

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 16,**
4 **2018, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Matt Bean, Mayor Pro Tem
Pledge of Allegiance: Devin, Boy Scout
10 Invocation: Daril Magleby, Councilmember

12 **PRESENT**

Matt Bean, Councilmember
14 Carolyn Lundberg, Councilmember
Van Broderick, Councilmember
16 Daril Magleby, Councilmember
Adam Cowie, City Administrator
18 Brandon Snyder, Planning Director
Kathryn Moosman, City Recorder

EXCUSED

Jeff Acerson, Mayor
Jacob Hoyt, Councilmember

- 20
1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
 - 22
 2. **Presentations/Announcements** –
 - 24 a) **Comments/Announcements from Mayor and Council** – There were no
announcements at this time.
 - 26
 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
28 meeting of September 18, 2018 were reviewed.

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 18, 2018 AS
32 PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
36 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER MAGLEBY AYE

38 THE MOTION CARRIED UNANIMOUSLY.

- 40 4. **Open Session for Public Comment** – Mayor Pro Tem Bean called for any public
comment not listed as an agenda item.

42

44 David Shaw, Lindon resident, approached the Council at this time and introduced
his son Adam who is working on a merit badge. Mr. Shaw stated he has previously been
before the Council in a professional capacity. He also expressed his appreciation for the
46 Council and the time and effort they put into the community. He realizes this is a

2 significant commitment and he just wanted to convey his message of gratitude. The
Council thanked Mr. Shaw for his nice comments.

4
6 **5. Consent Agenda Items –**

- 8 1. Appointment of Scott A. Thompson to a three-year term as a Lindon City
Planning Commissioner.
- 10 2. Approval of Resolution #2018-19-R declaring certain city equipment and
supplies as surplus to be sold and disposed of per city policies.
- 12 3. Approval of two updated agreements with Central Utah Water Conservancy
District and the United States Department of the Interior regarding Olmstead
Hydroelectric Plant power loss charges and water carriage charges.
- 14 4. Extension of Final Plat and Improvement Plans Approval — Lindon Self-
Storage, 860 West 200 South. Susan Palmer, Ridgepoint Management Group
16 LLC, on behalf of Lindon Self-Storage LLC, seeks a 12- month extension of
the final plat and plan(s) approval for the Lindon Self-Storage Subdivision,
18 Plat A, a forty-six (46) unit self-storage major condominium project, to be
located at approximately 860 West 200 South in the Light Industrial (LI)
20 zone. LCC 17.12.210 allows for an applicant to request up to a 12-month
extension of the final approval. The current approval expires in November
22 2018. No changes to the previously approved final plat and plan(s) are being
proposed. The Planning Commission recommends approval of the requested
24 extensions.

26 COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE CONSENT
AGENDA ITEMS AS PRESENTED. COUNCILMEMBER BRODERICK
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
32 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

34
36 **CURRENT BUSINESS**

- 38 6. **Site Plan/Conditional Use Permit — Walker Farms, 26 South 500 East.** Mike
Jorgensen requests preliminary site plan approval for a reception center as a
conditional use on the property located at approximately 26 South 500 East, in the
40 Commercial Farm (CF) zone. The Planning Commission recommended approval
with conditions.

42
44 Brandon Snyder, Associate Planner, noted the applicant, Mike Jorgensen is in
attendance for this agenda item. He explained Mr. Jorgensen is requesting approval of a
preliminary site plan approval for a reception center as a conditional use on the property
46 located at approximately 26 South 500 East, in the Commercial Farm zone. He noted the
Planning Commission recommended approval with conditions.

2 Mr. Snyder stated Mr. Jorgensen is proposing to construct an event barn
(reception center) on the property. He also proposes to utilize the existing home, on the
4 corner of Center Street and 500 East, as a caretaker or farm-help accessory dwelling. Mr.
Snyder stated both of these uses require a conditional use permit in the CF zone per
6 Lindon City Code. He noted the applicant’s existing residence (400 East) and detached
garage/workshop are included in the Walker Farms project. Mr. Snyder reminded the
8 Council that the intent of the commercial farm zone is to provide encouragement of
agricultural production and associated commercial activities that are compatible with
10 and/or promote agricultural uses within the city. Mr. Snyder indicated objectives of the
zone include promoting and preserving agricultural production, promoting agricultural
12 open space throughout the city, and allowing associated commercial activities which
could be used as additional revenue sources to help sustain and support agricultural
14 industry within Lindon.

16 Mr. Snyder explained that a large portion of the project area was initially rezoned
by the City Council on October 3, 2017 from the R1-20 zone to the CF zone. The City
Council also rezoned additional property to the CF zone on September 4, 2018. He noted
18 the Planning Staff, City Engineer and Mr. Jorgensen are working through any technical
issues related to the site and Staff will ensure all issues are resolved before final
20 Engineering approval is granted. He noted third party notices were mailed on September
28, 2018, to the adjoining property owners in accordance with Lindon City Code and no
22 comments have been received to date.

24 Mr. Snyder then referenced Table 1 Property Information (LCC Commercial
Farm 17.51) including Lot area, Lot width, Lot depth, Building height, Onsite parking
stalls, Building setbacks and Agricultural Production Area followed by discussion. Mr.
26 Snyder noted all requirements are met.

28 Mr. Snyder pointed out that at least forty percent of the property must be
maintained in active agricultural production and be managed in such a way that there is a
reasonable expectation of profit. Also, land used in connection with a farmhouse, such as
30 landscaping, driveways, etc., cannot be included in the area calculation for agricultural
production eligibility. Mr. Snyder pointed out the 40% requirement is met. Even though
32 the combined parcels (total project area 6.29 acres) exceeds the minimum 5 acres as
required by city code, currently the agricultural production area is at the minimum 40%.
34 He indicated that no parcels that are currently in the project area could be removed or
sold separately at a future date without modifications to the site plan.

36 Mr. Snyder further explained “agricultural production” is defined (per city code)
as the production of food for human or animal consumption through the raising of crops
38 and/or breeding and raising of domestic animals and fowl (except household pets) in such
a manner that there is a reasonable expectation of profit. He noted this was previously
40 discussed during the rezoning of the property. Mr. Jorgensen raises and breeds alpacas
and intends to sell the alpaca wool; the reception/event center can be an additional
42 revenue source for the alpaca operation.

44 Mr. Snyder stated the minimum area of any lot or parcel of land in the CF zone
shall be five acres. He noted that multiple parcels that total five acres or more may
qualify as meeting the minimum lot area without combining the parcels only when they
46 are under identical legal ownership and are contiguous. He indicated that a deed

2 restriction prohibiting the separation of parcels may be required in order to maintain the
minimum five contiguous acres.

4 Mr. Snyder went on to say that not more than one single-family dwelling with an
accessory apartment, and one caretaker's or farm-help dwelling, may be placed on a lot
6 or parcel of land in the CF zone (or conglomeration of parcels necessary to meet
minimum acreage requirements). He pointed out that in no case may the caretaker's or
8 farm-help dwelling be sold as a separate, subdivided lot unless it meets all requirements
of the underlying zone. He added that owner occupancy of a primary residence on the
10 property is required to maintain a caretaker's or farm help dwelling unit.

12 Mr. Snyder re-iterated that the project area contains Mr. Jorgensen's existing
residence, at 400 East, and another residence to be used as a caretaker's or farm-help
dwelling at the corner of 500 East and Center Street. Mr. Jorgensen has also recently
14 bought two other existing residences that are adjacent to but not part of the project area.

16 Mr. Snyder went on to say in a CF zone, all buildings, including accessory
buildings and structures, shall not cover more than forty percent (40%) of the area of the
lot or parcel of land, or the conglomeration of parcels as defined in city code (currently
18 less than 10%). At least forty percent (40%) of the front yard setback area of any lot shall
be landscaped. On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall
20 not cover more than fifty percent (50%) of a front yard (this requirement has not been
met. He noted that landscaping details are needed for the frontages along Center Street
22 and 500 East).

24 Mr. Snyder pointed out that parking spaces in a CF zone are exempted from the
surfacing, striping, and interior landscaping requirements, but shall be provided with a
dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be
26 provided with a similar hard surfaced access from a public street (parking lots are
asphalt). He noted that any off-street parking lot adjacent to a residential use or
28 residential zone shall provide a minimum ten-foot (10') landscaped buffer from the
parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten
30 feet (10') along the landscaped strip and must be a minimum of two-inch (2") caliper
measured one foot (1') off the ground and at least six feet (6') tall when planted. Trees
32 shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to
provide a visual barrier between the parking lot and the residential use/zone (this
34 requirement has not been met).

36 Mr. Snyder noted no required parking spaces shall be within thirty feet (30') of a
front property line or street side property line. He indicated Mr. Jorgensen would like to
discuss a potential ordinance amendment to allow for the parking to be closer to the street
38 and the landscaping to be added within the parking area. All required ADA parking stalls
shall be provided with smooth, hard surface asphalt or concrete paving with a similar
40 surface provided as an ADA accessible pedestrian route between the parking spaces and
any public buildings being accessed from the spaces. He pointed out there are no
42 architectural design standards for the Commercial Farm (CF) zone.

44 Mr. Snyder then presented photos (2017 & 2018), Location, Site Plan (Overall
Project Concept), Layout (Reception Center Concept), Elevations, Example Parking Lot
and Landscaping Placement (not for approval at this time) followed by discussion. He
46 then turned the time over to Mr. Jorgensen for comment.

2 Mr. Jorgensen addressed the Council at this time. He indicated he is considering a
4 potential ordinance amendment to allow for the parking to be closer to the street and the
landscaping to be added within the parking area as the elementary school is the adjacent
neighbor.

6 Councilmember Lundberg commented she likes this trade off as it spreads some of
the beautification into the interior parking lot so its not just asphalt and concrete. She likes
8 the trade off and it seems like a reasonable concept. Councilmember Broderick agreed
adding it looks very sharp.

10 Mayor Pro Tem Bean pointed out this item came before the Planning Commission a
week ago and they agreed to keep the five conditions in the motion to ensure they are
12 followed up with. Mr. Jorgensen stated he is comfortable with the five listed conditions.

14 Mayor Pro Tem Bean called for any further comments or discussion from the
Council. Hearing none he called for a motion.

16 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE SITE PLAN
AND CONDITIONAL USE PERMIT FOR WALKER FARMS TO BE LOCATED AT
18 26 SOUTH 500 EAST IN THE COMMERCIAL FARM (CF) ZONE, WITH THE
FOLLOWING CONDITIONS: 1. THAT THE OWNER OCCUPIES ONE OF THE
20 LEGAL ON-SITE RESIDENCES IN ACCORDANCE WITH LINDON CITY CODE
17.51.014 AND 70, AND 2. THAT A DEED RESTRICTION PROHIBITING THE
22 SEPARATION OF THE PARCELS BE RECORDED IN ORDER TO MAINTAIN THE
MINIMUM FIVE (5) CONTIGUOUS ACRES (LINDON CITY CODE 17.51.020 AND
24 70), AND 3. THAT THE PROJECT COMPLIES WITH NOISE LIMITS, SIGNAGE
REGULATIONS, AND ANIMAL REGULATIONS AS REQUIRED IN LINDON CITY
26 CODE AND SPECIFICALLY SECTIONS 17.51.145 AND 150, AND 4. PRIOR TO
FINAL APPROVAL THAT THE APPLICANT WORKS WITH CITY STAFF TO
28 ADDRESS AND CORRECT THE SETBACK CONCERNS AND LOT ISSUES
RAISED BY RECENT UNAPPROVED DIVISIONS OF LAND (CONDITION FROM
30 REZONING 09/04/2018 CC), AND 5. PROVIDE A LANDSCAPING PLAN TO MEET
APPLICABLE REQUIREMENTS OF LCC 17.51.120(2) AND 17.51.130(3).

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

34 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
36 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER MAGLEBY AYE

38 THE MOTION CARRIED UNANIMOUSLY.

- 40 7. **Discussion Item — Urban Deer Hunt / Urban Deer Removal Programs.** Chief
42 Josh Adams and a representative from the State of Utah Division of Wildlife
Resources (DWR) will review urban deer hunt program rules and processes. The
44 Council will provide direction to staff on whether or not to proceed with gathering
additional public input and/or begin efforts with the DWR to establish an urban
46 deer hunt or urban deer removal program within Lindon. If an urban hunting
program is desired a future public hearing and budget amendment hearing will be
necessary.

2 Adam Cowie, City Administrator, gave some background of this item explaining
Lindon City Chief of Police Josh Adams and Wes Alexander, representative from the
4 State of Utah Division of Wildlife Resources (DWR) are in attendance to review urban
deer hunt program rules and processes. He noted staff is asking for direction on whether
6 or not to proceed with gathering additional public input and to begin efforts with the
DWR to establish an urban deer hunt or urban deer removal program within Lindon City.
8 He explained if the Council wants an urban hunting program a future public hearing and
budget amendment hearing will be necessary.

10 Mr. Cowie went on to say the City created a non-scientific poll on the city
Facebook page to gather preliminary input from citizens regarding whether or not to
12 consider a possible urban deer hunt. After two days the survey had 686 votes with 454
voting 'yes' and 232 voting 'no'. Of those who voted there are many Lindon residents
14 and names that Staff recognizes, but it also appears many respondents are not Lindon
residents (or at least don't list Lindon as their hometown on Facebook) so the poll is non-
16 scientific.

18 At this time Mr. Cowie asked for feedback as to whether or not Staff should
continue to investigate an urban deer hunt program and move forward with inventorying
the deer population, policy/program creation, and setting up public hearings for
20 additional public input. He noted Council action will be required in future public hearings
to adopt program policies and budgets. He then turned the time over to Chief Adams for
22 his presentation.

24 Chief Adams reviewed and presented the materials from the last discussion on
urban deer hunt/removal programs. He pointed out that a city with a resident deer
population that is significantly damaging private property or threatening public safety
26 within its boundaries may request the DWR for a certificate of registration ("COR") to
design, create, and administer an urban deer control plan. According the Division of
28 Wildlife Resources, an average of 37 deer carcasses are removed from Lindon annually.

30 Chief Adams noted the police department can only provide data regarding
incidents which were reported or discovered by patrolling officers. It should be noted that
each of the "welfare" deer incidents happened away from a city street and all "accident"
32 deer incidents were based on the deer's close proximity or actual contact with a vehicle.
He noted the majority of deer/vehicles incidents occur on State Street, followed by
34 Geneva Road.

36 Chief Adams pointed out that residents of Highland have overwhelmingly
supported the Urban Deer Program, and were in fact, the trial study for such a program in
Utah. On the other hand, Alpine residents were against such a program as they enjoy the
38 ambiance of having wildlife in proximity. Highland harvested 7 deer in 2016 and have no
current information as to 2017 and they have significantly downsized its program since
40 inception. Mapleton City budgets about \$6,000 annually for their Urban Deer Program.
In 2016, 93 deer were harvested at about \$65 per deer. In 2017, 47 deer were harvested at
42 \$125 per deer. According to the DWR, 64 deer were hit and killed in 2016 and 31 were
killed in 2017. Overall, Mapleton feels positively about their program and anticipate that
44 they will continue with the activity.

46 Chief Adams indicated that relocation has been experimented by various
communities throughout the Mountain West. However, transplanting deer is very cost
and labor intensive, and potential destinations must be adequately studied to determine if

2 they can support additional deer. The two most effective ways to address the issue of deer
4 browsing and encroachment are proper fencing and landscaping. He noted the DWR
6 publishes lists of plants which are unpalatable to deer as well as those which are
8 attractive to deer. It stands to reason that if there is nothing in the neighborhood that a
10 deer would eat, they won't spend their time there. When landscaping changes are not a
12 suitable solution an eight-foot fence effectively prevents encroachment by deer. There is
14 no scientific method to accurately count the deer population in the city. Once the five
16 main features are addressed they would be required to do the application process; the
18 DWR will help with the process. He pointed out there are people in the city that do have
20 strong opinions to leave the deer alone. Mr. Alexander stated the DWR's opinion to the
22 program is indifferent; the program was created for cities who deem they have an urban
24 deer problem.

26 Mr. Alexander added in regards to the city's program, when actually trapping and
28 removing the deer, the DWR is a close partner in the process and very much involved
30 where the deer are released. There was then some general discussion with Mr. Alexander
32 regarding deer removal options. He pointed out the design of the programs are not to
34 eliminate the deer (as they will never go away) but to try to get them to a tolerable level.
36 Ideally, the numbers could be knocked back to a tolerable level and then the efforts can
38 be reduced to a manageable level; it is an ongoing battle.

40 Mayor Pro Tem Bean asked if an estimate of the deer population in the city is
42 doable. Mr. Alexander stated it can be difficult to come up with an accurate number but
44 they recommend to aim high. Councilmember Broderick thanked the presenters for the
updated information and would suggest watching and monitoring the deer population and if
it becomes more of a nuisance to address it again in the future. Councilmember Magleby
agreed with that statement. Councilmember Lundberg would suggest doing it on a case by
case basis and to create a better mechanism for those few who have a reportable problem
with a nuisance deer population; but she is not sure it has currently reached a critical mass
point. Mr. Cowie stated it is his understanding that the Council would still have to adopt
this approved plan as a city to implement it on a case by case basis. Mr. Alexander
confirmed this statement adding if adopted it is a 3-year encompassing program. Mayor
Pro Tem Bean suggested doing a more statistically sound survey and get a real feel for how
Lindon residents feel and where the problem is happening in the city. Mayor Pro Tem
Bean and the Council thanked Chief Adams and Mr. Alexander for the presentation and
valuable information.

36 Mayor Pro Tem Bean called for any further comments or discussion from the
38 Council. Hearing none he moved on to the next agenda item.

40 **8. Presentation & Discussion — Review of 2018 Aquatics Center Season and
42 Lindon Days.** Lindon City Parks & Recreation Director, Heath Bateman, and
44 Finance Director, Kristen Colson, will present financial overviews and statistics
for the 2018 Aquatics Center season and for Lindon Days. General feedback
regarding the Aquatics Center, Lindon Days, and various aspects of the Parks &
Recreation Department will be provided but no motions made.

2 Parks & Recreation Director, Heath Bateman, and Finance Director, Kristen
3 Colson, were in attendance to present financial overviews and statistics for the 2018
4 Aquatics Center season and for Lindon Days followed by discussion:

Items of Note:

- 6 • The 2018 season was the Aquatic Center's 10th season
- 7 • Financial information in this report is presented for the calendar year rather than
8 by fiscal year
- 9 • In addition to the 2018 calendar year, 3 historical years are also presented
- 10 • Numbers since June 2017 are not audited
- 11 • Expenses are still coming as staff works to close the pool for the winter
- 12 • Debt service is not represented in this financial report
- 13 • Improvements which were funded by PARC Tax:
 - 14 - \$65,985 for ceramic tile
 - 15 - \$26,930 for flow rider pumps
 - 16 - \$29,670 to refurbish slides
- 17 • Revenue increased 17.0% before PARC tax and RDA contributions:
 - 18 - Daily admission revenue increased 14.8%
 - 19 - Pool punch passes increased 11.7%
 - 20 - Concession revenue increased 24.5%
 - 21 - Pool rental revenue increased 35.3%
- 22 • Expenses decreased 7.7%, but there are still 3 more months of utilities and
23 winterization costs

Debt Service:

- 24 • Not presented in financial report
- 25 • Annual debt service payments are about \$635,000 with \$50k of that coming from
26 PARC tax each year (since 2016FY) (remaining amount is paid by General Fund)
- 27 • 2008 bond for \$9.5M was refunded in 2015, but not called until July 2018
- 28 • Principal outstanding on the 2015 refunding as of 7/31/2018 is \$7,215,000
- 29 • The interest rate on the 2015 refunding is 2% until 2020, 3% until 2024, then 4%
30 for the remaining term
- 31 • The 2015 refunding will be paid off July 2033

Upcoming Maintenance & Improvements:

- 34 • Ongoing Maintenance
 - 35 - Alex, Lindon's Facilities Manager, will seal concrete in sections, completing
36 the entire Aquatics Center in about 4 years and then start over.
 - 37 - Replace all grates over 4 years at 12 grates per year. The grates cost about
38 \$300 each.
 - 39 - Re-caulk all of the large concrete joints at the Aquatics Center. This is the 2nd
40 year of this 3-year process at an estimated cost of \$7,500/year.
 - 41 - Annual pump maintenance with this year's estimated cost at \$20,000. This
42 will be a continuous process.
- 43 • 2018-2019 Fiscal Year
 - 44 - Resurface flow rider for about \$35,000.
- 45 • Looking into the Future
 - 46 - The blue and yellow shades are being repaired as needed, but will need to be
replaced in the future. There are 6 shades that would cost about \$2,500 each.

- 2 - Install a pavilion outside the pool which can be reserved and rented which will
4 be paid for with park impact fees.

6 **Aquatics Center Financial Report** (as of 10/8/2018)

6 **Private Pool Rentals:**

8 Mr. Bateman stated it seems that 3-hour reservations are wanted. He noted next
10 year they are proposing to have 3 or 4-hour reservations on Friday and Saturday. The
12 question is if it is worth it to keep the pool open (due to lack of lifeguards) after school
14 starts as the pool is very difficult to staff with lifeguards and cashiers after school starts.
16 Also, when parties are booked after school starts, sometimes they are faced with closing
18 the pools and the Flowrider due to lack of staff.

14 **Lindon Days 2018 Update:**

16 Ms. Colson then reviewed the 2018 Lindon Days Financial Report indicating the
18 following numbers followed by discussion:

- 18 - Revenue \$37,737.12
- 20 - Expenses \$63,555.11
- 22 - Difference \$(25,757.99)

20

22 Mr. Bateman mentioned there are some Saturday parade conflicts with other
24 cities. He suggested the possibility of starting Lindon Days on Saturday Morning with the
26 Parade and go until Friday night.

28 Mr. Bateman then presented the following information followed by some general
30 discussion.

32 **Possible Grant Opportunities:**

- 34 • Utah Outdoor Recreation Grant (GOED)
 - 36 - Limit \$150K
 - 38 - 50-50 Match (25% can be in-kind)
 - 40 - Awarded for 13 types of activities: Trails, OHV, shooting sports, natural
42 playscapes, equestrian, wayfinding, climbing, mountain biking, water
44 recreation.
- 46 • Land & Water Conservation Grant (LWCF)
 - 48 - Once a public outdoor recreation site, always a public outdoor recreation site.
 - 50 - 50-50 Match
 - 52 - The LWCF may be used to develop outdoor recreation facilities including, but
54 not limited to: ball fields, sports courts, spray parks, golf courses, public
56 restrooms, swimming pools, skate parks, and walking trails. Land acquisitions
58 for public outdoor recreation are also eligible for LWCF.
- 60 • Recreational Trails Program (RTP)
 - 62 - 50-50 Match – In-kind, volunteer labor, donations, etc.
 - 64 - RTP funding may be used for the construction and maintenance of trails and
66 trail related facilities, including the development of staging areas, trailheads,
68 restroom facilities, etc.
 - 70 - Limit \$150K
 - 72 - Bike Park and Grants and possible Bike Pump Track Locations

74 **Department Needs:**

- 2 • Full Time Aquatics Coordinator
- Part-time Parks Ranger

4 **Coming Events:**

- 6 • Halloween Carnival/Trunk or Treat
 - Friday, October 19, 2018
 - Community Center
- 8 • Christmas Tree Lighting Ceremony
 - Monday, December 3, 2018
 - 10 - Community Center

12 Following discussion, the Council thanked Mr. Bateman and Ms. Colson for the presentation and valuable information and for their good works for the city.

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

16

18 **9. Public Hearing — FY2018-19 Budget Amendment; Resolution #2018-20-R.**

The City Council will review and consider Resolution #2018-20-R amending the fiscal year 2018-19 Lindon City Budget for various budgetary modifications and updates to city revenues and expenditures.

22 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Kristen Colson, Finance Director led this discussion item by referencing
Resolution #2018-20-R amending the fiscal year 2018-19 Lindon City Budget for various
28 budgetary modifications and updates to city revenues and expenditures and fee schedule
bullet points as follows: (some items carried over from the last fiscal year).

- 30 • Spencer Foster, Court Clerk, applied for and received a state grant to help offset increasing costs for indigent attorney fees.
- 32 • Heath Bateman, Parks and Recreation Director, applied for and received a recreation grant from Utah County to help offset some of the cost of installing screens at the pickleball courts at Hollow Park. The grant was for \$5,593 and is being received into the General Fund and then transferred to the Parks CIP fund. The total cost was \$8,765 with the remaining expense covered by impact fees.
- 36 • Carryover from the 2017-2018 budget. The police department is still working on purchasing cameras (dash cams) for all of their vehicles for about \$60,000.
- 38 • Public Works uniform expense is increasing \$515 to buy shirts for their personnel which will identify them as Lindon City Public Works employees. This expense is distributed to Streets and PW Admin in the General Fund, as well as the Water, Sewer and Storm Water funds.
- 40 • The rental cost for the Public Works backhoe has increased and is not available at the termination of our current rental agreement so the City is extending the current rental agreement 3-4 months and then paying the annual rental fee for the new backhoe in January or February. This \$4,000 increase is distributed to Streets in the General Fund, as well as the Water, Sewer and Storm Water funds.
- 44
- 46

- 2 • The budget amendment on September 18, 2018 did not include Debt Service Fund
- 4 amendments for transfers in from the General Fund and payments of principal and
- 6 interest for the road portion of the 700 North bond payoff and the Public Safety
- 8 Building pay down. The transfer out from General Fund was an estimate and we
- 10 now know the actual amount.
- 12 • There are \$120,000 in budgeted improvements for the Aquatics Center in the
- 14 2018-2019 fiscal year. The City will use \$55,000 in PARC Tax to cover the cost
- 16 of resurfacing the flow rider and general pump maintenance.
- 18 • The two pavilions at Pioneer Park and the two pavilions at Pheasant Brook will be
- 20 treated for an estimated cost of \$12,840.
- 22 • Orem City notified Lindon City of an upcoming capital improvement to their
- 24 Water Reclamation Facility of about \$1.2 million. According to our agreement,
- we will share about 12% of that cost.
- Carryover from the 2017-2018 budget. Three lift stations (#1, 3, & 6) will be
- demolished for about \$56,000.
- Carryover from the 2017-2018 budget. The sewer TV truck computer and
- software equipment will be upgraded for about \$25,000.
- Carryover from the 2017-2018 budget. The City is still working with Ivory
- Development to share the actual costs for the new sewer lift station.
- The budget for the Citywide cleanup is increasing \$4,000 since the City has added
- a Fall Cleanup with dumpsters in addition to the Spring Cleanup.
- The changes in revenues and expenses are balanced and offset by changes in the
- use of, or appropriation to, fund balances.

26 There was then some general discussion regarding the budget amendment notes as
 28 presented. Ms. Colson stated she will prepare an updated fund balance report showing the
 changes and send it to the Council.

30 Mayor Pro Tem Bean called for any public comments. Hearing none he called for a
 motion to close the public hearing.

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

36 Mayor Pro Tem Bean called for any further comments or discussion from the
 Council. Hearing none he called for a motion.

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
 40 2018-20-R AMENDING THE FISCAL YEAR 2019 BUDGET AND FEE SCHEDULE.
 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
 42 RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
 44 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER BRODERICK AYE
 46 COUNCILMEMBER MAGLEBY AYE
 THE MOTION CARRIED UNANIMOUSLY.

2 **10. Discussion Item — Lindon City Justice Court.** City Staff will review the
4 process for replacement of Lindon City Justice Court Judge Brent Bullock, due to
6 him aging out of the system in February 2019, and will present a financial and
7 statistical overview of the court and options regarding the future of the court.

8 Adam Cowie, City Administrator, gave some background of this item explaining
9 City Staff will review the process for replacement of Lindon City Justice Court Judge
10 Brent Bullock, due to him aging out of the system in February 2019, and will present a
11 financial and statistical overview of the court and options regarding the future of the
12 court.

13 Mr. Cowie then referenced the financial details and justice court case load charts.
14 He noted they recently met with the State Justice Court Administrator about the judge
15 replacement process and were informed that Lindon is not obligated to have a justice
16 court; nor to cover the costs of a court if we close our court and let the County Justice
17 Court process our cases unless we want a portion of the fine revenues.

18 Mr. Cowie indicated when a new judge is hired they are technically treated like an
19 elected official for a 6-year term and the city is required to be pay the judge for their full
20 term (6 years), even if the justice court closes. He stated that considerations for the next
21 6-years of the Lindon City Justice Court needs to be discussed tonight before proceeding
22 with hiring a new judge. Mr. Cowie then presented the options to consider as follows:

23 **Option 1. Keep Justice Court as is:**

24 *a. Pros*

- 25 i. Full local control
 - 26 1. Selection of judge; prosecutors; indigent defense attorneys; staff
 - 27 2. Excellent working relationships
- 28 ii. Most convenient location (court patrons, employees, officers, attorneys, proximity
29 to Police Dept)
- 30 iii. Ability to continue operating justice court
- 31 iv. Revenue potential: Losses are decreasing w/possible revenue positive FY2018-19
 - 32 1. Indigent defense grant; in-house attorney; decreased salary of new judge
- 33 v. Provides jobs in Lindon (judge, FT court clerk, PT court clerk, attorneys, bailiffs)
- 34 vi. More fully utilizes existing facilities

35 *b. Cons*

- 36 i. Cost. The justice court has been subsidized by the General Fund for past 11
37 years
- 38 ii. Management and operations time (Administration, HR, payroll, etc.)
- 39 iii. Facilities – requires court room, offices, equipment/supplies, and on-going
40 maintenance

41 **Option 2. Close Court w/ Interlocal Agreement w/Neighboring City (Orem/PG) For
42 Justice Court Services:**

43 *a. Pros*

- 44 i. More convenient than going to County justice court location (Provo)
- 45 ii. Opportunity for costs savings (consolidation of employees, facilities, etc.)
- 46 iii. May be able to negotiate some control if providing prosecutor, etc.
- 47 iv. Ability to re-open Lindon justice court when Interlocal Agreement

- 2 ends/dissolves
- v. Less management oversight
- 4 vi. Facility space available for future needs

b. Cons

- 6 i. Loss of control (judge, indigent defense attorneys, possibly prosecutor, staff)
- ii. May or may not cover full cost of services; loss of possible revenue
- 8 iii. Possible inefficiency of time w/attorneys & officers waiting & away from offices
- 10 iv. Justice Court employee layoffs

Option 3. Close Court w/Agreement w/County Justice Court BUT Retain Our Own Prosecutor:

a. Pros

- 14 i. Cost savings; ability to keep 50% of city portion of fine revenues to off-set prosecutor costs
- 16 ii. Control of prosecutor selection
- iii. Maintain working relationship between prosecuting attorney & city officers
- 18 iv. Less management oversight
- v. Facility space available for future needs

b. Cons

- 20 i. Loss of control (judge, indigent defense attorneys, staff)
- 22 ii. Less convenient traveling to Provo
- 24 iii. Possible inefficiency of time w/attorneys & officers waiting & away from offices
- iv. Justice Court employee layoffs
- 26 v. Most likely would lose ability to re-open Lindon justice court again

Option 4. Close Court w/Agreement w/County Justice Court to Handle Everything:

a. Pros

- 28 i. Cost is fully covered by County
- 30 1. City cannot retain any fine revenue
- ii. Less management oversight
- 32 iii. Facility space available for future needs

b. Cons

- 34 i. Complete loss of control (judge, prosecutor, indigent defense attorneys, staff)
- ii. Less convenient traveling to Provo
- 36 iii. Possible inefficiency of time w/officers waiting & away from offices
- iv. Justice Court employee layoffs
- 38 v. Most likely would lose ability to re-open Lindon justice court again
- 40 vi. Concern that future legislation would be drafted to require financial participation from capable cities

42
44 Mr. Cowie re-iterated that Staff needs direction on whether or not the Council wants to explore these ‘court closure’ options more or to keep the court as-is and move ahead with hiring a new justice court judge.

46 Mr. Cowie explained to fill the judge vacancy the city council would need to appoint two non-elected individuals to serve on a selection committee with several other

2 appointed persons by the County Commission, Mayors of the County, and County Bar
4 Association. This committee would interview the judge applicants who meet State
qualifications then provide a few individuals to the Council to review and consider one
6 person for appointment as the new judge.

6 He further explained the Council can appoint a Temporary Judge without a
selection committee process if the search for a permanent judge takes longer than
8 anticipated or isn't completed prior to February when Judge Bullock ages out of the
system. There was then some general discussion regarding the options presented.
10 Following discussion, the Council agreed to proceed with option #1 and to keep the Justice
Court as is and to move forward with the process to hire a new justice court judge.

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

14
16 **11. Closed Session — Closed Executive Session.** The Mayor and City Council
pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session
for the purpose of discussing pending or imminent litigation. This session is
18 closed to the general public.

20 COUNCILMEMBER MAGLEBY MADE A MOTION TO ENTER INTO A
CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING
22 OR IMMINENT LITIGATION. THIS SESSION IS CLOSED TO THE GENERAL
PUBLIC PER UTAH CODE 52-4-205. COUNCILMEMBER BRODERICK
24 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BEAN AYE
26 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
28 COUNCILMEMBER MAGLEBY AYE
THE MOTION CARRIED UNANIMOUSLY.

30
32 COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE
EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY COUNCIL
SESSION. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
34 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 **COUNCIL REPORTS:**

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

40 **Councilmember Broderick** – Councilmember Broderick reported he attended the North
Union Canal Irrigation company meeting. He also mentioned the elevator bid stating he
42 received some feedback from contractors that it would be helpful if there is better
electrical and mechanical information included in the bid. He pointed out when there is
44 uncertainty the price of bids goes up and including more information may help to make it
easier to get the right bid. Mr. Cowie stated the plan is to rebid in January.
46 Councilmember Broderick also reported he attended the bi-monthly engineering meeting.

2 **Councilmember Bean** – Councilmember Bean reported, following interviews, Scott
4 Thompson was selected as the new Planning Commissioner. Mr. Thompson will be
appointed and will start at the next meeting.

6 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the
American Planners Association Conference that was very informative. She noted she will
8 present her information in detail at the next meeting.

10 **Councilmember Magleby**– Councilmember Magleby reported he attended the North
Pointe Solid Waste District meeting where they encouraged each city to allow them to
12 come and make a presentation to educate the Council on ambitions and future goals
associated with growth etc., at the landfill as to plan accordingly.

14
16 **Mayor Acerson** – Mayor Acerson was absent.

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

20 **Misc. Updates:**

- October City newsletter
- 22 • November newsletter article: Councilmember Hoyt - Article due to Kathy
Moosman last week in October.
- 24 • Planning Director hiring process update. Extended offer to Michael Florence
- Planning Commission – Charlie Keller needs replacement after his term ends
26 Dec./Jan.
- Misc. Items

28
30 **Upcoming Meetings & Events:**

- October 26th – Trunk or Treat and spook alley at Community Center.
- November 9th-19th – Fall Clean-Up with dumpsters available around town for
32 public use. November 1st-30th City will continue to pick up leaf bags, but yard
waste, etc. needs to be taken to dumpsters.
- 34 • November 6th – General Election.
- November 22nd – Mayor’s Thanksgiving Dinner event.
- 36 • November 22nd-23rd – Offices closed for Thanksgiving holiday.
- December 21st at Noon – Employee Christmas party at Community Center.
- 38 • December 24th-25th – City offices closed for Christmas holiday.
- Tuesday, January 1st – City offices closed for New Year’s holiday. No Council
40 meeting.

42 Mayor Pro Tem Bean called for any further comments or discussion from the
Council. Hearing none he called for a motion to adjourn.

44
46 **Adjourn** –

2 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 10:58 PM. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6

Approved – November 20, 2018

8

10

Kathryn Moosman, City Recorder

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14

Matt Bean, Mayor Pro Tem