

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 21,**
4 **2018, beginning with a work session at 6:00 p.m.** in the Lindon City Center, City
Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 Conducting: Mayor Jeff Acerson

10 **PRESENT** **ABSENT**

Jeff Acerson, Mayor
12 Matt Bean, Councilmember
Van Broderick, Councilmember
14 Jacob Hoyt, Councilmember
Carolyn Lundberg, Councilmember
16 Daril Magleby, Councilmember
Adam Cowie, City Administrator
18 Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

20

At this time, Mayor Acerson called for a motion to amend the agenda order to
22 hear agenda item number three first and resume the regular agenda order thereafter.

24 COUNCILMEMBER BRODERICK MADE A MOTION TO AMEND THE
AGENDA ORDER TO HEAR AGENDA ITEM NUMBER THREE FIRST AND
26 RESUME THE REGULAR AGENDA ORDER THEREAFTER. COUNCILMEMBER
HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
30 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
32 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

34

3. **Closed Session — Closed Executive Session:** The Mayor and City Council
36 pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session
for the purpose of discussing pending or imminent litigation, or to discuss the
38 sale, purchase, exchange or lease of real property. This session is closed to the
general public.

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COUNCILMEMBER BRODERICK MADE A MOTION TO ENTER INTO A
42 CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF
PENDING OR IMMINENT LITIGATION, OR TO DISCUSS THE SALE,
44 PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY. THIS SESSION IS
CLOSED TO THE GENERAL PUBLIC PER UTAH CODE 52-4-205.

46 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

2 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
4 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
6 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

8

COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE
10 CLOSED EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY
COUNCIL SESSION. COUNCILMEMBER LUNDBERG SECONDED THE
12 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Adam Cowie, City Administrator, stated due to time constraints the two
remaining work session items (presentations by the Chief of Police and the City
16 Engineer) will be heard in the regular session.

18 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he moved on to the regular session.

20 **REGULAR SESSION** – 7:00 P.M.

22 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Brian Haws, City Attorney
24 Invocation: Jake Hoyt, Councilmember

26 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor
28 Matt Bean, Councilmember
Carolyn Lundberg, Councilmember
30 Jacob Hoyt, Councilmember
Van Broderick, Councilmember
32 Daril Magleby, Councilmember
Adam Cowie, City Administrator
34 Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

36

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

38

4. **Presentations/Announcements** –

40

a) **Comments/Announcements from Mayor and Council** – There were no
announcements at this time.

42

b) **Presentation:** Chief of Police, Josh Adams, and police officer Curtis
Campbell (School Resource Officer) was in attendance to give a brief
44 presentation on Lindon’s school emergency drills and school shooting training
followed by some general discussion. Chief Adams also presented information
46 on urban deer hunt regulations including state code followed by some general
discussion. Shelly Bonnett, resident in attendance commented that these are

2 resident deer not migrating deer; they are not healthy deer and basically, they
4 will die here. She stated she can call the police on the nuisance deer, but she
6 would like to see an ordinance passed for archery hunters to help mitigate this
8 issue. She would like to see something happen and feels the Council is on the
10 right track. Others in the audience also spoke on the deer nuisances, including
12 personal safety issues, at their residences. There was then some general
14 discussion regarding this issue. Mayor Acerson suggested presenting
16 information to the public through a survey to solicit opinions as what to do as
18 a city, and to also educate the public on this issue to get a broader view as to
20 come up with a solution to implement. Following discussion, Mr. Cowie
22 suggested that staff bring this issue back as an official action item on the
24 agenda to vote on.

- 14 c) **Oath of Office Ceremony** - Gilbert Sanchez was ceremonially sworn-in as a
16 new Lindon City Police Officer by the City Recorder. Officer Sanchez
18 officially began service with Lindon City on August 20, 2018. The Mayor and
20 Council congratulated Officer Sanchez and welcomed him to the city.
- 22 d) **Discussion Item:** Noah Gordon, City Engineer, was in attendance to present
24 an update on the Transportation Utility Fee (TUF) study that he has been
26 spearheading for the City. Mr. Gordon also provided general updates on other
possible road funding options and issues on the horizon followed by some
general discussion. Following discussion, the Council agreed to observe what
Pleasant Grove’s model does before beginning a public relations campaign.

- 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of July 17, 2018 were reviewed.

28 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
30 OF THE REGULAR CITY COUNCIL MEETING OF JULY 17, 2018 AS
PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
32 WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
34 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
36 COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 38 4. **Consent Agenda Items** – No consent items to approve.
- 40 5. **Open Session for Public Comment** – Mayor Acerson called for any public
42 comment not listed as an agenda item.

44 Haylie Leichty, resident in attendance addressed the Council at this time. She
46 mentioned that there are two new streetlights in her neighborhood (Kens Cove) that are
too bright and disturbing and they feel are unnecessary. She noted they keep the entire
neighborhood up at night and some of the neighbors are irate. Mr. Cowie explained

2 where the lights are located that were required to be installed by the developer per city
4 code. Councilmember Lundberg asked if the brightness can be changed. Mr. Cowie said
6 shields or motion sensors may be a possibility. Mayor Acerson stated they will take this
8 issue under consideration to find a solution.

6 **CURRENT BUSINESS**

- 8
- 10 6. **Public Hearing — City Boundary Adjustment; Annexation Plat (Ord. 2018-**
12 **14-O).** Lindon City requests approval of Ordinance 2018-14-O amending the
14 common boundary with the City of Vineyard through approval of an Annexation
16 Plat titled Boat Harbor Addition. The boundary area to be adjusted from Lindon
18 to Vineyard includes a nine-acre parcel at approximately 2100 W. 600 S. and a
20 portion of Lindon’s 600 South roadway (Vineyard’s 1600 N) between the UTA
commuter rail line and the Lindon Marina. The properties that are within the
boundary adjustment area will automatically be annexed by the City of Vineyard
and by any local service districts providing public services within the City of
Vineyard including utility services, fire protection, paramedic and law
enforcement services.

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

26 Adam Cowie, City Administrator, referenced Ordinance 20018-14-O noting it
28 approves the plat associated with this boundary adjustment. He stated the following
30 items are necessary and required by State Code in order to amend the common boundary
32 between two cities: Notices to the State, notice to the newspaper, and notice to property
owners impacted by the change which have been completed. He noted the properties
impacted by the change include property owned by Lindon City, UTA, UDOT, and
Anderson Geneva Development. He stated a copy of the notices that were sent to these
property owners are included in the Staff Report. He indicated the next agenda item is the
interlocal agreement associated with this item.

34 Mr. Cowie pointed out that the City of Vineyard will be holding their own public
36 hearings on these same matters on August 22, 2018 and once both cities have met all
requirements for amending the boundary, the nine-acre property sale transaction can be
finalized and everything will be recorded.

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

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

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

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
#2018-14-O AND THE BOAT HARBOR ADDITION ANNEXATION PLAT
4 ADJUSTING THE COMMON BOUNDARY BETWEEN LINDON CITY AND THE
CITY OF VINEYARD. COUNCILMEMBER MAGLEBY SECONDED THE
6 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
8 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
10 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

12 THE MOTION CARRIED UNANIMOUSLY.

- 14 7. **Review & Action — Interlocal Agreement – Resolution 2018-17-R.** Lindon
City requests approval for Resolution 2018-17-R and the accompanying Interlocal
16 Agreement associated with the boundary change with the City of Vineyard
requiring that the area be transferred back into Lindon should Vineyard sell the
18 property in the future.

20 Mr. Cowie referenced the Resolution and Agreement included in the staff report.
He noted the agreement has been reviewed by both city attorneys and staff believes it
22 should meet the City Council’s intent of ensuring the property boundary will be changed
if ever the property is sold from Vineyard. He noted the agreement is proposed for a 50-
24 year term in which if the property is sold by Vineyard or changes its tax-exempt status
the cities agree to amend the boundary again so that the taxable property changes back
26 within the Lindon City limits. There was then some general discussion regarding the
interlocal agreement.

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

30 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2018-
32 17-R AND THE ASSOCIATED INTERLOCAL AGREEMENT BETWEEN LINDON
CITY AND VINEYARD CITY. COUNCILMEMBER BRODERICK SECONDED
34 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
36 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
38 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

40 THE MOTION CARRIED UNANIMOUSLY.

- 42 8. **Public Hearing — Ordinance Change; LCC 5.08 – Alcohol Sales & Licensing**
(Ord. 2018-11-O). The City Council will review and consider Ordinance #2018-
44 11-O bringing the city’s alcohol sales and licensing ordinance up to date with
current Utah State codes. This item was continued from the July 17, 2018 city
46 council meeting. City Attorney, Brian Haws, will be in attendance for this item.

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

6 Mr. Cowie led this discussion by referencing the Ordinance with proposed
changes from the prior review. He noted Brian Haws, City Attorney is present tonight to
8 answer any questions. He explained at the last review of the code changes there was
concern about Section 5.08.030(5), Proximity to Community Locations (separation
10 distances from schools, churches, parks, etc.). Mr. Haws informed the Council that the
separation requirements as listed in our local code only applies to retail sales (stores)
12 where beer is not consumed at the place of sale. He indicated the proposed ordinance is
not regulating separation requirements of places that serve alcohol for on-site
14 consumption (restaurants, bars). He pointed out these types of uses and the associated
separation/licensing are fully regulated by State and not administered through the City
16 except through consent of an on-site consumption license being issued. There was then
some general discussion regarding this ordinance amendment.

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

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

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

28 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
#2018-11-O. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE
30 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
32 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
34 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **9. Major Subdivision — Estates at Anderson Farms – Ivory Development LLC.**

40 The City Council will review and consider a major subdivision request by Ken
Watson, on behalf of Ivory Development LLC, for major subdivision approval for
42 a 51-lot subdivision on 17.5 acres in the Anderson Farms Planned Development
Zone. The Planning Commission recommended approval following review.

44 Hugh Van Wagenen, Planning Director, gave some background of this item
stating this is the seventh plat of the Anderson Farms Planned Development which was
46 approved by Development Agreement between Lindon City and Ivory Development, in
June of 2016. He explained Estates at Anderson Farms consists of 56 units in what is

2 considered Parcel E of the Anderson Farms concept plan. He noted development of
Anderson Farms is governed by the Anderson Farms Master Development Agreement
4 and all standards are referred to here are a part of that Agreement. He stated the largest
lot is 14,864 s.f. and the smallest is 8,290 s.f. with the average at 10,214 s.f. These lots
6 are consistent with the concept plan. Parcel A is an access road to the sewer lift station
and regional park. The setbacks are as follows: 20-foot front, 20-foot rear, 6/10-foot side
8 yards for a total of 16 feet between homes. This is consistent with the concept plan. He
explained that 56 lots is one more lot than what is shown on the concept plan for Parcel E
10 (55). However, Gardens at Anderson Farms (Parcel F), which has also been applied for,
has four fewer lots than the concept plan. Staff will ensure the overall units (865) for the
12 project do not exceed approvals of the Development Agreement.

14 Mr. Van Wagenen noted new roads will be built to serve the subdivision. Curb,
gutter and five-foot sidewalks will be installed along the new local streets in addition to
16 six-foot planter strips. The eastern edge of the subdivision border Anderson Lane (not to
be confused with Anderson Boulevard). The Development Agreement requires certain
improvements to Anderson Lane in conjunction with this plat: "It will include grading
18 and slag/asphalt improvements along Anderson Lane." He then referenced the
Development Agreement Requirements noting they have met all the parameters. He
20 pointed out the park amenities are associated with building permits issued, not lots
recorded.

22 Mr. Van Wagenen then referenced an Aerial photo of the proposed subdivision,
Overall Anderson Farms Concept Plan, Estates Concept Plan, Preliminary Estates at
24 Anderson Farms Plat A, and the 55-foot Right of Way Local Street Cross Sections
followed by discussion. He then turned the time over to Mr. Watson for comment.

26 Mr. Watson stated they have sold 26 units in plat A which is just about sold out
and they are just starting to build the townhome phase; he would encourage the Council
28 to visit the site. He feels people will want these bigger lots for mainline type homes and
should work out well. He noted the park will not be done until 60% of all permits are in
30 and they haven't gotten to that point as yet. There was then some general discussion
including fencing, the park, and price point (not set on bigger lots yet).

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

34
36 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE
APPLICANT'S REQUEST FOR APPROVAL OF A 56-LOT RESIDENTIAL
SUBDIVISION TO BE KNOWN AS ESTATES AT ANDERSON FARMS WITH THE
38 FOLLOWING CONDITIONS: 1. COMPLY WITH ASPECTS OF DEVELOPMENT
AGREEMENT AS LISTED IN THE STAFF REPORT. 2. RENAME THE STREETS
40 LISTED AS BROOKVIEW IN ORDER TO AVOID CONFUSION WITH PLATS A
AND B. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE
42 VOTE WAS RECORDED AS FOLLOWS:

44	COUNCILMEMBER BEAN	AYE
	COUNCILMEMBER LUNDBERG	AYE
	COUNCILMEMBER BRODERICK	AYE
46	COUNCILMEMBER HOYT	AYE
	COUNCILMEMBER MAGLEBY	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **10. Major Subdivision — Gardens at Anderson Farms – Ivory Development**
6 **LLC.** The City Council will review and consider a major subdivision request by
8 Ken Watson, on behalf of Ivory Development LLC, for major subdivision
10 approval for a 65-lot subdivision on 12.7 acres in the Anderson Farms Planned
12 Development Zone. The Planning Commission recommended approval following
14 review.

16 Mr. Van Wagenen explained this is the sixth plat of the Anderson Farms Planned
18 Development which was approved by Development Agreement between Lindon City and
20 Ivory Development. The Gardens at Anderson Farms consists of 62 units in what is
22 considered Parcel F of the Anderson Farms concept plan. Parcel F is identified as an
24 “Active Adults Community.” Development of Anderson Farms is governed by the
26 Anderson Farms Master Development Agreement and all standards are referred to here
28 are a part of that Agreement. Although not required by the Development Agreement, a 6-
30 foot pedestrian access way in the southwest corner (Lots 131/132) of the development
32 would provide more direct access to the surrounding area and regional park. He noted the
34 Planning Commission recommended this as a condition as long as there are no utility
36 conflicts in the area.

38 Mr. Van Wagenen stated in the concept plan, this parcel shows individually
40 owned pad sites, like a townhome or condo, with common space in between each pad.
42 However, this application has privately owned lots without the common space. The
44 concept plan shows 69 units. The current application has 62 lots, a 7-unit reduction and
46 the home site configuration has been slightly adjusted. The largest lot is 14,579 s.f. and
48 the smallest is 4,860 s.f. with the average at 6,480 s.f.

50 Mr. Van Wagenen indicated that new roads will be built to serve the subdivision.
52 Curb, gutter and five-foot sidewalks will be installed along the new local streets in
54 addition to six-foot planter strips. The eastern edge of the subdivision border Anderson
56 Lane (not to be confused with Anderson Boulevard). The Development Agreement
58 requires certain improvements to Anderson Lane in conjunction with this plat: “It will
60 include at least grading and asphalt improvements sufficient to accommodate future
62 industrial traffic along Anderson Lane as shown in Exhibit J.”

64 Mr. Van Wagenen then referenced an aerial photo of the proposed subdivision,
66 Overall Anderson Farms Concept Plan, Active Adult Concept Plan, Preliminary Gardens
68 at Anderson Farms Plat A, 55-foot Right of Way Local Street Cross Section, Exhibit J for
70 Anderson Lane, and the 47.5-foot Right of Way Anderson Lane Cross Section followed
72 by discussion. He then turned the time over to Mr. Watson for comment.

74 Mr. Watson explained the reduction of units and the new phase which will be all
76 ramblers with no two-story units. They will be age targeted for 55 and over and will be
78 part of the overall HOA and will be done in one plat.

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

84 **COUNCILMEMBER BRODERICK MOVED TO APPROVE THE**
86 **APPLICANT’S REQUEST FOR APPROVAL OF A 62-LOT SENIOR LIVING**

2 RESIDENTIAL SUBDIVISION TO BE KNOWN AS GARDENS AT ANDERSON
4 FARMS PLAT A WITH THE FOLLOWING CONDITIONS: 1. PROVIDE
6 CONDITIONS, COVENANTS, AND RESTRICTIONS VERIFYING THIS IS A 55+
8 SENIOR LIVING COMMUNITY AND 2. COMPLY WITH ASPECTS OF
10 DEVELOPMENT AGREEMENT AS LISTED IN THE STAFF REPORT AND 3.
12 PROVIDE A 6-FOOT PEDESTRIAN ACCESS WAY BETWEEN LOTS 131 AND 132
14 FROM ORCHARD LANE TO ANDERSON BOULEVARD IF THERE ARE NO
16 UTILITY CONFLICTS. COUNCILMEMBER MAGLEBY SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

18 **11. Public Hearing — Residential Business Overlay; (Ordinance 2018-7-O).** Lani
20 Podzikowski requests approval of an amendment to Lindon City Code Title 17
22 Zoning, to adopt a Residential Business Overlay zone (Ordinance #2018-7-O).
The Planning Commission recommended approval following review.

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

28 Mr. Van Wagenen explained this is a request for a new section of code to be
30 added to Title 17 called Residential Business Overlay (RBO) zone. The ordinance gives
32 greater allowances than current home occupation standards in regards to parking, hours
34 of operation, and clients. Unlike the home occupation ordinance, however, only certain
36 properties will be eligible for the overlay based on frontage, size, and proximity to
collector roads and commercial zones. Additionally, any property desiring to use the
RBO zone would need to apply for a Zone Map change to apply the overlay to a specific
property. Although this request only deals with the zoning text and not the zoning map, it
is important to understand why the applicant is making the request and how it pertains to
her property.

38 Mr. Van Wagenen gave some background explaining in 2016, Ms. Podzikowski
40 purchased the property on the corner of Main Street and 200 South (172 South Main). At
42 the time, the property had an old home on it and the property was split zoned with a small
44 corner residential and the majority commercial. With plans to build a new home and
46 operate her existing dance company from the home, Ms. Podzikowski felt the property
was a good fit with its proximity to commercial operations. Ms. Podzikowski was able to
demolish the old home and build a new home under City ordinances allowing such, in
addition to the small corner of the property being residential. At the time, new
construction of a home after demolition of an existing home did not require any public
improvements. Upon completion of the home, Ms. Podzikowski obtained a home
occupation license and began operating her dance company.

2 Mr. Van Wagenen stated not long after operations began, City Staff became
aware that the number of students and contracted staff was well beyond the home
4 occupation allowances. After many discussions with City Staff on potential solutions to
the situation, Ms. Podzikowski decided to apply for a new ordinance, a draft of which is
6 before you. The creation of a new zoning ordinance is always met conservatively as
unintended consequences are feared. To alleviate the concern about proliferation of this
8 zone, parameters for property to even be eligible are included in the text.

1. *Site requirements for zone eligibility are as follows:*

- 10 a) *Property must have a minimum of fifty (50) feet of street frontage along a major
collector road as identified by the Lindon City Street Master Plan Map.*
- 12 b) *Property must be a minimum of 30,000 square feet.*
- 14 c) *Property must be adjacent to the General Commercial zone along State Street or
within a non-residential zone. For purposes of this ordinance, the Commercial
Farm zone is not considered a non-residential zone.*

16 Mr. Van Wagenen then referenced the map showing which properties within the
18 City would be eligible to apply to the zone. He noted even with eligibility established, an
applicant would need approval from the City before the overlay would be in place.

20 Highlights of the ordinance are as follows:

- 22 1. Public improvement requirements can be waived by the City Council under
certain circumstances.
- 24 2. All building and fire codes must be met based on desired occupancy (this can
require significant upgrades if using a residence for certain commercial purposes).
- 26 3. Business owner must live on-site as primary resident
- 28 4. Permitted Uses are:
 - 30 a. Barbers, cosmetologists, manicurists.
 - 32 b. Culinary, Bakery, Food Preparation.
 - 34 c. Consultant or Professional Services with additional employees or
contractors.
 - 36 d. Contractor, “handyperson”, and landscape or yard maintenance contractor;
subject to the special conditions that no construction materials or
equipment will be stored on the premises outside of an approved structure.
 - 38 e. Pre-School
 - 40 f. Home instruction including, but not limited to, in-home lessons such as:
musical instruments, voice, dance, acting, graphic arts, art, and
educational subjects, swimming, tennis, and other athletic instruction.
 - 42 g. Other permitted uses include any land use permissions in the underlying
zone.
- 44 5. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential
zones.
- 46 6. Minimum of eight feet of landscaping is required adjacent to public rights of way.
- 7. Operating hours are from 7:30 am to 9:00 pm.
- 8. Ten patrons are allowed per hour for most businesses with preschool and home
instruction patrons allowed based on occupancy of the structure as determined by
building and fire code.
- 9. Up to five employees not residing on the property are allowed.

- 2 10. Off-street parking requirements are based on type of use
- 4 11. Only one permanent sign allowed; temporary signs allowed under certain parameters

6 Mr. Van Wagenen then referenced Ordinance 2018-8-O Residential Business
8 Overlay Zone draft, Map of properties that meet parameters to request the overlay, and
the Current Zoning Map of 172 South Main followed by discussion. He then turned the
time over to Ms. Krishelle Travis, representative of the applicant, for comment.

10 Ms. Travis explained her children attend Ms. Podzikowski’s dance school and she
volunteered her services to assist Ms. Podzikowski as she has a vested interest. Ms.
12 Travis stated the home was built to comply with residential standards, not commercial
standards, so they worked with the Building Department to draft a list of items that need
14 to be corrected to bring it into compliance with commercial operation standards or for the
occupancy dedicated within the building once the zone is overlaid. She noted Ms.
16 Podzikowski’s is prepared to make these changes once the overlay is in place.

Ms. Travis stated they are proposing that this ordinance change will also function
18 for other locations as this is a major home occupation which the city lacks and the trend
is a need for something like this. They would also like it to be a tool for others to use and
20 for it to work on a broad forum; to look and act like residential but with a higher use. She
pointed out that financially this is not a commercial business which is also something to
22 take into consideration. She noted that they did look at several other cities that have
major home occupations and she feels the city can feel good about this change. She
24 noted Ms. Podzikowski believes she was open and honest when purchasing this property
and it was sold to her as a commercial lot. She noted Ms. Podzikowski was not aware
26 until after purchase that it had a residential component.

Ms. Travis further explained they are not trying to find a way to get out of doing
28 the improvements as they are more than willing to do the improvements this is just
another tool in the cities “tool box” to make the transition in the areas that are different
30 from a commercial use; she added this is not a full commercial use. She pointed out the
City Council and has the leverage to have the discretion to approve it if they meet the
32 criteria that the city attorney has laid out, and for the most part, if applied, those standards
would be applicable.

34 Ms. Travis re-iterated Ms. Podzikowski wants to make the improvements but it is
a timing issue and they would also agree to sign a development agreement if needed;
36 there are circumstances involved with the property and other items to look at and they are
willing to do that. Ms. Travis re-iterated that this is a good negotiation tool for the city
38 that allows for opportunities not only for this location but for the future as well; she
recognizes there is compromise on both sides. She noted Ms. Podikowski does an
40 excellent job running the dance studio and brings a positive influence to the
neighborhood and she is more than willing to meet the requirements. Ms. Travis pointed
42 out that Ms. Podzikowski is doing all she can and is more than willing and prepared to
make the required changes and improvements to the property.

44 There was then some general discussion by the Council including the issues of
parking, parking lot requirements and the required improvements (curb, gutter,
46 sidewalks), street improvements, waiving the financial hardship, and the criteria provided
by the City Attorney. Following discussion, Mr. Van Wagenen clarified the conditions

2 he is hearing are as follows: 1. stormwater be handled on site and 2. the landscaping
requirements must be clarified with reference to commercial landscaping standards. Ms.
4 Travis stated this action will allow them to start spending money wisely on improvements
and allow them to get to the point where they can get things moving in a positive
6 direction.

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

10 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

16
18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
APPLICANT'S REQUEST FOR ORDINANCE 2018-7-O WITH THE FOLLOWING
CONDITIONS: 1. STORMWATER MUST HANDLED/CONTAINED ON SITE AND
20 2. LANDSCAPING REQUIREMENTS MUST BE CLARIFIED WITH REFERENCE
TO COMMERCIAL LANDSCAPING STANDARDS AND GIVE THE MAYOR THE
22 AUTHORIZATION TO SIGN. COUNCILMEMBER MAGLEBY SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
26 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT NAY
28 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

30
32 *Councilmember Hoyt explained his nay vote citing he has concerns of unintended
consequences of future parking lots similar to this one, but he supports the Council's
decision.*

34
36 **12. Public Hearing — Cemetery Ordinance Amendment; (Ordinance 2018-15-
O).** The City Council will review and consider Ordinance #2018-15-O amending
the cemetery code to update grave marker policies. Brad Jorgenson, Lindon City
38 Cemetery Sexton, will be in attendance for this item.

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

44 Mr. Cowie referenced Ordinance 2018-15-O noting the proposed changes (based
on feedback from the City Council) which staff believes meets the intent of the resident
46 requesting an all-granite grave marker while still ensuring compliance with the rules and
intent of the code. He noted after checking with seven cities Orem City was the only one

2 who allows this. Mr. Cowie then read the ordinance changes. He indicated that this
4 change will also provide additional clarification regarding grave markers and placement
of the markers in the Lindon City Cemetery. He noted it also clarifies recognition of
veteran’s graves with a marker.

6 Mr. Cowie stated in the event something is broken or damaged the ordinance does
clarify that the city is exempt from liability unless the city knows they were at fault and
8 we will complete the repairs. He indicated this change will allow for a 6” thick solid
granite slab. Mr. Cowie then showed examples of the granite slab borders followed by
10 some general discussion.

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

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

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

20 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE
22 2018-15-O AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
26 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 **COUNCIL REPORTS:**

32 **Councilmember Hoyt** – Councilmember Hoyt reported the Pleasant Grove/Lindon
34 Chamber of Commerce attended the State Chamber of Commerce Conference and was
awarded with the fastest growing Chamber in the State of Utah, which is quite an honor.
36 He noted Josh Walker, President of the Pleasant Grove/Lindon Chamber of Commerce,
said he believes this honor is due to having Lindon City come on board and the amount
of Lindon businesses that have joined the Chamber.

38 **Councilmember Broderick** – Councilmember Broderick reported the pickle ball
40 (windscreen) nets are up around the courts and mentioned a vision issue. He also
reported he will be attending the Provo Bench Canal meeting tomorrow. He also
42 mentioned 25 years ago secondary water was brought to Lindon which has been a great
thing. He noted there are homes that are not hooked up now. He questioned if we can do
44 some research as to make secondary water available to others without paying \$25,000
and if it would be prudent for the city (if there are not unintended circumstances). Mr.
46 Cowie explained how the hookup process worked 25 years ago. He stated he will talk

2 with the Public Works Director and City Engineer about potential options with this issue.
He noted it would require an ordinance change.

4 **Councilmember Bean** – Councilmember Bean was absent.

6 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the Tri
8 Chamber luncheon at Thanksgiving Point where Governor Herbert spoke on economic
status and things on the horizon noting it was a good event. She also reported that Lindon
10 Days was great this year with a lot of participation from the community.

12 **Councilmember Magleby**– Councilmember Magleby handed out the Lindon Days
Recap noting that overall it was a great week of events with a lot of input from the
14 community. He suggested looking for community members to take on certain
events/projects next year. He asked the Council if they have any input/feedback to please
16 let him know. Following some discussion, the Council agreed to cook at the mayor’s
breakfast next year. He also mentioned an email regarding the flyer for the Police
18 Department City Drill to be held on September 17th. He also mentioned the Preparedness
Fair (new event) will be held on August 30th at the Community Center.

20 **Mayor Acerson** – Mayor Acerson mentioned the Utah League of Cities and Towns
22 meeting is coming up September 12th -14th in Salt Lake City. He also reported they signed
the bond for UIA that was previously approved through the bond parameters.

24 **Administrator’s Report:** Mr. Cowie reported on the following items followed by
26 discussion.

28 **Misc. Updates:**

- 30 • August - City newsletter
- 32 • September newsletter article: Mayor Acerson - Article due to Kathy Moosman
last week in August
- 34 • Police Officer recruitment competitiveness and possible options for consideration.
- 36 • Lindon Days: Thank you for all your efforts and time! We’ve heard many
compliments and positive remarks about the events. (We did receive a small
amount of complaints regarding fireworks display occurring while there was so
much smoke already in the valley.)
- 38 • Facilities work: Vet Hall exterior work being done (brick restoration completed,
soffit / fascia wrap being added, wood staining); Security camera system at
Community Center/City Center; update fire sprinkler monitoring system at City
40 Center; elevator project ready to bid as soon as MAG gives OK; carpet flooring
updates in Community Center/City Center; columns in front of City Center/Public
42 Works; repainted well/pump houses; updated landscaping at 835 E water tanks
nearing completion. Lots going on the Alex, Facilities Manager, and public
44 works/parks has helped to update and maintain.
- 46 • FYI - Alpine School District Board approved property tax increase.
- Misc. Items

2 **Upcoming Meetings & Events:**

- 4 • August 28th at Noon at Public Works: Engineering Coordination Meeting w/Mayor Acerson, Councilmember Broderick and Staff
- 6 • Monday, September 3rd – Offices closed for Labor Day
- 8 • September 12th-14th – Utah League of Cities & Towns, Fall Conference in SLC
- 10 • Monday, September 17th at 6:00pm – Citywide Emergency Drill. If available, please plan to stay for training and re-cap after drill is completed.
- 12 • Monday, October 1st, 2:30 pm-5:00 pm – Public Immunization Clinic in City Council room.
- 14 • November 2nd – 10th – Fall Leaf Clean-Up. City will continue to pick up bags, but will also have dumpsters available around town for public use.
- 16 • November 6th – General Election
- 18 • November 22nd – Mayor’s Thanksgiving Dinner event.
- 20 • Nov 22nd-23rd – Offices closed for Thanksgiving holiday.
- 22 • Dec 21st at Noon – Employee Christmas party at Community Center
- 24 • Dec 24th -25th – City offices closed for Christmas holiday.
- 26 • Tuesday, January 1st – City offices closed for New Year’s holiday. No Council meeting.

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

30 **Adjourn** –

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 10:10 PM. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – September 7, 2018

36 _____
Kathryn Moosman, City Recorder

38 _____
Jeff Acerson, Mayor