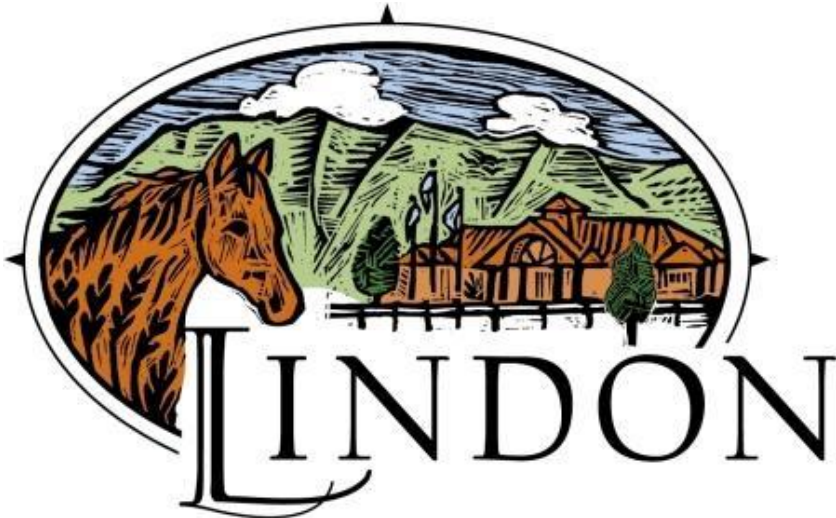


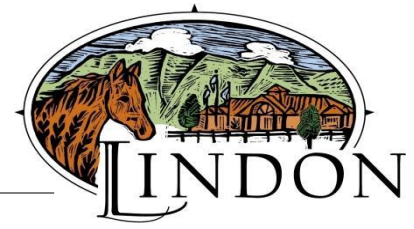
Lindon City Council Staff Report



Prepared by Lindon City
Administration

November 2, 2020

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at **5:15 p.m. on Monday, November 2, 2020** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

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



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

(Review times are estimates only)
(2 minutes)

- 1. Call to Order / Roll Call** *(2 minutes)*
- 2. Approval of Minutes:** The minutes of the regular City Council meeting of October 19, 2020 will be reviewed. *(5 minutes)*
- 3. Council Reports** *(10 minutes)*
- 4. Administrator’s Report** *(10 minutes)*
- 5. Presentations and Announcements**
 - a) Comments / Announcements from Mayor and Council members. *(5 minutes)*
- 6. Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
- 7. Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.) The following consent agenda items were presented for approval.* *(5 minutes)*
- 8. Discussion Item — Short-Term Rentals.** The Council will continue the discussion of options for regulating short-term rentals within the City. *(20 minutes)*
- 9. Review & Action — Discontinue Emergency Declaration, Resolution #2020-25-R.** The City Council will review and consider Resolution #2020-25-R to discontinue Lindon City’s emergency status. *(5 minutes)*
- 10. Closed Session — Closed Session to Discuss the Sale or Purchase of Real Property.** The City Council will enter into a closed executive session to discuss the potential sale or purchase of real property per Utah Code 52-4-205. This session is closed to the general public. *(20 minutes)*

Adjourn

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

CERTIFICATE OF POSTING:

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

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

Date: October 28, 2020; Time: 2:30 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development

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

Invocation: Jake Hoyt

Pledge: By invitation

Item 1 – Call to Order / Roll Call

November 2, 2020 Lindon City Council meeting.

Jeff Acerson

Carolyn Lundberg

Van Broderick

Jake Hoyt

Mike Vanchiere

Randi Powell

Staff present: _____

Item 2 – Approval of Minutes

- Review and approval of City Council minutes: **October 19, 2020**

2 The Lindon City Council held a regularly scheduled meeting on **Monday, October 19,**
4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor
Invocation: Mike Vanchiere
10 Pledge of Allegiance: Jeff Acerson

12 **PRESENT** **EXCUSED**

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

- 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
October 5, 2020 were reviewed.

28 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE
REGULAR CITY COUNCIL MEETING OF OCTOBER 5, 2020 AS AMENDED.
30 COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

38

40 **3. COUNCIL REPORTS:**

42 **Councilmember Broderick** – Councilmember Broderick questioned with the recent
range fire as the canal is shut down if water can be pumped up to assist with the fire. Mr.
44 Cowie confirmed water can be pumped up but it comes at a higher cost and the time
involved to make that happen.

46 **Councilmember Vanchiere** – Councilmember Vanchiere reported Neil Schwendiman is
officially the new Director at the North Utah County Solid Waste District and Roger

2 Harper has retired. He also reported the Planning and Zoning Department have some
4 things coming up and everything is going well.

6 **Mayor Acerson** – Mayor Acerson had nothing to report.

8 **Councilmember Hoyt** – Councilmember Hoyt mentioned an email received from a
10 resident requesting a 9pm end time rather than the current 10pm time at the Creekside
12 Park pickle ball courts due to the noise. Following some discussion, the Council was in
14 agreement to have further discussion on this matter in order to have a solution before next
16 season.

18 **Councilmember Lundberg** – Councilmember Lundberg reported the restroom
20 installation at Fryer Park is going well. She also noted the trees have been planted at
22 Hollow Park for future noise mitigation at the pickle ball courts. She also mentioned a
24 letter she sent to the council regarding short term rentals noting she would like to have
26 this issue as a discussion item on the agenda at the next meeting. Mr. Cowie confirmed
that discussion item is on the next agenda.

28 **Councilmember Powell** – Councilmember Powell spoke on the recent range fire noting
there was no security presence there to keep people out of the area around the water tank.
She also mentioned that longtime resident and former councilmember Darrell Frampton
passed away. She reported she will be attending the upcoming Historical Preservation
Commission meeting. She also spoke about livestreaming meetings through Facebook.
Mr. Cowie confirmed when the equipment upgrade is complete in the council chambers,
all meetings will be streamed on Facebook live.

30 **4. Administrator's Report:** Mr. Cowie reported on the following items followed by
discussion.

32 **Misc. Updates:**

- 34 • Next council meetings: November 2nd & November 16th
- 36 • November newsletter assignment: Mike Vanchiere
- 38 • Vote by Mail Ballots were mailed the week of October 12th
- 40 • City wide Fall Cleanup: November 13th – 22nd
- 42 • Continued discussion of Short-term rentals in November meetings
- 44 • Police Chief opening has been posted. Chief Adams last day as Lindon's Chief is
October 31st.
- 46 • Governor's orders have changed. Utah County is at a high level and he is
assuming the emergency declaration is still valid; he will check with the city
attorney.
- Update on the Range Fire.
- Misc. Items:

Councilmember Hoyt left the meeting at this time – 6:50 pm

2 **5. Presentations and Announcements:**

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

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

8 Rylie Braught, Lindon resident addressed the council at this time. Mr. Braught spoke on the Norton property proposal. He stated as a resident there are reasons he moved here to Lindon, one being the half acre lots. He stated the approval of 10 units per acre is the question here and this is causing real problems in their neighborhood with neighbors against neighbors with different ideas of what should be developed there. They feel that 10 units per acre is too high and, in his opinion, this is not right. He asked the council why they approved this plan as this is affecting their property values and he wants to know what their mindset was in making this decision. He stated he wants to be part of this community, but he has a problem with this issue. He understands the council is in a tough spot and he appreciates their work, but he feels this is the wrong thing to do.

18 Mayor Acerson pointed out this is in a commercial zone not residential and the because of the property depth the owners wanted to maximize their property.
20 Councilmember Powell stated all citizens are welcome to reach out to any of the council at any time. She stated her concern was the access in and out and this was about
22 accessing off of State Street as if it were a commercial development; access was the key point for her as to not impact the existing residents.

24 Councilmember Lundberg commented that she understands the developer has met with residents and she has heard that the count has been coming down. They are trying to scale back and trying to be sensitive to residents and mitigate any traffic concerns. She added she would like to look at this ordinance a little more and maybe the door is not shut and to look at how this plays out.

30 Mayor Acerson called for any further public comment. Hearing none he moved on to the next agenda item.

32 **7. Consent Agenda Items** – The following consent agenda items were presented for approval.

- 34 a) Resolution: Rocky Mountain Power Franchise Agreement, Resolution #2020-21-R.
- 36 b) Resolution: Declaration of surplus equipment, Resolution #2020-22-R

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE CONSENT
40 AGENDA ITEMS AS PRESENTED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER LUNDBERG	AYE
44 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE

THE MOTION CARRIED UNANIMOUSLY.

46 **CURRENT BUSINESS**

2 **8. Review & Action — Declaration & Disposal of Surplus Real Property,**
3 **Resolution #2020-23-R.** The City Council will review and consider possible
4 declaration & disposal of surplus real property located at approximately 100 N
5 1200 E (portion of Utah County Parcel # 14:074:0202).
6

7 Adam Cowie, City Administrator led this item by explaining Lindon City has
8 been approached by Steven and Lisa Chudleigh whose residence is located at 94 North
9 1200 East. He noted Mr. & Mrs. Chudleigh are interested in purchasing real property
10 from Lindon City that is located behind their home.

11 Mr. Cowie explained the city property is currently used for public access to the
12 Horse Transfer Station parking area, public trail access, and access to other city utility
13 facilities. He noted the portion of city property that the Chudleigh’s have interest in
14 purchasing is located on the south end of the property and consists of approximately
15 8,565 sq. ft.

16 Mr. Cowie indicated if this property is declared as surplus real property, the land
17 may subsequently be sold through a standard transaction and changes to the existing
18 zoning of the property and subdivision property lines may be required by a new owner.

19 Mr. Cowie pointed out this is an underutilized and oddly configured portion of
20 property. He noted the procedure for the disposal of parcels of real property as outlined in
21 Lindon City Code was consulted and an official appraisal of the property by Gurney &
22 Associates Real Estate Appraisers dated September 17, 2020 found the property valued at
23 less than \$100,000 and so the disposal is not bound to the requirements listed in the city
24 code.

25 Mr. Cowie further explained the City held a public meeting about the property
26 disposal on October 19, 2020 after mailing notice of the meeting to land owners whose
27 property abuts the subject property. The City has received interest from an adjacent land
28 owner (Steven & Lisa Chudleigh) to purchase the property at the appraised value of
29 \$2.10 per square feet of land plus covering closing costs, cost of the appraisal, and any
30 other incidental costs of purchasing and transferring ownership and adjusting subdivision
31 lot boundaries of the property so that Lindon City bears no direct cost for selling the
32 property.

33 Mr. Cowie indicated that the City will also retain a storm drainage easement
34 across the surplus property for installation of a storm drainage pipe needed to carry storm
35 water away from the remaining portions of the property. He noted if the City Council
36 determines that the property is surplus real property the proceeds will be used to benefit
37 Lindon City for use in funding other public purposes.

38 Mit Ratsapasith, neighboring property owner addressed the council at this time. He
39 questioned what the city will be doing with the property in the future as he also owns a
40 vacant lot adjacent to the subject property. Mr. Cowie replied that long-term the city has
41 identified this area on the park master plan as public open space with no formal design of a
42 major park but it is identified on the park master plan; how it develops in the future is not
43 determined yet. He noted he is aware that this area is currently a “hangout area” and the
44 police patrol there periodically. The City Attorney pointed out that area is designated as a
45 park area and is therefore subject to the city’s curfew ordinance. He encouraged anyone to
46 please call the police if there are any issues after curfew hours (10:30 pm) noting the police
 are happy to respond and offenders will be prosecuted.

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

4
6 COUNCILMEMBER VANCHIERE MOVED TO APPROVE RESOLUTION
#2020-23-R DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSAL OF
8 REAL PROPERTY LOCATED AT APPROXIMATELY 100 NORTH 1200 EAST AS
PRESENTED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

- 10 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 12 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER VANCHIERE AYE

14 THE MOTION CARRIED UNANIMOUSLY.

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

20
22 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
24 VOTED IN FAVOR. THE MOTION CARRIED.

26 Mr. Cowie opened this item by stating the City Council will review and consider
city-initiated amendments to the FY2021 budget and fee schedule and review updates to
28 the Lindon City Policy & Procedures Manual. He noted a public notice of the budget
amendment has been advertised and a public hearing was held on October 19, 2020
30 regarding the needed proposed amendments. He noted it is also necessary to update the
Lindon City Policies and Procedures Manual to clarify procedures and to add needed
32 policies to the manual. He then turned the time over to Kristen Colson, Finance Director
for her presentation.

34 Ms. Colson, stated they approved the budget for this year in June and prepared for
Covid-19. She noted they have seen some really good revenues come in and the fiscal
36 year ended better than expected with an excess fund balance. She indicated in the first
several months of this fiscal year good revenues are continuing to come in so the budget
38 needs to be amended. She noted some items in this budget amendment are carrying over
from the last fiscal year with projects that didn't get completed and also putting some
40 things back in the budget including the "Cares Act" federal funding that was dispersed
through Utah County.

42 Ms. Colson noted the on-going budget reports indicate several budget and fee
schedule items which need to be adjusted to more accurately reflect actual costs
44 associated with current projects, and revenues and expenditures that need to be updated
based on new information and data obtained since the budget was adopted in June.

46 Ms. Colson then went over the Budget Amendment Notes as follows:

- 1. Increase budgeted taxes and fees because the economy is doing better than we

2 anticipated. With the increased revenues, expenses which were requested, but not
3 included in the original budget will be added into the budget in this amendment.

4 2. Grants: • \$7,000 grants for radios (new) • \$6,000 grant for emergency
5 management (new) • \$60,300 grant carrying over from 2020FY for Creekside
6 Park

7 3. Decrease in interest earnings due to declining interest rates.

8 4. At the end of June, Lindon City received \$837,872.68 in Coronavirus Relief
9 Funds (CRF) from Utah County as part of the CARES Act. Fund 25 was set up to
10 track the spending of these funds on qualified expenses. There are transfers to
11 other funds to cover capital expenses, such as work being done to the Aquatics
12 Center in order to distance patrons entering the Aquatics Center from those who
13 are exiting.

14 5. This budget amendment includes a retroactive cost of living allowance (COLA)
15 increase for employees. This was not included in the original budget because
16 when the budget was approved, we did not know how much Lindon’s economy
17 would be affected with the COVID-19 pandemic and quarantine. Since the
18 passing of the budget, Lindon has seen increases in revenue and the economic
19 outlook indicates that revenues will continue to be normal or above normal.

20 The consumer price index (CPI) had an average annual increase from March 2019
21 - February 2020 of 2.0%. This is the time period that we looked at when
22 beginning to prepare the 2021FY budget. The CPI did decline slightly in March
23 and April, but has been increasing since May. This budget amendment includes a
24 1.4% COLA. When combined with the 2.6% merit increase from implementation
25 of the new pay scale which was approved with the 2021FY budget, the total
26 increase will be 4%. The new pay scale with the 1.4% COLA is included with this
27 budget amendment. The cost of the COLA is about \$70,000 citywide.

28 Another payroll change is increasing on-call pay from \$200/week to \$235/week,
29 but decreasing the number of employees on-call during the week from 2 to 1. In
30 the past, an employee from the Parks department is on-call from April to October.
31 From now on, a Public Works on-call employee will cover after hour park issues
32 throughout the whole year. With this change, I also changed the on-call pay to be
33 coded to the PW Administration department rather than coded to the whichever
34 department that the on-call employee works in. The costs in the PW
35 Administration department are allocated equally between the General, Water,
36 Sewer and Storm Water Funds. This allows equal sharing of the on-call costs.
37

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

42 6. Travel and training expenses have been added back into the budget.

43 7. The police department is purchasing radios for each officer.

44 8. The City is purchasing a new software program to be used by building inspectors,
45 planners and public works. Public works is also purchasing GPS equipment.

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

Mr. Cowie then went over the Lindon City Policies and Procedures Manual
summary of updates as follows:

- **New Telework Policy Section 5.22a TELEWORK / REMOTE WORK;** This policy has been created to provide opportunity for and regulate telework options within the workplace. Telework is defined as working remotely away from an assigned office by use of digital technology or phone.
- **6.1.2 (3) Returning Seasonal / Temporary Employees.** Merit increases for

2 returning seasonal employees and/or temporary part-time employees may be
 4 provided on a case-by-case basis as budgeted and approved by the Department
 Head at the beginning of each season or temporary work period (i.e., start of new
 pool season; start of new soccer season, etc.)

- 6 • **2.7 Accident Injury or Loss Procedure.** Definition of ‘loss’. For purposes of
 8 this section, ‘loss’ shall be defined as being deprived of \$100 in value or costing
 \$100 or more to repair or replace. Loss can include damage to equipment or
 10 property that is greater than \$100 in value or literal lost or stolen equipment.
 Employees shall immediately, or as soon as possible, report all accidents, personal
 12 injuries or loss to their Department Head. Department Heads shall document any
 incidents of accidents, personal injuries or loss and report employees involved in
 repetitive accidents, injuries or loss to the Risk Management Committee for their
 14 consideration of possible disciplinary action.
- 16 • **3.3.1 Vehicles Assigned to City Administrator, Police Chief, and Public
 Works Director.** At the discretion of the City Administrator, a vehicle stipend
 18 may be negotiated in lieu of the city providing an actual vehicle for these
 positions where such stipend is reasonable and provides benefit to the city and
 employee.
- 20 • **Personal Purchases.** Unauthorized personal procurements with city funds or
 22 through city accounts or obtained with city government discounted rates shall be
 considered cause for disciplinary action up to and including termination. City
 24 officials and employees shall not use opportunity for discounted or government
 rates to purchase goods or services for personal use, unless the supplier makes
 26 provides in writing that such goods or services are made available to all municipal
 officials and employees on the same terms, provided the official or employee pays
 28 for such items from his or her own money, and provided that these purchases will
 not improperly influence the officials, employees or a City department in the
 30 discharge of their duties or in making purchases of commodities. Any authorized
 personal procurements through city accounts shall not be tax exempt.
- 32 • **6.1.7 On-call.** The Public Works Director, or designee, will provide 24 hour on-
 call coverage to receive and respond to all calls after hours. The Parks &
 34 Recreation Director may also assign one parks employee to be on call during the
 secondary water service operation and during heavy rental periods between April
 1st and October 31st.
- 36 • **6.18 FACILITY RENTALS.** Employees, Planning Commissioners and Elected
 38 Officials are entitled to four (4) free rentals of city facilities per calendar year,
 excluding the Aquatics Center facilities. Facilities available for rent include park
 pavilions, Veterans Hall, and Community Center rooms. Use of free rentals of
 40 City facilities is subject to availability. Free rentals are primarily intended for
 family or social purposes and shall not be used for profit generating business
 42 ventures.
- 44 • **Ethical Behavior Pledge & Form** - to be added.

46 Following some general discussion regarding the budget notes and policy and
 procedures manual changes presented the Council was in agreement to approve the FY
 2021 Budget amendment, fee schedule amendment and policy manual amendment as

2 presented. The Mayor and Council thanked Ms. Colson and Mr. Cowie for their work on
the budget amendment and budget notes stating they are very helpful and informative.

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

6
COUNCILMEMBER POWELL MOVED TO CLOSE PUBLIC HEARING.
8 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

10
Mayor Acerson called for any further comments or discussion from the Council.
12 Hearing none he called for a motion.

14 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
#2020-24-O APPROVING THE FY 2021 BUDGET AND FEE SCHEDULE
16 AMENDMENT AND POLICY MANUAL AMENDMENTS AS PRESENTED.
COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
18 RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE
20 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER POWELL AYE
22 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

24
10. Discussion Item — Cemetery Fees for Residents vs Non-residents. The City
26 Council will discuss possible changes to the Cemetery Fees for purchase of burial
plots, interments, transfer of burial rights and other fees. Direction provided for
28 future fee changes.

30 Mr. Juan Garrido, Public Works Director, was in attendance to present to the
council possible changes to the Cemetery Fees for purchase of burial plots, interments,
32 transfer of burial rights and other fees. Mr. Garrido began by explaining that staff did an
analysis of what neighboring Cities are charging for burial plots and found out how many
34 charge Resident vs. Non-Resident plot sales. Mr. Garrido noted they found out pros and
cons of such process and how time consuming it is trying to keep track of such
36 differences as follows:

- Pros
38 a) Discount for living and paying taxes in Lindon City.
Cons
40 b) Trying to keep track of residence status at the time of death.
42 c) Having to make changes to the burial rights and trying to collect the cost
difference when the family is going through the burial process.

44 Mr. Garrido stated the proposal to charge residents and non-residents the same
amount is done in order to simplify tracking and eliminate misunderstandings at the time
46 of burial. He also presented the annual average number of interments and internment

2 costs and breakdowns. There was then some general discussion regarding the information
presented.

4 Following some additional discussion, the Council was in agreement there are a
lot of things to consider and be thinking about on this issue and agreed further discussion
6 is needed at a future meeting. Mr. Cowie stated they will bring back a final proposal to
the Council for review and possible approval.

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

10

Adjourn –

12

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
14 AT 7:18 PM. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16

Approved – November 2, 2020

18

20

Kathryn Moosman, City Recorder

22

24

26

Jeff Acerson, Mayor

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

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

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

- Next council meetings: November 16th & December 7th
- Status update on Police Chief vacancy
- December newsletter assignment: Heath Bateman
- General Election: Tuesday, November 3rd
- City wide Fall Cleanup: November 13th – 22nd
- Mayor's Thanksgiving Dinner event cancelled this year due to Coronavirus
- December 7th Tree Lighting 6pm Broadcast only of tree lighting; Council meeting conflict – how to handle in the future?
- Utility billing / water meters
- Misc. Items

Item 5 – Presentations and Announcements

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

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

Item 7 – Consent Agenda – Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.

There are no consent agenda items for approval.

8. **Discussion Item — Short-Term Rentals.** The Council will continue the discussion of options for regulating short-term rentals within the City. *(20 minutes)*

This item is for discussion purposes only. No motion will be made.

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Short-Term Rentals

Utah State Code

Utah Code 10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites. Amended in 2017

- (1) As used in this section:
 - (a) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
 - (b) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.
 - (c) "Short-term rental website" means a website that:
 - (i) allows a person to offer a short-term rental to one or more prospective renters; and
 - (ii) facilitates the renting of, and payment for, a short-term rental.
- (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body may not:
 - (a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
 - (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

Utah State law regarding short-term rentals was based off the argument that advertising a short-term rental is a free speech right and that cities cannot use short-term rental websites to enforce short-term rental regulations. Cities should base their enforcement off of complaints and investigations rather than using these websites as a proactive tool.

The Sharing Economy

*"The sharing economy: an old concept made new through the internet-based sharing of underutilized space, skills, and stuff for monetary and non-monetary benefits. These companies encourage people—and businesses—to use resources more efficiently and to share non-product assets (like time) as well as conventional "stuff." Citizens can share space in their homes (**Airbnb**), seats in their car (**Lyft**, **Sidecar**, **UberX**), places to park (**Park Circa**), used clothing (**ThredUp**), outdoor gear (**gearcommons**), time in the day (**TaskRabbit**, **Instacart**), and even capital (**Zopa**, **Prosper**)."*

Cohen, Molly and Corey Zehngbot. "What's Old Becomes New: Regulating the Shared Economy." Boston Bar Journal. April 1, 2014. <https://bostonbarjournal.com/2014/04/01/whats-old-becomes-new-regulating-the-sharing-economy/>

Types of Short-Term Rentals

1. Hosted sharing, where the primary occupants of a residence remain on-site with guests;
2. Unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests;
3. Dedicated vacation rentals, where there are no primary occupants

4 Types of Regulatory Approaches

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

Nieuwland, Shirley and Rianne van Melik (2018): Regulating AirBnB: how cities deal with perceived negative externalities of short-term rentals, Current Issues in Tourism, DOI: 10.1080/13683500.2018.15048999

Questions

- Can cities prohibit or regulate short-term rentals within their community?
 - Yes. However, cities need to adopt appropriate ordinances in order to regulate.
- Can cities require a business license for short-term rentals?
 - Yes. The City would need to do a fee study to determine the appropriate fee to charge.
- Can cities require that the short-term rental be owner occupied?
 - Yes, cities such as Sandy and Riverton set minimum requirements for how often the home must be owner occupied vs rented during the year.
 - Hurricane, Utah requires that a home owner may only own one short-term rental in the city.
- Can cities set limits on how many individuals can rent a short-term rental?
 - Yes, cities like Lehi, Sandy, Riverton set limits on how many renters can stay at the rental.
- Do cities receive taxes for short-term rentals?
 - Yes, short-term rental companies remit transient room taxes to the State of Utah and then appropriate taxes are passed on to local jurisdictions.
 - FY 2019-2020 – \$2,500, FT 2018-2019 - \$800.
 - One concern is if the short-term rental is not registered with a STR company then the State of Utah is not collecting taxes.
- Do short-term rentals limit affordable housing options?
 - Some research shows that owners earn more money off of nightly short-term rentals than long-term rentals (greater than 30 days). Of the 12 short-term rentals in Lindon that are advertised on Air BnB's website, 9 of those appear to be using separate accessory apartments. These units would typically have be used for long-term affordable housing. Comparing short-term rental sites there are between 12-25 short-term rentals listed on the web in Lindon.
- Is insurance typically required?
 - A number of cities require proof of insurance prior to issuing a rental permit or business license.
 - AirBnB has a host protection insurance program that provides liability coverage for up to \$1 million per listing location. Hosts need to pay extra for this coverage.
 - Homeowners insurance policies typically provide little to no protection when renting a home for short-term rentals. For long-term renting, an insurance company can add a write-on to an existing policy. Most insurance companies require a separate policy for short-term renters due to the number of different people coming and going from the rental.

Short-term Rentals (STR)			
	Short-term Rentals Allowed	Regulations	Business License
Orem	Yes	<ul style="list-style-type: none"> Regulates rental by family or 4 unrelated individuals 	No
Pleasant Grove	No	No	No
Provo	No	<ul style="list-style-type: none"> Unlawful to maintain a STR in a residential or agricultural zone 	No
Lehi	Yes	<ul style="list-style-type: none"> Home has to be owner occupied for majority of the year not located within 600' of school one parking stall per bedroom limited to 10 people or as limited by parking curfew and quiet hours from 10 pm to 6 am. 	Yes, \$50
American Fork	No	Also prohibits accessory apartments to be used as STR	No
Springville	No*	No	No
Sandy	Yes	<ul style="list-style-type: none"> Community divided into 29 districts. Allows so many STR's per district, waiting list. Rental allowed in main dwelling or accessory apartment Proof of ownership Must be owner occupied and owner must live in the home a minimum of 183 days per year Rental limited to 182 days Minimum of 1-night vacancy between rentals Limited to 8 related or 4 unrelated renters Required to provide off-street parking Nameplate posted at entrance or rental and info packet 	Yes, <ul style="list-style-type: none"> \$85 for special use permit. \$40 first time processing fee \$140 if gross receipt over \$50,000/yr \$90 if gross receipt under \$50,000 per/yr
Millcreek	Yes	<ul style="list-style-type: none"> Allowed in specific residential zones 	Yes, \$145
Cottonwood Heights	Yes	<ul style="list-style-type: none"> Only allowed in multi-family and mixed-use zones. Only allowed in PUD or condo developments of 8 or more units with private streets. Not allowed in single family zones. 	Yes, \$350
Spanish Fork	Yes	No	No
Salt Lake County	Yes	<ul style="list-style-type: none"> No used for commercial purposes Proper site and housekeeping maintenance Entrance nameplate and sign 	Yes
Riverton	Yes	<ul style="list-style-type: none"> Owner occupied for 185 nights Rental allowed for 150 nights Off-street parking 4 hours vacancy between renters Rentals are limited to 8 renters Proof of sales tax Info packet at entrance 	Conditional use Permit: \$175
Hurricane	Yes	<ul style="list-style-type: none"> Owners can only have one STR in the City Must have a 300' separation between STR 3 licenses per 1,000 residents Nuisance violations Required parking Required posting of rules and contact info Maximum occupancy of 10 	Yes, \$100

*Springville is in the process of possibly updating their code to allow short-term rentals

Options to Consider When Regulating Short-Term Rentals

- Whether to regulate, prohibit, or take a “hands-off” approach.
- Are there benefits that Lindon City and its residents can capture by allowing STR’s while also ensuring that STR’s operate in a responsible way?
- Whether to require a business license.
- Whether to establish baseline levels for safety and accountability.
- Whether to establish location standards and spatial concentration – which zones, separation, distance, cap the number of units.
- Good neighbor information. Colorado Springs requires that once the City gives approval, the homeowner is then required to send out a notice to surrounding neighbors letting them know they have been approved by the City for a short-term rental. The notice includes the owners contact information. Some jurisdictions also require a local representative that can respond to complaints.
- Whether to require proof of insurance.
- Whether to set parking standards.
- Decide if the home should be owner occupied for a period of time.
 - Does the City allow accessory apartments to be rented if the homeowner lives on site?
- Whether to set vacancy requirements.
- Whether to set occupancy limits.
- Whether to set noise, quiet hour, or nuisance limits.
- Whether to require entrance information postings.
- Whether to require a building inspection.

- 9. Review & Action — Discontinue Emergency Declaration, Resolution #2020-25-R.** The City Council will review and consider Resolution #2020-25-R to discontinue Lindon City's emergency status. *(5 minutes)*

Sample Motion: I move to (approve, deny, continue) Resolution #2020-25-R to discontinue Lindon City's emergency status (as presented, or with changes).

RESOLUTION NO. 2020-25-R

A RESOLUTION OF THE LINDON CITY COUNCIL TERMINATING THE DECLARATION OF A LOCAL EMERGENCY IN LINDON CITY AS PROCLAIMED BY THE MAYOR ON MARCH 23, 2020 AND CONTINUED BY RESOLUTION ON MAY 4, 2020.

WHEREAS, on March 23, 2020, the Mayor proclaimed a declaration of a public emergency in Lindon City in response to the Covid-19 pandemic, and as the Lindon City Council passed Resolution 2020-10-R on May 4, 2020, extending said declaration; and

WHEREAS, Resolution 2020-10-R was a continuing resolution that extended the Declaration of a Local Emergency until such time as the Lindon City Council found it reasonable and prudent to terminate the Declaration; and

WHEREAS, the Utah State Department of Health has established the State of Utah's Transmission Index and has designated Utah County as a high level of transmission area, thereby establishing state mandated requirements and standards that are to be followed in Utah County in response to the Covid-19 pandemic; and

WHEREAS, on October 19, 2020, Utah County terminated the County's Public Health Order previously issued on September 22, 2020, finding that the state's new Transmission Index effectively covered and replaced the County's order and finding that all individuals throughout Utah County are expected to adhere to the health orders issued by the State of Utah; and

WHEREAS, the Lindon City Council finds and affirms that Lindon City residents are likewise expected to adhere to the health orders of the State of Utah; and

WHEREAS, in light of the actions of the State of Utah, the Lindon City Council finds the prior declaration of a local emergency is no longer necessary and that it is reasonable and prudent to terminate the declaration so that Resolution 2020-10-R does not continue as an open-ended resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE LINDON CITY COUNCIL, as follows:

1. That the Lindon City Council terminates the Declaration of a Local Emergency in Lindon City proclaimed by the Mayor on March 23, 2020, and continued by resolution of the City Council on May 4, 2020.
2. That this Resolution shall take effect immediately.

PASSED, AND RESOLVED by the Council of Lindon City, Utah, this 2nd day of November, 2020.

JEFF ACERSON
MAYOR

ATTEST:

KATHRYN A. MOOSMAN
CITY RECORDER

10. Closed Session — Closed Session to Discuss the Sale of Real Property. The City Council will enter into a closed executive session to discuss the potential sale of real property per Utah Code 52-4-205. This session is closed to the general public. *(30 minutes)*

ADJOURN