

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 5,**
4 **2019, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Henry White
10 Invocation: Van Broderick, Councilmember

12 **PRESENT**

EXCUSED

12 Jeff Acerson, Mayor
14 Matt Bean, Councilmember
Carolyn Lundberg, Councilmember
16 Jacob Hoyt, Councilmember
Van Broderick, Councilmember
18 Mike Vanchiere, Councilmember
Adam Cowie, City Administrator
20 Brian Haws, City Attorney
Kathryn Moosman, City Recorder

- 22
- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
 - 26 2. **Presentations/Announcements** –
 - 28 a) **Comments/Announcements from Mayor and Council** – There were no
announcements at this time.
 - 30 b) Oath of Office Ceremony for newly appointed City Council member Charles
Michael Vanchiere was administered by City Recorder, Kathryn Moosman.
32 Councilmember Vanchiere was appointed by the City Council on January 15,
2019 to fill the Council vacancy for the remainder of the open term, ending the
first Monday in 2020.
 - 34 c) Orlando Ruiz was ceremonially sworn-in as a new Lindon City Police Officer.
Officer Ruiz officially began service with Lindon City on February 1, 2019.
 - 36 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of January 15, 2019 were reviewed.

38

40 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 15, 2019 AS
AMENDED OR CORRECTED. COUNCILMEMBER HOYT SECONDED THE
42 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
44 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
46 COUNCILMEMBER HOYT AYE
COUNCILMEMBER VANCHIERE AYE

2 THE MOTION CARRIED UNANIMOUSLY.

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

6

8 Lee and Nancy Wilkerson addressed the council at this time. Mr. Wilkerson stated
they reside at 33 North 1200 East. They would like to raise awareness of a potential
hazardous condition on 1200 East where vehicles and motorcycles have gone uphill in
10 excess of 90 miles an hour in a 25-mph zone. He noted this is not an isolated case as cars
and trucks travel in excess of the speed limit. Residents need to be reminded that it is a
12 25- mph zone. He indicated that the state or county put in a speed sampling sensor in
front of his house and the engineer told him cars are traveling 45 to 50 mph on average
14 with the fastest being 98 mph. He pointed out that his neighbors share the same
concerns. He would like to see the city execute something to control the speed on 1200
16 East. They have contacted the police department who said they would have extra patrol
on the road but he understands they cannot always be there. He just wanted to make the
18 Council aware of this situation and petition to the Council to investigate this issue and
come up with a solution to possibly save a life or a life altering accident.

20 Adam Cowie, City Administrator said UDOT has a regional wide traffic map they
update every few years and they did put out some speed monitoring devices to monitor
22 and do traffic evaluations. Councilmember Lundberg stated the city has a portable speed
monitoring radar sign but questioned staff if a permanent solar powered sign can be
24 installed that may help reduce the speeds. Mr. Cowie stated he will check into the issue
further.

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

28

30 5. **Consent Agenda Items** – Items that do not require public comment or discussion
and can all be approved by a single motion.

32 a. Resolution #2019-02-R, updating the 2019 Mayor and Council Liaison
Assignments, Mayor pro-tem and RDA Board appointments, and other
staff appointments.

34 b. Resolution #2019-03-R, appointing Councilmember Vanchiere as the
Lindon City voting representative on the North Pointe Solid Waste Special
36 Service District Board (transfer station).

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE CONSENT
AGENDA ITEMS AS PRESENTED. COUNCILMEMBER HOYT SECONDED THE
40 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
42 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
44 COUNCILMEMBER HOYT AYE
COUNCILMEMBER VANCHIERE AYE

46 THE MOTION CARRIED UNANIMOUSLY.

2 **CURRENT BUSINESS**

4 6. **Discussion Item – Pickleball Courts at Hollow Park (300 E. 400 N.)** The City
6 Council requested to have a discussion item regarding the planned addition of
8 four new pickleball courts at Hollow Park. In June 2018 the City Council
10 approved the new pickleball courts as part of the FY2018-19 city budget in the
12 amount of \$150,000 from the Parks – Capital Improvement Projects budget
(funded by impact fees). These impact fees can only be used on new amenities for
parks and trails. The new courts are planned to be added adjacent to the south side
of the existing tennis and pickleball courts.

14 Adam Cowie, City Administrator, opened this discussion by explaining the City
16 has received some concerns from neighboring residents to Hollow Park regarding noise
18 coming from the tennis and pickle ball courts and additional concerns of the pickle ball
20 courts planned to be constructed at the park this spring/summer. He noted the Council
22 asked that this discussion item be held to review the matter.

18 Mr. Cowie explained the original Hollow Park Master Plan identifying this park
20 as having tennis courts was adopted in 2005. He then referenced a map showing the
22 approximate/draft layout of the new proposed pickle ball courts and distances to
24 neighboring homes. He pointed out that two other pickle ball courts are also planned to
be constructed in 2019-2020 at Creekside Park (100 S 600 W) pending a grant selection
process being completed. He indicated in reference to noises that may be originating from
the park that there does not appear to be any violation of the city noise ordinance by
reasonable use of the tennis and pickle ball courts.

26 Mr. Cowie stated noise from public gatherings and recreational activities at public
28 parks during regular park hours is anticipated and reasonable in residential zones. The
code states the following under Lindon City Code 8.20.030(cc.)

30 *“Inappropriate Noise. It shall be unlawful for any person to make, permit,
32 continue, or cause to be made, or to create any unreasonable loud and disturbing noise
in the City. Any noise which is substantially incompatible with the time and location
where created to the extent that it creates an actual or imminent interference with peace
and good order of persons of ordinary sensibilities shall be prohibited.”*

34 Councilmember Hoyt asked Heath Bateman, Parks and Recreation Director for a
36 history of the pickle ball courts at this location. Mr. Bateman stated the courts were put in
38 2017 are funded through impact fees and they have been fully used. He added that it
made sense with current impact fees to put in more at this location to fill a need for more
opportunity to play. Councilmember Hoyt asked what the benefits are going from 4 to 8
40 courts. Mr. Bateman stated it currently allows for better general play and also
opportunities for tournaments and lessons. At this time Mayor Acerson called for any
42 comments from the public.

44 **Brian Davis:** Mr. Davis stated Hollow Park is right behind his back yard noting his
46 contribution to the city was the fence along the border. He stated he has observed the
courts being used, but they are concerned about the quiet use of the land. More courts
will double the people and it will become a mecca and the green space will be gone. He

2 pointed out that most who use the courts are not from Lindon. He would suggest putting
4 the courts in different areas in the city as this would reduce the amount of people in the
6 park and the traffic. He also pointed out that it will bring a lot of strangers to the park
8 which causes concern in this day and age. Mr. Davis then submitted a petition with 70
10 signatures noting 90% of those are adjacent to the park and are impacted. They all like
12 the park, but the park feel is going away with issues of light and noise. Their concerns of
14 adding more courts are valid because of the impact of traffic and because the quiet
16 enjoyment of the park will be gone. Adding more courts will be compounding these
18 issues with noise especially in the Hollow. Spreading the courts throughout the city is the
20 real answer to reduce the impact and people won't have to congregate in one area and it
22 will reduce the issues with safety and traffic. He added some residents did not receive a
24 notice that should have gotten one.

14 **Greg Lupus:** Mr. Lupus stated he lives at 270 North 200 East. He loves the little bit of
16 country atmosphere in Lindon and he likes that the pickle ball courts are being used. He
18 has patrolled and removed people from riding motorcycles on the park grass etc., but
20 generally most people are polite and respectful. However, he believes the impact of more
22 courts with the noise and traffic will remove the joy of the park for people to enjoy. He
24 pointed out the City put money out for a vinyl barricade to soften the noise but now
26 parents can't see their kids in the park and it didn't solve the problem of living in the
28 Hollow as the sound echoes. He feels industrial areas for the courts would make more
30 sense. There are other places these new courts can go to facilitate the driving demand for
32 pickle ball. In essence, when do we become sensitive that we have other places in the city
34 these courts can go?

26 **Shawn Gale:** Mr. Gale mentioned you cannot get around the noise as it is distracting. He
28 indicated that chronic noises like this (pickle ball) are associated with mental health and
30 cardiovascular effects and the stress response increases heart rate and blood pressure and
32 over time can cause cardiovascular disease and hearing loss. The noise is distracting and
34 they can hear it in their house. He agrees that the burden needs to be spread throughout
36 the city in other parks which will also save green space.

34 **Paula Ruth:** Ms. Ruth stated she has lived in Lindon for 50 years. They had a family
36 reunion at this park before the courts were there and now the courts are there you cannot
38 do that. She also has concerns that this is the park they reserved for emergency
preparedness and with more courts that will not be available. She agrees they need to
spread them around town.

40 **Bill Lewis:** Mr. Lewis commented he and his friends have a hard time to find a court to
42 play on and they enjoy pickle ball. He would suggest building an indoor court that would
44 contain the sound and light. He is in agreement that they should be spread around the
city.

44 **Ward Ireland:** Mr. Ireland stated he does not want Lindon to be like Orem. They want to
46 live in a little bit of country. He feels Pickle ball is a great idea in the right place but it is
an annoyance in the wrong place and he does not want more courts at this park.

2 Councilmember Lundberg stated this is a difficult situation noting she has done
4 some research after reading letters from residents. She indicated there are paddles that
6 are quieter now that will reduce the noise along with additional regulations that would be
8 an option. However, she has concerns if the pickle ball courts are spread throughout the
10 city these issues will come up again at other locations so we need to find some solutions.
12 Mr. Bateman stated there are a lot of cities that are regulating paddles and balls, however
14 enforcement may be difficult. There was then some general discussion regarding options
16 to regulate/mitigate the noise.

18 At this time Mayor Acerson took a straw poll asking the Council how they feel
20 about this issue.
22

24 Councilmember Broderick stated pickle ball is incredibly popular but he does not
26 have a problem spreading it out in other parks in the city. However, he feels we should
28 also look at sound reduction so it becomes less disturbing to those who live nearby and to
30 do more research and see what's out there to mitigate the noise.

32 Councilmember Hoyt stated he appreciates this discussion as the Council wants to
34 represent the citizens concerns. He is sympathetic to this issue and unless a there is a
36 passionate reason to put eight courts at that location, he is certainly open to looking at
38 other areas in the city.
40

42 Councilmember Bean stated he is also sensitive to this issue. He is not in favor of
44 putting more courts in Hollow Park. He would also like to look at noise mitigation and he
46 is also in favor of spreading them throughout the city.

Councilmember Vanchiere stated after reading the materials provided his initial
reaction was if it meets the ordinance then it would be an easy decision, but after hearing
the concerns tonight this is not an easy decision. Obviously Hollow Park has acoustical
challenges and he likes the notion of spreading them throughout the city. Regardless
there is an underlying fundamental challenge of addressing the noise issues because
whether it is at Hollow Park or somewhere else in the city there will be issues.

Councilmember Lundberg stated Mr. Bateman has worked hard and has done a
great job in placing the courts. He has seen and shared with the council all of the letters
and concerns and investigated them and has been responsive to the issue. She added if we
need to take a temporary step back on this issue, she is okay with that as it appears the
Council is on the same page. She sees there are two things to address, is there something
we can we do with what is currently at this location and where should the additional
courts be located.

Mr. Cowie stated initially there was a neighborhood committee back in 2005 that
came up with a Park Master Plan. Hollow Park went through that process and there was
community involvement. He noted staff has applied and hopefully qualify for grants and
they have looked at other areas for courts to be identified on the master plan i.e., Creekside
Park, Pheasant Brook Park, Pioneer Park, Orchard Park and a 10-acre undeveloped park at

2 the Anderson Development; they are implementing improvements as the funding becomes
available.

4 Mayor Acerson commented there is a good sense from the Council that they are
sensitive to this issue. In moving forward, we need to work together and ensure the
6 neighbors are in the conversation to find a palatable solution.

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

- 10 **7. Public Hearing – Ordinance #2019-01-O; Changes to LCC 17.02.010 and**
17.44.090. The Council will review and consider city-initiated changes to LCC
12 17.02.010 ‘Definitions’ and 17.44.090 ‘Projections into Yards’, amending
allowed deck projections into required side yard setbacks on corner lots.

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

18 Mike Florence, Planning Director, led this discussion item by stating Lindon City
20 is proposing to amend Titles 17.02.010 and 17.44.090 pertaining to definitions and deck
projections into residential corner side yard setbacks. Mr. Florence noted the proposed
22 amendment would allow an uncovered deck to project up to twelve feet into a corner side
yard setback. For a deck to be approved, the deck could only be constructed on the corner
24 side yard facing the street, can only be accessible from the first story or below, and the
home must have a minimum side yard setback of thirty feet. Currently, Title 17.44.090
26 allows a four-foot projection into the corner side yard. Residential rear yards allow a deck
projection of twelve feet with a thirty-foot rear setback.

28 Mr. Florence explained the City is also proposing to add and amend definitions to
Title 17.02.010 so it is clear which story the deck can be constructed from as to not
30 disrupt the privacy of surrounding neighbors. The definitions to be amended and added
are basement, first-story, story, and ground floor. He noted the Planning Commission
32 recommended approval to the City Council following review.

34 Mr. Florence then reviewed the Proposed Definition Changes as follows:

36 *“Basement” means a floor level below the first story in a building which floor is more*
than twelve inches (12”) below the average level of the final grade adjoining ground, but
38 *where no more than one-half (½) of its floor-to- ceiling height is below the average*
contact level of the final grade adjoining ground. A basement shall be counted as a story
40 *for purposes of height measurement and as a half-story for the purpose of side yard*
determination.

42 *First Story – The ground floor level and lowest Story, not including basement, in a*
44 *building provided the floor level is not more than twelve inches (12”) below Final Grade*
for more than fifty percent (50%) of the perimeter.

2 *Story - That portion of a building included between the upper surface of any floor and the*
4 *upper surface of the floor next above, except that the topmost story shall be that portion*
6 *of a building included between the upper surface of the topmost floor and the ceiling or*
8 *roof above.*

6 *Ground Floor – The first story of a building other than the basement*

8
10 Following discussion, Councilmember Lundberg stated this appears to be a good
12 common-sense solution. Councilmember Hoyt agreed these are reasonable changes and
14 to keep up the good work. He also told Mr. Florence the Council appreciates him
16 bringing any reasonable, common-sense city-initiated code changes before the Planning
18 Commission and the City Council for review.

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

16
18 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
20 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
22 VOTED IN FAVOR. THE MOTION CARRIED.

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

24 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
26 AMENDMENT 2019-1-O AS PRESENTED. COUNCILMEMBER BEAN SECONDED
28 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER BEAN AYE
30 COUNCILMEMBER LUNDBERG AYE
32 COUNCILMEMBER BRODERICK AYE
34 COUNCILMEMBER HOYT AYE
36 COUNCILMEMBER VANCHIERE AYE

32 THE MOTION CARRIED UNANIMOUSLY.

- 34 8. **Discussion Item – Utility Billing Policies.** The City Council will review and give
36 direction to Staff regarding possible changes to Lindon’s utility billing policies
38 and utility rates/fees.

38 Adam Cowie, City Administrator, led this discussion by reviewing the DRAFT
40 updates to utility billing policies and fees. He indicated these corresponding ordinance
42 changes will be included in a future public hearing depending on direction provided on
44 these conceptual changes tonight. He pointed out this is a DRAFT only and may be
46 amended further. He noted there is a balance they are trying to achieve with the draft.
Mr. Cowie then referenced the goals of making these rate/fee changes are as follows:

- 44 1) Cover costs
46 2) Be equitable / fair
3) Be measurable / accurate
4) Easy to administer

2 Mr. Cowie then went over the DRAFT changes as follows:

<u>Water Base Rate (justified/based on BLDG CODE TYPE... R-1, R-2, etc)</u>	
Single Family Residential	= 1 base fee covers up to 2 units (home + accessory apartment). Base rate is based on meter size.
Multi-family Residential	= 1/2 base rate fee of 1" meter per unit. (reduction based on reduced ave. # of fixtures)
Other Residential (R-2; Institutional)	= 1/4 base rate fee of 1" meter per unit. (reduction based on reduced ave. # of fixtures)
Non-Residential	= 1 base rate fee per meter. Base rate is based on meter size.
<u>Sewer Base Rate (justified/based on BLDG CODE TYPE...)</u>	
Single Family Residential	= 1 base fee covers up to 2 units (home + accessory apartment).
Multi-family Residential	= 1/2 base rate fee per unit.
Other Residential (R-2; Institutional)	= 1/4 base rate fee per unit.
Non-Residential	= 1 base rate fee per meter.
Water & Sewer useage rates - KEEP AS IS.	

4

There was then some general discussion regarding the draft updates to the utility billing policies and fees. Following discussion, the Council agreed this is may be cutting edge and a lead out for best practices. Councilmember Lundberg commented she likes the way the classification is organized and data driven so it is easy to follow and understand and that it is not arbitrary. The Council was also in agreement to move forward and implement the changes now. Mr. Cowie stated he will advertise for the public hearing and bring back the final draft at the next meeting or the first meeting in March.

6

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

8

9. **Presentation & Discussion: Open & Public Meetings Act Training.** City Attorney, Brian Haws, will provide training to the City Council on the State of Utah's Open and Public Meetings Act.

10

Mr. Cowie stated Brian Haws, City Attorney is in attendance tonight to present the yearly training on the Open Public Meetings Act. He noted this training is required by state law. Mr. Haws then gave his power point presentation on the Open and Public Meetings Act highlighting some of the following bullet points:

12

Purpose:

- To conduct the people's business with transparency
- Deliberations must be conducted openly
- Actions must be taken openly

14

Who must comply:

- Any "administrative, advisory, executive, or legislative body of the state or its political subdivisions that is:
 - Created by statute, rule, ordinance or resolution
 - Has two or more people
 - Expends or is supported by tax revenue
 - Has authority to make decisions regarding the public's business.

16

Examples:

18

- City Council
- Planning Commission
- Board of Adjustments
- Advisory Boards

20

22

- 2 • Historic Preservation Commission
- Tree Advisory Board
- 4 • etc.

Who is NOT Covered:

6 **Law does not apply to:**

- Political parties, groups or caucuses
- 8 • Conference committees, rules committees, or sitting committees of the legislature

10 **Open Meetings:**

12 All “meetings” of public entities are presumed to be open to the public unless they are expressly exempt under the Open Meeting Act, or are closed pursuant to the specific procedures in that Act.

14 **Examples:**

- Regular meetings
- 16 • Special meetings
- Workshops
- 18 • Site Visits
- Traveling Tours
- 20 • Work-shops and Regular meeting held on the same day must be held in the same location, unless the workshop is a site visit and proper notice is given.
- 22

Definition of a Quorum:

- 24 • “Quorum” means:
- “a simple majority of the members of the public body unless otherwise defined by applicable law.”
- 26 • Quorum does not include:
- 28 ○ 3 or fewer members of the Planning Commission meeting as a subcommittee.

30 **Open Meetings:**

Electronic Meetings

- 32 • A public meeting convened or conducted by means of a conference using telephonic or electronic communications.
- 34 • City must adopt specific procedures for conducting it.
- Must have an anchor location where regular meetings are held.
- 36 • Must give proper notice to both public and members of the public body.
- Must have equipment set up so public can hear and participate in open portions of the meeting.
- 38 • Nothing here restricts a member of a public body from transmitting emails and texts to other members of the public body when the body is not convened in an open meeting.
- 40

42 **Closed Meetings:**

44 All Meetings are Deemed to be Open Meetings, unless they are Closed According to statute.

A closed meeting may only be held: For what purpose?

- 46 • To discuss the character, professional competence, or physical or mental health of

- 2 an individual
- 4 • For strategy sessions to discuss:
- 6 • collective bargaining
- 6 • pending or reasonably imminent litigation
- 6 • purchase, exchange, or lease of real property or water rights/shares
- 6 • sale of real property or water rights/shares
- 8 • To discuss the deployment of security personnel, devices, or systems
- 8 • To investigate proceedings regarding allegations of criminal conduct

10 **A Closed Meeting may NOT be used to:**

- 12 • Approve any ordinance, resolution, rule, regulation, contract or appointment
- 12 • Interview a person to fill an elected position
- 12 • Take final action (final votes must be open and, on the record,)

14 **How do we close a meeting?**

- 16 • Must first hold a public meeting with proper notice
- 16 • A quorum must be present
- 18 • 2/3 vote of the body must vote to close the meeting
- 18 • The body must publicly disclose:
- 20 • How of each member voted (for or against entering into a closed meeting)?
- 20 • The reasons for closing the meeting

22 **Information Discussed in Closed Sessions:**

- 22 • The information discussed in Closed Sessions is confidential and may not be
- 24 discussed outside of the meeting, including with members of the public or family
- 24 or friends.

26 **Public Notice of Meetings:**

26 **Public Notice Must Be Given**

- 28 • Annually, by listing all regularly scheduled meetings to be held throughout the
- 30 year.
- 30 • Not less than 24 hours before each individual meeting, even if included in the
- 32 annual notice.
- 32 • As required by specific state or local statutes based on the subject matter of
- 32 agenda items for a given meeting.

34 **Public Notice of Meetings:**

34 **Public Notice Must Include**

- 36 • The Date, time and place for the meeting
- 36 • An Agenda for the meeting

38 **Public Notice of Meetings**

38 **Agenda**

- 40 • The agenda must provide reasonable specificity to notify the public as to the
- 40 topics to be considered at the meeting
- 42 • A topic raised by the public may be discussed during an open meeting, even if not
- 42 included on the agenda
- 44 • However, except for emergency meetings, the public body may not take any
- 44 formal action on a topic not listed on the agenda

44 **Public Notice of Meetings:**

2 **Public Notice**

Is Satisfied by:

- 4 • Posting written notice
- At the principal office or the building where the meeting will be held; and
- 6 • On the Utah Public Notice Website

Public Notice of Meetings:

8 **Exceptions – Emergency Meetings**

- Regular notice requirements may be disregarded if:
- 10 • Because of unforeseen circumstances, it is necessary to hold an emergency meeting to consider matters of an emergency or urgent nature
- 12 • Still required to give the best notice practicable
- May not hold an emergency meeting unless:
- 14 • An attempt has been made to notify all the members of the public body; and
- A majority of the members approve the meeting

16 **Meeting Minutes and Recordings:**

Minutes of open meetings

- 18 • Public body must keep written minutes and a recording
- Written minutes shall include:
- 20 • The date, time, and place of the meeting
- The names of members present and absent
- 22 • The substance of all matters proposed, discussed, or decided by the body which may include a summary of comments made by members of the public body
- 24 • a record, by individual member, of each vote taken by the public body
- the name of each person who is not a member of the public body who provided
- 26 invited testimony or comments to the public body
- the substance, in brief, of the testimony or comments provided above
- 28 • any other information that any member requests be entered in the minutes

Meeting Minutes and Recordings:

30 **Recordings of Open Meetings**

- A recording of an open meeting shall be a complete and unedited record of all
- 32 open portions of the meeting from the commencement of the meeting through adjournment
- 34 • Recordings must be available to the public within 3 business days after the meeting.
- 36 • No recording is required for Site visits if no official action is taken during that site visit.
- 38 • Any member of the public may record a meeting on their own as long as their recording does not interfere with or disrupt the meeting.

40 **Meeting Minutes and Recordings:**

For closed meetings

- 42 • Public body must make a recording of the closed meeting
- Meetings to discuss an individual’s character or to discuss security do NOT need
- 44 to be recorded
- Presiding officer shall sign a sworn statement affirming that these are the sole
- 46 purposes for the meeting

- 2 • Public body may keep detailed written minutes that disclose the content of the meeting
- 4 • The recording and any minutes shall include
 - 6 ○ The date, time, and place of the meeting;
 - 8 ○ The names of members present and absent; and
 - 8 ○ The names of all others present except where confidentiality is needed to preserve the purpose of the closed meeting

Penalties:

Are there penalties for violating the requirements of the Act?

- 10 • Any member of a public body who intentionally violates the closed meeting
- 12 provisions is guilty of a class B misdemeanor
- 14 • A court can void any action taken in violation of the open meetings laws
- 16 • The public body may have to pay court costs and attorney’s fees if successfully challenged in court on a violation

18 Following some general discussion, Mayor Acerson thanked Mr. Haws for the presentation and informative training. He then called for any further comments or discussion. Hearing none he moved on to the next agenda item.

20

22 **10. Discussion Item — 700 North Landscaping.** The City has received conceptual information that UDOT may potentially widen 700 North at some time in the future. It is unclear how this widening will impact the center landscape median and/or the side landscaping areas, including possible removal of trees along the side landscape areas. Councilmember Lundberg asked that the Council briefly discuss the topic to ensure support and direction to have staff work on amending the landscaping requirements to push future trees further away from the street than currently required. For this change to occur both City ordinance’s and Development Manual policy changes will be required with review/recommendations made by the Planning Commission.

32 Adam Cowie, City Administrator, gave a brief overview stating this item was discussed on May 1, 2018, but with the transition of Planning Directors it didn’t get much further than this discussion. He noted the intent of this follow up is to ensure that there is a desire to have staff prioritize making changes to the landscaping standards on the corridor. He then referenced the graphics showing the current tree placement standards for 700 North.

38 Mr. Cowie noted staff will review some of the policies, design standards, and ordinances that will need to be amended if the Council desires the changes that will push street trees further back onto properties adjunct to 700 North. Mr. Cowie indicated if changes are desired the Tree Board will need to make recommendations to amend the current standards, then the Planning Commission will review the proposed amendments and make recommendations to the City Council.

44 There was then some general discussion regarding the conceptual 700 North Landscaping Plan, tree species and placement, and the UDOT preliminary widening plan. Councilmember Lundberg stated corridor preservation is the goal and the question is how to address that if there is future widening on the corridor. Councilmember Lundberg

2 pointed out the Tree Board has some very qualified members who are horticultural
experts that will need direction from the Council on preservation and distances.

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

6
8 **COUNCIL REPORTS:**

10 **Councilmember Hoyt** – Councilmember Hoyt mentioned the budget kick off meeting is
Thursday which is always very informative and he is looking forward to addressing the
upcoming budget.

12 **Councilmember Broderick** – Councilmember Broderick reported he attended the “Eggs
14 and Issues” meeting where the local legislators and senators answered questions on bills
in the current session and how they are progressing. He mentioned one bill to watch is
16 SB34 which is an affordable housing bill that will require cities to implement suggestions
or they will lose road funding; be aware that more of this will come. He also reported the
18 water meeting will be held this Saturday at 9 am. at the Public Works building but he will
be out of town if one of the Council would like to attend in his place.

20 **Councilmember Bean** – Councilmember Bean reported there are several individuals
22 who have expressed interest in the Planning Commission vacancy. He noted this is
ultimately the Mayor’s decision with the Council’s advice and consent.

24 **Councilmember Lundberg** – Councilmember Lundberg reported the Tree Board is
26 moving forward. She also mentioned there is some positive potential with CenterCal and
Lindon is still in the running for a location here. She will forward the press releases to the
28 Council regarding CenterCal.

30 **Councilmember Vanchiere** – Councilmember Vanchiere reported he took a Parks and
Recreation tour last Friday which gave him more insights into issues. He also reported he
32 will follow up with Lindon Days. He also met with Roger Harper at the North Pointe
Solid Waste District that was very informative. He will also be following up with the
34 Cemetery and learn more as he goes. He also mentioned he was approached by a resident
with concerns on the dangers of crossing the road on the trail. He would like to educate
36 citizens about safety on the trail crossing and perhaps add some additional signage. Mr.
Cowie stated the county owns the trail maintenance and the city polices it.

38 **Mayor Acerson** – Mayor Acerson reported there are MAG and COG meetings on
40 Thursday. He also attended the North Utah Valley Animal Shelter meeting where there
was a healthy discussion. They voted to allow Cedar Fort to bring animals to the shelter
42 and will charge them. There were some very vocal people at the meeting that indicated
they want to be on a future agenda; it was a good meeting and managed well. Mr. Cowie
44 gave a legislative update including moderate income housing and sales tax issues.

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

2 **Misc. Updates:**

- 4 • January City newsletter
- 4 • February newsletter article: Phil Brown - Article due to Kathy Moosman by end of January.
- 6 • Legislative Policy Committee updates
- 8 • Justice Court judge nomination committee has been finalized and is meeting this month to interview 10 applicants that applied for the opening. They will narrow it to 3-5 candidates who the Council will then interview.
- 10 • Misc. Items

12 **Upcoming Meetings & Events:**

- 14 • January 21st – City offices closed for MLK holiday
- 14 • February 7th at 6:00pm – Budget Kick-off meeting (working dinner) at City Center.
- 16 • February 18th – City offices closed for Presidents’ Day holiday
- 18 • April 24th – 26th - ULCT Spring Conference in St. George

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

22 **Adjourn** –

24 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
26 AT 10:05 PM. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – February 19, 2019

30

32 _____
Kathryn Moosman, City Recorder

34

36 _____
Jeff Acerson, Mayor