

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, October 2,**
3 **2012 beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 p.m.

7 Conducting: James Dain, Mayor
8 Pledge of Allegiance: Cody Cullimore, Chief of Police
9 Invocation: James Dain, Mayor

10 **PRESENT**

11 James A. Dain, Mayor
12 Mark L. Walker, Councilmember
13 Bret Frampton, Councilmember – Arrived 7:49
14 Matt Bean, Councilmember
15 Jeff Acerson, Councilmember
16 Ott H. Dameron, City Administrator
17 Adam Cowie, Planning Director
18 Cody Cullimore, Chief of Police

10 **ABSENT**

11 Randi Powell, Councilmember
12 Kathryn Moosman, City Recorder

19 The meeting was called to order at 7:02 p.m.

21 **INTRODUCTIONS:**

22
23 Cody Cullimore, Lindon City Chief of Police, introduced the newly hired officer
24 of the Lindon City Police Department, Jacob Simmons. Chief Cullimore noted that
25 Officer Simmons was selected after an extensive hiring process and will be a great asset
26 to the Lindon City Police Department.

27 Adam Cowie, Planning Director, introduced the newly hired Associate Planner,
28 Hugh Van Wagenen. Mr. Cowie noted that many qualified candidates applied for this
29 position, and Mr. Van Wagenen was selected after an extensive hiring process. Mr.
30 Cowie added that Mr. Van Wagenen will be a very beneficial member of the Community
31 Development team. Mayor Dain welcomed Officer Simmons and Mr. Van Wagenen to
32 Lindon City, and expressed his appreciation for their willingness to become part of our
33 group and he looks forward to a great association.

34
35 **MINUTES** – The minutes of the regular meeting of the City Council of September 18,
36 2012, and the Special Meeting of September 5, 2012 were reviewed.

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38 COUNCILMEMBER BEAN MOVED TO APPROVE THE MINUTES OF THE
39 REGULAR MEETING OF SEPTEMBER 18, 2012. COUNCILMEMBER WALKER
40 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

41 COUNCILMEMBER WALKER AYE
42 COUNCILMEMBER ACERSON AYE
43 COUNCILMEMBER BEAN AYE
44 THE MOTION CARRIED WITH TWO ABSENT.

2 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
3 THE SPECIAL MEETING OF SEPTEMBER 5, 2012. COUNCILMEMBER
4 ACERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
5 FOLLOWS:
6 COUNCILMEMBER WALKER AYE
7 COUNCILMEMBER ACERSON AYE
8 COUNCILMEMBER BEAN AYE
9 THE MOTION CARRIED WITH TWO ABSENT.

10 **OPEN SESSION** – Citizen Comments. Mayor Dain called for any public comment.

12 Roy Shepherd approached the council. Mr. Shepherd voiced his concerns
13 regarding the City’s involvement with Utopia. Mayor Dain stated that the issue with
14 Utopia is whether the city stays in or out of Utopia, we will still be held responsible for
15 the debt; there is no debt forgiveness and the city would still owe the same amount of
16 money. Mayor Dain added that the strategy of the member cities is to try and make it
17 successful, because if it is successful it will pay back. He added that Lindon is the most
18 highly subscribed of all Utopia member cities. Mayor Dain stated that the hope is that it
19 will still be successful. Mr. Shepherd also mentioned the issue of some manhole covers
20 along Center Street. He noted that with the increased traffic on Center Street the manhole
21 covers will start to down tilt and may cause a problem with vehicles trying to avoid them.
22 Mr. Shepherd noted that he has contacted the public works office regarding this issue.
23 Mayor Dain directed Mr. Dameron to contact the Public Works Director to make him
24 aware of this problem.

26 **MAYOR’S COMMENTS/REPORT** – Mayor Dain expressed his appreciation for the
27 Community Center and noted how pleased he is with what it is becoming. Mayor Dain
28 then shared the most recent Community Center newsletter which lists all of the upcoming
29 activities and programs. He noted what great programs are being offered for the citizens
30 and seniors in the community. Mayor Dain also noted that around 40 seniors are fed
31 lunch every day at the Community Center, along with meals delivered to homebound
32 seniors. Mayor Dain thanked everyone involved in making the Community Center such a
33 wonderful addition to the community and a great facility that the citizens can utilize.

34 **CONSENT AGENDA** –
35 No items.

38 **CURRENT BUSINESS** –

40 1. **Public Hearing** – *General Plan Amendment – Street Master Plan Map –*
41 *Ordinance #2012-11-O.* The City Council will hear public comment and possibly
42 act to approve an amendment to the Lindon City General Plan, specifically the
43 Street Master Plan Map. The proposal is to designate a portion of Center Street
44 between 725 East and 900 East as a minor collector (50’ wide) instead of a major
45 collector (66’ wide). The intent of the change is to present less of an impact to
46 properties on the south side of Center Street along this section of the street when

2 it is built in the future. The Planning Commission recommended denial of this
change.

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

8 Adam Cowie, Planning Director, opened the discussion by stating at the direction
of the City Council, this public hearing is to review a city initiated change to amend the
10 General Plan, specifically the Lindon City Street Master Plan, to designate a portion of
Center Street between 725 East and 900 East as a minor collector (50' wide) instead of a
12 major collector (66' wide). He noted that the intent of the change in width was to have
less of an impact to properties on the south side of Center Street along this section of
14 roadway (when it is built in the future). Mr. Cowie went on to say it will also cost the
City less to install and maintain, while still providing adequate width for estimated traffic
16 volumes.

18 Mr. Cowie stated that the section for discussion tonight is at the end of Center
Street. Mr. Cowie further stated the area they are looking to alter is between 725 East and
900 East, from a major collector (66' width) to a minor collector (50' width). He went on
20 to say as future land use was evaluated, and as the council discussed the opening of the
crossing over the canal, there is fairly limited additional use in that they would anticipate
22 for traffic volumes not already in the area. Mr. Cowie noted there are some properties,
specifically the Walker property and the Acerson land, that may see some additional
24 homes built, but beyond those two locations most of the areas are almost built out on this
side of Lindon. He added that long range, there could potentially be some traffic that
26 would be routed down 1200 east, but staff is estimating that scenario being 10-15 years
out, if not longer. Mr. Cowie stated that the City Engineer feels that the traffic volumes
28 that are estimated for this route would be accommodated by a narrower road width and
was recommended at the public hearings for the crossing.

30 Mr. Cowie noted that the Planning Commission unanimously recommended that
the designation NOT be changed and that the proposed section of roadway remain as a
32 major collector (66' wide) on the General Plan in order to accommodate unforeseen
increases in traffic or other vehicular needs that may occur in the future. There was then
34 some discussion on the possible impact on future development along the route. Mayor
Dain explained the traffic movement on a minor vs. a major collector road. He
36 mentioned that to his knowledge the travel lanes of traffic are the same width, and the
only difference between a major and minor collector is the center turn lane. Mr. Cowie
38 confirmed that statement. Mayor Dain then offered his observation that on 400 east
(designated as a major collector road), is built right now as a minor collector, with no
40 center turn lane, and the traffic that 4th east is currently handling is more today than what
Center Street will be at the distant projection (beyond build out). Mayor Dain noted that
42 a center turn lane is not needed because the traffic lane is not being narrowed or parking
being reduced.

44 Mr. Cowie then presented for discussion the approved striping sheets as part of
the center street crossing. At this time Mayor Dain called for any public comments.
46 There were several public comments as follows:

2 **Roy Shepherd:** Mr. Shepherd commented that if the road had been straightened up years
ago things would be better now. Mr. Shepherd noted that he believes the 50 ft. width will
4 do enough encroaching on either side of the street and he noted he is of the firm
conviction that even with the 66 ft. width he feels that it would not encroach on his
6 property by very much. Mr. Shepherd would like to see the road stay at a 50 ft. width.

8 **Sharon Call:** Ms. Call summarized how the Planning Commission came to their
decision to leave the 66 ft. width on the master plan. She noted that several members of
10 the Planning Commission felt strongly to not encourage changing the master plan until
they could see how things were going to fit. She noted they were looking at it as a long
12 term situation rather than creating an impact on the homeowners, and the present project
would stay like it is no matter what. Mayor Dain confirmed that this will not impact the
14 present project. Ms. Call stated that the Commissioners did not want to create a situation
where they would look back in hindsight to where the width should have been left at the
16 66 ft. width until they saw how things were actually going to work out.

18 **Krishelle Travis:** Ms. Travis expressed her concerns about the impact of changing the
road width on homeowners. Ms Travis noted that she thought it would be insightful to
20 have something added that states if the trigger were pulled that the developers would
have to comply. She added that when the traffic study is completed they will see that a
22 left hand turn at 725 east may be a problem. Ms. Travis further commented that without
a center lane, traffic backs up and people will be trying to get around the backed up
24 traffic, which could pose a safety issue for the kids in the crosswalk. She suggested
taking the time needed as to not make an impact immediately, and it would be in the best
26 interest of the community to see how it functions before changing the master plan.

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

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

34 Mayor Dain called for further discussion or questions from the Council.
Councilmember Walker mentioned that he feels that he could lean both ways on the street
36 width, but he feels that the 50 ft width with some kind of a trigger mechanism in place
that could provide for future city councils would be beneficial. He also mentioned his
38 concerns of the legal aspects. Councilmember Bean also brought up the legal
requirements to make a change and would like to see options stay open. Councilmember
40 Bean stated that he would like to leave it at the 66 ft width but only build it at 50 ft.
width, as he has concerns with safety issues. He also suggested going to the site and
42 doing some measurements, and getting an engineers report.

44 Councilmember Acerson pointed out that if it is left as a 66 ft. width and built at
the 50 ft width, between now and the time that more information is obtained or
development takes place, if residents in that area were to put improvements in, will the
46 city end up having to pay for those improvements to take the property. Mayor Dain

2 confirmed the homeowners are entitled to do whatever they want to their yards until the
time the city buys the property from them. Councilmember Acerson stated that
potentially the city could incur additional costs. There was then some additional
discussion between the Council regarding this issue. Mayor Dain observed that there are
three options for a motion at this time as follows:

- 6 1. Approve the 50 ft. width.
2. Leave it at the 66 ft. width.
- 8 3. Continue the item for additional information.

10 Mayor Dain called for further discussion or questions from the Council. Hearing
none he called for a motion.

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14 COUNCILMEMBER ACERSON MOVED TO CONTINUE THE GENERAL
PLAN AMENDMENT, STREET MASTER PLAN MAP, ORDINANCE #2012-11-O
TO THE MEETING OF OCTOBER 16, 2012, WITH A WORK SESSION TO BE
16 HELD ON SITE AT CENTER STREET WITH THE CITY ENGINEER PRIOR TO
THE MEETING. COUNCILMEMBER BEAN SECONDED THE MOTION. THE
18 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE
20 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER BEAN AYE
22 COUNCILMEMBER ACERSON AYE
THE MOTION CARRIED WITH ONE ABSENT.

- 24
26 2. **Public Hearing** – *Ordinance Amendment – Lindon City Code, Chapters*
17.18,17.46, 17.48,17.49, 17.50 - Ordinance #2012-12-O. The City Council will
hear public comment and possibly act to approve an amendment to the above
28 listed chapters of the LCC dealing with standardized fencing requirements
throughout the Lindon City Code. The Planning Commission recommended
30 approval as presented in the draft.

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

36 Mr. Cowie opened the discussion by stating this is a staff initiated change to
standardize fencing requirements throughout Lindon City Code, specifically LCC
38 Chapters 17.18, 17.46, 17.48, 17.49, and 17.50. He added that these updates are similar to
previous changes that were made to other fencing standards in the R & B zone. Mr.
40 Cowie further discussed that in the commercial zone anything adjacent to a residential
use or a residential zone requires a 7 ft. masonry fence be constructed along the property
42 line. He added that there is criteria listed that gives the Planning Commission the ability
to make exceptions to the type of fence and the height of the fence, (two instances are the
44 Fellowship Bible Church and Castle Park).

46 Mr. Cowie noted that the ordinance draft states that any non-residential
development that is adjacent to a residential use or residential zone in any of the areas

2 would require a 7 ft. masonry fence with allowed exceptions to be made by the Planning
Commission. Mr. Cowie further noted that it also states that a 6ft. fence would be
4 required around any outdoor storage or material areas for outdoor industrial and
commercial uses. Also added in were provisions for fencing around parking lot areas and
6 also that perimeter fencing should not exceed 8 ft. in height unless approved by the
Planning Commission. Mr. Cowie further discussed R2 Overlay fencing requirements,
8 along with waiver requirements. Mr. Cowie noted that the Planning Commission
recommended approval with no conditions as presented in the draft.

10 Mayor Dain called for any public comment. Roy Shepherd asked if this action
includes residential fencing requirements. Mayor Dain stated that these requirements are
12 strictly for commercial areas buffered be residential areas. Mayor Dain called for any
further public comment. Hearing none he called for a motion to close the public hearing.

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

18 Mayor Dain called for further discussion or questions from the Council. Hearing
none he called for a motion.

20 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE
22 AMENDMENT TO LINDON CITY CODE CHAPTERS 17.18, 17.46, 17.48, 17.49,
AND 17.50 – ORDINANCE #2012-12-O WITH NO CONDITIONS.

24 COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

26 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
28 COUNCILMEMBER BEAN AYE
COUNCILMEMBER ACERSON AYE
30 THE MOTION CARRIED WITH ONE ABSENT.

- 32 3. **Report** – *Lindon Days Committee*. The City Council will hear a report from the
Lindon Days Committee Chairs, Eric and Tracey Whitehead, concerning the
34 activities and financial results of the various activities held during the annual
Lindon Days celebration.

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38 Mayor Dain welcomed Tracey Whitehead, Lindon Days Chairman to present the
report on the activities and financial results from the various activities held during the
annual Lindon Days celebration. Ms. Whitehead presented the budget numbers
40 breakdown, and noted that a few of the numbers may be a few dollars off. She stated that
the profits were not as good this year as she would have liked, but more dollars were also
42 spent this year than last year. New equipment was purchased for the city, i.e., movie
screen, sound system, video game equipment etc. Ms. Whitehead then discussed some of
44 the highlights from Lindon Days as follows:

- 2 ● Movie in the park – Very well attended.
- 3 ● Car Show - 2nd Place in Utah.
- 4 ● Dime Dive – Have a sponsor committed for next year.
- 5 ● Pinewood Derby – Went well, hoped for a better turnout, employees had a
- 6 great time. Ken Garff Dealership has committed to sponsor the event for
- 7 next year again.
- 8 ● Video Game Tournament – Almost 100 kids participated.
- 9 ● Family Arena Events – Did very well, with a couple of new events added.
- 10 Have a committed sponsor for next year also.
- 11 ● Foam Spray – Went very well with a great turnout. Did have some
- 12 feedback about the grass. The foam did irritate some kid’s eyes, and
- 13 goggles were recommended. Goggles were ordered to sell, but they did
- 14 not come in time (will use for next year). Fire Department would like to
- 15 help to sponsor the event next year.
- 16 ● Huck Finn Days – Turned over to the Community Center Advisory Board.
- 17 ● Recommends a new stage for the band be purchased with lights
- 18 on it for safety issues, or just new stage lights.
- 19 ● 5K Race – Was well attended. Recommends a timer and start clock
- 20 be purchased instead of renting every year.
- 21 ● Fireworks Show – Was well attended and the best show to date. Will use
- 22 the same vendor next year.

23 Ms. Whitehead suggested thanking the chairmen over the events for their efforts
 24 by offering a gift card and certificate or host a dinner for all of the chairmen. The council
 25 was in agreement to thank the chairmen with a gift card and letter of appreciation in the
 26 future. Councilmember Walker stated that Ms. Whitehead has put in an enormous
 27 amount of time and effort in chairing Lindon Days and should be commended for her
 28 service. Mayor Dain also expressed his appreciation to Ms. Whitehead for her exemplary
 29 dedication and service to the Lindon Days celebration and to the citizens of the
 30 community. Mayor Dain noted that a letter of appreciation will be drafted and signed by
 31 the council to present to the 2012 chairmen for their service.

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 33 4. **Review and Action** – *Appointment of Member to the Lindon City Community*
 34 *Center Advisory Board (CCAB)*. This is a request by Councilmember Randi
 35 Powell, liaison to the CCAB, for the Council’s consideration and consent to the
 36 appointment of Valarie Diehl as a member of the Community Center Advisory
 37 Board.

38
 39 Mayor Dain opened the discussion by stating that the appointment of Valarie
 40 Diehl will be a valuable addition to the Lindon City Community Center Advisory Board.
 41 He added that Ms. Diehl will bring great ideas and enthusiasm to the board.

42 Mayor Dain called for any further discussion from the Council. Hearing none he
 43 called for a motion.

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 45 COUNCILMEMBER ACERSON MOVED TO APPROVE THE
 46 APPOINTMENT OF VALARIE DIEHL AS A MEMBER OF THE LINDON CITY

COMMUNITY CENTER ADVISORY BOARD (CCAB). COUNCILMEMBER
2 FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

4 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
6 COUNCILMEMBER BEAN AYE
COUNCILMEMBER ACERSON AYE
8 THE MOTION CARRIED WITH ONE ABSENT.

10 **COUNCIL REPORTS** –

12 **COUNCILMEMBER POWELL** – Councilmember Powell was absent.

14 **COUNCILMEMBER WALKER** – Councilmember Walker reported that he was
involved in the police officer interviews, and noted there were two very qualified
16 applicant’s and he is pleased with the successful candidate. Councilmember Walker also
reported that he attended the North County Animal Shelter monthly meeting.

18 **CHIEF CULLIMORE** – Chief Cullimore mentioned the upcoming fire arms training on
20 October 22, 2012, from 1-4 at the Thistle range in Spanish Fork Canyon. Chief
Cullimore stated that they will be providing lunch, ammunition, safety gear, rides, etc.,
22 and spouses are also invited to attend. Chief Cullimore also reported that the National
Instrument Management System (NIMS) training is coming up. He noted that they did
24 receive and extension until September of next year. Chief Cullimore added that this
training needs to be a priority and be completed by all employees. Chief Cullimore also
26 requested some out of state training for Doug Eastman in Annapolis, Maryland on the
28 28th of October. The only cost will be his wage. The Council approved this training last
year, and the course fell through, but is now being offered again. The council was in
approval to send Officer Eastman to the training. Chief Cullimore also mentioned a
30 moose was in town and had to be relocated by the Division of Wildlife Resources.

32 **COUNCILMEMBER BEAN** – Councilmember Bean mentioned an email sent out by
Adam Cowie regarding Krishelle Travis as a possible candidate for the vacant Planning
34 Commission position. Mayor Dain noted that he will be contacting Mark Rogers also
regarding the vacant position. Councilmember Bean also reported that the next Planning
36 Commission meeting is cancelled

38 **COUNCILMEMBER ACERSON** – Councilmember Acerson reported that he will be
attending an upcoming Water Board meeting. Mayor Dain invited Councilmember
40 Acerson to attend a meeting with Chris Finlayson, on Monday, October 8, 2012 at 4:30
p.m. in the city building conference room. Councilmember Acerson confirmed that he
42 will be in attendance. Councilmember Acerson also reported that he had the opportunity
to attend the Utopia meeting at the State Legislature, and things are still moving forward.

44 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton had nothing to report.
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2 **MAYOR DAIN** – Mayor Dain asked if there has been any news from the Historical
Preservation Commission regarding the Bishops Tithing House. Mr. Dameron stated that
there has not been any news as yet.

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6 **ADMINISTRATOR’S REPORT** –

Mr. Dameron reported on the following items.

1. The Council reviewed the Project Tracking List.
2. The Heritage Trail Bid Opening was held today at the UDOT Headquarters.
3. The Engineering Coordination meeting will be held on Tuesday, October 9,
2012 at 12:00 noon in the Conference Room of the Public Works Complex.
Mayor Dain, Councilmember Frampton, and Councilmember Bean will
attend.
4. The Murdock Canal crossing on 200 south – They are looking at putting in
some chokers at the crossing to slow traffic and will help to remove
pedestrians from the travel lanes. The Council was in agreement to install the
chokers. Mr. Dameron will bring more details at the next meeting.
5. The interchange fountain will cost \$10,000 to fix. Mr. Dameron asked the
council if they want to fix the fountain now or wait for future business or
development to come in. The Council was in agreement to leave the fountain
as is for now.
6. 2000 west at the Animal Shelter is now open.
7. The Center Street connection construction is underway.
8. The City Center Park pavilion has been removed along with the pad. Phil
Brown is now taking bids on the new pad and pavilion.
9. The Lindon Hollow Ditch Relocation project is underway.
10. Some surplus property will be brought to the next meeting (generators, picnic
tables, and one Chevy (1996) pickup, tables, etc.) for approval.
11. The 400 north sidewalks are now completed.
12. The Landscape work around the park and ride is now complete.
13. The Lindon View Trailhead is now complete.
14. The Health Department inspected the community center. The old kitchen did
not pass the inspection and it needs some updates with the plumbing of the
sinks (cannot prepare in the old kitchen). Mr. Dameron will discuss this issue
with Phil Brown.
15. A letter was sent to Mike Dunn regarding his Recycling business with a
compliance deadline.
16. Silent auction request for Aspen Elementary. The Council was in
agreement to grant this request.
17. Utopia information sheet was provided to the Council which shows that
Lindon has a 41% take rate. Mr. Dameron suggested a work session with
Utopia would be in order. Mr. Dameron also suggested a work session with
URMA would be beneficial.
18. The Chatterton agreement will be brought back for approval at a future
meeting.

2 19. The billboard ordinance will be brought back to the October 16th meeting.
3 Mr.Dameron gave the Council an email from the City Attorney regarding this
4 issue for review.

5 COUNCILMEMBER WALKER MOVED TO APPROVE THE PAY
6 VOUCHERS. COUNCILMEMBER ACERSON SECONDED THE MOTION. THE
7 VOTE WAS RECORDED AS FOLLOWS:

8 COUNCILMEMBER WALKER AYE
9 COUNCILMEMBER FRAMPTON AYE
10 COUNCILMEMBER BEAN AYE
11 COUNCILMEMBER ACERSON AYE
12 THE MOTION CARRIED WITH ONE ABSENT.

13 **ADJOURN** –

14 COUNCILMEMBER ACERSON MOVED TO ADJOURN THE MEETING AT
15 9:57 P.M. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL
16 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – October 16, 2012

Kathryn A. Moosman, City Recorder

James A. Dain, Mayor