

2 The Lindon City Council held a regularly scheduled meeting on **Monday, November 2,**
4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor
Invocation: Jeff Acerson
10 Pledge of Allegiance: Jeff Acerson

12 **PRESENT**

Jeff Acerson, Mayor
14 Carolyn Lundberg, Councilmember
Van Broderick, Councilmember
16 Randi Powell, Councilmember – Via electronically
Adam Cowie, City Administrator – Via electronically
18 Brian Haws, City Attorney
Kathryn Moosman, City Recorder

EXCUSED

Mike Vanchiere, Councilmember
Jacob Hoyt, Councilmember

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

24 2. **Approval of Minutes** – The minutes of the regular City Council meeting of
October 19, 2020 were reviewed.

26 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 19, 2020 AS
28 AMENDED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
32 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

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36 3. **COUNCIL REPORTS:**

38 **Councilmember Broderick** – Councilmember Broderick reported he was contacted by a
resident requesting information regarding neighboring horses and what is permitted by
40 city code in regards to nuisances. He thanked staff for obtaining the information that was
forwarded on to the resident.

42 **Councilmember Vanchiere** – Councilmember Vanchiere was absent.

44 **Mayor Acerson** – Mayor Acerson had nothing to report.

46 **Councilmember Hoyt** – Councilmember Hoyt was absent.

2 **Councilmember Lundberg** – Councilmember Lundberg reported the Halloween
Flashlight Candy Search that was held at Briar Park was a great success with a huge
4 turnout. She commended the Parks and Recreation Department for doing a great job.

6 **Councilmember Powell** – Councilmember Powell had nothing to report.

8 **4. Administrator's Report:** Mr. Cowie reported on the following items followed by
discussion.

10 **Misc. Updates:**

- 12 • Next council meetings: November 16th & December 7th – Mr. Cowie asked if
we should we use zoom over the next few weeks given the high number of
14 cases in the county. Mayor Acerson said he is okay with an anchor location.
He noted recently he went through a briefing with the ULCT and it was very
16 insightful. He pointed out we know what we need to do to follow the
guidelines as to be able to meet safely. He will share the report with the
18 council and then they can decide at that point. The council was in agreement
with that suggestion.
- 20 • Status update on Police Chief vacancy – Closed last Wednesday. There have
been 40 applications submitted and they are working on the process with
22 scoring and ranking with the intent to send questions to the top 10-15
candidates.
- 24 • December newsletter assignment: Heath Bateman
- 26 • General Election: Tuesday, November 3rd
- 28 • City wide Fall Cleanup: November 13th – 22nd
- Mayor's Thanksgiving Dinner event cancelled this year due to Coronavirus
- December 7th Tree Lighting 6pm Broadcast only of tree lighting; Council
meeting conflict – how to handle in the future
- 30 • Utility billing / water meters
- Misc. Items

32 **5. Presentations and Announcements:**

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

36 **6. Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item.

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40 Lindon resident, Tammy Asay, addressed the council at this time. She explained
an issue with an Orem resident who parks his truck on the Lindon side of 200 south. She
explained it is a large truck (with a trailer attached sometimes) that is there almost 24/7.
42 He has plenty of space to park at his residence. She noted they have called the police
several times as this is posing a safety hazard in the neighborhood as it blocks the vision
44 when turning onto 200 south from the subdivision.

46 Ms. Asay stated this has been ongoing for the past several years. There are 100's
of cars in and out of the subdivision daily and it poses a safety issue. She noted the truck

2 will be parked between the fire hydrant and the curb. They as neighbors don't know
4 what to do as this is a safety hazard. She questioned if the curb could be painted red at
6 that location to prevent parking. Mr. Cowie stated code allows for parking on the street
8 for up to 48 hours as long as the vehicle is moved periodically. He stated he will check
with the city engineer to see if there is a clear vision issue. Mayor Acerson added they
check with the engineer and the attorney for the safety and legal aspects to see what can
be done to mitigate the issue.

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

7. **Consent Agenda Items** – There were no consent agenda items presented for
approval.

CURRENT BUSINESS

8. **Discussion Item — Short-Term Rentals.** The Council will continue the
discussion of options for regulating short-term rentals within the City.

Mike Florence, Planning Director led this discussion item by explaining he is
following up from a previous discussion in looking at a possible general ordinance for
short-term rentals. He noted Staff needs direction on what the council wants to do
whether to on this issue and whether to hold off for now and monitor things.
Councilmember Lundberg mentioned an email she received this past week from Airbnb
stating they sent out an email to “super hosts” that they are banning events and parties on
their platform. She noted she is aware of a “super host” in her neighborhood
(homeowner occupied) that feels they are very responsible.

Councilmember Lundberg went on to say there are half dozen platforms that you
can find now and we don't know whether they will use the “good neighbor” practices or
not, but hopefully that will occur. The question is how much we want to regulate this and
if the industry is regulating itself sufficiently. We need to consider owner occupied vs
non-owner occupied, business licenses, etc.; these are the questions that have been raised.
The question is if there is a problem that needs to be addressed and can it be mitigated
through the ordinances currently on the books?

Mr. Florence pointed out the only complaint he has received is one across from
Wadley Farms and he sent letter to them and didn't receive a response (mailed to
Virginia) and a local address that was returned. He noted since their last discussion only
two people have called to see what city regulations are. Councilmember Powell
commented she also received a complaint from a resident in her neighborhood; they are
not official complaints at this point but concerns rather than complaints. Mr. Florence
stated the justification most cities were licensing for is that they are operating a
commercial business out of the home.

Councilmember Powell added she appreciates the time staff has put into the
report. She would like to continue discussing this issue as some basic guideline and
ordinance structure needs to be put into place so we are not “chasing” them.

2 Mayor Acerson suggested a full council would be beneficial in this discussion in
regards to what we decide on regulating short term rentals and also the impacts on the
4 community.

Councilmember Lundberg agrees we need some rudimentary basic framework
6 and then watch how the ebb and flow of the industry may go. The question is do we have
a problem yet and if so, do we need a short-term rental ordinance? The two areas that
8 stick out the most to her are the event parties and to protect the interests and endeavors
and also to protect the neighbors who may be impacted by unauthorized parties, and
10 whether they are owner occupied or not.

Councilmember Powell commented the consumer who is taking advantage of the
12 property assumes the owner is meeting a benchmark and that may not be the actual
circumstance. She is concerned we are not providing a full scope of protection for the
14 consumer. Mr. Florence stated the business license is the enforcement mechanism, but we
can address that at a later date.

Councilmember Broderick commented he would like to see the parking issue under
16 control and to see they are kept off the street and also to limit the number of people in the
units and no events; that would need to be defined. However, he does not want it to be too
18 burdensome but keep it easy to do with a few guidelines.

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Following the discussion Mr. Florence stated he will put some discussion points
22 together on the following items and bring it back before the Council.

- 24 1. Limit commercial business operating from a short-term rental like events and
parties
- 26 2. Set parking requirements
3. Limit number of units
- 28 4. Comply with local codes
5. Have a local contact
- 30 6. Put together general discussion points and bring back to the council for review
prior to writing an ordinance

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

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9. Review & Action — Discontinue Emergency Declaration, Resolution #2020-
36 **25-R.** The City Council will review and consider Resolution #2020-25-R to
discontinue Lindon City's emergency status.

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Mr. Cowie explained on March 23, 2020, the Mayor proclaimed a declaration of a
40 public emergency in Lindon City in response to the Covid-19 pandemic and the Council
passed Resolution #2020-10-R on May 4, 2020, extending the declaration. Mr. Cowie
42 noted Resolution #2020-10-R was a continuing resolution that extended the Declaration
of a Local Emergency until such time as the City Council found it reasonable and prudent
44 to terminate the Declaration.

Mr. Cowie further explained the Utah State Department of Health has established
46 the State of Utah's Transmission Index and has deemed Utah County as a high level of

transmission area, and they also established state mandated requirements and standards that must be followed in Utah County in response to the pandemic.

Mr. Cowie went on to say that on October 19, 2020, Utah County terminated the County's Public Health Order previously issued on September 22, 2020, finding that the state's new Transmission Index covered and replaced the County's order and assuming that all residents in Utah County are expected and advised to follow the health orders issued by the State.

Mr. Cowie further explained if the City Council finds that Lindon City residents are expected to follow the health orders of the State of Utah, and in light of the actions of the State of Utah, the Council may find the prior declaration of a local emergency is no longer necessary and that it is reasonable to terminate the declaration so that Resolution #2020-10-R does not continue as an open-ended resolution.

Following some general discussion, the Council was in agreement to approve the resolution to discontinue Lindon City's emergency status as presented.

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

COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION #2020-25-R TO DISCONTINUE LINDON CITY'S EMERGENCY STATUS AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

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

10. Closed Session — Closed Executive Session. The City Council will enter into a closed executive session to discuss the potential sale or purchase of real property per Utah Code 52-4-205. This session is closed to the general public.

COUNCILMEMBER POWELL MADE A MOTION TO ENTER INTO A CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE POTENTIAL SALE OR PURCHASE OF REAL PROPERTY. 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:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY COUNCIL

2 SESSION. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4 **Adjourn** –

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COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
8 AT 7:35 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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12 Approved – November 16, 2020

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor