

The Lindon City Council regularly scheduled meeting on **Monday, November 21, 2022, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 5:15 P.M.

Conducting: Carolyn Lundberg, Mayor
Invocation: Carolyn Lundberg
Pledge of Allegiance: Lincoln Jacobs

PRESENT

Carolyn Lundberg, Mayor
Van Broderick, Councilmember
Randi Powell, Councilmember
Mike Vanchiere, Councilmember
Adam Cowie, City Administrator
Mike Florence, Community Development Director
Brian Haws, City Attorney
Mike Brower, Chief of Police
Kathy Moosman, City Recorder

EXCUSED

Daril Magleby, Councilmember
Jake Hoyt, Councilmember

1. **Call to Order/Roll Call** – The meeting was called to order at 6:30 p.m.

2. **Presentations and Announcements:**

- a) Presentation: Planning Department photo contest winners: Luanne Olsen, Lisa Knapp, and Hunter Winkel were in attendance to be recognized as winners for the APA National Planning Department photo contest.
- b) Presentation: Mayor Lundberg reviewed information with the council from a presentation about sales taxes in Utah County.

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

4. **COUNCIL REPORTS:**

Councilmember Hoyt – Councilmember Hoyt was absent.

Councilmember Vanchiere – Councilmember Vanchiere expressed his appreciation for the Lindon City Staff and all they do for the city. He also asked about the status of the horse arena. Mr. Cowie stated it will be going out to bid any day now. Councilmember Vanchiere thanked Mr. Cowie and Juan Garrido for installing the traffic calming devices and for marking them. He also reported on the NPSWD noting they held a public hearing on the budget and on the rate increases where they had the support from various mayors

2 and cities. They feel confident they can provide the same level of service moving
4 forward.

6 **Councilmember Magleby** – Councilmember Magleby was absent.

8 **Councilmember Powell** – Councilmember Powell reported the Youth Council held their
10 election where officers were selected by the other council participants; the rest of the
12 body are members at large. She noted they also had a service project with Mayor
14 Lundberg which was a fun event. She reported the Senior Center is hosting a Christmas
16 party on December 15th and reservations will be needed, there will be more information
18 at next meeting. She reported Kelly Johnson shared tentative dates for the next CERT
20 classes (March 4, 11, 18). In April there will also be continuing education with the Great
Utah Shakeout that will involve the building department too, there will be continuing
education in June and the “Real World Event” will be held on September 11th. There will
also be some CERT classes offered in October. She also reported she attended the Provo
River Water Users meeting for Councilmember Broderick where they discussed water
share values and was very informative. She noted there have been 35 applications
submitted this year for education grants with a lot of great things. She noted they have
gone through them and funded 27 applications.

22 **Councilmember Broderick** – Councilmember Broderick reported on two great
24 traditions in Lindon, the leaf pickup and the garbage dumpsters. He noted they are well
26 used programs that residents really appreciate and utilize. He also reported he attended,
along with the Mayor and Mr. Cowie, the recent engineering coordination meeting at
public works. He also attended the North Union Irrigation Company meeting noting
shares are at \$200 per share.

28 **Mayor Lundberg** – Mayor Lundberg gave a shout out to Juan Garrido on the recent tour
30 with public works noting he does a great job taking care of the city. She also attended
along with Mike Florence the Urban Land Use training “Trends Conference” where they
32 discussed land use, real estate, housing, smart cities, transit and growth throughout the
state. She also attended the Doterra ground breaking for the new Hale Center theater,
34 which will be called the “Ruth” Center after Ruth Hale noting this will be a major
regional draw. She also stated that IHC will be rebranding and opening a new hospital in
36 Saratoga Springs. She also mentioned the Fezzari Bike facility that was started in Lindon
where they have a big manufacturing area and showroom; it was a huge event and it may
38 turn into an annual event. She also reported the Utah Lake Authority is moving forward
and organizing a management plan and will be hiring legal counsel for that. They are
40 seeing more happening with bringing awareness etc. and good things are happening there.
She also reported that recently we have applied for a water grant to help the watershed
42 and hopefully we win that award/grant for stormwater projects in the city. She also
reported the economy is looking well and leveling out and we are moving forward as a
44 city. She also gave a big shout out to staff for always bring the great data and for being
cautious and prudent and forward thinking; staff gives 150% every day.

2 **5. Administrator's Report:** Mr. Cowie reported on the following items.

4 **Misc. Updates:**

- Next regular council meetings: December 5th (7:30pm) & December 19th
- December 2022 newsletter assignment (due last week of November): Brian Haws
- Light the Night event at the City Park on Monday, Nov. 28th at 6:30 PM
- Historic Christmas Tree Lighting Ceremony – Dec 5th @ 6:00 pm
- Santa Parade - Wednesday, December 7th at approximately 5:45 pm
- Santa Extravaganza - Saturday, December 10th, from 10:00-11:30 AM
- Employee Christmas Party - Tues., Dec 20th 6:00pm at Community Center.
- Misc. Items.

14 **6. Approval of Minutes** – The minutes of the regular City Council meeting of November 7, 2022 will be reviewed.

16 COUNCILMEMBER VANCHIERE TO APPROVE THE MINUTES OF THE
18 REGULAR CITY COUNCIL MEETING OF NOVEMBER 7, 2022 AS PRESENTED.
COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
20 RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE
22 COUNCILMEMBER VANCHIERE AYE
COUNCILMEMBER POWELL AYE
24 THE MOTION CARRIED UNANIMOUSLY.

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

- a) **Victim Advocate Services Agreement w/City of Orem.** This is an administrative contract with Orem for Victim Advocate Services that they will provide for \$8,000 per year. This is administered through the Police Department. The Council approved the budget expenditure in the October 17, 2022 budget amendment.
- b) **Surplus Equipment; Resolution #2022-24-R.** The Council will review and consider Resolution #2022-24-R regarding disposal of surplus equipment.

38 COUNCILMEMBER POWELL MOVED TO APPROVE THE CONSENT
AGENDA ITEMS WITH THE CHANGE AS DISCUSSED. COUNCILMEMBER
40 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

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

CURRENT BUSINESS

8. Review & Action — Bid Award; Secondary Water Meter Installation Project. Staff recommends awarding the secondary water meter installation project to Hydro Vac Excavation LLC in the amount of \$1,131,545.

Adam Cowie, City Administrator, led this agenda item by reviewing the information and FAQs included in the staff report. Mr. Cowie stated this project consists of installing secondary water (pressurized irrigation) meters in multiple locations throughout the City. The project includes installing meters, meter boxes, replacing landscaping, and relocating or replacing customer irrigation boxes as necessary. The City will furnish meters, meter boxes, meter couplings, and stop valves. The Contractor shall furnish pipe, landscaping materials, and miscellaneous fittings and appurtenances as necessary in order to facilitate connections and complete installations.

Mr. Cowie explained the process that Hydro Van will be using. He also referenced a video explanation of the process that will be updated to reflect the process that Hydro Vac Excavation will be using. He noted they will not be replacing things within a 3 ft radius which may pose concerns with residents.

Mr. Cowie stated the contract price of the awarded contract is \$1,131,545. He noted the contract price is subject to adjustment based on the provisions of the Contract, including governing changes, unit price work, and work performed on a cost-plus-fee basis, as applicable.

Following some general discussion on the information presented, the Council was in agreement to award the Secondary Water Meter Installation Project bid to Hydro Vac Excavation LLC in the amount of \$1,131,545 as recommended by staff.

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

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE BID AWARD FOR THE SECONDARY WATER METER INSTALLATION PROJECT TO HYDRO VAC EXCAVATION LLC IN THE AMOUNT OF \$1,131,545 AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER VANCHIERE AYE

COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

9. Review & Action —Major Subdivision; Anderson Farms Plat H; Ivory Development, LLC. The applicant requests major subdivision approval for a 42-lot single family residential subdivision located in the Anderson Farms Planned Development (AFPD) zone. The subdivision is part of the Anderson Farms master development agreement with Ivory Development, LLC. (Parcel IDs #14:063:0120, #14:063:0119, #14:063:0116)

2 Mary Barnes, Associate Planner led this agenda item by explaining Ivory
Development, LLC is seeking preliminary subdivision plat approval for Plat H, which is
4 in Parcel H of the master development agreement. She noted Plat H is a 42-lot detached
single family home phase of the development Plat H will be the 7th phase of the
6 Anderson Farms development.

8 Ms. Barnes explained that in 2016, the City Council signed a Master
Development Agreement with Ivory Development. As a summary, the development
agreement addresses items such as the total number of units, types of units for each
10 phase, setbacks, park space and development infrastructure. The Anderson Farms
development has a maximum residential count of 500 single family homes (detached
12 single family and townhomes), and 380 multi-family units. She noted this plat will be
split into two phases, similar to Anderson Farms Plat E. These two phased plats will be
14 named Anderson Farms Plat H Phase 1 and Anderson Farms Plat H Phase 2. The
planning commission recommended approval Anderson Farms Plat H on 11/15/2022.

16 Ms. Barnes pointed out that Plat H is a 42-lot detached single family home phase
of the development and will be the 7th phase of the Anderson Farms development. Ms.
18 Barnes noted the City Engineer is working through technical issues related to the plat and
civil engineering plans and will ensure all engineering related issues are resolved before
20 final approval is granted.

Ms. Barnes then presented an Aerial photo, Anderson Farms Plat H, Landscaping
22 plan – 500 N. Plat H Phase 1 & 2, and future phases and the Anderson Farms Concept
Plan followed by discussion.

24 Following some additional discussion, the Council was in agreement to approve
the major subdivision for Anderson Farms Plat H, as presented by staff.

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

28
COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MAJOR
30 SUBDIVISION FOR ANDERSON FARMS PLAT H AS PRESENTED.
COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS
32 RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

34 COUNCILMEMBER VANCHIERE AYE

COUNCILMEMBER POWELL AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **10. Public Hearing — Ordinance #2022-19-O; Amendment to the Lindon City**
Standard Land Use Table. Lindon City proposes to amend the Standard Land
40 Use Table in Lindon City Code, Appendix A, to prohibit extended stay hotels and
motels in all zones of the city.

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

2 Mike Florence, Community Development Director led this agenda item by giving
an overview stating Lindon City is considering an amendment to Appendix A: Standard
4 Land Use table to prohibit extended stay hotels and motels in all commercial zones and to
amend associated definitions of hotel, motel, extended stay hotel and motel. Hotels,
6 Tourist Courts, Bed and Breakfast and Motels are currently permitted uses in the PC-1,
PC-2, CG, CG-A, CG-A8, CG-S, MC, LVC, and R&B zones. They are currently
8 prohibited in the HI, LI and LI-W zones.

Mr. Florence stated the city has carefully evaluated and researched extended stay
10 hotel models and has several concerns in how extended stay hotel/motel uses may impact
the community and city services. The city encourages hotels in the commercial zones;
12 however, extended stay hotels are primarily marketed for long-term stays and temporary
housing. In addition, extended stay hotels can also see a disproportionate number of calls
14 for emergency services leading to a fiscal impact on city finances and resources.

He explained the general plan's land use guidelines recommend that the city
16 consider service and fiscal impacts of potential uses. These hotels also attract clientele
that do not always have a positive influence on the hotel or surrounding areas. He noted it
18 often becomes difficult to attract good economic development in the areas that surround
extended stay hotels.

Mr. Florence explained that extended stay hotels/motels offer accommodations
20 ranging from one night to undetermined periods of time. This may include monthly or
yearly extended stays with no expected departure date. He indicated that Forbes.com
22 looked at extended stay hotels across the country and identified an average national
length of stay of 1.7 years. Other articles seem to indicate that the average length of stay
24 ranges from a week to months. He mentioned one major concern for the city is that in
many cases extended stay hotels/motels can turn into de-facto or long-term housing and
26 do not meet the intent of being a temporary overnight lodging hotel or motel that is
envisioned for the city. For practical purposes, units can become the primary residence
28 for individuals. Many of the extended stay hotel/motels also market to college students
30 looking for off-campus housing and the longer a person stays in the hotel the greater
discount they receive.

Mr. Florence indicated there are articles and reports showing that individuals,
32 families, and college students move to extended stay hotels for financial reasons. Many
individuals cannot afford to pay the first and last month apartment rental deposit.
34 Extended stay hotels can also become an alternative to homelessness. Most often long-
term tenants are good working-class populations that would like to afford permanent
36 housing but cannot, at the time, pass a credit or background check. In some situations,
individuals may have bad credit and cannot qualify to rent an apartment until their credit
38 is repaired. At times, people get into a cycle where they pay so much to live in the
extended stay hotel that they cannot afford to save up for an apartment. Some extended
40 stay hotel/motel websites refer to their locations as temporary housing. Throughout the
country, many non-profit housing groups also use extended stay hotels to provide
42 temporary housing assistance for those in crises and have nowhere else to reside.

Mr. Florence further explained the city needs to look at the extended stay
44 hotel/motel viability over the long-term. The city has found that extended stay

hotels/motels frequently change ownership and are purchased as investments by other hotel chains, investment groups or development firms. Most of the extended stay developments use the franchise name but are owned by an outside development firm or franchisee.

Mr. Florence stated when it comes to enforcement, city staff has found that the franchises rarely take any responsibility in helping to enforce extended stay hotel/motel issues or violations with their name. Over the past few years older or outdated extended stay hotels have been purchased by multi-family developers on a larger scale than previously seen and are converting hotel/motel units into micro apartments. Extended stay units already have the layout and amenities needed for an apartment unit.

Mr. Florence went on to say that hotels, tourist courts, bed and breakfast and motels are currently permitted uses in the PC-1, PC-2, CG, CG-A, CG-A8, CG-S, MC, R&B, and LV zones. Other residential uses that the city allows in these zones are youth rehabilitation, assisted living facilities, care facilities and care taker residence. It appears that extended stay hotels would conflict with the allowable uses in commercial zones if tenants are allowed to use all the extended stay units as apartments, temporary housing, or off-campus housing.

Mr. Florence made note that the planning commission and city council have been consistent in their decision for many years to not allow housing uses in the Lindon Village zone. The Lindon City General plan and 700 North masterplan encourages hotels but do not encourage residential uses. The city does not believe that hotels/motels that are entirely used for extended stay or temporary housing meet the intent of the general plan and 700 North master plan. The city has drafted the ordinance amendment so that temporary lodging hotels may have less than 30% of the units as extended stay units. This keeps the primary use of the hotel for temporary lodging. If a hotel has 30% or greater of the units as extended stay units then the hotel would be defined as an extended stay hotel.

Mr. Florence pointed out that a hotel/motel in the State of Utah pays both a sales tax and a transient room tax. According to the State of Utah Tax Commission, temporary lodging is the use of accommodations in a hotel or motel for less than 30 consecutive days. Lodging stays of 30 consecutive days or longer are exempt from sales tax and transient room tax. A concern for Lindon City is losing the sales and transient room tax for tenants who stay longer than 30 days. He noted that it appears that some extended stay franchise only signs a tenant to a 28-day contract and then renews that contract every 28 days. This way the hotel can still charge the sales and transient room tax. This may technically meet the requirement to continue to charge these taxes but still creates a long-term housing concern for Lindon's commercial zoning requirements.

Mr. Florence stated Lindon City has reached out to the chiefs of police of surrounding communities where extended stay hotels are located. Comments were made that, specifically the economy or budget, extended stay hotels in their communities create a disproportionate number of calls for emergency services. On many occasions, the police departments are responding daily to these extended stay hotels. The comment was made that good management of the extended stay hotels makes a difference. However, with these hotels often changing hands to different investors the management policies can

2 change as well. He noted the city was provided crime stats for a number of hotels and
extended stay hotels in Provo.

4 Mr. Florence then presented the proposed ordinance amendments to Lindon City
code Appendix A Standard Land Use Table, Utah Tax Commission Publication, Article
6 and website links considered as part of the staff report and the calls for emergency
services exhibit followed by some general discussion.

8 Lincoln Jacobs, resident in attendance commented that he is assuming this has
come up due to a developer coming in. Mr. Florence confirmed that statement. Mr.
10 Jacobs state he understands there could be a need for this, but he has concerns with the
clientele as they may not have a positive influence in the area.

12 Following some additional discussion including changing the percentage from
20% to 30% allowed, the Council was in agreement to approve Ordinance #2022-19-O
14 amending the Lindon City Standard Land Use Table to prohibit extended stay hotels and
motels in all zones of the city as recommended by staff with the change as discussed.

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

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

22
24 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

26 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE
#2022-19-O WITH THE CHANGE FROM 30% TO 20% AS AMENDED.

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

30 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER VANCHIERE AYE

32 COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

34
36 **11. Discussion Item** — Staff will discuss possible code changes to modify appeal
authority processes and update the Council on a pending application for a group
home in the R1-12 residential zone.

38
40 Mr. Florence led this agenda item by stating he will be going over the possible
code changes to modify appeal authority processes and update the Council on a pending
application for a group home in the R1-12 residential zone. He then passed out a
42 spreadsheet showing the appeal authorities.

44 There was then some general discussion regarding this topic. Following
discussion, Mr. Cowie asked if it would be helpful for staff to bring back
recommendations to the council on the proposed changes. Mr. Haws stated there may be

2 some additional changes as well. The Council was in agreement to have staff bring back
more recommendations for further discussion.

4 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she moved on to the next agenda item.

6
8 **12. Closed Executive Session** — The City Council will enter into a closed executive
session to discuss the potential purchase or sale of real property per Utah State
Code 52-4-205. This session is closed to the public.

10
12 COUNCILMEMBER POWELL MOVED TO ENTER INTO A CLOSED
EXECUTIVE SESSION. COUNCILMEMBER BRODERICK SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

14 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER MAGLEBY AYE

16 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE EXECUTIVE
SESSION AND RECONVENE THE LINDON CITY COUNCIL MEETING.
22 COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

24 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER MAGLEBY AYE

26 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

28 THE MOTION CARRIED UNANIMOUSLY

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

32
34 **Adjourn** –

COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
36 8:15 PM. COUNCILMEMBE BRODERICK SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38
40 Approved – December 5, 2022

42
44 _____
Kathryn A. Moosman, City Recorder

2 Carolyn O. Lundberg, Mayor