

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, March 1,**  
4 **2016, 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: Cody Cullimore, Police Chief  
10 Invocation: Randi Powell, Councilmember

12 **PRESENT** **ABSENT**

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

- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 26 2. **Presentations/Announcements** –
- 28 a) **Mayor/Council Comments** – There were no announcements at this time.
- 30 b) **Presentation**– Lindon Character Connection – Mayor Acerson welcomed  
Cathy Allred to present to the Mayor and Council the accomplishments and  
32 activities that have occurred during the 2015 Lindon Character Connection  
program.

34 Ms. Allred gave a brief history of the Character Connection Program and  
presented the awards to the students and the calendars and the Character Connection  
36 Poster to the Mayor and Council. She also recognized the principals from Lindon  
Elementary Kate Ross, and Mr. Davies from Aspen Elementary. Ms. Allred then  
announced and invited the winning students forward as follows: Brooklyn, Lindon  
38 Elementary, Elija, Aspen Elementary, Lydia, Lindon Elementary, Kayla, Lindon  
Elementary, Celeste, Aspen Elementary, Shara, Lindon Elementary, Melissa, Lindon  
40 Elementary, Annie, Lindon Elementary, Macrae, Lindon Elementary, Mckenna, Lindon  
Elementary, Brooklyn, Lindon Elementary, Jamison, Lindon Elementary. Following the  
42 presentation, Mayor Acerson and the Council congratulated the students and thanked  
Mrs. Allred for her good works and service with the Character Connection Program.

- 44 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
46 meeting of February 16, 2016 were reviewed.

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE  
3 MINUTES OF THE CITY COUNCIL MEETING OF FEBRUARY 16, 2016 AS  
4 AMENDED. COUNCILMEMBER POWELL SECONDED THE MOTION.

5 THE VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER POWELL AYE

7 COUNCILMEMBER BEAN AYE

8 COUNCILMEMBER BRODERICK AYE

9 COUNCILMEMBER LUNDBERG AYE

10 COUNCILMEMBER HOYT AYE

11 THE MOTION CARRIED UNANIMOUSLY.

12  
13 4. **Consent Agenda** – No items.

14  
15 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
16 comment not listed as an agenda item. There were no public comments.

17 **CURRENT BUSINESS**

18  
19 6. **Major Subdivision—Lindon Hidden Meadows Subdivision, Plat B (800**  
20 **East Center Street).** Danny Bentley requests preliminary approval of a six (6)  
21 lot subdivision, including dedication of a public street(s) at approximately 8 east  
22 Center Street in the Single Family Residential (R1-10) zone. The Planning  
23 Commission recommends approval.  
24

25 Hugh Van Wagenen, Planning Director, gave some background of this agenda  
26 item explaining this is a request by the applicant, Danny Bentley (who was in attendance)  
27 to create six (6) lots and dedicate a new public street (800 East) in the Single Family  
28 Residential (R1-20) zone. He explained this affects several properties with two lots  
29 having existing homes while the other four would provide lots for new homes (just under  
30 4 acres). He noted the Planning Commission voted to recommend approval to the city  
31 council in a 6-0 vote with one condition included in the motion regarding the trail access.  
32 He added there was also some discussion by the Commission on the flag lot regarding  
33 utilities and fire access.  
34

35 Mr. Van Wagenen further explained that the minimum lot size in the R1-20 zone  
36 is 20,000 square feet (.46 acre). He noted with the one exception of Lot 4 which is a flag  
37 lot, each lot in the proposed subdivision will satisfy the minimum area requirements. The  
38 smallest lot is 20,000 s.f. (Lot 2) and the largest is 46,941 s.f. (Lot 5). He pointed out that  
39 Lot 4 is shown as a flag lot with 20,005 s.f. in total, but only 17,407 s.f. exclusive of the  
40 “pole” portion of the lot. He mentioned that Lindon City code requires that flag lots have  
41 20,000 s.f. exclusive of the pole which makes this lot substandard. However, the  
42 applicant received a variance approval to the minimum square footage of this potential  
43 flag lot in September of 2013 through a separate process.

44 Mr. Van Wagenen explained that LCC 17.32.320 states flag lots are only  
45 permitted when one of the following two circumstances exists:

- 46 a) At the time of application, development using standard public streets is not  
possible. The property has specific constraints that limit access, public street

- 2 frontage, and/or construction of a standard public roadway. These abnormal  
3 constraints may be restrictive topography, constraints caused by built  
4 environment, irregular lot configuration, ownership limitations, environmental  
5 constraints such as wetlands, springs, ditches, or canals, etc.
- 6 b) Development using standard public streets is possible, but not in the best  
7 interest of the public.
- 8 • In order to demonstrate that this circumstance exists, the applicant shall  
9 provide conceptual development plans showing the development with and  
10 without the proposed flag lot that demonstrate that each of the following  
11 characteristics is present:
- 12 a. The design of the flag lot is harmonious and compatible with the  
13 configuration of the overall subdivision and/or neighborhood and will not  
14 adversely affect the living environment of the surrounding area.
- 15 b. Standard public street construction would cause disruption to the  
16 neighborhood in a significant physical or aesthetic manner, therefore  
17 making the flag lot access preferable to a public street.
- 18 c. Development of the flag lot will decrease public infrastructure while still  
19 providing in-fill development and efficient use of the land that is  
20 compatible with Lindon City development standards.

22 Mr. Van Wagenen then referenced an alternative plan showing how the  
23 subdivision would look without the flag lot. He noted that curb, gutter and sidewalk will  
24 be installed along the new street in addition to an access from the cul-de-sac to the  
25 Lindon Heritage Trail. Mr. Van Wagenen mentioned that the City is asking that a parcel  
26 be created west of Lot 4, south of the trail, and north of the cul-de-sac and deeded to the  
27 City for access to the trail and to have this included as a condition in the motion. He  
28 noted that staff has determined that the proposed subdivision complies, or will be able to  
29 comply before final approval, with all the remaining land use standards. Mr. Van  
30 Wagenen added that the City Engineer is addressing the engineering standards and all  
31 issues will be resolved before final approval is granted.

32 Mr. Van Wagenen then referenced for discussion an aerial photo of the proposed  
33 subdivision, photographs of the existing site, the preliminary plan and the subdivision  
34 concept without the flag lot. He then turned the time over to Mr. Bentley for comment.

35 Councilmember Hoyt asked Mr. Bentley which of the existing homes is his. Mr.  
36 Bentley commented that he owns the home in front that faces Center Street.  
37 Councilmember Lundberg commented that Mr. Bentley has communicated with the  
38 adjacent property owners and it appears this is a joint effort to utilize the property to  
39 everyone's benefit. Mr. Bentley confirmed that statement. Councilmember Broderick  
40 asked Mr. Bentley if he is comfortable with the asphalt connection to the trail. Mr.  
41 Bentley also confirmed that statement. Councilmember Hoyt asked for clarification of the  
42 variance approved in 2013. Mr. Van Wagenen confirmed the Board of Adjustment heard  
43 the application and weighed the necessary objective criteria and approved the variance to  
44 have a smaller flag lot portion by approximately 3,000 sq. ft. Mayor Acerson asked Mr.  
45 Bentley if he has heard any issues or concerns by neighbors of the associated increased  
46 traffic. Mr. Bentley stated he has not heard of any concerns as those issues have  
previously been resolved. Councilmember Lundberg asked if there was any other

2 discussion by the Planning Commission that would be pertinent for discussion by the  
4 Council tonight. Mr. Van Wagenen stated this was pretty straightforward by the  
6 Commission's perspective with just a couple of utility questions that were addressed.  
8 Councilmember Bean commented that he was in attendance two years ago when the  
Commission discussed this issue with the flag lot and they looked at the issues very  
carefully and handled it very well. He feels this qualifies in every way and it's good to  
see it moving forward.

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

COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE  
APPLICANT'S REQUEST FOR APPROVAL OF A SIX (6) LOT RESIDENTIAL  
SUBDIVISION TO BE KNOWN AS LINDON HIDDEN MEADOWS PLAT B WITH  
THE FOLLOWING CONDITION: 1) CREATE A PARCEL WEST OF LOT 4 SOUTH  
OF THE TRAIL AND NORTH OF THE CUL-DE-SAC AND DEED IT TO THE CITY  
FOR ACCESS TO THE TRAIL. COUNCILMEMBER BRODERICK SECONDED  
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

## 7. COUNCIL REPORTS:

**Councilmember Powell** – Councilmember Powell reminded the Council that the Little Miss Lindon Pageant will be held on Saturday, March 5, 2016 at Oak Canyon Jr. High and encouraged the Councilmembers to attend. She also reported that she attended the North County Outreach meeting with Mayor Acerson. Councilmember Powell also asked Mr. Cowie about the registration procedure regarding the upcoming league conference in St. George. Mr. Cowie stated staff can register them or they can register online themselves and submit the receipt and copy of the registration for reimbursement. Mr. Cowie encouraged the Councilmembers to attend.

**Chief Cullimore** – Chief Cullimore reported there was an armed robbery at Arby's in Lindon this past Sunday where the suspect used an air soft gun to make the assistant manager get into the safe. He is happy to report that his officers worked very well with Orem PD and with a joint effort the suspect was recovered quickly as well as the money; thankfully no one was hurt in this incident. He noted they are still trying to locate the female accomplice driver.

**Councilmember Hoyt** – Councilmember Hoyt reported that he met with the Bond Approving Committee for the public safety building bond (15 year) where they reviewed four different options. He noted that throughout the process they were able to negotiate a 1.68% bond with Zions Bank that has a variable aspect to the final 5 years of the rate; the

2 bond as a whole is very good and the Committee felt very comfortable with the rate. He  
4 noted they were also able to shave off about \$100,000 off the total bond amount. There  
6 was then some general discussion regarding this issue with Mr. Cowie stating this will be  
8 discussed in more detail at a later meeting. Councilmember Hoyt also reported that the  
Historic Preservation Commission would like to make a proposal on two new additional  
members, Rich Doxey and Maxine Smith. He asked Mayor Acerson to contact them to  
extend the invitation to serve. Mr. Cowie stated if they are in agreement he will draft a  
letter to formalize their appointment.

10  
12 **Councilmember Broderick** – Councilmember Broderick reported that he attended the  
Hollow Water meeting several weeks ago where they has some discussion on  
14 maintenance responsibility. He also attended the Provo Bench Canal meeting noting the  
biggest item to report from the meeting is that the current water level is the best it has  
16 been in four years and they hope the water keeps coming as we need to have it. He also  
reported he plans to attend the upcoming Provo River Water Users meeting.

18 **Councilmember Bean** – Councilmember Bean reported there is still one vacancy on the  
20 Planning Commission and to let himself, Mr. Cowie or Mr. Van Wagenen know of any  
potential members who would be willing to serve.

22 **Councilmember Lundberg** – Councilmember Lundberg reported that the Lindon  
24 Chamber Music Society will be holding their end of the year concert on March 24<sup>th</sup> and  
encouraged all to attend. She also reported that she attended the Utah County  
26 Commercial Real Estate Symposium (Coldwell Banker) last week which was very  
beneficial. She was also able to do some networking regarding the 700 North Corridor  
28 development at the meeting. She also reported the 700 North Corridor Committee is  
moving forward and they should be bringing something before the Council in March.

30 **Mayor Acerson** – Mayor Acerson reported that he will be attending a MAG meeting on  
32 Thursday and will also be attending an upcoming COG meeting. Mayor Acerson also  
reported that he has attended the State Legislature several times.

34 **Administrator's Report:**

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

36 **Misc. Updates:**

- 38 • February City newsletter
- 40 • May newsletter article: Councilmember Bean - Article due to Kathy Moosman  
last week in April.
- 42 • 2016 Legislative updates
  - Oppose HB180
- 44 • Tithing Office update: home has been removed. Accepted offer on property at  
asking price of \$134,900 pending permit issuance on proposed twin-home (R2-  
Overlay project)
- 46 • Public Safety Building – financing approved by committee. Pre-construction  
meeting March 4<sup>th</sup>. Update on use of RDA funds.

- 2 • Road /utility projects construction schedules (see maps at end of Staff Report).  
Temporary closures expected.
- 4 • 60 North - Public Safety Building: March – May
- 6 • 200 South Water Line Replacement: March – May
- 6 • RDA’s (West Side & District #3 by Home Depot) & Main Street  
Rehabilitation: April – June
- 8 • Questar 200 South impacts – update on funding repairs
  - Spring Clean-up dates for community dumpsters: Saturday , April 23rd  
– Saturday, April 30th
  - Dumpster location moved from 100 N. Stake Center to the Horse  
Staging Area parking lot (140 N 1200 E)
- Misc. Items

14 **Upcoming Meetings & Events:**

- 16 • March 5<sup>th</sup> at 6pm – Little Miss Lindon Pageant at Oak Canyon Jr High
- 16 • March 12<sup>th</sup> at 10am – Avalon Senior Apartments ribbon cutting & open house
- 18 • March 29<sup>th</sup> at noon. Budget Committee working lunch meeting
- 18 • April 6<sup>th</sup>-8<sup>th</sup> ULCT Spring Conference in St. George
- 20 • Saturday, April 23<sup>rd</sup> – Saturday, April 30<sup>th</sup> – Spring clean-up (dumpsters  
available)

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

26 **Adjourn** –

28 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
30 POWELL AT 7:55 PM. COUNCILMEMBER POWELL SECONDED THE MOTION.  
30 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – March 15, 2016

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor