

2 The Lindon City Council regularly scheduled meeting on **Monday, December 18, 2023,**  
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: Carolyn Lundberg, Mayor  
Invocation: Jake Hoyt, Councilmember  
10 Pledge of Allegiance: Juan Garrido

12 **PRESENT** **EXCUSED**

Carolyn Lundberg, Mayor  
14 Mike Vanchiere, Councilmember  
Daril Magleby, Councilmember  
16 Jake Hoyt, Councilmember  
Van Broderick, Councilmember  
18 Randi Powell, Councilmember  
Adam Cowie, City Administrator  
20 Brian Haws, City Attorney  
Mike Florence, Community Dev. Director  
22 Kathryn Moosman, Recorder

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

26 2. **Presentations and Announcements:**

- 28 a) Employee Recognition Award: Callie Jenkins, Lindon City Accounts  
Payable Clerk was recognized. Mr. Cowie read comments submitted by  
30 co-workers about Callie and her wonderful work ethic. The Mayor and  
Council congratulated Ms. Jenkins for her good works for the city.  
32 b) Recognition of Outgoing Council members: Randi Powell, Daril Magleby  
and Mike Vanchiere were recognized for their many combined years of  
34 service to the city. Mr. Cowie presented the outgoing councilmembers  
with an award in appreciation for their service to the city. He also  
36 presented them with a flag flown at the city building. The Mayor and  
council expressed their appreciation to the councilmembers for their  
38 service, knowledge and friendship.  
c) Recognition of retiring City Recorder, Kathy Moosman. The Mayor and  
40 council expressed their appreciation to Ms. Moosman for her years of  
service to the city.  
42 d) Councilmember comments/announcements

44 3. **Open Session for Public Comment** – Mayor Lundberg called for any public  
comments. There were several residents who addressed the council at this time as

2 follows:

4 **Eve Warner:** Ms. Warner stated she is a Lindon City resident. She explained that she is  
6 here representing her neighbors that live on 725 North in Lindon. There are 22 Lindon  
8 residents and 10 Pleasant Grove residents that live on that street. They have concerns  
10 with a rezoning of land behind them on the border of Lindon and Pleasant Grove. It is  
12 currently zoned to be a road named 1000 South. They only heard about this from the PG  
14 City Council meeting. The rezoning is on the PG side even though some Lindon City  
residents are impacted, and they expressed their concerns. They have researched land  
records and much of the road is owned by Lindon City and situated in both tax  
jurisdictions. They also asked various city employees and it appears to be in the city plan.  
She expressed that city plans can be rezoned to meet current needs and they would ask  
the council to consider to rezone.

16 She stated this new 1000 South Road offers no benefit to Lindon and it will  
18 increase traffic with PG residents and will add to the already bad roads in Lindon. Our  
20 city cannot afford additional wear and tear on our roads. This will sandwich 725 North  
22 with busy streets on both front and back. She then showed an aerial map of Lindon that  
24 shows no other areas with streets on both front and back of homes. She noted there has  
not been an environmental impact study done and she would urge the council to rezone  
this to single family homes that could be subdivided with backyards that share a fence  
line; this would help to maintain a little bit of country. She emphasized that this street  
may benefit PG but not Lindon City. She pointed out that PG claims Lindon City is in  
support of this.

26 Ms. Warner further stated they, as concerned residents, they expect the council to  
28 push back to PG and research this to rezone to residential single family. They also expect  
30 full transparency and to put up a fight for the residents. She added that all the  
information they know they have heard from PG City; they expect more from our public  
officials.

32 **Matt Stokes:** Mr. Stokes stated Ms. Warner did a great job representing the residents.  
34 He stated he is a father of 5 and lives on 725 North adjacent to the proposed street. He  
36 also has some serious concerns. He sees this street as a continuation of PG Blvd. that will  
38 double traffic, noise and lights and substantially impose other safety issues. There are  
already speedbumps there and the street is already beat-up. There is currently a lot of  
traffic and more traffic would be highly problematic and would propose a danger issue.  
Due to all of these reasons he would ask that the council please help the citizens who live  
on 725 North.

40 **Sean Warner:** Mr. Warner stated he sent a letter to the council expressing his concerns.  
42 He would implore the council to do their part in keeping the city motto of “a little bit of  
country” and to please take the care of the residents and to keep the citizens informed.

44 Mr. Cowie provided an aerial photo showing the area in question. He stated this  
was approved last month in the budget for reconstruction of 725 North and is scheduled

2 for a complete rebuild in 2024. In regards to the master plan roadway, it is technically in  
Pleasant Grove and the things to rezone would be within the Pleasant Grove jurisdiction.  
4 We have had conversations with PG on this roadway in the past and this has been on  
master plan since 1968. He noted what was presented to Pleasant Grove was how  
6 properties would be platted and developed. Mr. Cowie also explained the process as  
properties develop that is when streets are developed.

8  
10 Mr. Florence, Community Development Director stated that he had met recently  
with Pleasant Grove City, where Pleasant Grove presented new plans that they want to  
do. Previously it had been 3 downhill cul-de-sacs, the new plan would have 3 downhill  
12 streets. Mr. Florence presented the street alignment map showing the future streets  
layout. He noted that there is no rezoning happening.

#### 14 **4. COUNCIL REPORTS:**

16 **Councilmember Hoyt** – Councilmember Hoyt reported on police updates where there  
18 are a lot of things going on with officers pushing snow for an elderly resident, sub for  
Santa, and helping citizens in need; they go above and beyond the call of duty.

20 **Councilmember Vanchiere** – Councilmember Vanchiere expressed that it has been his  
22 privilege to serve on the NPSWD for the past 4 years. There are good things and plans  
happening there that will benefit everyone. As of right now we are a special services  
24 district under state law under Utah County, but at the insistence of Rod Mann they have  
gone to an interlocal agreement and Utah County will not have authority to approve  
26 members of the board; this empowers member cities who belong. He asked about  
continuing to be the city’s representative on that board but understands that may not be  
28 feasible because that is typically an elected official. He also asked about “at large”  
positions noting it may dilute the member cities opportunities. They haven’t made the  
30 switch yet to explain to cities when they change to this new forum. He is asking about  
the possibility to continue until we are formally approved by all the member cities. He  
32 noted it would not be for a lengthy time. Mr. Cowie stated the mayor is finalizing the  
liaison list to present on January 2<sup>nd</sup>. Councilmember Vanchiere also gave a reminder  
34 that on Lindon City webpage you can make a request on the webpage instead of calling  
which is the quickest most efficient way.

36 **Councilmember Magleby** – Councilmember Magleby reported it has been a privilege to  
38 work with Heath Bateman and his staff on Lindon Days and he is grateful for them noting  
it is in good hands and in conjunction with the 2024 centennial. He reported the Tree  
40 Advisory Board met a month ago and he also mentioned board member names. There  
have been great efforts from the community development department with the tree board  
42 and he is grateful to serve in this capacity.

44 **Councilmember Powell**– Councilmember Powell reported the police dept. did a great  
job hosting the Christmas party. She has also enjoyed working with Kelly Johnson over

2 the years noting she does a great job. The Youth Council had a recent meeting noting she  
4 has enjoyed working with them and is thankful to the mayor for implementing this  
6 program. She will continue at the senior center where she will continue on with cardio  
8 drumming that is a lot of fun. She reported the educational grants are finished and 11  
10 applicants have been approved. There are good projects for teachers in the community  
12 and she is grateful for the opportunity to work on this project.

14 **Councilmember Broderick** – Councilmember Broderick asked Juan Garrido for an  
16 update on the canal drive water line replacement. Mr. Garrido gave an update.

18 **Mayor Lundberg** – Mayor Lundberg gave kudos to Chief Brower and his department  
20 for the great Christmas party. She also reported MAG approved increase in funding for  
22 the Heritage Trail and agreement in working with the Union Pacific Railroad.

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

26 **Misc. Updates:**

- Next regular council meetings: December 18th & January 2nd
- January 2024 newsletter assignment (due last week of December): Brian Haws
- Dec 4th, 6:00pm, Tree Lighting at Community Center
- Dec. 4th, Santa Extravaganza, after tree lighting ceremony
- Dec. 6th, Santa Parade, beginning at 6pm
- Dec 13th, Kathy Moosman retirement open house 12 – 1pm
- Dec 15th, Employee Christmas Party at Community Center, 6:00pm.
- Misc. Items.

28 **6. Approval of Minutes** – The minutes of the regular City Council meeting of  
30 December 4, 2023 will be reviewed.

32 COUNCILMEMBER BRODERICK TO APPROVE THE MINUTES OF THE  
34 REGULAR CITY COUNCIL MEETING OF DECEMBER 4, 2023 AS AMENDED.  
36 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
38 RECORDED AS FOLLOWS:

COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER MAGLEBY	AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 **7. Consent Agenda Items** – The following consent agenda item was presented for  
44 approval.

2 a) Planning Commissioner re-appointments: Mike Marchbanks; Rob Kallas

4 COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT  
6 AGENDA ITEM AS PRESENTED. COUNCILMEMBER MAGLEBY SECONDED  
8 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER VANCHIERE AYE  
12 COUNCILMEMBER POWELL AYE  
14 COUNCILMEMBER BRODERICK AYE  
16 COUNCILMEMBER HOYT AYE  
18 COUNCILMEMBER MAGLEBY AYE  
20 THE MOTION CARRIED UNANIMOUSLY.

22 **CURRENT BUSINESS**

24 **8. Review & Action — Financial Audit Report for Fiscal Year 2023.**

26 Representatives from Gilbert & Stewart, CPA PC, and the Lindon City Finance  
28 Department will present the city’s annual financial audit report, included as part  
30 of the Comprehensive Annual Financial Report (CAFR) for fiscal year ended  
32 June 30, 2023.

34 Mayor Lundberg invited Kristen Colson Aaron, Lindon Finance Director and Ron  
36 Stewart representing Gilbert & Stewart forward. Mr. Stewart addressed the Council at  
38 this time. He noted state law requires that all general-purpose local governments publish  
40 within six months of the close of each fiscal year a complete set of audited financial  
42 statements presented in conformity with generally accepted accounting principles and  
44 audited in accordance with generally accepted auditing standards by a firm or licensed  
certified public accountants.

Mr. Stewart then gave his audit report. He stated they have audited the financial  
statements of the governmental activities, business-type activities, each major fund, and  
the aggregate remaining fund information of Lindon City, Utah, for the year ending June  
30, 2023, which collectively comprise the City’s basic financial statements. He stated in  
their opinion, the financial statements present fairly, in all material respects, the  
respective financial position of the governmental activities, business-type activities, each  
major fund, and the aggregate remaining fund information of the City as of June 30,  
2023, the respective changes in financial position, and, cash flows and the respective  
budgetary comparison of the general and major special revenue funds for the year.

Mr. Stewart explained they conducted their audit in accordance with auditing  
standards generally accepted in the United States. Their responsibilities under those  
standards are further described in the Auditor’s Responsibilities for the Audit of the  
Financial Statements section of their report. They are required to be independent of  
Lindon City and to meet their other ethical responsibilities, in accordance with the  
relevant ethical requirements relating to our audit. They believe that the audit evidence  
they have obtained is sufficient and appropriate to provide a basis for their audit opinions.

2 Mr. Stewart further explained it is their responsibility to express opinions on these  
financial statements based on their audit. They also conducted their objectives to obtain  
4 reasonable assurance about whether the financial statements as a whole are free from  
material misstatement, whether due to fraud or error, and to issue an auditor's report that  
6 includes their opinions. The risk of not detecting a material misstatement resulting from  
fraud is higher than for one resulting from error, as fraud may involve collusion, forgery,  
8 intentional omissions, misrepresentations, or the override of internal control.  
Misstatements are considered material if there is a substantial likelihood that, individually  
10 or in the aggregate, they would influence the judgment made by a reasonable user based  
on the financial statements. In performing an audit in accordance with generally accepted  
12 auditing standards and Government Auditing Standards, they do the following:

- 14 • Exercise professional judgment and maintain professional skepticism throughout  
the audit.
- 16 • Identify and assess the risks of material misstatement of the financial statements,  
whether due to fraud or error, and design and perform audit procedures responsive  
18 to those risks. Such procedures include examining, on a test basis, evidence  
regarding the amounts and disclosures in the financial statements.
- 20 • Obtain an understanding of internal control relevant to the audit in order to design  
audit procedures that are appropriate in the circumstances, but not for the purpose  
22 of expressing an opinion on the effectiveness of Lindon City's internal control.  
Accordingly, no such opinion is expressed.
- 24 • Evaluate the appropriateness of accounting policies used and the reasonableness  
of significant accounting estimates made by management, as well as evaluate the  
overall presentation of the financial statements.
- 26 • Conclude whether, in our judgment, there are conditions or events, considered in  
the aggregate, that raise substantial doubt about Lindon City's ability to continue  
28 as a going concern for a reasonable period of time.

30 Mr. Stewart stated they are required to communicate the planned scope and  
timing of the audit, significant audit findings, and certain internal control-related matters  
32 that we identified during the audit. They do not express an opinion or provide any  
assurance on the information because the limited procedures do not provide us with  
34 sufficient evidence to express an opinion or provide any assurance.

36 Mr. Stewart stated their audit was conducted for the purpose of forming opinions  
on the financial statements that collectively comprise the City's basic financial  
statements. In their opinion, the combining statements and budgetary comparisons are  
38 fairly stated in all material respects in relation to the basic financial statements as a  
whole.

40 Mr. Stewart commented that management is responsible for the other information  
included in the annual report. Their opinions on the basic financial statements do not  
42 cover the other information, and they do not express an opinion on that. In connection  
with their audit of the basic financial statements, their responsibility is to read the other  
44 information and consider whether a material inconsistency exists between the other

2 information and the basic financial statements, or the other information otherwise appears  
to be materially misstated.

4 Mr. Stewart stated the purpose of that report is to describe the scope of their  
testing of internal control over financial reporting and compliance and the results of that  
6 testing, and not to provide an opinion on internal control over financial reporting or on  
compliance.

8 Following the audit presentation, the Mayor and Council thanked Mr. Stewart and  
Ms. Colson Aaron for the information presented noting they appreciate their  
10 professionalism and expertise with the audit.

12 Mayor Lundberg called for any further comments. Hearing none she called for a  
motion.

14 COUNCILMEMBER MAGLBEY MOVED TO APPROVE THE FINANCIAL  
AUDIT REPORT FOR FISCAL YEAR 2023 AS PRESENTED. COUNCILMEMBER  
16 HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BRODERICK	AYE
20 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER MAGLEBY	AYE

22 THE MOTION CARRIED UNANIMOUSLY.

24 **9. Public Hearing — Ordinance Amendment, LCC 3.05 PARC Tax (Ordinance  
#2023-25-O).** Given the approval and passage of the PARC Tax question in the  
26 2023 municipal election, this is a City initiated action to update LCC Chapter 3.05  
Parks, Arts, Recreation and Culture Tax, which will enact and levy a renewal of  
28 the existing tax to finance cultural and recreational facilities and ongoing  
operations, and to finance operations of cultural organizations within Lindon City  
30 pursuant to U.C.A. § 59-12-1402.

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

36 Mr. Cowie presented this item noting on December 18, 2023 the Lindon City  
Council enacted a renewal of the 0.1% increase to the sales and use tax to fund arts and  
38 recreational facilities as statutorily permitted in Utah Code. This tax in Lindon City is  
referred to as the PARC tax (Parks, Arts, Recreation, and Culture). This tax will remain  
40 in place for a period of 10-years, expiring on March 31, 2034 unless renewed by the  
Lindon voters and City Council.

42 Mr. Cowie explained we now need to give notice to the Utah State Tax  
Commission that Lindon City has enacted the renewal of the sales and use tax (PARC  
44 tax), which will be effective April 1, 2024 at the rate of 0.1%. This tax will remain valid  
for a ten-year period until March 31, 2024.

2 Mr. Cowie noted the Council adopted a resolution submitting an opinion  
question to the residents of Lindon City as to whether or not the City should be  
4 authorized to renew the existing PARC tax and impose a 0.1% (one tenth of one percent)  
sales and use tax for the purpose of financing cultural and recreational facilities and  
6 ongoing operations, and to finance ongoing operations of cultural organizations within  
Lindon City. This tax would remain in place for a period of ten years.

8 Mr. Cowie stated this authorizes the City to enact the PARC tax. Following the  
election canvass, the Council determined that 76.22% of the citizens of Lindon City who  
10 voted in the general election held on November 21, 2023 favored enactment of the PARC  
tax, and was canvassed and certified by the Lindon City Board of Canvassers on  
12 December 5, 2023. This action requires that this ordinance enacting the PARC tax be  
approved by the City Council.

14 Following some general discussion, the Council was in agreement to approve  
Ordinance Amendment #2023-25-O as presented by staff.

16 Mayor Lundberg called for any further public comments. Hearing none she called  
for a motion to close the public hearing.

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

22  
24 Following general discussion, Mayor Lundberg called for any further comments.  
Hearing none she called for a motion.

26 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE #2023-  
25-O UPDATING LCC CHAPTER 3.05 PARKS, ARTS, RECREATION AND  
28 CULTURE TAX AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED  
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BRODERICK AYE  
32 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER MAGLEBY AYE  
34 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

36  
38 **10. Public Hearing — (Continued from October 16, 2023) Ordinance #2023-17-**

**O;** Recommendation from the Planning Commission to the Lindon City Council  
for an amendment to Lindon City Code 17.02, 17.80, and the Standard Land Use  
40 Table to define, allow, and adopt regulations for short-term rentals within Lindon  
City.

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

2 Mr. Mike Florence led this item stating at the October 16, 2023 city council  
meeting the council asked city staff to review options regarding fire department  
4 requirements as well as owner occupied vs. non-owner occupied short-term rental  
provisions.

6 Mr. Florence then went over owner vs. non-owner-occupied unit regulations. He  
noted City staff reviewed several regulations that provided different requirements for  
8 owner vs. nonowner- occupied units as listed below. He noted staff did not include any of  
these proposals in the draft ordinance, but these can be discussed and added to the  
10 ordinance if desired:

- 12 • Ogden City: non-owner-occupied units can only be located in multi-family zones.  
Owner-occupied units can go in an R1 zone.
- 14 • Torrey Utah: No limit on the number of owner-occupied units but caps the  
number of current non-owner-occupied units at the time of adoption of their short-  
16 term rental ordinance. Baltimore, MA, Littleton, CO have a very similar  
ordinance.
- 18 • Some cities limit the number of nights a non-owner-occupied unit may be rented.  
Ninety days seems to be a common allowance for some larger communities  
20 outside of Utah. This would be difficult for the city to manage and would be more  
of a trust item for the city.
- 22 • Gilpin Colorado, they have a three-tiered system of owner-occupied, county  
resident, and not county resident. No limit on owner-occupied units. County  
24 residents are limited to two non-owner-occupied short-term rentals. Non-county  
residents are limited to one short-term rental. There is a 5% cap of the housing  
stock that can be used as short-term rentals for Tier 2 and Tier 3 owners.\
- 26 • At a future date the city council could also consider adopting a higher business  
license fee for non-owner-occupied short-term rentals. The city is in the process  
28 of studying its business license fees and those will be presented early next year to  
the city council.

30 Mr. Florence also discussed Fire Department Regulations noting City staff added  
32 the following fire regulations/inspections requirements to the draft short-term rental  
ordinance:

- 34 • Each short-term rental shall have an initial inspection by the fire department prior  
to approval of a business license and an annual inspection as part of the business  
36 license renewal.
- 38 • Each short-term rental shall have a fire extinguisher on each floor. Additional fire  
extinguishers may be required by the fire department for homes with larger square  
footage.
- 40 • Other requirements such as fire suppression systems, occupancy restrictions, exit  
lighting and other fire related code requirements shall be evaluated by the City at  
42 the time a business license is submitted with accompanying documents as found  
in section two.

44 Mr. Florence also presented other additions to the ordinance as follows:

- 2       • Use of an Accessory Dwelling Unit as a Short-Term Rental shall only be allowed  
when the primary dwelling is owner occupied.  
4       • Enforcement, penalties and appeals shall follow the procedures as found in Title 5  
– Business Licensing and Regulations.

6

Mr. Florence then presented the draft ordinance followed by some general  
8 discussion. Mayor Lundberg called for any public comments at this time.

Lincoln Jacobs spoke at this time. He asked why we are just distinguishing  
10 between cul-de-sacs and not on through streets. He stated he has heard concern with there  
being multiple on a through street, not just in cul-de-sac also. Mr. Florence explained the  
12 reason for this and explained the parking concerns within a cul-de-sac. General  
discussion followed.

14 Following some additional comments, the Council was in agreement to approve  
the Subdivision Ordinance Amendment #2023-17-O as presented by staff.

16 Mayor Lundberg called for any further public comments. Hearing none she called  
for a motion to close the public hearing.

18

COUNCILMEMBER MAGLEBY MOVED TO CLOSE THE PUBLIC  
20 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22

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

26 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE  
#2023-17-O AS PRESENTED WITH CHANGE AS DISCUSSED.

28 COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

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

36

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

40 **Adjourn** –

42 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT  
7:30 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL  
44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2  
4  
6  
8  
10

Approved – January 2, 2023

---

Britni Laidler, City Recorder

---

Carolyn Lundberg Mayor