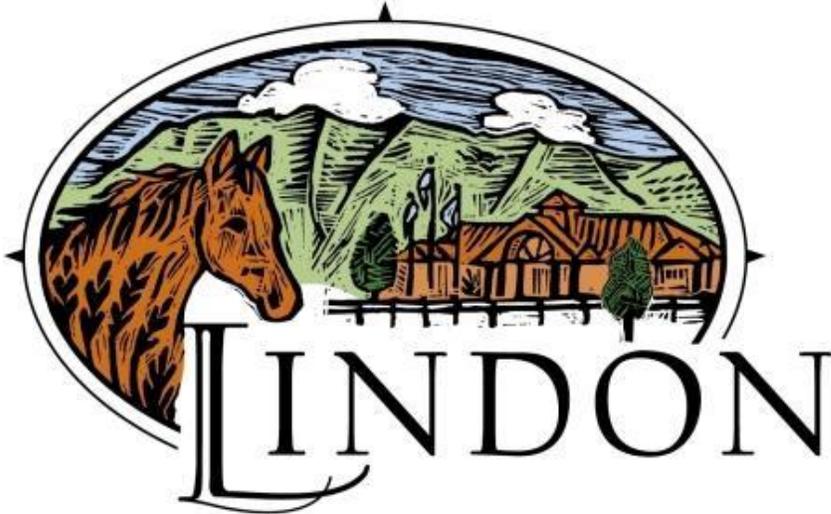
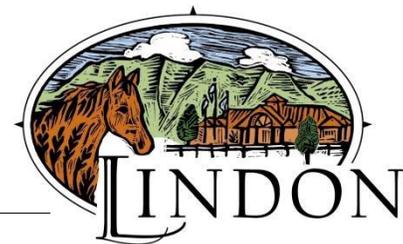


# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

October 4, 2016



# Notice of Meeting of the Lindon City Council

The Lindon City Council will hold a regularly scheduled meeting beginning at **7:00 p.m.** on **Tuesday, October 4, 2016** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

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



(Review times are estimates only)

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

Pledge of Allegiance: By Invitation  
Invocation: Matt Bean

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements**
  - a) Comments / Announcements from Mayor and Council members
  - b) Employee Recognition Award: Chad Hendrickson, Waste Water Technician
- 3. Approval of minutes:** September 20, 2016
- 4. Consent Agenda** – No Items
- 5. Open Session for Public Comment** *(For items not on the agenda)*
- 6. Presentation — 700 North Corridor Committee**

The 700 North Corridor Committee was created in December 2015 to formulate and recommend to the City Council specific development visioning plans for the corridor. The Committee will give a presentation to the City Council concerning design, development and landscaping standards for the 700 North corridor. The Committee has also presented their recommendations to the Planning Commission. No action will be taken.
- 7. Public Hearing — LCC 17.68.030, Reimbursement Fees; Ordinance 2016-19-O**
- 8. Open & Public Meetings Training**
- 9. Council Reports:**

(2 minutes)

(5 minutes)

(5 minutes)

(10 minutes)

(60 minutes)

(10 minutes)

(30 minutes)

(20 minutes)

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

## 10. Administrator’s Report Adjourn (10 minutes)

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

### CERTIFICATE OF POSTING:

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

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

Date: September 30, 2016

Time: 5:00 p.m.

Place: Lindon City Center, Lindon Police Dept., Lindon Community Center

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

Pledge of Allegiance: By Invitation

Invocation: Matt Bean

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

October 4, 2016 Lindon City Council meeting.

Jeff Acerson  
Matt Bean  
Van Broderick  
Jake Hoyt  
Carolyn Lundberg  
Dustin Sweeten

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

### **Item 2 – Presentations and Announcements**

- a) Comments / Announcements from Mayor and Council members.
- b) Employee Recognition Award: **Chad Hendrickson, Waste Water Technician**

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes: **September 20, 2016**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, September**  
3 **20, 2016, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor  
9 Pledge of Allegiance: Evan Arnicknect  
10 Invocation: Carolyn Lundberg, Councilmember

12 **PRESENT**

12 Jeff Acerson, Mayor  
14 Carolyn Lundberg, Councilmember  
14 Van Broderick, Councilmember  
16 Jacob Hoyt, Councilmember  
16 Dustin Sweeten, Councilmember  
18 Adam Cowie, City Administrator  
18 Cody Cullimore, Chief of Police  
20 Hugh Van Wagenen, Planning Director  
20 Kathryn Moosman, City Recorder

**ABSENT**

Matt Bean, Councilmember

- 22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
- 26 a) **Mayor/Council Comments** – There were no announcements at this time.
- 28 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
- 30 meeting of September 6, 2016 were reviewed.

32 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE  
32 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 6, 2016 AS AMENDED.  
34 COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS  
34 RECORDED AS FOLLOWS:

36 COUNCILMEMBER LUNDBERG	AYE
36 COUNCILMEMBER BRODERICK	AYE
36 COUNCILMEMBER HOYT	AYE
38 COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 40 4. **Consent Agenda** – No items.
- 42 5. **Open Session for Public Comment** – Mayor Acerson called for any public
- 44 comment not listed as an agenda item. There were no public comments.

46 **CURRENT BUSINESS**

2       **6. Public Hearing – LCC 12.20.215 Smoking & Vaping; Ordinance #2016-18-O.**  
 4       The Utah County Health Department has encouraged cities to adopt restrictions  
 6       on smoking and vaping in city parks and recreational areas. The Council will  
 8       consider creation of LCC 12.20.215 as recommended by Lindon’s Parks  
 10       Department to restrict smoking and vaping within 25’ of playgrounds, pavilions,  
 12       and other park facilities.

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

20       Heath Bateman, Parks & Recreation Director led this discussion by stating several  
 22       months ago he was contacted by the County and some interested citizens who support  
 24       prohibiting smoking and vaping in public parks. He noted the representatives who  
 26       support this action are in attendance tonight to voice support of this ordinance.

28       The group conducted several surveys on e-cigarettes and vaping including use by  
 30       youth and adults which has almost tripled in Utah County. They reported it is proven that  
 32       nicotine affects the brains of teenagers and vaping is a gateway drug. People exposed to e-  
 34       cigarettes and vaping get secondhand nicotine just like cigarettes. They also listed the  
 36       cities in Utah County that have already passed laws prohibiting vaping. The group  
 38       expressed they are wanting to create a safer environment for children and others in the  
 40       community.

42       Mr. Bateman then referenced the ordinance noting they will put up no smoking  
 44       signs indicating no smoking is allowed within 25’ of playgrounds, pavilions, and other  
 46       park facilities, which they feel is a safe distance. Brian Haws, City Attorney commented  
 48       that the Utah Clean Air Act states 25’ is a safe distance and very commonly used. Mr.  
 50       Bateman stated they will also reflect the City Code number on the signs. There was then  
 52       some general discussion regarding this issue.

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

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

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

68       COUNCILMEMBER SWEETEN MOVED TO APPROVE ORDINANCE  
 70       #2016-18-O TO PROHIBIT SMOKING AND VAPING WITHIN 25’ OF  
 72       PLAYGROUNDS, PAVILIONS, AND OTHER PARK FACILITIES AND  
 74       RECREATIONAL EVENTS. COUNCILMEMBER BRODERICK SECONDED THE  
 76       MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
 78       COUNCILMEMBER LUNDBERG            AYE  
 80       COUNCILMEMBER BRODERICK        AYE  
 82       COUNCILMEMBER HOYT                AYE

2 COUNCILMEMBER SWEETEN AYE  
THE MOTION CARRIED UNANIMOUSLY.

4

At this time Councilmember Lundberg requested to change the order of the agenda placing agenda item number eleven (11) before agenda item number ten (10) and resume the regular agenda order thereafter. Mayor Acerson called for a motion to amend the agenda order.

10 COUNCILMEMBER LUNDBERG MOVED TO AMEND THE AGENDA  
ORDER PLACING AGENDA ITEM ELEVEN BEFORE AGENDA ITEM NUMBER  
12 TEN AND RESUME THE REGULAR AGENDA ORDER THEREAFTER.  
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
14 VOTED IN FAVOR. THE MOTION CARRIED.

16 **7. Review & Action — Development Agreement for Utility Easement**  
**Acquisition.** The City Council will review and consider a joint Development  
18 Agreement between Shadow Mountain Industrial Properties, Ivory Homes, and  
Lindon City for purposes of obtaining a utility easement through Shadow  
20 Mountain property identified as Parcel No. 14:062:0051 on the records of the  
Utah County Recorder’s Office, to facilitate utility improvements beneficial to the  
22 public for improved sewer system facilities and serving the proposed Anderson  
Farms development.

24  
Adam Cowie, City Administrator, opened this discussion by explaining the City  
26 and Ivory Homes have been working for several months with representatives from  
Shadow Mountain Industrial Properties to acquire an easement for utilities that will be  
28 needed for the proposed Anderson Farms development by Ivory Homes. He noted this  
easement is also necessary for the installation of sewer utilities that will enable the City  
30 to improve functionality of its sewer system and eliminate long term needs for multiple  
sewer lift stations. He then presented photos depicting the site in question. He noted that  
32 Mr. Clark Taylor representing Shadow Mountain Industrial Properties is in attendance  
tonight to answer any questions the Council may have regarding this issue.

34 Mr. Cowie went on to say negotiations regarding compensation in exchange for  
the easement from Shadow Mountain had previously stalled and the City felt it necessary  
36 to use eminent domain to obtain the easement. The public hearing for adoption of a  
resolution to begin this eminent domain process was advertised and is listed as the next  
38 agenda item. But, because the recent negotiations have been productive and all the  
parties have agreed upon an outline of terms staff is recommending that on the next  
40 agenda item no action be taken. He noted if the Development Agreement is acceptable to  
all parties then there would be no need to proceed with the eminent domain process to  
42 acquire the easement.

Mr. Cowie further explained if final agreements have not been reached, staff  
44 requests that the Council authorize staff to continue working on the agreement with all  
parties and allow the Mayor to sign the finalized Development Agreement. He then  
46 referenced the *draft* agreement and exhibit. Mr. Cowie noted the improvements consist of  
culvert and any associated backfill, surface improvements, installed utilities (gravity flow

2 percentage to be worked out), pressure irrigation, (all major utilities). He added that staff  
received Councilmember Bean’s emailed comments noting he is comfortable moving  
4 ahead if the final negotiations are worked through. Mr. Cowie stated staff appreciates Mr.  
Clark’s willingness to negotiate and his commitment to work through these issues. He  
6 then turned the time over to Mr. Taylor for comment.

Mr. Taylor commented they have a bullet point agreement drafted by Brian Haws,  
8 City Attorney, and they are in agreement to move forward in a positive, optimistic  
direction noting the city has been great to work with. Mr. Cowie agreed that the terms  
10 (bullet points) are contained in the agreement if there are any substantial changes that  
affect cost or outlay of construction they will be brought back before the Council. Mr.  
12 Cowie also requested to include in the motion the condition of authorizing staff and the  
City Attorney to finalize the agreement and also to give the Mayor the authorization to  
14 sign the finalized agreement.

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

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE DRAFT  
DEVELOPMENT AGREEMENT BETWEEN SHADOW MOUNTAIN INDUSTRIAL  
20 PROPERTIES, IVORY HOMES, AND LINDON CITY FOR THE PURPOSE OF  
OBTAINING A UTILITY EASEMENT THROUGH SHADOW MOUNTAIN  
22 PROPERTY WITH THE FOLLOWING CONDITIONS: 1. AUTHORIZE STAFF AND  
THE CITY ATTORNEY TO CONTINUE THE REDLINING AND ADJUSTMENT  
24 PROCESS ON THE FINAL DRAFT AND 2. AUTHORIZE THE MAYOR TO SIGN  
THE FINAL DEVELOPMENT AGREEMENT WHEN COMPLETED.

26 COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

- 28 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 30 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER SWEETEN AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 8. **Public Hearing — Acquisition of Utility Easement.** The City Council will  
consider a resolution to approve the taking of a public utility easement across  
36 private property currently owned by Shadow Mountain Industrial Properties and  
located upon property identified as Parcel No 14:062:0051 on the records of the  
38 Utah County Recorder’s Office. The resolution under consideration will also  
approve the initiation of legal proceedings to exercise the City’s right of eminent  
40 domain under §§ 78B-6-501 to 522 of the Utah Code.

*\*This item has been advertised and noticed as required by State Code to be  
42 considered at this Council meeting. However, due to recent negotiations with  
Shadow Mountain Industrial Properties no action is recommended (see item #7  
44 above).*

2 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.  
3 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Cowie stated as discussed in the previous agenda item, because of the recent  
7 progress in negotiations and drafting of a Development Agreement to obtain the easement  
8 with reasonable compensation to the property owner, the eminent domain hearing process  
9 is not necessary at this time so no Resolution to initiate legal proceedings to exercise the  
10 City’s right of eminent domain is needed. He noted since the public hearing was noticed  
11 and advertised, Staff recommends that the City Council open a public hearing and take  
12 public comment and then make a motion that no action is needed on the item.

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

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

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

22 COUNCILMEMBER LUNDBERG MOVED THAT NO ACTION BE TAKEN  
23 AT THIS TIME TO EXERCISE THE CITY’S RIGHT OF EMINENT DOMAIN TO  
24 ACQUIRE THE UTILITY EASEMENT ACROSS SHADOW MOUNTAIN  
25 INDUSTRIAL PROPERTIES LAND TO AWAIT THE FORTHCOMING FINAL  
26 DEVELOPMENT AGREEMENT IN GOOD FAITH. COUNCILMEMBER HOYT  
27 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 28 COUNCILMEMBER LUNDBERG AYE
- 29 COUNCILMEMBER BRODERICK AYE
- 30 COUNCILMEMBER HOYT AYE
- 31 COUNCILMEMBER SWEETEN AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34  
35 9. **Concept Review — Ken’s Cove Subdivision Zone Change.** Deny Farnworth  
36 requests feedback on a proposal to rezone property from the R1-20 zone to the  
37 R1-12 zone. The associated concept plan is for 11 lots built on 3.7 acres located at  
38 approximately 545 West Gillman Lane. Feedback will be received but no motion  
39 will be made.

40  
41 Hugh Van Wagenen, Planning Director, gave some background of this agenda  
42 item explaining the applicant, Deny Farnworth, along with ALM Engineer, Mark  
43 Greenwood is requesting feedback on a proposal to rezone property from the R1-20 zone  
44 to the R1-12 zone. He noted the concept plan is for 11 lots to be built on 3.7 acres located  
45 at 545 West Gillman Lane. Mr. Van Wagenen explained that a Concept Review allows  
46 applicants to quickly receive Planning Commission and/or City Council feedback and  
comments on proposed projects. He added that no formal approvals or motions will be

2 given, but general suggestions or recommendations are typically provided. He noted this  
 4 concept has gone before the Planning Commission for feedback which was generally  
 6 positive. He added that Councilmember Bean's emailed comments suggest he is  
 8 generally not in favor of amending the R1-20 zone. Mr. Van Wagenen then referenced  
 10 and aerial photo and sketch of the possible layout of the site in question. He then turned  
 12 the time over to Mr. Farnsworth for comment.

8 Mr. Farnsworth stated he is a long time Lindon resident and he has done other  
 10 developments in Lindon to try to make this a better community. He noted that he lives  
 12 and owns a farm adjacent to this proposed site which is currently a hay field. He  
 14 mentioned that most of the adjoining ½ acre properties are not taken care of and are just  
 16 weeds. He realizes that Lindon is ½ acre oriented which he is not opposed to. He stated  
 18 he would like to know what the long term future planning is for the city because he thinks  
 20 it may be time to take make some smaller parcels (R1-12) which as a business owner he  
 22 thinks could be a source of revenue for the city; from a city aspect are we helping or  
 24 hindering for the future? He noted he came up with this concept to help make things  
 26 affordable for young people who can't afford a ½ acre lot in Lindon. Mr. Greenwood  
 28 stated they realize this is a sensitive issue and they are just here tonight to get some  
 30 feedback and general suggestions from the Council and to have an open discussion. He  
 32 added they want to produce a product that will benefit Lindon and give some diversity to  
 34 the city.

22 Councilmember Sweeten commented, generally speaking, this proposal may not  
 24 be revenue generating. He feels the density is spread throughout the city. He would be  
 26 opposed to this proposed zone change as there have been changes made on the west side  
 28 to accommodate the needs. Councilmember Broderick agreed with Councilmember  
 30 Sweetens comments as there are areas with high density and he is opposed.

28 Councilmember Lundberg stated she is open to a concept like this so we don't isolate the  
 30 R-20 zone completely throughout the city. She feels it is good to have a little bit of mix  
 32 but it's difficult to say who we say yes and no to. We want to keep the R1-20 zone for  
 34 those who want large animal rights etc. and she appreciates both sides of the argument.  
 36 She is open to concepts like this and she doesn't feel this proposal is high density.

32 Councilmember Hoyt commented that he has a conflict of interest as the applicant  
 34 is a friend. He noted he appreciates both sides of the argument and feels there are valid  
 36 points in spreading utility costs over more homes, but he feels the way to go about this is  
 38 through master planning which will be a future discussion. To make decisions like this,  
 40 rather than on a case by case basis, we should be forward thinking to master plan where  
 42 these areas should be located. He added there are some areas where they work and where  
 44 they do not work. He would not be able to vote on this issue due to the conflict of  
 46 interest.

40 Mr. Farnsworth stated the road concept of 11 lots as opposed to 7 lots was 50 ft.  
 42 of road; if you can gain revenue for four more lots how can you not look at that for the  
 44 future; do the math as it's a win-win for the city. He appreciates the large lots in Lindon  
 46 and the animal rights and he loves his farm and it will stay a farm as long as possible, yet  
 most of these ½ acre lots don't have any horses on them anyway. He pointed out that he  
 lives where this proposal is and he is not moving so he has an interest and he would  
 ensure the homes would be high end, nice looking homes. Mr. Farnsworth stressed that  
 his end goal would be to find a pliable solution in the city as opposed to making all lots ½

2 acre lots. He would hope that the Council understands this and is forward thinking in the  
 4 rezoning aspect in the future of the master plan. Mayor Acerson stated what he is hearing  
 here tonight is that this may have to wait for the master plan review.

6 Mayor Acerson called for any further discussion or comments. Hearing none he  
 moved on to the next agenda item.

8 At this time Councilmember Lundberg retracted her request to change the order of  
 the agenda and requested to the regular agenda order. Mayor Acerson called for a motion  
 10 to amend the agenda item order.

12 COUNCILMEMBER LUNDBERG MOVED TO RESUME THE REGULAR  
 AGENDA ORDER. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL  
 14 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 **10. Review & Action — Pleasant Grove Chamber of Commerce Funding**

18 **Request.** The City Council will review and consider a proposal from the Pleasant  
 Grove Chamber of Commerce requesting that Lindon City participate in a  
 20 partnership with the Pleasant Grove Chamber and make an annual contribution of  
 \$10,000 per year to the Chamber.

22 Mr. Van Wagenen, gave a brief overview of this agenda item explaining the  
 Pleasant Grove Chamber has provided the requested proposal/funding request for the  
 24 City Council's consideration tonight. The length of the funding commitment has not been  
 identified other than an 'annual contribution'. He noted it is recommended that the  
 26 funding contribution and membership be evaluated annually as part of the city's budget  
 review process. He then turned the time over to the Chamber Board members for  
 28 comment.

30 Mr. Nuckles and Ms. Olsen were in attendance to present the outline of what  
 Lindon City can expect to receive from the Pleasant Grove/Lindon Chamber of  
 Commerce for the \$10,000 annual contribution followed by discussion:

32 Chamber Organizational Structure

- 34 • The Chamber is led by a 15-member volunteer Board of Directors.
- 36 • Five Executive Officers are selected from that 15-member Board to serve in  
 leadership positions (i.e. Chairman, Treasurer, etc).
- 38 • A full-time, paid President will work under the direction of the Board and is the  
 head of staff.
- 40 • President pay structure (pooled resources with American Fork Area Chamber):
  - Annual base salary approximately \$40,000.
  - Commission sales on membership dues determined by the Board
  - Pleasant Grove/Lindon Chamber contribution: \$28,000
- 42 • \$18,000 from Pleasant Grove City (35%)
- 44 • \$10,000 from Lindon City (19%)
  - American Fork Chamber contribution
- 46 • \$24,000 from American Fork (46%)
  - The balance of the funding will be used to hire an Office  
 Manager/Administrative Assistant to manage administrative duties,

2                   freeing up the President’s time for relationship building & membership-  
3                   focused activities.

4   Board Representation

- 5           • Upon formalization of the Pleasant Grove/Lindon Chamber of Commerce, a
- 6           Lindon City Council Member will be appointed to the Board and immediately
- 7           become a voting member representing Lindon City.
- 8           • Additionally, Lindon City may appoint a staff member to the Board, if desired,
- 9           giving Lindon City two voting Board members.

10 Board Representation

- 11          • The Chamber Board currently has three members from Lindon City businesses
- 12          (Dennis Nuckles, Big-D Construction; Dustin Cook, ServPro, Emily Olson,
- 13          Saratoga Jewelry).
- 14          • The Chamber will revise the bylaws to include a minimum of 33% of the Board
- 15          (5 seats) to come from Lindon City or Lindon businesses.

16 Lindon City Financial Participation & Return

- 17          • We propose a \$10,000 annual contribution from Lindon City to the Chamber.
- 18            o This contribution includes naming rights and rebranding to the Pleasant
- 19            Grove/Lindon Chamber of Commerce.
- 20            o These funds will be pooled with Pleasant Grove City’s contribution to
- 21            support the general operations of the Chamber.
- 22          • The Chamber hosts numerous events, including Strawberry Days, Chamber
- 23          Challenge Golf Tournament, Halloween Trunk-or-Treat, Annual Awards
- 24          Banquet, Thank You BBQ, Mayor’s Quarterly Council, Monthly Chamber
- 25          Luncheons, etc.
- 26            o Lindon City will become a Chamber partner – the Chamber will rotate the
- 27            venues of those events that can be equitably rotated between the two cities
- 28            while maintaining participation levels and quality level of events.
- 29          • Additional events specific for Lindon City can be added to the services provided
- 30          by the Chamber (Lindon Mayor’s Quarterly Council, Lindon Days participation
- 31          etc.).
- 32            o Event participation & creation specifically for Lindon City will be
- 33            discussed by the Chamber Board & coordinated with Lindon City once
- 34            Lindon City representation to the Board is appointed and attending.

36           The Board members also presented the Financial History & Projections (included  
37           in the staff report) noting the average current membership value is \$300 with a current  
38           membership of 76 members. The projected annual membership growth of 40 members at  
39           \$300 = \$12,000 in additional annual membership revenue.

40           Mr. Nuckles stated based on current business licenses, the potential chamber  
41           businesses from the two cities are: 1,387 total business licenses in Pleasant Grove (65%)  
42           739 total business licenses in Lindon City (35%) currently seven Lindon businesses are  
43           members. The projected growth over 1 year is 13 new Lindon businesses as Chamber  
44           members after 12 months with the new President (20 total Lindon businesses) and after 2  
45           years 15 additional Lindon businesses as Chamber members after 24 months with the  
46           new President (35 total Lindon businesses). In 5-7 years the market penetration target of  
47           18-20% of Lindon businesses as Chamber members (approximately 130 businesses).

2 Councilmember Hoyt stated it comes down to the caliber of the president that is  
 4 chosen. He added that the details need to be worked out with American Fork so there is  
 6 the potential of \$50,000 to hire a high caliber employee. It would have to be carefully  
 8 monitored to ensure it works but the numbers work for themselves. Councilmember  
 10 Sweeten commented he is not terribly concerned about who is recruited because what we  
 12 are voting on is do we want to be a part of a Chamber and do we want to help fund it and  
 14 trust those who are in charge to recruit the right person. Councilmember Broderick  
 commented he is in favor of a Chamber and funding the \$10,000 and then review it in a  
 year; he would anticipate it becoming self-funding over time. Councilmember Hoyt  
 pointed out that they provided some projections and we need to look at their performance  
 and evaluate it; he has a lot of interaction with this Chamber and he feels they can do a  
 great job. He also feels it will benefit the business community is hard to put a dollar  
 amount on that and he feels it will be money well spent.

16 Mr. Nuckles stated the projection is to triple Lindon businesses in year one  
 18 especially if the right person is in place. Ms. Olsen commented they plan on getting  
 20 someone in that will grow the Chamber in a way we can count on; it is a win win  
 22 situation for both parties. Councilmember Lundberg agreed she would like to see a  
 performance evaluation in a year. Mr. Nuckles stated they will be supporting Lindon and  
 Lindon City businesses and will bring in tax revenue; the city will also have some “skin”  
 in the game. Ms. Olsen stated she understands the performance will need to be re-  
 evaluated.

24 Mayor Acerson commented if a \$10,000 investment is approved he would suggest  
 26 making it work and come back next year and show the Council how it has grown and  
 28 what has been done and you will have believers. Councilmember Lundberg asked about  
 the timing of the fiscal year and renewal time and if it is prorated. Mr. Nuckles replied it  
 is a calendar year from when you pay.

30 Councilmember Hoyt added there is a Pleasant Grove councilmember on the  
 32 Board along with a Lindon City councilmember. Mr. Nuckles also stated a staff member  
 34 of your choice may be on the board who will vote or it can be two city councilmembers.  
 Councilmember Lundberg asked if for projections of the goals etc. in order to plan the  
 budget. Mr. Nuckles stated they can provide the projections. Mayor Acerson suggested  
 taking a look at the economy and know what the expenses etc. are and to be prepared in  
 case there is an economic downturn.

36 Mayor Acerson called for any further discussion or comments. Hearing none he  
 called for a motion.

38 COUNCILMEMBER SWEETEN MOVED TO APPROVE THE REQUEST TO  
 40 JOIN THE PLEASANT GROVE CHAMBER OF COMMERCE BY APPROPRIATING  
 \$10,000 IN FUNDING FOR THE FIRST YEAR OF PARTNERSHIP IN THE  
 42 CHAMBER OF COMMERCE WITH THE CONDITION THAT IT BE REBRANDED  
 WITH THE LINDON NAME. COUNCILMEMBER HOYT SECONDED THE  
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER BRODERICK AYE  
 COUNCILMEMBER LUNDBERG AYE  
 46 COUNCILMEMBER HOYT AYE  
 COUNCILMEMBER SWEETEN AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **11. Discussion Item — Cemetery Policies.** The City Council will review current  
 6 cemetery policies and discuss whether changes in policies are needed, and review  
 8 how any changes may impact current costs, operations, and maintenance. Any  
 recommendations for changes will be drafted into future ordinance changes as  
 directed by the Council.

10 *The Mayor excused himself from the meeting at 8:13 pm. Mayor Pro Tem  
 Lundberg conducted the meeting at this point.*

12  
 14 At this time Mayor Pro Tem Lundberg gave a brief cemetery overview and read  
 her prepared statement as follows:

16 *I have had the privilege of being assigned as liaison over the Lindon City  
 Cemetery for the past 2 and a half years. In that time our recently retired Sexton Don  
 18 Peterson and I worked together to improve the information provided to our patrons,  
 make appropriate fee adjustments and listened to the desire of citizens to create an infant  
 20 burial area that would allow smaller affordable plots. These were good changes and it  
 has now become apparent that we should review and consider possible changes to our  
 22 ordinance regarding headstone decoration.*

24 *Earlier this year a city cemetery cleanup was scheduled and signs were posted  
 indicating all items in the cemetery were to be removed 30 days after Memorial Day.  
 After further discussion about the cleanup in a Council meeting it was clarified to us that  
 26 the actual language in our ordinance prohibits much of the decorations that have been  
 placed in our cemetery over the years. However, it has not been consistently enforced.  
 28 As the date of the cleanup drew near, I visited the cemetery often and could see that many  
 families had left clearly sentimental and sometimes valuable items on their loved-one's  
 30 graves and realizing this all would go into a dumpster could cause some serious distress  
 if they did not have the opportunity to collect these items. I attempted to reach out to  
 32 several dozen families and in every instance found that these objects are so very  
 meaningful and the mention that they were to be discarded brought on tears, anger, and  
 34 even the entire grieving process all over again making their very personal loss fresh and  
 painful. Many had been confused and didn't realize the posted signs were a literal  
 36 removal of everything, because typically in the past the cleanup was for the Memorial  
 holiday items, perishable plants and flowers. Realizing it would be impossible to clearly  
 38 communicate to all those who would be affected, it became clear to me that the cleanup,  
 which was following stated regulations, would be too insensitive and needed to be  
 40 softened, which thankfully it was.*

42 *I think everyone could agree that it is important Lindon city have some rules to  
 maintain a safe and respectful atmosphere for all to enjoy that doesn't cause the  
 cemetery to fall into poor condition or things left in neglect. It is also important that we  
 44 align the ordinance language with the spirit of what we wish the cemetery to be enjoyed  
 so that staff does not have confusion or improper direction in its maintenance. Right now  
 46 our ordinance states that headstones cannot have decoration other than the 7 days after  
 burial, yet decorations have been allowed for many years.*

2           It was explained to me that years ago Lindon chose to only allow ground-level  
 4 headstones because monuments and other above-ground headstones are costly and  
 difficult to maintain and work around when new burials must be accommodated. In  
 addition, if no decorations were allowed, other than the 7 days after a burial, the ease of  
 6 mowers being able to drive over headstones would be efficient and save money.

8           But the reality has been that decorations have not been completely removed for  
 many years. I had to ask myself, if our cemetery and even others have stated in their  
 ordinance rules that graves cannot have decorations, why in so many cases does it not  
 10 get enforced as such? I believe there are two reasons. One, the current rules are not in  
 harmony with the reality of our cemetery's functionality. And second, there is a very real  
 12 human element to this entire discussion.

14           First, approximately 50% of the headstones in Lindon cemetery were allowed to  
 be installed with vases, many of which are metal and can sit above the headstones (see  
 photo in attached exhibit). If it was the intention to create a 100% flat mow-able surface,  
 16 this will never be possible. In addition, new interments and burials occur every week,  
 with the accompanying flowers and decorations that are allowed to remain for 7  
 18 days. Another reality is that families are visiting loved-one's gravesites weekly adding  
 additional flowers and mementos. Because of the installed vases and continual activity at  
 20 the cemetery, at no point is it possible to have a field of entirely flat empty headstones  
 and mow it like a park even if the current ordinance rules were enforced. The attached  
 22 bid from our maintenance company states that they "guess" a possible annual savings of  
 \$1,000 could be credited if the headstones were kept clear and, "After actual cost savings  
 24 are realized." I contend this cost savings will not likely be realized.

26           For the past 2 months I conducted an experiment. In July I met with the mowers  
 who come every Thursday and spoke with them about the maintenance they perform.  
 Joaquin and Cesar indicated that a simple cleanup prior to their arrival would  
 28 significantly speed-up their efforts. They also told me they always edge and blow around  
 the headstones anyway, so they go beyond just driving machines over the grass. Nearly  
 30 every week I would do a 15-20 minute sweep of the cemetery, picking up garbage in the  
 bushes or blown in the lawn, clearing dead flowers and perishable items, and setting  
 32 upright the few decorations that had tipped over in the wind or were on the grass back  
 onto the headstones and in the vases. They appreciated this immensely and I found that a  
 34 quick sweep of the cemetery is a simple activity that should happen on a regular basis  
 anyway. I would suggest coordinating the timing of the sweep with the lawn care be  
 36 scheduled between April to mid-October would make it most effective.

38           I have provided two photos of the cemetery taken today. I look at Lindon's  
 cemetery and do not feel it is not cluttered, but compare it to what Pleasant Grove has  
 posted in their cemetery on a sign that says, "Properly displayed flowers add to the  
 40 beauty and character of the cemetery".

42           A cemetery is not like other city parks; it is sacred ground for families who have  
 buried their loved ones. Cemeteries are for the living to come and find comfort and  
 solace and often people connect to the person they've lost through leaving a beautiful  
 44 display of flowers or item that has significance from their life. As one of our families  
 shared with me in an email, "I know that my child's soul is in heaven and her spirit is  
 46 with me at all times. That does not change where her body is, where we pay respect to

2 *her, where we gather to remember her.... For each one of those rocks that must be  
mowed around is a life, is a family, and is a story that matters.”*

4 *I found it interesting that Salt Lake City Cemetery, the first ever created in the  
State of Utah just 2 months after the pioneers arrived in 1847, is also today the largest  
6 municipal cemetery in the United States. It covers 130 acres of burial space with 9.5  
miles of roads, and over 124,000 people buried there. They allow decorations, with rules  
8 and on their homepage, this is their stated purpose;*

10 *“The mission of the Salt Lake City Cemetery is to serve the families who come to  
us in a time of need. To watch over and care for these families’ loved ones who have been  
interred within our great and historical cemetery. To be a steward for the open space  
12 and care for the flora and fauna that lives and grows within our boundaries. We strive to  
provide service to the family members, friends and strangers who come to find closure,  
14 solace and peace within and upon our hallowed grounds. We strive daily to remember  
“that the difference between ordinary and extraordinary is the little extra you do.”*

16 *Lindon cemetery is not 130 acres, it is 3. We have currently 2,800 plots not  
124,000 and approximately 450 individuals buried at this time. Our cemetery is small  
18 and I would put forward that a few hours of extra service beyond what needs to happen  
anyway is something we can and should do for our citizens and those that have  
20 purchased a plot there for a dear loved one. I am not suggesting we allow raised  
headstones and monuments, but simply find a reasonable and sensitive allowance for  
22 headstone decoration.*

24 *I do not believe we need a total re-working of our ordinance language but let’s  
discuss how to accommodate some decoration modifications and then make our  
ordinance match the intent of what will be enforced at the cemetery.*

26 *One suggestion would be to continue to clarify that items cannot go beyond the  
headstones onto the grass as then it gets gangly and can’t be trimmed. If they are kept  
28 within the headstone, perhaps this would be a reasonable modification.*

30 *Some may also perceive that a very few headstones become cluttered and are  
nearly covered by items. This is a difficult one to tackle, but a solution to discuss would  
be to perhaps state that the items cannot obscure the engravings upon the headstone and  
32 must be only on the perimeter of the person’s name and dates. Cemetery staff would  
continue to have the discretion to remove items that become broken, are unsafe or have  
34 expired. Let us find a solution that keeps our cemetery beautiful and respects the families  
who it belongs to as hallowed ground.*

36 Councilmember Sweeten commented he appreciates Councilmember Lundberg’s  
38 efforts put into the research and her passion about the cemetery. He added that he feels  
there should be an ordinance that we can enforce with whatever changes there may be but  
40 it must be consistent. Councilmember Hoyt and Councilmember Broderick stated they  
are in support of Councilmember Lundberg’s comments and agreed a more lenient  
42 ordinance may be warranted as long as it is enforced and to be consistent.

44 Mayor Pro Tem Lundberg called for any public comment at this time. Several  
residents in attendance addressed the Council as follows:

46 **Lorynn Parsons:** Ms. Parsons commented that her daughter Jennifer is buried at  
the cemetery. She has always put up arbors and shepherd’s hooks and has always made

2 an effort that they are always buried in the lawn directly next to the headstone stabilized  
 4 by bars underground. She also ensures her daughter's headstone is edged and clean. Ms.  
 6 Parsons commented that the cemetery workers are always so kind and respectful. She  
 8 regularly visits her gravesite to feel close to her daughter and her family leaves flowers  
 10 and mementos at the headstone and hanging on the shepherds hooks which helps with the  
 12 healing and grieving process. She expressed that she knows her child's soul is in heaven  
 and her spirit is with her at all times, but that does not change where her body is and  
 where they pay respect to her and gather to remember her. Each one of those rocks that  
 must be mowed around is a life, is a family, and is someone's story that matters. She  
 would ask that the Council take into consideration some of these points and to re-write  
 the ordinance as to be more sensitive to the families who have loved ones there.

14 **Susan Rapier:** Ms. Rapier commented she lives near the cemetery and she shares the  
 16 grief of losing a child as her son is buried at the cemetery. That plot becomes sacred  
 18 ground where she can go to visit her son. They paid for that plot of ground so she would  
 20 suggest that the Council figure out a way that families can express their grief through  
 22 sharing flowers or items on their loved ones headstones. She mentioned that a light she  
 24 keeps on her son's headstone was broken by the mowers driving over the headstone. She  
 26 noted that she also maintains her son's headstone. She would suggest that mowers don't  
 drive over headstones as it is very disrespectful. If they have to pick up something to  
 mow around it so be it as to show a little more respect. She agreed that changing the  
 wording a bit in the ordinance may be the answer. Something to the effect that patrons  
 can put anything they want on the headstone, just not in the grass, and to be a bit more  
 sensitive and fair to those who have loved ones buried at the cemetery. She would also be  
 willing to go to the cemetery to help out.

28 **Patricia Meeks:** Ms. Meeks commented that her husband is buried at the cemetery. She  
 30 considers it a privilege to visit his gravesite to pay her respects. She feels closer to him  
 32 when she is there and she takes her grandchildren there as it helps with the healing. They  
 34 enjoy putting things on his headstone that gives her solace and she also feels it is sacred  
 ground. She would like to see more flexibility as to what can be put on headstones as it is  
 an issue of respect.

36 Mayor Pro Tem Lundberg thanked the speakers for their shared comments and  
 sentiments.

38 Councilmember Sweeten commented he is hearing that people are wanting a more  
 40 liberal ordinance. Mayor Pro Tem Lundberg referenced page 43, #7 in the packet  
 42 regarding cemetery personnel approval. Mr. Cowie clarified the section stating Mr.  
 44 Peterson, retired sexton, was occasionally approached with requests but he is not aware  
 46 of that being the norm. Mr. Cowie also explained some of the issues with maintenance  
 and instructions to the contracted mowers at the cemetery. He noted tonight it is  
 recommended that the Council set a very clear directive to enforce and decide what  
 changes they are considering to adopt and they will come back with an amended  
 ordinance for approval. Mayor Pro Tem Lundberg commented that a lot of what is in the

2 ordinance is good but there are portions that need to be tweaked as to be clear and  
consistent and to also be more sensitive to the needs of the cemetery patrons.

4 Mayor Pro Tem Lundberg called for any further discussion or comments.  
Hearing none he moved on to the next agenda item

6 *Mayor Acerson returned to the meeting at 9:15 pm.*

8  
10 **12. Review & Action — Aquatics Center Lighting Proposal.** The City Council will  
review a proposal to install lighting at the Lindon City Aquatics Center in order to  
increase night time rental opportunities, and thus increase revenues at the  
12 Aquatics Center to help offset costs of the facility. The Council will consider the  
proposal and whether to appropriate funding for the project.

14  
16 Parks and Recreation Director, Heath Bateman, along with Alan Walker (pool  
manager), were in attendance to present this item. Mr. Bateman stated the purpose of this  
proposal is to outline the expense and effectiveness for the installation of lights at the  
18 Aquatics Center. He then referenced the proposal including a summary of the installation,  
effectiveness of outdoor lights, expense, and subsequently the revenue of installing the  
20 lights. He noted they are at a crossroads and need direction after considering possible  
revenue vs expenses to move forward with creation of a new set of bid documents for a  
22 request for proposal.

24 Mr. Bateman pointed out that many pools around the state have lights for their  
outdoor aquatic facilities including the Payson Pool and the Veterans Memorial Pool in  
Provo. He noted the lights not only extend swimming time for the outdoor pool but most  
26 importantly make it safer in the evening. The Payson pool has two different rental  
packages that are available throughout the summer. The first is an “Exclusive Rental” of  
28 the entire facility at \$600/predetermined time. The second rental is a “Non-Exclusive  
Rental” which is \$300/predetermined time. With 30 days out of the potential 58 days  
30 having been rented, they assume that each rental is an “Exclusive Rental,” with the  
projected revenue from the party alone being \$34,800.

32 Mr. Bateman mentioned that the Pleasant Grove is another pool with lights at  
their facility. They rent out the pool every Monday-Saturday night which equals a total of  
34 54 days booked. Pleasant Grove charges \$175 for one hour/100 people with each  
additional person at \$1.00, and \$300 for two hours/100 people, with each additional  
36 person are \$1.50. He noted if we assume that each party is for two hours with 200 people,  
100 additional people, their projected revenue would be \$16,350.

38 Mr. Bateman pointed out that the LAC rents out the facility every Wednesday,  
Thursday, Friday, and Saturday night equaling a total of 55 potential nights to rent the  
40 facility for 2017 (every weekend starting on Wednesday, May 31<sup>st</sup> to Saturday,  
September 2<sup>nd</sup>).

42 Mr. Bateman stated the cost of renting the LAC is \$400/hour for the leisure pool  
and an extra \$100 for the FlowRider for the 2017 season. He noted if it was rented every  
44 possible day at four days, including the FlowRider, the projected revenue would be  
\$82,500. He pointed out that every day was reserved in 2016 with plenty of others  
46 wanting to reserve the facility. Mr. Bateman then went over the proposed rentals.

2 There was then some lengthy discussion regarding the proposal to install lights to  
4 increase revenues to help offset the costs of the pool, safety and maintenance issues and  
6 whether to approve the funding for the project for bid. Following discussion the Council  
8 was in agreement to approve the funding for the creation of a new set of bid documents  
10 for a request for proposal be appropriated (including the possible use of PARC Tax and  
12 RDA funds) at the next budget amendment hearing.

14 Mayor Acerson called for any further discussion or comments. Hearing none he  
16 called for a motion.

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE LIGHTING  
20 PROPOSAL AT THE AQUATICS CENTER AND REQUEST THAT \$10,000 IN  
22 FUNDING TOWARDS THE PROJECT BE APPROPRIATED AT THE NEXT  
24 BUDGET HEARING TO ALLOW TIME TO GET THE ENGINEERING, PLANS  
AND DRAWINGS COMPLETED WITH THE CONDITION WHEN READY  
COUNCILMEMBER BRODERICK ASSIST IN OBTAINING THE  
BIDS/PROPOSALS. COUNCILMEMBER LUNDBERG SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER HOYT AYE  
COUNCILMEMBER SWEETEN AYE  
THE MOTION CARRIED UNANIMOUSLY.

26 **13. Discussion Item — City Center Park Restroom Facilities.** The City Council  
28 will discuss with the Parks & Recreation Director, Heath Bateman, options for  
restroom facilities at the City Center Park next to the horse riding arena. The  
Council will provide feedback and determine if funds should be appropriated.

30 Mr. Bateman explained that the City Center Park Horse Arena has a restroom  
32 which is located on the South East side of the building nearest the hill. The restrooms  
include both men’s and women’s facilities. In the men’s facility there is one sink, one  
urinal and one toilet and the women’s has 3 toilets and a sink.

34 Mr. Bateman then went over the situation noting the facility is old and has major  
36 bad plumbing issues including damage to frozen pipes. The plumbing through the block  
walls has failed and has required bricks to be removed and covered with plywood. He  
38 went on to say the restrooms are difficult to patrol as the doors are on the South side of  
the building. There has also been vandalism and damage done to the restroom in the past.

40 He noted the restrooms also flood periodically when the culinary water pump in  
42 the adjacent room purges and dumps water into the covered and piped Hollow ditch. The  
reason it floods is because the floor of the restroom is below the grade of the outlet pipe  
44 with a cement slope which naturally leads down into the restrooms, concession stand and  
the storage room. The restrooms have floor drains that drain to the sewer and the storage  
room is on a gravel drain and takes some time to drain if the water table is high from the  
pump flood.

2 Mr. Bateman pointed out because of the above situations as well as not having the  
 4 concessions stand up to code, (3 department sink, hot water, etc.) the concessions stand is  
 only good to be used with pre-packaged food like chips, cookies and candy bars.

6 Mr. Bateman then referenced the possible solutions as follows:

- 8 • Tear Down and Rebuild with piping and structures up to code including the concessions stand: Est. \$125 per square foot to build new. Demolition costs also need to be considered.
- 10 • CTX restroom install: CTX restrooms are built, wired and assembled on site in Spokane WA, then brought to the site and placed on a constructed concrete pad with plumbing and power hook ups ready. Positives are they are nearly vandal proof and they have many different looks and features that can be chosen from.
- 12 • Raise the Floor and rebuild current site as is: There will be challenges with this solution. Perhaps it will be cheaper than building a new facility, however, all the fixtures and plumbing will have to be redone along with raising the floor.
- 14 • Rental of a Portable Restroom: \$98 Regular unit with weekly service at \$88.  
 16 Regular unit with every other week service \$84. Regular unit with once monthly service. Either of the choices comes with a onetime weekday delivery fee of \$50  
 18 and a choice of \$10 of Hand Sanitizer and/or Seat Covers for \$5.  
 20
- 22 • Do Nothing/leave as is: The current restroom in the main park is 445 ft. from the center of the arena parking lot.

24 Mr. Bateman stated staff would recommend putting in a CTX bathroom to  
 26 alleviate these issues. Mayor Acerson pointed out the question to consider is what is our  
 long term commitment to the arena? Councilmember Lundberg commented that she  
 28 would like to see the arena kept in good condition as we have had a resurgence with the  
 Little Miss Lindon Jr. Rodeo Royalty and they will continue to build on those  
 programs/events and it would also be in line with the “little bit of country” motto.  
 30 Following some general discussion the Council was in agreement to obtain bids to  
 renovate the current building.

32 Mayor Acerson called for any further discussion or comments. Hearing none he  
 moved on to the next agenda item

34  
 36 **14. Review & Action — Historic Preservation Commission Appointments.** The  
 City Council will review and consider recommendations for appointments to the  
 Lindon City Historic Commission.

38  
 40 Mr. Cowie referenced the letters recommending the appointment of Maxine Smith  
 and Rich Doxey to the Lindon City Historic Preservation Commission. Councilmember  
 Hoyt stated both are willing and excited to serve on the Commission. Mr. Cowie stated  
 42 the letters will be sent when signed by the Mayor.

44 Mayor Acerson called for any discussion or comments. Hearing none he called  
 for a motion.

46 **COUNCILMEMBER HOYT MOVED TO APPROVE THE APPOINTMENT  
 OF MAXINE SMITH AND RICH DOXEY TO THE HISTORIC PRESERVATION**

2 COMMISSION. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER LUNDBERG AYE

6 COUNCILMEMBER HOYT AYE

COUNCILMEMBER SWEETEN AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 **COUNCIL REPORTS:**

12 **Chief Cullimore** – Chief Cullimore reported on the recent Drill Down for Safety noting  
it was a fairly informal drill with 70% of the town participating in some way.

14

16 **Councilmember Hoyt** – Councilmember reported the Pinewood Derby will be held this  
Saturday at 10:00 am. He noted kits can be picked up at the community center. He also  
reported that he attended the Chamber of Commerce golf tournament which was a great  
18 event. He also mentioned that he heard that Mercedes Benz may be relocating. Mr.  
Cowie stated he will check into the issue.

20

22 **Councilmember Broderick** – Councilmember Broderick had nothing to report.

24

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

26

28 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the recent  
AM Bank anniversary event noting she appreciates their sponsorship in the city. She also  
reported that Wadley Farms will be inviting the Council to take a tour of their expanded  
28 facility. She noted they are looking to bring in more revenue with additional activities  
and events. She also reported on the riding club's closing social noting she is very  
30 impressed with how much they are producing and offering to kids in the community.

32

34 **Councilmember Sweeten** – Councilmember Sweeten reported that during Lindon Days  
he provided a side by side off road vehicle for use by the Police Department. He  
questioned whether it would be useful for the Police Department to use year round to  
access the foothills, emergency situations, patrol trails, etc. He mentioned that he could  
36 provide a vehicle at his cost and he would also talk to the manufacturer to obtain an  
additional discount. Chief Cullimore commented the vehicle could be stored in the  
38 emergency management trailer. Following discussion the Council agreed it would be  
beneficial and to include it in the budget for next year.

40

42 **Mayor Acerson** – Mayor Acerson gave an update on UIA. He also reported that he will  
be presenting to the UTA tomorrow. He also mentioned that the Utah League of Cities  
and Towns conference was very good this year with valuable information presented.

44

**Administrator's Report:**

46 Mr. Cowie reported on the following items followed by discussion.

2 **Misc. Updates:**

- 4 • September newsletter
- 4 • November newsletter article: Councilmember Hoyt - Article due to Kathy Moosman last week in October.
- 6 • Culinary water – well chlorination status and water sampling updates
- 6 • Public Works Director – Brad Jorgensen will start on October 10<sup>th</sup>
- 8 • Claims update
- 8 • Geneva Park Property offer
- 10 • Misc. Items

12 **Upcoming Meetings & Events:**

- 14 • November 8<sup>th</sup> – General Election

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

18 **Adjourn** –

20 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
 22 AT 10:45 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL  
 22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Approved – October 4, 2016

26  
 28 

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Kathryn Moosman, City Recorder

30  
 32 

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Jeff Acerson, Mayor

**Item 4 – Consent Agenda** – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

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

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**6. Presentation — 700 North Corridor Committee***(60 minutes)*

The 700 North Corridor Committee was created in December 2015 to formulate and recommend to the City Council specific development visioning plans for the corridor. The Committee will give a presentation to the City Council concerning design, development and landscaping standards for the 700 North corridor. The Committee has also presented their recommendations to the Planning Commission. No action will be taken.

Councilmember Lundberg has lead this committee and she, along with other committee members, will be making a presentation on their recommendations for the corridor.

Materials will be presented in the meeting.

**Sample Motion:** No motion needed.

- 7. Public Hearing — LCC 17.68.030, Reimbursement Fees; Ordinance 2016-19-O** *(10 minutes)*  
The City Council will review and consider Ordinance #2016-19-O which clarifies the deadline to apply for reimbursement of funds when a developer constructs public improvements that benefits adjacent properties.

See attached materials and ordinance.

**Sample Motion:** I move to (approve, continue, deny) Ordinance #2016-19-O clarifying requirements to submit applications for development reimbursements.

# Public Hearing—Ordinance Amendment

## LCC 17.68 Reimbursement Fees

<p><b>Applicant:</b> Lindon City</p> <p><b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Type of Decision:</b> Legislative</p> <p><b>Planning Commission Recommendation:</b> Recommend approval on a 6-0 vote with 1 absent.</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <ol style="list-style-type: none"> <li>1. Whether it is in the public interest to approve the proposed amendment clarifying the application deadline date to enter a reimbursement agreement for construction of public improvements.</li> </ol> <p><b>Ordinance:</b> # 2016-19-O</p> <p><b><u>MOTION</u></b> I move to (<i>approve, deny, continue</i>) ordinance amendment 2016-19-O (<i>as presented, with changes</i>).</p>
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**BACKGROUND**

Many public improvements are constructed and installed by private development. Once completed such improvements are turned over to the City for perpetual maintenance and ownership. At times, public improvements constructed by one development can benefit an adjacent private land owner. For example, when a needed sewer line is constructed for one project and necessarily runs adjacent to another property, the second property now has a sewer line available to it.

Lindon City Code 17.68 Reimbursement Fees allows, “Any Developer of real property within the limits of Lindon City may make application, with the associated fee, to the City Council for reimbursement from neighboring and/or adjacent properties of a portion of the cost of constructing public improvements required by the Lindon City Code.”

Typically, such agreements are valid for a certain number of years. If during that time frame the adjacent property develops and makes use of the improvements constructed by the former development, payment is then due to the original developer.

In the current code language there is a timeline requirement to turn in an application for such reimbursement. However, the deadline is somewhat ambiguous. The proposed change to the ordinance attempts to clarify when an application needs to be filed with the City.

**DISCUSSION & ANALYSIS**

One reason for the language change has to do with costs of constructing public improvements. The application requires costs to be provided so that a reasonable determination can be made as to what a neighboring property should reimburse the original developer. Such costs are not known until the project is constructed. The language presented gives a clear deadline for reimbursement applications that allows for actual costs to be known on the project.

**PLANNING COMMISSION**

During the Planning Commission hearing, there was some discussion as to whether the deadline should be 180 days rather than the 90 days proposed. The Commissioners wanted to give a developer every chance of being able to recoup costs and the final stages of a project can be very busy. However, after some discussion, it was agreed that this language change already extends the deadline for the application to the end of a project plus the additional 90 days. The approved motion left the 90 day time period as the recommendation to the Council.

**ATTACHMENTS**

1. Ordinance 2016-19-O Draft

ORDINANCE NO. 2016-19-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.68.030 OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment will clarify the deadline date to apply for a reimbursement agreement regarding the construction of public improvements benefitting neighboring and/or adjacent property owners; and

WHEREAS, the proposed amendment will promote industry and business within the City; and

WHEREAS, the proposed amendment will allow for the equitable cost sharing for construction of public improvements; and

WHEREAS, the Lindon City Planning Commission has recommended approval of an amendment to Chapter 17.68.030 of the Lindon City Code; and

WHEREAS, a public hearing was held on September 27, 2016 to receive public input and comment regarding the proposed amendment; and

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

WHEREAS, the Council held a public hearing on October 4, 2016 to consider the recommendation and no adverse comments were received.

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

**SECTION I:** Chapter 17.68.030 of the Lindon City Code are hereby amended to read as follows:

- 1 | Section 17.68.030 Time for Making Application ~~and Application.~~
- 2 | Applications for reimbursement under this chapter shall be made in writing and submitted to the
- 3 | City Council within ~~thirty ninety (3090)~~ days after ~~any of the following events occur: the date the~~
- 4 | ~~Developer applies for a building permit, subdivision plat approval, or similar construction or~~
- 5 | ~~improvement approval.~~ official acceptance of constructed public improvements by the Public
- 6 | Works Director or other authorized City representative. The Application shall be accompanied
- 7 | with a non- refundable application review fee in such sum and shall be established by the City.
- 8 | (Ord. No. 2016-19, Amended, 10/04/16; Ord. No. 2003-2, Amended, 02/18/03; Ord. No. 10-82,
- 9 | Adopted, 10/21/92)
- 10

**8. Open & Public Meetings Training***(30 minutes)*

The City Council will watch a video recorded in 2016 in Cedar City, Utah covering Open and Public Meetings Act Training hosted by David Church, Utah League of Cities and Towns General Counsel. A copy of the Lindon City Council meeting procedures and a summary of Open and Public Meetings Act requirements prepared for the Salt Lake City Council is also provided in the Staff Report.

The training video is about 28 minutes. The attached meeting procedures and Open & Public Meetings Act summary (from Salt Lake City) are provided for your review but won't be covered in detail in the meeting.

**Sample Motion:** No motion needed.

## LINDON CITY CODE

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### Sections:

2.08.010	Meetings.
2.08.020	Quorum.
2.08.030	Disciplinary power.
2.08.040	Authority to create rules.
2.08.045	Rules of Order and Procedure for City Council Meetings.
2.08.050	Voting and passage procedures.
2.08.055	Electronic Meeting Policy of the City Council.
2.08.060	Taking of office.
2.08.070	Vacancy.
2.08.080	Open meetings of governing body.
2.08.090	Conduct of public at meetings.
2.08.100	Requiring attendance of witnesses, production of evidence.
2.08.110	Failure to comply with subpoena

### 2.08.010 Meetings.

The legislative body of the city shall be the city council. The city council shall consist of five members or such other number as may be required by Utah State law. The city council together with the mayor shall constitute the governing body of the city. The city council shall meet each first and third Tuesday of each month at 7:00 p.m. at the Lindon City offices, 100 North State Street, Lindon, Utah. In the absence of other provisions therefor by resolution, if a meeting shall be held on the next business day following, and adjourned meetings shall be held from time to time as circumstances may require. The mayor or any two council members may call special meetings by issuing a written notice to each member of the city council and the mayor, served personally or left at the member's or mayor's usual place of residence, and no business shall be transacted at any special meeting except that stated in the notice thereof, unless all council members are present and unanimously consent thereto. (Ord. no. 6-92, effective date 7-1-92.)

### 2.08.020 Quorum.

The majority of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and are empowered to compel the attendance of absent members, and may when necessary, direct the marshal to bring in such members under arrest. Should any member of the council refuse or neglect to attend any meeting of the council when notified by the marshal or other proper officer that his presence is necessary to form a quorum, or should any member leave the council when in session without the consent of council when such leaving would break the quorum, he may be fined any sum not to exceed \$50. (Prior code §9-7.)

### 2.08.030 Disciplinary power.

The city council may punish its members for disorderly conduct and with the concurrence of 2/3 of the members, the council may expel a member for cause, but no member shall be removed for cause unless furnished with a copy of the charges against him and given an opportunity of being heard in his own defense. (Prior code § 9-8.)

### 2.08.040 Authority to create rules.

The council may, from time to time, make such rules for the government of its proceedings as may be deemed necessary and proper. (Prior code §9-9.)

### 2.08.045 Rules of Order and Procedure for City Council Meetings.

Pursuant to Utah Code 10-3-606, the following rules of order and procedure shall govern the meetings of the City Council:

- 1. Meeting Procedures.** All City Council meetings shall be conducted in accordance with the required procedures contained in the Utah Code.

## LINDON CITY CODE

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2. **Public Comment.** Every agenda for a regularly scheduled meeting of the City Council shall have an item entitled "public comment". The limited purpose of this item is to allow members of the public to speak to the City Council about any item not on the agenda. During this agenda item, each commenting member of the public is free to express any idea, ask any question, or share any viewpoint without limitation except for the time and manner of the presentation. Each member of the public is limited to the time allowed by the Mayor or Mayor Pro Tem. The Mayor shall use his or her best efforts to ensure that the public comment portion is civil and orderly, to allow the free expression of each commenting member of the public, and to keep the meeting in order. The Mayor, Council members, and staff should not interrupt, argue with, or otherwise interfere with any comment made by a member of the public who is following the time and manner limitations. The Mayor, Council members, and staff may ask clarifying questions of the member of the public making a presentation. The Mayor may allow other members of the public to comment on such a presentation.
  
3. **Public Participation in the Meeting.** A member of the public may only participate in a City Council meeting (a) in the public comment portion of a public meeting; (b) if the member of the public is on the agenda; (c) if the Mayor or a City Council member has requested that the person present to the council; or (d) at the Mayor's or Mayor Pro Tem's discretion. Any disorderly member of the public may be expelled from a meeting per procedures set forth in Section 2.08.090 of this Chapter. By issuance of subpoena the City Council may also require attendance and testimony of any person per Section 2.08.100 of this Chapter.
  
4. **Council Member Participation.** In City Council meetings, Council members shall at all times conduct themselves with decorum and respect and shall refrain from making any disparaging remarks concerning another person. At regular City Council meetings, Council members should discuss and vigorously debate agenda items as needed and without interrupting others who are speaking. A work meeting shall be more informal and Council members may freely participate as long as proper decorum is maintained.
  
5. **Chairing the Meeting.** The Mayor or Mayor Pro Tem shall chair each City Council meeting and shall pace the meeting so that all items on the agenda are addressed and either concluded or continued. The Mayor shall use his or her best efforts to ensure that the Council members and members of the public are always treated with respect and that the meetings are orderly.
  
6. **Meeting Adjournment.** As a goal, City Council meetings shall be scheduled to end at a reasonable hour. The Mayor and City Council members the meeting in a timely manner. A City Council meeting shall not be adjourned until either all agenda items have been acted upon or a motion to adjourn is made and is approved of by a majority of the City Council. (Ord. no. 2014-3-O, Adopted 1.21.14)

2.08.050        Voting and passage procedures. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken. The concurrence of a majority of the members elected to the city council shall be necessary to the passage of any ordinance, resolution, or other action of the city council. Unless otherwise prescribed by law, in no event shall the city council pass any ordinance or resolution, or take any other action unless at least three votes favor the proposed ordinance, resolution, or action. All ordinances passed must be signed by the mayor and attested to by the recorder as proof of their regular passage. In no event shall the mayor have the power to veto any act of the governing body unless otherwise specifically authorized by Utah State statute. (Ord. no. 6-92, effective 7-1-92, Prior code §9-8.)

January 6, 2015

## **Open Meeting Law – Training for City Council**

### **Statutory Obligation to Train** (Utah Code § 52-4-104)

The “presiding officer of the public body shall ensure that all members of the public body are provided with annual training on the requirements” of the Open and Public Meetings Act (the “Act”).

#### **A. Basic Principle** (§ 52-4-201(1))

A “meeting” of a public body must be open to the public, unless an exception is available under the Act allowing the meeting to be closed.

#### **B. Definitions** (§ 52-4-103)

##### 1. “Public Body”

The City Council (the “Council”) is a public body for purposes of the Act.

##### 2. “Meeting”

A meeting is the convening of at least a quorum of a public body for the purpose of (a) discussing, (b) receiving comments from the public about, or (c) acting upon a matter over which the body has jurisdiction or advisory power.

Chance gatherings or social gatherings are not subject to the open meeting law. However, they may not be used to circumvent the Act. (§ 52-4-208)

Electronic meetings may be held subject to the Act and as described below.

### 3. "Convening"

The calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

*[Because a gathering of Council members is not a “meeting” unless it is “convened,” and “convening” requires an authorized person to “call together” the Council for the express purposes of discussing or acting upon a matter of business, it seems that gatherings such as group photos or ceremonial appearances are not meetings subject to the Act.]*

#### **C. Notice of Meetings (§ 52-4-202)**

The Council must give not less than 24 hours public notice of each meeting. The notice must include the:

1. agenda;
2. date;
3. time; and
4. place.

The notice must be:

1. posted (a) at the principal office of the Council and (b) on the Utah Public Notice Website created under Utah Code § 63F-1-701; and
2. provided either (a) to a newspaper of general circulation in Salt Lake City or (b) to a local media correspondent. This requirement is deemed satisfied by providing notice to a newspaper or local media correspondent under Utah Code § 63F-1-701(4)(d) [that may be a bad cross-reference].

In addition, the Council must give annual notice of its annual meeting schedule, specifying the date, time, and place of its scheduled meetings.

The Council is encouraged to develop and use additional electronic means of providing notice of its meetings.

The notice requirement does not apply to emergency meetings, as long as the Council gives the best notice practicable of the time and place of the emergency meeting and the topics to be considered at the emergency meeting. However, an emergency meeting may not be held unless the Council attempts to notify all Council members and a majority of the Council members approve holding the meeting.

#### **D. Agendas** (§ 52-4-202)

##### 1. Degree of Specificity

A meeting notice that is required to include an agenda must provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the agenda. (§ 52-4-202(6)(a))

##### 2. Consideration of Matters Not On the Agenda

Generally, the Council may not take final action on a topic in an open meeting unless the topic is (a) listed under an agenda item and (b) included in the advance public notice. (Note: This limitation does not apply to emergency meetings. (§ 52-4-202(6)(c))

Except with respect to emergency meetings, and at the discretion of the presiding member of the Council, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting, but final action on the topic may not be taken by the Council at that time. (§ 54-2-202(6)(b))

#### **E. Open Meetings** (§ 52-4-201)

1. A meeting is open to the public unless closed pursuant to the Act. (Closed meetings are discussed in the next section.)

2. (a) An open meeting includes a workshop or an executive session in which a quorum is present, unless closed in accordance with the Act.

(b) A workshop or an executive session in which a quorum is present that is held on the same day as a regularly scheduled public meeting may only be

held at the location where the Council is holding the regularly scheduled public meeting unless:

(i) the workshop or executive session is held at the location where the Council usually holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;

(ii) any of the meetings held on the same day is a site visit or a traveling tour and proper public notice is given;

(iii) the workshop or executive session is a properly conducted electronic meeting; or

(iv) it is not practicable to conduct the workshop or executive session at the regular location of the Council's open meetings due to an emergency or extraordinary circumstances.

#### **F. Closed Meetings** (§ 52-4-204, 205)

(Practice point – please note the distinction between “executive session” and “closed session”: The Act uses the term “executive session” to refer to a type of open meeting. See the definition of “meeting” in 52-4-103 and the statement in 52-4-201 that “[a] meeting that is open to the public includes a workshop or an executive session . . . .” The latter reference explicitly includes an executive session as a kind of open meeting (without saying what it means by “executive session”). Therefore, we recommend that the Council refer to its closed meetings as “closed sessions” or “closed meetings.”

##### 1. Purposes of Closed Meetings (§ 52-4-205)

- a. Discussion of the character, professional competence, or physical or mental health of an individual;
- b. Strategy sessions to discuss collective bargaining;
- c. Strategy sessions to discuss pending or reasonably imminent litigation;
- d. Strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares, if public discussion of the transaction would:
  - (i) disclose the appraisal or estimated value of the property

- under consideration; or
  - (ii) prevent the City from completing the transaction on the best possible terms;
- e. Strategy sessions to discuss the sale of real property, including any form of water right or water shares, if:
  - (i) public discussion of the transaction would:
    - (A) disclose the appraisal or estimated value of the property under consideration; or
    - (B) prevent the City from completing the transaction on the best possible terms;
  - (ii) the City previously gave public notice that the property would be offered for sale; and
  - (iii) the terms of the sale are publicly disclosed before the City approves the sale;
- f. Discussion regarding deployment of security personnel, devices, or systems; and
- g. Investigative proceedings regarding allegations of criminal misconduct.

Closed meetings are also authorized for the Council to receive the advice of its legal counsel. See Utah Code § 78B-1-137(2) (attorney-client privilege).

## 2. Procedure for Closing Meetings (§ 52-4-204)

- a. An open meeting must be in session with a quorum present.
- b. Two-thirds of the Council members present must vote to approve closing the meeting.
- c. The meeting may be closed only to discuss a matter listed in § 52-4-205.
- d. The following information must be publicly announced and entered on the minutes:
  - (i) the reason or reasons for closing the meeting
  - (ii) the location of the closed meeting
  - (iii) the vote, by name, of each Council member, either for or against the motion to close the meeting.

## **G. Record of Meetings** (§ 52-4-203, 206)

### 1. Open Meetings (§ 52-4-203)

Both written minutes and a recording (i.e., an audio or an audio and video record) must be kept of all open meetings.

*[The Council has treated its dinners before or during Council meetings as “meetings,” at least to the extent of providing public notice of the dinners. If those dinners really are meetings, they must comply with the minutes and recording requirement.]*

However, either written minutes or a recording is adequate if the meeting is a site visit or a traveling tour, if no vote or action is taken. Therefore, unless the Council is keeping both written minutes and a recording during a site visit or traveling tour, it should not take a vote or official action during that site visit or traveling tour.

The recording and minutes must include:

- (a) the date, time, and place of the meeting;
- (b) the names of the Council members present and absent;
- (c) the substance of all matters proposed, discussed, or decided by the Council which may include a summary of comments made by members of the Council;
- (d) a record, by individual Council member, of each vote taken by the Council;
- (e) the name of each person who is not a member of the Council and who, upon recognition by the presiding member of the Council, provided testimony or comments to the Council;
- (f) the substance, in brief, of the testimony or comments provided by the public under (e); and

(g) any other information that any Council member requests be entered in the minutes or recording.

The recording must be a complete and unedited record of all open portions of the entire meeting and be properly labeled or identified with the date, time, and place of the meeting.

The Council must require an individual who publicly presents or provides electronic information relating to an item on the agenda, to provide to the Council, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record. “Electronic information” means information presented or provided in an electronic format. (This was added by the 2014 Legislature.)

Approved written minutes (not the recording) are the official record of the meeting.

#### Approval of Minutes

The Council must make pending minutes (i.e., draft minutes that haven’t yet been approved by the Council) available to the public within 30 days after holding the open meeting.

Within three business days after approving written minutes of an open meeting, the Council must post to the Utah Public Notice Website (created under Utah Code § 63F-1-701) and make available at the Council’s primary office a copy of the approved minutes and any public materials distributed at the meeting.

Within three business days after holding an open meeting, the Council must make an audio recording of the open meeting available to the public for listening.

The Council must establish and implement procedures for the approval of the written minutes of each meeting. The written minutes or the recording of an open meeting that are required to be retained permanently must be maintained in or converted to a format that meets long-term records storage requirements.\*

\*According to the municipal retention schedule, the written minutes must be retained permanently, and the recording must be retained for at least one year.

## 2. Closed Meetings (§ 52-4-206)

Except when a meeting is closed to discuss (a) the character, professional competence, or physical or mental health of an individual or (b) the deployment of security personnel, devices, or systems, the Council *must* make a recording of the closed meeting and *may* keep detailed written minutes that disclose the content of the closed meeting.

The recording and any minutes must include:

- (a) the date, time, and place of the meeting;
- (b) the names of the Council members present and absent; and
- (c) the names of all others present unless disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

The recording and the written minutes are protected records under GRAMA.

No recording or written minutes are required for a closed meeting to discuss (a) the character, professional competence, or physical or mental health of an individual or (b) the deployment of security personnel, devices, or systems.

The person presiding at such a meeting must sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss those matters.

According to the municipal retention schedule, the written minutes must be retained permanently, and the recording must be retained for at least one year.

## **H. Electronic Meetings** (§ 52-4-207)

### 1. Resolution, Rule, or Ordinance

The Council may not hold an electronic meeting unless it has adopted a resolution, rule, or ordinance governing the use of electronic meetings. *City Code § 2.06.030E satisfies this requirement.*

The resolution, rule, or ordinance may:

- a. prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
- b. require a quorum of the Council to: (i) be present at a single anchor location for the meeting; and (ii) vote to approve establishment of an electronic meeting in order to include other Council members through an electronic connection;
- c. require a request for an electronic meeting to be made by a Council member up to three days before the meeting to allow for arrangements to be made for the electronic meeting;
- d. restrict the number of separate connections for Council members that are allowed for an electronic meeting based on available equipment capability; or
- e. establish other procedures, limitations, or conditions governing electronic meetings not in conflict with § 52-4-207.

City Code § 2.06.030E provides that, generally, the Council may hold an electronic meeting only if a majority of a quorum of the Council is physically present at the physical location from which the electronic meeting originates or from which the Council members are connected to the electronic meeting.

## 2. Notice

The Council must:

- a. give public notice of the meeting in the usual way; and
- b. post written notice at the anchor location;
- c. in addition to giving such public notice, provide:
  - (i) notice of the electronic meeting to the Council members at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
  - (ii) a description of how the Council members will be

connected to the electronic meeting.

### 3. Anchor Locations

The Council must establish one or more anchor locations for the meeting, at least one of which is in the City & County Building (i.e., the building in which the Council normally meets).

The Council must provide space and facilities at the anchor locations so that interested persons and the public may attend and monitor the open portions of the meeting.

If comments from the public will be accepted during the meeting, the Council must provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

### Electronic Messages

The Act does not restrict a Council member from transmitting an electronic message (such as email, instant messaging, or a text message) to other Council members at a time when the Council is not convened in an open meeting. (52-4-210)

### **I. Disruption of Meetings** (§ 52-4-301)

The Act does not prohibit the removal of any person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

### **J. Consequences of Violating Open Meeting Law** (§§ 52-4-302 to 52-4-305)

Any final action taken in violation of certain provisions of the Act is voidable by a court. The suit must be commenced within 90 days after the date of the action (or 30 days in the case of the issuance of bonds, notes, or other evidence of indebtedness).

A court may not void final action for failure to post notice on the Utah Public Notice Website if the failure was the result of unforeseen Internet

hosting or communication technology failure and the Council otherwise complied with the public notice requirements.

The Attorney General and county attorneys shall enforce the Act. At least annually, the Attorney General's Office must give notice to the Council of any material changes to the requirements for the conduct of meetings.

A person denied a right under the Act may sue to compel compliance with or to enjoin violation of the Act, or to determine the Act's applicability to discussions or decisions of the Council.

A Council member who knowingly and intentionally violates or who knowingly or intentionally abets or advises a violation of the closed meeting provisions of the Act is guilty of a class B misdemeanor.

#### **K. Relevant 2014 Changes**

With respect to meetings, the definition of "convening" was slightly changed.

The requirement regarding the presentation of electronic information by an individual was added.

## 9. **Council Reports:**

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*(20 minutes)*

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

## 10. **Administrator's Report:**

*(10 minutes)*

### **Misc Updates:**

- September newsletter: <https://siterepository.s3.amazonaws.com/442/september16final.pdf>
  - November newsletter article: **Jake Hoyt** - Article due to Kathy Moosman last week in October.
- Legislator's invited to attend work session on Oct 18<sup>th</sup>. Topics for discussion?
- Flooding incident on Main Ditch occurred on Sept 22<sup>nd</sup>. Two properties damaged.
- Easement acquisition status
- Public Safety Building status – drywall installed. Grading, concrete, asphalt, landscaping to begin soon.  
Final completion a couple weeks behind schedule. Possibly done first week of January vs contract completion time of Dec 21<sup>st</sup>.
- Property Insurance coverage – extending to all structures and facilities. Vet Hall?
- Sales Tax report
- Geneva park property listing
- Misc. Items:

### **Upcoming Meetings & Events:**

- November 8<sup>th</sup> – General Election

# Adjourn