

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 19,**  
4 **2019, 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: Carolyn Lundberg, Mayor pro tem  
Pledge of Allegiance: Van Broderick, Councilmember  
10 Invocation: Jake Hoyt, Councilmember

12 <b><u>PRESENT</u></b>	<b><u>EXCUSED</u></b>
Carolyn Lundberg, Councilmember	Jeff Acerson, Mayor
14 Matt Bean, Councilmember	
Jacob Hoyt, Councilmember	
16 Van Broderick, Councilmember	
Mike Vanchiere, Councilmember	
18 Adam Cowie, City Administrator	
Brian Haws, City Attorney	
20 Kathryn Moosman, City Recorder	

- 22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
- 26 a) **Comments/Announcements from Mayor and Council** – There were no  
announcements at this time.
- 28 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of February 5, 2019 were reviewed.

30 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE  
32 REGULAR CITY COUNCIL MEETING OF FEBRUARY 5, 2019 AS AMENDED.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS  
34 RECORDED AS FOLLOWS:

36 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
38 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE
40 THE MOTION CARRIED UNANIMOUSLY.	

- 42 4. **Open Session for Public Comment** – Mayor pro tem Lundberg called for any  
public comment not listed as an agenda item. There were no public comments.
- 44
- 46 5. **Consent Agenda Items** – Items that do not require public comment or discussion  
and can all be approved by a single motion. There were no consent agenda items.

2 **CURRENT BUSINESS**

4 6. **Public Hearing – FY2018-2019 Fee Schedule Amendment; Resolution #2019-**  
6 **4-R.** The Lindon City Council will review and consider Resolution #2019-4-R  
amending sections of the FY2018-19 fee schedule for utility services.

8 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
10 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Adam Cowie, City Administrator, opened this discussion by noting this issue was  
discussed previously. He explained the City charges a water and sewer base rate for each  
14 residential unit (includes each unit in multifamily housing complexes). This requirement  
to charge each unit a separate base rate is found in the Lindon City Code 13.12.025(4) as  
16 follows:

18 *“If a multiple unit dwelling, including accessory apartments, is serviced by only  
one water meter, the utility bill will include a water base rate, a sewer base rate and a  
storm water utility fee for each unit.”*

20 Mr. Cowie further explained after reviewing utility billing policies, it is  
recommended that the base rates for water, sewer and other changes to utility  
22 fees/policies be amended. He noted these recommended changes are the result of several  
months of discussion by elected officials, city staff, and public input.

24 The goals of making these rate/fee changes are as follows:

- 26 o Cover costs
- o Be equitable / fair to similar uses
- o Be measurable / accurate
- 28 o Easy to administer

30 Mr. Cowie stated staff feels these changes meet the intent of these goals. Mr.  
Cowie then brought up some recommended changes to the Resolution as follows;

- 32 1. If there is a request by Craig Nelson with Avalon Senior Apartments, and  
if approved, this would be retroactive through the month of February and  
34 manually implemented in the March billing.
- 36 2. If the Council approves the recommended changes to make it effective for  
the current billing (this change would be effective city wide)
- 38 3. Referencing the plumbing code table dealing with referencing fixture units  
and how they came up with these calculations.

40 Mr. Cowie then referenced the recommended changes followed by some general  
discussion. Mayor pro tem Lundberg then called for any public comments.

42 **Craig Nielsen:** Mr. Nielsen stated he is the owner of Avalon Senior Apartments. He  
44 noted he thinks everyone has worked together and have come a long way to getting this  
issue resolved and he appreciates city staff’s speedy diligence as it impacts the tenants  
46 dramatically. He pointed out as a general rule the issue of being equitable has gone a  
long way in closing the gap; he believes they are about half way in making it fully

2 equitable. He indicated that households in Lindon have on average 3.5 members per  
4 household and Avalon is 1.5 members. Mr. Nielsen pointed out the system has to be able  
6 to accommodate someone being able to use it and he feels it makes more sense to wait on  
8 the volume side of this. He made another point that those who can most afford it should  
pay the most. He commented he feels great progress has been made on this issue but  
believes it could still be more. Mr. Nielsen added he appreciates the city council  
addressing this issue in such a timely manner.

10 **Ray Palmer:** Mr. Palmer expressed his appreciation to the city council and staff for their  
12 consideration and amount of work done on this issue.

14 Mr. Cowie made mention that the state and cities are facing moderate income and  
16 affordable housing issues and the changes/reductions on the accessory apartments end of  
this is significant and it would be in conformance with the moderate-income housing plan  
to reduce costs to moderate income housing individuals.

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

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

24 Councilmember Broderick expressed his appreciation to the residents and staff for  
26 binging their concerns and insights to the council as it is very helpful. He also expressed  
that he is pleased with the work done and is in favor of these recommended changes.

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

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION  
32 2019-4-R AMENDING THE FY2018-19 LINDON CITY FEE SCHEDULE WITH THE  
PARAGRAPH AS PRESENTED IN CITY COUNCIL AND TO GO INTO EFFECT  
34 FEBRUARY 1, 2019. COUNCILMEMBER BEAN SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER BEAN AYE  
38 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE  
COUNCILMEMBER VANCHIERE AYE  
40 THE MOTION CARRIED UNANIMOUSLY.

42 7. **Continued Public Hearing — Ordinance Change; Lindon City Code 13.12  
44 and 13.16; Ord. #2018-18-O.** This item was continued from the December 18,  
2018 meeting. The Council will review and consider Ordinance #2018-18-O  
46 which includes changes to LCC 13.12 and 13.16 regarding utility billing rates and  
fees and administration of public utility services.

2 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Cowie led this agenda item stating to accommodate the utility fee changes in  
the prior agenda item that was just approved there are a few sections of City Code that  
8 need to be amended as additional updates were also found necessary and were reviewed.  
He noted this primary change is to modify the code to reference the Fee Schedule (as may  
10 be amended from time to time) for utility billing requirements. Following some general  
discussion, the Council agreed to approve the proposed utility fee changes as presented.

12 Mayor pro tem Lundberg called for any public comments. Hearing none she  
called for a motion to close the public hearing.

14 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
16 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

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

22 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE  
AMENDMENT 2018-18-O AS PRESENTED. COUNCILMEMBER BEAN  
24 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BEAN	AYE
26 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
28 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE

30 THE MOTION CARRIED UNANIMOUSLY.

- 32 8. **Review & Action – New Staff Engineer position.** The City Council will review  
and consider a request for a new employee position of Staff Engineer (may also  
34 be filled by an Engineer in Training (EIT)). This position will replace the  
currently vacant Public Works Inspector position therefore not needing to be  
36 approved by a budget amendment at this time. The position is anticipated to  
reduce third party engineering expenses while providing needed assistance to the  
38 City Engineer.

40 Mr. Cowie led this discussion by stating Staff is requesting approval of a new  
staff engineer position. He also referenced the financial analysis assuming an incumbent  
42 in either the Staff Engineer or EIT position has maxed out in their salary range. He noted  
this presents the ‘most expensive’ scenario of hiring to fill this position. In either scenario  
44 it is anticipated that the City will experience a general savings in third party engineering  
expenses as JUB Engineers increased their rates by 6% beginning January 1, 2019. He  
46 noted they have seen some escalating costs with JUB and there are projects and studies  
that need to be done on an increasing basis.

2 Noah Gordon, City Engineer, explained what an EIT position is noting it is  
4 currently a very competitive position. He also pointed out that adding this position will  
help free him up to be more efficient and more accessible.

6 Mr. Cowie noted this position would be under Public Works financially and under  
the supervision of the city engineer. He added there is currently an inspector vacancy  
8 since last spring and they would like to roll this position into this spot which is budgeted  
for and in the grand scheme of increase to the budget it is not a huge change. Staff is  
10 suggesting this new position because the costs are continually escalating with contracting  
out and the city can save \$20k-\$30k per year by bringing this in-house. He noted JUB  
Engineering has done a great job for the city for many years and they will continue to  
12 utilize JUB for certain services.

14 Councilmember Broderick mentioned this has been discussed at length and he  
always has concerns about bringing in more full-time people, but this makes sense from  
an efficiency view and dollar cost; he is in favor of this new position.

16 Councilmember Hoyt brought up the possibility of a recession and if the  
engineering position workload (JUB) would go down in a recession. Mr. Cowie  
18 confirmed that statement pointing out the benefit of having an in-house engineer as  
opposed to contracting out is that we can do things without paying a consulting engineer  
20 and still get projects done that may have been put on hold as there is always work to be  
done. Councilmember Hoyt stated he also worries that we are fixing more costs and in  
22 the event of a recession we may have to cut jobs; but he loves the cost savings aspect too  
and trusts the recommendation of staff. Mr. Cowie pointed out staff does not look at this  
24 as a fixed cost and if this position doesn't pan out things may change.

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

28 COUNCILMEMBER VANCHIERE MOVED TO APPROVE THE STAFF  
ENGINEER POSITION AS PRESENTED. COUNCILMEMBER BRODERICK  
30 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
34 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE

36 THE MOTION CARRIED UNANIMOUSLY.

- 38 9. **Presentation & Discussion — Population Growth Projections.** Councilmember  
Lundberg will present general statewide population growth projections that were  
40 presented in a recent conference and discuss how this growth may impact Lindon  
and our region.

42 Mr. Cowie stated this discussion item has been postponed to the next City Council  
44 meeting. Mayor pro tem Lundberg called for any comments or discussion. Hearing none  
she moved on to the next agenda item.

- 46 10. **Review & Action — Rocky Mountain Power easement.** The City Council

2 previously approved granting an easement for Rocky Mountain Power (RMP)  
3 subject to additional language being added to the easement and compensation.  
4 RMP agreed to additional language in the easement document and is requesting  
5 not having to compensate the City since the easement benefits a cell tower  
6 provider who has a lease agreement with the City. Staff recommends approval of  
7 this request.

8  
9  
10 Mr. Cowie gave a brief overview stating this item was discussed on September 4,  
11 2018 and the easement was approved by the City Council at that time, subject to some  
12 additional language being added to the easement document and compensation being paid  
13 to the City for the easement. He noted Rocky Mountain Power (RMP) is replacing an  
14 existing power pole that is located near the cell tower north and east of the Parks Garage  
(old fire station) and they have requested not to pay for the easement.

15 Mr. Cowie explained after further review and discussion with RMP, City Staff  
16 and the Lindon City Attorney, it was determined that this easement is benefiting a private  
17 customer (cell tower) for which Lindon City has a lease agreement with, but the power  
18 pole is also serving other properties/homes that Lindon City owns and is the owner of the  
19 properties being served by the pole. Therefore, requiring compensation for the easement  
20 is not typical and agreed upon by RMP.

21 Mr. Cowie indicated that since RMP provided the additional language in the  
22 easement to the City, staff feels it's appropriate to move forward and grant the easement  
23 without receiving monetary compensation. Brian Haws, City Attorney, commented  
24 following review he feels this is a reasonable request. Following some general  
25 discussion, the Council was in agreement to approve the easement as presented.

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

28  
29  
30 COUNCILMEMBER BRODERICK MOVED TO APPROVE AND GRANT  
31 THE POWER EASEMENT FOR ROCKY MOUNTAIN POWER AS PRESENTED.  
32 COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS

33 RECORDED AS FOLLOWS:

34 COUNCILMEMBER BEAN AYE  
35 COUNCILMEMBER LUNDBERG AYE  
36 COUNCILMEMBER BRODERICK AYE  
37 COUNCILMEMBER HOYT AYE  
38 COUNCILMEMBER VANCHIERE AYE

39 THE MOTION CARRIED UNANIMOUSLY.

40 **11. Review & Action — Easement to STC FIVE LLC for cell tower**

41 **access/utilities.** The City Council will review and consider granting an access  
42 and utility easement to STC FIVE LLC. The easement and amended agreement  
43 are for the existing cell tower at approximately 35 W. 60 N. behind the Parks  
44 Department garage. The cell tower owner has a lease agreement with the City  
45 who is obligated to reasonably accommodate utility service/access to the tower.  
46 Staff recommends approval of this request subject to final approval by the Mayor  
and City Attorney.

2 Mr. Cowie opened this action item by stating the City has a contractual agreement  
4 with the cell tower owner to help facilitate co-locaters on the tower by providing  
6 reasonable access and utility easements. He noted the City will financially benefit from a  
8 new carrier/co-locator that is being added to this tower. He pointed out that no prior  
10 official easement was found for access and utility easements to the cell tower even  
12 though access and buried utilities are already in place.

8 Mr. Cowie went on to say Staff has requested a formal easement be provided,  
10 which necessitated some minor modifications to the agreement. He added Staff  
12 recommends approval subject to final approval of the documents by Brian Haws, City  
14 Attorney and signature of the Mayor. Following some general discussion, the Council  
was in agreement to approve the utility easement for cell tower access as recommended.

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

16 COUNCILMEMBER HOYT MOVED TO APPROVE AND GRANT THE  
18 ACCESS AND UTILITY EASEMENT TO STC FIVE LLC SUBJECT TO FINAL  
20 APPROVAL BY THE CITY ATTORNEY AND THE MAYOR. COUNCILMEMBER  
BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

22 COUNCILMEMBER BEAN	AYE
24 COUNCILMEMBER LUNDBERG	AYE
26 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE

THE MOTION CARRIED UNANIMOUSLY.

### 28 COUNCIL REPORTS:

30 **Councilmember Hoyt** – Councilmember Hoyt reported the Historic Preservation  
32 Commission is working on memorializing areas in the city so there may be a few eagle  
34 scout projects available. He also reported he will be attending the Pleasant Grove/Lindon  
Chamber of Commerce Board meeting tomorrow where they will finalize the listing for a  
new president.

36 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo  
38 Reservoir Water Users Company meeting. He noted the water outlook is cautiously  
40 optimistic. He also reported he attended the Engineering Coordination meeting at public  
42 works noting he liked the new format and felt the meeting moved along better and stayed  
44 on topic. He also mentioned the pickle ball noise issue and asked staff to research if the  
acoustifence can be doubled up (to make it better) and if the city would consider buying  
some quiet paddles to try out and measure the noise levels. If it proves to be a viable  
solution (based on results) to have a transition period to require the use of quiet paddles at  
the courts. He also mentioned the reduction of particulates in air pollution. He also  
reported he is exploring the use of infrared pot hole repair.

2 **Councilmember Bean** – Councilmember Bean reported it would be good to think about  
4 what Sandy City has recently gone through with their water ordeal (fluoride) as it wasn't  
communicated well to the residents. This may be the topic of his newsletter article for  
March to encourage residents to sign up for the city emergency notification system.

6  
8 **Councilmember Lundberg** – Councilmember Lundberg reported she and Adam Cowie,  
Jake Hoyt and Mike Florence met to discuss the 700 North Corridor where they shared  
the vision document and what the future plans are for the corridor looking forward. They  
10 also talked about concerns to potentially research putting a cap on office/flex space as to  
have a mixed use and/or to implement an area specific document.

12  
14 **Councilmember Vanchiere** – Councilmember Vanchiere reported he had the  
opportunity to go on a city tour with Brad Jorgensen, Heath Bateman, Josh Adams and  
Adam Cowie. They toured the new lift station, Public Works Building, and the Police  
16 Station where he had a lot of questions answered. He expressed that he has a willing  
desire to learn and to work with everyone; the tour was very informative and helpful. He  
18 reported he will be attending his first official meeting at the North Pointe Solid Waste  
Transfer Station on Thursday. He also reported he will be attending a recycling  
20 conference in St. George in April that should be an informative event.

22 **Mayor Acerson** – Mayor Acerson was absent from the meeting.

24  
26 **Administrator's Report:** Mr. Cowie reported on the following items followed by  
discussion.

28 **Misc. Updates:**

- February City newsletter
- 30 • March newsletter article: Matt Bean - Article due to Kathy Moosman by end of  
February.
- 32 • Legislative updates
- Justice Court judge selection process update
- 34 • Employee changes. All positions are advertised to be re-filled.
  - Dennis Kendall of Public Works retired after 35 years at Lindon City;
  - 36 ○ Corporal Steve Gray has been selected as the new Chief of Police for city of  
Moroni;
  - 38 ○ Officer Ray Ormond has taken a position with the Utah County Sheriff's  
Department.
- 40 • Misc. Items

42 **Upcoming Meetings & Events:**

- February 18<sup>th</sup> – City offices closed for Presidents' Day holiday
- 44 • March 2<sup>nd</sup> – Little Miss Lindon Pageant
- April 24<sup>th</sup> – 26<sup>th</sup> - ULCT Spring Conference in St. George

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

4 **Adjourn** –

6 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
8 AT 9:00 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 Approved – March 5, 2019

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

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18 \_\_\_\_\_  
Carolyn Lundberg, Mayor pro tem