

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 15,**
3 **2011** beginning at 7:00 p.m. 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: James A. Dain

7 Invocation: Ott Dameron

8 **PRESENT**

ABSENT

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

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

19 **MINUTES** - The minutes of the regular meeting of February 1, 2011 were reviewed.

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21 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES
22 OF THE MEETING OF FEBRUARY 1, 2011. COUNCILMEMBER HATCH
23 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER BAYLESS AYE

25 COUNCILMEMBER CARPENTER AYE

26 COUNCILMEMBER FRAMPTON AYE

27 COUNCILMEMBER HATCH AYE

28 COUNCILMEMBER WALKER AYE

29 THE MOTION CARRIED UNANIMOUSLY.

30 **OPEN SESSION** –

31 Mayor Dain called for comments from any audience member who wished to
32 address an issue not listed as an agenda item. There was no public comment.

33 **MAYOR'S COMMENTS/REPORT**

34 Mayor Dain reported on a recent meeting with Teens Against Graffiti (T.A.G.)
35 regarding projects completed in Lindon during the previous year. He stated that the
36 organization will assist the City with a variety of projects other than graffiti removal.

37 Mayor Dain also reported that he was contacted by a researcher regarding the
38 PBS documentary series, Turning Point. The series features stories of ordinary people

2 who have made an extraordinary difference in the world. The researcher requested that
3 the Mayor forward any suggestions of Lindon residents who have made a difference.
4 Mayor Dain asked the Council to forward any stories to him, and he will pass them along
5 to the researcher for consideration.

6 Mayor Dain thanked the Council and staff for their attendance at the annual
7 Budget Retreat meeting held February 10, 2011 at 4:00 p.m. The Council discussed the
8 decision to move the meeting to a weeknight rather than Saturday morning. The Council
9 and staff expressed a preference for the weeknight format.

10 Chief Cullimore invited the Boy Scouts present in the audience to attend the
11 Youth Education Series class at the City Center on Thursday, February 17, 2011 at 6:00
12 p.m.

13 Mayor Dain recognized the Distinguished Budget Presentation Award which the
14 City received for the 2010/2011 Fiscal Year Budget. The budget was prepared by former
15 Finance Director, Jamie Bennee, prior to her death.

16 **CONSENT AGENDA** –

17 No Items

18 **CURRENT BUSINESS** –

- 22 1. **Review and Action** – *Ordinance Adoption, Chapter 2.39 of the Lindon City Code*
23 – “*Lindon City Community Center Advisory Board*” (#2011-1-O). This is a
24 request by staff for the Mayor and Council’s review and approval of an Ordinance
25 establishing the Lindon City Community Center Advisory Board. This Board, to
26 be made up of Lindon residents, will advise the City Council on programs,
27 cultural arts, services, and operations of the new Community Center. This
28 ordinance creates the Board membership and terms of appointment.

30 City Attorney, Brian Haws, was present for this discussion with the Council. Mr.
31 Haws explained that this Ordinance clarifies the structure and authority of the
32 Community Center Advisory Board. The Council discussed several changes to the
33 ordinance, including a less strict vacancy rule, pre-approval of expenditures by the City
34 Administrator, removal of item #3 and #4 as presented, and authority of the Committee to
35 pursue funding sources, such as grants. City staff would be responsible to finalize any
36 financial transactions, but the Committee would be authorized to research and pursue
37 funding sources for programs.

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

40 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE
41 #2011-1-O – LINDON COMMUNITY CENTER ADVISORY BOARD, WITH
42 CHANGES AS DISCUSSED PENDING FINAL REVIEW AND APPROVAL BY
43 MAYOR DAIN. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
44 VOTE WAS RECORDED AS FOLLOWS:

45 COUNCILMEMBER BAYLESS AYE
46 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER FRAMPTON AYE
2 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 2. **Review and Action** – *Supplemental Agreement – UDOT – I-15 Widening Project*
7 (*#0408*). This is a request by staff for the Mayor and Council’s review and
8 approval of a supplemental agreement which modifies the Master Utility
9 Agreement between Lindon City and UDOT relative to the I-15 Widening
10 Project. There are no additional costs associated with this agreement.

12 Mr. Dameron explained that this supplemental agreement outlines work
13 completed as part of the UDOT I-15 project which is outside the scope of the Master
14 Utility Agreement. UDOT expects three additional supplemental agreements during the
15 course of the project. There is no additional cost to the City. Mayor Dain called for
16 comments or discussion from the Council. Hearing none, he called for a motion.

18 COUNCILMEMBER FRAMPTON MOVED TO APPROVE SUPPLEMENTAL
19 AGREEMENT #0408 BETWEEN LINDON CITY AND UDOT. COUNCILMEMBER
20 HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
22 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
24 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

26 THE MOTION CARRIED UNANIMOUSLY.

28 3. **Review and Action** – *Resolution - Appointment of Temporary Judges for the*
29 *Lindon City Justice Court. (#2011-3-R)* This is a request by the Lindon City
30 Attorney, Brian Haws, for the Mayor and Council’s review and approval of
31 Resolution #2011-3-R which appoints a temporary Judge for the Lindon City
32 Justice Court when Judge Bullock must recuse himself due to conflicts of interest
33 or other reasons. This action is in compliance with state law and a recent case
34 from the Utah Court of Appeals which requires temporary judges be appointed by
35 the City Council.

36 Mr. Haws explained that current case law requires Municipal Justice Courts to
37 officially appoint temporary Judges to preside in court in instances where the regular
38 Judge is unavailable or must recuse themselves for any reason. Councilmember Walker
39 inquired as to whether the City would incur any expense if a temporary Judge is used.
40 Mr. Haws stated that there would be no cost to the City, and that Judges typically provide
41 this service to other courts as a professional courtesy. Mayor Dain called for further
42 comments or discussion. Hearing none, he called for a motion.

44 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2011-
45 3-R – APPOINTMENT OF TEMPORARY JUDGES FOR THE LINDON CITY
46 JUSTICE COURT. COUNCILMEMBER BAYLESS SECONDED THE MOTION.
47 THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
2 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
4 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 4. **Review and Action** – *Amendment to Interlocal Agreement (Sewer Services and*
10 *Expansion of Water Reclamation Facility) between Lindon City and the City of*
12 *Orem.* This is a request by staff for the Mayor and Council’s review and
14 approval of an amendment to the Interlocal Agreement between Lindon City and
16 the City of Orem relating to sewer services. The updated Interlocal Agreement
was approved in February 2010. This amendment provides clarification of cost
sharing for the sewer upgrade project now in process, and allows for Lindon’s
ownership of the project through the life of the bond.

18 Mr. Dameron explained that the details of the amendment to the Interlocal
Agreement have not been finalized. He requested that this item be continued, noting that
20 a Special Meeting may be necessary to approve amendments prior to the Sewer Bond
closing, currently scheduled for February 24, 2011. Mayor Dain called for further
22 comments or discussion. Hearing none, he called for a motion.

24 COUNCILMEMBER CARPENTER MOVED TO CONTINUE
AMENDMENTS TO THE SEWER SERVICES AND EXPANSION OF WATER
RECLAMATION FACILITIES INTERLOCAL AGREEMENT BETWEEN LINDON
26 CITY AND THE CITY OF OREM. COUNCILMEMBER BAYLESS SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
30 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
32 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

34 **COUNCIL REPORTS** –

36 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton recognized the efforts
38 of Eric Anthony in his service as Chair of the Tree Advisory Board. He suggested that
the Council send a note of thanks to Mr. Anthony for his service.

40 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that two new
42 Planning Commissioners will be appointed during the coming months. She requested
that the Council consider recommendations for residents to serve in that capacity.

44 Councilmember Bayless also reported that the Healthy Lindon program is going
well and is well attended. She noted that Gary Hogle is a great support in the program.
46 Mayor Dain thanked Councilmember Bayless for her work in making Healthy Lindon
successful.

2 Councilmember Bayless noted that a Finance Committee meeting will be
necessary to review RFP's for banking services. The meeting was scheduled for
February 22, 2011 at 5:00 p.m.

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6 **COUNCILMEMBER WALKER** – Councilmember Walker reviewed sales tax revenue
reports, noting that figures indicated a trend of increasing sales tax revenue. Mayor Dain
8 noted that sales tax revenues are currently exceeding projections by over 1% for the fiscal
year. He also noted that sales tax revenue may not return to peak levels without
increased commercial development.

10
12 **COUNCILMEMBER CARPENTER** – Councilmember Carpenter reported on bills
under consideration at the State Legislature, including immigration legislation. He noted
14 that Rep. Sandstrom has substantially revised his immigration bill to address a number of
concerns expressed by affected parties.

16 Councilmember Carpenter invited Chief Cullimore to report on Police
Department activities. Chief Cullimore reminded the Council of joint training which will
be held with the City Council, Planning Commission and Board of Adjustment at 6:00
18 p.m. on February 22 prior to Planning Commission meeting. The training will address
safety in public meeting, particularly in the event of an angry resident or active shooter.

20 Chief Cullimore also reported that Lindon Police Department will be assisting
Provo City and Hurricane City in creating disaster emergency response plans similar to
22 the Lindon Drill Down for Safety events. Lindon may also be a presenter at the national
F.E.M.A. conference in the fall of 2011.

24
26 **COUNCILMEMBER HATCH** – Councilmember Hatch reported that the Chair of the
Transfer Station Board may be contacting Mayor Dain to request assistance in facilitating
planning with the Board of Health for the hazardous materials disposal area at the transfer
28 station.

30 **ADMINISTRATOR'S REPORT** –

32 Mr. Dameron reported on the following items:

- 34 1. City offices will be closed Monday, February 21, 2011 for the Presidents Day
holiday.
36 2. The Council reviewed the Project Tracking List.
38 3. The Council discussed details of the sewer bond, and the Interlocal Agreement
between Lindon City and the City of Orem.
40 4. The Lindon Justice Court has implemented a new software system, CORIS,
which is now being used statewide.
5. Six contractors are plan holders for the Community Center remodel project.

42 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
44 VOTE WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE

2 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
4 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

6 **ADJOURN** –

8 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
10 8:05 P.M. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Approved – March 1, 2011

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Debra Cullimore, City Recorder

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24 James A. Dain, Mayor

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