

Lindon City Council Staff Report



Prepared by Lindon City
Administration

November 6, 2023

Notice of Meeting of the **Lindon City Council**



The Lindon City Council will hold a meeting at **5:15 pm on Monday, November 6, 2023** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. Meetings are typically broadcast live at www.youtube.com/user/LindonCity. 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: Carolyn Lundberg, Mayor
Invocation: Carolyn Lundberg
Pledge of Allegiance: By invitation

(Review times are estimates only)

1. Call to Order / Roll Call

(2 minutes)

2. Presentations and Announcements

(5 minutes)

- a) Eagle Scout Award recognition - Hale Allen from Lindon Troop 836.
- b) Comments / Announcements from Mayor and Council members.

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

(10 minutes)

4. Council Reports

(20 minutes)

5. Administrator's Report

(5 minutes)

6. Approval of Minutes — The minutes of the regular City Council meeting of October 16, 2023 will be reviewed.

(5 minutes)

7. Consent Agenda — *(Items do not require public comment or discussion and can all be approved by a single motion. The following consent agenda items were presented for approval.*

(5 minutes)

- a) Proclamation: Lung Cancer Awareness Month
- b) 2024 public meeting schedule. Resolution #2023-20-R. The Council will review and adopt the 2024 Public Meeting Schedule for Planning Commission & City Council meeting dates during the 2024 calendar year.
- c) Surplus equipment disposal; Resolution #2023-21-R

8. Public Hearing — Resolution #2023-22-R; Declaring Real Property as Surplus Land. The Council will review and consider declaring 0.06 acres of land at the corner of Geneva Road & Center Street as surplus property.

(20 minutes)

9. Review & Action — Lindon Justice Court Recertification; Resolution #2023-23-R. The Council will review and consider Resolution #2023-23-R requesting recertification of the Lindon City Municipal Justice Court.

(10 minutes)

Adjourn

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

accommodations for city-sponsored public meetings, services programs or events should call Kathryn Moosman, City Recorder at 801-300-8437, giving at least 24 hours-notice.

CERTIFICATE OF POSTING:

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

Posted by: /s/ Kathryn Moosman, City Recorder

Date: November 1, 2023; Time: 5:00 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development, Lindon Public Works, Lindon Community Center, Lindon Justice Court

Meetings are typically broadcast live at www.youtube.com/user/LindonCity

REGULAR SESSION – 5:15 P.M. - Conducting: Carolyn Lundberg, Mayor

Invocation: Carolyn Lundberg

Pledge: By invitation

Item 1 – Call to Order / Roll Call

November 6, 2023 Lindon City Council meeting.

Carolyn Lundberg

Jake Hoyt

Van Broderick

Mike Vanchiere

Randi Powell

Daril Magleby

Item 2 – Presentations and Announcements

- a) Eagle Scout Award recognition - Hale Allen from Lindon Troop 836.
- b) Comments / Announcements from Mayor and Council members.

Item 3 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

Item 4 - COUNCIL REPORTS:*(20 minutes)*

- | | |
|---|--------------------|
| A) MAG/MPO, COG, UIA, Utah Lake Commission, ULCT, Youth Council, Public Relations (media) | - Carolyn Lundberg |
| B) Public Works/Eng., Irrigation Co. Representative, Cemetery, Facilities/Building, Planning Commission | - Van Broderick |
| C) Emergency Management/CERT, Youth Council Lead Advisor, Senior Center, Education Grants | - Randi Powell |
| D) Lindon Days, Tree Advisory Board, UV Chamber, Historical Commission, 2024 Centennial Celebration | - Daril Magleby |
| E) Planning/Zoning, Gen. Plan, Economic Dev. PG/Lindon Chamber of Commerce, Transfer Station Board | - Mike Vanchiere |
| F) Parks, Trails, and Recreation, Police/Fire/EMS, Utah League of Cities & Towns Alternate | - Jake Hoyt |

Item 5 - ADMINISTRATOR'S REPORT*(10 minutes)***Misc. Updates:**

- Next regular council meetings: November 20th & December 4th
- December 2023 newsletter assignment (due last week of November): Randi Powell
- November 3rd Utah County Health Dept. vaccination clinic, 2pm-4pm, City Council Chambers
- Fall Clean-up (city wide dumpsters), Nov 11th-20th
- Lindon Life Skills 101 event; Nov 8th; 7pm @ Lindon Community Center
- General Election date: November 21st
- Misc. Items.

Item 6 – Approval of Minutes

- Review and approval of City Council minutes: **October 16, 2023 Regular City Council Minutes will be reviewed.**

2 The Lindon City Council regularly scheduled meeting on **Monday, October 16, 2023, at**
 4 **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: Carolyn Lundberg, Mayor
 Invocation: Daril Magleby, Councilmember
 10 Pledge of Allegiance: Caleb Asbell

12 **PRESENT**

Carolyn Lundberg, Mayor
 14 Van Broderick, Councilmember
 Randi Powell, Councilmember
 16 Daril Magleby, Councilmember
 Mike Vanchiere, Councilmember – arrived 5:45pm
 18 Adam Cowie, City Administrator
 Brian Haws, City Attorney
 20 Mike Florence, Community Development Dir.
 Mary Barnes, Associate Planner
 22 Kathryn Moosman, City Recorder

EXCUSED

Jake Hoyt, Councilmember

- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.
- 26 2. **Presentations and Announcements** – There were no presentations or
 announcements at this time.
- 28 3. **Open Session for Public Comment** – Mayor Lundberg called for any public
 30 comments.

32 Lindon resident, Maxine Smith addressed the council at this time. Ms. Smith
 mentioned three items to address with the council. She stated they had property on State
 34 Street and they sold it and bought their current property. They gave a right-of-way of 16
 ft. and the county said there needs to be a public road there. She then read a letter from
 36 the mayor from 1977. She stated all 15 homes there would connect to the sewer for \$250
 and the city said they had to put it in. She went to the city and the city employee said to
 38 make a deposit and she paid the \$25 deposit of the \$250. She noted when they bought
 the property there wasn't a road there until 20 years later, and the city would not honor
 40 the letter. She is asking the city for a refund of the \$25 deposit plus interest.

Regarding her second issue, she stated in 1995 they had to put in curb, gutter and
 42 sidewalk and they paid \$1,894 for curb, gutter and sidewalk and it's still not there. Her
 second request is that the sidewalk be put in.

44 Regarding her third item, Ms. Smith stated Mr. Cowie and the City Engineer
 walked the property line by Heritage Farms and they have seen how bad it is. They said

they would get back to her and she hasn't heard back. She needs a retaining wall because the property has not been cleaned up and it should have been done last year and it was not. The weed issue has not been resolved either. If it erodes more and she won't be able to retain her property. Her third request is that she is asking for a retaining wall.

Mayor Lundberg commented that it appears Ms. Smith is looking for resolution on three different issues. Mr. Cowie stated they have talked about these things several times and he has also sent emails to Ms. Smith several times on these items. He suggested that they meet with Ms. Smith in person to refresh this issue. Mr. Cowie stated he will provide the documentation on the updates.

Mayor Lundberg stated we will make sure staff sets up an appointment and provide documentation on these issues discussed.

4. COUNCIL REPORTS:

Councilmember Hoyt – Councilmember Hoyt was absent.

Councilmember Vanchiere – Councilmember Vanchiere was absent.

Councilmember Magleby – Councilmember Magleby reported he watched the meet the candidate's night on YouTube and he was very impressed with the candidates and he thanked staff for putting on a good event.

Councilmember Powell – Councilmember Powell reported the senior center will be having a fair tomorrow around 10:30. She also reported the Lindon Youth Council conducted their first council meeting by themselves and did a great job. She also mentioned the Education grants are coming up and they will be working on those.

Councilmember Broderick – Councilmember Broderick reported he attended the meet the candidate's night. He expressed his appreciation to staff for putting on a great event and for those who participated. He also gave a reminder to get out and vote.

Mayor Lundberg – Mayor Lundberg also commended staff for the meet the candidate's night. She noted the format was great and the room looked so awesome. The Candidates did a wonderful job. She also attended the MAG meeting where they mentioned the upcoming legislation session. The road fee regulations were contested in court and Lindon has chosen not to participate. This will be discussed in the next session.

5. **Administrator's Report:** Mr. Cowie reported on the following items.

Misc. Updates:

- Next regular council meetings: November 6th & November 20th
- November 2023 newsletter assignment (due last week of October): Juan Garrido
- November 3rd 2-4pm, Utah County Health Dept. Vaccination Clinic
- Fall Clean-up (city wide dumpsters), Nov 11th-20th

- Secondary Water will be turned off on or about October 15th
- Lindon Life Skills 101 event; Nov 8th; 7pm @ Lindon Community Center
- General Election date: November 21st
- Misc. Items.

6. **Approval of Minutes** – The minutes of the regular City Council meeting of October 2, 2023 will be reviewed.

COUNCILMEMBER MAGLEBY TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 2, 2023 AS AMENDED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER MAGLEBY	AYE
COUNCILMEMBER POWELL	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Consent Agenda Items** – There were no consent agenda items.

CURRENT BUSINESS

8. **Public Hearing — Ordinance #2023-20-O**; Recommendation from the Planning Commission to the Lindon City Council to modify fines for violations to the zoning, nuisance, building and flood plain ordinances to be in conformance with State Code.

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

Mary Barnes, Associate Planner led this agenda item. Ms. Barnes explained that Utah State Code section 10-3-703 imposes limits and conditions on the fines and penalties that a municipality can impose for violations of city ordinances.

- “A municipality may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual’s use of the individual’s residence”
- “A governing body may prescribe a civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum Class B misdemeanor fine”
- “A municipality may not issue more than one infraction within a 14-day period for a violation that is ongoing”

She noted in the past, the violation of a municipal ordinance was a Class B or C misdemeanor. This change in state code reduced that to an infraction. However, the fines can be at a Class B misdemeanor level, and can only be required every 14 days of an ongoing violation. The maximum fine for a Class B misdemeanor is \$1000. The current fines for nuisance, building, and zoning violations are as follows: \$200 per violation per day that the violation is ongoing

within a residential zone, and \$400 per violation per day that the violation is ongoing within a non-residential zone. This means that after the code enforcement process has taken place, and if the offender has not remedied the issue, the offender will be charged \$200 a day for every day that that issue persists if it's in a residential zone.

Ms. Barnes further explained that this ordinance amendment would change the code violation fines from the current \$200/\$400 a day to \$1000 per violation for every 14 days that the violation continues in non-residential areas, and \$500 per violation for every 14 days that the violation continues in residential areas. It will also continue the tradition of allowing a lower fine for violations in residential areas. This ordinance amendment will ensure that our code stays up to date with the state code.

Ms. Barnes indicated that Lindon code enforcement has been following the state code for the past year in the various notices that have been sent out. This ordinance amendment will clean up the violation fines language to ensure that the City Code matches the code enforcement process. This ordinance amendment would amend any language in the code that mentions the \$200/\$400 a day fine. That would be in 4 areas as follows:

- 8.20.090, or the nuisance code
- 15.04.050, or the building code. Of course, the International Building Code has its guidelines for violations, especially if there is an emergency with an out-of-compliance building. This would simply apply to any municipal code enforcement.
- 17.04.410, or the zoning violation code.
- 17.62.170, or the floodplain code within the zoning chapter.

Ms. Barnes stated this is an ordinance amendment that has been needed for a while. Code enforcement is already a delicate process, so ensuring that the code matches the current process and State Code is of utmost importance. The city attorney was able to lend help with the draft ordinance to ensure it covers all of our bases. With this ordinance amendment, there will be a little more direction for code enforcement in the city, and it will help to eliminate confusion for any Lindon residents or staff. She noted the planning commission unanimously recommended approval on September 26, 2023. Ms. Barnes then presented the Draft ordinance followed by some general discussion.

Following some additional discussion, the council was in agreement to approve this ordinance amendment as presented by staff.

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

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

Mayor Lundberg called for any further comments from the council. Hearing none she called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE MOVE TO APPROVE
ORDINANCE #2023-20-O TO MODIFY FINES FOR VIOLATIONS TO THE
ZONING, NUISANCE, BUILDING AND FLOOD PLAIN ORDINANCES AS

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

4 COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER POWELL	AYE
6 COUNCILMEMBER MAGLEBY	AYE
COUNCILMEMBER BRODERICK	AYE
8 THE MOTION CARRIED UNANIMOUSLY.	

10 **9. Public Hearing — Ordinance #2023-21-O;** Recommendation from the Planning
Commission to the Lindon City Council to amend the clear view code (17.04.290)
12 to add requirements for driveway clear view areas.

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

18 Ms. Barnes also led this agenda item by defining the clear view or clear vision
area is a triangular area without obstruction to preserve a safe sight distance for
20 automobile drivers that enter intersections. Currently, Lindon City code has a 40' clear
view triangle requirement for corner lots, meaning that corner lots are not permitted to
22 have sight-obstructing materials, like solid fences or dense landscaping, on the corner of
their lot. She noted when drivers enter an intersection, they must be able to see past or
24 through the corner to avoid any accidents with oncoming traffic. Ms. Barnes noted that
most cities in Utah have a required 40' clear view triangle.

26 Ms. Barnes stated that another important clear view area on a property surrounds
the driveway. As homeowners or those leaving commercial properties need to have
28 adequate time to see pedestrians or vehicles on the street. This is also a safety measure
for any active transportation users that use walks, bike, skateboard, etc. Ensuring that
30 automobile drivers have a clear view area to decrease the likelihood of an accident. In
commercial areas, this would also apply to things such as signs, fences, or vegetation, as
32 well as pedestrians.

Ms. Barnes stated that staff have been using this 15' clear view for driveways for
34 a while, as a best practice when confronted with questions about sight-obscuring fencing
next to driveways or for commercial signage. This will ensure that any fences in the front
36 yard must be see-through or at most 3 ft tall within the clear view driveway area. She let
the council know that the city engineers have worked closely with the planning staff on
38 the clear view distance requirements. After looking at the length of a suburban (about
18.7 ft) and a sprinter van (the longest possible is 22 ft), the engineers determined that a
40 15' triangle would cover most bases for residential clear view.

Ms. Barnes stated that commercial or industrial driveways would typically see
42 larger vehicles, such as semis or box trucks along with normal customer cars. Generally,
commercial and industrial lots and buildings have been configured to allow adequate
44 traffic circulation, to specifically allow larger vehicles to turn around inside the lot. This
is intended to ensure that these larger vehicles can leave a lot without having to back out.

The height of large vehicles would also help the driver to be able to see over obstructions that are outside of the 15' clear view triangles. Ms. Barnes stated that the city staff is also proposing a 15' clear view triangle for commercial and industrial zones noting that this would only apply to new development, construction, or improvements.

Lincoln Jacobs gave public comment on suggesting having code enforcement go around and give notices on overgrown trees and bushes to help residents become compliant and aware of the new ordinance.

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

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

Councilmember Broderick stated he understands the concept but has issues with the regulations. Discussion on terms of the ordinance followed. Mayor Lundberg asked if the council would like to look more into different clear view triangles. Ms. Barnes noted that the 15' clear view was put due to that being what was minimal for larger sprinter vans to be able to see safely.

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

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

Following some general discussion, Mayor Lundberg called for any further comments from the council. Hearing none she called for a motion.

COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE #2023-21-O TO AMEND THE CLEAR VIEW CODE (17.04.290) TO ADD REQUIREMENTS FOR DRIVEWAY CLEAR VIEW AREAS AS PRESENTED. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER MAGLEBY	AYE
COUNCILMEMBER POWELL	NAY
COUNCILMEMBER BRODERICK	NAY

THE MOTION TIED 2 TO 2.

MAYOR LUNDBERG VOTED AYE TO BREAK THE TIE. THE MOTION CARRIED.

10. Public Hearing — Ordinance #2023-17-O; Recommendation from the Planning Commission to the Lindon City Council for an amendment to Lindon City Code 17.02, 17.80, and the Standard Land Use Table to define, allow, and adopt regulations for short-term rentals within Lindon City.

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

Mike Florence presented this item. He began with reminding the council that in 2020 he had presented options for Short-Term Rental regulations. He noted that Short-Term Rentals are defined by the State of Utah as “a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.” Utah Code Annotated 10-8-85.4. He stated that according to the Airbnb website, Lindon City has approximately 19 Short-Term Rentals.

Mr. Florence stated that the planning commission unanimously recommended approval. He then went over the proposed ordinance requirements as follows:

- Requires a business license for Short-Term Rentals. The business license fee won’t go into effect until the ongoing business license fee study is completed.
- General regulations as follows:
 - The residential dwelling shall not be rented to more than one party of guests at a time.
 - Only one short-term rental is allowed per cul-de-sac.
 - A minimum of two off-street parking spaces for the short-term rental. Additional parking spaces are required depending on the number of guests.
 - The property owner must designate a responsible individual within the State that can respond to complaints within one hour.
 - A nameplate installed by the main entrance with contact information for the responsible individual. Inside the Short-Term Rental the owner is required to provide an information packet with that includes responsible individual contact information, parking requirements, garbage pickup (if required by the renter), non-emergency contact information for the Lindon Police Department.
 - That Short-Term Rentals cannot be used for events.
 - Building code requirements for egress, smoke and carbon monoxide detectors are met.
 - 10:00 p.m. to 7:00 a.m. time restriction for outdoor activities.
 - The property owner shall be responsible for ensuring that guests or occupants do not create a nuisance as found in Lindon City Code 8.20.

2 Councilmember Powell expressed her appreciation for the work done on this. She
4 stated that she would like to see perhaps a little more regulation on the number of short-
6 term rentals in the city by zones. She then went over some terms other cities have and
8 inquired about the option to do some of those. Mr. Florence addressed some of the
10 regulations and clarified some of the requirements that would help alleviate some of the
concerns. Councilmember Vanchiere stated he would feel more comfortable not
regulating the number of short-term rentals within the city by zones, and liked the terms
as they are proposed. He then touched base on the parking situation. Mr. Florence
clarified those terms and how that came about.

Mayor Lundberg asked the council about their views on owner occupied
regulations, and if that is something they want to clarify. Councilmember Magleby gave
his insight as a short-term rental owner, and the things that the city does where his is
located. Councilmember Broderick asked how many of the current short-term rentals are
not owner occupied, Mr. Florence gave an idea of how many he has found that are not
owner occupied.

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

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

Following some additional discussion including owner occupied requirements and
terms, fee structure, and fire marshal safety inspections, the council was in agreement to
continue this item. Councilmember Broderick stated this is a great first step towards this,
but feels there is more that can be done to help regulate.

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

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

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

COUNCILMEMBER MAGLEBY MOVED TO CONTINUE ORDINANCE
#2023-17-O AMENDING THE LINDON CITY CODE 17.02, 17.80 AND THE
STANDARD LAND USE TABLE TO ALLOW AND ADOPT REGULATIONS FOR
SHORT TERM RENTALS AS PRESENTED. COUNCILMEMBER POWELL
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER MAGLEBY AYE

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

6
11. Review & Action — Utah County Health Department Grant Agreement. The

8 City Council will consider for approval & acceptance the Utah County Health
 Department Grant Agreement for E-cigarette, Marijuana & Other Drug
 10 Prevention to be administered by the Lindon CTC Coalition.

12 Adam Cowie, City Administrator presented this agenda item. He noted this grant
 has been approved by the county. Mr. Walker explained that the grant is flexible and
 14 they have put a wide variety of things in there. Also, they aren't planning on spending all
 of the grant money and there is no penalty if they don't spend it all. Councilmember
 16 Vanchiere added that Ms. Jensen and staff go above and beyond and do a great job.

Mayor Lundberg stated she has stopped in on some of the classes and the
 18 community response has been great and people have really benefited from these
 programs. Councilmember Broderick has a question on liability to the city. Brian Haws,
 20 City Attorney commented he does not believe that is a concern and Heath Bateman and
 Alan Walker do a great job taking care of any issues. Mr. Walker commented that most
 22 of the staff have degrees or are certified, and they also have disclaimers.

Following some additional discussion, the council was in agreement to approve
 24 this request as presented by staff.

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

28 COUNCILMEMBER POWELL MOVED TO APPROVE THE UTAH
 COUNTY HEALTH DEPARTMENT GRANT AGREEMENT AS PRESENTED.
 30 COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

32 COUNCILMEMBER MAGLEBY AYE
 COUNCILMEMBER BRODERICK AYE
 34 COUNCILMEMBER POWELL AYE
 COUNCILMEMBER VANCHIERE AYE
 36 THE MOTION CARRIED UNANIMOUSLY.

38 **12. Public Hearing — FY 2023-24 Budget Amendments, Resolution #2023-18-R.**

The City Council will consider for approval Resolution #2023-18-R approving
 40 amendments to the FY2023-24 Budget.

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

Kristen Colson Aaron, Finance Director, presented this item. She then presented the 2024FY Budget amendment notes as follows:

1. GL# 10-33-630 Emergency Mgmt. Program Grant +\$4,000
 GL# 10-33-790 State Grants +\$25,500
Increase budget for Emergency Management Program Grant which was awarded for \$14,000. Lindon was also awarded a \$25,000 tree diversity grant and a \$500 U Serve Utah grant which were not in the original budget.
2. GL# 10-36-945 Funds from Financing Sources +\$1,038,640
 GL# 10-54-675 Purchase of Equipment +\$29,000
 GL# 10-54-750 Vehicles +\$1,038,640
 GL# 10-54-810 Vehicle Lease Principal \$66,370
The police fleet capital lease and purchase of vehicles, as well as the equipment for the vehicles, were budgeted for last fiscal year. The vehicles were not available until the 2024 fiscal year. The lease payment for this fiscal year is more than budgeted.
3. GL# 10-42-510 Court - Insurance +\$600
 GL# 10-51-510 Gov't Bldgs. - Insurance +\$3,000
 GL# 10-60-510 Streets - Insurance +\$1,600
 GL# 10-64-510 Parks - Insurance +\$1,700
 GL# 10-68-510 Comm. Dev. - Insurance +\$1,250
 GL# 52-40-510 Sewer - Insurance +\$850
 GL# 54-40-510 Storm - Insurance +\$1,600
 GL# 55-41-510 Aq. Ctr. - Insurance +\$2,510
 GL# 55-42-510 Community Center - Insurance +\$3,360
This increase is to cover rising insurance costs.
4. GL# 10-44-230 Travel & Training +\$3,000
This increase is to cover in-person training offered locally by Government Finance Officers Association for Kristen and Chase, as well as adding Human Resources training for Tanya.
5. GL# 10-44-310 Professional Services +\$10,000
This increase is to cover the cost for software services for Applicant Pro to help with hiring and onboarding new employees.
6. GL# 10-51-675 Purchase of Equipment +\$5,000
Update the budget for office furniture for Britni (Court) and Tanya (HR) after one office is remodeled into two offices in order to accommodate the new HR Generalist position.
7. GL# 10-51-730 Building Improvements +\$50,000

This increase is to carry over money from last fiscal year for City Center secure electronic entry system (\$20,000) and to replace chiller coils in City Center AC units (\$15,000). There is also \$15,000 to remodel the court office into two offices for the Court Clerk and the new HR Generalist.

- 8. GL# 10-38-511 PW Admin Dept Cost Share-Water +\$2,874
- GL# 10-38-521 PW Admin Dept Cost Share-Sewer +\$2,874
- GL# 10-38-541 PW Admin Dept Cost Share-Storm +\$2,874
- GL# 10-62-110 PW Admin – Salaries & Wages \$10,675
- GL# 10-62-135 PW Admin – Benefits – FICA \$820
- GL# 51-40-911 PW Admin Dept Cost to Gen. Fund +\$2,874
- GL# 52-40-911 PW Admin Dept Cost to Gen. Fund +\$2,874
- GL# 54-40-911 PW Admin Dept Cost to Gen. Fund +\$2,874

This increase is due to increasing the part-time Public Works receptionist from 10 to 20 hours per week. Public Works Administration department costs are split equally between the General, Water, Sewer, and Storm Drain Funds.

- 9. GL# 10-64-730 Park Improvements +\$70,000

The Hollow Park playground replacement is carrying forward from last fiscal year.

- 10. GL# 10-67-760 Office/Warehouse +\$280,000

The Cemetery building was not completed last fiscal year and is carrying forward into this fiscal year.

- 11. GL# 10-68-310 Professional Services +\$25,000

GL# 10-68-620 Master Plan -\$21,000

The Community Development budget lines are changing to reflect the addition of a business license fee study (\$23,500), increased cost for the streetscape study (\$5,000), and an annual software payment (\$6,500), as well as decreases for third party inspection services (\$10,000) and the master plan (which is complete so the remaining budget of \$21,000 is not needed).

- 12. GL# 10-75-902 Transfer to Redevelopment Fund +\$500,000

GL# 22-30-475 Bond Proceeds +\$3,863,000

GL# 22-30-480 Transfer from General Fund +\$500,000

GL# 22-84-310 Professional Services +\$70,385

GL# 22-84-760 Property Purchase +\$4,892,615

This is for the property purchase in the 700 N CDA. The amended budget is for \$500,000 transfer from the General Fund to the 700 N CDA, using \$600,000 for the 700 N CDA fund balance, bonding for \$3,863,000, paying \$70,385 for the cost of issuing the bond, and the estimated cost of purchasing up to 8.7 acres of property.

- 2 **13. GL# 22-83-640 Tax Participation Agreement +\$250,000**
 4 *Lindon City has agreed to pay Doug Smith Kia \$250,000 when they open in Lindon.*
- 6 **14. GL# 24-41-675 Purchase of Equipment +\$139,470**
 8 *This increase is to use PARC tax to replace concession equipment in order to increase concession options and sales.*
- 10 **15. GL# 24-44-730 Capital Outlay (Parks) +\$344,145**
 12 *This increase is to use PARC tax to reconstruct the base under the Meadow Park playground and replace the playground equipment. This was in last year's budget for \$150,000, but bids for this work came in much higher.*
- 14 **16. GL# 47-40-710 Pioneer Park +\$12,500**
 16 **GL# 47-40-715 Pheasant Brook Park +\$18,000**
 18 **GL# 47-40-718 Meadow Park (Fieldstone) +\$42,500**
 20 **GL# 47-40-720 Hollow Park +\$30,000**
 22 **GL# 47-40-728 Anderson Farms Park +\$1,846,900**
 24 **GL# 47-40-730 City Center Park +\$62,000**
 26 **GL# 47-40-750 Fryer Park +\$105,000**
 28 *Most of these park impact fee projects are being carried forward from last fiscal year. Pioneer Park will be getting outdoor games, Meadow Park will be getting games, benches and a shade over the playground. Hollow Park will also get a shade for the playground. Fryer Park will get a second pavilion. Lindon City will repay Ivory Homes for Anderson Farms Park. Additionally, there will be new costs for lighting at Anderson Farms' pickleball courts (\$33,400) and Acoustiblok for the Pheasant Brook pickleball courts (\$18,000).*
- 30 **17. GL# 51-40-740 Purchase of Capital Asset +\$6,285**
 32 *This increase is to cover the cost of a ditch witch missile boring tool.*
- 34 **18. GL# 51-40-751 Wells – Capital Asset -\$500,000**
 36 *This decrease is in recognition of working on the new well in phases and postpone some of the costs due to working on other projects.*
- 38 **19. GL# 51-40-752 Secondary Water Special Projects +\$1,020,000**
 40 *This increase is to carry forward \$712,000 for the connection to the Provo River Aqueduct from last fiscal year and increase the budget due the increased costs.*
- 42 **20. GL# 51-40-755 Culinary Water Projects +\$170,000**
 44 *This increase is to carry forward the purchase and installation of generators from last fiscal year.*
- 21. GL# 55-30-600 Grant Proceeds +\$96,340**
GL# 55-42-315 Comm. Ctr. Rec. Program Exp +\$18,750

2 GL# 55-42-320 Community Center Program Exp -\$10,000
 4 GL# 55-42-340 Comm. Ctr. Lindon Cares +\$91,340

6 *Lindon City was awarded a grant for \$81,340 for tobacco and drug prevention*
 8 *programs and is applying for a UCORE grant for \$15,000. The tobacco and drug*
 10 *prevention grant will cover all program costs which will be expensed in the*
 12 *Lindon Cares budget. The Lindon Cares budget will also cover Communities that*
 14 *Care (CTC) expenses and so the previously budgeted \$10,000 for the CTC grant*
expenses are being moved from the Community Center program expense line. The
UCORE grant of \$15,000 requires a 20% match from Lindon City and those
expenses are being added to the Comm. Ctr. Rec. program expense line. If the
City is not awarded the grant, then the corresponding budgeted expenses will not
be spent.

16 **22.** GL# 55-41-730 Aq. Ctr. Improvements +\$50,000

18 *This increase is to cover replacing the pool equipment shed (\$20,000) and*
 20 *increasing the budget to reconstruct the rope bridge at the pool from \$40,000 to*
\$70,000.

22 **23.** GL# 55-42-675 Comm. Ctr. Purchase of Equipment -\$24,000

24 *This decrease is to remove the automated field painter from the budget.*

26 **24.** GL# 56-40-300 UTOPIA Customer Services -\$3,000

28 GL# 56-40-910 Admin Costs to General Fund -\$1,000

30 *The decrease for UTOPIA Customer Services is to reflect the decrease in*
 32 *payments made from utility customers for their UTOPIA connections. The Admin*
Costs are decreasing because the fund has overpaid Admin Costs to the General
Fund over the last 2 years. This fund is mainly to pass through UTOPIA billing to
Lindon utility customers who had the option to purchase their connection.
UTOPIA no longer offers this option so the number of customers decreases each
year as they pay off their contracts to UTOPIA

34 **25.** Multiple GL's Use of Fund Balance +\$4,728,110

36 Multiple GL's Appropriate to Fund Balance -\$465,275

38 *The changes in revenues and expenses are balanced and offset by changes in the*
use of and appropriation to fund balances.

40 Ms. Colson Aaron then went over the upcoming items of note which are not
 included in this budget amendment as follows:

- 42 • Lindon Arena Phase 2 Improvements
 - 44 o Terraced seating in the retention wall blocks
 - o Park benches
 - o New bathroom
 - o Additional grading

- o Estimated cost of \$286,900
- Myrtha pool lining
 - o All of the pools have leaks and need to have the lining replaced
 - o The lining is no longer under warranty
 - o We can do the Aquatics Center in phases, such as
 - Spring 2024 – zero entry/kiddy pool area
 - Fall 2024 – lazy river, barrel pool, hot tub
 - Spring or Fall 2025 – lap pool
 - o We were originally quoted a cost of about \$800,000 on the high end, but staff is working with the vendor to get quotes for different

At this time, Mr. Cowie showed photos of issues going on at the pool and explained the need for the improvements. Mr. Walker, Aquatics Manager, gave an overview of the pool improvements and also spoke on the concessions. Mr. Cowie asked for feedback on the Lindon Arena Phase 2 Improvements. He noted Mr. Bateman had asked Mr. Ron Clegg to do a sketch of the arena with arena style bleachers in concrete block. There was then some general discussion regarding this item including the cost estimates and a second restroom. Following some discussion, the council agreed that just fixing it up and adding some additional trees with some extra bleachers at this time would be sufficient rather than spending the money for concrete bleachers etc.

Councilmember Powell asked for a breakdown on the property parameters on the 700 N. CDA purchase. Ms. Colson Aaron gave a breakdown including the estimate on the parameters followed by some additional discussion. Mr. Cowie pointed out this is just a placeholder.

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

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

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

COUNCILMEMBER MAGLEBY MOVED TO APPROVE RESOLUTION #2023-18-R APPROVING AMENDMENTS TO THE FY2023-24 BUDGET AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER MAGLEBY	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	NAY
COUNCILMEMBER VANCHIERE	AYE

THE MOTION CARRIED 3 TO 1

2 *Councilmember Powell explained her nay vote stating it is due to budget item #12*
 4 *which has to do with the purchase of the property in the 700 N CDA.*

6 ***Mayor Lundberg called for a 5-minute recess at this time.***

8 **13. Recess to Lindon City Redevelopment Agency Meeting (RDA)**

10 COUNCILMEMBER POWELL MOVED TO RECESS THE LINDON CITY
 COUNCIL MEETING AND CONVENE AS THE LINDON CITY RDA.

12 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

14 COUNCILMEMBER POWELL AYE

COUNCILMEMBER MAGLEBY AYE

COUNCILMEMBER BRODERICK AYE

16 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

18 BOARDMEMBER POWELL MOVED TO ADJOURN THE LINDON RDA
 20 MEETING AND RECONVENE THE LINDON CITY COUNCIL MEETING.

22 BOARDMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

24 BOARDMEMBER POWELL AYE

BOARDMEMBER VANCHIERE AYE

BOARDMEMBER MAGLEBY AYE

26 BOARDMEMBER BRODERICK AYE

THE MOTION CARRIED UNANIMOUSLY.

28 **14. Review & Action — Interlocal Sales Tax Pledge Agreement / Bond**

30 **Parameters Resolution; Resolution #2023-19-R.** Consideration for adoption of
 32 a resolution of the City Council of Lindon City, Utah (the “city”), authorizing the
 form of an Interlocal Sales Tax Pledge Agreement and the issuance of the city
 34 obligation created thereunder; fixing the maximum aggregate principal amount of
 the city obligation, the maximum number of years over which the city obligation
 may mature, and the maximum interest rate which the city obligation may bear;
 36 providing for the publication of a Notice of Public Hearing and bonds to be
 issued; providing for the running of a contest period and setting of a public
 38 hearing date; authorizing and approving the form of the pledge agreement, a
 general indenture, a supplemental indenture, and other documents required in
 40 connection therewith; acknowledging the issuance and sale by the Lindon City
 Redevelopment Agency, Utah of tax increment and sales tax revenue bonds,
 42 Series 2023; and authorizing the taking of all other actions necessary to the
 consummation of the transactions contemplated by this resolution; and related
 44 matters.

Adam Cowie, City Administrator presented this item to the council. He explained the city is acting as a backstop for the purchase of the property purchase on the 700 N. CDA. This will notice the public that is between the RDA and the City pledging funds to the RDA purchase that is being acted upon. The resolution will show exhibits and documents reviewed and adopted in November at the Public Hearing and creating an interlocal agreement. He noted the same information was presented and approved in the previous RDA agenda item. Mr. Cowie noted that Jason Burningham with LYRB will be attending the meeting on November 20th to address any questions or concerns the council may have.

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

COUNCILMEMBER MAGLEBY MOVED TO APPROVE RESOLUTION #2023-19-R AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER MAGLEBY	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	NAY
COUNCILMEMBER VANCHIERE	AYE

THE MOTION CARRIED 3 TO 1.

Boardmember Powell explained her nay vote wanting the record to reflect this is something she did not vote for and she does not want to go forward with a placeholder. Also, she will not be here to have her thoughts continue past December when her term ends. She has been consistent in her vote from the time she said no to the purchase, however, she does want this to be successful for the Lindon Town Village.

15. Review & Action — L3 Communications Use Agreement. The City Council will consider approval of the L3 Communications Use Agreement.

Mr. Cowie led this agenda item stating this agreement is with L3 Communications for a use agreement permit for limited use of the public right of way for the installation of fiber optic communications system. He noted the city would grant the company limited permission to install, operate, maintain and repair the fiber optic communications systems along the public right of way in Lindon. He noted they must maintain certain performance standards and pay a franchise fee back to the city. Mr. Cowie stated this is pretty straightforward with no concerns or issues.

Following some general discussion, the council was in agreement to approve the agreement as presented by staff.

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

COUNCILMEMBER POWELL MOVED TO APPROVE THE L3 COMMUNICATIONS USE AGREEMENT AS PRESENTED. COUNCILMEMBER

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

4 COUNCILMEMBER MAGLEBY AYE
COUNCILMEMBER BRODERICK AYE
6 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
8 THE MOTION CARRIED UNANIMOUSLY.

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

12

Adjourn –

14

COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
16 8:20 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

18

Approved – November 6, 2023

20

22

Kathryn A. Moosman, City Recorder

24

26

28 Carolyn Lundberg Mayor

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.

The following consent agenda items were presented for approval.

- a) Proclamation: Lung Cancer Awareness Month
- b) 2024 public meeting schedule. Resolution #2023-20-R. The Council will review and adopt the 2024 Public Meeting Schedule for Planning Commission & City Council meeting dates during the 2024 calendar year.
- c) Surplus equipment disposal; Resolution #2023-21-R

Sample Motion: I move to (*approve, reject*) the consent agenda items (*as presented or amended*).

Lindon Lung Cancer Awareness Month Proclamation

Whereas, lung cancer is the leading cause of cancer death among men and women in the United States and Utah, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; (1-2)

Whereas, according to the Centers for Disease Control, there were 1,369 new lung cancer cases and 927 deaths because of lung cancer between 2013 and 2017 in Salt Lake County; (2)

Whereas the 5-year survival rate for localized lung cancer is ~59%, yet only ~17% of lung cancers are diagnosed at this stage; (1)

Whereas, screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial (3) and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial; (4)

Whereas, funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities;

Whereas lung cancer incidence is decreasing twice as fast in men as it is in women, each year more women die from lung cancer than breast cancer and by 2035, more women will die from lung cancer than men; (6-7)

Whereas African Americans have the highest lung cancer incidence and mortality of all races, and disparities in lung cancer screening, diagnosis, treatment, and mortality are well characterized among African Americans and other racial minorities. (8)

Whereas lung cancer in individuals who never smoked is the 7th leading cause of cancer-related death and accounts for 17,000-26,000 deaths in the US every year (7), 60-70% of individuals diagnosed with lung cancer who never smoked are women (9,10), and the proportion of lung cancers diagnosed in people who never smoked is increasing in the US; (10,11). Whereas radon is the leading cause of lung cancer among individuals who never smoked and the second leading cause of lung cancer overall. (12-13)

Whereas the stigma surrounding lung cancer creates barriers to early diagnosis, treatment, and funding for research, has a detrimental impact on the quality of life of people diagnosed with lung cancer, and hinders awareness of and research into lung cancer risk factors other than smoking;

Whereas lung cancer research is leading to breakthroughs in the identification of genetic alterations associated with lung cancer and in the development of lung cancer treatments, including immunotherapies and targeted therapies; (14-17)

Whereas, organizations working in Lindon such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase lung cancer screening rates in Lindon.

Therefore, I, Mayor Carolyn Lundberg, hereby proclaim November 2023 as Lung Cancer Awareness Month in Lindon, and recognize the need for research in lung cancer affecting women and lung cancer health disparities, and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

Carolyn O. Lundberg
Mayor

- (1) “Cancer of the Lung and Bronchus - Cancer Stat Facts.” *SEER*, seer.cancer.gov/statfacts/html/lungb.html.
- (2) “United States Cancer Statistics: Data Visualizations.” Center for Disease Control, <https://gis.cdc.gov/Cancer/USCS/DataViz.html>.
- (3) National Lung Screening Trial Research Team, Aberle DR, Adams AM, et al. Reduced lung-cancer mortality with low-dose computed tomographic screening. *N Engl J Med*. 2011;365(5):395-409. doi:10.1056/NEJMoa1102873
- (4) de Koning HJ, van der Aalst CM, de Jong PA, et al. Reduced Lung-Cancer Mortality with Volume CT Screening in a Randomized Trial. *N Engl J Med*. 2020;382(6):503-513. doi:10.1056/NEJMoa1911793
- (5) Siegel, R. L.; Miller, K. D.; Jemal, A., Cancer statistics, 2020. *CA: A Cancer Journal for Clinicians* 2020, 70 (1), 7-30.
- (6) Jeon, J.; Holford, T. R.; Levy, D. T.; Feuer, E. J.; Cao, P.; Tam, J.; Clarke, L.; Clarke, J.; Kong, C. Y.; Meza, R., Smoking and Lung Cancer Mortality in the United States From 2015 to 2065: A Comparative Modeling Approach. *Ann Intern Med* 2018, 169 (10), 684-693.
- (7) Rivera, G. A.; Wakelee, H., Lung Cancer in Never Smokers. *Adv Exp Med Biol* 2016, 893, 43-57.
- (8) Rivera, M. P.; Katki, H. A.; Tanner, N. T.; Triplette, M.; Sakoda, L. C.; Wiener, R. S.; Cardarelli, R.; Carter-Harris, L.; Crothers, K.; Fathi, J. T.; Ford, M. E.; Smith, R.; Winn, R. A.; Wisnivesky, J. P.; Henderson, L. M.; Aldrich, M. C., Addressing Disparities in Lung Cancer Screening Eligibility and Healthcare Access. An Official American Thoracic Society Statement. *American Journal of Respiratory and Critical Care Medicine* 2020, 202 (7), e95-e112.
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- (10) Pelosof, L.; Ahn, C.; Gao, A.; Horn, L.; Madrigales, A.; Cox, J.; McGavic, D.; Minna, J. D.; Gazdar, A. F.; Schiller, J., Proportion of Never-Smoker Non-Small Cell Lung Cancer Patients at Three Diverse Institutions. *Journal of the National Cancer Institute* 2017, 109 (7), djw295.
- (11) Toh, C. K.; Ong, W. S.; Lim, W. T.; Tan, D. S.; Ng, Q. S.; Kanesvaran, R.; Seow, W. J.; Ang, M. K.; Tan, E. H., A Decade of Never-smokers Among Lung Cancer Patients-Increasing Trend and Improved Survival. *Clin Lung Cancer* 2018, 19 (5), e539-e550.
- (12) Riudavets, M.; Garcia de Herreros, M.; Besse, M.; Mezquita, L., Radon and Lung Cancer: Current Trends and Future Perspectives, 2022. *Cancers* 2022, 14 (13).
- (13) “Health Risk of Radon.” United States Environmental Protection Agency, <https://www.epa.gov/radon/health-risk-radon#:~:text=Radon%20is%20the%20number%20one,people%20who%20have%20never%20smoked>.
- (14) Jänne PA, Riely GJ, Gadgeel SM, et al. Adagrasib in Non-Small-Cell Lung Cancer Harboring a KRASG12C Mutation. *N Engl J Med*. 2022;387(2):120-131. doi:10.1056/NEJMoa2204619
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RESOLUTION NO. 2023-20-R

**A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH
COUNTY, UTAH, ADOPTING THE 2024 LINDON CITY PUBLIC MEETING
SCHEDULE FOR THE CITY COUNCIL, PLANNING COMMISSION, AND
BOARD OF ADJUSTMENT, AND CITY OBSERVED HOLIDAYS AND OFFICE
CLOSURE DATES, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Municipal Council of Lindon City finds it necessary for conformance with State Code to adopt and publish an annual public meeting calendar for the City Council, Planning Commission, and Board of Adjustment; and

WHEREAS, the City desires to declare City observed holidays and to announce when the City facilities will be closed to the public; and

WHEREAS, the Municipal Council has discussed dates for the proposed meeting and holiday schedule and desires to adopt the 2024 Lindon City Public Meeting Schedule.

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

SECTION I. The 2024 Lindon City Public Meeting Schedule is adopted as shown on the attached 'Exhibit A'.

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

PASSED AND ADOPTED by the Lindon City Council on this 6th day of November, 2023.

Carolyn O. Lundberg, Mayor

ATTEST:

Kathryn A. Moosman, City Recorder

SEAL:

LINDON CITY PUBLIC MEETING SCHEDULE 2024

31

ALL MEETINGS TO BE HELD AT THE LINDON CITY CENTER, 100 NORTH STATE STREET, LINDON UNLESS POSTED OTHERWISE

The following chart should be used as a guide when submitting applications for City Council, Planning Commission, and Board of Adjustment review. The City assumes no liability for a missed meeting. “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 the City Recorder at 801-785-5043, giving at least 24 hours-notice.” **Lindon City Public Meeting Schedule adopted by Resolution #2023-22-R Dated 11.6.23**

Business requiring Planning Commission, City Council and/or Board of Adjustment review will be heard on the dates listed below.

CITY COUNCIL	PLANNING COMMISSION	BOARD OF ADJUSTMENT	CITY OBSERVED HOLIDAYS
5:15 P.M. 1st & 3rd Monday	6:00 P.M. 2nd & 4th Tuesday		<i>City Offices Closed</i>
JANUARY 2, 2024 - (Tuesday Meeting) JANUARY 16, 2024 – (Tuesday Meeting) FEBRUARY 5, 2024 FEBRUARY 22, 2024 – (Thursday meeting) Budget Kick-off MARCH 4, 2024 MARCH 18, 2024 APRIL 1, 2024 * APRIL 15, 2024 MAY 6, 2024 MAY 20, 2024 JUNE 3, 2024 JUNE 17, 2024 JULY 15, 2024 AUGUST 19, 2024 SEPTEMBER 3, 2024 – (Tuesday Meeting) SEPTEMBER 16, 2024 OCTOBER 7 2024 OCTOBER 21, 2024 * NOVEMBER 4, 2024 NOVEMBER 18, 2024 DECEMBER 2, 2024 DECEMBER 16, 2024	JANUARY 9, 2024 JANUARY 23, 2024 FEBRUARY 13, 2024 FEBRUARY 27, 2024 MARCH 12, 2024 MARCH 26, 2024 APRIL 9, 2024 APRIL 23, 2024 MAY 14, 2024 MAY 28, 2024 JUNE 11, 2024 JUNE 25, 2024 JULY 9, 2024 AUGUST 13, 2024 SEPTEMBER 10, 2024 SEPTEMBER 24, 2024 OCTOBER 15, 2024 (3 rd Tuesday) OCTOBER 29, 2024 (5 th Tuesday) NOVEMBER 12, 2024 NOVEMBER 26, 2024 * DECEMBER 10, 2024	Board of Adjustment meets on an as needed basis	JANUARY 1 st – New Year’s Day JANUARY 15 th – Martin Luther King Jr. Day FEBRUARY 19 th – President’s Day MAY 27 th – Memorial Day JULY 4 th – Independence Day JULY 24 th – Pioneer Day SEPTEMBER 2 nd – Labor Day NOVEMBER 28 th - 29 th – Thanksgiving Holiday DECEMBER 24 th – City Offices closed at noon DECEMBER 25 th – 26 th – Christmas Holiday (observed) JANUARY 1 st – New Year’s Day

NOTE: The City Council will meet as the Redevelopment Agency on an as needed basis on the same date as its regularly scheduled meetings.

NOTE: The Board of Adjustment will meet on an as needed basis. Meeting times and dates are subject to change.

NOTE: Meeting dates may be canceled at the discretion of the City Council and Planning Commission due to holidays, municipal elections, lack of agenda items, or other unforeseen conflicts.

NOTE: Special meetings, as needed to serve the public needs, may be added throughout the year for any of the above groups - with a minimum 24-hour public notice.

NOTE: All party caucus dates are not confirmed as yet. If they fall on a meeting date it may be subject to cancellation.

* Meeting is subject to cancellation.

RESOLUTION NO. 2023-21-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 or other comparable on-line auction site, or disposal by other means as outlined in the Lindon City Policies and Procedures Manual. If listed for sale, 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 6th day of November 2023.

By _____
Carolyn O. Lundberg, Mayor

Attest:

By _____
Kathryn A. Moosman, City Recorder

SEAL:

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



TEL 801-785-5043
FAX 801-785-4510
www.lindoncity.org

October 30, 2023

Proposed Item for Surplus

Item: 1963 Massey Ferguson 3165 tractor

Reason for surplus:

- Age
- New tractor has been purchased

Minimum suggested surplus price: \$500.00



Item: 1969 Massey Fergusen 135 Tractor

Reason for surplus:

- Age
- New tractor has been purchased

Minimum Suggested Price: \$500.00



Alex Roylance
Facilities and Fleet Manager



To: Adam Cowie
From: Mike Brower
Date: October 24, 2023
Re: Surplus Property Disposal - Weapon Suppressors

Adam,

The police department is requesting the surplus of weapon suppressors purchased in 2019 through Rebel Silencer Company. Two recent incidents with suppressors have led to them being removed from weapons out of safety and liability concerns.

The suppressors have a modular design built with several pieces. After prolonged use, continued heat expansion has caused two suppressors to malfunction. This type of malfunction can alter bullet trajectory, damage weapon systems, and potentially cause injury to operator and/or bystanders. Upon inspection of sixteen suppressors, eight have been found to have damage beyond repair.

In attempts to research warranty information with Rebel Silencer, it appears they are no longer in business. No existing website was found and a phone number associated with Rebel Silencers is not valid. Further research suggests the companies Federal Firearms License may have been rescinded.

Due to malfunctions and damage of eight suppressors with potential for further incidents, I am requesting the property be disposed of in compliance with Lindon City Policy and Procedure 3.5, and the Bureau of Alcohol, Tobacco, Firearms and Explosives. Proper disposal involves melting, shredding, cutting or crushing suppressors. Sixteen suppressors were purchased in 2019 for \$175.00 a piece. With their current state, we deem value to be \$0.

Property is considered broken and beyond reasonable repair.

Chief Mike Brower





To: Adam Cowie
From: Mike Brower
Date: October 18, 2023
Re: Surplus Duty Weapon for Retirement

Adam,

Sergeant Matt Barlow is retiring from Law Enforcement after twenty-three and a half years of service. He has served the Lindon Police Department since its formation in 2008. Sergeant Barlow has been instrumental in the departments success. Without question, he has served our community with passion, professionalism, and respect.

As Chief of Police, I have admiration for how he has conducted himself through all aspects of his profession. His innate ability in communication has fostered strong relationships within the community and law enforcement as a whole. His decision to retire is somber for our department, yet an exciting next phase for him and his family.

With his retirement date of November 30, 2023, I am requesting his duty weapon be deemed surplus and presented to him as a gift for his years of dedicated service as outlined in Lindon City Policy 3.5.1, Surplus Firearms and Police Weapons. The estimated value of his Glock firearm, serial number BSZY054, is \$300.00.

Respectfully,

Mike Brower

Chief Mike Brower



- 8. Public Hearing — Resolution #2023-22-R; Declaring Real Property as Surplus Land.** The Council will review and consider declaring 0.06 acres of land at the corner of Geneva Road & Center Street as surplus property. *(20 minutes)*

Sample Motion: I move to *(approve, reject)* Resolution #2023-22-R declaring 0.06 acres of land at the corner of Geneva Road & Center Street as surplus property *(as presented or amended)*.

The city has received a verbal offer from the adjacent land owner to purchase this parcel of land for \$10,000 with the buyer paying all costs associated with closing and transferring the land. The property used to have a sewer lift station on it (see photo from 2019 below). The lift station has since been demolished and the property is significantly encumbered with buried concrete footings/walls from the old sewer lift station vault that was approximately 30' deep. The land is currently vacant and not suitable for any structure due to the buried footings/walls and due to the required setbacks from roadways. However, it can be used for parking lot or landscaping area for the adjacent property.

In past circumstances, the city has seen values for properties encumbered with easements at approximately 30% of appraised price. Given potential market values for this encumbered property and limited ability for any other use, staff feels the verbal purchase offer amount is acceptable. If the Council approves the attached resolution declaring the land as surplus, staff will finalize the sale and transaction, with the City Administrator and/or Mayor signing all final documents.



RESOLUTION NO. 2023-22-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 real property that was formerly used for a sewer lift station which has been decommissioned and demolished, and which consists of 0.06 acres (approximately 2,613 sq/ft) of real property located on the north east corner of Center Street and Geneva Road, Lindon, Utah and further identified as Utah County Parcel ID #14:065:0057 as shown on Exhibit A; 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, based on a recent (April 2023) appraisal obtained by the City for commercially zoned undeveloped property in Lindon valued at approx. \$12.91 / sq. ft., and that this property is encumbered by a buried concrete sewer lift station vault and is additionally unbuildable due to setbacks from property lines and road right-of-way lines, find that the property will be 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 November 6, 2023; and

WHEREAS, the City has received interest from an adjacent landowner to purchase the property at a value deemed acceptable to the city, plus covering closing costs and any other incidental costs of purchasing and transferring ownership and adjusting parcel boundaries of the property so that Lindon City bears no direct cost for selling 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 property identified as Utah County Parcel ID #14:065:0057 consisting of approximately 0.06 acres on the NE corner of Lindon Center Street & Geneva Road 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 the City Administrator per the general terms outlined in this Resolution; and
- Section 3. This resolution shall take effect immediately upon passage.

Adopted and approved this 6th day of November, 2023.

By _____
Carolyn O. Lundberg, Mayor

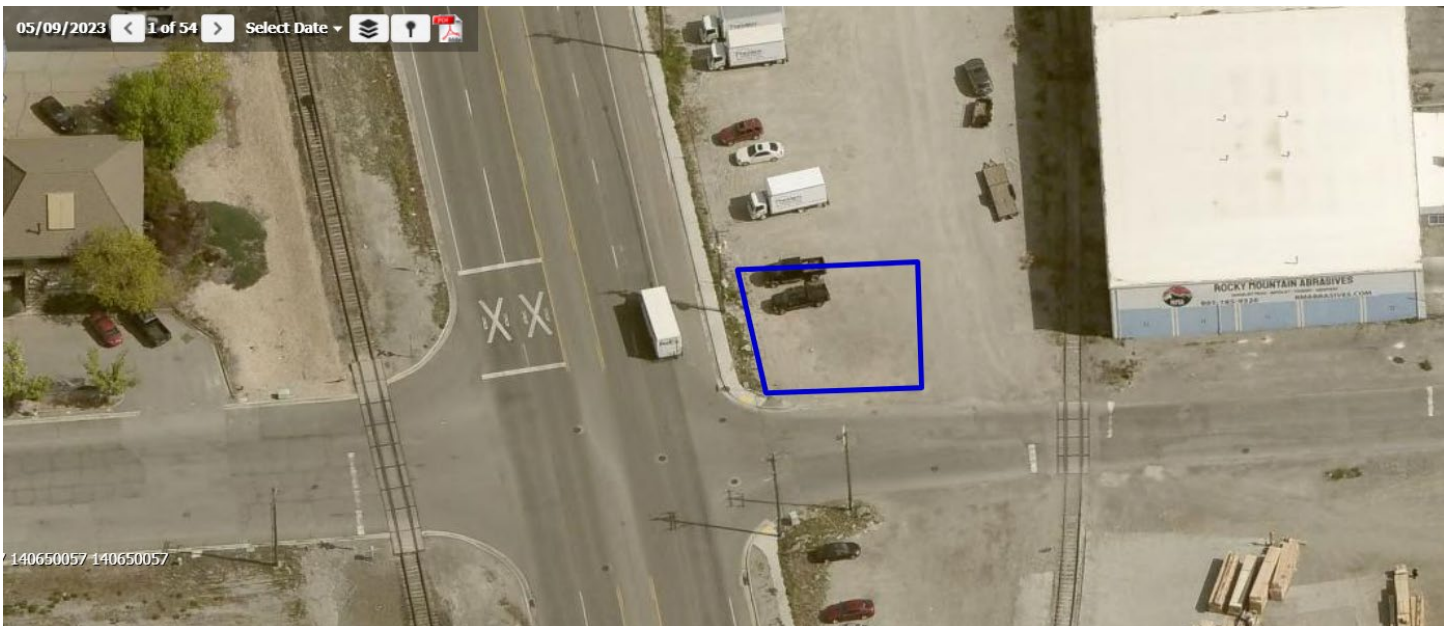
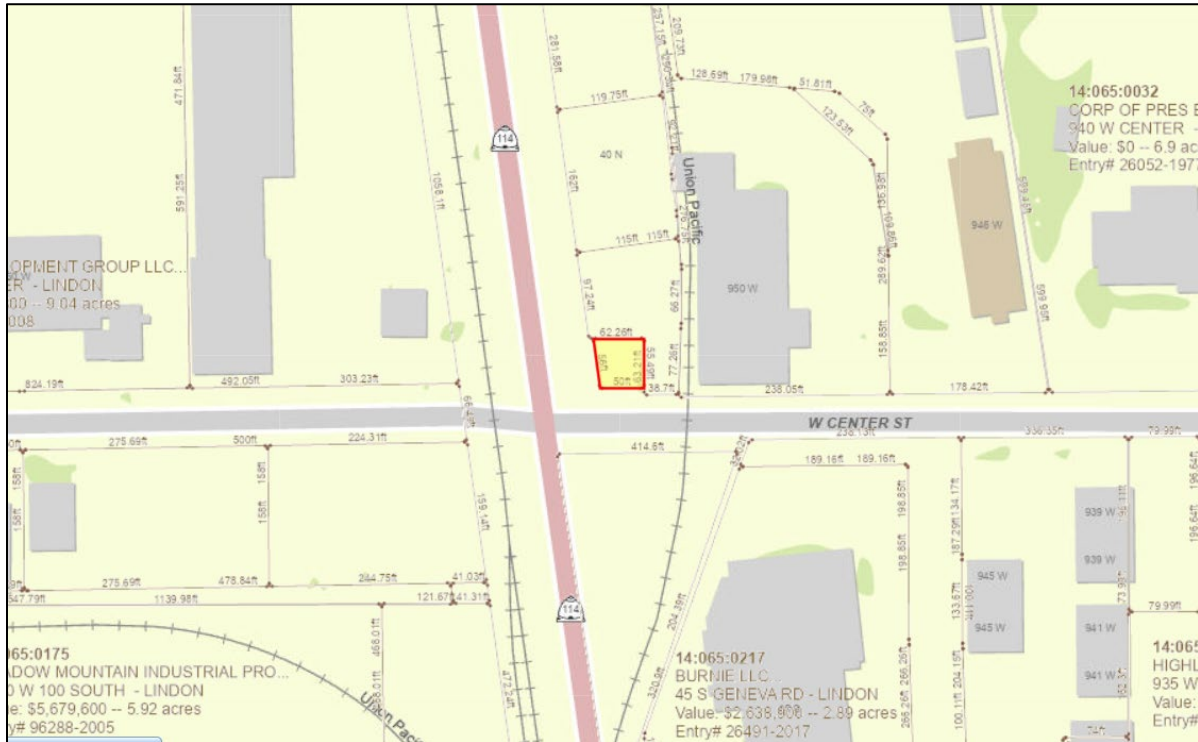
Attest:

By _____
Kathryn A. Moosman, City Recorder

SEAL:

Exhibit A

Map identifies 0.06 acres of surplus real property, approximately 50' x 55' in dimension, located on the northeast corner of Lindon Center Street and Geneva Road, Lindon, Utah and further identified as Utah County Parcel ID #14:065:0057.



9. **Review & Action — Lindon Justice Court Recertification; Resolution #2023-23-R.** The Council will review and consider Resolution #2023-23-R requesting recertification of the Lindon City Municipal Justice Court. *(10 minutes)*

Sample Motion: I move to (*approve, reject*) Resolution #2023-23-R approving the recertification request for the Lindon City Municipal Justice Court (*as presented or amended*).

RESOLUTION NO. 2023-23-R

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE LINDON CITY
MUNICIPAL JUSTICE COURT**

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Lindon City Municipal Justice Court certification shall expire on the 31st day of January 2024; and

WHEREAS, the members of the Lindon City Municipal Council have received an opinion letter from Brian Haws, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Lindon City Municipal Council have determined that it is in the best interests of Lindon City to continue to provide for a Justice Court.

THEREFORE, BE IT RESOLVED the Lindon City Municipal Council hereby requests recertification of the Lindon City Municipal Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Lindon City Municipal Council of Lindon City hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Lindon City Municipal Justice Court for the next four-year term of the court, except as to any requirements waived by the Judicial Council.

APPROVED and signed this 6th day of November, 2023.

LINDON CITY

By _____
Carolyn O. Lundberg, Mayor

ATTEST:

Kathryn A. Moosman, City Recorder

COURT CERTIFICATION AFFIDAVITJustice Court: Lindon CityJudge: Brook SessionsAddress: 100 N. State street
Lindon, UT 84042Telephone: 801-785-1971Court's Website: lindoncity.org/lindon-justice-court.htmLevel of Court (Circle one): I (II) III IVAverage Case Filings Per Month: 222Daily Court Hours: 8:00 am - 5:00 p.mNumber of Full-time Clerks: 1
Hours Worked Per Week Per Clerk: 40Number of Part-time Clerks: 2
Hours Worked Per Week Per Clerk: 25

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge Brook Sessions,

Justice Court Judge for Lindon Justice Court,

and, except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. yes
2. Court is open daily. yes
3. The hours of court operation are posted conspicuously. yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. yes
5. The judge is compensated at a fixed rate, within the statutory range. yes
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. yes
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. yes
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. yes
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support yes
 - b. Funding for attorneys for indigent defendants, as appropriate yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute yes
 - d. Security for the court as provided by statute yes
 - e. Witness and juror fees yes
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials yes
10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. yes

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).

yes

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

yes

13. A record of all court proceedings is maintained by an appropriate digital recording system.

yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. yes
2. Hours during which a clerk is available are posted on the court's website. yes
3. The judge is available to conduct court business as needed. yes
4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. yes
5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. yes
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge yes
 - b. A six-inch riser yes
 - c. Desk and chair for the court clerk yes
 - d. Chairs for witnesses yes
 - e. Separate tables and appropriate chairs for plaintiffs and defendants yes
 - f. A new Utah State flag that will be on display no later than March 9, 2024 yes
 - g. A United States flag yes
 - h. A separate area and chairs for at least four jurors yes
 - i. A separate area with appropriate seating for the public yes
 - j. An appropriate room for jury deliberations yes
 - k. An appropriate area or room for victims and witnesses which is separate from the public yes
 - l. A judicial robe yes

- m. A gavel yes
 - p. Necessary forms and supplies yes
 - q. Office space for the judge yes
 - r. Office space for the court clerk yes
 - s. Secure filing cabinets yes
 - t. Appropriate office supplies yes
 - u. A cash register or secured cash box for each clerk performing cashiering duties yes
 - v. At least one computer with word processing software and internet access yes
 - w. Access to a scanner and copy machine yes
4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. yes
 5. Does the applicant have a law enforcement department? yes
 6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: N/A

 7. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. yes
 8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. yes
 9. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. yes
 10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. yes
 11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023. yes

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. yes N/A
13. The court accepts credit and debit cards through a system that integrates with CORIS. yes
14. The court has access to UCJIS. yes
15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. yes

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

16. If the court is a **Class I** court: N/A
- a. Judge is employed on a full-time basis ____
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council ____
 - c. Court has a jury deliberation room ____
 - d. Judge's chambers, clerk's office, and courtroom are in the same building ____
 - e. Judge has his or her own private chambers ____
 - f. Clerk's office is separate from any other entity ____
 - g. Court is open during normal business hours ____

17. If the court is a **Class II** court:

a. Court is open (check one)

- ☒ 201-300 average monthly filings: at least 4 hours/day
☐ 301-400 average monthly filings: at least 5 hours/day
☐ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly yes

c. Courtroom configuration is permanent yes

d. Courtroom, judge's chambers, and clerk's office are within the same building yes

e. Judge has his or her own private chambers yes

18. If the court is a **Class III** court: N/A

a. Trial calendar is set at least twice per month _____

b. Court is opened (check one):

- ☐ 61-150 average monthly filings: at least 2 hours/day
☐ 151-200 average monthly filings: at least 3 hours/day

19. If the court is a **Class IV** court: N/A

a. Trial calendar is set at least monthly _____

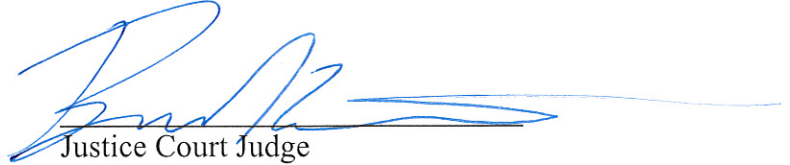
b. Court is open at least 1 hour per day _____

20. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 26 day of October, 2023.




Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 26 day of October, 2023.

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



TEL 801-785-5043
FAX 801-785-4510
attorney@lindoncity.org

October 31, 2023

Lindon City
Attn: Adam Cowie and Lindon City Council
100 North State Street
Lindon, UT 84042

Re: Recertification of the Lindon City Justice Court

Dear Mr. Cowie and City Council

As required by statute, I have reviewed the material sent to the City relating to the process and requirements of recertifying the Lindon City Justice Court. In this process I have had discussions with the Clerk of the Court regarding the average number of cases, the level of services provided, and the requirements necessary to recertify the Justice Court with the State Administrative Office of the Courts.

Pursuant to state statutes and regulations I am required to advise you as to all requirements for operating a justice court and to provide you with a legal opinion as to the feasibility of Lindon City maintaining a justice court.

All justice courts throughout the state are required to maintain certain minimum standards. These standards and the City's compliance therewith, are listed below:

1. All official court business must be conducted in a facility with a permanent courtroom, which may be shared with other uses, but must be within the boundaries of Lindon City, and which is conducive and appropriate to the administration of justice, meeting at least the minimum standards set out in U.C.A. § 78A-7-213, including adequate seating and furniture for the judge, clerk, attorneys, jury, and public.

The Lindon City Council chambers also acts as the court room, with a permanent raised judicial dais for judge and clerks, a jury box, and attorney tables. These facilities meet all of the state's standards. The City's council chambers/courtroom has been noted for its architecture and setting and has been used a model for other justice courts in the state.

2. The Court shall be open and judicial business shall be transacted every day as provided by law as set forth in U.C.A. §78A-7-213, although the judge is not required to be present during all hours is open.

The clerk's office for Lindon City Justice Court is open Monday through Friday from 8:00 a.m. to 4:30 p.m. The clerk's office is staffed with one full time clerk and two part time clerks.

3. The hours that the Court will be open shall be posted conspicuously at the court and in local public buildings pursuant to U.C.A. § 78A-7-213.

Lindon Court posts its hours of operations at the entrance of the City offices and on the City's website.

4. The judge and clerk of the court shall attend court at regularly scheduled times pursuant to U.C.A. § 78A-7-213.

The Honorable Judge Brook Sessions holds Thursday mornings from 9:00 am until the court calendar is completed. The Judge Sessions conducts his court using both video conference program provided by the Administrative Offices of the Courts (the video program is called Webex) and he holds in person court once a month. This in person date also include a time set aside for those defendants who are in need of an interpreter to ensure they fully understand their rights and the nature of the proceedings. Appearances before the Court are by appointment only. In addition, Judge Sessions sets court to conduct trials and hearing on a case by case basis and sets such times to accommodate the schedule of defendants and attorneys when possible.

5. Lindon City shall provide and compensate a judge and clerical personnel to conduct the business of the courts pursuant to U.C.A. § 78A-7-206 and § 78A-7-207.

Lindon City retains the Honorable Brook Sessions as the justice court judge and compensates Judge Sessions in accordance with the state statute. Lindon City currently employs one full time judicial clerk and two judicial clerks to meet the needs of the court.

6. The City must pay the expenses of travel, meals, and lodging for the judge to attend required judicial education and training pursuant to U.C.A. §78A-7-205.

Lindon City pays for the judge to attend the all required judicial council conferences, including the cost of attendance, travel, lodging, and meals.

7. The City must assume the cost of travel and training expenses of the clerical personnel and training sessions conducted by the Judicial Council pursuant to U.C.A § 78A-78-103.

Lindon City pays for the court staff to attend the all required training sessions conducted by the Judicial Council including the cost of attendance, travel, lodging, and meals.

8. The City must provide a sufficient staff of public prosecutors to screen cases and attend court and perform the duties of prosecution pursuant to U.C.A 78A-7-103.

Lindon City employees a full-time attorney who acts as prosecutor for the City and who screens cases filed before the court and who is present for all criminal proceedings.

9. The City must provide adequate funding for attorneys for defendants where persons are indigent as provided by U.C.S 78A-7-103.

Lindon City contracts with private attorneys to act as defense attorneys for defendants that are indigent and the public defenders are present on an as needed basis. Lindon City Justice Court Clerks also works closely with the state agencies to secure grants and financial aid to ensure its public defenders are adequately compensated for the representation of indigent clients, but Lindon is committed and able to provide such adequate compensation to its public defenders independent of the award of any grants or aid from outside agencies.

10. The City must provide sufficient law enforcement to attend court and provide security for the court pursuant to U.C.A 78A-7-103.

Lindon used to contract with All-Pro Security to provide bailiffs for the court, but with the majority of court calendars being conducted over Webex, it is no longer necessary to maintain this contract and those in-person court date which require law enforcement is adequately provided by the Lindon Police Department.

11. The City must pay witness and jury fees for those called to testify or sit on a jury court.

Court staff verifies that all witnesses that are required to attend a hearing qualify for witness fees and provides compensation consistent with state law for those who qualify.

12. The City must establish a system to accurately report and submit fines, surcharges, or assessments owing to the state. All reports and audits shall be filed pursuant to U.C.A. 78A-7-213.

Lindon submits to annual audits and utilizes the state required reporting system to comply with this requirement.

13. Pursuant to U.C.A. 78A-7-212, the court must be held within the jurisdiction of the court except as provided by law.

The Lindon Justice Court is held at the Lindon City Center located at 100 North State Street in Lindon Utah.

14. The City must keep current bail schedules and necessary forms and supplies, including copies of the Utah Code, Justice Court Manual, the Code of Judicial Administration, and all other local ordinances and state laws affecting local governments.

Lindon City has provided all required materials and provides updated codes and rules on an annual basis.

15. The City shall file all required reports and audits as mandated by law or by rule of the Judicial Counsel pursuant to U.C.A. 78A-7-215.

Lindon City provides all required reports and audits on an on-going basis.

16. The court must use the state common case management system and disposition reporting system and must provide sufficient computer and internet equipment to effectively comply with the case disposition reporting requirements established by statute or rule.

The Judge and court clerk's offices are equipped with the necessary computers and internet services and the Court has been trained extensively in implementing and following the state requirements.

=====

In addition to the requirement imposed directly by the state statute, and pursuant to the authority granted to it by that same statute, the Judicial Council has promulgated the minimum requirements for the certification of justice courts. These standards and the City's compliance therewith, are listed below:

1. Court must be open for at least four hours per day the court is required to be open as provided by law.

As noted above, the Lindon Justice Court is open Monday through Friday from 8:00 a.m. to 4:30 p.m.

2. The judge must be available to attend court and conduct business as needed.

Judge Sessions attends court on a consistent basis and schedules trial and hearings to accommodate the schedules of attorneys, witnesses and parties appearing before him.

3. The minimum furnishings for the courtroom shall include: a desk and chair for the judge (on a 6 inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and chairs for plaintiffs and defendants, Utah State five, United States flag, a separate area and chairs for at least four jurors, separate area with appropriate city public, and appropriate room for jury deliberations, and an appropriate area or room victims and witnesses separate from the public

Lindon Justice Court provides all of the necessary furnishing listed above.

4. Lindon city must provide a judicial robe, a gavel, current copies of bails schedules, the of code of judicial administration, local ordinances and states codes, as well as all necessary forms and supplies.

Lindon Justice Court provides and maintains the necessary forms and supplies as well as providing the necessary judicial robes and gavel.

5. The City must provide office space for the judge and clerk, including the necessary furniture and equipment and supplies, as listed in Rule 9-105 in the Code of Judicial Administration, to conduct court business, including a desk the judge and a desk for the clerks, secure filing

cabinets for the judge and the clerk, telephone for the judge and telephone for the clerk, appropriate office supplies to conduct court business, cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

Lindon provides separate office space for the judge and clerks and provides both offices with the required supplies, including computer and internet equipment to allow the judge to conduct video conferences with defendant using Webex.

6. A clerk must be present during the time is open each day and during sessions as a required by the judge.

Lindon City employs one full time judicial clerk and two part time judicial clerks to carry on the work of the court, which enables at least one clerk to be present during court sessions and at least one clerk to keep the clerk's office open to the public during court.

7. The city must have at least one peace officer.

Lindon City Police department employs more than the required number of officers.

8. The city must have a security plan consistent with Rule 3-414 of the Code of Judicial Administration.

Lindon City has adopted a security plan which has been reviewed and updated in 2023. (See Security plan attached as Exhibit A)

9. Each court shall report required case disposition information to the DLD, BCI, and the administrative office of the courts electronically.

Lindon City complies with this requirement through the state required reporting system.

10. The court must install a digital audio recording system as specified by the Judicial Council and maintain the audio recordings for a minimum of one year.

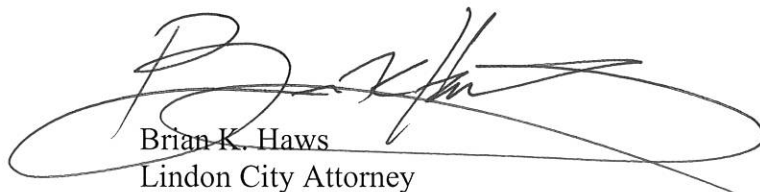
The Lindon Justice Court has installed the necessary audio recording system and maintains the recording for the required period of time.

The Judicial Council has also determined that courts with higher case filings require greater support services. To accommodate the great differences in judicial activities between justice courts within the state, courts are divided into classifications based on the average number of monthly filings. Then, based on the classification, the Judicial Council imposes requirements in addition to the general requirements listed above.

Based on the average number of case filings, the Lindon City Justice Court is a Class II Court. There is only one requirement imposed on a Class II Court which is in addition to those listed above. This is that the court be open at least four hours a day. As noted above, to meet the demands of the court's filings Lindon keeps its court open and available to the public far and above this requirement.

In consideration of the above listed information, I am of the opinion, and recommend to you, that the Lindon City Justice Court apply for recertification and continue its operation. It is my opinion that the Justice Court fully complies with the requirements of the Judicial Council and that it has the ability to meet these state guidelines on a continual basis.

Sincerely,

A handwritten signature in black ink, appearing to read "B. K. Haws", is written over the printed name and title. The signature is stylized with a large, looping initial "B" and a long horizontal stroke extending to the right.

Brian K. Haws
Lindon City Attorney

ADJOURN