

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, March 2,**  
3 **2010** beginning with a Work Session at 6:30 p.m. in the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:30 P.M.

8 Conducting: James A. Dain, Mayor

10 **PRESENT**

**ABSENT**

12 James A. Dain, Mayor  
13 Lindsey Bayless, Councilmember  
14 Bruce Carpenter, Councilmember  
15 Bret Frampton, Councilmember  
16 Jerald I. Hatch, Councilmember  
17 Mark L. Walker, Councilmember  
18 Ott H. Dameron, City Administrator  
19 Cody Cullimore, Chief of Police  
20 Debra Cullimore, City Recorder

22 The meeting began at 6:35 p.m.

24 **DISCUSSION** – *The Mayor and City Council met in a Work Session with Cody  
25 Cullimore, Chief of Police, to hear a report on current year data and discuss issues and  
26 concerns for fiscal year 2010/2011.*

28 Mayor Dain welcomed Chief Cullimore for this discussion. Mayor Dain noted  
29 that the Council will meet with each department head over the coming weeks to discuss  
30 the coming budget cycle.

31 Chief Cullimore presented statistical information for the Police Department over  
32 the first year of service. He stated that during the first year of service, the Police  
33 Department created just less than 5,995 cases, with over 13,357 calls for service. He  
34 clarified that not every call for service constitutes a crime, and therefore does not  
35 generate a case file.

36 Chief Cullimore noted that the violent crime rate in Lindon is approximately 3.02  
37 crimes per 1,000 residents, and property crimes approximately 17.2 per thousand, much  
38 lower than national crime rates, or even rates in neighboring communities. Chief  
39 Cullimore reported that from July 2008 to July 2009, officers issued over 3,000 traffic  
40 citations, responded to 313 traffic accidents, arrested 49 DUI drivers, made arrests and  
41 responded to 398 animal control calls.

42 Chief Cullimore went on to review fire and EMS information. He stated that  
43 average response time for emergency calls is 2 minutes and 6 seconds. He stated that the  
44 Fire Department responded to 572 calls for service in Lindon during 2009. He noted that  
45 several residents have inquired as to the reason for response from fire, ambulance and  
46 police vehicles to an emergency call. Chief Cullimore explained that all available units  
47 respond to emergencies to provide any necessary manpower or equipment power needed

2 in a specific situation. He observed that it is preferable to have more assistance than  
necessary rather than less than necessary.

4 Chief Cullimore went on to review other accomplishments of the department  
during the first year of service. He stated that officers have completed 92 community  
6 events, such as Neighborhood Watch programs, Night out Against Crime, school and  
church presentations. He also commented on the 2009 9/11 Drill Down for Safety  
8 preparedness drill that was conducted in the City on September 11, 2009. He reported  
that the City won a national award as the 'best small community concept.' The City  
10 received an award of \$1,000 for this recognition. Information gathered during the Lindon  
drill will be used in other communities nationwide as part of this ongoing program.

12 Chief Cullimore went on to review budget issues for the coming year. He  
presented figures for fiscal year 2009/2010 and for 2010/2011. He explained that figures  
14 highlighted in red indicate an increase in that budget line item, while figures highlighted  
in blue indicate a reduction in that budget item. He explained that due to some  
16 corrections to miscalculations from the previous year, the total budget for the 2010/2011  
fiscal year appears to increase 1.5%, but that operations and capital expenditures have  
18 actually been reduced by \$50,000. Mr. Dameron clarified that department heads do not  
have control over all budget items, and that mistake was made in the finance department.  
He thanked Chief Cullimore for his willingness to decrease his operational and capital  
20 budget.

22 Councilmember Carpenter noted that the Police Department is currently operating  
one officer short due to budget conditions, and covering necessary shifts using overtime  
for other officers. He inquired as to whether this approach has been effective in cutting  
24 overall costs. Chief Cullimore stated that the annual cost of the vacant position is  
approximately \$90,000. Approximately \$50,000 of the revenue which has been used to  
26 pay for that position was moved to the overtime budget. It appears based on necessary  
adjustments to the overtime budget after the first year of operations that the City is saving  
28 approximately \$30,000 by keeping the position vacant.

30 Councilmember Walker inquired as to plans for leasing new vehicles. He noted  
that Chief Cullimore had commented on another occasion that the trucks appeared to be  
getting better gas mileage than the Explorers, and wondered if more trucks would be  
32 leased in future lease plans. Chief Cullimore explained that upon closer review, he  
determined that Explorers were averaging 12.02 miles per gallon while trucks were  
34 averaging 11.13 miles per gallon, less than one mile per gallon difference. He stated that  
the same number of trucks and Explorers currently used by the department will likely be  
36 included in the new lease. He noted that vehicles commonly used in other departments  
get much lower gas mileage, such as Dodge Chargers at 8.95 mpg and Crown Victorias at  
38 9.33 mpg.

40 Chief Cullimore noted that he had been asked about the City's practice of leasing  
vehicles as opposed to traditional vehicle purchase plans in other communities, such as  
Orem City. He explained that since he was hired as Chief of Police in Lindon, other  
42 cities have become aware of the substantial cost savings generated by lease programs as  
opposed to purchasing vehicles, and that he has assisted 14 other agencies in setting up  
44 lease programs. Orem City's fleet manager recently contacted Chief Cullimore to discuss  
the lease program and the possibility of converting their current purchase program to a  
46 lease program. Chief Cullimore commented that Orem has purchased an Explorer to test

in their city because of the benefit they have observed in Lindon in the ability to access all parts of the community in any weather condition because of the 4 wheel drive capabilities. Councilmember Walker inquired as to whether there is any concern regarding mileage restrictions on leased vehicles. Chief Cullimore stated that all vehicles are well below the maximum allowable mileage. He also explained that police equipment, such as lights and radios, is also included in the lease, resulting in an even greater cost savings over purchasing and maintaining equipment and vehicles.

Chief Cullimore went on to review training hours and budget. He explained that officers are required to complete 40 hours of training annually. He noted that Lindon officers average much higher than the minimum requirement, but that the high level of expertise of Lindon officers contributes greatly to the professionalism of the department. He stated that eight officers are certified instructors in various topics, and that they are then able to provide training for the department at no expense. He noted that the travel budget for training has been reduced, but that some out of state regional training will be necessary during the year.

Mayor Dain informed Chief Cullimore that he had been nominated to receive a 'Chief of Year' recognition presented by the Utah Chiefs of Police Association. He explained that Chief Cullimore was not chosen for the recognition, but read a portion of letter sent by the Chief's Association which complimented Chief Cullimore as a Chief and a person. Chief Cullimore thanked the Mayor for the nomination. He stated that he is proud of the department and the good things they have been able to accomplish in such a short time. Councilmember Bayless thanked Chief Cullimore for creating such a positive environment, and a department of true peace officers who serve the community. The Council thanked Chief Cullimore for his presentation and his work in the City.

**REGULAR SESSION** – 7:00 P.M.

Conducting: James A. Dain, Mayor

Pledge of Allegiance: Jeff DeJong

Invocation: Lindsey Bayless

**PRESENT**

**ABSENT**

James A. Dain, Mayor  
Lindsey Bayless, Councilmember  
Bruce Carpenter, Councilmember  
Bret Frampton, Councilmember  
Jerald I. Hatch, Councilmember  
Mark L. Walker, Councilmember  
Ott H. Dameron, City Administrator  
Adam Cowie, Planning Director  
Cody Cullimore, Chief of Police  
Debra Cullimore, City Recorder

The meeting was called to order at 7:13 p.m.

2 **MINUTES** – The minutes of the meeting of February 16, 2010 were reviewed.

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES  
OF THE MEETING OF FEBRUARY 16, 2010. COUNCILMEMBER HATCH  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER BAYLESS AYE

COUNCILMEMBER CARPENTER AYE

8 COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER HATCH AYE

10 COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY.

12 **OPEN SESSION** –

14 Mayor Dain called for comments from any audience member present who wished  
16 to address an issue not listed as an agenda item. There was no public comment.

18 **MAYOR’S COMMENT/REPORT** –

20 Mayor Dain welcomed a number of students in the audience. He reported that the  
Little Miss Lindon Pageant will be held Saturday night, March 6<sup>th</sup> at Oak Canyon Junior  
22 High School. Mayor Dain thanked the Council and staff for their attendance at the  
annual retreat held Saturday, February 20<sup>th</sup>. He reminded residents that the 2010 Census  
24 is underway. He encouraged residents to be supportive of the Census in order to get an  
accurate count of residents. He also reported on the “Clean Out the Cabinet” drug  
26 destruction program that will be held on April 24<sup>th</sup>. Residents will have the opportunity  
to turn in any unused prescription drugs for destruction.

28 **CONSENT AGENDA** –

30 No items.

32 **CURRENT BUSINESS** –

34 **1. Public Hearing** – *Ordinance Amendments and Adoption to Lindon City Code Chapter*  
36 *17.12 “Document Submission and Review,” and 17.19 “Land Use Fee Schedule,” and*  
*adoption of a new Code Section 17.17 “Site Plan Development.” (Ordinance #2010-1-*  
38 *O)*This is a request by staff for the Mayor and Council’s review and approval of the  
amendments to the LCC Chapters 17.12 “Document Submission and Review,” and 17.19  
40 “Land Use Fee Schedule,” and adoption of a new Code Section 17.17 “Site Plan  
Development.” The Council previously discussed the amendments to LCC 17.12 and  
42 17.19 during its meeting of February 2, 2010. The Planning Commission recommended  
approval of these changes after five meetings.

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

5  
6 Mr. Cowie explained that the Public Hearings for this ordinance related to  
7 amendments to several code sections. The Council previously reviewed and discussed  
8 changes to LCC Section 17.12 and 17.19. However, the Planning Commission had not  
9 yet forwarded the new Section 17.17, Site Plan Development, to the City Council. The  
10 City Council approved 17.12 and 17.19 amendments pending approval of Section 17.17.

11 Mr. Cowie went on to review specific language in Section 17.17. He reviewed  
12 requirement for bringing amended site plans for existing non-conforming uses into  
13 compliance with current standards. Requirements for amended site plans are based on a  
14 percentage formula as follows:

- 15 • 0-9% increase in building square footage – addition must meet current design  
16 guidelines.
- 17 • 10-19% increase in building square footage – entire building brought into  
18 compliance with current architectural design standards for the zone.
- 19 • 20-30% increase in building square footage – requirements shown above, as well  
20 as landscaping requirements.
- 21 • Over 30% increase in building square footage – the entire site shall be brought  
22 into substantial compliance with all current standards.

23  
24 Mr. Cowie suggested one language change relative to the 0-9% increase which  
25 would reference the standards listed in paragraph four giving the Planning Director  
26 approval authority if specific criteria are met rather than restating the same language in  
27 both paragraphs.

28 Additional language in Section 17.17 includes references to the Development  
29 Manual rather than cross-referencing outdated code sections, requirements for phased  
30 developments with all phases being completed within six years. Mr. Cowie noted that  
31 there may be some phased commercial development as the 700 North corridor develops.  
32 Cosmetic changes, such as paint or stucco, do not require a building permit or a site plan  
33 application.

34 Mr. Cowie went on to review proposed requirements for temporary site plans.  
35 Proposed language would impose a time limit on temporary site plans based on the use.  
36 Temporary site plans are approved by the Development Review Committee, and do not  
37 require review and approval of the Land Use Authority. The ordinance would also  
38 require any structure used as part of a temporary site plan to be removed from the site  
39 within 14 days of the expiration date of the approved use. Mr. Cowie explained that the  
40 intent of a temporary site plan is to allow a business to operate on a temporary basis  
41 without making a significant investment. He noted that if a business is a permanent use,  
42 a permanent structure which meets building codes would be required. Mr. Cowie also  
43 noted that if a temporary use is not listed, it is considered to be not permitted.

44 The Council discussed itinerant merchants who may come into town and sell from  
45 the side of the road on weekends without the City's knowledge or proper approval. The  
46 Council also discussed one day uses, such as lemonade stands and yard sales in

2 residential areas. Following discussion, the Council felt that while it would be a difficult  
enforcement issue to prevent this type of occurrence, the ordinance would give the City  
tools to address problematic situations appropriately.

4 Mayor Dain called for public comment. Bruce Armstrong expressed concern  
regarding the idea that selling from the roadside may be made illegal by this ordinance  
6 with no plans to effectively enforce the law. He inquired as to whether it may be possible  
to include more specific language stating that specific uses are permitted without a  
8 temporary site plan. Councilmember Walker observed that a person selling at the side of  
the road without proper licensing and approval may be trying to make ends meet, but that  
10 they are also creating competition for retail businesses who have complied with fee and  
licensing requirements. He felt that having laws in place and taking a moderate  
12 enforcement approach would be a reasonable course of action at this time. Mayor Dain  
reiterated that the ordinance gives the City the necessary tools to address problematic  
14 situations, particularly if there is a safety concern.

16 Mayor Dain called for further public comment. Hearing none, he called for a  
motion to close the Public Hearing.

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

22 Councilmember Carpenter expressed that he agreed with the concerns expressed  
by Mr. Armstrong. He observed that the Council can revisit the ordinance and make  
24 appropriate changes to requirements if issues arise based on the current proposed  
language.

26 Councilmember Frampton stated that he was contacted by a resident asking what  
be required for one day uses in residential areas, such as a boutique type sale at a home.  
28 Mr. Cowie reviewed some specific issues for this type of use. He suggested that  
residents with questions regarding specific requirements be referred to the Planning  
30 Department.

32 Councilmember Hatch expressed concern regarding the requirement for  
temporary structures to be removed for temporary agricultural uses. The Council  
discussed several options, such as a square footage limitation which would not require  
34 removal, or an exemption for agricultural and horticultural uses which would allow those  
structures to remain in place. Following discussion, the Council felt that agricultural and  
36 horticultural uses should be exempted from the requirement to remove structures. The  
Council discussed specific language changes to the ordinance to provide this exemption,  
38 specifically line 1 of page 6, add "11(e)" and line 41 of page 5, state that uses listed in  
paragraph 11(e) are exempt from the requirement to remove temporary structures.

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

42  
44 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE  
#2010-1-0 CREATING CHAPTER 17.17, SITE PLAN DEVELOPMENT OF THE  
LINDON CITY CODE, AMENDING CHAPTER 17.12 AND 17.19 OF THE LINDON  
46 CITY CODE, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF

2 THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE WITH THE  
3 FOLLOWING MODIFICATIONS:

- 4 1. THAT PARAGRAPH 4 PROVIDING STAFF APPROVAL AUTHORITY FOR  
5 AMENDED SITE PLANS IN SPECIFIC SITUATIONS BE REFERENCED ON  
6 PAGE 3, LINE 32 AND 33.
- 7 2. THAT PARAGRAPH 11(E) BE REFERENCED ON PAGE 6, LINE 1 AND  
8 PAGE 5 LINE 41 TO EXEMPT AGRICULTURAL AND HORTICULTURAL  
9 USES FROM THE REQUIREMENT TO REMOVE TEMPORARY  
10 STRUCTURES AND THE END OF THE APPROVED SITE PLAN PERIOD.

11 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS  
12 RECORDED AS FOLLOWS:

13 COUNCILMEMBER BAYLESS	AYE
14 COUNCILMEMBER CARPENTER	AYE
15 COUNCILMEMBER FRAMPTON	AYE
16 COUNCILMEMBER HATCH	AYE
17 COUNCILMEMBER WALKER	AYE

18 THE MOTION CARRIED UNANIMOUSLY.

### 19 COUNCIL REPORTS –

20  
21 **COUNCILMEMBER WALKER** – Councilmember Walker discussed plans for  
22 appointing a chairperson for the 2010 Lindon Days Celebration. He suggested that Ernie  
23 Sylva continue as the Chair for this year, but that Mr. Sylva work with a Co-chair this  
24 year, who would be ready to take over responsibilities in 2011. The Council discussed  
25 several names of residents who may be willing to Co-chair this year.

26  
27 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that the General  
28 Plan Committee will meet on Tuesday, March 10. She asked Mr. Dameron to pass along  
29 thanks to Code Enforcement Officer, Gary Hoglund, for his written report. Mr. Dameron  
30 noted that Mr. Hoglund will report to the Council in a Work Session in the coming  
31 weeks.

32  
33 **COUNCILMEMBER HATCH** - Councilmember Hatch reported on several bills before  
34 the legislature which affect water rights. He also reported that snow pack is well below  
35 normal for this water year. The contractor for the Murdock Canal piping project has been  
36 given approval to proceed with construction on the project.

37  
38 Mayor Dain commented on a Resolution the Council will review and consider for  
39 approval relative to CDBG procedures. He explained that all cities in the County will  
40 work cooperatively when applying for CDBG funds. This procedure is expected to  
41 generate additional revenue for participating cities above the amounts they have received  
42 applying as individual entities.

43  
44 **COUNCILMEMBER CARPENTER** – Councilmember Carpenter reported on  
45 UTOPIA issues. He encouraged the Mayor and City Council to attend the upcoming  
46 strategic summit meetings to discuss plans for the future of UTOPIA. He also reported

2 on the possibility of a partnership between UTOPIA and Google to provide fiber to the  
home services. The City has been asked to submit a request for information for review  
4 by Google. The information gathered will be used by Google to determine whether a  
partnership would be beneficial to the company.

6 Councilmember Carpenter went on to discuss issues regarding the State  
Legislative Session, including possible amendment to the gas tax revenue structure,  
changes to bond election requirements, and OHV on city streets within municipalities.

8 Councilmember Carpenter invited Chief Cullimore to report on Police  
Department activities. Chief Cullimore reported that agricultural burn days are scheduled  
10 for March 13 through April 12. Residents must call dispatch or the Police Department  
before they burn, and a water source and an adult must be present during the burn.

12 Chief Cullimore also reported on the “Clean Out the Cabinet” drug destruction  
program that will be held on April 24<sup>th</sup>. Residents will have the opportunity to turn in  
14 any unused prescription drugs for destruction. Drugs can be surrendered at Lindon Wal-  
Mart on this day.

16 Aspen Elementary will hold an emergency drill on March 10, with a planning  
meeting for the drill on March 4.

18 Plans are underway for the 2010 Memorial Day Observance at the City Cemetery.  
Councilmember Frampton noted that he met with a Lindon resident to discuss the  
20 possibility of a donation to help with construction of a Veteran’s Memorial monument at  
the cemetery. The resident expressed some interest. The City will follow up with the  
22 resident.

24 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported that he  
recently met with Tree Advisory Board. Former City Councilmember Eric Anthony was  
26 appointed Chair of the Board.

28 **ADMINISTRATOR’S REPORT** –

30 Mr. Dameron reported on the following items:

- 32 1. Engineering Coordination Meeting will be held March 9 at noon at the Public  
Works Complex.
- 34 2. The Council reviewed the Project Tracking List.
- 36 3. A room has been reserved in St. George for a City representative to attend the  
Utah League of Cities and Towns conference April 7-19.
- 38 4. The Council gave approval for out of state training for City Recorder, Debra  
Cullimore to attend the International Institute of Municipal Clerks Conference  
40 in Reno, Nevada in May. The Utah Municipal Clerks Association will pay  
registration for the conference, the City would be responsible for  
transportation and lodging costs.
- 42 5. The Council discussed implementation of a policy which would allow  
Councilmembers to participate in public meetings electronically. Mr.  
Dameron will draft a policy for review at the next meeting.
- 44 6. Lindon City’s position of the North Utah Valley Animal Shelter Special  
Service District has been filled by Mr. Dameron. His term has expired.  
46 Councilmember Walker will fill the position for the coming term.



- 2 7. Maeser Academy has invited two Councilmembers to participate in a Focus  
Group meeting on March 12<sup>th</sup>. No Councilmembers were available to attend.  
Mr. Dameron will invite staff members to attend the meeting.
- 4 8. The Council reviewed the sales tax report for February 2010, which includes  
Christmas sales.
- 6 9. The Council reviewed a comparison of benefits offered to elected officials in  
neighboring communities.
- 8 10. UDOT has requested reimbursement from the City for an appraisal conducted  
by UDOT in 2004 in the area of the future 1200 east section as part of a  
10 development which was never completed. UDOT sent a letter stating that the  
City is responsible for payment of the appraisal fee, but neither the City nor  
12 UDOT has any record that the City agreed to pay the cost of the appraisal.  
The Mayor and Council directed Mr. Dameron to communicate with UDOT  
14 and negotiate payment options.

16 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY  
VOUCHERS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE  
18 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE  
20 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER FRAMPTON AYE  
22 COUNCILMEMBER HATCH AYE  
COUNCILMEMBER WALKER AYE  
24 THE MOTION CARRIED UNANIMOUSLY.

26 **ADJOURN** –

28 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT  
9:56 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL  
30 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – March 16, 2010

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36

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Debra Cullimore, City Recorder

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James A. Dain, Mayor