

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, August 20,**
3 **2013 at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State
4 Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M. – Conducting: James A. Dain, Mayor

8 Pledge of Allegiance: James A. Dain, Mayor

8 Invocation: Matt Bean, Councilmember

10 **PRESENT**

ABSENT

10 James A. Dain, Mayor

12 Mark L. Walker, Councilmember

Bret Frampton, Councilmember – arrived 7:10 p.m.

14 Randi Powell, Councilmember

Matt Bean, Councilmember – excused 7:50 p.m.

16 Jeff Acerson, Councilmember

Adam Cowie, City Administrator

18 Cody Cullimore, Chief of Police

Hugh Van Wagenen, Planning Director

20 Kathryn Moosman, City Recorder

22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

24 2. **Presentations/Announcements** –

- 26 a) **Mayor/Council Comments** – Mayor Dain mentioned that a great time
28 was had by all at the Lindon Days celebration. Mayor Dain congratulated
30 Councilmember Powell, Heath Bateman and everyone who was involved
32 to make it such a successful celebration. Councilmember Powell
34 mentioned that the Lindon Days Chariman, Angie Hendrickson, is already
36 talking about new ideas for next year and noted that she would like to
38 serve as chairman again next year. Mayor Dain also mentioned that Ms.
40 Hendrickson will be recognized at City Council meeting on September
42 17th. Mayor Dain also reported that CNN Money Magazine has named
44 Lindon City the 29th greatest city to live in the country and the #1 City in
the category of “ease of living.” He offered congratulations to Adam
Cowie, City Administrator, and staff for their efforts in making Lindon
such a great place to live and noted that this is a great accomplishment.
Councilmember Powell also expressed her appreciation and
congratulations to Angie Hendrickson, Heath Bateman, Chief
Cullimore, and all of the Lindon Days volunteers and staff for making sure
the celebration went well. Councilmember Acerson reiterated
Councilmember Powell’s comments and agreed the celebration was a
great success due to all those involved and for everyone’s participation.

2 b) **Presentation** – *Utah Division of Water Quality*. Beth Wondimu and Ed
3 Macauley from the Division of Water Quality presented Lindon City with
4 a plaque to recognize Lindon’s recent completion of its sewer upgrade
5 project. Mayor Dain accepted the plaque on behalf of the City Council and
6 Lindon City staff and residents. He then thanked Ms. Wondimu and Mr.
7 Macauley for the recognition.

8 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of
9 July 16, 2013 were reviewed.

10 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
11 THE MEETING OF JULY 16, 2013 AS WRITTEN. COUNCILMEMBER POWELL
12 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

13 COUNCILMEMBER WALKER AYE
14 COUNCILMEMBER FRAMPTON AYE
15 COUNCILMEMBER POWELL AYE
16 COUNCILMEMBER BEAN AYE
17 COUNCILMEMBER ACERSON AYE

18 THE MOTION CARRIED UNANIMOUSLY.

19 4. **Consent Agenda** – No items.

20 5. **Open Session for Public Comment** – Mayor Dain called for any public comment
21 not listed as an agenda item.

22 Mayor Dain called for any public comments. Lee Ann Whetten, Lindon resident,
23 approached the Council at this time. Ms. Whetten commented that she feels the Heritage
24 trail is fine idea, but would like to recommend that the construction company hired to do
25 the trail on 800 West not ever be used again. She then noted some of the reasons as
26 follows:

- 27 1. Bad signage.
28 2. Length of time; still ongoing, not a good experience.
29 3. Cones are still up on 800 West with no parking left on the street now, with
30 some residents not happy with their drive approach.

31 Mayor Dain directed Mr. Cowie to meet with the contractor to discuss these
32 issues. Mr. Cowie noted that 800 West was just a portion of the trail completed. Mr.
33 Cowie also addressed the reason the cones are still up is because the city will be putting
34 a new overlay on the road within the next 2 to 3 weeks. In addition, Mr. Cowie noted
35 that all residents will need to sign off on the work done at their residence so if there are
36 any problems they can be addressed. Mr. Cowie stated that all-in-all the project has gone
37 well without any major issues. Ms. Whetten reiterated that the construction job was not a
38 well run job. Councilmember Powell asked if the striping on the new overlay on 800
39 West will be done in such a way as to avoid what was done on Center Street where there
40 was not enough parking. Mr. Cowie stated that he would have to see the plans first to
41 make that determination. He further noted to keep in mind that the asphalt width is

2 extremely narrower than Center Street, so it may appear that there is less room than what
4 is on Center Street for shoulder parking, however, they are not planning to restrict
6 parking on the side of the streets. Councilmember Walker mentioned that residents can
8 contact staff with any questions or concerns. Mr. Cowie confirmed that staff would be
10 happy to address any problems or issues with residents. Mr. Cowie pointed out the
12 Council previously approved narrowing the street cross section by two (2) ft. as to not
14 take resident front yard property. Mayor Dain directed Mr. Cowie to bring the striping
16 plan back before the Council for review before striping 800 West. Councilmember
18 Acerson suggested noticing the striping plan to the residents who will be affected as well.

20 Ms. Whetten then asked for an update on the ecoli water issue and if testing has
22 been done more frequently, as her family has had lingering symptoms. Mr. Cowie
24 confirmed testing is performed every two weeks. He further confirmed that since the boil
26 water order was lifted there have not been any reports or confirmed cases of illness
28 throughout the entire city. He noted that if she has any concerns regarding her water,
they can test the water right out of her tap.

30 Mayor Dain called for any further public comments or discussion. Hearing none
32 he moved on to the next agenda item.

34 **CURRENT BUSINESS**

36 6. **Review and Action** – *Resolution #2013-12-R – Placement of Cultural Arts and
38 Recreation Enrichment (CARE) tax opinion question on ballot.* The Council will
40 consider Resolution #2013-12-R, which outlines the ballot titles and ballot
42 proposition to submit an opinion question to Lindon City residents on the November
44 5, 2013 Municipal General Election Ballot regarding whether Lindon City should
46 impose a 0.1% citywide sales and use tax to fund cultural and recreational facility and
ongoing operations, and cultural organizations within Lindon City for a period of ten
years.

30 Mr. Cowie led the discussion by giving a brief background and overview of the
32 CARE tax. He noted that Orem City adopted a CARE tax several years ago, and Lindon
34 is looking at adopting a similar tax structure. He noted that other cities have imposed a
36 similar tax and have used many different acronyms for the tax. He explained that the
38 resolution requires a majority of voters to approve it on the ballot. He further explained
if the Council approves the resolution and the wording tonight he will take it to the state
tomorrow to have the opinion question included on the ballot. Mr. Cowie also noted that
facilities and operational expenditures are funded not activities. Mr. Cowie then
reviewed several past studies with questions relating to recreation, parks and cultural
activities that shows what residents are interested in seeing implemented.

40 Mr. Cowie then referenced the attached Resolution with proposed wording of the
42 Ballot Title and Question. He noted if the proposed resolution is passed, the Cultural Arts
44 Recreation and Enrichment (CARE) tax question will be placed on the November 5th
46 ballot for Lindon residents to vote for or against. He reiterated that a majority of voters
will be needed to pass the CARE tax. He added that if approved it is estimated this tax
could generate around \$300,000 per year which would be a big supplement to current
programming (as far as facilities) and offset the current expenditures in the general fund

2 that are currently supplementing the programs. There was then some lengthy general
3 discussion by the Council regarding the resolution draft language.

4 Mr. Cowie then referenced some Lindon CARE tax facts and possible purposes
5 for the Lindon CARE tax as follows:

- 6 1. Expanded funding of the Lindon City Community Center for facility
7 improvements (i.e., stage enhancements, lighting, fixtures & furnishings,
8 gymnasium improvements, score board, expanded computer lab & family
9 history library, dance studio improvements, etc.), and operating expenses.
- 10 2. Park development and park facility improvements (pavilions, baseball
11 fields, soccer fields, tennis courts, trees, benches, restrooms, playgrounds,
12 walking trails, horse arena improvements, bleachers, gazebos, bandstand,
13 skate parks, dog parks, etc.)
- 14 3. Trails development and bicycle system improvements
- 15 4. Aquatic Center improvements and amenities (more shade structures, new
16 slide or splash pad, climbing wall, lights, etc.)
- 17 5. Grant funding for private non-profit cultural organizations (arts, dance,
18 music, theater, historical, museum)
- 19 6. Public art (monuments, statues, art in public facilities, etc.)
- 20 7. Historical Commission funding
- 21 8. Other potential options: New Recreation Center, municipal tree farm,
22 pond and fishery, amphitheatres, etc.
- 23 9. The Lindon CARE tax is required to be approved by the voters. The City
24 Council can not impose the CARE tax without passage by a majority of
25 voters.
- 26 10. If approved, the Lindon CARE tax will impose a 0.1% addition to the
27 sales and use tax within Lindon City. This equals 1¢ for each \$10 spent, or
28 10¢ for each \$100 spent in Lindon.
- 29 11. If approved, the Lindon CARE tax will begin to accumulate in April 2014
30 and be valid for a 10-year period. The voters will have to approve renewal
31 of the tax after 10 years.
- 32 12. The Lindon CARE tax is estimated to generate \$300,000 per year for
33 cultural and recreation facilities and their ongoing expenses, and cultural
34 organizations within Lindon City.
- 35 13. Except for an administrative fee kept by the State for collecting the tax,
36 the entire tax will remain with Lindon City and is not distributed
37 throughout the State like other sales and use taxes.
- 38 14. The majority of sales and use taxes collected by Lindon City are paid by
39 shoppers and businesses residing outside of Lindon. The CARE tax will
40 bring additional 'outside' money into the community.
- 41 15. Orem, Cedar Hills, Salt Lake County and other jurisdictions throughout
42 the State has had a similar tax in place for several years (RAP tax, ZAP
43 tax). If people and businesses shop in those areas they have been paying
44 this tax.
- 45 16. The Lindon City Council has sole ability to determine how the revenues
46 are used (within the scope of the description wording approved on the
47 ballot).

- 2 17. Current wording limits use of the funds to facilities and organizations
4 within Lindon City. Unless the wording is changed no uses outside of
6 Lindon could be eligible (i.e. SCERA, neighboring city libraries, Utah
8 Symphony, etc.)
- 10 18. Except for below, the Lindon CARE tax cannot be used for funding of
12 'program expenses' of public programs (i.e., team sports, Lindon Days) or
14 for funding other political subdivisions of the State (school district,
16 county, etc.).
- 18 19. Funding may be used for programming expenses of a city cultural council
20 for advancement or preservation of history, natural history, art, music,
22 theater, or dance.

24 Mr. Cowie then posed the following questions to the Council for feedback:

- 26 • Should grants to private non-profit cultural organizations be limited to
28 only those within Lindon City? If not, the ballot language needs to be
30 updated.
32 *Following discussion it was agreed to keep the grant funds limited
to/within Lindon City.*
- 34 • Is there any potential need to include zoological or botanical use or
36 organizations in the ballot language?
38 *Following discussion it was determined to not include zoological or
40 botanical use organizations in the ballot language.*
- 42 • Should we duplicate Orem's (and Cedar Hills) 'CARE' name designation
44 for the tax, or refer to the tax as 'RAP' (Recreation, Arts, Parks) or some
46 other acronym? Orem's CARE tax program is structured differently than
Lindon's program will be. Is there any desire for distinction? (i.e., PAL –
Parks & Arts in Lindon, ART – Arts Recreation Trails, CAP – Cultural
Arts & Parks)
*Following discussion it was determined to adopt a different name
designation distinct to Lindon City.*

34 City Attorney, Brian Haws, pointed out that the definition of the code does allow
36 for a cultural organization to fund grants, but it does not include a municipal entity like
38 the city, but does allow the city to establish a "Cultural Arts Council" and to run that
40 council, and then that council can use those funds, so a grant system doesn't necessarily
42 have to be set up, but a "Cultural Arts Council" would need to be set up. Mayor Dain
44 commented that the discussion is going to churn and the discussion is going to be out
46 there, and he doesn't want the discussion to be about existing debt and the city trying to
find a way to pay for bad mistakes. He added if that rhetoric starts to steamroll that will
not be healthy and that is not what the council wants to happen. He went on to say the
City is able to take care of the debt that we have incurred, and tax is not needed for
existing debt. Mayor Dain stated that a message should be sent that the city has the
money to cover our debt and this is not being done because the city is in financial trouble;
this is being proposed because we want the cultural arts in front of our people. Mayor
Dain expressed that the stronger the message is sent the more likely will it succeed. He

2 would also suggest adding a comment in the draft to the effect that states “these funds
3 will not be used for debt service.”

4 Councilmember Powell agreed with Mayor Dain’s suggestion and also suggested
5 using a different acronym that would differentiate us from our neighbors. She then
6 mentioned a few of the possible acronyms as follows: PAL – Parks & Arts in Lindon,
7 ART – Arts Recreation Trails, CAP – Cultural Arts & Parks. Councilmember Acerson
8 commented that no matter what acronym is given, the bottom line is once you peel it

9 back, it is, in fact, a tax and just call it what it is.
10 Mr. Cowie added the language “excluding any currently existing debt
11 obligations” to the draft as directed. Mr. Haws noted that this language could be more
12 specific if needed. Mayor Dain stated that he likes the language and feels it sends the
13 message to the public that the Council is trying to put something in front of the public
14 that this is not meant to take care of a debt problem, which is important for people to
15 understand.

16 Mayor Dain noted that this agenda item is not a public hearing, but he invited
17 comments from audience members if there is a strong opinion on this issue.

18 **Mark Gardner:** Mr. Gardner commented that with the added line in the draft regarding
19 the existing debt, taxpayers are going to think the funding is for future expenses because
20 the money is about to run out. Mr. Gardner further noted that speaking as a resident, his
21 attention was drawn to that statement in a negative way and he feels that is the last thing
22 you want to do.

23 **Lee Ann Whetten:** Ms. Whetten was in agreement with Mr. Gardner’s statement. She
24 also suggested giving it a different acronym other than the CARE tax; as to have
25 something that distinguishes Lindon from other cities.

26 **Doug Christensen:** Mr. Christensen commented that it would be refreshing to hear
27 politicians say that they have taken enough money from the people and to live within
28 your means.
29

30
31 Following public comment, Mayor Dain inquired if there is a better way to send
32 the message. Mr. Cowie voiced his concerns that the added line could possibly draw bad
33 attention. Councilmember Frampton commented that technically, in the past, the only
34 improvements have come from donations and outside sources; otherwise there would
35 have been little or no money for progress. Councilmember Walker commented that there
36 is an obligation, as Councilmember’s, to make sure this is transparent, and what the
37 Council is trying to do is put it out to the citizens to vote it up or vote it down.
38 Councilmember Powell commented that Councilmember Walker’s statement is right on
39 target. She also mentioned that the city is currently living within our means; but if the
40 citizens want more implemented then we need a way for the community to participate at
41 large. Mayor Dain stated the message to the citizens is “if you want more cultural arts in
42 the city, this is how it will be done.” Mr. Cowie then referenced a chart showing
43 clarification of where the funds will come from. He noted that 67% of sales revenue
44 comes from 20 Lindon businesses. Mayor Dain commented that he feels the general
45 consensus from the Council seems that there are two questions that need to be answered
46

1) what acronym to use and 2) leave in or take our the reference to debt. Following discussion, the Council was in agreement to use the acronym “PARC” tax representing Parks, Arts, Recreation and Culture, and to remove the debt reference line. Mayor Dain instructed Mr. Cowie to remove the debt reference line from the draft and to add ‘PARC’ tax for the acronym. Mayor Dain then thanked the residents in attendance for their valuable feedback.

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

COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2013-12-R, WHICH OUTLINES THE BALLOT TITLE AND BALLOT PROPOSITION TO SUBMIT AN OPINION QUESTION TO LINDON CITY RESIDENTS ON THE NOVEMBER 5, 2013 MUNICIPAL GENERAL ELECTION BALLOT REGARDING WHETHER LINDON CITY SHOULD IMPOSE A 0.1% CITYWIDE SALES AND USE TAX TO FUND CULTURAL AND RECREATIONAL FACILITIES AND ONGOING OPERATIONS, AND CULTURAL ORGANIZATIONS WITHIN LINDON CITY FOR A PERIOD OF TEN YEARS WITH THE FOLLOWING CONDITIONS: THE EXCEPTION OF SUBSTITUTING “CARE” WITH “PARC” TAX, REPRESENTING PARKS, ARTS, RECREATION AND CULTURE.

COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

7. Public Hearing – *Ordinance #2013-9-O, Street Legal All Terrain Vehicles.* The Council will review and consider this city initiated ordinance change LCC Title 10 “Vehicles and Traffic”, specifically adding Chapter 10.18 “Street Legal All Terrain Vehicles”. The ordinance clarifies what constitutes a Street Legal All-Terrain Vehicle, identifies restrictions and requirements for the lawful operation of Street Legal All-Terrain Vehicles upon City streets, and designates excluded streets for their use within the City.

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

Adam Cowie, City Administrator, led the discussion by stating the legislature created provisions for street legal all terrain vehicles to operate on public roadways, which the city has been allowing. However, it came to staff’s attention that the City needed to adopt an ordinance allowing the use for them to legally operate on our public streets. Therefore, staff has prepared a draft ordinance for review and consideration by the Council. Mr. Cowie noted that Chief Cullimore announced the proposed ordinance in the August newsletter and they have received some public comment both for and against street legal ATV’s. He noted that some of the comments are not directly related to the

2 proposed allowance of street legal ATV's, but instead are focused on concerns regarding
ATV uses on private land, which is not regulated, unless it constitutes a nuisance. Mr.
4 Cowie then referenced the letters sent from residents addressing this issue. He then
turned the time over to Chief Cullimore.

6 Chief Cody Cullimore then approached the Council. He reference the proposed
ordinance, Lindon City Code Chapter 10.18 , which is proposed for the City Council's
8 consideration to ensure that Lindon City's practices comply with Utah State law
regarding the operation of "Street Legal All-Terrain Vehicles" upon Lindon City streets.
10 Chief Cullimore then gave a brief background summary. He noted in the General
Legislative Session of 2010, the State Legislature enacted revisions to Utah Code 41-6a-
12 1509 which defined what constituted a "Street Legal ATV "and provided the ability for
cities located within Counties of the 2nd through 6th classes the ability to permit
operation of ATV's meeting the equipment and registration requirements on City streets.

14 Chief Cullimore explained that since the effective date of that legislation and
through extensive publicity regarding the changes, many Lindon City residents have
16 purchased and/or modified their ATV's to meet the requirements specified in 41-6a-1509
and have then registered their ATV's as required by the State. He noted that from that
18 time until this date these residents have been operating their ATV's upon Lindon City
streets as both they and the Police Department believed that they were in compliance with
20 State Law.

22 Chief Cullimore further explained that upon examination of the State Code it was
recently discovered that: as Lindon City is located in Utah County, (a County of the 2nd
24 Class) and as Lindon City has more than 7,500 residents. Before ANY "Street Legal
ATV's" may be operated upon city streets, the Lindon City Council must enact an
26 ordinance which states both the designated and non-designated roadways for approved
use and referencing both state law and any additional requirements placed upon the
28 vehicles and their operators by the City. Chief Cullimore stated this ordinance is needed
to bring us into compliance and to allow a practice to continue legally which has been
taking place in Lindon City for over three years.

30 Chief Cullimore then summarized the proposed ordinance and noted that if
passed, the owner/operator of a "Street-Legal ATV must meet the following
32 requirements:

The operator must meet the same requirements as a motorcycle in that;

- 34 • The vehicle must be driven so as to follow all traffic rules;
- 36 • The operator must be at least 16 years of age AND possess a valid Driver's License;
- 38 • The vehicle must be legally registered AND possess a State issued license plate;
- 40 • The owner must pay fees in lieu of property taxes;
- The vehicle must pass vehicle emissions inspection.
- 42 • The vehicle must meet the following requirements as a motor vehicle, in that:
 - The vehicle must be covered by motor vehicle insurance AND proof thereof must be carried in/on the vehicle;
 - 44 • The vehicle must pass a safety inspection.
 - To be a "street legal ATV" the following equipment is required:
 - 46 • Headlamps;

- 2 • One or more tail lamp;
- Light illuminating the license plate;
- 4 • Red reflectors to the rear;
- Stop lamps on the rear;
- 6 • Amber electric turn signals front and rear;
- A braking system, other than a parking braking;
- 8 • A horn or other warning device;
- A muffler and emissions control system;
- 10 • Rear view mirrors on both sides of the vehicle;
- A windshield, or eye protection for the driver;
- 12 • An illuminated speedometer;
- A footrest and handhold for each passenger; and,
- For “side by side” vehicles, a seatbelt for each occupant.
- 14 • The operator of a “Street Legal ATV” may not exceed the posted speed limit or a maximum speed of 45 MPH.
- 16 • The operator of the ATV must be at least 16 years of age and possess (and present to the officer) a valid Driver’s License.
- 18 • The operator of the ATV must be able to produce a State of Utah vehicle registration for the vehicle which identifies it as a “Street Legal ATV” and have a corresponding State of Utah license plate attached to the vehicle. (This is not to be confused with the personal property tax sticker which should be attached to all ATVs. The requirement is an official State of Utah license plate.)
- 20
- 22
- 24 • The operator must produce current proof of motor vehicle insurance for this vehicle (ATV).
- 26

28 Chief Cullimore stated if the proposed ordinance is approved and enacted, Street Legal ATV’s may be operated under the above noted conditions on any street within the City limits of Lindon City with the following exceptions;

- 30 • I-15 – Closed Access Highway with a speed limit higher than 45 miles per hour.
- 32 • State Road 114 (Geneva Road) posted speed limit higher than 45 miles per hour.
- 34

36 Mayor Dain called for public input at this time. Several residents in attendance addressed the Council as follows:

38 **Mark Gardner:** Mr. Gardner stated that he is an ATV owner and rides a lot in Richfield. He noted that in Richfield ATV’s are permitted everywhere and it has really been a boom for the area, as they are more gas efficient etc. Mr. Gardner commented when this ordinance is adopted ATV’s will become more popular and it will expand and grow into having more trails etc. Mr. Gardner further stated that he feels that Lindon City is on track with this proposed ordinance and he strongly supports it.

44

2 **Doug Christensen:** Mr. Christensen noted that he is an avid ATV user, but he is torn
4 regarding this issue. He further noted that when ATV's are made street legal you will see
6 them made for the streets and they are not designed for street use, they are made with an
8 off road design. He noted that other communities use them to drive to the trails, which
10 makes sense. He would rather see trails for ATV use instead with rules that permit them
12 to do that. He commented that if the Council is writing the rules to create revenue, then
14 he is opposed. Mayor Dain stated that the Council is not creating revenue with this
16 ordinance. Chief Cullimore noted that this has been allowed for 3 years with no incidents
18 and ATV's are used mostly in the neighborhoods only.

20 **Joseph Christensen:** Mr. Christensen commented that he is support of the proposed
22 ordinance.

24 Mayor Dain called for any further public comments or discussion. Hearing none
26 he called for a motion to close the public hearing.

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

34 Mayor Dain called for any further comments or discussion. Hearing none he
36 called for a motion.

38 COUNCILMEMBER WALKER MOVED TO APPROVE ORDINANCE #2013-
40 9-O, CREATING CHAPTER 10.18 "STREET LEGAL ALL TERRAIN VEHICLES".
42 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
44 RECORDED AS FOLLOWS:

46 COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

48 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 50 8. **Review and Action** – *Resolution #2013-13-R, Street Sweeper Purchase Agreement.*
52 The Council will consider Resolution #2013-13-R, which outlines the need for and
54 requested approval of the TYMCO Purchase Agreement for financing and purchase
56 of a new street sweeper for the total cost of \$258,990.75. The current sweeper
58 purchased in 1998 will be traded to Intermountain Sweeper Company for \$45,000 to
60 meet the first-year payment requirement. Five subsequent annual payments of
62 \$42,798.15 will be due each year beginning August 2014 and continue through
64 August 2018. No cash payments will b e required in this current fiscal year.

66 City Administrator, Adam Cowie, opened the discussion by explaining the current
68 street sweeper was purchased in 1998 and is in need of several thousand dollars of
70 maintenance work. Mr. Cowie noted that the Lindon City storm water superintendent,
72 Paul Miller, has indicated that the interior of the hopper has rusted and they have been

2 welding holes as they appear. The transmission has been slipping out of gear when they
4 drive up the foothill streets, and all the tires are in need of replacement. The Freightliner
6 chassis is also out of production and parts have been difficult to find. Mr. Cowie went on
8 to say that the sweeper has been an item of concern for a couple years, but the City did
not budget to replace the sweeper this fiscal year. However, Mr. Miller has negotiated a
trade-in option for the current machine that allowing purchase of a new sweeper with no
cash payment until August 2014. Since no cash outlay is required, no change to the
current year budget is necessary. Mr. Cowie added that a street sweeper is required by the
EPA to keep city streets clean.

10 Mr. Cowie further stated that in the past Lindon may have been able to pay for
12 this type of expense outright, without financing, however, we are not in as good of a
14 financial position at this time. Financing was evaluated through two banks, and found
16 that the dealership offered a significantly lower rate of 2.69%. Mr. Cowie stated that
18 staff has determined that with interest rates rising, now is the best time to finance a new
sweeper instead of putting money into failing equipment. He then referenced photos of
the current street sweeper condition. Mr. Cowie commented that in 2014 the sweeper
payments will be paid for from the storm water enterprise fund and/or the B&C (streets)
fund and he feels confident that the city can pay for this equipment at this time. There
was then some general discussion regarding this purchase agreement.

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

24 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2013-
13-R, STIPULATING TERMS OF A LEASE/PURCHASE AGREEMENT BETWEEN
TYMCO, INC. AND LINDON CITY FOR A NEW STREET SWEEPER, AND
26 AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACTS AND DOCUMENTS
NECESSARY FOR THE PURCHASE. COUNCILMEMBER FRAMPTON
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE
30 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER POWELL AYE
32 COUNCILMEMBER ACERSON AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

34
36 9. **Discussion Item** – *Economic Development Policies and Business Friendly Practices.*
The Lindon City Planning & Economic Development Director, Hugh Van Wagenen,
will discuss and gather feedback from the Council regarding Lindon’s desired
38 policies for economic development and address Governor Herbert’s recent challenge
40 for cities to become more business friendly.

42 Mr. Van Wagenen led this discussion item by stating that he and Mayor Dain and
Councilmember’s Powell and Bean met with the Utah County Commissioners regarding
the 700 North Corridor, and noted they received some good feedback and they were very
44 supportive. Mayor Dain commented that Lindon City is very well respected on the
County level.

2 Mr. Van Wagenen stated that part of the discussion with the County was their
focus on infrastructure and traditionally there has been a lot of that done here in Lindon,
4 and as we move forward we need to be comfortable in sticking with those parameters.
He noted that his office has been approached on several occasions with people interested
6 in doing more housing elements on the corridor, and currently, housing in that area is not
on the long term general plan.

8 Mr. Van Wagenen stated that they approached the school district to try and get
them on board with the CDA, and noted that the district is far less interested in housing.
10 Mr. Van Wagenen went on to say that he is looking for feedback from the Council on
their opinions about projects coming to his department regarding the housing element.
12 Mayor Dain commented that the thing the council would hate to lose is the sales tax that
the corridor can offer through businesses. He noted that if the housing element is added,
14 the approach discussed by the Council was a commercial development (i.e., Riverwoods)
with a residential component and more of a mixed use. Mr. Van Wagenen mentioned
16 that whatever goes in on 700 North needs to be on the master plan to some degree, and if
that is something the Council would be comfortable with instituting. Mayor Dain stated
18 that perhaps some not too specific broad architectural guidelines may be appropriate. Mr.
Cowie explained that they are not talking about architectural guidelines so much as the
20 corridor and infrastructure guidelines or conceptual plan. There was then some general
discussion regarding this issue.

22 Mr. Van Wagenen then referenced a letter sent by the governor of the state
regarding a challenge to conduct a business regulation review in Lindon City. Mr. Van
Wagenen noted that the letter states that the feedback from municipalities has been very
24 positive. He noted that contacting the businesses could be established by hand or a
database of email addresses etc. addressing business community needs, for example, the
26 700 North Corridor. He also asked for feedback on what can be done to streamline
permits etc. in the Community Development Department.

28 Mr. Van Wagenen inquired if the permits can be handled at staff or planner level to
streamline those types of applications (minor subdivisions, etc.) without having them
30 come to the City Council. Mayor Dain stated that we need to develop policies that treat
the developer just like a customer that we want to have come back to do business again,
32 and whatever Mr. Van Wagenen can suggest to the Council that makes that process easier
would be considered. Councilmember Powell commented that she would like to see
34 things streamlined as to make them more business friendly. She mentioned what they had
to go through as a Lindon business owner many years ago and noted that the process has
36 been streamlined and diametrically changed since then. Councilmember Walker
commented that the beurocracy in obtaining a permit in Lindon was hard for his Father,
38 who was a Lindon business owner for many years, with having to keep coming back to
the planning commission and council etc. He noted that a lot of cities are letting staff
40 handle things unless it is something that the City Council needs to look at i.e., replats,
property line adjustments etc.

42 Councilmember Acerson commented that he feels it is important to do what we
can for businesses to enhance their business. He suggested sending a letter to existing
44 businesses asking for feedback. He noted that a letter would encourage discussion in
facilitating them to stay here in Lindon. Mayor Dain instructed Mr. Van Wagenen to
46 come back with some suggestions in streamlining the process and commented that

2 anything we can do to reach out to businesses would be a benefit to the city. There was
4 then some additional discussion regarding this issue. Mr. Cowie also mentioned an RDA
6 project that could potentially use some assistance with some electrical power upgrades
8 which is something those funding sources could help with. He noted that this is a large
10 privately owned business that employs over 700 people, which could possibly incentivize
12 them to stay in Lindon and could also build a good relationship with the city. The
14 Council agreed that this would be a good business gesture on behalf of the city.

16 Mayor Dain called for any further comments or questions from the Council. Hearing
18 none he moved on to the next agenda item.

20 **10. Review and Action** – *Appointment of Alternate UIA Board Member.* The Council
22 will consider the request to appoint Adam Cowie, Lindon City Administrator, as an
24 alternate member of the Utah Infrastructure Agency (UIA) Board of Directors. Mr.
26 Cowie will serve as an alternate to Jeff Acerson and Bret Frampton if they are unable
28 to attend UIA Board meetings for functions.

30 Mr. Cowie led the discussion by stating this action will appoint himself as the
32 second alternate for Jeff Acerson, who is Lindon’s representative on the Board of
34 Directors of the Utah Infrastructure Agency. Mr. Cowie noted that Bret Frampton will
36 continue to serve as the first alternate for Mr. Acerson. He added should both Mr.
38 Acerson and Mr. Frampton be unavailable, Mr. Cowie will be authorized to serve and
40 participate on the Board on behalf of Lindon City. The appointment of this alternate
42 position will take effect immediately. With this appointment Mr. Cowie noted that he will
44 be provided agendas and other materials which are delivered to the UIA Board prior to
each meeting.

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

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE
APPOINTMENT OF ADAM COWIE AS AN ALTERNATE UIA BOARD MEMBER.
COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

11. Executive Session – *Closed Session to Discuss Pending Litigation (UCA 52-4-240).*

The City Council will enter into a closed executive session to discuss pending or
reasonably imminent litigation (UCA 52-4-240).

Mayor Dain called for any motion to close the regular meeting and move into an
executive session.

2 COUNCILMEMBER WALKER MOVED TO CLOSE THE REGULAR CITY
COUNCIL MEETING AND MOVE INTO A CLOSED EXECUTIVE SESSION.
4 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

6 COUNCILMEMBER POWELL MOVED TO CLOSE THE EXECUTIVE
SESSION AND MOVE INTO THE REGULAR CITY COUNCIL MEETING.
8 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

10 12. COUNCIL REPORTS

12 **Councilmember Powell** – Councilmember Powell reported that Lindon Days was
14 overall very successful and fun for everyone. She expressed her appreciation for Lindon
Days Chairman, Angie Hendrickson and all of the staff and volunteers who helped make
16 it possible. Councilmember Powell commented that she would like to bring it even more
in-house (budget-wise) next year though. She noted that she likes the flavor that a
18 chairman brings to the event, but she does not like the burden and tax dollars placed on
the city. Councilmember Powell commented that Heath Bateman, Parks and Recreation
20 Director, is a great resource regarding the infrastructure done by the city. Mr. Cowie
noted that he has had this conversation with Mr. Bateman and he feels we could narrow
22 the window of activities to within one week. Mr. Cowie stated that Mr. Bateman will be
attending the Council meeting on the September 17th to give a full report on Lindon
24 Days. He further noted they had discussion about eliminating the events that are not well
attended. Mr. Cowie stated that he will invite Mr. Bateman to the October 1st meeting
26 for more conversation. Councilmember Powell also mentioned the Care tax and noted
that the Skyline Choir would be willing to donate a concert. Mr. Cowie commented that
28 it would have to be independent of the city or city facilities.

30 **Councilmember Walker** – Councilmember Walker mentioned that the Audi car
dealership is looking to move from Orem; he suggested that the Audi dealership would be
32 great to have in Lindon. Councilmember Walker also reported that he attended the North
County Animal Shelter meeting and also the Engineering meeting.

34 **Chief Cullimore** – Chief Cullimore was absent.

36 **Councilmember Bean** – Councilmember Bean was absent.

38 **Councilmember Acerson** – Councilmember Acerson reported that he attended the UIA
40 meeting. He noted that because of the new bylaws passed he has to attend the majority of
the meetings in person rather than skyping or conference calls. He noted they had a great
42 discussion and they are moving in the right direction.

44 **Councilmember Frampton** – Councilmember Frampton had nothing to report.

2 **Mayor Dain** – Mayor Dain read a letter from the CEO of a prominent Lindon business
4 who is frustrated with recurrent power outages. He noted that this is the business
previously discussed that may be a candidate for use of RDA funds. He added that this
makes good sense from a public relations aspect.

6 **Administrator’s Report**

Mr. Cowie reported on the following items:

8 **Misc. Updates:**

- 10 • Project Tracking List was reviewed.
- 12 • CNN Money Magazine ranked Lindon City #1 for ‘ease of living’ and #29
overall.
- 14 • Lindon Days report is planned for the September 3rd meeting.
- 16 • UIA OpEx is being covered by increase in revenues due to changes requiring
service providers to now pay in advance instead of in arrears. Future invoices
expected in the next month or two. UIA is planning to adjust the rates based
on the recent deployment of new infrastructure.
- 18 • Landfill update: Interlocal agreement being discussed for long-term
commitment to the District. The requirement of recycling transport is also
20 being discussed.
- 22 • Kristen Colson has been awarded the GFOA Certificate of Achievement for
Excellence in Financial Reporting for completing Lindon’s comprehensive
annual financial report for fiscal year ended June 30, 2012. A plaque will be
24 awarded to Ms. Colson in December during the audit report.
- 26 • Sharon Call will be hosting a Mayor’s Open House. It was agreed to hold the
open house on September 17th.
- 28 • The new full-time Justice Court Clerk is Spencer Foster. Court options are
currently being studied.
- 30 • Heritage Trail Update: A portion under the freeway will be reconstructed &
paid for by JUB Engineers. There are some small fixes remaining on some
curb ramps. 800 West will be patched and a roadway slurry seal added.
- 32 • The Fire station call report for June was reviewed.
- 34 • Culinary water update: All tests remain clean, with no heavy chlorinating
being done any longer, with only the Canberra tanks / Dry Canyon spring
waters being chlorinated.
- 36 • A Parks and Recreation vehicle was hit by uninsured drunk driver. There were
not any injuries, but some minor body work repair is required. The city will
38 be seeking damage restitution through the Justice court.
- 40 • Bicycle Master Plan study is out for bid. The Steering Committee will
evaluate the bids to select a firm to do the full study.
- 42 • Nyal Richins – railroad ties are completed, but the trees still need to be
replaced by the contractor.
- 44 • 700 North CDA – Mayor Dain, Councilmember Bean, Powell, and Acerson
met with the County Commissioners who are in support of the CDA.

46 **Upcoming Meetings & Events:**

- 2 • Newsletter Assignment: Councilmember Walker - September newsletter article. Due by last week in August.
- 4 • August 22nd at 7:00 pm – Earthquake Lady (Maralin Hoff) at Community Center.
- 6 • August 26th - 30th – Senior Center Yard Sale.
- 8 • August 29th at 7:00 pm – Drill Down Block Captain Training at Community Center.
- 10 • September 12th – United Way Day of Caring.
- 10 • September 16th – Drill Down for Safety, 6:00 pm to 8:00 pm. Mayor & Council meet at City Center for training.
- 12 • September 24th at 6:00 pm – Joint training session with Planning Commission, Board of Adjustment.
- 14 • October 24th at 7:00 pm – Meet the Candidates Night at Community Center.
- 16 • November 5th – General Election.

16 **Future items:**

- 18 • Bed & Breakfast conditional use permits are being reviewed by the Planning Commission.
- 20 • Review of active service military utility waivers, utility bill formatting, utility bill rates
- 22 • Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor.

24 Mayor Dain called for any further comments or discussion from the Council.
26 Hearing none he called for a motion to adjourn.

28 **Adjourn** –

30 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
32 11:00 P.M. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – September 3, 2013

38 _____
Kathryn A. Moosman, City Recorder

40 _____
42 James A. Dain, Mayor