

2 The Lindon City Council held a regularly scheduled meeting on beginning with a Work
Session at 6:00 p.m. on **Tuesday, September 21, 2010** in the Lindon City Center, City
Council Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION – 6:00 P.M.** - *The Mayor and City Council will meet City Attorney,*
6 *Brian Haws, to discuss the pending service agreement with the Utah Infrastructure*
8 *Agency.*

10 **PRESENT**

ABSENT

12 James A. Dain, Mayor
Bruce Carpenter, Councilmember
14 Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
16 Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
18 Debra Cullimore, City Recorder
Brian Haws, City Attorney

Lindsey Bayless, Councilmember

20 The meeting began at 6:17 p.m.

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24 Councilmember Carpenter explained that this agreement is expected to be
prepared for official consideration by the Council in approximately four weeks. Mr.
Haws explained that under the terms of the agreement, the City would create a new
26 Utility Enterprise Fund which would receive monthly payments from residents to cover
the homeowner's portion of construction costs associated with connecting to the
28 UTOPIA system. Mayor Dain clarified that under the proposed model, homeowners
would pay two separate bills each month, one to the service provider for services they
30 choose to connect to, and one to the City to cover the cost of infrastructure.

32 Councilmember Carpenter noted that residents who previously connected to
UTOPIA will not be affected by the new connection fees. Future connections will be
responsible for the fee, with 95% being paid to UIA for debt service and 5% staying in
34 the City to cover administrative costs. Any shortfall in revenue to cover the City's
portion of the bond payment will be paid using franchise tax revenue.

36 The Council went on to discuss methods the City could use to recover payment
from delinquent accounts. Action taken by other cities in relation to UIA was also
38 discussed. Mr. Haws stated that this agreement will be discussed further during a Public
Hearing prior to the Council taking action. He noted that a Public Hearing is not a
40 requirement of approval, but that it would be reasonable to take public comment on this
issue.

42 **REGULAR SESSION – 7:00 P.M.**

44 Conducting: James A. Dain, Mayor
46 Pledge of Allegiance: Bryce Green, Boy Scout Troop 1183
Invocation: Ott Dameron
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2 **PRESENT**

ABSENT

4 James A. Dain, Mayor
Bruce Carpenter, Councilmember
6 Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
8 Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
10 Adam Cowie, Planning Director
Cody Cullimore, Chief of Police
12 Debra Cullimore, City Recorder

Lindsey Bayless, Councilmember

14 The meeting was called to order at 7:05 p.m.

16 **MINUTES** - The minutes of the regular meeting of September 7, 2010 were reviewed.

18 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE MINUTES
OF THE MEETING OF SEPTEMBER 7, 2010. COUNCILMEMBER WALKER
20 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER CARPENTER AYE
22 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
24 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

26 **OPEN SESSION** - Citizens comments

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30 Mayor Dain called for comments from any audience member who wished to
address an issue not listed as an agenda item. Robyn Clark, Administrative Assistant for
the Police Department approached the Council. She invited Chief Cullimore to join her.
32 She presented Chief Cullimore with a ‘thank you’ gift from the staff of the Police
Department for his positive support in building a team atmosphere in the Police
34 Department. She commented specifically on the Red Rock Relay, which a team from the
Police Department participated in. She noted that the event could not have taken place
36 with the cooperation of the full department, and without the support of Chief Cullimore.
Chief Cullimore stated that he is surrounded by good people who make his job easy. The
38 Council thanked the Chief for his excellent work in the City.

40 **MAYOR'S COMMENTS/REPORT**

42 Mayor Dain reported that the Community Center Committee is prepared to make
a presentation to the Council at the next City Council meeting. Remodeling is expected
44 to begin in early spring 2011.

46 **CONSENT AGENDA** –

48 No items.

CURRENT BUSINESS

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1. **Review and Action** – *Public Safety Impact Fee Analysis*. The Mayor and City Council will consider approval of a Public Safety Impact Fee Analysis which was recently completed by Lewis, Young, Robertson and Burningham. The Council discussed the Impact Fee Study during a Work Session held on September 7, 2010. If the analysis is approved by the Council, a Public Hearing will be scheduled at a future City Council meeting prior to adoption of the Impact Fee.

Matt Millis of Lewis, Young, Robertson and Burningham was present to discuss the Public Safety Impact Fee Analysis. He explained that Impact Fees are used by municipalities as a mechanism for requiring new development activity to pay the cost of necessary increases in City services. He explained the method used in calculating the proposed Impact Fee, noting that the process assures that the cost of the fee is equitable to new growth.

Mr. Millis reviewed specific information contained in the analysis, including the current population of approximately 10,450, and an estimated build out population of approximately 15,000. He also reviewed the number of Public Safety calls to private uses, and calculated the amount of increase in the number of calls anticipated due to future growth. The analysis allocates 36% of fire calls for service to new growth, with 31.45% of police calls being allocated to new growth.

Mayor Dain inquired as to whether an accessory apartment would be required to pay an Impact Fee separate from the main dwelling. Mr. Millis stated that the fee would be charged per dwelling unit, which would require the fee to be paid for legal accessory apartments.

Councilmember Walker inquired as to whether the Public Safety Impact Fee is common in other municipalities. Mr. Dameron stated that the fee is very common among municipalities. Mr. Millis stated that cities which do not impose an Impact Fee for public safety services typically contract with an outside agency for public safety services. He clarified that the fee can only be used to provide a facility, and can not be used to cover other public safety expenses. Councilmember Walker also asked if the Council has the authority to adjust the fee in the future. Mr. Millis stated that the Council has the authority to set the fee at or below the maximum amount established in the analysis.

Mr. Millis reviewed details of the proposed Public Safety Facility. He stated that the facility is planned at 20,000 square feet, with 60% being used by the Police Department and 40% being used to house fire services contracted through Orem Department of Public Safety. Construction costs are estimated at \$125 per square foot, with a total cost of approximately \$3,731,000. Construction is planned in 2015. In addition to construction costs, bonding will be necessary to cover the cost of land acquisition, site improvements and construction, which will require additional financing costs. The analysis anticipates annual debt service in the amount of \$315,000. All Public Safety Impact Fees would go toward the debt service, with any shortage being paid from the General Fund.

Mr. Millis stated that the maximum Public Safety Impact Fee which could be imposed for new development is \$520 per residential dwelling, and \$63 per 1,000 square feet for commercial development. He stated that the fee will be considered by the Council at a future Public Hearing during a regular City Council meeting following a ten

2 day notice period. The City can begin collecting the fee 90 days after approval by the
3 Council.

4 Mayor Dain called for further comments or discussion from the Council. Hearing
5 none, he called for a motion.

6 COUNCILMEMBER CARPENTER MOVED TO ACCEPT THE PUBLIC
7 SAFETY IMPACT FEE ANALYSIS AS PRESENTED. COUNCILMEMBER
8 FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
9 FOLLOWS:

10 COUNCILMEMBER CARPENTER AYE
11 COUNCILMEMBER FRAMPTON AYE
12 COUNCILMEMBER HATCH AYE
13 COUNCILMEMBER WALKER AYE

14 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 16 2. **Public Hearing** – *Ordinance Amendment – City Initiated – Lindon City Code*
17 *Ordinance Violations (Ordinance #2010-6-0)*. This is a review of proposed
18 updates to the following Lindon City Code Chapters and section regarding
19 ordinance violations and associated penalties: CHAPTER 1.16 Penalties (new
20 Section, 1.16.20- Misdemeanor Penalties), Section 1.18.010 Assessment of Cost,
21 Section 1.18.020 Notice, Section 1.18.030 Collection, CHAPTER 2.08 City
22 Council (new Section 2.08.110- Failure to Comply with Subpoena), Section
23 2.28.100 Use of office for personal benefit prohibited, Section 2.32.090 Unlawful
24 interference penalty, Section 2.32.140 Defective structures, Section 2.32.170
25 Causing a fire, Section 2.32.190 Apparatus-Interference- penalty, Section 2.32.200
26 False alarms-Penalty, Section 2.32.210 Violation-Penalty, Section 2.38.030
27 Commission duties, Section 2.42.080 Prohibited activities, Section 2.44.080
28 Campaign Finance Disclosure, CHAPTER 3.04 Sales and Use Tax (new Section
29 3.04.060- Attorneys Fee), Section 3.04.050 Penalties, CHAPTER 3.06 Transient
30 Room Tax (new Section 3.04.070- Attorneys Fees), Section 3.06.060 Penalties
31 and interest, CHAPTER 3.09 Municipal Energy Sales And Use Tax (new
32 Section 3.09.090- Penalty and Interest and Section 3.09.100- Attorneys Fees),
33 Section 3.10.070 Penalty and interest, CHAPTER 3.12 Telecommunication
34 License Tax (new Section 3.12.090- Penalties and Interest, Section 3.12.100
35 Attorney fees and cost of collection), CHAPTER 4.08 Penalties (new Section
36 4.08.050- Acts Constituting Separate Offenses), Section 6.04.070 Hindering and
37 obstructing enforcement unlawful, Section 6.04.1000 Violation—Penalty, Section
38 6.08.050 Removal and disposition of dead animals, Section 6.12.180 Violation-
39 penalty, CHAPTER 8.04 Health Department (new Section 8.04.050-Penalties),
40 CHAPTER 8.12 Food Regulations (new Section 8.12.030- Penalties), Section
41 8.16.240 Violation—Penalty, Section 8.20.180 Nuisance Unlawful-
42 Violation-Penalty, Section 8.28.100 Violation—Penalty, Section 8.32.340 Violation
43 misdemeanor, (new Section 9.16.020 Disorderly Houses), Section 9.20.050 Violation
44 of Section 9.20.040—Penalty, Section 9.22.030 Encouragement - Abuse- Violation
45 – Penalty, Section 9.29.010 Schools—Alcoholic beverages, Section 9.29.020
46 School—Dangerous materials, Section 9.29.040 School property-- Criminal

trespass, Section 9.32.030 Flooding streets and sidewalks, Section 9.32.080 Posting bills without permission, Section 9.32.090 Failure to remove election signs, Section 9.32.100 Failure to keep guest register, Section 10.08.040 Violation—Penalty, Section 11.08.140 Penalty Provision, CHAPTER 12.12 Meetings, Assemblies and Parades (new Section 12.12.150- Violations), Section 13.04.080 Violation—Penalty, Section 12.08.010 Depositing material prohibited, Section 12.16.070 Violation—Penalty, Section 12.20.270 Violation—Penalty, Section 15.04.050 Violation—Penalty, Section 17.04.410 Violation --Notice--Penalty. The Planning Commission recommended approval with revisions.

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

City Attorney, Brian Haws, was present for this discussion. He explained that proposed revisions allow the City to assess a civil penalty for code violations without requiring a court process. The Ordinance includes a 28 day notice period to violators, after which penalties can be legally imposed. Revisions also allow per day penalties.

Mr. Haws and Mr. Cowie reviewed several areas of antiquated language which will be removed from current ordinance, such as references to ‘disorderly houses’ and the requirement that a hotel or motel maintain a written guest register.

Mr. Haws went on to review the specific notification procedure which will be followed, as well as appeal procedures. He stated that an initial letter will be sent to property owners in violation of the ordinance. If the situation is not resolved, a second letter will be mailed which outlines the 28 day notice period to come into compliance, as well as a 10 day appeal period following the 28 day notice period. Fees imposed under proposed revisions are \$200 per day for residential violations, and \$400 per day for commercial violations. Unpaid fines will be collected through the court process, and the City will have the ability to attach a judgment to the property. Mr. Haws stated the citation for violations could also be issued by the Police Department, and that cases can be prosecuted criminally if necessary. He noted that criminal prosecution would be very uncommon and used only in extreme cases.

Mayor Dain called for public comment. There was no public comment. He called for further comments or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER WALKER MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE 2010-6-O, LINDON CITY CODE ORDINANCE VIOLATIONS AND PENALTIES.
COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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|-------------------------|-----|
| COUNCILMEMBER CARPENTER | AYE |
| COUNCILMEMBER FRAMPTON | AYE |
| COUNCILMEMBER HATCH | AYE |
| COUNCILMEMBER WALKER | AYE |

2 THE MOTION CARRIED UNANIMOUSLY.

- 3 3. **Review and Action** – *Interlocal Agreement – Lindon Hollow Creek Drainage*
4 *Area*. The Mayor and City Council will consider approval of an Interlocal
5 Agreement between Lindon City, Pleasant Grove City, Vineyard Town and the
6 City of Orem which outlines cooperative use, and respective rights and
7 responsibilities of each municipality related to the Lindon Hollow Creek
8 located in the area from Geneva Road to Utah Lake.

10 Mr. Dameron explained that it has taken several years to work through the process
11 of finalizing this agreement, but that in the absence of an official agreement, the cities
12 have worked cooperatively. He noted that Pleasant Grove City has adopted the
13 agreement, and will reimburse the other cities for their portion of the land purchase.
14 Cedar Hills is not included in this agreement. Mayor Dain called for comments or
15 discussion. Hearing none, he called for a motion.

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17 COUNCILMEMBER HATCH MOVED TO APPROVE THE LINDON
18 HOLLOW CREEK DRAINAGE AREA INTERLOCAL AGREEMENT.
19 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS
20 RECORDED AS FOLLOWS:

21 COUNCILMEMBER CARPENTER AYE
22 COUNCILMEMBER FRAMPTON AYE
23 COUNCILMEMBER HATCH AYE
24 COUNCILMEMBER WALKER AYE

25 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 26
27 4. **Review and Action** – *Bid Award - Lindon 2010 Street Rehabilitation Projects*.
28 This is a request by staff for the Council’s review and approval of the bid
29 award for the Lindon 2010 Street Rehabilitation Projects. The project includes
30 street improvements consisting primarily of 2” asphalt overlay with geo-textile
31 fabric. Asphalt on the project is PG 58-28. The estimated quantity of asphalt
32 is approximately 1050 tons. The project also includes approximately 1250
33 square feet of full depth asphalt pulverizing and approximately 21,000 square
34 feet of partial depth asphalt milling. Also included on the project is
35 approximately 400 tons of untreated base course and replacement of
36 approximately 800 square feet of curb, gutter and sidewalk. Other work
37 includes adjusting manhole covers and valve boxes to grade and other items
38 incidental to this type of construction. Staff recommends awarding the bid to
39 the low bidder, Staker Parsons with a bid of \$114,915.38.

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41 Mr. Dameron reported that the low bid for this project came in approximately 25%
42 below engineering estimates. This will allow another small project to be completed with
43 budgeted revenue. Mayor Dain noted that revenue for this project comes from Class C
44 Road Funds. He called for further comments or discussion. Hearing none, he called for a
45 motion.

COUNCILMEMBER HATCH MOVED TO AWARD TO LINDON 2010 STREET REHABILITATION PROJECTS BID TO STAKER PARSONS IN THE AMOUNT OF \$114,915.38. COUNCILMEMBER WALKER SECONDED THE MOTION. THE

VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER HATCH AYE

COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

COUNCIL REPORTS –

Mayor Dain invited Mr. Dameron to give his report at this time.

1. Lindon Elementary will hold their annual “Walk to School Day” event Friday, October 1, 2010. The Mayor and Council have been invited to attend.
2. Residents have been invited to help lay sod in Fryer Park on Monday, October 4, 2010. Fifty trees will also be planted in the park on September 25, 2010. The tree planting project was coordinated by an Eagle Scout candidate.
3. Sales tax reports have been slightly above projections for the past two months. Mayor Dain requested that Home Depot be added to sales tax revenue reports.

COUNCILMEMBER HATCH – Councilmember Hatch reported on information regarding tipping fees at the transfer station. He stated that the actual cost of tipping is \$42 per ton for public use, and users are being charged \$28 per ton.

COUNCILMEMBER FRAMPTON – Councilmember Frampton had no items to report.

Councilmember Frampton was dismissed from the meeting at 8:29.

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported briefly on the Utah League of Cities and Towns conference he and Mr. Dameron recently attended. He will provide a written summary of the conference to other Councilmembers.

Councilmember Carpenter also reported that the Legislative Policy Committee decided not to take action on potential immigration legislation. Legislation which involves financial repercussions to municipalities for increased enforcement requirements is likely. Legislators are working with the Chief of Police Association in an effort to minimize negative impacts to cities.

Councilmember Carpenter invited Chief Cullimore to report on Police Department activities. Chief Cullimore reported that Chiefs in the state are actively involved in negotiating immigration legislation that is reasonable and enforceable. He also reported that he and Mr. Haws have begun discussion regarding a City ordinance which would regulate the use of “spice.” He stated that Ogden City recently adopted an ordinance, and that the State Legislature will consider a bill in the next session. He felt that the City should not wait for the State to take action, and that an ordinance should be put in place as soon as possible. Officer Darrell Bingham has studied the use and effects

of spice, and has prepared a presentation to educate parents and teens of the dangers of this new drug.

The Police Department has purchased ham radio equipment. Nine officers are in the process of becoming licensed operators. Cost of licensure is minimal, and the test is administered monthly at BYU.

Chief Cullimore reported on the Red Rocks Relay which a team from the Police Department participated in. The team came in 66th place out of 179 teams. The race director complimented the officers for their help with other teams as they provided first aid, food and water to several other racers.

Chief Cullimore thanked the Council for their support and participation in the Drill Down For Safety event. He and Jo Anna Larsen will make a formal presentation to the Council at a future meeting.

Chief Cullimore discussed 'open carry' of firearms. He stated that several people openly carrying fire arms have been coming to Walker's almost nightly. Officers approach them whenever possible to confirm that the firearms are being carried legally, and that it would require two actions to fire the weapon.

Representatives of PETA have been conducting protests at the North Utah Animal Shelter, and are expected to attend the upcoming Animal Shelter Board meeting. The Animal Shelter received three phone calls on Friday stating that an explosive device had been left at the shelter. The threats were received in the morning hours prior to any patrons being in the facility. Officers responded and conducted a search of the building and the surrounding area. No explosive devices were located. The Police Department is working with the FBI to track the phone calls, as well as a number of threatening emails which have been sent to the shelter and to board members.

COUNCILMEMBER WALKER – Councilmember Walker commented on the success of the Drill Down For Safety. He noted that in conversations with several community members it is apparent that residents are excited about the program and proud of their participation. Councilmember Carpenter noted that a new component should be added to the drill each year to keep it relevant. Chief Cullimore stated that the drill is being conducted with a five year plan, with increasing complexity each year, and with the fifth year being a full mock disaster. Weaknesses in disaster response have been identified each of the two years of the drill. Any problems which were identified are addressed in the drill the following year.

Councilmember Walker reported that he visited the Wolf Mountain site on a windy day recently. He observed that the blowing debris issue at Wolf Mountain which was discussed by the Council did not appear to be as problematic as he had anticipated, and that there was blowing dust and debris from other sites in the area as well, including from the I-15 Core project.

Councilmember Walker also reported that the Lindon Days Chairs, Tim and Connie Radmall, will report to the Council on October 5, 2010. The Car Show event raised \$2,800 for the Veteran's Memorial Monument.

ADMINISTRATOR'S REPORT -

Mr. Dameron gave his report earlier in the meeting.

2 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

6 COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

8
ADJOURN –

10 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
12 9:02 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14
16 Approved – October 5, 2010

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Debra Cullimore, City Recorder

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James A. Dain, Mayor