

2       The Lindon City Council held a regularly scheduled meeting beginning with a Work  
Session at 5:30 p.m. on **Tuesday, May 17, 2011** in the Lindon City Center, City Council  
Chambers, 100 North State Street, Lindon, Utah.

4       **WORK SESSION – 5:30 P.M.**

6       **PRESENT**

8       **ABSENT**

10      James A. Dain, Mayor – *arrived 6:20 p.m.*  
10      Lindsey Bayless, Councilmember  
12      Bruce Carpenter, Councilmember  
12      Jerald I. Hatch, Councilmember  
14      Mark L. Walker, Councilmember  
14      Ott H. Dameron, City Administrator  
16      Kristen Colson, Finance Director  
16      Debra Cullimore, City Recorder

Bret Frampton, Councilmember

18      The Work Session began at 6:55 p.m.

20      **DISCUSSION** - The Mayor and City Council met in a budget work session with staff to  
discuss issues for fiscal year 2011/2012.

22      Ms. Colson presented specific budget issues for the 2011-2012 fiscal year for  
24      discussion and review by the Council as follows:

- 26      1. Should Lindon City increase water, sewer and storm water utility rates?

28      The City Engineer recommends a 3.2% CPI increase to culinary water and storm  
water utility rates based on the April 2011 CPI. The City Engineer has also  
30      recommended a sewer rate increase of 12% to offset the cost of debt service for  
sewer system projects including the Geneva Road project and the expansion of the  
32      Orem City wastewater treatment facility. Proposed increases would generate  
\$33,000 to the Water Fund, \$113,000 to the Sewer Fund and \$12,000 to the Storm  
34      Water Fund. The Council felt that staff recommendations for utility rate increases  
were reasonable.

- 36      2. Should Lindon City continue to fund the increase in insurance benefits for City  
38      employees?

40      Health insurance premiums are expected to increase approximately 3%, with  
employee participation increasing by 1.5%. Dental insurance is proposed to  
42      continue with Educators Mutual using an alternate plan, and will also increase by  
approximately 3%. Altius has notified the City that City Councilmembers can not  
44      be covered under the group plan due to the fact that only employees working a  
minimum of 30 hours per week are eligible for coverage. Following discussion,  
46      the Council felt that Councilmembers currently participating in health insurance  
benefits could be given a benefit allowance to offset the cost of a private health

2 insurance policy not provided by the City. Councilmember Bayless noted that use  
3 of the benefit allowance to purchase health insurance should be documented in the  
4 event that questions from residents arise. She also noted that the City has  
5 committed to provide this benefit for Councilmembers for the current term of  
6 office. Councilmember Carpenter observed that it will be difficult for the City to  
7 continue to absorb ongoing benefit cost increases over the long term.  
8 Councilmember Walker suggested that the issue be discussed with employees  
9 prior to future budget planning to determine a course of action which would be  
10 reasonable and acceptable to employees.

10 Mayor Dain arrived at 6:20 p.m.

12           3. Should Lindon City provide employees with a 3.2% cost of Living Allowance  
14           (COLA) increase and provide for a merit step increase in January?

16           Mr. Dameron explained that until recently, employees have received a COLA pay  
17 adjustment in July of each year, and eligible employees who met specific criteria based  
18 on performance evaluations were eligible for a merit increase in January of each year.  
19 Ms. Colson explained that the budget is currently proposed with a 3.2% COLA  
20 adjustment in July and a merit increase in January. She reviewed the fiscal impacts of the  
21 proposed pay increases to each fund for COLA only, merit only, and combined COLA  
22 and merit increases for employees. Following discussion, the Council felt that it would  
23 be appropriate to proceed with the proposed COLA increase and evaluate the financial  
24 status of the City following completion of the audit in December and determine at that  
time whether a merit increase is feasible.

26           4. Should Lindon City fill the part time receptionist position at the front desk and  
28 create the new positions of Associate Planner and Sewer/Storm Water  
30 Maintenance Technician?

32           Ms. Colson explained that the receptionist position has been vacant since August  
33 of 2009. As a result of the vacant position, the ability of the City to provide superior  
34 customer service in person and on the phone has been impacted. Internal controls  
35 involving separation of duties which were established at the recommendation of the  
36 City's auditor have also been impacted by the reduction in manpower as front desk  
37 personnel have been required to take responsibility for a number of duties, including cash  
38 handling. The proposed receptionist position would be a 20 hour per week non-benefited  
position.

40           The Associate Planner position would be a new position on the staffing plan. The  
41 job description of the position would more accurately reflect the duties currently assigned  
42 to the Assistant Planner, Woodworth Mataele. The range and step for the new position  
would be adjusted, giving a higher end pay range, but with no immediate pay increase.

44           The costs associated with the proposed Sewer/Storm Water position would be  
45 shared between the two enterprise funds. The Sewer division currently has only one  
46 employee, and an increase in manpower in the Storm Water division is necessary to  
comply with EPA mandates for storm water management. Mayor Dain noted that Public

2 Works currently has four vacant positions, and that this position would fill one of those  
positions. There was general approval from the Council to proceed with all proposed  
manpower changes for consideration in the final budget.

4 Councilmember Carpenter noted that it is important for the City Council to set the financial direction of the City and act with restraint, but then to allow professional staff to  
6 operate their respective departments within the parameters established by the Council.  
8 He complimented department heads on their ability to operate effectively within budget  
constraints established by the Council. The Council also briefly discussed the Storm  
Water Fund budget. The final budget will be discussed during two Public Hearings on  
10 June 7, 2011 and June 21, 2011.

12 **WORK SESSION - 6:30 P.M.**

14 **PRESENT**

**ABSENT**

16 James A. Dain, Mayor . Bret Frampton, Councilmember  
Lindsey Bayless, Councilmember  
18 Bruce Carpenter, Councilmember  
Jerald I. Hatch, Councilmember  
20 Mark L. Walker, Councilmember  
Ott H. Dameron, City Administrator  
22 Debra Cullimore, City Recorder

24 **DISCUSSION** - The Mayor and City Council will meet in a work session with Dan Seder, Parks and Recreation Director, to hear a report on current year data and discuss issues and concerns for fiscal year 2011/2012.

28 Mr. Seder was not present for this discussion. The Council reviewed the written annual Parks and Recreation report prepared by Mr. Seder. Mayor Dain noted that the  
30 Aquatics Center private party reservations are almost completely full for the season. He suggested the possibility of closing the facility early on a weekday evening to allow  
32 additional private rentals. Following further discussion, the Council felt that it would be appropriate to consider additional private rental times during the annual retreat in  
34 February 2012. The Council also discussed signage to be installed at baseball fields asking users to be courteous and limit use to one hour if other groups are waiting to use  
36 the field. The Council also discussed installation of signage on park pavilions to post  
reservations.

38 **REGULAR SESSION - 7:00 P.M.**

40 Conducting: James A. Dain, Mayor  
42 Pledge of Allegiance: By Invitation  
Invocation: Ott Dameron

44 **PRESENT**

**ABSENT**

46 James A. Dain, Mayor . Bret Frampton, Councilmember  
Lindsey Bayless, Councilmember

Bruce Carpenter, Councilmember  
2 Jerald I. Hatch, Councilmember  
Mark L. Walker, Councilmember  
4 Ott H. Dameron, City Administrator  
Cody Cullimore, Chief of Police  
6 Debra Cullimore, City Recorder

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

10 **MINUTES** - The minutes of the regular meeting of May 3, 2011 were reviewed.

12 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF  
THE MEETING OF MAY 3, 2011. COUNCILMEMBER HATCH SECONDED THE  
14 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE  
16 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER HATCH AYE  
18 COUNCILMEMBER WALKER AYE  
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

20 **OPEN SESSION** - Citizens comments

22 Mayor Dain called for comments from any audience member who wished to  
address an issue not listed as an agenda item. Chirley Rodriguez approached the Council.  
She explained that approximately two weeks ago her husband was pruning the City  
26 owned sycamore tree located in the park strip in front of their home in Canberra Mr.  
Seder happened to drive by while the pruning was being completed and stopped to inform  
28 the Rodriguez' that the tree was City owned and should not be pruned by residents. Mr.  
Seder reported the incident to Mr. Dameron, who turned the matter over to the Police  
30 Department. Ms. Rodriguez stated that as a result of the incident, she and her husband  
were issued citations for criminal mischief, a Class B misdemeanor. Ms. Rodriguez  
32 presented a petition signed by a number of neighbors asking that any charges against her  
husband in relation to this matter be dropped. She explained that the charges against her  
34 have been dismissed. Ms. Rodriguez also presented proposed ordinance revisions which  
would require a warning for this type of ordinance violation prior to a citation being  
36 issued.

38 Ms. Rodriguez went on to present a survey regarding the trees which she  
conducted among her neighbors. She asserted that the City has not properly maintained  
the trees and that the park strip area is not adequate for the size of the trees. She  
40 presented photographs of trees in the neighborhood. She asserted that the trees have  
grown too large for the park strip area and are causing damage to sidewalks in the area.

42 A neighbor of Ms. Rodriguez, Lucy Pierce, stated that the trees are diseased and  
in need of spraying and removal of dead wood. Another neighbor, William McCormack,  
44 has some knowledge of trees. He stated that sycamore trees are susceptible to an annual  
fungus, and also shed their bark annually. He agreed that the large trees are too big for  
46 the narrow park strip. He suggested that the trees be thinned to reduce necessary clean  
up.

2 Mayor Dain explained that this is not an agenda item for this meeting, and that the  
3 Council is not able to take action of any kind. He suggested that the Tree Advisory  
4 Board visit the area and make a recommendation regarding the trees. The Council will  
discuss Ms. Rodriguez recommendations further at a future meeting after receiving a  
recommendation from the Tree Advisory Board.

6 Mayor Dain called for further comments from the audience. Roy Shepherd  
inquired as to the status of UTOPIA in Lindon and the City's financial commitment.  
8 Mayor Dain explained that the financial commitment is based on population, and that  
Lindon's financial obligation is much smaller than that of a larger city. Mayor Dain  
10 assured Mr. Shepherd that the City is able to meet the financial obligation. Mr. Shepherd  
inquired as to future plans to complete Center Street over the Murdock Canal. Mayor  
12 Dain explained that the pipe being installed as part of the canal enclosure project will be  
reinforced in the road right-of-way area which will simplify completion of the roadway in  
14 the future. However, there are no plans to complete the roadway at this time.

16 **MAYOR'S COMMENTS/REPORT -**

18 Mayor Dain commented on the successful dedication ceremony for Fryer Park  
and the associated Arbor Day celebration held on Saturday, May 4. He noted that the  
20 event was well attended. He invited audience members to attend the Memorial Day  
ceremony and dedication of the Lindon City Monument to Freedom on Monday, May  
22 30<sup>th</sup> at 8:00 a.m. The Lindon City Community Covenant in support of active service  
members and their families will also be signed during the event.

24 **CONSENT AGENDA – No Items**

28 **CURRENT BUSINESS –**

- 30 1. **Presentation** – *Potential Lindon Rotary Club.* This is a request by Mayor Dain to  
allow time for a presentation concerning a potential Lindon Rotary Club.  
32 Evidently, several members of the community have expressed some interest in the  
project.

34 Mr. Dameron explained that the representatives for this discussion were unable to  
36 attend the meeting, and have requested that this item be discussed at a future meeting.  
Mayor Dain called for a motion to continue this item.

38 COUNCILMEMBER WALKER MOVED TO CONTINUE CONSIDERATION  
40 OF CREATION OF A LINDON ROTARY CLUB TO A FUTURE MEETING.

42 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

44 COUNCILMEMBER BAYLESS AYE

46 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 2
- 4     2. **Presentation** – *Central Utah Water Conservancy District Water Development*  
6     *Project (CWP)*). This presentation will be given by K.C. Shaw, P.E., Project  
8     Manager for CUWCD, concerning a major water development project for  
northern Utah County and southern Salt Lake County. Part of the project will  
involve the installation of a 60 inch pipeline through Lindon City.

10     K.C. Shaw was present for this discussion with the Council. Mr. Shaw distributed  
12     a written description and map of this project. He explained that the CUWCD has been  
purchasing water for many years, and six years ago purchased the former water rights  
14     from the now vacant Geneva Steel site. Those shares have been combined with other  
rights which have been purchased for a total of 55,000 acre feet of water. Communities  
16     on the west side of Utah Lake, as well as communities in the south end of Salt Lake  
Valley have expressed interest in purchasing the rights. Mr. Shaw explained that one  
18     acre foot of water is approximately 325, 829 gallons of water, which will support a  
family of four for one year.

20     This project will take water from the Provo River which has been treated in the  
water treatment plant at the mouth of Provo Canyon through a 36 inch line through  
22     Geneva, to Pioneer Crossing and Saratoga Springs. This project will extend 60 inch pipe  
approximately seven miles from the northwest corner of the Geneva property to Pioneer  
24     Crossing. The line will cost approximately \$1,300 per foot installed, and the project is  
expected to take approximately two years to complete. CUWCD is acquiring all of the  
26     necessary right-of-way, and requesting a Conditional Use Permit from each municipality  
impacted by the project. The project will extend from 200 South and 1900 West just east  
of the garbage transfer station in Lindon to Pioneer Crossing.

28     Councilmember Walker inquired as to whether all water will be piped to Salt  
Lake County, or if any water will be used locally. Mr. Shaw explained that all  
30     municipalities from Orem north had the opportunity to purchase water. He explained that  
most cities located east of the Jordan River have adequate water to meet the demand at  
32     build out. The water associated with this project will be used in Saratoga Springs, Eagle  
Mountain, Lehi and Vineyard. Jordan Valley Water Conservancy District, which serves  
34     Salt Lake County areas, has purchased 90% of the remainder of the shares.

36     Mr. Shaw stated that the pipeline will run adjacent to the future Vineyard  
Connector right-of-way, west through the utility corridor located in the wetlands  
38     mitigation bank, continuing west and then parallel to the railroad corridor. The section  
located within Lindon will extend from approximately the Vineyard power plant to the  
wetlands bank area. He stated that utility concerns have been discussed with City staff,  
40     and CUWCD is confident that those concerns can be addressed. Mayor Dain inquired as  
to potential impacts on future commercial uses along the project route. Mr. Dameron  
42     explained that CUWCD is working with property owners to establish necessary  
easements for the pipe line, and that the pipe will be located in an easement located  
44     adjacent to the existing ditch and abutting the I-15 right-of-way line. The easement will  
prohibit future permanent structures.

2        Councilmember Walker requested clarification regarding the length of the project  
located in Lindon. Mr. Shaw stated that the Lindon section of the project will run from  
200 South to 200 North, and will be approximately a half mile in length.

4        Mayor Dain inquired as to any mechanism which will be used to notify future  
6        property owners of the easement and associated restrictions. Mr. Shaw stated that the  
easement area will be recorded on the property plat, as well as marker posts identifying  
8        the location of the pipeline. Personnel will also monitor any encroachment on the  
easement area and address those problems quickly.

10      Councilmember Walker inquired as to the expected life span of the pipeline. Mr.  
Shaw stated that the pipeline is expected to last approximately 100 years. It is  
constructed of half inch thick reinforced steel and is all welded without using any  
12     gaskets.

14      Councilmember Carpenter asked about the relationship between this project and  
the Central Utah Project. Mr. Shaw stated that he works in the same building associated  
16     with the Central Utah Project, but that the Central Utah Project is federal project using  
federal water rights. Councilmember Carpenter noted that cities not associated with the  
18     Central Utah Project have concerns related to that project and impacts on the aquifer and  
availability of water in the future. Mr. Shaw stated that they are confident that water  
20     associated with this project has not been oversold. Councilmember Carpenter observed  
22     that CUWCD has placed themselves as a competitor with cities regarding water rights as  
cities work to manage available water. He noted that CUWCD typically objects to any  
24     water rights transfer applications made by cities, creating an adversarial relationship. He  
noted that the current relationship could result in cities feeling uncomfortable in making  
26     accommodations for the CUWCD when the same courtesy is not shown to cities by the  
organization. Councilmember Carpenter clarified that if the project meets the  
28     requirements for approval of a Conditional Use Permit, the City is obligated to abide by  
its own laws and approve the permit. He asked Mr. Shaw to convey these concerns and  
30     feeling to senior administrators at the CUWCD. Mr. Shaw stated that he will deliver the  
message, and that he is sure administrators would be happy to meet with the City Council  
and address specific concerns.

32      Councilmember Carpenter noted that the decision regarding a Conditional Use  
Permit will be made by the Planning Commission. He expressed concern that the  
34     Commission does not typically deal with water rights issues, and may not have the  
necessary information to make an informed decision. Councilmember Bayless reiterated  
36     to Mr. Shaw that if the application meets the requirements of the Conditional Use Permit  
ordinance, the permit will be approved. She agreed that the concerns expressed by  
38     Councilmember Carpenter are relevant and that issues are related to the philosophy of the  
organization rather than this specific project. Councilmember Carpenter reiterated his  
40     concerns regarding availability of water in the future and the impact of large projects  
such as this project on water which is potentially already over subscribed.

42      Mr. Dameron noted that wells associated with this project may lower the aquifer  
under Lindon City by up to two feet. Councilmember Bayless observed that lowering of  
44     the aquifer may result in increased pumping costs which could negatively impact Lindon  
residents. Mr. Shaw clarified that one well will be drilled in Lindon on the north east end  
46     of the Geneva property. He suggested that studies regarding impact on the aquifer be  
presented to the City during review of the Conditional Use Permit application. He noted

that Geneva Steel used approximately twice the amount of underground water as this project is anticipated to use. Councilmember Bayless felt that it would be appropriate for the Council to review this Conditional Use Permit application based on a recommendation from the Planning Commission as permitted by ordinance. The Council agreed that it would be appropriate for the Council to give final approval for this project. Mr. Shaw stated that the CUWCD will be prepared to provide more detailed information as to the impact in the aquifer during review of the Conditional Use Permit application.

Councilmember Hatch asked Mr. Shaw to explain impacts on other underground infrastructure as this pipe is installed. Mr. Shaw stated that the pipe will typically be installed deeper than other utility lines.

Mr. Shaw reiterated that he will pass concerns expressed by the Council along to CUWCD administration. He thanked the Council for their time and comments.

At this time, Mayor Dain invited youth present in the audience to attend the Police Department Youth Education Series class held at the City Center on May 19, 2011 at 6:00 p.m.

## **COUNCIL REPORTS –**

**COUNCILMEMBER WALKER** – Councilmember Walker reported that Gordon Taylor has been invited to serve as the Grand Marshall of Lindon Days. Mr. Taylor was very touched at the honor, and graciously accepted.

Councilmember Walker expressed concern regarding the motorcycle included in the Police Department budget. Chief Cullimore explained the financial impacts of the motorcycle program, which is a \$20,000 initial investment to purchase the motorcycle and equip four officers. However, after the initial investment, annual costs are minimal as Harley Davidson has a buyback program, or the motorcycles can be sold and the revenue used to replace bikes every two years with minimal or no additional cost. Chief Cullimore noted that studies show that officers on motorcycles are seen to be more approachable by residents, and use of motorcycles enhances traffic enforcement capabilities. Chief Cullimore expressed understanding of the financial circumstances of the City at this time. He stated that if the Council is not able to approve the motorcycle program for the coming year, he will include it in 2012-2013 for consideration at that time.

**COUNCILMEMBER CARPENTER** – Councilmember Carpenter invited Chief Cullimore to report on Police Department activities. Chief Cullimore invited the Council to attend the Memorial Day ceremony and dedication of the Monument to Freedom. He also invited the Council to attend the Y.E.S. class on Thursday, May 19<sup>th</sup> at 6:00 p.m.

Chief Cullimore reported on an illegal discharge from Wolf Mountain which is currently under investigation. An oily dye substance has been discharged into the Hollow Ditch. The DEQ and EPA are involved in the investigation which could result in an extensive clean up effort.

**MAYOR DAIN** – Mayor Dain reported on surplus exercise equipment from Brigham Young University which the City is considering purchasing for the Community Center

and fire/police exercise facility. The six pieces the City is interested in purchasing will cost \$3,000. If any additional pieces are purchased, the cost will be \$150 per piece. Chief Cullimore suggested that the City purchase all the pieces at that price, noting that funding is available in the current budget, as well as from funds donated by the Afton Fryer Huggard Foundation.

6 Mayor Dain also reported that during discussion with UDOT regarding completion of the Vineyard Connector, he was informed that the road is not on the  
8 construction schedule for approximately three years.

10 The Council briefly discussed the tree issue which was presented by Ms. Rodriguez during the open session. The Council will take appropriate action after receiving a recommendation from the Tree Advisory Board.

12 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that the Planning  
14 Commission is nearing completion of the General Plan Review. Recommendations will be forwarded to the Council from the Planning Commission.

16 **COUNCILMEMBER HATCH** – Councilmember Hatch reported that the details of the Interlocal Agreement with the Transfer Station are being finalized. Remodeling at the Transfer Station is underway.

20 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton was not present at the  
22 meeting.

24 **ADMINISTRATOR'S REPORT** –

26 Mr. Dameron reported on the following items:

1. The City Engineer is considering plans to redesign the entrance to the State Street under crossing of the Lindon Heritage Trail. The trail will extend into the grass area in the park and curve back around and into the tunnel in an effort to prevent accidents similar to those which have occurred with bicycles colliding with the block wall at the tunnel entrance.
2. The City has thus far experienced no storm water or spring run off flooding issues.
3. The 400 North and State Street intersection will be realigned as part of the UDOT State Street widening project.
4. Participating UTOPIA cities are being encouraged to begin educating residents about the availability and expansion of the system in an effort to increase connections to the system. The Council was given a potential newsletter article and 'white paper' regarding UTOPIA. The Council will give staff direction as to what information should be distributed to residents.
5. Chief Cullimore's written report was included in the City Council packets for this meeting.
6. The City will host a retirement party for City Engineer, David Thurgood on June 15, 2011 at 6:00 p.m.

- 2           7. The Council discussed access gates and emergency vehicle access to the Murdock  
3           Canal trail. A trail head facility with restrooms will be constructed in Lindon at  
4           approximately 580 East.  
5           8. The Community Center is on schedule for the Ribbon Cutting Ceremony on June  
6           2, 2011.

7           COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY  
8           VOUCHERS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE  
9           VOTE WAS RECORDED AS FOLLOWS:

10          COUNCILMEMBER BAYLESS                   AYE

11          COUNCILMEMBER CARPENTER                 AYE

12          COUNCILMEMBER HATCH                      AYE

13          COUNCILMEMBER WALKER                     AYE

14          THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

15          ADJOURN –

16          COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT  
17          9:40 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL  
18          PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

19   Approved – June 7, 2011

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20   Debra Cullimore, City Recorder

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21   James A. Dain, Mayor