

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 5,**
3 **2010** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon,
4 Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Tyler Floyd, Mt. View High School Student
7 Invocation: Lindsey Bayless

8 **PRESENT**

ABSENT

9 James A. Dain, Mayor
10 Lindsey Bayless, Councilmember
11 Bruce Carpenter, Councilmember
12 Bret Frampton, Councilmember
13 Jerald Hatch, Councilmember
14 Mark L. Walker, Councilmember
15 Ott H. Dameron, City Administrator
16 Woodworth Mataele, Assistant Planner
17 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

19 The meeting was called to order at 7:00 p.m.

20 **SWEARING-IN CEREMONY** –

21 The Honorable W. Brent Bullock, Lindon City Municipal Court Judge conducted the
22 swearing-in of Mayor James A. Dain, Councilmember Bret Frampton and
23 Councilmember Mark Walker, as well as City Treasurer Dona Haacke and City Recorder
24 Debra Cullimore.

25 **MAYOR PRO-TEM RECOGNITION** –

26 By direction of the Mayor and City Council, the appointment of a Mayor Pro-Tem will be
27 rotated quarterly. The 2010 and 2011 rotation will be as follows:

28 **2010** -

29 January through March 2010	Councilmember Jerald Hatch
30 April through June 2010	Councilmember Lindsey Bayless
31 July through September 2010	Councilmember Carpenter
32 October through December 2010	Councilmember Bret Frampton

33 **2011** -

34 January through March 2011	Councilmember Mark Walker
35 April through June 2011	Councilmember Jerald Hatch
36 July through September 2011	Councilmember Lindsey Bayless
37 October through December 2011	Councilmember Bruce Carpenter

2 **RECOGNITION** – *The Mayor and City Council will recognize the retiring Fire*
4 *Captain, Lamar D. Woods of the Orem Department of Public Safety for his service to the*
4 *citizens of Lindon. Captain Woods has been assigned to Lindon Fire Station since 2008*
4 *when Orem began providing full time fire service from the Lindon station.*

6 Mayor Dain invited Captain Woods to the front of the room. The Mayor read a
6 summary of Captain Wood’s accomplishments during his career. Captain Woods was
8 presented with a Lindon Police Department/Public Safety badge, as well as a Certificate
8 of Appreciation for his service in Lindon. Captain Woods thanked the Mayor for the
10 opportunity to work from the Lindon Fire Station.

12 **MINUTES** – The minutes of the meeting of December 15, 2009 were reviewed.

14 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
14 THE MEETING OF DECEMBER 15, 2009. COUNCILMEMBER HATCH
16 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BAYLESS AYE
18 COUNCILMEMBER CARPENTER AYE
18 COUNCILMEMBER FRAMPTON AYE
20 COUNCILMEMBER HATCH AYE
20 COUNCILMEMBER WALKER AYE

22 THE MOTION CARRIED UNANIMOUSLY.

24 **OPEN SESSION** –

26 Mayor Dain called for comments from any resident present who wished to
26 address an issue not listed as an agenda item. There was no public comment.

28 **MAYOR’S COMMENTS/REPORT** –

30 Mayor Dain commented on the Police Officer from Millard County who was
32 killed earlier in the day. He observed that it is a reminder of the danger police officers
32 willingly put themselves in to protect the community. He asked Chief Cullimore to
34 convey his thanks to the officers of the Lindon City Police Department for the work they
34 do.

36 Mayor Dain observed that changes in administration in various communities
36 around the valley have resulted in a number of staff changes. He expressed support and
38 appreciation to Mr. Dameron and all staff members in Lindon for their hard work,
38 professionalism and commitment to the community. He stated that Lindon is lucky to
40 have a tremendous group of dedicated employees who do a great job for Lindon City.

42 **CONSENT AGENDA** –

44 No items.

46 **CURRENT BUSINESS** –

2 1. **Review and Action** – *Councilmember Assignments*. Mayor Dain will present the
proposed assignment changes for Councilmembers for 2010.

4 Mayor Dain presented Councilmember assignments for 2010. He explained that
any action regarding any of the assignments should be discussed with the Council before
6 taking any action, and that any personnel issues should be addressed through Mr.
Dameron. Mayor Dain called for comments or discussion. Hearing none, he called for a
8 motion.

10 COUNCILMEMBER CARPENTER MOVED TO APPROVE
COUNCILMEMBER ASSIGNMENTS FOR 2010. COUNCILMEMBER BAYLESS
12 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BAYLESS AYE
14 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
16 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
18 THE MOTION CARRIED UNANIMOUSLY.

20 2. **Review and Action** – *Appointments to the Lindon City Redevelopment Agency
and the Municipal Building Authority of Lindon City*. This is a request by staff
22 for the Council’s formal action to appoint Mayor James A. Dain as Chair of the
Lindon City Redevelopment Agency and as President of the Municipal Building
24 Authority with all Councilmember as Boardmembers of each entity. This action
necessary after each election where changes have been made.

26 Mr. Dameron explained that appointments to the RDA and MBA are required
28 after each election. This action will make the required appointments. Mayor Dain called
for comments or discussion. Hearing none, he called for a motion.

30 COUNCILMEMBER HATCH MOVED TO APPOINT MAYOR DAIN TO SIT
32 AS CHAIR OF THE LINDON CITY REDEVELOPMENT AGENCY AND
PRESIDENT OF THE LINDON CITY MUNICIPAL BUILDING AUTHORITY, AND
34 TO APPOINT COUNCILMEMBER MEMBERS TO SIT AS BOARDMEMBERS OF
THE LINDON CITY REDEVELOPMENT AGENCY AND LINDON CITY
36 MUNICIPAL BUILDING AUTHORITY. COUNCILMEMBER WALKER
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
38 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
40 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
42 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

44 3. **Public Hearing** – *Application for Federal Transportation Enhancement Funds
46 through UDOT for Years 2012 and 2013*. The City Council will hear public

2 comment and possibly act to approve an application for funding to help complete
the western portion of the Lindon Heritage Trail. The application deadline is
4 January 14, 2010. The City is required to match 20% of any grant award. This
financial commitment will be required in 2012.

6 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING TO CONSIDER THE APPLICATION FOR FEDERAL
8 TRANSPORTATION ENHANCEMENT FUNDS. COUNCILMEMBER BAYLESS
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
10 CARRIED.

12 Mr. Mataele explained that this grant funding cycle will take place in 2012 and
2013. The grant provides federal funds of up to \$500,000 for transportation projects.
14 Preliminary steps in the application process have been completed. This is a request for
approval of the final application by the Council. Mr. Mataele noted that the City was
16 awarded approximately \$3.4 million in the last funding cycle of this grant, and that any
funding received through this application would be used for expansion of the Lindon
18 Heritage Trail project. Mr. Mataele noted that the City would be required to provide
matching funds of 20% of the grant award.

20 Mr. Mataele showed the Trails Master Plan map. He outlined completed sections
and planned sections of the Lindon Heritage Trail, and showed the section through the
22 wetlands and west side of the City which would be completed with this particular
funding.

24 Councilmember Walker inquired as to whether the City has paid the required
match for the \$3.4 million which was already awarded. Mr. Dameron explained that the
26 matching funds have not yet been required, but will be paid when the grant cycle funds
and construction begins. Mr. Dameron also clarified that the application before the
28 Council at this time does not constitute a financial commitment. The requested approval
is to complete the application process.

30 Councilmember Frampton observed that if the application is not submitted, the
City has no possibility of obtaining the grant funding. Mr. Mataele explained that if
32 funding is approved, and the City is unable to meet the required match, the City has the
option to decline the grant, which would then be offered to another applicant. Mr.
34 Dameron noted that the match associated with this application would not be paid until
2012, and that economic conditions may improve in that time allowing the City to
36 provide matching funding.

38 Mayor Dain called for public comment on this action. There was no public
comment. He called for a motion to close the Public Hearing.

40 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER THE APPLICATION FOR FEDERAL
42 TRANSPORTATION ENHANCEMENT FUNDS. COUNCILMEMBER HATCH
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
44 CARRIED.

2 Councilmember Bayless commented that the Council has discussed and planned
extensively for trails, and that the completed section of trail is well used by the
community. She reiterated that this action does not create a financial commitment, and
4 will allow the application process to move forward.

6 COUNCILMEMBER BAYLESS MOVED TO APPROVE SUBMITTAL OF
THE APPLICATION FOR FEDERAL TRANSPORTATION ENHANCEMENT
8 FUNDS THROUGH UDOT FOR YEARS 2012 AND 2013. COUNCILMEMBER
HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
12 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
14 COUNCILMEMBER WALKER NAY
THE MOTION CARRIED (4-1).

16

Review and Action—*Lindon City Water Conservation Plan.(Resolution #2010-1)*
18 This is a request by staff for the Council’s review and approval of the update to the
Lindon City Water Conservation Plan dated December 2009. This plan was completed
20 by David Thurgood, JUB Engineers, in consultation with the Public Works Department.

22 City Engineer, David Thurgood, and Public Works Director, Don Peterson, were
present to discuss this item with the Council. Mr. Dameron explained that Mr. Peterson
24 and Mr. Thurgood have updated the existing Water Conservation Plan, and that the
Council will take action to approve a Resolution adopting the plan.

26 Mr. Thurgood explained that State law requires cities to adopt a Water
Conservation Plan, and to update the plan every five years. Updates include changes to
28 water use and population projections, and updated water rights information.

Mr. Thurgood reviewed information in the updated plan, including; User Types,
30 City Owned Water Rights, City Owned Stock in Local Irrigation Companies, Culinary
Water Budget, Pressure Irrigation, Culinary Water Delivery, Pressure Irrigation Monthly
32 Water Use, City Population Figures. The plan also discusses five specific goals as
follows:

- 34 1. Continue to install water meters on all City owned facility that use culinary water,
which allows billing of the appropriate fund for water usage.
36 2. Continue to bill for water supplied from the pressure irrigation system to City
parks and public properties. The appropriate fund will repay the General Fund for
38 water usage at those facilities.
40 3. Maintain a financially viable water system. Water pricing should encourage
conservation without creating a budget shortfall.
42 4. Implement a meter-testing program with a meter replacement program.
Replacement of excessively worn meters with modern meters will improve the
water budget and increase revenue to the water fund.
44 5. Continue education of water conservation practices, including focus on education
of elementary school students in 4th and 5th grade and enforcement of ‘no
46 watering’ times between 10:00 a.m. and 6:00 p.m. during summer months.

2 The plan also covers a Water Conservation Contingency Plan for normal water
supply, 75% water supply and 50% water supply, with increasing levels of water
restrictions based on available resources during any given water year.

4 Mayor Dain noted that he has received inquiries from several residents wondering
why the secondary water fee is still charged since the bond has been repaid.

6 Councilmember Walker stated that he has received similar questions. Mr. Thurgood
stated that collecting a fee associated with secondary water service is necessary to cover
8 future expenses associated with maintenance repair and eventual replacement of the
system. Mr. Dameron noted that the fee has never increased since implementation. Mr.
10 Thurgood noted that the fee charged to residents includes the assessment from the
irrigation companies, and that the irrigation companies fees have increased, resulting in a
12 less reserve funds for the City to cover future expenses related to the secondary system.

Councilmember Carpenter inquired as to whether updated information for Alpine
14 School District is included in this plan. Mr. Thurgood stated that Alpine School District
does not have an updated plan at this time, but that the previous plan is included.

16 Mayor Dain called for further comments or discussion. Hearing none, he called
for a motion.

18
20 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE DECEMBER
2009 LINDON CITY WATER CONSERVATION PLAN. COUNCILMEMBER
CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS
22 FOLLOWS:

24 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
26 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
28 THE MOTION CARRIED UNANIMOUSLY.

- 30 4. **Review and Action** – *Appointment to the Lindon City Tree Advisory Board.* This
32 is a request by Mayor Din for the City Council consent and approval of two
appointments to the Lindon City Tree Advisory Board, Eric Anthony and Marilyn
Simister.

34
36 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE
APPOINTMENT OF ERIC ANTHONY AND MARILYN SIMISTER TO SERVE AS
MEMBERS OF THE LINDON CITY TREE ADVISORY BOARD.
38 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

40 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
42 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
44 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

2 **ADJOURN THE MEETING OF THE LINDON CITY COUNCIL AND CONVENE**
3 **THE MEETING OF THE LINDON CITY MUNICIPAL BUILDING**
4 **AUTHORITY -**

6 COUNCILMEMBER CARPENTER MOVED TO ADJOURN THE MEETING
7 OF THE LINDON CITY COUNCIL AND CONVENE THE MEETING OF THE
8 LINDON CITY REDEVELOPMENT AGENCY AT 8:05 P.M. COUNCILMEMBER
9 BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
10 MOTION CARRIED.

12 COUNCILMEMBER CARPENTER MOVED TO ADJOURN THE MEETING
13 OF THE LINDON CITY REDEVELOPMENT AGENCY AND RECONVENE THE
14 MEETING OF THE LINDON CITY COUNCIL AT 8:17 P.M. COUNCILMEMBER
15 HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
16 MOTION CARRIED.

18 **COUNCIL REPORTS -**

20 **COUNCILMEMBER FRAMPTON** – *Parks, Recreation, Engineering, Tree Advisory
21 Board.*

22 Councilmember Frampton expressed that he is happy to be serving the
23 community, and excited to get started with his duties.

26 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Public Works.*

28 Councilmember Hatch reported that the Housing Consortium is in the process of
29 making funding decision. He stated that he would like to accompany Councilmember
30 Frampton to the Consortium meetings until decision regarding this funding cycle are
31 finalized.

34 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, General Plan,
35 Administration.*

36 Councilmember Bayless requested input from the Mayor and Council for
37 residents who may be willing to serve on the General Plan Committee. The Council
38 discussed several names. Councilmember Bayless will make contact with the residents.

40 Mayor Dain brought up ideas of additional committees he would like to
41 implement in the City. He stated that he felt an Economic Development Committee may
42 be beneficial, with a focus on development of the 700 North commercial corridor. He
43 invited Councilmember Walker to chair that committee. The Council expressed
44 agreement that an Economic Development Committee would benefit the City. The
Council discussed names of residents who may be qualified and willing to serve on that
committee.

2 Mayor Dain observed that a Community Center committee should also be formed
in anticipation of taking ownership of the Main Street LDS Church facility the City is in
the process of purchasing. He suggested that an energetic, enthusiastic senior in the
4 community be included on the committee.

6 Mayor Dain also noted that he has been contacted by resident John Rosenburg,
and that Mr. Rosenburg has volunteered to host a Mayor's Open House at his home. A
date and time has not yet been established for the Open House. Mayor Dain stated that
8 he is hopeful that additional Open House events will be held periodically over the year.

10 **COUNCILMEMBER CARPENTER** – *Public Safety, Court, ULCT, UTOPIA.*

12 Councilmember Carpenter reported that Representative Steve Sandstrom has
accepted an invitation to attend the City Council Meeting on January 19th to discuss the
14 upcoming legislative session. He requested that Rep. Sandstrom be placed first on the
agenda.

16 Councilmember Carpenter noted that regular meetings of the Legislative Policy
Committee will begin in January, and will be held each Tuesday through the end of the
18 legislative session.

20 Councilmember Carpenter also reported that bond backstop funds paid to
UTOPIA by participating cities was called today. The funds which will currently be used
were previously paid into escrow by participating cities. It will be necessary for the City
22 to replenish those funds during the 2010-2011 budget cycle. He noted that difficulties in
the UTOPIA system are due in large part to delays which were out of control of
24 participating cities and UTOPIA, but that current plans are moving forward to expand the
system and make it financially viable.

26 Councilmember Carpenter requested that the Mayor and Councilmember attend
the retirement party planned for Captain Woods on January 11, 2010.

28 Councilmember Carpenter invited Chief Cullimore to report on Police
Department activities. Chief Cullimore reported on a recent report regarding a statue
30 which was taken from Timpanogos Harley Davidson. He stated that the statue was taken
by the artist, and that the matter appears to be civil rather than criminal, as the artist had
32 not been paid for the statue. No charges have been filed at this time, and that artist has
been allowed to keep the statue with instructions not to sell it until the matter is resolved
34 by the bankruptcy court administering Timp Harley's bankruptcy.

36 Chief Cullimore also noted that the granite block the statue was mounted on was
the property of the former owner of Timp Harley. The block was the counterweight on
the crane used to construct the Salt Lake LDS Temple. The block has significant value,
38 and will be returned to Timp Harley when the statue is removed.

40 Chief Cullimore thanked the Council for the opportunity he recently had to attend
Certified Litigation Specialist training in Las Vegas. He stated that he is one of two
officers in the state with the certification, which provides advanced training in internal
42 affairs and disciplinary functions. Chief Cullimore also reported that he has been
appointed as Vice Chair of the Utah County Spillman Committee 2011, and will serve as
44 Chair during 2012. The Committee hopes to complete standardization and enhance
communication throughout the County.

2 Chief Cullimore commented on the murder of Sherriff Jody Fox in Millard
County earlier in the day. He stated that Lindon officers have been assisting with the
4 investigation during the day in Salt Lake, Nephi and Fillmore. He observed that the killer
represents and extreme danger to the public and specifically to the law enforcement
6 community, and that apprehension is the highest priority in the state at this time. Chief
Cullimore also noted that several Lindon officers will represent Lindon at Sherriff Fox's
memorial service.

8 Councilmember Carpenter reported that he had a conversation with a resident
regarding possible sponsorship of the FlowRider by Maako. The company expressed
10 some interest, but details have not yet been discussed.

12 **COUNCILMEMBER WALKER** – *Board of Adjustments, Lindon Days, Chamber of*
Commerce.

14
16 Councilmember Walker expressed appreciation for the opportunity to serve the
community. He noted that the meeting brought back memories of his previous service on
Council.

18 Councilmember Walker reported that he received a letter from a resident
expressing concern regarding the code enforcement situation involving Connie's Art
20 Warehouse on Geneva Road. He stated that he has discussed the situation with Mr.
Cowie and Mr. Brown, and understands the City's actions on the matter. Councilmember
22 Walker will respond to the letter from the resident.

24 Councilmember Walker expressed concern regarding information which was
relayed to the Council during the budget retreat. Mr. Dameron explained that the auditor,
Mike Stoddard, will be present at the next City Council meeting to discuss the
26 Comprehensive Annual Financial Report, and that Councilmember Walker could request
clarification regarding the City's financial position at that time. Mayor Dain and the
28 Council expressed confidence in Mr. Stoddard's professionalism, and noted that a
number of suggestions he has made over the years, such as separation of duties and other
30 control measures, have been implemented by the City.

32 Councilmember Walker noted that he is not assigned to the Budget Committee.
He inquired as to his level of involvement in the budget process. Mayor Dain and Mr.
Dameron explained that all Councilmembers are heavily involved in the budget process,
34 and that discussion regarding the upcoming budget cycle will start at the annual City
Council retreat in February.

36
38 **ADMINISTRATOR'S REPORT** –

40 Mr. Dameron reported on the following items:

- 42 1. Engineering Coordination Meeting will be held Tuesday, January 12th at noon
at the Public Works Complex.
- 44 2. The Council reviewed the Project Tracking List.
3. Newly elected officials training will be held on various dates and in various
locations around the County in the coming weeks. The City will register
participants at their request.

- 2 4. The annual budget retreat was scheduled for Saturday, February 20th at 8:00
a.m. at the Veterans Hall.
4 5. The City will send one representative to the Utah League of Cities and Towns
Conference in St. George in April.
6 6. The Council will review the Comprehensive Annual Financial Report during
the meeting of January 19, 2010.

8 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE
10 VOTE WAS RECORDED AS FOLLOWS:

12 COUNCILMEMBER BAYLESS AYE
12 COUNCILMEMBER CARPENTER AYE
12 COUNCILMEMBER FRAMPTON AYE
14 COUNCILMEMBER HATCH AYE
14 COUNCILMEMBER WALKER AYE

16 THE MOTION CARRIED UNANIMOUSLY.

18 **ADJOURN** –

20 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
9:18 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Approved – January 19, 2010

26

28

30

Debra Cullimore, City Recorder

32

34

James A. Dain, Mayor

36

38

40

42