

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, March 5, 2013**  
in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

4 **REGULAR SESSION** – 7:00 P.M.

6 Conducting: James Dain, Mayor  
Pledge of Allegiance: Spencer Robertson, Orem Scout Troop 928  
8 Invocation: Mark Walker, Councilmember

10 **PRESENT** **ABSENT**

James A. Dain, Mayor  
12 Mark L. Walker, Councilmember  
Bret Frampton, Councilmember – arrived 7:10  
14 Matt Bean, Councilmember  
Randi Powell, Councilmember  
16 Jeff Acerson, Councilmember  
Adam Cowie, City Administrator  
18 Hugh Van Wagenen, Planning Director  
Cody Cullimore, Chief of Police  
20 Kathryn Moosman, City Recorder

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

24 **MINUTES** – The minutes of the regular meeting of the City Council of February 19,  
2013, were reviewed.

26

COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF  
28 THE REGULAR MEETING OF FEBRUARY 19, 2013 AS AMENDED OR  
CORRECTED. COUNCILMEMBER ACERSON SECONDED THE MOTION. THE  
30 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE  
32 COUNCILMEMBER FRAMPTON AYE  
COUNCILMEMBER ACERSON AYE  
34 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER POWELL AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **OPEN SESSION** – Citizen Comments.

40 Mayor Dain called for any public comment not listed as an agenda item. Roy  
Shepherd was in attendance to address the Council at this time. Mr. Shepherd had  
42 questions regarding updates on Utopia. Mayor Dain stated that there have been previous  
meetings held regarding Utopia. Mayor Dain further stated that the city will continue to  
44 fund Utopia. Councilmember Walker noted that the vote was counted three to two to  
move ahead and there was mixed feelings on the vote. Mayor Dain added that they will  
46 continue to move forward for the next three months as there is a bond commitment to the

2 infrastructure program whether or not it succeeds. Mayor Dain added that this was a  
difficult discussion and the Council has spent hundreds of hours collectively on this issue  
as to what was best for the City.

4 Mr. Shepherd also inquired about the status of the Murdock Canal Trail. Mayor  
Dain commented that the trail project will be completed this spring with the official  
6 ribbon cutting to be held on May 18, 2013. Mr. Cowie mentioned there are actually two  
scheduled celebrations, with one being held in coordination with the Arbor Day  
8 Celebration. Mayor Dain stated that they are still working on some signage, striping and  
installation of some street lights along the trail. He also noted that this is the county's  
10 project and the county is managing the trail. Mayor Dain thanked Mr. Shepherd for his  
attendance and his comments.

12 Derrick Bonny, Boy Scout, then addressed the Council. He questioned why there  
was vacant seat on the Council dais and who it was for. Mayor Dain noted that in Lindon  
14 City has a court room that also serves as the city council chambers. He noted that the  
empty chair is for the Judge when court is in session. Mayor Dain then congratulated the  
16 scouts for their citizenship in the community.

18 Mr. Cowie then explained the Heritage Trail Project for the benefit of the  
audience members. He presented a map depicting the trail route. He noted that  
20 construction on Phase II of the trail will begin on March 25, 2013, and will be completed  
by the middle of June. Mr. Cowie noted that the city was awarded three million dollars in  
22 Federal Transportation Grants to be utilized for trails. He added there will be  
approximately six miles of trail when completed.

24 Mayor Dain called for any further public comments. Hearing none he moved on  
to the next agenda item.

26 **MAYOR/COUNCIL COMMENTS/REPORT** – Mayor Dain commented that he  
participated in the “Mayors for Meals” program that was held today. Mayor Dain noted  
28 that he met with the nine seniors who participate in the “Meals on Wheels” program from  
Lindon City. Mayor Dain noted that the meals are delivered by volunteers to seniors who  
30 are homebound. He added that this is a wonderful program and if there is anyone who  
has a need for this program and type of service to contact him or Mr. Cowie and they will  
32 get them in touch with the appropriate representatives at Mountainland Association of  
Governments.

34 Councilmember Powell commented that they are extending the registration  
deadline for the Healthy Lindon program and registration can be accessed on the city  
36 website. She added that there is no cost involved and there are prizes to be won. She  
noted that the program may coincide with merit badge requirements. She encouraged  
38 everyone to participate.

40 Councilmember Frampton mentioned that the Arbor Day Celebration will be held  
on May 18, 2013. He added that Tree City USA is a tradition and there are a lot of great  
42 committee members who are great arborists who will be planting trees and laying sod at  
approximately 400 North and 780 East (trailhead). He noted that the information will be  
on the city website. Councilmember Frampton noted that the Annual Lindon City Easter  
44 Egg Hunt will be held on Saturday, March 30<sup>th</sup> at 9:00 am at the City Center Park.

2        **CONSENT AGENDA** – No items.

4        **CURRENT BUSINESS** –

6            1. **Review and Action (Continued)** – *Fireworks Restriction (Resolution #2013-2-R)*.

8            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.

10           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.

14           Mr. Cowie 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 showed a map depicting the proposed boundary lines and also showed the boundary lines from last year. He also showed a photo of a large fire in the Lindon foothills in 1987.

20           Mr. Cowie also provided additional information from the city’s liability insurance provider, URMMA, regarding the designation of a certain park for discharge of fireworks by the general public. Mr. Cowie stated that URMMA will not cover any potential damage caused by public discharge in city parks or from other properties such as streets, etc. The City would bear any potential liability for allowing the public a location to discharge fireworks, so staff feels this is not a recommendation. Councilmember Acerson inquired if the mandatory 500 ft. buffer is that what the state recommends between developed property and the foothills. Mr. Cowie stated that it is not a state recommendation; it is a recommendation from the Orem Fire Marshal.

32           Councilmember Frampton mentioned that he feels the residents in the new zone should be noticed. Mayor Dain commented that the Council can continue this item to allow the time to send out additional notices. Mr. Cowie stated that staff will draft a new letter and the amended map and notice every person and property in the boundary zone, not just the new residents. Councilmember Acerson stated that he also feels the additional residents in the new zone should be noticed. He stated that he will personally visit some of the residences to make them aware of the changes. Councilmember Powell commented that she believes the residents have been sufficiently noticed.

40           Mayor Dain called for any public comments or discussion from the Council. Hearing none he called for a motion.

42           COUNCILMEMBER FRAMPTON MOVED TO CONTINUE RESOLUTION  
44 #2013-2-R, FIREWORKS RESTRICTIONS IN ORDER TO GIVE NOTICE TO  
RESIDENTS IN THE NEW BOUNDARY ZONE. COUNCILMEMBER ACERSON  
46 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

8 2. **Discussion Item** – *Recreation and Cultural Arts Funding Options*. This is a  
request by staff to have the Council discuss and provide feedback on potential  
10 options for funding of current and future recreational and cultural arts needs of the  
City. No motions will be made on this item.

12  
14 Mr. Cowie explained that this discussion item is regarding possible funding  
options for recreation and cultural arts activities within the city. He added that no formal  
16 motion is needed for this item. He noted that the General fund accounts, consisting of  
money from property taxes, sales taxes, and collected fees, are currently funding the  
18 majority of the recreational facilities, including parks, trails, the aquatics center, and the  
community center. Mr. Cowie further explained that in 2012 (fiscal year), the general  
20 fund subsidized the recreation fund by \$820,000 and fully covered all of the Parks  
Department expenses, \$550,000. He noted that additional funding sources, such as  
22 increased user and rental fees, or a CARE tax, would supplement the general fund, which  
would free up the general fund for other needs.

24 Mr. Cowie added that in the past, user fees and rental rates have been reviewed  
bi-annually on the recreational facilities. Rental and user fees cover the costs of some of  
the programming (swimming, sports teams, etc.). In fiscal year 2013 it is estimated that  
26 the aquatics and community center fees and rentals will receive \$415,000 and about  
\$6,000 for park rentals. However, these revenues are not nearly large enough or stable  
28 enough sources to cover funds for the continued operations, maintenance and  
replacement needs of the city. Mr. Cowie stated that while fees and rental rates certainly  
30 help to off-set the costs of our facilities and programs, users tend to be very sensitive to  
any rate changes. He noted that staff will continue to evaluate fees and rates to help off-  
32 set costs, but additional funding resources are needed to support operation, maintenance  
and replacement costs.

34 Mr. Cowie went on to say that the State allows a 0.1% sales tax increase to be  
used for cultural, arts, and recreation enrichment (CARE). He noted that if approved, it is  
36 estimated that it would generate \$350,000 per year in new revenue that could supplement  
parks, recreation and the arts needs in the city. This would also free up the general funds  
38 that are being used to supplement these programs for other growing needs. Mr. Cowie  
went on to say that voter approval of the tax must occur in the general election on the  
40 November ballot. He noted that Orem City has a well established CARE tax program  
that is helpful to review as an example of various opportunities. There was then some  
42 lengthy general discussion by the council regarding the use of the CARE tax. Mr. Cowie  
noted that a survey could be performed to get a feel of what the citizens feel about the  
44 CARE tax. Mayor Dain stated that a survey is probably something to be considered and  
looked into.

2 Mayor Dain called for any further discussion from the Council. Hearing none he moved on to the next agenda item.

- 4 3. **Discussion Item** – *Utility Billing*. This is a request by staff to have the Council  
6 discuss and provide feedback concerning Lindon City’s current utility billing  
8 practices and the pro’s/con’s of averaging sewer rates versus month-to-month  
10 billing. No motions will be made on this item.

12 Mr. Cowie opened the discussion by stating that this discussion item will focus on  
14 the City’s current utility billing practices. Mr. Cowie noted that staff will be reviewing  
16 sample utility bills from various parts of the city and discuss the work being done to  
18 evaluate the pros and cons of using average assessments on sewer rates (current  
20 procedures) versus billing month to month on the actual water usage. Mr. Cowie  
22 explained that current practice entails averaging four winter month’s worth of water  
24 usage, then applying the sewer bills to that average for the remainder of the year.

16 Mr. Cowie then referenced the Pros and Cons of current averaging of sewer rates  
as follows:

18 Pros – Current averaging of sewer rates:

- 20 ● Good for properties with no secondary water
- 22 ● More consistent bills.
- 24 ● Easy to administer if meter readings are missed.
- Cost or revenue benefit to the City (still being determined).

26 Cons – Current averaging of sewer rates:

- 28 ● Poor for properties with large animals who water during winter months  
from culinary sources.
- 30 ● Penalizes conservation minded users.
- 32 ● Can be confusing to property owners since water usage does not coincide  
with current sewer discharge.
- Cost or revenue benefit to the City (still being determined).

34 Mr. Cowie then presented copies of various utility bills for review and discussion.  
36 There was then some lengthy discussion regarding this issue. Mr. Cowie stated that staff  
38 will continue to evaluate this issue and bring additional information back over the next  
40 several meetings. He added that staff hopes to have a determination in how to proceed  
with the billing by mid-April. Mayor Dain called for any further comments or discussion  
from the Council. Hearing none he moved on to the next agenda item.

- 42 4. **Discussion Item** – *Review of Annual Retreat*. This is a request by staff to have the  
44 Council discuss and provide feedback on the recent retreat procedures, agenda  
items and ways to improve similar work sessions and meetings. No motions will  
be made on this item.

2 Mr. Cowie opened this discussion by stating in the past the “Retreat” meeting has  
4 been a budget kick-off meeting. Mr. Cowie expressed that he would like to re-frame the  
6 meeting as to be a budget kick-off meeting in the future. He noted that the meeting could  
8 facilitate a time to discuss upcoming needs and priorities but also focus on the financial  
impact of these issues. Mr. Cowie also asked for input regarding other city meetings and  
feedback on ways to improve the meetings and reports. Mr. Cowie noted that staff is still  
looking into going digital with Staff Reports, and mentioned that the Mayor is testing it  
on his personal I-pad at this meeting tonight.

10 Councilmember Walker commented that we are doing a better job with  
12 transparency. Councilmember Powell mentioned that Senator Henderson has presented a  
14 bill to pipeline all of city’s minutes to make it easier for all citizens to get access to the  
16 minutes and agendas. She also mentioned that she would like to see the seating at the  
18 retreat meeting be arranged so everyone is facing the same way. Councilmember  
Acerson stated that he would like to see a better way to increase the number of residents  
who attend the meetings and get more people involved. He suggested a letter (invitation)  
from the Mayor to attend may be an option. Councilmember Walker mentioned that the  
upcoming Mayor’s Open House is a good avenue to get citizens involved by reaching out  
to the community.

20 Mr. Cowie discussed the use of digital tablets, and there had been discussion of  
22 perhaps using a “drop box” to receive the packets and agendas. He noted there may be  
24 some concern about security, so they are leaning toward using a Gmail account and a  
26 shared Google drive. Mr. Cowie noted that with a Gmail sign in you can use shared files  
28 including a file for minutes, agendas, and also a staff report folder. He added that  
30 additional features may be incorporated such as the use of color, scanning etc., which  
may be an effective way to go. Mr. Cowie noted there was discussion in the retreat about  
having the City Council and the Planning Commission supplement the equipment. This  
would be a \$100 fee out of their pay. Mayor stated that the equipment will be part of  
their compensation. Mr. Cowie stated that they will plan on a trial run using the digital  
packets with the City Council and then move on to the Planning Commission. Mr. Cowie  
noted that he will bring back more information regarding this issue to the next meeting.

32 Mayor Dain called for any comments from the Council. Hearing none he moved  
on to the next agenda item.

### 34 **COUNCIL REPORTS** –

36 **COUNCILMEMBER POWELL** – Councilmember Powell reported on the Historical  
38 Commission and the Chamber of Commerce. She noted that she had a conversation with  
40 Hugh Van Wagenen, Planning Director and they will be meeting later this month to  
42 discuss both the Historical Commission and the Chamber of Commerce and they will  
attend the meetings together and start networking. Councilmember Powell also reported  
that she met with the Community Center Advisory Board and they reviewed the Blue  
Denim Gala and discussed ways to make it better and noted that they have a lot of great  
ideas. The CCAB will be thinking about a budget, as there are a lot of things they would  
44 like to be involved in. Councilmember Powell stated that \$2,000.00 is the amount they  
would like.

2 Councilmember Powell mentioned the proposed Youth Council. She stated that  
LaDawn Edwards has expressed an interest in being involved. She added that Ms.  
4 Edwards has a great disposition with kids and noted that she also has a degree.  
Councilmember Powell reported on the IHC Outreach, and noted that it is important to be  
6 proactive in encouraging citizens to get immunized.

8 **COUNCILMEMBER WALKER** – Councilmember Walker reviewed the sales tax  
report with the council. Councilmember Walker reported that there is an Animal Shelter  
10 Board bill in place at the State Legislature (HB150) that deals with the euthanasia of  
animals, which would cause immense damage to our shelter if passed. He noted that if  
12 this bill passes it would eliminate the euthanasia of the animals (which is more humane  
than the injection method) and would also eliminate some employees. Councilmember  
14 Walker commented that time is growing short on the bill, and stated that it will be an  
issue and a big cost to the city and the citizens.

16 Councilmember Walker reported that he met with Chief Cullimore for discussion  
and was given a budget and noted that the Police Department is doing great. He also  
18 mentioned that he has been contacted by residents about the roads and we need to start  
spending some funds on the roads and road maintenance. Councilmember Walker also  
20 noted that the sewer smell he mentioned at the last meeting has not changed and it is still  
a major problem.

22 **CHIEF CULLIMORE** – Chief Cullimore reported that as required by the Alcohol and  
Tobacco Federal Agency, they tested three businesses in the city that sells tobacco, and  
24 noted that they did well and all three were in compliance. Chief Cullimore requested  
permission from the Council to start teaching Nova at Timpanogos Academy and Rocky  
26 Mountain Elementary on April 23<sup>rd</sup>. He also inquired if someone from the Council  
would like to attend the Nova Graduation. Councilmember Acerson noted that he may be  
28 able to attend. Chief Cullimore noted there are five state registered and one federally  
registered sex offenders in the city and all are in compliance after the recent check. He  
30 added that registered sex offenders checks are performed every quarter.

32 Chief Cullimore noted that the Open burning date in the county has not been set  
but it is usually in April and he will inform the Council when the date is set. Chief  
34 Cullimore noted that he met with Ron Madsen, the new lease holder at the Lindon  
Marina. He noted that Mr. Madsen made a good impression and added that he wants to  
36 have a lot of amenities at the marina and clean it up at make it a nice place. There will  
also be an onsite caretaker and it will be approved for over night camping.

38 **COUNCILMEMBER BEAN** – Councilmember Bean reported that Vaughan Austin  
will start next week on the Planning Commission. Councilmember Bean added that the  
40 Commission is doing great job.

42 **COUNCILMEMBER ACERSON** – Councilmember Acerson mentioned a conference  
to be held at Utah Valley University on Thursday, March 28, 2013 at 10:45 a.m. that will  
44 be dealing with education and trying to move some initiatives forward. Councilmember  
Acerson stated that he would like to gather some political people from the community to  
46 get involved. They will meet on a panel discussion to hear from the community on how

2 they can better prepare students to be responsible citizens and a better part of the  
3 community. Councilmember Acerson will send out an email to the Council members to  
4 see how many can participate. Councilmember Acerson inquired about the fire clean up  
5 at Patch's Majestic Metals and if there is an anticipated time frame on the clean up. Chief  
6 Cullimore noted they are currently having discussions with the insurance companies as to  
7 who will pay for it. Councilmember Acerson also mentioned the Little Miss Lindon float  
8 budget and asked if there has been any feedback and noted that maybe we should be  
9 proactive and have some further discussion regarding this issue.

10 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported that  
11 construction on Phase II of the Heritage Trail will be starting this month and noted that  
12 the kickoff for the Arbor Day Celebration is coming up and he will get back with Heath  
13 Bateman to finalize the plans for the celebration. He noted that he does not anticipate  
14 any changes for the celebration this year.

16 **MAYOR DAIN** – Mayor Dain had nothing further to report.

18 **ADMINISTRATOR'S REPORT** –

20 Mr. Cowie reported on the following items:

- 21 1. The Council reviewed the Project Tracking list.
- 22 2. The Lindon Senior Center was selected to receive the 2013 Utah Heritage.  
23 Foundation award in "Adaptive Use Project" category. Mayor Dain will attend on  
24 May 9, 2013.
- 25 3. Reviewed different types of graphs on the sales and property tax reports for use in  
26 the staff reports. It was agreed to use the line graph for future reports.
- 27 4. The report on bond refunding (refinancing) from law firm Lewis Young  
28 Robertson Burningham was received. The Council was in agreement to move  
29 forward on this issue. Mr. Cowie noted that it will come before the council as an  
30 official resolution.
- 31 5. The use of Tablets for staff reports was reviewed and discussed.
- 32 6. Mr. Cowie discussed Review for Proposal (RFP) procedures. He would like to  
33 send out a new RFP for auditing services, also Janitorial and property  
34 maintenance services.
- 35 7. Mr. Cowie noted that the February expenditures were included in staff reports.
- 36 8. Letter from the Alpine School District requesting participation in a forum on  
37 educational programs – Councilmember Acerson will attend.
- 38 9. Mr. Cowie noted a letter from Jerald Hatch regarding the summary of landfill  
39 board was included in the staff report. Mayor Dain stated that Jerald Hatch needs  
40 to be reappointed by the Council.
- 41 10. The Little Miss Lindon Pageant was held on March 2, 2013. Aurora Nelson was  
42 crowned as the 2013 Little Miss Lindon Queen.

44 **Upcoming Meetings/Future Items:**



- 2 ● March 14<sup>th</sup> @ 4:00 – Joint meeting with Orem. Discuss potential increase to Fire/ EMS contract, utilities, streets, etc. Mayor Dain and Councilmember Acerson will attend.
- 4 ● March 21<sup>st</sup> @ 6:30 pm – Mayor’s Open House – Councilmember Acerson residence. A Police Officer will be in attendance for Chief Cullimore, as he will be unable to attend.
- 6 ● April 6<sup>th</sup> – 13<sup>th</sup> – Spring Cleanup. Dumpsters will be available at various locations throughout the city.
- 8 ● April 18<sup>th</sup> @ 6:30 pm – Mayor’s Open House – Councilmember Powell residence.
- 10 ● May 9<sup>th</sup> @ 7:00 pm in SLC. The Utah Heritage Foundation - 2013 Utah Heritage Foundation award in “Adaptive Use Project”. Mayor Dain will attend.
- 12 ● May 16<sup>th</sup> @ 6:30 pm – Mayor’s Open House – Councilmember Frampton residence.
- 14 ● May 18<sup>th</sup> – Murdock Canal ribbon cutting/ City Arbor Day tree planting.
- 16 ● The 2013 Election filing period is June 3<sup>rd</sup> to June 17<sup>th</sup>.
- 16 ● June 20<sup>th</sup> @ 6:30 pm – Mayor’s Open House – Dain residence.
- 18 ● July 18<sup>th</sup> @ 6:30 pm – Mayor’s Open House – Bean residence.

18 **ADJOURN** –

20  
22 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT 9:55 P.M. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24  
26 Approved – April 2, 2013

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Kathryn A. Moosman, City Recorder

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James A. Dain, Mayor