics Center. If they choose to go with the 10 year we can make it
24 work as there is a good outlook financially with revenues coming in. Mr. Cowie
mentioned some of the concerns he has heard from the council is the prepayment option
26 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
28 schedule. Mr. Burningham said he can do some different thresholds. There was then
some general discussion regarding the parameters and the committee designated officers
30 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
32 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
34 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.
36 Councilmember Lundberg stated she would nominate Councilmember Hoyt as the
councilmember as the designated officer on the committee.

38 Councilmember Hoyt commented that he doesn't feel comfortable with the
number as \$800,000 with interest is about a million dollars (leeway) and he would like
40 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
42 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
44 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.

46 Councilmember Hoyt went on to say that he has given a lot of thought to this and
he would propose to wait until we sell the two city owned properties and build the fire

2 station and complete just the shell for the police department until we sell the Geneva
3 property and put that money towards the debt and move forward with the direct purchase
4 option and finish the police station when the Geneva property sells. There are some cons
5 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
7 means. Councilmember Lundberg likes the prepayment option plan and to take
8 advantage of the bonding opportunity as we could alleviate that portion of the debt with
9 the sales when they occur. Councilmember Broderick said it is a similar type thing as
10 this building when the basement wasn't finished for several years in subsequent projects.
11 Mr. Burningham asked for clarification as to what the council considers the cost of
12 construction inflation and how does that play into this. Councilmember Hoyt said that is
13 something to consider and he knows it would be more to construct the police department
14 section later.

15 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
17 said it would be dependent on the sale of properties. Mr. Cowie said the properties have
18 only had an appraisal and the properties and the Geneva property was deemed surplus,
19 and would have to go through the surplus process with a public hearing etc. He added
20 that the planning commission felt strongly that the properties should not be sold. He feels
21 it is something that needs further discussion.

22 Mr. Cowie brought up the contract obligation with Orem city. He noted the shell
23 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
25 for new construction with some preliminary numbers and it may bring in 1.9 million and
26 those funds could go directly to the building bond.

27 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
29 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
31 have been going as bare bones as they can. He noted the building was intended to allow
32 for a little bit of growth.

33 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
35 is not sure where the construction inflation is going and with the flexibility and prepay on
36 the bond, but if you don't need certain elements of the building right now to pay as you
37 go may be a valid issue. He added it sounds like the fire station has to be completed due
38 to the contract with Orem City.

39 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
41 cannot be enough discussion to get this low enough to make certain individuals happy
42 unless we sell everything. With that said, she proposed to make a motion even though
43 she is aware that the motion may die for lack of a second.

44
45 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2015-
46 10-R AUTHORIZING ISSUANCE AND SALE OF NOT MORE THAN \$3,350,000
AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS FOR

2 THE CONSTRUCTION OF THE LINDON PUBLIC SAFETY BUILDING WITH THE
4 CONDITION THAT TWO OUT OF THE THREE AUTHORIZED AS LISTED IN THE
RESOLUTION WITH ONE BEING THE MAYOR.

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

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
10 mechanism in place to be able to pay down as we get revenue. She feels we have hit the
“sweet spot” and has seen this issue come to the Council numerous times and feels that
12 dragging this any further is not in the best interest of our obligation to Lindon and most
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.
24 Mr. Burningham clarified on a parameters resolution it is really just a matter of the City
Council reconvening and determining if they are willing to accept the terms and
26 conditions that have been provided by the purchaser and then make a decision. The super
parameters resolution sets a public hearing and then there is a 30 day challenge period
28 before you can close on a bond issue. The only difference is it has to come back to city
council under a parameters resolution and they have to work around whatever the
30 meeting schedule is. The concern with the super parameters resolution is if the whole
entire Council is added again as the designated officers, it constitutes another meeting
32 that will have to be re-noticed and they have to start the clock process again to give
adequate time for anyone to contest or challenge that; he can't get a bond holder to close
34 under those circumstances. He added with a super parameter resolution, if adopted
tonight and then hold a public hearing on December 15th, the Council is still not bound to
36 issue bonds until the designated officers say they are going to do it. Mr. Cowie pointed
out the Council will award the construction bid subject to suitable financing that meets
38 our needs and that is when we go to market for this because we know what the number is,
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
44 arbitrary number for each of us and he is not sure we can get to a number we can all agree
with tonight until we see more information on the savings on the building. He is
46 comfortable with a 15 year amortization and callable and if we feel comfortable we can
sell some assets. Mr. Cowie stated there are some components we won't know without

2 getting a bid and it is just guesswork. Councilmember Broderick brought up the site
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 titling house; he is
saying 2.9 million. He would also like to see the Mayor and Councilmember Hoyt be a
6 component on “pulling the trigger” on the bond with the component of Mr. Cowie and
Ms. Colsen in on the discussion. Mr. Cowie stated the Council will see the bid numbers
8 before the trigger is ever pulled. Mayor Acerson observed that the issue with the
parameters is to keep our options open and have a clearer picture but still have the ability
10 to say yes or no if we are not comfortable with it.

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

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

Mr. Burningham would suggest coming back on December 15th with a public
28 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
30 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
32 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
34 additional discussion. Councilmember Lundberg agreed with that statement.

Councilmember Broderick asked if the police department shell buildout should be
36 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
38 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
40 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
42 “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
44 the designated officers the mayor and two councilmembers as staff will be involved
anyway as will Mr. Burningham and staff.

46 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:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	NAY
COUNCILMEMBER LUNDBERG	AYE
COOUNCILMEMBER HOYT	NAY

THE MOTION CARRIED 3 TO 2.

- 22 10. **Review and Action** – *Parameters resolution for sewer revenue bonds, Series*
24 *2016 (Resolution #2015-11-R)*. The City Council will consider for adoption a
26 resolution of the City Council of Lindon City, Utah authorizing the issuance and
28 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.

Mr. Cowie led this discussion by stating Jason Burningham, with LYRB, is in
attendance to help present this information. He explained that passage of the parameters
resolution allows the process for bonding to move forward so the City can secure funding
for a new sewer lift station and associated sewer distribution prior to construction in
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.

Mr. Cowie stated 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 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.

Mr. Cowie further explained that the final cost estimates will be prepared after
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
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
COUNCILMEMBER BEAN AYE
12 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER LUNDBERG AYE
14 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

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

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

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

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

36 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
38 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE
40 THE MOTION CARRIED UNANIMOUSLY.

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

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.

6

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

8

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

10

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

THE MOTION CARRIED UNANIMOUSLY.

12

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

14

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

16

Misc. Updates:

18

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

20

Upcoming Meetings & Events:

22

- 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

24

- 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
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14

Approved – December 15, 2015

16

18

Kathryn Moosman, City Recorder

20

22

Jeff Acerson, Mayor