

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, September**  
4 **18, 2018, 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: Matt Bean, Councilmember

12 <b><u>PRESENT</u></b>	<b><u>EXCUSED</u></b>
Jeff Acerson, Mayor	Daril Magleby, Councilmember
14 Matt Bean, Councilmember	
Carolyn Lundberg, Councilmember	
16 Jacob Hoyt, Councilmember	
Van Broderick, Councilmember	
18 Adam Cowie, City Administrator	
Brandon Snyder, Planning Director	
20 Kathryn Moosman, City Recorder	

- 22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
- 26 a) **Comments/Announcements from Mayor and Council** – There were no  
announcements at this time.
- 28 b) **Employee Recognition Award, 2018 3rd Quarter**: Marcie Allphin,  
Community Development Clerk was chosen for the quarterly Employee  
30 Recognition Award. Adam Cowie, City Administrator, read comments  
submitted by employees nominating Ms. Allphin for this award. He then  
32 presented her with a plaque and gift card in appreciation for her service. The  
Mayor and Council also congratulated and thanked Ms. Allphin for her  
exemplary example, service and good works for the city.
- 34 c) **Presentation: Ranked Choice Voting, 2018 HB35**. Kory Holdaway,  
Educator with Utah Ranked Choice Voting was in attendance to present  
36 information on Ranked Choice Voting. Following the presentation Mr.  
Holdaway took questions from the Council. He noted if the Council chooses  
38 to implement Ranked Choice Voting the Lt. Governor’s office will need to be  
notified by January 1, 2019 by Resolution. He pointed out that Utah County is  
40 favorable and willing to assist if the city so chooses to adopt Ranked Choice  
Voting.
- 42 d) **Presentation: Salt Lake Chamber / Housing Gap Coalition** – Brynn  
Mortensen, with the Salt Lake Chamber along with Robert Vernon, CEO with  
44 the Provo City Housing Authority, were in attendance to give a presentation  
on Housing Affordability. Following the presentation Ms. Mortensen  
46 answered questions from the Council regarding this topic including issues of  
projection of housing numbers, housing gaps, shortages, land costs,

2 topography, population growth and possible solutions including updating the  
4 General Plan and looking at zoning and re-zoning as to accommodate  
6 population growth. Ms. Mortensen noted they have a prepared Resolution for  
the city to sign stating they are committed to doing their part to maintain a  
good quality of life if they so choose.

- 8 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of September 4, 2018 were reviewed.

10 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE  
12 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 4, 2018 AS PRESENTED.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS  
14 RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE

16 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

18 COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY.

- 20 4. **Consent Agenda Items – Reappointment of Planning Commissioners Rob  
22 Kallas and Mike Marchbanks.** Both commissioners’ prior terms technically  
ended in January but they have continued to serve in their positions. These  
24 reappointments will be for three-year terms which will expire the last day of  
January 2021.

26 COUNCILMEMBER BEAN MOVED TO APPROVE THE CONSENT AGENDA  
28 ITEMS AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER BEAN AYE

COUNCILMEMBER LUNDBERG AYE

32 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

34 THE MOTION CARRIED UNANIMOUSLY.

- 36 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
comment not listed as an agenda item. There were no public comments.

38 **CURRENT BUSINESS**

- 40 6. **Public Hearing — Zone Map Amendment, 150 S. Geneva Rd.; Ordinance  
42 2018-17-O.** Adam Pulver, BMC, requests approval of a Zoning Map Amendment  
to reclassify a parcel from Residential Single Family (R1-20) to the Light  
44 Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC  
Stock Holdings, Inc.). Total land area of 1.25 acres.

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

6 Brandon Snyder, Associate Planner, noted the applicant, Adam Pulver, with BMC  
Stock Holdings, Inc. is in attendance for this agenda item. He explained Mr. Pulver is  
8 requesting approval of a Zoning Map Amendment to reclassify a parcel from Residential  
Single Family (R1-20) to the Light Industrial (LI) zone. Mr. Snyder stated the Planning  
10 Commission held a public hearing on September 11, 2018 where public comments were  
taken. The comments given were in regards to the future use of the property, elevation  
12 differences and if a privacy fence or wall will be installed.

14 Mr. Snyder noted the Planning Commission recommended approval with one  
condition (combine parcel with adjoining parcel prior to future land use development  
approval); the vote to approve was unanimous. He noted Mr. Pulver is requesting the  
16 rezone so that the zoning will match with the two adjacent parcels (West and Southwest).  
He added Mr. Pulver also proposes to combine the parcels and will be replacing some of  
18 the existing structures in the near future. He indicated a new structure will be placed  
partially into the current area of the subject parcel. Mr. Snyder pointed out the parcel was  
20 created and purchased by Anderson Lumber in April 1997 and the property has been used  
since 2000 for outdoor storage.

22 Mr. Snyder indicated that currently the LI zone requires a minimum lot area of  
one acre and 100 feet of frontage. He noted potential uses in the Light Industrial (LI)  
24 zone allows for uses related to manufacturing, wholesale trade, retail trade, and services.  
He then turned the time over to the applicant for comment.

26 Mr. Pulver addressed the Council at this time. He gave a brief history of the  
property including their long-term vision. He explained that currently on the parcel zoned  
28 residential they will tear down the existing building and build a new structure that will be  
double the size. He indicated they will be able to produce more trusses due to the  
30 automation process and gain efficiencies. He stated they plan to install the required  
masonry fencing wherever there are residential zones which will be a site plan  
32 requirement and also meet code. He added they will also comply with all city  
requirements and permits as requested. Following some general discussion regarding this  
34 zone map amendment the Council was in agreement to approve this request with the  
condition to combine the parcel with adjoining parcels prior to future land use  
36 development approval.

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

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

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

2 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE  
#2018-17-O WITH THE CONDITION TO COMBINE THE PARCEL WITH  
4 ADJOINING PARCEL(S) PRIOR TO FUTURE LAND USE DEVELOPMENT  
APPROVAL. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE  
6 WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE  
8 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
10 COUNCILMEMBER HOYT AYE  
THE MOTION CARRIED UNANIMOUSLY.

12  
14 **7. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public  
Nuisances; Ordinance 2018-9-O.** Lindon City requests approval of an  
16 amendment to Lindon City Code Section 8.20.030 Nuisance – Definition  
subsection (2)(cc) Inappropriate Noise. The proposal would address potential  
18 hours during which Inappropriate Noises are not allowed.

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

22  
24 Mr. Snyder gave some background of this item explaining the Planning  
Commission reviewed the draft ordinance during four separate meetings before  
26 approving the current draft before the Council tonight. He stated during one meeting,  
residents west of State Street came to voice their concerns over events that produce loud  
28 music into the night and asked that defined noise levels be adopted to help keep the peace  
in their neighborhood.

30 Mr. Snyder then referenced the sound level chart for context followed by  
discussion. He also referenced the City’s zoning map displaying the different sound  
32 allowances for day/night in context noting sound levels are measured at the property line.  
He pointed out if a sound originates in the Industrial zone and is 85 dBA at the property  
34 line next to residential, there is no violation even if the sound continues to be 85 dBA as  
it travels into the residential area. There was then some general discussion including  
decibel level readings at the aquatics center, pickle ball courts and the freeway.

36 Mayor Acerson stated he would be hopeful that the industrial area doesn’t feel  
this action would be too restrictive or cause them any issues. Councilmember Broderick  
38 commented just because we may meet state requirement doesn’t always mean it may be  
good governance. He feels residents should be reached out to so when they see the  
40 decibel number they will know their boundary; this may give them protection or cushion  
from their boundary. Mr. Cowie expressed his concerns that industrial areas will not want  
42 limits at all. Councilmember Lundberg agreed that this could be a protection and is not  
arbitrary; it gives a cushion from their boundary (85 decibels).

44 Mr. Snyder questioned if it would it be appropriate to move forward with  
language to address specific activities related to event centers (because of the current  
46 complaints) or would they like to see the draft come back as a whole after mailers have

2 been sent out and after a potential open house to inform the public. Mayor Acerson called  
for any public comments at this time.

4 Angie Neuwirth, resident, in attendance addressed the Council at this time. Ms.  
Neuwirth stated she lives near the Lindon Nursery event center where weddings and  
6 receptions are held. She noted there is excessive noise (music) from the event center  
seven days a week and the noise is going on after 11pm and she and her neighbors feel  
8 this is unacceptable. They have called the police due to the complaints and nothing  
changes.

10 Ms. Neuwirth stated they also feel city code needs to protect the rights for  
residents as this is a huge nuisance. She noted they have contacted the Lindon Nursery  
12 and they indicated they lease it out so they have no control over those who rent it and the  
associated noise disturbances. She pointed out that she also measured the decibel  
14 readings from her home, and the music can get very loud (between 65-70 decibels); she  
also doesn't believe the meters measure the bass only the treble.

16 Councilmember Bean feels this should be enforced based on who the owner is  
and to look at continuous noise vs intermittent noise. Councilmember Broderick  
18 expressed his concerns about businesses feeling this may be restrictive and also about the  
resident's complaints being addressed. Councilmember Hoyt stated he shares the same  
20 concerns.

22 Mayor Acerson called for any public comment at this time. Randi Powell spoke  
on having an informal decibel/sound study done to get a baseline on the businesses near  
the Ivory Development area as occupancy is approached. She pointed out that she can  
24 hear sound/noises from the industrial area from her residence above State Street. She  
stated she believes the city is trying to legislate good neighboring which is hard to do.

26 Following some additional discussion, the Council agreed to continue this item to  
allow staff time to perform additional decibel readings and to further notify residents and  
28 businesses.

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

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

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

38 COUNCILMEMBER HOYT MOVED TO CONTINUE ORDINANCE  
40 AMENDMENT #2018-9-0 TO ALLOW STAFF TIME TO NOTIFY BUSINESSES  
AND RESIDENTS AND TO TAKE FURTHER DECIBEL READINGS AND  
42 GATHER MORE FEEDBACK. COUNCILMEMBER BRODERICK SECONDED  
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

2 THE MOTION CARRIED UNANIMOUSLY.

4 8. **Closed Session — Closed Executive Session.** The Mayor and City Council  
6 pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session  
8 for the purpose of discussing the character, professional competence, or physical  
or mental health of an individual. This session is closed to the general public.

10 COUNCILMEMBER BRODERICK MADE A MOTION TO ENTER INTO A  
12 CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE  
14 CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL  
HEALTH OF AN INDIVIDUAL. THIS SESSION IS CLOSED TO THE GENERAL  
PUBLIC PER UTAH CODE 52-4-205. COUNCILMEMBER BRODERICK  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

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

26 9. **Public Hearing — FY2018-19 Budget Amendment; Resolution 2018-18-R.**  
28 The City Council will review and consider Resolution 2018-18-R amending the  
30 fiscal year 2018-19 Lindon City Budget for various budgetary modifications and  
updates to city revenues and expenditures.

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

36 Kristen Colson, Finance Director, was in attendance to present the proposed  
38 amendments to the FY2018-19 budget. She noted the most significant amendments to the  
40 budget involve recognizing the new revenue from the sale of the Geneva property and  
proposed debt payment expenditures associated with the surplus property sale proceeds,  
also the proposed additions of an in-house attorney and paralegal position which are re-  
categorized from existing legal services within the budget.

42 Ms. Colson then reviewed the spreadsheet line items showing the proposed  
44 changes. Following some general discussion, the Council agreed to approve the proposed  
budget amendment by Resolution as presented.

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

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

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

8  
9 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION  
10 #2018-18-R AMENDING THE FISCAL YEAR 2018-19 BUDGET.

11 COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS  
12 RECORDED AS FOLLOWS:

13 COUNCILMEMBER BEAN AYE

14 COUNCILMEMBER LUNDBERG AYE

15 COUNCILMEMBER BRODERICK AYE

16 COUNCILMEMBER HOYT AYE

17 THE MOTION CARRIED UNANIMOUSLY.

18  
19 **10. Discussion Item — Councilmember Vacancy.** The City Council will review  
20 State guidelines and updated memo provided by the City Attorney for filling the  
21 vacancy on the City Council due to the resignation of Councilmember Daril  
22 Magleby and will direct staff on when to advertise for applications to fill the  
23 vacancy.

24  
25 Mr. Cowie led this discussion item by referencing the memo from City Attorney,  
26 Brian Haws outlining the State requirements and process for filling a vacancy on the  
27 Council. He stated that essentially, Councilmember Magleby has to vacate the seat before  
28 the city can advertise the vacancy and accept applications for appointment consideration.  
29 He noted a two-week notice of the vacancy is required before interviewing applicants in  
30 an open, public meeting and being December 4, 2018 is Councilmember Magleby's last  
31 day then the first opportunity the Council can interview candidates is the first meeting in  
32 January 2019.

33 Mr. Cowie indicated the selected applicant will fill the council seat until the end  
34 of 2019 and if the appointed applicant wants to continue service as a councilmember  
35 beyond 2019 he/she will need to file for office and campaign in the upcoming November  
36 2019 election for a 4-year term for any of the three open seats currently filled by  
37 Councilmember Bean, Councilmember Lundberg and Councilmember Magleby.

38 Mr. Cowie then asked the Council if they want to repeat the questions from 2016,  
39 or replace/remove them from the new application. Mr. Cowie noted the questions are not  
40 required but may help them better understand the applicants positions on important city  
41 matters. He then read the questions from 2016.

42 Following discussion, the Council agreed to hold interviews the first meeting in  
43 January which falls on January 15<sup>th</sup>. Mr. Cowie stated he will advertise in mid to late  
44 December with a cutoff date on application submission. The Council also agreed to use  
45 the same questions from 2016 except they would like the question on a transportation  
46 utility fee/tax to be on a broader scale to include road funding.

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

4  
6 **COUNCIL REPORTS:**

8 **Councilmember Hoyt** – Councilmember Hoyt reported the Dalton Steak House ribbon  
cutting is tomorrow, September 19<sup>th</sup> at 11am. He noted the PG/Lindon Chamber of  
Commerce will be hosting and he encouraged all to attend. He also mentioned “Dowdle  
10 Folk Art” doing a “painting puzzle” of Lindon City and if this is something that interests  
the Council. He noted the PG/Lindon Chamber is spearheading this and it would be a  
12 good way to market Lindon City and businesses in the city.

14 **Councilmember Broderick** – Councilmember Broderick mentioned he has been  
approached by residents near the water tank on 900 East wanting to know when it will be  
16 completed as it has been ongoing for a year. Mr. Cowie explained the job was done in-  
house to save money by not contracting it out so it has taken a little longer to complete.  
18 He also gave an update on the project noting the next step is the irrigation and then laying  
sod; they are hoping to have it completed this fall.

20 **Councilmember Bean** – Councilmember Bean reported they interviewed an individual  
22 for the Planning Commission vacancy and have another interview coming up next week.

24 **Councilmember Lundberg** – Councilmember Lundberg reported she attended an  
edcUtah meeting last week where they provided the year in review. She noted there was  
26 some good representation from across the state and was well attended. They discussed  
how to keep the economy booming along with other issues at the forefront and what to  
28 proactively look for to keep the prosperity moving forward.

30 **Councilmember Magleby**– Councilmember Magleby was absent.

32 **Mayor Acerson** – Mayor Acerson reported he attended the PG/Lindon Chamber of  
Commerce golf tournament noting it was a good event and well attended. He also  
34 mentioned the Day of Caring service project that is oriented at NuSkin in Provo is always  
a good event and well represented.

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

40 **Misc. Updates:**

- 42 • September City newsletter
- October newsletter article: Adam Cowie – Article due to Kathy Moosman last  
week in October
- 44 • 1600 North widening project Open House, September 26<sup>th</sup> at Orem Senior Center,  
6pm-8pm
- 46 • Planning Director hiring process (Councilmember Bean and Mayor will  
participate on the final interview panel)

- 2 • Property acquisition pending by UDOT on 700 North (small parcel owned by City  
4 that was intended for a future entryway sign). UDOT is widening and needs to  
purchase right-of-way
- 6 • ULCT Fall Conference recap
- Misc. Items

8 **Upcoming Meetings & Events:**

- 10 • September 12<sup>th</sup>–14<sup>th</sup> – Utah League of Cities & Towns, Fall Conference in SLC
- 12 • Monday, September 17<sup>th</sup> at 6:00pm – Citywide Emergency Drill. If available,  
please plan to stay for training and re-cap after drill is completed
- 14 • Monday, October 1<sup>st</sup>, 2:30pm-5:00pm – Public Immunization Clinic in City  
Council room
- 16 • October 9<sup>th</sup> at 1:00pm – Engineering Coordination meeting. Mayor Acerson and  
Councilmember Broderick will attend
- 18 • November 9<sup>th</sup> –19<sup>th</sup> – Fall Leaf Clean-Up. City will continue to pick up bags, but  
will also have dumpsters available around town for public use.
- 20 • November 6<sup>th</sup> – General Election
- 22 • November 22<sup>nd</sup> – Mayor’s Thanksgiving Dinner event
- 24 • November 22<sup>nd</sup>–23<sup>rd</sup> – Offices closed for Thanksgiving holiday
- December 21<sup>st</sup> at Noon – Employee Christmas party at Community Center
- December 24<sup>th</sup> – 25<sup>th</sup> – City offices closed for Christmas holiday
- Tuesday, January 1st – City offices closed for New Year’s holiday. No Council  
meeting

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

30 **Adjourn** –

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
34 AT 10:15 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – October 16, 2018

38 \_\_\_\_\_  
40 Kathryn Moosman, City Recorder

42 \_\_\_\_\_  
Jeff Acerson, Mayor