

2 The Lindon City Council held a regularly scheduled meeting on **Monday, June 1, 2020,**
4 **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.**

8 Conducting: Jeff Acerson, Mayor
Invocation: Jeff Acerson

10 **PRESENT**

EXCUSED

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

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

24 2. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of May 18, 2020 were reviewed.

26
28 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF MAY 18, 2020 AS
PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE
30 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE
32 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
34 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

36
38 **3. COUNCIL REPORTS:**

40 **Councilmember Hoyt** – Councilmember Hoyt reported the pool will be opening on
Friday, June 5th. He noted they have hired some good lifeguards with a good median age
42 which is a plus. He pointed out that the potential rental revenue is down 20% due to the
cancellation of rentals because of the pandemic, but they are anticipating that many of
44 those rentals will come right back. He also mentioned the Lindon Days email that was
sent out to the council by Mr. Bateman noting to please let him know of any strong
opinions either way on the events in regards to the modifications due to Covid19.
46 Following some brief discussion, the Council agreed they liked the format on the Lindon
Days events that was sent out.

2 **Councilmember Vanchiere** – Councilmember Vanchiere reported (via email) that the
4 transfer station continues to be extremely busy with drive in traffic and the staff is
handling it well.

6 **Mayor Acerson** – Mayor Acerson had nothing to report at this time.

8 **Councilmember Broderick** – Councilmember Broderick reported he visited with Mr.
10 Ross Wright and looked at the retaining wall that was discussed last week. He added that
Mr. Wright is a great citizen and he thinks he will be happy with the work that is being
12 done at his property.

14 **Councilmember Lundberg** – Councilmember Lundberg reported she was interviewed
16 by some BYU students who are in the Masters in Public Administration program which
was a good experience. She also reported she attended the second meeting on 700 North
18 noting the IBI Group was really helpful and specifics were given on retail and the
evolution due to Covid19 and the associated setbacks. She indicated that office space per
20 employee will go down and that may affect timelines etc. She also reported that Victor
Gill with the U of U spoke on the evolution of the entrepreneurial hub and incubator
22 space. He also indicated that developers that are interested in having a potential flagship
identified; this may be something we look at in regards to a mixed use and a live/work
space that may prove to be an interesting model.

24 **Councilmember Powell** – Councilmember Powell asked Chief of Police Adams if his
26 department was asked for any support as to what happened in SLC with the protests over
the weekend. Chief Adams replied he was sent a request to be ready to respond to SLC if
28 needed in regards to the protests and riots. He noted he checked with the Interaction
Intelligence who indicated there was no safe place to stage with equipment etc., so they
30 chose for them to not go; but everyone was on alert to respond if needed.
Councilmember Powell also expressed her appreciation to the Police Department and for
the update noting she assumes there will be more discussion regarding this subject.

32

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

36 **Misc. Updates:**

- 38 • Tentative pool opening date: June 5th
- New Public Works Director, Juan Garrido, starts June 15th.
- 40 • Next meeting budget adoption
- Only one meeting in July
- 42 • Upcoming neighborhood meetings on potential zone change
- Misc. Items

44 **5. Presentations and Announcements:**

- 46 a) Comments/Announcements from Mayor and Council members.

6. Open Session for Public Comment – Mayor Acerson called for any public

2 comment not listed as an agenda item. There were no public comments.

4 7. **Consent Agenda Items** – There are no consent agenda items for approval.

6 **CURRENT BUSINESS**

8 8. **Review & Action — Resolution #2020-14-R.** Updated Emergency Operations
10 Plan. The Council will review and consider updates made to the Lindon City
Emergency Operation Plan.

12 Mr. Cowie led this item by explaining Kelly Johnson, Lindon City Emergency
14 Planning Coordinator, and Josh Adams, Chief of Police, have been working to update the
Emergency Operation Plan (EOP). He noted this document should be reviewed annually
16 for needed changes and alterations. Mr. Cowie expressed his appreciation for all of Ms.
Johnson’s efforts on this project and her skilled assistance in the COVID-19
grant/reimbursement process.

18 Ms. Johnson then presented the updated Emergency Operation Plan with the
summary of updates with changes and any additions. Following some general discussion,
20 the Council was in agreement to approve the plan as presented. They also expressed their
appreciation to Ms. Johnson and Chief Adams for their hard work on the plan and for
22 their continued proactive efforts in keeping the city safe in the event of an emergency.

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

26 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2020-
14-R APPROVING THE UPDATED EMERGENCY OPERATIONS PLAN AS
28 PRESENTED WITH THE ADDITION OF ONE DEFINITION AND ONE TYPO
FIXED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE
30 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE
32 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
34 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

36 9. **Public Hearing — Ordinance #2020-11-O. New Road Cross Section.** The
38 Council will review and consider a new road cross section to be included in the
city’s Development Manual for development of streets in floodplain sensitive
40 areas.

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

46 Mike Florence, Planning Director, led this discussion by stating the applicant,
Kirk Williamson is proposing to amend the Lindon City Development Manual and

2 proposes an alternative public street cross-section and amendment to the hammerhead
turnaround requirement. He noted these changes would only apply to the Sensitive Area
4 District 3, which is better known as “The Hollow.” The proposed cross-section allows
two-way traffic and parking on one side of the street and the proposed changes to the
6 hammerhead turnaround increased the turnaround distance from 200’ to 350’. He noted
the City has met with the fire marshal and the fire department did not have any concerns
8 with the increased length.

10 Mr. Florence explained Mr. Williamson’s son-in-law recently constructed a home
on this property and Mr. Williamson would like to add additional lots. There would be a
total of three homes that use the proposed public street. Mr. Williamson and staff feel that
12 as much land should be protected in the Hollow as possible. Therefore, an alternative
road design is being proposed and an amendment to the hammerhead turnaround
14 specifications to accomplish this petition.

16 Mr. Florence indicated the City has been working with Mr. Williamson for some
time on obtaining a detention easement for the bottom area of the Hollow which Mr.
Williamson has also agreed to. He noted the proposal received a positive
18 recommendation from the planning commission on October 8, 2019.

20 Mr. Florence stated Mr. Williamson and the City have also worked on a road
cross-section that would meet public standards but also help to preserve property within
the “Hollow” area. By making these proposed changes to the cross-section and
22 hammerhead, Mr. Williamson will be able to “cluster” his development to preserve open
areas within this sensitive land area. The City has also worked out a detention easement
24 that will preserve property in the bottom of the Hollow for run-off detention. If the city
council approve the new cross-section and hammerhead turnaround
26 requirements, then Mr. Williamson will return for subdivision approval.

28 Mr. Florence then presented the proposed public street cross section, proposed
changes to Hammerhead turn-around, future subdivision proposal, Planning Commission
meeting minutes from October 8, 2019 and the Ordinance followed by some general
30 discussion. He then turned the time over to the applicant for comment.

32 Mr. Williamson explained it is their desire to have a private lane. He pointed out
the city’s typical public street pushes the home down over the hill, so it became apparent
in this sensitive area, to have the ability, with a road profile like this, to cluster homes in
34 this development to preserve open areas within this sensitive land area where you don’t
have as many through streets. He pointed out this seemed to be the best option as it seems
36 the city preference is to move away from private lanes and to compromise in making the
profile narrower; it seemed to be a good compromise.

38 Mr. Florence stated if the council approves this tonight Mr. Williamson will then
apply for subdivision approval and the council will see this again because it is more than
40 three lots. Following some additional discussion, the Council was in agreement that this
will preserve property in the bottom of the Hollow for run-off detention and will also
42 preserve open areas within this sensitive land area.

44 Mayor Acerson called for any public comments. Mr. Mike Travis asked if the
turn radius is sufficient for emergency and fire vehicles. Mr. Florence stated he
brought this up with the Fire Marshall who indicated he did not have any issues
46 with the increased length. Mayor Acerson stated it appears both parties are in
agreement but to follow up to verify the issue is in compliance.

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

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

8
9 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2020-11-
10 O THE NEW ROAD CROSS SECTION TO BE INCLUDED IN THE LINDON CITY
11 DEVELOPMENT MANUAL FOR DEVELOPMENT OF STREETS IN FLOODPLAIN
12 SENSITIVE AREAS WITH THE CONDITION TO VERIFY THAT THE TURN
13 AROUND RADIUS IS SUFFICIENT AS DISCUSSED. COUNCILMEMBER
14 LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS
15 FOLLOWS:

16 COUNCILMEMBER LUNDBERG	AYE
17 COUNCILMEMBER HOYT	AYE
18 COUNCILMEMBER BRODERICK	AYE
19 COUNCILMEMBER POWELL	AYE

20 THE MOTION CARRIED UNANIMOUSLY.

22 **10. Public Hearing — Ordinance # 2020-9-O;** Zone map amendment to Residential
23 Business Overlay zone for the property located at 172 South Main Street.
24 Application is made by Mike Podzikowski with Island Dance Studio. Parcel #
25 14:069:0236.

26
27 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
28 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
29 VOTED IN FAVOR. THE MOTION CARRIED

30
31 Mike Florence, Planning Director, stated the applicants are requesting to rezone
32 the subject property to apply the Residential Business District Overlay (RBO) to the
33 property. He noted the purpose of this request is to allow the applicant to continue using
34 the property as their residence while also allowing them to legally operate their business.
35 The applicant's business, Island Dance Studio, has been in operation for about 3 years
36 at the property and provides dance lessons for up to 45 students at a time.

37 Mr. Florence explained the applicants are requesting to apply the Residential
38 Business District Overlay (RBO) to the property will allow the applicant to legally
39 operate their business from the property if the requirements in the ordinance are followed.
40 The ordinance requires that the applicant receive site plan approval, a building permit,
41 and a business license to demonstrate that the requirements in the ordinance are being
42 met. He noted the planning commission heard both the zone map amendment and site
43 plan items at their April 28, 2020 meeting. The planning commission unanimously
44 recommended approval of the zoning map amendment and unanimously approved the
45 site plan with two conditions as follows:

- 46 a. Site plan approval is contingent upon the city council approving the zone map
47 amendment;

2 b. The site improvements need to be made in a phased plan as allowed under
4 ordinance 17.17.125. The planning commission gave the applicant until
December 31, 2020 to complete the site improvements.

6 Mr. Florence made note of an item that is concerning to city staff are the life
8 safety and ADA improvements that need to be made to the residence. The applicant has
stated to staff that they can have the building improvements completed by December 31,
10 2020. Staff recommends that the ordinance be conditioned upon the completion of the
improvements to the structure, which must be completed by no later than December 31,
2020.

12 Mr. Florence then gave a brief history of the property explaining that in 2016, Ms.
14 Podzikowski purchased the property on the corner of Main Street and 200 South (172
South Main). At the time, the property had an old home on it and the property was split
16 zoned with a small corner residential and the majority commercial. With plans to build a
new home and operate her existing dance company from the home, Ms. Podzikowski felt
the property was a good fit with its proximity to commercial operations. Ms.
18 Podzikowski demolished the old home and build a new home under City ordinances
allowing such. Upon completion of the home, Ms. Podzikowski obtained a home
20 occupation license and began operating her dance company.

22 Mr. Florence noted not long after operations began, City Staff became aware that
the number of students and contracted staff was well beyond the home occupation
24 allowances. The home occupation requirements limit the space used by the business to
500 square feet, additional staff to one nonresident, and the traffic generated by the
26 business to five vehicles per hour. The applicant would not be able to continue operation
of their business the way they currently are under these requirements.

28 Mr. Florence indicated after many discussions with City Staff on potential
solutions, Ms. Podzikowski decided to apply for a new ordinance that would allow them
to continue using the property as their residence while also allowing them to legally
30 operate their business. The applicant submitted an application on May 19, 2017 to create
the Residential Business District Overlay zone. The application was reviewed by the
32 Planning Commission on June 12, 2018, July 10, 2018, and August 14, 2018 before
receiving a favorable recommendation to the City Council. The overlay zone then
34 received City Council approval on August 21, 2018.

36 Mr. Florence commented that Staff contacted the property owners in 2019 to
request that they file for the RBO zone change and bring the property into compliance.
38 Since that time the applicant has met with city staff multiple times to discuss the site plan
and building requirements that need to be applied to this property in order to operate their
40 business under the Residential Business District Overlay zone. The applicant is now
requesting to apply the Residential Business District Overlay zone to their property. He
42 noted the applicants have submitted building plans and filed a building permit
application.

44 Mr. Florence went on to say the subject parcel at 172 South Main Street is
currently designated in Lindon's General Plan as Commercial. The General Plan states
46 that the purpose of the commercial area to provide areas in appropriate locations where a
combination of business, commercial, entertainment, and related activities may be
established, maintained, and protected. Commercial use areas should be located along

2 major arterial streets for high visibility and traffic volumes. The proposed zone map
4 amendment would include the Residential Business District Overlay but leaving the
General Commercial zone as the base zone.

6 Mr. Florence indicated the Lindon City code states that the purpose of the RBO
residential/business district overlay is to allow small scale instruction, service, and office
8 uses oriented to the local area within residential neighborhoods along higher volume
streets and/or within or adjacent to nonresidential zones. Development is intended to be
pedestrian oriented while acknowledging the need for automobile access and parking.
10 The standards for the district are intended to promote appropriately scaled building and
site design that focuses on compatibility with existing uses. The RBO is not intended to
12 replace home occupation permits available in residential zones throughout the city as
outlined in Section 17.04.400.

14 Mr. Florence then went over the site requirements that must be met for a property
to be eligible for a rezone to the Residential Business District Overlay zone noting all
16 requirements are met. He then turned the time over to the applicants for comment.

18 Krishelle Travis, representing the applicants, addressed the Council at this time.
She noted the fireproofing is the final piece along with the ADA ramp and the ADA
20 parking as to be in compliance. They have two contractors, one for the interior and the
other for the ADA items and the parking area. She noted at the planning commission
meeting they talked about the phased site plan. She pointed out that because the interior is
22 a small project, they are having a hard time finding a contractor for an attainable price.

24 Mr. Travis indicated they have been diligent in saving money to get this done, but
because the business has been closed for the past two and a half months the funding has
perpetuated the need for phasing. They will be putting in the curb, gutter, sidewalk extra
26 asphalt, storm drain system, streetlight and the landscaping buffer. Ms. Travis stated it is
their hope to have some kind of condition included with the “good faith effort” as they
28 want to get this done as soon as possible and to also maintain their clients. Following
some general discussion, the Council was in agreement to approve the ordinance
30 amendment with the conditions listed in the motion.

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

34 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT
36 VOTED IN FAVOR. THE MOTION CARRIED.

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

40
42 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2020-9-O
TO AMEND THE LINDON CITY ZONING MAP AT 172 SOUTH MAIN STREET
(PARCEL ID NUMBER 14-069-0236) TO INCLUDE THE RESIDENTIAL BUSINESS
44 DISTRICT OVERLAY (RBO), WITH THE FOLLOWING CONDITION(S): 1. THE
APPLICANT COMPLIES WITH ALL SITE PLAN, BUILDING PERMIT, AND
46 BUSINESS LICENSE APPROVALS AND REQUIREMENTS FOR THE
RESIDENTIAL BUSINESS DISTRICT OVERLAY (RBO) AND 2. ALL BUILDING

2 IMPROVEMENTS ARE COMPLETED BY DECEMBER 31, 2020 3. ALL ITEMS OF
THE STAFF REPORT. COUNCILMEMBER LUNDBERG SECONDED THE
4 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER LUNDBERG AYE
6 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
8 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

10
11. **Review & Action —Resolution #2020-15-R; Lindon City Policy &
12 Procedures Manual updates.** The Council will review and consider updates
made to the employee policy manual.

14
16 Mr. Cowie presented the summary of changes and the entire updated policy
manual with the strike-out and underlined new wording included in the resolution. He
noted many of these more significant updates have been previously discussed and/or
18 approved by the City Council, and will be ratified by approval of this Resolution.

20 Following some general discussion, the Council was in agreement to approve the
resolution updating the Lindon City Policy & Procedures Manual as presented.

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

24 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2020-
15-R AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE
26 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER LUNDBERG AYE
28 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
30 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

32
34 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion to adjourn.

36 **Adjourn** –

38 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 6:35 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40
42 Approved – June 15, 2020

44

Kathryn Moosman, City Recorder

46

Jeff Acerson, Mayor