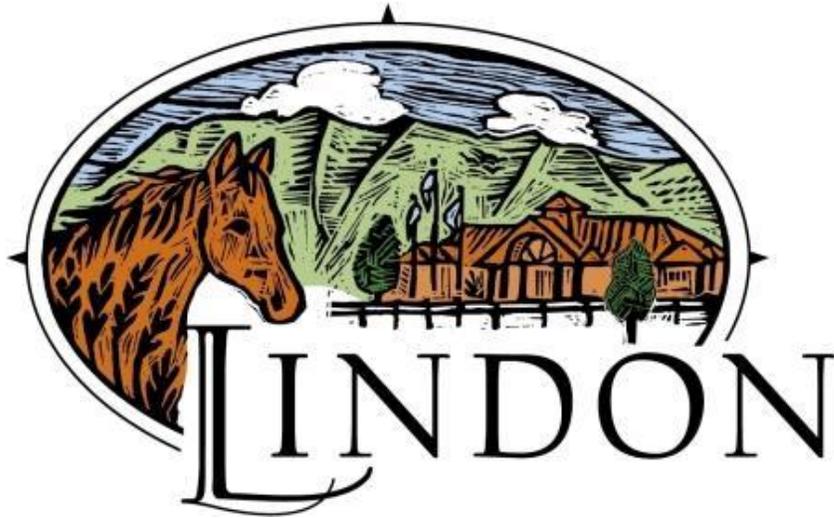


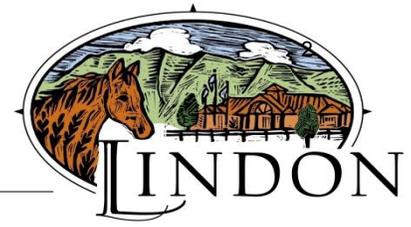
# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

October 19, 2020

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at **5:15 p.m. on Monday, October 19, 2020** 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:



**REGULAR SESSION – 5:15 P.M.** - Conducting: Jeff Acerson, Mayor  
Invocation: Mike Vanchiere  
Pledge of Allegiance: By invitation

*(Review times are estimates only)*  
*(2 minutes)*

- 1. Call to Order / Roll Call**
- 2. Approval of Minutes:** The minutes of the regular City Council meeting of October 5, 2020 will be reviewed. *(5 minutes)*
- 3. Council Reports** *(10 minutes)*
- 4. Administrator’s Report** *(10 minutes)*
- 5. Presentations and Announcements**
  - a) Comments / Announcements from Mayor and Council members. *(5 minutes)*
- 6. Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
- 7. Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.)* *(5 minutes)*  
*The following consent agenda items were presented for approval.*
  - a) Resolution: Rocky Mountain Power Franchise Agreement, Resolution #2020-21-R.
  - b) Resolution: Declaration of surplus equipment, Resolution #2020-22-R
- 8. Review & Action — Declaration & Disposal of Surplus Real Property, Resolution #2020-23-R.** The City Council will review and consider possible declaration & disposal of surplus real property located at approximately 100 N 1200 E (portion of Utah County Parcel # 14:074:0202). *(15 minutes)*
- 9. Public Hearing — FY 2021 Budget amendment, fee schedule amendment; Policy Manual Amendment. Resolution #2020-24-R** *(30 minutes)*  
The City Council will review and consider city initiated amendments to the FY2021 budget and fee schedule and review updates to the Lindon City Policy & Procedures Manual.
- 10. Discussion Item — Cemetery Fees for Residents vs Non-residents**  
The City Council will discuss possible changes to the Cemetery Fees for purchase of burial plots, interments, transfer of burial rights and other fees. Direction provided for future fee changes. *(20 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](http://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 Kathryn Moosman, City Recorder 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](http://www.lindoncity.org)) websites.

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

Date: October 13, 2020; Time: 11:30 a.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development

## **REGULAR SESSION – 5:15 P.M.** - Conducting: Jeff Acerson, Mayor

Invocation: Mike Vanchiere

Pledge: By invitation

### **Item 1 – Call to Order / Roll Call**

#### **October 19, 2020 Lindon City Council meeting.**

Jeff Acerson

Carolyn Lundberg

Van Broderick

Jake Hoyt

Mike Vanchiere

Randi Powell

Staff present: \_\_\_\_\_

### **Item 2 – Approval of Minutes**

- Review and approval of City Council minutes: **October 5, 2020**

2 The Lindon City Council held a regularly scheduled meeting on **Monday, October 5,**  
 4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State  
 Street, Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor  
 Invocation: Jeff Acerson  
 10 Pledge of Allegiance: Jordan Rowley, Boy Scout

12 **PRESENT**

**EXCUSED**

Jeff Acerson, Mayor  
 14 Carolyn Lundberg, Councilmember  
 Jacob Hoyt, Councilmember  
 16 Van Broderick, Councilmember  
 Randi Powell, Councilmember  
 18 Mike Vanchiere, Councilmember  
 Adam Cowie, City Administrator  
 20 Mike Florence, Planning Director  
 Brian Haws, City Attorney  
 22 Kathryn Moosman, City Recorder

- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.  
 26 2. **Approval of Minutes** – The minutes of the regular City Council meeting of  
 28 September 21, 2020 and the joint meeting minutes from August 11, 2020 were  
 reviewed.

30 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE  
 32 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 21, 2020 AND THE JOINT  
 MEETING MINUTES FROM AUGUST 11, 2020 AS PRESENTED.  
 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
 34 RECORDED AS FOLLOWS:

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

42 **3. COUNCIL REPORTS:**

44 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo  
 46 Irrigation Bench Canal Board of Directors meeting noting the assessments went from \$86  
 to \$125 a share which is very needed. He noted they will walk the canal at the end of the  
 season to determine operation of maintenance and upkeep on the canal. He also attended

2 the North Union Irrigation Company Board meeting noting assessments went from \$132  
4 to \$170 per share. He stated that overall, the comment heard was that these canals were  
6 created when the pioneer's came to Utah and many don't hold the water as well. The  
8 concern is to get these taken care of a little better than in the past. He indicated we will  
10 see increases in our assessments to maintain the water. He also mentioned the grants that  
12 have been done in the past and questioned if there are there any other grants available.  
14 Mr. Cowie stated he will check into this issue. He also mentioned that Juan Garrido,  
16 Public Works Director was elected to the Board. He also complimented the public works  
18 department with their work on a water line break near his home on Saturday. They were  
so professional and efficient and worked very well with the citizens and did a great job.

12 **Councilmember Vanchiere** – Councilmember Vanchiere reported the North Utah  
14 County Solid Waste District Board officially offered the Director position who will start  
16 on October 15<sup>th</sup>. It was a unanimous decision and the candidate is very qualified. He  
18 also mentioned he and Mayor Acerson met with the Board and had discussion on a 15-  
acre piece of property on the north side of the transfer station where they presented  
designs for a new facility.

20 **Mayor Acerson** – Mayor Acerson reported he stopped by Ross Wright's residence  
22 noting they had a good conversation and it appears Mr. Wright is happy with the  
24 improvements made on his property however, he does have some concerns where there  
are some dry spots that the sprinklers aren't hitting.

26 **Councilmember Hoyt** – Councilmember Hoyt reported on updates from discussions  
28 with Parks & Recreation Director Heath Bateman; Creekside Park is now open with two  
30 additional pickle ball courts. He noted there will be Parks & Recreation budget  
amendments presented for approval at the next meeting. He also reported he spoke with  
the new Fire Chief Marc Sanderson and he was very impressed and feels he will do a  
great job and this will be a good relationship.

32 **Councilmember Lundberg** – Councilmember Lundberg reported the Holy Cow  
34 Boutique was recently held at the Community Center and was a great success and a great  
36 entity to have come to the city. She was informed by the owner that City Staff is very  
welcoming and accommodating. She also spoke with the Pool Manager, Alan Walker  
38 who indicated they had the final clean out and will be closing the pool. She noted they  
will offer an incentive to guards next year to encourage them to stay until the end of the  
season.

40 **Councilmember Powell** – Councilmember Powell expressed her appreciation to the  
42 Public Works Department on the street maintenance projects being done and how well it  
44 is going and how beautiful it looks. She noted one resident reached out to her about 600  
North where it connects to Locust that is very bumpy. She stated they recognize that  
46 noting she will speak with the Public Works Director about adding it on the maintenance  
list for next year. She noted this same resident was also concerned about a traffic  
accident that happened coming out of the Walmart parking lot by the Dollar Tree. There  
have been a lot of accidents in that location and he is very concerned about it. She

2 informed the resident that is a UDOT intersection but indicated she will bring it up to the  
 4 city council for discussion. She also suggested with the announcement of the new temple  
 in Lindon putting together a media package on Lindon for the website.

- 6 **4. Administrator’s Report:** Mr. Cowie reported on the following items followed by  
 8 discussion.

10 **Misc. Updates:**

- 10 • Next council meetings: October 19th & November 2nd
- 12 • October newsletter assignment: Mike Vanchiere
- 14 • Vote by Mail Ballots will be mailed the week of October 12th
- 16 • City wide Fall Cleanup – November 13th – 22nd
- 18 • Secondary water turned off middle of October
- 20 • Street light discussion
- 22 • Misc. Items

24 **5. Presentations and Announcements:**

- 26 a) Comments/Announcements from Mayor and Council members.
- 28 b) **Presentation:** Rob Smith, with the Alpine School District was in  
 30 attendance to update the council on issues related to the ASD. Mr.  
 32 Smith thanked the council and expressed appreciation for Lindon City.  
 34 He mentioned that Sam Jarman, ASD Superintendent has announced  
 36 his retirement. He also stated he is grateful for the Board and for the  
 38 extra meetings they have recently held to lead the District. He then  
 introduced Shane Farnsworth, Operations Administrator. Mr.  
 Farnsworth referenced the boundary map and the “Return to Learn  
 Plan”. He noted they are dealing with a lot of issues this year due to  
 the pandemic. Mr. Farnsworth also spoke on enrollment, capital  
 projects in Lindon and resources spent.
- c) **Presentation:** Eric Rasband and Mary DeLaMare-Schaefer were in  
 attendance representing the Central Corridor Transit Study Team to  
 present the preferred BRT alignment to the City Council and explain  
 the next steps in the process.
- d) **Presentation:** Adam Cowie, City Administrator, presented the State of  
 the City Report, September 2020. The Mayor and Council thanked Mr.  
 Cowie for the good information always presented in the annual report.

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

- 42 **7. Consent Agenda Items** – There were no consent agenda items for approval.

44 **CURRENT BUSINESS**

- 46 **8. Review & Action — Major Subdivision; Country Garden Estates –**

2           **approximately 75 North 500 East.** Wayne Ercanbrack requests Major  
3           Subdivision approval for an eight-lot single family home subdivision in the  
4           Residential R1-20 zone. The planning commission recommended approval to the  
5           city council.

6  
7           Mike Florence, Planning Director led this item by explaining the applicant, Mr.  
8           Mr. Ercanbrack is seeking preliminary major subdivision approval for an 8-lot single  
9           family home development. He noted the planning commission unanimous recommended  
10          approval to the city council. The proposed 8-lot subdivision meets the minimum lot size  
11          and infrastructure requirements for the R1-20 zone. The development will be connecting  
12          75 North and 500 East and the road alignment follows the Lindon City Street Master Plan  
13          map. Public utilities are already in the ground where the new road alignment/connection  
14          is proposed and the subdivision will include one existing home which is owned by Mr.  
15          Ercanbrack.

16          Mr. Florence further explained the Subdivision and Lot Requirements are met  
17          with the right angles added in condition #2 and are in compliance. He noted the City  
18          Engineer is working through any technical issues related to the plat and civil engineering  
19          plans and will ensure all engineering related issues are resolved before final approval is  
20          granted. He then presented an Aerial photo, Vicinity map, Lindon City Street Master Plan  
21          Map section and Plat followed by discussion.

22          Following some additional discussion, the Council was in agreement to approve  
23          this major subdivision request as presented.

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

26  
27          COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT’S  
28          REQUEST FOR PRELIMINARY APPROVAL OF THE COUNTRY GARDEN  
29          ESTATES PLAT WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT  
30          WILL CONTINUE TO WORK WITH THE CITY STAFF TO MAKE ALL FINAL  
31          CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. THE PLAT  
32          WITH LOT LAYOUTS IS APPROVED AS PROVIDED IN THE STAFF REPORT; 3.  
33          PRIOR TO PLAT RECORDING, THE APPLICANT WILL PROVIDE STAFF WITH A  
34          FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER’S  
35          CONSENT TO DEDICATION, AND OBTAIN SIGNATURE OF ALL ENTITIES  
36          INDICATED ON THE ATTACHED SUBDIVISION PLAT; 4. COMPLETE (OR POST  
37          AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND  
38          POST REQUIRED WARRANTY ASSURANCE FOR ALL REQUIRED PUBLIC  
39          INFRASTRUCTURE IMPROVEMENTS; 5. THE PLANS AND PLAT WILL MEET  
40          AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN  
41          THE LINDON CITY DEVELOPMENT MANUAL; 6. PRIOR TO FINAL  
42          DEVELOPMENT APPROVAL THE APPLICANT SHALL PLACE PERMANENT  
43          SURVEY MONUMENTS IN THE SUBDIVISION; 7. ALL ITEMS OF THE STAFF  
44          REPORT. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE  
45          WAS RECORDED AS FOLLOWS:

46          COUNCILMEMBER LUNDBERG            AYE  
47          COUNCILMEMBER HOYT                    AYE

2 COUNCILMEMBER BRODERICK AYE  
 COUNCILMEMBER POWELL AYE  
 4 COUNCILMEMBER VANCHIERE AYE  
 THE MOTION CARRIED UNANIMOUSLY.

6

**9. Public Hearing — R2 Overlay and Accessory Apartment Ordinance**

8 **Amendment** – Lindon City. The Planning Commission recommends approval to  
 the City Council to amend Lindon City Code Title 17.46 pertaining to the R2  
 10 Overlay and Accessory Apartments.

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

16 Mr. Florence led this item by stating at a joint planning commission and city  
 council meeting held on August 11, 2020 staff presented proposed changes to the R2  
 18 Overlay and accessory apartment ordinance. He explained under the current ordinance,  
 an accessory apartment is identified under the R2 Overlay Zone. Mr. Florence said staff  
 20 is proposing to divide the ordinance into two sections which will be the R2 Overlay and  
 the Accessory Apartment sections. He explained that under the R2 Overlay zone, the city  
 22 is divided into 18 districts. Each district, is allowed a specific number of R2 units  
 depending on acreage and calculation per district. He then referenced the district map.

24 He noted the R2 Overlay Zone also counts accessory apartments towards the  
 overall total unit count for each district. However, the number of accessory apartments  
 26 can exceed the district unit count with no limits to the number of accessory apartments.  
 Currently, all but five districts are full and don't allow additional R2 Overlay  
 28 developments. For the most part, the districts are full due to the number of accessory  
 apartments rather than R2 Overlay developments.

30

Mr. Florence then reviewed the Proposed R2 Overlay Changes as follows:

- 32 • Under sections 17.46.010 and 17.46.050 the ordinance calls out R2 Overlay  
 projects as conditional use. Staff is proposing to change 17.46.030 from permitted  
 34 to conditional to be consistent with other sections of this code.
- 36 • Staff and the Planning Commission propose removing section 17.46.010 which  
 states “Neighborhood organizations, home owners’ associations, and/or private  
 38 citizens shall not be permitted to restrict the placement and construction of R2  
 Overlay projects in specific neighborhoods and subdivisions through the use and  
 implementation of Conditions, Covenants, and Restrictions and/or other types of  
 40 restrictive legal documents. Such practices undermine Lindon City’s ability to  
 provide for the housing needs of its citizens and prohibit attainment of established  
 42 zoning requirements and General Plan Goals.” The purpose in removing this  
 section is that the City feels that CC&R’s are the governing documents of some  
 44 neighborhoods and their HOA organizations which can be stricter than city codes.  
 The commission felt that there could be some legal issues with the City trying to  
 46 override CC&R’s and their HOA organizations.
- Staff is proposing to remove accessory apartments from the overall district

2 calculation since there is no limit and accessory apartments can exceed the district  
3 limit.

- 4 • Staff is proposing to change how the number of units are calculated for each  
5 district. Staff evaluated the number of R2 Overlay developments in each district,  
6 the 750' required buffer between R2 Overlay units, and available parcels. The  
7 proposal is to set a number of allowed R2 Overlay unit per district. There are a  
8 few districts that staff are proposing to remain closed due to the number of  
9 existing R2 Overlay developments. The proposed amendment would now allow  
10 11 of the 18 districts to be open to additional units in the R2 Overlay.

12 Mr. Florence then explained the way the below calculations works, for example,  
13 is District 1 currently has two units and the City would allow two additional units for a  
14 total of 4 in that district; Staff will continue to track new developments and update the R2  
15 Overlay map as districts fill up. He then referenced the proposed districts as follows:

16 District 1: 4 (+2)	District 7: 11 (+0)	District 13: 12 (+2)
17 District 2: 24 (+2)	District 8: 4 (+2)	District 14: 13 (+2)
District 3: 2 (+2)	District 9: 4 (+2)	District 15: 17 (+2)
19 District 4: 26 (+0)	District 10: 6 (+2)	District 16: 30 (+2)
District 5: 15 (+2)	District 11: 54 (+0)	District 17: 4 (+0)
22 District 6: 2 (+0)	District 12: 10 (+0)	District 18: 54 (+0)

24 Mr. Florence then presented the Proposed Accessory Apartment Changes as follows:

- 25 • To ensure the proper code reference are made throughout the code, staff has  
26 referenced section 17.14.150 which does not allow accessory apartments in the  
27 Anderson Farms Planned Development Zone. See 17.46.100(2)(a)
- 28 • Allows that one accessory parking stall be located within the front setback. See  
29 17.46.100(2)(c)
- 30 • Removes the requirement that the path, sidewalk or walkway have to be hard  
31 surfaced 17.46.100(2)(c)
- 32 • Removes the noticing and appeal requirement prior to an accessory apartment  
33 being approved. Replaces the language with a requirement that the city will send a  
34 notice to surrounding property owners once the accessory apartment has been  
35 approved. See 17.46.100(5)

36 Mr. Florence indicated staff has tried to simplify both the R2 Overlay  
37 requirements for the district calculations as well as requirements for accessory  
38 apartments. Particularly, since the City does not have a limit on the number of accessory  
39 apartments, staff finds it better to clearly state how many R2 Overlay units are allowed  
40 per district. He noted this will allow some additional units in districts that were otherwise  
41 closed due to accessory apartments. Mr. Florence then presented the Draft 17.46  
42 Ordinance amendment, the Current R2 Overlay Map, the Proposed R2 Overlay Map and  
43 the map showing vacant properties followed by discussion.

44 Following some additional discussion, the Council was in agreement to approve the  
45 R2 overlay and accessory apartment ordinance amendment agreeing this is the preferred  
46

2 method and will spread the need throughout the community; it will also make it easier to  
expand the R2 overlay.

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

6

8 COUNCILMEMBER HOYT MOVED TO CLOSE PUBLIC HEARING.  
COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

10

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

14 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2020-14-  
O THE R2 OVERLAY AND ACCESSORY APARTMENT ORDINANCE  
16 AMENDMENT TO LINDON CITY CODE AS PRESENTED. COUNCILMEMBER  
LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
18 FOLLOWS:

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

26 **10. Discussion Item — Short Term Rentals.** Per prior Council inquiry, the Council  
will discuss options for regulating Short Term Rentals within the City. No  
28 motions will be made but direction to Staff will be provided.

30 Mr. Florence explained this discussion item is to discuss options for regulating  
Short Term Rentals within the City. He pointed out that Utah State law regarding short-  
32 term rentals was based off the argument that advertising a short-term rental is a free  
speech right and that cities cannot use short-term rental websites to enforce short-rental  
34 regulations. He pointed out that cities should base their enforcement off of complaints  
and investigations rather than using these short-term rental websites as a proactive tool.

36 Mr. Florence then reviewed with the Council the types of Short-Term Rentals as  
follows:

- 38 1. Hosted sharing, where the primary occupants of a residence remain on-site with  
guests;  
40 2. Un-hosted sharing, where the primary occupants of a residence vacate the unit  
while it is rented to short-term guests;  
42 3. Dedicated vacation rentals, where there are no primary occupants 78 4 Types of  
Regulatory Approaches

44

46 Mr. Florence then reviewed with the Council the 4 Types of Regulatory  
Approaches as follows:

1. Quantitative Restrictions – limiting the amount of STR accommodations, the

- 2 number of allowed visitors or days rented, and the amount of times a STR can be  
rented out per year.
- 4 2. Locational Restrictions – confine STR’s to specific locations.
3. Density Restrictions – limit the number of STR’s in certain neighborhoods.
- 6 4. Qualitative Restrictions – define the type of accommodation (room or apartment),  
licensing, building code compliance.

8

10 Mr. Florence confirmed that cities can prohibit or regulate short-term rentals  
within their community however, cities need to adopt appropriate ordinances in order to  
regulate. Cities can also require a business license for short-term rentals and the City  
12 would need to do a fee study to determine the appropriate fee to charge.

14 Mr. Florence stated cities can require that the short-term rental be owner  
occupied. He noted cities such as Sandy and Riverton set minimum requirements for how  
often the home must be owner occupied vs. rented during the year. Hurricane, Utah  
16 requires that a home owner may only own one short-term rental in the city.

18 Mr. Florence indicated cities can also set limits on how many individuals can rent  
a short-term rental. He noted cities like Lehi, Sandy, and Riverton set limits on how many  
renters can stay at the rental.

20 Mr. Florence pointed out that cities can receive taxes for short-term rentals. He  
added short-term rental companies remit transient room taxes to the State of Utah and  
22 then appropriate taxes are passed on to local jurisdictions (FY 2019-2020 – \$2,500, FY  
2018-2019 - \$800). He made mention one concern is if the short-term rental is not  
24 registered with a STR company then the State of Utah is not collecting taxes.

26 Mr. Florence also spoke about short-term rentals and if they limit affordable  
housing options. He noted some research shows that owners earn more money off of  
28 nightly short-term rentals than long-term rentals (greater than 30 days). Of the 12 short-  
term rentals in Lindon that are advertised on Air BnB’s website, 9 of those appear to be  
using separate accessory apartments. These units would typically have been used for  
30 long-term affordable housing. He noted in comparing short-term rental sites there are  
between 12-25 short-term rentals listed on the web in Lindon.

32 Mr. Florence explained that a number of cities require proof of insurance prior to  
issuing a rental permit or business license. He noted Airbnb has a host protection  
34 insurance program that provides liability coverage for up to \$1 million per listing location  
and hosts need to pay extra for this coverage. Homeowners insurance policies typically  
36 provide little to no protection when renting a home for short-term rentals and for long-  
term renting, an insurance company can add a write-on to an existing policy. Most  
38 insurance companies require a separate policy for short-term renters due to the number of  
different people coming and going from the rental.

40 There was then some general discussion, including implementing a baseline,  
complaint-based issues, licensing/registration fees, ensuring sufficient parking, no  
42 commercial uses, and putting facility parameters in place. At this time Mr. Florence  
asked the Council if there is a desire to craft an ordinance.

44 Following some additional discussion, the Council was in agreement to start with  
a “bare bones regulation” approach with mechanisms and oversight in place for those that  
46 become a nuisance (to protect the residents) and see how it goes from there.

2 Mr. Cowie mentioned with the announcement of the new LDS Temple he and Mr.  
4 Florence feels there should be further discussion on event centers and how close they can  
be to residential areas as there have been some complaints and it is becoming a growing  
problem.

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

8

**Adjourn –**

10

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

14

Approved – October 19, 2020

16

18

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

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22

\_\_\_\_\_  
Jeff Acerson, Mayor

**Item 3 - COUNCIL REPORTS:***(10 minutes)*

- A) MAG, COG, UIA, Utah Lake Comm., ULCT, NUVAS, IHC Outreach, County Board of Health - Jeff Acerson
- B) Police/Fire/EMS, Emergency Mgmt., Irrigation Co. Representative/Board member, City Buildings - Van Broderick
- C) Public Works/Engineering, Historic Commission, Administration, Building Const. & Inspection - Randi Powell
- D) PG/Lindon Chamber of Commerce, Economic Development, Lindon Days - Carolyn Lundberg
- E) Planning Commission/BOA, Planning/Zoning, General Plan, Transfer Station/Solid Waste Board - Mike Vanchiere
- F) Parks, Trails, and Recreation, Cemetery, Tree Advisory Board - Jake Hoyt

**Item 4 - ADMINISTRATOR'S REPORT***(10 minutes)***Misc. Updates:**

- Next council meetings: November 2<sup>nd</sup> & November 16<sup>th</sup>
- November newsletter assignment: Mike Vanchiere
- Vote by Mail Ballots were mailed the week of October 12<sup>th</sup>
- City wide Fall Cleanup: November 13<sup>th</sup> – 22<sup>nd</sup>
- Continued discussion of Short-term rentals in November meetings
- Police Chief opening has been posted. Chief Adams last day as Lindon's Chief is Oct 31<sup>st</sup>.
- Misc. Items

Orem Fire Department  
Lindon St. 34 Apparatus Response Data 2020

2020	Engine 34 Responses In Lindon	MA 34 Responses in Lindon	Engine 34 Responses in Orem	MA 34 Responses in Orem	Engine 34 Mutal-Aid to PG, AF, Lehi	MA 34 Mutual-Aid to PG, AF, Lehi	Orem Responses to Lindon	Total
Q1 Jan-Mar	147	134	44	96	5	6	41	473
Q2 Apr-Jun	149	128	39	82	3	3	56	460
Q3 Jul-Sep	170	144	41	80	4	3	61	503
Q4 Oct-Dec								
Total	466	406	124	258	12	12	158	1436

## **Item 5 – Presentations and Announcements**

- a) Comments / Announcements from Mayor and Council members.

**Item 6 – Open Session for Public Comment** *(For items not on the agenda - 10 minutes)*

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**Item 7 – 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) Resolution: Rocky Mountain Power Franchise Agreement, Resolution #2020-21-R.
- b) Resolution: Declaration of surplus equipment, Resolution #2020-22-R

**Sample Motion:** I move to (approve, deny, continue) the consent agenda items (as presented, or with changes).

**RESOLUTION NO. 2020-21-R****A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, ADOPTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT AGREEMENT FOR ROCKY MOUNTAIN POWER AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Lindon City (the “City”) entered into a utility franchise agreement (“Agreement”) with Utah Power & Light Company (now Rocky Mountain Power) on December 9, 1970 to regulate power line facilities within public ways and grant a general utility easement for the use thereof; and

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of the City and other surrounding areas and requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City; and

WHEREAS, the original franchise Agreement expires on December 9, 2020 and Rocky Mountain Power and the City wish to enter into a new and updated Agreement (“New Agreement”); and

WHEREAS, the City, pursuant to the provisions of Utah Code Ann. § 10-8-21 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof; and

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the City; and

WHEREAS, the Municipal Council of Lindon City finds the New Agreement will clarify processes, procedures and legalities that the original Agreement did not clearly specify and that such New Agreement will be of benefit to the City and general public there within.

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

SECTION I. The ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT AGREEMENT FOR ROCKY MOUNTAIN POWER, attached as Exhibit A, is hereby approved; and

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

PASSED AND ADOPTED by the Lindon City Council on this the 19th day of October, 2020.

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Jeff Acerson, Mayor

ATTEST:

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Kathryn A. Moosman, City Recorder

SEAL:

**ELECTRIC UTILITY FRANCHISE  
AND GENERAL UTILITY EASEMENT  
AGREEMENT FOR  
ROCKY MOUNTAIN POWER**

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THIS FRANCHISE AGREEMENT (this “Agreement”) is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by and between **Lindon**, a Utah municipal corporation (the “City”) and **Rocky Mountain Power**, a division of PacifiCorp, an Oregon corporation (“Rocky Mountain Power”).

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Lindon (the “City”) and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City, pursuant to the provisions of Utah Code Ann. § 10-8-21 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the City;

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, the parties do mutually agree as follows:

**SECTION 1. Grant of Franchise and General Utility Easement.** The City hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, and rights-of-way, not including City parks, buildings or other spaces not associated with City-owned rights-of-way (collectively referred to herein as “Public Ways”) within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof. Future streets, alleys, and rights-of-way included within the definition of Public Ways are understood to be those future streets, alleys, and rights-of-way as designated in the City’s Streets Master Plan Map.

**SECTION 2. Term.** The term of this Franchise and General Utility Easement is for ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

**SECTION 3. Acceptance by Company.** Within sixty (60) days after the approval of this agreement by the City, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the City Recorder otherwise the agreement and the rights granted herein shall be null and void.

**SECTION 4. Non-Exclusive Franchise.** The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

**SECTION 5. City Regulatory Authority.** In addition to the provision herein contained, the City reserves the right to adopt such additional regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or City Ordinance.

**SECTION 6. Indemnification.** The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

**SECTION 7. Annexation.**

**7.1 Extension of City Limits.** Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

**7.2 Notice of Annexation.** When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center  
 Attn: Annexations  
 P.O. Box 400  
 Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power  
 Attn: Office of the General Counsel  
 1407 West North Temple, Room 320  
 Salt Lake City, UT 84116

**SECTION 8. Plan, Design, Construction and Installation of Company Facilities.**

**8.1** All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and City laws, codes and regulations.

**8.2** Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the Public Ways, apply for any permit from the City as may be required by the City's ordinances, which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit prior to performing emergency repairs, but agrees to inform the City of all emergency repairs as soon as possible and shall complete any required permit forms and submit them to the City upon completion of the emergency work.

**8.3** All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

**8.4** If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

**8.5** In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

**8.6** The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection

with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

**8.7** Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

**8.8** Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

## **SECTION 9. Relocations of Electric Facilities.**

**9.1** The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways, or on City property, in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement

**9.2** Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or

relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development. Public capital facilities projects, such as parks, trails, buildings, and structures intended for public use, whether constructed by the City or constructed by a third party and then dedicated to the City, shall not be consider private development under this Section.

**SECTION 10. Subdivision Plat Notification.** Before the City approves any new subdivision and before recordation of the plat, the City shall verify that the surveyor preparing the plat has complied with the requirements of Section 10-9a-603 of the Utah Municipal Land Use, Development, and Management Act and has obtained Rocky Mountain Power’s approval of the Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat and has provided a copy of the plat to Rocky Mountain Power. The City shall instruct developers or surveyors to mail or otherwise provide a copy of the plat to the following address:

Rocky Mountain Power  
Attn: Estimating Department  
70 North 200 East  
American Fork, UT 84004

**SECTION 11. Vegetation Management.** Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power’s Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

**SECTION 12. Renewal.** At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

**SECTION 13. No Waiver.** Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

**SECTION 14. Transfer of Franchise.** Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law,

or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

**SECTION 15. Amendment.** At any time during the term of this Franchise, the City through its City Council, or Rocky Mountain Power may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

**SECTION 16. Notices.** Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Regional Business Management Director, Rocky Mountain Power, 70 North 200 East, Room 122, American Fork, Utah, 84003, and such other office as Rocky Mountain Power may advise the City of by written notice.

**SECTION 17. Severability.** If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

**SECTION 18. Waiver of Jury Trial.** To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

**APPROVED** by the City Council of the City of Lindon, Utah this \_\_\_\_ day of \_\_\_\_\_, 2020.

**MAYOR**

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**ATTEST:**

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**CITY RECORDER**

APPROVED AS TO FORM:

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**PROVIDER:**

**ROCKY MOUNTAIN POWER**

**By:**

**Printed Name:**

**Title:**

**RESOLUTION NO. 2020-22-R**

**A RESOLUTION DECLARING CERTAIN PROPERTY AND EQUIPMENT OWNED BY LINDON CITY TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE LISTED ITEMS.**

WHEREAS, the Municipal Council of Lindon City has adopted policies and procedures for the disposal of surplus property and equipment, with said policy found in Section 3 of the Lindon City Policies and Procedures Manual; and

WHEREAS, the policy requires that a public meeting be held concerning the declaration of any property deemed to be surplus by the City and which has an estimated valued over \$100; and

WHEREAS, the identified property is no longer needed and/or has exceeded its useful life and needs to be disposed of.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

- Section 1. That the items described on the attached listing be declared as surplus property of the City; and
- Section 2. That these items be offered for sale to the public through their listing on [www.publicsurplus.com](http://www.publicsurplus.com) or other comparable on-line auction site. The items will be offered for minimum bids when appropriate. If the minimum bid is not realized, administrative staff may dispose of the items at their discretion including selling for less than the minimum bid; and
- Section 3. This resolution shall take effect immediately upon passage.

Adopted and approved this 19<sup>th</sup> day of October 2020.

By \_\_\_\_\_  
Jeff Acerson, Mayor

Attest:

By \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:

## Surplus vehicles and equipment

### Vehicles:

Current Kelly Blue Book values for the surplus vehicles are as follows:

<u>Unit #</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Mileage</u>	<u>Value Range</u>
300	2002	Dodge	2500	175,000	\$7,604 - \$9,801 (Needs transmission work; would probably only sell for \$5,000)
302	2005	Ford	F-350	100,000	\$6,484 - \$9,261
500	2006	Dodge	2500	100,000	\$10,385 - \$13,148
403	2005	Ford	F-350	93,900	\$3,000 or less (has blown head gasket)
710	2002	Dodge	2500	66,698	\$8,500 - \$10,800 (bent frame from salt spreader/plowing)

Values are for private sell. Trade-in values are significantly less.

### Equipment:

- 1976 (yr) ONAN Generator & Transfer Switch, model #60.ODYA-15R/16905F. Value: \$1,500
- 1988 (yr) Detroit Diesel Allison Generator & Transfer Switch, model #F045-9103. Value: \$3,000
- Stackable fabric chairs (old City Council room chairs); 90 @ \$2.00 ea.
- Executive fabric chairs on coasters; 15 @ \$5.00 ea.
- Fabric office chairs; 18 @ \$5.00 ea.
- Misc other chairs; 8 @ \$2.50 ea.
- Chalk board on wheels; small white board; \$5 - \$20 ea.

- 8. Review & Action — Declaration & Disposal of Surplus Real Property, Resolution #2020-23-R.** The City Council will review and consider possible declaration & disposal of surplus real property located at approximately 100 N 1200 E (portion of Utah County Parcel # 14:074:0202).  
*(15 minutes)*

**Sample Motion:** I move to (approve, deny, continue) Resolution #2020-23-R declaring as surplus and authorizing the disposal of real property located at approximately 100 North 1200 East (as presented, or with changes).

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



TEL 801-785-5043  
FAX 801-785-7645  
[www.lindoncity.org](http://www.lindoncity.org)

October 6, 2020

## PUBLIC NOTICE

*You are receiving this notice because records from the Utah County Assessor's Office indicate that you are a property owner adjacent to the subject city property.*

**PROPOSAL:** Lindon City has been approached by Steven & Lisa Chudleigh of 94 N 1200 E who are interested in purchasing real property from Lindon City that is located behind their home. The city property is currently used for public access to the Horse Transfer Station parking area, public trail access, and access to other city utility facilities. The portion of city property that the Chudleigh's have interest in purchasing is located on the south end of the property and consists of approximately 8,565 sq ft.

The Lindon City Council will meet to discuss whether or not to declare this portion of property as surplus. If declared as surplus real property the land may subsequently be sold through a standard transaction. Changes to the existing zoning of the property and subdivision property lines may be required by a new owner.

**LOCATION:** The subject property is located at approximately 100 N 1200 E (Utah County Parcel # 14:074:0202) and sits behind (east) of 94 N 1200 E, in the Lindon City Public Facilities (PF) zone. A map of the subject property is on the back of this notice.

**CONTACT:** For questions, call Lindon City Administrator, Adam Cowie at (801) 785-5043 or email at [acowie@lindoncity.org](mailto:acowie@lindoncity.org).

**TIME & PLACE OF HEARING:** The Lindon City Council will hold a public meeting on this item on **Monday, October 19, 2020**. The meeting will start at **5:15 p.m.** in the Lindon City Center, 100 North State Street, Lindon, UT. An agenda with the approximate time for this item to be reviewed is typically available on the Lindon City website [www.lindoncity.org](http://www.lindoncity.org) three days prior to the meeting.

City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://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.

Subject property to be considered as possible Surplus Real Property and potentially sold is highlighted in blue at the south end of the city's property (Utah County Parcel #14-074-0202).



**RESOLUTION NO. 2020-23-R**

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY OWNED BY LINDON CITY TO BE SURPLUS REAL PROPERTY AND AUTHORIZING DISPOSAL OF THE PROPERTY.**

WHEREAS, the Municipal Council of Lindon City desires the disposal of an underutilized and oddly configured portion of property consisting of approximately 8,565 square feet of land which is located at approximately 100 N. 1200 E., Lindon (portion of Utah County Parcel ID #14:074:0202); and

WHEREAS, the procedure for the disposal of parcels of real property as outlined in Lindon City Code (LCC) Chapter 3.07 was consulted and an official appraisal of the property by Gurney & Associates Real Estate Appraisers dated Sept. 17, 2020 found the property valued at less than \$100,000 and therefore disposal is not bound to the requirements listed in LCC 3.07; and

WHEREAS, the City held a public meeting about the property disposal on October 19, 2020 after mailing notice of the meeting to land owners whose property abuts the subject parcel; and

WHEREAS, the City has received interest from an adjacent land owner (Steven & Lisa Chudleigh) to purchase the property at the appraised value of \$2.10 per square feet of land plus covering closing costs, cost of the appraisal, and any other incidental costs of purchasing and transferring ownership and adjusting subdivision lot boundaries of the property so that Lindon City bears no direct cost for selling the property; and

WHEREAS, the City will retain a storm drainage easement across the surplus property for installation of a storm drainage pipe needed to carry storm water away from the remaining portions of the property; and

WHEREAS, the City Council has determined that the property is surplus real property and desires for the proceeds to benefit Lindon City for use in funding other public purposes.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

Section 1. That the portion of property identified on 'Exhibit A' as "Lindon City to Chudleigh" consisting of approximately 8,565 square feet is declared as surplus real property; and

Section 2. All, or a portion, of the declared surplus real property may be sold after receipt of an acceptable offer to be finalized and approved by Mayor Acerson per the general terms outlined in this Resolution; and

Section 3. This resolution shall take effect immediately upon passage.

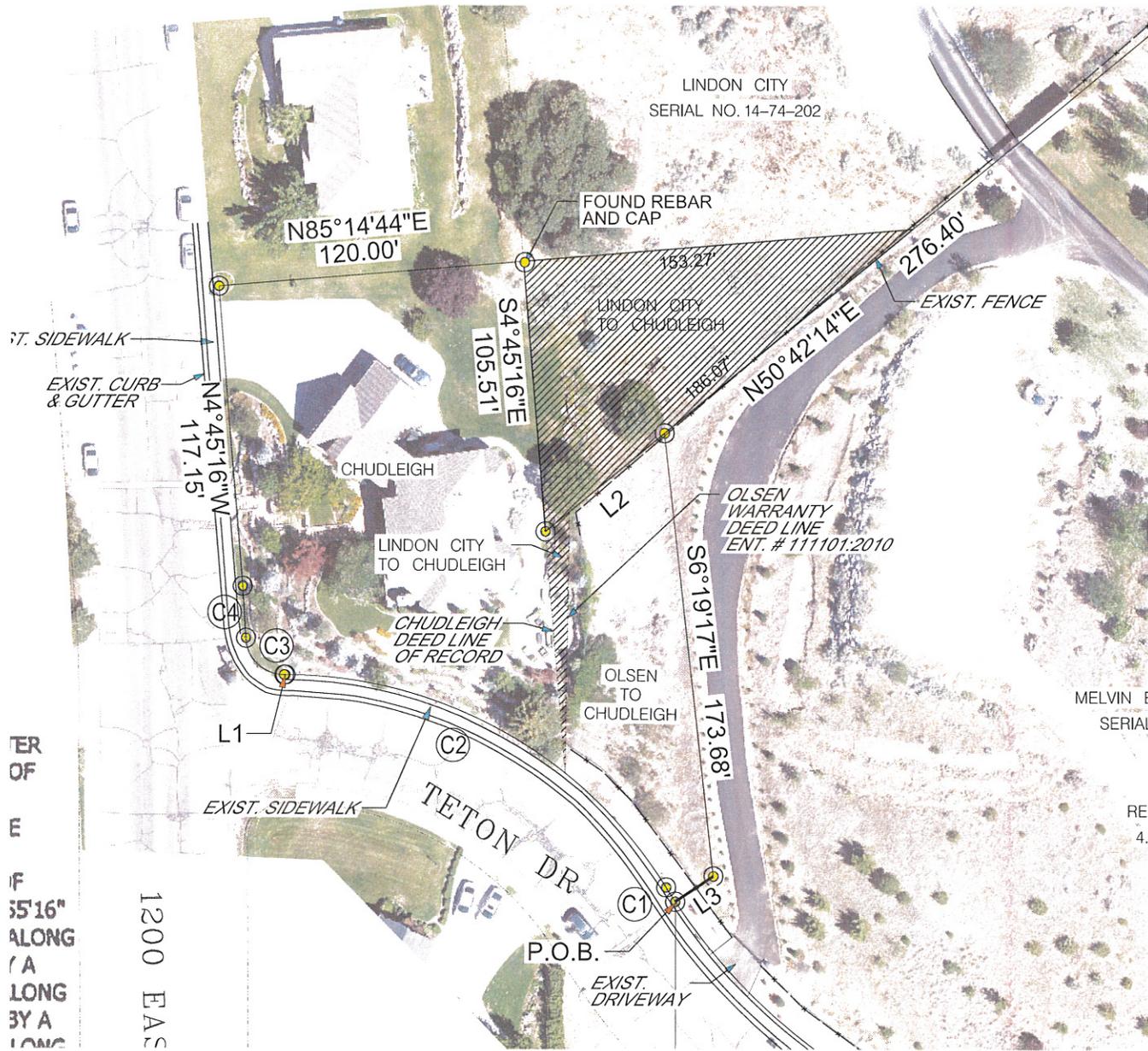
Adopted and approved this 19<sup>th</sup> day of October, 2020.

By \_\_\_\_\_  
Jeff Acerson, Mayor

Attest:

By \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:



- 9. Public Hearing — FY 2021 Budget amendment, fee schedule amendment; Policy Manual Amendment. Resolution #2020-24-R.** The City Council will review and consider city-initiated amendments to the FY2021 budget and fee schedule and review updates to the Lindon City Policy & Procedures Manual. *(30 minutes)*

**Sample Motion:** I move to (approve, deny, continue) Resolution #2020-24-O approving the FY 2021 Budget and Fee Schedule Amendment and policy manual amendments (as presented, or with changes).

**RESOLUTION NO. 2020-24-R**

**A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING VARIOUS SECTIONS OF THE LINDON CITY BUDGET AND FEE SCHEDULE FOR FISCAL YEAR 2020-2021 (FY2021) AND AMENDING PORTIONS OF THE LINDON CITY POLICIES AND PROCEDURES MANUAL 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 FY2021; and

WHEREAS, the on-going budget reports indicate several budget and fee schedule items which need to be adjusted to more accurately reflect actual costs associated with current projects, and revenues and expenditures need to be updated based on new information and data obtained since the budget was adopted in June of 2020; and

WHEREAS, public notice of the budget amendment has been advertised and public hearing held on October 19, 2020 regarding the proposed amendments; and

WHEREAS, the Municipal Council desires to amend the FY2021 Lindon City Budget to reflect these needed amendments; and

WHEREAS, the Municipal Council of Lindon City finds it necessary to update the Lindon City Policies and Procedures Manual to clarify procedures and add needed policies.

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

SECTION I. The FY2021 Lindon City Budget and Fee Schedule is hereby amended as shown on the attached documents identified as Exhibit A; and

SECTION II. The Lindon City Policies and Procedures Manual is hereby amended as shown on the attached documents identified as Exhibit B; and

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

PASSED AND ADOPTED by the Lindon City Council on this the 19th day of October, 2020.

\_\_\_\_\_  
Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:

Exhibit A  
**BUDGET AMENDMENT**  
**FISCAL YEAR 2020-2021**  
 October 19, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
<b>GENERAL FUND</b>								
10-31-300	1	General Sales & Use Tax	3,520,000	4,800,000	1,280,000			
10-31-450	1	Room Tax	1,000	2,500	1,500			
10-31-500	1	Telecommunications Tax	155,000	175,000	20,000			
10-31-550	1	Energy Franchise Tax	1,300,000	1,400,000	100,000			
10-32-200	1	Building Permits	243,750	340,000	96,250			
10-33-525	2	Police Misc. Grants	-	13,000	13,000			
10-33-790	2	State Grants	-	60,300	60,300			
10-34-100	1	Zoning & Subdivision Fee	45,000	55,000	10,000			
10-36-100	3	Interest Earnings	180,000	70,000	(110,000)			
10-38-250	4	Trfr from CARES Act CRF Fd 25	-	15,000	15,000			
10-38-900	30	Use of Fund Balance	347,681	895,056	547,375			
10-41-110	5	Legislative Salaries & Wages				54,200	55,000	800
10-41-135	5	Legislative Benefits - FICA				4,900	4,950	50
10-41-230	6	Legislative Travel & Training				500	6,000	5,500
10-42-110	5	Court Salaries & Wages				178,500	180,900	2,400
10-42-135	5	Court Benefits - FICA				13,655	13,900	245
10-42-180	5	Court Benefits - Retirement				28,500	28,900	400
10-42-230	6	Court Travel & Training				2,000	3,800	1,800
10-44-110	5	Admin Salaries & Wages				513,500	520,500	7,000
10-44-135	5	Admin Benefits - FICA				39,300	40,000	700
10-44-180	5	Admin Benefits - Retirement				104,000	105,500	1,500
10-44-230	6	Admin Travel & Training				3,000	7,000	4,000
10-45-110	5	Legal Salaries & Wages				77,800	78,900	1,100
10-45-135	5	Legal Benefits - FICA				6,000	6,100	100
10-45-180	5	Legal Benefits - Retirement				13,200	13,400	200
10-45-230	6	Legal Travel & Training				500	1,800	1,300
10-51-110	5	Gov't Bldgs Salaries & Wages				64,800	65,800	1,000
10-51-135	5	Gov't Bldgs Benefits - FICA				5,000	5,075	75
10-51-180	5	Gov't Bldgs Benefits - Retirement				5,500	5,700	200
10-54-110	5	Police Salaries & Wages				1,135,000	1,150,000	15,000
10-54-120	5	Police Salaries - Temp Employees				25,000	45,500	20,500
10-54-135	5	Police Benefits - FICA				96,500	99,000	2,500
10-54-180	5	Police Benefits - Retirement				400,800	407,000	6,200
10-54-675	7	Police Purchase of Equipment				30,000	75,000	45,000

Exhibit A  
**BUDGET AMENDMENT**  
**FISCAL YEAR 2020-2021**  
 October 19, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
10-56-110	5	Protective Inspections Salaries & Wages				169,800	172,000	2,200
10-56-135	5	Protective Inspections Benefits - FICA				13,000	13,200	200
10-56-180	5	Protective Inspections Benefits - Retirement				35,800	36,100	300
10-56-675	8	Protective Inspections Purchase of Equipment				1,000	4,500	3,500
10-60-110	5	Streets Salaries & Wages				143,800	142,200	(1,600)
10-60-135	5	Streets Benefits - FICA				11,400	11,275	(125)
10-60-180	5	Streets Benefits - Retirement				29,800	30,050	250
10-60-740	9	Streets Purchase of Capital Asset				-	48,000	48,000
10-62-110	5	PW Admin Salaries & Wages				382,100	383,800	1,700
10-62-135	5	PW Admin Benefits - FICA				29,250	29,380	130
10-62-675	8	PW Admin Purchase of Equipment				30,000	36,500	6,500
10-62-720	10	PW Admin Building Improvements				-	8,000	8,000
10-62-740	11	PW Admin Purchase of Capital Asset				7,000	60,400	53,400
10-64-110	5	Parks Salaries & Wages				158,100	159,000	900
10-64-135	5	Parks Benefits - FICA				13,600	13,650	50
10-64-180	5	Parks Benefits - Retirement				32,100	32,500	400
10-64-230	6	Parks Travel & Training				1,500	5,000	3,500
10-64-260	12	Parks Miscellaneous Expense				5,000	10,000	5,000
10-64-265	13	Parks Trails Maintenance				5,000	15,500	10,500
10-64-675	12	Parks Purchase of Equipment				1,000	2,500	1,500
10-64-730	14	Parks Improvements Other than Bldgs				-	132,400	132,400
10-64-740	15	Parks Purchase of Capital Asset				-	46,000	46,000
10-67-250	16	Cemetery Operating Supplies & Maint				3,000	5,800	2,800
10-68-110	5	Planning Salaries & Wages				218,600	221,700	3,100
10-68-135	5	Planning Benefits - FICA				17,000	17,200	200
10-68-180	5	Planning Benefits - Retirement				41,350	41,900	550
10-68-675	8	Planning Purchase of Equipment				1,000	4,500	3,500
10-75-901	17	Transfer to Road Fund				-	750,000	750,000
10-75-913	17	Trfr to Debt Svc-Pub Sfty Bldg				173,160	506,160	333,000
10-75-914	17	Trfr to CIP - Facilities Fd 41				-	500,000	500,000
			5,792,431	7,825,856		4,325,515	6,358,940	
		<b>NET GENERAL FUND INCREASE</b>			<b>2,033,425</b>			<b>2,033,425</b>

Exhibit A  
**BUDGET AMENDMENT**  
**FISCAL YEAR 2020-2021**  
 October 19, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
<b>ROAD FUND</b>								
11-30-800	17	Transfer from General Fund	-	750,000	750,000			
11-30-900	30	Use of Fund Balance	1,931,500	1,181,500	(750,000)			
			<u>1,931,500</u>	<u>1,931,500</u>		<u>-</u>	<u>-</u>	
<b>NET ROAD FUND INCREASE</b>					<u>-</u>			<u>-</u>
<b>REDEVELOPMENT AGENCY (RDA) FUND</b>								
22-30-190	30	RDA State St - Use of Fund Balance	-	149,600	149,600			
22-81-955	18	Trfr to Rereation Fund				-	150,000	150,000
22-81-990	30	Appropriate to Fund Balance				400	-	(400)
			<u>-</u>	<u>149,600</u>		<u>400</u>	<u>150,000</u>	
<b>NET REDEVELOPMENT AGENCY (RDA) FUND INCREASE</b>					<u>149,600</u>			<u>149,600</u>
<b>PARC TAX FUND</b>								
24-30-100	1	PARC Tax	432,000	670,000	238,000			
24-30-900	30	Use of Fund Balance	72,900	29,900	(43,000)			
24-41-920	18	Aq Ctr Trfr to Recreation-Capital Exp				105,000	255,000	150,000
24-44-250	19	Parks Operating Supplies & Maint				5,000	50,000	45,000
			<u>504,900</u>	<u>699,900</u>		<u>110,000</u>	<u>305,000</u>	
<b>NET PARC TAX FUND INCREASE</b>					<u>195,000</u>			<u>195,000</u>
<b>CORONAVIRUS RELIEF FUNDS (CRF) FUND</b>								
25-30-900	30	Use of Fund Balance	-	809,086	809,086			
25-40-225	4	Personal Protective Equipment				-	30,000	30,000
25-40-235	4	Sanitization supplies & svcs				-	40,000	40,000
25-40-265	4	Food delivery costs				-	8,000	8,000
25-40-345	4	IT & Communication Equip & Svc				-	32,150	32,150
25-40-385	4	Public Safety Measures				-	104,436	104,436
25-40-740	4	Purchase of Capital Asset				-	146,500	146,500
25-40-755	4	Special Projects				-	140,000	140,000
25-40-910	4	Trfr to General Fund				-	15,000	15,000
25-40-951	4	Trfr to Water Fd				-	2,000	2,000
25-40-952	4	Trfr to Sewer Fd				-	36,000	36,000
25-40-955	4	Trfr to Rec Fd				-	255,000	255,000
			<u>-</u>	<u>809,086</u>		<u>-</u>	<u>809,086</u>	
<b>NET CORONAVIRUS RELIEF FUNDS (CRF) FUND INCREASE</b>					<u>809,086</u>			<u>809,086</u>

Exhibit A  
**BUDGET AMENDMENT**  
**FISCAL YEAR 2020-2021**  
 October 19, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
<b>DEBT SERVICE FUND</b>								
33-30-755	17	Trfr From Gen Fd-Pub Sfty Bldg	173,160	506,160	333,000			
33-40-440	17	2016 Public Safety Bldg Princ				163,000	496,000	333,000
			<u>173,160</u>	<u>506,160</u>		<u>163,000</u>	<u>496,000</u>	
		<b>NET DEBT SERVICE FUND INCREASE</b>			<b>333,000</b>			<b>333,000</b>
<b>FACILITIES CIP FUND</b>								
41-30-800	17	Transfer from General Fund	-	500,000	500,000			
41-40-900	30	Appropriate to Fund Balance				-	500,000	500,000
			<u>-</u>	<u>500,000</u>		<u>-</u>	<u>500,000</u>	
		<b>NET FACILITIES CIP FUND INCREASE</b>			<b>500,000</b>			<b>500,000</b>
<b>PARKS CIP FUND</b>								
47-30-900	30	Use of Fund Balance	70,000	1,670,000	1,600,000			
47-40-750	20	Fryer Park				100,000	200,000	100,000
47-40-760	21	Property Purchase				-	1,500,000	1,500,000
			<u>70,000</u>	<u>1,670,000</u>		<u>100,000</u>	<u>1,700,000</u>	
		<b>NET PARKS CIP FUND INCREASE</b>			<b>1,600,000</b>			<b>1,600,000</b>
<b>WATER FUND</b>								
51-30-875	4	Trf from Coronavirus Relief Fd	-	2,000	2,000			
51-30-980	30	Use of Fund Balance	-	233,320	233,320			
51-40-110	5	Salaries & Wages				210,300	218,200	7,900
51-40-135	5	Benefits - FICA				16,500	17,100	600
51-40-180	5	Benefits - Retirement				41,000	46,000	5,000
51-40-310	22	Professional & Tech Services				120,000	200,000	80,000
51-40-690	23	Water Stock Assessment				115,000	125,000	10,000
51-40-740	24	Purchase of Capital Asset				-	76,000	76,000
51-40-752	25	North Union Canal Piping				-	23,730	23,730
51-40-755	26	Special Projects				390,000	659,000	269,000
51-40-990	30	Appropriate to Fund Balance				236,910	-	(236,910)
			<u>-</u>	<u>235,320</u>		<u>1,129,710</u>	<u>1,365,030</u>	
		<b>NET WATER FUND INCREASE</b>			<b>235,320</b>			<b>235,320</b>

Exhibit A  
**BUDGET AMENDMENT**  
**FISCAL YEAR 2020-2021**  
 October 19, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
<b>SEWER FUND</b>								
52-30-875	4	Trf from Coronavirus Relief Fd	-	36,000	36,000			
52-30-980	30	Use of Fund Balance	157,183	637,458	480,275			
52-40-110	5	Salaries & Wages				167,500	173,800	6,300
52-40-135	5	Benefits - FICA				13,250	13,725	475
52-40-180	5	Benefits - Retirement				33,700	35,300	1,600
52-40-310	27	Professional & Tech Services				75,000	150,000	75,000
52-40-740	28	Purchase of Capital Asset				89,000	120,000	31,000
52-40-755	26	Special Projects				100,000	501,900	401,900
			<u>157,183</u>	<u>673,458</u>		<u>478,450</u>	<u>994,725</u>	
		<b>NET SEWER FUND INCREASE</b>			<u><b>516,275</b></u>			<u><b>516,275</b></u>
<b>STORM WATER DRAINAGE FUND</b>								
54-40-110	5	Salaries & Wages				126,800	125,500	(1,300)
54-40-135	5	Benefits - FICA				10,465	10,365	(100)
54-40-180	5	Benefits - Retirement				25,900	26,250	350
54-40-990	30	Appropriate to Fund Balance				382,703	383,753	1,050
			<u>-</u>	<u>-</u>		<u>545,868</u>	<u>545,868</u>	
		<b>NET STORM WATER DRAINAGE FUND INCREASE</b>			<u><b>-</b></u>			<u><b>-</b></u>
<b>RECREATION FUND</b>								
55-30-510	29	Lindon Days Revenue	25,000	23,450	(1,550)			
55-30-875	4	Trf from Coronavirus Relief Fd	-	255,000	255,000			
55-30-880	18	Transfer from PARC Tax Fund	210,000	360,000	150,000			
55-30-885	18	Transfer from RDA	-	150,000	150,000			
55-30-900	30	Use of Fund Balance	11,525	13,365	1,840			
55-41-110	5	Aq. Ctr. Salaries & Wages				61,500	62,200	700
55-41-135	5	Aq. Ctr. Benefits - FICA				35,610	35,670	60
55-41-180	5	Aq. Ctr. Benefits - Retirement				12,500	12,700	200
55-41-230	6	Aq. Ctr. Travel & Training				1,000	3,000	2,000
55-41-715	4	Aq. Ctr. Capital Outlay for COVID-19				-	255,000	255,000
55-41-730	18	Aq. Ctr. Improvements				105,000	405,000	300,000
55-42-110	5	Comm. Ctr. Salaries & Wages				175,310	179,500	4,190
55-42-135	5	Comm. Ctr. Benefits - FICA				14,520	14,800	280

Exhibit A  
**BUDGET AMENDMENT**  
**FISCAL YEAR 2020-2021**  
 October 19, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
55-42-180	5	Comm. Ctr. Benefits - Retirement				20,140	20,500	360
55-42-230	6	Comm. Ctr. Travel & Training				2,500	6,000	3,500
55-42-350	29	Comm. Ctr. Lindon Days				55,000	44,000	(11,000)
			246,525	801,815		483,080	1,038,370	
		<b>NET RECREATION FUND INCREASE</b>			<b>555,290</b>			<b>555,290</b>
			<b>CITYWIDE TOTAL</b>					
			<b>8,875,699</b>	<b>15,802,695</b>		<b>7,336,023</b>	<b>14,263,019</b>	
					<b>6,926,996</b>			<b>6,926,996</b>
		<b>CHANGE IN REVENUES &amp; EXPENDITURES</b>						
		Change in Citywide Rev. & Exp.	5,901,750	7,548,950	1,647,200	6,247,850	10,429,476	4,181,626
		Carryover from Prior Fiscal Year	-	60,300	60,300	190,000	480,630	290,630
		Increase (Decrease) by Moving Exp in GL	-	-	-	-	-	-
		Increase (Decrease) in Interfund Transfers	383,160	2,574,160	2,191,000	278,160	2,469,160	2,191,000
		Increase (Decrease) in Use of Fund Bal.	2,590,789	5,619,285	3,028,496			
		Increase (Decrease) in Appr. to Fund Bal.				620,013	883,753	263,740
		<b>Citywide Totals</b>	<b>8,875,699</b>	<b>15,802,695</b>		<b>7,336,023</b>	<b>14,263,019</b>	
		<b>Net Increase (Decrease) in Rev. &amp; Exp.</b>			<b>6,926,996</b>			<b>6,926,996</b>

**SUMMARY OF CHANGES IN FUND BALANCE  
UPDATED FOR 10/19/2020 BUDGET AMENDMENT**

	Governmental Funds								Proprietary Funds						Total All Funds
	General	RDA	PARC Tax	CRE	Roads CIP	Facilities CIP	Parks CIP	Debt Svc	Water	Sewer	Garbage	Storm	Recreation	Telecomm.	
<b>Beginning Balances</b>	<b>3,340,709</b>	<b>1,206,553</b>	<b>89,147</b>	<b>809,086</b>	<b>4,746,334</b>	<b>-</b>	<b>1,867,600</b>	<b>-</b>	<b>1,357,165</b>	<b>1,132,407</b>	<b>30,365</b>	<b>942,670</b>	<b>561,872</b>	<b>16,443</b>	<b>16,100,350</b>
<b>Revenues</b>															
Program revenues															
Charges for services	1,975,418								2,862,500	1,715,400	528,400	1,163,900	688,450	50,000	8,984,068
Impact Fees	34,875				5,000		200,000		70,000	40,000		50,000			399,875
Grants and contributions	91,500												5,800		97,300
General revenues															
Property taxes	2,323,887														2,323,887
Sales tax	4,803,000														4,803,000
Other taxes	1,607,000	120,000	670,000		562,500										2,959,500
Other	1,484,860	12,800	10,000		12,000		20,000		-	31,785		16,000	-	-	1,587,445
<b>Total revenues</b>	<b>12,320,540</b>	<b>132,800</b>	<b>680,000</b>	<b>-</b>	<b>579,500</b>	<b>-</b>	<b>220,000</b>	<b>-</b>	<b>2,946,500</b>	<b>1,787,185</b>	<b>528,400</b>	<b>1,229,900</b>	<b>694,250</b>	<b>50,000</b>	<b>21,169,075</b>
<b>Transfers In</b>	<b>15,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>750,000</b>	<b>500,000</b>	<b>10,000</b>	<b>979,113</b>	<b>2,000</b>	<b>36,000</b>	<b>-</b>	<b>-</b>	<b>1,818,375</b>	<b>-</b>	<b>4,110,488</b>
<b>Expenses</b>															
General government	3,500,100	36,235		501,086											4,037,421
Public safety	5,275,273														5,275,273
Streets	467,885				411,000										878,885
Parks and recreation	714,850		339,900												1,054,750
Capital projects		-			2,100,000		1,890,000								3,990,000
Debt Service								646,113							646,113
Water									3,303,820						3,303,820
Sewer										2,460,643					2,460,643
Solid Waste											534,936				534,936
Storm Water Drainage												846,147			846,147
Recreation Fund													2,525,990		2,525,990
Telecomm. Fund														50,000	50,000
<b>Total expenses</b>	<b>9,958,108</b>	<b>36,235</b>	<b>339,900</b>	<b>501,086</b>	<b>2,511,000</b>	<b>-</b>	<b>1,890,000</b>	<b>646,113</b>	<b>3,303,820</b>	<b>2,460,643</b>	<b>534,936</b>	<b>846,147</b>	<b>2,525,990</b>	<b>50,000</b>	<b>25,603,978</b>
<b>Transfers Out</b>	<b>3,272,488</b>	<b>150,000</b>	<b>370,000</b>	<b>308,000</b>	<b>-</b>	<b>-</b>	<b>10,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,110,488</b>
<b>Ending Balances</b>	<b>2,445,653</b>	<b>1,153,118</b>	<b>59,247</b>	<b>0</b>	<b>3,564,834</b>	<b>500,000</b>	<b>197,600</b>	<b>333,000</b>	<b>1,001,845</b>	<b>494,949</b>	<b>23,829</b>	<b>1,326,423</b>	<b>548,507</b>	<b>16,443</b>	<b>11,665,447</b>
<b>Percent Change</b>	<b>-26.8%</b>	<b>-4.4%</b>	<b>-33.5%</b>	<b>-100.0%</b>	<b>-24.9%</b>	<b>-</b>	<b>-89.4%</b>	<b>0.0%</b>	<b>-26.2%</b>	<b>-56.3%</b>	<b>-21.5%</b>	<b>40.7%</b>	<b>-2.4%</b>	<b>0.0%</b>	<b>-27.5%</b>

GENERAL FUND:

	<u>Fund Bal.</u>	<u>% of Rev.</u>
6/30/2020	3,340,709	28.56%
6/30/2021	2,445,653	21.88%

Example General Fund Balance Levels based on projected revenues for:

	<u>2020-2021</u>
25%	2,794,825 maximum
22%	2,459,446
20%	2,235,860
18%	2,012,274
5%	558,965 minimum

FINANCIAL  
**BUDGET AMENDMENT NOTES**  
**October 19, 2020**

- 1 Increase budgeted taxes and fees because the economy is doing better than we anticipated. With the increased revenues, expenses which were requested, but not included in the original budget will be added into the budget in this amendment.
- 2 Grants:
  - \$7,000 grants for radios (new)
  - \$6,000 grant for emergency management (new)
  - \$60,300 grant carrying over from 2020FY for Creekside Park
- 3 Decrease in interest earnings due to declining interest rates.
- 4 At the end of June, Lindon City received \$837,872.68 in Coronavirus Relief Funds (CRF) from Utah County as part of the CARES Act. Fund 25 was set up to track the spending of these funds on qualified expenses. There are transfers to other funds to cover capital expenses, such as work being done to the Aquatics Center in order to distance patrons entering the Aquatics Center from those who are exiting.
- 5 This budget amendment includes a retroactive cost of living allowance (COLA) increase for employees. This was not included in the original budget because when the budget was approved, we did not know how much Lindon's economy would be affected with the COVID-19 pandemic and quarantine. Since the passing of the budget, Lindon has seen increases in revenue and the economic outlook indicates that revenues will continue to be normal or above normal.

The consumer price index (CPI) had an average annual increase from March 2019 - February 2020 of 2.0%. This is the time period that we looked at when beginning to prepare the 2021FY budget. The CPI did decline slightly in March and April, but has been increasing since May. This budget amendment includes a 1.4% COLA. When combined with the 2.6% merit increase from implementation of the new pay scale which was approved with the 2021FY budget, the total increase will be 4%. The new pay scale with the 1.4% COLA is included with this budget amendment. The cost of the COLA is about \$70,000 citywide.

Another payroll change is increasing on-call pay from \$200/week to \$235/week, but decreasing the number of employees on-call during the week from 2 to 1. In the past, an employee from the Parks department is on-call from April to October. From now on, a Public Works on-call employee will cover after hour park issues throughout the whole year. With this change, I also changed the on-call pay to be coded to the PW Administration department rather than coded to the whichever department that the on-call employee works in. The costs in the PW Administration department are allocated equally between the General, Water, Sewer and Storm Water Funds. This allows equal sharing of the on-call costs.

Additional payroll changes include increases for hiring more experienced water and sewer employees at higher steps than originally budgeted, as well as increasing the Police temporary employee budget \$20,000 to cover the intern, emergency management coordinator and reserve officers.

- 6 Travel and training expenses have been added back into the budget.
- 7 The police department is purchasing radios for each officer.

- 8 The City is purchasing a new software program to be used by building inspectors, planners and public works. Public works is also purchasing GPS equipment.
- 9 The streets department is purchasing a used air compressor for \$10,000 and a pneumatic asphalt roller for \$38,000. This equipment will help City employees do work that has been contracted out in the past.
- 10 The PW building need A/C repair of \$8,000.
- 11 PW is purchasing a new truck with a snow plow and will surplus 2 old trucks.
- 12 The Parks and Recreation Director requested that these budgets be increased back up to the original requested amounts.
- 13 The light bollards need replacing at Pioneer Park.
- 14 The improvements at Creekside Park were not completed in the 2020FY and are being carried over into 2021FY.
- 15 The parks department is purchasing a new truck.
- 16 An asphalt pad was put in the cemetery.
- 17 Most of the extra revenue in the General Fund will be transferred to the Roads Capital Improvement Project (CIP) fund, the new Facilities CIP fund, and the Debt Service Fund. The transfer to the Debt Service fund is to make the last 3 payments of the Public Safety Building bond. This will pay off the bond in 5 years, rather than 15 years and save about \$216,000 in interest.
- 18 The Aquatics Center will add a new slide with contributions from the RDA and PARC tax. This was postponed from last year.
- 19 PARC tax will be used to install smart timers on sprinklers and benches next to the pickleball courts at Hollow and Creekside parks.
- 20 The Fryer Park restroom was postponed from the 2020FY.
- 21 There is an opportunity to purchase property for a future park.
- 22 The City will contract to update the water master plan.
- 23 Water companies are increasing their water share assessments.
- 24 The water department is purchasing a water line repair trailer with valve exerciser so that they can do more jobs in-house rather than contracting with a third party.
- 25 The North Union Canal piping project was not completed during the 2020FY and there is some expenses carrying over into 2021FY.
- 26 The SCADA system is being upgraded. This expense is being shared by both the water and sewer funds. Also, there was a sewer line repair and additional sewer lines will be repaired.

- 27 The sewer system is having an assessment study done.
- 28 The sewer TV truck software is being upgraded.
- 29 Since Lindon Days was condensed due to the COVID-19 pandemic, the revenues and expenses were less than anticipated.
- 30 The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, fund balances.

**LINDON CITY PAY RANGES FY 2020-2021**  
1.4% Increase

Range	Step 1	Step 2	Step 3	Step 4	Step 5
A	7.25	7.65	8.06	8.50	8.97

Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Range
1	9.34	9.87	10.43	11.03	11.66	11.96	12.27	12.60	12.93	13.27	13.61	13.97	1
2	9.86	10.42	11.01	11.64	12.30	12.62	12.95	13.29	13.63	13.99	14.36	14.73	2
3	10.39	10.98	11.61	12.27	12.97	13.31	13.66	14.02	14.39	14.77	15.15	15.55	3
4	10.96	11.59	12.25	12.96	13.70	14.06	14.43	14.81	15.20	15.60	16.01	16.43	4
5	11.57	12.23	12.93	13.67	14.45	14.82	15.21	15.61	16.03	16.45	16.88	17.32	5
6	12.21	12.91	13.65	14.43	15.26	15.66	16.07	16.49	16.93	17.38	17.83	18.30	6
7	12.89	13.63	14.41	15.23	16.10	16.52	16.96	17.41	17.86	18.33	18.82	19.31	7
8	13.60	14.38	15.20	16.07	16.99	17.44	17.90	18.37	18.85	19.35	19.86	20.38	8
9	14.35	15.17	16.04	16.95	17.92	18.39	18.87	19.37	19.87	20.40	20.93	21.48	9
10	15.14	16.00	16.91	17.88	18.90	19.40	19.91	20.43	20.97	21.52	22.08	22.66	10
11	15.97	16.88	17.85	18.87	19.96	20.48	21.02	21.58	22.15	22.73	23.33	23.94	11
12	16.88	17.84	18.86	19.94	21.08	21.63	22.20	22.79	23.39	24.00	24.64	25.28	12
13	17.81	18.82	19.90	21.03	22.23	22.81	23.41	24.02	24.65	25.30	25.96	26.64	13
14	18.78	19.85	20.99	22.19	23.46	24.07	24.71	25.36	26.02	26.71	27.41	28.13	14
15	19.84	20.97	22.16	23.43	24.76	25.41	26.08	26.76	27.46	28.18	28.92	29.68	15
16	20.91	22.11	23.37	24.71	26.13	26.81	27.52	28.25	28.99	29.75	30.54	31.34	16
17	22.05	23.32	24.65	26.07	27.56	28.29	29.03	29.80	30.59	31.39	32.22	33.07	17
18	23.31	24.64	26.05	27.53	29.10	29.86	30.65	31.45	32.28	33.13	34.00	34.89	18
19	24.59	26.00	27.48	29.06	30.72	31.52	32.35	33.21	34.08	34.98	35.90	36.84	19
20	25.94	27.43	29.00	30.66	32.41	33.26	34.14	35.04	35.96	36.91	37.89	38.88	20
21	27.39	28.96	30.61	32.36	34.21	35.11	36.03	36.98	37.96	38.96	39.98	41.03	21
22	28.90	30.55	32.30	34.14	36.09	37.04	38.01	39.01	40.04	41.09	42.17	43.28	22
23	30.50	32.24	34.09	36.03	38.09	39.09	40.12	41.18	42.26	43.37	44.51	45.68	23
24	32.19	34.03	35.98	38.03	40.21	41.26	42.35	43.46	44.61	45.78	46.99	48.22	24
25	33.99	35.93	37.98	40.15	42.44	43.55	44.69	45.87	47.07	48.31	49.58	50.88	25
26	35.84	37.89	40.06	42.35	44.77	45.94	47.15	48.39	49.67	50.98	52.32	53.69	26
27	37.84	40.00	42.29	44.70	47.26	48.50	49.77	51.08	52.43	53.81	55.22	56.67	27
28	39.93	42.21	44.63	47.18	49.87	51.18	52.53	53.91	55.33	56.79	58.28	59.81	28
29	42.13	44.54	47.09	49.78	52.62	54.01	55.43	56.89	58.38	59.92	61.50	63.12	29
30	44.46	47.00	49.70	52.54	55.54	57.00	58.50	60.04	61.63	63.25	64.91	66.62	30
31	46.94	49.62	52.45	55.45	58.61	60.15	61.73	63.35	65.02	66.73	68.48	70.28	31
32	49.52	52.35	55.34	58.50	61.85	63.48	65.15	66.86	68.62	70.43	72.28	74.18	32
33	52.27	55.26	58.41	61.75	65.28	67.00	68.76	70.57	72.43	74.33	76.29	78.29	33
34	55.16	58.31	61.64	65.16	68.89	70.70	72.56	74.47	76.43	78.44	80.51	82.62	34
35	58.21	61.54	65.05	68.77	72.70	74.61	76.58	78.59	80.66	82.78	84.96	87.19	35
Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Range

# PROPOSED FEE SCHEDULE CHANGES

October 19, 2020

## CHANGES

### Miscellaneous

- Library Card Reimbursement 50% of cost, ~~\$50~~ **\$60** maximum
- Returned Check Fee ~~\$25.00~~ **\$20.00 + bank fee**

Oct 19, 2020 – Lindon City Policies and Procedures Manual, summary of updates

- New Telework Policy

- Section 5.22a TELEWORK / REMOTE WORK

- 5.22a.1 Purpose. This policy has been created to provide opportunity for and regulate telework options within the workplace. Telework is defined as working remotely away from an assigned office by use of digital technology or phone. Telework can enable employees greater flexibility to complete work when able, increase morale, reduce commute time and costs, reduce city equipment and facility needs, and enhance productivity. It is understood that not all positions within the City may be able to telework as some jobs require a physical presence to complete job duties (police, public works laborers, receptionists at public entryways, grounds keepers, lifeguards, etc.).
    - 5.22a.2 Policy. This policy is created to provide guidance to employees whose job duties enable them to telework and where such an arrangement benefits the city and employee. Employee compensation, benefits, and work responsibilities will not change due to an approved telework arrangement.

Employees are expected to adhere to the following guidelines when teleworking:

- Telework must be approved by a supervisor and/or department head.
      - Teleworking employees must be able to perform their job duties without creating a substantial burden upon other employees.
      - Employee telework work schedule and hours will be consistent with regular in-office work schedule and will not significantly change without the approval of a supervisor or department head.
      - Employees who telework are required to work the same number of hours per week as they would be required if at their regular place of work unless otherwise approved by a supervisor and/or department head. Time off taken for vacation, sick leave, or other personal leave time shall be reported while teleworking.
      - While away from the office teleworking, employees must comply with all Lindon City organizational rules, policies, and procedures.
      - Employees will be required to receive and respond to phone calls and electronic communication at their telework location.
      - If a position is eligible for comp-time or overtime pay, an employee in such a position must get advance approval from their supervisor to work more than 40 hours per week while teleworking. Overtime while teleworking should be an uncommon occurrence.
      - Employees who are teleworking shall not hold business related visits or in-person meetings with business affiliates or co-workers at their home or other remote telework site.
      - Employees approved to telework are responsible to:
        - Maintain a safe working environment;
        - Protect any city-issued computers, tablets, vehicles or other city equipment in their possession (including not leaving digital equipment overnight in an un-garaged vehicle);

- Install and maintain anti-virus protection software on any personal computer equipment used to telework or remote into work; and
  - Safeguard confidential work related information and documents.
- 5.22a.3 Enforcement. Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination. This policy will be enforced with restraint and in a reasonable manner, and will be used only when there is a compelling reason to do so. An employee who becomes aware of a violation of this policy by another employee shall report the violation to the appropriate department head or Personnel Director.
- 6.1.2 (3) Returning Seasonal / Temporary Employees. Merit increases for returning seasonal employees and/or temporary part-time employees may be provided on a case-by-case basis as budgeted and approved by the Department Head at the beginning of each season or temporary work period (i.e., start of new pool season; start of new soccer season, etc). Cost of Living Allowance (COLA) increases for seasonal and temporary employees are not implemented until the following January 1<sup>st</sup> even if the COLA is approved during the term of employment (i.e., if a city-wide COLA is approved July 1<sup>st</sup> the pay rate for a seasonal lifeguard or summer public works laborer won't increase until the following January 1<sup>st</sup>).
- 2.7 Accident Injury or Loss Procedure
  - Definition of 'loss'. For purposes of this section, 'loss' shall be defined as being deprived of \$100 in value or costing \$100 or more to repair or replace. Loss can include damage to equipment or property that is greater than \$100 in value or literal lost or stolen equipment.

Employees shall immediately, or as soon as possible, report all accidents, personal injuries or loss to their Department Head. Department Heads shall document any incidents of accidents, personal injuries or loss and report employees involved in repetitive accidents, injuries or loss to the Risk Management Committee for their consideration of possible disciplinary action.
- 3.3.1 Vehicles Assigned to City Administrator, Police Chief, and Public Works Director
  - 5. At the discretion of the City Administrator, a vehicle stipend may be negotiated in lieu of the city providing an actual vehicle for these positions where such stipend is reasonable and provides benefit to the city and employee.
- 4.4 Personal Purchases. Unauthorized personal procurements with city funds or through city accounts or obtained with city government discounted rates shall be considered cause for disciplinary action up to and including termination. City officials and employees shall not use opportunity for discounted or government rates to purchase goods or services for personal use, unless the supplier ~~makes~~ provides in writing that such goods or services are made available to all municipal officials and employees on the same terms, provided the official or employee pays for such items from his or her own money, and provided that these purchases will not

improperly influence the officials, employees or a City department in the discharge of their duties or in making purchases of commodities. Any authorized personal procurements through city accounts shall not be tax exempt.

- 6.1.7 On-call. The Public Works Director, or designee, will provide 24 hour on-call coverage to receive and respond to all calls after hours. ~~The Parks & Recreation Director may also assign one parks employee to be on call during the secondary water service operation and during heavy rental periods between April 1st and October 31st.~~  
One qualified and trained ~~public works and/or parks~~ employee will be assigned to be on call for a seven day period. The Department Head will determine if the employee is qualified. The (on-call) coverage will ~~commence at 3:30 pm on Friday and will continue until 3:30 pm the following Friday, or as otherwise relieved of on-call duty coincide with the work week (starts Saturday at 12:00 am and ends the following Friday at 11:59 pm).~~ During this time, the on-call employee shall not consume alcohol, or use any drug that may impair the judgment or ability of the employee to perform assigned duties (See Section 7, Drug Free Workplace).  
The assigned on-call employee will be provided with a vehicle and cellular phone. To accommodate being available to receive all calls, the employee will be allowed to use the vehicle for personal use, provided the employee always carries the pager and/or phone issued by the City when using the vehicle and does not drive the vehicle further than 30 minutes from Lindon City. While on-call, the employee must be able to report to work within 30 minutes (including traffic congestion). Employees assigned to be on-call will receive weekly on-call pay of ~~\$200~~ \$235 per week. Parks & Recreation Department employees assigned to empty garbage after facility rentals will receive one lump pay amount of \$30 per weekend in addition to any weekly on-call pay (if the same employee is doing both on-call and garbage duties). On-call pay will not be adjusted for inflation, but will be evaluated from time-to-time to ensure the on-call pay is reasonable. With approval from the Department Head, on-call employees may elect to receive the equivalent vacation time in lieu of monetary on-call pay.
- 6.18 FACILITY RENTALS. Employees, Planning Commissioners and Elected Officials are entitled to four (4) free rentals of city facilities per calendar year, excluding the Aquatics Center facilities. Facilities available for rent include park pavilions, Veterans Hall, and Community Center rooms. Use of free rentals of City facilities is subject to availability. Free rentals are primarily intended for family or social purposes and shall not be used for profit generating business ventures.
- Ethical Behavior Pledge & Form to be added: (see the following pages)

# Ethical Behavior Policy

## Employee Code of Ethics

The following list of ethical considerations, policies, and prohibited conduct applies to all employees and officers of Lindon City:

1. Disqualification from Acting on Lindon City Business.
  - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disclose said matter or disqualify him or herself from official action in those instances where conflict occurs;
  - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disclose said matter or disqualify him or herself from acting or participating;
  - c. Fail to disclose or disqualify him or herself from acting on any transaction which involves Lindon City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
  - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Lindon City or any City agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Lindon City or City agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
  - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Lindon City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
  - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.

- c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the City; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
  - d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Lindon City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.
- a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
    - i. Unsolicited flowers, plants, and floral arrangements;
    - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
    - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
    - iv. Unsolicited food items given to a department when the contents are shared among employees and/or the public;
    - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the City;
    - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
    - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
    - viii. Meals, beverages, and lodging associated with City approved meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the City;
    - ix. Travel costs, lodging, and tuition costs associated with City sanctioned training or education when not provided by a private entity under contract with the City;
    - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization in which the employee or officer was invited as a representative of the City and other officials or employees of similar agencies are in attendance;
    - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
    - xii. Campaign contributions; and

- xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Lindon City. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Lindon City.

6. Nepotism.

- a. Employees and Officers shall not violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

- a. Employees and Officers shall not violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.

- a. Employees and Officers shall not retain secondary employment outside of Lindon City employment, which, as determined by Lindon City Council, and according to Utah Administrative Code R477-9-2:
  - i. Interferes with an employee's performance.
  - ii. Conflicts with the interests of Lindon City or the State of Utah.
  - iii. Gives substantial reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

- a. Except as otherwise provided by State and Lindon City law & policies:
  - i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Lindon City may not provide a basis for denying employment to the applicant.
  - ii. A Lindon City officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
  - iii. A Lindon City employee may not engage in political campaigning or solicit political contributions during hours of employment.

- iv. A Lindon City officer or employee may not use City equipment while engaged in campaigning or other political activity.
  - v. A Lindon City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
  - vi. A Lindon City officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
- b. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
  - c. Nothing in this chapter shall be construed to:
    - i. prohibit a Lindon City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
    - ii. Permit a Lindon City officer or employee partisan political activity that is prohibited under federal law.
  - d. No Lindon City officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Lindon City property.
  - e. No Lindon City officer or employee shall promise any appointment to any position with Lindon City as a reward for any political activity.
  - f. A Lindon City employee who is elected to an office with Lindon City shall terminate City employment prior to being sworn into the elected office.
10. Fair and Equal Treatment.
- a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, sexual orientation, national origin, or functional limitation as defined by applicable state or federal laws and Lindon City policies, if otherwise qualified for the position or office.
  - b. No Lindon City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
11. Prohibited Conduct After Leaving Lindon City:
- a. No former employee shall, during the period of one (1) year after leaving Lindon City office or employment:
    - i. Disclose or use any privileged or proprietary information gained by reason of his/her City employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
    - ii. Assist any person in proceedings involving an agency of Lindon City with which he/she was previously employed, involving a matter

- in which he or she was officially involved, participated or acted in the course of duty;
- iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Lindon City employee;
  - iv. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

## Ethical Behavior Pledge Form

### Annual Ethics Pledge

The following pledge is required to be made annually by all officers and employees of Lindon City:

I, \_\_\_\_\_ (name), \_\_\_\_\_ (job title/office) with Lindon City, pledge to adhere to the code of ethics as approved by the Lindon City Council. This code of ethics includes, but is not limited to:

- improper use of official position,
- accepting gifts or loans,
- disclosing privileged information,
- retaining a financial or beneficial interest in a transaction,
- nepotism,
- misuse of public resources or property,
- outside employment,
- political activity,
- fair and equal treatment, and
- conduct after leaving office or employment.

Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that state statute and City policies provide for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable statutes and ordinances, as well as the Lindon City code of ethics.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(Signature)

**10. Discussion Item — Cemetery Fees for Residents vs Non-residents.** The City Council will discuss possible changes to the Cemetery Fees for purchase of burial plots, interments, transfer of burial rights and other fees. Direction provided for future fee changes. *(20 minutes)*

**This item is for discussion only with no motion necessary.**

# CEMETERY FEES AND PROCESS SIMPLIFICATION

## OCTOBER 2020

1. Did an analysis of what neighboring Cities are charging for burial plots.
2. Found out how many charge Resident V.S. Non-Resident plot sales.
3. Found out pros and cons of such process and how time consuming it is trying to keep track of such difference.
  - a. Pros
    - i. Discount for living and paying taxes in Lindon City.
  - b. Cons
    - i. Trying to keep track of residence status at the time of death.
    - ii. Having to make changes to the burial right and trying to collect the cost difference when the family is going through the burial process
4. Proposal to charge residents and non-residents the same amount in order to simplify tracking and eliminate misunderstandings at the time of burial.
5. Discussion.

	Burial Lots				Internment Fees/Sexton Fees			
	Description	Full Lot		Half Lot		Description	Resident	Non-Resident
		Resident	Non-Resident	Resident	Non-Resident		Resident	Non-Resident
OREM	Upper Cemetery	\$ 1,255.00	\$ 1,570.00	\$ 630.00	\$ 785.00	Over 50"	\$ 630.00	\$ 785.00
	Lower Cemetery	\$ 1,570.00	\$ 1,960.00	\$ 785.00	\$ 980.00	Under 50"	\$ 420.00	\$ 525.00
PG	Grave Spot	\$ 900.00	\$ 1,800.00	N/A	N/A	Single	\$ 700.00	\$ 1,300.00
American	Single Space	\$ 1,300.00	\$ 1,300.00	N/A	N/A	Adult	\$ 600.00	\$ 850.00
Provo	Flush Stone Space	\$ 1,200.00	\$ 1,200.00	\$ 550.00	N/A	Adult	\$ 650.00	\$ 650.00
Spanish Fork	Certain Block	\$ 600.00	\$ 900.00	\$ 300.00	\$ 450.00	Adult	\$ 350.00	\$ 600.00
	Certain Block	\$ 700.00	\$ 1,000.00	N/A	N/A	Adult	\$ 350.00	\$ 600.00
	Certain Block	\$ 800.00	\$ 1,100.00	N/A	N/A	Adult	\$ 350.00	\$ 600.00
Springville	Flat Stone Plot	\$ 850.00	\$ 1,660.00	\$ 425.00	\$ 830.00	Adult	\$ 350.00	\$ 650.00
Payson	Adult Regular lot	\$ 600.00	\$ 1,000.00	N/A	N/A	Adult	\$ 350.00	\$ 650.00
Lehi	Burial Space	\$ 850.00	\$ 1,100.00	N/A	N/A	Adult	\$ 350.00	\$ 700.00
Average	Single lot	\$ 887.50	\$ 1,399.23	\$ 423.75	\$ 740.83	Regular	\$ 643.00	\$ 865.00
						Infant	\$ 325.00	\$ 458.00
						Urns	\$ 282.00	\$ 413.00
						Disinterment Vault	\$ 1,570.00	\$ 1,570.00
						Disinterment Cremation	\$ 525.00	\$ 525.00
						Weedkend and Holiday + regular fee	\$ 357.00	\$ 391.00
Lindon	Burial Plot	\$ 700.00	\$ 1,300.00	\$ 350.00	\$ 650.00	Single Depth Burial	\$ 400.00	\$ 700.00
Proposal	Burial Plot	\$ 1,300.00	\$ 1,300.00	\$ 650.00	\$ 650.00	Single Depth Burial	\$ -	\$ 800.00
						Double depth burial (no longer available)	\$ 450.00	\$ 800.00
						Infant Burial	No Charge	\$ 250.00
						Urn (Cremation) Burial	\$ 350.00	\$ 500.00
						Proposal	\$ -	\$ 500.00
						Disinterment Vault	\$ 1,400.00	\$ 1,400.00
						Saturday and after 12:30 PM (extra)	\$ 300.00	\$ 300.00
						Proposal	\$ 350.00	\$ 350.00

Internments	
FY	2015
FY	44
FY	33
	2018
	25
	2019
	39
	2020
	37

**Annual Average # of Interments last 6 years = 36**

2020	Cemetery							
	Number of Burials Residents	Number of Burials Non-residents	Total Occupied	Plots Sold (monthly)	Total # Plots Sold	Plots Occupied/Sold	Total # of Plots Section A	% of Capacity Used
Jan	3	1	558				2,952	
Feb	3	2	563					
Mar	3	1	567					
Apr	1	1	569					
May	2	1	572					
Jun	2	2	575					
Jul	1	2	582		1317	1,896		64%
Aug	1	2	585		1317	1,899		64%
Sep	1	2	585		1317	1,902		64%
Oct			585		1317	1,902		64%
Nov			585		1317	1,902		64%
Dec			585		1317	1,902		64%
<b>Total</b>	<b>17</b>	<b>14</b>		<b>0</b>				

**Current Total = 31**

## Interment Costs

Backhoe Cost Breakdown	Share	Avg # Burials	Cost / Burial	
Backhoe annual lease - divide backhoe lease cost between Cemetery, Streets, Water (3) and the average number of interments per year (36)	0.33	36	\$ 138.89	\$15,000.00
Tasks	Hours	Unit Cost		
Grave marking .5hr (PW administration Division)	0.5	\$ 46.00	\$ 23.00	
2 F-550 trucks (one load gets hauled away the other load remains loaded on the truck until closing the grave) 2hrs at \$30/hr	2	\$ 30.00	\$ 60.00	
2 laborers to open the grave 2hrs/each	4	\$ 36.13	\$ 144.52	
2 laborers to close the grave 2hrs/each	4	\$ 36.13	\$ 144.52	
Sub Total			\$ 510.93	
Office overhead (files management, sales, funeral coordination, etc.)		10%	\$ 51.09	
Total			\$ 562.02	

	Burial Lots					Internment Fees/Sexton Fees		
	Description	Full Lot		Half Lot		Description	Resident	Non-Resident
		Resident	Non-Resident	Resident	Non-Resident		Resident	Non-Resident
OREM	Upper Cemetery	\$ 1,255.00	\$ 1,570.00	\$ 630.00	\$ 785.00	Over 50"	\$ 630.00	\$ 785.00
	Lower Cemetery	\$ 1,570.00	\$ 1,960.00	\$ 785.00	\$ 980.00	Under 50"	\$ 420.00	\$ 525.00
PG	Grave Spot	\$ 900.00	\$ 1,800.00	N/A	N/A	Single	\$ 700.00	\$ 1,300.00
American	Single Space	\$ 1,300.00	\$ 1,300.00	N/A	N/A	Adult	\$ 600.00	\$ 850.00
Provo	Flush Stone Space	\$ 1,200.00	\$ 1,200.00	\$ 550.00	N/A	Adult	\$650.00	\$ 650.00
Spanish Fork	Certain Block	\$ 600.00	\$ 900.00	\$ 300.00	\$ 450.00	Adult	\$ 350.00	\$ 600.00
	Certain Block	\$ 700.00	\$ 1,000.00	N/A	N/A	Adult	\$ 350.00	\$ 600.00
	Certain Block	\$ 800.00	\$ 1,100.00	N/A	N/A	Adult	\$ 350.00	\$ 600.00
Springville	Flat Stone Plot	\$ 850.00	\$ 1,660.00	\$ 425.00	\$ 830.00	Adult	\$ 350.00	\$ 650.00
Payson	Adult Regular lot	\$ 600.00	\$ 1,000.00	N/A	N/A	Adult	\$ 350.00	\$ 650.00
Lehi	Burial Space	\$ 850.00	\$ 1,100.00	N/A	N/A	Adult	\$ 350.00	\$ 700.00
Average	Single lot	\$ 887.50	\$ 1,399.23	\$ 423.75	\$ 740.83	Regular	\$ 643.00	\$ 865.00
						Infant	\$ 325.00	\$ 458.00
						Urns	\$ 282.00	\$ 413.00
						Disinterment Vault	\$ 1,570.00	\$ 1,570.00
						Disinterment Cremation	\$ 525.00	\$ 525.00
						Weedkend and Holiday + regular fee	\$ 357.00	\$ 391.00
Lindon	Burial Plot	\$ 700.00	\$ 1,300.00	\$ 350.00	\$ 650.00	Single Depth Burial	\$ 400.00	\$ 700.00
Proposal	Burial Plot	\$ 1,300.00	\$ 1,300.00	\$ 650.00	\$ 650.00	Single Depth Burial	\$ -	\$ 800.00
						Double depth burial (no longer available)	\$ 450.00	\$ 800.00
						Infant Burial	No Charge	\$ 250.00
						Urn (Cremation) Burial	\$ 350.00	\$ 500.00
						Proposal	\$ -	\$ 500.00
						Disinterment Vault	\$ 1,400.00	\$ 1,400.00
						Saturday and after 12:30 PM (extra)	\$ 300.00	\$ 300.00
						Proposal	\$ 350.00	\$ 350.00

**ADJOURN**