

2 The Lindon City Council held a regularly scheduled meeting on **Monday, March 16,**
4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

Conducting: Jeff Acerson, Mayor
8 Invocation: Carolyn Lundberg
Pledge of Allegiance: Van Broderick

10

PRESENT

EXCUSED

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Jeff Acerson, Mayor – via electronically

Carolyn Lundberg, Councilmember

14

Jacob Hoyt, Councilmember – via electronically then arrived 5:45

Van Broderick, Councilmember

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Mike Vanchiere, Councilmember – via electronically then arrived 5:40

Randi Powell, Councilmember – via electronically

18

Adam Cowie, City Administrator

Mike Florence, Planning Director

20

Brian Haws, City Attorney

Kathryn Moosman, City Recorder

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1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

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2. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of March 2, 2020 were reviewed.

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COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF MARCH 2, 2020 AS
30 AMENDED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

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COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER HOYT AYE

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COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER VANCHIERE AYE

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COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

38

3. **COUNCIL REPORTS:**

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Councilmember Hoyt – Councilmember Hoyt reported he attended the Historical
42 Preservation Commission meeting with Councilmember Broderick. He noted the
Commission had a lot of interest in the Cullimore Mercantile. He stated he will reach out
44 to the Mayor with requests and questions from the Commission on preservation of the
building. He also reported he appreciates the leadership from Adam Cowie, City

2 Administrator through this time of crisis and appreciates everyone’s hard work and
4 efforts.

6 **Councilmember Vanchiere** – Councilmember Vanchiere reported he attended a meeting
8 on the Parks and Trails Master Plan on Wednesday night with citizens and staff. They
10 also had discussion on the design standards on the commercial areas on state street. He
noted it was a good meeting and everyone agrees on the concept. He reported he
continues to work with the planning department and attending planning commission
meetings.

12 **Mayor Acerson** – Mayor Acerson encouraged everyone to lead out in taking the
14 appropriate recommendations from leadership (State, Local and Federal) and set a proper
16 example concerning the coronavirus pandemic. He noted this is certainly creating a
challenging situation and Lindon residents must be mindful of spacing and to not go out
in public unless absolutely necessary. We need to be part of the solution and not the
problem and be mindful to do things in the best interest of the public.

18 **Councilmember Broderick** – Councilmember Broderick reported he attended the
20 Historical Preservation Commission along with Councilmember Hoyt noting it was a
good meeting with wonderful service being provided by a good committee.

22 **Councilmember Lundberg** – Councilmember Lundberg reported things have been
24 cancelled city wide due to the coronavirus. She also mentioned the city council received
an email from the ULCT with information on a briefing coming up on Wednesday.

26 **Councilmember Powell** – Councilmember Powell mentioned in light of the effects that
28 the coronavirus is potentially going to have on our sales tax revenues all plans for
Christmas outdoor lighting should be suspended. If by chance circumstances change and
30 life as we knew it returns once FY 2020/2021 begins, she may request a modified and
scaled back budget amendment to help fund a preliminary phase for Christmas decor in
32 2020; she would like to play that by ear.

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

38 **Misc. Updates:**

- 38 • Soft closures are in place
- 40 • Social distancing directive
- 42 • Several cities have issue declaration of emergency and could be coming down the
pipe. Opportunity to collect lost revenue if feds permit it.
- 44 • Easter Egg Hunt is cancelled. Community Center, Vet Hall, programs pushed
back to May
- 46 • Advertised the Master plan received but not ready and not put on the agenda and
is pushed to April 13th
- April newsletter article: Kristen Colson - Article due to Kathy Moosman by end

- 2 of March
- 4 • Legislative Update
 - 4 • Lots of seasonal job openings; PD officer vacancy – offer has been made; Water Operator – interviews occurring this week; Sewer Operator opening.
 - 6 • FYI - 700 North temporary development moratorium – advertised for April 13th
 - 6 • FYI - Road Maintenance draft projects map was distributed; anticipated Council bid approval on May 4th.
 - 8 • Next meeting (April 13th) is 2nd Monday of the month instead of 1st or 3rd.
 - 10 • Upcoming items: street lights/dark sky discussion, budget hearings, Public Safety Tier 2 retirement options, storm water master plan & impact fee study, Parks, Trails & Recreation master plan / impact fee
 - 12 • Misc. Items

14 **Upcoming Meetings & Events:**

- 16 • April 22nd-24th – Utah League of Cities and Towns spring conference in St George

18 **5. Presentations and Announcements:**

- 20 a) Comments/Announcements from Mayor and Council members.
- 20 b) Recognition of new Little Miss Lindon royalty – This item has been postponed to a future meeting.
- 22 c) Employee Recognition Award, Lieutenant Josh Edwards – This item has been postponed to a future meeting.

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

28 Ross Wright, Lindon resident addressed the Council at this time. He questioned
30 the pipe installed on 200 South where the pipe is covered. He indicated the dirt section
30 where it passes the Junior High School there is no grass and no water and asked if the city
32 will be responsible. His concern is that it will be nothing but a weed patch that will
32 personally impact his property line. The concrete pillars have been taken out of which he
34 is ok with but it won't be equal or better than what it was. There is a 40 x 800 ft. space
34 where there will be a lot of grass without any water.

36 Mr. Cowie explained the grass they are planning to plant will be a Utah native
36 seed mix. He also showed on the screen what was in place before on the fence line
38 pointing out the intent was to keep it similar. He noted the property is owned by the
38 Alpine School District and they are deeding to the North Union Canal Company and
40 there has been no intent to put irrigation, sod, or grass at that location. Mr. Wright stated
40 he has sprayed the weeds there for years where the old chain link fence was going west
42 on the canal and presented pictures. He noted it is all dirt now and he has taken care of it
42 for 15 years. He added Lindon has significant responsibility as they are the largest
shareholder.

44 Mayor Acerson asked Mr. Wright what he would recommend. Mr. Wright stated
46 he would like to see it more than dirt even if the grass is only cut three times a year; he
would like to see some kind of landscaping. He pointed out that currently there is no

2 fence by the curb and suggested a retaining wall with low lying shrubs or something may
4 work; this is what he sees out his back window. Mayor Acerson asked if gravel would be
6 an option. Mr. Cowie said they would have to get cost estimates. Mr. Wright said gravel
8 or bark with ground cover may work and then spray the weeds that come up. He would
also like to see something that would be attractive for the city. He feels it should be
Lindon City's responsibility to take care of that. Mr. Cowie stated the North Union Canal
Company will take care of the maintenance.

Councilmember Broderick commented he would like to see us look at some
options as we want to be good neighbors so it is not unsightly. He would suggest doing
the homework for a best solution. Councilmember Lundberg suggested coordinating with
the Lindon Tree Board. Mr. Cowie said he will contact the North Union Canal Company
and the City Engineer and will be in touch with Mr. Wright.

7. **Consent Agenda Items** – The following consent agenda items were presented for
approval.

- a) **Resolution #2020-5-R; Surplus Property** – The City Council will review and consider for approval Resolution #2020-5-R declaring certain items to be surplus property.
- b) **Bid award for Creekside Park re-construction** – Staff recommends awarding the construction contract to the low bidder, CSM Construction in the amount of \$224,030.00 with an additional \$55,407 in park tax contingency funds covering equipment purchases and engineering costs with total project costs of \$369,693 (\$142,857 is offset by a grant through the Land & Water Conservation Fund). This project consists of replacing the pavilion, play set, walking trail, and building two new pickleball courts.

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

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER POWELL	AYE

THE MOTION CARRIED UNANIMOUSLY.

CURRENT BUSINESS

8. **Public Hearing — Nuisance Ordinance Updates; Ordinance #2020-4-O.** The City Council will review and consider for approval Ordinance #2020-4-O, updating Lindon City Code Chapter 8.20 Public Nuisances.

2 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC HEARING.
3 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED
4 IN FAVOR. THE MOTION CARRIED.

6 Adam Cowie, City Administrator, stated Brian Haws, City Attorney, will lead this
7 agenda item. Mr. Haws explained he has been working with Mike Florence and Officer
8 Clegg to update the nuisance ordinance as to make it more efficient. He indicated under
9 the current ordinance we have the option of asking the police department to file a
10 criminal citation for a nuisance. Mr. Haws indicated they have gone over the statute and
11 added a couple of additional steps to take before it goes to a criminal citation. He noted
12 the meat is in the enforcement section of the ordinance. He then went over the ordinance
13 and identified the new definitions followed by discussion.

14 Following some additional discussion, including noticing, enforcement, the
15 appeal process, and the voluntary correction agreement, the Council was in agreement to
16 continue the item to allow staff to look at some additional changes/options to the appeals
17 process section of the ordinance. Mr. Cowie said they will look at making the changes
18 and bring the ordinance back to the Council for review.

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

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

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27 COUNCILMEMBER VANCHIERE MOVED TO CONTINUE ORDINANCE
28 AMENDMENT #2020-4-O UPDATING LINDON CITY CODE CHAPTER 8.20
29 PUBLIC NUISANCES. COUNCILMEMBER HOYT SECONDED THE MOTION.
30 THE VOTE WAS RECORDED AS FOLLOWS:
31 COUNCILMEMBER LUNDBERG AYE
32 COUNCILMEMBER HOYT AYE
33 COUNCILMEMBER BRODERICK AYE
34 COUNCILMEMBER VANCHIERE AYE
35 COUNCILMEMBER POWELL AYE
36 THE MOTION CARRIED UNANIMOUSLY.

38 **9. Public Hearing — FY2020 Budget Amendment; Resolution #2020-6-R.** The
39 Council will review and consider various budget amendments to the FY2020
40 budget.

42 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC HEARING.
43 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED IN
44 FAVOR. THE MOTION CARRIED.

46 Mr. Cowie led this discussion item by stating Kristen Colson will present the
actual costs associated with current projects and revenue/expenditure line items updated

2 based on new information and data obtained since the budget was adopted in June of
4 2019. He noted a public notice of the budget amendment has been advertised of the
public hearing held on March 16, 2020 regarding the proposed amendments. Ms. Colson
then went over the budget amendment notes followed by discussion:

- 6 1. City Recorder needed a new laptop.
- 8 2. This is the budget amendment for the emergency coordinator position which was
previously approved.
- 10 3. The police department has increased expenses due to hiring new officers.
- 12 4. Insurance costs for the City are allocated throughout the City's budget. The
budget for the insurance needed to be increased slightly in the police, sewer, and
storm water accounts.
- 14 5. The City had to pay rollback taxes on a piece of right of way which we purchased.
- 16 6. There were tree hazards in the City Center Park which needed to be removed.
- 18 7. The cost for the Creekside Park improvements were more than what was
budgeted.
- 20 8. UDOT billed the City for work on the Heritage Trail.
- 22 9. The City has excess general funds which will be transferred to the Road Fund.
- 24 10. The City is making extra principal payments on the Public Safety Building debt
and is paying the principal payments scheduled for 2024-2026 instead of 2021-
2023 as originally budgeted for this fiscal year. It is anticipated that the principal
payments for 2021-2023 will be paid in the 2021FY.
- 26 11. The new Transit Tax was not budgeted for in the original budget.
- 28 12. There has been an increase in street light repairs.
- 30 13. This is the budget amendment for the approved change orders for the crack
sealing contract.
- 32 14. The Parks Department purchased a larger sign for Meadow Park than what was
originally planned.
- 34 15. Public Works purchased wireless headphones with microphones to assist with
communication while in the vector truck.
- 36 16. This is the budget amendment for the previously approved changes to pool staff
wages.
- 38 17. The pool programs now have their own expense line item.
- 40 18. The Recreation Department purchased a cargo van.
- 42 19. The changes in revenues and expenses are balanced and offset by changes in the
use of, or appropriation to, fund balances.

38 Following discussion, the Council thanked Ms. Colson for the budget notes
stating they are very beneficial and for her good work on the budget.

40 At this time Mr. Cowie asked about continuing to pay furloughed part time
employees for a 2-week period for a total of around \$2,900 dollars. Mayor Acerson asked
42 if there were other needed services they could perform in the city. Mr. Cowie stated that
may prove difficult for the number of employees but they will look at any options
44 available after the 2-week period.

46 Mr. Cowie pointed out this is not an amendment as it is already approved in the
budget. Following discussion, the Council was in agreement to approve paying the

2 furloughed employees for a 2-week period as they feel it is a good faith gesture. Mr.
4 Cowie stated after the 2-week period they will look at some additional options regarding
this issue.

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

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

12 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2020-6-
R AMENDING THE FY2020 BUDGET AS PRESENTED WITH CORRECTIONS.
14 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

16 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE
18 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER VANCHIERE AYE
20 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

22 **10. Public Hearing — Zone Height Ordinance Amendment; Ordinance #2020-3-**

24 **O.** The Lindon City Planning Commission made a recommendation to the Lindon
City Council to amend Lindon City Code 17.47.040 to increase the allowable
26 height in the Research and Business zone to four stories and sixty feet.
Application is made by Mecca Holdings, LLC.

28 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
30 COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

32 Mike Florence, Planning Director, led this discussion item by stating Willie
34 Blocker with Mecca Holdings, is proposing a new office building on the vacant lots
located at 345 South 800 West and 338 South 670 West by Home Depot. Mr. Blocker is
36 petitioning the city council to increase the allowable height in the Research and Business
zone from 48 feet and three stories to 60 feet and four stories.

38 Mr. Florence explained the purpose of the request is that the applicant has a
current tenant, Bamboo HR, which leases another building in the Canopy Business Park
40 and will be expanding their operations and bringing on additional employees. The
applicant would like to construct just one building instead of two smaller buildings to
42 accommodate the tenant. A portion of one property is currently being used as a
community garden. Currently, the Research & Business zone has a combination of 2 and
44 3 story buildings and allows a maximum height of 48 feet and 3 stories. The planning
commission meetings reviewed this item at two separate meetings. The first commission
46 meeting was continued after a number of residents voiced concern over the increased

2 height. The planning commission continued the item in order for the developer to meet
with the neighborhood to see if they could come up with a compromise.

4 Mr. Florene stated at the second commission meeting, it was reported by the
developer and residents that they had come to an agreement if certain conditions were put
6 into place. Those conditions had to deal with the placement of the building, setbacks from
the residential neighborhood, fencing, and that the height of the existing buildings in the
8 Research and Business zone. The planning commission gave a positive recommendation
to the city council to increase the height to 60 feet and 4 stories subject to development
10 agreement approval by the city council. The reason for the development agreement is that
the commission and residents were concerned about allowing the height of the existing
12 buildings in the R&B zone to be increased by right.

14 Mr. Florence indicated when reviewing ordinance changes the Council should
also consider the goals of the general plan. To maintain and enhance the pleasing
appearance and environmental quality of existing residential neighborhoods by avoiding
16 encroachment of land uses which would adversely impact residential areas (i.e. increased
traffic, noise, visual disharmony, etc.) and by providing adequate screening and buffering
18 of any adjacent commercial or industrial development including parking and service
areas. To encourage development of commercial facilities, such as hotels, restaurants
20 and vehicle-related services at transportation interchanges. To carefully limit any
negative impact of commercial facilities on neighboring land use areas, particularly
22 residential development. He added the relationship of planned land uses should reflect
consideration of existing development, environmental conditions, service and
24 transportation needs, and fiscal impacts.

26 Mr. Florence stated the developed areas should be protected and revitalized by
promoting new development and the adaptive reuse of existing community resources.
The transitions between different land uses and intensities should be made gradually with
28 compatible uses, particularly where natural or man-made buffers are not available. The
growth should be guided to locations contiguous to existing development to provide city
30 services and transportation in a cost-effective and efficient manner. The commercial and
industrial uses should be highly accessible, and developed compatibly with the uses and
32 character of surrounding districts. Mr. Florence then referenced the Height Comparison
Table by Zone followed by discussion. He noted the Planning Commission recommended
34 an ordinance change with the development agreement as part of the site plan.

36 Mr. Florence stated the neighbors and Mr. Blocker discussed an agreement where
a 4-story building would be acceptable under certain conditions or terms as follows:

- 38 • The boundary to the east is moved and the west does not encroach to the
boundary line
- 40 • Position the building as far south as that is commercially reasonable to do
so and meet all city requirements and with a 90 ft. setback
- 42 • Putting up a concrete fence on the property line prior to construction
- Ensure the zone change does not expand to other R & B lots that may
44 come into the neighborhood.

44 Ryan Allen, neighboring resident explained his property was the one most
impacted by the initial drawing. He added Mr. Blocker was great to work with and
46 pointed out he doesn't need permission to do a three-story building. He commented

2 having two buildings to look at instead of one building was better. He noted not one
4 renter showed up to the neighborhood meeting. The property owners got together with
6 Mr. Blocker and agreed to the changes for the four-story building. The compromise
8 pulled them all together and Mr. Blocker was extremely gracious in trying to
10 accommodate the tenants of the building and also the residents. He is representing the
12 neighbors and they all share the same opinion.

8 Mr. Blocker explained this compromise is the best of two evils and will have the
10 least and most minimal impact on residents on 200 South. Sharon Call, Planning
12 Commission Chairperson commented that the Commission worked through the process
14 and listened to the neighbors and Mr. Blocker who requested a neighborhood meeting
16 and also a development agreement; it was unanimous and was the best solution.

14 Councilmember Hoyt expressed his concerns with spot zoning noting he likes the
16 process that has taken place with the neighborhood; however, he would like to see more
18 noticing. Councilmember Broderick agreed we need to expand the notification area.
16 Councilmember Broderick would suggest in the future we make sure that others are
18 involved as to see the whole picture and to discuss further notification in the future.

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

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

26 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE
28 AMENDMENT #2020-3-O AS PRESENTED. COUNCILMEMBER BRODERICK
30 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER LUNDBERG AYE
32 COUNCILMEMBER HOYT NAY
34 COUNCILMEMBER BRODERICK AYE
36 COUNCILMEMBER VANCHIERE AYE
38 COUNCILMEMBER POWELL AYE

34 THE MOTION CARRIED FOUR TO ONE.

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

38 **Adjourn** –

40 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
42 7:25 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

44 Approved – April 13, 2020

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Kathryn Moosman, City Recorder

4 Jeff Acerson, Mayor