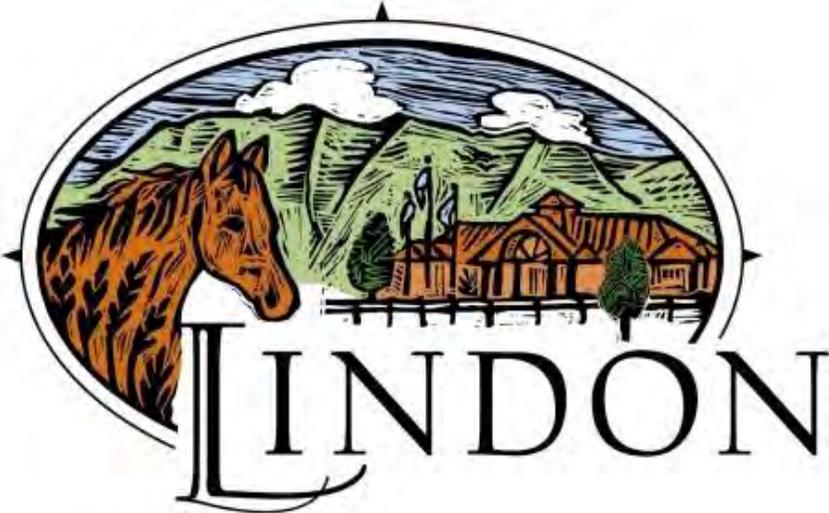


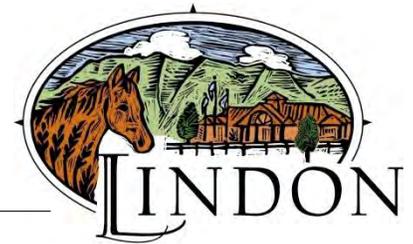
Lindon City Council Staff Report



Prepared by Lindon City
Administration

September 2, 2014

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a regularly scheduled meeting beginning at **7:00 p.m.** on **Tuesday, September 2, 2014** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

Scan or click here for link to download agenda & staff report materials:



REGULAR SESSION – 7:00 P.M. - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation
Invocation: Jake Hoyt

(Review times are estimates only)

1. **Call to Order / Roll Call** (5 minutes)
2. **Presentations and Announcements** (10 minutes)
 - a) Comments / Announcements from Mayor and Council members.
3. **Approval of minutes from August 19, 2014** (5 minutes)
4. **Consent Agenda** – No Items
5. **Open Session for Public Comment** (For items not on the agenda) (10 minutes)
6. **Review & Action — Storm Water Discharge Agreement** (10 minutes)
MS Properties, who owns an industrial development at approximately 1400 W. 300 S., requests approval of an agreement for discharge of on-site storm water without detention into Lindon Hollow Creek in conjunction with installing and maintaining landscaping in perpetuity along a portion of the Lindon Heritage Trail.
7. **Review & Action — Police Department Vehicle Lease (Resolution #2014-9-R)** (10 minutes)
Chief Cody Cullimore requests City Council approval of Resolution #2014-9-R allowing the Mayor and Staff to execute a future lease agreement for replacement of 13 existing leased police vehicles. Zions Bank requires a resolution prior to preparing final lease documents. Annual estimated cost of the lease for all 13 vehicles is \$89,440.13 per year. Funds for the leased vehicles were included and approved as part of the 2014-15 budget.
8. **Review & Action — Employee Reclassification in Police Dept (Resolution #2014-10-R)** (15 minutes)
Chief Cody Cullimore requests City Council approval to reclassify the Police Department Records Clerk positions. The changes will entail converting the two current $\frac{3}{4}$ -time positions (30 hrs/week) into one full-time position (40 hrs/week) and one part-time position (20 hrs/week). A recent vacancy in one of the positions will enable an easy transition. The change is estimated to save \$16,282 to \$18,341 annually.
9. **Discussion Item — Future Fire Station / Public Safety Building** (45 minutes)
The City Council and Staff will have a discussion on issues related to building a new fire station / public safety building and will review options for development, funding, time lines for construction, and public involvement. The City anticipates needing a new building completed by July 1, 2018. As this is a discussion item only, no motions will be made and no public comment will be taken.
10. **Public Hearing — Ordinance Change, LCC 8.32 Cemeteries & Burials. (Ord# 2014-15-O)** (15 minutes)
The Council will review and consider approval of Ordinance #2014-15-O, outlining city initiated changes to LCC 8.32 Cemeteries and Burials, amending the ordinance to accommodate smaller cemetery lots for infants and urns and amending various other provisions to conform to current practices and State code.
11. **Public Hearing — Fee Schedule Amendment (Resolution #2014-11-R)** (10 minutes)
The Council will review and consider approval of Resolution #2014-10-R, outlining city initiated changes to the 2014-15 Lindon City Fee Schedule, specifically amending fees for cemetery services.
12. **Council Reports:** (20 minutes)
 - A) MAG, COG, UIA, Utah Lake, ULCT, Budget Committee
 - B) Public Works, Irrigation/water, City Buildings
 - C) Planning, BD of Adjustments, General Plan, Budget Committee
 - Jeff Acerson
 - Van Broderick
 - Matt Bean

- D) Parks & Recreation, Trails, Tree Board, Cemetery
- E) Administration, Com Center Board, Lindon Days, Chamber of Commerce
- F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee

- Carolyn Lundberg
- Randi Powell
- Jacob Hoyt

13. Administrator’s Report

(15 minutes)

Adjourn

This meeting may be held electronically to allow a council member to participate by video conference or teleconference.

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

Posted By: Kathy Moosman
Time: ~11:00 a.m.

Date: August 29, 2014
Place: Lindon City Center, Lindon Police Dept, Lindon Community Center

REGULAR SESSION – 7:00 P.M. - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Jake Hoyt

Item 1 – Call to Order / Roll Call

September 2, 2014 Lindon City Council meeting.

Jeff Acerson

Matt Bean

Van Broderick

Jake Hoyt

Carolyn Lundberg

Randi Powell

Staff present: _____

Item 2 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.

Item 3 – Approval of Minutes

- Review and approval of City Council minutes from **August 19, 2014.**

(See attached draft minutes)

The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 19, 2014 at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 7:00 P.M.

Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Mayor Acerson
Invocation: Van Broderick, Councilmember

PRESENT

ABSENT

Jeff Acerson, Mayor
Randi Powell, Councilmember
Matt Bean, Councilmember
Van Broderick, Councilmember
Jacob Hoyt, Councilmember
Carolyn Lundberg, Councilmember – arrived 7:05
Adam Cowie, City Administrator
Cody Cullimore, Chief of Police
Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
2. **Presentations/Announcements** –
 - a) **Mayor/Council Comments** – There were no comments at this time.
3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of July 15, 2014 were reviewed.

COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE MEETINGS OF JULY 15, 2014 AS WRITTEN. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY.

4. **Consent Agenda** – No items.
5. **Open Session for Public Comment** – Mayor Acerson called for any public comment not listed as an agenda item.

Nyal Richins, Lindon resident, addressed the Council at this time. Mr. Richins mentioned the excessive speeds on Center Street since the road was opened two years ago and inquired when the issue of controlling the speeds will be addressed. He noted in the covenant that Mayor Dain signed there was a provision included that there would be a speed study done and the speeds would be monitored and patrolled by the police. He stated that he has not seen any of this happening to date. Mr. Richins stated that he realizes a police presence cannot be there at all times but something needs to be done to control the excessive speeds or there will eventually be an accident. He feels the city needs to be a little more responsible and review the signed covenant.

Mayor Acerson asked City Administrator, Adam Cowie, for an update. Mr. Cowie gave some background of this issue stating the city did actually have a speed study done with a completed report from City Engineer, Mark Christensen, which he presented to the Council. The findings of the study reported that the average speeds had not increase significantly from the previous study. Several different options were presented to the City Council and it was determined not to implement any options other than updating the crosswalk; no other changes were approved at that time. Mr. Cowie stated that he would get a copy of the study for Mr. Richins to review.

Chief Cullimore stated they are aware of the problem and stated they have the speed trailer there periodically and they do patrol and do enforcement in the area as much as possible. Mr. Richins voiced his opinion stating more traffic calming options need to be implemented i.e., speed bumps, etc. as the street narrows and it is very dangerous.

Mayor Acerson commented that one thing that is being looked at is raising the speed limit on 200 South which may funnel more traffic from Center Street. He realizes that the speeds can be excessive at times but that can happen anywhere throughout the city. Mayor Acerson stated that it may be appropriate to speak with former Mayor Dain to see if all of the commitments made were followed through and bring it back to the Council for more discussion. Mr. Cowie stated that it was a formal agreement and as far as he is aware the requirements have been met.

Councilmember Bean commented that he had concerns of the inability at the time to widen the street to what it ought to be. He stated after review of the street width by the Council (on-site also) it was determined to move ahead based on recommendations from the traffic engineer at the time. He went on to say that the Council and Police Department are aware of the problems where the road narrows and it is a difficult situation to get people to slow down. Mayor Acerson asked if traffic studies have been done in other areas of the city where speed humps have been implemented and if those studies are available as to have some sort of reference point for comparison. Mr. Cowie replied if those studies were done then there would be records and he will check on that issue.

Mayor Acerson called for any further public comments or questions in the open session. Hearing none he moved on to the next agenda item.

CURRENT BUSINESS

- 6. **Review and Action**– *7-Eleven/Crump Enterprises, Inc., Beer License Application.*
 Nathan Crump with Crump Enterprises requests City Council approval for a Lindon City Beer License at 795 N. State Street. Mr. Crump is a new franchise owner for the existing 7-Elelven store which has been previously authorized for a beer license. City

2 code prohibits transfer of a beer license and therefore a change in ownership requires
new approval for continued beer sales.

4 Adam Cowie, City Administrator, gave a brief summary stating Nathan Crump
with Crump Enterprises (who is in attendance) is requesting City Council approval for a
6 Lindon City Beer License at 795 N. State Street. He noted that Mr. Crump is a new
franchise owner for the existing 7-Eleven store which has been previously authorized for
8 a beer license. Mr. Cowie stated that City code prohibits transfer of a beer license and
therefore a change in ownership requires new approval for continued beer sales.

10 Mr. Cowie noted that for the past several years the 7-Eleven (previously
Walker’s) location above has been approved by the City for beer sales. However, a new
12 franchise owner has taken over the store and is seeking to continue beer sales and
therefore needs City Council approval of a new beer license. He noted the application
14 appears to meet requirements for approval and is pretty straightforward. He went on to
say the City is not aware of any outstanding violations or concerns on current beer sales
16 occurring at the location. Mayor Acerson called for any comments or questions from the
Council. Hearing none he called for a motion.

18 COUNCILMEMBER POWELL MOVED TO APPROVE THE REQUEST BY
20 CRUMP ENTERPRISES, INC. FOR A RETAIL BEER LICENSE AT 795 NORTH
STATE STREET WITH THE CONDITION THAT THE APPLICANT OBTAIN ANY
22 REQUIRED STATE LICENSE (S) FROM THE UTAH DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL AND PROVIDE COPIES TO LINDON CITY.
24 COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

- 26 COUNCILMEMBER POWELL AYE
 - COUNCILMEMBER BEAN AYE
 - 28 COUNCILMEMBER BRODERICK AYE
 - COUNCILMEMBER HOYT AYE
 - 30 COUNCILMEMBER LUNDBERG AYE
- THE MOTION CARRIED UNANIMOUSLY.

32 7. **Compatibility Determination** – *O’Neal Aquatics, 31 S 1550 W.* JoD and Rob Jones
34 of O’Neal Aquatics requests review of an unlisted land use category (swim lessons)
to determine if the use is compatible with uses permitted in the Light Industrial (LI)
36 zone. The applicant proposes to operate a business conducting swim lessons in
warehousing space located at 31 South 1550 West in the Light Industrial (LI) zone.
38 The Planning Commission recommended on a vote of 6:0 with one abstention, the
Planning Commission recommended approval of the application as a conditionally
40 permitted use with conditions.

42 Mr. Cowie informed the Council at this time that the applicant has withdrawn this
application because of state requirements that cannot be met or complied with.

44 8. **Presentation and Discussion:** *Republic Services Recycling Program Options.*
46 Reece DeMille and Alissa Dailey from Republic Services will present information
and pricing for opt-out recycling in Lindon. The Council will receive the proposal,

2 discuss options for moving forward and provide direction to staff. No official motions will be made.

4 Mr. Cowie led this discussion by stating Reece DeMille from Republic Services is in attendance tonight to present information and pricing for opt-out recycling in Lindon. He noted the Council will receive the proposal, discuss options for moving forward and provide direction to staff. He added that no official motions will be made for this discussion item.

10 Mr. Cowie explained that the Council has expressed previous interest in starting an opt-out recycling program to increase the level of recycling participants in Lindon. The city currently has about 32% recycling participation with 819 recycling accounts out of about 2,500 total residential addresses. Most opt-out programs see over 60% participation. Greater participation in recycling will lower the tipping fee expense to the city, save space in the landfill, and assist in other environmental benefits. In an opt-out program every residence would be automatically signed up and billed for a recycling can unless they opt-out within a certain time frame. If a residence fails to opt-out within the set time frame, they will receive a recycling can and be billed for the can whether they choose to use it or not.

20 Mr. Cowie further explained that opting out would most likely require submittal of some sort of signed form that is turned into the City utilities clerk and kept on file. Although higher numbers of users resulting from opt-out or mandatory programs typically lowers the cost per recycling can, Republic Services has informed us that, even with increased participation, the current recycling can rate is already a very competitive price that they can't lower. Republic charges the City \$3.68 per can, with the city adding an additional amount to cover fuel surcharges and administrative processing. So, the total current rate of \$4.13 per recycling can will be the same regardless of how many new addresses participate in recycling.

28 Mr. Cowie then referenced possible implementation questions to consider as follows:

- 30 • What kind of additional public notice and length of time does the Council want before starting the opt-out period?
- 32 • How long should the opt-out period be? (60 days, 90 days, before Jan. 1st etc.)
- 34 • Should there be a disincentive (fee or charge) for subscribers to discontinue the service opt-out period ends? If so, how much?
- 36 • Should new utility customers coming to the city after the opt-out period ends be automatically signed up (required to participate)? If so, *eventually* all residences in Lindon will be participating in the recycling program. If not, participation rates will most likely decrease over time, thus decreasing the overall savings to the city through higher tipping fees.

40 Mr. Cowie stated that after getting feedback from the Council, Staff will proceed with the necessary steps to implement the desired program and administrative process. He noted that formal action from the Council will be in the form of Resolution adopting the opt-out program policies with administrative details and timeframes. Since no change to the fee is anticipated the fee schedule will not need to be amended. Adoption of the resolution could be done as part of a public hearing at an upcoming Council meeting.

2 Mr. DeMille addressed the Council at this time to give his presentation to the
 4 Council. He referenced examples of opt-out recycling done in neighboring cities. He
 6 noted that American Fork City made the switch from opt-in to opt-out recycling in 2009
 8 with a 60 day opt-out period. Following the opt-out period, residents are charged a
 10 \$50.00 dollar opt-out fee. Pleasant Grove began their opt-out recycling program in 2010
 after the council approved the program in August of 2009 with a 6 month opt-out period
 following the opt-out period, residents are charged a \$50.00 dollar opt-out fee. Provo City
 made the switch to opt-out recycling at the end of 2011. Provo residents can opt-out of
 the program any time without any sort of penalty. Provo has lost 45 participants a month
 since implementing their opt-out program.

12 Mr. DeMille pointed out the unique benefits offered with the Opt-Out recycling programs
 as follows:

- 14 • Higher participation rate
- 16 • It's easier for residents to get their can and start using it
- Keeps the choice to participate with the residents.

18 Mr. DeMille also mentioned items to look at if considering using the program as follows:

- 20 • 60 day period to communicate program details out to residents
 - Communication methods
- 22 • 45-60 day opt-out period for residents
 - How do residents opt-out - Email, phone calls
- 24 • Approximately 60 days for Republic to deliver containers to residents and begin
 curbside service.
 - 26 •New containers will be delivered with an every other week recycling
 schedule and list of recyclable items.

28 There was then some lengthy discussion following Mr. DeMille's presentation.
 Mr. DeMille commented that the program can be structured any way the Council likes
 30 depending on communication details, time frames etc. Mr. Cowie stated that it appears
 the Council has some interest and noted there has been periodic pushes in the newsletter,
 32 website etc. in the past year and there has been a 10% increase from those notifications.
 Mr. Cowie stated the potential savings is \$10,000 a year. Mr. Cowie asked the Council
 34 for feedback and direction at this time. Mayor Acerson commented that he is sensing
 from the Council that there is some support for opting out.

36 Councilmember Broderick stated that he would be in favor of implementing a
 marketing campaign and see what the response is. He believes ongoing education is
 38 important to have residents become more aware; he also suggested having the recycle
 option on the form when people move in to the city.

40 Councilmember Lundberg stated that she would like to see us step up a little
 more to the plate and expressed that this would be good for the environment and also
 42 saves money. She stated if this is implemented in a friendly, proactive, awareness way it
 will see a lot of positive results. She suggested making it easy to opt-out with no penalty
 44 so people are not offended. She noted that there are different levels of how to encourage
 this. She also mentioned that glass recycling is also an option down the road.

Councilmember Lundberg also suggested using fliers, postcards, magnets, eagle projects, door hangers, website, newsletter, etc. to get the information out there.

Councilmember Bean commented that he is in favor but questioned to what extent does a municipality push social objectives. He agreed that the savings is the main driving force and may justify pushing the agenda that in the past we have been unwilling to push; but this is a conservative city in a lot of ways, which is a concern.

Councilmember Hoyt commented that he agrees with Councilmember Bean. He is on the fence as he is a big proponent of recycling but questioned if it is our job as a municipality to push this agenda; he is not sure it is.

Councilmember Powell commented that perception is what is going to matter. She stated that that Council may be in favor of a really mild, easy to work with, opt-out program but at the same time the perception will be that the city is making the residents participate, and there will be some residents who are not in favor; but there is a wide variety of residents in the city. She did echo the comments of Councilmember Bean and Councilmember Hoyt. She added that she would also like to see this implemented in phases.

Mayor Acerson commented that he would prefer that residents make a choice, because they are proactive and educated and have the information going forward rather than being included then having to make the decision to get out.

Mr. Cowie stated that a concerted effort will be made to get the word out and they will target the two or three can households. He suggested looking at implementing postcards, door hangers, group email list, utility billing, newsletter, facebook, twitter, website, marquee, senior center and newsletter and open houses with the Mayor to target this issue and to educate the residents. Mr. DeMille suggested a "recycle corner" be included in the city newsletter. He noted that curbside recycling is not a money maker for them; they do it because they are trying to be good environmental stewards. Mr. DeMille stated that he appreciates the partnership with the city and Republic Services is happy to do whatever the Council suggests.

Mayor Acerson thanked Mr. DeMille for the presentation. He called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

9. **Discussion Item:** *Community Center Rentals for Commercial Activities.* At the request of the Mayor this item is being brought forward for discussion. Heath Bateman, Parks & Recreation Director, has prepared two options for consideration to allow commercial activities in the Community Center and is seeking direction on how to proceed. No official motions will be made.

Mr. Cowie presented an overview stating at the request of the Mayor this item is being brought forward for discussion. He commented that Heath Bateman, Parks & Recreation Director, has prepared two options for consideration to allow commercial activities in the Community Center and staff is seeking direction on how to proceed. He noted that no official motions will be made on this agenda item as it is for discussion only.

Mr. Bateman addressed the Council at this time. He commented that recently there has been some interest from businesses to rent the community center for

commercial events (specifically Terri Marchbanks with the Holy Cow Boutique). He noted this idea has been re-opened hence he is providing two options for adding commercial and non-resident rentals at the Community Center. One option shows commercial being a percentage of the total revenue earned. The other option shows a flat cost for commercial rentals research shows that it is about 75% to 25% for other businesses; he noted that he and his colleagues side with the flat cost increase for rentals. He explained the amount of increase between resident, non-resident and commercial on the flat rate increase model varies widely he doubled the rental rate for non-residents and doubled it again for commercial.

Mr. Bateman pointed out some of the challenges he foresees if rentals are made more available to more people as follows:

- Availability: (there are a lot of programs and gym time is somewhat difficult to get during sports leagues.)
- Saturday rentals and late night rentals will make staffing needs go up. (currently, weekend rentals are scarce and staff goes home during the evening at 7:00 pm)

Mr. Bateman continued by explaining there are positives and negatives to both models. He noted his personal recommendation is the percentage model because if a show or event doesn't go well, it would give flexibility in the cost back to the city so people won't lose money. He did noted if the rate is inexpensive people will come and rent the building as there has been enough interest. He further explained this will take more "babysitting" by staff to make sure the actual amounts of gate receipts or sales receipts are accurate. He noted that in both situations non-profit rates have been removed. Mr. Bateman stated if they still want to have nonprofit rates, it can be added in as a percentage off of the resident and nonresident rate. He noted the Council can change the percent taken or raise or lower the rental rate on the other form if needed. There was then some general discussion by the Council regarding this issue.

Mr. Cowie stated that staff will give this a hard look on measuring costs and bring the numbers back. Following discussion the Council was in agreement to have Mr. Bateman put some numbers together and have a discussion with Ms. Marchbanks and open the building for her use (as a "pilot program") to help determine what the actual and future costs will be on the use of the building. Mr. Bateman then gave a recap of Lindon Days, stating the events were well attended with a lot of community support, and he believes it was all within budget. Mr. Bateman stated he will present an official report on Lindon Days and the Aquatics Center at a later meeting. The Mayor and Council thanked Mr. Bateman and his staff for their exemplary work in making Lindon Days such a success this year.

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

10. **Public Hearing:** *General Plan Map Amendment, Approx. 750 N 2800 W.* Lindon City requests a General Plan map amendment to change the General Plan designation of Utah County Parcel #13:063:0057 (located at approximately 750 North 2800 West) from Mixed Commercial to Commercial (**Ordinance #2014-13-O**). The Planning Commission recommends approval.

2 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
3 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Van Wagenen opened the discussion by stating on July 1, 2014, the City
7 Council approved a General Plan designation change on the subject property, Utah
8 County Parcel #13:063:0057 (located at approximately 750 North 2800 West) from
9 Commercial to Mixed Commercial. He noted that members of the Council indicated that
10 they were willing to change the General Plan designation of the property because they
11 believed that the specific office/warehouse project presented by the applicant was in the
12 public interest. Mr. Van Wagenen stated that after approval was granted the project fell
13 through (National Packaging Innovations) and this is an action to revert the General Plan
14 designation to Commercial. He noted that after review the Planning Commission
15 recommended approval.

16 Mr. Van Wagenen stated the next item will be on the zoning map amendment.
17 Following some additional discussion, Mayor Acerson called for any public comments or
18 further questions from the Council. Hearing none he called for a motion.

20 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
21 #2014-13-O, THE APPLICANT’S REQUEST TO CHANGE THE GENERAL PLAN
22 DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL
23 #13:063:0057 FROM MIXED COMMERCIAL TO COMMERCIAL.

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

- 26 COUNCILMEMBER POWELL AYE
- 27 COUNCILMEMBER BEAN AYE
- 28 COUNCILMEMBER BRODERICK AYE
- 29 COUNCILMEMBER HOYT AYE
- 30 COUNCILMEMBER LUNDBERG AYE

31 THE MOTION CARRIED UNANIMOUSLY.

32 11. **Public Hearing:** *Zone Map Amendment, approx. 750 North 2800 West.* Lindon City
33 requests a Zone Map amendment to change the zoning designation of Utah County
34 Parcel #13:063:0057 (located at approximately 750 North 2800 West) from Mixed
35 Commercial to Commercial (**Ordinance #2014-14-O**). The Planning Commission
36 recommends approval.

38 Mr. Van Wagenen opened the discussion by stating the City Council approved a
39 Zone Map Amendment that changed the zoning of the subject property Utah County
40 Parcel #13:063:0057 (located at approximately 750 North 2800 West) from Commercial
41 A8 (CG-A8) to Mixed Commercial (MC). Members of the Council indicated that they
42 were willing to change the zoning of the property because they believed that the specific
43 office/warehouse project (National Packaging Innovations) presented by the applicant
44 was in the public interest. He noted that after approval was granted, the project fell
45 through. This is an action to revert the zoning to Commercial A8 (CG-A8) and basically
46 just a clean-up item. He noted that after review by the Planning Commission they

2 recommended approval. Following discussion, Mayor Acerson called for any public
comments. Hearing none he called for a motion to close the public hearing.

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

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

10 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE
12 #2014-14-O, THE APPLICANT’S REQUEST TO CHANGE THE ZONING
DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL
14 #13:063:0057 FROM MIXED COMMERCIAL (MC) TO GENERAL COMMERCIAL
A8 (CG-A8). COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
16 WAS RECORDED AS FOLLOWS:

- 18 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- COUNCILMEMBER BRODERICK AYE
- 20 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER LUNDBERG AYE

22 THE MOTION CARRIED UNANIMOUSLY.

24 12. **Review and Action**– *Resolution to re-name Center Street.* This is a City initiated
26 action item for the Council to review and consider approval of **Resolution #2014-8-R**
to re-name Center Street to Lindon Center Street.

28 Mr. Cowie led the discussion by stating this is a City initiated action item for the
Council to review and consider approval to re-name Center Street to *Lindon Center*
30 *Street.* Mr. Cowie explained that UDOT has informed the City that it plans to install a
traffic signal at the intersection of State and Center Street. He explained that in an effort
32 to differentiate our Center Street from other cities along State Street, Staff recommends
renaming the road to *Lindon Center Street* so that the signs in the intersection will
34 identify Lindon more clearly. He stated that Orem City did a similar change with “Orem
Center Street”. He noted that no immediate changes to other street signage or any
36 substantial expense to implement this change are anticipated at this time. He also noted
the city does not anticipate any addressing/mail delivery concerns since the road will
38 remain as Center Street. He stated at the next available opportunity, maps and other
documents will be updated as needed. There was then some general discussion regarding
40 this issue.

42 Mayor Acerson called for any further comments or questions. Hearing none he
called for a motion.

44 COUNCILMEMBER BEAN MOVED TO APPROVE RESOLUTION #2014-8-
R, EFFECTIVELY CHANGING THE NAME FROM CENTER STREET TO LINDON

CENTER STREET. COUNCILMEMBER POWELL SECONDED THE MOTION.

2 THE VOTE WAS RECORDED AS FOLLOWS:

- 3 COUNCILMEMBER POWELL AYE
- 4 COUNCILMEMBER BEAN AYE
- 5 COUNCILMEMBER BRODERICK AYE
- 6 COUNCILMEMBER HOYT AYE
- 7 COUNCILMEMBER LUNDBERG AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 13. **Discussion Item**– *Closed Session to Discuss Pending or Reasonably Imminent*
11 *Litigation per UCA 52-4-205.* City Attorney, Brian Haws, and City Administrator,
12 Adam Cowie, will be present to discuss several items with the Council.

14 COUNCILMEMBER HOYT MOVED TO CLOSE THE REGULAR MEETING
15 OF THE CITY COUNCIL AND GO INTO A CLOSED EXECUTIVE SESSION TO
16 DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION.
17 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT
18 VOTED IN FAVOR. THE MOTION CARRIED.

20 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE EXECUTIVE
21 CLOSED SESSION AND RE-CONVENE THE REGULAR PUBLIC MEETING OF
22 THE CITY COUNCIL. COUNCILMEMBER POWELL SECONDED THE MOTION.
23 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 14. **COUNCIL REPORTS:**

26 **Councilmember Powell** – Councilmember Powell reported that the Lindon Days wrap
27 up meeting will be held tomorrow. She noted she is grateful for staff that did such a great
28 job with Lindon Days. She also asked the Council to email her any suggestions or
29 comments regarding Lindon Days. She also reported she will be attending the upcoming
30 Community Center Advisory Board and IHC Outreach meetings.

32 **Councilmember Bean** – Councilmember Bean commented that he appreciated
33 Councilmember Lundberg’s email regarding her meeting and discussion with the
34 Transportation Commission Board. Councilmember Bean suggested to the Council to
35 think about an intern to help the Planning Director focus on the 700 North Corridor. He
36 also appreciated Mr. Cowie sending out Dave Shaw’s opinion’s regarding the Utopia
37 dissolution and UIA OpEx.

40 **Chief Cullimore** – Chief Cullimore reported that an honor student pulled the fire alarm
41 on the first day of school which required the evacuation of Oak Canyon Jr. High. He also
42 mentioned the upcoming training meeting for the Drill Down for Safety to be held on
43 September 15th. Mr. Cowie noted that in the past they had another official (emergency
44 manager) come to provide some of the training for the drill. After discussion it was
45 determined to hold the training on Thursday, September 4th at 6:00 pm in the city
46 building council chambers.

2 **Councilmember Hoyt** – Councilmember Hoyt mentioned that they are still searching for
 4 a new member to serve on the Historic Preservation Commission and to contact him with
 any suggestions of those who may be willing to serve.

6 **Councilmember Broderick** – Councilmember Broderick reported that he attended the
 engineering meeting. He noted that JUB Engineers are working on a management plan
 8 and the Council will have some discussion in the last quarter of this year which will be
 beneficial regarding utilities etc. He also mentioned the Locust Avenue street repairs and
 costs and commented that he hopes this will be a fall project. Councilmember Broderick
 10 asked Chief Cullimore about an incident on the Murdock Trail on 400 North last week.
 Chief Cullimore stated that he will get more information on the incident and get back to
 12 him. Councilmember Broderick also mentioned the proposed Cemetery storage/office
 building and passed out a proposed drawing. He inquired if there are any funds budgeted
 14 for materials for the building. Mr. Cowie replied that funds are not currently allocated but
 they could be done if the Council approves it. He noted that he spoke with Hayden Dain
 16 who is willing to design the building. He suggested doing the building a piece at a time
 which would require little expense with city trades, contractors and volunteers etc.
 18 Councilmember Broderick stated that he appreciates the ideas Mr. Cowie brought to the
 table. Mr. Cowie suggested bringing this issue forward in the October meeting.

20 **Councilmember Lundberg** – Councilmember Lundberg reported that she attended the
 22 transportation meeting (the discussion details were previously reported). She noted that
 she is excited about Councilmember Broderick’s ideas about getting the cemetery
 24 building together.

26 **Mayor Acerson** – Mayor Acerson nothing to report at this time.

28 **Administrator’s Report:**

Mr. Cowie reported on the following items:

30 **Misc. Updates:**

- 32 • August City newsletter
- 34 • Project Tracking List
- Business cards (examples to be presented. \$40/B&W, \$90/color. 500 count)
- 36 • 200 South speed limit discussion – Orem City Engineer will come to future
 September 16th meeting
- 38 • Training: ULCT September 10th-12th conference
 - Councilmembers Bean and Lundberg prefer St. George conference
 - Will need to amend/increase budget line item.
- 40 • Desire for annual work sessions with Alpine School District Board. Legislative
 report from State elected representatives (September 16th at 6 p.m.)
- 42 • Road funding: Will be exploring costs of studies and implementation process for
 possible Transportation Utility fee.
- 44 • Locust Avenue – road reconstruction options.
- 46 • FYI: City is hiring for new water tech position & management intern; Mindi
 Zobell is leaving the Police Department.

- Employee Benefits Committee – first meeting completed
- 2 • Emergency Drill training w/Provo City Emergency Manager: Thursday, September 4th at 6:00 pm
- 4 • Misc. Items:

6 **Upcoming Meetings & Events:**

- Newsletter Assignment: Councilmember Powell - September newsletter article.
8 *Due by last week in August.*
- August 26th at 6:00 pm – Joint PC/CC meeting. 700 North planning. All Council members will attend
- 10 • September 5th at Dusk – Last summer movie in the park. Citizenship Park (500 N 800 E)
- 12 • September 12th – Utah League of Cities & Towns fall conference in SLC
- 14 • September 9th – Bike tour of Boulder, CO: Mayor Acerson and Councilmember Lundberg will attend
- 16 • September 15th – “Drill Down for Safety”, 6:00 pm Monday evening Community Emergency Preparedness exercise. All Council members should report to block captains, then come to City Center.
- 18 • September 23rd, 1:00 pm to 3:00 pm – Utah County Health Department, Vaccination Clinic at Lindon City Offices (available to all public)
- 20 • October 7th – 6:00 work session w/Police and Community Development Dept.
- 22 • October 14th at Noon – Engineering Coordination meeting at Public Works. Mayor Acerson and Councilmember Broderick will attend.
- 24 • November 18th – 6:00 pm work session w/Public Works and Parks Dept.

26 **Future items:**

- Employee Policy Manual updates
- 28 • Performance evaluations, compensation, and benefit studies
- Impact Fee and Utilities rate studies
- 30 • Economic Development plan/policies

32 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion to adjourn.

34

Adjourn –

36 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 11:20 PM COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
38 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40

Approved – September 2, 2014

42

Kathryn Moosman, City Recorder

44

46 _____
Jeff Acerson, Mayor

Item 4 – Consent Agenda – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

Item 5 – Open Session for Public Comment *(For items not on the agenda)*

6. Review & Action — Storm Water Discharge Agreement*(10 minutes)*

MS Properties, who owns an industrial development at approximately 1400 W. 300 S., requests approval of an agreement for discharge of on-site storm water without detention into Lindon Hollow Creek in conjunction with installing and maintaining landscaping in perpetuity along a portion of the Lindon Heritage Trail.

Planning Director, Hugh Van Wagenen, will present this item. The city was approached by MS Properties (owned by Martin Snow) to see if discharge of storm water without detention was feasible to decrease their site improvement costs. The applicants offered to landscape and maintain an area between their property and a portion of the Lindon Heritage Trail as a trade-off for not detaining the storm water. As the site is at the end of the drainage system, city engineers feel the storm water from this site will move through the drainage system quickly – before other storm water from site further east of this location enters the system. Staff attorneys and engineers, and Orem City (who has partial ownership rights on the wetland basin) have all reviewed the proposal and have no additional concerns.

See attached agreement with exhibits for details of the agreement.

Sample Motion: I move to (approve, continue, deny) the Development Agreement between MS Properties and Lindon City, with the following conditions:

Development Agreement

This development agreement is entered into this _____ day of _____, 2014, by and between LINDON CITY, a Utah municipal corporation (hereafter referred to as City) and MS BUSINESS PROPERTIES GROUP 4 LLC (hereafter referred to as MS Properties).

RECITALS

WHEREAS, MS Properties owns property in Lindon, which it wishes to develop into an industrial site known as Sonic Plastics; and

WHEREAS, the site in question is adjacent to City owned Lindon Heritage Trail property along a wetland area; and

WHEREAS, site plans within Lindon City usually require on-site storm water detention facilities in order to accommodate the City's storm water facilities capacity to handle said storm water; and

WHEREAS, MS Properties is proposing to install and maintain landscaping on City property adjacent to the Lindon Heritage Trail in exchange for the ability to discharge a portion of the site's storm water directly off-site; and

WHEREAS, Lindon City does not view the undetained discharge of water from a portion of the Sonic Plastics site as detrimental to the public, since water will almost immediately arrive at the wetland area where the flow will be attenuated in much the same way as it would have been by an on-site detention facility; and

WHEREAS, Lindon City views MS Properties' proposal as mutually beneficial since MS Properties would make more convenient use of their site and the public will receive a landscaped area next to the Lindon Heritage Trail.

NOW THEREFORE, in consideration of the foregoing recitals and the following mutual promises, the parties agree to the following.

TERMS

1. **Landscaping on City Property**

- 1.1. At its sole expense, MS Properties agrees to install and maintain in perpetuity the irrigation systems and landscaping, consisting of approximately 11,000 square feet of grass and eight trees, on the City property according to and identified in the attached landscape plan (Exhibit A). It shall include installation, operation, repair, and replacement of the sprinkling system necessary to maintain the grass and trees in a living and thriving state, including sprinkler lines, sprinkler heads, valves, boxes, timers and all other portions of the sprinkling system, as well as regular mowing of grass, weed abatement and removal, and fertilization as

needed. MS Properties is exempt from installation and maintenance of any additional landscaping not identified in Exhibit A (excepting replacement of landscaping that has died) or amenities on the site unless agreed upon by both parties.

- 1.2. MS Properties shall construct, at its sole cost and expense, a dedicated water service (from the water main to the meter), water meter and water line (beyond the meter) to service the City Property according to the attached utility plan (Exhibit B). Said water service and water meter will be maintained by the City; said water line will be maintained by MS Properties. At its sole cost and expense, the City will provide the water meter and pay for the water used to irrigate the said landscaping
- 1.3. Lindon City maintains the right to alter, modify and/or install additional landscaping or amenities, or remove landscaping, and to change the use of the property at any time. Lindon City shall be responsible for all costs associated with such modifications but shall not be required to compensate or reimburse MS Properties for any funds or costs it may have expended installing the irrigation and/or landscaping as required by this Agreement. Lindon City shall have the rights to salvage the irrigation system and/or landscaping.
- 1.4. MS Properties may not remove or materially alter or modify said landscaping or irrigation systems without written consent from Lindon City. Any such alteration or removal would constitute a breach of this agreement and thereby require storm water detention to be placed on-site within 30 days of the removal or alteration of the landscaping or irrigation system

2. **Direct Storm Water Discharge Off-Site.**

- 2.1. MS Properties will be allowed to discharge storm water runoff according to the attached grading and drainage plan (Exhibit C), directly off-site without detention. No other properties nor portion of the Sonic Plastics Site shall be included in the discharge allowance.
- 2.2. Nothing in this agreement shall be construed to relieve MS Properties of their responsibility for protecting storm water quality or their responsibility for illicit discharges from the Sonic Plastics site. MS Properties must still pretreat storm water prior to discharge.

3. **Credits**

- 3.1 Lindon City will grant MS Properties the same 50% storm water utility fee credit typically granted to other properties with on-site detention, or other credit as may be amended from time-to-time by the City.
- 3.2 The credits established by the Agreement shall in no way be deemed to create or give rise to an affirmative obligation on the part of Lindon to provide to MS Properties any cash or other liquid asset, to provide any labor or materials, or to provide any specific performance other than to grant the credits as established and set forth herein.

4. **Waiver of Liability.** MS Properties indemnifies, holds harmless and agrees to defend Lindon City, City of Orem and Pleasant Grove City for, from, and against all claims, damages, expenses (including, without limitation, attorneys' fees and reasonable investigative and discovery costs), liabilities, and judgments on account of injury to persons, loss of life, or damage to property occurring on City property during the installation and maintenance of the landscaping, caused by the active or passive negligence of MS Properties or its agents, guests, and invitees; provided, however, this indemnification does not apply to the extent any loss of life, injury to any person, or damage to any property is caused by the active or passive negligence of the indemnified party, or its respective agents, servants or employees.
5. **Covenants Run with the Land.** The covenants of this Agreement run with the land and are transferable to future owners and heirs.
6. **Remedies Upon Default.** In the event of the default by any party to this agreement, in addition to any other remedies set forth herein, the non-defaulting party shall be entitled to collect from the defaulting party its provable damages, including its reasonable attorney fees and expenses. In addition, the parties acknowledge that the remedies of damages may not always be sufficient and the parties hereby consent to the court's imposition of specific performance or injunctive relief. All rights and remedies under this agreement, or statute, or common law shall be deemed cumulative and the selection of one of the rights or remedies shall not be deemed a waiver of any other right or remedy.
7. **Non-Waiver.** Failure of any party to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.
8. **Severability.** If any provision of this agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this agreement shall remain in full force and affect.
9. **No Joint Venture/No Third Party Beneficiaries.** This agreement does not create a joint venture relationship, partnership or agency relationship between the parties. Further, the parties do not intend this agreement to create any third-party beneficiary rights. The parties acknowledge that this agreement refers to a private development and that Lindon has no interest in, responsibility for or duty to any third parties concerning the development.
10. **Code Enforcement.** This agreement shall not be interpreted as waiving or altering any provision of Lindon City's ordinances and regulations other than in respect to the placement and construction of storm water detention facilities and the parties agree that MS Properties will comply with all other applicable provisions of Lindon City's ordinances and regulations in the occupation, use, and maintenance of its property.
11. **Applicable Law.** This agreement is entered into in Utah County, Utah, and shall be construed in accordance with the laws of the State of Utah.
12. **Venue.** Any action to enforce this agreement shall be brought only in the Fourth District Court for the State of Utah.

13. **Notices.** All notices required or permitted under this agreement shall be given in writing by certified mail and regular mail to the following addresses:

To Lindon: Adam Cowie
Lindon City Administrator
Lindon City
100 North State Street
Lindon, Utah 84042

With copies to: Brian Haws
230 South Pleasant Grove Blvd.
Suite 201
Pleasant Grove, Utah 84003

To MS Properties: Leighton Jenson
PO Box 699
Pleasant Grove, UT 84062

With copies to: _____

The addresses for notice may be modified by either party or their successors by written notice to the other party.

14. **Entire Agreement.** This agreement is the entire agreement between the parties and may not be amended or modified except by a subsequent written amendment signed by both parties.

Made and entered into as of the date and year first written above.

LINDON CITY

**MS BUSINESS PROPERTIES
GROUP 4 LLC**

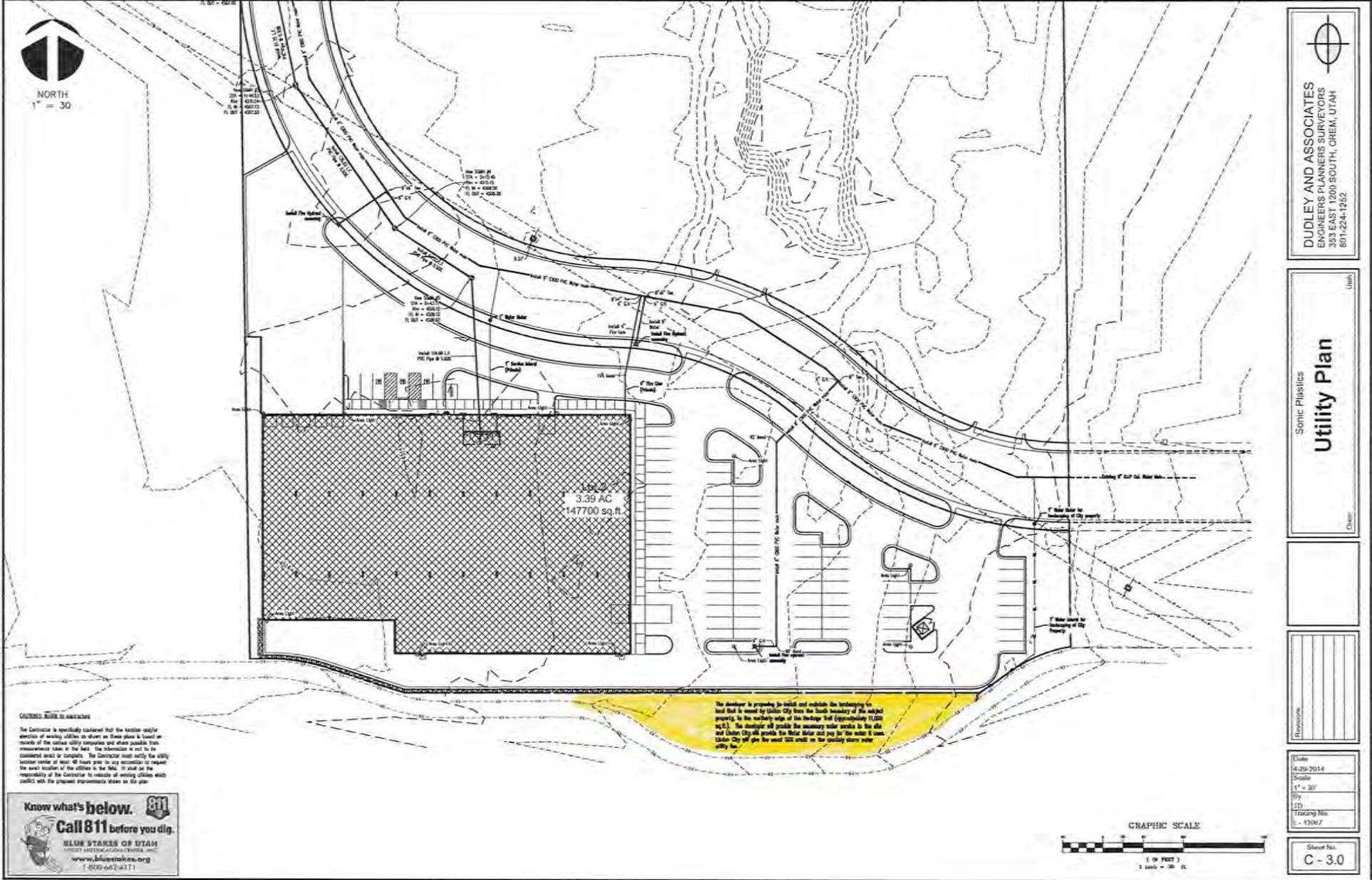
By:
Jeff Acerson
Lindon City Mayor

By:
Its:_____

ATTEST:

**Kathy A. Moosman
Lindon City Recorder**

Exhibit B



DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
363 EAST 1200 SOUTH, CREAM, UTAH
801-224-1262

Sonic Pipelines

Utility Plan

Utah

Sheet

Revisions:

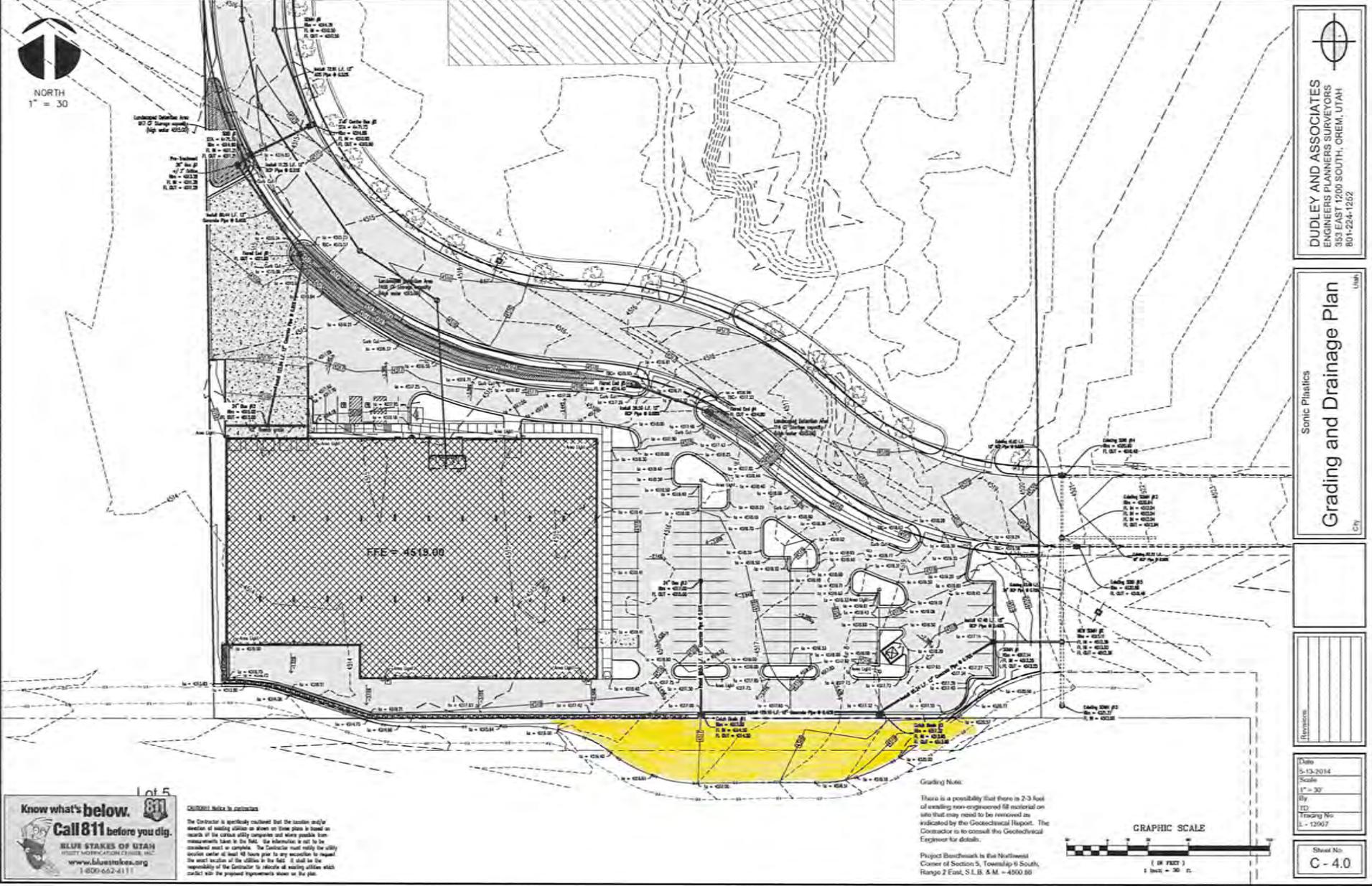
Date	4-29-2014
Scale	1" = 30'
By	LD
Tracing No.	1-12067

Sheet No.
C-3.0

Know what's below. Call 811 before you dig.

BLUE STAKES OF UTAH
UTILITY AND INVESTIGATION CENTER, INC.
www.bsstakers.org
1-800-642-4171

Exhibit c



7. Review & Action — Police Department Vehicle Lease (Resolution #2014-9-R) (10 minutes)

Chief Cody Cullimore requests City Council approval of Resolution #2014-9-R allowing the Mayor and Staff to execute a future lease agreement for replacement of 13 existing leased police vehicles. Zions Bank requires a resolution prior to preparing final lease documents. Annual estimated cost of the lease for all 13 vehicles is \$89,440.13 per year. Funds for the leased vehicles were included and approved as part of the 2014-15 budget.

Chief Cody Cullimore will present this item. The Police Department has leased vehicles since its creation in 2007 so that the city did not have such a large up-front capital expense in out-right purchases of vehicles. Leasing of vehicles also has kept new, high quality vehicles available for Police officers with very little vehicle down-time for repairs. All vehicles also stay under warranty so maintenance costs are nearly eliminated.

Funds for the leased vehicle expenses for this fiscal year have been budgeted. As a reminder of recent accounting changes, the full value of the leased vehicles is required to be accounted for in our financial statements – but only the cost of this year’s lease will be spent.

Staff recommends approval of the attached resolution, which will allow the final lease documents to be prepared and signed by Mayor Acerson.

Sample Motion: I move to (approve, continue, deny) Resolution #2014-9-R allowing Mayor Acerson to execute the final lease agreement for 13 police vehicles, with the following conditions:

RESOLUTION NO. 2014-9-R

A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AUTHORIZING THE MAYOR TO APPROVE THE FORM OF THE EQUIPMENT LEASE AGREEMENT WITH ZIONS FIRST NATIONAL BANK, SALT LAKE CITY, UTAH AND FINDING THAT IT IS IN THE BEST INTEREST OF LINDON CITY, UTAH TO ENTER INTO SAID AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER SAID AGREEMENT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Governing Body") has determined that a true and very real need exists for the leasing of the equipment described as thirteen Police Vehicles; and

WHEREAS, the Governing Body understands this resolution is the first step in the process of the Equipment Lease Agreement and authorizes the Mayor to review the terms and conditions of the agreement to make them acceptable to Lindon City, Utah; and

WHEREAS, the Governing Body has taken the necessary steps including any legal bidding requirement, under applicable law to arrange for the leasing of such equipment under the Equipment Lease Agreement by using the State of Utah approved bidders list.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LINDON CITY, UTAH AS FOLLOWS:

- Section 1. The terms, as reviewed and approved by the Mayor, of said Equipment Lease Agreement are in the best interests of Lindon City, Utah for the leasing of the equipment described therein.
- Section 2. The Mayor and City Recorder are hereby authorized to execute and deliver the Equipment Lease Agreement and any related documents necessary to the consummation of the transactions contemplated by the Equipment Lease Agreement for and on behalf of Lindon City, Utah.
- Section 3. The officers of the Governing Body and Lindon City, Utah are hereby authorized and directed to fulfill all obligations under the terms of the anticipated Equipment Lease Agreement.

PASSED AND APPROVED by the City Council of Lindon City, Utah this _____ day of September 2014.

By _____
Jeff Acerson, Mayor

Attest:

By _____
Kathryn Moosman, City Recorder
COUNCIL MEMBERS VOTING AYE"

SEAL:
COUNCIL MEMBERS VOTING NAY"

8. Review & Action — Employee Reclassification in Police Dept (Resolution #2014-10-R)
(15 minutes)

Chief Cody Cullimore requests City Council approval to reclassify the Police Department Records Clerk positions. The changes will entail converting the two current $\frac{3}{4}$ -time positions (30 hrs/week) into one full-time position (40 hrs/week) and one part-time position (20 hrs/week). A recent vacancy in one of the positions will enable an easy transition. The change is estimated to save \$16,282 to \$18,341 annually.

Chief Cullimore will present this item. Staff requests approval of the change in staffing as outlined in the attached memo from Finance Director, Kristen Colson.

Sample Motion: I move to (approve, continue, deny) Resolution #2014-10-R amending the staffing plan in the Police Department as presented, with the following conditions:

RESOLUTION NO. 2014-10-R

A RESOLUTION APPROVING THE AMENDED STAFFING PLAN FOR THE POLICE SECRETARY POSITIONS WITHIN THE LINDON CITY POLICE DEPARTMENT AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City approved the creation of the Lindon City Police Department in August of 2007; and

WHEREAS, the Municipal Council of Lindon City has received an amendment to the proposed staffing plan for the Police Secretary (Records Clerk) positions from the Lindon City Chief of Police for the Lindon City Police Department; and

WHEREAS, the Chief of Police has determined that adequate service and position coverage can be accomplished by altering the classification of the Police Secretary positions; and

WHEREAS, the proposed changes in position classification will decrease annual personnel cost of the Police Department; and

WHEREAS, it is the desire of the Municipal Council of Lindon City to approve the amended staffing plan for the Lindon City Police Department.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

Section 1. Lindon City Council hereby approves the amended staffing plan for the Lindon City Police Department Police Secretary (Records Clerk) positions as outlined in the attached memo (Exhibit A), and authorizes staff to amend Lindon City staffing plans as presented.

Section 2. This resolution shall take effect immediately upon passage.

Adopted and approved this _____ day of September, 2014.

By _____
Jeff Acerson, Mayor

Attest:

By _____
Kathy A. Moosman, City Recorder

SEAL:



M E M O R A N D U M

To: Cody Cullimore
 From: Kristen Colson
 Date: August 7, 2014
 Re: Cost savings for proposed police secretary position changes

With Mindi giving notice to quit as of August 14, you have proposed a cost savings change to the police clerk positions. Currently, Julie and Mindi work 30 hours per week and get prorated (three-quarter) benefits. Your proposal is to change Julie from three-quarter time to full-time and hire a new clerk to work part-time without benefits.

I have calculated the cost savings of the proposed changes in the police clerk positions based on the following information.

Mindi and Julie are each

- working 30 hour weeks
- at Range 9 Step 13 (\$18.28/hr)
- receiving 3/4 of the benefit allowance (\$1,088.21/mo)
- receiving Life Insurance with an annual premium of \$315.84 which is paid by Lindon City
- receiving Workers Compensation, FICA, LT Disability and Retirement benefits which are calculated as a percentage of their wages

Julie would

- begin 40 hour weeks on August 16, but would not officially be full-time and receive full benefits until after City Council approval on Sep. 2
- continue at Range 9 Step 13 and would be eligible for a step increase on Jan. 1, 2015 (up to \$18.78/hr).
- receive the full benefit allowance (\$1, 450.94/mo) beginning September 2014
- continue to receive Life Insurance, Workers Compensation, FICA, LT Disability and Retirement benefits at their current rates, noting that increased hours and, hence, increased wages, would increase those benefits which are calculated as a percentage of wages

The new police secretary position would

- begin 20 hour weeks on Sep 8, 2014
- start at Range 9 Step 3 (13.96/hr) and be eligible for a step increase at the end of the 6 month probation period (up to \$14.34/hr)
- only receive Workers Compensation and FICA benefits

Based on all of this information, the cost savings is shown below.

Budgeted wages for Julie and Mindi for 2014-2015	\$102,876
Wages and benefits for proposed position changes	<u>\$86,594</u>
Cost savings for proposed position changes	<u><u>\$16,282</u></u>

If wages and benefits were to remain the same for the 2015-2016 fiscal year, the cost savings for a full year of one police secretary at 40 hours per week with benefits and another police secretary at 20 hours per week would be **\$18,341**.

LINDON CITY PAY RANGES FY 2014-2015

1.4% Increase

Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Range
1	8.60	8.82	9.08	9.32	9.58	9.83	10.11	10.38	10.67	10.95	11.26	11.56	11.87	12.20	12.53	12.88	1
2	9.08	9.32	9.58	9.83	10.11	10.38	10.67	10.95	11.26	11.56	11.87	12.20	12.53	12.88	13.22	13.59	2
3	9.58	9.83	10.11	10.38	10.67	10.95	11.26	11.56	11.87	12.20	12.53	12.88	13.22	13.59	13.96	14.34	3
4	10.11	10.38	10.67	10.95	11.26	11.56	11.87	12.20	12.53	12.88	13.22	13.59	13.96	14.34	14.73	15.14	4
5	10.67	10.95	11.26	11.56	11.87	12.20	12.53	12.88	13.22	13.59	13.96	14.34	14.73	15.14	15.55	15.97	5
6	11.26	11.56	11.87	12.20	12.53	12.88	13.22	13.59	13.96	14.34	14.73	15.14	15.55	15.97	16.41	16.86	6
7	11.87	12.20	12.53	12.88	13.22	13.59	13.96	14.34	14.73	15.14	15.55	15.97	16.41	16.86	17.32	17.80	7
8	12.53	12.88	13.22	13.59	13.96	14.34	14.73	15.14	15.55	15.97	16.41	16.86	17.32	17.80	18.28	18.78	8
9	13.22	13.59	13.96	14.34	14.73	15.14	15.55	15.97	16.41	16.86	17.32	17.80	18.28	18.78	19.28	19.80	9
10	13.96	14.34	14.73	15.14	15.55	15.97	16.41	16.86	17.32	17.80	18.28	18.78	19.28	19.80	20.34	20.90	10
11	14.73	15.14	15.55	15.97	16.41	16.86	17.32	17.80	18.28	18.78	19.28	19.80	20.34	20.90	21.49	22.06	11
12	15.55	15.97	16.41	16.86	17.32	17.80	18.28	18.78	19.28	19.80	20.34	20.90	21.49	22.06	22.66	23.29	12
13	16.41	16.86	17.32	17.80	18.28	18.78	19.28	19.80	20.34	20.90	21.49	22.06	22.66	23.29	23.92	24.57	13
14	17.32	17.80	18.28	18.78	19.28	19.80	20.34	20.90	21.49	22.06	22.66	23.29	23.92	24.57	25.24	25.93	14
15	18.28	18.78	19.28	19.80	20.34	20.90	21.49	22.06	22.66	23.29	23.92	24.57	25.24	25.93	26.64	27.37	15
16	19.28	19.80	20.34	20.90	21.49	22.06	22.66	23.29	23.92	24.57	25.24	25.93	26.64	27.37	28.12	28.89	16
17	20.34	20.90	21.49	22.06	22.66	23.29	23.92	24.57	25.24	25.93	26.64	27.37	28.12	28.89	29.68	30.48	17
18	21.49	22.06	22.66	23.29	23.92	24.57	25.24	25.93	26.64	27.37	28.12	28.89	29.68	30.48	31.32	32.16	18
19	22.66	23.29	23.92	24.57	25.24	25.93	26.64	27.37	28.12	28.89	29.68	30.48	31.32	32.16	33.05	33.95	19
20	23.92	24.57	25.24	25.93	26.64	27.37	28.12	28.89	29.68	30.48	31.32	32.16	33.05	33.95	34.88	35.83	20
21	25.24	25.93	26.64	27.37	28.12	28.89	29.68	30.48	31.32	32.16	33.05	33.95	34.88	35.83	36.81	37.81	21
22	26.64	27.37	28.12	28.89	29.68	30.48	31.32	32.16	33.05	33.95	34.88	35.83	36.81	37.81	38.85	39.90	22
23	28.12	28.89	29.68	30.48	31.32	32.16	33.05	33.95	34.88	35.83	36.81	37.81	38.85	39.90	40.99	42.11	23
24	29.68	30.48	31.32	32.16	33.05	33.95	34.88	35.83	36.81	37.81	38.85	39.90	40.99	42.11	43.27	44.45	24
25	31.32	32.16	33.05	33.95	34.88	35.83	36.81	37.81	38.85	39.90	40.99	42.11	43.27	44.45	45.65	46.90	25
26	33.05	33.95	34.88	35.83	36.81	37.81	38.85	39.90	40.99	42.11	43.27	44.45	45.65	46.90	48.19	49.50	26
27	34.88	35.83	36.81	37.81	38.85	39.90	40.99	42.11	43.27	44.45	45.65	46.90	48.19	49.50	50.86	52.24	27
28	36.81	37.81	38.85	39.90	40.99	42.11	43.27	44.45	45.65	46.90	48.19	49.50	50.86	52.24	53.67	55.13	28
29	38.85	39.90	40.99	42.11	43.27	44.45	45.65	46.90	48.19	49.50	50.86	52.24	53.67	55.13	56.63	58.18	29
30	40.99	42.11	43.27	44.45	45.65	46.90	48.19	49.50	50.86	52.24	53.67	55.13	56.63	58.18	59.78	61.41	30
31	43.27	44.45	45.65	46.90	48.19	49.50	50.86	52.24	53.67	55.13	56.63	58.18	59.78	61.41	63.08	64.79	31
32	45.65	46.90	48.19	49.50	50.86	52.24	53.67	55.13	56.63	58.18	59.78	61.41	63.08	64.79	66.57	68.39	32
33	48.19	49.50	50.86	52.24	53.67	55.13	56.63	58.18	59.78	61.41	63.08	64.79	66.57	68.39	70.25	72.18	33
34	50.86	52.24	53.67	55.13	56.63	58.18	59.78	61.41	63.08	64.79	66.57	68.39	70.25	72.18	74.13	76.17	34
35	53.67	55.13	56.63	58.18	59.78	61.41	63.08	64.79	66.57	68.39	70.25	72.18	74.13	76.17	78.24	80.38	35
Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Range

9. Discussion Item — Future Fire Station / Public Safety Building (45 minutes)

The City Council and Staff will have a discussion on issues related to building a new fire station / public safety building and will review options for development, funding, time lines for construction, and public involvement. The City anticipates needing a new building completed by July 1, 2018. As this is a discussion item only, no motions will be made and no public comment will be taken.

City Administrator, Adam Cowie, and Police Chief, Cody Cullimore, will discuss various items with the Council regarding Lindon's future fire station / public safety building. Lindon City's current fire department facilities are temporary facilities contemplated for use only until a permanent fire station was able to be constructed. Lindon's contract for fire and EMS services provided by the City of Orem required that a new fire station facility be ready for operation by July 1, 2013. Due to the financial constraints on the City during the recession, a time extension was granted by the City of Orem for an additional 5-year period so the facility would not need to be finished until July 1, 2018.

Police Department facilities within the current City Center are also inadequate for long-term use with evidence storage space, office facilities, and safety deficiencies that need to be addressed. Therefore, a combined Fire/Police Public Safety Building has been contemplated. The City has explored a standalone fire station in addition to a significant remodel of the existing City Center in order to accommodate Police Department needs and also resolve other needs at the City Center building.

The City realizes that the current facilities for both fire and police are inadequate long-term solutions that will need to be upgraded to accommodate current and future growth in the City. In the summer of 2013 the City hired JRCA Architects to prepare a Public Safety Facilities Master Plan and assess the space needs of Lindon's fire and police departments. Various building locations and options for development of public safety facilities were evaluated and presented to the City Council in October 2013. This study has provided a basis for estimated costs of various options for future public safety facilities needed by the City. No final building or development decisions have been made.

A DRAFT timeline for construction and potential capital expenditure for the two most cost-efficient options revealed by the Public Safety Facilities Master Plan study is attached. Many decisions are yet to be made on this issue. Staff desires feedback regarding options for development, funding, time lines for construction, and level of public involvement desired by the Mayor and Council as this process moves forward.

No motions or final decisions will be made. As this is a discussion item only, no public comment will be taken unless permitted by the Mayor and Council.

Public Safety Building

Most preferred options w/estimated cost:

- | | |
|--|---------------------------|
| A. Combined Fire/Police Public Safety Building | <i>Total: \$7,002,000</i> |
| B. Separate Fire/Police buildings | |
| a. Standalone Fire Station | \$4,250,000 |
| b. Remodel - Expand Police Dept / City Center | <u>\$2,547,000</u> |
| | <i>Total: \$6,797,000</i> |

Available Funding:

- ~\$360,000. Reserve retired Hogan bond (Flow Rider) amounts for (FY2016, FY2017)
future Public Safety Building. (Approx \$180,000/yr)
- ~\$1.5 Million. State Street RDA (restricted funds for non-building costs) (FY2017)

Estimated 20-yr bond amount needed to cover remaining costs = \$5.5 Million. (approx \$390,000 / year)
Possible funding sources: property taxes, sales taxes, Public Safety Impact Fee, other fees/taxes.

DRAFT Timeline:

Public involvement: inform / gather feedback	6 Months	(Winter 2015 to Spring 2016)
Architect Selection	1 ½ Months	(May 2016)
Additional Public involvement	1 Month	(July 2016)
• Inform / educate on final decisions		
Design & Securing of Finances (bond)	5 Months	(August 2016)
Possible Property Acquisition / Council action	4 Months	(January 2017)
Contractor Selection & Bid Award	1 ½ Months	(April 2017)
Construction	10 Months	(June 2017)
<u>Contingency & Move-in</u>	<u>2 Months</u>	<u>(May 2018)</u>
Total Estimated Development Schedule	31 Months	(July 2018)

10. Public Hearing — Ordinance Change, LCC 8.32 Cemeteries & Burials. (Ord# 2014-15-O)
(15 minutes)

The Council will review and consider approval of Ordinance #2014-15-O, outlining city initiated changes to LCC 8.32 Cemeteries and Burials, amending the ordinance to accommodate smaller cemetery lots for infants and urns and amending various other provisions to conform to current practices and State code.

City Administrator, Adam Cowie, will present this item. At direction from the City Council, staff has prepared changes to the City's cemetery ordinance to accommodate smaller cemetery lots for burials of infant and urns – and amending other sections as needed. Fee Schedule updates for the updated ordinance is presented in the next agenda item at this meeting. See attached ordinance for details.

Sample Motion: I move to (approve, continue, deny) the changes to LCC 8.32 Cemeteries and Burials, and recommend approval of Ordinance #2014-15-O, with the following conditions:

ORDINANCE NO. 2014-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING LINDON CITY CODE CHAPTER 8.32, TITLED “CEMETERIES AND BURIALS”, AND MODIFYING, AMENDING, AND REVISING THE PROVISIONS OF THE CHAPTER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lindon City finds it is necessary to amend the Cemeteries and Burials Regulations found in Lindon City Code, ensuring this code section which governs cemeteries and burials is pursuant to Utah State Code;

WHEREAS, the City desires to add rules and procedures to the existing code to allow greater options for burials of infant and urns;

WHEREAS, the City desires to clarify and amend additional sections of the chapter to conform with State code and other current practices;

WHEREAS, the adoption of such provisions will assist in carrying out the responsibilities of Lindon City, and said provisions are in compliance with Utah State requirements; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Chapter 8.32 of the Lindon City Code is hereby adopted and will read as follows:

SECTION I:

CEMETERIES AND BURIALS

Sections:

- 8.32.010 Definitions.
- 8.32.020 Interment in cemeteries.
- 8.32.030 Burial above ground prohibited.
- 8.32.040 Cemetery hours.
- 8.32.050 Only human burials permitted.
- 8.32.060 Vaults required.
- 8.32.070 Burial rights and ownership.
- 8.32.080 Burial permit required.
- 8.32.090 Exhumations.
- 8.32.100 Double depth burials.
- 8.32.110 Burials per grave lot.
- 8.32.120 Traffic regulations.

- 47 8.32.130 Funeral processions.
 48 8.32.140 Right to maintain city cemeteries.
 49 8.32.150 Plantings in city cemeteries.
 50 8.32.160 Grave decorations.
 51 8.32.170 Artificial flowers.
 52 8.32.180 Private improvements prohibited.
 53 8.32.190 Grave markers.
 54 8.32.200 Burial of indigents.
 55 8.32.210 Infant or ~~youth~~ urn burial plot.
 56 8.32.220 American veteran burial plot.
 57 8.32.230 Animals prohibited.
 58 8.32.240 Persons and activities not permitted in city cemeteries.
 59 8.32.250 Holiday funerals.
 60 8.32.260 Fees.
 61 8.32.270 Resale restricted.
 62 8.32.280 No right to burial in specific location.
 63 8.32.290 Care of lots.
 64 8.32.300 Damaging property.
 65 8.32.310 Burial information.
 66 8.32.320 Forfeiture of burial rights.
 67 8.32.330 Rules and regulations.
 68 8.32.340 Violation misdemeanor.

- 69
 70 Section 8.32.010 Definitions.
 71 1. "Burial" means the opening and closing of a grave for the interment of a human ~~body~~
 72 remains.
 73 2. "Cemetery" means any cemetery owned or operated by Lindon City for the purpose of
 74 receiving the remains of deceased humans. The term also includes any cemetery operated within
 75 the city limits of Lindon City.
 76 3. "City" means Lindon City.
 77 4. "Double Depth Burial" means the burial of the remains of two human bodies in the same
 78 burial lot in separate vaults, one on top of the other.
 79 5. "Double Burial" means the burial of two human bodies in adjacent burial lots.
 80 6. "~~Infant~~ or "~~Youth~~" ~~mean any human under the age of 13 years~~ is defined as any child who is
 81 able to be buried in a casket no greater than thirty-six inches (36") long.
 82 7. "Lot" means a grave site in any cemetery owned by the City.
 83 8. "Lot Owner or Purchaser" means the purchaser of burial rights or privileges evidence by a
 84 Burial Rights Certificate.
 85 9. "Resident" is defined as a person who resides within the city and whose primary residence
 86 has been within the city for at least thirty-one (31) days prior to a burial or purchase of burial
 87 right.
 88 910. "Veteran" is defined as anyone who has served in the Armed Forces of the United States,
 89 including members of the National Guard and Reserves. A person who has had a dishonorable
 90 discharge does not typically qualify as a Veteran. (Ord. 2012-4 amended 2/7/12, Ord. no. 3-94,
 91 amended 2-94, effective date 2-17-94; Ord no. 11-92, enacted 11-5-92.)
 92

93 Section 8.32.020 Interment in cemeteries.

94 No ~~dead human body~~ remains shall be interred within the city limits of Lindon City except in a
 95 cemetery operated by the city or a cemetery otherwise established and operated in accordance
 96 with the laws of the State of Utah. (Ord. no. 11-92, enacted 11-5-92.)

97
 98 Section 8.32.030 Burial above ground prohibited.

99 It is unlawful for any person to bury the body of a deceased person in any structure above the
 100 ground. (Ord. no. 11-92, enacted 11-5-92.)

101
 102 Section 8.32.040 Cemetery hours.

103 It shall be unlawful for any person other than city and cemetery employees performing their
 104 duties to be in any cemetery between the hours of 11:00 p.m. and 6:00 a.m. (Ord. no. 11-92,
 105 enacted 11-5-92.)

106
 107 Section 8.32.050 Only human burials permitted.

108 There shall be no burial of anything other than the remains of human bodies in any cemetery.
 109 (Ord. no. 11-92, enacted 11-5-92.)

110
 111 Section 8.32.060 Vaults required.

112 It shall be unlawful for the remains of any dead human body to be buried in any cemetery unless
 113 the casket is placed in a concrete or steel vault approved by the city sexton. No wood or
 114 fiberglass shall be used in the construction of any part of any vault. Exceptions to the provisions
 115 of this Section may be granted for infant or cremation burials only. In such instances, the design
 116 and construction of the burial vaults shall be approved by the city sexton. (Ord. no. 11-92,
 117 enacted 11-5-92.)

118
 119 Section 8.32.070 Burial rights and ownership.

120 1. All property in a city cemetery, including lots, blocks, and grave sites, is the exclusive
 121 property of the city. A burial right granted by the city is merely a right to be buried on city
 122 property.

123 2. Burial rights in a city cemetery are granted to the person or persons named in the Burial
 124 Rights Certificate.

125 3. No person, except the owner of the burial rights on a lot, shall be buried on that lot, unless a
 126 form provided by the city sexton has been signed by the owner giving permission for someone
 127 else to be buried on the lot.

128 4. Upon the death of the owner of the burial right, the burial right may be used for the burial of
 129 the owner. If not so used, the burial right shall pass to the owner's heirs or beneficiaries in
 130 accordance with applicable law, provided however, the burial right to any one lot shall not be
 131 divided in fractional interests except as otherwise permitted by the city for infant and urn burials.
 132 (Ord. no. 3-94, amended, 2-94, effective date 2-17-94; Ord. no. 11-92, enacted 11-5-92.)

133
 134 Section 8.32.080 Burial permit required.

135 No remains of any dead human body shall be buried within any cemetery unless a proper burial
 136 permit has been issued by the city sexton. Burial shall not begin any sooner than 24 hours after
 137 the issuance of a burial permit.
 138 (Ord. no. 11-92, enacted 11-5-92.)

139

140 Section 8.32.090 Exhumations.

141 No exhumations shall be permitted without written permission of the city sexton. It is unlawful,
 142 within two years from the date of burial, for any person to exhume the body of a person who has
 143 died of a contagious disease unless such body has been buried in a hermetically sealed coffin and
 144 is found to be so encased. All exhumations must comply with applicable state law.

145 (Ord. no. 11-92, enacted 11-5-92.)

146

147 Section 8.32.100 Double depth burials.

148 Double depth burials are not allowed in any location in any cemetery, except where double
 149 depth burial rights have previously been issued by the city. (Ord. no. 11-92, enacted 11-5-92.)

150

151 Section 8.32.110 Burials per grave lot.

152 Only one burial shall be allowed per grave space lot, except as follows:

- 153 a. Double depth burial rights purchased prior to June 20, 2008 will be permitted.
 154 b. Burial of up to four (4) urns per full-size lot (40" x 100"), or two (2) urns per half-sized
 155 lot (40" x 50") is permitted.
 156 c. Burial of up to two (2) infants per full-size lot (40" x 100"), or one (1) infant per half-
 157 sized lot (40" x 50") is permitted.

158 (Ord. no. 11-92, enacted 11-5-92.)

159

160 Section 8.32.120 Traffic regulations.

161 The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of
 162 pedestrians shall apply in all city cemeteries. In addition the following traffic regulations apply
 163 in all city cemeteries:

- 164 1. It is unlawful for any person to drive a motor vehicle upon any cemetery lot, back over any
 165 grave, cut a corner or drive such vehicle upon any part of the cemetery which is not an
 166 established roadway; provided, however, that this provision shall not apply to city employee's in
 167 the discharge of their duties.
 168 2. It is unlawful for any person to drive a motor vehicle within a city cemetery at a speed
 169 greater than ten (10) miles per hour in areas where speed limits are not posted, or at such other
 170 lesser speed as is reasonable and prudent under existing conditions, having regard for actual and
 171 potential hazards. Where speed limits are posted, it is unlawful for any person to drive a motor
 172 vehicle in excess of the posted speed limit.
 173 3. Whenever signs have been installed by the city, directing traffic to proceed in one direction
 174 only upon any street in a city cemetery, it is unlawful for any person to disobey such signs and
 175 drive a motor vehicle in the opposite direction.
 176 4. ~~It is unlawful for any person to ride a motorcycle or a bicycle within the limits of a city~~
 177 ~~cemetery.~~ (Ord. no. 11-92, enacted 11-5-92.)

178

179 Section 8.32.130 Funeral processions.

180 Funeral processions passing through the city shall proceed to the place of interment under
 181 the direction of the funeral director. Within city cemeteries, city employees and/or funeral
 182 directors and their staff shall may direct traffic for the purposes of maintaining traffic flow and
 183 for the proper parking of vehicles. All vehicles in city cemeteries shall be driven in a careful
 184 and orderly manner. (Ord. no. 11-92, enacted 11-5-92.)

185
 186 Section 8.32.140 Right to maintain city cemeteries.
 187 The city sexton shall have the right to enter upon any lot to perform all work necessary for the
 188 maintenance of any city cemetery. The city sexton, or appointed designee, shall be responsible
 189 for the total maintenance of city cemeteries. The city shall not be responsible for the repair or
 190 replacement of grave markers of any nature. (Ord. no. 11-92, enacted 11-5-92.)

191
 192 Section 8.32.150 Plantings in city cemeteries.
 193 No planting shall be allowed in city cemeteries by private individuals, except when such planting
 194 has been approved by the city sexton. In determining whether to allow private planting, the city
 195 sexton shall consider whether the planting is in harmony with the cemetery landscape and if the
 196 planting will interfere with cemetery maintenance and safety. Any object, flower, shrub, tree, or
 197 decoration not in compliance with this Section may be removed immediately by the city sexton.
 198 (Ord. no. 11-92, enacted 11-5-92.)

199
 200 Section 8.32.160 Grave decorations.
 201 All natural floral arrangements in city cemeteries shall be allowed to remain until removal is
 202 required for maintenance purposes, but in any event not longer than five days. All floral
 203 arrangements may be removed by the city sexton at any time. Glass containers shall not be
 204 allowed. Any objects such as wires, sticks, pegs, irons driven into the ground, or any other
 205 objects which interfere with maintenance of a city cemetery shall not be permitted. All grave
 206 decorations and other personal property left in the city cemetery shall be presumed to have been
 207 abandoned to the city. (Ord. no. 11-92, enacted 11-5-92.)

208
 209 Section 8.32.170 Artificial flowers.
 210 Artificial flowers, windmills, toys, rocks, wrought iron, or other ornamentation shall not be
 211 placed in city cemeteries. The city sexton may remove and dispose of any such ornamentation at
 212 any time. (Ord. no. 11-92, enacted 11-5-92.)

213
 214 Section 8.32.180 Private improvements prohibited.
 215 It shall be unlawful for any private person to erect or maintain any structure, fence, corner post,
 216 coping, or hedging of any kind upon any lot, street, or driveway in a city cemetery, or grade the
 217 ground or land thereof. (Ord. no. 11-92, enacted 11-5-92.)

218
 219 Section 8.32.190 Grave markers.
 220 All headstones or grave markers in city cemeteries shall comply with the size, type, placement,
 221 and other requirements of this Section. All grave markers shall be installed under the direction
 222 of the city sexton. Within 30 days after the interment of any dead human ~~body~~ remains in any lot,
 223 the owner of any burial rights or relatives of the interred person shall place or cause to be placed
 224 upon the grave a suitable grave marker with the name of the deceased person plainly inscribed
 225 thereon. If any person does not comply with this requirement, the city may install a grave
 226 marker to identify the deceased and collect the cost of the purchase and installation of the grave
 227 marker from the persons otherwise responsible for the placement of such marker. Markers,
 228 monuments, or structures other than those explicitly provided for in this Section shall not be
 229 placed upon any lot.

- 230 1. Size of markers. All grave markers shall be placed on a concrete foundation at least six
 231 inches thick and shall have a maximum length of 40 inches for single burials, and 80 inches for
 232 double burials, and shall have a maximum width of 40 inches for both single burials, and double
 233 burials. Markers where infants or urns are buried shall not exceed 40" x 25".
 234 2. Type of markers. All grave markers shall be placed flush with the ground. No upright
 235 headstones shall be allowed in the cemetery.
 236 3. Placement of markers. All grave markers shall be placed at the head of the grave. Exceptions
 237 to this rule shall apply only in the Veteran's Section of city cemeteries, if such Section exists,
 238 where one additional grave marker, supplied by the Veteran's Administration, may be placed at
 239 the foot of the grave. (Ord. no.11-92, enacted 11-5-92.)

240

241 Section 8.32.200 Burial of indigents.

242 A portion of any cemetery (either as a group of plots together or plots dispersed throughout the
 243 cemetery) may be designated by the City Council for the burial of indigents, provided however
 244 that indigents shall have no inherent right of burial in city cemeteries. Whenever it is determined
 245 by the City Administrator that any resident of Lindon who has died, who does not have funds or
 246 an estate sufficient to pay the cost of a burial right in the cemetery, and whose nearest relative or
 247 representative desires to have the body of such deceased interred in the city cemetery, the City
 248 Administrator may grant a burial right for such deceased person at no cost and waive all city fees
 249 associated with the burial. All strangers without known relatives or funds who die in the City
 250 may be accorded the same privilege. (Ord. no. 11-92, enacted 11-5-92.) (Ord. 2000-7,
 251 Amended, 10/04/2000)

252

253 Section 8.32.210 Infant or ~~youth~~ urn burial plot.

254 A portion of any cemetery may be reserved for the burial of infants or ~~youths~~ urns in reduced
 255 sized lots as established by the city. Vaults used in such portion of a cemetery shall be a
 256 maximum of ~~70~~ thirty-six inches (36") in length. (Ord. no. 11-92, enacted 11-5-92.)

257

258 Section 8.32.220 American veteran burial plot.

259 A portion of any cemetery may be reserved for the burial of American Veterans and their
 260 spouses. (Ord. no. 11-92, enacted 11-5-92.)

261

262 Section 8.32.230 Animals prohibited.

263 No animal shall be allowed in a city cemetery except in the confines of a vehicle. It shall be
 264 unlawful for the owner, agent, caretaker, or other person or persons in charge of any animal to
 265 permit any animal to run at large or trespass on any city cemetery grounds. (Ord. no. 11-92,
 266 enacted 11-5-92.)

267

268 Section 8.32.240 Persons and activities not permitted in city cemeteries.

- 269 1. Only cemetery patrons are allowed in city cemeteries.
 270 2. Children under 12 years of age must be accompanied at all times on the cemetery property by
 271 a parent or some supervising adult 18 years of age or older.
 272 3. It shall be unlawful to engage in recreational activities in city cemeteries. (Ord. no. 11-92,
 273 enacted 11-5-92.)

274

275 Section 8.32.250 Holiday funerals.

276 Interments or exhumations shall not be allowed on any City observed holiday or on Sundays, or
 277 on Memorial Day weekend beginning on the Saturday preceding Memorial Day through
 278 Memorial Day; provided however, that a burial may be permitted on any of the days described
 279 above if the deceased died of a contagious disease. (Ord. 2012-4 amended 2/7/12, Ord. 2010-5,
 280 adopted 8/17/2010, Ord. no. 11-92, enacted 11-5-92.)

281
 282 Section 8.32.260 Fees.
 283 All prices, fees, and charges pertaining to city cemeteries shall be established by resolution of the
 284 city Council. No burial, opening, closing, interment, or exhumation shall take place until all
 285 appropriate fees have been paid to the city ~~sexton~~; and no certificate of burial rights shall be
 286 given to a purchaser until the entire cost of the burial right has been paid in full. In addition,
 287 reasonable charges may be imposed for digging of graves, inspections, and other services
 288 performed. Fees, prices, and charges may be changed at any time, shall be part of the fee
 289 schedule within the city budget, and shall be available for public inspection. The city may
 290 charge different fees for residents and non-residents. Residency shall be determined by the
 291 residency of the named owner as shown on the Certificate at the time of purchase of a right of
 292 burial. If a person to be buried is deceased at the time of purchase of the burial right, residency
 293 shall be determined by the residency of the deceased person, at the time of death. (Ord. no. 3-
 294 94, amended 2-94, effective date 2-17-94; ord. no. 11-92, enacted 11-5-92.)

295
 296 Section 8.32.270 Resale restricted.
 297 No person who owns any burial right in a city cemetery shall sell such burial right to any buyer
 298 except the city. In the event the city elects to repurchase the burial rights, the repurchase price
 299 shall be the lesser of the original purchase price of the rights or the current selling price at the
 300 time of repurchase. (Ord. no. 11-92, enacted 11-5-92.)

301
 302 Section 8.32.280 No right to burial in specific location.
 303 A burial right granted by the city does not entitle the owner thereof to any right to burial in a
 304 specific location or lot in a specific city cemetery or even the right to burial in a city cemetery.
 305 The city may substitute another lot if more than one right to burial for a specific lot has been sold
 306 or if title to the lot or parcel has been sold by the municipality. The city may also refuse to bury
 307 any person in a city cemetery and repurchase the burial right by paying the owner thereof the
 308 reasonable value of the right on the date the certificate is presented to the city, or may provide
 309 for burial rights in another private or public cemetery. (Ord. no. 11-92, enacted 11-5-92.)

310
 311 Section 8.32.290 Care of lots.
 312 The ~~City Council~~ city shall determine the extent of care to be given to the city cemetery,
 313 including lots related to sold and unsold burial rights. (Ord. no. 11-92, enacted 11-5-92.)

314
 315 Section 8.32.300 Damaging property.
 316 It shall be unlawful for any person to damage, injure, deface, take, or carry away any monument,
 317 tree, shrub, lawn, building, structure, or facility, on the grounds of any city cemetery except with
 318 the prior written permission of the city sexton. The city shall not be responsible or liable for
 319 flowers or other personal property left at a city cemetery. (Ord. no. 11-92, enacted 11-5-92.)

320
 321 Section 8.32.310 Burial information.

322 Relatives of a deceased person, funeral directors, and any other person requesting burial of a
 323 body in the city cemetery shall provide the sexton information identifying the deceased,
 324 including but not limited to decedent's name, place of death, and name and address of the funeral
 325 director or other person making the interment. Written authorization must be made by a burial
 326 right owner or successor in interest of the decedent prior to interment of a body in a lot. The city
 327 will record and maintain a record of each Certificate of Burial Right. All new certificates will be
 328 recorded with Utah County bi annually, no later than January 1 and July 1 of each year. The city
 329 will file an accurate plat of the cemetery with Utah County clearly showing sections of burial lots
 330 which have been disposed of and the names of persons owning each burial right and sections of
 331 burial rights held for disposal. Additional plats for additions to the cemetery will be filed with
 332 Utah County before offering for sale any burial rights located in the cemetery. (Ord. no. 11-92,
 333 enacted 11-5-92.)

334
 335 Section 8.32.320 Forfeiture of burial rights.
 336 A burial right or lot that remains unused for a period of 120 years after the date of issuance of the
 337 Certificate of Burial Right shall revert to the city in accordance with procedures and notice
 338 requirements set forth in Title 8, Chapter 5, U.C.A. and as may be amended hereafter. However,
 339 a burial right or lot will not revert to the city if the Owner provides proof of a valid interest in the
 340 burial right or lot within the time frames set forth in said statutes. Upon receiving proof of a valid
 341 interest in the burial right or lot, the city shall, at no cost to the owner, issue a new Certificate
 342 which shall be valid for an additional 120 years. The Owner of a burial right or lot that has
 343 reverted to the city, upon providing proof of a valid interest in a burial right or lot that was
 344 reclaimed, shall have a right to redemption or other compensation, at the option of the city, in
 345 accordance with state law. (Ord. no. 11-92, enacted 11-5-92.; Ord. no. 2014-9, Amended 4-1-
 346 14.)

347
 348 Section 8.32.330 Rules and regulations.
 349 The city sexton, with approval of the City Council, may prepare and enforce such other printed
 350 rules and regulations for the operation of city cemeteries as will cover matters necessary for, or
 351 useful in, the operation of city cemeteries, and which are not contained in this Code. (Ord. no.
 352 11-92, enacted 11-5-92.)

353
 354 Section 8.32.340 Violation misdemeanor.
 355 Any person who violates any provision of this Chapter is guilty of a class C misdemeanor. Every
 356 day a violation of this Chapter continues shall constitute a separate violation. (Ord. no. 11-92,
 357 enacted 11-5-92.)

358
 359
 360 **SECTION II:** Provisions of other ordinances in conflict with this ordinance and the provisions
 361 adopted or incorporated by reference are hereby are repealed or amended as provided herein.
 362

363 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by
 364 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or
 365 unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall
 366 nevertheless be unaffected and continue in full force and effect. If a provision of this ordinance is

367 invalid in one or more of its applications, then the provision remains in effect for all applications
368 that are severable from the invalid applications.

369
370 **SECTION IV:** This ordinance does not affect the rights or duties that matured, penalties that
371 were incurred, or proceedings that were begun before its effective date.

372
373 **SECTION V:** This ordinance shall take effect immediately upon its passage and posting as
374 provided by law.

375
376 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City,
377 Utah, this ____ day of _____, 20____.

378
379
380 _____
381 Jeff Acerson, Mayor

382
383 ATTEST:
384
385 _____
386 Kathy A. Moosman, Recorder

387
388
389 SEAL:

II. Public Hearing — Fee Schedule Amendment (Resolution #2014-11-R) (10 minutes)

The Council will review and consider approval of Resolution #2014-10-R, outlining city initiated changes to the 2014-15 Lindon City Fee Schedule, specifically amending fees for cemetery services.

City Administrator, Adam Cowie, will present this item. At direction from the City Council, staff has prepared changes to the City's Fee Schedule to update fees associated with changes in the cemetery ordinance which will more reasonably accommodate cemetery patrons. See attached Fee Schedule changes for details.

Sample Motion: I move to (approve, continue, deny) Resolution #2014-11-R updating the cemetery fees as necessary to accommodate new ordinance provisions within LCC 8.32, with the following conditions:

CEMETERY

ARRANGEMENTS ARE MADE THROUGH PUBLIC WORKS
946 W CENTER ST, 796-7954

Purchase of Burial Right (Cemetery Plot Lot)

Full-size Lot:

- Resident \$550.00
- Non-Resident \$1,000.00

Half-size Lot (infants & urns only):

- Resident \$225.00
- Non-Resident \$500.00

There is an option to finance the purchase of Burial Rights for up to 2 years with an 8.0% annual interest charge. Burial Rights must be paid for in full before burial.

Interment (Opening/Closing Costs)

No interment is permitted on Sundays, City observed holidays, nor the Saturday before Memorial Day.

- Additional fee for Saturdays/After hours \$275.00
 "After hours" rate applies to funerals starting after 12:30 pm on a regular work day.
- Single-Depth Burial
 - Resident \$250.00
 - Non-Resident \$450.00
- Double-Depth Burial
 Double-depth burials are no longer available; however, double-depth burial rights purchased prior to June 20, 2008 will still be honored.
 - Resident \$300.00
 - Non-Resident \$600.00
- Cremation (urn) Burial
 - Resident \$200.00
 - Non-Resident \$300.00

Up to four ~~Two~~ urns may be buried in one full-size lot ~~plot with one~~ headstone ~~for both names.~~ Up to two urns may be buried in one half-size lot.

- Infant Burial
 - Resident \$100.00
 - Non-Resident \$250.00

The reduced interment fee is approved for infant burials if using a 18"-36" casket-vault combination made of hard plastic-concrete or other material approved by the Cemetery Sexton. ~~The Cemetery Sexton may allow family members to perform the opening/closing and has the discretion to waive the interment fee.~~

Transfer of Burial Right \$20.00

Administrative fee to sell Burial Right back to the City

Disinterment \$1,400.00

No disinterment is permitted on the Saturday before Memorial Day.

12. **Council Reports:**

(20 minutes)

- | | |
|--|--------------------|
| A) MAG, COG, UIA, Utah Lake, ULCT, Budget Committee | - Jeff Acerson |
| B) Public Works, Irrigation/water, City Buildings | - Van Broderick |
| C) Planning, BD of Adjustments, General Plan, Budget Committee | - Matt Bean |
| D) Parks & Recreation, Trails, Tree Board, Cemetery | - Carolyn Lundberg |
| E) Administration, Com Center Board, Lindon Days, Chamber of Commerce | - Randi Powell |
| F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee | - Jacob Hoyt |

13. Administrator's Report:

(15 minutes)

Misc Updates:

- August City newsletter:
http://siterepository.s3.amazonaws.com/442/august14final_20140813150235.pdf
- Project Tracking List
- Legislative report from State elected reps (October 21st Council meeting work session at 6:00pm)
- Locust Ave – road reconstruction options / estimates:
 - Center lanes reconstructed with full slurry seal overlay ~\$154,301
 - Total reconstruction replacing current asphalt (no widening) ~\$204,074
 - Total reconstruction with widening of shoulders ~(pending)
- Emergency Drill training w/Provo City Emergency Manager: NEEDS TO BE RESCHEDULED
- Misc. Items:

Upcoming Meetings & Events:

- Newsletter Assignment: **Randi** - September newsletter article. *Due by last week in August.*
- Sept 5th @ Dusk – Movies in the Park. Citizenship Park (500 N 800 E)
- Sept 10th – 12th – Utah League of Cities & Towns fall conference in SLC
- Sept 9th – Bike tour of Boulder, CO: **Mayor, Carolyn**
- Sept 15th - “Drill Down for Safety”, 6:00pm Monday evening Community Emergency Preparedness exercise. All Council members should report to block captains, then come to City Center.
- Sept 23rd, 1:00pm to 3:00pm – Utah Co. Health Dept, Vaccination Clinic at Lindon City Offices (available to all public)
- Oct 7th – 6:00 work session. Annual Dept reviews w/Police and Community Development.
- Oct 14th @ Noon – Engineering Coordination at Public Works. **Mayor, Van, and ???**
- Nov 18th – 6:00 work session. Annual Dept reviews w/Public Works and Parks Dept.

Future items:

- Employee Policy Manual updates
- Performance evaluations, compensation, and benefit studies
- Impact Fee and Utilities rate studies
- Economic Development plan / policies

Adjourn

As of August 27, 2014

PROJECT TRACKING LIST

1 of 2

APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
Ordinance changes: LCC 17.38 'Bonds for Completion of Improvements to Real Property'	January 2014	City Initiated	Mar. 11	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
Zone Change: Old Town Square	Feb 1, 2012	Scott Larsen	Feb. 14, continued	Pending
<i>Request for approval of a zone change for two parcels located at 873 West Center Street from R1-20 (Residential Low) to LI (Light Industrial).</i>				
Property Line Adjustment: LBA Rentals	Mar 12, 2012	Lois Bown-Atheling	N/A	N/A
<i>Request for approval of a property line adjustment to clean up existing parcels lines for five parcels in the CG zone at 162 & 140 South Main Street. This project is in conjunction with the Castle Park project.</i>				
Ordinance changes: LCC 17.32, 17.58, 17.66.020 'Subdivisions'	Nov. 2012	City Initiated	Nov. 13, Dec. 11, Jan. 8, Jan. 22	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
Site Plan: Lindon Senior Apartments	Sept. 2013	Matt Gneiting	TBD	TBD
<i>Request for site plan approval for senior housing apartments on State & Main</i>				
Amended Site Plan: Wasatch Ornamental Iron	June 2014	Melvin Radmall	N/A	N/A
<i>Request for staff approval of a 16x18 machine cover in the LI zone located at 310 North Geneva Road.</i>				
Plat Amendment: Bishop Corner	Aug. 2014	City Initiated	Sept. 9	N/A
<i>Request to remove existing plat language that limits use of an existing 15,400 square foot lot as a building lot. The Board of Adjustment granted a variance on the lot.</i>				
NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change.				
PC / CC Approved Projects - Working through final staff & engineering reviews (site plans have not been finalized - or plat has not recorded yet):				
Stableridge Plat D	Tim Clyde – R2 Project		Old Station Square Lots 11 & 12	
AM Bank – Site Plan	Joyner Business Park, Lot 9 Site Plan		Olsen Industrial Park Sub, Plat A (Sunroc)	
Lindon Gateway II	Freeway Business Park II		Lindon Harbor Industrial Park II	
West Meadows Industrial Sub (Williamson Subdivision Plat A)	Keetch Estates Plat A		Highlands @ Bald Mountain Phased Sub	
Craig Olsen Site Plan	Valdez Painting Site Plan		Eastlake @ Geneva North Sub.	
LCD Business Center	Avalon Senior Living Site Plan		Lakeside Business Park Plat A	
Long Orchard Subdivision	Sonic Plastics Site Plan		Green Valley Subdivision	
Interstate Gratings Site Plan	Noah's Life Site Plan		Noah's Life Subdivision	

Board of Adjustment		
Applicant	Application Date	Meeting Date

Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
Annual review - Lindon Care Center 680 North State Street (File # 05.0383.8) administrator@lindoncare.com	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	March 2015 Last Reviewed: 3/14	N/A
<i>Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.</i>				
Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1) lsmith@housinguc.org	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	March 2015 Last Reviewed: 3/14	N/A
<i>Annual review of CUP to ensure conformance with City Code. Group home at entrance to Hollow Park was permitted for up to 3 disabled persons.</i>				
Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345) info@heritageyouth.com info@birdseyertc.com	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	March 2015 Last Reviewed: 3/14	N/A
<i>Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth (16 for Timp RTC) not over the age of 18.</i>				

Grant Applications	
Pending	Awarded
Bikes Belong - Trail construction grant. Requested amount: \$10,000 o Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2014.	MAG Bicycle Master Plan Study Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
Land and Water – Trail construction grant. Requested amount: \$200,000 o Status: NOT SELECTED. RE-APPLY IN 2014.	Utah Heritage Foundation — Lindon Senior Center Awarded 2013 Heritage Award in the Category of Adaptive Use Project.
Hazard Mitigation Grant / MAG Disaster Relief Funds- (pipe main ditch)	CDBG 2013 Grant – Senior Center Van (\$50,000). Funds dispersed July 2013
FEMA Hazard Mitigation Grant – (pipe Main Ditch)	EDC Utah 2014 — Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014.
	CDBG 2014 Grant – Senior Center Computer Lab (\$19,000)

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 119 New residential units: 27	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses:55	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 33 Drug-free zone maps: 15	Lindon Heritage Trail Phase 3 Gateway RDA improvements		Lindon Historic Preservation Commission: Bimonthly North Utah County Transit Study Committee Monthly