

2 The Lindon City Council held a regularly scheduled meeting on **Monday, December 7,**  
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: Van Broderick  
10 Pledge of Allegiance: Jeff Acerson

12 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor  
14 Carolyn Lundberg, Councilmember  
Jacob Hoyt, Councilmember  
16 Van Broderick, Councilmember  
Randi Powell, Councilmember  
18 Mike Vanchiere, Councilmember – via remotely  
Adam Cowie, City Administrator  
20 Mike Florence, Planning Director  
Brian Haws, City Attorney – via remotely  
22 Kathryn Moosman, City Recorder

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

26 2. **Approval of Minutes** – The minutes of the regular City Council meeting of  
November 16, 2020 were reviewed.

28  
COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES  
30 OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 16, 2020 AS  
AMENDED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE  
32 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE  
34 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE  
36 COUNCILMEMBER VANCHIERE AYE  
COUNCILMEMBER POWELL AYE  
38 THE MOTION CARRIED UNANIMOUSLY.

40 **3. COUNCIL REPORTS:**

42 **Councilmember Broderick** – Councilmember Broderick reported he has been attending  
the police chief interviews and he is impressed with the number of qualified candidates.  
44 He noted they will be doing the interviews in person tomorrow; there are some great  
candidates. He also mentioned he would like to have a potential council discussion at  
46 some point regarding mail in voting as there is some uncertainty nationally this year. He

would like the County to explain what they do in the vote count to ensure/verify we are getting an accurate count on the voting to dispel any rumors.

**Councilmember Vanchiere** – Councilmember Vanchiere reported he spoke with Mr. Florence this week about writing the ordinance for the overlay zone on 700 North. He also mentioned he was contacted by a resident who indicated she was noticed by her mail carrier that they will be giving notices to residents who park in front of their mailboxes and that mail won't be delivered until they comply. He noted some citizens have moved their mailboxes as to be in compliance.

**Councilmember Hoyt** – Councilmember Hoyt expressed his thanks to the Parks & Recreation Dept. for their work for the annual tree lighting ceremony, the Santa Parade and letters to Santa where they will respond to each child who submits a letter to Santa. He also mentioned he sent out a picture to the council in regards to the bike path to the council. He also asked about the bike master plan and if the roads that don't have a special bike path if they don't need to be stamped. Mr. Cowie said the Parks and Trails master plan includes the bike master plan. He will follow up with the engineers on this issue.

**Councilmember Lundberg** – Councilmember Lundberg reported the recent Holy Cow boutique at the community center was a smashing success noting the owners thanked the city for hosting. She also mentioned she watched the research at UVU about planning and upcoming projects with design elements and concept. She also reported on the recent news regarding Bridal Veil Falls noting some sister cities have done a resolution about conservation; the County Commission will meet about this with the developer tomorrow. She feels strongly that Bridal Veil Falls is a state treasure, and not just a county treasure. She also reported Shelly Church has sent out letters to teachers for the grants each year. She noted there have been 18 applications submitted representing six schools. She also stated she would like to have a discussion item of increasing the grant monies for next year as they are more well-known and it is a great program.

**Councilmember Powell** – Councilmember Powell reported the annual tree lighting ceremony to be held tonight will be done virtually. She added the Mayor and Historical Preservation Commission did a great job. She also mentioned the Santa Parade should be a fun event.

**Mayor Acerson** – Mayor Acerson had nothing to report at this time.

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

**Misc. Updates:**

- Next council meetings: December 21st & January 4th
- Employment vacancies update – have hired for the Accounts Payables Clerk. Rebecca Gibbons. Opening for Clerk in the Community Development Dept. Police Officers Josh Edwards and Tony Weinmuller are retiring. Will be

- 2 conducting the Police Chief interviews in person tomorrow
- 4 • January 2021 newsletter assignment (due last week of Dec): Jake Hoyt
- Misc. Items

6 **5. Presentations and Announcements:**

- 8 a) Comments/Announcements from Mayor and Council members.

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

12 **7. Consent Agenda Items** – The following consent agenda items were presented for approval.

- 14
- 16 a) Resolution #2020-26-R; Lindon City Meeting Schedule. The City Council will review and consider for adoption the 2021 Lindon City Meeting Schedule.
- 18 b) Resolution #2020-27-R; Mayor pro tem & Councilmember assignments. Mayor Acerson requests the Council's consent to the
- 20 2021 Mayor pro tem and other Councilmember liaison duties and appointments as assigned by the Mayor, including appointment of all
- 22 Council members as Board members of the Lindon City Redevelopment Agency (RDA).
- 24 c) Employee Merit Increase mid-year evaluation. In the FY2020-21 budget the City Council approved a merit increase for employees
- 26 (based upon employee performance) and in accordance with the adopted pay scale. The merit increase will be effective January 1,
- 28 2021. Per past practice, the City evaluates mid-fiscal year budget constraints and economic indicators to determine if recommended
- 30 merit increases are still financially prudent. Given a healthy local economic outlook, strong revenues, and healthy General Fund reserves
- 32 the City Administration recommends the merit increase be applied as approved in the budget.
- 34

36 COUNCILMEMBER POWELL MOVED TO APPROVE THE CONSENT AGENDA ITEMS WITH THE CHANGE TO THE MEETING SCHEDULE AS DISCUSSED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE

38 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

40 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

42 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

44 THE MOTION CARRIED UNANIMOUSLY.

46 **CURRENT BUSINESS**

2       **8. Public Hearing — Recommendation to Adopt the 700 North Corridor**  
3       **Master Plan; Resolution #2020- 29-R.**

4       Lindon City is proposing a land use small  
5       area master plan for the 700 North Corridor. The Planning Commission  
6       recommended to the city council adoption of the master plan.

7       COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
8       HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
9       PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10       Mike Florence, Planning Director led this discussion item by explaining in March  
11       2020, Lindon City received a Technical Planning Assistance Program Grant from UDOT.  
12       He noted with the grant funds, the City hired IBI Group to complete a small area master  
13       plan for the 700 North Corridor. He noted the purpose of the small area plan is to build  
14       upon and refine the 2016 resident-initiated vision for the corridor. The Vision in the  
15       master plan states: *The 700 North site is envisioned as a gateway to Lindon city and*  
16       *fosters unique experiences for the community to gather.*

17       Mr. Florence further explained that high design standards will preserve and  
18       enhance the quality of the city. The site will be developed with community spaces, retail,  
19       restaurants, employment center, services, and other experiential attractions to create an  
20       environment for a live-work community. Through the support of BRT and future  
21       mobility options, the site will be a destination center and a center for the city to grow and  
22       develop by creating a thriving, walkable community that enhances the lifestyle of all  
23       Lindon residents in the present and future.

24       Mr. Florence stated the master plan develops a land use plan for the corridor that  
25       will help to direct subsequent zoning code amendments. The master plan is divided into  
26       the following sections:

- 27       • Vision & Project Goals
- 28       • Market Study & Economics
- 29       • Urban Scale
- 30       • Concept Plan
- 31       • Street Types
- 32       • Public Realm/Open Space
- 33       • Recommendations Analysis
- 34       Lindon City is poised to see significant  
35       economic development growth along 700 N. in the coming years.

36       Mr. Florence went on to say the corridor is the last remaining large commercial  
37       area left in Lindon to develop. The City has the opportunity to help guide future  
38       development through this master plan. As part of the master plan, Zions Bank completed  
39       an economic development analysis to help the City determine how much commercial  
40       development can be expected over the next 10 years. The City does an exceptional job in  
41       capturing sales tax for items such as motor vehicles, building materials, and general  
42       merchandise.

43       Mr. Florence indicated the City can better capture sales tax on things such  
44       sporting goods, hotels, and restaurants. Lindon's biggest competition right now is the  
45       economic development that Pleasant Grove is capturing through job creation and the  
46       office buildings being constructed as well as eating establishments. Zions Bank

2 calculated that over the next 10 years, Lindon City can expect to construct approximately  
45,000 square feet of retail and 650,000 square feet of office use. However, due to  
4 COVID-19, the office space will probably take longer to recover.

Mr. Florence commented that Staff feels like the 700 North master plan builds  
6 well upon the 2016 resident-initiated vision for 700 N by establishing the following items  
listed in that original visioning document:

- 8 • Create inspiring places – mixed use and heightened standards
- 10 • Identify a vision, an attractive gateway, goals for a unique economic  
development district, establishing development strategies
- 12 • Develop an economic development core, open space, landscaping,  
gathering place, and a variety of transportation options
- 14 • Attract unique businesses and offerings that make the area a regional draw
- Creating a sense of place and vibrant community

The City completed the following public outreach efforts:

- 16 ○ Planning commission and city council work meeting
- 18 ○ Progress update meetings with the planning commission o Large group  
developer meeting and individual developer meetings
- 20 ○ Individual meetings with property owners
- City Facebook page and website
- 22 ○ Resident community Zoom meeting
- Resident feedback through email o Meetings with UDOT, UTA, and  
Central Corridor BRT consultant

24  
Mr. Florence stated in May, the City held a kick off meeting with many of the  
26 major commercial developers in Utah. In November, as the plan was being finalized, the  
City reached out again and met with some of these same developers individually to get  
28 their perspective on the plan. The City met with representatives from The Woodbury  
Corporation, Boyer Company, DB Urban and Dakota Pacific. All four of these  
30 companies liked the proposed master plan. He indicated a summary of their comments  
are listed on page 18 of the master plan.

32 Mr. Florence noted the City also solicited community feedback of the small area  
plan. The City posted the plan on the City Facebook page, website, and a community  
34 Zoom meeting was held on November 5th. A summary of the community feedback is  
also listed on page 18 of the master plan. Next Steps After adoption of the 700 North  
36 master plan the City needs to evaluate the current Lindon Village zoning ordinance and  
commercial design standards. Amendments should be made to these documents in order  
38 to implement the 700 North master plan. Mr. Florence then presented the Adopting  
Ordinance, Draft 700 North Master Plan and the 2016 resident committee presentation  
40 followed by some general discussion.

Mr. Cowie pointed out that Zions Bank gave a market analysis based on their  
42 experience and view on everything around the area and what this region could support in  
a reasonable fashion. We are trying to say that we have a professional organization that  
44 gave us a market analysis and have provided us with what type of uses are legitimate and  
could reasonably be proposed; by adopting this we are not saying this is the only thing we  
46 will accept.

2 Councilmember Hoyt pointed out a feasibility study tells you what you can do  
feasibly and what you can do quickly. If we want to fill the corridor quickly with these  
4 types of uses, he believes we would. If we want to be more selective then we have that  
option as well. There is a stark difference between this study and what was done by those  
6 with a vested interest in Lindon (2016 plan). Mr. Florence stated he didn't find a huge  
difference between this plan and the 2016 plan.

8 Councilmember Lundberg pointed out mixed use has always been on the table.  
Zions Bank is not taking into account some other potential quasi retail uses with  
10 entertainment in that outlook as well as calling extremely conservative measure on retail  
square footage; she fully realizes it can't all be retail.

12 Mayor Acerson commented this may be on target and may be conservative, but  
the council may take the expectation to a higher level as the vision is much more retail  
14 oriented; a developer may think this is all they can see. Mr. Cowie pointed out this is  
based on their analysis, and to keep in mind this corridor has been built for almost 20  
16 years and there is nothing there and it is zoned retail and office.

Councilmember Powell commented we have to establish what it is we want which  
18 is on one side of the coin and the other side is our "pie in the sky" list. We also need the  
opportunity for others to come in and have a bigger footprint in our area; there are not as  
20 many Lindon residents using that 45,000 square feet of retail.

Councilmember Lundberg pointed out this is not just a Lindon draw but a  
22 potential regional draw and that is our vision and what we are trying to accomplish.

Mr. Florence clarified this is over a 10-year period and we may not see anything  
24 new come in for a while. He directed the council to take these plans as a reference noting  
the real work will come when we start drafting the zoning.

26 Councilmember Vanchiere added the plan has plenty of flexibility but there is  
some inconsistency with our current design standards and ordinance, and we can control  
28 the mix of who comes in. Developers don't want to have to guess what we want there  
and that is what the city council needs to determine what we will allow; he believes the  
30 principles of the plan are good. He also agrees we can get more than 45,000 ft. of retail.

Councilmember Lundberg brought up page 16 of the plan noting one thing that  
32 was called out for in the 2016 document was the verbiage Live – Work - Play. She would  
suggest adding the word "Play" to the new document if the council is good with that  
34 addition.

Mr. Cowie pointed out that a lot of developers don't want to go through a long 2-  
36 year approval process. Councilmember Broderick commented that he is uncomfortable  
with the possible amount of proposed residential. Mayor Acerson suggested that we may  
38 need to take a more focused approach of what we want to see happen with a little give  
and take and that the flexibility part is not negotiable.

40 Councilmember Hoyt stated he worries if we put this map (#40) out there,  
developers may say if they put in residential first, they will bring commercial, but he  
42 feels it is saying Lindon is open for high residential. He would rather move slowly and  
get the retail commercial that we want rather than sell out for residential; we need to be  
44 strategic. He is fine for some residential, but we don't need to advertise it but it can used  
as a "carrot"; this map is not his vision. Mr. Florence re-iterated the map can be modified  
46 but the IBI Group is just suggesting this as a conceptual plan based off zoning.

2 Following some additional discussion, regarding the conceptual layout map (page  
#40) in the plan (residential), Mr. Cowie took a straw poll asking the Council if they are  
4 comfortable with any level of residential in the area, and if so at what level. The Council  
responded as follow:

6 Councilmember Lundberg: *Yes*. In her mind it is part of the negotiation piece with the  
8 right partner and developer that comes forward with significant amenities that they are  
willing to bring to the table for Lindon residents and the public at large; with no stand-  
10 alone housing.

12 Councilmember Hoyt: Ideally, he would not like any residential, but he would be open to  
residential as a “carrot” to get the right commercial partner in. He is ‘uncomfortable’  
14 without changes to reduce or remove residential options.

16 Councilmember Powell: She has never envisioned residential on the corridor. However,  
she would consider if a proper development came in that would fill the needs that the  
18 committee and other previous councilmembers has put forward. She is ‘uncomfortable’  
without changes to reduce or remove residential options.

20 Councilmember Broderick: He envisioned that the purpose of the plan was to attract the  
22 right commercial. He also agrees with Councilmember Hoyt’s comments. He is  
‘uncomfortable’ without changes to reduce or remove residential options.

24 Councilmember Vanchiere: *Yes*. There is no chance to attract commercial unless there is  
26 residential there if we are going to realize the dream of a city center etc. He is for  
residential, but we don’t have to settle and it should be quality and not super dense but it  
28 would help the commercial part of it; it would be dependent on the amount and the type  
and that is what he would be interested in.

30 Mayor Acerson articulated a few options as follows: 1. In order to achieve the  
32 consensus we would like to have we need a master developer to facilitate the proper mix  
that we are comfortable with; there is an associated cost to that and we don’t know what  
34 that cost is. 2. The city leads out with a focal point of what we want and invest as a city  
and allocate resources to set the course in action. 3. Develop a conceptual plan that still  
36 gives flexibility, but that may perceive the wrong message to developers; it’s to our  
benefit and best interest to come up with a visioning document whatever it may be; we  
38 have to have something for developers on what our vision is. 4. Let the rest of the valley  
develop so we would be last in this section of the valley in order to get what we really  
40 want; if we wait long enough that may happen.

Mr. Cowie also mentioned the timing of the CDA only has a 20-year life span so  
42 for us to have tax increment financing opportunities in this area there is a time limit; if it  
doesn’t build in that time frame, we don’t capture that and would lose that money.

44 Councilmember Lundberg stated she sees three points of purpose to the vision  
document as follows: 1. What is the memory and values of Lindon and 2. What is the  
46 prophecy of what we want to see and 3. What is the right partner with the right

2 development that we are open to; we don't want to send a mixed message that would  
bring in the wrong partner.

4 Mr. Florence stated what he is hearing is to modify/rewrite the flexible  
development area and show the BRT stations and remove page #41, and further address  
6 the heights and setbacks. He noted he is not out promoting residential uses, but is looking  
at market realities. He stated he will modify the sheet/map and modify some of the  
8 language (and TOD language) and bring it back to the council. He clarified this was  
never intended to show a residential corridor. Mr. Cowie suggested continuing this item  
10 to make the changes and bring it back at a future meeting. Mayor Acerson called for any  
public comments at this time.

12 **Ron Anderson:** Mr. Anderson commented in looking at the plan we have heard about  
14 being flexible and once the map is out and if adopted does it have to be that way. He  
spoke about 25,000 ft. buildings and if it is multi story the whole corridor will be a strip  
16 mall. He then referenced section 5.3 land use plan. He pointed out this has been going on  
awhile as over 20 years ago the vision was a retail corridor with big box similar to Orem  
18 City. The previous council got the corridor space and railroad crossing and through the  
years they kept getting more commercial and it has become more restrictive with the  
20 vision being retail. They hung on to the big box retail but that is no longer an option.  
They were starting to realize they waited 20 years to attract a large grocer but that didn't  
22 pan out. There are office type things with mixed-use office; straight office isn't good  
right now and office is so overbuilt right now. He stated he appreciates the hard work of  
24 the council and hopefully we have something good come through all of this. He also has  
concerns that the BRT will interfere with the traffic flow and full-service intersection that  
26 may actually be a detriment rather than a blessing.

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

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

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

36 COUNCILMEMBER HOYT MOVED TO CONTINUE ORDINANCE #2020-  
38 16-O TO ADOPT THE 700 NORTH MASTER PLAN. COUNCILMEMBER  
LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
40 FOLLOWS:

42 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
44 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE
46 THE MOTION CARRIED UNANIMOUSLY.	



2       **9. Review & Action — Island Dance Studio.** The Mayor and Council will review  
and consider for approval the site plan request by the Island Dance Studio to  
4       extend the final date for building improvements to be completed for the property  
at 172 South Main Street.

6  
8       Mr. Florence explained the Island Dance Studio made application for site plan  
approval and amendment to the Lindon City zoning map to rezone the property to the  
Residential/Business Overlay Zone on January 6, 2020. He noted the planning  
10      commission granted site plan approval and a recommendation to the city council to  
amend the zoning map on April 28, 2020. He noted the Site Plan approval was approved  
12      with the following conditions:

- 14           1. Site plan approval is contingent upon Zone Map Amendment approval  
from the Lindon City Council to rezone the property to the Residential  
Business District Overlay Zone (RBO);
- 16           2. The plans will meet relevant specifications as found in the Lindon City  
Development Manual;
- 18           3. The applicant will comply with all bonding requirements;
- 20           4. The applicant will ensure that customers follow the proposed pick up and  
drop of requirements as explained in the staff report;
- 22           5. The applicant will obtain a building permit and meet commercial building  
requirements for the primary structure on the property;
- 24           6. The business will comply with the maximum occupancy requirements for  
the primary structure;
- 26           7. The applicant will continually hold a business license with Lindon City  
and will comply with the additional business license requirements for the  
RBO zone;
- 28           8. The applicant will complete the site improvements by December 31, 2022;

30      Mr. Florence stated the City Council granted zone map amendment approval on  
June 1, 2020 with the following conditions:

- 32           1. The applicant complies with all site plan, building permit, and business license  
approvals and requirements for the Residential Business District Overlay (RBO);
- 34           2. All building improvements are completed by December 31, 2020

36      Mr. Florence went on to say the Island Dance Studio submitted plans for a  
building permit on May 22, 2020. The first review of the building plans was completed  
38      on June 26, 2020, but because of the commercial aspect of the building structure, the City  
is requiring that all sheets of the plans be stamped by an architect. To this date, the City  
40      has not received updated building plans for a second review. He noted the Island Dance  
Studio has a current business license through December 31, 2020. Mr. Florence stated it  
42      is staff's recommendation that if the City Council grants an extension then the extension  
should be tied to the business license and that the business license would be suspended if  
44      the building improvements are not completed by the extended date.

46      Mr. Florence then presented a letter from the applicant and the June 2020 City  
Council meeting minutes followed by discussion. He then turned the time over to the  
applicants for comment.

2 Krisel Travis addressed the council at this time. She stated she is representing the  
Podikowski's (owners). She noted they have had a couple of complications and there has  
4 been some miscommunication by both parties. Once the application was made the  
redlines were received and how this could be approved was changed and they are now  
6 required to get an architectural stamp and that is taking longer than expected. The 3<sup>rd</sup>  
party reviewer thought this was a new construction and not an addition. There was also  
8 some delay in receiving information from the city. They didn't receive the redline  
comments till August and couldn't get through to the building officials. They are  
10 currently working with an architect to get the stamp. They are adding onto the existing  
building and because they didn't do the original building there is some hesitation so they  
12 may get a new architect. They can't get the building permit and so they are missing the  
deadline; that is why they are asking for an extension to get the permit.

14 Mayor Acerson asked the council, from the city perspective, if the city has been a  
bit of the problem here. Mr. Florence said it was miscommunication with the building  
16 division, but he feels it can't be blamed on one party over the other. Councilmember  
Broderick asked what is the new deadline they are proposing? Ms. Travis stated once the  
18 building permit is issued there is a 6-month time frame to complete the project. Mr.  
Florence stated it is staff's recommendation to set a date again and tie it with the business  
20 license so they get this moving.

Councilmember Lundberg commented due to the current situation with Covid-19,  
22 it has been a difficult year, so she is leaning towards working with them for a consensus.  
Councilmember Powell pointed out it is two-fold, Covid-19 and the lack of attention to  
24 detail. She is aware there are certain precautions and care that needs to be taken care of  
but she is also cognizant this is a difficult time for businesses. Councilmember Lundberg  
26 asked what a reasonable extension time frame would be. Councilmember Broderick  
asked Ms. Travis how much time they need. Ms. Travis replied the review times of the  
28 city are not under their control so she is hesitant to say a time frame. They can get them  
in in a couple of weeks but they can't control when, and that's why it should be based on  
30 the building permit.

Mayor Acerson asked staff if this can be fast tracked so we do our due diligence  
32 and turn it around in a timely manner; then it's on the applicant to own up as well. He  
would like to get this resolved as soon as possible in the interest of the city and the  
34 applicant; it should be a cooperative effort with both parties committed to get this done.  
Mr. Cowie stated it can be expedited it on our end. He also suggested to the council six  
36 months with no more extensions and to revoke their business license if they don't comply  
as we have been very patient with this issue.

38 Councilmember Powell agreed six months is long enough to get it done. She  
added staff is very good at details and this is a problem that needs to get done with no  
40 more extensions. Councilmember Hoyt suggested to make June 30, 2021 the deadline and  
agreed if they don't comply to revoke the business license. Councilmember Broderick  
42 asked the applicant if she believes they can make that happen. Ms. Travis said hopefully  
the weather won't delay them, but there is a route to get to June 30<sup>th</sup> however, the  
44 problem has been in getting a contractor. Mayor Acerson said the conditions need to be  
articulated.

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

2 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE  
4 APPLICANT'S REQUEST FOR A BUILDING IMPROVEMENT EXTENSION AS  
6 REQUIRED BY ORDINANCE #2020-9-O WITH A FINAL EXTENSION DATE TO  
JUNE 30, 2021 AND IF NOT IN COMPLIANCE BY THAT DATE THE BUSINESS  
LICENSE WILL BE REVOKED. COUNCILMEMBER POWELL SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
10 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER VANCHIERE AYE  
12 COUNCILMEMBER POWELL AYE  
THE MOTION CARRIED UNANIMOUSLY.

14  
16 **10. Public Hearing — Protesting / Picketing, Ordinance #2020-17-O.** The Mayor  
and Council will review and consider for approval of Ordinance #2020-17-O  
relating to protesting and picketing. City Attorney Brian Haws will present.

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

22  
24 Brian Haws, City Attorney explained the City Council requested in a prior  
meeting that this ordinance be prepared for consideration due to recent residential  
picketing occurrences in other cities. He then referenced the proposed Ordinance  
26 followed by discussion. He noted over the last year a number of issues have led to  
demonstrations in the state and county. They are moving away from traditional  
28 forums and starting to migrate to residential areas. As they do that there is a focus  
on protesting individuals. This is not only elected officials but some have targeted  
30 professional advisors which gets family and neighbors caught up in that.

Mr. Haws further explained this ordinance is very similar to the ordinance  
32 Orem and Salt Lake City has adopted. He pointed out he added a little bit of  
language to state it doesn't limit people's free speech. It will restrict picketing and  
34 demonstrating and in front of a home and will limit it to 100 ft. of a property line;  
protesters can go on a public right of way but cannot go on public property. Mr.  
36 Haws stated this is what being presented tonight and he believes it is legal and  
tested and the council needs to deem if it is necessary and safe.

38 Councilmember Powell stated she would publicly say no to this ordinance,  
but for Mr. Haws presentation she will agree.

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

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

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

4  
6 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2020-17-  
O AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

8 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
10 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER POWELL AYE  
12 COUNCILMEMBER VANCHIERE AYE  
THE MOTION CARRIED UNANIMOUSLY.

14  
16 **11. Review & Action — New Aquatics Center Slide Cost Increase.** The City  
Council previously budgeted for a new slide at the Aquatics Center in the amount  
of \$300,000 from RDA and PARC Tax funds. Final estimates indicate costs of  
18 approximately \$358,080 for the recommended slide. This amount does not  
include any contingency costs. The Council will review and consider whether to  
20 proceed with the new slide project and appropriate the additional funds in a future  
budget amendment.

22  
24 Heath Bateman, Parks and Recreation Director gave his presentation to the  
council at this time. He noted considering the high cost of this amenity, the funding  
sources, and our hopes of increasing revenue, I do not know if the cost can be  
26 quantified as to when the slide will be paid back by additional revenue. If the  
Council is in favor of this new amenity at the pool, my recommendation is Option 2  
28 this year or Option 1 after we save money and make the purchase next fall. Mr.  
Bateman then presented the following bullet points for discussion:

- 30 • Splashtacular Pricing
- Splashtacular Add -on Pricing
- 32 • CEM Pricing
- Powder Coat Finish
- 34 • Translucent Fiberglass Bands
- Fabric Canopy
- 36 • Lookout Tower Standing Seam Roof
- Galvanized Steed Themed Tree Supports
- 38 • Pricing Options
  - Budgeted
  - 40 ○ Planned Spending
  - Options
- 42 • Maintenance and Additional Costs

44 Mr. Bateman stated he believes this would be the best use of the money for  
the residents at this price point and the best “bang for the buck” and would make  
46 the pool “fresh” and vibrant again; it would be a nice amenity in the gap area.

2 Following the presentation, there was some general discussion regarding the  
information presented including capacity projections. Mr. Cowie pointed out the  
4 pool is subsidized and advised the council not to look at this for making a profit  
through additional amenities as it will not drive revenue.

6 Councilmember Powell stated she likes the idea and feels it would be a great  
amenity, but she worries about the operation and maintenance costs. She mentioned  
8 she would like to see some of funds used in a different way so she would not be in  
favor of approval at this time.

10 Councilmember Hoyt stated he appreciates all the research done and has  
been on the fence on this issue, but as he looks at this the large debt concerns him  
12 but with the source of funding there (Parc Tax and RDA) and the “bang for the  
buck”, we need to protect that investment so he would vote in favor. He also  
14 believes it has the potential to create revenue.

Councilmember Lundberg stated she loves the idea, but it is along the lines  
16 of the costs that makes her uncomfortable. She feels there are other priorities in the  
city and feels we could maybe do an amenity that is not so expensive but would still  
18 give enthusiasm for the pool. She feels that this year there are other priorities so  
she would not be in favor of approval at this time.

20 Councilmember Vanchiere stated based on the information presented we  
have already approved the \$300,000 that is already budgeted and the public safety  
22 bond is paid off so he tends to agree with Councilmember Hoyt that it would bring  
increased activity, and with our good sales tax revenues and the possible  
24 sponsorship he would be in favor of funding the project.

Councilmember Broderick stated we have talked about the slide for a long  
26 time and now we are here with good numbers of what we are dealing with. He  
realizes there are many worthy places the funds could go, but with the nine second  
28 turnaround time he would be in favor at this time.

Mayor Acerson brought up the option of a potential sponsorship to help  
30 offset the costs of the slide project. He indicated he could contact/negotiate with  
DoTerra who may be interested in supporting a sponsorship for the slide project if  
32 incentivized. He believes the slide would be a good addition to the pool.

Following some additional discussion, the council was in agreement to  
34 approve the proposal if part of the funding come from Parc tax funds and the  
condition that a possible sponsor is facilitated. Mr. Bateman thanked the council for  
36 their consideration in this matter noting he will make the best use of the funds as  
possible.

38 Councilmember Powell asked the council at this time to remember the city  
needs identity during the Christmas season and we need future discussion where  
40 some funding can come from as to have more presence.

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

44 COUNCILMEMBER HOYT MOVED TO APPROVE PROCEEDING WITH  
THE NEW SLIDE PROJECT AT THE AQUATICS CENTER WITH DIRECTION TO  
46 INCLUDE THE TOTAL FUNDING IN THE NEXT FY2020-21 BUDGET  
AMENDMENT IN THE AMOUNT OF \$400,000.00 WITH A MAXIMUM OF

\$150,000 BEING PARC TAX FUNDS AND TO FACILITATE A POTENTIAL SPONSORSHIP. COUNCILMEMBER VANCHIERE SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

**12. Closed Session — Closed Session to Discuss the Sale or Purchase of Real**

**Property.** 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 VANCHIERE 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 POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER HOYT AYE

COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

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

**Adjourn –**

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 9:50 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 21, 2020

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor