

The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 1, 2019, beginning with a work session at 6:00 pm** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**WORK SESSION – 6:00 P.M. - Conducting: Jeff Acerson, Mayor**

**1. Discussion Item: Employee Compensation Programs.**

The Lindon City Council will review and discuss various aspects of the Lindon City Employee Compensation Programs.

Adam Cowie, City Administrator, reviewed the employee compensation programs and discussed where we are at with the programs and where we have been in the past. The group also discussed how to attract and keep good employees. They also talked about Merit, COLA and pay ranges. Mr. Cowie then reviewed the Lindon City pay ranges from 2012-2013 noting there was not a merit discussion each year but there was a COLA discussion and historically, they have looked at the rolling months from February to February. We as a city use the national CPI index. He noted part of the concerns are as follows:

1. Looking at retention, we are hearing a lot of places that we are comparing to or competing against are at a 10 to 12-year range to get to end of the pay scale.
2. Employees getting to the next step without giving a full effort. As part of this, the prior administrator had implemented a simple scoring method. There was some consideration (from a performance to a score) and from that they did a study and came up with the current pay range. Most cities are doing something similar which is a 5-step program.

Mr. Cowie stated he would like to see a simple chart to say what the next step would be for merit and just approve it or not each year if there is money in the budget. They would still have a performance-criteria to evaluate to ensure we are rewarding good employees; this is just one idea and one option to consider. He noted 95% of employees are getting the merit and these are good employees that are doing well; this is not a financial impact but more of a psychological impact.

Councilmember Hoyt stated he would like to see us come up with a starting point as he feels this may be doing a little disservice with the formula. He also feels wages are such a large part of the budget and it can exponentially grow. The budget committee can come up with a number but he believes it should be a full council issue year after year and fully vetted. Mr. Cowie commented he has found the budget committee to be ineffective in his opinion as a number has to be recommended and presented. He noted the chart would take the merit out of the equation except for the COLA. Mr. Cowie noted whether we are on the new or old system he hasn't seen any significant change in performance. Even with increases we are not leading the market in any position and we are falling behind in averages; we have not come forward for a salary bump very often but this year we will do a market study.

Councilmember Lundberg stated obviously we need to have market corrections at some point. Mr. Cowie pointed out the question is how long it should take for someone to get to the top of their range; it currently takes 10-12 years.

2 Councilmember Lundberg commented in talking about retention would there be  
any value of having a more significant bump at a 5- or 10-year anniversary. Mr. Cowie  
4 said there could be, but it would have to be fairly substantial to encourage them to stay.  
What they are looking to do this coming fiscal year, is the intent to have that paid out at  
6 the end of the calendar in which they are working towards the merit, otherwise the  
employees that are receiving a merit increase have to earn it over the entire calendar year  
8 and those that were maxed out are getting it in January. We want to tweak the policy to  
get it at the end of the calendar year. Councilmember Lundberg stated that sounds  
10 reasonable.

Mr. Cowie then went over the typical Employee Benefits & Perks for Regular  
12 Full-time Employees (FY 2019-20), the Lindon City Pay Ranges FY 2019-2020, Lindon  
City Position Schedule and the Annual Performance Evaluation Scores and Department  
14 and Total City Average Scores followed by discussion.

Councilmember Broderick pointed out that the economy goes up and down and it  
16 is an employee market, but it doesn't always stay that way; we want to be careful with  
what we do. There is a difference in other cities and the public sector like schools and  
18 large corporations; Lindon City goes up much more in comparison. He noted he talks to  
many types of employers and institutions and 1% to 2 % is the base and pretty common;  
20 but they typically don't do the merit.

Councilmember Lundberg asked if the council would be more comfortable having  
22 something that's predictable that won't need to be reviewed every single year, with some  
sort of a grid in place with a plan the employees can expect. And create the expectation at  
24 a range the council feels comfortable with yet still be open to when it is and have a one-  
time market adjustment if needed to stay competitive; we have to be sensitive to the  
26 entire package of what we are offering.

Councilmember Vanchiere commented he likes the consistency aspect, because if  
28 we are basing it on how well we are doing, that is a component of it and we would still  
have something to move them through the range.

Councilmember Hoyt stated more than anything we need to set expectations and  
30 that is where we did poorly last time. The first budget that comes out is a number and is  
canonized as someone said; we have had this equation in the past.

Councilmember Broderick suggested maybe that discussion comes before that  
34 number goes in and that it occurs with a full council (and create something predictable  
with a chart); to show how much that chart is moving and discuss it in a meeting.

Councilmember Hoyt stated this is hard because say we adopt the 16-step chart  
36 the expectation has now become 4.5%. Councilmember Lundberg suggested creating a  
grid or a step or do something that is reasonable and have the COLA as the flex point  
38 each year.

Mr. Cowie suggested an alternative to throw out a dollar amount and let staff split  
40 it up between the employees as they determine best, so it puts the burden on department  
heads to say how it is divided up. Councilmember Lundberg stated that's how some  
42 organizations do it so they can give their top performers 4 or 5%.

Councilmember Hoyt said that is a very private thing to do and is what most  
44 businesses do. He likes this idea, and the very first time the full council sees the budget,  
(with a number of 3% that is in that amount for wages) he is comfortable with that and  
46 then look at it and adjust it; he just doesn't want to see a starting budget above 3%

(including COLA) so the expectation is set; he's never seen higher than 3% in the public sector as an expectation. He is not okay with a 4% expectation from day one. Mr. Cowie stated at a 1% increase it would take 24 years to get to the top; that is where he will lose employees left and right if that happens; we are competing against other government entities.

Mayor Acerson stated based on what he is hearing we should just do COLA as that is something employees can count on, because it is calculated based on data and calculations we pull in and it is consistent; that's the starting point and then the department heads can approach the council to ask them to allocate funds for the merit, and the council doesn't set what that is.

Councilmember Vanchiere commented we don't do ourselves a favor by spreading it out more than where we are already at where someone can't max out or reach their potential. Councilmember Broderick stated the whole package has to be considered (wages and benefits); this benefit package is second to no one.

Mr. Cowie explained there are better benefit package by comparisons than Lindon City. They also discussed the possibility of employees contributing to health care costs. He added this is a hard and challenging topic and in the grand scheme of things the merit does compound over time. Mr. Cowie stated they will be having further discussion on this issue.

## **2. Discussion Item: Development options for Anderson Farms residential area.**

Councilmember Vanchiere requested additional discussion with the full Council regarding development options for the Anderson Farms residential area.

The Council briefly discussed development options for the Anderson Farms residential area. Councilmember Vanchiere pointed out the council agreed to make a decision regarding Ivory and he feels we need to decide soon if we agree between us on what the vote will be. Councilmember Lundberg brought up the deed restricted concept. Councilmember Vanchiere stated Robert Vernon, who serves at the Provo City Housing Authority, has stated they can administer the deed restrictions and make sure the deed restrictions are enforced.

Mayor Acerson pointed out that the reality is we have to have rational people to think this through and really try to move the needle in a sustainable way; we do need affordable housing but accessory apartments may be the best way to do that. Councilmember Lundberg made the point that creating a community with the have's and have not's is not good urban planning. Lindon needs to integrate and have it be a strengthening within the community to help and serve and support people out of poverty. If we can utilize accessory apartments or other ideas (twin homes, tri-plex's) and to use the R2 overlay zone to have it mixed in with the upper scale areas as to be part of the community.

Councilmember Vanchiere pointed out whether we do it or not, he feels we just need to decide; pointing out it was the city that asked them to do this. Mr. Cowie explained the biggest material thing on the map is that the city gets 2-acres of additional park space with no homes on that side. Councilmember Hoyt stated he is a no at this point but the commercial property concerns him, if they added 10 years to that he would be willing to have a conversation. Councilmember Lundberg commented we need

confirmation that they don't turn the townhomes into an Ivory rental product but that it will be owner occupied.

Councilmember Vanchiere stated we are 6 weeks away now and he would like to know who is going to follow up with Ivory if or when we are going to negotiate with them; if we are not willing to do that, we need to officially let them know if we are willing to be open to discussion as to be fair to everyone. Mr. Cowie summarized that the park is maybe a plus but less density squeezes on the single family and more apartments may be acceptable if there is a caveat of securing the commercial for a longer period of time. The council agreed under those conditions they may come to the plate. Mr. Cowie stated there will be further discussion on the issue.

**REGULAR SESSION** – 7:00 P.M.

|                       |                     |
|-----------------------|---------------------|
| Conducting:           | Jeff Acerson, Mayor |
| Pledge of Allegiance: | Gary Hoglund        |
| Invocation:           | Jeff Acerson        |

**PRESENT**

**EXCUSED**

Jeff Acerson, Mayor  
Carolyn Lundberg, Councilmember  
Jacob Hoyt, Councilmember  
Van Broderick, Councilmember  
Mike Vanchiere, Councilmember  
Adam Cowie, City Administrator  
Brian Haws, City Attorney  
Mike Florence, Planning Director  
Kathryn Moosman, City Recorder

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

2. **Presentations/Announcements** –

a) **Comments/Announcements from Mayor and Council** – There were no announcements at this time.

b) **Employee Recognition Award; 2019 3<sup>rd</sup> Quarter** - Gary Hoglund, Building Inspector and Alex Royslance, Facilities Manager were chosen for the quarterly Employee Recognition Award. Adam Cowie, City Administrator, read comments submitted by employees nominating Mr. Hoglund and Mr. Royslance for this award. He then presented them with a plaque and gift card in appreciation for their service. The Mayor and Council also congratulated and thanked Mr. Hoglund and Mr. Royslance for their exemplary example, service and good works for the city.

3. **Approval of Minutes** – The minutes of the regular meeting of the City Council meeting of September 17, 2019 were reviewed.

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES  
OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 17, 2019 AS  
4 PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER HOYT AYE  
8 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER VANCHIERE AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 4. **Open Session for Public Comment** – Mayor Acerson called for any public  
comment not listed as an agenda item. There were no public comments.

14 5. **Consent Agenda Items** – There were no consent agenda items presented for  
16 approval.

18 **CURRENT BUSINESS**

20 6. **Public Hearing — General Plan Amendment; Ordinance #2019-14-O.** The  
City Council will review and consider Ordinance #2019-14-O to amend the  
22 Lindon City General Plan to include the updated 2019 Moderate-Income Housing  
Plan.

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

28 Mike Florence, Planning Director, led this discussion by stating they have  
30 previously discussed this plan noting it was approved to the city council by the planning  
commission. He explained the Lindon City Moderate Income Housing Plan provides a  
32 snap-shot into current demographic trends and provides estimates into future housing  
needs. In 2019, the Utah Legislature passed Senate Bill 34 which made changes to Utah  
34 Code 10-9a. These changes required municipalities of the first, second, third and fourth  
classes to develop a “plan for moderate-income housing” to be adopted by December 1,  
36 2019 as part of a general plan amendment and to select 3 recommended strategies to  
develop moderate-income housing. The State of Utah provided each municipality with  
38 affordable housing shortage gaps relative to their municipality. Those shortage gaps are  
found below and on page 27 of the Moderate-Income Housing Plan.

40 Mr. Florence went on to say each municipality will have five years to work on  
closing the identified affordable housing shortage gaps and starting December 1, 2020  
42 each municipality will be required to report yearly progress to the State.

44 Mr. Florence noted from feedback when the council first reviewed the proposed  
Moderate-Income Housing Plan on August 20, 2019 and changes discussed at the  
planning commission meeting, staff has made the following goal changes and updates:

- 46
- Evaluate the effectiveness of the R2 zone and if any regulations should be modified. In 2016 at a “kick-off” meeting to update the general plan, the city

- 2 council and planning commission held a joint meeting where one of the topics of  
4 discussion was putting together a committee to research responsible options for  
infill development as well as strategic areas and criteria for possible higher  
6 density development. Discuss again the opportunities and need for such a  
committee.
- 8 • Evaluate whether the City would allow moderately higher density developments  
as part of a mixed commercial development that would be located in strategic  
commercial areas or centers to help with development potential.
  - 10 • Discuss if impact fees reductions should apply to all affordable housing options,  
not just accessory apartments, as an incentive to help reduce housing barriers and  
12 promote affordable housing.
  - 14 • Review the Standard Land Use Table to evaluate currently allowed housing  
options if there are additional opportunities for housing within each land use  
district.
  - 16 • Meet with the Housing Authority of Utah County and discuss housing needs and  
partnership opportunities at an upcoming City Council work meeting. Also  
18 discuss with the housing authority future opportunities for new affordable housing  
units.
  - 20 • Further evaluate the inclusion of moderate-income housing as part of new  
developments. Further evaluate the inclusion of moderate-income housing as part  
22 of new development for municipal employees or other qualifying individuals.
  - 24 • Discuss opportunities for mortgage assistance programs available for qualifying  
individuals. Discuss opportunities in working with developers to provide  
mortgage assistance programs for city employees and other qualifying  
26 individuals.
  - 28 • Discuss opportunities to work with non-profit housing groups to purchase homes  
as they become available on the market for re-sale as affordable housing.
  - 30 • Knowing that Light Rail may still be in the future many years, study whether the  
City should help preserve property for Transit Oriented Development.
  - 32 • Discuss how to help homeowners bring unapproved accessory apartments into  
compliance.
  - 34 • Evaluate needed re-investment into Lindon's older neighborhoods through  
infrastructure improvements, neighborhood clean-up, and code enforcement.

36 Mr. Florence then referenced draft Ordinance No. 2019-14-O followed by some  
general discussion. The Mayor and Council thanked Mr. Florence for his hard work on  
38 the document noting it is very informative and done well.

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

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

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

COUNCILMEMBER BRODERICK MOVED TO APPROVE AN AMENDMENT TO THE MODERATE-INCOME HOUSING PLAN CHAPTER OF THE LINDON CITY GENERAL PLAN AS INCLUDED IN ORDINANCE 2019-14-O AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER HOYT AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

**7. Review & Action — Bid Award; North Union Canal Piping**

The City Council will review and consider whether to award the low bid of \$748,924.45 by NeZhoni Construction, LLC for the North Union Canal Piping project. This project is partially grant funded.

Adam Cowie, City Administrator, led this discussion by stating deteriorating concrete-lined canal sections with a 48” reinforced concrete pipe with associated cleanout manholes, transition structures, and other work needed to complete the project. Piping of the canal will help to conserve water lost through seepage and evaporation, increase efficiency of operating and maintaining the canal, increase safety (enclosing an open canal), and decreasing potential for flooding.

Mr. Cowie, Lindon City and the North Union Irrigation Company were awarded a Water Smart Grant through the U.S. Bureau of Reclamation in the amount of \$258,922 with the City and North Union Irrigation Company matching the grant with an additional \$315,000 (\$573,922 total). He noted approximately \$472,653 is available for construction after factoring costs for project administration, environmental review, and engineering design/engineering administration.

Mr. Cowie stated the low bid (out of 4 bidders) to complete these projects is \$748,924.45 by NeZhoni Construction, LLC. He noted staff recommends using approximately \$276,271 from the Water Fund balance to make up the difference in construction cost to complete this specific piping project. He then referenced the slides with more information.

Following some general discussion, the council was in agreement to award the bid to the low bidder NeZhoni Construction, LLC for the North Union Canal Piping project. They also agreed the grant match is very beneficial.

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

COUNCILMEMBER VANCHIERE MOVED TO APPROVE THE BID AWARD FOR THE NORTH UNION CANAL PIPING PROJECT AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER HOYT AYE

COUNCILMEMBER BRODERICK AYE

2 COUNCILMEMBER VANCHIERE AYE  
THE MOTION CARRIED UNANIMOUSLY.

4  
8. Discussion Item — Fireworks Restrictions.

6 The City Council will review and discuss the current firework restrictions and  
areas within the City where firework discharges are prohibited. No motions will  
8 be made.

10 Adam Cowie, City Administrator, led this discussion by stating Lindon City has  
imposed a fireworks restriction for certain areas of the city since 2011-12. A resolution  
12 was passed each year to consider the restrictions and whether they should continue. In  
2013 the area of fireworks restrictions was enlarged with more lots being included in the  
14 restricted area. He noted in 2014 the city approved a permanent resolution prohibiting  
firework in these specific areas without having to renew the resolution each year. During  
16 the 2019 fireworks season the City received some concerns regarding areas in the city  
that may not be included in the fireworks restriction area.

18 Mr. Cowie then referenced a summary of the city's resolution and state codes as follows:

20  
22 *Lindon City Fireworks Discharge Restrictions: Lindon City has a permanent  
fireworks restriction in place (Resolution 2014-4-R). Restricted areas include mountain  
foothills and all land west of Interstate-15, including the Lindon Marina. This also  
24 includes all "Undeveloped Land" within the City Limits as well as all City parks. On the  
east side of town restrictions include all areas within an approximate distance of 500 feet  
26 from the U.S. Forest Service or BLM lands. This includes the Dry Canyon Trail head and  
the 1200 East Horse Transfer Station. In the interest of clarity, these boundary  
28 restrictions were set using existing city roads which are at least 500 feet from designated  
lands. Please reference the maps below for exact boundaries. Fireworks are regulated by  
30 the State of Utah in addition to City regulations. Here are the basic rules:*

- 32 • *Fireworks may be discharged between the hours of 11am and 11pm on the  
following dates except as noted: July 2-July 5 (July 4 hours extended to  
midnight), July 22-25 (July 24 hours extended to midnight), December 31 (11am-  
34 1am Jan 1), and Chinese New Year (11am-1am the following day).*
- 36 • *Fireworks are not allowed in Lindon City Parks.*
- 38 • *No fireworks can be discharged over or onto the property of another without  
consent of the person owning or controlling the property.*
- 40 • *If you start a fire, accidentally or intentionally, with legal or illegal fireworks, in  
any area of Utah, you will be held responsible for the cost to fight the fire and any  
damages it causes.*

42 Following some general discussion, the council was in agreement to have Mr.  
Cowie bring an updated map back to review what the impact is and determine changes and  
44 approval at that time.

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

2       **9. Presentation — Overview of Fire/EMS Services.**

4           Orem City Fire Chief, Scott Gurney, and Deputy Fire Chief, Jason Earl, will give  
6           a general overview of Fire/EMS services provided to Lindon City and answer any  
          questions the Council may have. Lindon is starting its 11th year of a 20-year  
          contract with the City of Orem for Fire/EMS and dispatch services.

8           Adam Cowie, City Administrator, led this discussion by stating this fiscal year  
10          Lindon will pay Orem approximately \$1.5 million for Fire and EMS services and  
          fire/ems dispatch services. He then welcomed Orem City Fire Chief, Scott Gurney to give  
12          his presentation. Chief Gurney then presented his PowerPoint presentation including  
          information on Lindon total station responses, Lindon response data from 2018-2019 and  
          Lindon response services.

14          Chief Gurney also mentioned the recent dry canyon fire that they contained it to  
16          10 acres and there were no injuries to the public or firefighters and no property was  
          damaged. He also noted their community relations and participation noting station  
18          participates in events all year long. Chief Gurney thanked the Mayor and Council for the  
          opportunity to come and visit and have discussion and expressed his appreciation for the  
          partnerships they share and the opportunity to serve.

20          Mayor Acerson stated the council appreciates the Orem Fire staff coming to give  
22          this overview of the services they provide to Lindon and expressed their appreciation for  
          the partnership and their service to the city.

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

26       **COUNCIL REPORTS:**

28       **Councilmember Hoyt** – Councilmember Hoyt reported the PG/Lindon Chamber of  
30       Commerce held their annual golf tournament yesterday and all proceeds went to the  
          Pleasant Grove High School DECA program. He also reported he will be attending a  
32       PG/Lindon Chamber luncheon on Thursday where a state representative from Mike Lees  
          office will be in attendance to address the group.

34       **Councilmember Broderick** – Councilmember Broderick expressed that it was a  
          beneficial decision to approve the canal project presented tonight.

36       **Councilmember Lundberg** – Councilmember Lundberg mentioned an email on  
38       inclusionary housing. She also mentioned that Orem City is now implementing a landlord  
          permit fee. She noted she received the Parc Tax brochure in the mail noting it was done  
40       great and shows what has been accomplished with the Parc Tax. She also reported she is  
          planning on attending the upcoming APA conference.

42       **Councilmember Vanchiere** – Councilmember Vanchiere reported the landfill and  
44       transfer station is implementing the capital improvement plan. He reported that there has  
          been a complaint about Pheasant Brook park with leaking on the 4-inch line and the trail  
46       is eroding. He has reached out to Heath Bateman about the situation. He also mentioned  
          he will be attending a meeting about the Ad hoc Committee for parks and trails.

2 **Mayor Acerson** – Mayor Acerson reported on the Utah Lake Commission assessment.  
He also mentioned he will be attending a meeting with Mr. Cowie tomorrow with MAG  
4 to discuss the Vineyard Connector. He also gave an update on UTA funding for the  
double tracking for the Vineyard station and getting resources for that.

6  
8 **Administrator's Report:** Mr. Cowie reported on the following items followed by  
discussion.

10 **Misc. Updates:**

- 10 • Vote by Mail Ballots will be mailed the week of Oct. 14th
- 11 • Sewer back up claim on 200 East
- 12 • PG/Lindon Chamber – business recognition
- 13 • Misc. Items

14 **Upcoming Meetings & Events:**

- 16 • October 25th – Halloween Carnival at Community Center
- 17 • November 5th – General Election
- 18 • November 8-18th – fall clean-up w/dumpsters available to the public

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

22 **Adjourn** –

24 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
26 AT 9:55 PM. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – October 15, 2019

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Kathryn Moosman, City Recorder

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36 \_\_\_\_\_  
Jeff Acerson, Mayor