

2 The Lindon City Council regularly scheduled meeting on **Monday, March 4, 2024, at**
4 **5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Carolyn Lundberg, Mayor
Invocation: Jake Hoyt, Councilmember
10 Pledge of Allegiance: Ellie Knapp

12 **PRESENT** **EXCUSED**

Carolyn Lundberg, Mayor
14 Van Broderick, Councilmember
Jake Hoyt, Councilmember
16 Steve Stewart, Councilmember
Cole Hooley, Councilmember
18 Lincoln Jacobs, Councilmember
Adam Cowie, City Administrator
20 Brian Haws, City Prosecutor
Mike Florence, Community Dev. Director
22 Britni Laidler, City Recorder

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

26 2. **Presentations and Announcements:**

28 a) Adam Cowie recognized Matt Winward, Zach Daley, Paul Miller, Ethan
30 Boran, Leahanna Dutson, Breckdyn Boyer, Spencer Giles, Tyler Pritchett,
Matt Neer, Kyle Jensen, Cameron Hardman, and Juan Garrido for their efforts
32 and dedication to get water restored to city during recent water service
outages. Mayor Lundberg stated that she can't say enough about the quality,
34 talent, and dedication of the Public Works Department. Councilmember
Jacobs voiced his appreciation not only for their hard work during this time,
36 but for all the hard work they do. Councilmember Stewart stated that before
being elected he had no idea the amount of work it takes to keep the city
38 running, and he has such a great appreciation for all they do. Councilmember
Hoyt let them know he admires their dedication and stated that so many
40 citizens understood the sacrifices those employees made and voiced his
appreciation for all they do. Councilmember Broderick stated that as a general
42 contractor he knows the amount of work they did during this time and the
term above and beyond doesn't cut it, what they did was heroic.
44 Councilmember Hooley then voiced appreciation for all that they did to
restore water that weekend.

2 b) Ellie Knapp, 2023 Little Miss Lindon Queen presented Abigail Robertson as
the 2024 Little Miss Lindon Queen and her new attendants, Whitney Pace,
4 Izzy Slade, Alexandra Tremblay, and Amelia Ferrin. Ms. Knapp stated her
excitement for the new Royalty and voiced appreciation to the City Council
6 and Lindon for such a fun year they have had.

8 **3. Open Session for Public Comment** – Mayor Lundberg called for any public
comments. The follow comments were made:

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L. Jay Silvester stated that he first wanted to voice appreciation to Mr. Cowie for the
12 direction he gave him to help rectify an issue he previously had regarding Rocky
Mountain Power. He then stated he needed to address another issue he has with a low
14 spot in the gutter in front of this house where water accumulates, and how with the
added traffic from the temple, he would like it fixed if the city can. Mr. Cowie stated
16 that his concern is on a list of roads the city plans to fix, however it isn't a priority,
but it is slated to be completed.

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4. COUNCIL REPORTS:

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Councilmember Hoyt – Councilmember Hoyt gave an update on the piping at Creekside
22 Park noting that letters have been sent out to those nearby residents regarding it. He then
stated in his weekly update with Chief Brower he found there has been an uptake in
24 traffic and DUI arrest. Councilmember Hoyt stated that he recently did a tour with youth
from his ward through the public safety building and voiced what a great the Police do in
26 getting the youth excited and building relationships. He then read a letter from Chief
Brower acknowledging Sergeant Sanchez going above and beyond in purchasing a car
28 seat for a family in need of one after an accident.

30 **Councilmember Broderick** – Councilmember Broderick reported that he recently
attended a Provo Bench Canal and Irrigation Company yearly board and shareholders
32 meeting. He noted that he also attended the Hollow Water shareholders meeting with a
site visit, stating it was a good meeting that helped educate a lot of people. He closed by
34 stating they also had their engineer meeting that was attended by Mayor Lundberg, Adam
Cowie and him.

36

Councilmember Stewart – Councilmember Stewart reported that he was able to meet
38 with Jamie Jensen at the Senior Center and stated that he is amazed at all the great
activities they are able to provide for our seniors. He then stated he was able to attend a
40 gift-giving event with the Chamber of Commerce, and closed by stating that Youth
Council applications were now open.

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Councilmember Jacobs - Councilmember Jacobs reported that he was able to attend the
44 Parks and Recreation staff meeting, and stated they have a lot of fun things coming up
such as the Easter egg hunt on March 30th along with an online Easter egg hunt for adults

2 to participate in. He then stated that the link for purchasing the Lindon Centennial
Dowdle puzzle is up and running and noted that they are still looking for sponsors for this
4 year’s Lindon Days. He then closed with a quick update on his attendance to the Planning
Commission meeting, the DRC meeting and a meeting with Mark Clements with the
6 School District Board.

8 **Councilmember Hooley** – Councilmember Hooley reported that Communities that Care
has had multiple well attended meetings, and a number of events coming up. He then
10 stated for the centennial they have a Health Fair, proclamation, and the Dowdle puzzle
unveiling. He then closed by stating there will be a Historic Scavenger hunt coming up
12 and will report more on that when it comes.

14 **Mayor Lundberg** – Mayor Lundberg commended the councilmembers for their amazing
work liaison positions. She then stated that the Legislative Session just ended and stated
16 there were bills passed that will likely have an impact on the city.

18 **Administrator’s Report:** Mr. Cowie reported on the following items.

20 **Misc. Updates:**

- 22 • Next regular meeting is March 18th.
- April 2024 newsletter assignment: Kristen Aaron
- 24 • Centennial / Dowdle painting unveiling: Monday, March 25th @6:30pm @
Community Center
- ULCT Spring Conference, April 17th-19th
- 26 • Joint Orem / Lindon council meeting: April 25th @ 3:00pm @ Orem Council
chambers
- 28 • Misc. Items.

30 **6. Approval of Minutes** – The minutes of the regular City Council meeting of
January 25, 2024, February 5, 2024, and February 22, 2024, will be reviewed.

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34 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE
REGULAR CITY COUNCIL MEETING OF JANUARY 25, 2024, FEBRUARY 5,
2024, AND FEBRUARY 22, 2024 AS PRESENTED WITH NOTED CHANGES.

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

38 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
40 COUNCILMEMBER STEWART AYE
COUNCILMEMBER HOOLEY AYE
42 COUNCILMEMBER JACOBS AYE
THE MOTION CARRIED UNANIMOUSLY.

44 **7. Consent Agenda Items**

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- a) There were no consent agenda items.

CURRENT BUSINESS

8. Review & Action: Community Center Rates for Contract Rentals. The Council will review and discuss information provided by the Lindon City Parks & Recreation Director, Heath Bateman, and provide feedback and direction regarding rental rates for use of the Community Center by groups requesting special pricing and/or multi-year rental contracts.

Heath Bateman Parks & Recreation Director presented this item noting that Jamie Rolf from the Holy Cow Boutique is present to answer any questions if they arise. Mr. Bateman stated the current grandfathered in fee that the boutique has, and the current rates is getting wider and wider. He stated that he is hoping to get a new draft agreement put together that they can bring to the council after some direction this evening. He stated that there are other boutiques that are wanting to use the facility however, they are not getting the same rate the Holy Cow is receiving. Mr. Bateman stated they want to make it usable and to be fair and equitable for other boutiques that want to use the facility. He then presented 5 potential options to the council as follows:

1. No longer allow commercial/for profit events in the Lindon Community Center- As we currently stand, and as some rental requests have increased over the years, we are finding it harder and harder to find enough time available to host our Parks and Recreation programs.
 - a. Pro’s
 - i. Our city programs can be scheduled and will run more smoothly.
 - ii. Could be more available for smaller groups and families to rent the building.
 - b. Con’s
 - i. Loss of Revenue
2. Option 2: Have the Boutiques pay the current and established fee schedule rates- The fee schedule established by the City Council during the budget is to be followed and amended from time to time.
 - a. Pro’s
 - i. Everyone Pays the same rate established by the Fee Schedule.
 - ii. Easy to schedule for staff
 - iii. Easier for City Programs to schedule time.
 - b. Con’s
 - i. Might be too costly to rent to boutiques.
 - ii. Holy Cow might not be able to rent here which would facilitate loss of revenue and sales tax.

- 2 3. Develop a special category and fee in the fee schedule which is negotiated yearly
4 or up to 3 years at a time that allows the Parks and Recreation Director criteria to
5 set a fee with the renter at a set price. Possible criteria could include some or all of
6 the following in development of rental price:
- 7 a. The renter must rent the entire building at least six (6) consecutive days 2
8 separate times per calendar year.
 - 9 b. Payment must be made in advance for the first 2 events to be held in the
10 calendar year.
 - 11 c. The renter's event must provide a minimum of \$6,000 per calendar year in
12 sales tax revenue.
 - 13 d. Must be negotiated on a minimum of an annual basis but can be negotiated
14 up to 3 years in advance.
 - 15 e. The renter must demonstrate that it has commercial general liability
16 insurance that names Lindon City as an additional insured for \$1 Million.
 - 17 f. Pro's
 - 18 i. Could be more affordable to larger groups that may provide a
19 higher revenue to the city to offset facility costs.
 - 20 ii. Could make some revenue instead of the building remaining
21 unrented.
 - 22 g. Con's
 - 23 i. Pricing matrix might be confusing, subjective, and difficult to
24 establish and institute for staff.
 - 25 ii. Could appear to others to be unfair in some cases.
 - 26 iii. Could open 'Pandoria's Box' with others requesting adjusted rates.
- 27 4. Option 4: Grandfather the Holy Cow Boutique and ADD a 4% (or other %) price
28 inflator until the Boutique reaches the current fee schedule fees or they can no
29 longer afford to rent here. With the past applied rate and this 4% annual inflation
30 rate, and based off of 90 hours of rental time, it will take until 2045 to get to the
31 current fee schedule.
- 32 a. Pro's
 - 33 i. Could be more affordable to larger groups that may provide a
34 higher revenue to the city to offset facility costs.
 - 35 ii. Could make some revenue instead of the building remaining
36 unrented.
 - 37 iii. Holy Cow brings many people to Lindon.
 - 38 b. Con's
 - 39 i. Pricing matrix might be confusing, subjective, and difficult to
40 establish and institute for staff
 - 41 ii. Could appear to others to be unfair in some cases.
 - 42 iii. Could open 'Pandoria's Box' with others requesting adjusted rates.
- 43 5. The council gives a percentage off for certain criteria.
- 44 a. Ideas for Criteria

- 2 i. Revenue received through Sales Tax (over \$5k a year)
- 3 ii. Consecutive Days Renting (over 5 days)
- 4 iii. Frequency of renting yearly (regular renter)
- 5 iv. Financial data presented by the renter.
- 6 b. Pro's
- 7 i. Higher paying revenue and shows with rental day commitment
- 8 could be given a discount as the sales tax and revenue generated
- 9 would be higher.
- 10 c. Con's
- 11 i. Could appear to others to be unfair in some cases.
- 12 ii. We are in a situation that if more shows come looking to use the
- 13 community center and are looking for more days and discounts, we
- 14 might not be able to accommodate them with other renters as well
- 15 as our program's needs.

16 Mayor Lundberg asked for clarification on the past rental agreement and what
17 brought us here, Mr. Bateman stated that there was no contract in writing, it was just a
18 rental agreement that they had been rolling year after year, and they are wanting a more
19 formal agreement now. Councilmember Hoyt asked about what other boutiques use the
20 facility. Mr. Bateman stated that they have had the Makers Market Co, and Creators
21 Collective Market that have used the facility. He then gave an overview of what those
22 boutique rentals look like in terms of rental length. He then stated that he had researched
23 comparable rentals and presented those to the council.

24 Mayor Lundberg asked Ms. Rolf her intentions as a business owner and wondered
25 if continuing to use this facility is something she wants to be long term. Ms. Rolf stated
26 that she appreciates all the Lindon employees at the community center and states that she
27 loves having the boutique in Lindon and stated that patrons love this location, and she
28 does see them staying her long term. She then explained the financials for her business
29 and the past agreement they had with Lindon for using the facility. She closed by stating
30 that she isn't asking for a special rate, but just hopes that the decided rate takes into
31 consideration the cost it does take for her and other owners to put on an event like this.

32 Mayor Lundberg asked for feedback from the council to help give guidance to
33 Mr. Bateman on this item. Councilmember Hoyt stated he loves the Holy Cow and was a
34 big advocate in bringing it to Lindon and that he is leaning towards an option 3 type of
35 guideline. He stated that we don't want to be choosing winners versus losers by setting
36 guidelines that are unobtainable by smaller boutiques. He stated that by setting a criteria
37 that needs to be met in order to receive that lower rate, which is clear and concise, keeps
38 it fair. Councilmember Broderick stated that he agreed with Councilmember Hoyt stating
39 that it allows them to be fair and supportive of small business.

40 Following some general discussion, the council agreed to go with an option 3
41 outline and make sure that the terms are tailored to be accessible to all. Mayor Lundberg

2 called for any further discussion or comments from the Council. Hearing none she
4 proceeded to the next agenda item.

6 **9. Public Hearing: Ordinance Amendment; LCC 17.51, Commercial Farm**
8 **Zone - Ordinance #2024-04-O.** The City Council will consider an amendment to
10 LCC 17.51 to address the priority of agricultural production to meet the objectives
12 of the zone, clarify lot coverage requirements, and make other technical changes
14 for development in the Commercial Farm Zone

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

22 Mike Florence, Community Development Director presented this item stating that
24 in 2023, the Lindon City Planning Commission and City Council made several
26 amendments to the Commercial Farm zone to allow bed and breakfast uses, modifying
28 the number of residential units in the zone, and removed amphitheaters as an allowable
30 use. City staff then came back to the planning commission and city council at the end of
32 2023 and had a discussion of amendments that should be made to the ordinance to meet
34 the intent of promoting agricultural production. The planning commission reviewed the
36 presented ordinance amendments and recommended approval to the council. He then
38 presented the proposed ordinance amendments as follows:

- 40 • 17.51.010 – makes a reference to the commercial uses and replaces the word
42 agricultural industry with agricultural production. The purpose in changing
44 industry to production was so that there was not any inference that industrial
agriculture is allowed. The city has a specific definition for agricultural industry
that applies to feed lots, commercial raising of animals, food packaging, etc. The
amendment will also make this section so it's consistent with the agricultural
production section of the code.
- 17.51.011 – this is a new section and moves the agricultural production section to
the beginning of the ordinance instead of following the allowable commercial
uses. The ordinance also makes the following amendments:
 - Redefines what agricultural production is.
 - New definition: “agricultural activities including cultivation,
processing and distribution of agricultural products that result in
that product being marketed and sold at retail or wholesale but
does not include industrial agricultural uses.”
 - Previous definition: “the production of food for human or animal
consumption through the raising of crops and/or breeding and
raising of domestic animals and fowl (except household pets) in
such a manner that there is a reasonable expectation of profit.”
 - The city already defines the term agriculture which means: “the
production of food through the tilling of the soil, the raising of
crops, breeding and raising of domestic animals and fowl except

2 household pets and not including any agricultural industry or
3 business.”

- 4 ○ The new definition removes the requirement that there is an expectation of
5 profit and replaces it with the requirement that there be a retail or
6 wholesale requirement. In some situations, a sales tax number is already
7 required as part of retail use. Such situations would be the Walker Farms
8 store or when the Red Barn comes online at Wadley Farms. Seasonal
9 agricultural sales are exempt from the sales tax requirement, but products
10 are still being sold at retail.
- 11 ○ To make the focus more on agricultural production, staff is proposing to
12 increase the agricultural production percentage from 40% to 50% of the
13 minimum 5-acre requirement. For a 5-acre property an owner would now
14 be required to provide 2.5 acres of agricultural property instead of 2 acres.
15 This shows that the city values the agricultural equal to the commercial
16 uses of the property.
- 17 ○ The amendment also requires that as part of the zone change request a
18 property owner would need to provide the city with an agricultural
19 production plan that outlines the products that will be sold, how
20 agricultural open space will be preserved and a plan outlining the
21 proposed commercial use and how the use will sustain and support the
22 emphasis of agricultural production.
- 23 ● 17.51.012 – removes the word “nonpermitted” because the list of commercial
24 uses does not include a list of nonpermitted uses.
- 25 ● 17.51.020 – clarifies that the minimum 5-acre requirement needs to be
26 consolidated into one lot or parcel. By having multiple parcels property owners
27 can move property lines around without city approval which could make it hard to
28 ensure that the agricultural area requirement is being met long-term.
- 29 ● 17.51.120 – clarifies that the 40% building coverage applies to the non-
30 agricultural area. The ordinance also proposes a minimum coverage requirement
31 of 15% for agricultural areas. This would allow up to 16,335 square feet of
32 agricultural buildings.

34 Following some general discussion Mayor Lundberg called for a motion to close
35 the public hearing.

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

39 Councilmember Hooley asked for clarification on agricultural use and how the
40 city would enforce that. Mr. Florence stated it would mainly be tracked through them
41 having a business license. Mayor Lundberg called for any further discussion or comments
42 from the Council. Hearing none she called for a motion.
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2 COUNCILMEMBER JACOBS MOVED TO APPROVE ORDINANCE
AMENDMENT 2024-04-O AS PRESENTED. COUNCILMEMBER STEWART
4 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BRODERICK AYE
6 COUNCILMEMBER HOYT AYE
COUNCILMEMBER STEWART AYE
8 COUNCILMEMBER HOOLEY AYE
COUNCILMEMBER JACOBS AYE
10 THE MOTION CARRIED UNANIMOUSLY.

12 **10. Public Hearing: Ordinance Amendment; LCC 17.02 and 17.04.420 regarding**
portable shipping containers - Ordinance #2024-02-O. This is a city-initiated
14 ordinance change to define portable shipping containers and adopt regulations and
standards for such containers.

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

20 Mr. Florence presented this item stating that the city made an application for a
22 portable storage container ordinance on May 17, 2023 and discussed this item with the
planning commission as a pending ordinance on June 13, 2023 and August 22, 2023. He
24 stated that the planning commission recommended approval to the city council on
February 27, 2024. He noted that the purpose of the ordinance is to establish standards for
26 placing portable storage containers in residential, commercial, industrial and agricultural
areas. Mr. Florence then presented the general requirements, and requirements for
28 residential, agricultural and industrial as follows:

30 General Requirements

- 32 • Permanent placement of containers must meet setback requirements and not
located in the front yard area
- 34 • Must be used for the intended purpose of storage (no residences, camping,
cooking, etc.).
- 36 • Semi-trailers do not meet the definition of a portable storage container and shall
not be used for permanent storage greater than one hundred and eighty (180) days
- 38 • A building permit is required for permanent containers over 200 square feet for
residential uses and 120 square feet for commercial, industrial, and agricultural
uses.
- 40 • Portable storage containers shall meet the setbacks and zoning regulations of the
zone in which it is located.
- 42 • Permanent storage containers would be a contain onsite longer than 180 days.
- 44 • For construction or remodeling the temporary container can be onsite for one
year but must be removed within 10 days of final inspections. Portable storage

2 containers on construction sites may be extended beyond one (1) year for projects
4 that are anticipated to have a longer construction period with approval from the
planning director.

- 6 • Temporary containers are allowed to be used on a property for 180 days for
emergency situations such as a building fire or flood as well as when someone is
moving.
- 8 • No vertical stacking of containers
- No containers on vacant lots or parcels
- 10 • Containers cannot be used for retaining walls

12 Residential Requirements

- 1 container per residential lot or parcel.
- 14 • Prohibited on residential lots smaller than 12,000 square feet.
- The container shall either be clad in material comparable to the onsite single-
16 family home or entirely painted to cover advertising, letters, or numbers.

18 Agricultural Requirements

- Allows 2 storage containers.
- 20 • Agricultural parcels are required to be a minimum of 3 contiguous acres.

22 Commercial & Industrial Requirements

- Allowed where used for shipping or receiving merchandise for up to 180 days.
- 24 • Temporary containers cannot be stored in vehicle circulation lanes, fire lanes,
utility easements, or rights-of-way. They can be stored in parking areas when
26 shipping and receiving merchandise but cannot affect overall parking
management.
- 28 • Containers must be entirely painted to cover advertising, letters, or numbers or
screened behind a fence.

30 Mr. Florence then stated that the building code recognizes that containers were
32 constructed but built for storage. A person can use them, but they need to be safe. Some
of those general requirements are as follows:

- 34 • Permanent anchorage
- Data plate on the container
- 36 • Manufacturers information
- Foundation options for gravel or concrete

38 Councilmember Broderick asked if there should be restrictions on the size of the
40 shipping containers. Mr. Florence stated it was not currently in the ordinance, and asked
the council if they would like to add a size restriction. Mr. Haws stated that the length
42 storage containers do range and stated that it might be good to put a limit on the 53' just
to cover bases. The council agreed to add the limit of 53' to the ordinance. General
44 discussion followed.

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

8 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

10 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE 2024-02-O AS
PRESENTED WITH THE MAX LENGTH RESTRICTION OF 53' ADDED.

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

14 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

16 COUNCILMEMBER STEWART AYE

COUNCILMEMBER HOOLEY AYE

18 COUNCILMEMBER JACOBS AYE

THE MOTION CARRIED UNANIMOUSLY.

20 **11. Review & Action: Historic Preservation Commission appointments.** The

22 Council will review and consider possible appointment of various individuals to
the Historic Preservation Commission.

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26 Mr. Cowie presented this item noting that the Historic Preservation Commission
currently has some members that are not able to attend every meeting. He stated that the
mayor would like feedback from the City Council on the possible appointment of 4 to 5
28 new individuals to serve as additional members on the Historic Preservation Commission.
A list of potential candidates was presented, and the council picked the following as
30 possible members to reach out to:

- 32 • Jerry & Rebecca Hinckley
- Lindsey & John Bayless
- 34 • Kevin & Lisa Gillman
- Scott & Brenda Cullimore
- 36 • Mike & Jill Jorgensen
- Betty Clark
- 38 • Carol Page

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

42 **Adjourn** –

2 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 7:45 PM. COUNCILMEMBER STEWART SECONDED THE MOTION. ALL
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Approved – March 18, 2024

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Britni Laidler, City Recorder

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Carolyn O. Lundberg, Mayor