

2 The Lindon City Council regularly scheduled meeting on **Monday, May 17, 2021, 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: Jeff Acerson, Mayor  
Invocation: Van Broderick  
10 Pledge of Allegiance: Jeff Acerson

12 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor  
14 Van Broderick, Councilmember  
Jake Hoyt, Councilmember  
16 Carolyn Lundberg, Councilmember – remotely  
Mike Vanchiere, Councilmember  
18 Randi Powell, Councilmember  
Adam Cowie, City Administrator  
20 Brian Haws, City Attorney  
Mike Brower, Chief of Police  
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 May  
28 3, 2021 were reviewed.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES  
30 OF THE REGULAR CITY COUNCIL MEETING OF MAY 3, 2021 AS AMENDED.  
COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
32 RECORDED AS FOLLOWS:

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

- 40 3. **Presentations and Announcements:**  
42 a) Comments/Announcements from Mayor and Council members.  
b) Presentation: Orem Fire & EMS Chief Marc Sanderson and Deputy  
44 Chief Earl were in attendance to address the council. Chief Sanderson  
presented the services report noting there were a total of 1216 total  
46 calls. He stated the total fire response call volume is 330 which is all  
encompassing. He explained they just changed over to a new EMS  
reporting system that is tracking this with detail. They are anticipating

2 an expected increase in the summer months. He also explained the  
3 response plan program that helps them determine what to do better as  
4 to provide better services. He indicated they are impacting call times  
5 and response times with a much higher expectation than the numbers  
6 reflected in the study. He noted the next 6 months will show dispatch  
7 is processing calls faster and they are getting out of the station quicker.  
8 He stated he will forward the report to the council. He also spoke on  
9 inspections and fire prevention education and response plans that help  
10 with the dispatching process. Chief Sanderson stated the Lindon  
11 Station currently has a Captain, an Engineer, four Paramedics and two  
12 Firefighter Paramedics along with an engine, an ambulance and a  
13 brush truck. Following some general discussion regarding the  
14 presentation, the Mayor and Council thanked Chief Sanderson and  
15 Deputy Earl for coming and for the valuable information presented.

#### 16 4. COUNCIL REPORTS:

17  
18 **Councilmember Broderick** – Councilmember Broderick expressed his thanks to the  
19 public works department for the road repair on 400 North noting they do great work. He  
20 also mentioned the issue of maintaining the line of vision on the Murdock Canal trail  
21 crossing at 400 North. Mr. Cowie stated they provided a memo from the city engineer  
22 recommending the signage to be installed. Mr. Cowie stated he will follow up on this  
23 issue with the public works director.

24  
25 **Councilmember Vanchiere** – Councilmember Vanchiere reported he has been attending  
26 the planning commission meetings regularly noting it is interesting to hear the different  
27 perspectives on the issues and he really enjoys the opportunity to attend. He also gave  
28 the Commission kudos for their good work. He also mentioned he stays in regular  
29 contact with the Planning and Zoning department and things are going good there. He  
30 reported the Transfer Station is in the process of doing the master plan with a lot of things  
31 to be done and decisions to be made. He noted there was a lot of tonnage at the weigh  
32 station for 2020 as compared to 2021 so, financially they are doing very well. He noted  
33 the recent lawsuit with a contractor has been settled. He also asked if there was a  
34 decision made on whether to use the recycle software that was presented several meetings  
35 ago. Mr. Cowie confirmed that statement adding there was a \$1,200 placeholder put in  
36 the budget.

37  
38 **Councilmember Hoyt** – Councilmember Hoyt reported an issue at Geneva Road and  
39 Center Street where a business (Premier) unloads with a forklift and backs up on Geneva  
40 Road on a daily basis. When turning off of Geneva Road the traffic backs up to turn onto  
41 Center Street that poses a real safety concern. He questioned what options there are as it  
42 poses a big safety issue. Mr. Florence commented that the business needs site plan  
43 approval and they have been trying to get them to comply now for several years as the  
44 business needs the approvals to store materials on the grounds across the street.  
45 Councilmember Hoyt reported he also spoke with Mr. Bateman, Parks and Recreation  
46 Director. He noted there are 25 plus summer programs available this summer. The Parks

2 & Recreation Department does a great job with so many opportunities. He also reported  
4 the pool will be opening on Memorial Day weekend.

6 **Councilmember Powell** – Councilmember Powell reported she will be attending the  
8 engineering coordination meeting next Wednesday at public works. She also spoke on an  
10 issue from the last meeting they talked about was the placement of light on 700 North as  
12 she is concerned about safety issues at that location. She noted they have just installed a  
14 new stop light south of the high school on Hardy Blvd. in Highland; this is a fully  
16 functioning light with no development etc. in the area. She questioned why we can't get a  
light at Anderson Blvd. for the Ivory Development. Mr. Cowie stated he is not sure but it  
needs to meet warrants and it may have been approved ahead of time (in Highland). He  
added this spot wasn't identified by UDOT as a potential signal location and it is not on  
the street master plan. He does not know how Highland got the light. Mayor Acerson  
said he will follow up with the Highland City Mayor on this issue.

18 **Councilmember Lundberg** – Councilmember Lundberg reported she had an opportunity  
20 to talk with Scott Healy who owns the dental office on state street about a large accident  
22 that recently happened at that location. Mr. Healy commended the police dept. for  
24 having a quick response time and clearing the issue in a prompt manner. She also  
mentioned that Mr. Healy stated he is in support of the Norton Project. He is also in  
support of the transitional housing overlay project as it is a good low impact type of use  
there. She also reported the Pleasant Grove/Lindon Chamber of Commerce is sponsoring  
a concert for Pleasant Grove City and Lindon City with a summer concert series. They  
will be looking for any talent that we may recommend and to please let the Chamber  
know of any talent recommendations. She noted this will be separate from the Lindon  
Days concert.

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

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

34 **Misc. Updates:**

- 36 • Next regular council meetings: June 7th & June 21st
- June 2021 newsletter assignment (due last week of May): Carolyn Lundberg
- 38 • Memorial Day Ceremony, May 31st at 9am at the Lindon City Cemetery
- Traffic study in progress at 400 N & Locust to consider 4-way stop request and  
possibility for improvements.
- 40 • 700 N Walmart entrance/exit evaluation summary report in progress (including  
accident reports)
- 42 • Culinary water system update
- 2021 Election info:
  - 44 ○ Declaration of Candidacy June 1st-7th. Ends Monday, June 7th at 5:00pm.
  - Primary vote-by-mail ballots mailed week of July 19th
  - 46 ○ Primary election day: August 10th
  - General Election vote-by-mail ballots mailed week of Oct 11th

2           ○ General Election Day: November 2nd

- Misc. Items

4

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

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

10

**a)** Resolution #2021-11-R; Declaring certain property and equipment owned by Lindon City as surplus.

12

**b)** Resolution #2021-12-R; Authorizing certain employees to access and manage the State of Utah Public Treasurers' Investment Fund (PTIF) on behalf of Lindon City.

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    COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18

    COUNCILMEMBER BRODERICK            AYE

20

    COUNCILMEMBER HOYT                    AYE

22

    COUNCILMEMBER LUNDBERG            AYE

22

    COUNCILMEMBER POWELL                AYE

24

    COUNCILMEMBER VANCHIERE            AYE

24

    THE MOTION CARRIED UNANIMOUSLY.

26

**CURRENT BUSINESS**

28

**8. Public Hearing — FY2022 Proposed Budget; Resolution #2021-13-R.** The City Council will accept public comment as it reviews and considers adoption of its FY2022 Proposed Budget. The Council will also give direction on major budget issues and other city-wide budgetary issues. A public hearing will be held on June 21, 2021 to amend the FY 2021 budget and to adopt the FY2022 Final Budget.

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    COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

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    Kristen Colson, Finance Director explained this is the public hearing to adopt the Proposed Budget (this is more than is required by the State). She explained they must approve the Tentative and Final Budgets by June 22<sup>nd</sup>. She pointed out that historically, Lindon has done a proposed budget that helps organize along the way and to make any changes to the budget.

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44

    Ms. Colson explained the economy was expected to decline drastically for the 2021FY due to the COVID-19 pandemic and subsequent closures, however Lindon City is experiencing increased growth. She noted we have an estimated 7.3% increase in sales

46

2 tax from the 2020FY and an estimated 33% increase in building permit revenue from  
2020FY. She stated the economy is expected to continue growing in the 2022 FY with an  
4 estimated 4% increase in sales tax, PARC tax and transit tax.

Ms. Colson stated we will watch the economy and monitor revenues as they come  
6 in throughout the year. She noted staff would like the council to provide any feedback  
and direction before the Final Budget is presented at the June 21<sup>st</sup> City Council Meeting.

8 There was some discussion on dumpsters provided for the citywide spring and fall  
cleanup. Ms. Colson noted this year it was \$21,000 for fall cleanup and \$20,000 for  
10 spring cleanup that included a lot of tipping fees and charged by the tonnage. She added  
those costs don't include employee wages. She stated we can look at ways to control the  
12 costs and save money or continue as is. Some of the increase is just new growth as we  
went from 6 locations in the fall to 5 locations in the spring. She pointed out that  
14 surrounding communities have tightened their restrictions. Following some discussion  
on this subject the council was in agreement in moving forward this is an issue that will  
16 warrant further discussion at a future meeting. Mr. Cowie mentioned another option to  
consider is to promote dump passes and reduce the number of dumpsters at the fall and  
18 spring cleanup, or to implement one program or the other but not both.

20 Ms. Colson then gave her presentation beginning with the Fee Schedule Changes  
as follows:

- 22 • Culinary Water 3% increase– including Base Rate and Usage Rate
- 24 • Secondary Water 3% increase - Metered secondary water (where  
available; in addition to fee based on lot size
  - 26 ○ Usage rate per 1,000 gallons • If using treated water See Culinary  
Water Usage Rates and Blocks • If using untreated water ~~\$0.58~~  
\$0.60
- 28 • Storm Water 3% increase - ~~\$10.38~~ \$10.69

**Sewer:**

- 30 • Base charge - Based on Table 403.1 in 2015 International Plumbing Code as  
currently adopted or as may be amended.
- 32 • Single Family Residential (R-3, R-4) ~~\$21.03~~ \$21.87
  - 34 • 1 base rate fee covers up to 2 units (home + accessory apartment)
- 36 • Multi-family Residential (R-2), per unit ~~\$10.52~~ \$10.94
  - 38 • (½ base rate fee for Single Family Residential)
- Other Residential (R-1, R-2 (dormitories); Institutional), per unit ~~\$5.26~~ \$5.47
  - (¼ base rate fee for Single Family Residential)
- Non-Residential, per water meter ~~\$21.03~~ \$21.87
- 40 • Usage rate per 1000 gallons ~~\$2.78~~ \$2.89
  - 42 • For customers with pressurized irrigation, usage is based on water usage
  - For customers without pressurized irrigation, usage is based on average winter  
water usage from December to March.

44 Ms. Colson then went over the change in utility bill noting the average monthly  
utility bill for a family that lives below the North Union Canal has unmetered pressurized  
46 irrigation and uses 8,000 gallons with their 1" culinary water meter, and has one garbage  
can and one recycling can.

2 Ms. Colson then presented for discussion the Estimated Revenues noting the total  
city revenues are \$22,896,382 (net of fund balances and transfers). She also presented  
4 the Budget Expenditures (the citywide expenditures by object) with total expenditures  
being \$25,225,683. She then went over the Budget Expenditures for Personnel as  
6 follows:

- 8 • 1.4% cost of living allowance (COLA) increase, which will be effective July 1
- 10 • Merit increase of 1 step on the pay scale (2.6%)
  - Conditioned upon employee evaluation score
  - Effective January 1, 2022
  - Staff can bring this back to City Council in December 2021 for final  
12 approval
- 14 • Cost of COLA and Merit increases (salary and benefits) = \$155,753
  - General Fund = \$128,140
  - Water Fund = \$8,702
  - 16 • Sewer Fund = \$3,967
  - Storm Water Fund = \$4,736
  - 18 • Recreation Fund = \$10,209

#### New Positions

- 20 • Building Inspector/Code Enforcement
  - Approved in 2019-2020, but unable to fill
  - 22 • Was not included in 2020-2021 budget due to pandemic
- 24 • PW Inspector/Blue Stake/SWPPP Inspector
- GIS Intern
- 26 • Public Works Restructuring
  - Changing from 4 Superintendents to 2 Superintendents and 2 Leads

#### Insurance Premiums

- 28 • Medical insurance premiums will increase 5.9%
  - Dental insurance premiums will remain the same
  - 30 • Overall, employee benefit allowance will increase 5.7% or \$50,119 for 2022FY

#### Paid Overtime

- 32 • Policy to be added to 6.1.5 of Lindon City Policies & Procedures Manual:
  - 34 • For the following Departments and/or Divisions, overtime will be paid at  
1.5 x rate up to \$3,000 per fiscal year per employee. Any overtime earned that  
36 exceeds the \$3,000 threshold will be paid in the form of compensatory time off  
(comp time).
    - Parks
    - 38 • Recreation (permanent part-time and full-time employees only)
    - Protective Inspections (Building Inspectors)
    - 40 • Public Works
- 42 • Total potential cost if all positions maxed out on paid OT option: \$51,000
  - 44 ○ PW Inspectors \$6,000
  - Water \$12,000
  - Storm \$6,000
  - 46 ○ Sewer \$9,000
  - Streets \$6,000
  - Parks \$6,000

- Recreation \$3,000
- Protective Inspections ~~\$3,000~~ \$6,000

Ms. Colson then discussed the Budgeted Capital Expenditures as follows:

**General Fund Capital Expenditures = ~~\$782,000~~ **\$812,000****

- **Government Buildings = \$95,000**

- \$85,000 for City Center improvements
  - \$10,000 to paint upstairs
  - \$10,000 to renovate exterior landscaping
  - \$10,000 to upgrade HVAC
  - \$15,000 to upgrade gutter system
  - \$40,000 to paint roof

- \$10,000 to tint public safety windows

- **Streets = \$145,000**

- \$95,000 for PW snowplow and salter for bobtail
- \$50,000 for PW asphalt hot box

- **PW Administration = ~~\$257,000~~ **\$287,000****

- \$85,000 for PW building improvements
- ~~\$172,000~~ **\$202,000** for equipment
  - \$105,000 for PW Bobtail (dump) truck
  - \$67,000 for PW bobcat/mini excavator

- **Parks = \$285,000**

- \$215,000 for park improvements
  - \$100,000 for Hollow Park playground
  - \$30,000 to pave arena road
  - \$85,000 for Pioneer Park parking lot
- \$70,000 for arena tractor

**Road C.I.P. Fund = \$1,650,000**

**PARC Tax Fund = \$140,000**

- Veterans Hall = \$10,000 for ADA pathway
- \$130,000 to replace playground and surface at Citizenship and Panorama Parks

**Park C.I.P. Fund = \$70,000 (funded by impact fees)**

- \$30,000 for shade over playground in Hollow Park
- \$40,000 to get power to upper pavilion of City Center Park

**Water Fund = \$3,209,700**

- \$45,000 for equipment
  - \$10,000 for enclosed tool trailer
  - \$10,000 for mini-ex plate compactor attachment
  - \$5,000 for water leak detection equipment
  - \$20,000 for trench box alternatives

- 2 ○ \$490,000 for improvements to secondary water system
- \$300,000 for connection to Provo River Aqueduct
- 4 ○ \$100,000 for zone 1 pumps
- \$55,000 for screens
- 6 ○ \$5,000 for pressure reducing valve rebuild
- \$30,000 contingency for waterline repairs
- 8 ○ \$2,474,700 for improvements to culinary water system
- \$1,600,000 for Canal Dr. water line
- 10 ○ \$362,700 for back up generators at Wells #1 and #3 and 835 E booster pumps
- 12 ○ \$335,000 to replace waterline on Center St. from Main to 200 E
- \$50,000 for heaters for wells and chlorine buildings
- 14 ○ \$50,000 for 835 E booster station upgrades
- \$50,000 contingency for waterline repairs
- 16 ○ \$27,000 to get power to 2M gallon tank for heaters, telemetry and radio tower (currently using batteries and solar)

18 **Sewer Fund = \$548,500**

- 20 • \$101,000 for vehicles and equipment
- \$30,000 for backup generator at LS #4
- 22 • \$54,000 for truck cab, chassis, service bed, and hoist
- \$17,000 to for crane
- 24 • \$235,000 for special projects
- \$100,000 for Lindon/Orem flow meter replacement
- 26 • \$97,500 to upgrade LS#4
- \$40,000 for sewer pump maintenance
- 28 • \$210,000 for infiltration elimination

30 **Storm Water Fund = \$600,000**

- For storm water piping from the main ditch to Pheasant Brook detention pond

32 **Recreation Fund = ~~\$628,855~~ \$563,855**

- 34 • \$433,855 for Aquatics Center improvements
- \$288,855 for Aquatics Center slide installation (first \$111,145 for slide will be in 2021FY)
- 36 • \$105,000 for Aquatics Center pump and boiler maintenance and replacement
- 38 • \$30,000 for Aquatics Ctr woman's room floor
- \$10,000 Aquatics Ctr landscape improvements
- 40 • ~~195,000~~ **\$130,000** for Community Center upgrades and improvements
- \$60,000 to rebuild south entrance with ADA ramp (will receive \$30k grant)
- 42 ○ \$20,000 to paint walls in gym above sisal and paint stage area walls to ceiling
- \$10,000 to update circuit panel in old kitchen & replace fixtures with LED
- 44 ○ \$10,000 to install energy efficient windows on south side
- \$10,000 to replace leaking gutters with seamless rain gutters
- 46 ○ \$20,000 to replace failing rooftop unit above the chapel
- ~~\$50,000 for covered parking for large equipment~~

2           ~~o \$15,000 to get electricity to shed in parking lot~~

4           Ms. Colson then went over the summary of fund balances noting the ending  
6 balance of fund is \$3,591,102 or 31.6%. In conclusion, she stated the final budget will be  
8 presented at the June 21<sup>st</sup> city council meeting for adoption. Following the presentation  
10 there was some general discussion regarding the Proposed Budget.

8           Mayor Acerson called for any public comment. Resident in attendance, Cole  
10 Hooley expressed his thanks to the mayor and city council for the good discussion on the  
12 budget and for their hard work for the city. The Mayor and Council thanked Ms. Colson  
14 for her presentation and great work on the budget.

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

16           COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
18 COUNCILMEMBER POWELL SECONDED THE MOTION. THE MOTION  
20 CARRIED UNANIMOUSLY.

18           Mayor Acerson called for any further comments or discussion from the council.  
20 Hearing no further comments, he called for a motion.

22           COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2021-  
24 13-R ADOPTING THE LINDON CITY FY2022 PROPOSED BUDGET WITH THE  
26 UNDERSTANDING THAT THE ITEMS DISCUSSED WILL BE PRESENTED AT  
28 THE FINAL BUDGET. COUNCILMEMBER VANCHIERE SECONDED THE  
30 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

34           **9. Recess to Lindon City Redevelopment Agency Meeting (RDA).**

36           COUNCILMEMBER BRODERICK MOVED TO RECESS THE LINDON  
38 CITY COUNCIL MEETING AND CONVENE AS THE LINDON CITY RDA.  
40 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
42 RECORDED AS FOLLOWS:

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

2 BOARDMEMBER BRODERICK MOVED TO ADJOURN THE LINDON  
3 RDA MEETING AND RECONVENE THE LINDON CITY COUNCIL MEETING.  
4 BOARDMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

6 BOARDMEMBER BRODERICK AYE  
BOARDMEMBER HOYT AYE  
8 BOARDMEMBER LUNDBERG AYE  
BOARDMEMBER POWELL AYE  
10 BOARDMEMBER VANCHIERE AYE  
THE MOTION CARRIED UNANIMOUSLY

12  
**10. Public Hearing — Zone Map Amendment; Ordinance #2021-6-O.** Rhino

14 Realty LLC (Low Book Sales) is requesting approval from the City Council for a  
15 Zoning Map Amendment located at approximately 550 N. State Street (Parcel  
16 number 14:067:0187 and a portion of 14:068:0304). The Zone Map Amendment  
17 request is to change the zoning on the property to General Commercial–A. The  
18 Planning Commission unanimously made a recommendation for approval to the  
City Council.

20  
COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.  
22 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE MOTION  
CARRIED UNANIMOUSLY.

24 *Councilmember Hoyt recused himself at this time due to a potential conflict of interest.*

26  
Mike Florence, Planning Director was in attendance to address the council at this  
28 time. He explained the applicant is requesting a zone change for the subject parcel (1.9  
acres) from General Commercial to General Commercial-A for the expansion of the Low  
30 Book Sales dealership. He noted used automobile dealerships are not permitted in the  
General Commercial Zone but are permitted in the General Commercial-A Zone. He  
32 indicated that the zoning map amendment request was originally part of the Lindon  
Heights development with Elwood Holdings LLC that included an application for a zone  
34 change to the General Commercial-A and the Planned Residential Development (PRD)  
Overlay zones for a residential townhome and commercial development.

36 Mr. Florence further explained that the applicant, Rhino Realty LLC (Low Book  
38 Sales), has decided to separate their request for a Zone Map amendment from Elwood  
Holdings LLC who is proposing other commercial uses on State Street and residential  
40 townhomes. This request will now be considered separately from the Lindon Heights  
project and not relate to Elwood Holdings LLC zone map amendment and general plan  
42 street masterplan amendment request. He noted if the city council votes to approve the  
rezone request the applicant will be return to the planning commission for site plan and  
subdivision approval.

44 Mr. Florence went on to say that the Low-Book Sales property to the North of the  
subject property is in the General Commercial A Zone. He noted there are currently  
46 twelve properties in the State Street Corridor with the General Commercial-A zoning  
designation. The subject property has a Commercial designation in the Lindon General

2 Plan Map. The minimum lot size for a lot in the CG-A zone is 20,000 square feet which  
this property will meet. Lot Requirements (General Commercial-A).

4 Mr. Florence then presented an Aerial Photo, Surrounding Area Zoning Map,  
Surrounding Area General Plan Land Use Map and Legal Description and exhibit  
6 followed by discussion. The applicant addressed the council at this time. He explained  
this action to separate from the developer application is due to time constraints and the  
8 need to move forward as soon as possible on this expansion.

10 Following some additional discussion, the council was in agreement to approve  
this request as presented.

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

14 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE MOTION  
16 CARRIED UNANIMOUSLY.

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

20 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE  
22 #2021-6-O AMENDING THE LINDON CITY ZONE MAP FROM GENERAL  
COMMERCIAL TO GENERAL COMMERCIAL A AS PRESENTED.

24 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

26 COUNCILMEMBER BRODERICK            AYE  
COUNCILMEMBER LUNDBERG            AYE  
28 COUNCILMEMBER POWELL            AYE  
COUNCILMEMBER VANCHIERE            AYE

30 THE MOTION CARRIED UNANIMOUSLY.

32 **11. Continued Public Hearing — General Plan Street Master Plan Map**  
**Amendment; Ordinance #2021-4-O.** This item was continued from the April  
34 19th city council meeting. This Public Hearing is to amend the Lindon City  
General Plan Street Master Plan Map for the property located at approximately  
36 550 N. State Street. Application is made by Elwood Holdings LLC. (Parcel  
numbers 14:068:0304). The Planning Commission recommended denial at their  
38 April 8, 2021 meeting. The presentation of this item will be in conjunction with  
the following agenda item for the zone change request for the Planned Residential  
40 Development Overlay map amendment application.

42 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE  
44 MOTION CARRIED UNANIMOUSLY.

46 Mr. Florence gave a brief summary of this item explaining the applicant's  
proposal is for the City Council to consider approval to connect the proposed Lindon

2 Heights development to 570 N. The plan would include accesses to State Street, 500 N.  
4 and 570 N. Elwood Holdings, LLC originally made an application to terminate 570 N.  
4 into a cul-de-sac and amend the Lindon City General Plan Street Master Plan Map.

6 Mr. Florence indicated if the City Council decides to follow the general plan, then  
6 the ordinance would need to be denied. He noted Low Book Sales has terminated their  
8 joint application with Elwood Holdings, LLC. The City Council is only considering the  
8 request for the Planned Residential Development Overlay zone for Elwood Holdings,  
10 LLC. He noted after the May 3, 2021 City Council discussion item, Elwood Holdings,  
10 LLC. has modified their site plan.

12 Mr. Florence stated the updated site plan changes including the following:

- 12 • Reduces the unit count from 76 units to 75.
- 14 • Reduces the number of single-family homes from 4 to 3. Lot sizes from the  
14 single-family homes appear to be larger than the previous proposal.
- 16 • The plan includes 3 sets of twin homes as a transition from the townhomes to the  
16 single-family homes.
- 18 • The off-street visitor parking stall number has increased from 19 stalls to 28 stalls
- 20 • The proposed plan shows 42 of the 75 units with rear yards between 7-10'. The  
22 required rear yard setback is 30'. By approving this plan, the planning  
20 commission, for site plan approval, will need to give an exception for the smaller  
22 rear yards which is allowed when common open space is provided. The interior  
22 common open space is approximately 40,000 square feet.

24 Mr. Florence then presented the Proposed site plan, the adopting ordinance for  
26 General Plan Street Master Plan Map and the Adopting ordinance for Planned Residential  
26 Development Overlay followed by discussion. He then turned the time over to the  
26 developer for comment.

28 Ms. Amy Johnson, Developer, addressed the council at this time. Ms. Johnson  
30 stated she took the councils recommendations with all the different factors discussed and  
30 came up with the design presented before them tonight. She noted the council specified to  
32 have the larger buffer and transitions and also the recommendation of going from single  
32 family to twin homes and then to the town homes development. She stated they added  
34 additional parking spaces in this design pointing out that they are above and beyond the  
34 parking requirement. They also added in more open space that meets all the requirements  
36 there. She noted one thing she wanted to make sure wasn't happening was a raceway  
36 going through 570 N. so, they created a tighter curve to slow traffic adding they would be  
36 happy to add a stop sign too if needed.

38 Ms. Johnson mentioned the road that connects into 570 N. (which is part of the  
40 master plan) they have curved that road as a traffic calming measure as well. She added  
40 where the sewer is on the corner of 570 N. it curves really tight, and if they are boring  
42 under state street to feed their development, they will be fixing that problem and  
42 connecting there so the homeowner won't have problems with backups; this is a way to  
42 help assist with public works as well.

44 Ms. Johnson explained they have decreased the density and they felt there was a  
46 lot of discussion with the overlay. She pointed out that the council voted on the 10 units  
46 per acre, and they have lowered it below that number and increased the open space and  
46 added in additional parking. The density is 9.7 units per acre and they are at 75 units.

2 She indicated they feel like some of the key points are that they are providing a really  
4 nice product with 30 ft. backyards and an affordability option of new construction; they  
are trying to help provide for that demographic. They are trying to help foster a  
community with a multiple type of families here in Lindon.

6 Mr. Florence mentioned several things to keep in mind in considering a change to  
the general plan are that the applicant filed an application to cul-de-sac 570 North and if  
8 you want 570 to go through you will make a motion to deny the applicants application for  
570 North. The other application is to amend the zoning to the planned residential  
10 overlay zone.

12 Councilmember Broderick mentioned the road, Elwood Place, and how they  
determined the road space in meeting the 300 ft. setback off of state street. He feels that  
increases the density. Ms. Johnson said the planning commission said what they didn't  
14 want was for her to enter off of Elwood Place, so they put the fence there. She felt the  
road being in that space made a better buffer and allowed for more open space in the  
16 middle. He asked how other city council members feel about that and if they feel it  
increases the density that would normally happen there.

18 Councilmember Powell agreed with Councilmember Broderick that the purpose  
of the overlay is the ability to long term use that commercial use. She does have  
20 concerns with the road being used in the commercial zone. She mentioned her concerns  
in preserving the 300 ft. corridor for future use and to fill that space for what this  
22 ordinance was designed for. This project is being able to utilize the open space because of  
not running that road inside the parameters of the land that is leftover as it changes the  
24 ability to get the density, and if the road is on the inside to feather it in and to join the  
other properties. Ms. Johnson stated she went with this plan and added the factors the city  
26 council asked about. She pointed out how this 300 ft. line was actually drafted earlier in  
the process where the city showed a different 300 ft. line; so, it changed. They feel this  
28 commercial road is a way for the community to access this commercial project.

30 Councilmember Vanchiere stated he doesn't have an issue with it and he feels the  
purpose is to provide access. He likes that they have given more buffer, open space,  
parking and lower density than what the ordinance calls for. He pointed out the road is  
32 for commercial and residential. With the transition they have made and the way it is laid  
out right now, it allows for maximum safety with traffic calming devices. He feels we are  
34 quibbling over very little. He likes the way the roads go through that disseminates the  
traffic and the access; he is good with this plan.

36 Mayor Acerson asked if there is a modification or direction based on this plan and  
what could be changed that would make it acceptable? Councilmember Broderick re-  
38 iterated for him it is the principle of maintaining the 300 ft. and if it is just for the  
commercial space.

40 Councilmember Powell pointed out by putting that road within the 300 ft. line it  
has allowed the developer to give us these wonderful things with open space etc., but she  
42 feels this can also be achieved by putting in fewer units.

44 Ms. Johnson clarified she has presented that same plan before without the road in  
that space. They have taken all these meetings and feedback and come up with this plan.  
Councilmember Powell expressed that it keeps coming up if 570 N. going through was  
46 on the master plan as the master plan came way before their ability to conceptualize this

2 change of density. Councilmember Powell clarified her position stating she will maintain  
that having 570 N. open is a no go for her.

4 Ms. Johnson stated as a developer, they didn't want to put the burden on one  
street. She also pointed out that she likes to design a product that values the city and that  
6 it would be huge disservice if there was only way in and one way out. She questioned  
what is best for the entire city as far as connectivity and design.

8 Councilmember Lundberg commented what she likes about this plan is that a lot  
of the council's concerns have been mitigated. She thinks the increase in parking is  
10 fantastic. She does struggle with what is the right traffic flow plan and the needs of the  
community at large. She cannot make sense of blocking people from having access to the  
12 church; that feels wrong. She noted she visited a similar neighborhood of 94 townhomes  
that had very modest traffic. These new residents will be our neighbors and we need to  
14 have connectivity. The overlay was created for our children and parents to have  
somewhere to live; this is all of us. It does not make sense to dead end and close off the  
16 street. It should be an even distribution of the traffic. She likes this plan because it  
eliminates a straight shot and creates enough curves etc. so there is more than one choice.  
18 Where she sits, she cannot feel good about closing off the street. She feels in looking at  
the green space as a transition point it is very good and has mitigated the concerns there.  
20 She feels there is a good variety of housing product here and a good price point. She  
feels a commercial user is far less quiet than a nice section of high-end townhomes and  
22 duplexes. In regards to the encroachment issue, she likes that we are creating with a nice  
green open space.

24 Councilmember Broderick asked what the rear yard setbacks are in this zone and  
if the overlay is approved and can it be shared. Mr. Florence confirmed the rear setback is  
26 30 ft. Councilmember Broderick asked if it can be reduced? Mr. Florence confirmed that  
is what has been done here. Councilmember Broderick added, for him the overlay can be  
28 approved up to 10 units per acre but he has not seen much change other than the two-unit  
drop.

30 Ms. Johnson commented that there are so many factors to consider with the costs  
of materials right now and couple that with the very expensive land that they have to  
32 make it work with. They are trying to provide an option that has an economic choice for  
those who want to live in Lindon City. If they drop the density the price point will be in  
34 the 600,000 range right off of state street. Why not be able to provide an option like this  
in the city that the city council voted on to approve 10 units per acre? Why forget about  
36 that demographic of individuals that cannot afford the high cost of a new construction  
home; that is what dropping the density would result in.

38 Mayor Acerson commented what he is hearing is if there are some give and take  
on the actual units that may be more workable; there is a workable gap.

40 Mayor Acerson called for any public comments. There were several in  
attendance to address the council as follows:

42 **Gerhard Fletcher:** Mr. Fletcher stated he wants a wall put up between the commercial  
44 and residential. He added nobody on 570 N. wants the road to go through. When they  
built 40 years ago it was a dead- end street and should stay that way. He pointed out they  
46 are just one house away from the wall.

2 **Justin Stewart:** Mr. Stewart stated every meeting they have gone to the discussion has  
4 been about bringing the density down and it has only been dropped by one unit. They  
6 need to bring something significantly different and this plan is not different. He called  
8 UDOT and they stated they have not had a formal request on the two entrances; is there a  
10 possibility to have two entrances on state street and if there could there be variance. Mr.  
12 Florence stated there is a variance process but a formal application has not been made but  
14 will be made when they submit their engineering plan to the city. Mr. Stewart stated the  
16 ideal would be to have an entrance and a crash gate that could be a good secondary  
18 option. He also spoke on the Avalon project. He is not saying no one should not be able  
20 to live here, but he and his neighbors don't want 76 units right next door; that is not their  
ideal. He has no problem with a developer trying to make as much money as they can  
but they are asking for an overlay to increase the value of their property, but it will  
decrease the value of his property. He would ask that the council not increase the value  
of the developer property values at the cost of decreasing his property values. He also  
asked about the sewage issue being fixed no matter what the plan. He added it is difficult  
for him to hear we shouldn't listen to the loud voices on 570 North because as other  
people buy new properties here, they will know what they are buying into whether one  
entrance or whatever, and they will not be surprised by it. He would like to keep his cul-  
de-sac.

22 **Marilee:** Stated she lives on 500 North. She pointed out that the plan keeps coming back  
24 and the density never comes down. She feels it is the city council's job to protect them.  
26 They bought their property for the ½ acre lots and "a little bit of country" and this doesn't  
work for them. They don't want all the traffic coming down their street. She pointed out  
that most residents in that location don't go to the church in question.

28 **Karlie Clement.** Ms. Clement stated she lives on 500 North. She agrees with what  
30 everyone has said here. They also bought their home for the ½ acre lot and the country  
32 feel. She agrees if they will drop the density, it would be good as they don't want  
townhomes right next door to them. For many people that is not why they came to  
Lindon.

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

38 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC  
40 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. THE  
MOTION CARRIED UNANIMOUSLY.

42 Mayor Acerson commented that what he is hearing is that there is a divided  
44 council on this issue and each makes valid points. It appears the commonality here is the  
46 density issue. The developer is the owner of the property and they can do what they think  
is right, but there are a lot of variables that are out of your control. The council needs to  
make a decision that they feel is right. He would suggest to allow one more chance for  
the developer to adjust the density to a level that is workable that may bring more into the  
fold. He appreciates all the effort that has gone into this. He added that everything we

2 see is that Utah County is growing and will be as large as Salt Lake County and the  
option is to plan and accommodate for that and how we shift our community. The State  
4 may mandate to plan and develop our community and he doesn't want to see that happen;  
things are changing and the question is how do we maintain what we want as a  
6 community

8 Councilmember Vanchiere expressed that he appreciates what the residents are  
going through. He has asked about the rights of those new residents who are looking for  
an affordable place to live in Lindon. He feels it is important to look at both the developer  
10 and the resident's rights. He thinks this will be a nice development with great amenities.  
In regards to the negotiation process he is hearing it's your way or the highway. He feels  
12 the developer has met many of the concerns. He understands that not everything can  
happen and it is unreasonable to expect everything. Growth is inevitable and we need to  
14 make sure it's affordable and also high quality. He feels it is terribly unfair to ask the  
developer to go back to the drawing board and to say we want less density. He struggles  
16 with the fact that this will affect our lives as others in the city have also experienced  
development changes that affect their neighborhoods. He concluded by stating almost  
18 everything that has been asked to be done has been accommodated.

20 Commissioner Lundberg commented in looking at what this is going to be and  
what exactly can go in this space and to the Mayor's point we are seeing incredible  
pressure from the state on population growth. She knows that 10 units per acre seems  
22 high density for Lindon, but right now on 1600 North in Orem they have identified  
numerous zones on state street for 55 units per acre and 6 stories that is behind  
24 residential. So, 10 units per acre is middle to low density. We want this well done and yet  
still maintain what we want in Lindon. If we don't do these well-planned projects now  
26 what happens in 10 years as the pressure could be much more intense. The developer has  
created something that can have some really great benefits and she believes it can be  
28 fashioned to work the best. Everyone has to give up a little bit of something for it to be  
the right project. We need to recognize that growth is inevitable and to get something in  
30 this spot that is quality residential would be better than a 3-story building that would  
have a lot more issues than a residential development. We have to consider these things  
32 as reality. In regards to property values being decreased, she had a conversation with the  
president of Ivory Homes about the Ivory Ridge Development in Lehi. They indicated  
34 that they sold the smaller homes just as much as the larger ones. She feels having a mixed  
product is good. She hopes we look at the big picture as we consider this decision. She  
36 also mentioned her discussions with Mr. Florence and the City Attorney in regards to  
making sure these units are for home ownership.

38 Mr. Haws and Mr. Florence spoke to that issue. Mr. Florence stated in their  
initial research in looking at some case studies showed that a development agreement that  
40 showed they were sold for ownership on the first round and HOA percentages of how  
much would remain as a rental product may be needed. Mr. Haws stated there are  
42 limitations on how long we can make those restrictions last, but there are some things we  
can do for private ownership to begin with. He clarified we could move forward tonight  
44 approving the zone change but have it would have to be conditioned on the council  
approving a development agreement. If not conditioned, we cannot come back later.

46

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

4  
6 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE #2021-  
4-O AMENDING THE LINDON CITY GENERAL PLAN STREET MASTER PLAN  
MAP AS PRESENTED.

8  
10 **THE MOTION FAILED DUE TO THE LACK OF A SECOND.**

12 COUNCILMEMBER VANCHIERE MOVED TO DENY ORDINANCE #2021-  
4-O AMENDING THE LINDON CITY GENERAL PLAN STREET MASTER PLAN  
MAP AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE  
14 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BRODERICK NAY  
16 COUNCILMEMBER LUNDBERG AYE  
16 COUNCILMEMBER POWELL NAY  
18 COUNCILMEMBER VANCHIERE AYE  
20 THE MOTION WAS TIED 2 TO 2.

22 *DUE TO A TIE MAYOR ACERSON VOTED IN FAVOR OF KEEPING THE OPENNESS  
OF THE STREETS FOR PUBLIC SAFETY REASONS. MAYOR ACERSON WAS AN  
AYE VOTE TO OPEN THE STREETS.*

24  
26 **THE MOTION CARRIED 3 TO 2.**

28 **12. Continued Public Hearing — Zone Change Amendment; Ordinance #2021-  
3-O.** This item was continued from the April 19th city council meeting. This  
Public Hearing to amend the Lindon City zoning map to Planned Residential  
30 Development Overlay for the property located at approximately 550 N. State  
Street and 310 W. 500 N. Application is made by Elwood Holdings LLC. (Parcel  
32 numbers 14:068:0304, 14:067:0169, 14:068:0277, and a portion of 14:067:0187).  
The planning commission recommended approval at their April 8, 2021 meeting.

34  
36 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE  
MOTION CARRIED UNANIMOUSLY.

38  
40 Mike Florence, Planning Director gave a brief summary of this item explaining  
this would be the normal vote to approve the planned residential overlay or denying it.  
He pointed out we have already discussed this at length.

42 Councilmember Lundberg commented that one sticking point for many at this  
point is the density. Ms. Johnson stated she can't pencil it out at 6 units per acre. Mayor  
44 Acerson stated there is movement that can happen between 6 and 10 units per acre. Ms.  
Johnson stated the final sticking point is if this is denied she will have to put a  
46 commercial product there. And in the event that the council denies or that this is

2 continued she will try to get to a compromise on the density or it will be a commercial  
product there.

4 Mayor Acerson said we are trying to encourage you as the developer, to see  
where the gap is for the possibility to get the broader support.

6 Mayor Acerson called for any further public comments. There was one resident  
who commented as follow:

8  
10 **JoAnn Martin:** Ms. Martin asked why there is not an option for two roads out to state  
street. Ms. Johnson stated it is because Scott Healy won't sell his land. Ms. Martin stated  
12 a crash gate would work. She stated if the city council approves this as is you are  
approving the road into the 300 ft. commercial setback that the Planning Commission has  
said they wanted the commercial to drive the residential.

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

18 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC  
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. THE  
20 MOTION CARRIED UNANIMOUSLY.

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

24  
26 COUNCILMEMBER BRODERICK MOVED TO CONTINUE ORDINANCE  
#2021-3-O AMENDING THE LINDON CITY ZONING MAP TO PLANNED  
RESIDENTIAL DEVELOPMENT OVERLAY TO ALLOW THE DEVELOP TO  
28 COME BACK WITH A PLAN WITH LESS DENSITY. COUNCILMEMBER  
LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

30 COUNCILMEMBER BRODERICK AYE

32 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER POWELL NAY

34 COUNCILMEMBER VANCHIERE NAY

THE MOTION WAS RECORDED 2 TO 2.

36  
38 *MAYOR ACERSON BROKE THE TIE WITH AN AYE VOTE TO CONTINUE*

**THE MOTION CARRIED 3 TO 2.**

40  
42 **13. Discussion Item — Massage Parlor Regulatory Updates.** The Lindon City  
Attorney and Planning & Economic Development Director will present for  
discussion information regarding massage parlor regulatory updates. This item is  
44 for discussion only with no motion needed.

46 *Councilmember Hoyt rejoined the meeting at this time.*

2 Brian Haws, City Attorney led this discussion item by referencing the bullet  
4 point/outline that are being considered in preparation of a draft ordinance that will be  
brought to the Council for consideration at a future meeting. He explained he has  
surveyed how other municipalities regulate and enforce massage parlors.

6 Mr. Haws then referenced what the state requires noting we can enforce most of  
the terms. He noted there are some additional requirements with some restricting age  
8 requirements to 21.

10 Mr. Haws then gave his presentation as follows:

## 12 STATE AND CITY LICENSES REQUIRED

1. Require a separate and distinct license from a normal City business license
  - 14 A. Lindon City Massage Establishment Business License
2. State License Required: Title 58, Chapter 47
  - 16 A. State license must be displayed on premises of salon
3. Application Information Required:
  - 18 A. **Restrictions on ownership age to 21.**
  - 20 B. **A statement describing the services to be provided by the business and  
what fees and rates will be charged for massages and other services.**
  - 22 C. **Outline of business policies and rules that will ensure compliance with  
state and local regulations.**
  - 24 D. The license or permit history of the applicant for the last 5 years.
    - 26 i. Any denials, revocations, or suspensions must be explained  
and remedy of cause provided.
  - 28 E. Provide Criminal History for the past 5 years
    - 30 i. Crimes of moral turpitude would disqualify the applicant.
  - 32 F. Proof that the applicant and all employees are licensed by the State.
    - 34 i. Under state law any therapists or masseuse must be 18 or  
older.
  - 36 G. Contact information for a responsible owner and/or operator who may be  
reached during all business hours.
  - 38 H. **Require Utah citizenship for ownership or operations of salon.**
    - 40 i. **UT driver's license or ID card.**

## 36 PHYSICAL CONDITION OF BUSINESS LOCATION

- 38 1. Investigation of Licensee and Premises:
  - 40 A. Refer to DRC for zoning approval and to determine compliance with the  
fire code;
  - 42 B. Refer to the Police Department for a search for any outstanding warrants  
and a criminal history for the applicant and each employee providing  
massage services;
  - 44 C. **Refer to Utah County Health Department for certification that the  
premises comply with applicable health regulations.**
    - 46 i. **Sanitary conditions may be inspected on regular basis.**

- 2 ii. Towels and covering must be clean and not shared or  
4 reused without be laundered between uses.

4 **PROHIBITED ACTS**

- 6 1. Impose individual liability for each therapist or masseuse who provides service  
8 without a state license.
- 10 2. Impose business liability for any business allowing a therapist or masseuse to  
12 work without a state license or City business license.
- 14 3. No alcoholic beverage stored or used on the premises.
- 16 4. No touching, massaging, or applying any device, or offer to do so, to any  
18 Specified Anatomical Areas of any person.
  - 20 A. This is a specific term defined in 8.30.040 of our sexually oriented  
22 business code which generally covers genitalia and female breasts.
- 24 5. No displaying any Specified Anatomical Areas of any person to anyone else on  
26 premises.
- 28 6. No engaging in any Specified Sexual Activities while on the premises.
  - 30 A. Again, specific term defined in 8.30.040 of our sexually oriented business  
32 code which covers all type of sexual activity.
- 34 7. Can't use facilities to house any employee or other person or use any portion of  
36 the facility for residential purposes.
- 38 8. No person can expose any Specified Anatomical Areas in salon, except in  
40 bathrooms or dressing rooms which must be private and no more than one person  
42 is allowed in such a room unless everyone is covered.
  - 44 A. Exception for changing diapers or clothing of children by parent or  
guardian.
- 9. Cannot hold yourself out as being a licensed facility without actually being  
properly licensed.
- 10. Must operate in compliance with Utah Massage Therapy Practice Act

30 **DENIAL, SUSPENSION OR REVOCATION OF CITY BUSINESS LICENSE**

- 32 1. License can be revoked for:
  - 34 A. A violation of the Massage Facility Ordinance.
  - 36 B. Having state license revoked.
  - 38 C. Violation of any City or State code that effects health, welfare or safety of  
its residents.
    - 36 i. Nuisance ordinance
    - 38 ii. State Criminal laws affecting moral turpitude.
  - 40 D. Any misrepresentation or any false information given on application.
- 42 2. City must provide Due Process through a hearing and appeal process.

40 **VIOLATIONS**

- 42 1. Any violation of statute is a class B misdemeanor
  - 44 A. Each section violated constitutes a separate offense and charge, and  
charges may be prosecuted cumulatively.
- 2. Each day the violation occurs will be a separate offense

