

2 The Lindon City Council regularly scheduled meeting on **Monday, November 15, 2021,**  
4 **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: Carolyn Lundberg  
10 Pledge of Allegiance: Lincoln

12 **PRESENT**

Jeff Acerson, Mayor  
14 Van Broderick, Councilmember  
Carolyn Lundberg, Councilmember  
16 Randi Powell, Councilmember  
Mike Vanchiere, Councilmember  
18 Adam Cowie, City Administrator  
Brian Haws, City Attorney  
20 Mike Florence, Planning Director  
Mary Barnes, Associate Planner  
22 Mike Brower, Chief of Police  
Kathryn Moosman, City Recorder

**EXCUSED**

Jake Hoyt, Councilmember

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

28 2. **Approval of Minutes** – The minutes of the regular City Council meeting of  
November 1, 2021 were reviewed.

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES  
OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 1, 2021 AS  
32 AMENDED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

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

40 3. **Presentations and Announcements:**

42 a) Photo contest winner's recognition. The Planning Department held a  
photography contest celebrating the American Planning Association –  
44 Community Planning month of October. The theme for the photos was  
"My Favorite Place in Lindon". The winning photographers were  
46 recognized and presented with a gift card for their winning photos.

b) Comments/Announcements from Mayor and Council members.

#### 4. COUNCIL REPORTS:

**Councilmember Broderick** – Councilmember Broderick reported he attended the meeting with the Central Utah Water Conservancy District on November 4<sup>th</sup> for the Provo Bench and North Union Canal where they received the water loss report noting there is significant water loss in areas. He noted the ability to measure water is still a challenge. Their next meeting will be held on December 9th. He also attended the engineering coordination meeting at public works.

**Councilmember Vanchiere** – Councilmember Vanchiere reported he attended the North Pointe Solid Waste District meeting today where they adopted the 2022 budget noting they finished with a healthy fund reserve. He noted nothing has changed in terms of dumping fees. The big news is getting people to work there. He reported the long-term recycling program will be making a presentation to the council. He also mentioned that he can't say enough positivity on the city newsletter. He also attended the DRC meeting noting there is some interest in the triangular piece by Walmart that is under consideration and seems to be a feasible plan. The important thing will be the aesthetics but they are very amendable to making it very attractive.

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

**Councilmember Powell** – Councilmember Powell reported she attended along with Councilmember Broderick and Mayor Acerson the Public Works engineering meeting. She noted they have a great staff. They acquired over \$75,000 in grants and are working on improving safe routes to school. She mentioned to be on the lookout for areas/routes that need safety improvement. She has been asked to look at the education grants along with Councilmember Lundberg which is a great opportunity. She also reported the kickoff for "The Most Wonderful Time of the Year" is coming up in 2 weeks. They were able to do some great lighting and she encouraged the council to attend. They also secured a 500-dollar sponsorship to help bring in one of the Bonner family members to come and sing. This will bring people joy and happiness and will highlight 5 events in the city for Christmas: Light the Night, Annual Tree Lighting, Santa Parade, Santa Extravaganza and Letters to Santa. She noted the information is on the website. She also reported there was an accident a week ago off of I15. She would like to promote the fact, as elected officials, to get some temporary protection for that section of the road as there is some major concerns. She would like to have some discussion on this issue in the near future. She also thanked Mr. Cowie for putting links to the staff report on the YouTube channel.

**Councilmember Lundberg** – Councilmember Lundberg reported she attended a PG/Lindon Chamber of Commerce meeting at UVU where they were able to take a tour of the new business school where they spoke on entrepreneur programs happening there. They would like to partner with the community to be mentors and help students. She also reported on Veteran's Day there were a lot of special events in the community highlighting those who have served. She also reported that Orem City is revisiting their State Street Master Plan and holding some open houses and they are looking for feedback

from the public. This will affect Lindon as far as the transportation plan and housing adoption in 2015. She also reported she attended several ribbon cuttings. She noted the old Lindon City offices business was awarded the “Business in Excellence” award and also AIHI an integrated business. She noted there are some really great businesses coming to the community. She also reported she and Chief Brower attended a training at Oak Canyon Jr. High where Kelly Johnson coordinated with the ASD and OCJH where they had a bomb presentation and what procedures they would take noting it went very well.

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

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

- Next regular council meetings: December 6th & December 20th
- January 2021 newsletter assignment (due last week of December): Mayor Acerson
- Fall clean-up, November 11th-22nd: Dumpsters available at five locations. One additional dump pass (good for two trips) is being provided to all utility accounts (can be picked up at City Center).
- Mayor’s Thanksgiving Day Dinner -11-2pm at the Lindon Community Center.
- 2021 Election info:
  - o Oath of Office Ceremony: January 3, 2022
  - o Swearing-in of City Engineer, City Attorney, City Recorder and Treasurer (required by State Code to be sworn-in with when there’s a new Mayor)
- Update on the Secondary Water Metering grant from Division of Water Resources:
  - o The Division will allow the 2022 Legislative session to be completed before the City needs to sign the grant contracts (session ends March 4th)
  - o The State’s awarded grant funds (\$1,205,000) must be spent by June 30th, 2023. (If proceeding with the grant, most of this will be spent by the upfront purchase of the metering equipment). We’re communicating with CUWCD to see what the deadline is to spend the additional \$400,000 committed from their agency for this project.
- Misc. Items

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

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

## **CURRENT BUSINESS**

**8. Review & Action — Major Subdivision; South Haven Development, 531 North State.** The applicant requests approval for a 58-lot major subdivision at

2 531 North State Street (Parcel #'s 45:244:0003, 14:067:0140, 14:067:0057). The  
4 planning commission recommended approval to the city council.

6 Mike Florence, Planning & Economic Director led this agenda item by explaining  
8 the planning commission, at their October 26, 2021 meeting, approved site plan and  
10 conditional use permit approval for the townhome development. The commission also  
12 made a recommendation to the City Council for major subdivision approval. He pointed  
14 out that the City Council is the final land use authority for major subdivisions.

16 Mr. Florence then gave a brief overview stating South Haven Development  
18 proposes to develop the rear portion of the Linden Nursery property into a 58-unit  
20 townhome development. He noted the City Council approved the zone change to  
22 Planned Residential Development Overlay for this property on November 16, 2020.  
24 The proposed density is 9.49 units per acre and the development will provide 214 parking  
26 stalls which include garages, driveways, and visitor parking. There are 22 off-site visitor  
28 parking stalls.

30 Mr. Florence stated parking is required at 2 parking spaces for each dwelling plus  
32 .5 parking spaces per unit for visitor stalls. The ordinance also requires that a minimum  
34 of 65% of the units have a two-car garage. With approval of the planning commission, a  
36 development may count building driveways up to 50% of the required spaces toward  
38 meeting guest parking. He then referenced a table with a breakdown of the parking.

40 Mr. Florence noted the development will be accessed from two locations along  
42 State Street. The north access will be a public street access. For the south access, the  
44 developer is proposing to use a portion of an existing easement between Linden Nursery  
46 and Dastrup Auto. Where the easement ends, the developer will pick up the remaining  
area as a private street that will be maintained by the Home Owners Association.  
uses. He noted as a condition of approval, the applicant will be installing a 6ft decorative  
fence to separate the back of the nursery to the townhomes and a 7ft wall separating  
Dastrup Auto from the south road.

Mr. Florence went on to say the proposed development meets the landscaping  
percentage requirement of providing 20% of the site in common open space The  
applicant is providing 30.52%. A couple of landscape items that are important note to the  
site that the project is proposed to have both private and common open spaces.

Mr. Florence stated the applicants will be installing the Lindon Standard Street  
lights as well as building lighting. A photometric study was completed for the  
development which does not show any light spillover onto adjacent properties. The  
applicant is also proposing to construct a monument entry sign similar in design to what  
was installed at Walker Farms.

Mr. Florence went on to say the applicants are proposing that each unit will have  
individual containers. Both the public and private streets in the development meet the  
PRD Overlay standard of 29 feet of asphalt with a two-foot curb and gutter on each side.  
The applicant has designed the private street to public standards in hopes that he and  
Dastrup Auto can come to an agreement on road dedication. The applicant is proposing  
sidewalks on one side of the street. He noted this design is fairly typical of many  
connecting each building/driveway. The developer has submitted HOA documents that  
staff has reviewed and are working on final revisions.

2 Mr. Florence stated the PRD Overlay requires that units be subdivided to  
encourage individual homeownership. City staff has reviewed the subdivision and the  
4 applicant is working on technical changes to the subdivision plat. The plat calls out  
private and common open spaces and divides the development into 58 separate lots for  
6 the townhome development. Mr. Florence noted the City Engineer is working through  
technical issues related to the civil engineering plans and will conduct a final review if  
8 the planning commission grants final site plan approval.

Mr. Florence stated City staff has reviewed the development proposal and finds  
10 that there are a few technical issues that still need to be resolved. The planning  
commission made these items conditions of approval to correct as part of the final  
12 approval. One issue that has come up with Dastrup Auto is the proximity of the road to  
the Dastrup Auto repair shop. The road looks to be about 9-10 feet from the building. The  
14 owner of Dastrup Auto is concerned about vehicles jumping the curb and either hitting  
the gas meter on the front side of the building or the office in the northeast corner of the  
16 building. The planning commission made it a condition of approval to install a wall in  
between the street and building for protection.

Mr. Florence noted all of the Architectural and Façade Design requirements are met  
18 except for all windows along the front façade that shall incorporate at least two of the  
following: Mullions and/or transoms 2. Trim or molding at least four inches in width.  
20 Trim or molding shall have a different color from the buildings primary color 3.  
Canopies, shutters, or awnings, proportional to window size 4. Recessed inset from the  
22 front façade by at least two inches.

He noted the planning commission made a condition of approval to meet the  
24 design requirements as found in the PRD Ordinance. The applicant is aware of the  
window issue and will be addressing this with city staff.  
26

Mr. Florence then presented an Aerial photo, Development plans, building  
28 renderings, Subdivision plat, Pictures of the installed pre-cast fence and the building  
layout followed by some general discussion. He then turned the time over to the applicant  
30 for comment.

The applicant, Mr. Jeff Southard said it was brought up (by a citizen) about the  
32 triangular piece being non-conforming. He noted the planning commission required it to  
go into the subdivision or right now it would be additional green space. He is thinking  
34 about it being RV storage adding it would have to be fenced etc. but it may be nice for an  
additional amenity. He pointed out they are already providing more parking than what is  
36 required. They can look at different options that will make the best sense and the best use  
of that piece. They are trying their best to make this work not only for the Platts but for  
38 everyone.

Resident in attendance, Lori Esteban addressed the council at this time. She  
40 asked about an existing ditch and if it will be piped. Mr. Southard confirmed the ditch  
will be piped. She also expressed her concerns about future adequate parking and if it will  
42 need to be addressed. Mr. Southard explained where the road goes, they are not  
eliminating any existing parking as where they are building there isn't any parking now.  
44 Mr. Florence stated they have 74 stalls for the Linden Nursery right now and noted a  
condition could be added to the motion that a letter be sent to the Platts that they may  
46 have to provide additional parking stalls or cut back on their activities to ensure there is  
enough parking for the reception center.

2 Following some additional discussion including easements, access, parking,  
4 fencing, setbacks and private and public roads, the Council was in agreement to approve  
this request as presented by staff with the conditions as listed in the motion.

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

8 COUNCILMEMBER VANCHIERE MOVED TO APPROVE THE MAJOR  
SUBDIVISION BY SOUTH HAVEN DEVELOPMENT LOCATED AT 531 NORTH  
10 STATE STREET WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT  
WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL  
12 CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2.  
COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION  
14 ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL  
REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 3. PRIOR TO PLAT  
16 RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO  
INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO  
18 DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON  
THE SUBDIVISION PLAT ATTACHED HERETO; 4. IF THE APPLICANT AND  
20 DASTRUP AUTO ARE NOT ABLE TO AGREE ON DEDICATING THE SOUTH  
ENTRANCE AS A PUBLIC STREET THEN AN ADDITIONAL EASEMENT WILL  
22 BE RECORDED PRIOR TO PLAT RECORDING THAT CREATES THE REQUIRED  
ACCESS WIDTH; 5. THE PLANS AND PLAT WILL MEET AND BE  
24 CONSTRUCTED AS PER SPECIFICATIONS AS FOUND IN THE LINDON CITY  
DEVELOPMENT MANUAL; 6. A LETTER BE SENT TO THE PLATTS  
26 INFORMING THEM THAT THEY MAY HAVE TO PROVIDE ADDITIONAL  
PARKING STALLS OR CUT BACK ON THEIR ACTIVITIES AND; 7. ALL ITEMS  
28 OF THE STAFF REPORT. COUNCILMEMBER LUNDBERG SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

## 36 **9. Review & Action — Canvass & Certification of 2021 General Election**

38 **Results.** The City Council, acting as the Board of Canvassers, will canvass the  
results from the November 2, 2021 General Election and then, by motion,  
officially certify the results of the Canvass.

40 Mr. Cowie stated the city recorder is in attendance to present the canvass and  
42 certification materials for the 2021 Lindon City General Election final results. Ms.  
Moosman then presented the canvass materials to the council.

44 Following the presentation and review of the canvass materials the council was in  
agreement to certify the results of the Canvass to certify Carolyn Lundberg as Mayor and  
46 Jake Hoyt and Van Broderick as councilmembers for 4-year terms each. Ms. Moosman

confirmed the newly elected mayor and councilmembers will be sworn into office at the January 3, 2022 city council meeting.

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

COUNCILMEMBER POWELL MOVED TO APPROVE THE CANVASS & CERTIFICATION OF THE 2021 GENERAL ELECTION RESULTS AND CERTIFY CAROLYN LUNDBERG AS MAYOR AND JAKE HOYT AND VAN BRODERICK AS COUNCILMEMBERS TO SERVE 4 YEAR TERMS EACH BEGINNING JANUARY 3, 2022. COUNCILMEMBER VANCHIERE SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

**10. Review & Action — Timpanogos Academy Crossing Guard Agreement.** The

Council will review and consider an agreement to reimburse Timpanogos Academy for crossing guard services provided at the crosswalk located at approximately 100 East Center Street.

Mr. Cowie explained Timpanogos Academy has paid their own crossing guard in the past at a higher wage than the city is compensating crossing guards (city pays \$12/hr with up to two hours per day). The city has not provided a crossing guard for Timpanogos Academy that was separate from the crossing Guard already stationed at Lindon Elementary. However, the staggered start/release times between the schools now function such that an independent crossing guard to be stationed at the crosswalk on Center Street during Timpanogos Academy start/release times is feasible.

Mr. Cowie noted with Timp Academy already paying a crossing guard at a higher rate, the agreement was the most reasonable approach between the school and City to help off-set their costs and reduce staffing that otherwise would be provided by the city.

Following some general discussion, the council was in agreement this request is pretty straightforward and were in agreement to approve the agreement to reimburse Timpanogos Academy for crossing guard services as presented.

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

COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE AGREEMENT TO REIMBURSE TIMPANOGOS ACADEMY FOR CROSSING GUARD SERVICES AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **11. Review & Action — 2022 Public Meeting Schedule. Resolution #2021-24-R.**

6 The Council will review and adopt the 2022 Public Meeting Schedule for  
Planning Commission & City Council meeting dates during the 2022 calendar  
year.

8

10 Mr. Cowie led this agenda item by explaining State Code requires the city to  
adopt and publish an annual public meeting calendar for the City Council, Planning  
Commission, and Board of Adjustment. The draft meeting schedule also declares the City  
12 observed holidays and lists when the City facilities will be closed to the public.

14 Following some general discussion regarding the meeting schedule the council  
agreed to approve Resolution #2021-24-R approving the 2022 Lindon City Meeting  
Schedule with the added change of striking the March 8<sup>th</sup> planning commission meeting.

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

18

20 COUNCILMEMBER POWELL MOVED TO APPROVE THE 2022 LINDON  
CITY PUBLIC MEETING SCHEDULE WITH THE CHANGE OF STRIKING THE  
MARCH 8<sup>TH</sup> PLANNING COMMISSION MEETING. COUNCILMEMBER  
22 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

24 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

26 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 Mayor Acerson called for any further comments from the Council. Hearing none  
he called for a motion to adjourn.

32

**Adjourn –**

34

36 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
AT 6:50 PM. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38

Approved – December 6, 2021

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42

\_\_\_\_\_  
Kathryn Moosman, City Recorder

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46

\_\_\_\_\_  
Jeff Acerson, Mayor