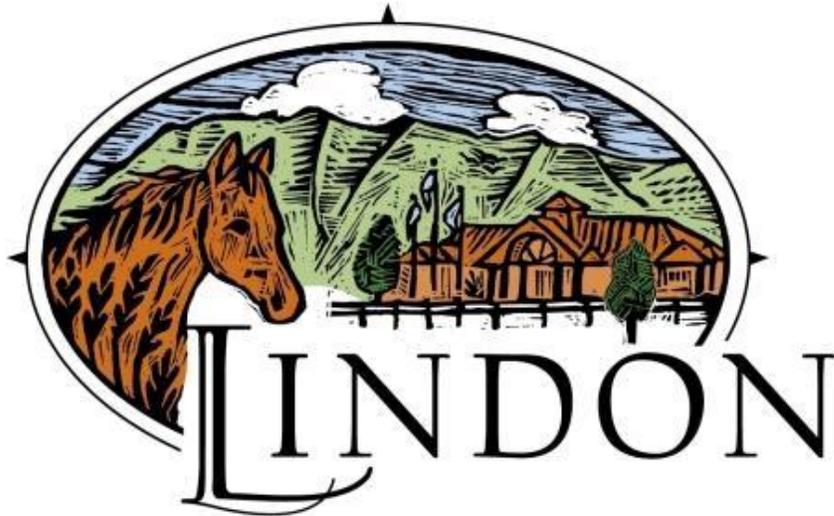


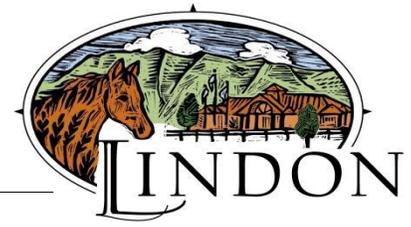
Lindon City Council Staff Report



Prepared by Lindon City
Administration

September 18, 2018

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting at **7:00 p.m.** on **Tuesday, September 18, 2018** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

Scan or click here for link to download agenda & staff report materials:



(Review times are estimates only)

REGULAR SESSION – 7:00 P.M. - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Matt Bean

I. Call to Order / Roll Call

(2 minutes)

2. Presentations and Announcements

(40 minutes)

- a) Comments / Announcements from Mayor and Council members
- b) Employee Recognition Award, 2018 3rd Quarter: Marcie Allphin, Community Development Clerk.
- c) Presentation: Ranked Choice Voting, 2018 HB35. Angie Drakos, Educator Utah Ranked Choice Voting.
- d) Presentation: Salt Lake Chamber / Housing Gap Coalition – Brynn Mortensen, Affordable Housing presentation.

3. Approval of minutes: September 4, 2018

(5 minutes)

4. Consent Agenda –

(5 minutes)

- a. Reappointment of Planning Commissioners Rob Kallas and Mike Marchbanks. Both commissioners' prior term technically ended in January but they have continued to serve in their positions. These re-appointments will be for three-year terms which will expire the last day of January 2021.

5. Open Session for Public Comment *(For items not on the agenda)*

(10 minutes)

6. Public Hearing — Zone Map Amendment, ~150 S. Geneva Rd.; Ordinance 2018-17-O *(20 minutes)*

Adam Pulver, BMC, requests approval of a Zoning Map Amendment to reclassify a parcel from Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total land area of ~1.25 acres.

7. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public Nuisances; Ordinance 2018-9-O *(15 minutes)*

Lindon City requests approval of an amendment to Lindon City Code Section 8.20.030 Nuisance – Definition subsection (2)(cc) Inappropriate Noise. The proposal would address potential hours during which Inappropriate Noises are not allowed.

8. Closed Session — Closed Executive Session

(20 minutes)

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. This session is closed to the general public.

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

(20 minutes)

The City Council will review and consider Resolution 2018-18-R amending the fiscal year 2018-19 Lindon City Budget for various budgetary modifications and updates to city revenues and expenditures.

10. Discussion Item — Councilmember Vacancy

(20 minutes)

The City Council will review State guidelines and updated memo provided by the City Attorney for filling the vacancy on the City Council due to the resignation of Councilmember Daril Magleby and will direct staff on when to advertise for applications to fill the vacancy.

11. Council Reports:

(20 minutes)

- | | |
|---|--------------------|
| A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee | - Jeff Acerson |
| B) Public Works, Irrigation/water, City Buildings | - Van Broderick |
| C) Planning, BD of Adjustments, General Plan, Budget Committee | - Matt Bean |
| D) Parks & Recreation, Trails, Tree Board, Cemetery | - Carolyn Lundberg |
| E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste | - Daril Magleby |
| F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee | - Jacob Hoyt |

12. Administrator's Report

(10 minutes)

Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindoncity.org) websites.

Posted by: /s/ Kathryn A. Moosman, City Recorder

Date: September 12, 2018; **Time:** 11:30 a.m.; **Place:** Lindon City Center, Lindon Police Dept., Lindon Community Center

REGULAR SESSION – 7:00 P.M. - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Matt Bean

Item 1 – Call to Order / Roll Call

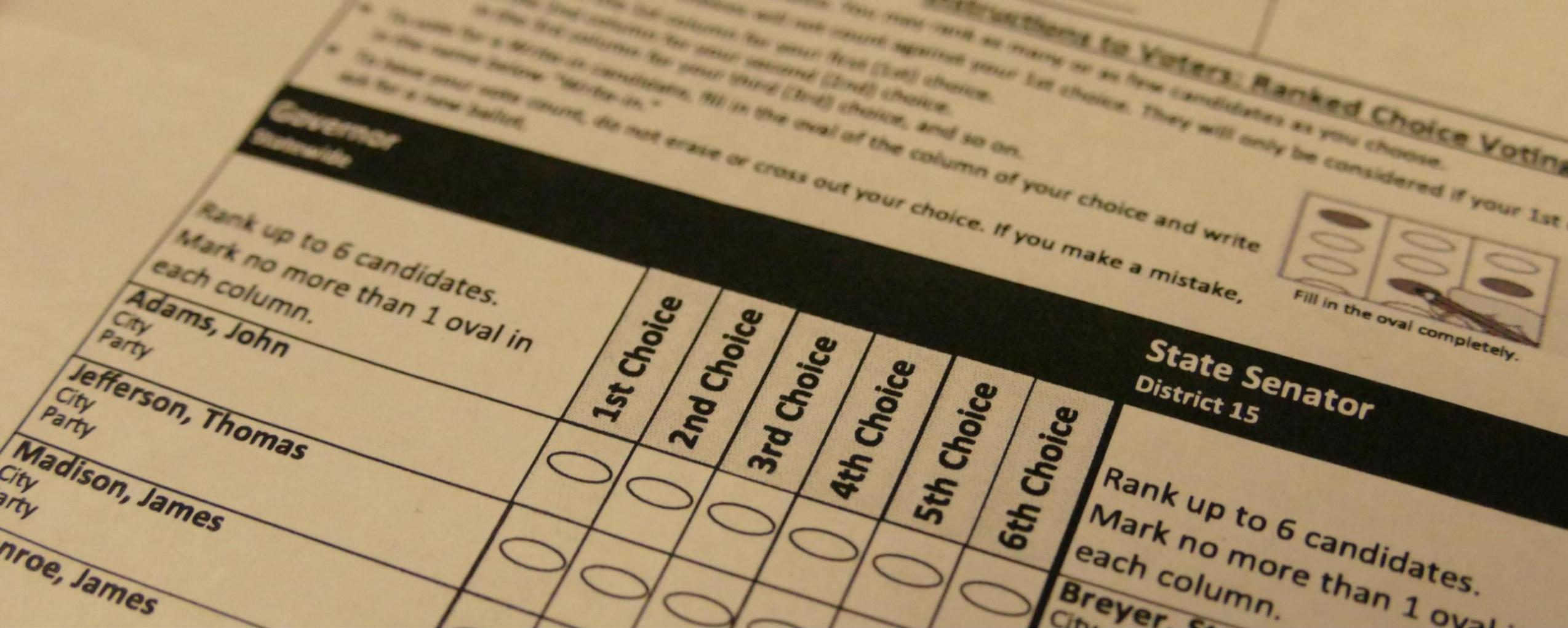
September 18, 2018 Lindon City Council meeting.

Jeff Acerson
Matt Bean
Van Broderick
Jake Hoyt
Carolyn Lundberg
Daril Magleby

Staff present: _____

Item 2 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) Employee Recognition Award, 2018 3rd Quarter: Marcie Allphin, Community Development Clerk.
- c) Presentation: Ranked Choice Voting, 2018 HB35. Angie Drakos, Educator Utah Ranked Choice Voting.
- d) Presentation: Salt Lake Chamber / Housing Gap Coalition – Brynn Mortensen, Affordable Housing presentation.



HB 35: MUNICIPAL ALTERNATE VOTING METHODS PILOT PROGRAM

How To Implement Ranked Choice Voting In Your Municipality

HB 35:
*Municipal
Alternate
Voting Methods
Pilot Program*

- Creates a pilot program (beginning 1/1/2019) to permit a municipality to conduct nonpartisan races using instant runoff voting (ranked choice voting)
- Establishes opt in process
- Establishes requirements and procedures, including counting of votes, recounts, resolution of ties, and canvassing
- Provides a sunset date (1/1/2026)

About HB 35

Bi-partisan bill

- Bill Sponsor: Representative Marc Roberts
- Floor Sponsor: Senator Howard Stephenson
- Co-Sponsors: P. Arent, R. Chavez-Houck, J. Fawson, B. Greene, B. King, A. Robertson, M. Winder

Overwhelming support in both chambers

- House: 64-2-9 passed 2/20/2018
- Senate: 22-0-7 passed 3/8/2018
- House concurs w/Senate amendment 67-3-5 on 3/8/2018

Benefits

- **Greater voter engagement** – issues become the focus; voters become more informed; voters only have to go to the polls once
- **More civil campaigns** – Candidates seek to be first choice, but if not then second choice
- **Cost savings** – Save taxpayers' dollars by eliminating cost of an entire election; candidates only campaign for one election



How It Works: Ballot Example

- Single-winner and Multi-winner contests are presented in the same ballot format.
- Voters rank their choices in order of preference.
- Visual and written instructions voters better understand the ballot.

Instructions to Voters: Ranked Choice Voting

- Rank candidates in order of your choice. You may rank as many or as few candidates as you choose.
- Your 2nd, 3rd, and other choices will not count against your 1st choice. They will only be considered if your 1st choice does not win.
- Fill in the oval: In the 1st column for your first (1st) choice.
In the 2nd column for your second (2nd) choice.
In the 3rd column for your third (3rd) choice, and so on.
- To vote for a Write-in candidate, fill in the oval of the column of your choice and write in the name below "Write-in."
- To have your vote count, do not erase or cross out your choice. If you make a mistake, ask for a new ballot.





Fill in the oval completely.
No more than 1 oval in a column.
No more than 1 oval for a candidate.

U.S. Senator Statewide							Rep. to Congress District 1						
	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice		1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice
Rank up to 6 candidates. Mark no more than 1 oval in each column.							Rank up to 6 candidates. Mark no more than 1 oval in each column.						
Crane, Ichabod City Party	<input type="radio"/>	Duck, Daisy City Party	<input type="radio"/>										
Lantern, Jack O. City Party	<input type="radio"/>	Duck, Donald City Party	<input type="radio"/>										
Patch, Pumpkin City Party	<input type="radio"/>	Goof, Goofy City Party	<input type="radio"/>										
Stein, Frank N. City Party	<input type="radio"/>	Mouse, Mickey City Party	<input type="radio"/>										
Ween, Hal O. City Party	<input type="radio"/>	Mouse, Minnie City Party	<input type="radio"/>										
Write-in _____	<input type="radio"/>	Write-in _____	<input type="radio"/>										

How It Works

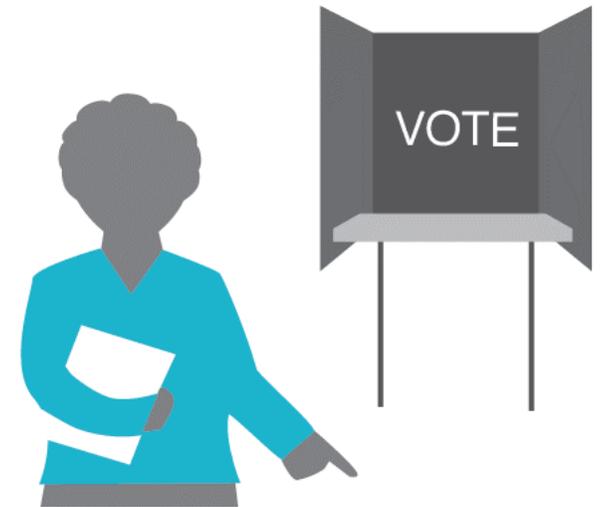
- Candidates are ranked according to the voter's preference.
- If a candidate receives more than 50% of the first choice votes, the candidate is elected.
- If not, lowest vote getter is eliminated and their voters' ballots are counted for their next choice.
- Same process for At-Large seats.

Please fill in no more than one oval per column and no more than one oval per candidate.

	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
For Mayor 4 Year Term (Rank candidates in order of your choice)					
Washington, George	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jefferson, Thomas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hamilton, Alexander	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adams, Abigail	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Implementing RCV

- RCV ready equipment
 - Recommended system, ES&S, used in Maine (June 2018)
 - Other systems have RCV capability
 - Legacy equipment with cast vote records can be tabulated with third-party software
 - May require additional module (small, one-time cost)
- Complements vote-by-mail
 - RCV yields issue oriented campaigns; voters have more time to review
 - Proven through use for military and overseas citizens



Implementing RCV

- Eliminates Primary Elections
 - Significant cost savings
 - Some allocation for voter education
- Voter education campaigns can be scaled to meet the municipality
 - Water bill inserts
 - Civic club presentations
 - Social media
 - Partner with other organizations
 - League of Women Voters

MINNEAPOLIS
Your City. Your Vote.
vote.minneapolismn.gov

WHAT'S ON THE BALLOT?

- **Mayor**
Approves local laws and appoints new members to city agencies and boards.
- **City Council member**
Represents city wards and neighborhoods, and passes local laws.
- **Park and Recreation Board members**
In charge of city parks and recreation programs.
- **Board of Estimate and Taxation members**
Set property tax rates residents pay for city services.

2017 KEY DATES

- Sep 22** **Vote early**
Vote by mail or in-person
September 22 to November 6.
- Oct 17** **Register to vote**
Register by October 17 to save time on Election Day.
- Nov 7** **Election Day**
Voting open 7 a.m. to 8 p.m.

HOW TO VOTE

- In this election you can rank up to 3 candidates in order of your choice.
- You can choose just 1 candidate if you don't have a 2nd or 3rd choice.
- Your 2nd and 3rd choices do not count against your 1st choice. They only count if your 1st choice does not win.

1st choice	2nd choice	3rd choice
<input type="radio"/> Lucy	<input type="radio"/> Lucy	<input type="radio"/> Lucy
<input type="radio"/> Zac	<input type="radio"/> Zac	<input type="radio"/> Zac
<input type="radio"/> Omar	<input type="radio"/> Omar	<input type="radio"/> Omar
<input type="radio"/> Asha	<input type="radio"/> Asha	<input type="radio"/> Asha

HOW IS MY BALLOT COUNTED?

1 Election officials count 1st choice votes. If a candidate gets over 50%, they win. If not, the ranked-choice counting begins in step 2.

Step 1
No candidate has over 50% of the 1st choice votes. Counting continues in step 2.

2 The candidate with the fewest votes is eliminated. Those votes transfer to each voter's next choice candidate. If a candidate now has over 50% of the vote, they win.

Step 2
Zac's votes transfer to his voters' next choice candidates. Lucy is now the winner.

3 If necessary, the process in step 2 repeats until a candidate wins. In each round, the candidate with the fewest votes is eliminated. Only then are votes transferred to each voter's next choice of candidate (if any).

Implementing RCV

Sample voter education videos



Maine



Minneapolis



Santa Fe

Next Steps

- Provide notice to Lt. Governor's Office
 - Before January 1 of odd-numbered year
 - State intent to participate and election year
 - Signed by election officer of municipality stating the municipality has the resources and capability necessary



Contact Us

- Kory Holdaway
- Stan Lockhart
- Ranked Choice Voting Resource Center
- FairVote

**NEED TO
THINK ABOUT
WHO/WHAT
GOES HERE**

Affordable Housing Presentation Info

I wanted to provide a bit more information and context to what we hope to discuss with your city leaders.

On May 1 of this year, the Salt Lake Chamber officially launched the *Housing Gap Coalition*. This group includes business and community leaders from throughout the state and is the first of its kind in the nation. The Coalition aims to address Utah's looming housing affordability problem before it's too late. This group was formed as a direct response to a new study, commissioned by the Salt Lake Chamber and conducted by the Kem C. Gardner Policy Institute. The study concludes that the rate Utah's housing prices are increasing threatens our cost of living, economic prosperity and quality of life. You can read the entire study [here](#).

The Housing Gap Coalition and the housing affordability study have also been featured in recent media. Check out the stories below for more information:

KSL - [Story and Article](#)

Fox 13 - [Article](#)

Deseret News - [Article](#)

Salt Lake Tribune - [Article](#)

Channel 4 - [Story](#) & [Story and Article](#)

Utah Business - [Press Release](#)

The Spectrum - [Article](#)

Unchecked, average Utahns will be priced out of our housing market in 26 years. Already, Utah housing is more expensive than some of our top competitor cities in economic development. The Coalition is poised to address the challenges associated with housing affordability by working to provide access to a variety of housing types for all income groups. You can read more about the coalition on our [website](#) or in the attached fact sheet.

As a business community, we've had great success when we've worked together with the public sector to address other issues like transportation and education. In a similar fashion, we've organized the Housing Gap Coalition to proactively address housing affordability before it becomes a crisis. This affects every industry and every profession. We want our employees, children and grandchildren to enjoy the cost of living, quality of life and economic prosperity that we've enjoyed. We want them to have the option to stay here and continue the traditions of hard work, community and family that make Utah great. That's why we're determined to get in front of this issue and want to involve cities in this grassroots process.

There are some aspects of this issue that we can't easily change. However, one factor that we can address is the way we handle land use and housing policy at the local level. The research from the Kem

C. Gardner Policy Institute included actionable steps that cities, towns and counties can take to examine their housing policies and make a difference.

If you have more specific questions, please feel free to reach out. We hope to have the opportunity to come present to your city council and discuss how we can partner with you to address housing affordability in your area.

Best,



Brynn Mortensen

Salt Lake Chamber | Public Policy & Special Projects Coordinator

Direct: 801.328.5056

Mobile: 801.706.9853

Email: bmortensen@slchamber.com

Website: slchamber.com

Address: [175 E. University Blvd. \(400 S.\) Ste. 600, SLC, UT, 84111](#)



Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **September 4, 2018**

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
44 hard look and instructed code and law enforcement to crack down on illegal apartments.
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 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
17 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL
18 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

19
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
16 save (as of the June 2018 estimates) approx. \$337,600 in interest and fees, which
18 then frees up encumbered General Fund revenues of approx. \$266,400 annually to
20 be used for other purposes. The Council will provide a formal motion on whether
22 or not to proceed with finalizing these debt payment processes with the lenders,
24 and to hold a public hearing for a budget amendment to accept public comment on
26 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
24 the State for their approval and once the city receives a certificate of boundary change
26 approval from the State, the documents and boundary/annexation plat will be recorded
28 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
32 property sale proceeds. If this is the direction the Council desires to go they would like to
34 have the documents ready to go and then they would have to bring it to the Council as a
36 public hearing to receive public comment and then a budget amendment at the next
38 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
38 they have basically freed up funds for other purposes and he thought this would be for
40 roads unless judiciously decided by this body. Councilmember Lundberg agreed roads
42 are a priority and whatever funds are freed up will be discussed at this level.

40 Mayor Acerson called for any further comments or discussion from the Council.
42 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)**
48 **BEGIN PREPARATION OF NECESSARY PAPERWORK WITH THE APPLICABLE**
50 **LENDERS TO PAY-OFF THE 700 NORTH ROAD DEBT AND PAY DOWN AND**
52 **PUBLIC SAFETY BUILDING DEBT AS DISCUSSED, AFTER HAVING RECEIVED**
54 **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
36 water shares have continued to be required even though in ‘wet years’ there appears to be
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
- 6 others.

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

Issues to consider:

- 10 • Submittal of water shares prior to receiving a secondary connection has been
- 12 required since 1992.
- 12 ○ Prior to adoption of the 1992 Pressurized Irrigation ordinance we
- 14 understand that residents could hook up to the PI system for \$375 (and
- 16 we believe they also had to turn in water shares, but we're working to
- 18 verify this). The \$375 required in July 1992 modified for inflation is
- 20 equivalent to \$672 in July 2018.
- 22 • Cash payment in lieu of turning in water shares is \$20,425/acre (as of June 2018).
- 24 • As of July 5, 2018, there's about 2,600 secondary water connections and about
- 26 3,285 total culinary connections. There are 299 residential utility services with
- 28 NO secondary water connections (according to billing). Approximately 104 of
- 30 those properties have secondary service assumed accessible in the street (not
- 32 verified). The remaining 195 addresses are assumed not having reasonable access
- 34 to a secondary main line.

Possible Options:

- 26 • Up to the Council
- 28 ○ Possibly reduce the amount of shares required per acre or reduce fee-in-lieu.
- 30 ○ Possibly only allow reductions/waivers for 'legacy' homes that were in
- 32 existence in 1992 but didn't hook up to the PI system.
- 34 ○ Possibly allow annual payment plan where the total cost of the fee-in-lieu of
- 36 shares is billed over time and applied to the utility bill. The total amount owed
- 38 could be assessed/recorded on the property and paid monthly or in full at the
- 40 time of a sale - much like the UTOPIA connection options have done in the
- 42 past. This seems a more equitable method for those who have purchased
- 44 shares and turned them over to the City in the past.
- 46 ○ 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?
 - 30 ○ Up to the Council to decide. This could have significant financial
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.

46

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

- 2 • Misc. Items:

4 **Upcoming Meetings & Events:**

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

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

30 **Adjourn** –

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

34 Approved – September 18, 2018

36

38

Kathryn Moosman, City Recorder

36

38 _____
Jeff Acerson, Mayor

Item 4 – Consent Agenda – *Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.*

- a) Reappointment of Planning Commissioners Rob Kallas and Mike Marchbanks. Both commissioners' prior term technically ended in January but they have continued to serve in their positions. These re-appointments will be for three-year terms which will expire the last day of January 2021.

Sample Motion: *I move to approve the Consent Agenda items.*

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-7687
www.lindoncity.org
planningdept@lindoncity.org

Robert Kallas
300 North Main Street
Lindon, Utah 84042

September 19, 2018

Rob,

On September 18, 2017, the Lindon City Council approved the recommendation of Mayor Acerson to re-appoint you as a member of the Planning Commission for Lindon City. Our records indicate that this will be your third term as a Planning Commissioner. It is anticipated that you will serve a full three-year term which will expire the last day of January 2021 or until your respective successor has been appointed.

We're excited to continue working with you and appreciate your willingness to serve the City of Lindon. You've been a great voice for our community. As always, please feel free to contact me at 801-785-7687 to discuss any questions you may have about the position or issues within the city.

Sincerely,

Hugh Van Wagenen
Planning Director

Jeff Acerson
Mayor

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-7687
www.lindoncity.org
planningdept@lindoncity.org

Michael Marchbanks
140 South 400 West
Lindon, Utah 84042

September 19, 2018

Mike,

On September 18, 2017, the Lindon City Council approved the recommendation of Mayor Acerson to re-appoint you as a member of the Planning Commission for Lindon City. Our records indicate that this will be your third term as a Planning Commissioner. It is anticipated that you will serve a full three-year term which will expire the last day of January 2021 or until your respective successor has been appointed.

We're excited to continue working with you and appreciate your willingness to serve the City of Lindon. You've been a great voice for our community. As always, please feel free to contact me at 801-785-7687 to discuss any questions you may have about the position or issues within the city.

Sincerely,

Hugh Van Wagenen
Planning Director

Jeff Acerson
Mayor

Item 5 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

6. Public Hearing — Zone Map Amendment, ~150 S. Geneva Rd.; Ordinance 2018-17-O *(20 mins)*

Adam Pulver, BMC, requests approval of a Zoning Map Amendment to reclassify a parcel from Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total land area of ~1.25 acres.

See attached materials from the Planning Department.

Item 6: Public Hearing — Zoning Map Amendment ~150 S. Geneva Rd.

Adam Pulver, BMC, requests approval of a Zoning Map Amendment to reclassify a parcel from Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total land area of ~1.25 acres. See attached Ordinance #2018-17-O.

SAMPLE MOTION

I move to (approve, deny, continue) Ordinance #2018-17-O with the following condition(s) (if any):

1. Combine parcel with adjoining parcel(s) prior to future land use development approval(s).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended to approve the applicant's request to rezone the subject properties with the following condition:

1. Combine parcel with adjoining parcel(s) prior to future land use development approval(s).



<p>Applicant: Adam Pulver, BMC Presenting Staff: Brandon Snyder</p> <p>General Plan: Mixed Commercial Current Zone: Residential (R1-20) Requested Zone: Light Industrial (LI)</p> <p>Property Owner: Anderson Lumber Company (BMC Stock Holdings, Inc.) Address: ~150 South Geneva Rd. Parcel ID: 14:065:0131 Area Size: 1.25 acre(s)</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ITEMS</u></p> <ol style="list-style-type: none"> Whether to recommend approval of a request to change the Zoning Map designation of the subject property. <p><u>MOTION</u></p> <p>I move to (approve, deny, continue) the proposed zoning map amendment (Ordinance 2018-17-O), with the following conditions (if any):</p> <ol style="list-style-type: none"> Combine parcel with adjoining parcel(s) prior to future land use development approval(s).
---	--

PLANNING COMMISSION REVIEW

The Planning Commission held a public hearing on September 11, 2018. Public comments were taken. The comments regarded the future use of the property, elevation differences and if there will be a privacy fence or wall installed. The Planning Commission recommended approval with one condition (combine parcel with adjoining parcel(s) prior to future land use development approval). The vote to approve was unanimous (4-0).

OVERVIEW

The applicant is requesting to rezone the parcel from Residential (R1-20) to the Light Industrial (LI) zone. The applicant is requesting the rezone so that the zoning would match with the two adjacent parcels (West and Southwest). The applicant then proposes to combine the parcels and will in the near future be replacing some of the existing structures. A new structure will be placed partially into the current area of the subject parcel. The parcel was created and purchased by Anderson Lumber in April 1997 by way of Warranty Deed 28659-1997. The property has been used since at least 2000 for outdoor storage. (Staff could not locate any aerial imagery between 1995 and 2000). 1995 aerial imagery indicates that the property was in agricultural production.

ZONING

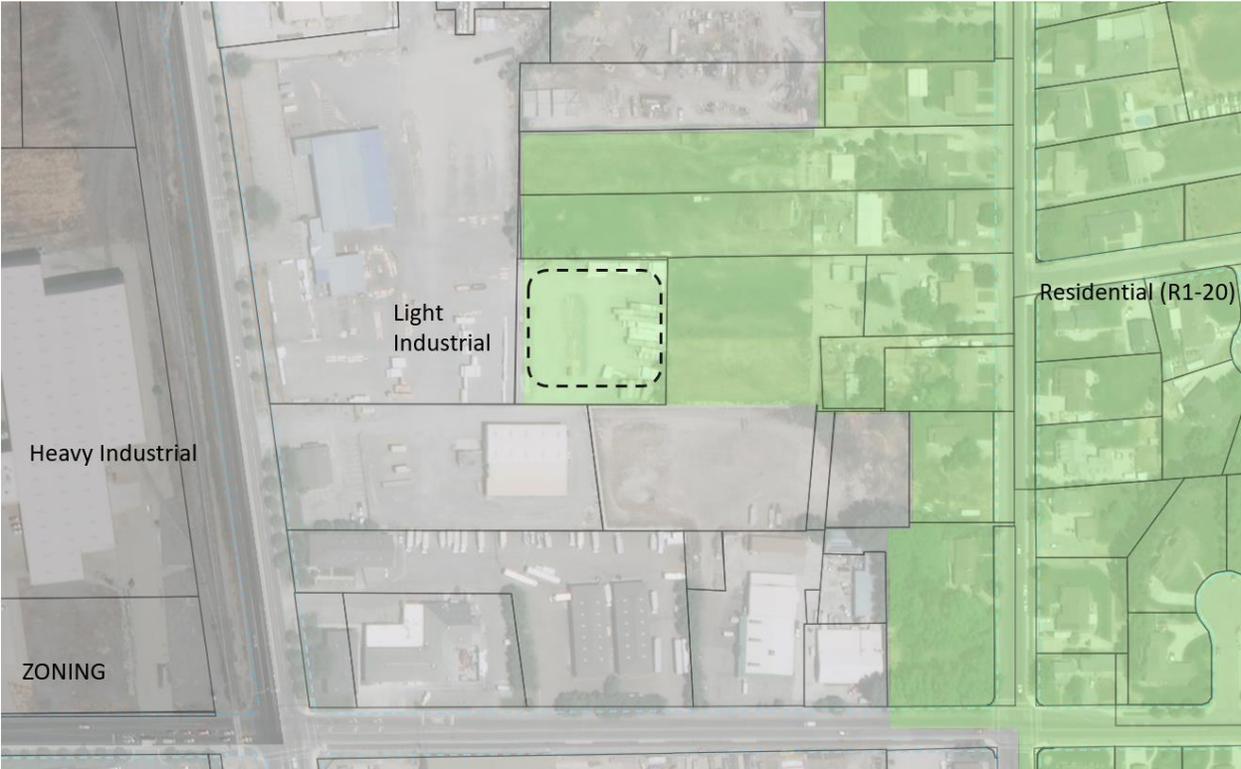
The Single-Family Residential Zones (R1) are established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one (1) family detached dwellings on individual lots that are separate and sheltered from non-residential uses found to be inconsistent with traditional residential lifestyles customarily found within Lindon City’s single-family neighborhoods. (*Lindon City Code 17.44.010 Purposes and Objectives.*)

It shall be the purpose of the LI district to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. (*Lindon City Code 17.49.020 LI – Manufacturing and Distribution District – Purpose.*)

	Zoning	General Plan
1995	-	Research & Development
1997	Manufacturing Distribution (MD) – west ½, Residential (R1-20) – east ½ (similar in 1979 & 1994)	-
1999	Manufacturing Distribution (MD)	-
2001	Residential (R1-20)	Light Industrial
2011	Residential (R1-20)	Mixed Commercial
2018	Residential (R1-20)	Mixed Commercial

Staff has found minutes from 1997 indicating a previous rezoning from residential. (Minutes are attached). Staff could not locate the files for when it was rezoned back to residential. This took place between 1999 and 2001.

Public Hearing Notices required per Lindon City Code section 17.14, were mailed on August 30, 2018. No public comments were received prior to the Planning Commission meeting.



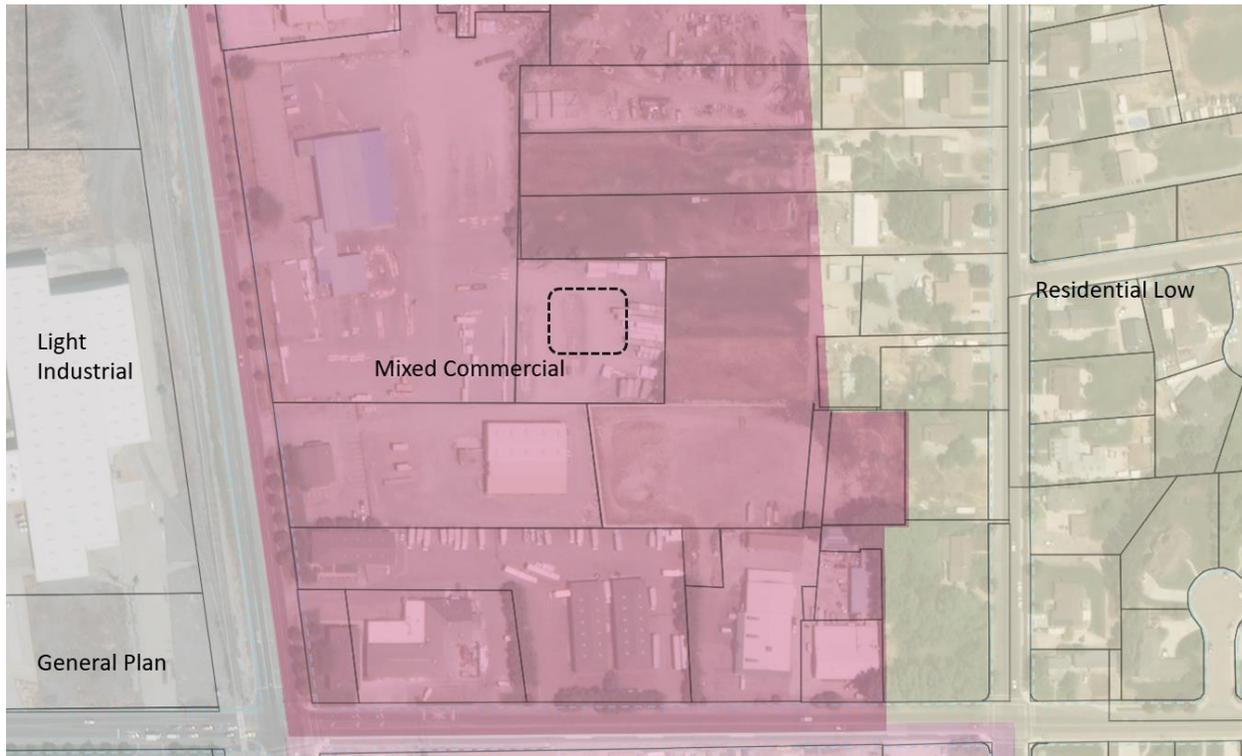
Currently the LI zone requires a minimum lot area of 1 acre and 100 feet of frontage.

Potential uses - The Light Industrial (LI) zone allows for uses related to Manufacturing, Wholesale Trade, Retail Trade, and Services. For a list of specific uses allowed in the LI zone, please refer to the Lindon City Standard Land Use Table. For LI zoning regulations, please refer to Lindon City Code 17.49 Industrial Zones.

ANALYSIS

Relevant General Plan information to consider in determining whether the requested change will be in the public interest:

- a. *Mixed Commercial* - This category includes general commercial, low intensity light Industrial, and research and business uses. Includes areas typically zoned MC.



ATTACHMENTS

1. 1997 Minutes
2. Ordinance 2018-17-O

1 hearing was only to request a zone change, and was not a promise
2 that Mr. Seng would be granted a conditional use permit.

3 Commissioner Johanson moved to close the Public Hearing.
4 Commissioner Peters seconded the motion. Voting was unanimous in
5 the affirmative with two absent.

6 Commissioner Johanson said he feels this is a poor location for
7 this project and that zone changes should all be made at one time
8 instead of piecemeal. Commissioner Peters concurred. Mr. Staks
9 said they would work with the City to make the site plan look good.
10 Councilmember Dain suggested that one option for proximity to the
11 freeway would be to look at a larger buffer for 2000 West.
12 While it was believed by some commissioners to not be an ideal site
13 for Mr. Seng's business, the requested change was deemed to be
14 consistent with the general plan. Commissioner Peters moved to
15 approve Seng Construction's request to change the zone designation
16 of property located at 300 to 400 North 2000 West from the MU zone
17 to the MG zone and recommend approval to the City Council.
18 Commissioner Anderson seconded the motion. Voting was unanimous in
19 the affirmative with two absent.

20
21 4. Public Hearing - Anderson Components - 122 South 800 West -
22 Zone Change from R1-20 to MD
23

24 In an effort to expand their business site, Anderson Components
25 requested to change property at this site from a residential use to
26 an industrial use. In granting the request, the Planning Commission
27 would be required to do two things: recommend a change to the
28 General Plan map from low density residential to light industrial,
29 and change the zone from R1-20 to MD.

30 Commissioner Johanson moved to open the Public Hearing.
31 Commissioner Peters seconded the motion. Voting was unanimous in
32 the affirmative with two absent.

33 Lance Long, General Counsel for the company, said Anderson
34 Components would mainly be storing lumber at this site. He said
35 there would be no manufacturing. Commissioner Peterson said she has
36 received calls from neighbors on 800 West concerned about hearing
37 a loud telephone intercom very early in the morning. Mr. Long said
38 the company has received no complaints that he knows of, and that
39 there is no more shift work.

40 There was no public comment on this item.

41 Commissioner Peters moved to close the public hearing.
42 Commissioner Anderson seconded the motion. Voting was unanimous in
43 the affirmative with two absent.

44 After more discussion, Commissioner Johanson moved to approve
45 Anderson Component's request to change the property located at
46 approximately 122 South 800 West from a low density residential
47 general plan designation to a light industrial general plan
48 designation and to change the zone from R1-20 to MD and recommend
49 approval to the City Council. Commissioner Peters seconded the
50 motion. Voting was divided with four in favor, one opposed (M.
51 Peterson). The motion carried.
52

2 Mayor Ellertson asked for public comment. Harold Babcock, who identified himself as an
3 engineer and owner of the land to the north (Mountain Topsoil), said he felt that this site is
4 inappropriate because of the crushing and stockpiling which would occur with Mr. Seng's proposal.
5 He said the process would be noisy, dusty, and unsightly. In his opinion, the view from the freeway
6 along this area should be preserved and not hidden by a bank. He felt a commercial use would be
7 more appropriate, similar to the car dealerships and business park along the freeway in American
8 Fork.

9 Mr. Staks replied that Mr. Seng was responsible for taking the old Signetics building
10 materials and turning them into road base materials, and the only complaint from neighbors came
11 during a dust storm. Mr. Staks says he foresees no problem with commercial area blending with this
12 project. He felt the more desirable properties for commercial development are located more to the
13 north of this site. Mr. Seng said the noise created by the crusher is strictly regulated and that traffic
14 on I-15 is louder than his crusher.

15 The Council discussed this proposal in detail, arriving at a consensus that the location for this
16 proposed project is not as conducive to commercial development as the properties to the north, and
17 that this rezoning request is consistent with the General Plan of Lindon City. During this discussion,
18 Mr. Dain reminded the Council that the issue before them was a rezoning request and not site plan
19 approval. Mrs. Bayless expressed a concern that the entire area on both sides of the freeway should
20 be reviewed as to the intent of the General Plan before any rezoning is approved.

21 After further discussion concerning the noise, dust, and general appearance of the site,
22 COUNCILMEMBER DAIN MOVED TO APPROVE THE REQUEST OF KENNY SENG
23 CONSTRUCTION FOR A ZONE CHANGE AT 300 TO 400 NORTH 2000 WEST FROM THE
24 MU ZONE TO THE MG ZONE. COUNCILMEMBER SMITH SECONDED THE MOTION.
25 VOTING WAS DIVIDED WITH FOUR IN FAVOR AND ONE OPPOSED (LINDSEY
26 BAYLESS). THE MOTION CARRIED.

27 Mr. Dain said he would ensure that the Planning Commission was informed about the
28 Council's concerns when the site plan and conditional use application came to them.

29 2. Public Hearing - Zone change request from the R1-20 zone to the MD zone, 122
30 South 800 West. Anderson Components is requesting the zone change.

31 Anderson Components requested to change the zone designation on this property from
32 residential R1-20 to the MD zone. Councilmember Dain explained that this is only a request for a
33 zone change and site plan concerns would have to be resolved at a later time.

34 Lance Long, General Counsel for the company, said Anderson Components will have no
35 manufacturing in this area; they will only use it to stack lumber. The property under consideration
36 for the rezoning is owned by Renae Edwards.

37 Mayor Ellertson asked for public comments. Renae Edwards' son, Lamont Edwards, was
38 present and said this is the only way that his mother can sell the rear portion of her land. Several
39 parcels adjacent to his mother's property are also somewhat "landlocked."

40 The Council discussed these other properties and how potential development might occur.
41 Mr. Long indicated that Anderson Components is interested in buying these parcels in addition to
42 Mrs. Edward's property. The Council inquired about bright lights, fencing, PA system, hours of

operation, and noise. Mr. Dain said he would talk with the Planning Commission about these concerns when the site plan came to them.

After more discussion, COUNCILMEMBER DAIN MOVED TO APPROVE ANDERSON COMPONENTS' REQUEST TO CHANGE THE ZONE DESIGNATION AT 122 SOUTH 800 WEST FROM R1-20 TO MD. COUNCILMEMBER DRAPER SECONDED THE MOTION. VOTING WAS UNANIMOUS IN THE AFFIRMATIVE WITH ALL PRESENT.

3. Public Hearing - Consideration of a Resolution to Declare Certain City-Owned Property as "Surplus."

Mr. Dameron had a list of surplus items and asked that the Council declare them surplus and authorize their sale. The items were as follows.

1. 1986 4-door Dodge Aries, minimum bid \$500
2. 1985 half-ton Chevrolet pick-up truck, minimum bid \$500
3. Two behind-the-cab tool boxes (full size)
4. 48-inch walk-behind commercial Lesco mower
5. Riding tractor - John Deere 314 with tiller/trailer

Mayor Ellertson asked for public comment. There being none, COUNCILMEMBER DRAPER MOVED TO ADOPT RESOLUTION NO. 1-97 DECLARING THE PROPERTY OUTLINED ABOVE AS SURPLUS AND AUTHORIZING THE SALE OF SAID ITEMS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. VOTING WAS UNANIMOUS IN THE AFFIRMATIVE WITH ALL PRESENT.

Mr. Dameron said Staff will place an ad in the newspaper requesting sealed bids.

COUNCILMEMBER DAIN MOVED TO CLOSE THE PUBLIC HEARINGS. COUNCILMEMBER DRAPER SECONDED THE MOTION. VOTING WAS UNANIMOUS IN THE AFFIRMATIVE WITH ALL PRESENT.

4. Final Plat - Canberra Hills, Plat "J", 13 lots, 1400 East 100 South R1-12 zone

(Agenda items 4 through 7 were discussed concurrently.)

Brian Haskell, representative for Canberra Homes, requested final plat approval for the subdivisions as outlined in agenda items 4 through 7. Staff had no concerns except that: 1. the property lines shown on Plat J to the east of the subdivision be removed from the "mylar" before recording the plat because it gives the impression that additional lots are represented, and 2. that the average slope of the lots which are controlled by the Hillside Ordinance be verified as being under 20%. Mr. Haskell stated that all areas of concern for steepness of slope did fall under the maximum allowable slope percentages.

After much discussion, COUNCILMEMBER DAIN MOVED TO APPROVE CANBERRA

ORDINANCE NO. 2018-17-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE ZONING MAP ON PROPERTY IDENTIFIED BELOW FROM RESIDENTIAL SINGLE FAMILY (R1-20) TO LIGHT INDUSTRIAL (LI) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City finds it is necessary to amend the Zoning Map to accommodate a growing industry within the City; and

WHEREAS, the property in question is currently adjacent to Light Industrial properties and associated uses; and

WHEREAS, the Lindon City Planning Commission recommended approval of the proposed zone map change; and

WHEREAS, the Planning Commission held a public hearing on September 11, 2018, to receive public input and comment regarding the proposed amendment; and

WHEREAS, the Council held a public hearing on September 18, 2018, to consider the recommendation and receive comments from the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: The Lindon City Zoning Map is hereby amended as follows:

The following property is now designated as Light Industrial (LI) zone as shown on the map below:

Parcel ID	Owner	Address
14:065:0131	Anderson Lumber Company (BMC Stock Holdings, Inc.)	~150 South Geneva Rd.



**7. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public Nuisances;
Ordinance 2018-9-O** *(15 minutes)*

Lindon City requests approval of an amendment to Lindon City Code Section 8.20.030 Nuisance – Definition subsection (2)(c) Inappropriate Noise. The proposal would address potential hours during which Inappropriate Noises are not allowed.

See attached materials from the Planning Department.

Ordinance Amendment

Lindon City Code 8.20 Public Nuisances

<p>Applicant: Lindon City Staff Presenting Staff: Brandon Snyder</p> <p>Type of Decision: Legislative Planning Commission Recommendation: Yes in a 4-0 vote.</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> Whether it is in the public interest to adopt noise limits based on time of day within specific zones to protect the health, welfare, and safety of Lindon residents and workers. <p><u>MOTION</u> I move to (<i>approve, deny, continue</i>) ordinance amendment 2018-9-O (<i>as presented, with changes</i>).</p>
---	--

BACKGROUND

Noise complaints are not uncommon but are not particularly frequent either. However, the existing nuisance code regarding *Inappropriate Noise* does not have any defined quiet hours, but rather leaves the time frame open to interpretation based on “noise that is substantially incompatible with the time and location where created...”

City staff prefers to have defined parameters where noise limits are established in each zone, based on time of day. This helps not only with enforcement, but also with public education.

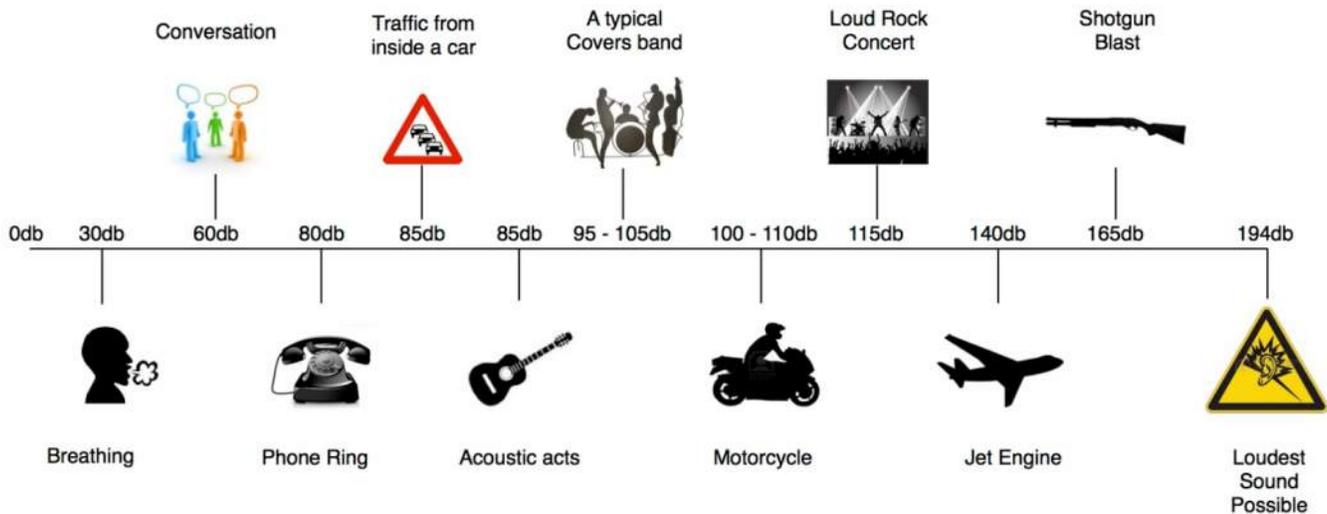
PLANNING COMMISSION MEETINGS

The Commission reviewed the draft ordinance during four separate meetings before approving the current draft. During one meeting, residents west of State came to voice concern over events that produce loud music into the night and asked that defined noise levels be adopted to help keep the peace in their neighborhood.

For discussion purposes, the following noise levels were taken around the city:

Situation	Sound Measurement (dBA)
State Street traffic from sidewalk	70-80
Freeway noise from Parkview Townhomes Plat A	67-70
Freeway noise from new lift station (180 ft)	70-75
Hammer used during construction (Ivory)	72
Truss plant operation from across street (180 ft)	60
Large dust collector machine (30 ft)	68
Wood chipping operation from street (250 ft)	65
Nail gun used during construction (sidewalk)	68
Bobcat backing up signal (15 ft)	74

Please refer to the following sound level chart for context.



<https://www.wetalkuav.com/dji-drone-noise-test/db-chart/>

Additionally, below is part of the City’s zoning map displaying the different sound allowances for day/night in context. *As currently written, sound levels are measured at the property line. So, if a sound originates in the Industrial zone and is 85 dBA at the property line next to residential, there is no violation even if the sound continues to be 85 dBA as it travels into the residential area.*



Staff has attached the latest draft of the ordinance for review.

ATTACHMENTS

1. 2018-9-0

ORDINANCE NO. 2018-9-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING SECTION 8.20.030(2)(CC) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goal of the General Plan maintain the quality of existing and future neighborhoods; and

WHEREAS, it is in the Public Interest to provide clearly defined noise limits within the City limits; and

WHEREAS, the Lindon City Planning Commission has recommended approval of the proposed ordinance; and

WHEREAS, a public hearing was held on June 12, August 14, August 28, and September 11, 2018, to receive public input and comment regarding the proposed amendment; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on September 18, 2018, to consider the recommendation and no adverse comments were received.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: Lindon City Code Section 8.20.030(2)(cc) is hereby amended to read as follows:

8.20.030(2)

cc. *Inappropriate Noise.*

- i. It shall be unlawful for any person to make, permit, continue, or cause to be made, or to create any ~~unreasonable~~-loud and disturbing noise in the City beyond the parameters set forth below. Any noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace and good order of persons of ordinary sensibilities shall be prohibited.
- ii. Noise limits: The peak intensity of sound, based on continuous noise for two-minute intervals or intermittent noise occurring five or more times within a ten-minute period, shall not exceed the maximum decibel levels as described below, except as expressly allowed by this section.

<u>Zone (sound origin)</u>	<u>Day (7 am —10 pm)</u>	<u>Night (10 pm —7 am)</u>
<u>Residential (R1-12, R1-20, R3, AFPD,</u>	<u>65 dBA</u>	<u>55 dBA</u>

<u>PRD, SHFO)</u>		
<u>Commercial (CG zones, LVC, MC, PC-1/2, R&B, PF)</u>	<u>85 dBA</u>	<u>65 dBA</u>
<u>Light Industrial (LI)</u>	<u>85 dBA</u>	<u>65 dBA</u>
<u>Heavy Industrial (HI)</u>	<u>85 dBA</u>	<u>85dBA</u>
<u>Commercial Farm</u>	<u>85 dBA</u>	<u>55 dBA</u>

iii. Devices used to measure noise levels shall:

- a. be set to the "A" frequency weighting and "slow" response characteristic; and
- b. be placed at any point on the property line.

iv. It shall be unlawful to sustain, in any place of public entertainment, including, but not limited to restaurants, dance halls, or event centers, any indoor sound levels equal to or in excess of one hundred five (105) dBA at any time.

v. Exceptions:

- a. Sounds created by emergency activities or emergency vehicles are exempt from these provisions.
- b. Sounds created by seasonal agricultural activities are exempt from these provisions.
- c. Waivers may be granted by the City Administrator or his/her designee for special public events or special construction projects and upon application shall describe (1) the special nature of the event, (2) the maximum decibel level desired, and (3) the time period for which the waiver is being sought. Upon review of the application, the Administrator may approve, modify or deny the request based on the health, welfare, and safety of the public.

vi. If this section is in conflict with another section of City Code, the more restrictive section shall apply.

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SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2018.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

8. Closed Session — Closed Executive Session

(20 minutes)

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. This session is closed to the general public.

Materials for this discussion have been provided to the Council separately from the Staff Report. The Council may vote to enter into this closed session by motion.

Sample Motion: I move to enter into a closed session to discuss the character, professional competence, or physical or mental health of an individual. (Roll-Call vote needed)

9. Public Hearing — FY2018-19 Budget Amendment; Resolution 2018-18-R (20 minutes)

The City Council will review and consider Resolution 2018-18-R amending the fiscal year 2018-19 Lindon City Budget for various budgetary modifications and updates to city revenues and expenditures.

See attached Resolution 2018-18-R and memo from Kristen Colson, Finance Director, regarding proposed amendments to the FY2018-19 budget.

The most significant amendments to the budget involve the new revenue and proposed debt payment expenditures associated with the surplus property sale proceeds, and proposed additions of in-house attorney and paralegal positions which are re-categorized from existing legal services within the budget.

Sample Motion: I move to (approve, deny) Resolution 2018-18-R amending the fiscal year 2018-19 budget.

RESOLUTION NO. 2018-18-R

A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING VARIOUS SECTIONS OF THE LINDON CITY BUDGET FOR FISCAL YEAR 2018-19 (FY2019) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it prudent and in accordance with sound fiscal policy to amend the Lindon City Budget and Fee Schedule for FY2019; and

WHEREAS, the on-going budget reports indicate several items which need to be adjusted to actual costs associated with current projects and revenue/expenditure line items updated based on new information and data obtained since the budget was adopted in June of 2018; and

WHEREAS, public notice of the budget amendment has been advertised and public hearing held on September 18, 2018 regarding the proposed budget amendments; and

WHEREAS, the Municipal Council desires to amend the FY2019 Lindon City Budget to reflect these budgetary amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lindon City, Utah County, State of Utah, as follows:

SECTION I. The FY2019 Lindon City Budget is hereby amended as shown on the attached memorandums for specific budgetary line items as listed.

SECTION II. This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the Lindon City Council on this the 18th day of September, 2018.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman, City Recorder

SEAL:

BUDGET AMENDMENT NOTES

September 10, 2018

- 1 The sale of the surplus property on Geneva Road was not in the original budget and neither was the use of those proceeds. As has been discussed, the \$1.8 million in revenue will be combined with General Fund fund balance, as well as funds from the Water and Storm Water funds, in order to pay off the 2005 Bond (for 700 N) and pay the last 5 years of the 2016 Bond (for the public safety building) along with the interest which has accrued since the last principal payments. The interest and penalty amounts budgeted are estimates provided by Lewis Young Robertson and Burningham. We are still waiting to get the actual amounts.
- 2 Staff is proposing to hire the City Attorney instead of contracting the services. There is a separate memo concerning this. This budget amendment is for the costs of the City Attorney, Legal Secretary, operating costs, and initial purchases of office furniture and computers. These costs are split 50/50 between Court and Attorney departments for criminal and civil expenses, respectively. These amounts are not for a full year's salary and benefits, but are for an estimated effective date of November 1.
- 3 The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, fund balances.

BUDGET AMENDMENT

FISCAL YEAR 2018-2019

September 18, 2018

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
GENERAL FUND								
10-36-640	1	Fixed Asset Disposal Gain/Loss	310,155	2,133,141	1,822,986			
10-38-900	3	Use of Fund Balance	-	132,949	132,949			
10-42-110	2	Court Salaries & Wages				100,600	149,600	49,000
10-42-135	2	Court Benefits - FICA				7,700	11,450	3,750
10-42-140	2	Court Benefits - LTD				260	475	215
10-42-145	2	Court Benefits - Life				185	240	55
10-42-150	2	Court Benefits - Insurance Allowance				20,200	26,920	6,720
10-42-180	2	Court Benefits - Retirement				16,600	24,940	8,340
10-42-185	2	Court Benefits - Workers Comp.				135	200	65
10-42-210	2	Court Membership Dues & Subscriptions				350	850	500
10-42-230	2	Court Travel & Training				2,000	2,900	900
10-42-240	2	Court Office Supplies				4,500	4,750	250
10-42-250	2	Court Operating Supplies & Maint				1,000	1,400	400
10-42-280	2	Court Telephone				1,500	1,600	100
10-42-290	2	Court Gasoline				-	185	185
10-42-310	2	Court Professional & Tech Services				210,000	127,000	(83,000)
10-42-675	2	Court Purchase of Equipment				1,000	3,000	2,000
10-44-310	1	Professional & Tech Services				120,000	211,250	91,250
10-44-510	1	Insurance & Surety Bond				2,000	7,200	5,200
10-45-110	2	Attorney Salaries & Wages				-	49,000	49,000
10-45-135	2	Attorney Benefits - FICA				-	3,750	3,750
10-45-140	2	Attorney .Benefits - LTD				-	215	215
10-45-145	2	Attorney Benefits - Life				-	55	55
10-45-150	2	Attorney Benefits - Insurance Allowance				-	6,720	6,720
10-45-180	2	Attorney Benefits - Retirement				-	8,340	8,340
10-45-185	2	Attorney Benefits - Workers Comp.				-	65	65
10-45-210	2	Attorney Membership Dues & Subscriptions				-	500	500
10-45-230	2	Attorney Travel & Training				-	900	900
10-45-240	2	Attorney Office Supplies				-	250	250
10-45-250	2	Attorney Operating Supplies & Maint				-	400	400
10-45-280	2	Attorney Telephone				-	100	100
10-45-290	2	Attorney Gasoline				-	185	185
10-45-310	2	Attorney Professional & Tech Services				96,000	32,000	(64,000)
10-45-675	2	Attorney Purchase of Equipment				-	2,000	2,000
10-75-905	1	Trfr to Debt Svc-2005 Road Bnd				213,933	1,366,092	1,152,159
10-75-913	1	Trfr to Debt Svc-Pub Sfty Bldg				199,154	1,145,708	946,554
10-75-990	3	Appropriate to Fund Balance				237,188	-	(237,188)
			<u>310,155</u>	<u>2,266,090</u>		<u>1,234,305</u>	<u>3,190,240</u>	
NET GENERAL FUND INCREASE					<u>1,955,935</u>			<u>1,955,935</u>

BUDGET AMENDMENT

FISCAL YEAR 2018-2019

September 18, 2018

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
WATER FUND								
51-30-975	3	Use of Impact Fees	-	17,972	17,972			
51-40-860	1	700 N Water Bond Interest				3,311	1,186	(2,125)
51-40-861	1	700 N Water Bond Principal				11,268	88,286	77,018
51-40-980	3	Appropriate to Impact Fee Bal				56,921	-	(56,921)
			<u>55,637</u>	<u>73,609</u>		<u>71,500</u>	<u>89,472</u>	
		NET WATER FUND INCREASE			<u>17,972</u>			<u>17,972</u>
STORM WATER DRAINAGE FUND								
54-40-840	1	700N Storm Water Bond Interest				8,994	3,223	(5,771)
54-40-841	1	700N Storm Wtr Bond Principal				30,612	239,840	209,228
54-40-990	3	Appropriate to Fund Balance				327,098	123,641	(203,457)
			<u>-</u>	<u>-</u>		<u>366,704</u>	<u>366,704</u>	
		NET STORM WATER DRAINAGE FUND INCREASE			<u>-</u>			<u>-</u>
CITYWIDE TOTAL								
			<u>365,792</u>	<u>2,339,699</u>		<u>1,672,509</u>	<u>3,646,416</u>	
					<u>1,973,907</u>			<u>1,973,907</u>
		CHANGE IN REVENUES & EXPENDITURES						
		Change in Citywide Rev. & Exp.	310,155	2,133,141	1,822,986	1,051,302	3,522,775	2,471,473
		Carryover from Prior Fiscal Year	-	-	-	-	-	-
		Increase (Decrease) by Moving Exp in GL	-	-	-	-	-	-
		Increase (Decrease) in Use of Fund Bal.	-	150,921	150,921			
		Increase (Decrease) in Appr. to Fund Bal.				621,207	123,641	(497,566)
		Citywide Totals	<u>310,155</u>	<u>2,284,062</u>		<u>1,672,509</u>	<u>3,646,416</u>	
		Net Increase (Decrease) in Rev. & Exp.			<u>1,973,907</u>			<u>1,973,907</u>

10. Discussion Item — Councilmember Vacancy

(20 minutes)

The City Council will review State guidelines and updated memo provided by the City Attorney for filling the vacancy on the City Council due to the resignation of Councilmember Daril Magleby and will direct staff on when to advertise for applications to fill the vacancy.

See attached memo from City Attorney, Brian Haws, outlining the State requirements for filling a vacancy on the Council. Essentially, Councilmember Magleby has to have vacated the seat before the city can advertise the vacancy and accept applications for appointment consideration. Two-week notice of the vacancy is required before interviewing applicants in an open, public meeting. Therefore, if Dec. 4, 2018 is Councilmember Magleby's last day then the first opportunity the Council can interview candidates is the first meeting in January 2019.

The selected applicant will fill the council seat until the end of 2019. If the appointed applicant desires to continue service as a councilmember beyond 2019 he/she will need to file for office this coming summer and campaign in the upcoming November 2019 election for a 4-yr term for any of the three open seats currently filled by Matt, Carolyn, and Daril.

Please provide direction on which date the Council would like to hold the applicant interviews (which meeting in Jan, Feb). Please also consider the following questions that were listed on the most recent 2016 Councilmember vacancy application. Questions are not required but may help you better understand applicant positions on important city matters. Do you as a Council want to repeat these questions, replace them, or remove them from the new application?

- *Please provide information about your background in Lindon City and your interest in serving on the Lindon City Council. How will you be an asset to the Council? Include any professional or civic experience you may have had. (NOTE: Professional or civic experience is not a requirement to be appointed to the Council).*
- *What do you feel are the three most important issues facing Lindon today?*
- *In your opinion, should Lindon City continue to reference its motto "A little bit country"? Why, or why not?*
- *What is your vision for development along the 700 North corridor that connects State Street and Geneva Road to I-15?*
- *Provo and Vineyard have implemented a monthly transportation utility fee to help generate funds for road improvement projects. Why would you support or oppose a possible transportation utility fee to help fund road maintenance in Lindon? What other funding options do you feel are most appropriate to support road maintenance needs?*

No motion needed. Provide staff direction only.

HANSEN WRIGHT

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MEMORANDUM

TO: Adam Cowie
FROM: Brian Haws
DATE: September 10, 2018
RE: Procedure for Filling a Vacancy on the City Council Based on Resignation of Daril Magleby

I have been asked to outline the procedure for filling a vacancy on the City Council created by the resignation of Daril Magleby. As with the resignation of Randi Powell, this procedure is controlled by §20A-1-510, §20A-9-203, and §10-3-301 of the Utah Code. The process generally involves posting notice of the vacancy, accepting applications from qualified candidates, and selecting the interim council member in an open meeting. As Daril was elected to finish out the last two years of Randi's original term, his term of office would have expired at the end of 2019. The candidate selected to replace him will serve until then without the need for any special election. If the selected candidate wants to remain on the Council after that, they will have to stand for election in 2019 and they would be running for a full four-year term.

The specific requirements and procedures have not changed since Randi was replaced back in 2016. They are as follows:

1. Candidate Qualifications: With the vacancy occurring, the City Council must appoint a replacement who meets the statutory requirements.
 - a. The state code requires a candidate to:
 - i. be a U.S. citizen;
 - ii. be registered voter;
 - iii. have their principal place of residence with Lindon City and have done so for at least 12 consecutive months immediately prior to the appointment;
 - b. A person is disqualified to be appointed to elected office if they have:
 - i. a felony conviction;
 - ii. a conviction for treason;
 - iii. a conviction of an election crime; or
 - iv. having been declared mentally incompetent.
 - c. Candidates submitting their names for consideration will be required to sign a declaration as to these qualifications.

- d. The statute does not require candidates to submit resumes, but it would be beneficial to request that candidates submit a letter of interest which lists their qualifications and experience when they submit their names for consideration.
- 2. Notice of Vacancy: The City must give public notice of the vacancy and the intent to fill that vacancy at least once. This notice must be published at least two weeks before holding the public meeting in which candidates are to be interviewed.
 - a. The notice must contain the following information:
 - i. date, time, and place of the meeting where the vacancy will be addressed and be potentially filled;
 - ii. the name of the person to whom an interested candidate can submit their name in order to be considered for the appointment; and
 - iii. the deadline for submitting an interested person's name.
 - b. The statute does not expressly set a time for a deadline to cut off applications, but it should be such that it gives a potential candidate sufficient time to gather the required information and still give the Council time to review applications and prepare for the meeting. The safest approach would be to publish notice of the vacancy earlier and set the deadline for two weeks after publication while setting a meeting so that Council members have time to review potential candidates and prepare for the interviews.
- 3. Interviewing Candidates: After the required notice has been provided, the Council must conduct interviews of the potential candidates in a public meeting.
 - a. Interviews and discussion of potential candidates cannot be conducted in a closed session, but must take place in an open meeting.
 - i. §52-4-205(3) of the U.C.A. expressly prohibits these activities from taking place in a closed session.
 - b. The Council must interview everyone who submits their names for consideration if they meet the statutory qualifications listed above.
 - i. The scope and depth of the interview given to each qualifying candidate is not expressly regulated, but some consideration must be given to each candidate in the public meeting.
- 4. Selection of a Candidate to Fill the Vacancy: The selection of a replacement from eligible candidates must take place in a public meeting. The winning candidate simply needs the majority vote of the quorum that is present.
 - a. The selection of a candidate can take place in the same public meeting candidates are interviewed, but it is not required to be done at the same time, provided that both the interviews and the selection take place in public meetings.
 - i. If it is decided to conduct separate meetings to conduct interviews and to make the selection of a candidate, the dates and times of both meetings should be included in the notice that is published by the City.
 - b. If no candidate receives a majority of the votes on the first vote, the meeting may be continued.



Lindon City
100 North State Street
Lindon, UT 84042
801-785-5043
www.lindoncity.org

The Lindon City Mayor and Council are accepting applications to fill an at-large vacancy on the City Council. The term of office for this appointment will continue until 12:00 noon on the first Monday in January 2018, whereupon the position will then be filled by whomever is elected in the 2017 municipal election for the remaining two years of this position's term. Those interested in being appointed to fill the vacancy until January 2018 must meet the *Requirements for Office* outlined below, and shall submit a completed application signed in the presence of the Lindon City Recorder no later than **Monday, May 23, 2016 at 5:00pm.**

Applicants for office will be interviewed by the Mayor and City Council in a regularly scheduled City Council meeting to be held at 7:00pm on June 7, 2016 at the Lindon City Center, 100 N. State Street, Lindon, UT. The Mayor and Council will then select an applicant to fill the vacancy.

City Council Member Appointment Application

Name: _____

Address: _____

Phone: _____ Email: _____

Number of years as a Lindon resident: _____ U.S. Citizen (Y/N) _____ Registered voter? (Y/N) _____

Requirements for Office:

1. Must be at least 18 years of age, a United States citizen and a registered voter of the municipality;
2. Must have resided within the boundaries of Lindon City for at least twelve (12) consecutive months immediately preceding the date of appointment;
3. Must not be a convicted felon; must not have been convicted of treason or of an election crime; must not have been declared mentally incompetent; and must not have had the right to hold public office restricted pursuant to Article IV, Section 6, of the Utah Constitution and U.C.A. 20A-2-101.5.

I, _____, certify that I have read and understand the Requirements for Office listed above to file as a potential City Council member in Lindon City, Utah, and verify that I meet said requirements and understand the legal qualifications for office.

Signature

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 2016.

(Signed) _____
Kathryn A. Moosman
Lindon City Recorder

Contact Kathy Moosman, City Recorder, at 801-785-5043 to set up an appointment to have this application notarized.

II. Council Reports:

- A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee
- B) Public Works, Irrigation/water, City Buildings
- C) Planning, BD of Adjustments, General Plan, Budget Committee
- D) Parks & Recreation, Trails, Tree Board, Cemetery
- E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste
- F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee

(20 minutes)

- Jeff Acerson
- Van Broderick
- Matt Bean
- Carolyn Lundberg
- Daril Magleby
- Jacob Hoyt

I2. Administrator's Report

(10 minutes)

Misc Updates:

- September City newsletter: <https://media.rainpos.com/442/september18final.pdf>
- October newsletter article: Adam (scheduled as Hugh, but... ☹) - Article due to Kathy last week in Oct.
- 1600 North widening project Open House, Sept 26th at Orem Senior Center, 6pm-8pm
- Planning Director hiring process (Matt, Mayor – participate on final interview panel)
- Property acquisition pending by UDOT on 700 North (small parcel owned by City that was intended for a future entryway sign). UDOT is widening and needs to purchase right-of-way.
- ULCT fall conference recap
- Misc. Items:

Upcoming Meetings & Events:

- September 12th-14th – Utah League of Cities & Towns, Fall Conference in SLC
- **Monday, Sept. 17th @ 6:00pm – Citywide Emergency Drill. If available, please plan to stay for training and re-cap after drill is completed.**
- Monday, October 1st, 2:30pm-5:00pm – Public Immunization Clinic in City Council room.
- October 9th @ 1:00pm – Engineering Coordination meeting (Mayor, Van)
- Nov 2nd-10th – Fall Leaf Clean-Up. City will continue to pick up bags, but will also have dumpsters available around town for public use.
- November 6th – General Election
- November 22nd – Mayor's Thanksgiving Dinner event.
- Nov 22nd-23rd – Offices closed for Thanksgiving holiday.
- Dec 21st at Noon – Employee Christmas party at Community Center
- Dec 24th-25th – City offices closed for Christmas holiday.
- Tuesday, January 1st – City offices closed for New Year's holiday. No Council meeting.

Adjourn