

2 The Lindon City Council regularly scheduled meeting on **Monday, December 20, 2021,**
4 **at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Randi Powell, Mayor pro tem
Invocation: Jake Hoyt, Councilmember
10 Pledge of Allegiance: Juan Garrido, Public Works Director

12 **PRESENT**

Randi Powell, Mayor pro tem
14 Carolyn Lundberg, Councilmember
Jake Hoyt, Councilmember
16 Mike Vanchiere, Councilmember
Brian Haws, City Attorney
18 Mike Florence, Planning Director
Mike Brower, Chief of Police
20 Heath Bateman, Parks & Rec Director
Kathryn Moosman, City Recorder

EXCUSED

Jeff Acerson, Mayor
Adam Cowie, City Administrator
Van Broderick, Councilmember

22
24 1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

26 2. **Approval of Minutes** – The minutes of the regular City Council meeting of
December 6, 2021 were reviewed.

28 COUNCILMEMBER VANCHIERE MOVED TO APPROVE THE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 6, 2021 AS
30 PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE
34 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
36 THE MOTION CARRIED UNANIMOUSLY.

38 3. **Presentations and Announcements:**

- 40 a) Comments/Announcements from Mayor and Council members.
42 b) Oath of Office: Chief Brower stated Taryn Harmon has completed her
Special Function Officer certification noting she was at the top of her class
and has done an excellent job. He expressed his appreciation to Ms.
44 Harmon for her exemplary work in the Police Department and for her
good works for the city. Ms. Harmon was then sworn in by the City
46 Recorder as a Reserve Officer in the Lindon City Police Department. The
Council congratulated Ms. Harmon for her accomplishment and for her

2 service to the city.

4 **4. COUNCIL REPORTS:**

6 **Councilmember Hoyt** – Councilmember Hoyt reported the Parks & Recreation
8 Department has been very busy with the recent Christmas events and the “New Christmas
10 Traditions.” He expressed his appreciation to the department for their efforts to make a
12 mark on Christmas for Lindon.

14 **Councilmember Vanchiere** – Councilmember Vanchiere reported he attended a zoom
16 meeting on Friday with Mr. Cowie and Mr. Garrido along with two recycling software
18 representatives. He noted they have asked to come and give a presentation to the council
20 and set aside a placeholder in the budget if it works out. He noted on “Text my Gov.” we
22 have quite a few resources to help with recycling (if adjusted) which would be
24 considerably less, and we already have access to it, so, it appears we will not take
26 advantage of their program. He also spoke with Neil Schwendiman about the master plan
on the NPSWD noting we need to make some decisions on a few items; we are healthy
financially and doing well. He also spoke with Mayor-Elect Lundberg about his
responsibilities and discussed the general plan committee noting they will be looking at
funding sources to launch that. He mentioned as he is now serving in another capacity,
the newly appointed councilmember may be a good fit to sit on the master plan
committee.

28 **Councilmember Broderick** – Councilmember Broderick was absent.

30 **Councilmember Powell** – Councilmember Powell commented as we go forward as a
32 council, she would like to see a councilmember added to the legislative policy committee.
She would like to have discussion about that at the next council meeting. The council
was in agreement they would want to discuss that at a future meeting agreeing the more
representation on the committee the better. She also expressed her thanks to the Parks and
Recreation staff for a superior job with all the Christmas events that were wonderful.

34 **Councilmember Lundberg** – Councilmember Lundberg reported she met with Reece
36 DeMille with waste services where they talked about green waste and the possibility for
38 Lindon to have a green waste can. Mr. DeMille indicated that is not possible right now as
we don’t have a large capacity to process green waste. Currently Tucker Landscaping
mulches it and we have a contract with them. She added some residents would enjoy a
green waste can. She stated Mr. DeMille will be coming back to us next year with a
contract after the cost increases are assessed. She also attended the PG/Lindon Chamber
Board meeting last week about upcoming events in 2022. There will be a fundraiser
/auction on February 9th where the funds will be split between Pleasant Grove and
Lindon. She also mentioned the Youth Council noting Chief Brower will have more
information in the new year. She also reported the open house for Mayor Acerson was
wonderful and well attended. She also attended the edcUtah event along with Mike
Florence where they looked at what we have to offer for potential companies locating
here.

2 **Mayor Acerson** – Mayor Acerson was absent.

4 **Administrator's Report:** Mr. Cowie was absent.

Misc. Updates:

- 6 • Next regular council meetings: January 3rd & February 7th
- January 2021 newsletter assignment (due last week of December): Mike Florence
- 8 • January 27th, CUWCD workshop associated with secondary water metering and billing.
- 10 • 2021 Election info:
 - o Oath of Office Ceremony for Carolyn, Van, Jake: January 3, 2022
 - o Swearing-in of City Engineer, City Attorney, City Recorder and Treasurer (required by State Code to be sworn-in with when there's a new Mayor)
- 12 • Delay of FY2021-22 Audit Report (anticipated adoption in Feb 2022)
- 14 • Misc. Items

16

18 **6. Open Session for Public Comment** – Mayor Pro Tem Powell called for any public comment not listed as an agenda item.

20 LeAnn Whetten, resident in attendance addressed the council at this time. She
22 thanked all who make Lindon a great place to live. She stated tonight she wanted to
address a policy change she would like to see happen in our elections. She noted she
24 feels if you are going to run for mayor that leaves a city council seat open, then the seat
on the council should be an elected position not an appointed position. Brian Haws, City
Attorney explained with midterm vacancies for municipal offices state code states if any
26 vacancy occurs in the office of municipal body, the legislative body shall appoint a
registered voter in the municipality who meets the qualifications for office to fill the
28 unexpired term of the vacated office.

Ms. Whetten also mentioned that recently the mayor of Riverton wrote a letter
30 stating that the city is not going to make any mandates about anything. She feels Lindon
City should do the same stating there will be no mandates (for face masks and
32 vaccinations). Following some general discussion regarding this issue, the council
addressed Ms. Whetten's concerns noting they would not be implementing any mandates
34 at this time.

Mayor Pro Tem Powell called for any further public comments. Hearing none she
36 moved on to the next agenda item.

38 **7. Consent Agenda Items** – The following consent agenda item was presented for
approval. There were no consent agenda items presented for approval.

40

CURRENT BUSINESS

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**8. Public Hearing — FY2021-22 Fee Schedule Amendments; Resolution #2021-
44 25-R.** The Council will review and consider Resolution #2021-25-R regarding
amendments to the FY2021-22 fee schedule.

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

Heath Bateman, Parks & Recreation Director led this agenda item by explaining
6 some changes/amendments he would like to see on the fee schedule as follows (in red):

Rentals at the Veteran's Memorial Hall:

8 **Key Return Late Fee (more than 2 business days after event) \$10.00**

Lost Key \$100.00

10 **Aquatics Center - Rental Rates:**

Leisure/Competition Pool and Flow Rider

12 • Private Rental (after hours) minimum 1 3 hours \$500.00/hr. **\$600.00/hr.**

Licenses - Business License:

14 Beer License \$300.00

(Must be Council approved and provide proof of insurance bond)

16 **Rentals - Community Center:**

Signed agreement, deposit and payment **and rental fee are** due at time of reservation.

18 Community Center room rentals are available 9:00 am - 10:00 pm, Monday through
Saturday, and are subject to availability. Rental time **must** include set up and cleanup
20 time. **Failure to clean as per the Rental Agreement will result in additional charges as
determined by Facilities Manager. Saturday rentals have a required 2 hour minimum and
22 will be limited to one group per rental area (room or rooms).** Rental is not available on
Sundays nor holidays.

24 **Rentals - Veteran's Memorial Hall:**

Signed agreement, deposit and rental fee due at time of reservation. Failure to clean as
26 per the Rental Agreement will result in forfeiting the deposit **additional charges as
determined by Facilities Manager. One rental group per day.** Exceeding Rental Time
28 \$15 + 1 hour rental rate **\$25** for every 30 minutes past the scheduled time.

Rentals - Community Center:

30 Community Center Fee Rental Waiver and Reduction. Exceptions to the Community
Center Rental rates may only be approved by the Lindon City Council after receipt of a
32 completed Community Center Fee Rental Waiver and Reduction form, and after official
review and action is taken by the Council.

34 **Rentals - Veteran's Memorial Hall:**

Failure to return key Forfeit Deposit.

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38 Following some general discussion regarding the proposed changes, the council
was in agreement to approve the fee schedule changes as presented by Mr. Bateman.

Mayor Pro Tem Powell called for any public comments. Hearing none she called
40 for a motion to close the public hearing.

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

46 Mayor Pro Tem Powell called for any further discussion or comments from the
Council. Hearing none she called for a motion.

COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2021-25-R APPROVING THE FY2021-22 FEE SCHEDULE AMENDMENTS AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE

THE MOTION CARRIED UNANIMOUSLY.

9. Review & Action — Voter Participation Areas; Resolution #2021-26-R. The Council will review and consider Resolution #2021-26-R approving the Voter Participation Areas Map.

Brian Haws, City Attorney, was in attendance to present Resolution #2021-26-R approving the Voter Participation Areas Map. Mr. Haws stated state statute requires we adopt this voter participation map by January 6th. He noted during the 2019 Legislative General Session HB 119 was adopted relating to Initiatives, Referenda, and other Political Activities. HB 119 included the requirement for municipalities to establish “Voter Participation Areas” that states in accordance with State Code §20A-7-401.3, the city shall, no later than January 1, 2022, and January 1 each 10 years after 2022, divide the city into four contiguous and compact voter participation areas of substantially equal population for the purpose of obtaining signatures for initiatives and referenda.

Mr. Haws noted the Utah County Elections Office has prepared the Voter Participation Area Maps for each municipality, including Lindon City.

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

COUNCILMEMBER VANCHIERE MOVED TO APPROVE RESOLUTION #2021-26-R APPROVING THE VOTER PARTICIPATION AREAS MAP AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE

THE MOTION CARRIED UNANIMOUSLY.

10. Review & Action — Opioid Settlement Agreement; Resolution #2021-27-R.

The Council will review and consider Resolution #2021-27-R approving the Opioid Settlement Agreement.

Mr. Haws led this agenda item by presenting Resolution #2021-27-R for the council to review and consider approval of the Opioid Settlement Agreement. He explained that various states and local governments have been engaged in opioid

2 epidemic mitigation litigation against the three largest pharmaceutical distributors of
opioids; McKesson, Cardinal Health and AmerisourceBergen (the “Pharmaceutical
4 Distributors”) and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent
company Johnson & Johnson (“Janssen”). He noted after many years of negotiations,
6 those states and local governments have reached nationwide settlements with the
Pharmaceutical Distributors and also with Janssen.

8 Mr. Haws explained in addition to certain injunctive relief provisions, the
Settlements require that the Pharmaceutical Distributors and Janssen to pay a total of \$26
10 billion dollars to abate the opioid epidemic. Of this amount, \$22.7 billion has been
earmarked for use by participating states and local governments to remediate and abate
12 the impacts of the opioid crisis. The Settlements have been structured to apportion a
larger amount of the Settlement Funds to states whose local governments participate in
14 the Settlements at a higher rate. He stated the State of Utah has joined the Settlements
and has encouraged other local governmental entities within the state to participate in the
16 Settlements as well.

18 Mr. Haws stated Lindon City has not initiated its own litigation against the
Pharmaceutical Distributors or Janssen. The three distributors will collectively pay up to
\$21 billion over 18 years. Johnson & Johnson will pay up to \$5 billion over nine years
20 with up to \$3.7 billion paid during the first three years. He indicated the total funding
distributed will be determined by the overall degree of participation by both litigating and
22 non-litigating state and local governments. He pointed out the substantial majority of the
money is to be spent on the treatment and prevention of opioid addiction. Mr. Haws
24 stated Staff is recommending approval for the city to participate to go through the
national settlement.

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

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COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION
30 #2021-27-R APPROVING THE OPIOID SETTLEMENT AGREEMENT AS
PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
32 WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

34 COUNCILMEMBER HOYT AYE

COUNCILMEMBER POWELL AYE

36 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

38 **11. Review & Action — Job Reclassification; Evidence Custodian / Technician.**

40 The Council will review and consider a proposed job reclassification changing the
part-time Police Department Records Clerk position to a part-time Evidence
42 Custodian / Evidence Technician.

44 Mike Brower, Chief of Police led this agenda item by explaining with Taryn
Harmon being sworn in tonight as a Lindon City Reserve Officer, he is now proposing a
46 job reclassification to change the part-time Police Department Records Clerk position to a

2 part-time Evidence Custodian/Evidence Technician position as this job description will
be more in line with the position.

4 Following some general discussion, the council was in agreement to approve the
job reclassification as requested by Chief Brower.

6 Mayor Pro Tem Powell called for any further discussion or comments from the
Council. Hearing none she called for a motion.

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10 COUNCILMEMBER HOYT MOVED TO APPROVE THE JOB
RECLASSIFICATION; EVIDENCE CUSTODIAN / TECHNICIAN AS PRESENTED
BY CHIEF BROWER. COUNCILMEMBER VANCHIERE SECONDED THE
12 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

14 COUNCILMEMBER HOYT AYE

COUNCILMEMBER POWELL AYE

16 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

18
20 Mayor Pro Tem Powell called for any further discussion or comments from the
Council. Hearing none she called for a motion to adjourn.

22 **Adjourn** –

24 COUNCILMEMBER VANCHIERE MOVED TO ADJOURN THE MEETING
AT 6:23 PM. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – January 3, 2022

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Kathryn Moosman, City Recorder

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Randi Powell, Mayor pro tem