

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 1,**
4 **2016, beginning with a joint work session at 6:00 p.m.** in the Lindon City Center, City
Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 Conducting: Jeff Acerson, Mayor

10 **COUNCILMEMBERS PRESENT** **ABSENT**

Jeff Acerson, Mayor

12 Matt Bean, Councilmember

Carolyn Lundberg, Councilmember

14 Van Broderick, Councilmember

Jacob Hoyt, Councilmember

16 Dustin Sweeten, Councilmember

18 **PLANNING COMMISSION PRESENT**

Sharon Call, Chairperson

20 Rob Kallas, Commissioner

Bob Wily, Commissioner

22 Mike Marchbanks, Commissioner

Matt McDonald, Commissioner

24 Steve Johnson, Commissioner

26 **STAFF PRESENT**

Adam Cowie, City Administrator

28 Cody Cullimore, Chief of Police

Hugh Van Wagenen, Planning Director

30 Brandon Snyder, Associate Planner

Kathryn Moosman, City Recorder

32

DISCUSSION: Discussion of Sign Ordinance with Lindon Planning Commission.

34 The Lindon City Council met with the Lindon City Planning Commission to discuss
possible amendments to the sign ordinance (LCC Title 18). No motions will be made.

36

38 Hugh Van Wagenen, Planning Director, opened the discussion by welcoming the
Council and Planning Commission members to the meeting. He explained that recently,
the Planning Commission has been reviewing an ordinance amendment to allow
40 electronic message centers (EMCs) in all non-residential zones in Lindon. Currently,
EMCs are only allowed in the T-zone along Interstate 15. During the discussion, several
42 Commissioners and Councilmember Bean thought it may be beneficial to have a joint
work session to discuss signage generally in addition to EMCs. One topic that came up
44 several times was allowing pole signs in all non-residential zones rather than just the T-
zone. Mr. Van Wagenen showed the area where billboards are allowed with off premise
46 advertising that has distance requirements with a capped number of billboards in the city
and where no new billboards are allowed. He noted they also had discussion about not

2 allowing any additional off premise advertising but some with permission within
commercial zones He noted the discussion tonight will focus primarily on the desirability
4 of pole signs and EMCs in the City. Mr. Van Wagenen then showed some size examples
of monument signs that are currently allowed in all non-residential zones, size examples
6 of currently permitted EMCs in the T-zone that are currently permitted and a map of the
T-zone. There was then some general discussion by the group of allowing pole signs,
8 monument signs and sizes and comparisons and what other cities allow.

Chairperson Call suggested starting with the Planning Commission
10 recommendations and questioned if pole signs are something the Council even wants to
consider. Councilmember Broderick asked if there have been any inquiries from
12 businesses at this point. Mr. Van Wagenen stated there are several businesses that are
waiting to see what happens with the city's sign request. Mayor Acerson asked how
14 many businesses are currently in compliance (non-conforming signs) as there was a lot of
discussion on this topic years ago as businesses want to attract business and the challenge
16 is to be consistent with the enforcement.

Mr. Van Wagenen stated the Planning Department is in the process of looking at
18 the entire code because of a recent Supreme Court case (sign code). Mr. Cowie
mentioned there are a handful of businesses that are non-conforming with temporary
20 signage. Commissioner Kallas commented that electronic signs can improve the look of
the sign by being more structured and organized and color coordinated. He also pointed
22 out that more cities are going towards electronic signage and they can also be cost
prohibitive. Councilmember Lundberg commented that past councils felt the pole signs
24 looked cluttered. She also mentioned some other cities that allow pole signs.

Councilmember Bean mentioned that billboards is a term used only on the t-zone
26 and currently billboards are allowed in the commercial zone. He added that the purpose
of a billboard is to disseminate information and if changeable copy signs are allowed in
28 the commercial zones are we then allowing businesses to advertise anything they choose
unless we regulated the content. He worries about turning the commercial zones into a
30 potential freeway-like zone. Mr. Van Wagenen stated we can regulate content of signs
and prohibit off premise messaging but it comes down to enforcement.

Councilmember Lundberg asked the Planning Commission their thoughts about
32 obvious things they discussed. Commissioner Wily mentioned that a representative from
Young Electric Signs came to a meeting and had discussion to convince them that these
34 types of signs okay. The Commission also spent a lot of time discussing the size of signs.
He noted he personally likes monument signs but would prefer keeping pole signs out. He
36 also likes the monument sign ordinance and the size and feels that fitting electronic
38 signage into that scale would fit very well in Lindon and it would not prohibit businesses
from advertising. Councilmember Hoyt pointed out that it is hard for businesses to stay
40 competitive in Lindon because of its size. He would like to see more research done on
this regarding electronic and pole signs but he is open to both.

Mayor Acerson commented if we are going to change the ordinance the
42 businesses should be invited to weigh in on the conversation. Councilmember Lundberg
44 feels there needs to be a balance with the people who live here and it needs to be
compatible. Commissioner Sweeten commented that we are pretty constrictive in Lindon
46 and a businesses need to be able to advertise properly but he is open to electronic signs

2 generally but feels pole signs are up for debate. Councilmember Broderick stated he is
hesitant for pole signs until he hears a valid argument.

4 Mr. Cowie reminded the group that the sign ordinance was reviewed thoroughly
in 2008 and at that time they invited many businesses to come to the meeting and he
6 would suggest doing that again. The group was in agreement to reach out to businesses
about their feelings of pole signs and to also use the Chamber of Commerce. Mr. Van
8 Wagenen stated he is hearing that the group is generally open to electronic signs and
asked for clarification of what kind of research the group is wanting on the pole signs.
10 He added they will reach out to businesses and residents through other means to inform
the general population and to also work with the Chamber of Commerce. Mayor Acerson
12 suggested another joint session may be needed for further discussion. Councilmember
Bean also asked staff to look into the extent to which content can be regulated.
14 Councilmember Broderick suggested checking with the sign manufacturers for their
recommendations to make the signs look nicer etc.

16 Mayor Acerson called for any further discussion or comments from the Council.
Hearing none he moved on to the regular City Council session at 7:00 pm.

18 **REGULAR SESSION** – 7:00 P.M.

20 Conducting: Jeff Acerson, Mayor
22 Pledge of Allegiance: Jeff Acerson
Invocation: Van Broderick, Councilmember

24 **PRESENT**

ABSENT

26 Jeff Acerson, Mayor
Matt Bean, Councilmember
28 Carolyn Lundberg, Councilmember
Van Broderick, Councilmember
30 Jacob Hoyt, Councilmember
Dustin Sweeten, Councilmember
32 Adam Cowie, City Administrator
Cody Cullimore, Chief of Police
34 Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

- 36
- 38 1. **Call to Order/Roll Call** – The meeting was called to order at 7:05 p.m.
 - 40 2. **Presentations/Announcements** –
 - 42 a) **Mayor/Council Comments** – There were no announcements at this time.
 - 44 b) **Presentation** – 2016 Utah Governor’s Business Friendly Community Award
46 presented by the Governor’s Office, Salt Lake Chamber, and Utah League of
Cities and Towns. Michael Parker, Salt Lake Chamber of Commerce and
Mark Eddington, from the Governor’s office were in attendance to present the
2016 Utah Governor’s Business Friendly Community Award to Lindon City.
Mr. Parker stated this award is given for use of best practices, outreach,
impact fee reviews, reducing group licensing, sign ordinance reviews,

2 approved zoning changes, and for economic development. He commended the
3 Planning Staff for addressing and implementing these issues. Mr. Eddington
4 pointed out that Utah has America's strongest economy and quality of life and
5 they are grateful for all that the city does. Mr. Eddington then presented, on
6 behalf of Governor of the State of Utah, a certificate to Mr. Van Wagenen, the
7 Mayor and to Lindon City for their good business friendly efforts and
8 practices.

9 b) Arbor Day Proclamation for 2017 – Mayor Acerson read the proclamation
10 proclaiming May 19th as Arbor Day in Lindon City.

11 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
12 meeting of October 18, 2016 were reviewed.

13
14 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
15 OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 18, 2016 AS
16 AMENDED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE
17 VOTE WAS RECORDED AS FOLLOWS:

- 18 COUNCILMEMBER BEAN AYE
- 19 COUNCILMEMBER LUNDBERG AYE
- 20 COUNCILMEMBER BRODERICK AYE
- 21 COUNCILMEMBER HOYT AYE
- 22 COUNCILMEMBER SWEETEN AYE

23 THE MOTION CARRIED UNANIMOUSLY.

24
25 4. **Consent Agenda** – No items.

26
27 5. **Open Session for Public Comment** – Mayor Acerson called for any public
28 comment not listed as an agenda item. There were several attendees in the
29 audience who addressed the Council as follows:

30
31 **Eric Barzeele:** Mr. Barzeele with Castle Park Reception Center addressed the Council at
32 this time. Mr. Barzeele noted they have been trying to expand into catering for the past
33 year and they have submitted and received a permit from the city. He noted it seems
34 undoable to get a certificate of occupancy if some things are not done to make it ADA
35 compliant. They are not having any offices or retail there just a commercial kitchen plus
36 dishwashing and storage. Mr. Cowie commented that there are building code standards
37 the city must comply and adhere to and any change of use these issues will be addressed.
38 He suggested setting up a meeting with Phil Brown and Mr. Van Wagenen to discuss it.

39
40 **Brenda Upright:** Ms. Upright representing Republic Services addressed the Council at
41 this time. She introduced herself noting she works with Reece DeMille stating they
42 appreciate their relationship and partnership with Lindon City and enjoy being a resource
43 for the city. Councilmember Lundberg commented the city continues to encourage
44 recycling in the city. Mr. Cowie stated the recycling numbers are steadily increasing.

2 **Stephanie Earl:** Ms. Earl stated she is representing a group that has concerns about
issues at the North Utah County Animal Shelter. She noted they started an online petition
4 about the shelter’s euthanasia policy and have gotten over 2,800 signatures. Their
position is that the shelter still uses a gas chamber which is not humane. Ms. Earl then
6 related several stories regarding the “5 day hold” on the animals noting there are foster
care programs who want to give care to these animals so they don’t suffer and they have
8 been refused. They have also talked to the Humane Society about these animals and there
are people who are willing to care for them.

10 Ms. Earl also mentioned they weren’t allowed to go into the board meeting
because the meeting room is very small even though it was a public meeting there wasn’t
12 enough room. Ms. Earl also mentioned the Shelter Advisory Board involving citizens is a
beneficial and a good source. She understands the employees don’t have written policy
14 and procedures at the shelter and she would like the Director to provide documentation of
compliance and they would also ask to have this issue looked into.

16 Mayor Acerson asked Ms. Earl for a copy of her report. Ms. Earl re-iterated the
animal rescues have said they have offered assistance during the 5 day hold period and
18 have been refused and they are not able to pull the animals out. She noted that other
shelters accept the help from these types of rescues. There are also concerns that the cats
20 are not receiving pain medication and they don’t receive the same care as the dogs as the
Director does not care about the cats.

22 Ms. Earl pointed out that the underlying theme is that Lindon cares about animals
and are animal friendly but they are concerned and they feel we need to take care of those
24 who can’t take care of themselves. Mayor Acerson invited Ms. Earl to attend the next
city council meeting where the animal shelter director will be in attendance. Ms. Earl
26 stated their group feels we need to collaborate and help those groups who are willing to
help the animals and to not have the 5 day hold issue holding them back. Mayor Acerson
28 stated there is a delicate balance and they believe they are following procedures that are
considered best practice.

30 **CURRENT BUSINESS**

- 32
- 34 6. **Review & Action – Fee Waiver Request.** Aspire Scholar Academy requests
consideration of a partial fee waiver for weekly use of the Veterans Hall in
36 Lindon City Center Park for homeschool co-op classes of children 11-18 years
old.

38 Adam Cowie, City Administrator, led this agenda item by explaining Heath
Bateman, Parks and Recreation Director, received a fee waiver and reduction request
40 application from Aspire Scholar Academy which is a home school co-op group with 60 to
65 youth ranging in age from 11-18 years old. He noted according to the application by
42 Lindon City Resident Myra Johnson (368 N 400 E) the co-op is looking for a place to
hold school once a week and on an occasional Friday and they are seeking a partial fee
44 waiver for use of the Veteran’s Hall.

46 Mr. Cowie stated there is an issue with the building being able to suit their needs
as it is now without some construction on the building; the group is not sure the building
will fit their needs. They are also requesting a way that would allow the meeting room to

2 be partitioned or separated into four rooms and they have suggested putting in accordion
4 doors in the building. Mr. Bateman stated he is assuming they would like the City to do
6 the construction and front the costs. Mr. Bateman indicated in additional conversation
8 with Phil Brown, Lindon City Building Official, there is some concern that approving a
10 permanent school use of the facility may necessitate the building being suitable for E
12 (Education) Occupancy in the Building Code.

8 He noted the Building Official did not feel the current facility meets this
10 occupancy level and may present liability upon the City if an application for regular
12 school use is approved without potential upgrades for the facility to meet an E occupancy
14 level. There was then some general discussion regarding this issue. Councilmember
16 Sweeten commented he feels this is outside of the scope of the intended use of the
18 building. Councilmember Hoyt agrees this is not a good fit with the building.
20 Councilmember Broderick pointed out the construction costs are a factor.
22 Councilmember Lundberg feels this is admirable as it is for education but in the past we
24 have considered fee waivers for services or classes that will benefit the community as a
26 whole and agrees this may not be a good fit for their needs.

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

22 COUNCILMEMBER BEAN MOVED TO DENY THE COMMUNITY
24 CENTER RENTAL FEE WAIVER REQUEST FOR ASPRIRE SCHOLAR ACADEMY
26 CHAPTER FOR THE VARIOUS REASONS DISCUSSED. COUNCILMEMBER
28 SWEETEN SECONDED THE MOTION. THE VOTE WAS RECORDED AS
30 FOLLOWS:

26 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
28 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
30 COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 32
- 34 **7. Review & Action – Support for Protection of American Fork Canyon**
(**Resolution #2016-20-R**). Councilmember Dustin Sweeten requests the Lindon
36 City Council’s review and consideration of Resolution #2016-20-R outlining
38 support for protecting public uses, water quality, and public access in American
Fork Canyon.

40 Mr. Cowie began by referencing the resolution outlining support for protecting
42 public uses, water quality, and public access in American Fork Canyon. He noted the
44 City Council has recently discussed interest and support in the efforts to protect public
46 access, protect drinking water resources for neighboring communities, and limit
development within American Fork Canyon. He noted that Councilmember Dustin
Sweeten was encouraged by Mayor Acerson to draft a resolution that may be adopted by
the Council to express support of these issues so Councilmember Sweeten prepared the
resolution language for consideration.

2 Councilmember Sweeten stated this resolution language is similar to what other
4 cities have done and he feels it conveys the message to the County. There was then some
general discussion regarding the resolution.

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

8 COUNCILMEMBER SWEETEN MOVED TO APPROVE RESOLUTION
#2016-20-R EXPRESSING SUPPORT FOR PROTECTION OF AMERICAN FORK
10 CANYON AS WRITTEN. COUNCILMEMBER LUNDBERG SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

12 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
14 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
16 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

- 18
- 20 8. **Review and Action – UTV Purchase Request.** Councilmember Dustin Sweeten
requests the Lindon City Council’s review and consideration to authorize
22 purchase of a \$13,500 UTV (Utility Task Vehicle) from Powerhouse Motor
Sports for the Lindon City Police Department. The City has not previously
24 budgeted for this item. Councilmember Sweeten proposes that the City utilize
approximately \$5,000 from General Fund Reserves, approximately \$6,000 from
26 Lindon Days Car Show donations/revenues and has secured an additional \$1,500
contribution from KYMCO USA and \$1,000 contribution from Powerhouse
28 Motorsports. Per the City’s Purchasing Policies the City will be required to obtain
bids from at least three vendors prior to a purchase if the Council votes to approve
the expenditure.

30

32 Mr. Cowie turned the time over to Councilmember Sweeten to address this item.
Councilmember Sweeten stated he feels there may be a misunderstanding with this item
34 as written, as it was his intent, after discussions with Chief Cullimore, regarding the
donation of the use of a UTV machine for Lindon Days that they may want be able to use
36 a similar UTV in the department. He stated that he does not want it perceived in any way
that he is trying to make money from this UTV purchase. That was not his intent as he
was just offering to use his connections to help the city with the purchase. He noted in
38 discussing this issue further it sounds like it would be nice to have for the police
department, but it may not be the strongest necessity and highest priority right now.
40 Mayor Acerson commented that he believes no one perceived it as nothing but providing
information and a useful opportunity for the police department which is appropriate.
42 Councilmember Sweeten stated he would be happy to make recommendations if the need
arises if the future.

44 Councilmember Sweeten also brought up the need to discuss what the police
money from the Lindon Days car show could be used for as he feels where the money
46 goes may need to be discussed and clarified. There was then some discussion regarding

2 the disbursement of the funds. Following the discussion the Council agreed there needs to
be more transparency.

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

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8 COUNCILMEMBER LUNDBERG MOVED TO FOREGO THE UTV
PURCHASE BUT TO APPROVE THE ALLOCATION OF THE DONATED CAR
SHOW FUNDS OF \$5,720 TO THE POLICE DEPARTMENT EMERGENCY
10 MANAGEMENT PROGRAM EQUIPMENT WITH NO CONDITIONS.

12 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

14 COUNCILMEMBER BEAN	AYE
14 COUNCILMEMBER LUNDBERG	AYE
14 COUNCILMEMBER BRODERICK	AYE
16 COUNCILMEMBER HOYT	AYE
16 COUNCILMEMBER SWEETEN	AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 **COUNCIL REPORTS:**

22 **Chief Cullimore** – Chief Cullimore had nothing to report.

24 **Councilmember Hoyt** – Councilmember Hoyt gave an update on the Pleasant
Grove/Lindon Chamber of Commerce noting he attended the recent board meeting. He
26 noted they are looking to fill the Director position and he will be sitting in on the hiring
committee.

28 **Councilmember Broderick** – Councilmember Broderick reported there is a lot of
30 interest from residents about the completion of the pickleball courts. He suggested
having a grand opening celebration. Mr. Cowie spoke about the north union canal and the
32 meeting with a representative who will fix the cracks with a spray product to prevent
water loss. The representative will be getting them a bid.

34 **Councilmember Bean** – Councilmember Bean asked for an update on the public safety
36 building. Mr. Cowie stated they are two (2) weeks behind schedule. He noted the site
improvements are done and they will be bringing in landscaping and doing the concrete
38 soon. Mr. Cowie stated there have been a few change orders but it is under the
contingency.

40 **Councilmember Lundberg** – Councilmember Lundberg reported the Lindon Chamber
42 Music Society will be holding a concert on November 17th at the Community Center. She
noted the Council is invited and encouraged to attend.

44 **Councilmember Sweeten** – Councilmember Sweeten reported he will be attending a
46 meeting next week with the North Point Solid Waste District. He also asked for an update
on the new positions at public works. Mr. Cowie stated Brad Jorgensen, Public Works

2 Director, is reviewing the applications for the three (3) new positions and they will be
interviewing soon.

4
6 **Mayor Acerson** – Mayor Acerson reported on the dance studio issue and feels they have
come to a resolution. There was then some additional discussion regarding this issue.
Following discussion the Council agreed to have staff bring forward an ordinance
8 change. Mayor Acerson also spoke on the NUVAS situation noting he is hopeful that
Ms. Earl will bring back specifics for the meeting on November 17th to be held from 10
10 am to noon in the council chambers. Mayor Acerson noted there are some good things
happening with Outreach and mentioned the UIA take rate continues to move upward. He
12 also reported he talked to the Larry Miller Group and Mercedes Benz is moving next year
to the Karl Malone dealership in SLC but they are not planning to abandon the building.
14 Mayor Acerson also gave an update on the upcoming Thanksgiving Dinner.

16 **Administrator’s Report:**

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

- 18 • North Union canal repair options
- 20 • Dry Canyon Springs / Canberra Water Tanks – repairs to collapsed spring box in
Dry Canyon made 10/27/2016 and water flows being reestablished and tested
- 22 • Claims updates
- 24 • Sewer Lift Station #7 (Ivory lift station) – Plans approved by State and the plans
will be going before the Planning Commission on November 22nd .
- Misc. Items

26 **Upcoming Meetings & Events:**

- 28 • November 8th – General Election (No Planning Commission meeting)
- November 24th - Thanksgiving Dinner event at Community Center

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

32 **Adjourn** –

34
36 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 9:10 PM. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38
40 Approved – November 15, 2016

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor