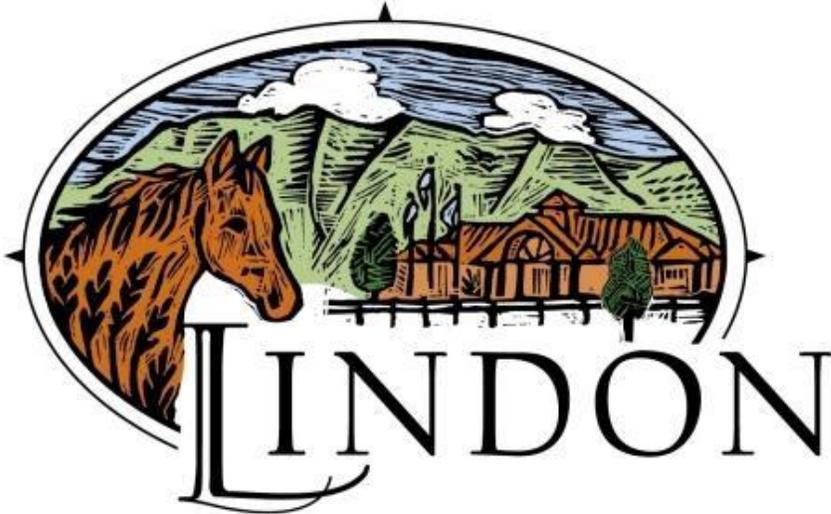


Lindon City Council Staff Report



Prepared by Lindon City
Administration

February 19, 2019

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting at **7:00 p.m.** on **Tuesday, February 19, 2019** 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: Carolyn Lundberg, Mayor pro tem
Pledge of Allegiance: By Invitation
Invocation: Jake Hoyt
- 1. Call to Order / Roll Call**
 - 2. Presentations and Announcements** *(15 minutes)*
 - a) Comments / Announcements from Mayor and Council members.
 - 3. Approval of minutes:** February 5, 2019 *(5 minutes)*
 - 4. Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
 - 5. Consent Agenda** – *(Items do not require public comment or discussion and can all be approved by a single motion.)* *(5 minutes)*
 - 6. Public Hearing – FY2018-2019 Fee Schedule Amendment; Resolution #2019-4-R** *(40 minutes)*
The Lindon City Council will review and consider Resolution #2019-4-R amending sections of the FY2018-19 fee schedule for utility services.
 - 7. Continued Public Hearing — Ordinance Change; Lindon City Code 13.12 and 13.16; Ord. #2018-18-O** *(20 minutes)*
This item was continued from the December 18, 2018 meeting. The Council will review and consider Ordinance #2018-18-O which includes changes to LCC 13.12 and 13.16 regarding utility billing rates and fees and administration of public utility services.
 - 8. Review & Action – New Staff Engineer position** *(15 minutes)*
The City Council will review and consider a request for a new employee position of Staff Engineer (may also be filled by an Engineer In Training (EIT)). This position will replace the currently vacant Public Works Inspector position therefore not needing to be approved by a budget amendment at this time. The position is anticipated to reduce third party engineering expenses while providing needed assistance to the City Engineer.
 - 9. Presentation & Discussion: Population Growth Projections** *(15 minutes)*
Councilmember Lundberg will present general statewide population growth projections that were presented in a recent conference and discuss how this growth may impact Lindon and our region.
 - 10. Review & Action — Rocky Mountain Power easement** *(10 minutes)*
The City Council previously approved granting an easement for Rocky Mountain Power (RMP) subject to additional language being added to the easement and compensation. RMP agreed to additional language in the easement document and is requesting not having to compensate the City since the easement benefits a cell tower provider who has a lease agreement with the City. Staff recommends approval of this request.
 - 11. Review & Action — Easement to STC FIVE LLC for cell tower access/utilities** *(10 minutes)*
The City Council will review and consider granting an access and utility easement to STC FIVE LLC. The easement and amended agreement is for the existing cell tower at approximately 35 W. 60 N. behind the Parks Department garage. The cell tower owner has a lease agreement with the City who is obligated to reasonably accommodate utility service/access to the tower. Staff recommends approval of this request subject to final approval by the Mayor and City Attorney.
 - 12. Council Reports:** *(20 minutes)*
 - A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee
 - B) Public Works, Irrigation water/canal company boards, City Buildings
 - C) Planning Commission, Board of Adjustments, General Plan, Budget Committee
 - D) Public Safety, Emergency Management, Economic Development, Tree Board
 - E) Parks & Recreation, Lindon Days, Transfer Station/Solid Waste, Cemetery
 - F) Admin., Historic Commission, PG/Lindon Chamber, Budget Committee

- Jeff Acerson
- Van Broderick
- Matt Bean
- Carolyn Lundberg
- Mike Vanchiere
- Jake Hoyt

13. Administrator's Report

(10 minutes)

Adjourn

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

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

Date: February 15, 2019; **Time:** 11:30 a.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: Jake Hoyt

Item 1 – Call to Order / Roll Call

February 19, 2019 Lindon City Council meeting.

Jeff Acerson
Matt Bean
Van Broderick
Jake Hoyt
Carolyn Lundberg
Mike Vanchiere

Staff present: _____

Item 2 – Presentations and Announcements

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

Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **February 5, 2019**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 5,**
4 **2019, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Henry White
10 Invocation: Van Broderick, Councilmember

12 **PRESENT**

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

EXCUSED

- 22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
 - 26 a) **Comments/Announcements from Mayor and Council** – There were no
announcements at this time.
 - 28 b) Oath of Office Ceremony for newly appointed City Council member Charles
Michael Vanchiere was administered by City Recorder, Kathryn Moosman.
30 Councilmember Vanchiere was appointed by the City Council on January 15,
2019 to fill the Council vacancy for the remainder of the open term, ending the
32 first Monday in 2020.
 - 34 c) Orlando Ruiz was ceremonially sworn-in as a new Lindon City Police Officer.
Officer Ruiz officially began service with Lindon City on February 1, 2019.
- 36 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of January 15, 2019 were reviewed.

38 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
40 OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 15, 2019 AS
AMENDED OR CORRECTED. COUNCILMEMBER HOYT SECONDED THE
42 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
46 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

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

8 Lee and Nancy Wilkerson addressed the council at this time. Mr. Wilkerson stated
10 they reside at 33 North 1200 East. They would like to raise awareness of a hazardous or
12 lethal condition on 1200 East where vehicles and motorcycles have gone uphill in excess
14 of 90 miles an hour in a 25-mph zone. He noted this is not an isolated case as cars and
16 trucks travel in excess of the speed limit. Residents need to be reminded that it is a 25-
18 mph zone. He indicated that the state or county put in a speed sampling sensor in front of
20 his house and the engineer told him cars are traveling 45 to 50 mph on average with the
22 fastest being 98 mph. He pointed out that his neighbors share the same concerns. He
24 would like to see the city execute something to control the speed on 1200 East. They
26 have contacted the police department who said they would have extra patrol on the road
28 but he understands they cannot always be there. He just wanted to make the Council
aware of this situation and petition to the Council to investigate this issue and come up
with a solution to possibly save a life or a life altering accident.

Adam Cowie, City Administrator said UDOT has a regional wide traffic map they
update every few years and they did put out some speed monitoring devices to monitor
and do traffic evaluations. Councilmember Lundberg stated the city has a portable speed
monitoring radar sign but questioned staff if a permanent solar powered sign can be
installed that may help reduce the speeds. Mr. Cowie stated he will check into the issue
further.

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

5. **Consent Agenda Items** – Items that do not require public comment or discussion
and can all be approved by a single motion.

- a. Resolution #2019-02-R, updating the 2019 Mayor and Council Liaison Assignments, Mayor pro-tem and RDA Board appointments, and other staff appointments.
- b. Resolution #2019-03-R, appointing Councilmember Vanchiere as the Lindon City voting representative on the North Pointe Solid Waste Special Service District Board (transfer station).

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

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER VANCHIERE	AYE

46 THE MOTION CARRIED UNANIMOUSLY.

2 **CURRENT BUSINESS**

4 6. **Discussion Item – Pickleball Courts at Hollow Park (300 E. 400 N.)** The City
6 Council requested to have a discussion item regarding the planned addition of
8 four new pickleball courts at Hollow Park. In June 2018 the City Council
10 approved the new pickleball courts as part of the FY2018-19 city budget in the
12 amount of \$150,000 from the Parks – Capital Improvement Projects budget
(funded by impact fees). These impact fees can only be used on new amenities for
parks and trails. The new courts are planned to be added adjacent to the south side
of the existing tennis and pickleball courts.

14 Adam Cowie, City Administrator, opened this discussion by explaining the City
16 has received some concerns from neighboring residents to Hollow Park regarding noise
18 coming from the tennis and pickle ball courts and additional concerns of the pickle ball
20 courts planned to be constructed at the park this spring/summer. He noted the Council
22 asked that this discussion item be held to review the matter.

24 Mr. Cowie explained the original Hollow Park Master Plan identifying this park
as having tennis courts was adopted in 2005. He then referenced a map showing the
approximate/draft layout of the new proposed pickle ball courts and distances to
neighboring homes. He pointed out that two other pickle ball courts are also planned to
be constructed in 2019-2020 at Creekside Park (100 S 600 W) pending a grant selection
process being completed. He indicated in reference to noises that may be originating from
the park that there does not appear to be any violation of the city noise ordinance by
reasonable use of the tennis and pickle ball courts.

26 Mr. Cowie stated noise from public gatherings and recreational activities at public
28 parks during regular park hours is anticipated and reasonable in residential zones. The
code states the following under Lindon City Code 8.20.030(cc.)

30 *“Inappropriate Noise. It shall be unlawful for any person to make, permit,
32 continue, or cause to be made, or to create any unreasonable loud and disturbing noise
in the City. Any noise which is substantially incompatible with the time and location
where created to the extent that it creates an actual or imminent interference with peace
and good order of persons of ordinary sensibilities shall be prohibited.”*

34 Councilmember Hoyt asked Heath Bateman, Parks and Recreation Director for a
36 history of the pickle ball courts at this location. Mr. Bateman stated the courts were put in
38 2017 are funded through impact fees and they have been fully used. He added that it
made sense with current impact fees to put in more at this location to fill a need for more
opportunity to play. Councilmember Hoyt asked what the benefits are going from 4 to 8
40 courts. Mr. Bateman stated it currently allows for better general play and also
opportunities for tournaments and lessons. At this time Mayor Acerson called for any
42 comments from the public.

44 **Brian Davis:** Mr. Davis stated Hollow Park is right behind his back yard noting his
46 contribution to the city was the fence along the border. He stated he has observed the
courts being used, but they are concerned about the quiet use of the land. More courts
will double the people and it will become a mecca and the green space will be gone. He

2 pointed out that most who use the courts are not from Lindon. He would suggest putting
 4 the courts in different areas in the city as this would reduce the amount of people in the
 park and the traffic. He also pointed out that it will bring a lot of strangers to the park
 which causes concern in this day and age. Mr. Davis then submitted a petition with 70
 6 signatures noting 90% of those are adjacent to the park and are impacted. They all like
 the park, but the park feel is going away with issues of light and noise. Their concerns of
 8 adding more courts are valid because of the impact of traffic and because the quiet
 enjoyment of the park will be gone. Adding more courts will be compounding these
 10 issues with noise especially in the Hollow. Spreading the courts throughout the city is the
 real answer to reduce the impact and people won't have to congregate in one area and it
 12 will reduce the issues with safety and traffic. He added some residents did not receive a
 notice that should have gotten one.

14

Greg Lupus: Mr. Lupus stated he lives at 270 North 200 East. He loves the little bit of
 16 country atmosphere in Lindon and he likes that the pickle ball courts are being used. He
 has patrolled and removed people from riding motorcycles on the park grass etc., but
 18 generally most people are polite and respectful. However, he believes the impact of more
 courts with the noise and traffic will remove the joy of the park for people to enjoy. He
 20 pointed out the City put money out for a vinyl barricade to soften the noise but now
 parents can't see their kids in the park and it didn't solve the problem of living in the
 22 Hollow as the sound echoes. He feels industrial areas for the courts would make more
 sense. There are other places these new courts can go to facilitate the driving demand for
 24 pickle ball. In essence, when do we become sensitive that we have other places in the city
 these courts can go?

26

Shawn Gale: Mr. Gale mentioned you cannot get around the noise as it is distracting. He
 28 indicated that chronic noises like this (pickle ball) are associated with mental health and
 cardiovascular effects and the stress response increases heart rate and blood pressure and
 30 over time can cause cardiovascular disease and hearing loss. The noise is distracting and
 they can hear it in their house. He agrees that the burden needs to be spread throughout
 32 the city in other parks which will also save green space.

34 **Paula Ruth:** Ms. Ruth stated she has lived in Lindon for 50 years. They had a family
 reunion at this park before the courts were there and now the courts are there you cannot
 36 do that. She also has concerns that this is the park they reserved for emergency
 preparedness and with more courts that will not be available. She agrees they need to
 38 spread them around town.

40 **Bill Lewis:** Mr. Lewis commented he and his friends have a hard time to find a court to
 play on and they enjoy pickle ball. He would suggest building an indoor court that would
 42 contain the sound and light. He is in agreement that they should be spread around the
 city.

44

Ward Ireland: Mr. Ireland stated he does not want Lindon to be like Orem. They want to
 46 live in a little bit of country. He feels Pickle ball is a great idea in the right place but it is
 an annoyance in the wrong place and he does not want more courts at this park.

2 Councilmember Lundberg stated this is a difficult situation noting she has done
4 some research after reading letters from residents. She indicated there are paddles that
6 are quieter now that will reduce the noise along with additional regulations that would be
8 an option. However, she has concerns if the pickle ball courts are spread throughout the
10 city these issues will come up again at other locations so we need to find some solutions.
12 Mr. Bateman stated there are a lot of cities that are regulating paddles and balls, however
14 enforcement may be difficult. There was then some general discussion regarding options
16 to regulate/mitigate the noise.

18 At this time Mayor Acerson took a straw poll asking the Council how they feel
20 about this issue.

22 Councilmember Broderick stated pickle ball is incredibly popular but he does not
24 have a problem spreading it out in other parks in the city. However, he feels we should
26 also look at sound reduction so it becomes less disturbing to those who live nearby and to
28 do more research and see what's out there to mitigate the noise.

30 Councilmember Hoyt stated he appreciates this discussion as the Council wants to
32 represent the citizens concerns. He is sympathetic to this issue and unless a there is a
34 passionate reason to put eight courts at that location, he is certainly open to looking at
36 other areas in the city.

38 Councilmember Bean stated he is also sensitive to this issue. He is not in favor of
40 putting more courts in Hollow Park. He would also like to look at noise mitigation and he
42 is also in favor of spreading them throughout the city.

44 Councilmember Vanchiere stated after reading the materials provided his initial
46 reaction was if it meets the ordinance then it would be an easy decision, but after hearing
the concerns tonight this is not an easy decision. Obviously Hollow Park has acoustical
challenges and he likes the notion of spreading them throughout the city. Regardless
there is an underlying fundamental challenge of addressing the noise issues because
whether it is at Hollow Park or somewhere else in the city there will be issues.

Councilmember Lundberg stated Mr. Bateman has worked hard and has done a
great job in placing the courts. He has seen and shared with the council all of the letters
and concerns and investigated them and has been responsive to the issue. She added if we
need to take a temporary step back on this issue, she is okay with that as it appears the
Council is on the same page. She sees there are two things to address, is there something
we can we do with what is currently at this location and where should the additional
courts be located.

Mr. Cowie stated initially there was a neighborhood committee back in 2005 that
came up with a Park Master Plan. Hollow Park went through that process and there was
community involvement. He noted staff has applied and hopefully qualify for grants and
they have looked at other areas for courts to be identified on the master plan i.e., Creekside
Park, Pheasant Brook Park, Pioneer Park, Orchard Park and a 10-acre undeveloped park at

2 the Anderson Development; they are implementing improvements as the funding becomes
available.

4 Mayor Acerson commented there is a good sense from the Council that they are
sensitive to this issue. In moving forward, we need to work together and ensure the
6 neighbors are in the conversation to find a palatable solution.

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

- 10 **7. Public Hearing – Ordinance #2019-01-O; Changes to LCC 17.02.010 and**
17.44.090. The Council will review and consider city-initiated changes to LCC
12 17.02.010 ‘Definitions’ and 17.44.090 ‘Projections into Yards’, amending
allowed deck projections into required side yard setbacks on corner lots.

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

18 Mike Florence, Planning Director, led this discussion item by stating Lindon City
20 is proposing to amend Titles 17.02.010 and 17.44.090 pertaining to definitions and deck
projections into residential corner side yard setbacks. Mr. Florence noted the proposed
22 amendment would allow an uncovered deck to project up to twelve feet into a corner side
yard setback. For a deck to be approved, the deck could only be constructed on the corner
24 side yard facing the street, can only be accessible from the first story or below, and the
home must have a minimum side yard setback of thirty feet. Currently, Title 17.44.090
26 allows a four-foot projection into the corner side yard. Residential rear yards allow a deck
projection of twelve feet with a thirty-foot rear setback.

28 Mr. Florence explained the City is also proposing to add and amend definitions to
Title 17.02.010 so it is clear which story the deck can be constructed from as to not
30 disrupt the privacy of surrounding neighbors. The definitions to be amended and added
are basement, first-story, story, and ground floor. He noted the Planning Commission
32 recommended approval to the City Council following review.

34 Mr. Florence then reviewed the Proposed Definition Changes as follows:

36 *“Basement” means a floor level below the first story in a building which floor is more*
than twelve inches (12”) below the average level of the final grade adjoining ground, but
38 *where no more than one-half (½) of its floor-to- ceiling height is below the average*
contact level of the final grade adjoining ground. A basement shall be counted as a story
40 *for purposes of height measurement and as a half-story for the purpose of side yard*
determination.

42 *First Story – The ground floor level and lowest Story, not including basement, in a*
44 *building provided the floor level is not more than twelve inches (12”) below Final Grade*
for more than fifty percent (50%) of the perimeter.

2 *Story - That portion of a building included between the upper surface of any floor and the*
4 *upper surface of the floor next above, except that the topmost story shall be that portion*
6 *of a building included between the upper surface of the topmost floor and the ceiling or*
8 *roof above.*

6 *Ground Floor – The first story of a building other than the basement*

8
10 Following discussion, Councilmember Lundberg stated this appears to be a good
12 common-sense solution. Councilmember Hoyt agreed these are reasonable changes and
14 to keep up the good work. He also told Mr. Florence the Council appreciates him
16 bringing any reasonable, common-sense city-initiated code changes before the Planning
18 Commission and the City Council for review.

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

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

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

24
26 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
28 AMENDMENT 2019-1-O AS PRESENTED. COUNCILMEMBER BEAN SECONDED
30 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 28 COUNCILMEMBER BEAN AYE
- 30 COUNCILMEMBER LUNDBERG AYE
- 32 COUNCILMEMBER BRODERICK AYE
- 34 COUNCILMEMBER HOYT AYE
- 36 COUNCILMEMBER VANCHIERE AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 8. **Discussion Item – Utility Billing Policies.** The City Council will review and give
36 direction to Staff regarding possible changes to Lindon’s utility billing policies
38 and utility rates/fees.

38 Adam Cowie, City Administrator, led this discussion by reviewing the DRAFT
40 updates to utility billing policies and fees. He indicated these corresponding ordinance
42 changes will be included in a future public hearing depending on direction provided on
44 these conceptual changes tonight. He pointed out this is a DRAFT only and may be
46 amended further. He noted there is a balance they are trying to achieve with the draft.
Mr. Cowie then referenced the goals of making these rate/fee changes are as follows:

- 44 1) Cover costs
- 46 2) Be equitable / fair
- 3) Be measurable / accurate
- 4) Easy to administer

2 Mr. Cowie then went over the DRAFT changes as follows:

<u>Water Base Rate (justified/based on BLDG CODE TYPE... R-1, R-2, etc)</u>	
Single Family Residential	= 1 base fee covers up to 2 units (home + accessory apartment). Base rate is based on meter size.
Multi-family Residential	= 1/2 base rate fee of 1" meter per unit. (reduction based on reduced ave. # of fixtures)
Other Residential (R-2; Institutional)	= 1/4 base rate fee of 1" meter per unit. (reduction based on reduced ave. # of fixtures)
Non-Residential	= 1 base rate fee per meter. Base rate is based on meter size.
<u>Sewer Base Rate (justified/based on BLDG CODE TYPE...)</u>	
Single Family Residential	= 1 base fee covers up to 2 units (home + accessory apartment).
Multi-family Residential	= 1/2 base rate fee per unit.
Other Residential (R-2; Institutional)	= 1/4 base rate fee per unit.
Non-Residential	= 1 base rate fee per meter.
Water & Sewer useage rates - KEEP AS IS.	

4

There was then some general discussion regarding the draft updates to the utility billing policies and fees. Following discussion, the Council agreed this is may be cutting edge and a lead out for best practices. Councilmember Lundberg commented she likes the way the classification is organized and data driven so it is easy to follow and understand and that it is not arbitrary. The Council was also in agreement to move forward and implement the changes now. Mr. Cowie stated he will advertise for the public hearing and bring back the final draft at the next meeting or the first meeting in March.

6

8

10

12

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

14

9. **Presentation & Discussion: Open & Public Meetings Act Training.** City Attorney, Brian Haws, will provide training to the City Council on the State of Utah’s Open and Public Meetings Act.

16

18

Mr. Cowie stated Brian Haws, City Attorney is in attendance tonight to present the yearly training on the Open Public Meetings Act. He noted this training is required by state law. Mr. Haws then gave his power point presentation on the Open and Public Meetings Act highlighting some of the following bullet points:

20

22

Purpose:

24

- To conduct the people’s business with transparency
- Deliberations must be conducted openly
- Actions must be taken openly

26

Who must comply:

28

- Any “administrative, advisory, executive, or legislative body of the state or its political subdivisions that is:
 - Created by statute, rule, ordinance or resolution
 - Has two or more people
 - Expends or is supported by tax revenue
 - Has authority to make decisions regarding the public’s business.

30

32

34

Examples:

- City Council
- Planning Commission
- Board of Adjustments
- Advisory Boards

36

38

- 2 • Historic Preservation Commission
- 3 • Tree Advisory Board
- 4 • etc.

Who is NOT Covered:

6 **Law does not apply to:**

- 7 • Political parties, groups or caucuses
- 8 • Conference committees, rules committees, or sitting committees of the legislature

10 **Open Meetings:**

11 All “meetings” of public entities are presumed to be open to the public unless they are
12 expressly exempt under the Open Meeting Act, or are closed pursuant to the specific
13 procedures in that Act.

14 **Examples:**

- 15 • Regular meetings
- 16 • Special meetings
- 17 • Workshops
- 18 • Site Visits
- 19 • Traveling Tours
- 20 • Work-shops and Regular meeting held on the same day must be held in
21 the same location, unless the workshop is a site visit and proper notice is
22 given.

23 **Definition of a Quorum:**

- 24 • “Quorum” means:
- 25 • “a simple majority of the members of the public body unless otherwise defined by
26 applicable law.”
- 27 • Quorum does not include:
 - 28 ○ 3 or fewer members of the Planning Commission meeting as a
29 subcommittee.

30 **Open Meetings:**

Electronic Meetings

- 31 • A public meeting convened or conducted by means of a conference using
32 telephonic or electronic communications.
- 33 • City must adopt specific procedures for conducting it.
- 34 • Must have an anchor location where regular meetings are held.
- 35 • Must give proper notice to both public and members of the public body.
- 36 • Must have equipment set up so public can hear and participate in open portions of
37 the meeting.
- 38 • Nothing here restricts a member of a public body from transmitting emails and
39 texts to other members of the public body when the body is not convened in an
40 open meeting.

41 **Closed Meetings:**

42 All Meetings are Deemed to be Open Meetings, unless they are Closed According to
43 statute.

A closed meeting may only be held: For what purpose?

- 44 • To discuss the character, professional competence, or physical or mental health of

- 2 an individual
- 4 • For strategy sessions to discuss:
- 4 • collective bargaining
- 6 • pending or reasonably imminent litigation
- 6 • purchase, exchange, or lease of real property or water rights/shares
- 6 • sale of real property or water rights/shares
- 8 • To discuss the deployment of security personnel, devices, or systems
- 8 • To investigate proceedings regarding allegations of criminal conduct

10 **A Closed Meeting may NOT be used to:**

- 12 • Approve any ordinance, resolution, rule, regulation, contract or appointment
- 12 • Interview a person to fill an elected position
- 12 • Take final action (final votes must be open and, on the record,)

14 **How do we close a meeting?**

- 16 • Must first hold a public meeting with proper notice
- 16 • A quorum must be present
- 18 • 2/3 vote of the body must vote to close the meeting
- 18 • The body must publicly disclose:
- 20 • How of each member voted (for or against entering into a closed meeting)?
- 20 • The reasons for closing the meeting

22 **Information Discussed in Closed Sessions:**

- 22 • The information discussed in Closed Sessions is confidential and may not be
- 24 discussed outside of the meeting, including with members of the public or family
- 24 or friends.

26 **Public Notice of Meetings:**

26 **Public Notice Must Be Given**

- 28 • Annually, by listing all regularly scheduled meetings to be held throughout the
- 30 year.
- 30 • Not less than 24 hours before each individual meeting, even if included in the
- 32 annual notice.
- 32 • As required by specific state or local statutes based on the subject matter of
- 32 agenda items for a given meeting.

34 **Public Notice of Meetings:**

34 **Public Notice Must Include**

- 36 • The Date, time and place for the meeting
- 36 • An Agenda for the meeting

38 **Public Notice of Meetings**

38 **Agenda**

- 40 • The agenda must provide reasonable specificity to notify the public as to the
- 40 topics to be considered at the meeting
- 42 • A topic raised by the public may be discussed during an open meeting, even if not
- 42 included on the agenda
- 44 • However, except for emergency meetings, the public body may not take any
- 44 formal action on a topic not listed on the agenda

44 **Public Notice of Meetings:**

2 **Public Notice**

Is Satisfied by:

- 4 • Posting written notice
 • At the principal office or the building where the meeting will be held; and
 6 • On the Utah Public Notice Website

Public Notice of Meetings:

8 **Exceptions – Emergency Meetings**

- Regular notice requirements may be disregarded if:
 10 • Because of unforeseen circumstances, it is necessary to hold an emergency
 meeting to consider matters of an emergency or urgent nature
 12 • Still required to give the best notice practicable
 • May not hold an emergency meeting unless:
 14 • An attempt has been made to notify all the members of the public body; and
 • A majority of the members approve the meeting

16 **Meeting Minutes and Recordings:**

Minutes of open meetings

- 18 • Public body must keep written minutes and a recording
 • Written minutes shall include:
 20 • The date, time, and place of the meeting
 • The names of members present and absent
 22 • The substance of all matters proposed, discussed, or decided by the body which
 may include a summary of comments made by members of the public body
 24 • a record, by individual member, of each vote taken by the public body
 • the name of each person who is not a member of the public body who provided
 26 invited testimony or comments to the public body
 • the substance, in brief, of the testimony or comments provided above
 28 • any other information that any member requests be entered in the minutes

Meeting Minutes and Recordings:

30 **Recordings of Open Meetings**

- A recording of an open meeting shall be a complete and unedited record of all
 32 open portions of the meeting from the commencement of the meeting through
 adjournment
 34 • Recordings must be available to the public within 3 business days after the
 meeting.
 36 • No recording is required for Site visits if no official action is taken during that site
 visit.
 38 • Any member of the public may record a meeting on their own as long as their
 recording does not interfere with or disrupt the meeting.

40 **Meeting Minutes and Recordings:**

For closed meetings

- 42 • Public body must make a recording of the closed meeting
 • Meetings to discuss an individual's character or to discuss security do NOT need
 44 to be recorded
 • Presiding officer shall sign a sworn statement affirming that these are the sole
 46 purposes for the meeting

- 2 • Public body may keep detailed written minutes that disclose the content of the meeting
- 4 • The recording and any minutes shall include
 - 6 ○ The date, time, and place of the meeting;
 - 8 ○ The names of members present and absent; and
 - The names of all others present except where confidentiality is needed to preserve the purpose of the closed meeting

Penalties:

10 **Are there penalties for violating the requirements of the Act?**

- 12 • Any member of a public body who intentionally violates the closed meeting provisions is guilty of a class B misdemeanor
- 14 • A court can void any action taken in violation of the open meetings laws
- 16 • The public body may have to pay court costs and attorney's fees if successfully challenged in court on a violation

18 Following some general discussion, Mayor Acerson thanked Mr. Haws for the presentation and informative training. He then called for any further comments or discussion. Hearing none he moved on to the next agenda item.

20
22 **10. Discussion Item — 700 North Landscaping.** The City has received conceptual information that UDOT may potentially widen 700 North at some time in the future. It is unclear how this widening will impact the center landscape median and/or the side landscaping areas, including possible removal of trees along the side landscape areas. Councilmember Lundberg asked that the Council briefly discuss the topic to ensure support and direction to have staff work on amending the landscaping requirements to push future trees further away from the street than currently required. For this change to occur both City ordinance's and Development Manual policy changes will be required with review/recommendations made by the Planning Commission.

32 Adam Cowie, City Administrator, gave a brief overview stating this item was discussed on May 1, 2018, but with the transition of Planning Directors it didn't get much further than this discussion. He noted the intent of this follow up is to ensure that there is a desire to have staff prioritize making changes to the landscaping standards on the corridor. He then referenced the graphics showing the current tree placement standards for 700 North.

38 Mr. Cowie noted staff will review some of the policies, design standards, and ordinances that will need to be amended if the Council desires the changes that will push street trees further back onto properties adjunct to 700 North. Mr. Cowie indicated if changes are desired the Tree Board will need to make recommendations to amend the current standards, then the Planning Commission will review the proposed amendments and make recommendations to the City Council.

44 There was then some general discussion regarding the conceptual 700 North Landscaping Plan, tree species and placement, and the UDOT preliminary widening plan. Councilmember Lundberg stated corridor preservation is the goal and the question is how to address that if there is future widening on the corridor. Councilmember Lundberg

2 pointed out the Tree Board has some very qualified members who are horticultural
experts that will need direction from the Council on preservation and distances.

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

6
8 **COUNCIL REPORTS:**

10 **Councilmember Hoyt** – Councilmember Hoyt mentioned the budget kick off meeting is
Thursday which is always very informative and he is looking forward to addressing the
upcoming budget.

12 **Councilmember Broderick** – Councilmember Broderick reported he attended the “Eggs
14 and Issues” meeting where the local legislators and senators answered questions on bills
in the current session and how they are progressing. He mentioned one bill to watch is
16 SB34 which is an affordable housing bill that will require cities to implement suggestions
or they will lose road funding; be aware that more of this will come. He also reported the
18 water meeting will be held this Saturday at 9 am. at the Public Works building but he will
be out of town if one of the Council would like to attend in his place.

20 **Councilmember Bean** – Councilmember Bean reported there are several individuals
22 who have expressed interest in the Planning Commission vacancy. He noted this is
ultimately the Mayor’s decision with the Council’s advice and consent.

24 **Councilmember Lundberg** – Councilmember Lundberg reported the Tree Board is
26 moving forward. She also mentioned there is some positive potential with CenterCal and
Lindon is still in the running for a location here. She will forward the press releases to the
28 Council regarding CenterCal.

30 **Councilmember Vanchiere** – Councilmember Vanchiere reported he took a Parks and
32 Recreation tour last Friday which gave him more insights into issues. He also reported he
will follow up with Lindon Days. He also met with Roger Harper at the North Pointe
Solid Waste District that was very informative. He will also be following up with the
34 Cemetery and learn more as he goes. He also mentioned he was approached by a resident
with concerns on the dangers of crossing the road on the trail. He would like to educate
36 citizens about safety on the trail crossing and perhaps add some additional signage. Mr.
Cowie stated the county owns the trail maintenance and the city polices it.

38 **Mayor Acerson** – Mayor Acerson reported there are MAG and COG meetings on
40 Thursday. He also attended the North Utah Valley Animal Shelter meeting where there
was a healthy discussion. They voted to allow Cedar Fort to bring animals to the shelter
42 and will charge them. There were some very vocal people at the meeting that indicated
they want to be on a future agenda; it was a good meeting and managed well. Mr. Cowie
44 gave a legislative update including moderate income housing and sales tax issues.

46 **Administrator’s Report:** Mr. Cowie reported on the following items followed by
discussion.

2 **Misc. Updates:**

- 4 • January City newsletter
- 4 • February newsletter article: Phil Brown - Article due to Kathy Moosman by end of January.
- 6 • Legislative Policy Committee updates
- 8 • Justice Court judge nomination committee has been finalized and is meeting this month to interview 10 applicants that applied for the opening. They will narrow it to 3-5 candidates who the Council will then interview.
- 10 • Misc. Items

12 **Upcoming Meetings & Events:**

- 14 • January 21st – City offices closed for MLK holiday
- 14 • February 7th at 6:00pm – Budget Kick-off meeting (working dinner) at City Center.
- 16 • February 18th – City offices closed for Presidents’ Day holiday
- 18 • April 24th – 26th - ULCT Spring Conference in St. George

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

22 **Adjourn** –

24 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
26 AT 10:05 PM. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – February 19, 2019

30

32

Kathryn Moosman, City Recorder

34

36 _____
Jeff Acerson, Mayor

Item 4 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

Item 5 – 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.*

NO ITEMS

Sample Motion: *I move to approve the Consent Agenda items.*

6. Public Hearing – FY2018-2019 Fee Schedule Amendment; Resolution #2019-4-R (40 minutes)

The Lindon City Council will review and consider Resolution #2019-4-R amending sections of the FY2018-19 fee schedule for utility services.

The City charges a water and sewer base rate for each residential unit (includes each unit in multi-family housing complexes). This requirement to charge each unit a separate base rate is found within Lindon City Code 13.12.025(4) as follows, “4. *If a multiple unit dwelling, including accessory apartments, is serviced by only one water meter, the utility bill will include a water base rate, a sewer base rate and a storm water utility fee for each unit.*”

After reviewing utility billing policies it is recommended that the base rates for water and sewer and other changes to utility fees/policies be amended as follows on the attached page. These recommended changes are the result of several months of discussion by elected officials, staff, and public input.

The goals of making these rate/fee changes were as follows:

- Cover costs
- Be equitable / fair to similar uses
- Be measurable / accurate
- Easy to administer

These recommended changes will be discussed in detail during the meeting.

Sample Motion: I move to (approve, deny, continue) Resolution #2019-4-R amending the FY2018-19 Lindon City Fee Schedule.

RESOLUTION NO. 2019-4-R

A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING VARIOUS SECTIONS OF THE LINDON CITY FEE SCHEDULE FOR FISCAL YEAR 2018-19 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City (City) has adopted an annual Fee Schedule to define and identify all fees that may be imposed by Lindon City for various public services and utilities; and

WHEREAS, the City has reviewed its utility billing policies and recommends specific changes to utility base rates and garbage fees charged for multi-unit residential facilities and accessory apartments and associated fee policies; and

WHEREAS, the City desires reduction of these utility rates and fees for multi-family and accessory apartment units to specifically assist in reducing costs for moderate income households and provide opportunity for more affordable moderate income housing within Lindon City in accordance with Lindon’s Moderate Income Housing Plan; and

WHEREAS, the City finds it prudent and in accordance with sound fiscal policy to amend the Lindon City Fee Schedule for Fiscal Year 2018-2019 (FY2019) and update the fee schedule according to the recommended changes; and

WHEREAS, the fees charged by the City have been carefully studied and found reasonable, equitable, and fair, and the proposed changes will ensure adequate recovery of costs to allow continued effective services within the City; and

WHEREAS, on February 19, 2019 the Lindon City Council held a duly noticed public hearing to consider the fee schedule changes and, after receiving public comment, has reviewed and approves the updated fees and utility rates as shown on the attached memorandums finding that said fee changes are reasonable and equitable and of benefit to the general public in that the city can adequately cover costs to operate and maintain its utility infrastructure.

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

SECTION I. The FY2019 Lindon City Fee Schedule is hereby amended and adopted as shown on the attached memorandums.

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

PASSED AND ADOPTED AND MADE EFFECTIVE by the Lindon City Council on this the _____ day of _____, 2019.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman, City Recorder

SEAL:

PROPOSED FEE SCHEDULE CHANGES

February 19, 2019

CHANGES

Utilities

RATES ARE MONTHLY AND FOR EACH UNIT
ACCESSORY APARTMENTS ARE TREATED AS AN ADDITIONAL UNIT

Culinary Water

- Base Rate - Occupancy type based on Table 403.1 in 2015 International Plumbing Code as currently adopted or as may be amended.
 - Single Family Residential (R-3, R-4)
 - 1 base rate fee covers up to 2 units (home + accessory apartment)
 - Base rate is based on meter size and water zone
 - Multi-family Residential (R-2)
 - ½ base rate fee of 1" meter per unit
 - Base rate is based on water zone
 - Other Residential (R-1, R-2 (dormitories); Institutional)
 - ¼ base rate fee of 1" meter per unit
 - Base rate is based on water zone
 - Non-Residential
 - 1 base rate fee per meter
 - Base rate is based on meter size and water zone

ZONES	METER SIZE						
	1"	1 ½"	2"	3"	4"	6"	8"
Below North Union Canal	\$22.84	\$29.25	\$46.51	\$174.62	\$221.97	\$332.59	\$458.93
Above North Union Canal	\$26.68	\$33.09	\$50.35	\$178.46	\$225.81	\$336.43	\$462.77
Upper Foothills	\$42.73	\$49.14	\$66.40	\$194.51	\$241.86	\$352.48	\$478.82

Accessory apartments are charged additional base rates:

- Base charge for each additional unit on the same water meter
 - Below North Union Canal \$19.84
 - Above North Union Canal \$23.68
 - Upper Foothills \$39.73

(Note: Tiered usage rates and block allotments will not change)

Garbage (Residential Only)

Accessory apartments are charged for a first garbage can.

Sewer - per Residential Unit

- Base charge - Based on Table 403.1 in 2015 International Plumbing Code as currently adopted or as may be amended.
 - Single Family Residential (R-3, R-4) \$19.44
 - 1 base rate fee covers up to 2 units (home + accessory apartment)
 - Multi-family Residential (R-2), per unit \$9.72
(½ base rate fee for Single Family Residential)
 - Other Residential (R-1, R-2 (dormitories); Institutional), per unit \$4.86
(¼ base rate fee for Single Family Residential)
 - Non-Residential, per water meter \$19.44
 - Accessory apartments are charged an additional base rate.
- Base charge for each additional unit on the same water meter \$18.44

(Note: Usage rates will not change)

7. Continued Public Hearing — Ordinance Change; Lindon City Code 13.12 and 13.16; Ord. #2018-18-O *(20 minutes)*

This item was continued from the December 18, 2018 meeting. The Council will review and consider Ordinance #2018-18-O which includes changes to LCC 13.12 and 13.16 regarding utility billing rates and fees and administration of public utility services.

To accommodate the utility fee changes in the prior agenda item there were a few sections of City Code that needed amending. Additional updates were also found necessary and will be reviewed in the meeting.

This primary change is to modify the code to reference the Fee Schedule (as may be amended from time to time) for utility billing requirements.

Sample Motion: I move to (approve, continue, deny) Ordinance #2018-18-O.

ORDINANCE NO. 2018-18-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 13.12 and CHAPTER 13.16 OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City finds it necessary to amend its codes and ordinances from time to time; and

WHEREAS, the proposed amendments are found to be necessary in order to bring said ordinances into conformance with current policies and practices associated with Public Utility Services (sewer, culinary water, secondary water, storm water system services, solid waste/garbage & recycling disposal); and

WHEREAS, the proposed amendments help to ensure the proper and safe administration, operation, and delivery of Public Utility Services; and

WHEREAS, the proposed amendments have been found to be reasonable and necessary in order to cover the costs of operations, maintenance, and replacement of Public Utility Services; and

WHEREAS, a public hearing was held on February 19, 2019 to receive public input and comments regarding the proposed ordinance amendments, wherein the City Council found that the changes are in the best interest of the public and that the changes should be made.

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

SECTION I: Chapters 13.12 and 13.16 of the Lindon City Code are hereby amended to read as follows in the attached documents labeled as '**Exhibit A**'.

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2019.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman, Lindon City Recorder

SEAL

Chapter 13.12
ADMINISTRATION OF ~~WATER AND SEWER SERVICE~~ PUBLIC SERVICES

Sections:

- 13.12.010** **Collection of charges.**
- 13.12.020** **Application for ~~services~~ Public Utility Services.**
- ~~**13.12.025** **Rental Utility Agreement.**~~
- 13.12.030** **Application for Public Utility Sservices by non-owner – property owner responsibility.**
- 13.12.040** **~~Mailing of billing~~ Billing statement.**
- 13.12.050** **Termination--Notice.**
- 13.12.060** **Termination--Appeal.**
- 13.12.070** **Termination without notice.**
- 13.12.080** **Use after disconnection.**
- 13.12.090** **Access to premises.**
- 13.12.100** **~~Plumbing~~ Utility connection/road cut permit.**
- 13.12.110** **Water meters.**
- 13.12.120** **Use of sewer and culinary water required.**
- 13.12.130** **Service lateral.**
- 13.12.140** **Multiple connections.**
- 13.12.150** **Water use only on connected premises.**
- 13.12.160** **~~sanitary sewer~~ Public Utility Services specifications and requirements.**
- ~~**13.12.170** **Connections--Conformance to building codes.**~~
- 13.12.180** **Inspection of installations.**
- 13.12.190** **Connections.**
- 13.12.200** **Extension--Petition.**
- 13.12.210** **Extension--Advance payment of costs.**
- ~~**13.12.220** **Extension--Refunds.**~~
- 13.12.230** **Extension--Design and specifications.**
- 13.12.240** **Extension--Subdivision approval.**
- 13.12.250** **Extension--Full lot width extension.**
- 13.12.260** **Owner to bear costs of installation/connection.**

13.12.010 Collection of charges.

The city council provides that in order to enforce the collection of any charge relative to the cost of construction, reconstruction, maintenance, control of, or operation, replacement, and provision of any Public Utility Services provided by the city, water system or sewer system, one charge shall be made for the combined use of water and water system and the Public Utility sServices provided of the sewer system operated by the city. However, the charges for each service shall be separately stated on the bill. For purposes of this Chapter "Public Utility Services" shall mean culinary water services, sewer services, secondary water irrigation services, storm water utility services, solid waste disposal, and recycling services. (Ord. 121 §4, amended, 1985)

13.12.020 Application for Public Utility servicesServices.

Any person desiring, or who is required, to secure Public Utility Services from the city, water or sewer service, or both, from the water and sewer department, when such services are is available, shall apply therefore to the city reorder and file an consent to a utility agreement with the city, which shall set for the terms and conditions of the use, maintenance, and termination of Public Utility Services and shall be in a form approved by the City council. This agreement shall be reviewed from time to time and changed, as approved the by city administration, to ensure continued compliance with any municipal, county, or state requirements. (Ord. 178, amended, 1990; Ord. 121 § 5, amended, 1985)

~~13.12.025 Rental Utility Agreement.~~

~~When utility services are set up for a rental residential unit, the owner shall sign a "Lindon City Utility Agreement."~~

- ~~1. The "Utility Agreement is adopted with this ordinance and is attached hereto. This agreement, however, is subject to change from time to time as approved by resolution of the City Council.~~
- ~~2. The owner of any rental units that are occupied by renters will be responsible for utility charges at the rates established in the Lindon City Fee Schedule and pursuant to the signed "Lindon City Utility Agreement."~~

3. Pursuant to Chapter ~~13.16~~ of the Lindon City Code and any other applicable sections for rental units, the city shall apply the fees as adopted and amended from time to time by City Council resolution.

4. If a multiple unit dwelling, including accessory apartments, is serviced by only one water meter, the utility bill will include a water base rate, ~~and a sewer base rate~~ and a storm water utility fee for each unit. In addition, each unit shall be billed for a garbage can at the "first garbage can" rate. Discounts for additional garbage cans will only be allowed if an individual dwelling unit needs more than one garbage can.

5. Upon notice in advance by an owner, the city may waive the additional fees for multiple unit dwellings when a unit is vacant for an extended amount of time (one month minimum). The waiver may be issued for the length of the vacancy, prorated for partial months from the date of vacancy, if the owner provides sufficient documentation that the unit was vacant.

13.12.030 Application for services-Public Utility Services by non-owner - Property owner responsibility.

1. Pursuant to Chapter 13.16 of the Lindon City Code and any other sections applicable to rental units or other rental or leased properties, the city shall apply fees for Public Utility Services, at the rates and terms established in the Lindon City Fee Schedule, as adopted and amended from time to time by City Council resolution, to all rental units or other rental or leased properties.

2. The owner of any rental units or other rental or leased properties will be responsible for all fees and charges for Public Utility Services provided to such rental properties.

3. If a multiple unit dwelling, excluding accessory apartments associated with a single family dwelling, is serviced by only one water meter, the utility bill will include a water base rate and a sewer base rate for each unit. In addition, if solid waste disposal (garbage collection) is provided to the multiple unit dwellings by the City, each unit shall be billed for a garbage can at the "first garbage can" rate. Discounts for additional garbage cans will only be allowed if an individual dwelling unit needs more than one garbage can

4 3. Owners of rental unitsproperties shall, upon request, be entitled to receive copies of monthly billing statements for rental unitsproperties they own. Applications for water and sewer service made by the tenant of an owner must in addition to the above requirements be guaranteed by an

agreement signed by the owner of the premises or his duly authorized agent in a form approved by the City. (Ord. 121 § 9, amended, 1985)

13.12.040 Mailing of ~~billing~~ Billing statement.

The city treasurer shall ~~provide~~ mail a written statement to each user of the Public Utility Services ~~water or sewer service~~ once each month, or at such other interval as is established by the city council. Said statement may be provided electronically with authorization from the account holder. Said statement shall separately specify the amount of the bill for each of the Public Utility Services provided the water and sewer service used and the place of payment and date due. If any person fails to pay the charges for the Public Utility Services provided his water or sewer charges within fifteen days of the due date, or within such other time as established ~~by the city council~~ in the terms of the Utility Agreement, the city ~~treasurer~~ shall so notify the ~~water and sewer~~ Public Works department and the city ~~treasurer~~ shall have authority to direct said department to shut off all water service to the premises involved after compliance with the procedure set out in Sections [13.12.050](#).

13.12.050 Termination--Notice.

~~At least ten calendar days~~ According to terms established within the Utility Agreement, prior to a proposed termination of water ~~or sewer~~ service, the city ~~treasurer~~ shall give written notice of proposed termination for nonpayment to the account holder. The ~~ten day~~ notice time period shall be computed from the date such notice is deposited in the mail or sent electronically. The notice shall be given by first-class mail, electronically (for those receiving electronic billing statements), or ~~delivery to~~ posted on the premises and shall contain a summary of the following information:

1. The date of proposed termination.
2. The amount of the delinquency.
3. A description of the account holder's appeal rights. (Ord. 121 § 9(1), amended, 1985)

13.12.060 Termination--Appeal.

Any person whose water ~~or sewer~~ service is to be terminated may appeal to the city council, acting as the Board of Equalization, by filing a written appeal in the office of the city ~~manager~~ administrator

within ten days of the receipt of the notice of proposed termination. Any appeal shall be solely for the purpose of reviewing the interpretation given the terms of this Chapter by the city ~~treasurer~~ and not to vary the terms in any way. Such appeal shall be considered by the city council within thirty days of receipt of notice. Upon filing of the appeal, the city ~~treasurer~~ shall take no further action with regard to the termination until the city council makes a final decision on the appeal. If the city council affirms the decision of the city ~~treasurer~~, the water may be shut off immediately. (Ord. 121 § 10, amended, 1985)

13.12.070 Termination without notice.

Notwithstanding any provision or agreement to the contrary the city may terminate ~~water and sewer service~~Public Utility Services without notice where, in the city's judgment a clear emergency or serious health or safety hazard exists for so long as such conditions exist or where there is unauthorized use of or connection to the city ~~water or sewer service~~Public Utility Services or where there is evidence or suspicion of tampering with pipes, or meters, or other ~~water or sewer~~Public Utility Services equipment. (Ord. 121 §10, amended, 1985)

13.12.080 Use after disconnection.

It is unlawful for any person, after the water has been turned off from ~~his~~their premises on account of nonpayment of service fees or other violation of the rules, regulations or ordinances pertaining to the ~~water or sewer systems~~Public Utility Services, to turn the water on, or allow the water to be turned on or used, without authorization from the city ~~treasurer and/or the superintendent of the water and sewer department.~~ (Ord. 121 §11, amended, 1985)

13.12.090 Access to premises.

Free access shall at all reasonable times be allowed to the ~~superintendent of the water and sewer~~Public Works department or other authorized personnel to all places supplied with ~~service from the water or sewer system~~Public Utility Services to examine the apparatus, the amount of water used, the manner of use of ~~either any Public Utility service~~Service, ~~and or~~ to perform such duties as they may have under this title. (Ord. 121 §12, amended, 1985)

13.12.100 ~~Plumbing~~ Utility connection/Road cut permit.

It is unlawful for any person to make any extension of any pipe or connect any fixture to the ~~water or sewer~~ Public Utility Services systems for any purpose whatever without first obtaining a permit or authorization therefore from the ~~sewer and water~~ Public Works department and paying the permit fee which may be required. All persons must, ~~within twenty-four hours~~ after the completion of any plumbing work connected to the ~~water or sewer~~ Public Utility system Systems, report the same to the ~~water and sewer~~ Public Works department. All plumbing shall be done in compliance with all applicable city ordinances. No connection shall be made or permitted until the plumbing work has been inspected and approved by the ~~water and sewer~~ public works department or other authorized city inspector. (Ord. 121 §13, amended, 1985)

13.12.110 Water meters.

All structures, dwellings, units, and establishments using water from the city water system must have such number, size and type of water meters connected to their water system as are necessary in the judgment of the ~~superintendent of the water and sewer~~ Public Works department to adequately measure the water used by the respective water users. Meters will be ~~furnished by the city~~ paid for at the expense of the property holder, at rates established from time to time by resolution of the city council. Meter readings shall be taken at regular intervals as determined by the ~~superintendent of the~~ Public Works department and shall be submitted to the city ~~treasurer~~ for the purpose of making necessary billings for water and sewer service. (Ord. 121 §14, amended, 1985)

13.12.120 Use of sewer and culinary water required.

It is unlawful for the owner or any other person occupying or having charge of any premises used for human occupancy, employment or recreation, or other purposes within the city limits, which premises are situated within three hundred (300) feet of a sewer and/or culinary water main to fail to install suitable toilet facilities therein, to fail to connect such facilities to the city sewer system as provided herein, to fail to connect to the city culinary water system as provided herein, or to dispose of sewage therefrom by any means other than by use of the city sewer system. Connection to the culinary water system shall not be required for existing buildings and structures serviced by wells in existence at the time culinary water lines are extended to within three hundred (300) feet of subject property. This provision shall not prohibit connection to neighboring municipalities water systems. If a property served by a well is permitted to connect to the city's water and sewer system the city

~~may require reasonable designs, plans, and inspection of the connections to ensure there is no cross-connection between the well and the public water system. It is unlawful to construct or continue the use of any other sewage disposal system, such as a privy, vault, cesspool or septic tank, on such property except by express approval of the city council in cases of undue hardship, and only when such alternate method of sewage disposal is approved by the appropriate health department and complies with all additional city and state requirements. Each such owner or other person shall within ninety days after having been given notice by the city that a public sewer and/or culinary water main is ready to receive connections therewith, cause such premises to be connected with said sewer Public Utility Services in accordance with the provisions of this title and other city ordinances. (Ord. 121 §15, amended, 1985)~~

13.12.130 Service lateral.

~~A separate and independent service lateral shall be provided for every building lot or, for non-residential properties, each building, for both culinary water and sewer service, ~~except in cases of undue hardship where the city council deems it necessary to make an exception. Pressure irrigation services from the water main to the property line may be shared by two property owners, as illustrated in the city's standard drawings, which may be amended from time to time.~~ (Ord. 121 §16, amended, 1985)~~

13.12.140 Multiple connections.

~~Where two or more families or premises buildings or units are supplied Public Utility Services from the same service pipe lateral, the failure on the part of either of such parties to comply with this title and all other applicable ordinances shall be grounds for the city to withhold the supply of water through said service pipe to the property until a separate service pipe is installed for each user of the water under a separate application the property is in full compliance. (Ord. 121 §17, amended, 1985)~~

13.12.150 Water use only on connected premises.

~~It is unlawful for any water user to permit any person from other premises ~~or authorized person,~~ to regularly use or obtain water regularly from his-their premises or water fixtures, either outside or inside his-their building. (Ord. 121 §18, amended, 1985)~~

13.12.160 ~~sanitary sewer~~ Public Utility Services specifications and requirements.

The size, slope, alignment, and materials of construction of all ~~sanitary sewers~~ Public Utility Services pipelines including building sewers laterals, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling ~~of the trenches~~, shall ~~all~~ conform to the requirements of the ~~city's construction standards and specifications, adopted building and plumbing codes, and all or~~ other applicable rules and regulations of the city and the state. Any deviation from the prescribed procedures and materials must be approved by the city before installation or connection is made. ~~In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.~~ (Ord. 121 §19, amended, 1985)

~~13.12.170 Connections~~ Conformance to building codes.

~~The connection of the building sewer into the public sewer shall conform to the requirements of the building code, plumbing code and other applicable rules and regulations of the city and the state, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation or connection is made.~~ (Ord. 121 §20, amended, 1985)

13.12.180 Inspection of installations.

The inspection of ~~sewer~~ Public Utility Service connections between the utility mains sewer and three feet outside of the building line shall be made by or under the direction of the ~~superintendent~~ Public Works Department. ~~He shall be notified at least four hours in advance by the plumber that the connection is complete and ready for inspection.~~ The entire length of the ~~sewer~~ utility connection including ~~a~~ the connection at the utility main sewer shall be fully exposed. No backfilling shall be done until the inspection is made and the work accepted. If any portion of the work is not done in accordance with this title, ~~and all~~ other applicable city ordinances and the instruction of the ~~superintendent~~ Public Works Department, or his authorized inspectors, it shall be rectified promptly. No permit shall be issued to any licensed ~~plumber contractor~~ during the time that he/she shall fail to remedy any defective work, after he/she has been notified that he/she has been held responsible therefore under these regulations. (Ord. 121 §21, amended, 1985)

13.12.190 Connections.

A ~~Licensed~~licensed plumber contractor is required. It is unlawful for any person to connect to any drain or sewer pipe with the public sewerPublic Utility Service pipe, drain, or other utility infrastructure, unless such person is a duly licensed ~~plumber contractor~~ other person authorized by the city to perform said work. (Ord. 121 §22, amended, 1985)

13.12.200 Extension--Petition.

All persons or groups of persons desiring ~~water or sewer~~Public Utility Services service outside of a conventionally subdivided area for which an extension of the ~~water or sewer main~~public utility system is required may make petition to the city, attaching thereto a map indicating the property to be served and the streets, alleys, highways, or easements in which the extension to the utility system is to be installed.~~line is to be laid~~. (Ord. 121 §23(a), amended, 1985)

13.12.210 Extension--Advance payment of costs.

The petitioners will advance such an amount as in the opinion of the city and its engineers will defray the cost of the extensions and the city may thereupon cause to be constructed the water or sewer ~~main~~system extensions (Ord. 121 §23(b), amended, 1985)

~~13.12.220 Extension--Refunds.~~

~~Refunds or reimbursement to the petitioners for extension of water and sewer mains systems will be made according to the formal policy adopted by the city council. This policy shall be reviewed from time to time and shall be amended as deemed necessary by the city council. (Ord. 121 §23(c), amended, 1985)~~

13.12.230 Extension--Design and specifications.

The design and specifications of the water and sewer extension shall be ~~determined by the city engineer~~subject to approval of by the city engineer, who shall have wide latitude with regard to

requirements associated with extensions outside of a conventionally subdivided area. (Ord. 121 §23(d), amended, 1985)

13.12.240 Extension--Subdivision approval.

All conventional subdivisions shall be complete with water, and sewer, distribution systems and storm water utility systems installed before the subdivisions are accepted by the city. Subdivisions shall have completed secondary irrigation systems where access to the city's system is reasonable reasonably available. The design and specifications for such water and sewer distribution these required systems shall be subject to the approval of the city engineer. (Ord. 121 §23(e), amended, 1985)

13.12.250 Extension--Full lot width extension.

All main line-pipeline extensions shall be extended the full width of the lot to which service is to be provided, unless it is clear to the city engineer that such extension will not serve any future purpose. (Ord. 121 §23(f), amended, 1985)

13.12.260 Owner to bear costs of installation/connection.

All costs and expenses incident to the installation, and connection, and/or extension of the a building-property's water and sewer Public Utility Services systems shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation, and/or extension of the a building-property's water and sewer Public Utility Services systems. (Ord. 121 §24, amended, 1985)

Chapter 13.16 RATES AND FEES

Sections:

- 13.16.010 Authority.**
- 13.16.020 Purpose and rate review.**
- 13.16.030 Waste discharge surcharge.**
- 13.16.040 User class determination.**
- ~~**13.16.050 Rate review.**~~
- 13.16.060 Rate notification.**
- 13.16.070 Board of equalization.**

13.16.010 Authority.

The Lindon city council shall from time to time by resolution, establish such rates, deposits, procedures and fees as it deems proper and reasonable for the ~~water and sewer service~~ Public Utility Services provided by the city and the uses made thereof by the users. For purposes of this Chapter "Public Utility Services" shall mean culinary water services, sewer services, secondary water irrigation services, storm water utility services, solid waste disposal, and recycling services. All rates and fees promulgated by the city council shall be made a matter of public record, shall be filed with the city recorder, and shall be available for inspection by any person during normal business hours. ~~All rates shall be established in compliance with the procedures set out in Sections 13.16.020 through 13.16.060.~~ (Ord. 121 §7, amended, 1985)

13.16.020 Purpose and rate review.

User rates and fees shall be ~~set~~ established in the Lindon City Fee Schedule in an amount sufficient to generate revenue to pay all costs for the operation and maintenance and replacement of the ~~city water and sewer system~~ Public Utility Services systems. ~~and to pay all costs required by the contract entered into by the city for the use of the Orem City wastewater treatment system. The costs shall be distributed to each user class in proportion to each user class' contribution to the total loading of the wastewater treatment system. Factors such as strength (biochemical oxygen demand, BOD and total suspended solids, TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user class' contribution to ensure a proportional distribution of operation and maintenance costs to each user class.~~ The city shall review the user rates and fees not less

often than every two years and shall revise the rates and fees as necessary to assure equity of the service charge established herein. (Ord. 121 §7(2), amended, 1985)

13.16.030 Waste discharge surcharge.

The city, or its city engineer, shall assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. (Ord. 121 §7(2), amended, 1985)

13.16.040 User class determination.

Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may, upon recommendation of the city engineer, classify industrial, commercial, and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD. (Ord. 121 §7(3), amended, 1985)

~~13.16.050 Rate review.~~

~~The city shall review the user rates not less often than every two years and shall revise the system as necessary to assure equity of the service charge established herein and to assure that sufficient funds are obtained to adequately operate and maintain the city water and sewer system and to pay the wastewater treatment contract obligation.~~ (Ord. 121 §7(4), amended, 1985)

13.16.060 Rate notification.

Each user shall be notified at least annually, in conjunction with a regular bill, of the rates and that portion of the user charges which are attributable to the delivery of Public Utility Services, including wastewater treatment services. (Ord. 121 §7(5), amended, 1985)

13.16.070 Board of equalization.

The city council is designated a ~~board~~ Board of equalization ~~Equalization of water and sewer for~~ Public Utility Services rates and fees and to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. (Ord. 121 §8, amended, 1985)

8. Review & Action – New Staff Engineer position*(15 minutes)*

The City Council will review and consider a request for a new employee position of Staff Engineer (may also be filled by an Engineer In Training (EIT)). This position will replace the currently vacant Public Works Inspector position therefore not needing to be approved by a budget amendment at this time. The position is anticipated to reduce third party engineering expenses while providing needed assistance to the City Engineer.

Staff is requesting approval of a new position as more fully described in the attached job posting. Also see the financial analysis assuming an incumbent in either the Staff Engineer or EIT position has maxed out in their salary range. This presents the ‘most expensive’ scenario of hiring filling this position. In either scenario it is anticipated that the City will experience a general savings in third party engineering expenses.

This request will be discussed in detail at the meeting.

Sample Motion: I move to (approve, continue, deny) the Staff Engineer position as presented.

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



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

LINDON CITY JOB OPENING

Staff Engineer or Engineer In Training

Full-time

Open Until Filled. First review of applications on March 6, 2019

APPLICATION REQUIREMENTS

Applicants must submit a cover letter, resume, and a completed Lindon City Employment Application (available on-line at <http://www.lindoncity.org/employment.htm> or at City offices located at 100 North State Street, Lindon, UT 84042). Those selected for final interviews may be asked to complete computer skills analysis testing.

JOB DESCRIPTION

TITLE: Staff Engineer or Engineer In Training (EIT)

PAY RANGE: **Staff Engineer:** Range 21 (\$55,348 to \$82,908 annually). Salary is negotiable within Range 21 depending on qualifications; or

Engineer In Training (EIT): Range 18 (\$47,112 to \$70,512 annually). Salary is negotiable within Range 18 depending on qualifications.

Includes Full Benefits (medical, dental, 401k, State retirement pension, vacation, sick leave, etc.). *City may elect to hire candidate(s) who do not meet all listed qualifications at a lower pay range. Final selection will be based on training and experience at the City's discretion.*

DEPARTMENT: Public Works

SCHEDULE: 40+ hours per week. Typically works Monday-Friday (7:00 am to 3:30 pm). May be required to occasionally work evenings and weekends.

STATUS: Regular Full-Time

FLSA CODE: Staff Engineer: Exempt (not overtime eligible); EIT: Non-exempt.

NATURE OF THE WORK

Under the direction of the City Engineer, provides technical assistance to the City Engineer and Public Works staff, including performance of complex professional and technical engineering work such as review of land development plans, CAD drafting and design, GIS services, and roadway and utility design for public utility infrastructure systems such as streets, water, sewer, and storm water.

EXAMPLES OF DUTIES

- Reviews civil engineering plans submitted for private site plans and subdivisions to determine compliance with City standards, specifications, polices and ordinances.
- Designs and reviews plans for public works projects including streets, storm drains, water, and sewer.
- Prepares and/or checks engineering calculations for various projects.
- Participates in coordination meetings with City's Public Works and Planning departments, and outside consultants or agencies.
- Assists with capital facilities plan updates and implementations.
- Operates personal computer in applying various computer programs in the development and maintenance of engineering documents, specifications, plans, and computer aided monitoring systems.
- Performs a variety of advanced technical duties related to the development, maintenance, or creation of digital maps through a geographic information system (GIS) software, and computer aided design (CAD), or related computer program application(s).
- Performs GIS functions dealing with utilities such as streets, water, sewer, and storm drain.
- Assists in the operation of GPS survey equipment to collect field data for municipal utilities and downloads and plots this data using CAD and GIS software applications.
- Produces maps, surveys, engineering drawings, graphics and reports.
- Assists in maintaining and updating the City's standard specifications & drawings.
- Provides information to the public and responds to citizen inquires and complaints.
- May perform quality control for assigned projects and monitors or inspects various public works projects.
- Performs other related duties as assigned.

KNOWLEDGE, ABILITIES, AND SKILLS

Working Knowledge of:

- Principles and practices of Civil Engineering for urban settings.
- Current design practices, and construction methods related to public works, including: water, sewer, storm water, roads and subdivision development.
- Local, State, and Federal codes related to public infrastructure design and construction;
- Surveying and computer drafting principles.
- Residential and commercial development and public works plan review.
- Inspection methods for construction projects.
- CAD and GIS software.
- GPS surveying.

Ability & Skills to:

- Establish and maintain effective working relationships with City officials, City employees, contractors, service providers, and the general public and to resolve problems.
- Organize and follow through with multiple projects of various complexity at the same time.
- Read, review, and interpret various engineering plans, designs and specifications and ensure conformance with City, State and Federal standards.
- Operate a personal computer for report writing, record keeping, e-mail, technical calculations, and project design.
- Operate GPS surveying equipment to collect infrastructure assets.
- Use CAD software (AutoCAD Civil 3D preferred) and GIS software (ESRI ArcGIS preferred) for infrastructure design and mapping.
- Understand verbal and written directions and instructions.
- Effectively communicate both verbally and in writing.
- Work under stress and time deadlines with a pleasant demeanor.
- Safely and adequately perform job functions as listed in "Examples of Duties".

EDUCATION AND EXPERIENCE

- Graduation from a college or university with a bachelor’s degree in civil engineering or related field.
- 2 to 3 years of full-time civil engineering work experience, or similar job duties.

LICENSES AND CERTIFICATES

- Must have a valid State of Utah Driver License with no significant violations or restrictions that prohibit ability to perform essential job duties.
- Must have Professional Engineer License (PE) registered in the State of Utah.
 - **NOTE:**
 - Engineer In Training (EIT) candidates who are within two years of becoming a licensed Professional Engineer will also be considered if other qualifications are met.
 - Candidates that have significant knowledge, ability and/or skills in the desired areas outlined herein and who have significant relative experience performing work similar to those listed under “Examples of Duties” may also be considered.

WORKING ENVIRONMENT

- Tasks require a variety of physical activities, not generally involving muscular strain. Ability to lift or move medium to heavy weights up to 50 pounds.
- Physical demands may occur in activities related to walking on uneven ground (in potentially harsh weather conditions), standing, stooping, sitting, reaching, etc.
- Normal office setting for reports / record keeping, etc.
- Outdoor work required in various weather conditions during construction projects, site inspections, collection of utility information, etc.
- Talking, hearing and seeing required in the daily performance of duties.
- Mental application utilizing memory and attention to details, emotional stability and discriminating thinking and creative problem solving.
- Exposure to stress as a result of human behavior and work required to complete work within required time constraints and deadlines.
- Periodic local travel required in course of performing job functions.
- Will be required to safely operate a city-issued vehicle.

The above statements are intended to describe the general nature and level of work being performed by the person(s) assigned to this job. They are not intended to be an exhaustive list of all duties, responsibilities and skills required of personnel so classified. The approved class specifications are not intended to and do not infer or create any employment, compensation, or contract rights to any person or persons. This updated job description supersedes prior descriptions for the same position. Management reserves the right to add or change duties at any time.

Selected applicant must pass a drug screening test, criminal background check, and driver license check prior to official offer of employment.

Lindon City is an Equal Opportunity Employer.

COST OF STAFF ENGINEER
(using 2018-2019 pay scale and benefit rates)

Cost Of Staff Engineer			<u>Amount</u>
Annual wage (Range 21 Step high)	\$39.86/hr		\$ 82,908.00
Benefits			
Insurance benefit (Single)	\$1,679.96/mo.	\$	20,159.52
Annual Life Insurance	\$13.16/mo.	\$	157.92
LT Disability	0.50%	\$	414.54
Retirement			
Pension	18.47%	\$	15,313.11
401k, 457 or IRA	3.00%	\$	2,487.24
Workers Comp.	1.8800%	\$	1,558.67
FICA	7.65%	\$	6,342.46
Total Benefits			\$ 46,433.46
Total Cost Of Staff Engineer			\$ 129,341.46

Current Budget for PW Inspector

Budgeted wages and benefits for unfilled position

Wages (Range 17, Step 1)		\$	45,839.63
Benefits		\$	34,767.73
Total Current Budget for PW Inspector		\$	80,607.36

Increase (Decrease) in Annual Budget	\$ 48,734.10
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Cost of Staff Engineer for last 30% of 2018-2019 FY	\$ 38,802.44
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Increase (Decrease) in 2018-2019 Budget	\$ (41,804.92)
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COST OF ENGINEER IN TRAINING
(using 2018-2019 pay scale and benefit rates)

Cost Of Engineer In Training		<u>Amount</u>
Annual wage (Range 18 Step high)	\$33.9/hr	\$ 70,512.00
Benefits		
Insurance benefit (Single)	\$1,679.96/mo.	\$ 20,159.52
Annual Life Insurance	\$13.16/mo.	\$ 157.92
LT Disability	0.50%	\$ 352.56
Retirement		
Pension	18.47%	\$ 13,023.57
401k, 457 or IRA	3.00%	\$ 2,115.36
Workers Comp.	1.8800%	\$ 1,325.63
FICA	7.65%	\$ 5,394.17
Total Benefits		\$ 42,528.72
Total Cost Of Engineer In Training		\$ 113,040.72

Current Budget for PW Inspector

Budgeted wages and benefits for unfilled position

Wages (Range 17, Step 1)		\$ 45,839.63
Benefits		\$ 34,767.73
Total Current Budget for PW Inspector		\$ 80,607.36

Increase (Decrease) in Annual Budget	\$ 32,433.36
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Cost of Staff Engineer for last 30% of 2018-2019 FY	\$ 33,912.22
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Increase (Decrease) in 2018-2019 Budget	\$ (46,695.14)
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9. Presentation & Discussion: Population Growth Projections *(15 minutes)*

Councilmember Lundberg will present general statewide population growth projections that were presented in a recent conference and discuss how this growth may impact Lindon and our region.

Councilmember Lundberg asked to present this general update of information to the Council and will provide information and/or materials for this item in the meeting.

Sample Motion: Discussion item only. No motion needed.

10. Review & Action — Rocky Mountain Power easement

(10 minutes)

The City Council previously approved granting an easement for Rocky Mountain Power (RMP) subject to additional language being added to the easement and compensation. RMP agreed to additional language in the easement document and is requesting not having to compensate the City since the easement benefits a cell tower provider who has a lease agreement with the City. Staff recommends approval of this request.

This item was discussed on September 4, 2018 and the easement approved by the City Council at that time - subject to some additional language being added to the easement document and compensation being paid to the City for the easement.

Rocky Mountain Power (RMP) is replacing an existing power pole that is located near the cell tower north and east of the Parks Garage (old fire station).

RMP has requested not to pay for the easement. After further review and discussion with RMP, City Staff and Lindon's attorney, it was determined that this easement is benefiting a private customer (cell tower) for which Lindon City has a lease agreement with - but the power pole is also serving other properties/homes that Lindon City owns and is the owner of the properties being served by the pole. As such, requiring compensation for the easement is not typical and agreed upon by RMP. Since RMP provided the additional language in the easement the City desired Staff feels it's appropriate to move this forward and grant the easement without receiving monetary compensation.

Sample Motion: I move to approve and grant the power easement for Rocky Mountain Power as presented.

REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/**Blake Ashcroft**

1407 West North Temple Ste. 110

Salt Lake City, UT 84116

Project Name: **FPIA LDN13 FP339403 R/R 35/45 Pole**

WO#: **6495435**

RW#:

RIGHT OF WAY EASEMENT

For value received, **Lindon City Corporation**, (“Grantor”), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, (“Grantee”), an easement for a right of way 5 feet in width and 60 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, on, over, or under the surface of the real property of Grantor in **Utah** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit “**A**” attached hereto and by this reference made a part hereof:

Legal Description: **COM S .42 FT & W 310.47 FT FR E 1/4 COR. SEC. 33, T5S, R2E, SLB&M.; S 89 DEG 55' 36" W 527.73 FT; S 79.86 FT; S 70 DEG 0' 0" W 141.09 FT; S 31 DEG 58' 40" E 102.62 FT; S 63 DEG 24' 19" W 20.92 FT; S 31 DEG 58' 40" E 387.46 FT; N 89 DEG 41' 28" E 26.9 FT; S 32 DEG 8' 6" E 208.21 FT; N 89 DEG 45' 27" E 296.82 FT; S 0 DEG 11' 57" E 132.54 FT; N 89 DEG 45' 19" E 97.03 FT; N 132 FT; S 89 DEG 45' 4" W 2.49 FT; N 0 DEG 11' 51" W 177.68 FT; E 58.11 FT; N 0 DEG 0' 35" E 454.5 FT; N 60 DEG 0' 0" W 193.48 FT TO BEG. AREA 10.996 AC**

Assessor Parcel No.

14:069:0305

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee’s facilities or impede Grantee’s activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Easement (Exhibit A) in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City.

Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is made a condition or requirement of a private development. If the removal or relocation of facilities is directly caused by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation cost in the connection with a development or realignment where the project is made a condition of or directly caused by a private development, but Rocky Mountain Power shall be required to pay relocation cost in connection with a project or realignment where the project is a result of general growth or would be considered a system improvement for purposes of the City's Capital Facilities Plan.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this _____ day of _____, 20____.

***Jeff Acerson, Lindon City Mayor* GRANTOR**

Acknowledgment by a Corporation, LLC, or Partnership:

STATE OF _____)
) ss.
County of _____)

On this ___ day of _____, 20___, before me, the undersigned Notary Public in and for said State, personally appeared _____(name), known or identified to me to be the _____ (president / vice-president / secretary / assistant secretary) of the corporation, or the (manager / member) of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of _____ (entity name), and acknowledged to me that said entity executed the same.

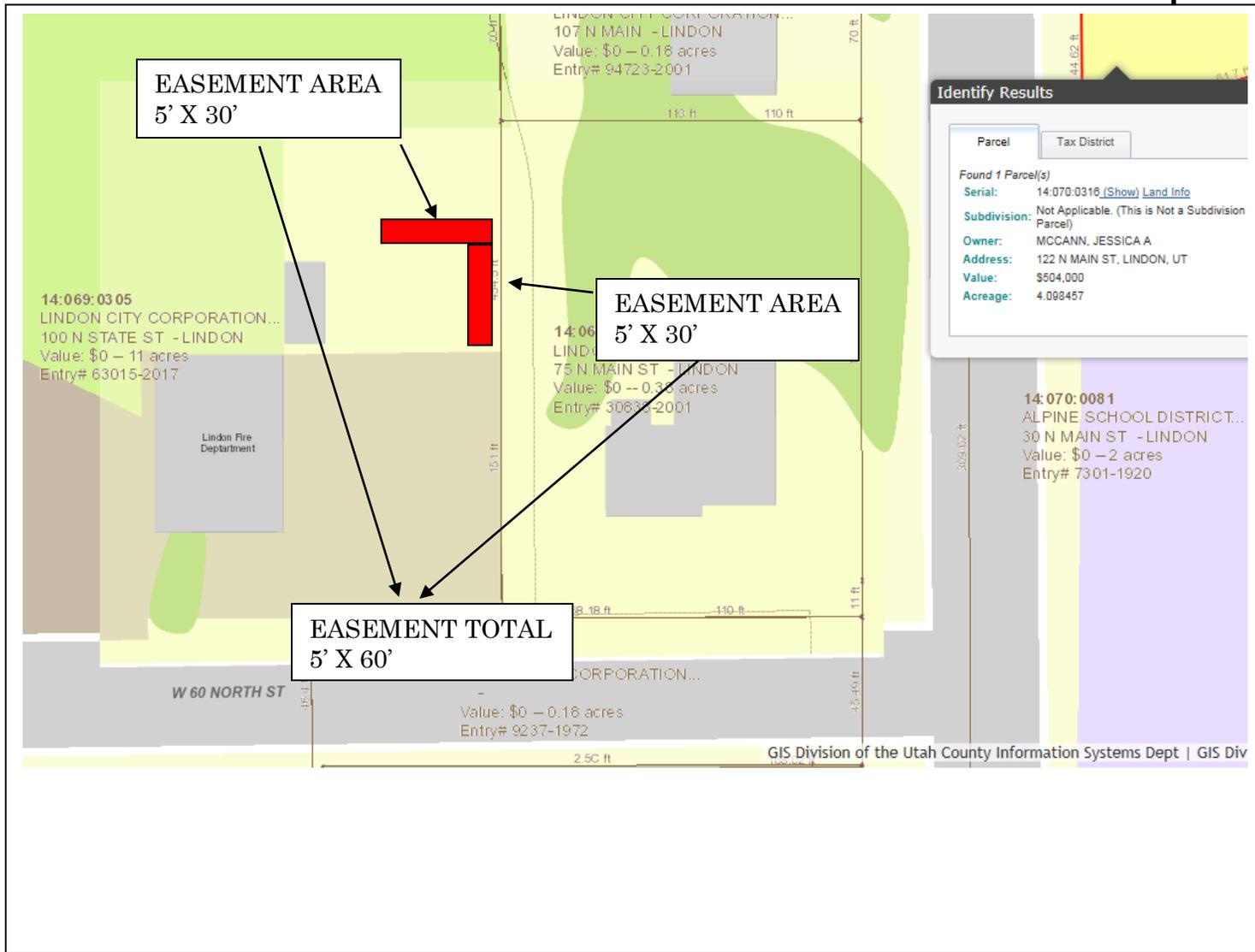
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notary Signature)

NOTARY PUBLIC FOR _____ (state)
Residing at: _____ (city, state)
My Commission Expires: _____ (d/m/y)

Property Description

Quarter: NE 1/4 Quarter: SE 1/4, Section: 33, Township 5S, Range 2E,
Salt Lake Base & Meridian
County: Utah, State: Utah
Parcel Number: 14:069:0305



Identify Results

Parcel Tax District

Found 1 Parcel(s)

Serial: 14:070:0316 (Show Land Info)

Subdivision: Not Applicable. (This is Not a Subdivision Parcel)

Owner: MCCANN, JESSICA A

Address: 122 N MAIN ST, LINDON, UT

Value: \$504,000

Acreage: 4.098457

CC#: 11421 WO#: 6495435

Landowner Name: Lindon City Corporation

Drawn by: 35153

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



SCALE: Not To Scale

Sept. 4, 2018 Staff Report

9. Review & Action — Powerline Easement for Rocky Mountain Power (10 minutes)

The City Council will review and consider granting a powerline easement to Rocky Mountain Power on city property behind the Parks Department garage and adjacent to the cell tower at approximately 35 West 60 North. The DRAFT easement is being presented to the Council with request that the Council authorize the Mayor to sign the finalized easement after reasonable compensation has been received.

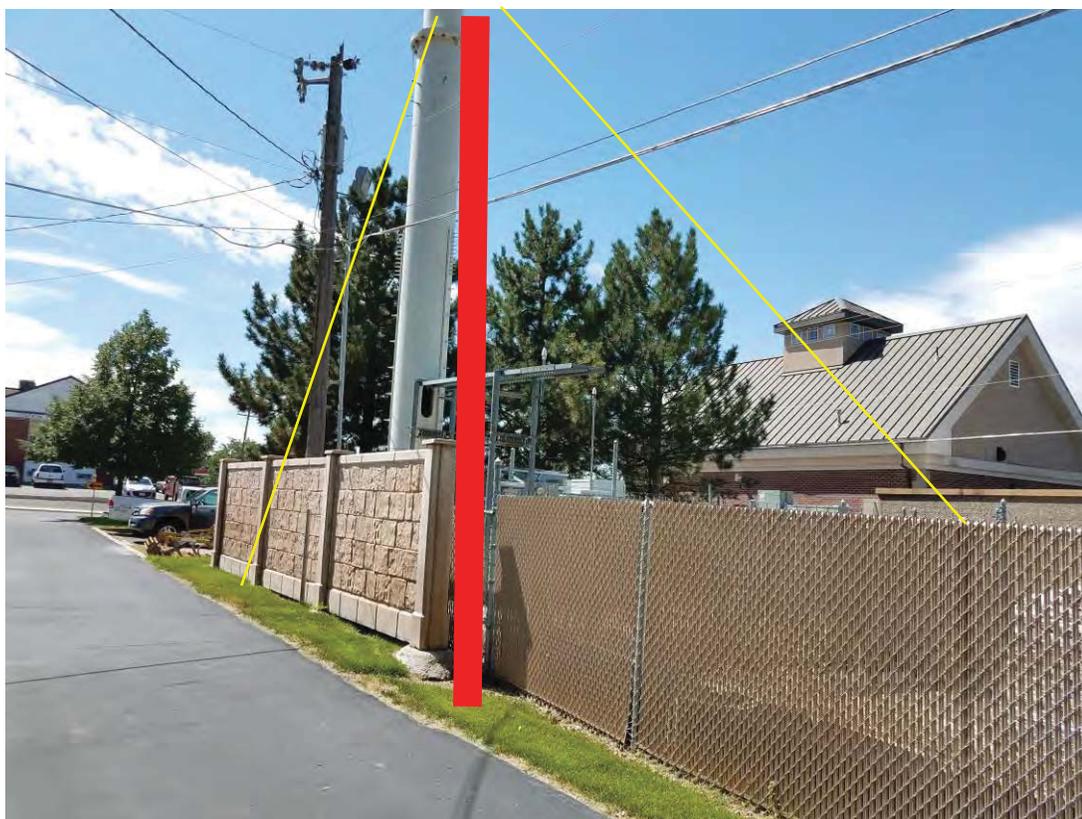
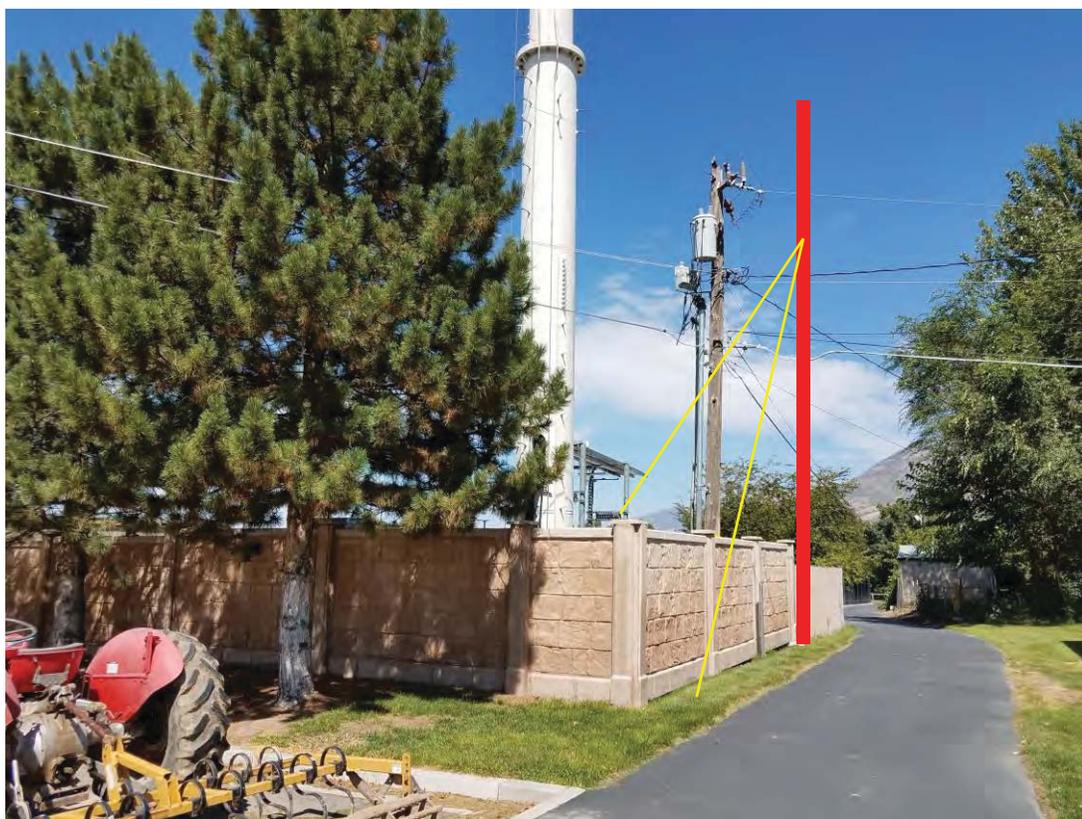
Rocky Mountain Power contacted the City several months ago about the need to install a replacement power pole on the northeast corner of the cell tower compound adjacent to the Parks Garage (old fire station). The upgrade is triggered by a new cell tower carrier locating on the existing pole. The proposed easement is “L” shaped for guy wires to be installed on two sides of the new pole. The easement will extend into the city’s trail area and into the storage yard area behind the Parks Garage. Rocky Mountain Power feels the guy wires can be installed close to fence lines on the site and won’t impede too far into the trail or storage yard – but can’t guarantee this won’t change in the future.

Since the proposed easement essentially removes any ability to construct something within it Rocky Mountain Power was asked in a group meeting with city staff and through several emails to compensate the City for the easement at a rate of \$6.00 per sq/ft (300 sq/ft x \$6 = \$1,800). They have not responded to this request and are working with a client on the cell tower upgrade to cover the cost of the easement. As the tower is on city property and the city involved in the lease agreements to the cell collocutors, we are obligated by our own agreements with the cell tower owner to help facilitate utility services to the new pole location. Staff is also concerned that if the city needs the land area in the future then the city will bear the financial burden to relocate the pole and guy wires. Staff feels a condition in the easement should be that the City not bear this responsibility if the city needs the ground for future purposes.

The cell tower co-locator has recently indicated an urgency to get this matter resolved so they can move forward. Staff asks that the Council approve the draft easement and authorize the Mayor to sign final easement subject to the City receiving reasonable compensation and updated easement language meeting staff’s satisfaction.

Sample Motion: I move to (approve, deny) the easement for Rocky Mountain Power and authorize the Mayor to sign the easement subject to the City receiving agreed upon finalized documents and reasonable compensation.







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

- 4 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 6 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER MAGLEBY AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 9. **Review & Action — Powerline Easement for Rocky Mountain Power.** The
 12 City Council will review and consider granting a powerline easement to Rocky
 Mountain Power on city property behind the Parks Department garage and
 14 adjacent to the cell tower at approximately 35 West 60 North. The DRAFT
 easement is being presented to the Council with request that the Council authorize
 the Mayor to sign the finalized easement after reasonable compensation has been
 16 received.

18 Mr. Cowie gave some background of this item stating Rocky Mountain Power
 contacted the city several months ago about the need to install a replacement power pole
 20 on the northeast corner of the cell tower compound adjacent to the Parks Garage (old fire
 station). He noted this upgrade is triggered by a new cell tower carrier located on the
 22 existing pole. The proposed easement is “L” shaped for guy wires to be installed on two
 sides of the new pole. The easement will extend into the city’s trail area and into the
 24 storage yard area behind the Parks Garage. Rocky Mountain Power feels the guy wires
 can be installed close to fence lines on the site and won’t impede too far into the trail or
 26 storage yard, but can’t guarantee this won’t change in the future since the proposed
 easement essentially removes any ability to construct something within it.

28 Mr. Cowie stated Rocky Mountain Power was asked in a group meeting with city
 staff and through several emails to compensate the city for the easement at a rate of \$6.00
 30 per sq/ft (300 sq/ft x \$6 = \$1,800). They have not responded to this request and are
 working with a client on the cell tower upgrade to cover the cost of the easement. As the
 32 tower is on city property and the city is involved in the lease agreements to the cell
 collocutors, we are obligated by our own agreements with the cell tower owner to help
 34 facilitate utility services to the new pole location.

36 Mr. Cowie stated staff has concerns that if the city needs the land area in the
 future then the city will bear the financial burden to relocate the pole and guy wires. He
 noted they also feel a condition in the easement should be that the city should not bear
 38 this responsibility if the city needs the ground for future purposes. He indicated the cell
 tower co-locator has recently indicated an urgency to get this matter resolved so they can
 40 move forward.

42 Mr. Cowie further stated staff is asking that the Council approve the draft
 easement and authorize the Mayor to sign the final easement subject to the city receiving
 reasonable compensation and updated easement language meeting staff’s satisfaction.
 44 There was then some general discussion regarding this powerline easement request.

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

2 COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE EASEMENT
4 FOR ROCKY MOUNTAIN POWER AND AUTHORIZE THE MAYOR TO SIGN
THE EASEMENT SUBJECT TO THE CITY RECEIVING AGREED UPON
FINALIZED DOCUMENTS AND REASONABLE COMPENSATION.

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

- 8 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 10 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER MAGLEBY AYE

12 THE MOTION CARRIED UNANIMOUSLY.

14 **10. Discussion Item — Secondary Water Connection Options.** At the request of
16 Councilmember Broderick, the Council will review and discuss options for
possible reductions or alternatives to the water share submittal requirements for
18 certain properties in order to help facilitate connections to the secondary water
system. No motions will be made.

20 Mr. Cowie led this discussion item by explaining Councilmember Broderick
asked Staff to look into some possible ideas on how to hook up residential properties to
22 the secondary water system without requiring the owners to turn in water shares or spend
large amounts of money to purchase shares or pay in lieu of shares. In discussing this
24 idea with the city’s engineering and public works staff it sounds like the concept is
feasible if a new city law is created by the Council.

26 He noted Mark Christensen with JUB Engineers did not think hooking up 50-100
existing residential lots will have a detrimental impact on the system at the current time.
28 Although no formal calculations have been done, he did express some concern that at
build-out there may be a shortage of secondary water in drier years and that shares not
30 turned in would be regretted.

32 Mr. Cowie indicated the basis for requiring water shares has been discussed in the
past and the City Council passed a Resolution in 2014 as formal recognition of the
34 justification for the amount of water shares being required. Essentially, in low-water
years the City would not have enough secondary water to meet the demands and therefore
water shares have continued to be required even though in ‘wet years’ there appears to be
36 plenty of water available. He further explained the General Plan and current city
ordinances require water shares to be submitted prior to connecting to the PI system.

38 He stated if the Council chooses to waive or reduce water shares submittal and/or
not require shares to be submitted as a condition of hooking up to the PI system the
40 Resolution would need to be updated and the following plans and ordinances would need
to be modified and updated:

- 42 • Lindon City General Plan: Culinary Water System Plan Guidelines, 4. *Private
development should provide all internal distribution facilities and water shares
44 (or cash equivalents) necessary to serve individual projects.*
- Lindon City Code sections requiring submittal of water shares prior to access to
46 secondary system:
 - *Chapter 17.66, Delivery of Irrigation Water Stock;*

II. Review & Action — Easement to STC FIVE LLC for cell tower access/utilities (10 minutes)

The City Council will review and consider granting an access and utility easement to STC FIVE LLC. The easement and amended agreement is for the existing cell tower at approximately 35 W. 60 N. behind the Parks Department garage. The cell tower owner has a lease agreement with the City who is obligated to reasonably accommodate utility service/access to the tower. Staff recommends approval of this request subject to final approval by the Mayor and City Attorney.

The City has a contractual agreement with the cell tower owner to help facilitate co-locaters on the tower by providing reasonable access and utility easements. The City will financially benefit from a new carrier / co-locator that is being added to this tower. No prior official easement was found for access and utility easements to the cell tower even though access and buried utilities are already in place.

Staff requested a formal easement be provided, which necessitated some minor modifications to the agreement. Staff recommends approval – subject to final approval of the documents by the City Attorney and signature of the Mayor.

Sample Motion: I move to approve and grant the access and utility easement to STC FIVE LLC subject to final approval by the City Attorney and the Mayor.

WHEN RECORDED RETURN TO:

Prepared by:
Lake & Cobb, PLC
1095 W. Rio Salado Pkwy, Suite 206
Tempe, AZ 85281

Space above this line for Recorder's Use

A.P.N. 14:069:0305

**Prior recorded document(s) in Utah County, Utah:
None known**

**MEMORANDUM OF FIRST AMENDMENT TO
AMENDED AND RESTATED AGREEMENT**

This Memorandum of First Amendment to Amended and Restated Agreement is made effective this ____ day of _____, 2019 by and between LINDON CITY, a municipal corporation and political subdivision of the State of Utah (hereinafter referred to as "City") and STC FIVE LLC, a Delaware limited liability company, by and through its Attorney In Fact, Global Signal Acquisitions II LLC, a Delaware limited liability company (hereinafter referred to as "Tenant").

1. City and Tenant entered into an Amended and Restated Agreement dated December 28, 2012 (the "Agreement") whereby Tenant leased certain real property, together with access and utility easements, located in Utah County, Utah from City (the "Premises"), all located within certain real property owned by City ("City's Property"). City's Property, of which the Premises is a part, is more particularly described on Exhibit B attached hereto.

2. The Agreement had an initial term that expired on October 6, 2016. The Agreement provides for four (4) extensions of five (5) years each, one (1) of which was exercised by Tenant (each extension is referred to as a "Renewal Term"). According to the Agreement, the final Renewal Term expires October 6, 2036.

3. City and Tenant have entered into a First Amendment to Amended and Restated Agreement (the “First Amendment”), of which this is a Memorandum, wherein the Premises was amended. A metes and bounds description of the Premises, as amended, is attached hereto as Exhibit A.

4. City further grants and conveys to Tenant, its successors and assigns, the following rights and easements: (i) a non-exclusive, easement in the location described on Exhibit A-2, for ingress, egress and construction purposes including without limitation staging, storing and parking of equipment, vehicles, cranes and related materials, seven (7) days per week, twenty-four (24) hours per day, together with the right to install, replace and maintain utility wires, lines, cables, conduits and pipes (the “Access and Utility Easement”); and (ii) a non-exclusive, easement in the location described on Exhibit A-2, for the installation, replacement and maintenance of utility wires, lines, cables, conduits and pipes (the “Utility Easement” and together with the Access and Utility Easement, the “Easements”). All utility wires, lines, cables, conduits and pipes within the Easements shall be installed and maintained in accordance with local codes and ordinances. During the period of installation, removal or replacement of utility facilities by Tenant within the Easements, Tenant shall have the right to use as temporary easements those areas of City’s Property immediately adjacent to the Easements as may be reasonably necessary for Tenant’s construction, installation, removal or replacement of said facilities.

5. The terms, covenants and provisions of the First Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of City and Tenant.

6. This Memorandum does not contain the social security number of any person.

7. A copy of the First Amendment is on file with City and Tenant.

[Execution Pages Follow]

IN WITNESS WHEREOF, hereunto and to duplicates hereof, City and Tenant have caused this Memorandum to be duly executed on the day and year first written above.

ATTEST:

CITY:
LINDON CITY, a municipal corporation and political subdivision of the State of Utah

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

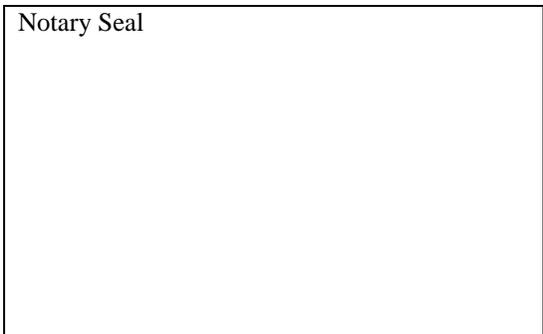
STATE OF _____)

)ss.

COUNTY OF _____)

On this ____ day of _____ 2019, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of LINDON CITY, known or identified to me to be the person whose name is subscribed to the foregoing Memorandum of First Amendment to Amended and Restated Agreement, and in due form of law acknowledged that he/she is authorized on behalf of said corporation to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.



(Signature of Notary)

My Commission Expires: _____

TENANT:
STC FIVE LLC, a Delaware limited liability company

By: Global Signal Acquisitions II LLC, a Delaware limited liability company
Its: Attorney In Fact

By: _____

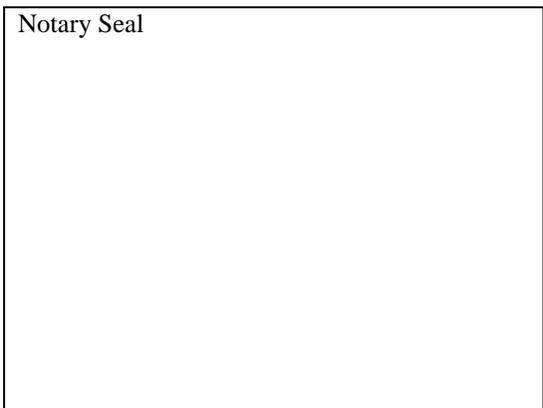
Print Name: _____

Title: _____

STATE OF _____)
)ss.
COUNTY OF _____)

On this ____ day of _____ 2019, before me, the subscriber, a Notary Public in and for said State and County, personally appeared _____, the _____ of GLOBAL SIGNAL ACQUISITIONS II LLC, known or identified to me to be the person whose name is subscribed to the foregoing Memorandum of First Amendment to Amended and Restated Agreement, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.



(Signature of Notary)

My Commission Expires: _____

EXHIBIT "A-1"
(Legal Description of Premises)

PREMISES DESCRIPTION:

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LINDON CITY, UTAH COUNTY, UTAH AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, 441.10 FEET; THENCE DEPARTING SAID EAST LINE NORTH 90°00'00" WEST, 143.67 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°12'51" EAST, 13.11 FEET; THENCE SOUTH 03°32'23" WEST, 16.39 FEET; THENCE SOUTH 89°58'44" WEST, 30.15 FEET; THENCE NORTH 02°11'05" EAST, 29.96 FEET; THENCE SOUTH 89°06'55" EAST, 29.97 FEET TO THE POINT OF BEGINNING.

TOWER LEASE AREA CONTAINS 900 SQUARE FEET OR 0.021 ACRES MORE OR LESS.

EXHIBIT "A-2"
(Legal Description of Easements)

ACCESS AND UTILITY EASEMENT AREA:

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LINDON CITY, UTAH COUNTY, UTAH AND BEING THE CENTERLINE OF A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIPTION:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, 470.58 FEET; THENCE DEPARTING SAID EAST LINE NORTH 90°00'00" WEST, 184.79 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THE TOWER LEASE AREA; THENCE NORTH 02°11'05" EAST, 50.11 FEET; THENCE NORTH 90°00'00" WEST, 57.30 FEET; THENCE SOUTH 20°39'43" WEST, 165.01 FEET; THENCE NORTH 90°00'00" EAST, 97.38 FEET TO A POINT ON THE WESTERLY LINE OF 60 NORTH STREET, SAID POINT BEING THE POINT OF TERMINATION.

THE SIDE LINES ARE TO BE PROLONGED OR SHORTENED AT THE WESTERLY LINE OF 60 NORTH STREET AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THE TOWER LEASE AREA.

20' ACCESS AND UTILITY EASEMENT CONTAINS 7396 SQUARE FEET OR 0.170 ACRES MORE OR LESS.

UTILITY EASEMENT AREA:

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LINDON CITY, UTAH COUNTY, UTAH AND BEING THE CENTERLINE OF A 10 FOOT WIDE ACCESS AND UTILITY EASEMENT BEING 5 FEET EITHER SIDE OF THE FOLLOWING DESCRIPTION:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, 551.66 FEET; THENCE DEPARTING SAID EAST LINE NORTH 90°00'00" WEST, 201.09 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY LINE OF 60 NORTH STREET; THENCE NORTH 88°58'10" WEST, 77.34 FEET TO A POINT ON THE EASTERLY LINE OF A TWENTY FOOT (20') ACCESS AND UTILITY EASEMENT, SAID POINT BEING THE POINT OF TERMINATION.

THE SIDE LINES ARE TO BE PROLONGED OR SHORTENED AT THE WESTERLY LINE OF 60 NORTH STREET AND THE EASTERLY LINE OF A TWENTY FOOT (20') ACCESS AND UTILITY EASEMENT.

10' UTILITY EASEMENT CONTAINS 773 SQUARE FEET OR 0.018 ACRES MORE OR LESS.

EXHIBIT B
(Legal Description of City's Property)

Situated in the County of Utah, State of Utah, described as follows:

Beginning South 0.42 feet and West 310.47 feet from the East Quarter Corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°55'36" West 527.73 feet and South 79.86 feet; thence South 70°00'00" West 141.09 feet; thence South 31°58'40" East 102.62; thence South 63°24'19" West 20.92 feet; thence South 31°58'40" East 387.46 feet; thence North 89°41'28" East 26.90 feet; thence South 32°08'06" East 208.21 feet along State Road Right-of-Way; thence North 89°45'27" East 296.82 feet; thence South 00°11'57" East 132.54 feet; thence North 89°45'19" East 97.03 feet; thence North 132 feet; thence South 89°45'04" West 2.49 feet; thence North 00°11'51" West 177.68 feet; thence East 58.11 feet; thence North 00°00'35" East 454.50 feet; thence North 60°00'00" West 193.48 feet to the point of beginning.

**FIRST AMENDMENT TO
AMENDED AND RESTATED AGREEMENT**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED AGREEMENT (the “First Amendment”) is made effective this ____ day of _____, 2019 (“Effective Date”), by and between LINDON CITY, a municipal corporation and political subdivision of the State of Utah (hereinafter referred to as “City”) and STC FIVE LLC, a Delaware limited liability company, by and through its Attorney In Fact, Global Signal Acquisitions II LLC, a Delaware limited liability company (hereinafter referred to as “Tenant”).

RECITALS

WHEREAS, City and Tenant entered into an Amended and Restated Agreement dated December 28, 2012 (the “Agreement”) whereby Tenant leased certain real property, together with access and utility easements, located in Utah County, Utah from City (the “Premises”), all located within certain real property owned by City (“City’s Property”); and

WHEREAS, the Agreement had an initial term that expired on October 6, 2016. The Agreement provides for four (4) extensions of five (5) years each, one (1) of which was exercised by Tenant. According to the Agreement, the final extension expires on October 6, 2036; and

WHEREAS, City and Tenant desire to amend the Agreement on the terms and conditions contained herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, City and Tenant agree as follows:

1. Recitals; Defined Terms. The parties acknowledge the accuracy of the foregoing recitals. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement.

2. Premises. The Premises is more particularly described on Exhibit A-1 attached hereto, and is shown on the site plan attached hereto as Exhibit B. Any conflicts between the description attached to this Second Amendment and those contained in the Original Agreement shall be resolved in favor of this Second Amendment.

3. Access and Utility Easements. City hereby grants and conveys to Tenant, its successors and assigns, the following rights and easements: (i) a non-exclusive, easement in the location shown in Exhibit B and described on Exhibit A-2, for ingress, egress and construction purposes including without limitation staging, storing and parking of equipment, vehicles, cranes and related materials, seven (7) days per week, twenty-four (24) hours per day, together with the right to install, replace and maintain utility wires, lines, cables, conduits and pipes (the “Access and Utility Easement”); and (ii) a non-exclusive, easement in the location shown in Exhibit B and described on Exhibit A-2, for the installation, replacement and maintenance of utility wires, lines, cables, conduits and pipes (the “Utility Easement” and together with the Access and Utility Easement, the “Easements”). All utility wires, lines, cables, conduits and pipes within the Easements shall be installed and maintained in accordance with local codes and ordinances. During the period of installation, removal or replacement of utility facilities by Tenant within the Easements, Tenant shall have the right to use as temporary easements those areas of City’s Property immediately adjacent to the Easements as may be reasonably necessary for Tenant’s construction, installation, removal or replacement of said facilities.

4. Representations, Warranties and Covenants of City. City represents, warrants and covenants to Tenant as follows:

a) City is duly authorized to and has the full power and authority to enter into this First Amendment and to perform all of City’s obligations under the Agreement as amended hereby.

b) Tenant is not currently in default under the Agreement, and to City’s knowledge, no event or condition has occurred or presently exists which, with notice or the passage of time or both, would constitute a default by Tenant under the Agreement.

c) City agrees to provide such further assurances as may be requested to carry out and evidence the full intent of the parties under the Agreement as amended hereby, and ensure Tenant’s continuous and uninterrupted use, possession and quiet enjoyment of the Premises under the Agreement as amended hereby.

d) City acknowledges that the Premises, as defined, shall include any portion of City’s Property on which communications facilities or other Tenant improvements exist on the date of this First Amendment.

5. Counterparts. This First Amendment may be executed in separate and multiple counterparts, each of which shall be deemed an original but all of which taken together shall be deemed to constitute one and the same instrument.

6. Remainder of Agreement Unaffected. In all other respects, the remainder of the Agreement shall remain in full force and effect. Any portion of the Agreement that is inconsistent with this First Amendment is hereby amended to be consistent.

7. Recordation. Tenant, at its cost and expense, shall have the right to record a memorandum of this First Amendment in the official records of Utah County, Utah at any time following the execution of this First Amendment by all parties hereto.

[Signature pages follow]

City and Tenant have caused this First Amendment to be duly executed on the day and year first written above.

CITY:
LINDON CITY, a municipal corporation and political subdivision of the State of Utah

By: _____

Print Name: _____

Title: _____

ATTEST:

Print Name: _____

Title: City Recorder

[Tenant Execution Page Follows]

This First Amendment is executed by Tenant as of the date first written above.

TENANT:
STC FIVE LLC, a Delaware limited liability
company

By: Global Signal Acquisitions II LLC, a
Delaware limited liability company
Its: Attorney In Fact

By: _____

Print Name: _____

Title: _____

EXHIBIT "A-1"
(Legal Description of Premises)

PREMISES DESCRIPTION (also referred to as "Tower Lease Area" on Exhibit B):

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LINDON CITY, UTAH COUNTY, UTAH AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, 441.10 FEET; THENCE DEPARTING SAID EAST LINE NORTH 90°00'00" WEST, 143.67 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°12'51" EAST, 13.11 FEET; THENCE SOUTH 03°32'23" WEST, 16.39 FEET; THENCE SOUTH 89°58'44" WEST, 30.15 FEET; THENCE NORTH 02°11'05" EAST, 29.96 FEET; THENCE SOUTH 89°06'55" EAST, 29.97 FEET TO THE POINT OF BEGINNING.

TOWER LEASE AREA CONTAINS 900 SQUARE FEET OR 0.021 ACRES MORE OR LESS.

EXHIBIT "A-2"
(Legal Description of Easements)

ACCESS AND UTILITY EASEMENT AREA:

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LINDON CITY, UTAH COUNTY, UTAH AND BEING THE CENTERLINE OF A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIPTION:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, 470.58 FEET; THENCE DEPARTING SAID EAST LINE NORTH 90°00'00" WEST, 184.79 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THE TOWER LEASE AREA; THENCE NORTH 02°11'05" EAST, 50.11 FEET; THENCE NORTH 90°00'00" WEST, 57.30 FEET; THENCE SOUTH 20°39'43" WEST, 165.01 FEET; THENCE NORTH 90°00'00" EAST, 97.38 FEET TO A POINT ON THE WESTERLY LINE OF 60 NORTH STREET, SAID POINT BEING THE POINT OF TERMINATION.

THE SIDE LINES ARE TO BE PROLONGED OR SHORTENED AT THE WESTERLY LINE OF 60 NORTH STREET AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THE TOWER LEASE AREA.

20' ACCESS AND UTILITY EASEMENT CONTAINS 7396 SQUARE FEET OR 0.170 ACRES MORE OR LESS.

UTILITY EASEMENT AREA:

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LINDON CITY, UTAH COUNTY, UTAH AND BEING THE CENTERLINE OF A 10 FOOT WIDE ACCESS AND UTILITY EASEMENT BEING 5 FEET EITHER SIDE OF THE FOLLOWING DESCRIPTION:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, 551.66 FEET; THENCE DEPARTING SAID EAST LINE NORTH 90°00'00" WEST, 201.09 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY LINE OF 60 NORTH STREET; THENCE NORTH 88°58'10" WEST, 77.34 FEET TO A POINT ON THE EASTERLY LINE OF A TWENTY FOOT (20') ACCESS AND UTILITY EASEMENT, SAID POINT BEING THE POINT OF TERMINATION.

THE SIDE LINES ARE TO BE PROLONGED OR SHORTENED AT THE WESTERLY LINE OF 60 NORTH STREET AND THE EASTERLY LINE OF A TWENTY FOOT (20') ACCESS AND UTILITY EASEMENT.

10' UTILITY EASEMENT CONTAINS 773 SQUARE FEET OR 0.018 ACRES MORE OR LESS.

**EXHIBIT “B”
(Site Plan)**

BOUNDARY SURVEY

IN SECTION 33,
TOWNSHIP 5 SOUTH, RANGE 2 EAST

FOR: CROWN CASTLE

SITE: LINDON PARK
BUN: 880597
ADDRESS: 50 WEST 60 NORTH
LINDON, UTAH 84042
UTAH COUNTY



3530 Toringdon Way, Suite 300, Charlotte, NC 28277

NATIONAL SURVEY SERVICES COORDINATION BY:



13430 NW 104th Terrace, Suite A
Alachua, FL 32615
Office: (386) 418-0500 Fax: (386) 462-9986
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

PERIGEE CONSULTING, L.L.C.
9067 S. 1300 W., STE 304
WEST JORDAN, UTAH 84088
801-550-3332 OFFICE

DRAWN BY: MAB CHECKED BY: JOB #: 415-68

SURVEYOR'S NOTES

1. BASIS OF BEARING, S00°00'00"E—BEING THE EAST LINE OF THE S.E. 1/4 OF SECTION 33, T.5S., R.2E., S.L.B.&M., UTAH COUNTY, UTAH.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA EXCEPT AS SHOWN.
5. ALL ICONS/SYMBOLS HEREON ARE NOT DEPICTED TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

PERIGEE CONSULTING, L.L.C.
MARK A. BYRD
LAND SURVEYOR - UTAH # 160206
Date: 01-09-2019



MONUMENT FOUND
E.1/4 COR. SEC. 33
T.5S., R.2E., S.L.B.&M.

POC
TOWER LEASE AREA
T2' ACCESS AND
UTILITY EASEMENT
10' UTILITY EASEMENT

LINDON CITY CORP.
TAX PARCEL NO. 14:068:0202

LINDON CITY CORP.
TAX PARCEL NO. 14:069:0038-0043

LINDON CITY CORP.
TAX PARCEL NO. 14:069:0038-0043

LINDON CITY CORP.
TAX PARCEL NO. 14:069:0069

KIRK FAMILY
TAX PARCEL NO. 14:069:0046



VICINITY MAP NOT TO SCALE

LEGEND

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- ES : ELECTRICAL SWITCH PANEL
- MR : METER RACK
- SD : STORM DRAIN MH
- C/L : CENTERLINE
- AC : HVAC UNIT
- ARP : AREA REFERENCE PLAT
- S.L.B.&M : SALT LAKE BASE & MERIDIAN
- POT : POINT OF TERMINATION
- EP : EDGE OF PAVEMENT
- SM : SEWER MANHOLE
- CB : COMMBOX
- : BOLLARD

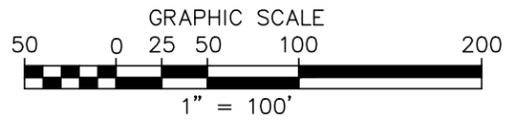
ZONING: PF - PUBLIC FACILITIES
LINDON, UTAH
PLANNING AND ZONING
801-785-7687

FLOOD NOTE: 4902100005C 02-19-1986 ZONE "C"

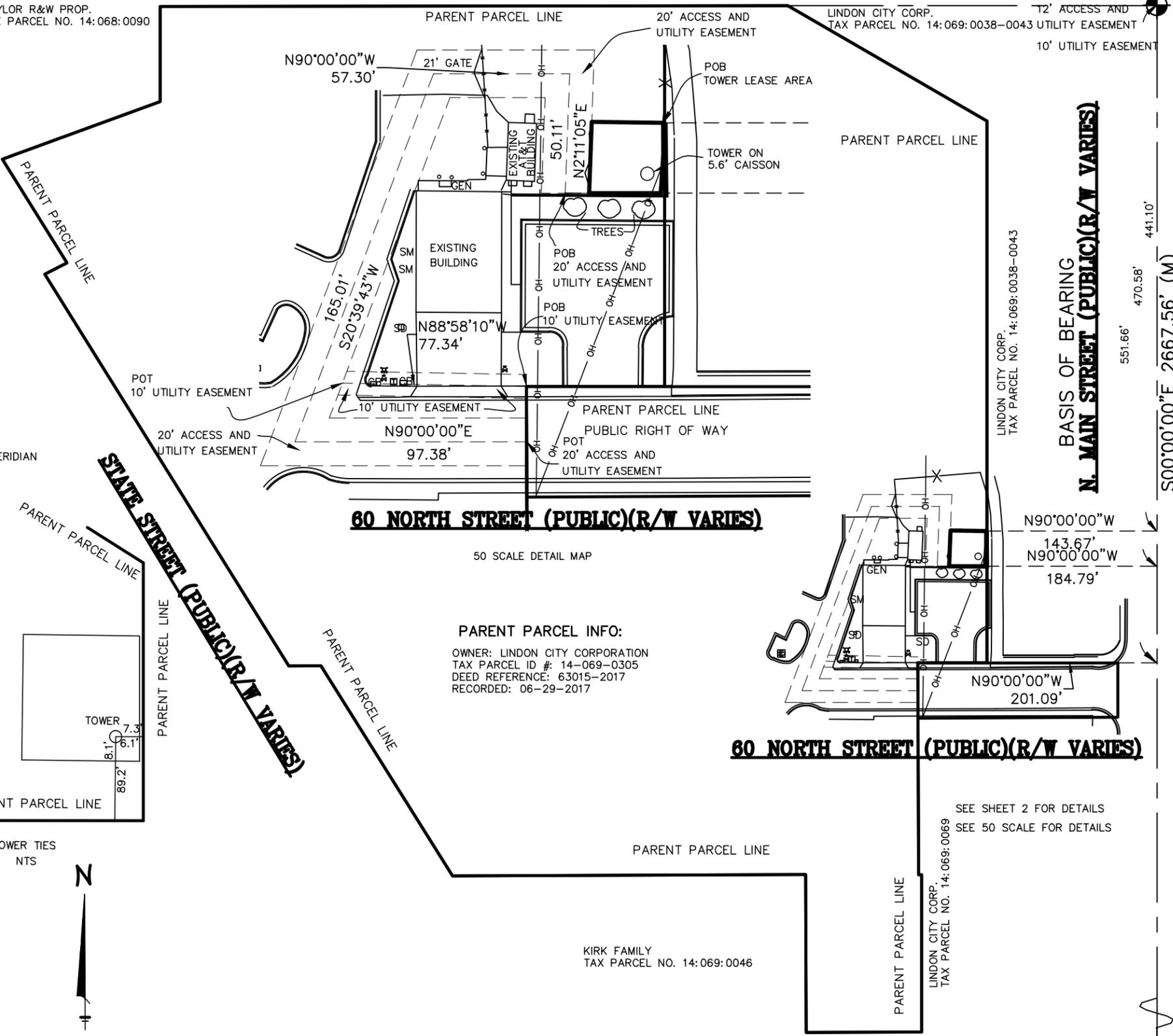
PARENT PARCEL INFO:

OWNER: LINDON CITY CORPORATION
TAX PARCEL ID #: 14-069-0305
DEED REFERENCE: 63015-2017
RECORDED: 06-29-2017

AREA TABLE	SQUARE FEET	ACRE
(A) PARENT PARCEL	479266	11.002
(B) TOWER LEASE AREA	900	0.021
(C) TOWER COMPOUND	895	0.021
(D) ACCESS AND UTILITY EASEMENT	7396	0.170
(E) UTILITY EASEMENT	773	0.018



NAYLOR R&W PROP.
TAX PARCEL NO. 14:068:0090



60 NORTH STREET (PUBLIC)(R/W VARIES)

60 NORTH STREET (PUBLIC)(R/W VARIES)

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TAX PARCEL ID #: 14-069-0305
DEED REFERENCE: 63015-2017
RECORDED: 06-29-2017

50 SCALE DETAIL MAP

SEE SHEET 2 FOR DETAILS
SEE 50 SCALE FOR DETAILS

MONUMENT FOUND
S.E. COR. SEC. 33
T.5S., R.2E., S.L.B.&M.

BOUNDARY SURVEY

IN SECTION 33,
TOWNSHIP 5 SOUTH, RANGE 2 EAST

FOR: CROWN CASTLE

SITE: LINDON PARK
BUN: 880597
ADDRESS: 50 WEST 60 NORTH
LINDON, UTAH 84042
UTAH COUNTY



3530 Toringdon Way, Suite 300, Charlotte, NC 28277

NATIONAL SURVEY SERVICES COORDINATION BY:



13430 NW 104th Terrace, Suite A
Alachua, FL 32615
Office: (386) 418-0500 Fax: (386) 462-9986
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

PERIGEE CONSULTING, L.L.C.
9067 S. 1300 W., STE 304
WEST JORDAN, UTAH 84088
801-550-3332 OFFICE

DRAWN BY: MAB CHECKED BY: JOB #: 415-68

SURVEYOR'S NOTES

1. BASIS OF BEARING, S00°00'00"E—BEING THE EAST LINE OF THE S.E. 1/4 OF SECTION 33, T.5S., R.2E., S.L.B.&M., UTAH COUNTY, UTAH.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA EXCEPT AS SHOWN.
5. ALL ICONS/SYMBOLS HEREON ARE NOT DEPICTED TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

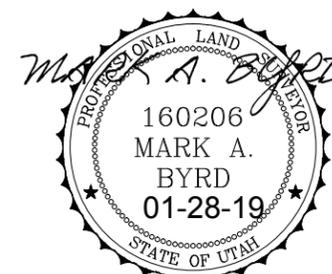
PERIGEE CONSULTING, L.L.C.

MARK A. BYRD

LAND SURVEYOR - UTAH # 160206

Date: 01-09-2019

Revision:



SEE SHEET 1 FOR TIES



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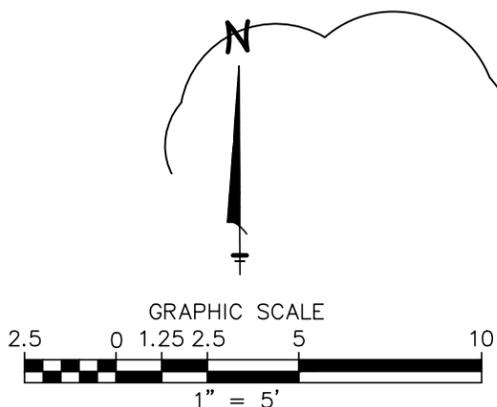
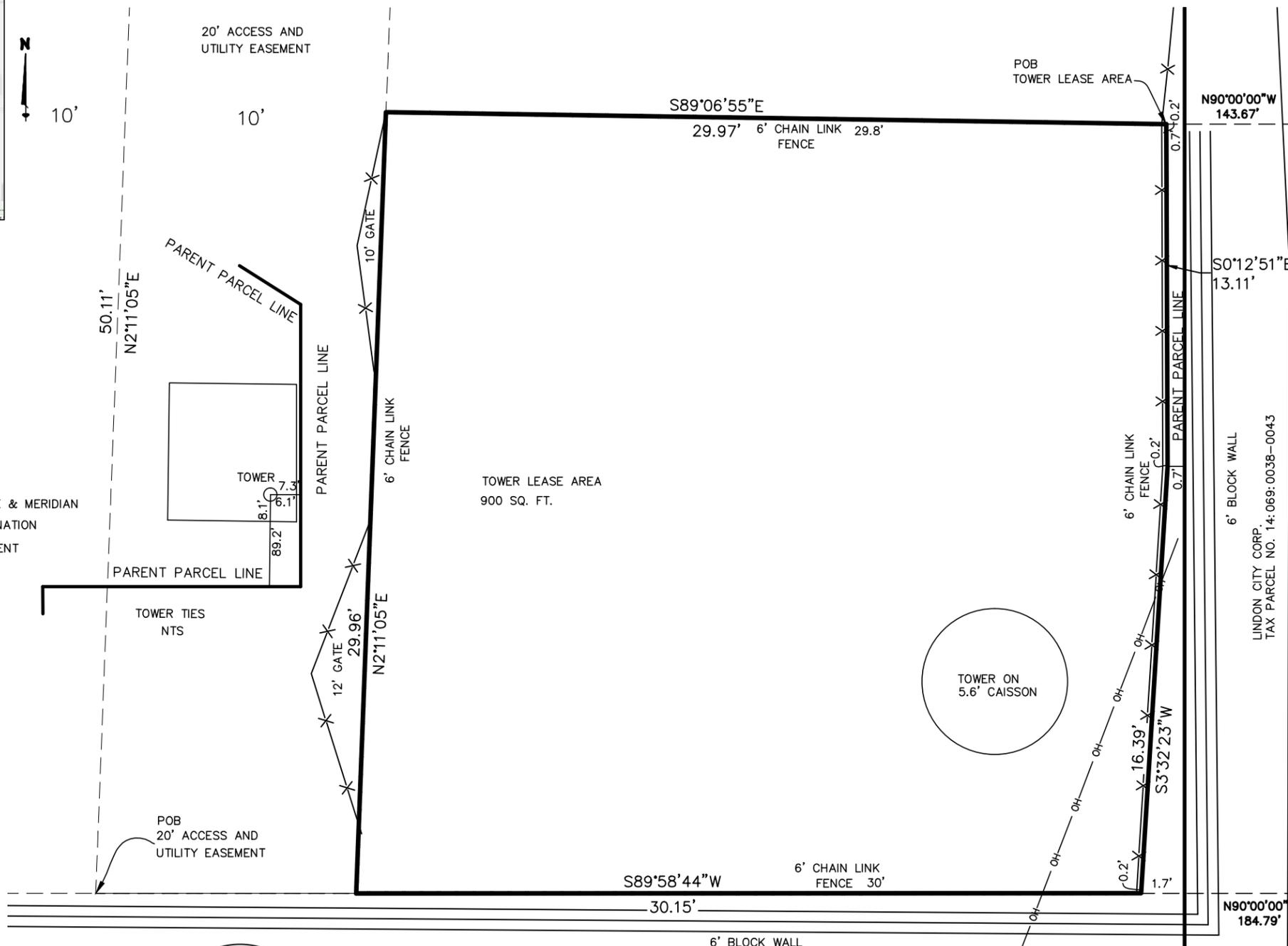
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RECORDED: 06-29-2017

TREES

TREES

12. Council Reports:*(20 minutes)*

- A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee - Jeff Acerson
- B) Public Works, Irrigation water/canal company boards, City Buildings - Van Broderick
- C) Planning Commission, Board of Adjustments, General Plan, Budget Committee - Matt Bean
- D) Public Safety, Emergency Management, Economic Development, Tree Board - Carolyn Lundberg
- E) Parks & Recreation, Lindon Days, Transfer Station/Solid Waste, Cemetery - Mike Vanchiere
- F) Admin., Historic Commission, PG/Lindon Chamber, Budget Committee - Jake Hoyt

I3. Administrator's Report

(10 minutes)

Misc Updates:

- February City newsletter: <https://media.rainpos.com/442/february19final.pdf>
- March newsletter article: **Matt Bean** - Article due to Kathy by end of February.
- Legislative updates
- Justice Court judge selection process update
- Employee changes. All positions are being advertised to be re-filled.
 - Dennis Kendall of Public Works retired after 35 years at Lindon City;
 - Corporal Steve Gray has been selected as the new Chief of Police for city of Moroni;
 - Officer Ray Ormond has taken a position with the Utah County Sheriff's Department.
- Misc. Items:

Upcoming Meetings & Events:

- Feb 18th – City offices closed for Presidents' Day holiday
- March 2nd – Little Miss Lindon Pageant
- April 24th – 26th - ULCT Spring Conference in St. George

Adjourn