

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, September 4**
4 **21, 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: Jeff Acerson, Mayor
Pledge of Allegiance: Mark Mansfield, Boy Scout
10 Invocation: Carolyn Lundberg, Councilmember

12 <u>PRESENT</u>	<u>EXCUSED</u>
Jeff Acerson, Mayor	Matt Bean, Councilmember
14 Carolyn Lundberg, Councilmember	
Jacob Hoyt, Councilmember	
16 Van Broderick, Councilmember	
Daril Magleby, Councilmember	
18 Adam Cowie, City Administrator	
Brandon Snyder, Planning Director	
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 August 21, 2018 were reviewed.

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
32 OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 21, 2018 AS
PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
34 WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
38 COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 40 4. **Consent Agenda Items** – No consent items to approve.
- 42 5. **Open Session for Public Comment** – Mayor Acerson called for any public
44 comment not listed as an agenda item.

46 Ray Palmer, Lindon resident, addressed the Council at this time. Mr. Palmer
stated he and his wife own a legal accessory apartment and paid the expensive fees to the

2 city to make it legal. Mr. Palmer explained at some point in time the city passed a new
4 policy for those with legal accessory apartments to pay double base rates for utility
6 services. He pointed out they only have one water meter and associated infrastructure yet
8 they are billed for two. He noted if a family occupies the space (that the tenants are
10 using) and uses the same services as a tenant then double base rates are no longer
12 collected. He added this is not for additional wear or maintenance, but must be a fee or
tax assessed on owners of the legal apartments yet they are not reflected on the utility
bill. Mr. Palmer questioned if this double base rate is enforced on other double-based
businesses too. Also, if the double rate applies to other double home occupancy places
who use a lot of water, sewer, and garbage for businesses like dance studios, hair salons
or day care facilities.

14 Mr. Palmer pointed out if this is not a tax then are these double base rates applied
16 to residents who are not legal or who have large families. Either way at their current
18 rental agreement they are charged 8% by city every month and that does not include
usage fees. He pointed out they are not double billed for other utilities like electricity or
gas so they assume that the allotted first tier gallonage was based on average usage of a
single-family residence that uses culinary water inside and secondary water outside;
multiple families on the same meter bump them into the second tier.

20 Mr. Palmer stated they are law abiding citizens and follow the law and they could
22 just as easily not have reported their apartment (like many others), but unfortunately for
24 following the ordinances and policies they feel they are being punished. They are looking
for some relief or at least an understanding for this non-uniform fee or tax placed on legal
accessory apartments.

26 Mayor Acerson asked Mr. Palmer what advice or recommendations he would give
28 the Council. Mr. Palmer stated he would like to see one or all of the following: 1. The
double base dropped as it is not applied equally and/or 2. The 8% charge (if continued)
should be distinguished on the bill as to be able to write it off on taxes and/or 3. If paying
a double base rate, you should get double usage/gallonage for each tier.

30 Councilmember Magleby expressed that he fully understands the city needs to
32 look at this issue as to not penalize legal accessory apartment owners who have the tiered
system. Councilmember Hoyt asked Mr. Cowie asked if the double base rates only apply
to legal accessory apartments. Mr. Cowie confirmed that legal accessory apartments are
34 treated as a separate individual single-family unit and are assessed a separate base rate.
Mr. Cowie explained the city sent notices out several years ago to try and assess
36 accessory apartments but it can be a difficult thing to enforce. He further explained why
the double base rate is charged. He noted because they are a separate household they
38 should be able to function on its own and are considered a second dwelling permitted in a
same structure. They are not required to have two meters but the city would allow a
40 second meter if they chose to get one.

42 Councilmember Hoyt agrees it does seem that we are penalizing legal apartment
owners for following the law. He also feels that we as a city have never really taken a
hard look and instructed code and law enforcement to crack down on illegal apartments.
44 He would suggest that this issue be added as an official agenda item and to gather
information as to what other cities are doing as he gets approached from residents on this
46 issue on a regular basis. Councilmember Lundberg agrees noting we should gather some
data and look at this and come to a reasonable approach. Councilmember Broderick

2 agreed stating we don't want this to be burdensome on people for following the rules and
4 laws. Mr. Cowie stated staff will gather some information and bring this issue back as an
agenda item for further discussion.

6 **CURRENT BUSINESS**

8 **6. Public Hearing — Zone Map Amendment, Commercial Farm Zone - 450 E.**
9 **Center St.; Ordinance 2018-16-O.** Mike Jorgensen, Walker Farms of Lindon,
10 LLC, requests approval of a Zone Map Amendment (Ordinance 2018-16-O) to
11 reclassify the following parcels from Residential Single Family (R1-20) to the
12 Commercial Farm (CF) zone: 14:073:0237 (Mike Jorgensen, MJ Real Estate
13 Holdings LLC) and 14:073:0036 (Mike Jorgensen, MJ Real Estate Holdings
14 LLC). Total land area of 1.06 acres. The Planning Commission recommended
15 approval with conditions.

16
17 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
18 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
19 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

20
21 Brandon Snyder, Associate Planner, noted the applicant, Mike Jorgensen, was
22 unable to attend tonight for this item. He explained the Planning Commission reviewed
23 this item in a public hearing on August 28, 2018 with no public comment given. The
24 Planning Commission recommended approval with one condition that was unanimously
25 approved. In addressing the recommended condition, if the boundary line of the existing
26 parcel is shifted slightly to the east to accommodate the required setbacks from the
27 existing accessory buildings, Planning Staff can appropriately display the new zoning
28 boundary line as the adjusted property line per City Code. He noted the applicant is
29 requesting to rezone the subject properties from Residential to the Commercial Farm
30 zone; the properties under consideration were recently purchased by the applicant. In
31 discussions with the applicant, it appears that the main reason for rezoning the properties
32 is to add them to the adjacent CF zoned parcels also under his ownership.

33 Mr. Snyder stated this will increase the area for a proposed reception center by the
34 applicant in the CF zone that is currently under review by City Staff (which will come
35 before the Planning Commission and City Council at a later date for review and
36 approval). He pointed out that adding acreage will allow the proposed reception center
37 proposal to be able to comply with the Lindon Code requirement that some of the
38 property associated with the use be left in agricultural production. The applicant would
39 be adding the acreage of these properties to the adjacent properties recently rezoned to
40 the CF zone.

41 Mr. Snyder stated the applicant intends to build a reception/event center while
42 raising and breeding alpacas and selling alpaca wool. As previously noted, the applicant
43 is currently going through Staff review of the proposed site plan/conditional use permit
44 for the reception center. Staff is reviewing the site plan application to ensure all site
45 requirements are met regarding parking, landscaping, fencing, building height, etc. and
46 that item will be brought before the Planning Commission and City Council when ready.

2 The properties currently being considered for rezoning are vacant and most recently have
been used for agricultural related purposes.

4 Mr. Snyder went on to say Lindon City Code states the Commercial farm zones
are established to provide encouragement of agricultural production and associated
6 commercial activities that are compatible with and/or promote agricultural uses within
the city. Objectives of the zone include promoting and preserving agricultural production,
8 promoting agricultural open space throughout the city, and allowing associated
commercial activities which could be used as additional revenue sources to help sustain
10 and support agricultural industry within Lindon.

He noted although the intent of the zone is to promote agricultural uses within the
12 city, the zone may be utilized as a “holding zone” to allow reasonable options for income
from agricultural and/or commercial uses for a period of time before developing the land
14 in conformance with the general plan land use map. He then listed the permitted uses in
the CF zone as follows: Single-family residence; accessory buildings to a single-family
16 dwelling; agricultural production and related accessory buildings; and other permitted
uses in the R1 residential zones.

18 Mr. Snyder also spoke on the uses that are permitted conditionally including
Caretaker’s or farm-help accessory dwelling unit; commercial horse stables; farmers’
20 market; greenhouses; plant or garden nursery; garden center; bed and breakfast facility;
educational programs and associated facilities; amphitheater; reception center; conference
22 center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing. He noted
public hearing notices required by city code were mailed on August 16, 2018 and no
24 public comments have been received back at this time.

Mr. Snyder stated the proposed area to be rezoned is 1.06 acres. The existing CF
26 zone is 5.23 acres and combined total would be 6.29 acres. Increasing the acreage of the
CF project will help to further address a concern raised in 2017, if 5 acres as a minimum
28 project size is adequate. The minimum area of any lot or parcel of land in the CF zone is
five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting
30 the minimum lot area without combining the parcels only when they are under identical
legal ownership and are contiguous. A deed restriction prohibiting the separation of
32 parcels may be required in order to maintain the minimum five (5) contiguous acres.

Mr. Snyder stated Staff has concerns over recent deed work by the applicant that
34 has resulted in setback issues for existing accessory buildings, parcels that have been
created that are land-locked (no frontage along a public street), and a parcel that doesn’t
36 have adequate acreage to comply with the zoning requirements; these issues were created
when the applicant negotiated to buy additional parcels.

38 Mr. Snyder indicated that staff can work with the applicant to address and correct
these concerns by adjusting property lines in accordance with Utah State Code and
40 combining parcels in order to comply with zoning regulations relating to setbacks,
acreage, frontage and subdividing. Another option to address the setback concerns would
42 be to relocate or remove the existing accessory buildings. The applicant has previously
provided a brief business plan and is working through a concept site plan for the property.
44 Staff anticipates minor changes to the site plan if additional area is added to the CF zone.
The most recent site plan layout that is going through Staff review is included in the staff
46 report.

2 Mr. Snyder pointed out the application does meet the requirements for lot area, lot
4 width, lot depth, and lot frontage. The concept site plan does show the existing single-
6 family home in addition to a caretaker dwelling that is currently being restored (Center
and 500 East). Mr. Snyder then presented Ordinance #2018-16-O, Conceptual Site Plan
and Building Elevations, LCC 17.51 Commercial Farm Zone and the Planning
Commission and City Council meeting minutes from 2017 followed by discussion.

8 Councilmember Lundberg pointed out it is no surprise that the applicant is
10 requesting this change as he indicated he wanted to act in good faith to increase the
acreage for a bigger buffer in trying to be a good neighbor. Mayor Acerson called for any
public comments at this time.

12 Sharon Call, Planning Commission Chairperson, was in attendance and addressed
the Council. Ms. Call stated the concern of the Commission was not the increased
14 acreage but what it does regarding access for the other parcels so they required him to
adjust the boundary lines.

16 Mayor Acerson called for any public comments. Hearing none he called for a
motion to close the public hearing.

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

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

26 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE
#2018-16-O WITH THE CONDITION THAT PRIOR TO FINAL SITE PLAN
28 APPROVAL OF THE PENDING COMMERCIAL FARM RECEPTION CENTER
APPLICATION, THAT THE APPLICANT WORKS WITH CITY STAFF TO
30 ADDRESS AND CORRECT THE SETBACK CONCERNS AND LOT ISSUES
RAISED BY RECENT UNAPPROVED DIVISIONS OF LAND. COUNCILMEMBER
32 MAGLEBY SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

34 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
36 COUNCILMEMBER HOYT NAY
COUNCILMEMBER MAGLEBY AYE
38 THE MOTION CARRIED THREE TO ONE.

40 *Councilmember Hoyt explained his nay vote stating his opinion hasn't changed
42 although he is excited about the project. He expressed his concerns about the negative
impact to the residents but supports the council's decision.*

44 *Councilmember Lundberg expressed her observation is that the neighbors
46 adjacent to the project were comfortable with this all but a few, and the applicant has
addressed this by moving forward with the suggestions given; the whole purpose of the
commercial farm zone is to preserve open space.*

2 7. **Review & Action — Direction on Use of Property Sale Proceeds.** The City
4 Council will review and take action on use of approximately \$1.8 million in
6 proceeds from the sale of surplus property. On June 5, 2018 the Council was
8 presented with alternatives for use of the proceeds having previously directed that
10 the funds should be primarily used for reduction of debt. Recommendations from
12 the Finance Director and City Administrator were to fully pay off the 700 North
14 road construction bond and partial payment of the Public Safety Building bond to
 save (as of the June 2018 estimates) approx. \$337,600 in interest and fees, which
 then frees up encumbered General Fund revenues of approx. \$266,400 annually to
 be used for other purposes. The Council will provide a formal motion on whether
 or not to proceed with finalizing these debt payment processes with the lenders,
 and to hold a public hearing for a budget amendment to accept public comment on
 the planned expenditure of funds.

16 Mr. Cowie referenced the memo from Finance Director, Kristen Colson. He noted
18 the City has completed all requirements for disposal of the surplus property and has
20 signed all paperwork with Vineyard City and the title company for closing on the
22 property. He added that the boundary change notification documents have been sent to
 the State for their approval and once the city receives a certificate of boundary change
 approval from the State, the documents and boundary/annexation plat will be recorded
 and the money will be transferred from Vineyard to Lindon.

24 Mr. Cowie noted getting the documents ready for paying off the 700 North road
26 bond and paying down part of the Public Safety Building takes a few weeks, with interest
28 accruing each day. Therefore, Staff wanted to get firm direction from the Council now to
30 ensure that this course of action (debt relief) is what the Council desires to do with the
 property sale proceeds. If this is the direction the Council desires to go they would like to
 have the documents ready to go and then they would have to bring it to the Council as a
 public hearing to receive public comment and then a budget amendment at the next
 meeting.

32 Councilmember Hoyt stated he has run the numbers and worked with Ms. Colson
34 and agrees with her analysis that this will save the city the most money and interest in the
36 long run and is a great financial decision. Councilmember Broderick commented he feels
 they have basically freed up funds for other purposes and he thought this would be for
 roads unless judiciously decided by this body. Councilmember Lundberg agreed roads
 are a priority and whatever funds are freed up will be discussed at this level.

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

40 **COUNCILMEMBER HOYT MOVED TO USE THE APPROXIMATELY \$1.8**
42 **MILLION IN PROPERTY SALE PROCEEDS FOR DEBT RELIEF AND DIRECT**
44 **STAFF TO, 1) SCHEDULE A BUDGET AMENDMENT PUBLIC HEARING TO**
46 **RECEIVE PUBLIC COMMENT ON THE PROPOSED USE OF THE FUNDS; AND 2)**
 BEGIN PREPARATION OF NECESSARY PAPERWORK WITH THE APPLICABLE
 LENDERS TO PAY-OFF THE 700 NORTH ROAD DEBT AND PAY DOWN AND
 PUBLIC SAFETY BUILDING DEBT AS DISCUSSED, AFTER HAVING RECEIVED
 PUBLIC COMMENT ON THE BUDGET AMENDMENT. COUNCILMEMBER

2 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

4 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

6 COUNCILMEMBER HOYT AYE

COUNCILMEMBER MAGLEBY AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 8. **Review & Action — Cooperative Agreement with UDOT for Geneva Road**
storm water. The City Council will review and consider a cooperative agreement
12 with UDOT in which construction work completed by Lindon City will benefit
UDOT by alleviating some ponding storm water along Geneva Road, for which
14 UDOT will pay half of the cost of the work (\$4,000) in addition to granting
Lindon City additional capacity in UDOT owned storm drainage pipes along
16 Geneva Road and Center Street.

18 Mr. Cowie led this discussion by referencing the Cooperative Agreement with
UDOT for Geneva Road storm water. He noted this review is to consider a cooperative
20 agreement with UDOT in which construction work completed by Lindon City will
benefit UDOT by alleviating some ponding storm water along Geneva Road, for which
22 UDOT will pay half of the cost of the work (\$4,000) in addition to granting Lindon City
additional capacity in UDOT owned storm drainage pipes along Geneva Road and Center
24 Street. He noted this is a win-win for UDOT and Lindon as it helps resolve a Geneva
Road drainage problem for UDOT and adds the needed capacity for Lindon's storm drain
26 line that carries water across Geneva Road.

Mr. Cowie stated the work has been completed as part of the sewer line bore
28 project that was recently done at Geneva Road and Center Street. The cooperative
agreement outlines the financial participation by UDOT/Lindon and the Detention Basin
30 Construction, Maintenance and Operation Agreement (Addendum No. 2) outlines the
agreed upon work and ability for the city to use some of the capacity in UDOT's pipe. He
32 noted these documents are in draft form, but we don't expect any significant changes
other than dates being updated.

34 He noted the agreements have stalled due to some turnover in staffing, but verbal
approval had previously been given to proceed. As the work has now been completed we
36 are now ready to finalize the documents so we can submit payment requests of UDOT.
Mr. Cowie stated staff is asking that the Council approves the agreement and to give the
38 Mayor authorization to sign them subject to the city receiving the finalized and updated
versions from UDOT.

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

42

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
44 COOPERATIVE AGREEMENT FOR UDOT FINANCIAL PARTICIPATION ON
WORK DONE ON GENEVA ROAD AND THE ADDENDUM NO. 2 OF THE
46 DETENTION BASIN CONSTRUCTION, MAINTENANCE AND OPERATION
AGREEMENT, AND AUTHORIZE THE MAYOR TO SIGN THE FINALIZED

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

4 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

6 COUNCILMEMBER HOYT AYE

COUNCILMEMBER MAGLEBY AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 9. **Review & Action — Powerline Easement for Rocky Mountain Power.** The
City Council will review and consider granting a powerline easement to Rocky
12 Mountain Power on city property behind the Parks Department garage and
adjacent to the cell tower at approximately 35 West 60 North. The DRAFT
14 easement is being presented to the Council with request that the Council authorize
the Mayor to sign the finalized easement after reasonable compensation has been
16 received.

18 Mr. Cowie gave some background of this item stating Rocky Mountain Power
contacted the city several months ago about the need to install a replacement power pole
20 on the northeast corner of the cell tower compound adjacent to the Parks Garage (old fire
station). He noted this upgrade is triggered by a new cell tower carrier located on the
22 existing pole. The proposed easement is “L” shaped for guy wires to be installed on two
sides of the new pole. The easement will extend into the city’s trail area and into the
24 storage yard area behind the Parks Garage. Rocky Mountain Power feels the guy wires
can be installed close to fence lines on the site and won’t impede too far into the trail or
26 storage yard, but can’t guarantee this won’t change in the future since the proposed
easement essentially removes any ability to construct something within it.

28 Mr. Cowie stated Rocky Mountain Power was asked in a group meeting with city
staff and through several emails to compensate the city for the easement at a rate of \$6.00
30 per sq/ft (300 sq/ft x \$6 = \$1,800). They have not responded to this request and are
working with a client on the cell tower upgrade to cover the cost of the easement. As the
32 tower is on city property and the city is involved in the lease agreements to the cell
collocutors, we are obligated by our own agreements with the cell tower owner to help
34 facilitate utility services to the new pole location.

36 Mr. Cowie stated staff has concerns that if the city needs the land area in the
future then the city will bear the financial burden to relocate the pole and guy wires. He
noted they also feel a condition in the easement should be that the city should not bear
38 this responsibility if the city needs the ground for future purposes. He indicated the cell
tower co-locator has recently indicated an urgency to get this matter resolved so they can
40 move forward.

42 Mr. Cowie further stated staff is asking that the Council approve the draft
easement and authorize the Mayor to sign the final easement subject to the city receiving
reasonable compensation and updated easement language meeting staff’s satisfaction.
44 There was then some general discussion regarding this powerline easement request.

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

2 COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE EASEMENT
4 FOR ROCKY MOUNTAIN POWER AND AUTHORIZE THE MAYOR TO SIGN
6 THE EASEMENT SUBJECT TO THE CITY RECEIVING AGREED UPON
8 FINALIZED DOCUMENTS AND REASONABLE COMPENSATION.
10 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
12 RECORDED AS FOLLOWS:

8 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
10 COUNCILMEMBER HOYT AYE
COUNCILMEMBER MAGLEBY AYE

12 THE MOTION CARRIED UNANIMOUSLY.

14 **10. Discussion Item — Secondary Water Connection Options.** At the request of
16 Councilmember Broderick, the Council will review and discuss options for
18 possible reductions or alternatives to the water share submittal requirements for
certain properties in order to help facilitate connections to the secondary water
system. No motions will be made.

20 Mr. Cowie led this discussion item by explaining Councilmember Broderick
22 asked Staff to look into some possible ideas on how to hook up residential properties to
the secondary water system without requiring the owners to turn in water shares or spend
24 large amounts of money to purchase shares or pay in lieu of shares. In discussing this
idea with the city’s engineering and public works staff it sounds like the concept is
feasible if a new city law is created by the Council.

26 He noted Mark Christensen with JUB Engineers did not think hooking up 50-100
existing residential lots will have a detrimental impact on the system at the current time.
28 Although no formal calculations have been done, he did express some concern that at
build-out there may be a shortage of secondary water in drier years and that shares not
30 turned in would be regretted.

32 Mr. Cowie indicated the basis for requiring water shares has been discussed in the
past and the City Council passed a Resolution in 2014 as formal recognition of the
34 justification for the amount of water shares being required. Essentially, in low-water
years the City would not have enough secondary water to meet the demands and therefore
water shares have continued to be required even though in ‘wet years’ there appears to be
36 plenty of water available. He further explained the General Plan and current city
ordinances require water shares to be submitted prior to connecting to the PI system.

38 He stated if the Council chooses to waive or reduce water shares submittal and/or
not require shares to be submitted as a condition of hooking up to the PI system the
40 Resolution would need to be updated and the following plans and ordinances would need
to be modified and updated:

- 42 • Lindon City General Plan: Culinary Water System Plan Guidelines, 4. *Private
44 development should provide all internal distribution facilities and water shares
(or cash equivalents) necessary to serve individual projects.*
- 46 • Lindon City Code sections requiring submittal of water shares prior to access to
secondary system:
 - *Chapter 17.66, Delivery of Irrigation Water Stock;*

- 2 ○ *Chapter 17.32.270, Water – Subdivider Obligation to Provide Sufficient*
- 4 ○ *Chapter 13.18, Pressurized Irrigation; and*
- 6 ○ *Chapter 13.19 City Pressurized Irrigation System; and there may be*
others.

- Lindon City Land Development Policies, Standard Specifications and Drawings:
Various sections.

Issues to consider:

- Submittal of water shares prior to receiving a secondary connection has been required since 1992.
 - Prior to adoption of the 1992 Pressurized Irrigation ordinance we understand that residents could hook up to the PI system for \$375 (and we believe they also had to turn in water shares, but we’re working to verify this). The \$375 required in July 1992 modified for inflation is equivalent to \$672 in July 2018.
- Cash payment in lieu of turning in water shares is \$20,425/acre (as of June 2018).
- As of July 5, 2018, there's about 2,600 secondary water connections and about 3,285 total culinary connections. There are 299 residential utility services with NO secondary water connections (according to billing). Approximately 104 of those properties have secondary service assumed accessible in the street (not verified). The remaining 195 addresses are assumed not having reasonable access to a secondary main line.

Possible Options:

- Up to the Council
 - Possibly reduce the amount of shares required per acre or reduce fee-in-lieu.
 - Possibly only allow reductions/waivers for ‘legacy’ homes that were in existence in 1992 but didn’t hook up to the PI system.
 - Possibly allow annual payment plan where the total cost of the fee-in-lieu of shares is billed over time and applied to the utility bill. The total amount owed could be assessed/recorded on the property and paid monthly or in full at the time of a sale - much like the UTOPIA connection options have done in the past. This seems a more equitable method for those who have purchased shares and turned them over to the City in the past.
 - Possibly create discounted culinary rates during summer; or adjust the tiered rate structure to be less expensive for those without secondary (feasible, but may be difficult to track for utility billing).
 - Possibly create a ‘hardship’ option for residents to document financial hardship or other compelling issue that the Council can determine on a case-by-case basis to see if there’s justification for a waiver/fee reduction.
 - Meter Secondary water use: New PI connections in Anderson Farms (Ivory development) are metered connections required to pay a usage fee in addition to the base rate. Perhaps any ‘legacy’ connections that hook into the system at some discounted rate or waived water shares are required to be metered and pay a usage fee regardless of their location within the city. This give access, but not without some cost to user.
- Current rates for the Anderson Farms area (for lot sized 11,001 sq./ft to 21,000

2 sq./ft) = \$16/month secondary water base rate + \$0.55/1,000 gallons secondary
water used.

- 4 • Perhaps a higher usage rate is applied to ‘legacy’ connections since the property
did not turn in water shares.

6 Questions:

- Is it feasible to do this?
 - 8 ○ Yes, if the Council chooses to modify current city laws.
- Is it in the best interest of the general public?
 - 10 ○ Up to the Council to decide. Concern about equity and fairness for those who
have turned in water shares in the past is a definite issue; as well as future
12 development.
- How does this further the best interest of the City?
 - 14 ○ There’s certainly benefit to not having as much strain on the culinary system
and getting properties hooked onto the secondary water system. However, the
16 city does have more uncertainty about the future of secondary water service
than it does culinary water (actual secondary water conveyance/delivery,
18 meeting demand, canal company issues, limitations from the State, etc.). The
City does receive far more complaints and resident concerns about secondary
20 water system issues than culinary services (pressure, supply, delivery,
accessibility, cost to connect, etc.). In a significant drought the City will most
22 likely restrict secondary water use, but not likely culinary water.
- Will it negatively impact the overall water system?
 - 24 ○ Probably not with 104 or fewer possible ‘legacy’ connections - but difficult to
determine total impact until build-out during a dry water year. More
26 engineering study would be needed to make a determination on this.
- Do you provide opportunity for those who have turned in shares or paid a fee in
28 lieu of shares in the past to get rebates or credits based on a new policy?
 - Up to the Council to decide. This could have significant financial
30 implications.

32 Mr. Cowie stated he feels the easiest plan to implement would be a payment plan
to allow residents to pay so much per year (monthly installments on the utility bill) where
34 they are not submitting water shares. This would be recorded and would run with the
property. This would also supplement the secondary system with revenue over time; he
36 suggested a 10-year payment plan noting the hookup costs would be the resident
responsibility. He noted this option would just need a fee schedule amendment and this
38 plan is also more equitable.

40 Councilmember Broderick stated first and foremost he doesn’t want to run out of
water and he also wants to be fair and equitable. He also feels it is good to reach out and
help these residents with an option that is doable. Following discussion, the Council
42 agreed this is a good starting point and agreed they would like to reach out to some of
these families to see if it is even feasible to move forward.

44 Following some additional discussion Mayor Acerson called for any further
comments from the Council. Hearing none he moved on to the next agenda item.

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2 **COUNCIL REPORTS:**

4 **Councilmember Hoyt** – Councilmember Hoyt reported the PG/Lindon Golf Tournament
will be held on September 13th from 8-1pm in American Fork.

6
8 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo
Bench Canal company meeting noting Jack Jones has retired as president and Neal
Winterton was voted in as his replacement. He also attended the bi-monthly engineering
10 meeting along with the Mayor and Mr. Cowie.

12 **Councilmember Bean** – Councilmember Bean was absent.

14 **Councilmember Lundberg** – Councilmember Lundberg reported the PG/Lindon
Chamber luncheon will be held this Thursday. She also reported the Aquatics Center last
16 day was yesterday (just under 2,200 attended) noting the pool had a great year. She added
the new lights are a great addition.

18
20 **Councilmember Magleby**– Councilmember Magleby reported he attended the
Preparedness Fair where there were 22 booths that participated. He noted it there was
decent attendance for the first year and was impressed by the attendance. Kelly Johnson
22 was the volunteer in charge and she did a great job. She will reach out to see if the city
wants to hold it again next year. He also mentioned the Lindon Safety Drill will be held
24 on September 17th. At this time Councilmember Magleby announced that he will be
resigning his Council seat in December to go on an LDS Mission to Scotland.

26
28 **Mayor Acerson** – Mayor Acerson reported he received an invoice from the Utah Lake
Commission that he will forward to Mr. Cowie. He also reported he attended a meeting in
Orem with Northern Utah Counties where they discussed a transit plan as to come
30 together collectively. Mayor Acerson mentioned there are two UTA nominees for the
commissioner position. He noted the Governor is still waiting to see if other names will
32 come forth and there has not been any more names to date.

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

36

Misc. Updates:

- 38
- August - City newsletter
 - October newsletter article: Adam Cowie - Article due to Kathy Moosman last
40 week in October.
 - 1600 North widening project. Open House on September 26th hosted by Orem
42 City
 - Planning Director hiring process (Councilmember Bean, Mayor Acerson on final
44 interview panel)
 - Storm water flooding; Main Ditch. Master plan update & possible bonding for
46 completion of improvements
 - 700 North economic development updates

- 2 • Misc. Items:

4 **Upcoming Meetings & Events:**

- 6 • Monday, September 3rd – Offices closed for Labor Day
- 6 • September 12th - 14th – Utah League of Cities & Towns, Fall Conference in SLC
- 8 • Monday, September 17th at 6:00pm – Citywide Emergency Drill. If available, please plan to stay for training and re-cap after drill is completed.
- 10 • Monday, October 1st, 2:30pm-5:00pm – Public Immunization Clinic in City Council room.
- 12 • November 2nd – 10th – Fall Leaf Clean-Up. City will continue to pick up bags, but will also have dumpsters available around town for public use.
- 14 • November 6th – General Election
- 14 • November 22nd – Mayor’s Thanksgiving Dinner event
- 16 • November 22nd – 23rd – Offices closed for Thanksgiving holiday
- 16 • December 21st at Noon – Employee Christmas party at Community Center
- 18 • December 24th – 25th – City offices closed for Christmas holiday
- 18 • Tuesday, January 1st – City offices closed for New Year’s holiday. No Council meeting held.

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

24 **Adjourn** –

26 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
28 AT 9:15 PM. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 Approved – September 18, 2018

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor