

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, June 5, 2012**
3 **beginning with a Work Session at 5:30 p.m.** in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **BUDGET WORK SESSION** – 5:30 p.m.

8 Conducting: James A. Dain, Mayor

10 **PRESENT**

ABSENT

10 James A. Dain, Mayor
11 Mark L. Walker, Councilmember
12 Bret Frampton, Councilmember
13 Matt Bean, Councilmember
14 Randi Powell, Councilmember
15 Jeff Acerson, Councilmember
16 Ott H. Dameron, City Administrator
17 Kathryn Moosman, City Recorder

18 The work session began at 6:10 p.m.

20 **DISCUSSION** – *The Mayor and City Council will meet in a work session with staff to*
22 *discuss issues pertaining to code enforcement in Lindon City.*

24 Ott Dameron, City Administrator, opened the discussion by stating this work
25 session was facilitated by the beef cattle discussion which expanded to full code
26 enforcement throughout the city, which also prompted additional discussion about other
27 items. Mr. Dameron noted staff thought it may be beneficial to the Council to meet with
28 those who enforce the code to find out what problems may exist and see if there is
29 additional direction suggested by the council as to how to enforce the Lindon City Code.

30 Code Enforcement Officer, Gary Heglund, Chief Building Official, Phil Brown,
31 Adam Cowie, Planning Director and City Attorney, Brian Haws, were in attendance to
32 address the council. Mr. Cowie addressed the council and explained that this is a
33 discussion to give some direction regarding code enforcement and to outline the progress
34 that Mr. Heglund has made in code enforcement over the past few years. Mr. Cowie then
35 showed some photos of different properties in the city that have had code enforcement
36 issues. He also noted that Brian Haws will review the updated information he drafted a
37 year an a half ago that lays out a specific process in how to approach code violations that
38 are moving towards a fine or violation assessment. This also outlines how to administer
39 the code by the book vs. using a softer approach.

40 Mayor Dain commented the council wants to make sure they address the portions
41 of the code that are difficult to enforce because of the way the code is written. He added
42 this is convoluted because of the cow issue, and stated that code enforcement is a tough
43 job. Mayor Dain also noted he would like to see them try to take the soft approach as to
44 solve these issues in an amenable way. Phil Brown, Building Official, addressed the
45 council. He noted that in the building code there are a lot of exceptions, and one person
46 makes the interpretation instead of many. Mayor Dain commented that the person doing

2 the job should interpret the code and then go to Mr. Cowie, the code administer, for interpretation.

4 Mr. Cowie commented that his hope is that the City Council will legislate if there needs to be change in the ordinances, and code enforcement will administer the code. Mayor Dain noted that there will be times when citizens will come to the city council with a problem or issue. Mr. Brown added that he appreciates the support of the Mayor and Council. There was then some general discussion on the code enforcement process.

8 Gary Hoglund, Code Enforcement Officer then addressed the Council. Mr. Hoglund noted that perspective is a big part of enforcement. Mr. Cowie suggested that the council contact the department individually before going to a public meeting if they feel there is an interpretation issue or difference of opinion. Mr. Cowie then showed a map showing the code enforcement areas. Mayor Dain asked Mr. Hoglund what percentage of activity he personally observes and what percentage of issues comes in complaint form. Mr. Hoglund stated that 50 % is self enforcement. He added that he goes to different areas in the city at least once a week. He also noted there is a great mix of building and zoning issues. Councilmember Walker asked Mr. Hoglund what the biggest frustration he has in code enforcement. Mr. Hoglund stated it is the small percentage of citizens that don't understand what is being asked of them and having to revisit it and remind them. He added that 75% of residents are willing to comply after the first notice.

20 Mr. Haws then reviewed the difference between Criminal and Civil issues. He noted that letters are sent out and they do talk to the people with habitual violations. Mr. Haws stated that the statute provides that if a notice has been provided the issue will not have to go through the process again and can go straight to the citation. Mr. Haws added if it goes to a citation a fine of \$200 dollars is assessed daily for residential and \$400 for commercial. He noted the fine will keep accumulating, and to collect on the citation the city imposes the fine. Mr. Haws further stated there will be a 1st notice and a 2nd notice sent and then they will impose the penalty (civil) within 30 days. Mr. Haws stated to collect on the fine the City must bring action and judgment through the courts for the cost of abatement and then put a lien on the property.

30 Mayor Dain stated that the department is doing a great job and added there is no lack of effort on their part and the council has confidence in their decisions. Councilmember Powell commented that if there is anything she can do to make their job easier to please let her know, and she feels they are doing a great job. Councilmember Bean stated that he appreciates what the department does and would encourage our neighbors to be good citizens, he added that the city council should continue be good examples. Councilmember Frampton agreed with the comments that we should work together and have good communication and also agrees the department is doing a great job. Mayor Dain stated the department should not feel as if they have failed if someone comes to the council with an issue. Councilmember Acerson stated he agrees to take the softer approach and to try to make it work without force. He added to be kind and thoughtful works best, and agreed they are doing a great job. Councilmember Walker stated sometimes issues get to a point where enough is enough and the next step is to speak with the City Attorney. He was also in agreement that they are doing a great job.

44 Mr. Dameron noted the department has a clear message here from the council on what direction to take. Mr. Hoglund observed that they should continue the way they are

going on an individual case basis on whether an issue goes to the City Attorney or not. He also observed the overall picture is improving so he feels they are moving in the right direction.

Mr. Cowie reiterated Mr. Hoglund's point that the perspective issue is important, and advised the council to let them know if they have specific questions. Mr. Brown also advised the council to contact them if there is anything bothersome or if they have any questions. Mr. Dameron stated that for every complaint the department receives they have resolved 100 issues already. Mr. Dameron also commended the department for doing a great job. Mr. Hoglund thanked the Council and Mayor for the great job they do and for all of their support.

Mayor Dain then thanked Mr. Brown, Mr. Hoglund, Mr. Cowie, and Mr. Haws for the updated information and expressed his appreciation for the outstanding service they provide to the City.

REGULAR SESSION – 7:00 p.m.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Jeff Acerson, Councilmember
Invocation: Mark Walker, Councilmember

PRESENT

ABSENT

James A. Dain, Mayor
Mark L. Walker, Councilmember
Bret Frampton, Councilmember
Matt Bean, Councilmember
Randi Powell, Councilmember
Jeff Acerson, Councilmember
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Cody Cullimore, Chief of Police
Kristin Colson, Finance Director
Kathryn Moosman, City Recorder

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

PRESENTATION – *The Strawberry Days Royalty will make a presentation to the City Council.*

Mayor Dain welcomed the Pleasant Grove Strawberry Days Royalty for their presentation to the Lindon City Council. Ally Johnson, 2012 Strawberry Days Queen, addressed the Council. On behalf of the Strawberry Days Royalty and the Rodeo Royalty she invited the Mayor and Council to the Pleasant Grove Strawberry Days celebration to be held June 18th to June 23rd. Each member of the royalty then explained one the many events to be held during the celebration. The Strawberry Days Royalty then presented the Mayor and Council with a Strawberry Cheesecake to show their appreciation.

Mayor Dain expressed his thanks to the Strawberry Days Royalty for the invitation and nice gesture, and commented that Strawberry Days is a long standing celebration that everyone loves to attend.

2 **MINUTES** – The minutes of the regular meeting of May 1, 2012, and the minutes of the regular meeting of May 15, 2012 were reviewed.

4 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE MINUTES
OF THE MEETING OF MAY 1, 2012 AS AMENDED OR CORRECTED.
6 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

8 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
10 COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
12 COUNCILMEMBER ACERSON AYE
THE MOTION CARRIED UNANIMOUSLY.

14
16 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
MAY 15, 2012 AS AMENDED OR CORRECTED. COUNCILMEMBER FRAMPTON
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
20 COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
22 COUNCILMEMBER ACERSON AYE
THE MOTION CARRIED UNANIMOUSLY.

24 **OPEN SESSION** – Citizen Comments.

26
28 Nick Gust, Lindon resident, approached the Council regarding an issue about the
water park, and in particular the flow rider. Mr. Gust noted that the flow rider brings
people from all over the state to Lindon City. Mr. Gust further noted he and his family
30 compete on a national level. He added that his son was 3rd in the nation in the 17 and
under division and he now has a shot at the world finals. Mr. Gust then voiced his
32 concerns that a piece of equipment that they rely on has been banned this year at the flow
rider. The piece of equipment is a shoe that helps them ride and to facilitate traction on
34 the device. Mr. Gust explained that the shoes have been banned this year and he noted
that they were allowed last year. Mr. Gust expressed that he would appreciate the council
36 looking at this issue, as no other flow riders in the state have a problem with the shoes at
their facilities. He further noted that the shoes can not possibly damage the flow rider.

38 Mayor Dain commented that Mr. Gust's request sounds reasonable to take under
consideration. Mayor Dain also wished Mr. Gust's son good luck in his competition.

40 Mayor Dain also instructed Mr. Dameron to confer with Heath Bateman, Parks
and Recreation Director regarding this issue. Mr. Dameron then obtained Mr. Gusts'
42 contact information and stated he will be in contact with him.

44 Mayor Dain asked if there were any other public comments. Hearing none he
moved on to the next agenda item.

2 **MAYOR’S COMMENTS/REPORT** – Mayor Dain reported that the Memorial Day
4 Celebration was outstanding again this year. He noted that Noal T. Greenwood was
6 honored at the celebration and he then read a letter from Mr. Greenwood that expressed
8 his appreciation for being honored in such wonderful way. Mayor Dain added that
10 everyone involved in the program did a great job, and he thanked everyone who was
12 instrumental in making the event so successful. Mayor Dain noted that he submitted
14 several names to Chief Cullimore to be added to the monument.

8 Mayor Dain also reported that he attended the Utah Lake Commission meeting
10 and noted the Utah Lake Festival was held last Saturday and was well attended. He
12 stated that things are continuing to function well as far as the future of the lake and good
14 things continue to happen with the Utah Lake Commission. Mayor Dain gave Mr.
16 Dameron pamphlets showing access points to the lake for distribution. Mayor Dain noted
18 that they continue to work on removing the “Phragmites” from the lake. He added that
20 grant money will be coming to facilitate the removal.

16 Mayor Dain further reported that he has been assigned to be a member of the Utah
18 County Board of Health. He noted that there is now an American Fork office that can
20 provide birth certificates, vital records and immunizations etc. Mayor Dain also asked
22 the council if they hear any reports on how they can improve the Board of Health to let
24 him know. Mayor Dain also reported that he attended the Regional Planning meeting on
26 the transportation program. They put together the projects on the TIP list, and North
28 Utah County has received more than their share of transportation projects. He added that
30 Lindon has been well funded compared to other cities, and Lindon has been well
32 represented. Mayor Dain noted that from 2007 – 2016, 31% of the transportation funding
34 will go to build trails. Mayor Dain also reported that he attended the MAG
(Mountainland Association of Governments) meeting in Midway.

26 Mayor Dain reported that he received a press release from “Teleperformance”
28 regarding 200 new jobs coming to the Lindon area. Mayor Dain mentioned that he
30 received the “Backcountry Horseman Newsletter.” He mentioned that the City allows the
32 Backcountry Horseman Group to hold their meetings in the Veterans Building. To show
34 their appreciation to the City, their chapter has donated a Utah State Flag and a United
36 States Flag to use in the building.

32 **CONSENT AGENDA** –

34 No items.

36 **CURRENT BUSINESS** –

- 38
1. **Public Hearing** – *Proposed Budget for Fiscal Year 2012-2013.* The City
40 Council will hear public comment on the proposed city budget for fiscal year
42 2012-2013, including the allocation of revenue from the water, sewer, storm
44 water, and other enterprise funds to the general fund. The Tentative Budget
46 was presented on May 1, 2012. The budget committee met to discuss the
issues, and the full City Council held a work session on May 15, 2012.
Tonight, staff will present the issues associated with the proposed budget,
including recommended changes to the city-wide fee schedule. The Council

will direct staff on each issue. The public hearing for the adoption of the budget is scheduled for June 19, 2012.

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

Mr. Dameron explained that the tentative budget was presented to the City Council on May 1, 2012 as part of the evaluation process. He further explained as part of the evaluation process, the budget committee met to discuss issues related to the budget and the full City Council met in a work session on May 15, 2012. He went on to say this proposed budget is a balanced budget with no property tax increases proposed. He stated that the issues tonight will be discussed along with a fee schedule which will include some recommended fee changes. Mr. Dameron noted this is the first of two (2) budget public hearings and the final budget will be presented on June 19, 2012.

Ms. Colson presented specific budget issues for the 2012-2013 fiscal year for discussion and review by the Council as follows:

- **Budget Issue #1 - Should Lindon City increase water sewer and stormwater utility rates?** Ms. Colson noted the City Engineer recommends a 2.3% CPI increase to culinary water and storm water utility rates based on the April 2012 CPI. The City Engineer completed a review of the sewer utility rates as part of the sewer bond process. The analysis concluded that Lindon City should increase sewer rates in order to cover the bond payments. The recommended increase for 2012-2013 is 12%. She added the monthly increase on an average resident's utility bill would be \$4.32 per month. She added these changes are reflected in the Proposed Budget and the revised Fee Schedule.

Mayor Dain called for any public input. There was no public comment. He called for further comments or discussion from the Council on budget issue #1. Hearing none he called for a straw poll vote from the Council. The City Council straw poll vote was unanimously in favor on Budget Issue #1.

- **Budget Issue #2 - Should Lindon City increase Garbage and Recycling rates?** Ms. Colson stated that Allied Waste Services is requesting a CPI increase of 3.0% on the garbage and recycling collection services for Lindon City. This rate was last adjusted in March 2010. She noted that their fuel surcharge is re-evaluated monthly. The changes in the CPI include the increasing costs of fuel. Ms. Colson noted approval of a 3.0% increase would mean approving a fuel increase twice. Ms. Colson added the City may want to consider a partial increase in recognition of other costs that have increased, such as payroll and vehicle maintenance.

2 Mayor Dain commented that there was not a representative in attendance
3 from Allied Waste Services. The council was in agreement to consider
4 budget issue #2 after hearing input and comments from Allied Waste at
5 the next budget public hearing.

6 Mayor Dain called for any public input. There was no public comment.
7 He called for further comments or discussion from the Council on budget
8 issue #2. Hearing none he called for a straw poll vote from the Council.
9 The City Council straw poll vote was not in favor of approval on Budget
10 Issue #2.

- 12 ● **Budget Issue #3 - Should Lindon City continue to fund the insurance**
13 **benefits for city employees?** Ms. Colson reported Lindon City continues
14 to contract with First West Benefits Solutions (FWBS) to manage the
15 employee benefits, FWBS bid out the medical insurance coverage again
16 this year. Renewal rates for Altius, who currently provides the medical
17 insurance for the employees, have increased 6.57 %. Premiums through
18 other medical insurance providers were anywhere from 20-85%. A
19 meeting was held with the employees and representatives from Altius.
20 Ms. Colson stated it was recommended to stay with Altius and the 6.57%
21 increase because it is more fiscally responsible. Ms. Colson stated that
22 Lindon City has provided full-time employees a benefit allowance equal to
23 the family premiums for the traditional medical plan and the dental plan
24 less the determined amount for the employee participation. The amount
25 for the employee participation changes each year by half of the percentage
26 increase or decrease in the family medical and dental premiums. This year
27 there is an increase of 6.10% so the employee participation will increase
28 3.05%. She also noted Dental insurance premiums will increase 2.5%.

30 Mayor Dain called for any public input. There was no public comment.
31 He called for further comments or discussion from the Council on budget
32 issue #3. Hearing none he called for a straw poll vote from the Council.
33 The City Council asked for a comparison survey from cities of similar
34 size. The straw poll vote was tentatively in favor on Budget Issue #3.

- 36 ● **Budget Issue #4 - Should Lindon City provide employees with a 2.3%**
37 **Cost of Living Allowance (COLA) increase and provide for a merit**
38 **step increase in January?** Ms. Colson noted the Consumer Price Index
39 (CPI) has increased 2.3% from April 2011 to April 2012. She noted that
40 performance evaluations are performed annually in January at which time
41 the merit increase would be available to those who meet a predetermined
42 criteria. Ms. Colson stated that historically, COLA and merit increase have
43 provide somewhat consistent buying power for the employees and have
44 kept salaries competitive and employee morale high. Ms. Colson further
45 noted that the city went 3 years without a COLA or merit increase for the

employees, and last year provided both increases to the employees.

Mayor Dain noted that the Council seemed to be in agreement to approve the 2.3% COLA increase with a merit increase to be considered after the audit in December to determine at that time whether a merit increase is feasible.

Mayor Dain called for any public input. There was no public comment. He called for further comments or discussion from the Council on budget issue #4. Hearing none he called for a straw poll vote from the Council. The City Council straw poll vote was unanimously in favor on Budget Issue #4 with the approval for the merit increase to be determined in December.

- **Budget Issue #5 - Should Lindon City fill the full time police officer position and create the new part time position of Community Center Program Coordinator?** Ms. Colson noted the Chief of Police has requested that a full-time police officer position be filled which has been vacant since the last employee left in 2009. Other officers have provided the necessary coverage through overtime hours. However, this does not provide optimal service and risks employees depending on the income from overtime hours. In extreme circumstances, officers could overextend themselves which could jeopardize their health and the public's safety.

Ms. Colson also reported the Parks and Recreation Director has requested that the new part-time position of Community Center Program Coordinator be created in order to coordinate classes and activities for the Community Center.

Mayor Dain noted this issue has been discussed at length. The Council was in agreement to fill the full time Police Officer position. The Council was also in agreement to create the part-time Program Coordinator position.

Mayor Dain called for any public input. There was no public comment. He called for further comments or discussion from the Council on budget issue #5. Hearing none he called for a straw poll vote from the Council. The City Council straw poll vote was unanimously in favor on Budget Issue #5.

Ms. Colson then went over the budget numbers and gave an overview of the proposed budget. She noted the city overall budget total is \$18,033,135. Ms. Colson then reviewed the city wide expenditures by funds. Ms. Colson went on to review proposed fee schedule changes. She noted the utility changes have been previously discussed. She noted changes in existing fees and new fees at the Police Department and also new fees at the Aquatics Center and the transfer station. She also mentioned some

2 minor changes in wording on the cemetery and utilities. Mr. Dameron reiterated that a
3 second public hearing will be held on Tuesday, June 19, 2012 prior to the adoption of the
4 final budget.

5 Mayor Dain asked if there were any further comments. Hearing none he called
6 for a motion to adjourn the City Council meeting and convene the meeting of the
7 Redevelopment Agency.

8 **Adjourn City Council Meeting and convene the meeting of the Lindon City
9 Redevelopment Agency –**

10 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING OF
11 THE LINDON CITY COUNCIL AND CONVENE THE MEETING OF THE LINDON
12 CITY REDEVELOPMENT AGENCY AT 8:24 P.M. COUNCILMEMBER WALKER
13 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
14 CARRIED.

15 Mayor Dain called for any public input or comments. Hearing none he called for
16 a motion to close the public hearing.

17 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
18 COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL PRESENT
19 VOTED IN FAVOR. THE MOTION CARRIED.

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24 **2. Public Hearing – *Zone Creation – Commercial Zones (CG-A, CG-A6, & CG-*
25 *A8) – Ordinance #2012-7-O.* City Council will hear public comment and
26 possibly act to approve the addition of three new commercial zones to the
27 Lindon City Code (LCC 17.48). These zones will allow used auto sales in
28 certain parts of the CG zone. In addition building heights will be allowed to
29 60 feet and 80 feet in certain parts of the west side of the city. The Planning
30 Commission recommended approval, with an addition to strike the
31 requirement of the white two-rail fence along public streets in the CG zone**

32 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
33 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
34 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

35 Adam Cowie, Planning Director, opened the discussion by explaining this is a city
36 initiated item to consider creating new CG zone designations in order to facilitate areas
37 where limited amount of used auto sales could occur. Mr. Cowie further explained the
38 currently the Lindon Standard Land Use Table does not permit this type of land use
39 within the CG zone. This item will review the creation of new zone locations as well as
40 changes in height limits within the new zones. Mr. Cowie went on to say that these
41 changes will only create the new zone map areas and ordinance for the zones, but will not
42 approve a list of uses allowed in the zone. Mr. Cowie noted that will follow in a future
43 meeting when the permitted use of auto sales are potentially added to the Standard Land
44 Use Table. The Planning Commission recommended approval of the zone areas and the
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46

2 new heights. Mr. Cowie then presented a map depicting the proposed locations and used
3 auto sales along State Street.

4 Mr. Cowie noted that the Planning Commission recommended a 60 ft. height limit
5 in CG-A6 (currently 48 ft.) zone and an 80 ft. height limit along the freeway and around
6 the Harley Davidson location. He went on to say that State Street would stay at a 48 ft.
7 height limit. He added there is adequate fire coverage on these height limits, so there are
8 not any concerns on the 80 ft height limit. This action would accommodate uses that are
9 similar to other cities as far as height limits. Mr. Cowie stated that Class "A" office
10 space and hotels would take advantage of the height limits. Noah's and old station square
11 are examples of buildings that are maxed out at 48 ft. Mr. Cowie stated that Orem City's
12 height limit is 90 ft. He went on to say that staff has had a couple of calls, especially
13 around the freeway at Pleasant Grove for higher buildings. Mr. Cowie then reviewed the
14 potential changes on the reference table. Mr. Cowie asked if there were any questions on
15 boundaries.

16 Mr. Cowie noted that during the discussion of the CG ordinance the Planning
17 Commission determined to strike out the requirements regarding the installation of the
18 white two-rail fence along public streets in the CG zone. He added this was not a
19 previous recommendation by staff, but brought up during the zone change discussion.
20 The two rail fence was indentified many years ago during the public community vision
21 meetings as a method to try and provide some sort of recurring theme and/or identifying
22 image so the community would "stand out" from other adjacent cities. Mr. Cowie noted
23 that he believes that it has become something Lindon is known for, and hear people
24 occasionally refer the white fencing as they discuss aspects of Lindon. He further noted
25 that he thinks that if it is maintained it will continue to be an identifying characteristic of
26 the community and should receive careful consideration at least along State Street and
27 700 North.

28 Councilmember Acerson asked what the reasons are to justify the change of the
29 white vinyl fence. Mr. Cowie stated there were a few individuals on the Planning
30 Commission that had concerns that it was out dated and that the fence did not do what it
31 was originally proposed to do, which was to have a recurring theme. Mr. Cowie voiced
32 his opinion that the fence has created that theme. Mayor Dain commented that the fence
33 along State Street is almost 75% complete. Councilmember Bean commented that State
34 Street is not the big issue; he felt that the Planning Commission was looking at the 700
35 North Corridor, and considering if the vinyl fence should be required there. Mayor Dain
36 commented that he would hate to lose the continuity of the fence. Councilmember Bean
37 noted that the Planning Commission did not throw out the idea a recurring theme.

38 Mayor Dain stated that he is not in support of striking the white rail fence, but
39 would agree to more discussion on the 700 north corridor. Councilmember Walker
40 agreed with Mayor Dain in not striking the white rail fence and agreed there has to be
41 more discussion along with the height issues also. Councilmember Powell stated the
42 white rail fence is what delineates Lindon from Pleasant Grove, and also stated she likes
43 the continuity.

44 There was then some discussion on boundaries on used auto car lots. Shawna
45 Hatch, state street property owner, voiced her concerns that she would like to see her
46 parcel removed from the boundary. The council was in agreement to exclude Mrs.
47 Hatch's parcel from the boundary line.

2 Mr. Cowie then asked for a consensus on the white rail fence. The council was in
3 agreement to leave the white rail fence requirement as is. Mr. Cowie asked for a
4 consensus on the boundaries and height limits. The council was in agreement to hold off
5 on the height limits on 700 North to see what transpires and what businesses may come
6 in. The council was in agreement to the height limits on the west side of the freeway and
7 in the Harley Davidson location. The council was also in agreement to the amended used
8 auto boundaries on State Street.

9 Mayor Dain asked if there were any public comments. Hearing none he called for
10 a motion to close the public hearing.

11 COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE PUBLIC
12 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
13 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 COUNCILMEMBER BEAN MOVED TO APPROVE THE ZONE CREATION
15 OF CG-A AND CGA-8 AND OTHER CHANGES PROPOSED IN THE LCC 17.48
16 BUT WILL NOT CREATE CGA-6 RIGHT NOW WITH ONE CHANGE TO CG-A
17 WHICH IS TO REMOVE THE PARCEL ON STATE STREET NEXT TO LOW BOOK
18 SALES AS DISCUSSED, AND DO NOT STRIKE OUT THE RECURRING THEME
19 OF THE 2 RAIL WHITE VINYL FENCE AT THIS TIME. COUNCILMEMBER
20 POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS
21 FOLLOWS:

22 COUNCILMEMBER WALKER	AYE
23 COUNCILMEMBER FRAMPTON	AYE
24 COUNCILMEMBER BEAN	AYE
25 COUNCILMEMBER POWELL	AYE
26 COUNCILMEMBER ACERSON	AYE
27 THE MOTION CARRIED UNANIMOUSLY.	

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30 **3. Public Hearing – Ordinance Amendment – Mixed Commercial Zone –**
31 ***Ordinance # 2012-8-O.*** The City Council will hear public comment and
32 possibly act to approve an amendment to the Lindon City Code (LCC
33 17.50.070) “Architectural Design in the Mixed Commercial Zone.” This
34 amendment would allow metal buildings in the zone and will refer to the
35 Lindon City Commercial Design Guidelines.

36 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
37 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT
38 VOTED IN FAVOR. THE MOTION CARRIED.

39 Adam Cowie, Planning Director opened the discussion by explaining that this is
40 also a city initiated item to consider an amendment to the Lindon City Code Section
41 17.50.070, “Architectural Design in the Mixed Commercial zone.” Mr. Cowie further
42 explained that these proposed changes will amend the current language by removing the
43 prohibition of metal buildings in the zone, and will refer to architectural requirements as
44 listed within the Lindon City Commercial Design Guidelines. Mr. Cowie stated this will
45 allow greater flexibility in building design and the approval process by the Planning
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Commission to look at other options. He noted that the Planning Commission recommended approval as presented. Councilmember Bean stated that the Planning Commission did a good job in looking at what they could do to help Goodfellows, and he agrees with their approach.

Mayor Dain asked if there were any public comments. Hearing none he called for a motion to close the public hearing.

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

Mayor Dain asked if there were any comments or questions from the Council. Hearing none he called for a motion. Councilmember Powell voiced her concerns that this action will not open up the option of allowing the old unattractive metal buildings. Mr. Cowie noted that they will still have to comply with the architectural guidelines. The applicant is required to submit material samples etc. for approval before obtaining a permit.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE # 2012-8-O, MIXED COMMERCIAL ZONE. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

4. Discussion – *Cultural Arts and Recreational Enhancement (CARE) Tax.*

This subject was briefly discussed during the budget work session with the City Council. At that time, the City Council directed that the item be placed on the agenda for a full discussion.

Ms. Colson opened the discussion by stating the CARE tax was mentioned in the work session and noted the Council requested more discussion about the implementation process. Ms. Colson then gave an overview of what the CARE tax is. She noted that the CARE tax is the Cultural Arts and Recreation Enhancement Tax and is an adaptation of Utah's option funding for botanical, cultural, recreational and zoological organizations or facilities. She went on to say the adoption of a CARE tax would enhance public financial support of Lindon's recreational facilities. She noted, the tax would have to be on the ballot as an opinion question and would be voted on during a general or municipal election. The opinion question would need to state that the tax amount would be 0.1%, and list the purposes for which the revenues collected from the sales and use tax shall be expended. Ms. Colson further noted if approved, the tax could take effect on April 1st, if everything is done correctly. She added the tax would be levied for 10 years and after 10 years it may be reauthorized for another 10 years.

2 There was then some lengthy discussion among the Council regarding the
possible implementation of the CARE tax. Mayor Dain pointed out one thing to consider
4 is if this is the most opportune time to implement the tax or would it be better at another
time down the road. Mr. Dameron suggested refining what the tax would be used for.

6 Mayor Dain questioned if there is enough time to get everything estimated and
out to the public with an effective saturation campaign and have it on the ballot in
November. He also stated that the economic state of the nation is still wobbly and
8 proposing a tax increase may not be what the citizens want right now. Councilmember
Acerson suggested that the Council talk to the residents to see if there is an interest in the
10 CARE tax and the programs it may implement. The Council was in agreement to talk to
their constituents and have further discussion.

- 12
- 14 5. **Public Hearing** – *Ordinance Amendment - Community Center Advisory
Board to Nine Members Ordinance #2012-9-O*. The City Council will hear
public comment and possibly act to approve an amendment to the Lindon City
16 Code (LCC 2.39.040) “Membership of the Board” increasing the members of
the Board from five to nine.

18

20 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22

24 Mayor Dain asked if there were any public comments. Hearing none he called for
a motion to close the public hearing.

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

30 COUNCILMEMBER POWELL MOVED TO APPROVE THE ORDINANCE
#2012-9-O INCREASING THE MEMBERS ON THE COMMUNITY CENTER
32 ADVISORY BOARD FROM FIVE TO NINE MEMBERS. COUNCILMEMBER
ACERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
34 FOLLOWS:

COUNCILMEMBER WALKER AYE

36 COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER BEAN AYE

38 COUNCILMEMBER POWELL AYE

COUNCILMEMBER ACERSON AYE

40 THE MOTION CARRIED UNANIMOUSLY.

- 42 6. **Review and Action** – *Personnel Policy Amendment - Resolution #2012-9-R*.
This is a request by staff for the City Council’s review and approval of certain
44 amendments to the city’s personnel policies

2 Mr. Dameron noted the personnel policy amendment handout that was presented
3 to the Council for review. He then asked if there were any questions on the
4 recommendations from staff. Councilmember Bean asked for clarification on page #1
5 regarding “at will” employees and if they would have a contract. Mr. Dameron noted
6 that this provision will protect all employees from termination without due process but
7 the City Administrator. Only the City Administrator normally has an employment
8 contract. Councilmember Walker asked for clarification on page #8 regarding employee
9 benefits and differential pay and certification and if it is a common practice. Mr.
10 Dameron stated it is a common practice and the provision provides incentives for people
11 to improve, be certified and advance. There was then some general discussion regarding
12 the amendments. Mr. Dameron also noted that he has requested to add Heath Bateman,
13 Parks and Recreation Director to the “Twitter” account.

14 Mayor Dain asked if there were any further questions or comments. Hearing none
15 he called for a motion.

16 COUNCILMEMBER WALKER MOVED TO APPROVE RESOLUTION
17 #2012-9-R, AMENDING THE CITY’S POLICIES AND PROCEDURES MANUAL
18 CONCERNING CERTAIN PARTS OF THE PERONNEL AND BENEFITS
19 SECTIONS OF THE MANUAL, AND SETTING AN EFFECTIVE DATE.
20 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS
21 RECORDED AS FOLLOWS:

22 COUNCILMEMBER WALKER AYE
23 COUNCILMEMBER FRAMPTON AYE
24 COUNCILMEMBER BEAN AYE
25 COUNCILMEMBER POWELL AYE
26 COUNCILMEMBER ACERSON AYE

27 THE MOTION CARRIED UNANIMOUSLY

- 28
29 7. **Review and Action** – *Bid Award – Westside RDA Street Project*. This is a
30 request by staff for the Council’s review and approval of the bid award for the
31 Westside RDA Street Project. Staff recommends the bid be awarded to the
32 low bidder, Staker & Parson Companies with a bid of \$253,332.05.

33
34 Mr. Dameron explained this action is for the bid award to the RDA Westside
35 Street Project. Mr. Dameron added the West side RDA will expire in a year and the
36 funds need to be spent.

37 Mayor Dain asked if there were questions or comments. Hearing none he called
38 for a motion.

39
40 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE BID AWARD
41 FOR THE WESTSIDE RDA STREET PROJECT TO STAKER & PARSON
42 COMPANIES IN THE AMOUNT OF \$253,332.05. COUNCILMEMBER POWELL
43 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER WALKER AYE
45 COUNCILMEMBER FRAMPTON AYE
46 COUNCILMEMBER BEAN AYE

COUNCILMEMBER POWELL AYE
2 COUNCILMEMBER ACERSON AYE
THE MOTION CARRIED UNANIMOUSLY

4
6 **COUNCIL REPORTS –**

8 **COUNCILMEMBER POWELL** – Councilmember Powell reported that Theresa
Griffin may step down from the Community Center Advisory Board Committee.
10 Councilmember Powell mentioned that she had observed very long lines at the pool, and
commented that this should be addressed; perhaps additional staff available to assist the
12 public would be beneficial. Councilmember Powell noted she attended the IHC Outreach
Committee and suggested reviewing the Brochure that she provided, and she shared an
14 article from the brochure with the Council. Councilmember Powell further reported that
she attended a ribbon cutting hosted by the Chamber of Commerce at a new business in
16 Lindon “Jamberry”, which is a direct sale nail appliqué company that employs
approximately 40 employees. Councilmember Powell mentioned the large amount trash
and garbage on 200 South from untarped vehicles. She would like to know where the tarp
18 fees go. Mr. Dameron stated the North Pointe Transfer Station typically collects
\$15,000. He will ask the TAG Group to increase the clean up from twice a year to
20 monthly. She noted that 200 South shows who Lindon is, as a lot of residents from
bordering towns travel 200 south to the landfill.

22 Councilmember Powell also talked about the Center Street striping and inquired
as to the cost of the sandblasting. Mr. Dameron stated that it is \$950 to sandblast one
24 stripe and the painting was \$250, so a total of \$1,200 for one line. There was then some
general discussion on the Center Street striping. Mr. Dameron noted in the future any
26 street striping where a line is to be located will come to the council in the form of a
sketch for approval.

28
30 **COUNCILMEMBER WALKER** – Councilmember Walker reported that he attended
the animal shelter meeting and they discussed the possibility of scheduling a meeting
with Commissioner Ellertson to address the group in July. Councilmember Walker also
32 commended the Police Department for doing a great job at the Memorial Service. He
noted there were 359 people in attendance. He also commented that this was the best
34 memorial service yet. Councilmember Walker mentioned that Angie Hendrickson would
like to serve on the Historic Preservation Commission. Councilmember Powell stated
36 that she will contact Tonya Lemone about the issue. Councilmember Walker noted he
will get Mrs. Hendrickson’s information to Councilmember Powell.

38 Councilmember Walker noted that he and Councilmember Bean met with Kristen
Colson and Mr. Dameron in a budget meeting; he noted that he appreciated the
40 opportunity to meet with them. He added that Councilmember Bean had some good
ideas, and it was great to get to know each other better. Councilmember Walker asked
42 Chief Cullimore about the extra patrols and why they are called out. Chief Cullimore
noted they are called out during vacation checks etc. Councilmember Walker also
44 inquired about the high animal incident this past month. Chief Cullimore stated that it
could be for various reasons.

2 **CHIEF CULLIMORE** – Chief Cullimore had nothing to report.

4 **COUNCILMEMBER BEAN** – Councilmember Bean reported that the Planning
6 Commission reviewed and discussed the animal ordinance. He noted that Mr. Cowie had
8 drafted a reference table regarding the ordinance. Mr. Dameron noted that the Public
Hearing regarding the animal ordinance is scheduled for June 12, 2012. He added if
Council has any input on this issue to contact Mr. Cowie.

10 **COUNCILMEMBER ACERSON** – Councilmember Acerson made the council aware
12 that Alpine Power Sports is closing their doors. Councilmember Acerson asked if a
business license is needed for a home business. Mr. Dameron confirmed a license is
14 needed and they need to follow the guidelines. He suggested talking to Mr. Cowie or Mr.
Mataele for details. Councilmember Acerson also reported that the Utopia meeting was
cancelled. Mr. Dameron noted that the Utopia take rate is approximately 37%.

16 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton mentioned the Center
18 Street Crossing and if there is an update on the timing. Mayor Dain stated that he had met
with Nyal Richins and they had a decent conversation and he gave him the appraisal.
20 Mayor Dain noted that Mr. Richins had issues with the engineering, so Mark Christensen,
City Engineer did a land survey and also had a good conversation with Mr. Richins.
22 Mayor Dain stated he will now ask him for a price, and now just waiting on an answer
from Mr. Richins. Also, along with the license agreement from the canal company is still
24 in progress.

26 **MAYOR DAIN** - Mayor Dain reported that he had a meeting with Jim Cross. He noted
that Mr. Cross has an interest in obtaining the lease on the Lindon Marina. Mr. Cross
28 indicated that he wants to make the Lindon Marina the finest destination on the lake and
he is ready to purchase. Mayor Dain added that he feels this would be a big improvement
30 at the marina. Mayor Dain further reported that Betsy Maughn has an interest to serve on
the Historic Preservation Commission. Mayor Dain inquired if there has been any
32 feedback with the long lines at the pool, and noted that Wiseguys Pizza is working great
as the concessioner at the pool. Mayor Dain also asked if there had been any feedback
34 from the people who received the accessory apartment refunds. Mr. Dameron stated that
he has not received any feedback. Councilmember Acerson stated that Ray Palmer
36 thanked him for the refund.

38 **ADMINISTRATOR'S REPORT** –

40 Mr. Dameron reported on the following items.

- 42 1. The Council reviewed the Project Tracking List.
- 44 2. Parade of homes will be held from June 8th through June 23rd.
- 46 3. Summer of Service, sponsored by the state for youth and will be held from
June 1st to August 31st.
4. The Council was in agreement to cancel the July 3, 2012 city council meeting
due to the 4th of July holiday.

- 2 5. The Council was in agreement to submit a quarterly article for the newsletter.
Mr. Dameron noted he will draft rotating schedule for the councilmembers.
4 6. Emilie Iliff's last day will be June 22nd. There will be a going away party for
her at the main conference room at 12:00 in the City Center.
6 7. Mr. Dameron noted he has presented a rough draft for the advertisement and
solicitation for the City Administrator position. He will bring a final draft for
review at the next meeting.

8

ADJOURN –

10

12 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING
AT 11:15 P.M. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – June 19, 2012

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Kathryn Moosman, City Recorder

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James A. Dain, Mayor