

2 The Lindon City Council held a regularly scheduled meeting on **Monday, July 20, 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: Jake Hoyt
10 Pledge of Allegiance: Allen Walker

12 **PRESENT** **EXCUSED**

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

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

26 2. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of June 15, 2020 were reviewed.

28

COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE
30 REGULAR CITY COUNCIL MEETING OF JUNE 15, 2020 AS AMENDED.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
32 RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE
34 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
36 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
38 THE MOTION CARRIED UNANIMOUSLY.

40 **3. COUNCIL REPORTS:**

42 **Councilmember Hoyt** – Councilmember Hoyt brought up items omitted from the budget
specifically the big capital expenditure item being the slide at the pool. He asked if the
44 council is considering moving forward with the plans and renderings as to have it in place
for the future. He also asked the council if there are strong feelings on this issue one way
46 or the other. He asked that they email himself or Heath Bateman as they are looking for
direction as they have seen some numbers coming in stronger than anticipated.

2 **Councilmember Vanchiere** – Councilmember Vanchiere reported he attended the
4 “Nuera” meeting which is the umbrella organization for many municipalities with the
6 landfill at Elberta. He noted it was a good meeting with good management out there and
8 they shared one improvement that adds five more years to the life of the landfill. He also
10 reported they are involved in a lawsuit with a vendor they were going to do business with
12 and the vendor didn’t live up to their standards and so they terminated the contract. He
noted if there are any questions or comments, he can put in them in touch with their
attorney; it appears there is a strong contract and it should be handled fine. He reported
there is a lot going on with Planning and Zoning. He attended meetings on the 700 North
corridor with the changes and he feels blessed to have such a good group of people doing
a great job in that department.

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

16 **Councilmember Broderick** – Councilmember Broderick asked for an update on the
18 street lighting repairs and if there has been follow-up on requests made from residents.
Mr. Cowie stated he doesn’t have an immediate update but he will follow up with public
works and get back with him.

20 **Councilmember Lundberg** – Councilmember Lundberg mentioned www.flag.org has
22 an amazing event with the big American flag flown in the canyon noting they have done
some amazing programs that includes first responders and it has been great to participate
24 in. She also reported the PG/Lindon Chamber of Commerce is encouraging everyone to
buy local during these difficult times. She mentioned their Facebook page has some fun
26 deals etc. on their page. They also met with a group looking to bring veteran’s programs
to the city with horse therapy at the arena etc. She noted she will be sharing more later on
28 this issue.

30 **Councilmember Powell** – Councilmember Powell reported she attended the engineering
32 coordination meeting with Mr. Cowie where they discussed projects. She also mentioned
she is getting to know Juan Garrido, the new Public Works Director better noting he has
34 plans to fulfill vacancies including shifting personal around; she likes his approach and
strategy noting he is a great addition to the department and the city.

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

40 **Misc. Updates:**

- 40 • Next council meetings: August 17th and September 21st
- 42 • Street maintenance projects map and update – Given by Juan Garrido, Public
Works Director
- 44 • Lindon Days update – Given by Heath Bateman, Parks & Recreation Director
- Misc. Items

46 5. **Presentations and Announcements:**

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

- 2 b) Presentation: Quarterly Employee Recognition Award – Josh Edwards,
Lindon City Police Lieutenant was recognized with the employee
4 award. Mr. Cowie read comments submitted by co-workers
nominating Lieutenant Edwards. The Council thanked Lieutenant for
6 his service and good works for the city.
- 8 c) Chief of Police Josh Adams introduced recently hired Lindon City
Police Officers: Officer Hayden Sanderson, Reserve Officer KaraLee
10 Tracy and Reserve Officer Jorge Morales. The City Council welcomed
the new officers to the city noting they will be a great asset to the city.

12 **6. Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item. There were several residents in attendance
14 who addressed the council at this time as follows:

16 **Chad Harvey:** Mr. Harvey asked for a follow up on the dialogue started around the Fryer
Park improvements and facilities. He noted the park is in his backyard. He was able to
18 speak with neighbors around the park recently and they were shocked that they hadn't
heard about the improvements and surprised that things are happening in real time. He
20 reached out to the Parks and Recreation Director, Heath Bateman to see if the public
notice was supposed to happen or if it was canceled due to Covid-19 or if it just never
22 reached their home. He also asked other neighbors who indicated they didn't receive a
notice either. Residents within 1,000 ft. of the park should have received a notice and he
24 wanted to let the council know they didn't receive one.

Mr. Harvey indicated Mr. Bateman gave him a list of those who did receive a
26 notice and they were not on it. He stated this is a city park and everyone's input should
matter and be taken into consideration as there are extreme consequences to those who
28 live right around the park with noise and other nuisances. He would like to weigh in on
those items and receive the proper public notice. Mr. Cowie stated there has been no
30 official meeting specific to Fryer Park since 2017 so there may be some
misunderstanding on this issue.

32 Mr. Bateman commented in 2017 they did notice people within 1,000 ft. of Fryer
Park noting, admittedly, some of those messages had an issue and 25% did not make it
34 out. There were 20 people that came to the meeting to discuss concerns of the
improvements and they also discussed options on the master plan. Mr. Bateman then
36 gave an update on the restroom for Fryer Park noting it is ready to be installed. Safety
and size were issues discussed noting they will install cameras and timed locks on the
38 doors and extra lights for visibility.

Mr. Harvey re-iterated the biggest issue is the list and the fact that many
40 neighbors didn't get the notice in 2017. He feels it is not right to move forward with the
construction without a chance to weigh in. He would suggest the city have another
42 meeting to allow those residents a chance to give their input. He pointed out the
restrooms are a security concern; it starts with the bathrooms and basketball courts etc.
44 and it can become a slippery slope and can turn into multi-use. They would like to have
more clarity from those neighbors that weren't included in the notice.

2 **Mike Maddox:** Mr. Maddox stated he was in the 2017 meeting. He would like to
4 refer back to the master plan and the restroom and basketball court discussion.

6 Councilmember Lundberg expressed that staff and the city council look at the best
8 use of funds for the city when looking at parks noting maybe a small park like this is not
10 the best place to spend a lot of money adding the pavilion is not used too much; there
12 may be other things to do with that money that will serve the citizens more. She also
14 explained where the funds come from. Councilmember Lundberg pointed out she lives
16 right next to Fryer Park but as a city council member she has to look at all parks. When
the citizen committee met from 2008 to 2010 the council adopted the plan and at that
time approved the amenities that could be afforded over time. Mr. Bateman brought in
the input from neighbors in 2017 for the pavilion and got really strong feelings both ways
on the bathrooms. Mr. Bateman also asked the Chief of Police to do a study of all parks
in regards to the restrooms and it was determined that it appeared that bathrooms didn't
pose a risk.

18 Mayor Acerson suggested that the residents formulate their concerns and get them
20 to Mr. Bateman. Brian Haws, City Attorney pointed out we have a signed contract and
stated it may pose an issue from a legal perspective.

22 Mayor Acerson called for any further public comments. Hearing no further
public comments, he moved on to the next agenda item.

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

- 26 a. Resolution #2020-19-R; Declare Surplus Property for disposal.
28 b. Appointment of Juan Garrido, Lindon City Public Works Director, to
30 various canal and irrigation company boards as a voting representative of
Lindon City. (North Union Irrigation Company, Hollow Water Company,
Provo River Water Users Association, etc.)

32 COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT
34 AGENDA ITEMS AS PRESENTED. COUNCILMEMBER POWELL SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER LUNDBERG AYE
38 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 **CURRENT BUSINESS**

44 **8. Public Hearing — Ordinance #2020-8-O, LCC Title 17.76; Planned**
46 **Residential Development Overlay.** The City Council will consider for approval
Ordinance 2020-8-O the Planned Residential Development Overlay. The Planning
Commission recommended approval of the ordinance amendment to the City

2 Council following review.

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

8 *At this time Councilmember Hoyt stated he has a potential professional conflict
with several landowners and recused himself from the next two agenda items.*

10

12 Mr. Mike Florence, Planning Director led this item by explaining over the past
two years the City has received a number of concept requests to allow housing or storage
units on the rear portions of some of the deep commercial lots along State Street. At a
14 joint meeting with the planning commission and city council on February 4, 2020, staff
presented research information on the appropriate commercial depths along State Street
and then the proper transition of uses from commercial to low density single family.

16 Mr. Florence indicated subsequent to the joint meeting, city staff organized two
18 group meetings where representatives of the neighborhoods adjacent to the Linden
Nursery and Norton property as well as representatives from the planning commission
and city council met to discuss the deep commercial lots.

20 Mr. Florence stated following the group meetings staff reviewed how to best
22 implement the recommendations into the existing zoning code. He noted the City has an
existing code found in Title 17.76 – Planned Residential Development (PRD) Overlay
24 Zone. He noted instead of creating a new code, staff felt like amending this existing code
would be the best option.

26 Mr. Florence indicated Staff presented the PRD Overlay amendment to the
planning commission on April 14th and public hearings on April 28th and June 9th. At
28 the April 28th planning commission meeting, the commission continued the ordinance
amendment until an in-person public hearing could be held. On June 2nd, the Community
30 Development Department held two neighborhood meetings regarding the proposed
ordinance. Residents who border the Linden Nursery and Norton Properties were noticed
32 of the neighborhood meeting as well as property owners and developers. The
neighborhood meeting was well attended and allowed city staff to present the proposed
34 ordinance amendment and receive feedback. The planning commission recommended
approval of the ordinance at the June 9th meeting.

36 Mr. Florence indicated the proposed ordinance provides two development
options. It keeps the current code requirement of allowing Planned Residential
38 Development on General Commercial properties if the development is greater than
20,000 square feet and less than one acre. The second option, which is new, allows
40 development on properties greater than one acre which are zoned General Commercial.
Option two has to be combined with an existing or new commercial use along State
42 Street. There is a 300-foot commercial depth requirement and then residential could be
constructed on the rear portions of lots. There was then some general discussion by the
44 council regarding the draft ordinance and options presented.

46 Mayor Acerson called for any public comments at this time. There were several
residents in attendance to address the council as follows:

2 **Steven Johnson:** Mr. Johnson stated he is on the Planning Commission and wanted to
comment tonight on several issues that he feels need to be looked at that he brought up in
4 the planning commission meeting. First of all is the access to residential neighborhoods.
He understands this is a legislative matter, but as in other instances it is hard to say that it
6 can be fixed later. He commented that most of the city council ran on their platforms for
the country feel of Lindon. He expressed his concerns of going from ½ acre to 10 units
8 per acre especially when encroaching on the one property that is so deep and with 10
units per acre. He is fine with transitions, but his main concern is putting that much more
10 traffic into a residential area and the issues it poses with public safety. He noted that as a
commissioner he also understands the potential of unintended consequences with the
12 ordinance as the property develops and the perception that the state street corridor
becomes a housing development. He is not against using the property in a good way but
14 feels with this ordinance we are trying to solve a problem on just a few pieces of
property.

16
18 **Jeff Southard:** Mr. Southard commented he had the chance to send in letters and
information about the issues he feels are important. He knows the council wants to make
sure no one gets special treatment. He would hope the city council realizes they brought
20 in a plan last year for the Linden Nursery and was told they wanted to create an ordinance
that would work for everyone, but the landowners and himself were excluded from
22 committee meetings and the process. No substantive changes have been made to the
ordinance with input from landowners and developers involved and he feels special
24 treatment has been given to everyone but the landowners and the developers. He believes
12 units to the acre (on the Linden Nursery side) is acceptable but they understand the
26 neighbors' concerns, especially if there is a through street that would be affected as they
don't want access through their neighborhood. He pointed out the Linden Nursery
28 property is much closer to state street. He would also hope that the city council will
consider everything and all aspects and if necessary, go back to the drawing board on
30 items heard tonight. Affordability is important and the key for first time home owners.
The products they have proposed are excluded from the ordinance and have a less dense
32 feeling than some of the townhomes, so everything they have tried to promote have been
excluded from the ordinance. It is his hope the city council is open to what is heard
34 tonight and to make the best decision possible. He added that architectural design
requirements will increase the costs of each unit by thousands of dollars; this doesn't
36 accomplish anything but exclude first time buyers and he believes that is a mistake.

38 **Deann Huish:** Ms. Huish stated she is with the Utah Valley Home Builders Association.
She noted she spoke with National Association of Home Builders and they are in the
40 forefront with other cities and in the back where other states have been challenged on
design standards. She understands personal property rights etc. and building materials. In
42 Utah County the median price income is \$64,000 and when adding in these elements and
design standards it just adds more money. She would suggest redefining a little bit more
44 in the statute for design standards as right now it is pretty vague. She added they are
making sure the building codes that staff is required to build to when submitting plans is
46 met.

2 **Greg Southard:** Mr. Southard stated he has owned two homes in Lindon but they
4 wanted to downsize so they moved to the Cambria Townhomes in Pleasant Grove and
6 found them attractive and with a good floor plan that fit them well with a good overall
8 design. They stayed there for 10 years and then moved back to Lindon but also kept the
townhome. Mr. Southard stated since he lived at Cambria, he felt like 12 units per acre
should not be an issue with the way they are designed and laid out and it didn't feel like a
townhouse community. They are stucco but have stone too; the design of the community
is good.

10
12 **Ruthann Johnson:** Ms. Johnson stated she grew up in Washington D.C. where there is a
14 lot of diversity in the community and is culturally rich. She is not a huge proponent of ½
16 acre lots and is in favor of high density if it is sprinkled throughout the residential, but is
18 worried about it being clustered in one particular area. She has attended the meetings and
20 doesn't feel the ordinance as currently written gives the residents the protection they need.
22 She feels uncomfortable with the city council approving the ordinance as written based on
this developer's idea. Those living closest to it does not have protection and the security of
what happens to the neighborhood in the future. There will also be real implications with
traffic, parking etc. and signage won't be effective and a gate won't help or be effective
either. A median on state street is needed to divert traffic (to turn right) and there are not
adequate plans put in the ordinance to deal with any of these potential consequences. She
believes this ordinance as written is inadequate and may need to be reevaluated or to just
start over as no particular party is in favor.

24
26 **Mark Eddy:** Mr. Eddy spoke in favor of the density. He stated he was an owner and
28 developer on the Avalon Senior development and at that time, they changed the ordinance
and it was done for a specific reason. It was done because they wanted a place where
30 people could age in Lindon and not exclude certain residents. This zone applies to such a
small area for just a few properties. He would encourage the city council to allow first time
32 home buyers or rental residents to be accommodated. It is wise to have a little bit of
country and all of that but density can still allow that. He also believes the architectural
standards need to be done in a reasonable manner and we need to be careful with that
aspect.

34
36 **Layne Wilkes:** Mr. Wilkes stated he moved here in 1991. He also spoke on affordability in
38 Lindon noting there is not much affordable housing in Lindon anymore. It doesn't make
sense from an affordability standpoint to require things that aren't on most homes as far as
the architectural standards go.

40 **Krisel Travis:** Mr. Travis stated she is the land acquisitioner with D.R. Horton. She noted
42 she is passionate about affordable housing noting there are different ways to do that with
attainable housing. Currently they can't provide that because of the guidelines being put
44 forth by the city council. She understands the purpose and protections they are trying to put
into place, but for every \$10,000 put on top of the developer you disqualify so many
46 families the ability to afford a home. She explained the median income statewide in Utah.
Lindon doesn't have anything that is truly affordable in Lindon and it forces people to
move away. She wants to see Lindon be a great place to live and protect property values,

2 but Utah is in a housing crisis and we need to break that mold and Lindon needs more
choices. The city council has the opportunity to open up and consider in a broader
4 perspective to allow people to be able to live in our community. She pointed out that given
the right tools and opportunity to negotiate we can come up with something that works for
6 everyone. Higher density is not a bad thing and she is a proponent of buffering; there are
good and bad things in the ordinance and she feels it needs to be more flexible, but it also
8 mandates conditions that disqualifies people from owning a home.

10 **Shawnee Keetch:** Ms. Keetch stated her property backs up right to the Norton property.
She noted she was asked to be in on a focus group in March where she thought they made
12 great progress. She expressed her concerns that the higher density has its place but she
doesn't want it to start in her back yard and she knows a lot of other residents who feel the
14 same. She understands people wanting to sell their property but she has concerns these will
turn into rentals and is that what Lindon wants? She questioned if that could be included as
16 a condition. She worries about turning this into such high density. She added the focus
group talked about putting the higher density closer to state street.

18 **Chad Magleby:** Mr. Magleby stated he is a Lindon resident and a contractor and his
20 biggest concern with the ordinance is when government overreaches with the design
standards. He believes that he, as a builder, and the property owner should determine that
22 on their property. He understands they are trying to bring healthy diversity into
communities as it has been pushed away for far too long. He feels we need to revisit the
24 ordinance as proposed and find ways it can be written to have the diversity that is healthy
and is needed. He noted a healthy ecosystem of affordability is good for all communities
26 and he would love to see more in Lindon, but that is not city council's job to do that. We
need places for our kids to live and he would implore the city council to give the ordinance
28 more consideration and another voice at the table.

30 **Lindsey Bayless:** Ms. Bayless commented the Linden Nursery has been a great neighbor
but she understands the need to sell. She expressed her concerns noting she appreciates
32 that the potential developer on the nursery property is willing to accept and move forward
with the wall, increased parking, and is willing to work with the city. She noted her son
34 lives in the Cambria Development and has been there for 15 years and has loved it. It is not
a row of front doors and is angled and feels more like a home. She pointed out there will be
36 parking issues with front row housing. She noted alleyways behind homes have crime
issues and gather debris so she would be in favor of avoiding alleyways. She would not be
38 comfortable knowing an alley would be behind her but if there are alleyways, they need to
be well lit. She understands that one size fits all does not work and we need to consider the
40 demographics in this kind of development. She would hope that moderate-income families
can have a small back yard. She expressed her concerns that there is a lot of people that
42 want to be involved, but most of them are developers. She believes that Lindon doesn't
need to make drastic changes and providing for different needs is okay, but we need to
44 keep the feel and spirit of Lindon. She is concerned that tonight she is hearing from a lot of
developers.

46

2 **Lindsey Nordgren:** Ms. Nordgren stated she grew up in Lindon and considers it her home.
She also spoke on behalf of the people that may be coming to live in these townhomes.
4 She expressed her disappointment that there are some city council members and residents
that are against the density and affordability. She wants to live in Lindon and raise their
6 family in Lindon but they can't afford to live here. She would remind the city council of the
potential voice of the people that aren't here yet and who want to come back to Lindon but
8 may not have the chance if things don't change.

10 **LaDawn Edwards:** Ms. Edwards stated there is a different feeling in the room tonight on
this issue and thanked those who have brought a lot of communication. We have come
12 together with genuine concern to find something that would work for everyone to solve this
problem; it is wonderful to let the voices be heard. She feels there are some particular
14 things that need to be looked at before the ordinance is passed as written. She thinks we
need to remember the roots of where we are trying to solve the problem as to preserve the
16 neighborhoods.

18 **Ben Platt:** Mr. Platt stated his family owns Linden Nursery and he was raised there. He
has been to the meetings and is grateful for voices heard tonight. He feels it is more
20 comprehensive than in prior meetings. This is about a 12-acre nursery that can't be a
nursery for another 25 years as they sell to fewer and fewer customers and is it not
22 sustainable for the family. They are looking forward to changing as they are business
people and they need to get an affordable price for their land. The price is based on density
24 and construction requirements. They have been consistent in wanting to listen to the
neighbors and listen to the city and be equally represented at the table. He feels as the
26 ordinance is written the density needs to be higher and the architectural requirements are
too high. He noted the planning team has done a lot of work in helping them and they are
28 amazing and they are grateful for everyone's hard work but he feels we are not quite there
yet.

30 **Mr. Platt:** Mr. Platt stated he and his family moved to Lindon over 40 years ago because it
was rural. When they bought the nursery ground more than 20 years ago it was agricultural.
32 He knows progress happens and it would impact them and it has but they have adapted.
He knows progress happens and it would impact them and it has but they have adapted.
34 The city has pushed stormwater down the ditch over their property causing floods and the
nursery gets blamed for it; development comes with growing pains. He believes Lindon has
36 become somewhat elitist with the ½ lots with huge homes and swimming pools, which is
not bad but different than what it used to be. As prices go up, we drive out our young
38 people and don't allow them opportunities to live here. He would like to be part of a
development that provides this opportunity for our children and young people. The
40 ordinance should also specify parking, setbacks, traffic flow, accessibility noting the
density will come naturally; picking a number is arbitrary.

42 **Ashley Southard:** Ms. Southard wanted to say she would benefit from an ordinance that
44 allows more affordable housing. She and others are at the similar stage of life and would
love to come back to the town they grew up in and love. She is asking the city council to
46 consider the voice of your younger citizens who would love to stay here and to have the
opportunity for affordable housing as to build their life here and be able to stay.

2 **Amy Johnson:** Ms. Johnson stated she is working as a developer for the Norton property.
4 She believes there is a problem in Lindon for those who want to downsize from ½ acre lots
6 and still be able to stay in Lindon and also for the younger generation who wants
8 something affordable to be able to stay here too. Her vision for the Norton parcel is
10 impacted and they feel they have listened to the public and have heard what they want to
see in the site plan. This ordinance is going in the right direction. A lot of developments are
at 16 units per acre in townhomes and 12 units per acre is very common and not extreme
density. She noted the architectural design problems created affects the affordability. She
would really love to see this pass soon as there are projects waiting to go through.

12 **Sean Madsen:** Mr. Madsen stated he has lived here since 1972 and has seen a lot of
14 changes. Some of the byproducts of the early days is affordability and now kids can't live
16 here. A lot was accomplished back then with the ½ acre lots, but now our children are
omitted. He believes with the density up to 12 units per acre it would be great for
affordability and be a wonderful blessing for those who want to live here and enjoy the
same things we enjoy in our community.

18 **Steve Tobias:** Mr. Tobias stated he is representing the Norton family property. He brought
20 up the point that the Norton's and Ostergaards have been trying to sell their property for a
long time as it has been zoned commercially. The challenge on this deep piece is that it is
22 hard to find a retail fit for the property. The balance is in trying to accomplish this in
considering a zone. It is far better for neighbors to develop with multifamily than retail with
24 a 4-story hotel or convention center or super market. He noted they appreciate the
neighbors' concerns but it has been 3 years of trying to find a suitable answer and solution.
26 He added the planning staff has done a great job to create a balance. They have come up
with an ordinance that allows for a very small amount of properties, and is limited to a
28 specific property zoned commercially with these types of challenges. It is zoned
commercial and is a much higher value than residential ground. He would encourage the 12
30 units to the acre that allows better density. There could be tradeoffs on the exterior that
would work better on a 12 unit than 10-unit density. He is representing the sellers and they
32 have been involved dramatically for 3 years to create an ordinance to satisfy all parties.

34 **Lori:** They live by the Linden Nursery property. She is not opposed to the development
but would like to protect what she has there. There are a few negative impacts including
36 the huge traffic concerns on Gillman Lane that need to be addressed for safety; before
anything happens, the road needs to be addressed. Parking is also a huge problem and also
38 affordability. She would also like it to stay at two stories. The lighting and fencing should
be looked at and should be adequate. She appreciates the neighborhood meetings to voice
40 their opinion and agrees the planning department and Mike Florence have been great.

42 **Heather Platt Dawson:** Ms. Dawson stated she grew up in Lindon and if she has an
opportunity to live in Lindon, she will, but she respects and honors the city council and
44 appreciates that they are keeping the city in their viewpoint. In talking about neighbors,
she pointed out that the Linden Nursery will also have new neighbors and new backyards;
46 those houses become her backyard. She would propose this ordinance is half baked and
would also propose keeping full backyards with no back alleys. She understands this world

2 is changing, but she would propose to keep Lindon as quaint as we can while accepting that
change.

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

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

10
12 Councilmember Vanchiere expressed his point of view noting he has some strong
feelings on this subject. He also respects everyone's comments and efforts to get
involved. In regards to density, he has a difficult time understanding the visual impact if
14 the development is 10, 12 or 16 units, but he would personally like to see 12 units per
acre. He feels some points being made are valid, but some are on an emotional basis and
16 that's okay. He feels if it is screened how many units per acre really doesn't matter. The
city has met the state affordable housing requirement, but he believes we should still
18 offer more affordable housing and that is very important to him. He believes the
neighborhood will not see the development and people driving by on state street will not
20 see it either.

22 Councilmember Vanchiere also spoke on impacts noting there are always some
concerns with any new development and it is not fair and valid that it may exclude others;
but he understands that things change. We have heard we are not obligated to help the
24 developer make it work; he disagrees with that. He thinks we have to look at developers
in a different way and give them their due as developers bring super markets, theaters,
26 neighborhoods etc. He stated traffic is his biggest concern whether residential or
commercial. No matter what goes in there will be traffic issues and considerations that
28 will need to be rectified, but he believes it is not a valid consideration to deny this zone
for that reason. He likes the look of entrances on the side as proposed by Mr. Southard.
30 He understands property owners have rights too and they have to balance that with the
right to have and own and keep their own property. Who are we to say what a property
32 owner or seller can do with their land they are selling?

34 Councilmember Vanchiere expressed that we have had a lot of input on this issue
and he thinks to have more discussion is not needed as everyone knows what the issues
are and it wouldn't serve any further useful purpose as we are all full-aware of what the
36 issues are. His fear is twofold. He fears we are excluding an entire segment of the
population by being too restrictive as not allowing others the opportunity to live in
38 Lindon. Secondly, whatever happens someone will not be happy and that is the reality.
He hopes everyone understands the decision is based on the best information they have. It
40 has been suggested that we are opening a can of worms when allowing this zone to be put
into place, but he pointed out it only applies to certain properties and is not universal.
42 These are his feelings and thoughts noting he believes there are some great things in store
for Lindon.

44
46 Councilmember Broderick commented this has been an important process. He
noted the council is sensitive to landowners and to the neighbors and he understands the
decisions made by the city council and the impacts it may have. He also appreciates the

2 meetings with developers and he likes where we have arrived to. He is comfortable where
we have arrived at the 10 units per acre. He is also grateful to all who have spoken and all
4 the emails and letters. They have tried to find the balance and this ordinance is as close as
we can come; he is in favor of the ordinance as written.

6
8 Councilmember Powell expressed her appreciation to staff for their hard work,
and also the neighbors and developers and the planning commission who participated
with this process. She is an advocate for the flavor of a “little bit of country” and likes
10 the large lot sizes. She likes the way this ordinance is crafted and likes the 10 units per
acre. She does have some concerns with the parking but she will go with the 2.5 ratio.
12 She also expressed that some of her concerns are alleviated by reading through the new
amendment and that being said she will be supporting the ordinance.

14
16 Councilmember Lundberg thanked everyone for being here and for all the input.
She expressed that Lindon is an amazing community. She noted a lot of time and work
has been put into this ordinance through the planning commission, staff and council
18 whom all love Lindon. They listened to the voices of the residents and she is not feeling
completely comfortable to pass this tonight as she feels there are some areas that may
20 need a little more discussion particularly with the transition of the density and the
elements of transition. Ultimately, they want to maintain neighborhood space and
22 community and the tradeoff options are a common thing city’s do. The previous city
councils envisioned this and knew Lindon would not stay all farms, but there is a heart to
24 Lindon and we are evolving. As we embrace the need for middle gap housing how do we
do that and still retain our identity. We don’t want to concentrate the haves and have nots
26 as to build cohesiveness and to splatter it throughout the city; we need a smart and
balanced way to protect property rights.

28 Councilmember Lundberg commented the input has been fantastic and done in a
very civil and great way. We need to look at a traffic study and ensure there is proper
30 infrastructure to mitigate that and she would like to see it done to understand the impacts.
We also need to look at the primary materials, percentages and overall design
32 requirements and what makes sense to ensure it will still bring beauty yet be flexible and
she has the desire to look at this; these are important tools to ensure quality of life. This
34 forum that has been created is awesome and we need to look at it with the goal in mind to
meet and target the moderate middle-income gap in Lindon and bring it more online. She
36 would be comfortable with continuing the dialogue and fine tuning the ordinance a little
bit and recognizing that we need to do it in a timely and concise manner as the
38 landowners have been very patient.

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

42 COUNCILMEMBER LUNDBERG MOVED TO CONTINUE ORDINANCE
#2020-8-O TO THE NEXT CITY COUNCIL MEETING TO BE HELD ON AUGUST
44 17, 2020. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK NAY

2 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE NAY
4 THE MOTION TIED WITH TWO AYE VOTES AND TWO NAY VOTES.

6 *The vote was tied with two aye votes and two nay votes therefore Mayor Acerson voted*
8 *to break the tie with an AYE vote to continue the ordinance to the next city council*
10 *meeting to be held on August 17, 2020 with an understanding that that a decision will*
12 *be made at that time.*

14 **9. Public Hearing — Fee Schedule Update for Utility Rates.** Resolution #2020-
20-R. The City Council will consider for adoption the 2020 Utility Rate Study
with the associated rate increases recommended in the study.

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

18
20 Adam Cowie, City Administrator referenced the fee schedule changes prepared in
the red-line exhibit page. He noted these are the same rate increases and changes
22 anticipated in the FY2020-21 budget. Mr. Cowie pointed out the Utility Rate Study is
lengthy with a lot of technical details. He then presented on the screen the section
summary including charts and graphs followed by some general discussion.

24 Councilmember Lundberg commented the council looks at this every year and we
make the decision in a data driven way and if possible, we will slow down that increase
26 for the citizens it impacts. Mr. Cowie noted if there are citizens that have concerns with
the rate increase have them contact the utilities clerk and she will look into it. Mayor
28 Acerson called for any public comment at this time.

30 Mike Travis, resident in attendance, asked what kind of maintenance is being
considered and anticipated as far as indicated in this study. Noah Gordon, City Engineer
stated the routine operations maintenance in the past and what we are presently doing is
32 anticipating taking care of water leaks, cleaning sewer lines, exercising water valves etc.
and being proactive.

34 Mr. Cowie added as part of the JUB's study there is loads of data they have
crunched and they have met with public works and we have looked at many various
36 things in trying to plug in different items that are listed in the capital facilities study.

38 Mayor Acerson added this is an attempt at good planning and as good of science
as the engineers can present that is very beneficial. Mayor Acerson called for any public
comments. Hearing none he called for a motion to close the public hearing.

40
42 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

44
46 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion.

2 COUNCILMEMBER VANCHIERE MOVED TO APPROVE RESOLUTION
#2020-20-R ADOPTING THE 2020 UTILITY RATE STUDY WITH THE
4 ASSOCIATED RATE INCREASES RECOMMENDED IN THE STUDY AS
PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE
6 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

8 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

10 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

12
14 **10. Discussion Item — Christmas Tree / Holiday Decorations.** The City Council
will discuss the possible purchase of a Christmas Tree and holiday decorations. If
in favor, the city council will motion in the next action item to purchase the items.

16
18 Mr. Cowie explained this discussion and action item has been requested by
Councilmember Powell. Mr. Cowie stated she would like the council to consider the
purchase of a 50' tall Christmas tree that has been used at the Provo Towne Center Mall
20 for seasonal display. He noted is listed for sale on KSL Classifieds for \$4,000. Mr.
Cowie pointed out this item has not been approved in the budget, so this item is for
22 discussion only. He noted the next agenda item is for the potential action on this item.
Councilmember Powell stated she asked Heath Bateman, Parks & Recreation Director to
24 provide information tonight on the tree. Mr. Bateman was in attendance and provided the
following information for consideration regarding this issue.

26 Heath Bateman then provided the following information:

- 28
- It is pre-lit with mini LED lights that do not require very much power. It will need to be placed somewhere where power is available. Power is near the flag pole at the front of the City Center if that location is selected for the display.
 - Elite Grounds, whom is our landscaping contractor, is really familiar with it and has been the company that has put it up and taken it down for the Mall. They originally quoted a price of \$8k to put it up and \$3K to take it down. They have since revised the amount to \$1,800 to put it up and \$1,000 to take it down annually. In-house staffing ability to set up and take down is likely not feasible.
 - Storage will be the biggest challenge. The City does not have anywhere in existing City facilities that can hold the number of boxes and structures associated with the tree. (Estimated amount of room needed for the entire tree is approximately the size of a Primary or Relief Society Room in an LDS church.)
 - Although it is made for inside applications, it would work outside IF . . . we can find a way to stake it down. It will most likely require several guywires.
 - Regardless of how long we have it, it will weather and get shabby looking from being outside. Estimated life from outdoor use is maybe 8-10 years. Is it worth having and/or replacing when the time comes in a few years?
- 44

46 There was then some general discussion in considering the request for purchase and the associated costs with storing, setting up/taking down, and maintenance of the

2 tree. There was also issues of political and logistic challenges discussed. The use of the
existing live trees that are currently used for decorating was also discussed.

4 Following the discussion, the council agreed the purchase of the tree is not
feasible at this time due to the issues of storing, maintenance and the costs associated
6 with the purchase of the tree. They also thanked Councilmember Powell for her concerted
efforts regarding this issue. Councilmember Powell thanked the council stating she
8 appreciates their consideration of this matter and understands the reasoning for denial.

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

12 **11. Action Item — Purchase of Christmas Tree / Holiday Decorations.** The City
Council will review and consider the purchase of a Christmas Tree and holiday
14 decorations.

16 Mr. Cowie stated due to the nature of the previous discussion, this item is no
longer relevant and he would recommend making a motion to deny this request.

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

20 COUNCILMEMBER POWELL MOVED TO DENY THE PURCHASE OF A
22 CHRISTMAS TREE AND HOLIDAY DECORATIONS. COUNCILMEMBER
BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS
24 FOLLOWS:

26 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER POWELL AYE
28 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

30 **12. Public Hearing — Ordinance #2020-13-O, Government Records Access
32 Management.** The Council will review and consider city-initiated updates to
LCC Title 4, Government Records Access Management. Updates to the Lindon
34 City Policy and Procedures Manual, Section 9, related to government records
retention will also be considered for approval.

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

40 Mr. Cowie led this discussion by explaining these city-initiated updates were
42 prepared by our City Attorney and City Recorder to bring our current codes and policies
into conformance with State requirements and to set the City's own retention schedule for
44 specific types of records. Brian Haws, City Attorney, mentioned that because the
newspaper legal ad notice deadline was missed and the legal notice ran a couple days late
46 Staff recommends continuing with the public hearing and discussing the item with the
request to continue this matter to the next Council meeting as a consent agenda item so

2 any additional public comments that may come in to the City can be taken into
consideration.

4 Mr. Haws pointed out, in general, this action is taking a long ordinance and just
following the state requirements and listing it out in the policy and procedures plan and
6 our own retention plan. He noted if not adopted it just defaults to what the state code is.

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

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

14
COUNCILMEMBER POWELL MOVED TO CONTINUE ORDINANCE
16 #2020-13-O TO THE CONSENT AGENDA ON THE NEXT AVAILABLE CITY
COUNCIL MEETING TO ALLOW TIME FOR ANY ADDITIONAL PUBLIC INPUT
18 TO BE SUBMITTED. COUNCILMEMBER VANCHIERE SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

22 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 **13. Discussion Item — Ranked Choice Voting.** The City Council will discuss
Ranked Choice Voting to determine if Lindon City should change to this type of
28 election process. This is a discussion only. No final decisions will be made.
Recess to Lindon City Redevelopment Agency Meeting (RDA).

30
Mr. Cowie led this discussion by explaining the State requires that Cities have to
32 notify the State by April 2021 if they intend to participate in Ranked Choice Voting
(RCV) in the 2021 elections. This discussion item is to see what interest, considerations
34 and questions the Council may have regarding RCV and if there's any desire to pursue it
for the City. Mr. Cowie noted the deadline to inform the lieutenant governor's office is
36 April 15, 2021. The written notice must state that the municipality intends to participate
in the ranked choice voting pilot project for the year specified in the notice and a
38 document, signed by the city's election officer, stating that the city has the resources and
capability necessary to participate in the pilot project. He noted a Utah RCV group was
40 formed with information published at the following website: www.UtahRCV.com .

Following some general discussion, the council was in agreement to look at this
42 issue one more time in the fall. Mr. Cowie stated he will forward the council some
informational links for review prior to the next discussion.

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

46

14. Discussion Item — CARES Act / COVID-19. The City Council will review for

2 discussion the anticipated expenditures related to the Covid-19 pandemic.

4 Mr. Cowie explained the federal Coronavirus Aid, Relief, and Economic Security
6 Act (“CARES Act”) funding was distributed to The State of Utah and Utah County which
8 then distributed the grant money to local cities based on population. In a prior meeting
the Lindon City Council approved the Interlocal Agreement with Utah County accepting
\$837,872.68 in grant funding. He noted there is no match or repayment required as long
as the use of funds meets the criteria for disbursement.

10 Mr. Cowie indicated the CARES Act provides that payments from the Fund may
only be used to cover costs that apply to the following:

- 12 1. Are necessary expenditures incurred due to the public health emergency with
respect to the Coronavirus Disease 2019 (COVID–19);
- 14 2. Were not accounted for in the budget most recently approved as of March 27,
2020 (the date of enactment of the CARES Act) for the State or government; and
- 16 3. Were incurred during the period that begins on March 1, 2020, and ends on
18 December 30, 2020. (The agreement with Utah County requires that the money
be spent by November 2nd and anything remaining returned to the County so they
can use it prior to Dec 30th.)

20 Mr. Cowie commented this is an extremely fast time line to procure equipment,
22 supplies and/or complete construction work. He added that City Staff has formed a
CARES Act expenditure committee that has been meeting each week to discuss potential
24 needs and expenditures to ensure it meets the grant criteria. He noted with the Interlocal
Agreement approved and funds having been received by the County, Staff has started to
26 complete and purchase many of the needs and equipment that are more immediate.

28 Mr. Cowie then referenced a list of items that has been compiled with
conservative estimates on potential costs associated with each item. Additional details for
each category/expenditure are being kept. Department requests have been discussed by
30 the committee and given a Yes or No in regards to whether the project/expenditure
qualifies under the CARES Act. Following some general discussion, the council was in
32 agreement with the compiled list of items and the conservative estimates on potential
costs associated with each item as discussed.

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 10:20 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
40 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – August 17, 2020

44 _____
Kathryn Moosman, City Recorder

46 _____
Jeff Acerson, Mayor