

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, March 19,**
3 **2013** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon,
4 Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Jeff Acerson, Mayor Pro-Tem

8 Pledge of Allegiance: Boy Scout Troop 889

9 Invocation: Matt Bean, Councilmember

10 **PRESENT**

11 Jeff Acerson, Councilmember

12 Mark L. Walker, Councilmember

13 Matt Bean, Councilmember

14 Randi Powell, Councilmember

15 Adam Cowie, City Administrator

16 Cody Cullimore, Chief of Police

17 Kathryn Moosman, City Recorder

10 **ABSENT**

11 James A. Dain, Mayor

12 Bret Frampton, Councilmember

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

21 **PRESENTATION** – Shane Marshall, UDOT Region Three Director, will give a status
22 update on the State Street widening project scheduled for construction this summer.

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25 Shane Marshall, UDOT Region Three Director, was in attendance to present a
26 status update on the State Street widening project scheduled for construction this
27 summer. Mr. Marshall explained the widening project will start on the south end of
28 Orem and will run through Lindon City and on to Pleasant Grove to 100 East and Canyon
29 Road. Mr. Marshall noted there are three major items they want to accomplish with the
30 project as follows:

- 31 1. A consistent seven lane cross section.
- 32 2. Redo the asphalt.
- 33 3. Center turn lane on 400 North in Lindon (by Los Hermanos).

34 **What to Expect**

- 35 • Five lanes open from 9 am to 9 pm
- 36 • Night work one lane will be open in each direction
- 37 • At least one access to residence businesses and properties will remain open at
38 all time.
- 39 • Occasional noise, dust and vibration.

41 **Project schedule**

- 42 • Contract award in April
- 43 • Construction begins in early June
- 44 • 3-4 month duration

2 Public Involvement Team

- 3 • Prior to construction
- 4 • One-on-one meetings
- 5 • Preconstruction survey
- 6 • Public open house

7 During/After Construction

- 8 • One-on-one meetings
- 9 • Fliers/notices

10 Mr. Marshall then presented his contact information and noted to call with any
11 questions. There was then some lengthy general discussion between the Council and the
12 UDOT representatives regarding the widening project. Mr. Cowie noted that the city is
13 working to try to get ahead of the construction and are hoping to have it completed prior
14 to UDOT starting. Mr. Marshall noted a packet that was provided for the Council and
15 noted they will provide information to the City.

16 Mr. Marshall stated that the total cost of the state street widening project is 10.5
17 million. Mayor Pro Tem Acerson asked if there were any suggestions to the Council that
18 they could use to facilitate the project as public officials. Mr. Marshall noted that if the
19 city receives calls to use them for a resource with questions or interaction from the
20 residents He noted that they are available through all types of social media, phone, email,
21 hotlines etc. and they encourage the city to contact them at any time with any concerns
22 they may have. Councilmember Walker suggested that representatives from UDOT
23 attend City Council meetings periodically to answer any questions or concerns. Mr.
24 Marshall stated that they will plan on attending meetings to update the Council
25 periodically. Mayor Pro-Tem Acerson thanked Mr. Marshall for his presentation and the
26 valuable information. He called for any further discussion from the Council. Hearing
27 none he moved on to the next agenda item.

28 **MINUTES** – No minutes were reviewed at this meeting.

29 **OPEN SESSION** – Citizen Comments.

30 Mayor Pro Tem Acerson called for any public comment not listed as an agenda
31 item. There were no public comments.

32 **MAYOR/COUNCIL COMMENTS/REPORT** – Mayor Pro-Tem Acerson mentioned
33 the upcoming Mayor’s Open House to be held at his residence on Thursday, March 21st at
34 6:30 p.m. He noted that everyone is invited and encouraged to attend.

35 Councilmember Powell commented that Healthy Lindon program is up and
36 running and registration can be accessed on the city website. She encouraged everyone
37 to participate and to get involved.

38 **CONSENT AGENDA** – No items.

39 **CURRENT BUSINESS** –

1. **Public Hearing** –*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. Per the City Council’s request, additional noticing of impacted properties to seek public comments within the proposed restriction area has occurred.

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

Adam Cowie, City Administrator, explained this continued item is a request by Chief Cody Cullimore and staff for the Council’s consideration to review and possibly act to approve a resolution establishing a restriction on the use of fireworks in specific areas of the city. Mr. Cowie further explained, per the Council’s request, an updated restriction map has been prepared by staff for review and consideration. He further explained that the changes include addition of locations to include both sides of a street where homes on only one side of the street had previously been included as to alleviate confusion of which lots are included. He noted that the large vacant Acerson property and other areas are also included that staff felt was too close in proximity to the wildland and urban interface areas that need to be protected.

Mr. Cowie then presented a KSL news clip regarding the fires from last year (including the Herriman fire) and a report of potential fire dangers this year. Mr. Cowie then showed a map depicting the proposed boundary lines, and also showed the “No Fireworks” sign prepared by the Police Department that will be posted (which was also used last year) throughout the city. He also showed a photo of a large fire that occurred in the Lindon foothills in 1987.

Mr. Cowie stated that additional notices were sent to all properties within the new proposed restricted area. He noted that he has not had any comments back from the notices. Mr. Cowie noted that if approved, the restriction will be effective through January 31st of 2014 and can be re-addressed next year if necessary. Mr. Cowie stated that the resolution and can be changed if necessary. Mayor Pro Tem Acerson then called for any public comments. There were no public comments.

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

Councilmember Powell stated that in reviewing other municipalities, they have fire restrictions in place until rescinded. She also stated that the Forest Service has restrictions implemented until further notice. She inquired if the Council would feel comfortable extending this now that the boundaries are established so it does not have to be reviewed every year. Councilmember Powell stated that she would propose that the resolution be in place until rescinded, instead of placing a date, unless the boundary needs to be changed or enhanced further as the area is narrowed, but perhaps expand the time frame. Councilmember Bean asked Chief Cullimore if the issue would even come up for

review if there was not a date on it, but if it read “until rescinded.” Chief Cullimore
2 replied that he would come to the Council every year regardless to talk about the
educational process from the Forest Service and the forecast. He added that whether that
4 evolved into talking about the restrictions would be up to the Council. Councilmember
Walker noted that he feels like the resolution has been narrowed down and the Council
6 has been pretty thorough on this issue; he added that he would like to at least look at the
fire restriction resolution as an annual review. Mayor Pro Tem Acerson commented to
8 let it run for a year to see if it works well, and then educate the public so they understand
the need for the restrictions; and from that point, if it needs to be tweaked, then enact it
10 on a permanent basis. Mr. Cowie stated that notices will most likely be sent out every
year to remind and educate the public.

12 Mayor Pro Tem Acerson called for further discussion from the Council. Hearing
none he called for a motion.

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16 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2013-
2-R, FIREWORKS RESTRICTIONS WITH THE CONDITION THAT THE
LANGUAGE ON LINE #7 MAY BE RENEWED BY THE CITY COUNCIL AND
18 GIVE THE MAYOR THE AUTHORIZATION TO SIGN. COUNCILMEMBER
BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER WALKER AYE

COUNCILMEMBER ACERSON AYE

22 COUNCILMEMBER BEAN AYE

COUNCILMEMBER POWELL AYE

24 THE MOTION CARRIED UNANIMOUSLY.

- 26 2. **Discussion Item** – *Hiring Policies for Aquatics Center*. This is a request by staff
to have the Council discuss and provide feedback on hiring 15-year old lifeguards
28 for the Lindon Aquatics Center. Heath Bateman, Parks and Recreation Director,
will lead this discussion. No motions will be made on this item.

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32 Heath Bateman, Parks and Recreation Director, was in attendance to present this
item. Mr. Bateman noted that his purpose for coming before the Council is to request
consideration for Lindon City to hire certified 15-year-old lifeguards in an effort to get
34 more competitive in hiring lifeguards for the Aquatics Center. He believes with changing
the age requirements for lifeguards the City will have the ability to hire more guards for
36 the pool. Mr. Bateman noted that the American Red Cross, as well as other guard
certifying agencies are qualifying lifeguards at 15 years old. Mr. Bateman noted that
38 Orem, Richfield and many other pools do presently hire 15 year old guards. He went on
to say as guarding becomes more competitive we will need certified 15-year-old
40 lifeguards. Mr. Bateman noted that there are employment restrictions and conditions for
hiring 15-year-olds and most of the restrictions are hardest during the school year. Mr.
42 Bateman then noted the conditions and hour limitations as follows:

44 Conditions: *Fifteen year olds, but not youth less than 15 years of age, may be employed*
as lifeguards at traditional swimming pools and most facilities of water amusement
46 *parks. Such employment must meet the following conditions:*

- 2 • The 15-year-old must be trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.
- 4 • The 15-year-old must be employed in compliance with all the other applicable provisions of the federal Child Labor Regulation No. 3, including the restrictions the hours and times of day that 15-year-olds may be employed as discussed below.
- 6 • The federal child labor rules require that 15-year-olds who are employed to teach or assist in teaching others how to swim must also be certified as swimming instructors by the American Red Cross or some other similar certifying agency.
- 8 • Properly certified 15-year-olds may be employed as lifeguards at water amusement park wave pools, lazy rivers, and activities areas, but not at the top of elevated water slides.

14 Hours/Limitations: *The employment of 14 and 15 year olds, including those 15-year-olds employed as lifeguards, is generally limited to the following limitations:*

- 16 • Outside of school hours.
- 18 • 3 hours on a school day, including Fridays.
- 20 • 8 hours on a nonschool day.
- 22 • 18 hours in a week that school is in session.
- 24 • 40 hours in a week that school is not in session.
- 26 • Also, such youth may not work before 7 a.m. or after 7 p.m. (except from June 1st through Labor Day when the evening limit is extended to 9 p.m.).

26 Mr. Cowie stated that URMMA is fine with the age limits and the liability issues do not change. Councilmember Acerson asked if there were any noticeable concerns that from the other cities who have 15-year-old lifeguards. Mr. Bateman replied that the other cities had no concerns. Mr. Bateman noted that 90 % of people who have contacted him regarding jobs for their kids at the pool are residents. He added that they pay minimum wage for lifeguards and they will also have a certification class at the city. He noted that certification is valid for three years. Mr. Bateman commented that they are also considering recouping the cost of the certification program to the employees to provide incentive to stay with the city.

34 On another issue, Mr. Bateman mentioned that they would like to put in two acres of grass up to the trail at the Lindon View Trailhead Park. He noted that they would invite the citizens to put in the sod and gather public input as to where to put the play area and picnic tables. Mr. Bateman stated that he would like to try to get this done before the trail ribbon cutting. Mr. Cowie stated that this information is presented for feedback from the Council only. The Council was in agreement to look into this issue. Mr. Cowie noted that he will bring this back as an official plan including an estimate for the Council's approval.

42 Mayor Pro Tem Acerson thanked Mr. Bateman for his presentation and for service. He called for any discussion from the Council. Hearing none he moved on to the next agenda item.

2 3. **Discussion Item** – *Elected & Appointed Officials Compensation Policies*. This is
4 a request by staff to have the Council discuss and provide feedback concerning a
6 possible ordinance change to identify compensation policies for electronic
equipment required for elected or appointed officials to participate in public
meetings and other normal activities within the scope of their duties. No motions
will be made on this item.

8 Mr. Cowie explained this item is for discussion only concerning a possible
10 ordinance change to identify the compensation policies for electronic devices required
12 for elected officials to participate in public meetings. Mr. Cowie noted that going
14 digital will save money in the long run and will make staff more efficient; staff is
16 working towards that goal per direction from the City Council. Mr. Cowie noted that
18 City Attorney, Brian Haws, has drafted a resolution that indicates the City Council may
20 appropriate an amount that could be compensation towards the purchase of electronic
equipment (\$400). Mr. Cowie explained that this is compensation that could possibly
22 get the City a little better pricing at some locations. He added that for those who choose
24 not to get a device this is framed as a “use it or lose it” format. Mr. Cowie mentioned
26 that this will be renewable with the opportunity to get a new piece of equipment every
two years. The equipment shall remain the personal property of the individual member,
not property of the City. Mr. Cowie stated that the maintenance and replacement policy
will be clarified. There was then some general discussion regarding this issue.

22 Mr. Cowie stated that he will schedule a meeting for discussion with Mr. Haws
24 regarding the “use it or lose it” language in the draft. Councilmember Walker suggested
26 contacting other administrators who use this technology to get their opinions and
feedback. Mr. Cowie confirmed that he will check with other cities. Mr. Cowie then
presented a slide show on the use and access of Google Docs.

28 Mayor Pro Tem Acerson called for any further comments or discussion from the
Council. Hearing none he moved on to the next agenda item.

30 4. **Training** – *Annual Training for Elected Officials*. Staff will review and discuss
32 with the City Council specific topics related to Open & Public Meetings, Due
34 Process, Ethics, Duties of Elected Officials, and other matters of importance to
avoid liability and claims against the City. No motions will be made on this item.

36 Mr. Cowie opened this discussion item by stating this annual training will cover
38 topics related to open and public meetings for elected official. Mr. Cowie noted that
40 some videos will be presented followed by discussion of the items mentioned above. He
42 added that copies of policy manual sections and code sections will also be provided and
discussed as follows:

40 LCC 2.28.100 Use of office for personal benefit prohibited.

- 42 1. No elected or appointed officer or municipal employee shall:
- 44 a. Improperly disclose private, confidential, or protected information
acquired reason of his official position or improperly use such information
to secure special privileges or exemptions for himself or others.

- 2 b. Use or attempt to use his official position to secure special privileges or
exemptions for himself or others.
- 4 c. Knowingly receive, accept, take, seek, or solicit, directly or indirectly,
any gift or loan for himself or another if the gift or loan tends to influence
him in the discharge of his official duties.
- 6 2. This Section does not apply to:
- 8 a. An occasional non-pecuniary gift having a value of less than \$50.
- b. An award publicly presented.
- 10 c. Any bona fide loan made in the ordinary course of business.
- d. A political campaign contribution if the contribution is actually used in a
political campaign.
- 12 3. In addition to any penalty contained in any other provision of law, any person
who knowingly and intentionally violates this Section, shall be dismissed from
14 employment or removed from office and shall be subject to prosecution pursuant
to state law. (Ord 2010-6, amended 9-22-2010, Ord. No. 92.6, enacted 7-1-92,
16 effective date 7-1-92.)

18 There was then some lengthy discussion regarding this issue following review of
the videos and the policy manual and code sections provided. Mayor Pro Tem Acerson
20 called for any comments from the Council. Hearing none he moved on to the next
agenda item.

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COUNCIL REPORTS –

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COUNCILMEMBER POWELL – Councilmember Powell reported that the Historical
26 Preservation Committee will be holding their next meeting at Los Hermanos. She also
reported that she will be attending the IHC Outreach meeting next week. Councilmember
28 Powell noted that there is a scheduled meeting with the Community Center Advisory
Board, and the Lindon Days kick-off meeting will be held on March 20, 2013.
30 Councilmember Powell also reported that she will not be in attendance at the May 7th
Council meeting as she will out of town.

32

COUNCILMEMBER WALKER – Councilmember Walker reported that he met with
34 Mr. Cowie for an update regarding the Orem/Fire/EMS status. Councilmember Walker
also reported that HB150 (euthanasia bill) was defeated.

36

CHIEF CULLIMORE – Chief Cullimore reported on the clean up progress on the
38 recent fire at Patch's Majestic Metals. He noted that they are currently working on a
clean air permit from the Department of Environmental Quality because of asbestos
40 concerns. They will then obtain a demolition permit from the city. He added that most of
the contents of the building have been cleaned out and inventoried. Chief Cullimore also
42 reported that the police department performed the alcohol compliance checks on the two
alcohol outlets in the city, and both businesses passed the check. Chief Cullimore noted
44 that things are moving forward with the task force and noted the report in the Council
packets.

46

2 **COUNCILMEMBER BEAN** – Councilmember Bean made the Council aware that the
4 Planning Commission reviewed the “Annual Reviews” on three group homes in Lindon,
6 the elderly home sponsored by the Housing Authority of Utah County, the Lindon Care
Center and the Heritage Youth Home. He noted that all three groups are doing well with
no problems or concerns.

8 **COUNCILMEMBER ACERSON** – Councilmember Acerson mentioned a stop sign
10 that is down on state street by Jiffy Lube. He also reported that he will be attending a
12 meeting with the North Union Water Board on Saturday with Don Peterson. He will also
be attending a meeting at the Alpine School District office. Councilmember Acerson also
mentioned the Utah Valley University panel discussion on March 28th. He invited and
welcomed any of the Council members to participate.

14 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton was absent.

16 **MAYOR DAIN** – Mayor Dain was absent.

18 **ADMINISTRATOR’S REPORT** –

20 Mr. Cowie reported on the following items:

- 22 1. The Council reviewed the Project Tracking list.
- 24 2. The use of Tablets for staff reports was reviewed and discussed.
- 26 3. The Joint meeting with Orem/Fire/EMS regarding the contract was a positive
meeting. Discussed the desired reports and statistics. They will be delivered
quarterly.
- 28 4. Utility Billing – Looking at updates to the format and information provided on
bills; staff is studying month-to month billing for sewer vs. average rates.
- 30 5. Vet Hall – new entry doors and landing planned (funds are available). The goal is
to complete before Lindon Days.
- 32 6. Mr. Cowie mentioned the desire by the Council to ask local legislative
representatives to report to Council on past and future activities.
- 34 7. Mr. Cowie noted the Dan Jones Survey is more expensive than expected.
Options for CARE Tax consideration/support.
- 36 8. Police Report – Chief Cullimore.
9. Jordan Aqueduct Easement – letters are being sent to property owners along
pipe easement (similar details to the SL Aqueduct issues).

38 **Upcoming Meetings & Events:**

- 40 ● March 21st @ 6:30 pm – Mayors Open House at the Acerson Residence.
- 42 ● March 25th - Heritage Trail construction to begin on the west phase.
- 44 ● April 6-13th – Spring Clean-up. Dumpsters available at various city locations.
- 46 ● April 18th @ 6:30 pm – Mayor’s Open House. Powell Residence.
- May 9th @ 7:00 pm in SLC. Utah Heritage Foundation – 2013 Adaptive Use
Project award. Mayor Dain.
- May 16th @ 6:30 – Mayor’s Open House – Frampton residence.
- May 18th – Murdock Canal ribbon cutting/ City Arbor Day tree planting.

- June 3rd – June 17th, 2013 Elections filing period.
- June 20th @ 6:30 pm, Mayor’s Open House, Dain residence.
- July 18th @ 6:30 pm – Mayors Open House, Bean residence.

Future Items

- Bicycle Master Plan, spring of 2013 – potential steering committee members.
- Creekside Retirement Subdivision: development agreement updates to clarify and remove moderate income housing requirements.
- Mayor pro tem April – June, Bret Frampton.
- Bond refunding (refinance).
- Re-appointment of Jerald Hatch to the Landfill Board.
- Training/Direction on dealing with media – public information officer (PIO) Designation.
- Little Miss Lindon Recognition.
- Ordinance updates from the Planning Commission (Sign ord., Land Use Table, etc.).

ADJOURN –

COUNCILMEMBER WALKER MOVED TO ADJOURN THE MEETING AT 10:45 P.M. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – April 2, 2013

Kathryn A. Moosman, City Recorder

James A. Dain, Mayor