

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 17, 2018,**  
4 **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: Brandon Snyder  
10 Invocation: Jeff Acerson

12 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor  
14 Matt Bean, Councilmember  
Carolyn Lundberg, Councilmember  
16 Jacob Hoyt, Councilmember  
Van Broderick, Councilmember  
18 Daril Magleby, Councilmember  
Adam Cowie, City Administrator  
20 Hugh Van Wagenen, Planning Director  
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) **Review of the 2018 State of the City Report** – Adam Cowie, City  
Administrator, reviewed the 2018 State of the City Report with the City  
Council.
  - 32 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of June 19, 2018 were reviewed.

34

COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE MINUTES OF  
36 THE REGULAR CITY COUNCIL MEETING OF JUNE 19, 2018 AS PRESENTED.  
COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
38 RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE  
40 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
42 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER MAGLEBY AYE  
44 THE MOTION CARRIED UNANIMOUSLY.

- 46 4. **Consent Agenda Items** –
  - a) Authorize the Mayor to sign a change order adding \$225,000 to the Lindon

2 City 2017 Street Maintenance Projects contract previously awarded to Staker  
3 & Parson Companies to complete the 200 South overlay project between  
4 approx. 1300 West to 2000 West. The contractor has agreed to hold prices that  
5 were approved in their original 2017 bid. This amount was appropriated in the  
6 FY2019 road fund budget.

8 COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT  
9 AGENDA ITEM AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED  
10 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

11 COUNCILMEMBER BEAN AYE  
12 COUNCILMEMBER LUNDBERG AYE  
13 COUNCILMEMBER BRODERICK AYE  
14 COUNCILMEMBER HOYT AYE  
15 COUNCILMEMBER MAGLEBY AYE

16 THE MOTION CARRIED UNANIMOUSLY.

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

20  
21 Karen Christensen, resident in attendance, stated she is here to request the City  
22 Council revisit the issue of the cemetery requiring a 6” cement border around flat  
23 headstones. She pointed out that Lindon is the only city that doesn’t allow all granite  
24 headstones and this is the direction flat headstone monuments are going as cement breaks  
25 down and granite doesn’t. She is requesting the City Council consider this request and to  
26 perhaps add an addendum to the code.

27 Ms. Christensen noted she visited with Brad Jorgensen, cemetery sexton, and he  
28 indicated they have concerns about headstones breaking with the use of backhoes, trucks  
29 etc. in the cemetery. She also talked to Orem and Springville cities and their sextons  
30 indicated that years ago they had trouble with the monument companies because the  
31 granite wasn’t deep enough; granite is a longer lasting material than cement. Ms.  
32 Christensen then presented some online information to the council and gave a brief  
33 history of flat headstones.

34 Following some general discussion, the council agreed to have staff do further  
35 research regarding this issue and bring it back before the council and to also have Brad  
36 Jorgensen, cemetery sexton, in attendance to answer any questions.

37 Mayor Acerson called for any further public comments. Hearing none he called  
38 he moved on to the next agenda item.

## 40 **CURRENT BUSINESS**

- 41 6. **Public Hearing — Zoning Map Amendment - PC-2 to PC-1; 452 S. 800 W.**  
42 **(Ord. 2018-12-O).** Lindon City requests approval of Ordinance 2018-12-O  
43 consisting of a zone map amendment from Planned Commercial-2 (PC-2) to  
44 Planned Commercial-1 (PC-1) for parcel #46:937:0201 (Lot 201, Plat B, Murdock  
45 Cars of Lindon Subdivision), located at 452 South 800 West. The Planning  
46 Commission recommends approval.

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

6 Hugh Van Wagenen, Planning Director, gave a brief background of this agenda  
item explaining before Murdock owned and developed their current Hyundai site, it was  
8 owned by the Larry H. Miller Group. He noted in 2006, the Miller Group applied for the  
creation of the Planned Commercial 2 (PC-2) zone in order to have a used vehicle  
10 dealership. That application was approved and the PC-2 was applied to the zoning map in  
its current state. He stated the Miller Group leased and eventually sold the property to  
12 Murdock Hyundai who is the current owner of the ground. Now with Murdock's  
purchase of the Mercedes Benz site it is their desire to combine both sites into one lot as  
14 part of that campus and the zoning has to be consistent on the property per Lindon City  
Code.

16 Mr. Van Wagenen stated the question tonight is whether to approve a request to  
change the Zoning Map designation of the subject property from Planned Commercial 2  
18 to Planned Commercial 1 so it is not in violation of the ordinance. He pointed out that  
Planned Commercial 1 does not allow used vehicles sales as a primary use. Staff is  
20 requesting this change in order to allow Murdock Hyundai to combine their campus into  
one lot following the purchase of the Mercedes Benz building; new lots are not allowed  
22 to be split zoned. He noted the Planning Commission approved the new one lot  
subdivision subject to the zoning be cleaned up. He commented this is just general  
24 housekeeping to make sure we are following code and a pretty straightforward request.  
There was then some general discussion regarding this zone map amendment.

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

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

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

36 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE  
#2018-12-O AS PRESENTED. COUNCILMEMBER HOYT SECONDED THE  
38 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE  
40 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
42 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER MAGLEBY AYE

44 THE MOTION CARRIED UNANIMOUSLY.

46 **7. Review & Action — Emery View Subdivision, Plat A (Improvements) 503  
North 150 East.** Staff requests approval for a deferment agreement to be created

2 and signed by the Mayor regarding the curb, gutter and sidewalk improvements  
4 for the Jared Colledge minor subdivision proposal. The Planning Commission  
6 approved the subdivision with the recommendation that the City Council consider  
a waiver of protest agreement (or deferment agreement) delaying the curb, gutter  
and sidewalk improvements.

8 Mr. Van Wagenen gave a brief overview of this agenda item noting the Planning  
Commission approved the preliminary plan for the proposed three lot residential minor  
10 subdivision, consisting of 2.27 acres in the Residential zone on 07/10/2018. He noted the  
Planning Commission also recommended that the City Council consider a waiver of  
12 protest agreement (or deferment agreement) regarding delaying the curb, gutter and  
sidewalk improvements. He explained that 150 East currently lacks the following street  
14 improvements: uniform grading, curb and gutter, as well as sidewalks; there is also no  
storm drainage system.

16 Mr. Van Wagenen further explained that due to the lack of improvements on the  
lots and parcels abutting on either side, installation of these public improvements around  
18 the proposed cul-de-sac may not align or work well with future improvements on 150  
East (without having a design for the remaining lots along 150 East) and may cause storm  
20 drainage and other problems. He noted staff is concerned with the existing conditions and  
lack of improvements along 150 East and support delaying the public improvements  
22 around the proposed cul-de-sac associated with the new development.

Mr. Van Wagenen then reviewed the possible options to make changes as follows:

- 24 • require the applicant to install full public improvements including the curb, gutter,  
and sidewalk for the new development
- 26 • approve a deferment agreement (or waiver of protest agreement) to guarantee that  
the improvements can be installed in the future
- 28 • take payment for but not presently install the improvements design work are  
completed for 150 East.
- 30 • amend the street cross-section

32 Mr. Van Wagenen indicated the City Attorney has reviewed these options and  
feels that the City Council has the ability to authorize deferments, especially when a  
34 deferment agreement is required to guarantee that the improvements are installed in the  
future. He recommends that parameters are put in place on when it is appropriate for  
36 improvements to be delayed or waived. He explained that once a standard agreement is  
set up and established, the City Council will not have to spend a lot of time negotiating  
38 the terms of the agreement. He pointed out that other Cities pursue waiver of protest  
agreements. Mr. Van Wagenen indicated that option waives any outlined public  
40 improvements but also waives the right of the property owners to protest any future  
special improvement districts by the City for the installation of the improvements.  
42 He noted considerations may include written findings of the following conditions:

- 44 • minimal pedestrian traffic
- improvements not warranted to ensure public health and safety
- 46 • properties surrounding the proposed property are without curb, gutter, and  
sidewalks
- requiring street improvements would result in disconnected or isolated

2 improvements.

4 Mr. Van Wagenen noted staff has determined that the proposed subdivision  
6 complies or will be able to comply before final plat approval with all remaining land use  
8 standards. The City Engineer is also addressing engineering standards and all engineering  
10 issues will be resolved before final plat approval is granted. He indicated the City  
12 Engineer may require a temporary border to abut against the edge of asphalt to prevent  
14 deterioration (for example, the use of a flat/flush concrete curb mount/border (or another  
16 barrier) around the cul-de-sac asphalt bulb. He then turned the time over to Jared  
18 Colledge for comment.

20 Mr. Colledge addressed the Council at this time stating he was before the Planning  
22 Commission last week and they indicated they didn't have any issues with this request. He  
24 noted the Commission felt the waiver option was appropriate and he agrees it seems to be  
26 the logical solution.

28 Councilmember Bean questioned if this will follow the parcel. Mr. Van Wagenen  
30 confirmed that statement noting it would be recorded and runs with the property.  
32 Following some additional discussion, the Council agreed to use the or waiver of protest  
34 agreement option to guarantee that the improvements can be installed in the future.  
36 Councilmember Hoyt expressed his concerns that this decision may appear arbitrary as  
38 this hasn't been done in the past and may pose unintended consequences; but agrees if  
40 done this would be the right place. Mr. Cowie stated by deferring it puts the burden back  
42 on the property owner.

44 Mr. Van Wagenen explained incremental development (improvements) and  
46 suggested looking at the overall plan of future roads. He stated the preference is to have  
48 improvements go in but this is a rare case. There are a lot of older neighborhoods in the  
50 city with older streets and there may be "patchwork" areas. Mr. Cowie stated we need to  
52 question if we really want curb gutter and sidewalk everywhere in the city as this is part  
54 of what makes Lindon unique; perhaps this is a conversation we should have. Following  
56 some additional discussion, the Council agreed to have the City Attorney prepare a  
58 waiver of protest agreement. Mr. Cowie stated he will contact the City Attorney.

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

64  
66 COUNCILMEMBER BEAN MOVED TO HAVE THE CITY ATTORNEY  
68 AND STAFF PREPARE A WAIVER OF PROTEST AGREEMENT FOR CURB,  
70 GUTTER, AND SIDEWALK IMPROVEMENTS FOR EMERY VIEW SUBDIVISION  
72 PLAT A, CONTINGENT ON A SPECIAL IMPROVEMENT DISTRICT BEING ABLE  
74 TO BE APPLIED TO THE THREE LOTS IN QUESTION AND AUTHORIZE THE  
76 MAYOR TO REVIEW AND SIGN THE AGREEMENT. COUNCILMEMBER  
78 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
80 FOLLOWS:

82 COUNCILMEMBER BEAN	AYE
84 COUNCILMEMBER LUNDBERG	AYE
86 COUNCILMEMBER BRODERICK	AYE
88 COUNCILMEMBER HOYT	AYE
90 COUNCILMEMBER MAGLEBY	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 8. **Discussion Item — Highlands at Bald Mountain; encroachments onto City**  
6 **property.** The City Council will receive information and provide direction to staff  
8 regarding several properties that have installed landscaping and other  
improvements on city owned right-of-way for the future 1200 East roadway.

10 Mr. Van Wagenen led this discussion item by explaining with the development of  
12 the Highlands at Bald Mountain subdivision, the city purchased a right of way from the  
14 developer for the future 1200 East connector roadway that will link to 700 North and the  
16 freeway. He noted as homes have been constructed in the subdivision, several property  
18 owners have constructed improvements in this city-owned right of way. He explained  
20 beyond the survey stakes placed to mark the subdivision lots from the city right of way  
no physical manifestation of the property lines was created. He noted this may have led to  
a misunderstanding of where an owner’s property line actually stopped. However, the  
most recent encroachment is a concrete pad for a basketball court. Unfortunately, prior to  
construction, the owner was notified in writing that he did not have permission to  
encroach on city land. He indicated that staff is asking for the Council’s direction on  
how to deal with the encroachments onto city property and what action to take.

22 Mr. Van Wagenen then referenced the Highlands at Bald Mountain Subdivision  
24 showing City purchased ROW, Encroachments onto City Right of Way, Basketball pad  
encroachment and the City Street Master Plan followed by discussion.

26 Following some additional discussion, the Council agreed to have an agreement  
28 in place to protect the city from any liability yet provide community spirit. Mr. Van  
Wagenen stated staff will work with the City Attorney to draft the agreement. He noted  
staff will also send a notice letter to mitigate any ongoing concerns and to delineate the  
boundary line.

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

32 9. **Public Hearing — Ordinance Change; LCC 12.04; 12.08 - Use of Streets &**  
34 **Sidewalks (Ord. 2018-13-O).** The City Council will review and consider  
36 Ordinance #2018-13-O updating code requirements regarding snow removal from  
sidewalks and maintenance of landscaping adjacent to city streets.

38 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40 Mr. Cowie referenced Ordinance 2018-13-O noting this is a city-initiated item to  
42 clean up some code sections and codify current practices and policy. He stated it has been  
44 common practice for many years to require property owners to clear snow and other  
debris from sidewalks and for property owners to maintain their landscaping and  
46 vegetation adjacent to sidewalks and public rights-of-way. Upon review of this issue last  
winter there appeared to be no ordinance to this effect. These changes update Lindon’s  
ordinances so that these requirements can be referred to in Lindon City Code and

2 enforced if necessary. He noted this is basically just a housekeeping item to clean up the ordinance.

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

6

8 COUNCILMEMBER LUNDBERG MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10

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

14 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE #2018-13-O. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BEAN AYE  
18 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
20 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER MAGLEBY AYE  
22 THE MOTION CARRIED UNANIMOUSLY.

24 **10. Public Hearing — Ordinance Change; LCC 5.08 - Alcohol Sales & Licensing (Ord. 2018-11-O).** The City Council will review and consider Ordinance #2018-11-O bringing the city’s alcohol sales and licensing ordinance up to date with current Utah State codes.

28

30 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32

34 Mr. Cowie explained this is also a city-initiated item to clean up some code sections and codify current State alcohol laws into Lindon City Code. He stated Brian Haws, City Attorney, drafted and prepared the ordinance changes. He noted a version showing the strike-out changes and underline additions is included in the official Ordinance. Mr. Cowie noted one typo in the definition section and directed the Council to include that change in the motion.

40 Mr. Cowie also mentioned the option to waive the 600 ft. separation distance (pedestrian route) from school, churches and community locations. He noted there are some concerns that this separation distance will prohibit a restaurant etc. that sells alcohol along 700 North. Mr. Cowie then referenced the ordinance changes followed by some general discussion. Following discussion, the Council agreed to continue this item for further discussion and to have the City Attorney present to address the waiver issue.

44 Mayor Acerson called for any public comments. Hearing none he called for a motion to close the public hearing.  
46

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

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

8  
10 COUNCILMEMBER MAGLEBY MOVED TO CONTINUE ORDINANCE  
2018-11-0 IN ORDER TO HAVE THE CITY ATTORNEY PRESENT TO FURTHER  
ADDRESS THIS ISSUE. COUNCILMEMBER BRODERICK SECONDED THE  
12 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

18 THE MOTION CARRIED UNANIMOUSLY.

20 **COUNCIL REPORTS:**

22 **Councilmember Hoyt** – Councilmember Hoyt reported he attended the Pleasant  
24 Grove/Lindon Chamber of Commerce Board meeting and they are continuing to pick up  
more Lindon businesses. He will also be attending the PG/Lindon Chamber of Commerce  
“Connect for Lunch” this Thursday at Pizza Factory in Lindon. He noted this will be a  
26 good networking opportunity with other city chambers. He also reported the PG/Lindon  
Chamber of Commerce member appreciation day is July 25<sup>th</sup> at the Lindon Pool noting  
28 the City Council is invited.

30 **Councilmember Broderick** – Councilmember Broderick reported he attended the bi-  
monthly engineering meeting. He also spoke on the discussion tonight on the state of the  
32 city report and the grants received. He mentioned the amount of ground water at the new  
Ivory Development is not sufficient and they will have to install a well which will be an  
34 additional expense. Councilmember Broderick also noted an email sent to Mr. Cowie  
regarding the review of the urban deer population problem. Mr. Cowie stated Chief  
36 Adams will address this issue at the next meeting.

38 **Councilmember Bean** – Councilmember Bean reported they are still working to fill the  
open position on the Planning Commission and will be doing more interviews soon.

40  
42 **Councilmember Lundberg** – Councilmember Lundberg reported there are openings on  
the Tree Board noting they meet quarterly. She stated the Board is a good way to serve  
and to let her know of any potential members. She also reported the City summer  
44 employee party was a great event and well attended.

46 **Councilmember Magleby** – Councilmember Magleby reported he attended the North  
Point Solid Waste District Board meeting where they discussed the needs for transfer



2 station usage. They also approved a feasibility study to determine future usage needs.  
He noted they are also trying to expand to three lanes to facilitate more users at the  
4 landfill. He also reported he will be sending out an email about Lindon Days  
assignments next week; hopefully this year will be a great celebration.

6  
8 **Mayor Acerson** – Mayor Acerson reported he has an interview on Friday with the  
County Commissioners for UTA (10 candidates) that will be appointed by the Governor;  
the nominees have been announced for Weber and Salt Lake County. He also reported he  
10 attended a Mayors conference in Kansas last week that was very informative. He noted it  
was interesting to get perspectives from other Mayors across the country.

12  
14 **Administrator's Report:** Mr. Cowie reported on the following items followed by  
discussion.

16 **Misc. Updates:**

- 18 • July - City newsletter
- 20 • July newsletter article: Heath Bateman - Article due to Kathy Moosman last week  
in June
- 22 • Officer Eric Whitehead has announced his retirement in August. Police Officer  
vacancy has been posted.
- 24 • Lindon Days: Grand Marshals – Lyle & Connie Lamoureux
  - Lindon Days schedule and information on city website
- Misc. Items:

26 **Upcoming Meetings & Events:**

- 28 • Movies in the Park: July 13<sup>th</sup>, August 7<sup>th</sup>
- 30 • Thursday, July 12<sup>th</sup> – Employee Summer party and dinner at Hollow Park at  
6:00pm
- 32 • Tuesday, July 24<sup>th</sup> – Offices closed for Pioneer Day
- 34 • August 6<sup>th</sup>-11<sup>th</sup> Lindon Days
- 36 • August 28<sup>th</sup> at Noon at Public Works: Engineering Coordination Meeting with  
Mayor Acerson, Councilmember Broderick and Staff
- 38 • Monday, September 3<sup>rd</sup> – Offices closed for Labor Day
- September 12<sup>th</sup>-14<sup>th</sup> – Utah League of Cities & Towns, Fall Conference in SLC
- Monday, September 17<sup>th</sup> at 6:00pm – Citywide Emergency Drill
- November 6<sup>th</sup> – General Election

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

42 **Adjourn** –

44 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
46 AT 9:20 PM. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – August 21, 2018

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor