

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on
3 **Tuesday, December 20, 2011** 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: Alex Burton
7 Invocation: Bruce Carpenter

8 **PRESENT**

9 James A. Dain, Mayor
10 Bruce Carpenter, Councilmember
11 Lindsey Bayless, Councilmember
12 Jerald I. Hatch, Councilmember
13 Mark L. Walker, Councilmember
14 Ott H. Dameron, City Administrator
15 Adam Cowie, Planning Director
16 Kathryn Moosman, City Recorder

8 **ABSENT**

9 Bret Frampton, Councilmember
10 Cody Cullimore, Chief of Police

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

18 **MINUTES** - The minutes of the regular meeting of December 6, 2011 were reviewed.

19 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
20 THE MEETING OF DECEMBER 6, 2011 WITH CORRECTIONS.
21 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
22 RECORDED AS FOLLOWS:

23 COUNCILMEMBER CARPENTER AYE
24 COUNCILMEMBER BAYLESS AYE
25 COUNCILMEMBER HATCH AYE
26 COUNCILMEMBER WALKER AYE

27 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

28 **PRESENTATION** - Councilmembers Jerald Hatch, Lindsey Bayless, and Bruce
29 Carpenter will be honored for their combined forty-four years of service to the citizens of
30 Lindon as City Councilmembers.

31 Mayor Dain invited councilmembers Jerald Hatch, Lindsey Bayless and Bruce
32 Carpenter forward. Mayor Dain expressed his appreciation for all of the outgoing
33 councilmembers and mentioned that together they have an accumulated 58 years of
34 service as City Councilmembers and Planning Commission members to Lindon City and
35 its citizens. Mayor Dain further extended his thanks for a phenomenal job done by each
36 of the councilmembers over the years. He then presented each of the outgoing
37 councilmembers with a plaque in recognition of their years of service and dedication to
38 Lindon City. The outgoing councilmembers were shown appreciation with a standing
39 ovation.

2 **PRESENTATION** - Planning Commission member Chris Burton will be honored for his
nearly three years of service to the citizens of Lindon.

4 Mayor Dain invited outgoing Planning Commissioner Chris Burton forward.
Commissioner Burton was honored for his nearly 3 years of service on the planning
6 commission. Councilmember Bayless then presented Commissioner Burton with a
plaque recognizing his service and dedication to Lindon City and its citizens.
8 Councilmember Bayless expressed her thanks and appreciation for all of the hard work
and service performed by Commissioner Burton and wished him the best of luck in his
10 future endeavors.

12 **PRESENTATION** – The “Drill Down for Safety” volunteers will be recognized for their
service.

14 Joanna Larsen was in attendance to recognize the volunteers who participated in
the “Drill Down for Safety”. Chief Cullimore was not in attendance. Ms. Larsen noted
16 that several volunteers were in attendance to receive their awards. She went on to
express her appreciation, on behalf of the citizens of Lindon, to the people and volunteers
18 who make the Drill Down for Safety a success. Ms. Larsen also stated that the drill down
involves the City Council and citizens of Lindon, and it is important that they are
20 recognized also. Ms. Larsen noted that the volunteers have worked closely with the City
Council, have overseen the “hot watches”, worked with the special needs, have presented
22 great ideas and have pushed everyone to be better, which she applauds them for. Ms.
Larsen then presented the awards to the volunteers, and thanked all the volunteers who
24 participated and did such a marvelous job with the “Drill Down for Safety.”

Ms. Larsen then expressed her appreciation and gave her thanks to the outgoing
26 City Councilmembers for all of their support, and noted that Lindon is a model for the
nation. She then presented embossed shirts to the City Councilmembers. Mayor Dain
28 expressed his appreciation to Joanna Larsen for all of her hard work and dedication with
the “Drill Down for Safety,” and he also extended his thanks to all of the participating
30 volunteers.

32 **OPEN SESSION** - Citizens comments.

34 Mayor Dain called for comments from any audience member who wished to
address an issue not listed as an agenda item. There was no public comment.
36

MAYOR'S COMMENTS/REPORT - Mayor Dain expressed his concerns for Chief
38 Cody Cullimore and reported that he is not in attendance tonight because of an
emergency surgery. Mayor Dain also stated that his thoughts and prayers are with Cody
40 and his family at this time and hopefully he will recover quickly.

42 **CONSENT AGENDA** –

44 No Items

46 **CURRENT BUSINESS** –

2 **1. Public Hearing** – *Ordinance Amendment –Standard Land Use Table (Ordinance*
3 *#2011-8-0)*. The City Council will hear public comment and possibly act to
4 approve this request by staff for a change in the Standard Land Use Table for
5 athletic studios (martial arts, dancing, fencing, etc.) from Conditional Use to
6 Permitted Use in the LI zone. The Planning Commission recommended approval
7 with changes.

8 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING.
9 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED
10 IN FAVOR. THE MOTION CARRIED.

12 City Planning Director, Adam Cowie, was present for this discussion with the
13 Council. Mr. Cowie explained this proposed ordinance amendment by stating that this is
14 a city initiated item. Mr. Cowie further explained that in the past there have been martial
15 arts studios, dance schools and other similar things like gymnastics and tumbling types of
16 activities where the applicant wants to locate in the Light Industrial zone; the current
17 ordinance requires that those businesses in the Light Industrial (LI) zone require a
18 conditional use permit, which is not required in the commercial zone, where they are
19 permitted outright. Mr. Cowie noted that they have been issuing a Conditional Use
20 permit in the LI zone at a cost of \$500.00 for these types of businesses. Mr. Cowie
21 added that these types of businesses also tend to locate in an existing facility that has
22 shared parking, and parking becomes the only issue that is of concern. Mr. Cowie also
23 stated that staff has been reviewing the applications as they come through with the
24 business licenses, along with the Building Official; he further noted that parking is one of
25 the issues that are carefully reviewed. Mr. Cowie noted that this ordinance amendment
26 will not require a public meeting or the application fee and staff feels that this is not
27 necessary and these businesses have never been denied in the past. Mr. Dameron added
28 that this amendment would be a business friendly change and it does not impact the City.

29 Councilmember Bayless inquired, hypothetically, if someone came in with an
30 application, and there was a concern, how you, as the Planning Director, would be able to
31 deal with that concern. Mr. Cowie replied that several years ago, in the beginning of the
32 Standard Land Use Table, a sentence was added that states if the Planning Director feels
33 that the item should come to a public meeting or if staff needs to notice the neighbors,
34 then the Planning Director can use his discretion to direct that to be done, if it is in the
35 public's best interest, and he noted that any problems could be dealt with through the
36 nuisance abatement ordinance. Councilmember Carpenter asked if by virtually being
37 permitted would that mean that it has to be something about a nuisance, or in other
38 words, otherwise prohibited, or does it have to be an issue that deals with health or public
39 safety and would it then need to be noticed. Councilmember Carpenter asked if this was
40 a fair statement. Mr. Cowie agreed that this was a fair statement. Councilmember
41 Bayless inquired about the nature of the businesses and if they specifically could be
42 exotic or ultimate fighting schools etc. Mr. Cowie replied that those businesses are
43 already controlled. Councilmember Bayless also asked at what point is the decision
44 made. Mr. Cowie replied that it would be a case by case decision and he has the ability
45 to make that judgment. Councilmember Carpenter stated that he likes the idea of this
46 becoming a little smoother and not requiring fees unnecessarily. Councilmember

2 Carpenter further stated that he also likes the notion of drawing people's attention to the
4 fact that if they are moving into the Light Industrial area (LI), that they have to appreciate
6 that it is a light industrial area, and they can't complain that light industry is going on,
8 because it isn't the same kind of thing they see themselves doing. He further noted that
10 he is not sure that a conditional use permit does any better than a permitted use. Mr.
12 Cowie explained that as this issue was reviewed with the planning commission and those
14 conditional uses in the past; and if there are problems it can be reviewed and the same
16 could apply if it is a permitted use. Mr. Cowie also stated that he has not seen any
concerns or issues that have come up. Councilmember Carpenter stated that he knows of
one complaint. Councilmember Carpenter stated that he will talk to Mr. Cowie about that
complaint at a later date.

12 Councilmember Walker pointed out that the only thing that is changing is to make
14 this run better and making an adjustment to the ordinance for better control. Mr. Cowie
16 added that with a conditional use permit, staff is obligated to approve it. Mr. Cowie
noted there were two changes recommended by the planning commission; tumbling and
gymnastics were added for clarification.

18 Mayor Dain called for any public comments or further discussion from the
Council. Hearing none, he called for a motion.

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

24 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE ORDINANCE
26 AMENDMENT FOR THE STANDARD LAND USE TABLE (ORDINANCE #2011-8-
0). COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
30 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

32 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 34 **2. Public Hearing** – *Creation of South Fields Metropolitan Water District*
36 *(Resolution #2011-17-R)*. The City Council will hear public comment and
possibly act to approve this request by shareholders of the Spring Ditch and South
38 Fields Irrigation Company and city staff to acknowledge the Certification of the
Petition to create the South Fields Metropolitan Water District and to approve this
40 resolution which will create the District pursuant to state law.

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

2 City Attorney, Brian Haws was in attendance to address this issue. Lindon
resident and shareholder Ron Anderson was also in attendance. Councilmember Bayless
stated that she was happy that this issue has come to resolution.

4 Mr. Haws opened the discussion by stating that this is the final acknowledgement
of the certification of the South Fields Metropolitan Water District. He further stated
6 that well over 67 % of the property owners have signed the petition, which is a clear
majority of those who are in favor of creating the District. Mr. Haws also commented
8 that this petition meets the state code requirements for creating the District, and can be
done without an election because of the number of residents of the District that are in
10 favor. Mr. Haws went on to say the first action is acknowledging the certification, and
the second action is the authorization of the creation of the District.

12 Mr. Haws then pointed out a couple of features of a specialized district with
limited powers. He noted that State statute lists what powers the water district has, which
14 includes the authority to put liens and property tax assessments on the properties. He
went on to say that given the nature and the purpose for which the district is created,
16 which is simply to accept shares, there will be no infrastructure needed, and they won't
be needing the things for which the legislature gave the water district the authority for.
18 There was then some discussion between Mr. Haws and the city councilmembers
regarding the creation of the District and the appointment of the Board of Trustees.

20 Mr. Haws then explained the Board of Trustees enumeration of powers and
authorities. He went on to say that the water district will have the right to encumber any
22 real or personal property that the District owns, and the rights to acquire rights, works,
water rights and sources of water necessary or convenient to the full exercise of the
24 purposes of the District, with the rights to transfer, encumber, or dispose of water;
including the right to sell or lease water inside or outside of the District for any beneficial
26 use. Mr. Haws also noted that the District will also have the right to provide preferential
rights to Lindon City, which is authorized by state statute. He went on to say that these
28 water districts are created for the purpose of facilitating cities in meeting their water
needs. As people turn in their water shares there will be an interlocal agreement between
30 the City and the water company. Mayor Dain equated this to the City having the first
right of refusal. Mr. Haws confirmed that statement. Mayor Dain also asked if the City
32 could accept other shares besides Southfield shares. Mr. Haws replied that under the
current rights, and provided by statutes, the City could accept other shares.

34 Mr. Haws then discussed the appointment of the Board of Trustees. He noted that
the Board will be composed of three board members, one of which shall be the Lindon
36 City Public Works Director as required by statute. The remaining members shall be
appointed without regard to partisan political affiliation and they shall be a registered
38 voter and a resident of the water district. Mr. Haws further stated that in the event that
Lindon City is unable to find a sufficient number of residents who are registered voters
40 living in the District and who are willing to serve on the board, that board member will be
appointed first from registered voters living in Lindon and who own property in the
42 District and then alternatively from registered voters living in Lindon generally. Mr.
Haws also noted that the board member must forfeit their seat on the board if they
44 become elected or appointed to office or become an employee of Lindon City, except for
the Public Works Director. Mr. Haws noted that the term will be a 4 year alternating
46 term, except for the Public Works Director who will be a permanent member.

2 Councilmember Carpenter had a question on #6 (Appointment of Board of
Trustees). He stated that the language does not include who has the right to make the
4 appointments for the Board of Trustees. Mr. Haws stated that it is in the statute, and it is
the City Council who will make the appointments. Councilmember Carpenter stated that
6 he would prefer it to include “appointed pursuant to state code.” Mr. Haws was in
agreement with Councilmember Carpenter and stated that he will add that language.

8 Mr. Haws further explained that the District will be required to file an annual
report with the Lieutenant Governor’s office, which is not a complicated process, and
there will be some technicalities that city staff will facilitate. Mr. Haws stated that the
10 District will have the right in the provisions, as we take the water shares, if there is value,
the City can be reimbursed for expenses, as per law, and all costs should be handled
12 through that process. Mr. Dameron asked if the proceeds from the sale of shares can be
transferred to the City. Mr. Haws confirmed that they can be transferred to the City, and
14 used to benefit the City water system, for maintenance, and secondary or culinary water.
Mr. Haws replied that it cannot be transferred to the general fund.

16 Mr. Haws wanted the Council to be aware of section #4 (Protests and Effective
Date of Resolution). He further noted approval of the water district will not be affective
18 for 60 days to allow any member of the District to protest, and if they do object, the
District cannot be created and would be void. Mr. Haws stated he does not anticipate any
20 protests. Mr. Haws stated that after the 60 day period; notice is then sent to the
Lieutenant Governor’s office, who will issue a certificate of incorporation, and that is
22 when the water company will come into existence. Mr. Haws further noted that the City
Council will then appoint the board members. Mr. Anderson commented that he cannot
24 be on the water Board of Trustees because he currently serves on the Planning
Commission. Mr. Anderson further noted that it should not be a problem to get
26 shareholders to agree to be on the Board of Trustees.

28 Mayor Dain called for further comments or discussion from the public. Hearing
none, he called for a motion.

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

34 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
#2011-17-R, CREATION OF THE SOUTHFIELDS METROPOLITAN WATER
36 DISTRICT. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

38 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
40 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

42 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

44 **3. Public Hearing** – *Ordinance Amendments – Use and Possession of Weapons*
(Ordinance #2011-9-0). The City Council will hear public comment and possibly
46 act to approve this request by staff to amend Sections 9.08.010, 9.29.030, and

2 12.20.180 of the LCC to ensure laws regulating the use and possession of
weapons within Lindon City are consistent with the Utah Constitution and the
laws of the state of Utah.

4
6 COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8
10 City Attorney, Brian Haws was in attendance and explained to the Council the
changes that were suggested at the last meeting by the Council have been included in the
12 ordinance amendment which includes changing the last WHEREAS; that points out what
we are doing is what the State Legislature has authorized us to do, which is to regulate
the discharge of firearms within the city boundaries, as well as bringing the city code into
14 compliance. Mr. Haws also noted that clarification was added to state that no person
shall have possession of any of the items identified as firearms, firecrackers, rockets,
16 torpedoes, powder, or any other fireworks or explosives in a City park, except for people
that have obtained a permit from the City, or possess an item over which the State
18 Legislature has retained jurisdiction to regulate and control under Utah Code. Mr. Haws
further noted that everything else in the ordinance is the same.

20 Mayor Dain called for any public comment or discussion from the Council.
Hearing none, he called for a motion

22
24 COUNCILMEMBER WALKER MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26
28 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE
ORDINANCE AMENDEMENTS – USE AND POSSESSION OF WEAPONS
(ORDINANCE #2011-9-0). COUNCILMEMBER HATCH SECONDED THE
30 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS NAY
COUNCILMEMBER HATCH AYE
34 COUNCILMEMBER WALKER AYE
36 THE MOTION CARRIED WITH THREE AYES AND ONE NAY WITH ONE
ABSENT.

38 **4. Review and Action** – *Amendment to Lindon City Policies and Procedures*
(Resolution #2011-18-R). This is a request by staff for the Council's
40 consideration of an amendment to the employees Policies and Procedures Manual
concerning the use and possession of weapons within Lindon City to be consistent
42 with the Utah Constitution and the laws of the state of Utah.

44 City Attorney, Brian Haws was in attendance and explained to the Council the
changes that were suggested at the last meeting by the Council have been included in the
46 amendment to the Lindon City Policies and Procedures (Resolution #2011-18-R). There

2 was some further discussion between the councilmembers and Mr. Haws regarding this
3 issue. Councilmember Bayless noted that prior approval did not include clarification of a
4 dangerous weapon. Mr. Haws replied that the clarification has been noted.
5 Councilmember Carpenter noted that the motion should have read “passed as amended”
6 and asked if there were any objections. There were no objections to adding the language
7 to the previous minutes.

8 Mayor Dain called for any further comments or discussion from the Council.
9 Hearing none, he called for a motion.

10 COUNCILMEMBER HATCH MOVED TO APPROVE THE AMENDMENT
11 TO THE LINDON CITY POLICIES AND PROCEDURES (RESOLUTION #2011-18-
12 R). COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE
13 WAS RECORDED AS FOLLOWS:

14 COUNCILMEMBER CARPENTER AYE
15 COUNCILMEMBER BAYLESS NAY
16 COUNCILMEMBER HATCH AYE
17 COUNCILMEMBER WALKER AYE

18 THE MOTION CARRIED WITH THREE AYES AND ONE NAY WITH ONE
19 ABSENT.

20
21 **5. Review and Action** – *Financial Audit Report for Fiscal Year 2010/2011 and*
22 *Merit Increase Proposal.* Michael R. Stoddard of the firm “CPA Network, LLC”
23 and Kristen Colson, Finance Director, will present the “City’s Annual Financial
24 Audit Report” CAFR, for the fiscal year 2010-2011 to the Mayor and Council.
25 Also, the Finance Director will present a recommendation concerning an
26 employee merit increase for the remainder of this fiscal year.

27 Michael R. Stoddard of the firm “CPA Network, LLC” was not present for this
28 agenda item. Mayor Dain called to change the order of the agenda due to Mr. Stoddard’s
29 absence, and return to this agenda item when Mr. Stoddard arrives.
30

31 COUNCILMEMBER CARPENTER MOVED TO CHANGE THE ORDER OF
32 THE AGENDA AND TO MOVE TO AGENDA ITEMS #6 AND #7.
33 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
34 RECORDED AS FOLLOWS:

35 COUNCILMEMBER CARPENTER AYE
36 COUNCILMEMBER BAYLESS AYE
37 COUNCILMEMBER HATCH AYE
38 COUNCILMEMBER WALKER AYE

39 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.
40

41 **6. Review and Action** – *Appointment of Members of the Lindon City Planning*
42 *Commission.* This is a request by Mayor Dain for the Council’s consent to the
43 appointment of Robert Kallas and Michael Marchbanks as members of the Lindon
44 City Planning Commission for three year terms.
45
46

2 Mayor Dain stated that two people were interviewed for members of the Planning
Commission, Robert Kallas and Michael Marchbanks. Mayor Dain reported that they
4 have agreed to serve and noted that they will do a great job on the commission. Mr.
Dameron noted that Mr. Cowie will get a letter and packet sent out to the new
6 commissioners. Mr. Dameron also noted that the Utah League of Cities and Towns will
provide training for the new commissioners.

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

10 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE
APPOINTMENT OF ROBERT KALLAS AND MICHAEL MARCHBANKS AS
12 MEMBERS OF THE LINDON CITY PLANNING COMMISSION.
COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
14 RECORDED AS FOLLOWS:

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

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 22 **7. Review and Action** – *Amendment 1 to Cooperative Agreement between Lindon
City and UDOT for 600 South Sewer Project.* This is a request by staff for the
24 Council’s consideration of an amendment to the Cooperative Agreement between
Lindon City and UDOT for the 600 South Sewer Project which adds time to the
26 completion date and creates a dialogue for the HMA trench requirements behind
the sidewalk.

28 Mr. Dameron reported that this amendment will change the completion date for
the 600 South Sewer Project, and will give the City until January 30, 2012 to complete it.
30 Mr. Dameron also noted that UDOT is requiring this amendment. Mr. Dameron further
discussed that UDOT has been very cooperative and great to work with. At this point the
32 agenda went back to agenda item number #5 as Mr. Stoddard was in attendance for
agenda item #5.

34 Mayor Dain called for any comments or discussion from the Council. Hearing
none, he called for a motion.

36 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE
38 AMENDMENT 1 TO COOPERATIVE AGREEMENT BETWEEN LINDON CITY
AND UDOT FOR THE 600 SOUTH SEWER PROJECT AND GIVE THE MAYOR
40 THE AUTHORITY TO SIGN. COUNCILMEMBER BAYLESS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
44 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

46 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2 Auditor Michael R. Stoddard, of the firm “CPA Network, LLC” arrived at 8:05
and was welcomed by the Council. At this point the agenda went back to agenda item
4 number #5 as Mr. Stoddard was in attendance.

6 Lindon City Finance Director, Kristen Colson, was in attendance to present the
CAFR (City’s Annual Financial Audit Report) to the Mayor and Council. Mrs. Colson
opened the discussion by explaining that this is the pre-CAFR presentation. She went on
8 to say that the CAFR (City’s Annual Financial Audit Report) includes a statistical section
that is not complete; so it is still marked “draft” everything else remains the same.

10 Councilmember Carpenter asked for clarification from Mr. Dameron if the CAFR (City’s
Annual Financial Audit Report) is accepted tonight, can the council accept it contingent
12 that the draft becomes final. Mr. Dameron gave clarification that the draft can be
accepted contingent that the draft becomes final from the auditor and not accept the audit
14 contingent on the auditors review on the statistical section. (Mayor Dain then welcomed
County Commissioner, Larry Ellertson to the meeting).

16 Mrs. Colson noted that the intent was to submit the CAFR (City’s Annual
Financial Audit Report), when completed, to the government finance officer’s
18 association, for the 4th year, to be considered for a certificate of achievement in
excellence in financial reporting. She also stated that this is due by the end of the year.
20 Mr. Dameron pointed out that the report has been presented in binders which will save
the City \$900 on printing costs. Mrs. Colson then discussed the financial section, which
22 is basically a summary of the activity throughout the year and the financial highlights that
summarizes the management. Mrs. Colson further discussed that the assets of Lindon
24 City exceeded liabilities by 63.3 million dollars.

26 Mrs. Colson also noted that the City’s total net assets increased by 1.9 million
dollars, which is revenues over expenditures. Mrs. Colson further explained that Lindon
City’s governmental funds reported decreased in the combined ending fund balance.
28 Mrs. Colson also reported the unassigned fund balance for the general fund ended at
762,000 or 9.6 % of the general fund expenditures, which is a positive. Mrs. Colson
30 reported that the long term debt increased by \$4,497,884, which is due to the sewer
project and water meters. She then asked if there were any questions. Councilmember
32 Carpenter noted that he appreciates the details in the report.

34 Mayor Dain commented, per past budget years, the City had anticipated, to
weather the storm, borrowing 1.7 million from the enterprise funds as a line of credit,
which is actually the City’s money, and which none of it has been used. Mayor Dain
36 further stated that this is a credit to the Council. Mayor Dain noted that the City
expected the worst, and it is much better off than anticipated. Councilmember Bayless
38 mentioned that the staff has weathered the storm along with the council.

40 Mr. Stoddard then presented the Council with the audit copy. He noted that the
yellow book and the state compliance report are included. Mr. Stoddard then directed
the council to review page #5 in the audit copy and noted a minor issue with state
42 compliance. Mr. Stoddard noted the minor issue was that only the Police Department had
inadvertently gone over budget by \$3,000, which is very commendable. Mr. Stoddard
44 then added a second item, and noted that the recreation fund is down from last year and in
the negative, but also noted that it is on track to get on solid footing. There are only two

2 minor issues as state compliance goes, which is very commendable. Mr. Stoddard further
discussed that the general fund is still is very fiscally sound.

4 Mr. Stoddard then offered information on the financial stability of the market.
There was then some general discussion between Mr. Stoddard and the council regarding
the financial stability of the market.

6 Mrs. Colson then discussed the merit increase which is normally effective January
1st, if approved, but it has not been approved for the past 3 years. During budget
8 discussions, Councilmember Bayless requested that the merit increase proposal be
brought back in December for Council's consideration. She further noted that it was
10 good to wait and to see how the economy ended at the fiscal year. Mrs. Colson
mentioned several positive market indicators, i.e. sales tax up, unemployment down, etc.
12 Mrs. Colson also noted that this merit increase would start on January 1, 2012 and the
employee would have to qualify to get it. Mayor Dain stated that the council made a
14 commitment early on that when they could find a way through the recession they would
come back and make things right for the employees.

16 Mr. Stoddard stated that the City is very fiscally sound. Councilmember Walker
asked Mr. Stoddard if there is any area that he can see a warning to be careful of. Mr.
18 Stoddard stated that the City has held the line on salaries and has not hired any new
employees, and suggested going full speed ahead unless there are economic signs that the
20 economy is going down. Mr. Stoddard also suggested staying the course, but further
noted that we are not out of the woods yet and not to wait until the worst happens, and to
22 stay alert and be on top of it. Mr. Stoddard then stated that his firm has issued a "clean
opinion" from the audit. Mr. Stoddard concluded by stating that if things are managed
24 well it won't be as draconian at the end of the day. Mrs. Colson stated that the full
CAFR will be on the city website by the end of the year.

26 The Mayor and Council then expressed their appreciation to Mrs. Colson and Mr.
Stoddard for their hard work, accuracy and professionalism.

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

30
32 COUNCILMEMBER BAYLESS MOVED TO ACCEPT THE FINANCIAL
AUDIT REPORT FOR FISCAL YEAR 2010/2011. COUNCILMEMBER
CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS
34 FOLLOWS:

36 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE
38 COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

40
42 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MERIT
INCREASE PROPOSAL. COUNCILMEMBER HATCH SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
46 COUNCILMEMBER HATCH AYE

COUNCILMEMBER WALKER AYE

2 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4 At this time, Mayor Dain took a moment to again express his sincere gratitude
and appreciation to the outgoing councilmembers. He further extended his thanks and
6 stated that it was a privilege and honor to have served with each one of them and he
wished them nothing but success in the future.

8 Commissioner Ellertson also approached the council at this time to offer his
appreciation and thanks to the outgoing councilmembers for their support, service, and
10 the dedicated job they have done for Lindon City over the years. He also shared his
opinion that Lindon is an anomaly for cooperation and professionalism in the County,
12 and would hope that it will continue to be in the future. He further stated that he feels
this is due to our ability to join together as a council, and as a City, and come to a
14 consensus. Commissioner Ellertson then extended his best wishes to the councilmembers
and wished them all the best of luck in their future endeavors.

16

ADMINISTRATORS REPORT:

18

Mr. Dameron reported on the following items:

20

1. The employee Christmas party will be held on December 22nd at 12:00
noon at the Community Center.

22

2. The city offices will be closed at 12:00 noon on December 22nd through
Monday, December 26th for the Christmas holiday.

24

3. Mr. Dameron reported that the older items have been removed from the
project tracking list.

26

4. Mr. Dameron reported that there has been a request from Adam Cowie,
Planning Director, concerning Lot 2 at the Lindon Hollow Ditch.

28

He further noted the Orem and Pleasant Grove have reimbursed their
portion and would like to change the deed to include all three entities. Mr.
30 Dameron stated that this could be added as an agenda item for the next
meeting.

32

34 Mr. Dameron then commented that the outgoing councilmembers are the most
effective councilmembers he has had the pleasure to work with. Mr. Dameron also
extended his appreciation and thanks for the support they have given to staff over the
36 years. Mr. Dameron also wished the councilmembers good luck in the future.

38

COUNCIL REPORTS:

40

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported that things
are heating up in the Legislature but there is nothing that seems to be on the horizon that
42 is particularly challenging or exciting for Lindon, but that will change the second week in
January. Councilmember Carpenter also noted that Senator Valentine was not able to be
44 here tonight, due to a conflicting schedule. Councilmember Carpenter will check Senator
Valentine’s availability, and he may be available for the next meeting.

2 Councilmember Carpenter also reported that there are a fair number of Utopia
3 signs that have been springing up in the community, and also noted that there will be a
4 brochure coming out in the mail. Councilmember Carpenter stated that the trajectory for
5 Utopia is good and obviously things have taken longer than was hoped for and the last
6 construction season was missed, but noted that the new construction season will be upon
7 us soon and that will help move things along. Mr. Dameron stated that he received a call
8 from Utopia and they are currently going through an analysis on installing Utopia on the
west side of the freeway and will give a presentation sometime in January.

10 Councilmember Carpenter noted that Chief Cullimore was not present due to a
11 recent surgery. Doug Eastman from the Lindon Police Department was in attendance and
12 reported that Chief Cullimore was doing a little better and could perhaps be home by
13 Thursday. He further reported that things are going really well right now with the police
14 department and there are currently no major events to report.

16 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that she
17 appreciates Martin Snow and Chris Olsen for their contribution for the trail bridge.
18 Councilmember Bayless also expressed her appreciation to the Mayor, the Council and
19 Mr. Dameron and all of the city employees with whom she has developed such wonderful
20 relationships with over the years. Councilmember Bayless also reported what a great
21 time everyone had at the senior brunch at the community center. She further noted that it
22 was a wonderful event that the Recreation Department sponsored for the seniors and she
23 expressed her hopes that the city will continue the brunch as a Christmas tradition.
24 Councilmember Bayless further noted that she had the opportunity to work with Doug
25 Eastman at NOVA graduation and can see the respect the kids have for Officer John
26 Lloyd. She noted what a great job these officers do with the kids and for the City.

28 **COUNCILMEMBER WALKER** – Councilmember Walker also expressed his
29 appreciation to all of the volunteers who attended and offered their services at the senior
30 brunch. He further reported that the event was well attended and the musical numbers
31 were performed by Tracey Whitehead's relatives. The seniors loved the program and the
32 event in general. Councilmember Walker also reported that he attended that animal
33 shelter meetings with Bob Connor, and there is not much to report regarding the animal
34 shelter. Councilmember Walker noted that he had spent some time looking at Center
35 Street, and noted that there is not a lot to do to connect. He further noted that he came to
36 the City and met with Adam Cowie and Ott Dameron and they gave him permission to
37 talk to Nyal Richins, who lives on Center Street, who is very positive about the Center
38 Street connection. Mr. Richins would like to have a meeting with the city at the
39 Development Review Committee on December 29th. Mr. Richins does have one concern
40 about the crown of the road, the storm water and the trees, and they will discuss those
41 issues at DRC (Development Review Committee). Councilmember Walker then wished
42 a Merry Christmas to everyone and expressed his appreciation and thanks to the outgoing
43 councilmembers. Councilmember Walker noted that the comments from Mike Stoddard
44 tonight were very informative. Councilmember Walker also questioned if the new
45 councilmembers would be sworn in at the first meeting in January. Mayor Dain
46 confirmed they would be sworn in on January 3, 2012.

2 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton was absent.

4 **COUNCILMEMBER HATCH** – Councilmember Hatch reported that the landfill is
6 currently dealing with the budget, and noted that there had been discussion about
8 increasing the fee charges. Councilmember Hatch also reported that as they discussed
the issue in the meeting they determined that the landfill is doing well, so the Board voted
to take the fee increases off. The fees will stay where they are for now.

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

12 COUNCILMEMBER CARPENTER AYE
13 COUNCILMEMBER BAYLESS AYE
14 COUNCILMEMBER HATCH AYE
15 COUNCILMEMBER WALKER AYE

16 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

18 **ADJOURN** –

20 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
21 9:35 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24
26 Approved – January 3, 2012

28
30 _____
31 Kathryn A. Moosman, City Recorder

32
34
36 _____
James A. Dain, Mayor