

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 3,**
3 **2009**, beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Collin Park, Boy Scout, Troop 928
7 Invocation: Lindsey Bayless

8 **PRESENT**

9 **ABSENT**

10 James A. Dain, Mayor
11 Eric Anthony, Councilmember
12 H. Toby Bath, Councilmember
13 Lindsey Bayless, Councilmember
14 Bruce Carpenter, Councilmember
15 Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator
17 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

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

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21 **RECOGNITION** – *The Mayor and City Council will recognize Kenneth John Miller for
22 his three years of dedicated service to the citizens of Lindon as a member of the Lindon
23 City Planning Commission.*

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25 Mayor Dain invited Mr. Miller to the front of the room. The Mayor expressed
26 thanks to Mr. Miller for his years serving on the Commission, and for a job well done.
27 Mayor Dain noted that Mr. Miller missed only one meeting in his three year term. Mr.
28 Miller thanked the Council for providing him an opportunity to serve the community.

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30 **MINUTES** – The minutes of the meeting of January 20, 2009 were reviewed.

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32 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE MINUTES OF
33 THE MEETING OF JANUARY 20, 2009. COUNCILMEMBER HATCH SECONDED
34 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

35 COUNCILMEMBER ANTHONY AYE
36 COUNCILMEMBER BATH AYE
37 COUNCILMEMBER BAYLESS AYE
38 COUNCILMEMBER CARPENTER AYE
39 COUNCILMEMBER HATCH AYE

40 THE MOTION CARRIED UNANIMOUSLY.

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42 **OPEN SESSION** –

2 Mayor Dain invited comments or questions from audience members regarding
any issue not listed as an agenda item. He asked the scouts present in the audience if they
4 had any questions, particularly about the aquatics center. There were no comments or
questions from the audience.

6 **MAYOR'S COMMENT/REPORT** –

8 Mayor Dain commented on the “Paver Project” fundraiser currently underway in
the City. This program will provide families an opportunity to purchase a paver engraved
10 with a family name or other message which will be installed in the walkway at the
entrance to the aquatics center.

12 **CONSENT AGENDA** –

14 No items.

16 **CURRENT BUSINESS** –

18 1. **Preliminary Plat** – *Canberra Estates Residential Subdivision*. Staff recommends
20 this item be continued to allow the developer time to meet with the Salt
Lake/Sandy Metropolitan Water Board concerning placement of utilities within
22 the designated roadway of 1200 East. This item was continued from the last City
Council meeting of January 20, 2009. It is a request by Dale DeLlamas and Oscar
24 Rosales for preliminary plat approval of Canberra Estates Residential
Subdivision, Plat “A”, 9 lots, in the R1-12/Hillside Overlay zone at approximately
26 400 North 1200 East. The Planning Commission recommended approval with
conditions.

28 Mr. Dameron suggested that this item be continued at the request of the applicant.
30 Mayor Dain noted that members of the City Council have visited the site since the last
review of this application, and that it appears that the applicant is still working through
32 issues with the Metropolitan Water District regarding easement restrictions. Mayor Dain
called for a motion to continue this item.

34 COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE CANBERRA
36 ESTATES RESIDENTIAL SUBDIVISION APPLICATION UNTIL FURTHER
NOTICE FROM THE APPLICANT. COUNCILMEMBER BATH SECONDED THE
38 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE
40 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
42 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
44 THE MOTION CARRIED UNANIMOUSLY.

2 2. **Review and Action** – *Agreement for Legal Services*. This item was continued
3 from the last City Council meeting of January 20, 2009. It is a request by staff to
4 formalize, by agreement, the City’s relationship with Brian K. Haws, Esq. for
5 civil and court legal services. Mr. Haws has changed firm affiliation and the
6 desire of the City staff is to keep Mr. Haws as the City attorney due to his
7 extensive experience handling the City’s legal matters.

8 Brian Haws was present to discuss this application with the Council. Mr.
9 Dameron explained that Mr. Haws has provided court room services for the City for the
10 past ten years, as well as civil services for the past four years. Mr. Haws has moved his
11 professional association to a new law firm, and the City felt it would be prudent to enter
12 into a written agreement for services. The agreement was considered by the Council at
13 the January 20, 2009 meeting. Several amendments have been made to the agreement
14 since that time.

15 Mr. Haws reviewed proposed terms of the agreement. He noted that professional
16 services have been billed at a rate of \$100 per hour, and this agreement will reduce that
17 rate to \$90 per hour. Mr. Haws also explained that preparation of some documents, such
18 as summons and subpoenas, will now be completed by City staff in an effort to reduce
19 costs to the City as much as possible. He explained the process of the document
20 preparation, and noted that he will review the final documents at the rate of \$90 per hour.
21 Mr. Haws stated that the proposed fee structure should result in a savings to the City.

22 Councilmember Carpenter noted that the proposed language indicates that the
23 agreement is between the City and Mr. Haws. He inquired as to any obligation the City
24 may have to the firm Mr. Haws is associated with. Mr. Haws stated that the agreement is
25 attorney specific, and is between himself and the City. Mr. Haws also noted that the
26 agreement does not specify a time period, and that the City has the ability to terminate the
27 agreement and appoint a different attorney at any time.

28 Mayor Dain called for further comments or discussion. Hearing none, he called
29 for a motion.

30 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE
31 AGREEMENT BETWEEN LINDON CITY AND BRIAN K. HAWS FOR LEGAL
32 SERVICES. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
33 VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER ANTHONY AYE
35 COUNCILMEMBER BATH AYE
36 COUNCILMEMBER BAYLESS AYE
37 COUNCILMEMBER CARPENTER AYE
38 COUNCILMEMBER HATCH AYE
39 THE MOTION CARRIED UNANIMOUSLY.

40 Councilmember Carpenter thanked Mr. Haws for his professionalism, and for the
41 positive working relationship the City enjoys with him.

42 3. **Review and Action** – *Development Policy Manual Updates (Resolution #2009-3-*
43 *R)*. This is a request by staff for the City Council’s review and approval of an
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2 additional update to the City's Development Policy Manual. This additional
change was overlooked in the previous approval by the City Council of the annual
updates.

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6 Mr. Dameron explained that this proposed amendment to the Development Policy
Manual was inadvertently left out of the Resolution approved by the Council during the
previous meeting. The change to the standard drawing shows the curb wall along the rear
8 of the trail cross section. Mr. Dameron explained that this design was used successfully
in the Heritage Trail project completed last summer. Mayor Dain called for a motion.

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12 COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2009-3-
R, DEVELOPMENT POLICY MANUAL UPDATES. COUNCILMEMBER
BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
14 FOLLOWS:

16 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
18 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

20 THE MOTION CARRIED UNANIMOUSLY.

22 4. **Review and Action** – *Amendments to the Policies and Procedures Manual*
(*Resolution #2009-4-R*). This is a request by staff for the City Council's review
24 and approval of several amendments to the City's Policies and Procedures
Manual.

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28 Mr. Dameron reviewed proposed amendments to the Policies and Procedures
Manual. Proposed changes include the addition of the tuition reimbursement program,
the effective date of health and dental insurance coverage, procedures for approving merit
30 pay increases, cell phone use while on City business, and a new Accident Review
Committee Policy and Procedure. Mr. Dameron noted that the tuition reimbursement
32 program and the cell phone policy were approved by the Council several years ago, but
have never been formally included in the Policies and Procedures manual.

34 Councilmember Carpenter inquired as to whether payment of tuition
reimbursement would require a budget amendment, since funds were not budgeted for
36 that specific purpose. Mr. Dameron stated that a budget amendment may be necessary.
He noted that the policy specifies that an employee who receives a tuition reimbursement
38 agrees to maintain full time employment with the City for a minimum of three years. If
the employee terminates employment prior to that time, the reimbursement will be paid
40 back on a pro-rated basis. Councilmember Carpenter noted that it is appropriate that the
policy reflects the tax responsibility associated with the reimbursement.

42 Councilmember Carpenter expressed concern regarding proposed language
relative to the start date for health and dental insurance coverage. Revisions to the
44 current language state that coverage will begin the first of the month following the start
date, unless the start date is the first of the month, in which case coverage will start
46 immediately. The proposed policy also states that in the event of a health claim in the

interim period, the City will pay the lesser of the cost of the medical bill or the cost to obtain COBRA insurance from the employee's previous employer. Councilmember Carpenter noted that the specific language does not include a provision for new employees who may not be eligible for COBRA coverage. He observed that the proposed language presents the possibility that the City may then be responsible to pay the cost of any health care the employee requires during that time. Mr. Dameron stated that amendments to health and dental coverage policies will be removed from this resolution, and that staff will review the proposed language, and present further amendments for Council review and approval at a future meeting.

Mr. Dameron noted that the current practice of the City does not require Council approval for annual merit increase for eligible employees. Councilmember Anthony stated that he would not be opposed to Council involvement in approving merit increases for Department Heads. Mr. Dameron explained that typically, the Councilmember over each department participates in the interview and merit increase process for Department Heads.

Mr. Dameron explained that the cell phone policy is based on recommendations from the City's insurance carrier, Utah Risk Management Mutual Association (URMMA). Councilmember Anthony noted that if the State Legislature adopts any laws which are more restrictive than the current policy, the City will amend its policy to comply with State laws.

Mr. Dameron noted that the Accident Review Committee has developed a policy which governs actions taken by the Committee in response to traffic accidents involving City employees driving City vehicles, or private vehicles driven on City business. He noted that the policy has been reviewed by URMMA. Councilmember Carpenter stated that the policy seems reasonable and relatively complete.

Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2009-4-R AMENDING THE CITY'S POLICIES AND PROCEDURES MANUAL CONCERNING TUITION REIMBURSEMENT, PROCEDURES FOR MERIT INCREASES, CELL PHONE USE WHILE ON CITY BUSINESS, AND THE ACCIDENT REVIEW COMMITTEE POLICY AND PROCEDURE AND SETTING AN EFFECTIVE DATE, WITH AMENDMENTS TO HEALTH AND DENTAL COVERAGE EFFECTIVE DATES BEING REVIEWED AND APPROVED AT A FUTURE MEETING. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED UNANIMOUSLY.

COUNCIL REPORTS –

2 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Housing Consortium.*

4 Councilmember Hatch reported that the landfill is sponsoring a hazardous waste
clean up event on March 28th in the parking lot of the Novell building in Provo. UVU
and BYU students are volunteering at the event.

6 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
8 *Administration.*

10 Councilmember Bayless reported that she received a compliment from a resident
regarding Officer Tony Weinmuller and his response to a difficult situation. Mayor Dain
12 noted that comments from the community concerning the Police Department continue to
be positive.

14 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

16 Councilmember Bath requested that Chief Cullimore follow up on a report that
18 the school crossing guard on Center Street is not turning the warning lights at 500 East on
during the hours before and after school.

20 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*
22 *Newsletter.*

24 Councilmember Anthony had no items to report.

26 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
28 *Buildings.*

30 Councilmember Carpenter reported that the Legislative Policy Committee is
holding regular meetings which will continue through the legislative session. He
discussed several issues being considered at the legislature, including a possible delay in
32 implementation of new immigration laws, and amendments to laws governing billboards
on scenic byways.

34 Councilmember Carpenter also reported that UTOPIA is making progress, but
that meeting financial goals is dependent to a large extent on the economy. He noted that
36 UTOPIA will apply for revenues from stimulus funds, and that the project meets all of
the objectives to receive such funding, but that it is too early to determine if the funds
38 will be awarded.

40 **ADMINISTRATOR'S REPORT** –

42 Mr. Dameron reported on the following items:

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1. The Council reviewed the Project Tracking List.
 2. Home Depot has eliminated approximately 7000 jobs nationally, but it does not appear that the Lindon store will be affected at this time. Tax revenues from

2 Home Depot are holding steady at this point. Revenue generated by Wal-Mart is
3 holding steady as well.

4 3. The annual Retreat meeting will be held Saturday, February 7, 2009 at 7:30 a.m.
5 at the Veterans Hall.

6 4. City offices will be closed Monday, February 16th for the Presidents Day holiday.

7 5. The City received 36 applications for the Recreation Director position. The
8 interview committee expects to interview 8 – 10 qualified candidates.

9 6. Construction of the Aquatics Center is continuing on schedule.

10 7. The Mountainland Association of Governments Technical Committee approved
11 the City’s request for \$430,000 in corridor preservation funds relative to the Black
12 Scot development and purchase of the 1200 East right-of-way. If approved by the
13 Executive Committee, the City will be required to pay matching funds of
14 approximately \$20,000. An agreement with the developer allows the City to pay
15 for the corridor over a three year period if grant funds are not awarded.

16 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY
17 VOUCHERS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE
18 VOTE WAS RECORDED AS FOLLOWS:

19 COUNCILMEMBER ANTHONY AYE

20 COUNCILMEMBER BATH AYE

21 COUNCILMEMBER BAYLESS AYE

22 COUNCILMEMBER CARPENTER AYE

23 COUNCILMEMBER HATCH AYE

24 THE MOTION CARRIED UNANIMOUSLY.

25 **ADJOURN** –

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27 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
28 7:55 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT
29 VOTED IN FAVOR. THE MOTION CARRIED.
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32 Approved – February 17, 2009

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Debra Cullimore, City Recorder

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44 James A. Dain, Mayor