

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 21,**
3 **2014 at 7:00 p.m. beginning with a work session at 6:00 p.m.** in the Lindon City
4 Center, City Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 Conducting: Jeff Acerson, Mayor

10 **PRESENT**

8 **ABSENT**

10 Jeff Acerson, Mayor
11 Matt Bean, Councilmember
12 Randi Powell, Councilmember
13 Van Broderick, Councilmember
14 Jacob Hoyt, Councilmember
15 Carolyn Lundberg, Councilmember –arrived 6:50
16 Adam Cowie, City Administrator
17 Hugh Van Wagenen, Planning Director
18 Kathy Moosman, City Recorder

20 **DISCUSSION ITEM:** Lindon City Council will meet with State Legislators including
21 Senator Dayton, Representative Stratton and Representative Peterson to discuss matters
22 of common interest. No motions will be made as this item is for discussion only.

24 Mayor Acerson opened the work session by welcoming Senator Dayton,
25 Representative Stratton and Representative Peterson to the work session and inviting
26 them forward for discussion.

28 Senator Dayton opened the discussion by bringing up several issues as follows:

- 30 1) She noted the uniting factor with most of the Utah County delegation is that
31 they are all very supportive of Utah Valley University as they realize that 70 %
32 of the students who go on to higher education attend UVU, which of course
33 affects all of our communities and makes all of our communities involved. She
34 added that whatever works in promoting education is a uniting factor and they
35 all have similar voting records as they have similar values.
- 36 2) She mentioned that Lindon City has a voice through the Utah League of Cities
37 and Towns which can be challenging at times. She also mentioned that if the
38 league is speaking on an issue that the city is not in alignment with to please
39 inform them as it is helpful for them to try and be available and connected and it
40 would be beneficial to have that information.
- 41 3) She then brought up the issue of water. She made the Council aware that the
42 federal government has a new regulation that states all water that originates on,
43 passes over, or is adjacent to any federally held lands in the state belongs to the
44 federal government. She noted this is regulation generated by bureaucracy
45 trumping traditional law, and they are working together and fighting to maintain
46 water and the challenges related to water.

2 Representative Stratton expressed that he appreciates Senator Dayton's comments
and echoed that he is grateful to represent Lindon City and noted that Lindon has
4 credibility and is a wonderful city that is involved and he appreciates the partnership. He
re-iterated Senator Dayton's comment that it is very helpful to hear any concerns from
6 the city and based on the questions requiring discussion here tonight there is some
disparity in what the league is accomplishing.

8 Representative Peterson mentioned he has an interest in the first two requested
items for discussion. He stated they looked very carefully at transportation funding and
Senator Valentine's bill to try and index the gas fund by doing a complicated formula on
10 how to re-do the gas tax. He noted there will definitely be more discussion on how to
increase road funding, noting there is quite a sense for the need to tie it to user fees
12 somehow. He mentioned the problem with the gas tax going down is associated with
more economical cars, better gas mileage etc. Representative Peterson also mentioned the
14 Vineyard Connector has had a lot of discussion with how to get the road through.

16 At this time Mayor Acerson suggested going through the listed agenda items for
discussion as follows: (*discussion in italics*)

- 18 • **Road Funding:** Possible ideas for increased funding of roads & highways
through Lindon:
 - 20 • Increase statewide sales tax % provided that increased funds
come back to cities based on road miles maintained and/or
22 current point-of-sale formulas.
 - 24 • Create legislation specifically allowing cities to impose a
transportation or road fee on utility bills (like Provo). Lindon
would like to see legislation that allows and protects cities rights to
26 impose such a fee to supplement local transportation/road funds.
 - 28 • Draft legislation allowing cities to impose their own increase to
sales taxes for specific use of road funding. Could be a minor
increase that requires a voter opinion like the ZAP tax.
 - 30 • Increase state gas tax.
 - 32 • Increase vehicle registration fees.
 - 34 • Reprioritize state budget to place more emphasis on funding of local
B&C class roadways.

36 *Councilmember Broderick voiced his frustration that the city has no control on
funding roads; there is a certain amount of funds that come in and a long list of roads
that are in need of repair. He noted this is one of the major issues that citizens bring up.
38 He also realizes that most cities in the state struggle with this same problem.*

40 *Mr. Cowie commented that Lindon receives approximately \$300,000 from the
B&C Group and in addition to that it is supplemented through property and sales tax.
He explained that currently, there is \$600,000 this fiscal year with half being met with
42 the B&C funds for road reconstruction and road bonds. He noted we are in a crisis
mode year to year and use the funds just for road reconstruction with no significant
44 maintenance projects because of the lack of funds. He noted it would be well over a
million dollars to annually look at longevity projects.*

46 *Representative Stratton commented that Orem City is facing the same problems
as well and noted that the B&C funds were never intended to pay for everything. Mr.*

2 *Cowie then referenced the bullet points listed above followed by discussion. Senator*
4 *Dayton commented that transportation is definitely one of the biggest issues the*
6 *legislature will address. She noted they all sit on various appropriation sub-committees*
8 *so there are different connections so Lindon City has a voice and is well represented.*

10 *Senator Dayton further stated that she is hearing that the city would like to have*
12 *the option to consider imposing a tax to the people. Mayor Acerson confirmed that*
14 *statement. Representative Peterson re-iterated that Lindon is not the only entity*
16 *struggling with this issue.*

- 18 • **Vineyard Connector Prioritization:** UDOT has purchased a large amount
20 of right-of-way for this future 5-lane State highway running through west
22 Lindon. The alignment significantly impacts future roadways and utility
24 placement. Funding for construction was pulled from the project and UDOT
26 & MAG indicate 20 or 30 years before construction unless the legislature
28 prioritizes funds for the road. Having an approved alignment and right-of-
30 way but no funding to construct the roadway significantly limits property
32 owners and economic development along the corridor. Developers are
34 hesitant to invest money in new projects that will have substantial changes or
36 limitations imposed due to the future roadway.

38 *Mr. Cowie presented a map of the Vineyard Connector for reference showing*
40 *boundaries and future alignments and the possible impacts west of the interchange*
42 *followed by discussion. Representative Stratton commented that the dilemma isn't just in*
44 *Lindon it extends further and until the UP (who are in no hurry) does something there*
46 *will be no construction now or in the near future. The time schedule on the first section*
48 *was supposed to happen this fall and that is definitely not going to happen. Mr. Cowie*
50 *commented that he knows that American Fork has the same concerns. Representative*
52 *Stratton commented that once some of these developments (The Flagship Development*
54 *with 400 homes and the Larry Miller Development) open in Vineyard we should start to*
56 *see some other things happening there and the priority for the connector will raise back*
58 *up.*

60 *Mr. Cowie noted those developments will transition the traffic of a 5 lane*
62 *roadway into a 2 lane road in Lindon; which really impacts all of the roads west of the*
64 *interchange. The dilemma is how much money does the City put into infrastructure*
66 *knowing that the state is going to tear it out? Mr. Cowie stated they applied through*
68 *MAG through the last funding cycle to see if they would prioritize the 2 lane route, and it*
70 *didn't come close to being prioritized because the traffic projections are far out there*
72 *which is very frustrating. Mr. Cowie noted after meeting with MAG their direction to*
74 *staff and Council was to contact the legislature. Representative Peterson asked if it would*
76 *make sense to challenge the proposed layout. Mr. Cowie replied he is not sure as the*
78 *state has invested so much money for right of ways. Representative Stratton pointed out*
80 *that congestion mitigation will change things quickly, and as the pressure builds in*
82 *Vineyard it will change to a higher priority. There was then some additional discussion*
84 *regarding the proposed layout.*

- 86 • **Sales Tax Distribution:** Lindon is an exporter of sales tax. The City desires
88 more of this sales tax to be kept within the city with less redistribution to

2 other communities. Many cities have made decisions to not allow
3 significant commercial or industrial growth, but still want shares of sales
4 tax from other communities that bear more of the burden of providing the
5 services through street installation and maintenance, plowing, utilities,
6 public safety, economic development costs, etc.

7 *Councilmember Hoyt voiced his concerns that this issue is frustrating as Lindon
8 works hard to bring in new businesses and it is an important issue; it is hard to send tax
9 revenue out to other cities that do not put in infrastructure or put in an effort to bring
10 those businesses in and he asked the representative to expand on less redistribution and if
11 it has come up recently in the Legislature. Senator Dayton commented that it has been
12 several years since this issue has been re-visited. Representative Peterson stated there
13 are financial models built upon stability that can create a lot of instability across the
14 board. Councilmember Hoyt inquired if the League has had any discussion on this issue.
15 Mayor Acerson stated there has been some vague discussion from the League. Senator
16 Dayton commented that this would be an appropriate issue for the cities to request the
17 League to work on as united voice with an organized message would be very effective.
18 Mr. Cowie stated that Lindon currently exports over \$150,000 per month to other cities.
19 He noted on a good month the sales tax revenue in Lindon is approximately \$400,000.*

20 *At this time Councilmember Lundberg brought up the issue of the recent
21 Reflections Recovery Center application (which proposed location is fairly close to a
22 school). She commented that there seems to be an increase in group home (addiction
23 recovery type) applicants, in various cities, that are looking to locate in residential
24 neighborhoods; with neighbors being quite worried about changing the character of their
25 neighborhood. She asked the representatives if it is true that there is recent legislation
26 that these types of group homes no longer have to meet the requirement of staying within
27 a certain radius. She is worried that Lindon is open to a plethora of these types of
28 applicants because of the large lots in the city and they can acquire large residential
29 properties. She went on to say it appears that other cities have had a lot of these types of
30 applicants and it doesn't appear that there is too much the cities can do to keep these
31 facilities within a balance. Senator Dayton asked if the local zoning would not address
32 this issue. Councilmember Lundberg stated from what she understands the local zoning
33 is trumped by state and federal law, adding that these types of group homes need to be
34 somewhere but not in residential areas where it upsets the community. Representative
35 Stratton stated that it is federal law not state statute that governs this issue. Senator
36 Dayton suggested contacting Congressman Chaffetz as they do not have much say
37 regarding this issue but agrees there are an increasing number of these types of facilities
38 and other cities are facing this same issue.*

40 • **Justice Court Judges Salaries:**

- 41 • Current legislation requires a Justice Court Judge's salary to be paid
42 through the end of the judge's term, even if the Justice Court closes. It
43 adds significant burden to an already difficult budget decision of
44 possibly closing a justice court.
- 45 • Allow annual adjustments to a Justice Court Judge's salary based on
46 case load. Current state law prohibits reduction of a judges' salary
regardless of case load. If the case load reduces, the salary has to remain

the same. Allow Cities to negotiate annual salary based on caseload and work demand in Justice Courts.

Representative Stratton commented they had a bill open last year and pointed out that they kept hitting road blocks on that issue and asked if the City has considered having the Justice Court join with another municipality. He noted they have had a lot of discussion on this issue and the problem is the checks and balances as the judiciary is handled on a state level and there is a rippling effect across the board when they try to do anything. He added that his recommendation would be to close it if it is not working for the city and to consider another venue to meet the needs. Councilmember Powell commented that to justify closing it they would still have the obligation to pay. She added that it needs to be timed correctly to get the full use of funds and the Council has evaluated it and has looked at the numbers to see when it can financially be done. Senator Dayton commented that this is an ongoing discussion that many cities have and legislation is discussing this issue.

Mayor Acerson thanked Senator Dayton, Representative Stratton and Representative Peterson for their valuable input and expressed his appreciation on behalf of the Council for their service. Mayor Acerson called for any further comments or discussion from the Council. Hearing none he adjourned the work session at 6:57 p.m.

REGULAR SESSION – 7:00 P.M.

Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Brandon Tomlinson, Boy Scout
Invocation: Carolyn Lundberg, Councilmember

PRESENT

ABSENT

Jeff Acerson, Mayor
Matt Bean, Councilmember
Randi Powell, Councilmember
Van Broderick, Councilmember
Jacob Hoyt, Councilmember
Carolyn Lundberg, Councilmember
Adam Cowie, City Administrator
Jordan Cullimore, Associate Planner
Cody Cullimore, Chief of Police
Kathy Moosman, City Recorder

1. **Call to Order/Roll Call** – The meeting was called to order at 7:05 p.m.

2. **Presentations/Announcements** –

a) **Mayor/Council Comments** – Councilmember Powell invited Heath Bateman, Parks & Recreation Director, to remind the public of the upcoming Hallows Eve Party at the Community Center on October 30th beginning at

5:30 pm. He noted there will be a movie, a flashlight candy hunt and many other fun activities. He invited everyone to attend.

3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of October 7, 2014 were reviewed.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES OF THE MEETINGS OF OCTOBER 7, 2014 AS AMENDED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	ABSTAIN
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY.

4. **Consent Agenda** – No items.
5. **Open Session for Public Comment** – Mayor Acerson called for any public comment not listed as an agenda item. There were no public comments

CURRENT BUSINESS

6. **Discussion Item** – *Overview of Economic Development and Business Friendly Practices.* Lindon City Planning & Economic Development Director, Hugh Van Wagenen, will give an overview of past and present business friendly practices and economic development efforts that Lindon has made. Mr. Van Wagenen will discuss how the City is working to improve upon its processes and image in order to attract, grow, and retain businesses within the city.

Hugh Van Wagenen, Planning Director, gave a brief overview of past and present business friendly practices and economic development efforts that Lindon has made. Mr. Van Wagenen discussed how the City is working to improve upon its processes and image in order to attract, grow, and retain businesses within the city. He noted this is in an effort to have discussion and touch base on the business friendly practices the city has tried to promote. He mentioned the memo (included in the packets) includes city initiated items that the city was pro-active in, ordinance changes which the city was re-active with trying to accommodate businesses, RDA improvements and incentives and also some bonding mechanisms in place for certain business to help them out, recognitions and awards and other high quality services offered. He commented with a lot of these items there is real money put in by the city in a lot of ways.

Mr. Van Wagenen then referenced the list of items that Lindon has done in recent years to encourage successful businesses within the City followed by some general discussion:

City Initiated Items:

- City funded construction of 700 North roadway & utilities is paying - \$266,000/year through 2025
- City funded \$1 Million of Lindon/PG I-15 interchange and worked with land owners on ‘friendly condemnations’ to secure land
- City vacated large portion of 600 North public roadway to accommodate Walmart
- City vacated portions of Main Street and gifted property to adjacent business owners
- UTOPIA – City funded fiber optic infrastructure to homes and businesses. May ultimately pay over \$19 Million

Letters of support sent to businesses:

- 2014 sent pool passes to top 15 sales tax producing businesses
- Goodfellow Corporation – received thank you letter sent in previous years and sought one-on-one help to facilitate new building addition
- Offered cash incentives to Hearth and Home to remain in Lindon

Business recognition & appreciation in Council meetings:

- Allowed increased locations for used auto sales (CG-A)
- Created Commercial Design Guidelines to stream-line development reviews and protect businesses from poor buildings, colors, and site design
- Reduced significant land-use processing time (minor subdivisions, signing of Plats, etc.) Eliminated ‘white fence’ requirement
- Created extensive Development Manual – outlines development process with clear guidelines and expectations
- Possible future changes to Beer License Ordinance – allowing sales on Sunday?

RDA Improvements & Incentives:

- 700 North CDA – will provide millions for infrastructure and/or incentives
- Murdock Hyundai: gave 1 acre of land + over \$400,000 in cash-back incentives
- District 3 RDA (Canopy Building Area) – 2014 landscaping improvements along business street frontages: spent \$13,464.29 in 2013FY and budgeted \$262,366 in 2014FY
- District 3 RDA lighting, streets, sidewalks, etc: cost of \$3,560,413 (2000-2004 & still paying on this bond)

District 3 RDA Developer incentives and pay-back plan:

- Johansen Thackery Development get paid ~\$250,000 / yr for life of RDA for a total of \$1,925,743 of which we’ve paid \$1.5M so far;
- Paid Lindon Gateway \$536,436 from 2003-2009.
- West Side RDA – Shadow Mountain Industrial Properties, paid cash property tax rebates for life of RDA (now expired) worth \$599,160.
- State Street RDA - South Towne Business Mall (strip mall on State Street) paid cash sales & prop tax rebates for 15 years (finished in 2012) worth \$471,409 in property tax and \$129,507 in sales tax.
- Multiple road and utility installations and improvements

2 **Industrial Revenue Bonds:**

- 4 • Mountain States Steel – used excess city bonding capacity to secure low interest loans worth \$1,500,000 to enable business expansion (matures in Feb. 2016).
- 6 • Interstate Gratings - used excess city bonding capacity to secure low interest loans worth \$3,500,000 to enable business expansion.

8 **Recognitions / Awards:**

- 10 • 2013 State of Utah – Governor Herbert Business Friendly practices recognition
- 12 • 2008 – Utah Valley Home Builders Assoc. voted Lindon the Best City to Build In
- 14 • 2009, 2011, 2013 – CNN Money Magazine ranks Lindon in top 100 Best Cities

12 **Other High Quality Services (indirect benefits):**

- 14 • Full-time Police / Fire services available
- 16 • Police installed and maintains west-side security camera system. Worked with businesses to secure locations and power
- 18 • Low city crime rate
- 20 • Am Bank, multiple other thefts & property crimes, etc.
- 22 • Low business license fees
- 24 • Lower than average property taxes
- 26 • Moderate utility fee rates
- 28 • Fast development processes. We’ve worked hard to streamline and speed the land use and building permit process.
- 30 • Fairly good streets and infrastructure
- 32 • Great snow plowing program
- 34 • Higher standards for fire protection, building inspections, and FEMA flood plain regulation, which allows lower commercial insurance rates for residents and businesses
- 36 • Friendly city staff
- 38 • Approachable City Council members

32 Councilmember Hoyt commented that he appreciates this list and the discussion tonight because he was not aware of a lot of these items and he feels enlightened to see what the city has been doing. These are things we should be telling others about as spokesmen of the City. He also commended Mr. Van Wagenen and Mr. Cowie for their efforts on this issue.

38 Councilmember Hoyt also explained his emailed list of complaints noting that he does not have concerns because with the majority of them the city made the right decision and no matter what there will always be complaints. He also pointed out that he feels a fully functioning Chamber of Commerce could help with the existing businesses and could also function as a liaison between the city and the businesses. Councilmember Lundberg asked if there has been follow-up from the Pleasant Grove Chamber of Commerce. Councilmember Hoyt confirmed that they have formed a committee and they will be coming forth with a proposal to the city. Mr. Van Wagenen thanked Councilmember Hoyt for the complaint list noting that these things are not always brought to their attention. Mr. Cowie noted that many of the complaints are fairly old

2 and he feels there are multiple issues on the list that the city has been extremely lenient
3 with.

4 Mayor Acerson commented that he doesn't ever want to discourage people from
5 providing feedback. He would like to see the business license process streamlined as our
6 goal is to do the best we can and learn from it and to see what we can do better. Mr.
7 Cowie mentioned that the Council has the ability to change things as they pertain to code
8 violation, so if there are concerns with sign ordinances, landscaping requirements etc.; as
9 a legislative body the Council can make changes as they see the need. Mr. Van Wagenen
10 commented that staff may be reactive to a business request but if the Council has
11 concerns to alert staff so they can work it out and get ahead of them before there are any
12 major issues. Councilmember Powell mentioned that she would like to see a name change
13 for 200 South and feels it would be very business friendly. Mr. Cowie said to let them
14 know if they would like this to be brought back as an official agenda item. Mr. Van
15 Wagenen told the Council to please contact him with any concerns or questions they may
16 have.

17 Mayor Acerson called for any further comments or questions from the Council.
18 Hearing none he moved on to the next agenda item.

- 19 7. **Review & Action** – *PARC mini Grant Funding Recommendations.* The City
20 Council allocated a portion of PARC (Parks, Arts, Recreation, and Culture) tax
21 funds to be set aside for funding of mini grants for non-profit cultural arts
22 organizations with a heavy presence in Lindon. After advertising the grant
23 opportunity the City received only one application. Staff recommends the Council
24 approve the grant application for the Lindon Chamber Music Society in the
25 amount of \$4,720.00 for the 2014 funding cycle.

26 Heath Bateman, Parks & Recreation Director, opened the discussion by stating
27 after advertising the PARC mini grant opportunity the City received only one application.
28 He then introduced the applicants, Shawna Bowman and Shara Gunderson from the
29 Lindon Chamber Music Society. Mr. Bateman noted he has reviewed the application and
30 feels they do a great job and it is within the scope of the PARC mini grant process.
31 Councilmember Broderick asked about some number discrepancies on the application.
32 Mr. Bateman stated that there was an advertising fee and an administrative salary that
33 was inadvertently omitted from the application. He also noted the non-profit rate should
34 be \$25.00 an hour (which went up this year) rather than \$20.00 an hour on the
35 application. He noted that he recommends approval of the grant application for the
36 Lindon Chamber Music Society with the revised amount for the PARC Tax. He noted
37 that when the 54 hours are exhausted they could possibly have a free concert for the
38 residents to work out the difference and the extra use if the Council is in approval, as they
39 are still under the cap. Mr. Bateman noted funds for the requested grant amount by the
40 Lindon Chamber Music Society have been accrued and are available to be awarded. He
41 noted that a significant portion of the grant request is to offset rental costs at the
42 Community Center, thus that portion of the grant funds will be funneled back to the
43 Community Center as rental revenue.

44 Mr. Cowie commented the Council allocated up to \$15,000 for the 2014-2015
45 fiscal year, 4% of the original allocation and with the recent budget amendment that
46

number stayed the same. Councilmember Lundberg pointed out since there are no other applicants using the \$15,000 she would be very amenable to giving the applicants the increase to \$5,000. Councilmember Broderick thanked the applicants for applying and expressed that this is a great program. He asked how many participants they have in their group. Ms. Bowman replied there are approximately 25 children in the orchestra including 4 teachers and coaches and also 4 high school students to help out. They are planning a concert season that is free to the public but it involves paying an accompanist, rental of the building, advertising etc., with the Community Center serving their purpose wonderfully. She noted they will reach out to some state grants also. There was then some additional discussion regarding this agenda item. Councilmember Lundberg expressed that this will bring enrichment to our city and noted that many cities offer their centers for free. She added she loves what they are offering and hopes the word gets out. She would ask that the Council consider for next year to offer the facility in kind versus charging for the facility with the grant money.

Mayor Acerson questioned as multiple groups start coming in with the associated administrative costs and physical resources etc., do these assets belong to the group or to the city. Mr. Cowie stated the assets would belong to the group as the city is funding their operational expenses only (grant). He noted there is also a reporting requirement associated with the grant. Mr. Cowie mentioned as a reminder with any grant awards, by the second Tuesday in April any applicants have to submit an expense report to the Council on how the funds were used before the next funding cycle. Mr. Cowie would also encourage that the PARC tax logo be included on any advertising etc., to promote that the funding was provided by the partnerships with Lindon City and the PARC Tax. Councilmember Broderick inquired if the PARC Tax grants could be used for the Little Miss Lindon float. Mr. Cowie stated that he and Mr. Bateman will check the by-laws and look into this issue and bring the information back to the Council.

Mayor Acerson called for any further comments or questions from the Council. Hearing none he called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE THE 2014-2015 PARC MINI GRANT APPLICATION FOR THE LINDON CHAMBER MUSIC SOCIETY IN THE AMOUNT OF \$5,000 CONTINGENT UPON A SUBMITTED UPDATED APPLICATION. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 8. Discussion Item** – *Community Center Rental Rates for Commercial Use.* At the request of the Mayor and Council the Parks & Recreation Director, Heath Bateman, has prepared two options for consideration to allow commercial activities in the Community Center and is seeking direction on how to proceed. No official motions will be made.

2 Mr. Bateman also led this discussion stating at the request of the Council he has
prepared two options for consideration tonight to allow commercial activities in the
4 Community Center. Mr. Bateman explained after the study was completed by Ms.
Colson and Mr. Cowie, it was determined that the cost to run the Community Center is at
6 least \$48/hr. during regular business hours to have the Community Center open plus
programming costs. He questioned if the Council wants to subsidize some of those
8 rentals etc., or be self-sufficient.

10 Mr. Bateman stated he is providing two (2) options for adding Commercial and
non-resident rentals at the community Center. Option #1 shows the commercial being a %
of the total revenue earned with Option #2 showing a flat cost for Commercial rentals.
12 Mr. Bateman explained that research shows that it is about 75% to 25% for other
businesses and stated that colleagues he has spoken with would side with the flat cost
14 increase for rentals. Also through research, he found the amount of increase between
resident, non-resident and commercial on the flat rate increase model varies widely so he
16 doubled the rental rate for non-residents and doubled again for commercial.

18 Mr. Bateman noted some of the challenges he can see if rentals are made more
available as follows:

- 20 • Availability (there are a lot of programs here and gym time is somewhat
difficult to get during sports leagues.)
- 22 • Saturday Rentals and late night rentals will make my staffing needs go
up. (currently, weekend rentals are scarce and my staff goes home during
the evening at 7:00 PM)

24 Mr. Bateman further noted there are positives and negatives to both models. His
26 personal recommendation is the percentage model because if a show or event doesn't go
well, it gives flexibility in the cost back to the City so the people won't lose a lot. This
28 would take more time by staff to make sure the actual amounts of gate receipts or sales
receipts are accurate. He went on to say in both situations he has removed non-profit rates.
30 If nonprofit rates are wanted it can be added in as a percentage off the resident and
nonresident rate. Mr. Bateman stated that the Council can change the percent taken or
32 raise or lower the rental rate at their discretion and he can work with either one.
Councilmember Lundberg mentioned Alpine School Districts rental rates and that they
34 classify different users (5 classifications). Councilmember Broderick asked what
Pleasant Grove charges for their facility. Councilmember Hoyt stated that he checked
36 today and they charge \$50/hr. for the whole facility plus \$10/hr. to pay the employee who
is attending; \$250 is the maximum fee for the entire day plus the \$10/hr. employee fee.
38 There was then some general discussion by the Council regarding this issue.

40 Mr. Bateman then referenced the memo from Ms. Colson where she determined
through her study that the total (unaudited) expenses for the Community Center for the
2013-2014 fiscal year is \$128,656, which calculates to a daily cost of \$352.56 or an
42 hourly cost of \$14.73 based on 24 hours/day, 7 days/week. Ms. Colson also mentioned in
her memo that the Community Center is supported by its programs. Rentals are available,
44 but they are not meant to be the sustaining revenue. In the 2013-2014 fiscal year, rental
revenue totaled \$6,767. Mr. Bateman stated that Ms. Colson also notes in the memo that
46 there is not enough interest in renting the Community Center to cover all of the building's

costs. Mr. Bateman added that Ms. Colson recommends keeping the rental fees close to "market" rates.

Councilmember Hoyt commented that this issue comes down to the question if commercial is wanted in the Community Center and if yes, we need to be competitive and be realistic. Councilmember Hoyt mentioned that he is in favor of commercial ventures in the Community Center but is not comfortable with a revenue percentage. He also feels this would bring people into our city and also generate some revenue. Mr. Bateman also questioned if the Council would be in favor of non-resident commercial rentals as well as resident commercial rental opportunities.

Councilmember Bean agreed with Councilmember Hoyt that this would welcome people to our city. He also agreed that non-residential commercial rentals would help cover costs and he is not opposed to it. Councilmember Powell stated she is comfortable renting to non-residents as long as it benefits Lindon in some regard and that it fits our standards or other criteria.

Councilmember Lundberg stated that she is fine with this but feels we should not be subsidizing unless we want to put a little "skin in the game" and give them the opportunity to get a percentage of sales or should we give the option of them giving the higher percentage of ticket sales so we take on a little bit of risk or just be flat so we always know what we are getting. Councilmember Powell commented that this is a fine line. Councilmember Bean would suggest looking at other entities for comparison and if there are more cities that are charging a percent then we could look at that and if they're not then we may lose the renters to another city.

Councilmember Lundberg pointed out that there are a lot of event facilities in the city to rent from. Mr. Bateman stated that he will do some research on percentages vs. flat rates and a comparable of rental rates and bring it back to the Council in November. Councilmember Broderick agreed to revisit this again in a year and see what Mr. Bateman comes back with regarding the rental rate study because we would know what the standard should be. Councilmember Hoyt added that he would like to see a maximum rate (dollar amount) during normal business hours and an add-on fee for after hours (nights and weekends). Mr. Bateman concluded by stating his theory is he wants the building full and maximized but also wants to be fair and equitable and to be comparable.

Following some additional discussion the Council was in agreement to rent the building commercially to residents and non-residents as well and to have Mr. Bateman bring back a study in November for review. Mayor Acerson called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

9. **Review and Action** – *Everbridge Emergency Notification Contract*. The Council will review and consider a proposed contract between Lindon City and Everbridge, Inc. to provide emergency phone service for all residents and businesses. The previous emergency phone notification system provided through Utah County is no longer available. Everbridge serves agencies nationwide and several local jurisdictions have recently contracted with Everbridge, including Orem. The \$5,000 annual cost was included as part of the 2014-2015 budget.

2 Chief Cullimore led the discussion by explaining the City has been very proactive
3 in its emergency disaster planning and drills. He further explained a critical part of
4 Lindon's emergency notification system has been the utilization of a computerized phone
5 notification program that was operated and funded through Utah County. He added the
6 County no longer has this service available and unfortunately the phone contacts that
7 residents and businesses entered into that system are no longer accessible.

8 Chief Cullimore further explained that for the last couple of years the City was
9 informed by the County that the old program may not continue and therefore it has been
10 budgeted for funds to replace the phone notification system. He noted that after
11 researching he would recommend contracting with Everbridge, Inc. for this service. He
12 noted this company has a good history and performance record and Orem City has
13 contracted with Everbridge for their phone notification system.

14 Chief Cullimore went on to say this program allows the ability to use the system
15 for multiple notifications and is not just for emergencies; the annual fee is for unlimited
16 use. Other opportunities to use the system besides emergencies could include notification
17 of elections, city meetings, open houses, utility outages, celebrations and events, etc. He
18 added the system can be geographically isolated to only call phone numbers within a
19 specific mapped area of town if desired. He noted it appears to be a well-established
20 system that will serve the needs of the city well.

21 Chief Cullimore further discussed that the data entered into the previous County
22 system is not recoverable and residents and businesses will need to re-enter their contact
23 information into the new database. Chief Cullimore stated if the contract is approved, the
24 City will institute an aggressive outreach program to get as many people entered into the
25 system as possible including implementing senior involvement.

26 Chief Cullimore concluded that he feels this is a critical tool that our residents and
27 businesses have come to expect during emergencies. He noted that funding for the service
28 will come from General Funds through the Police Department budget. He added the
29 contract amount of \$5,000 equates to an approximate cost to the City of \$0.17 per month
30 per household which is a small price for the city to pay in order to reach its citizens
31 during a crisis.

32 Chief Cullimore concluded by stating that the system needs to be used as much as
33 possible and they have already started training with city staff and they would like to start
34 implementing this system as quickly as possible. Mr. Cowie stated that staff attended a
35 demo of the system with Everbridge representatives which was very beneficial. There
36 was then some general discussion by the Council regarding this issue.

37 Mayor Acerson called for any further comments or questions from the Council.
38 Hearing none he called for a motion.

39 **COUNCILMEMBER BRODERICK MOVED TO APPROVE THE CONTRACT**
40 **FOR THE EMERGENCY PHONE NOTIFICATION SERVICES THROUGH**
41 **EVERBRIDGE, INC. AS PRESENTED. COUNCILMEMBER POWELL SECONDED**
42 **THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:**

43 COUNCILMEMBER POWELL AYE
44 COUNCILMEMBER BEAN AYE
45 COUNCILMEMBER LUNDBERG AYE
46 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE
2 THE MOTION CARRIED UNANIMOUSLY.

4 10. **COUNCIL REPORTS:**

6 **Councilmember Powell** – Councilmember Powell reported that she will be attending a
8 meeting with the North County Outreach on Thursday. She also reported the Community
10 Center Advisory Board will hold their next meeting in November and they have some
12 positions to fill if anyone has any suggestions to please let her know. Councilmember
14 Powell commented that she will not be attendance at the next Council meeting but will be
back in the middle of November. She also mentioned the large dirt pile next to the
Osmond Senior Living Construction site that is blowing a lot of dirt across State Street.
Mr. Cowie stated the dirt is from excavation and noted they haven't heard any complaints
or concerns.

16 **Councilmember Bean** – Councilmember Bean reported that Planning Commissioner
18 Ron Anderson has submitted his resignation but he has agreed to stay on through the
20 Group Home application. Councilmember Bean asked the Council to forward any
22 suggestions for potential members to him or to Mr. Van Wagenen. Councilmember Bean
also mentioned that he appreciates the efforts in the meeting yesterday regarding the
Ivory Development. There was then some discussion regarding the proposed Ivory
Development.

24 **Chief Cullimore** – Chief Cullimore had nothing further to report.

26 **Councilmember Hoyt** – Councilmember Hoyt mentioned that he appreciated being
28 excused from last meeting he noted that he read the minutes and it sounded like it was a
good productive meeting.

30 **Councilmember Broderick** – Councilmember Broderick reported that he attended the
32 monthly engineering meeting. He also gave an update on the sewer flow. He also
34 commended the City Engineers noting they do a great job and provide a great service to
the city.

36 **Councilmember Lundberg** – Councilmember Lundberg had nothing further to report.

38 **Mayor Acerson** – Mayor Acerson reported that he obtained the donations (grants) from
40 Walmart for the upcoming Thanksgiving Dinner which has been verified and approved.
He also reported that he attended the recent UIA meeting and there is nothing new to
42 report. He also met today with Rocky Mountain Power regarding the trail and he hopes to
see some movement on this issue.

44 **Administrator's Report:**

Mr. Cowie reported on the following items followed by discussion.

46 **Misc. Updates:**

- October City newsletter
- Land Use Project Tracking List
- Ivory Homes development – status update
- 2008 Sales Tax Revenue Bond refunding (\$440k in savings); Directed LYRB to move forward
- Benefits Committee update
- Mayor received grant award from Walmart
- Misc. Items

Upcoming Meetings & Events:

- Newsletter Assignment: Councilmember Broderick - November newsletter article.
Due by last week in October
- October 22nd at 4:30 pm to 7:00 pm. MAG Transportation & Planning Open House, Orem Senior Center
- October 30th at 5:30 pm – Hallow’s Eve Party at Community Center
- November 4th – Elections (No Council meeting)
- November 5th – Special Council meeting night
- November 18th – 6:00 pm work session. Annual Department reviews w/Public Works and Parks Department
- November 27th & 28th – City offices closed
- November 27th – Community Thanksgiving Dinner at Community Center
- December 9th at Noon – Engineering Coordination Meeting at Public Works – Mayor Acerson and Councilmember Broderick will attend

Future items:

- Employee Policy Manual updates
- Performance evaluations, compensation, and benefit studies
- Impact Fee studies
- Economic Development plan/policies

Mayor Acerson called for any further comments or discussion from the Council. Hearing none he called for a motion to adjourn.

Adjourn –

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 10:10 PM COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – November 5, 2014

Kathryn Moosman, City Recorder

Jeff Acerson, Mayor