

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, February 5,**
3 **2013 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.**

6 Conducting: James A. Dain, Mayor

8 **PRESENT**

ABSENT

8 James A. Dain, Mayor

10 Mark L. Walker, Councilmember

10 Bret Frampton, Councilmember – arrived 6:35

12 Matt Bean, Councilmember

12 Randi Powell, Councilmember

14 Jeff Acerson, Councilmember

14 Adam Cowie, Planning Director

16 Cody Cullimore, Chief of Police

16 Kathryn Moosman, City Recorder

18

The work session was called to order at 6:07 p.m.

20

22 **WORK SESSION** - *The Mayor and City Council will meet in a work session with Don
22 Peterson, Mark Christensen and Gary Taylor for discussion on developing a long range street
24 maintenance plan.*

24

26 Mayor Dain welcomed Don Peterson, Mark Christensen and Gary Taylor to the
26 work session. City Engineer, Mark Christensen, opened the discussion by explaining the
28 purpose of the discussion tonight is to educate the Council and have discussion on the
28 proposed street maintenance plan.

30 Mr. Christensen then presented a slideshow for discussion. He explained that
30 roadways are the City's single largest asset with about 50 miles of paved road. He added
32 that the cost to reconstruct those 50 miles of road would be approximately 100 million
32 dollars. Mr. Christensen went on to say that roads are designed to last around 20 years.
34 He noted that asphalt is made of aggregate and pavement is made of a binder made of an
34 oil by-product of crude oil. Mr. Christensen then discussed pavement preservation and
36 things that cause pavement to deteriorate; sunshine and ultraviolet rays, oxidation,
36 penetration of water, hydraulic action, temperature, water under roads, traffic loading
(with large trucks causing much more damage than cars), utility cuts and trenching. He
38 noted there are a lot of different ways to approach pavement preservation and not any one
38 right way or one right tool to accomplish it. He then noted the pavement preservation
40 options as follows:

- 42 1. Fogseal/Rejuvenators – Short term or temporary binder used on roads in better
42 condition.
- 44 2. Slurry Types – Used on moderately distressed roadways with a thicker layer and
44 more expensive.
- 46 3. High Density Mineral Bond – Specifically for local roads and have polymer
46 synthetic materials that are intended to reduce the effect of the sun.
4. Chip Seal – Cost effective for high traffic roadways and extend pavement life.

- 2 5. Surface Milling and Overlay – More expensive and do at the point when the road
- 3 is in very bad condition but end up with a new asphalt surface.
- 4 6. Full Depth Reclamation – Pulverize and put in a new base.
- 5 7. Base and Pavement Reconstruction – Take out base and pavement and dig down
- 6 several feet and basically start over.

7 Mr. Christensen then described the pavement life curve and how pavement ages.

8 He noted that pavement deteriorates more slowly in the beginning. He further noted the

9 most effective preservation methods are done when the pavement is still in pretty good

10 condition, i.e., fog seal, chip seal. Intermediate rehabilitation is more aggressive and

11 expensive, i.e., overlay. Mr. Christensen then explained normal road life without

12 maintenance and pavement life cycles. He also addressed the cost of pavement

13 deterioration and the cost of delaying and deferred maintenance.

14 Mr. Christensen stated that the highest return on the investment will keep the

15 good roads good as opposed to intermediate rehabilitation. There was then some general

16 discussion regarding these issues. Mayor Dain called for any further comments or

17 discussion from the Council. Hearing none he moved on to the next agenda item.

18 **PRESENTATION** - *The Mayor and City Council will hear a presentation from Dennis*

19 *Kendall and Jason Parker with the Public Works Water Department regarding the water meter*

20 *upgrade project.*

21

22

23 Mayor Dain welcomed Dennis Kendall and Jason Parker with the Water

24 Department to present information to the Council regarding the water meter upgrade

25 project (the replacement started in 2010) and give an update on how it is working. Mr.

26 Parker showed the Council an actual old meter (manually read) and also showed the new

27 meters (read through a signal) which are more accurate. He noted that the city has

28 contracted with Hydro Specialties who did most of the installing and have also done

29 some accuracy testing. The cost of the meter itself is around \$150 and the transmitter is

30 also around \$150. Total cost per household with retrofit is around \$400-\$500. He noted

31 that he is working with Kristen Colson, Finance Director to track accuracy and savings.

32 Mr. Parker stated that they read 700 meters manually on the last recycle, with

33 only around 26 left to do which are businesses and schools that need arrangements made

34 for specified times. He added that it now takes around 10-12 hours per month to

35 complete a reading with the new system. After some general discussion there were

36 several suggestions made to add information in the newsletter to help homeowners be

37 aware of water conservation, education and to be more pro-active. Another suggestion

38 was made to add a graph showing water usage and demand on the monthly utility bill,

39 and to also show comparisons similar to what Rocky Mountain Power shows on their

40 monthly bill. Mayor Dain directed Mr. Cowie to review the form letter sent to residents

41 each year for content and adjust the content if needed.

42 Don Peterson then gave a quick update on the 6 major water breaks in the city on

43 January 18, 2013. Mr. Peterson expressed his appreciation for the professionalism of

44 the public works employees and their dedication to the city. The Mayor Dain also

45 expressed his thanks and appreciation to the Public Works Department for their dedicated

46 service.

2 The work session was adjourned at 7:00 p.m.

4 **REGULAR SESSION** – 7:00 P.M.

6 Conducting: James Dain, Mayor
6 Pledge of Allegiance: Adam Cowie, City Administrator
8 Invocation: Jeff Acerson, Councilmember

10 **PRESENT**

ABSENT

10 James A. Dain, Mayor
12 Mark L. Walker, Councilmember
12 Bret Frampton, Councilmember
14 Matt Bean, Councilmember
14 Randi Powell, Councilmember
16 Jeff Acerson, Councilmember
16 Adam Cowie, City Administrator
18 Hugh Van Wagenen, Associate Planner
18 Cody Cullimore, Chief of Police
20 Kathryn Moosman, City Recorder

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

24 **PRESENTATION** – *The Mayor and City Council will be presented with the Character Connection Poster Calendar by the children who created the original artwork. Kathy Allred will make the presentations.*

26 This agenda item has been cancelled and will be continued to the next City
28 Council meeting to be held on February 19, 2013.

30 **PRESENTATION** – *Chief of Police, Cody Cullimore, will present the Karl G. Maeser School Teen C.E.R.T. program to the Mayor and City Council.*

32 Chief Cullimore was in attendance to present the Karl G. Maeser School C.E.R.T.
34 Teen Program to the Mayor and Council. Chief Cullimore also introduced JoAnn Rylee,
36 C.E.R.T. Program Coordinator and Instructor. Chief Cullimore noted that C.E.R.T.
38 stands for Community Emergency Response Team. Chief Cullimore explained that they
40 went to Karl G. Maeser High School and had 23 students sign up for the 3 week program
42 and trained with them throughout the month of January. Chief Cullimore further noted
44 that the program was done with all volunteer instructors and coordinators. Chief
46 Cullimore commented that the costs to the city were \$1,500 for supplies and to furnish
the school with equipment. Chief Cullimore then showed some photos of the program.
He added that the students went through a mock disaster drill and did an amazing job.

Ms. Rylee commented that this is a pilot program to introduce into the school
systems as part of the curriculum. She noted that Orem City did the program for many
years and has now stopped. She went on to say that in order to do this program it takes
funds, besides the money that is volunteered by the students. She then presented photos
for review. Ms. Rylee explained that the kids learned leadership skills, triage training,

2 and were trained just as the Fire Department would be trained. Ms. Rylee noted that the
3 funds have helped immensely and the program will be ongoing because of this first pilot
4 program. She stated that the funds from Lindon City have helped to promote the program
5 and she thanked the Mayor and Council for the opportunity and for being so generous.
6 She noted that they did a lot of work with the students and the final drill was amazing and
7 all the school attended. She noted that there will be 5 drills every year. Ms. Rylee
8 commented that the kids are trained in so many things and they are now eager for more
9 training.

10 Chief Cullimore commented that they took the funds from the emergency
11 management budget and they got some great deals from suppliers who would like to see
12 this program go statewide. He added that this program could also tie into the Lindon City
13 Drill Down for Safety. Chief Cullimore further noted that there are 350 people in Lindon
14 who are C.E.R.T. trained and it is an ongoing program. Chief Cullimore thanked the
15 Council for their support and noted for a small investment there was a lot of good
16 received from this effort. Ms. Rylee also expressed her thanks to the Council for being
17 the first to step up and for being so supportive of this great program.

18 **MINUTES** – The minutes of the regular meeting of the City Council of January 15,
19 2013, were reviewed.

20
21 COUNCILMEMBER ACERSON MOVED TO APPROVE THE MINUTES OF
22 THE REGULAR MEETING OF JANUARY 15, 2013 AS AMENDED OR
23 CORRECTED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
24 VOTE WAS RECORDED AS FOLLOWS:

25 COUNCILMEMBER WALKER AYE
26 COUNCILMEMBER FRAMPTON AYE
27 COUNCILMEMBER ACERSON AYE
28 COUNCILMEMBER BEAN AYE
29 COUNCILMEMBER POWELL AYE

30 THE MOTION CARRIED UNANIMOUSLY.

31 **OPEN SESSION** – Citizen Comments.

32
33 Mayor Dain called for any public comment not listed as an agenda item. Shirley
34 Rodriguez approached the Council at this time. Ms. Rodriguez noted that she is a Lindon
35 resident and lives on 1200 East in Lindon. Ms. Rodriguez then proceeded to read a letter
36 she drafted to the Mayor and City Council. She brought up several points of concern she
37 has with various issues including elections and voting districts (so all areas of the city are
38 represented), water fees, trails, police department vehicles, property values and taxes, and
39 the proposed fireworks restrictions.

40
41 Mayor Dain thanked Ms. Rodriguez for her comments. He noted that Lindon is a
42 small community and the Mayor and Council represent all citizens of the community and
43 listen to every issue regardless of what voting district they live in. Mayor Dain clarified
44 some items mentioned about the Police Department, and noted that the Lindon City
45 Police Department does not have a ticket quota. Mayor Dain noted that the Heritage
46 Trail is sometimes referred to as “horse path”, and confirmed that horses are allowed on

2 the trail, but the majority of people use it for more than just horses. Mayor Dain also
4 noted that the Heritage Trail was federally funded through a grant. Mayor Dain then
6 addressed the tax issue that was mentioned. He noted that the mill levy has been raised
only one time (2009) in the past 30 years, and only a small percentage goes to Lindon
City, most of the tax dollars go to the school districts and the county. Mayor Dain also
noted that Councilmember Acerson lives above the canal.

8 Councilmember Powell commented that she and all of the Councilmembers
represent all of the citizens of Lindon even though they don't live geographically in their
area or district. She noted that decisions are made to benefit the city as a whole.

10 Councilmember Walker concurred with Councilmember Powell's statement. Mayor
Dain commented that he and the Council appreciates hearing what the people need and
12 also their issues and concerns.

14 Sharon Jarman, Lindon resident, approached the Council at this time. She
commented on the issue brought up by Ms. Rodriguez regarding elections. She stated that
16 during the campaign she called Councilmember Powell and Councilmember Bean, with
some of her concerns and both were very receptive and listened to what she had to say,
and they both looked at her issues with a balanced opinion. Mayor Dain called for any
18 further public comments. Hearing none he moved on to the next agenda item.

20 **MAYOR/COUNCIL COMMENTS/REPORT** – Mayor Dain commented that the boat
harbor is not run by Lindon City and noted that there is a new lessee at the boat harbor.
22 Mayor Dain commented that he had a chance to meet with the new owner last week. He
added that with the new ownership we should see great changes happening at the boat
24 harbor. Mayor Dain also commented on the Meals on Wheels program. He noted if
anyone knows of someone who is in need of Meals on Wheels to let him know. There
26 are around 15 to 20 Lindon residents who participate in the program. Mayor Dain noted
this is a great program and added that they are saving money by having volunteers deliver
28 the meals. Mayor Dain stated that he will be participating with “Mayors for Meals” and
be delivering meals. The Meals on Wheels is a federally funded program run by
30 Mountainland Association of Government (MAG) and they are doing a great job and this
is a great service.

32 Councilmember Powell reported on the Healthy Lindon program. She noted that
the program is run through the Community Center Advisory Board with Valerie Diehl as
34 the coordinator. Councilmember Powell stated that there will be 3 phases of the program
“Every Little Bit Counts” with the first phase starting on February 18th. They will be
36 promoting the “Walk the Parks of Lindon” and also “Spring into Action”.
Councilmember Powell noted to check the city website for updates and noted that the
38 “Lazy Ironman” will be in June.

40 **CONSENT AGENDA** –
No items.

42 **CURRENT BUSINESS** –

- 44
- 46 1. **Review and Action** – *Fireworks Restriction (Resolution #2013-2-R)*. This is a
request by Chief Cody Cullimore for the City Council's formal action to review and

possibly act to approve a resolution establishing a restriction on the use of fireworks in specific areas of the city.

Cody Cullimore, Lindon City Chief of Police, was in attendance to address this issue along with Bret Larsen, Orem City Fire Marshall. Chief Cullimore noted that there were 750 notices sent out to residents on this issue. Chief Cullimore then presented some slides and gave a brief overview of the resolution that was passed last year and noted that it expired January 31, 2012. Chief Cullimore explained that there was a lot of confusion with the last resolution as to where the boundaries were and he wants people to be educated of the concerns they are looking at this year regarding the snow pack etc. He added that this could potentially be a bad fire season, maybe even worse than last year. He noted that we have actually lost ground in January on snow pack and we are at 85%, which is below where we should be. Chief Cullimore stated that people can be as safe as they possibly can with fireworks and things can still get out of hand.

Chief Cullimore noted at this time that he feels this year something needs to be done to limit the use of fireworks, whether that be to keep the restrictions from last year, or to expand it, which he prefers, to give more of a buffer zone, or the Council could decide to not restrict in any way. Fire Marshall Larsen commented that last year Orem City drew a boundary line on Palisades Drive, which is the drop off to Provo, where the brush starts. He noted that Orem City does not have as much urban wildland interface as Lindon, and they have a much easier boundary line to draw than Lindon. Chief Larsen stated that Orem City will enforce the same restrictions as last year. Chief Cullimore commented that the first year with the restrictions they did not take a hard approach in the hopes that the residents would comply. He added that residents did comply fairly well, and hopefully, through education they will do better this year.

Mayor Dain asked Chief Cullimore to clarify what the restrictions are. Chief Cullimore replied that the resolution would include all fireworks and the discharge of fireworks in any public park as well. He added that the proposed date of passage would go through the end of the year and would also coincide with the Chinese New Year. At this time Mayor Dain called for any public comment. There were several residents in attendance who addressed the Council as follows:

Sharon Jarman – Ms. Jarman commented that she is fine with the restrictions from last year and she prefers the 500 ft. rule. She stated that she feels there should be designated location where those above the canal who are restricted can go to light fireworks.

Sharon Call – Ms. Call commented that her street was one that was carved out in the boundaries last year. She noted that there were a lot of fireworks that went off and there were also a lot of concerns by her and the neighbors. Ms. Call expressed her concern that the restrictions are important and she feels the boundary needs to be above the canal.

Susan Simmons – Ms. Simmons commented that she lives on the front line. She added that they have witnessed several fires over the years. Ms. Simmons commented that safety rather than entertainment is the issue and noted that it is not worth a home being burned down or harmed for the sake of fireworks. She added that several years ago they had some issues with neighbors lighting aerials that were actually coming down on their

2 roof. Ms. Simmons stated that she supports the whole fire restriction. She added that
3 there are always people who won't abide by the law but the restriction does limit it. Ms.
4 Simmons commented that they had some peace of mind last year because of the
restrictions and they are hoping for permanent restrictions.

6 **Marie Dominguez** – Ms. Dominguez stated that the shooting of aerals has escalated
7 beyond what they imagined and they actually had a fire last year. She noted that they
8 have to keep the water going and wetting down all of the fireworks debris that flew into
9 their yard which was very hot. Ms. Dominguez expressed her feeling that this was all
10 very disconcerting. She also brought up the point that the fireworks upset the dogs and
11 horses in the area. Ms. Dominguez commented that there were still fireworks going off
12 last year despite the restrictions.

14 **Michael Arnold** – Mr. Arnold commented on the timing of the restriction. He suggested
15 waiting until closer to the 4th of July and the 24th of July to make the decision. He also
16 agrees that there is a need to get the word out; he also suggested postponing the decision
17 and wait to check the conditions in the spring. He added that he feels it would be
18 beneficial to not make a decision prematurely.

20 **Shirley Rodriquez** – Ms. Rodriquez thought it could be beneficial to limit aerals,
21 however, she feels the streets in front of houses should be allowed. She also suggested
22 designating a location to let off fireworks and to maybe limit the size etc. Ms. Rodriquez
23 commented that she felt that a sparkler cannot start a fire as the grass is well watered, and
24 roads cannot start on fire. She feels that residents can self-regulate themselves. She also
25 felt that the restrictions should depend on how much rain we get and the weather
26 conditions etc.

28 **Ken Guyeschi** – Mr. Guyeschi suggested on restricting what fireworks can be sold. Chief
29 Cullimore noted that the City can restrict what fireworks can be lit but not what can be
30 sold.

32 Mayor Dain stated four points to consider as follows:

- 33 1. To put the restriction in place or not.
- 34 2. If there is a restriction what is the boundary line.
- 35 3. Length of the restriction.
- 36 4. Any restriction on the type of fireworks.

38 Councilmember Walker commented that he feels this issue needs further
39 discussion and more time to gather information regarding liability issues etc., however,
40 he does agree that there needs to be some restrictions in place. Councilmember Walker
41 then suggested continuing the item. Councilmember Powell disagreed on continuing the
42 item. Councilmember Bean suggested extending the current restrictions as they stand,
43 with the option to review the issue at a later date once more information is obtained.
44 Mayor Dain suggested extending the current resolution to February 10th to cover the
45 Chinese New Year. Mr. Cowie noted that of the 750 notices mailed, there were no
46 comments received but for those who are in attendance to the meeting tonight.

2 Councilmember Acerson encouraged the Council to talk to their citizens and put
the responsibility on the Council to be pro-active. Councilmember Frampton commented
4 that he appreciates all of the comments, and noted that he represents all citizens, and
expressed that he feels there is a need for fire restrictions. He noted that most people will
6 not have concerns regarding this issue unless it personally affects them. Mayor Dain
called for any further public comments or discussion from the Council. Hearing none he
called for a motion.

8
10 COUNCILMEMBER POWELL MOVED TO ADOPT AS RESOLUTION
#2013-2-R FIREWORKS RESTRICTION AS ESTABLISHED WITH THE
BOUNDARY TO THE MURDOCK CANAL AND INCLUDE ALL FIREWORKS.

12 THE MOTION DIED FOR LACK OF A SECOND.

14
16 COUNCILMEMBER WALKER MOVED TO CONTINUE RESOLUTION
#2013-2-R FOR FURTHER DISCUSSION INTO LIABILITY ISSUES AND TO
INCLUDE THE MAYORS FOUR POINTS AS DISCUSSED. COUNCILMEMBER
18 FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

20 COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
22 COUNCILMEMBER ACERSON	AYE
COUNCILMEMBER BEAN	AYE
24 COUNCILMEMBER POWELL	NAY

THE MOTION CARRIED 4 TO 1.

26
28 2. **Public Hearing** – *Ordinance Amendment, LCC 17.32.340 – Phased Subdivisions*
(*Ordinance #2013-1-0*). This hearing will focus on adding language to accommodate
30 phased development of subdivisions. After review, the Planning Commission
recommended approval to the City Council.

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

36 Hugh Van Wagenen, Planning Director, opened the discussion by stating that this
is a request by staff for the Council's review and possible approval of LCC 17.32.640,
38 Phased Subdivisions . He noted that after review by the Planning Commission there were
two minor language changes to section #17.32.340 and paragraph 6. Mr. Van Wagenen
40 further stated that the revised ordinance includes language that states there are no
restriction on the number of lots and any number of phases and it is not restricted to
42 residential or commercial. This amended ordinance mirrors the current ordinance but will
allow developers (large and small) to phase and will also allow staff to have the liberty to
44 work with developers to ensure everything is done to city standards and specifications.

2 Mayor Dain called for any discussion from the Council. Hearing none he called
for a motion.

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

8 COUNCILMEMBER ACERSON MOVED TO APPROVE ORDINANCE
10 AMENDMENT LCC 17.32.340, PHASED SUBDIVISIONS (ORDINANCE #2013-1-
O). COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

12 COUNCILMEMBER WALKER AYE
13 COUNCILMEMBER FRAMPTON AYE
14 COUNCILMEMBER ACERSON AYE
15 COUNCILMEMBER BEAN AYE
16 COUNCILMEMBER POWELL AYE
17 THE MOTION CARRIED UNANIMOUSLY.

18

8. **Review and Action** – *Amendment to the 2012-2013 Lindon City Fee Schedule.*

20 This is a request by staff for the Mayor and Council to review and possibly
21 approve an amendment to the 2012-2013 Lindon City Fee Schedule to include an
22 Animal Conditional Use Permit fee and a Subdivision Phase fee.

24 Mr. Van Wagenen opened the discussion by stating that this is a request by staff
25 to amend the 2012/2013 Lindon City Fee Schedule. He noted that the recent adoption of
26 LCC Title 6 requires residents to obtain a conditional use permit in order to possess
27 certain animal species within the city. He went on to say the proposed fee for this type of
28 conditional use permit is \$50 and needs to be added to the current fee schedule.

29 Mr. Van Wagenen further explained if LCC 17.32.300 “Phased Subdivisions” is
30 adopted it will also necessitate an update to the fee schedule. He noted the proposed fee
31 for final application on phased subdivision projects is \$500 plus the actual engineering
32 costs that incurred by the city. Mayor Dain called for any comments or discussion from
the Council. Hearing none he called for a motion.

34

36 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE
AMENDMENT TO THE 2012-2013 LINDON CITY FEE SCHEDULE.
38 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

39 COUNCILMEMBER WALKER AYE
40 COUNCILMEMBER FRAMPTON AYE
41 COUNCILMEMBER ACERSON AYE
42 COUNCILMEMBER BEAN AYE
43 COUNCILMEMBER POWELL AYE
44 THE MOTION CARRIED UNANIMOUSLY.

2 9. **Review and Action** – *Appointment of Planning Director, Hugh Van Wagenen, to*
4 *the Utah Lake Commission TAC (Technical Advisory Committee), Mountainland*
6 *Association of Governments TAC (Technical Advisory Committee), and also to*
8 *the Utah Telecommunications Open Infrastructure Agency (UTOPIA) Board of*
10 *Directors. This is a request by staff for the Council’s formal action to appoint*
12 *Hugh Van Wagenen, Lindon City Planning Director, to the Utah Lake*
14 *Commission (TAC), Mountainland Association of Governments (TAC) and on*
16 *the UTOPIA Board of Directors.*

18 Adam Cowie, City Administrator, opened the discussion by stating this is a
20 request by staff for the Council’s approval of an appointment of Hugh Van Wagenen to
22 the Utah Lake Commission TAC (Technical Advisory Committee), Mountainland
24 Association of Governments TAC (Technical Advisory Committee), and also to the Utah
26 Telecommunications Open Infrastructure Agency (UTOPIA) Board of Directors.
28 Mr. Cowie commented that Mr. Van Wagenen has stepped up and has done a great job in
30 the 4 months that he has been with the city. Mayor Dain called for any comments from
the Council. Hearing none he called for a motion.

32 COUNCILMEMBER ACERSON MOVED TO APPROVE THE
34 APPOINTMENT OF HUGH VAN WAGENEN, LINDON CITY PLANNING
36 DIRECTOR, TO THE UTAH LAKE COMMISSION (TAC), MOUNTAINLAND
38 ASSOCIATION OF GOVERNMENTS (TAC) AND THE UTOPIA BOARD OF
40 DIRECTORS. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
42 VOTE WAS RECORDED AS FOLLOWS:
44 COUNCILMEMBER WALKER AYE
46 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER ACERSON AYE
COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

32 10. **Review and Action** – *Appointment of Member of the Lindon City Planning*
34 *Commission. This is a request by Mayor Dain for the Council’s consent to the*
36 *appointment of Vaughan Austin as a member of the Lindon City Planning*
38 *Commission for a three year term.*

40 Mayor Dain stated that he made the suggestion of Vaughan Austin to be
42 appointed to the vacant Planning Commissioner position. He noted that Mr. Austin is a
44 long time Lindon resident and will serve well in this capacity. Mayor Dain called for any
46 comments from the Council. Hearing none he called for a motion.

42 COUNCILMEMBER POWELL MOVED TO APPROVE THE APPOINTMENT
44 OF VAUGHAN AUSTIN AS A MEMBER OF THE LINDON CITY PLANNING
46 COMMISSION. COUNCILMEMBER ACERSON SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER WALKER AYE

COUNCILMEMBER FRAMPTON AYE
2 COUNCILMEMBER ACERSON AYE
COUNCILMEMBER BEAN AYE
4 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED UNANIMOUSLY.

6
11. **Review and Action** – *Street Naming Agreement*. This is a request by staff for the
8 Council’s formal action to approve the renaming of 60 North to “Burton Way” for
10 one calendar year starting March 1, 2013. Christian Burton was the top bidder at
the Blue Denim Gala.

12 Mr. Cowie noted that Christian Burton was the high bidder for the street naming
14 auction item at the “Blue Denim Gala. He noted that 60 North will be renamed “Burton
Way” for one year beginning March 1, 2013. Mayor Dain called for any comments from
the Council. Hearing none he called for a motion.

16
COUNCILMEMBER ACERSON MOVED TO APPROVE THE STREET
18 NAMING AGREEMENT IN RENAMING 60 NORTH TO “BURTON WAY” FOR
ONE CALENDAR YEAR BEGINNING MARCH 1, 2013. COUNCILMEMBER
20 POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

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

28
12. **Review and Action** – *Appointment of Councilmember Bret Frampton*. This is a
30 request by staff for the Council’s formal action to appoint Councilmember Bret
Frampton, as the Utah Infrastructure Agency (UIA) Board of Directors alternate
32 for Councilmember Jeff Acerson.

34 Mayor Dain stated that the appointment of Councilmember Frampton will
authorize him to serve as the alternate for Councilmember Acerson in his absence on the
36 Utah Infrastructure Agency (UIA) Board of Directors. This position will take place
immediately. Mayor Dain called for any comments from the Council. Hearing none he
38 called for a motion.

40 COUNCILMEMBER ACERSON MOVED TO APPROVE THE
APPOINTMENT OF COUNCILMEMBER BRET FRAMPTON AS THE UTAH
42 INFRASTRUCTURE AGENCY (UIA) BOARD OF DIRECTORS ALTERNATE.
COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
44 RECORDED AS FOLLOWS:

46 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE

2 COUNCILMEMBER ACERSON AYE
3 COUNCILMEMBER BEAN AYE
4 COUNCILMEMBER POWELL AYE
5 THE MOTION CARRIED UNANIMOUSLY.

6 13. **Review and Action** – *Appointment to the Community Center Advisory Board.*
7 This is a request by Councilmember Randi Powell for the Council’s formal action
8 to appoint Val Killian as a member of the Community Center Advisory Board.

10 Mayor Dain noted that the Council needs to take formal action to appoint Val
11 Killian as a member of the Community Center Advisory Board. Councilmember Powell
12 noted that Mr. Killian will be a great asset to the Board and he is excited and eager to
13 serve the community. Mayor Dain called for any comments from the Council. Hearing
14 none he called for a motion.

16 COUNCILMEMBER POWELL MOVED TO APPROVE THE APPOINTMENT
17 OF VAL KILLIAN AS A MEMBER OF THE COMMUNITY CENTER ADVISORY
18 BOARD. COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE
19 WAS RECORDED AS FOLLOWS:

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

26
27 14. **Review and Action** – *Utility Franchise Agreement.* This is a request by staff for
28 the Council’s formal action to review and possibly act to approve a Utility
29 Franchise Agreement for Level 3 Communications LLC.

30
31 Mr. Cowie opened the discussion by explaining this item is a Utility Franchise
32 Agreement is an agreement to permit Level 3 Communications, LLC, limited use of the
33 public right of way for the installation of fiber optic communications systems. There was
34 then some general discussion regarding this issue. Mayor Dain called for any comments
35 from the Council. Hearing none he called for a motion.

36
37 COUNCILMEMBER BEAN MOVED TO APPROVE THE UTILITY
38 FRANCHISE AGREEMENT. COUNCILMEMBER FRAMPTON SECONDED THE
39 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER WALKER AYE
41 COUNCILMEMBER FRAMPTON AYE
42 COUNCILMEMBER ACERSON AYE
43 COUNCILMEMBER BEAN AYE
44 COUNCILMEMBER POWELL AYE
45 THE MOTION CARRIED UNANIMOUSLY.

46

2 15. **Executive Session** – *The Lindon City Council may enter into a closed session to*
3 *discuss potential litigation (UCA-52-4-204).*

4 COUNCILMEMBER WALKER MOVED TO ENTER INTO THE EXECUTIVE
5 SESSION AT 7:55 P.M. FOR THE PURPOSE OF DISCUSSING REASONABLY
6 IMMINENT LITIGATION. COUNCILMEMBER POWELL SECONDED THE
7 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8
9 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE EXECUTIVE
10 SESSION AND RECONVENE THE REGULAR CITY COUNCIL MEETING AT
11 9:45 P.M. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 **COUNCIL REPORTS** –

16 **COUNCILMEMBER POWELL** – Councilmember Powell encouraged the Council to
17 participate in the Healthy Lindon Program. She also reported on the Historic
18 Preservation Commission and noted that there is \$3,200 dollars in the budget, she noted
19 that she would like to meet with Mr. Van Wagenen to discuss budgets on the CCAB and
20 Historic Preservation Commission. Councilmember Powell reported that everyone did a
21 great job on the Gala and there was a nice article in the Daily Herald. She further reported
22 that the stage is looking nice and the piano will be moved to the Community Center.
23 There will be a grand opening for a new business in Lindon called “Mathnasium”.
24 Councilmember Powell encouraged the council to drop in. Councilmember Powell
25 reported on Lindon Days, and questioned if the budget could be brought in house. Mr.
26 Cowie noted that Heath Bateman and Kristen Colson are working on this issue to develop
27 a better method of tracking the funds. Councilmember Powell reported that Angie
28 Hendrickson is the new chairman for Lindon Days, and she will do a great job.
29 Councilmember Powell noted that she would like to see the “Character Connection”
30 under the CCAB.

32 **COUNCILMEMBER WALKER** – Councilmember Walker reported that he spent
33 some time driving through Lindon. He noted the issue of the sewer smell and
34 commented that it really is a horrible smell and is an issue that should be looked into as it
35 could affect the city economically. Mayor Dain suggested contacting Commissioner
36 Ellertson.

38 **CHIEF CULLIMORE** – Chief Cullimore reported that he contacted the security
39 personnel at Walmart and they will restripe the entry roadway in the spring. Chief
40 Cullimore also reported that there are 5 state registered sex offenders and 1 federally
41 registered sex offender in Lindon and noted that they are all accounted for. Chief
42 Cullimore noted that 5 cameras will be purchased for the west side of town for
43 surveillance purposes.

44

2 **COUNCILMEMBER BEAN** – Councilmember Bean reported that he appreciates Hugh
4 Van Wagenen as the new Planning Director and also noted that the appointment of
6 Vaughan Austin is a good choice and he will be a good commissioner.

8 **COUNCILMEMBER ACERSON** – Councilmember Acerson had nothing to report.

10 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton had nothing to report.

12 **MAYOR DAIN** – Mayor Dain reported about the new Lindon Boat Harbor owner and
14 noted that he has great plans for the boat harbor. He also mentioned that the new owner
16 leases the harbor from the state.

18 **ADMINISTRATOR’S REPORT** –

20 Mr. Cowie reported on the following items:

- 22 1. The Council reviewed the project tracking list.
- 24 2. Tithing Office appraisal came in at \$77,000. The surveyor is preparing a new plat. If
26 it does not meet the minimum lot size it will have to go through the Board of
28 Adjustments.
- 30 3. Lyle Lamoreaux has asked for fee waivers.
- 32 4. Issue of food at City Council meetings.
- 34 5. Monthly payments.

36 **Upcoming Items:**

- 38 ● The Annual Retreat will be held in the Council Chambers on February 6th at 5:30
- 40 ● Engineering meeting will be held on February 12th. Councilmember Walker and
42 Councilmember Acerson will attend.
- 44 ● UIA
- 46 ● There will be a special meeting held on February 11, 2013 at 5:00 to discuss
potential litigation.
- Filing period dates have changed for the upcoming election. Filing period is June
3rd through Jun 17th.
- City offices are closed on Monday, February 18th for Presidents Day.
- Murdock Canal Open House will be held February 6, 2013.

48 **ADJOURN** –

50 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING
52 AT 11:30 P.M. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
54 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

56 Approved – February 19, 2013

58 _____
Kathryn A. Moosman, City Recorder

60 _____
James A. Dain, Mayor