

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on
3 **Tuesday, September 1, 2009** in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Cole Warden
7 Invocation: Ott H. Dameron

8
9 **PRESENT**

9 **ABSENT**

10 James A. Dain, Mayor
11 Eric Anthony, Councilmember
12 H. Toby Bath, Councilmember
13 Lindsey Bayless, Councilmember
14 Bruce Carpenter, Councilmember
15 Ott H. Dameron, City Administrator
16 Adam Cowie, Planning Director
17 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

10 Jerald I. Hatch, Councilmember

19 The meeting was called to order at 7:06 p.m.

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21 **PRESENTATION** – *Miss Utah, 2009, Whitney Merrifield, will make a presentation to*
22 *the City Council.*

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24 Miss Utah, Whitney Merrifield was present for this discussion with the Mayor
25 and Council. Miss Merrifield presented information regarding a new internet safety
26 program which protects children and families from unsolicited contacts on the internet
27 and cell phones, such as tobacco ads, on-line gambling, or pornography.

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29 Miss Merrifield went on to explain that the program is a free registry where
30 citizens can enter contact information for email addresses, cell phones, and other methods
31 of communication which will be added to a ‘do not contact’ list. Ms. Merrifield noted
32 that the State of Utah has been proactive in creating tools to protect communications in
33 homes. Utah is one of two states in the country who have implemented this program,
34 with Michigan being the other. Several other states are considering implementing the
35 program, and will be watching the results in Utah and Michigan.

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37 Mayor Dain thanked Miss Merrifield for her presentation. He committed to
38 including the information about the program in the City utility bill mailing, as well as on
39 the City website. Miss Merrifield thanked the Council for their time and attention.

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41 **PROCLAMATION** – *This proclamation sets the week of September 6-13 2009 as*
42 *Childhood Cancer Awareness Week.*

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44 Mayor Dain read the proclamation designating the week of September 6-13 2009
45 Childhood Cancer Awareness Week in Lindon.

2 COUNCILMEMBER BAYLESS MOVED TO SUPPORT THE CHILDHOOD
3 CANCER AWARENESS WEEK PROCLAMATION. COUNCILMEMBER
4 CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
5 THE MOTION CARRIED.

6 **MINUTES** – The minutes of the Regular Meeting of August 18, 2009 were reviewed.

8 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE
9 MEETING OF AUGUST 18, 2009. COUNCILMEMBER BAYLESS SECONDED
10 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

11 COUNCILMEMBER ANTHONY AYE
12 COUNCILMEMBER BATH AYE
13 COUNCILMEMBER BAYLESS AYE
14 COUNCILMEMBER CARPENTER AYE

15 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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17 **OPEN SESSION** –

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19 Mayor Dain called for comments from any resident present who wished to
20 address an issue not listed as an agenda item. There was no public comment. Mayor
21 Dain welcomed a number of Boy Scouts present in the audience.

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23 **MAYOR'S COMMENTS/REPORT** –

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25 Mayor Dain reported that he recently attended the Mountainland Association of
26 Governments Executive Committee meeting in Kamas. He stated that the committee
27 discussed implementation of the Utah After School Program, which provides after school
28 services to children who otherwise go home to empty houses until parents arrived home
29 from work. The committee also discussed stimulus grant funds which may be available
30 for energy conservation projects. He noted that grants will be available in amounts from
31 \$25,000 to \$250,000, and will be awarded in February 2010.

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33 Mayor Dain went on to read a letter from the Backcountry Horsemen service
34 organization. The letter noted that the community service club has been allowed to use
35 the Veteran's Hall to hold monthly meetings free of charge. In exchange for this
36 consideration, the club has offered to refinish the wood floor in the Veteran's Hall. The
37 work will be completed by mid September. Materials for the refinishing product will be
38 provided by a member of the club who is employed by Waxie Corporation. The letter
39 noted that the building would be unusable for approximately two days while the work is
40 completed.

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42 Mayor Dain noted that early voting for the Municipal Primary Election is
43 underway at the City Center. He reminded residents that every voter will be required to
44 show proper identification at the polling place.

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46 Mayor Dain noted that long time Lindon resident, Robert J. Matthews, passed
away on Sunday, August 30, 2009. Mayor Dain noted that Mr. Matthews was a great
resident of Lindon, and that he will be missed by the community.

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CONSENT AGENDA –

No items.

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CURRENT BUSINESS –

1. **Public Hearing** – *Plat Amendment – Lindon Meadows Residential Subdivision, Plat “C”*. The City Council will hear public comment and possibly act to approve a plat amendment to Plat “A” of the Lindon Meadows Residential Subdivision. If approved, this amendment will adjust currently recorded property lines of Lot 10 in Plat “A” of the Lindon Meadows Subdivision, thereby creating a new Lot #1, Plat “C”. The Planning Commission recommended approval with no conditions.

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COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that this is a request by Bill Fairbanks for approval of a minor subdivision amendment. The applicant is proposing a re-plat of one parcel, and vacation of the existing lot #10 of Lindon Meadows, Plat A subdivision. This subdivision does not create any new lots, but adjusts the property lines and eliminates the underlying lot #10.

Mr. Cowie explained that there has been some history associated with this property which prompted the subdivision amendment. The new lot will meet all City requirements relative to lot size and square footage. Due to a property boundary dispute with the neighboring property owners, Mr. Fairbanks submitted a variance application for the 100 foot frontage requirement at the 30 foot setback. The Board of Adjustments approved the variance request. The Planning Commission recommended approval of this subdivision application with no conditions.

Mr. Cowie went on to explain that at the time the original plat was recorded, a portion of lot #10 was still under the ownership of the Rockwoods. The section of the lot owned by the Rockwoods is being removed from the plat, and the Rockwoods will maintain ownership of that parcel. He noted that the lot has 69 feet of frontage at the 100 foot setback.

Mr. Cowie presented photographs of the subject property. He noted that there is shared driveway with the property to the north. He pointed out that the existing fence has been installed in the location of the property line shown in this subdivision plat.

Mayor Dain called for public comment. There was no public comment. He invited Mr. Fairbanks to present any additional information. Mr. Fairbanks stated that he had no information unless the Council had specific questions.

Councilmember Carpenter inquired as to what type of noticing was completed as part of this application. Mr. Cowie stated that all neighboring property owners within 300 feet were noticed. He stated that there was no public comment during the Planning Commission review of this application. He noted that there were some concerns discussed during the Board of Adjustments review of the variance application. However,

2 those concerns were either not directly related to this application, or have been
adequately addressed. Councilmember Bayless noted that the Rockwoods have
4 expressed that they are in agreement with this action to resolve the property ownership
issue. Mr. Cowie reiterated that this subdivision will not result in any physical changes
to any of the associated properties.

6 Councilmember Bayless inquired as to what action has been taken to assure that
this situation does not occur again in the future. Mr. Cowie stated that applicants will be
8 required to submit documentation from a title company confirming that deeds match the
proposed property lines for any subdivision application.

10 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
12 HEARING. COUNCILMEMBER BATH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE LINDON
16 MEADOWS PLAT C MINOR SUBDIVISION PRELIMINARY PLAT.
COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS
18 RECORDED AS FOLLOWS:

20 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
22 COUNCILMEMBER CARPENTER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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2. **Review and Action** – *Wastewater Planning Program Self Assessment Report – 2008. (Resolution #2009-20-R)*. This is a request by the Director of Public Works for the City Council’s approval of a resolution which affirms to the Water Quality Board that the Council has reviewed the Municipal Wastewater Planning Program Self Assessment Report for 2008, and is maintaining effluent requirements contained in the UPDES permit (if applicable).

32 Mr. Dameron explained that this report is a self assessment. The report and the
associated Resolution will be submitted to the State showing that the City has completed
34 the self assessment. He noted that the Water Quality Board instituted the program three
years ago. He stated that staff recommends approval of the report and the associated
36 Resolution.

38 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
#2009-20-R ACCEPTING AND APPROVING THE MUNICIPAL WASTEWATER
40 PLANNING PROGRAM REPORT FOR 2008 AND SETTING AN EFFECTIVE
DATE. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE
42 WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
46 COUNCILMEMBER CARPENTER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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3. **Review and Action** – *Lindon Hollow Creek Conservation Easement*. This is a request by staff for the Council’s review and approval of a permanent conservation easement over the lands of the Lindon Hollow creek (drainage on the west side from Geneva Road to 2000 West) in favor of Vineyard Town. Vineyard Town has agreed to be the recipient of this perpetual conservation easement. This action is necessary to obtain a grant through the State of Utah to help defray expenses for the improvement of the area. The City of Orem is Lindon’s partner in this endeavor and will need to approve the easement as well.

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Mr. Cowie explained that this conservation easement is a stipulation by the Quality Growth Commission in conjunction with \$150,000 in grant funding which has been awarded for preservation projects in this area. He explained that easement area provides one of the principle storm water drainage routes in Lindon. Neighboring communities Pleasant Grove, Orem and Cedar Hills contribute to the drainage as well. The holding area contains up to a million cubic feet of water, and provides natural pre-treatment before water is discharged into Utah Lake. The easement will be shared by Lindon (40%) and Orem (60%), and Vineyard will hold the conservation easement.

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Councilmember Bayless inquired as to whether the easement specifies amenities which can be located in the easement area. Mr. Cowie stated that the area must be used as open space, but that improvements such as trail, benches, lighting and signage are permitted in the easement area.

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Mayor Dain thanked Mr. Cowie for his pro-active efforts in preserving this area. He noted that establishing the easement has been a cooperative effort between Lindon, Orem and Vineyard. He called for further comments or discussion. Hearing none, he called for a motion.

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COUNCILMEMBER BAYLESS MOVED TO APPROVE THE LINDON HOLLOW CREEK CONSERVATION EASEMENT. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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COUNCILMEMBER ANTHONY AYE

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COUNCILMEMBER BATH AYE

COUNCILMEMBER BAYLESS AYE

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COUNCILMEMBER CARPENTER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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4. **Review and Action** – *Personnel Action Request*. This is a request by staff for the City Council’s approval of a merit increase for a high achieving employee which exceeds the parameters of staff authority.

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Mr. Dameron explained that at the end of the six month probationary period for new employees, staff has the authority to increase pay one step. He recommended that the new Parks & Recreation Director, Dan Seder, be increased three steps due to high performance during his probation. Councilmember Anthony noted that he was present

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2 during Mr. Seder's performance evaluation at the end of his probation, and agrees that
3 Mr. Seder is deserving of this proposed pay increase. Councilmember Carpenter noted
4 that the City was fortunate enough to have Mr. Seder accept this position even though the
5 pay rate offered was not commensurate with his level of education and experience.

6 Councilmember Bath agreed that Mr. Seder has done an excellent job during his
7 first six months of employment. Councilmember Bath expressed concern that other
8 employees who may be deserving of similar pay increases have not received them.
9 Mayor Dain noted that an additional pay increase was discussed with Mr. Seder at the
10 time he accepted the position, and that approving this proposed pay increase is following
11 through on a commitment the City made to Mr. Seder at the time he was hired.
12 Councilmember Anthony noted that revenue generated by the aquatics center has
13 exceeded projections significantly. Mr. Dameron noted that pay raises for specific
14 employees have been discussed with staff, and the employees understand that there were
15 commitments made for several employees to receive pay increases based on specific
16 circumstances other than performance or COLA increases. Mayor Dain called for further
17 comments or discussion. Hearing none, he called for a motion.

18 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PROPOSED
19 THREE STEP PAY INCREASE FOR PARKS AND RECREATION DIRECTOR DAN
20 SEDER. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE
21 WAS RECORDED AS FOLLOWS:

22 COUNCILMEMBER ANTHONY AYE
23 COUNCILMEMBER BATH AYE
24 COUNCILMEMBER BAYLESS AYE
25 COUNCILMEMBER CARPENTER AYE

26 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

28 **COUNCIL REPORTS** –

30 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
31 *Administration.*

32 Councilmember Bayless reported that the City has been awarded the “Healthier
33 You Legacy Award.” The award will be presented during the luncheon at the Utah
34 League of Cities and Towns Conference.

35 Councilmember Bayless asked Chief Cullimore several questions regarding a
36 situation which occurred recently in California where a girl was abducted and held for 18
37 years. She noted that police responded to the residence on at least one occasion, but did
38 not investigate the situation adequately to find the girl. She inquired as to what probably
39 cause would have been necessary for the police to conduct a search of the property.
40 Chief Cullimore stated that he is unfamiliar with California laws, but that in Utah the
41 property could have been searched based on the suspects registered sex offender status.

44 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
45 *Buildings.*

2 Councilmember Carpenter expressed appreciation to the Council for the integrity
3 they showed in moving forward with the recently approved property tax increase. The
4 Council discussed the general feeling of acceptance of the community based on the
5 increased level of service, noting that there are residents who have expressed opposition
6 to the tax increase.

7 Councilmember Carpenter also reported on UTOPIA activities. He stated that
8 new marketing strategies are under development, and that the pilot program in Brigham
9 City is going well. Contracts are being negotiated with new providers to increase service
10 levels.

11 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

12 Councilmember Bath invited Chief Cullimore to report on Police Department
13 activities. Chief Cullimore reported that he has been contacted by Calvin Walker, former
14 editor of the Pleasant Grove Review. Mr. Walker is planning to start a local newspaper,
15 “The Timpanogos Times.” Chief Cullimore noted that the local paper would be a
16 valuable resource for the City.

17 Chief Cullimore reminded the Council of the Drill Down For Safety community
18 preparedness drill planned for September 11, 2009. He noted that the drill would be
19 conducted at schools during the day, with neighborhood drills being completed in the
20 evening.

21 Mayor Dain asked what the requirements are for ‘ride alongs’ with officers.
22 Chief Cullimore stated that ride alongs require his approval. He noted that ride alongs
23 are discouraged, particularly for juveniles, due to potential liability issues. He stated that
24 the Council is welcome to ride with officers at any time.

25 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*
26 *Newsletter.*

27 Councilmember Anthony had no items to report.

28 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Housing Consortium.*

29 Councilmember Hatch was not present at the meeting.

30 **ADMINISTRATOR’S REPORT** –

31 Mr. Dameron reported on the following items:

- 32 1. City offices will be closed Monday, September 7th for the Labor Day Holiday.
- 33 2. Six City employees will be participating in the United Way Day of Caring on
34 September 10th.
- 35 3. The employee appreciation picnic hosted by the Council is scheduled for
36 September 10th.
- 37 4. The Primary Election will be held September 15th. The Regular City Council
38 meeting scheduled for that day will be cancelled.
- 39 5. The Council reviewed the Project Tracking List.

