

2 The Lindon City Council regularly scheduled meeting on **Monday, October 16, 2023, at**
3 **5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
4 Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Carolyn Lundberg, Mayor
9 Invocation: Daril Magleby, Councilmember
10 Pledge of Allegiance: Caleb Asbell

12 **PRESENT**

13 Carolyn Lundberg, Mayor
14 Van Broderick, Councilmember
15 Randi Powell, Councilmember
16 Daril Magleby, Councilmember
17 Mike Vanchiere, Councilmember – arrived 5:45pm
18 Adam Cowie, City Administrator
19 Brian Haws, City Attorney
20 Mike Florence, Community Development Dir.
21 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
27 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
33 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
35 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
37 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
39 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.

41 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
43 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

2 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
4 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.

6 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
8 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
10 he will provide the documentation on the updates.

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

14 4. COUNCIL REPORTS:

16 **Councilmember Hoyt** – Councilmember Hoyt was absent.

18 **Councilmember Vanchiere** – Councilmember Vanchiere was absent.

20 **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
22 thanked staff for putting on a good event.

24 **Councilmember Powell** – Councilmember Powell reported the senior center will be
having a fair tomorrow around 10:30. She also reported the Lindon Youth Council
26 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.

28 **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
30 and for those who participated. He also gave a reminder to get out and vote.

32 **Mayor Lundberg** – Mayor Lundberg also commended staff for the meet the candidate's
34 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
36 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.

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

40 **Misc. Updates:**

- 42 • Next regular council meetings: November 6th & November 20th
- November 2023 newsletter assignment (due last week of October): Juan Garrido
- 44 • 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

2 within a residential zone, and \$400 per violation per day that the violation is ongoing within a
4 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.

6 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
8 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
10 for violations in residential areas. This ordinance amendment will ensure that our code stays up to
date with the state code.

12 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
14 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
16 \$200/\$400 a day fine. That would be in 4 areas as follows:

- 8.20.090, or the nuisance code
- 18 • 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
20 building. This would simply apply to any municipal code enforcement.
- 17.04.410, or the zoning violation code.
- 22 • 17.62.170, or the floodplain code within the zoning chapter.

24 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
26 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
28 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
30 approval on September 26, 2023. Ms. Barnes then presented the Draft ordinance followed by
some general discussion.

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

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

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

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

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

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

COUNCILMEMBER VANCHIERE AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER MAGLEBY AYE

COUNCILMEMBER BRODERICK AYE

THE MOTION CARRIED UNANIMOUSLY.

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) to add requirements for driveway clear view areas.

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

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 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 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 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.

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 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 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 well as pedestrians.

Ms. Barnes stated that staff have been using this 15' clear view for driveways for 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 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 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 15' triangle would cover most bases for residential clear view.

Ms. Barnes stated that commercial or industrial driveways would typically see 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 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.

2 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
4 proposing a 15' clear view triangle for commercial and industrial zones noting that this
would only apply to new development, construction, or improvements.

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

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

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

16 Councilmember Broderick stated he understands the concept but has issues with
the regulations. Discussion on terms of the ordinance followed. Mayor Lundberg asked if
18 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
20 vans to be able to see safely.

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

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

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

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

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

THE MOTION TIED 2 TO 2.

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

2 **10. Public Hearing — Ordinance #2023-17-O;** Recommendation from the Planning
3 Commission to the Lindon City Council for an amendment to Lindon City Code
4 17.02, 17.80, and the Standard Land Use Table to define, allow, and adopt
5 regulations for short-term rentals within Lindon City.

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

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

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

- 18 • Requires a business license for Short-Term Rentals. The business license fee
19 won’t go into effect until the ongoing business license fee study is completed.
- 20 • General regulations as follows:
 - 21 ○ The residential dwelling shall not be rented to more than one party of
22 guests at a time.
 - 23 ○ Only one short-term rental is allowed per cul-de-sac.
 - 24 ○ A minimum of two off-street parking spaces for the short-term rental.
25 Additional parking spaces are required depending on the number of
26 guests.
 - 27 ○ The property owner must designate a responsible individual within the
28 State that can respond to complaints within one hour.
 - 29 ○ A nameplate installed by the main entrance with contact information for
30 the responsible individual. Inside the Short-Term Rental the owner is
31 required to provide an information packet with that includes responsible
32 individual contact information, parking requirements, garbage pickup (if
33 required by the renter), non-emergency contact information for the Lindon
34 Police Department.
 - 35 ○ That Short-Term Rentals cannot be used for events.
 - 36 ○ Building code requirements for egress, smoke and carbon monoxide
37 detectors are met.
 - 38 ○ 10:00 p.m. to 7:00 a.m. time restriction for outdoor activities.
 - 39 ○ The property owner shall be responsible for ensuring that guests or
40 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 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
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

11. Review & Action — Utah County Health Department Grant Agreement. The City Council will consider for approval & acceptance the Utah County Health

2 Department Grant Agreement for E-cigarette, Marijuana & Other Drug
Prevention to be administered by the Lindon CTC Coalition.

4

6 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
they have put a wide variety of things in there. Also, they aren't planning on spending all
8 of the grant money and there is no penalty if they don't spend it all. Councilmember
Vanchiere added that Ms. Jensen and staff go above and beyond and do a great job.

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

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

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

20

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

COUNCILMEMBER MAGLEBY AYE
26 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER POWELL AYE
28 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

30

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

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

34

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

38

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

- 42 1. GL# 10-33-630 Emergency Mgmt. Program Grant +\$4,000
GL# 10-33-790 State Grants +\$25,500

2 *Increase budget for Emergency Management Program Grant which was awarded*
4 *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.

6 **2.** GL# 10-36-945 Funds from Financing Sources +\$1,038,640

 GL# 10-54-675 Purchase of Equipment +\$29,000

8 GL# 10-54-750 Vehicles +\$1,038,640

 GL# 10-54-810 Vehicle Lease Principal \$66,370

10 *The police fleet capital lease and purchase of vehicles, as well as the equipment*
12 *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
14 *than budgeted.*

16 **3.** GL# 10-42-510 Court - Insurance +\$600

 GL# 10-51-510 Gov't Bldgs. - Insurance +\$3,000

18 GL# 10-60-510 Streets - Insurance +\$1,600

 GL# 10-64-510 Parks - Insurance +\$1,700

20 GL# 10-68-510 Comm. Dev. - Insurance +\$1,250

 GL# 52-40-510 Sewer - Insurance +\$850

22 GL# 54-40-510 Storm - Insurance +\$1,600

 GL# 55-41-510 Aq. Ctr. - Insurance +\$2,510

24 GL# 55-42-510 Community Center - Insurance +\$3,360

This increase is to cover rising insurance costs.

26 **4.** GL# 10-44-230 Travel & Training +\$3,000

28 *This increase is to cover in-person training offered locally by Government*
30 *Finance Officers Association for Kristen and Chase, as well as adding Human*
 Resources training for Tanya.

32 **5.** GL# 10-44-310 Professional Services +\$10,000

34 *This increase is to cover the cost for software services for Applicant Pro to help*
 with hiring and onboarding new employees.

36 **6.** GL# 10-51-675 Purchase of Equipment +\$5,000

38 *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.

40 **7.** GL# 10-51-730 Building Improvements +\$50,000

42 *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
44 *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.

- 2 **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
4 GL# 10-38-541 PW Admin Dept Cost Share-Storm +\$2,874
GL# 10-62-110 PW Admin – Salaries & Wages \$10,675
6 GL# 10-62-135 PW Admin – Benefits – FICA \$820
GL# 51-40-911 PW Admin Dept Cost to Gen. Fund +\$2,874
8 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
10 *This increase is due to increasing the part-time Public Works receptionist from 10*
12 *to 20 hours per week. Public Works Administration department costs are split*
14 *equally between the General, Water, Sewer, and Storm Drain Funds.*
- 14 **9.** GL# 10-64-730 Park Improvements +\$70,000
16 *The Hollow Park playground replacement is carrying forward from last fiscal*
18 *year.*
- 18 **10.** GL# 10-67-760 Office/Warehouse +\$280,000
20 *The Cemetery building was not completed last fiscal year and is carrying forward*
22 *into this fiscal year.*
- 22 **11.** GL# 10-68-310 Professional Services +\$25,000
GL# 10-68-620 Master Plan -\$21,000
24 *The Community Development budget lines are changing to reflect the addition of*
26 *a business license fee study (\$23,500), increased cost for the streetscape study*
28 *(\$5,000), and an annual software payment (\$6,500), as well as decreases for third*
30 *party inspection services (\$10,000) and the master plan (which is complete so the*
32 *remaining budget of \$21,000 is not needed).*
- 30 **12.** GL# 10-75-902 Transfer to Redevelopment Fund +\$500,000
GL# 22-30-475 Bond Proceeds +\$3,863,000
32 GL# 22-30-480 Transfer from General Fund +\$500,000
GL# 22-84-310 Professional Services +\$70,385
34 GL# 22-84-760 Property Purchase +\$4,892,615
36 *This is for the property purchase in the 700 N CDA. The amended budget is for*
38 *\$500,000 transfer from the General Fund to the 700 N CDA, using \$600,000 for*
40 *the 700 N CDA fund balance, bonding for \$3,863,000, paying \$70,385 for the cost*
42 *of issuing the bond, and the estimated cost of purchasing up to 8.7 acres of*
44 *property.*
- 42 **13.** GL# 22-83-640 Tax Participation Agreement +\$250,000
44 *Lindon City has agreed to pay Doug Smith Kia \$250,000 when they open in*
46 *Lindon.*
- 46 **14.** GL# 24-41-675 Purchase of Equipment +\$139,470

2 *This increase is to use PARC tax to replace concession equipment in order to*
4 *increase concession options and sales.*

6 **15. GL# 24-44-730 Capital Outlay (Parks) +\$344,145**

6 *This increase is to use PARC tax to reconstruct the base under the Meadow Park*
8 *playground and replace the playground equipment. This was in last year's budget*
8 *for \$150,000, but bids for this work came in much higher.*

10 **16. GL# 47-40-710 Pioneer Park +\$12,500**

10 GL# 47-40-715 Pheasant Brook Park +\$18,000

12 GL# 47-40-718 Meadow Park (Fieldstone) +\$42,500

12 GL# 47-40-720 Hollow Park +\$30,000

14 GL# 47-40-728 Anderson Farms Park +\$1,846,900

14 GL# 47-40-730 City Center Park +\$62,000

16 GL# 47-40-750 Fryer Park +\$105,000

16 *Most of these park impact fee projects are being carried forward from last fiscal*
18 *year. Pioneer Park will be getting outdoor games, Meadow Park will be getting*
18 *games, benches and a shade over the playground. Hollow Park will also get a*
20 *shade for the playground. Fryer Park will get a second pavilion. Lindon City will*
22 *repay Ivory Homes for Anderson Farms Park. Additionally, there will be new*
22 *costs for lighting at Anderson Farms' pickleball courts (\$33,400) and Acoustiblok*
24 *for the Pheasant Brook pickleball courts (\$18,000).*

24 **17. GL# 51-40-740 Purchase of Capital Asset +\$6,285**

26 *This increase is to cover the cost of a ditch witch missile boaring tool.*

28 **18. GL# 51-40-751 Wells – Capital Asset -\$500,000**

28 *This decrease is in recognition of working on the new well in phases and postpone*
30 *some of the costs due to working on other projects.*

32 **19. GL# 51-40-752 Secondary Water Special Projects +\$1,020,000**

32 *This increase is to carry forward \$712,000 for the connection to the Provo River*
34 *Aqueduct from last fiscal year and increase the budget due the increased costs.*

34 **20. GL# 51-40-755 Culinary Water Projects +\$170,000**

36 *This increase is to carry forward the purchase and installation of generators from*
38 *last fiscal year.*

38 **21. GL# 55-30-600 Grant Proceeds +\$96,340**

40 GL# 55-42-315 Comm. Ctr. Rec. Program Exp +\$18,750

40 GL# 55-42-320 Community Center Program Exp -\$10,000

42 GL# 55-42-340 Comm. Ctr. Lindon Cares +\$91,340

44 *Lindon City was awarded a grant for \$81,340 for tobacco and drug prevention*
44 *programs and is applying for a UCORE grant for \$15,000. The tobacco and drug*

prevention grant will cover all program costs which will be expensed in the Lindon Cares budget. The Lindon Cares budget will also cover Communities that 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.

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

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

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

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

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

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

The decrease for UTOPIA Customer Services is to reflect the decrease in 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

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

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

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

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

- Lindon Arena Phase 2 Improvements
 - 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

- 2 • Spring 2024 – zero entry/kiddy pool area
3 • Fall 2024 – lazy river, barrel pool, hot tub
4 • Spring or Fall 2025 – lap pool
5 o We were originally quoted a cost of about \$800,000 on the high end, but staff is
6 working with the vendor to get quotes for different

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

17 Councilmember Powell asked for a breakdown on the property parameters on the
18 700 N. CDA purchase. Ms. Colson Aaron gave a breakdown including the estimate on
19 the parameters followed by some additional discussion. Mr. Cowie pointed out this is just
20 a placeholder.

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

23 COUNCILMEMBER VANCHIERE MOVED TO CLOSE THE PUBLIC
24 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
25 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
26

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

29 COUNCILMEMBER MAGLEBY MOVED TO APPROVE RESOLUTION
30 #2023-18-R APPROVING AMENDMENTS TO THE FY2023-24 BUDGET AS
31 PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE
32 VOTE WAS RECORDED AS FOLLOWS:
33

34 COUNCILMEMBER MAGLEBY AYE
35 COUNCILMEMBER BRODERICK AYE
36 COUNCILMEMBER POWELL NAY
37 COUNCILMEMBER VANCHIERE AYE
38 THE MOTION CARRIED 3 TO 1
39

40 Councilmember Powell explained her nay vote stating it is due to budget item #12
41 which has to do with the purchase of the property in the 700 N CDA.
42

43 **Mayor Lundberg called for a 5-minute recess at this time.**
44

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

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

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

8 COUNCILMEMBER POWELL AYE

 COUNCILMEMBER MAGLEBY AYE

10 COUNCILMEMBER BRODERICK AYE

 COUNCILMEMBER VANCHIERE AYE

12 THE MOTION CARRIED UNANIMOUSLY.

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

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

18 BOARDMEMBER POWELL AYE

 BOARDMEMBER VANCHIERE AYE

20 BOARDMEMBER MAGLEBY AYE

 BOARDMEMBER BRODERICK AYE

22 THE MOTION CARRIED UNANIMOUSLY.

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

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

40 Adam Cowie, City Administrator presented this item to the council. He explained
42 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
44 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 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER MAGLEBY	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	AYE

2 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

4

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

8 **Adjourn** –

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

14 Approved – November 6, 2023

16

18

Kathryn A. Moosman, City Recorder

20

22

Carolyn Lundberg Mayor