

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 7,**  
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**

10 Jeff Acerson, Mayor  
11 Matt Bean, Councilmember  
12 Randi Powell, Councilmember  
13 Van Broderick, Councilmember  
14 Carolyn Lundberg, Councilmember  
15 Adam Cowie, City Administrator  
16 Kathy Moosman, City Recorder

**ABSENT**

Jacob Hoyt, Councilmember

18 **DISCUSSION ITEM:**

19 Lindon City Planning Director, Hugh Van Wagenen, Lindon City Building Official, Phil  
20 Brown and Lindon City Chief of Police, Cody Cullimore, will meet with the City Council  
21 to discuss annual department reports, activities and programs associated with the  
22 Planning, Building and Police Departments. No Motions will be made.

24 Mayor Acerson opened the work session by inviting Phil Brown, Chief Building  
25 Official, Hugh Van Wagenen, Planning Director, and Chief of Police, Cody Cullimore  
26 forward to discuss their presentations on annual activities associated with their  
27 prospective Departments.

28  
29 Hugh Van Wagenen, Planning Director, opened the discussion by stating that  
30 things have been picking up in the planning department and they have had a pretty good  
31 year. He then referenced the planning department report (included in the packets)  
32 showing that the planning department processed 52 land use applications in 2014 which  
33 is an increase from the 45 applications processed in 2013 which indicates the economy is  
34 picking up. He noted many of these applications were for site plans, temporary site  
35 plans, plat amendments and subdivisions. Mr. Van Wagenen mentioned staffing and  
36 noted that Jordan Cullimore has filled the vacant Associate Planner position and is a great  
37 asset to the department that helps the department run more pro-active and efficiently. He  
38 added that the planning department staff does a great job for the city.

39 Phil Brown, Chief Building Official, addressed the Council at this time by  
40 thanking the Council for their continued support and for all they do for the city. He began  
41 by giving a brief summary and stated that the past year has been a good solid year for the  
42 building department also. He noted that the economy seems to be improving and they are  
43 seeing a lot more activity. Mr. Brown then referenced the report (included in the packets)  
44 indicating the activity from the past year, including the number of building permits issued  
45 and types of permits issued. Mr. Brown went on to say that he feels, based on what they  
46 see and the applications they have received, this year is going to finish as a good strong

2 year for the department, as far as construction and planning. He also feels that this trend  
3 is going to continue, as they have seen a lot of interest in the remaining vacant lots in the  
4 city and also some new developments and industrial projects. He noted the numbers are  
5 not significantly higher in most categories (not a huge jump), but in reality they are  
6 higher because of demand and new development which shows the construction economy  
7 is strong. He added that County and State wide numbers are also up significantly and the  
8 numbers reflect that.

9 Mr. Brown pointed out that Lindon does not do a lot of tract home developments  
10 as they do mostly custom homes, so hundreds of new homes are not seen. He went on to  
11 say that development has been healthy and steady from July to date with more significant  
12 projects coming in terms of dollar amounts not just size, including commercial and  
13 industrial projects. Mr. Brown then referenced the expenditures and revenues section of  
14 the report stating revenues took a bigger jump than the number of permits issued because  
15 the values are higher.

16 Mayor Acerson asked Mr. Brown if this increase has impacted his ability to be  
17 timely and perform his job in the manner that he would like. Mr. Brown confirmed that  
18 the increase has had an impact and the department (building and code enforcement) has  
19 suffered because they are a two (2) man department where they used to be three (3). He  
20 explained that Building Inspector, Gary Hoglund's time has shifted almost 100% to  
21 building duties rather than code enforcement. He noted, as opposed to other cities,  
22 Lindon City is a timed inspection office because their priority is to meet time schedules  
23 and they pride themselves on being on time and not late as far as inspections go. He  
24 further explained that they are timely in getting the permits out if the plans are complete,  
25 which can be the biggest issue. Mr. Brown commented that he feels they are doing very  
26 well, considering the two man department, but if the economy keeps moving, at some  
27 point he may need to come to the Council to request another employee to give the service  
28 that needs to be given to the public. Mr. Brown mentioned they have split code  
29 enforcement into 3 different areas that involves the zoning and police departments also.

30 Mr. Brown then discussed code enforcement and inquired if the Council feels it is  
31 getting done to their expectation as Mr. Hoglund's time has shifted. Mr. Cowie  
32 mentioned as the Ivory Homes Development begins they may have to fill the vacant  
33 inspector position to keep up with the volume of inspections. Mr. Brown mentioned one  
34 thing that needs to be focused on is continued education and training which suffers as you  
35 can't sacrifice the time if you are doing the job. Councilmember Broderick asked if the  
36 code enforcement areas are prioritized. Mr. Brown stated, regarding code enforcement  
37 issues, the first response is always complaint based which they follow up on first. He  
38 noted the direction of past Councils has been to not implement the police type of  
39 enforcement.

40 There was then some general discussion by the Council with Mr. Brown  
41 regarding his report, including code enforcement, accessory apartment updates and also  
42 the statistical and valuation information provided. Mr. Brown stated they have a great  
43 staff and a good team downstairs and he always appreciates and welcomes any feedback,  
44 suggestions and direction from the Council to improve upon their department.

45 Chief Cullimore addressed the Council at this time. He complimented the  
46 building and zoning department for all of their support and help in working with the

Police Department and expressed that they are excellent to work with. Chief Cullimore stated the Police Department has had a rough year with some major incidents that have happened, including the Fred Lee incident, the Bourne incident, the recent suicide case, and the AmBank robbery. Chief Cullimore then gave a summary of his staff stating the Police Department has 15 full time sworn officers (no animal control officer) and two (2) full time civilian positions. He noted they will also be hiring a part time position. There have been 40 applications submitted and they have narrowed it down to 10 highly qualified applicants for the interview process. They also plan on adding responsibility with emergency management to the new hire.

Chief Cullimore then referenced the data (included in the packets) stating that overall total calls are down 1.3% which is very good. Chief Cullimore then reviewed traffic statistics. He mentioned that a little more emphasis was placed on writing more citations and agreed there are times when people deserve a ticket. He has asked his officers to focus more on traffic enforcement to slow down the problem areas. He indicated that the volume of traffic is worse than speeds as there are more cars on the road which brings more problems; citations are up 26.5 percent, which is a strange figure as accidents went up almost 19%. He suspects this is attributed to the volume of cars on the road. Chief Cullimore mentioned that the most dangerous intersection in town is the Walmart intersection with the 700 north and Geneva Road intersection coming in second; where there are a lot of traffic issues.

Chief Cullimore stated that overall the crime rate has decreased 10.5 percent which is great and he noted that Lindon is a great place to live and people feel safe here. He reported that the emergency drill went very well with a good response from the citizens. The neighborhood watch program is also a factor that gets a great response. Chief Cullimore stated the general impression is that the police department is doing a good job here in Lindon. Chief Cullimore noted that the relationship with Orem City is very good. Fire and EMS have exemplary response times and they are proud to be assigned to the Lindon station. He also mentioned that Gary Giles is the new Orem City Chief of Police who will serve well in that capacity.

Chief Cullimore reported they have applied for a grant that will be enough to equip all officers with a body camera that will also store video (a terabyte of storage). They also applied for an "Ad Tec" grant that will be between 4 and 5 thousand dollars for alcohol enforcement equipment.

Chief Cullimore concluded by stating a lot of good things are going on in the department and they are keeping very busy. He noted that he works with good people and he also enjoys working with the elected officials and the city administration. Chief Cullimore added that Lindon has a nice relationship with the City Council and expressed his thanks to the Mayor and Council for their continued support of the Police Department.

Mayor Acerson thanked Mr. Brown, Mr. Van Wagenen and Chief Cullimore for their presentations and expressed his appreciation for their dedicated service to the City. 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: Andrew Parah, Boy Scout  
2 Invocation: Matt Bean, Councilmember

4 **PRESENT**

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

**ABSENT**

Jacob Hoyt, Councilmember

14  
1. **Call to Order/Roll Call** – The meeting was called to order at 7:05 p.m.

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2. **Presentations/Announcements** –

18  
a) Representatives from the Orem Fire Department were in attendance to present  
20 the Council with pink t-shirts to show representation and pride in uniform in  
recognition of Breast Cancer Awareness month which is such a worthy  
22 endeavor. The Orem Fire Department is proud to be wearing pick for the  
month of October to show to the community that Firefighters in pink take  
24 great pride in representing the community. Angela Cole, Orem City Engineer,  
has taken the lead on this issue along with Dan Harris in helping the  
26 department to recognize this effort. Ms. Cole stated that they are trying to  
raise money and to get more involved locally. She noted that after talking  
28 with Chief Gurney she suggested wearing pink t-shirts which is getting a lot  
of positive public response and comments. Ms. Cole stated they are grateful  
30 to be here tonight and thanked the Council for their support and the great  
partnership here in Lindon. Mayor Acerson thanked the Fire Department on  
32 behalf of the Council and applauded their good efforts and their partnership  
with Lindon City.

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b) **Mayor/Council Comments** – There were no comments at this time.

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3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of  
38 September 16, 2014 were reviewed.

40 COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE MINUTES  
OF THE MEETINGS OF SEPTEMBER 16, 2014 AS WRITTEN. COUNCILMEMBER  
42 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

44 COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE  
46 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

2 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4 4. **Consent Agenda** – No items.

6 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
8 comment not listed as an agenda item. There several residents in attendance who  
addressed the Council at this time.

10 **Val Killian: 247 East 140 North, Lindon.**

12 Mr. Killian commented that he sent an email to the Council prior to the last  
14 Planning Commission meeting. He stated that he is here tonight to voice a real concern  
about the proposed Recovery Center. He noted that he feels there is not a real consensus  
16 that this group home can be denied, and as a consequence their group has hired their own  
attorney and would request to have more time to have their brief presented because they  
believe there is good, justifiable cause that the Council can deny this in this location,  
18 even with the way the code is written. Mr. Killian stated they have retained the services  
of Justin Hydeman whose contact information was given to the city but apparently he was  
20 never contacted. Mr. Killian went on to say they feel strongly that Mr. Hydeman has  
good cause and a good reputation and also has good information that is defensible that  
22 can get this project denied. Mr. Killian asked the Council when making the decision to  
give them 10 or 12 additional days. He understands that the applicant has not fulfilled all  
24 of their submittal requirements, including financials that will need to be reviewed and  
will take some time.

26 Mayor Acerson asked Mr. Cowie for a timing update. Mr. Cowie stated that the  
architectural drawings came in today and will be forwarded to the appropriate people for  
28 review and the financial documents were submitted on Monday and also forwarded and  
the materials will be under review. Mr. Cowie mentioned item has not gotten to the City  
30 Council yet and the Planning Commission is tentatively scheduled to review this next  
Tuesday but it may be postponed (if postponed it will be noticed on the city website  
32 Monday afternoon). From the looks of these issues the city will need more time to  
evaluate the submitted materials with staff, consultants and counsel. He noted that  
34 currently, City Attorney, Brian Haws is counsel on this matter along with a secondary  
legal counsel, Jody Burnett, who is a well-respected attorney for land use matters and has  
36 specifically handled group home cases with those with disabilities and was highly  
recommended, including a good recommendation from the city insurance carrier,  
38 URMMA.

40 Mr. Killian mentioned that he was told this project could not be stopped and the  
only thing that they may be able to do is mitigate the density. Mr. Cowie advised Mayor  
Acerson that this should be a discussion to have with Mr. Killian privately at a later time.  
42 Mr. Killian stated the citizens and neighbors in the area and whole city of Lindon need to  
stand firm with respect to what will be allowed in the community. He noted they realize  
44 these facilities are necessary but there are certain areas where they belong; not in this  
residential area which is totally inappropriate not only because of what is there now but  
46 what will be in the future.

2 Mayor Acerson commented that the Council encourages citizens to be involved to  
the extent that they feel they need to be, but the Council wants to make sure that the right  
4 decisions are made to ensure all citizen's rights are respected and protected. Mr. Killian  
voiced his opinion stating part of the Council's job is to represent the citizens and the  
6 reality is the citizens do not want this center to go in their neighborhood. He added there  
are a lot of people involved in this and the word is spreading and they will be here in  
force at the next meeting.

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10 **Dave Phlegl: 140 South 200 East, Lindon.**

12 Mr. Phlegl commented that his home is located in a residential neighborhood with  
a commercial building directly behind his property. He voiced his concerns about the  
14 possibility of having another business across the street from his home (that is zoned  
residential) is just not right. He feels this proposed facility should certainly not be in an  
16 area surrounded by residential homes where there is not a business within 300 to 500 ft.  
in any direction. He noted that he hears the garbage trucks in the commercial area behind  
him and does not want any added traffic or noise. He also believes his property will be  
18 damaged by this mechanism if it successfully goes in. Mr. Phlegl asked the Council to  
consider postponing this issue so the citizens can have an equal opportunity to get some  
20 legal satisfaction.

22 Mayor Acerson called for any further public comment in the open session.  
Hearing none he moved on to the next agenda item.

24  
26 **CURRENT BUSINESS**

- 28 6. **Review and Action**– *Waste Disposal Contract Extension, Republic Services.*  
Reece DeMille with Republic Services requests approval of a 3 year extension to  
30 the current waste disposal contract that may be granted upon approval of both  
parties. No change in contract prices or procedures is proposed as part of this  
request.

32  
34 Adam Cowie, City Administrator, gave a brief summary of this discussion item  
stating Reece DeMille with Republic Services requests approval of a 3 year extension to  
36 the current waste disposal contract that may be granted upon approval of both parties. He  
explained that no change in contract prices or procedures is proposed as part of this  
request. He further explained that Republic has been under contract since prior to 2010  
38 when the name changed from Allied Waste. Mr. Cowie stated that Republic Services has  
been providing a good relationship and the current contract will expire June 30, 2015 and  
40 requires a 90 day notification. He noted this is a good opportunity to move forward with  
the extension recommendation based on the current agreement that would extend it  
42 through June of 2018 and the current pricing is good. He noted Republic provides a good  
service to the residents and are responsive to residential waste hauling needs within the  
44 community. Mr. Cowie stated under the current contract and pricing from Republic,  
Lindon residents have one of the lowest residential garbage and recycling rates in Utah  
46 County.

2 Mr. Cowie mentioned there was some interest expressed in the spring from two  
3 other haulers who hoped to bid on Lindon's waste disposal contract when it is due to  
4 expire. He noted that the prices offered for solid waste removal in cities where these other  
5 providers do business is more expensive than Lindon's current rates. He pointed out that  
6 given our good relationship, services, and pricing with Republic, staff sees no reason not  
7 to exercise the 3-year extension provision in the current contract.

8 Mr. Cowie explained that Mr. DeMille contacted him since the staff report went  
9 out and discussed the CPI index (which is reviewed annually). He noted there is an  
10 allowance for Republic to come in each spring and request an increase in the CPI for  
11 garbage services. He also stated there is a separate fuel surcharge that is worked in to the  
12 price structure so residents don't see that fluctuation. Mr. Cowie mentioned that  
13 secondary from the fuel charge is an allowance for them to request an index increase to  
14 the rates on an annual basis. Mr. Cowie pointed out Republic did not request a rate  
15 increase last year with the City Council so the two (2) year period will be coming up this  
16 spring.

17 Mr. Cowie then turned the time over to Reece DeMille and Alissa Daley,  
18 representatives from Republic Recycling, for comment. Mr. DeMille commented they are  
19 proposing the three (3) year contract extension (included in the contract). He noted the  
20 new expiration date would move from June 30, 2015 to June 30, 2018. He explained that  
21 pricing during that period would stay on the same schedule as it is now, including the rate  
22 proposed with the implementation of an opt-out recycling program. They would also  
23 propose writing language into the addendum to the contract that solidifies a CPI increase  
24 annually, which would eliminate them having to come to the Council each year to request  
25 that. He stated out of the 18 cities they service Lindon is the only city that doesn't have a  
26 set annual CPI. He added that they would suggest doing this with a cap on it so there is a  
27 basis for budgeting purposes.

28 Ms. Daley briefly commented on ways to increase resident recycling participation  
29 through education and outreach. Patrick Liecthy, resident in attendance, voiced his  
30 opinion that it seems healthy to get bids from other companies. Mr. Cowie stated that  
31 there has been a comparison county wide and Lindon currently has the lowest pricing in  
32 the county for garbage and recycling services. There was then some general discussion  
33 by the Council regarding this agenda item.

34 Mr. Cowie stated that a legal addendum to the current contract will need to be  
35 prepared if approved. Mr. Cowie suggested that a motion to continue this item would be  
36 appropriate and to give staff the directive in the motion to prepare a contract addendum to  
37 bring back to the next meeting. Mayor Acerson called for any further comments or  
38 questions from the Council. Hearing none he called for a motion.

39  
40 COUNCILMEMBER BEAN MOVED TO CONTINUE THE REQUEST BY  
41 REPUBLIC SERVICES TO EXTEND THE CURRENT RESIDENTIAL WASTE  
42 DISPOSAL CONTRACT AGREEMENT UNTIL JUNE 30, 2018, TO ALLOW STAFF  
43 TO WORK WITH REPUBLIC SERVICES REGARDING AN ADDENDUM TO THE  
44 CURRENT AGREEMENT THAT WOULD ADDRESS PRIMARILY AN INDEX BY  
45 WHICH THE COUNCIL COULD ESTABLISH A POSSIBLE INCREASE IN THE  
46 FUTURE. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE  
47 WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

2 COUNCILMEMBER BEAN AYE

COUNCILMEMBER LUNDBERG AYE

4 COUNCILMEMBER BRODERICK AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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7. **Continued Public Hearing** – *Ordinance Amendment, LCC 17.44.140 Accessory Buildings (Ordinance #2014-16-O)*. Lindon City requests an amendment to Lindon City Code 17.44.140, Accessory Buildings, to allow reduced setbacks for certain accessory structures on corner lots in residential zones by approval of Ordinance #2014-16-O. The Planning Commission recommends approval.

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

16

Jordan Cullimore, Associate Planner, opened the discussion by reminding the Council this is a continued item from the last city council meeting where the proposed changes to this ordinance were reviewed with some recommended changes. He noted before the Council tonight are the changes to the previous proposal that have been implemented to limit the scope of the proposed change throughout the community as previously discussed by the Council.

18

Mr. Cullimore then referenced the amended ordinance draft. He re-iterated that this action is initiated in an effort to improve the code and to find ways to add flexibility and predictability so property owners can use their property in different ways in certain cases. Mr. Cullimore explained this action will also allow property owners to get better use out of their property while ensuring traffic and safety concerns are also considered. He noted a concern brought up at the last meeting was that this was not necessarily applied to all typical corner lots in Lindon. He then referenced the added subsection “a” in the ordinance that states “This subsection applies to lots of which at least 52% (rounded to the nearest hundredth) of the total combined lot line length abuts a public street or right-of-way.” He commented that this change may be a good threshold to exclude typical lots but include atypical or irregularly shaped lots (owners) that may benefit from perceiving more room to work with in placing their accessory building. Mr. Cullimore then referenced all subsections of the amended ordinance. He also showed photos depicting examples of applicable corner lots in the city.

24

Mayor Acerson took public comment at this time. Patrick Dixon addressed the Council at this time with a question on paragraph 3b of the ordinance. He asked if an accessory building has to be situated at least 20 ft. within the front lot line. Mr. Cullimore confirmed that statement. He noted that 15 ft. was previously proposed but the Council felt that was too close. Mayor Acerson called for discussion from the Council at this time. Councilmember Broderick commented that he is in favor of the changes made and they address his concerns; he also likes the numbers. Councilmember Lundberg inquired if there are other applicants who feel the 20 ft. setback is not adequate. Mr. Cullimore stated he is not aware of any others and it has not been contested.

30

Councilmember Bean commented that he was concerned about the 15 ft. setback so he

appreciates the changes and feels this mitigates the street view problems.

Councilmember Powell stated that she is in favor of the changes. Mayor Acerson commented that he respects the fact that other cities have compromised. Mr. Cullimore noted that this is already allowed on corner lots in the R3-Zone (Fieldstone) and this would apply to the R1-Zone generally.

Mayor Acerson called for any further public comments. Hearing none he called for a motion to close the public hearing.

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

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 PROPOSED ORDINANCE #2014-16-O AMENDMENT TO LCC 17.44.140 ACCESSORY BUILDINGS AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

8. **Public Hearing:** 2014-2015 Fiscal Year Budget Amendment (Resolution #2014-13-R). The Council will review and consider approval of Resolution #2014-13-R outlining various proposed amendments to the 2014-15 fiscal year budget. Lindon City Finance Director, Kristen Colson, will present this item to the Council.

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

Mr. Cowie led this discussion by stating budget amendments occur periodically to be able to make adjustments for unforeseen or updated information regarding budget expenditures and revenues. He noted that Lindon City Finance Director, Kristen Colson, is in attendance to present this item to the Council tonight. He stated that Ms. Colson has prepared a written summary of the changes that corresponds to the spread sheet numbers (included in the packets).

Kristen Colson, Finance Director, led the discussion by reviewing and explaining the highlights of the amended budget listed below followed by discussion:

1. For over a decade, Lindon City has had an allocation of mass transit tax which the Utah State Tax Commission remits directly to the Utah Transit Authority (UTA) on behalf of Lindon. This has not been recorded in Lindon City's

2 financial statements. On June 24, 2014, the Utah State Auditor's Office sent  
Auditor Alert 2014-3 advising all municipalities that they are now required to  
4 recognize the tax revenue and corresponding expense even though the money  
does not pass through the City. The budget amendment will affect the revenue  
and expense and reflects the anticipated amount for the 2014-15 fiscal year.

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2. There were several last minute changes to the final budget presented on June 17, 2014. The implications of the proposed changes did not have time to be fully reviewed. As time has passed, there are several items that need to be amended back to the final budget amounts proposed on June 17. It was not the intention to eliminate the services corresponding with the budget cuts. This includes City Council members attending the Utah League of Cities and Towns Spring Conference; rental of a backhoe which is split between Streets, Cemetery and Water divisions; and the increased cost of internet service to the Community Center.
3. The Utah Valley Chamber of Commerce renewal increased slightly above what was budgeted.
4. Lindon City needs to update the Public Safety Impact Fee Study in order to evaluate the potential and possibly implement this new impact fee. The cost for Lewis, Young, Robertson and Burningham to complete this study is approximately \$15,000.
5. The North Utah County Animal Shelter annual assessment increased \$6,721 from last year's assessment due to a 20% increase in the number of animals from Lindon and a 21% increase in the cost per animal.
6. The PARC tax revenues are coming in better than anticipated. This amendment will increase the budgeted revenue \$95,000 and allocate the additional revenue in order to maintain the establish allocation ratios except with Administration (half of Hannah's salary and benefits) and the Mini Grants. The remaining revenue will be used to increase the amount going into the fund balance. She then referenced the overall PARC Tax Fund Budget spreadsheet.
7. Lindon City needs to update Impact Fee Facilities Plans (IFFP) for Water and Storm Water Drainage. These plans have been required since 2011, but have never been completed. The estimated cost JUB Engineers to complete the Water IFFP is \$63,000 and will be paid for by the water impact fees currently held in reserve (fund balance). The Storm Water IFFP will cost about \$75,000. There are not any impact fee reserves to fund this. The inability for the storm water impact fees to fully fund qualifying projects is one of the reasons this study needs to be completed. The City cannot alter the impact fee amount without an IFFP.
8. Lindon City has been awarded a Utah County Recreation grant to reimburse expenditures for emergency exit gates and concession equipment at the pool.

2 The grant of about \$6,000 is in the budget, however, the expenditures were not  
put in the budget. The increase in the Recreation fund increases the amount to be  
4 transferred from the General Fund. This transfer is reflected in both the General  
Fund and the Recreation Fund.

6 9. Increase the Use of Fund Balance in order to balance fund budgets.

8 Ms. Colson then referenced other upcoming items that may impact the budget  
followed by some general discussion:

- 10 • Litigation and other claims that have yet to be settled
- 12 • Landscape contract will be re-bid in the Spring (expecting an increase)
- 14 • Bond refunding will save interest in the long run, but will have an issuance cost in  
the current fiscal year
- 16 • IFFP for Sewer and Parks (in future fiscal years)

18 Ms. Colson called for any questions at this time. Councilmember Broderick had a  
question about the increase in the recreation fund and the transfer from the general fund.  
He asked the reason why this amount is transferred from the general fund. Ms. Colson  
20 replied that the recreation fund does not have a fund balance so any excess that is spent  
beyond revenues would come from the general fund. Councilmember Broderick stated he  
22 would like to see alternatives besides using excess from other areas which would put less  
burden on the general fund. Councilmember Lundberg commented if there is more Parc  
24 Tax revenue than anticipated does that not alleviate the general fund. Ms. Colson stated a  
good balance is trying to be maintained between using the Parc Tax funds to help  
26 alleviate the costs for the general fund in maintenance issues and items that qualify for  
Parc Tax monies. She further stated that Parc Tax monies should be saved for good  
28 improvements that the public will see where the funds are going. Councilmember  
Broderick pointed out if there are more Parc Tax funds coming in why transfer more out  
30 of the general fund to cover the increased funds. Councilmember Powell commented that  
there are certain criteria that have to be met in order to be taken from the Parc Tax funds.  
32 There was then some additional discussion by the Council regarding this issue with Ms.  
Colson explaining how the percentages are allocated.

34 Patrick Dixon, resident in attendance, addressed the Council inquiring why the  
budget was lowered for library card reimbursement; he expressed that he does not feel  
36 this should have been lowered as it is a service the citizens enjoy. Councilmember Bean  
commented that the traditional role of libraries has shifted as there is more access to  
38 information online; however, the library still serves as an important place to go for  
information. He noted that most cities would not build a library from scratch, as it is too  
40 expensive. He added that the Council always looks at options to provide perks for the  
citizens, but at the same time trying to cut back for budgeting purposes. Councilmember  
42 Powell recalled the budget discussion by the Council in June regarding this issue was  
brief, including several other budget items that swiftly got checked off and lacked  
44 sufficient discussion. Mayor Acerson commented that these items were discussed with  
the knowledge that they could be reviewed and possibly amended at a later date.

46 At this time Little Miss Lindon Queen, Anna Passmore, addressed the Council.  
Ms. Passmore expressed her gratitude for being a part of the Little Miss Lindon program

that has been ongoing for almost thirty years and is a tradition that needs to be continued.  
2 She stated being a part of the Royalty has taught her the need and the value of service.  
She believes they are ambassadors for the city and the float is one of the tools they use to  
4 be city ambassadors. Ms. Passmore stated she is respectfully requesting that the City  
Council re-consider the budget cuts for the Little Miss Lindon Program.

6 Tracy Stone and Joy Nelson, directors of the program, thanked the Council for  
their financial contributions and support of the Little Miss Lindon Program over the  
8 years. Ms. Stone noted it helps so much and makes the program successful. She  
explained they are a service based program for the Council and the City. Ms. Stone then  
10 explained the program the service projects and events attended by the royalty and also the  
benefits of the float. Ms. Stone further explained the recent budget cuts to the program  
12 make it seem impossible to even build a float. She noted that she realizes that budgets  
have to be cut, but expressed that this is an item that promotes our city. Each year they  
14 have to design, create, and build the float as it does not last from year to year. Ms. Stone  
commented as a royalty and as a program they are saying the float budget is fundamental  
16 in keeping this program going. The float is a way for our city to be recognized within the  
County; a city must have a float to be allowed into the parades. Ms. Stone noted they are  
18 willing to try and make the float last a couple of years, but they cannot do it on a \$750.00  
budget let alone the \$5,000.00 budget.

20 Councilmember Powell expressed that she feels this issue is so important that  
these young women get the opportunity to serve in this program. She stated that she will  
22 stand shoulder to shoulder in support of this program and she feels this is a reasonable  
request that the Council should consider. Councilmember Lundberg complimented the  
24 program and expressed that they should have the support of the city and they represent  
the city very well and are very committed. She also stated that she is ignorant as to what  
26 goes into building the float and would be appreciative to know why it is under budget.  
She would also be interested to know what float materials are used and if there is  
28 anything that could be used that would be more cost effective. Ms. Stone explained that  
float building does not utilize re-usable materials as it does not hold up because of the  
30 wind, weather etc. Each year the prices go up for materials and they are not re-usable;  
however, they use all items that they can possibly re-use. Ms. Stone re-iterated that the  
32 float cannot be maintained for \$750 a year. Ms. Nelson stated if the float is cut they don't  
have a program.

34 Councilmember Lundberg inquired if they have ever checked into sponsorships to  
subsidize the costs. Ms. Stone replied they have not because it is a city owned float. She  
36 went on to say if you get a sponsor for your float then they have to advertise and the city  
float advertises for Lindon Days. Mayor Acerson stated there may some Lindon  
38 businesses that would like to step up with monies for this program that is so great for  
these young women. Mayor Acerson noted that he would ask how can we make better  
40 use of our time and money and resources because they are not unlimited, and we need to  
be good stewards and to have a plan that may span more than one year; which is good for  
42 the girls, the program and everyone.

44 Councilmember Powell expressed that she feels the float is a fundamental key to  
this wonderful Lindon program and a good representation of the city. She went on to say  
what these young ladies get to experience is invaluable and the people gather and love the

2 parades and the floats. She also expressed that the pageant is handled so professionally  
and is one of high caliber and the production is stellar.

4 Councilmember Broderick agreed that Little Miss Lindon is a wonderful Program  
and it is nice to know that the budget can be amended when needed and be able to make  
6 decisions on where the funds can be allocated. He suggested that they draft a budget to  
present to the Council. Ms. Nelson thanked the Council for their time and support of the  
8 program. Councilmember Bean echoed Councilmember Broderick's comments and  
would suggest that they re-visit this issue. Councilmember Powell made a suggestion to  
implement a liaison from the city to the Little Miss Lindon Program.

10 In conclusion, Ms. Nelson asked in what direction the Council would like them to  
go; a new float every year or try make them go year to year. Mayor Acerson suggested  
12 they draft a plan (budget) with different options with numbers attached and provide the  
information to Mr. Cowie to get it on the next agenda so official action can be taken.  
14 Mayor Acerson thanked them for coming and for their information and added that he and  
the Council are here to help support the program.

16 Mayor Acerson called for any further public comment. Hearing none he called  
for a motion to close the public hearing.

18  
20 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC  
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22  
24 Mayor Acerson called for any further comments or questions from the Council.  
Hearing none he called for a motion.

26 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION  
#2014-13-R WHICH OUTLINES THE PROPOSED 2014-2015 FISCAL YEAR  
28 BUDGET AMENDMENTS AS PRESENTED. COUNCILMEMBER POWELL  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER POWELL            AYE  
COUNCILMEMBER BEAN            AYE  
32 COUNCILMEMBER LUNDBERG        AYE  
COUNCILMEMBER BRODERICK       AYE

34 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 36 9. **Review and Action:** *Utah Infrastructure Agency Assessments.* On February 27,  
38 2013 the City Council approved Resolution #2013-5-R authorizing payment of  
monthly operations assessment loans to the Utah Infrastructure Agency (UIA) in  
40 order to eliminated such expenses from being funded by UIA bond proceeds. The  
loans are to be repaid to Lindon with interest. Per the Council's direction,  
42 progress reports have been presented at least quarterly and reviewed prior to  
authorizing payments of additional assessments. On April 1, 2014 the Council  
44 authorized payment of the assessment loans from January through June of the  
2013-14 fiscal year. On July 15, 2014 the Council chose not to pay the  
46 assessment for the third quarter of 2014 (July-September). The Council will  
review UIA/UTOPIA performance reports and give staff direction in regards to

2 whether payment of assessments for the months of October, November, and  
3 December 2014 in the amount of \$7,223.00 per month should be approved. Past  
4 invoice amounts have been paid monthly and not in advance. The estimated  
5 monthly assessments have been budgeted for the 2014-15 fiscal year.

6 Mr. Cowie opened the discussion by explaining the most current progress reports  
7 from Utopia and UIA are included in the packets. He then showed the graphs depicting  
8 the reports. He explained that UIA continues to show gradual improvement in revenues  
9 and has deployed a significant amount of infrastructure in Lindon in the late spring of this  
10 year; additional installations in new subdivisions are possible. He noted that decisions to  
11 deploy new infrastructure in Lindon are made by Utopia staff and are based on the best  
12 possible return on investment.

13 Mr. Cowie mentioned, given the uncertainty of various outside proposals to take  
14 over Utopia there is definite trepidation in regards to the future of Utopia and its  
15 struggling financial situation. He explained the participation by the member cities in  
16 OpEx is critical to sustain the current, limited network operations. During UTOPIA  
17 Board budget discussions in June budgetary constraints were imposed with a limited  
18 operating budget approved. He further explained the Board extensively discussed areas  
19 to cut and reduce costs. While UIA appears to be making progress in accordance with its  
20 projected "Sweet-Spot Plan" proposed in early 2013, it will continue to need OpEx  
21 assistance. Mr. Cowie stated the "Sweet-Spot Plan" anticipated a 5-year period of  
22 needing OpEx, with a decreasing amount anticipated each quarter. As is, Staff believes  
23 Utopia's budgetary constraints are significant and will be crippling without continued  
24 financial assistance from the majority of member cities. Mr. Cowie commented that  
25 additional litigation costs from further financial hardships that are one-time obligations  
26 with the organization handling it.

27 Mr. Cowie went on to say that in addition to financial issues, failure to participate  
28 in OpEx appears to be a significant obstacle for teamwork between member cities and the  
29 organization as a whole. Mr. Cowie noted, having been on both sides of the table in  
30 regards to being a paying vs. non-paying OpEx city, in his opinion the non-participating  
31 cities appear to have less credibility with the Utopia Board in general and also appear to  
32 have less influence regarding important matters within the organization. Mr. Cowie noted  
33 that most member cities have committed to pay OpEx assessments at the current time. He  
34 added as far as he is aware, Lindon and Payson are the only member cities not currently  
35 paying OpEx assessments, Murray made an agreement to pay through December with  
36 other ideas being presented.

37 Mayor Acerson then gave a brief summary of the recent Mayor's meeting he  
38 attended regarding UIA and the settlement including discussion. He noted that Mayor  
39 Bigelow from West Valley City presented a model that Utopia is possibly comfortable  
40 with. According to Mayor Bigelow, if they are willing to put up some of their own  
41 money, and if the take rate is increased maybe some of the money flow back to Utopia.  
42 He noted the feeling is we are all in this together. Mayor Acerson explained that Mayor  
43 Bigelow's concept was to come up with the numbers that the cities would need to achieve  
44 the level of take rate in order to wipe out the operational expenses. He noted that Kurt  
45 Sudweeks took the information to review and will bring it back to the next Mayor's  
46 meeting for discussion. Mayor Acerson said this is a pro-active approach and they feel

2 they can increase the amounts substantially. Councilmember Lundberg asked if there  
would be a provision to be retro-active for previous customers who paid the higher fee, as  
they may be upset having paid the higher amount.

4 Councilmember Lundberg also mentioned the free market companies are  
changing; it is not a static figure and it does fluctuate. Mr. Cowie stated 90% of the sign-  
6 ups are on the lease option with a small percentage paying the cash up-front.  
Councilmember Lundberg pointed out if the “sweet-spot” take rate percentage is  
8 identified, city to city, it would potentially seem that Lindon is already there, if so, we are  
looking good. Mr. Cowie confirmed that Lindon is already there. Councilmember  
10 Broderick stated he’s had conversations with neighbors who have Utopia and they are  
concerned their rates are going to increase because they are aware there is a short fall. He  
12 asked if \$7.00 per month could be put on every resident (subscriber) that has Utopia to  
cover the shortfall, and who would make that decision. Mr. Cowie replied that is not a  
14 decision that the city can make and stated he would have to check with the marketing  
directors to see how that is handled. Mr. Cowie noted in the Board meetings he has  
16 attended he has not been aware of any detailed discussion on the pricing structure and  
why they charge what they charge; he note he has asked and in part the reason is they  
18 don’t want to divulge their game plan. Councilmember Lundberg commented the ISP  
(internet service providers) come into play as well who will eventually market to the end  
20 user and will be competitive and have some variance.

Councilmember Broderick stated what he is suggesting is that the increase  
22 amount (\$7.00 per month) be for users only as currently everyone in Lindon is  
subsidizing Utopia users. Mr. Cowie stated that he will bring that question up to the  
24 board. Mr. Cowie re-iterated that it is his opinion that non-participating cities appear to  
have less credibility with the Utopia Board in general, and also appear to have less  
26 influence regarding matters of importance within the organization, which is very  
frustrating and certainly has an associated political implication. Mayor Acerson called for  
28 further discussion at this time. Councilmember Broderick voiced his opinion that he was  
in favor of paying the assessments last time and would be in favor again tonight. There  
30 was then some general discussion by the Council regarding this issue including  
discussion regarding the Macquarie proposal.

32 Councilmember Bean voiced his concerns if we agree to pay the working capital  
(OpEx) assessments, which we are obligated to pay under UIA, how long does this  
34 continue before we know anything concrete about whether Utopia is going to move  
forward with Macquarie or not. He noted, based on the UIA agreement, will we ever get  
36 repaid for our paid OpEx under any scenario because Utopia has to be revenue positive  
and UIA has to be revenue positive and all the debt obligations have to be met and the  
38 board has to agree to pay it; he believes this will never happen. Councilmember Powell  
was in agreement with Councilmember Bean’s statement.

40 Mayor Acerson commented, based on the settlement, Utopia has come back with  
a tentative proposal of how the monies would be distributed, of which all legal fees  
42 would be reimbursed to the cities and a percentage of those monies would also be paid  
back to the cities who paid for operational costs; which would have to be approved by the  
44 cities. He noted there is a gesture to try to make the cities somewhat whole and this is on  
the table and being discussed. Councilmember Bean stated that he is certainly sensitive to  
46 the concerns that Mr. Cowie has raised regarding losing credibility. Councilmember

2 Lundberg commented what she is hearing is if we pay the assessments that we don't have  
4 enough voting percentage to ever really be much of a player, so not paying the OpEx is  
6 saying be responsive to us and answer our concerns. Mr. Cowie commented that they  
8 have been somewhat responsive. Councilmember Bean agreed they have responded  
10 somewhat and have provided some requested material. Mr. Cowie noted the board tracks  
12 who pays and who doesn't pay the assessments and in the end it comes down to votes.  
14 Councilmember Lundberg stated it comes down to what we get for this if we pay. She  
16 also asked how Lindon can make a positive impact to send a message one way or the  
18 other. She stated she observes three (3) options 1. Continue to not fund 2. Start to fund  
again going forward or 3. Fund retro-actively going forward. Mr. Cowie stated partial  
payments could also be funded.

20 Councilmember Bean voiced his opinion if Utopia was willing to look at every  
22 option out there and parallel with Macquarie, he would feel better about approving the  
24 assessments, at least some payments, if that would give Lindon a voice. Following some  
additional discussion Mr. Cowie stated the Council could continue the item and wait a  
month or two to see what happens with Macquarie to make a decision. Councilmember  
Lundberg asked if we wait do we want Mr. Cowie to present some of the issues discussed  
tonight to the Board with the indication that we are in a high level debate.  
Councilmember Bean stated he is open to restarting payments under different conditions;  
not as they stand now. Mr. Cowie stated unless there is not a majority they have the  
exclusivity issue going until the Macquarie deal is done.

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

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE UIA  
32 OPERATIONS ASSESSMENT PAYMENTS FOR THE MONTHS OF OCTOBER,  
34 NOVEMBER, AND DECEMBER 2014 AS PRESENTED.

36 **THE MOTION DIED FOR LACK OF A SECOND.**

38 Mr. Cowie stated this issue will be brought back to the Council at a later date when  
40 there is more information. Councilmember Powell excused herself from the meeting at  
42 this time.

44 Mayor Acerson called for an alternate proposal. Hearing none he moved on to the  
46 next agenda item.

#### 38 10. **COUNCIL REPORTS:**

40 **Councilmember Powell** – Councilmember Powell was absent.

42 **Councilmember Bean** – Councilmember Bean thanked Mr. Cowie and the Planning and  
44 Zoning Department for their work on the recently discussed group home issue.

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

2 **Councilmember Hoyt** – Councilmember Hoyt was absent.

4 **Councilmember Broderick** – Councilmember Broderick reported that he attended the  
6 North Union Canal Co. meeting and reported that it was a good water year from the  
canal. There are some leaking concerns but they are not sure where they are located as  
yet. He also noted that there are funds in the bank and Lindon is a major shareholder.

8 **Councilmember Lundberg** – Councilmember Lundberg reported that she attended the  
10 recent Arbor Day Celebration which was a nice event, however she would like to see it  
get more momentum. She also reported that she attended the Bicycle/pedestrian Open  
12 House and it is looking good and they should hear more feedback soon. Councilmember  
Lundberg also attended a meeting with the EDCU Utah along with Mr. Cowie and Mr.  
14 Van Wagenen. She stated they are genuinely interested and are trying to bring good  
things to the whole county. She also mentioned the “Pickleball” tournament is coming  
up.

16 **Mayor Acerson** – Mayor Acerson reported that he attended the Mayor’s meeting where  
18 the UIA and the settlement proposal was discussed. He noted there is more discussion to  
come. He also mentioned they are dealing with the landfill and noted it was approved  
20 (through the County Health Dept.) to allow them to put a septic (holding) tank in to  
create the entry on the west side of the landfill which will help change the traffic flow  
22 and alleviate some of the congestion in the area. Mayor Acerson mentioned the  
Recovery Center issue followed by some discussion by the Council.

24 **Administrator’s Report:**

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

28 **Misc. Updates:**

- 30 • October City newsletter is on the city website
- Land Use Project Tracking List was reviewed
- 32 • Legislative report from State elected representatives (October 21<sup>st</sup> Council  
meeting work session at 6:00 pm)
- Run for the Trees – Arbor Day event report
- 34 • Bike Plan/Pedestrian study – open house report
- Group home status update
- 36 • Ivory Homes development – status update 6:00 pm at Ivory Ridge October 20<sup>th</sup>
- New Business license report
- 38 • Center Street lift station design – progress report
- New staff hired: Water Technician, Management Intern
- 40 • Bond refunding (refinancing for lower interest rate)
- 60 North cell tower – lease extension request from AT&T
- 42 • Schedule Wadley Farms tour date – it was suggested to set a date and let the  
Council know
- 44 • Misc. Items

46 **Upcoming Meetings & Events:**

- Newsletter Assignment: Councilmember Broderick – November newsletter article. *Due by last week in October.*
- October 14<sup>th</sup> at Noon – Engineering Coordination at Public Works. Mayor Acerson and Councilmember Broderick will attend
- October 21<sup>st</sup> at 6:00 pm – work session with State Legislators
- October 22<sup>nd</sup> at 4:30 pm to 7:00 pm. MAG Transportation & Planning Open House, Orem Senior Center.
- November 18<sup>th</sup> – 6:00 pm work session. Annual Department reviews w/Public Works and Parks Departments
- November 27<sup>th</sup> – 11-2 pm Community Thanksgiving Dinner at Community Center

**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 11:00 PM COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – October 21, 2014

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor