

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, September**  
4 **20, 2016, 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: Evan Arnicknect  
10 Invocation: Carolyn Lundberg, Councilmember

12 <b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Jeff Acerson, Mayor	Matt Bean, Councilmember
14 Carolyn Lundberg, Councilmember	
Van Broderick, Councilmember	
16 Jacob Hoyt, Councilmember	
Dustin Sweeten, Councilmember	
18 Adam Cowie, City Administrator	
Cody Cullimore, Chief of Police	
20 Hugh Van Wagenen, Planning Director	
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) **Mayor/Council Comments** – There were no announcements at this time.
  - 28 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of September 6, 2016 were reviewed.

30

COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE  
32 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 6, 2016 AS AMENDED.  
COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS  
34 RECORDED AS FOLLOWS:

36 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
38 COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 40
4. **Consent Agenda** – No items.
  - 42
  5. **Open Session for Public Comment** – Mayor Acerson called for any public  
44 comment not listed as an agenda item. There were no public comments.

46 **CURRENT BUSINESS**

2           **6. Public Hearing – LCC 12.20.215 Smoking & Vaping; Ordinance #2016-18-O.**

4           The Utah County Health Department has encouraged cities to adopt restrictions  
6           on smoking and vaping in city parks and recreational areas. The Council will  
8           consider creation of LCC 12.20.215 as recommended by Lindon’s Parks  
10           Department to restrict smoking and vaping within 25’ of playgrounds, pavilions,  
12           and other park facilities.

14           COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
16           HEARING. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL  
18           PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

20           Heath Bateman, Parks & Recreation Director led this discussion by stating several  
22           months ago he was contacted by the County and some interested citizens who support  
24           prohibiting smoking and vaping in public parks. He noted the representatives who  
26           support this action are in attendance tonight to voice support of this ordinance.

28           The group conducted several surveys on e-cigarettes and vaping including use by  
30           youth and adults which has almost tripled in Utah County. They reported it is proven that  
32           nicotine affects the brains of teenagers and vaping is a gateway drug. People exposed to e-  
34           cigarettes and vaping get secondhand nicotine just like cigarettes. They also listed the  
36           cities in Utah County that have already passed laws prohibiting vaping. The group  
38           expressed they are wanting to create a safer environment for children and others in the  
40           community.

42           Mr. Bateman then referenced the ordinance noting they will put up no smoking  
44           signs indicating no smoking is allowed within 25’ of playgrounds, pavilions, and other  
46           park facilities, which they feel is a safe distance. Brian Haws, City Attorney commented  
48           that the Utah Clean Air Act states 25’ is a safe distance and very commonly used. Mr.  
50           Bateman stated they will also reflect the City Code number on the signs. There was then  
52           some general discussion regarding this issue.

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

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

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

68           COUNCILMEMBER SWEETEN MOVED TO APPROVE ORDINANCE  
70           #2016-18-O TO PROHIBIT SMOKING AND VAPING WITHIN 25’ OF  
72           PLAYGROUNDS, PAVILIONS, AND OTHER PARK FACILITIES AND  
74           RECREATIONAL EVENTS. COUNCILMEMBER BRODERICK SECONDED THE  
76           MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

78           COUNCILMEMBER LUNDBERG            AYE  
80           COUNCILMEMBER BRODERICK            AYE  
82           COUNCILMEMBER HOYT                    AYE

2 COUNCILMEMBER SWEETEN AYE  
THE MOTION CARRIED UNANIMOUSLY.

4

At this time Councilmember Lundberg requested to change the order of the agenda placing agenda item number eleven (11) before agenda item number ten (10) and resume the regular agenda order thereafter. Mayor Acerson called for a motion to amend the agenda order.

10 COUNCILMEMBER LUNDBERG MOVED TO AMEND THE AGENDA  
ORDER PLACING AGENDA ITEM ELEVEN BEFORE AGENDA ITEM NUMBER  
12 TEN AND RESUME THE REGULAR AGENDA ORDER THEREAFTER.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
14 VOTED IN FAVOR. THE MOTION CARRIED.

16 **7. Review & Action — Development Agreement for Utility Easement**  
**Acquisition.** The City Council will review and consider a joint Development  
18 Agreement between Shadow Mountain Industrial Properties, Ivory Homes, and  
Lindon City for purposes of obtaining a utility easement through Shadow  
20 Mountain property identified as Parcel No. 14:062:0051 on the records of the  
Utah County Recorder’s Office, to facilitate utility improvements beneficial to the  
22 public for improved sewer system facilities and serving the proposed Anderson  
Farms development.

24

Adam Cowie, City Administrator, opened this discussion by explaining the City and Ivory Homes have been working for several months with representatives from Shadow Mountain Industrial Properties to acquire an easement for utilities that will be needed for the proposed Anderson Farms development by Ivory Homes. He noted this easement is also necessary for the installation of sewer utilities that will enable the City to improve functionality of its sewer system and eliminate long term needs for multiple sewer lift stations. He then presented photos depicting the site in question. He noted that Mr. Clark Taylor representing Shadow Mountain Industrial Properties is in attendance tonight to answer any questions the Council may have regarding this issue.

34

Mr. Cowie went on to say negotiations regarding compensation in exchange for the easement from Shadow Mountain had previously stalled and the City felt it necessary to use eminent domain to obtain the easement. The public hearing for adoption of a resolution to begin this eminent domain process was advertised and is listed as the next agenda item. But, because the recent negotiations have been productive and all the parties have agreed upon an outline of terms staff is recommending that on the next agenda item no action be taken. He noted if the Development Agreement is acceptable to all parties then there would be no need to proceed with the eminent domain process to acquire the easement.

42

Mr. Cowie further explained if final agreements have not been reached, staff requests that the Council authorize staff to continue working on the agreement with all parties and allow the Mayor to sign the finalized Development Agreement. He then referenced the *draft* agreement and exhibit. Mr. Cowie noted the improvements consist of culvert and any associated backfill, surface improvements, installed utilities (gravity flow

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2 percentage to be worked out), pressure irrigation, (all major utilities). He added that staff  
received Councilmember Bean’s emailed comments noting he is comfortable moving  
4 ahead if the final negotiations are worked through. Mr. Cowie stated staff appreciates Mr.  
Clark’s willingness to negotiate and his commitment to work through these issues. He  
6 then turned the time over to Mr. Taylor for comment.

Mr. Taylor commented they have a bullet point agreement drafted by Brian Haws,  
8 City Attorney, and they are in agreement to move forward in a positive, optimistic  
direction noting the city has been great to work with. Mr. Cowie agreed that the terms  
10 (bullet points) are contained in the agreement if there are any substantial changes that  
affect cost or outlay of construction they will be brought back before the Council. Mr.  
12 Cowie also requested to include in the motion the condition of authorizing staff and the  
City Attorney to finalize the agreement and also to give the Mayor the authorization to  
14 sign the finalized agreement.

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

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE DRAFT  
DEVELOPMENT AGREEMENT BETWEEN SHADOW MOUNTAIN INDUSTRIAL  
20 PROPERTIES, IVORY HOMES, AND LINDON CITY FOR THE PURPOSE OF  
OBTAINING A UTILITY EASEMENT THROUGH SHADOW MOUNTAIN  
22 PROPERTY WITH THE FOLLOWING CONDITIONS: 1. AUTHORIZE STAFF AND  
THE CITY ATTORNEY TO CONTINUE THE REDLINING AND ADJUSTMENT  
24 PROCESS ON THE FINAL DRAFT AND 2. AUTHORIZE THE MAYOR TO SIGN  
THE FINAL DEVELOPMENT AGREEMENT WHEN COMPLETED.

26 COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

28 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
30 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 8. **Public Hearing — Acquisition of Utility Easement.** The City Council will  
consider a resolution to approve the taking of a public utility easement across  
36 private property currently owned by Shadow Mountain Industrial Properties and  
located upon property identified as Parcel No 14:062:0051 on the records of the  
38 Utah County Recorder’s Office. The resolution under consideration will also  
approve the initiation of legal proceedings to exercise the City’s right of eminent  
40 domain under §§ 78B-6-501 to 522 of the Utah Code.

*\*This item has been advertised and noticed as required by State Code to be  
42 considered at this Council meeting. However, due to recent negotiations with  
Shadow Mountain Industrial Properties no action is recommended (see item #7  
44 above).*

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

6 Mr. Cowie stated as discussed in the previous agenda item, because of the recent  
7 progress in negotiations and drafting of a Development Agreement to obtain the easement  
8 with reasonable compensation to the property owner, the eminent domain hearing process  
9 is not necessary at this time so no Resolution to initiate legal proceedings to exercise the  
10 City's right of eminent domain is needed. He noted since the public hearing was noticed  
11 and advertised, Staff recommends that the City Council open a public hearing and take  
12 public comment and then make a motion that no action is needed on the item.

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

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

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

22 COUNCILMEMBER LUNDBERG MOVED THAT NO ACTION BE TAKEN  
23 AT THIS TIME TO EXERCISE THE CITY'S RIGHT OF EMINENT DOMAIN TO  
24 ACQUIRE THE UTILITY EASEMENT ACROSS SHADOW MOUNTAIN  
25 INDUSTRIAL PROPERTIES LAND TO AWAIT THE FORTHCOMING FINAL  
26 DEVELOPMENT AGREEMENT IN GOOD FAITH. COUNCILMEMBER HOYT  
27 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER LUNDBERG AYE  
29 COUNCILMEMBER BRODERICK AYE  
30 COUNCILMEMBER HOYT AYE  
31 COUNCILMEMBER SWEETEN AYE

32 THE MOTION CARRIED UNANIMOUSLY.

- 34  
35 9. **Concept Review — Ken's Cove Subdivision Zone Change.** Deny Farnworth  
36 requests feedback on a proposal to rezone property from the R1-20 zone to the  
37 R1-12 zone. The associated concept plan is for 11 lots built on 3.7 acres located at  
38 approximately 545 West Gillman Lane. Feedback will be received but no motion  
39 will be made.

40  
41 Hugh Van Wagenen, Planning Director, gave some background of this agenda  
42 item explaining the applicant, Deny Farnworth, along with ALM Engineer, Mark  
43 Greenwood is requesting feedback on a proposal to rezone property from the R1-20 zone  
44 to the R1-12 zone. He noted the concept plan is for 11 lots to be built on 3.7 acres located  
45 at 545 West Gillman Lane. Mr. Van Wagenen explained that a Concept Review allows  
46 applicants to quickly receive Planning Commission and/or City Council feedback and  
comments on proposed projects. He added that no formal approvals or motions will be

2 given, but general suggestions or recommendations are typically provided. He noted this  
4 concept has gone before the Planning Commission for feedback which was generally  
6 positive. He added that Councilmember Bean's emailed comments suggest he is  
8 generally not in favor of amending the R1-20 zone. Mr. Van Wagenen then referenced  
10 and aerial photo and sketch of the possible layout of the site in question. He then turned  
12 the time over to Mr. Farnsworth for comment.

8 Mr. Farnsworth stated he is a long time Lindon resident and he has done other  
10 developments in Lindon to try to make this a better community. He noted that he lives  
12 and owns a farm adjacent to this proposed site which is currently a hay field. He  
14 mentioned that most of the adjoining 1/2 acre properties are not taken care of and are just  
16 weeds. He realizes that Lindon is 1/2 acre oriented which he is not opposed to. He stated  
18 he would like to know what the long term future planning is for the city because he thinks  
20 it may be time to take make some smaller parcels (R1-12) which as a business owner he  
22 thinks could be a source of revenue for the city; from a city aspect are we helping or  
24 hindering for the future? He noted he came up with this concept to help make things  
26 affordable for young people who can't afford a 1/2 acre lot in Lindon. Mr. Greenwood  
28 stated they realize this is a sensitive issue and they are just here tonight to get some  
30 feedback and general suggestions from the Council and to have an open discussion. He  
32 added they want to produce a product that will benefit Lindon and give some diversity to  
34 the city.

22 Councilmember Sweeten commented, generally speaking, this proposal may not  
24 be revenue generating. He feels the density is spread throughout the city. He would be  
26 opposed to this proposed zone change as there have been changes made on the west side  
28 to accommodate the needs. Councilmember Broderick agreed with Councilmember  
30 Sweetens comments as there are areas with high density and he is opposed.

28 Councilmember Lundberg stated she is open to a concept like this so we don't isolate the  
30 R-20 zone completely throughout the city. She feels it is good to have a little bit of mix  
32 but it's difficult to say who we say yes and no to. We want to keep the R1-20 zone for  
34 those who want large animal rights etc. and she appreciates both sides of the argument.  
36 She is open to concepts like this and she doesn't feel this proposal is high density.

32 Councilmember Hoyt commented that he has a conflict of interest as he may have  
34 specific ties to the project through his business relationship with the applicant. He noted  
36 he appreciates both sides of the argument and feels there are valid points in spreading  
38 utility costs over more homes, but he feels the way to go about this is through master  
40 planning which will be a future discussion. To make decisions like this, rather than on a  
42 case by case basis, we should be forward thinking to master plan where these areas  
44 should be located. He added there are some areas where they work and where they do not  
46 work. He would not be able to vote on this issue due to the conflict of interest.

40 Mr. Farnsworth stated the road concept of 11 lots as opposed to 7 lots was 50 ft.  
42 of road; if you can gain revenue for four more lots how can you not look at that for the  
44 future; do the math as it's a win-win for the city. He appreciates the large lots in Lindon  
46 and the animal rights and he loves his farm and it will stay a farm as long as possible, yet  
most of these 1/2 acre lots don't have any horses on them anyway. He pointed out that he  
lives where this proposal is and he is not moving so he has an interest and he would  
ensure the homes would be high end, nice looking homes. Mr. Farnsworth stressed that  
his end goal would be to find a pliable solution in the city as opposed to making all lots 1/2

2 acre lots. He would hope that the Council understands this and is forward thinking in the  
4 rezoning aspect in the future of the master plan. Mayor Acerson stated what he is hearing  
here tonight is that this may have to wait for the master plan review.

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

8 At this time Councilmember Lundberg retracted her request to change the order of  
10 the agenda and requested to the regular agenda order. Mayor Acerson called for a motion  
to amend the agenda item order.

12 COUNCILMEMBER LUNDBERG MOVED TO RESUME THE REGULAR  
14 AGENDA ORDER. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 **10. Review & Action — Pleasant Grove Chamber of Commerce Funding**

18 **Request.** The City Council will review and consider a proposal from the Pleasant  
Grove Chamber of Commerce requesting that Lindon City participate in a  
20 partnership with the Pleasant Grove Chamber and make an annual contribution of  
\$10,000 per year to the Chamber.

22 Mr. Van Wagenen, gave a brief overview of this agenda item explaining the  
Pleasant Grove Chamber has provided the requested proposal/funding request for the  
24 City Council's consideration tonight. The length of the funding commitment has not been  
identified other than an 'annual contribution'. He noted it is recommended that the  
26 funding contribution and membership be evaluated annually as part of the city's budget  
review process. He then turned the time over to the Chamber Board members for  
28 comment.

30 Mr. Nuckles and Ms. Olsen were in attendance to present the outline of what  
Lindon City can expect to receive from the Pleasant Grove/Lindon Chamber of  
Commerce for the \$10,000 annual contribution followed by discussion:

32 Chamber Organizational Structure

- 34 • The Chamber is led by a 15-member volunteer Board of Directors.
- 36 • Five Executive Officers are selected from that 15-member Board to serve in  
leadership positions (i.e. Chairman, Treasurer, etc).
- 38 • A full-time, paid President will work under the direction of the Board and is the  
head of staff.
- 40 • President pay structure (pooled resources with American Fork Area Chamber):
  - Annual base salary approximately \$40,000.
  - Commission sales on membership dues determined by the Board
  - Pleasant Grove/Lindon Chamber contribution: \$28,000
- 42 • \$18,000 from Pleasant Grove City (35%)
- 44 • \$10,000 from Lindon City (19%)
  - American Fork Chamber contribution
- 46 • \$24,000 from American Fork (46%)
  - The balance of the funding will be used to hire an Office  
Manager/Administrative Assistant to manage administrative duties,

2                   freeing up the President’s time for relationship building & membership-  
3                   focused activities.

4   Board Representation

- 5           • Upon formalization of the Pleasant Grove/Lindon Chamber of Commerce, a  
6           Lindon City Council Member will be appointed to the Board and immediately  
7           become a voting member representing Lindon City.
- 8           • Additionally, Lindon City may appoint a staff member to the Board, if desired,  
9           giving Lindon City two voting Board members.

10 Board Representation

- 11          • The Chamber Board currently has three members from Lindon City businesses  
12          (Dennis Nuckles, Big-D Construction; Dustin Cook, ServPro, Emily Olson,  
13          Saratoga Jewelry).
- 14          • The Chamber will revise the bylaws to include a minimum of 33% of the Board  
15          (5 seats) to come from Lindon City or Lindon businesses.

16 Lindon City Financial Participation & Return

- 17          • We propose a \$10,000 annual contribution from Lindon City to the Chamber.
  - 18               ○ This contribution includes naming rights and rebranding to the Pleasant  
19               Grove/Lindon Chamber of Commerce.
  - 20               ○ These funds will be pooled with Pleasant Grove City’s contribution to  
21               support the general operations of the Chamber.
- 22          • The Chamber hosts numerous events, including Strawberry Days, Chamber  
23          Challenge Golf Tournament, Halloween Trunk-or-Treat, Annual Awards  
24          Banquet, Thank You BBQ, Mayor’s Quarterly Council, Monthly Chamber  
25          Luncheons, etc.
  - 26               ○ Lindon City will become a Chamber partner – the Chamber will rotate the  
27               venues of those events that can be equitably rotated between the two cities  
28               while maintaining participation levels and quality level of events.
- 29          • Additional events specific for Lindon City can be added to the services provided  
30          by the Chamber (Lindon Mayor’s Quarterly Council, Lindon Days participation  
31          etc.).
  - 32               ○ Event participation & creation specifically for Lindon City will be  
33               discussed by the Chamber Board & coordinated with Lindon City once  
34               Lindon City representation to the Board is appointed and attending.

36           The Board members also presented the Financial History & Projections (included  
37           in the staff report) noting the average current membership value is \$300 with a current  
38           membership of 76 members. The projected annual membership growth of 40 members at  
39           \$300 = \$12,000 in additional annual membership revenue.

40           Mr. Nuckles stated based on current business licenses, the potential chamber  
41           businesses from the two cities are: 1,387 total business licenses in Pleasant Grove (65%)  
42           739 total business licenses in Lindon City (35%) currently seven Lindon businesses are  
43           members. The projected growth over 1 year is 13 new Lindon businesses as Chamber  
44           members after 12 months with the new President (20 total Lindon businesses) and after 2  
45           years 15 additional Lindon businesses as Chamber members after 24 months with the  
46           new President (35 total Lindon businesses). In 5-7 years the market penetration target of  
47           18-20% of Lindon businesses as Chamber members (approximately 130 businesses).

2 Councilmember Hoyt stated it comes down to the caliber of the president that is  
4 chosen. He added that the details need to be worked out with American Fork so there is  
6 the potential of \$50,000 to hire a high caliber employee. It would have to be carefully  
8 monitored to ensure it works but the numbers work for themselves. Councilmember  
10 Sweeten commented he is not terribly concerned about who is recruited because what we  
12 are voting on is do we want to be a part of a Chamber and do we want to help fund it and  
14 trust those who are in charge to recruit the right person. Councilmember Broderick  
commented he is in favor of a Chamber and funding the \$10,000 and then review it in a  
year; he would anticipate it becoming self-funding over time. Councilmember Hoyt  
pointed out that they provided some projections and we need to look at their performance  
and evaluate it; he has a lot of interaction with this Chamber and he feels they can do a  
great job. He also feels it will benefit the business community is hard to put a dollar  
amount on that and he feels it will be money well spent.

16 Mr. Nuckles stated the projection is to triple Lindon businesses in year one  
18 especially if the right person is in place. Ms. Olsen commented they plan on getting  
20 someone in that will grow the Chamber in a way we can count on; it is a win win  
22 situation for both parties. Councilmember Lundberg agreed she would like to see a  
performance evaluation in a year. Mr. Nuckles stated they will be supporting Lindon and  
Lindon City businesses and will bring in tax revenue; the city will also have some “skin”  
in the game. Ms. Olsen stated she understands the performance will need to be re-  
evaluated.

24 Mayor Acerson commented if a \$10,000 investment is approved he would suggest  
26 making it work and come back next year and show the Council how it has grown and  
28 what has been done and you will have believers. Councilmember Lundberg asked about  
the timing of the fiscal year and renewal time and if it is prorated. Mr. Nuckles replied it  
is a calendar year from when you pay.

30 Councilmember Hoyt added there is a Pleasant Grove councilmember on the  
32 Board along with a Lindon City councilmember. Mr. Nuckles also stated a staff member  
of your choice may be on the board who will vote or it can be two city councilmembers.  
Councilmember Lundberg asked if for projections of the goals etc. in order to plan the  
budget. Mr. Nuckles stated they can provide the projections. Mayor Acerson suggested  
taking a look at the economy and know what the expenses etc. are and to be prepared in  
case there is an economic downturn.

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

38 COUNCILMEMBER SWEETEN MOVED TO APPROVE THE REQUEST TO  
40 JOIN THE PLEASANT GROVE CHAMBER OF COMMERCE BY APPROPRIATING  
\$10,000 IN FUNDING FOR THE FIRST YEAR OF PARTNERSHIP IN THE  
42 CHAMBER OF COMMERCE WITH THE CONDITION THAT IT BE REBRANDED  
WITH THE LINDON NAME. COUNCILMEMBER HOYT SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER BRODERICK AYE  
46 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER HOYT AYE  
COUNCILMEMBER SWEETEN AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **11. Discussion Item — Cemetery Policies.** The City Council will review current  
6 cemetery policies and discuss whether changes in policies are needed, and review  
8 how any changes may impact current costs, operations, and maintenance. Any  
recommendations for changes will be drafted into future ordinance changes as  
directed by the Council.

10 *The Mayor excused himself from the meeting at 8:13 pm. Mayor Pro Tem  
Lundberg conducted the meeting at this point.*

12  
14 At this time Mayor Pro Tem Lundberg gave a brief cemetery overview and read  
her prepared statement as follows:

16 *I have had the privilege of being assigned as liaison over the Lindon City  
18 Cemetery for the past 2 and a half years. In that time our recently retired Sexton Don  
Peterson and I worked together to improve the information provided to our patrons,  
20 make appropriate fee adjustments and listened to the desire of citizens to create an infant  
burial area that would allow smaller affordable plots. These were good changes and it  
22 has now become apparent that we should review and consider possible changes to our  
ordinance regarding headstone decoration.*

24 *Earlier this year a city cemetery cleanup was scheduled and signs were posted  
indicating all items in the cemetery were to be removed 30 days after Memorial Day.  
26 After further discussion about the cleanup in a Council meeting it was clarified to us that  
the actual language in our ordinance prohibits much of the decorations that have been  
placed in our cemetery over the years. However, it has not been consistently enforced.  
28 As the date of the cleanup drew near, I visited the cemetery often and could see that many  
families had left clearly sentimental and sometimes valuable items on their loved-one's  
30 graves and realizing this all would go into a dumpster could cause some serious distress  
if they did not have the opportunity to collect these items. I attempted to reach out to  
32 several dozen families and in every instance found that these objects are so very  
meaningful and the mention that they were to be discarded brought on tears, anger, and  
34 even the entire grieving process all over again making their very personal loss fresh and  
painful. Many had been confused and didn't realize the posted signs were a literal  
36 removal of everything, because typically in the past the cleanup was for the Memorial  
holiday items, perishable plants and flowers. Realizing it would be impossible to clearly  
38 communicate to all those who would be affected, it became clear to me that the cleanup,  
which was following stated regulations, would be too insensitive and needed to be  
40 softened, which thankfully it was.*

42 *I think everyone could agree that it is important Lindon city have some rules to  
maintain a safe and respectful atmosphere for all to enjoy that doesn't cause the  
44 cemetery to fall into poor condition or things left in neglect. It is also important that we  
align the ordinance language with the spirit of what we wish the cemetery to be enjoyed  
so that staff does not have confusion or improper direction in its maintenance. Right now  
46 our ordinance states that headstones cannot have decoration other than the 7 days after  
burial, yet decorations have been allowed for many years.*

2           It was explained to me that years ago Lindon chose to only allow ground-level  
4 headstones because monuments and other above-ground headstones are costly and  
difficult to maintain and work around when new burials must be accommodated. In  
6 addition, if no decorations were allowed, other than the 7 days after a burial, the ease of  
mowers being able to drive over headstones would be efficient and save money.

8           But the reality has been that decorations have not been completely removed for  
many years. I had to ask myself, if our cemetery and even others have stated in their  
10 ordinance rules that graves cannot have decorations, why in so many cases does it not  
get enforced as such? I believe there are two reasons. One, the current rules are not in  
12 harmony with the reality of our cemetery's functionality. And second, there is a very real  
human element to this entire discussion.

14           First, approximately 50% of the headstones in Lindon cemetery were allowed to  
be installed with vases, many of which are metal and can sit above the headstones (see  
16 photo in attached exhibit). If it was the intention to create a 100% flat mow-able surface,  
this will never be possible. In addition, new interments and burials occur every week,  
18 with the accompanying flowers and decorations that are allowed to remain for 7  
days. Another reality is that families are visiting loved-one's gravesites weekly adding  
20 additional flowers and mementos. Because of the installed vases and continual activity at  
the cemetery, at no point is it possible to have a field of entirely flat empty headstones  
and mow it like a park even if the current ordinance rules were enforced. The attached  
22 bid from our maintenance company states that they "guess" a possible annual savings of  
\$1,000 could be credited if the headstones were kept clear and, "After actual cost savings  
24 are realized." I contend this cost savings will not likely be realized.

26           For the past 2 months I conducted an experiment. In July I met with the mowers  
who come every Thursday and spoke with them about the maintenance they perform.  
28 Joaquin and Cesar indicated that a simple cleanup prior to their arrival would  
significantly speed-up their efforts. They also told me they always edge and blow around  
30 the headstones anyway, so they go beyond just driving machines over the grass. Nearly  
every week I would do a 15-20 minute sweep of the cemetery, picking up garbage in the  
bushes or blown in the lawn, clearing dead flowers and perishable items, and setting  
32 upright the few decorations that had tipped over in the wind or were on the grass back  
onto the headstones and in the vases. They appreciated this immensely and I found that a  
34 quick sweep of the cemetery is a simple activity that should happen on a regular basis  
anyway. I would suggest coordinating the timing of the sweep with the lawn care be  
36 scheduled between April to mid-October would make it most effective.

38           I have provided two photos of the cemetery taken today. I look at Lindon's  
cemetery and do not feel it is not cluttered, but compare it to what Pleasant Grove has  
40 posted in their cemetery on a sign that says, "Properly displayed flowers add to the  
beauty and character of the cemetery".

42           A cemetery is not like other city parks; it is sacred ground for families who have  
buried their loved ones. Cemeteries are for the living to come and find comfort and  
44 solace and often people connect to the person they've lost through leaving a beautiful  
display of flowers or item that has significance from their life. As one of our families  
46 shared with me in an email, "I know that my child's soul is in heaven and her spirit is  
with me at all times. That does not change where her body is, where we pay respect to

2 *her, where we gather to remember her.... For each one of those rocks that must be  
mowed around is a life, is a family, and is a story that matters.”*

4 *I found it interesting that Salt Lake City Cemetery, the first ever created in the  
State of Utah just 2 months after the pioneers arrived in 1847, is also today the largest  
6 municipal cemetery in the United States. It covers 130 acres of burial space with 9.5  
miles of roads, and over 124,000 people buried there. They allow decorations, with rules  
8 and on their homepage, this is their stated purpose;*

10 *“The mission of the Salt Lake City Cemetery is to serve the families who come to  
us in a time of need. To watch over and care for these families’ loved ones who have been  
interred within our great and historical cemetery. To be a steward for the open space  
12 and care for the flora and fauna that lives and grows within our boundaries. We strive to  
provide service to the family members, friends and strangers who come to find closure,  
14 solace and peace within and upon our hallowed grounds. We strive daily to remember  
“that the difference between ordinary and extraordinary is the little extra you do.”*

16 *Lindon cemetery is not 130 acres, it is 3. We have currently 2,800 plots not  
124,000 and approximately 450 individuals buried at this time. Our cemetery is small  
18 and I would put forward that a few hours of extra service beyond what needs to happen  
anyway is something we can and should do for our citizens and those that have  
20 purchased a plot there for a dear loved one. I am not suggesting we allow raised  
headstones and monuments, but simply find a reasonable and sensitive allowance for  
22 headstone decoration.*

24 *I do not believe we need a total re-working of our ordinance language but let’s  
discuss how to accommodate some decoration modifications and then make our  
ordinance match the intent of what will be enforced at the cemetery.*

26 *One suggestion would be to continue to clarify that items cannot go beyond the  
headstones onto the grass as then it gets gangly and can’t be trimmed. If they are kept  
28 within the headstone, perhaps this would be a reasonable modification.*

30 *Some may also perceive that a very few headstones become cluttered and are  
nearly covered by items. This is a difficult one to tackle, but a solution to discuss would  
be to perhaps state that the items cannot obscure the engravings upon the headstone and  
32 must be only on the perimeter of the person’s name and dates. Cemetery staff would  
continue to have the discretion to remove items that become broken, are unsafe or have  
34 expired. Let us find a solution that keeps our cemetery beautiful and respects the families  
who it belongs to as hallowed ground.*

36  
38 *Councilmember Sweeten commented he appreciates Councilmember Lundberg’s  
efforts put into the research and her passion about the cemetery. He added that he feels  
there should be an ordinance that we can enforce with whatever changes there may be but  
40 it must be consistent. Councilmember Hoyt and Councilmember Broderick stated they  
are in support of Councilmember Lundberg’s comments and agreed a more lenient  
42 ordinance may be warranted as long as it is enforced and to be consistent.*

44 *Mayor Pro Tem Lundberg called for any public comment at this time. Several  
residents in attendance addressed the Council as follows:*

46 **Lorynn Parsons:** *Ms. Parsons commented that her daughter Jennifer is buried at  
the cemetery. She has always put up arbors and shepherd’s hooks and has always made*

2 an effort that they are always buried in the lawn directly next to the headstone stabilized  
by bars underground. She also ensures her daughter's headstone is edged and clean. Ms.  
4 Parsons commented that the cemetery workers are always so kind and respectful. She  
regularly visits her gravesite to feel close to her daughter and her family leaves flowers  
6 and mementos at the headstone and hanging on the shepherds hooks which helps with the  
healing and grieving process. She expressed that she knows her child's soul is in heaven  
8 and her spirit is with her at all times, but that does not change where her body is and  
where they pay respect to her and gather to remember her. Each one of those rocks that  
10 must be mowed around is a life, is a family, and is someone's story that matters. She  
would ask that the Council take into consideration some of these points and to re-write  
12 the ordinance as to be more sensitive to the families who have loved ones there.

14 **Susan Rapier:** Ms. Rapier commented she lives near the cemetery and she shares the  
grief of losing a child as her son is buried at the cemetery. That plot becomes sacred  
16 ground where she can go to visit her son. They paid for that plot of ground so she would  
suggest that the Council figure out a way that families can express their grief through  
18 sharing flowers or items on their loved ones headstones. She mentioned that a light she  
keeps on her son's headstone was broken by the mowers driving over the headstone. She  
20 noted that she also maintains her son's headstone. She would suggest that mowers don't  
drive over headstones as it is very disrespectful. If they have to pick up something to  
22 mow around it so be it as to show a little more respect. She agreed that changing the  
wording a bit in the ordinance may be the answer. Something to the effect that patrons  
24 can put anything they want on the headstone, just not in the grass, and to be a bit more  
sensitive and fair to those who have loved ones buried at the cemetery. She would also be  
26 willing to go to the cemetery to help out.

28 **Patricia Meeks:** Ms. Meeks commented that her husband is buried at the cemetery. She  
considers it a privilege to visit his gravesite to pay her respects. She feels closer to him  
30 when she is there and she takes her grandchildren there as it helps with the healing. They  
enjoy putting things on his headstone that gives her solace and she also feels it is sacred  
32 ground. She would like to see more flexibility as to what can be put on headstones as it is  
an issue of respect.

34  
36 Mayor Pro Tem Lundberg thanked the speakers for their shared comments and  
sentiments.

38 Councilmember Sweeten commented he is hearing that people are wanting a more  
liberal ordinance. Mayor Pro Tem Lundberg referenced page 43, #7 in the packet  
40 regarding cemetery personnel approval. Mr. Cowie clarified the section stating Mr.  
Peterson, retired sexton, was occasionally approached with requests but he is not aware  
42 of that being the norm. Mr. Cowie also explained some of the issues with maintenance  
and instructions to the contracted mowers at the cemetery. He noted tonight it is  
44 recommended that the Council set a very clear directive to enforce and decide what  
changes they are considering to adopt and they will come back with an amended  
46 ordinance for approval. Mayor Pro Tem Lundberg commented that a lot of what is in the

2 ordinance is good but there are portions that need to be tweaked as to be clear and  
consistent and to also be more sensitive to the needs of the cemetery patrons.

4 Mayor Pro Tem Lundberg called for any further discussion or comments.  
Hearing none he moved on to the next agenda item

6  
8 *Mayor Acerson returned to the meeting at 9:15 pm.*

10 **12. Review & Action — Aquatics Center Lighting Proposal.** The City Council will  
review a proposal to install lighting at the Lindon City Aquatics Center in order to  
increase night time rental opportunities, and thus increase revenues at the  
12 Aquatics Center to help offset costs of the facility. The Council will consider the  
proposal and whether to appropriate funding for the project.

14  
16 Parks and Recreation Director, Heath Bateman, along with Alan Walker (pool  
manager), were in attendance to present this item. Mr. Bateman stated the purpose of this  
proposal is to outline the expense and effectiveness for the installation of lights at the  
18 Aquatics Center. He then referenced the proposal including a summary of the installation,  
effectiveness of outdoor lights, expense, and subsequently the revenue of installing the  
20 lights. He noted they are at a crossroads and need direction after considering possible  
revenue vs expenses to move forward with creation of a new set of bid documents for a  
22 request for proposal.

24 Mr. Bateman pointed out that many pools around the state have lights for their  
outdoor aquatic facilities including the Payson Pool and the Veterans Memorial Pool in  
Provo. He noted the lights not only extend swimming time for the outdoor pool but most  
26 importantly make it safer in the evening. The Payson pool has two different rental  
packages that are available throughout the summer. The first is an “Exclusive Rental” of  
28 the entire facility at \$600/predetermined time. The second rental is a “Non-Exclusive  
Rental” which is \$300/predetermined time. With 30 days out of the potential 58 days  
30 having been rented, they assume that each rental is an “Exclusive Rental,” with the  
projected revenue from the party alone being \$34,800.

32 Mr. Bateman mentioned that the Pleasant Grove is another pool with lights at  
their facility. They rent out the pool every Monday-Saturday night which equals a total of  
34 54 days booked. Pleasant Grove charges \$175 for one hour/100 people with each  
additional person at \$1.00, and \$300 for two hours/100 people, with each additional  
36 person are \$1.50. He noted if we assume that each party is for two hours with 200 people,  
100 additional people, their projected revenue would be \$16,350.

38 Mr. Bateman pointed out that the LAC rents out the facility every Wednesday,  
Thursday, Friday, and Saturday night equaling a total of 55 potential nights to rent the  
40 facility for 2017 (every weekend starting on Wednesday, May 31<sup>st</sup> to Saturday,  
September 2<sup>nd</sup>).

42 Mr. Bateman stated the cost of renting the LAC is \$400/hour for the leisure pool  
and an extra \$100 for the FlowRider for the 2017 season. He noted if it was rented every  
44 possible day at four days, including the FlowRider, the projected revenue would be  
\$82,500. He pointed out that every day was reserved in 2016 with plenty of others  
46 wanting to reserve the facility. Mr. Bateman then went over the proposed rentals.

2 There was then some lengthy discussion regarding the proposal to install lights to  
4 increase revenues to help offset the costs of the pool, safety and maintenance issues and  
6 whether to approve the funding for the project for bid. Following discussion the Council  
8 was in agreement to approve the funding for the creation of a new set of bid documents  
10 for a request for proposal be appropriated (including the possible use of PARC Tax and  
12 RDA funds) at the next budget amendment hearing.

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

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE LIGHTING  
20 PROPOSAL AT THE AQUATICS CENTER AND REQUEST THAT \$10,000 IN  
22 FUNDING TOWARDS THE PROJECT BE APPROPRIATED AT THE NEXT  
24 BUDGET HEARING TO ALLOW TIME TO GET THE ENGINEERING, PLANS  
26 AND DRAWINGS COMPLETED WITH THE CONDITION WHEN READY  
28 COUNCILMEMBER BRODERICK ASSIST IN OBTAINING THE  
30 BIDS/PROPOSALS. COUNCILMEMBER LUNDBERG SECONDED THE MOTION.  
32 THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER BRODERICK AYE

36 COUNCILMEMBER LUNDBERG AYE

38 COUNCILMEMBER HOYT AYE

40 COUNCILMEMBER SWEETEN AYE

42 THE MOTION CARRIED UNANIMOUSLY.

44  
13. **Discussion Item — City Center Park Restroom Facilities.** The City Council  
will discuss with the Parks & Recreation Director, Heath Bateman, options for  
restroom facilities at the City Center Park next to the horse riding arena. The  
Council will provide feedback and determine if funds should be appropriated.

Mr. Bateman explained that the City Center Park Horse Arena has a restroom  
which is located on the South East side of the building nearest the hill. The restrooms  
include both men's and women's facilities. In the men's facility there is one sink, one  
urinal and one toilet and the women's has 3 toilets and a sink.

Mr. Bateman then went over the situation noting the facility is old and has major  
bad plumbing issues including damage to frozen pipes. The plumbing through the block  
walls has failed and has required bricks to be removed and covered with plywood. He  
went on to say the restrooms are difficult to patrol as the doors are on the South side of  
the building. There has also been vandalism and damage done to the restroom in the past.

He noted the restrooms also flood periodically when the culinary water pump in  
the adjacent room purges and dumps water into the covered and piped Hollow ditch. The  
reason it floods is because the floor of the restroom is below the grade of the outlet pipe  
with a cement slope which naturally leads down into the restrooms, concession stand and  
the storage room. The restrooms have floor drains that drain to the sewer and the storage  
room is on a gravel drain and takes some time to drain if the water table is high from the  
pump flood.

2 Mr. Bateman pointed out because of the above situations as well as not having the  
3 concessions stand up to code, (3 department sink, hot water, etc.) the concessions stand is  
4 only good to be used with pre-packaged food like chips, cookies and candy bars.

6 Mr. Bateman then referenced the possible solutions as follows:

- 8 • Tear Down and Rebuild with piping and structures up to code including the concessions stand: Est. \$125 per square foot to build new. Demolition costs also need to be considered.
- 10 • CTX restroom install: CTX restrooms are built, wired and assembled on site in Spokane WA, then brought to the site and placed on a constructed concrete pad with plumbing and power hook ups ready. Positives are they are nearly vandal proof and they have many different looks and features that can be chosen from.
- 12 • Raise the Floor and rebuild current site as is: There will be challenges with this solution. Perhaps it will be cheaper than building a new facility, however, all the fixtures and plumbing will have to be redone along with raising the floor.
- 14 • Rental of a Portable Restroom: \$98 Regular unit with weekly service at \$88.  
16 Regular unit with every other week service \$84. Regular unit with once monthly service. Either of the choices comes with a onetime weekday delivery fee of \$50  
18 and a choice of \$10 of Hand Sanitizer and/or Seat Covers for \$5.
- 20 • Do Nothing/leave as is: The current restroom in the main park is 445 ft. from the  
22 center of the arena parking lot.

24 Mr. Bateman stated staff would recommend putting in a CTX bathroom to  
26 alleviate these issues. Mayor Acerson pointed out the question to consider is what is our  
28 long term commitment to the arena? Councilmember Lundberg commented that she  
30 would like to see the arena kept in good condition as we have had a resurgence with the  
32 Little Miss Lindon Jr. Rodeo Royalty and they will continue to build on those  
34 programs/events and it would also be in line with the “little bit of country” motto.  
Following some general discussion the Council was in agreement to obtain bids to  
renovate the current building.

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

36 **14. Review & Action — Historic Preservation Commission Appointments.** The  
38 City Council will review and consider recommendations for appointments to the  
Lindon City Historic Commission.

40 Mr. Cowie referenced the letters recommending the appointment of Maxine Smith  
42 and Rich Doxey to the Lindon City Historic Preservation Commission. Councilmember  
Hoyt stated both are willing and excited to serve on the Commission. Mr. Cowie stated  
the letters will be sent when signed by the Mayor.

44 Mayor Acerson called for any discussion or comments. Hearing none he called  
for a motion.

46 COUNCILMEMBER HOYT MOVED TO APPROVE THE APPOINTMENT  
OF MAXINE SMITH AND RICH DOXEY TO THE HISTORIC PRESERVATION

2 COMMISSION. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:  
4 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER LUNDBERG AYE  
6 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER SWEETEN AYE  
8 THE MOTION CARRIED UNANIMOUSLY.

10 **COUNCIL REPORTS:**

12 **Chief Cullimore** – Chief Cullimore reported on the recent Drill Down for Safety noting  
it was a fairly informal drill with 70% of the town participating in some way.

14  
16 **Councilmember Hoyt** – Councilmember reported the Pinewood Derby will be held this  
Saturday at 10:00 am. He noted kits can be picked up at the community center. He also  
18 reported that he attended the Chamber of Commerce golf tournament which was a great  
event. He also mentioned that he heard that Mercedes Benz may be relocating. Mr.  
Cowie stated he will check into the issue.

20  
22 **Councilmember Broderick** – Councilmember Broderick had nothing to report.

24 **Councilmember Bean** – Councilmember Bean was absent.

26 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the recent  
AM Bank anniversary event noting she appreciates their sponsorship in the city. She also  
28 reported that Wadley Farms will be inviting the Council to take a tour of their expanded  
facility. She noted they are looking to bring in more revenue with additional activities  
and events. She also reported on the riding club’s closing social noting she is very  
30 impressed with how much they are producing and offering to kids in the community.

32 **Councilmember Sweeten** – Councilmember Sweeten reported that during Lindon Days  
he provided a side by side off road vehicle for use by the Police Department. He  
34 questioned whether it would be useful for the Police Department to use year round to  
access the foothills, emergency situations, patrol trails, etc. He mentioned that he could  
36 provide a vehicle at his cost and he would also talk to the manufacturer to obtain an  
additional discount. Chief Cullimore commented the vehicle could be stored in the  
38 emergency management trailer. Following discussion the Council agreed it would be  
beneficial and to include it in the budget for next year.

40  
42 **Mayor Acerson** – Mayor Acerson gave an update on UIA. He also reported that he will  
be presenting to the UTA tomorrow. He also mentioned that the Utah League of Cities  
and Towns conference was very good this year with valuable information presented.

44  
46 **Administrator’s Report:**  
Mr. Cowie reported on the following items followed by discussion.

2 **Misc. Updates:**

- 4 • September newsletter
- 4 • November newsletter article: Councilmember Hoyt - Article due to Kathy Moosman last week in October.
- 6 • Culinary water – well chlorination status and water sampling updates
- 6 • Public Works Director – Brad Jorgensen will start on October 10<sup>th</sup>
- 8 • Claims update
- 8 • Geneva Park Property offer
- 10 • Misc. Items

12 **Upcoming Meetings & Events:**

- 14 • November 8<sup>th</sup> – General Election

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

18 **Adjourn** –

20 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
22 AT 10:45 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL  
22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Approved – October 4, 2016

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28 

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor