

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 19, 2016,**
4 **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: Jeff Acerson, Mayor
Pledge of Allegiance: Dona Haacke
10 Invocation: Dustin Sweeten, Councilmember

12 **PRESENT** **ABSENT**

12 Jeff Acerson, Mayor
14 Carolyn Lundberg, Councilmember
Matt Bean, Councilmember
16 Van Broderick, Councilmember
Jacob Hoyt, Councilmember – arrived 7:20
18 Dustin Sweeten, Councilmember
Adam Cowie, City Administrator
20 Cody Cullimore, Chief of Police
Kathryn Moosman, City Recorder

- 22
1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
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 2. **Presentations/Announcements** –
 - 26 a) **Mayor/Council Comments** – There were no announcements at this time.
 - 28 b) **Lindon City Employee Recognition Award** – Dona Haacke, Lindon City
Treasurer, was chosen for the quarterly Employee Recognition Award. Adam
30 Cowie, City Administrator, read the comments submitted by employees
nominating Ms. Haacke for this award. He then presented her with a plaque
32 and gift card in appreciation for her service. The Mayor and Council also
congratulated and thanked Ms. Haacke for her exemplary service and good
34 works for the city.
 - 36 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of July 5, 2016 were reviewed.

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COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
40 OF THE REGULAR CITY COUNCIL MEETING OF JULY 5, 2016 AS AMENDED.
COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS
42 RECORDED AS FOLLOWS:

44 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
46 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 4. **Consent Agenda** – No items.

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

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CURRENT BUSINESS

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6. **Public Hearing — Ordinance #2016-14-O amending LCC Chapter 11.04
“Impact Fees” and adopting the updated Sanitary Sewer and Culinary
Water Impact Fee Facilities Plans, Impact Fee Analysis studies, and Sewer &
Water Master Plan and Capital Facilities Plan.** The City Council will review
and consider for adoption Ordinance #2016-14-O as part of the required process
for updating and amending the Sanitary Sewer and Culinary Water impact fees
and associated Master Plan & Capital Facilities Plans, Impact Fee Facilities Plans,
and Impact Fee Analysis studies. If adopted the new Sanitary Sewer impact fee
will be effective on July 19, 2016 and the new Culinary Water impact fee will be
effective on October 19, 2016.

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

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Mr. Cowie opened this agenda item by explaining the City has been working with
LYRB and JUB Engineers to update the capital facilities plans and impact fee studies for
the sewer and water systems in Lindon City. He noted the City Council previously held a
public work session to discuss these updates on July 5, 2016. He noted the LYRB
overview and summary of proposed impact fee changes are attached before the
ordinance. Mr. Cowie reminded the Council that impact fees are collected at the time a
building permit is issued for new construction and the combined updated fees for both
sewer and water will be less than the combined existing sewer/water impact fees as
follows:

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	Proposed	Existing	% Change
Water (1” Meter)	\$1,567	\$1,279	22%
Sewer (ERU)	\$1,086	\$2,561	-58%
Combined	\$2,643	\$3,840	-31%

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Mr. Cowie stated Fred Philpot, representative from LYRB, and Michael Clark,
representing JUB Engineers, are in attendance tonight to answer any questions on the
plans and studies. Mr. Cowie mentioned that the information presented tonight is similar
to what was presented at the work session meeting with one change (error on a table) that
was previously emailed to the Council today and will be discussed later in the meeting.
He then turned the time over to Mr. Philpot for his presentation.

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Mr. Philpot began by explaining what is before the Council tonight for adoption is
the Master Plan & Capital Facilities Plans, Impact Fee Facilities Plans, and Impact Fee
Analysis. He explained this is a one-time impact fee charged to new development and

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2 payment of money imposed upon new development activity as a condition of
development approval to mitigate the impact of the new development on public facilities
4 (allowed by Utah Code, Title 11 Chapter 36A, "Impact Fees Act"). He noted this defines
the components of municipal services that can be included with culinary water and
6 sanitary sewer.

Mr. Philpot went on to say that before imposing an impact fee, each local political
8 subdivision or private entity must prepare an Impact Fee Facilities Plan and an Impact
Fee Analysis. He then discussed the basic impact fee processes and main components of
10 impact fees (for both water and sewer) including the following Analysis: Service Area,
Demand, Level of Service, Existing Facility Inventory and Excess Capacity, Future
12 Capital Facilities and Financing Strategy in Consideration of all Revenue Sources.

Mr. Philpot also referenced the combined impacts and showed an illustration of
14 the Total Impact for Water and Sewer variables including the cost per ERU calculation
followed by some general discussion. He also referenced other comparable impact fees of
16 communities of similar size. He noted the impact fee is set at what is appropriate for
Lindon and based on the city's level of service and the existing facilities and future
18 facilities that may be required.

Mayor Acerson questioned if some of the potential improvements on the west side
20 have been factored in as it may go in two different directions. Mr. Cowie confirmed that
statement explaining the 10 year window of needs with the Master Plan & Capital
22 Facilities Plans with a few minor changes that could occur overall. Mr. Philpot stated as
those changes occur it is a meaningful reason to update the plan and reevaluate it in
24 moving forward. He added this information is based on current assumptions, but as those
change the city should be flexible in regards to re-evaluation. Mr. Cowie pointed out
26 these studies will be reviewed every 2 to 3 years as to be more frequent in the updates.
Mayor Acerson agreed it is a good idea to proactive to ensure the fee schedule is
28 consistent. Mr. Cowie stated it will keep the 10 year horizon moving all the time. Mayor
Acerson then called for any public comments.

DeAnn Huish, with Utah Valley Home Builders Association addressed the
30 Council at this time. Ms. Huish stated she appreciates hearing from LYRB that it doesn't
matter what the comparisons are to other cities (impact fees) and the impact fees apply to
32 each individual city; she agrees with this comment and feels it is very timely and well
said. She pointed out that water and sewer impact fee multiples are more of a science and
34 can be measured than perhaps transportation or parks. Ms. Huish thanked the city for
being progressive in looking at this issue and for being timely in getting it through. She
36 added the UVHBA is happy to have Lindon looking at zoning issues, affordability and
implementing impact fees to keep cities thriving. She added if the Council has any
38 questions to please get in touch with her. Mayor Acerson and the Council thanked Ms.
Huish for the comments and information.
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Mayor Acerson called for any further public comments. Hearing none he called
42 for a motion to close the public hearing.

44 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL
46 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 Mr. Cowie pointed out there are multiple attachments and if approved they will
send the final copy of the master planned copies and inserted attachments to the ordinance.
4 Councilmember Broderick commented that he appreciates the efforts and the science
presented to ensure the impact fees accurately reflect the current status of the city.

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

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COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
10 #2016-14-O ADOPTING THE UPDATED SEWER AND WATER IMPACT FEE
RATES AND ASSOCIATED IFA, IFFP, AND MASTER PLAN AND CAPITAL
12 FACILITIES PLANS AS PRESENTED. COUNCILMEMBER SWEETEN
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

14 COUNCILMEMBER BEAN AYE

COUNCILMEMBER LUNDBERG AYE

16 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

18 COUNCILMEMBER SWEETEN AYE

THE MOTION CARRIED UNANIMOUSLY.

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22 **7. Review & Action — Boundary Line & Easement Agreement for City**
Property located at 380 N. 200 E. The Council will consider a possible
24 boundary line agreement between Lindon City and Kathy & Donald Carter due to
the property lines not matching actual on-the-ground improvements owned by the
City.

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28 Mr. Cowie also led this discussion by referencing the boundary line and easement
agreement for city owned property located 380 North 200 East. He explained the city has
property with existing utility improvements and 50'x50' fencing surrounding the
30 improvements which we believe have existed since about 1962. He noted the property
has recently changed hands and it appears the legal descriptions do not match the existing
32 fence and improvements on the ground.

34 Mr. Cowie explained the Carter's (who are in attendance) would like to build a
new garage next to the west fence of the city property. However, if they agree that the
fenced area shall be the new property line, the side-yard setback from the property line
36 limits their ability to construct their desired size of building. After several meetings and
exploring options with the Carter's staff has determined that shifting the west property
38 line inside of the fenced area with the Carter's granting an exclusive perpetual easement
back to the City for exclusive use of the property may be the best alternative to achieve
40 the Carter's desires and also maintain the property for use by the City and its interests in
the future. Mr. Cowie then presented photos depicting the area in question.

42 Mr. Cowie noted that Mr. Carter has some concerns with liability and fees on
their part as owners because it will be under use by the city. Mr. Cowie stated language
44 can be added to the easement that the city will assume all liability on that area as the city
currently has that burden and it seems reasonable. He went on to say the documents have
46 not been drafted awaiting approval from the Council. He then turned the time over to Mr.
Carter for comment.

2 Mr. Carter stated they have owned the property since last November. Mr. Carter
stated he doesn't care if he owns the easement he just needs enough room to build his
4 garage (5 more ft.). Mrs. Carter added that this will also facilitate not having a lot of
weeds, etc. between the fence and the pump house. Mr. Carter noted a portion of the
6 west fence is also in need of repair. Following some general discussion the Council was
in agreement this is a good compromise to give Mr. Carter the 5 ft. to build the garage
8 and agreed that Mr. Carter will pay the taxes and the city will assume all liability.

10 Mr. Cowie mentioned after discussing the matter with the City Attorney, the area
proposed to be traded is valued below the required amount that would require a public
hearing and notice of public property disposal so the City is able to enter into a boundary
12 line and easement agreement with the Carter's without any restrictions or further public
notice requirements and can be made through action by the Council tonight.

14 Mr. Cowie went on to say based on meetings with the property owner's staff feels
comfortable with the following terms:

- 16 • The City and the Carter's will agree that the new property lines will be at the
location of the existing chain-link fence on the north, east, and south sides.
- 18 • On the west side of the fenced area the City and the Carter's will agree that the
new property line will be located five feet (5') from the existing west fence
20 location.)
- 22 • The Carter's agree to grant an exclusive perpetual easement for Lindon City's
sole use of the area within the fence for operation, maintenance, and replacement
of its utilities, whether above, or below ground. Easement is approximately 5'x50'
24 (250 sq./ft.).
- 26 • The fence on all sides of the city property will remain in its current location
regardless of the property line change on the west side.
- 28 • The Carter's proposed new garage building will be permitted to be constructed
immediately adjacent to the existing fence on the west side of the city property –
as the Carter's new property line will technically be 5' within the fenced area and
30 the required side-yard setback will be met.
- 32 • The Carter's and any future owner's or heirs of the property will be responsible
for any and all current and future property taxes and/or fees assessed upon the
easement area granted to the City.
- 34 • The Carter's agree to repair and/or replace the existing fence if damaged during
their building construction.
- 36 • The City agrees to pay for all costs associated with drafting agreements,
surveying, and recording the documents.

38 Mayor Acerson called for any further discussion or comments. Hearing none he
40 called for a motion.

42 COUNCILMEMBER HOYT MOVED TO APPROVE THE PROPOSED
TERMS OF THE BOUNDARY LINE AND EASEMENT AGREEMENT BETWEEN
44 LINDON CITY AND KATHY AND DONALD CARTER AND INSTRUCT STAFF
TO PREPARE NECESSARY DOCUMENTS FOR THE MAYOR AND THE

2 CARTER’S TO SIGN AND BE RECORDED. COUNCILMEMBER BRODERICK
3 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER BEAN AYE
5 COUNCILMEMBER LUNDBERG AYE
6 COUNCILMEMBER BRODERICK AYE
7 COUNCILMEMBER HOYT AYE
8 COUNCILMEMBER SWEETEN AYE
9 THE MOTION CARRIED UNANIMOUSLY.

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11 **8. Review & Action — Policy Update for Aquatics Center Passes, Resolution**
12 **#2016-12-R** This is a request for the Council’s formal action to approve an
13 updated policy for Aquatics Center passes granted to City employees and elected
14 & appointed officials. This change is needed since the City no longer offers
15 season passes to the Aquatics Center and has switched to punch passes only.

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17 Mr. Cowie referenced the Resolution outlining the policy update for Aquatics
18 Center passes. He noted this updated policy for pool passes granted to City employees
19 and elected & appointed officials is necessary since the City no longer offers season
20 passes to the Aquatics Center and has switched to punch passes only. This change is also
21 needed to be in conformance with changes made during the budget approval process
22 regarding discontinuance of season passes and moving to punch passes only.

23 Councilmember Lundberg commented that she has been questioned by some
24 residents why season passes are being discontinued. She would suggest observing how
25 this change works out and be open to changing back to season passes if it appears to be a
26 better option. Councilmember Hoyt questioned if a discounted second punch pass may
27 be an option for the general public also. He also mentioned his concerns about un-
28 intended circumstances and agreed that observing the change is a good idea. Mr. Cowie
29 stated Heath Bateman is also promoting early purchase discount opportunities.

30 Councilmember Sweeten pointed out that with a punch pass the cardholder can
31 take anyone to the pool not just a family member. He also mentioned that the pass can
32 carry over to the next year. Mr. Cowie stated the passes currently do not carry over.
33 Councilmember Sweeten suggested that is something that should be looked at.

34 Councilmember Lundberg also suggested looking into a “city shared usage” punch pass.
35 Mr. Cowie explained the resolution is for city employees and elected and appointed
36 officials only but they can look further into the issues mentioned tonight.

37 Mayor Acerson called for any discussion or comments. Hearing none he called
38 for a motion.

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40 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
41 #2016-12-R THE POLICY UPDATE FOR THE AQUATICS CENTER PASSES.
42 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
43 RECORDED AS FOLLOWS:

44 COUNCILMEMBER BEAN AYE
45 COUNCILMEMBER LUNDBERG AYE
46 COUNCILMEMBER BRODERICK AYE
47 COUNCILMEMBER HOYT AYE

2 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

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6 **9. Review & Action — Updated 2016 Councilmember & Mayor Pro Tem**
7 **Assignments, Resolution #2016-13-R.** This is a request for the Council’s formal
8 action to approve the updated Mayor and Council Assignments, including the
9 designation of Mayor Pro Tem for the remaining 2016 Calendar year.

10 Mr. Cowie explained this is a request for the Council’s formal action to approve
11 the updated Mayor and Council Assignments, including the designation of Mayor Pro
12 Tem for the remaining 2016 Calendar year. He noted this is just a procedural action.

13 Following some general discussion regarding Councilmember assignments Mayor
14 Acerson called for a motion.

15 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2016-
16 13-R UPDATED 2016 COUNCILMEMBER AND MAYOR PRO TEM
17 ASSIGNMENTS. COUNCILMEMBER BRODERICK SECONDED THE MOTION.
18 THE VOTE WAS RECORDED AS FOLLOWS:

19 COUNCILMEMBER BEAN AYE
20 COUNCILMEMBER LUNDBERG AYE
21 COUNCILMEMBER BRODERICK AYE
22 COUNCILMEMBER HOYT AYE
23 COUNCILMEMBER SWEETEN AYE
24 THE MOTION CARRIED UNANIMOUSLY.

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27 **10. Review & Action — FY 2017 Fee Schedule Amendment, Resolution #2016-**
28 **14-R.** This is a request for the Council’s formal action to approve updates to the
29 FY2017 Lindon City Fee Schedule to reflect the new Sewer and Culinary Water
30 impact fees.

31 Mr. Cowie explained this is a request for the Council’s formal action to approve
32 the updates to the FY2017 Lindon City Fee Schedule to reflect the new Sewer and
33 Culinary Water impact fees. He then referenced the resolution with updated impact fees
34 according to the approved impact fee ordinance reviewed on the earlier agenda item
35 followed by some general discussion.

36 Mayor Acerson called for any further discussion or comments. Hearing none he
37 called for a motion.

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
39 #2016-14-R UPDATES TO THE FY2017 LINDON CITY FEE SCHEDULE TO
40 REFLECT THE NEW SEWER AND CULINARY WATER IMPACT FEES WITH
41 CORRECTIONS NOTED IN THE EARLIER APPROVAL. COUNCILMEMBER
42 SWEETEN SECONDED THE MOTION. THE VOTE WAS RECORDED AS
43 FOLLOWS:

44 COUNCILMEMBER BEAN AYE
45 COUNCILMEMBER LUNDBERG AYE

2 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
4 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

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8 **COUNCIL REPORTS:**

10 **Chief Cullimore** – Chief Cullimore passed out a handout on Urban Deer Management
protocol. He mentioned he has been contacted by residents wanting the deer problem
12 addressed. He noted this has become an issue as the deer have become urbanized. He
noted he will be meeting with the group that contacted him this week and they may come
before the Council at a future meeting. He stated liability is a concern to the city
14 regarding these programs. Chief Cullimore then read the guidelines noting there are a lot
of rules and policies that go into these plans in coordination with the Division of Wildlife
16 Resources and implementing a program should be carefully considered. He stated a
relocation plan is another option but is quite expensive and is the responsibility of the
18 city. He pointed out as a city we would need to pass a resolution stating that the deer are
not being fed and the deer population would also need to be estimated. Following
20 discussion Chief Cullimore stated he will gather additional information, including
information from Highland and Bountiful cities and bring it back before the Council for
22 further discussion.

24 **Councilmember Hoyt** – Councilmember Hoyt reported he attended the Movie in the
Park with the CCAB and noted it was a well-attended event and the Parks and Recreation
26 Department did a great job. Councilmember Hoyt also mentioned he attended a recent
tour of the Spring Gardens Retirement Center in Lindon with the Pleasant Grove
28 Chamber of Commerce where the Director mentioned they would like to have a ribbon
cutting and questioned if there was a Lindon Chamber of Commerce. Councilmember
30 Hoyt informed him since there is not a Lindon Chamber most businesses join the Pleasant
Grove Chamber and since Lindon does not do ribbon cuttings the PG Chamber will be
32 doing it for them. Councilmember Hoyt feels this brings up another opportunity to
consider joining the Chamber and goes along with Lindon being business friendly. He
34 would love to see this happen as there is no other joint chamber in the area that has a city
employee as the Chamber Director.

36 **Councilmember Broderick** – Councilmember Broderick mentioned he was questioned
38 by some residents about a leak last Saturday on 900 East. Mr. Cowie stated they have
been flushing the tank lines to draw the chlorine down.

40 **Councilmember Bean** – Councilmember Bean mentioned Steven Johnson is the newest
42 member on the Planning Commission and his appointment makes a full Commission (7
members). He noted there are more site plans and subdivisions coming through and it's
44 good to see more development happening in the city.

46 **Councilmember Lundberg** – Councilmember Lundberg mentioned a recent letter sent
about nuisance deer problems and protocols adopted by other cities. She mentioned that

2 an Urban Deer Management Program may be something to discuss at a future date as
there are nuisance deer problems in the city. Councilmember Hoyt stated he would like to
4 see deer population numbers in the city and have this issue as a discussion item at a
future meeting. At this time Chief Cullimore gave an update on urban deer populations in
6 his report. Councilmember Lundberg also discussed shirt orders for Lindon Days with
the Council.

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Councilmember Sweeten – Councilmember Sweeten reported on cemetery issues
10 regarding the recent cleanup. He stated he feels we should be consistent and enforce the
ordinance or change the ordinance. Councilmember Lundberg commented she would like
12 to see this issue discussed as an agenda item. The Council was in agreement to have
further discussion on this issue. Councilmember Sweeten also gave an update on the
14 NPSWD noting he has attended several meetings in the past several weeks regarding the
possible purchase of the landfill near Cedar Fort; he noted he is leaning to not purchasing
16 but feels it will probably pass. He also gave the pros and cons of the purchase followed
by some general discussion. Councilmember Sweeten also reported on Lindon Days and
18 went over the schedule of events calendar in detail with the Council followed by some
general discussion. He also encouraged the Councilmembers to attend and support all
20 Lindon Days events.

22 **Mayor Acerson** – Mayor Acerson reported that UIA is going well and moving forward.
He also reported the Utah County Lake Commission mentioned that the algae bloom at
24 Utah Lake is spreading to other bodies of water and the lake is closed. He noted this
problem has happened in past years. Mayor Acerson also reported there has been some
26 recent push back on how we deal with euthanasia at the Animal Shelter.

28 **Administrator's Report:**

Mr. Cowie reported on the following items followed by discussion.

30 **Misc. Updates:**

- 32 • July newsletter
- 34 • September newsletter article: Mayor Acerson - Article due to Kathy Moosman
last week in August
- 36 • Update on easement acquisition for new sewer lift station
- Public Works Director vacancy status
- 38 • New Police Department secretaries have been hired
- Current PT vacancy in Justice Court
- 40 • Public Safety Building on schedule for completion in mid-December
- Fire/EMS call report attached
- 42 • Updated Project Tracking List attached
- Misc. Items

44 **Upcoming Meetings & Events:**

- 46 • July 25th – City offices closed
- August 1st – 6th – Lindon Days (No Council meeting this week)

- 2 • November 8th – General Election

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

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Adjourn –

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10 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 9:55 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – August 16, 2016

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor