

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, June 1, 2010**
beginning with a Work Session at 6:00 p.m. in the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION** – 6:00 p.m.

6 Conducting: James A. Dain, Mayor

8 **PRESENT**

ABSENT

10 James A. Dain, Mayor
12 Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
14 Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
16 Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
18 Cody Cullimore, Chief of Police
Gary Hoglund, Code Enforcement Officer
20 Brian Haws, City Attorney
Debra Cullimore, City Recorder

22 The Work Session began at 6:00 p.m.

24 **DISCUSSION** – *The Mayor and City Council met in a Work Session with the City
26 Attorney and Code Enforcement Officer to discuss issues related to enforcement of the
City’s nuisance ordinance.*

28
30 City Attorney, Brian Haws and Code Enforcement Officer, Gary Hoglund were
present for this discussion. The Council discussed specific code violations in various
32 locations throughout the City. They also discussed general code enforcement policies
and practices. Following discussion, the Council directed Mr. Hoglund to continue the
34 current practice of complaint based enforcement in cases which do not create a health or
safety issue, and to continue to work towards long term resolution of extensive code
36 enforcement violations at specific locations. Mr. Hoglund will also continue proactive
enforcement of violations such as weeds and some instances of inoperable vehicles
among other things. The Council thanked Mr. Hoglund for his efforts to beautify the
38 City, and for his community friendly approach to residents.

40 **REGULAR SESSION** – 7:00 p.m.

42 Conducting: James A. Dain, Mayor

Pledge of Allegiance: Bret Frampton

44 Invocation: Lindsey Bayless

46 **PRESENT**

ABSENT

2 James A. Dain, Mayor
Lindsey Bayless, Councilmember
4 Bruce Carpenter, Councilmember
Bret Frampton, Councilmember
6 Jerald I. Hatch, Councilmember
Mark L. Walker, Councilmember
8 Ott H. Dameron, City Administrator
Jamie Bennee, Finance Director
10 Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

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

14 **MINUTES** – The minutes of the Regular Meeting of May 18, 2010, the Executive
16 Session of May 18, 2010 and the Work Session of May 24, 2010 were reviewed.

18 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
20 THE REGULAR MEETING OF MAY 18, 2010. COUNCILMEMBER FRAMPTON
22 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

28 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
30 THE EXECUTIVE SESSION OF MAY 18, 2010. COUNCILMEMBER HATCH
32 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
32 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
34 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
36 THE MOTION CARRIED UNANIMOUSLY.

38 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF
40 THE WORK SESSION OF MAY 24, 2010. COUNCILMEMBER FRAMPTON
42 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
42 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
44 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
46 THE MOTION CARRIED UNANIMOUSLY.

2 **OPEN SESSION** – Citizen Comments

4 Verl Cook, owner of Cook’s Greenhouse located on 1600 North in Orem,
approached the Council. Mr. Cook expressed concern regarding traffic on the previous
6 Saturday at Timpanogos Harley Davidson during their re-grand opening event. Mr. Cook
expressed concern regarding potential safety issues relative to on street parking, as well
8 as impacts to his business as customers have difficulty accessing his site.

10 Mayor Dain invited Chief Cullimore to address Mr. Cook’s concerns. Chief
Cullimore stated that on street parking is permitted, and that parking and most other
12 traffic issues can not be enforced on private property. He suggested that Mr. Cook install
signage on his lot restricting parking to Cook’s Greenhouse customers only in order to
eliminate overflow parking on his property. Chief Cullimore also reported that
14 Timpanogos Harley is very conscientious about working with the Police Department
when organized rides or other events are scheduled to address traffic and other safety
16 concerns. He noted that he anticipates five or six organized rides over the summer
months.

18 Mayor Dain assured Mr. Cook that his concerns would be passed along to
Timpanogos Harley Davidson in hopes that they may take greater precautions in the
20 future. He thanked Mr. Cook for taking the time to share his concerns.

22 **MAYOR’S COMMENTS/REPORT** –

24 Mayor Dain publicly thanked Chief Cullimore for the outstanding Memorial Day
Flag Ceremony held at the City cemetery. He expressed appreciation for the work of the
26 Police Department in the community.

28 **CONSENT AGENDA** –

30 No items.

32 **CURRENT BUSINESS** –

- 34 1. **Public Hearing** – *Proposed Budget for Fiscal Year 2010/2011*. The City Council
will hear public comment on the proposed City budget for fiscal year 2010-2011,
36 including the allocation of revenue from the water, sewer, storm water and other
enterprise funds to the General Fund. Two public Work Sessions and one Budget
38 Committee meeting have been held where the budget issues were discussed.
Tonight, staff will present the issues associated with the proposed budget,
40 including changes to the City-wide Fee Schedule. The Council will direct staff on
each issue. The Public Hearing for the adoption of the budget is scheduled for
42 June 15, 2010.

44 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
46 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 Mayor Dain clarified that the Council will not be taking action to adopt the final
4 2010/2011 budget at this meeting. He suggested that the Council consider delaying any
6 action regarding Budget Issue #2 and #5 regarding City contributions to employee 401k
8 accounts and health insurance benefits for elected officials until next year to allow time
for further study and review of these important issues. The Council agreed that it would
be appropriate to delay further discussion and a decision on these two issues until next
budget year.

10 Ms. Bennee presented budget information for review by the Council. She stated
12 that the total City wide budget is \$20,357,312, with a total General Fund budget of
14 \$9,153,087. She noted that 15 building permits for new structures were issued during
16 calendar year 2009, with a total of 154 permits issued including add-ons and remodels.
She noted that one personnel change is anticipated during the coming year. As Public
Works Inspector, Dorsey Hooley, retires from his position, that position will not be filled.
However, the vacant Storm Water Technician position will be filled in order to comply
with federal clean water standards.

18 Ms. Bennee went on to review total City-wide revenues of \$20,357,312, which
20 shows a balanced budget with expenditures. She noted that revenues include an
22 anticipated bond which the City plans to acquire for the sewer lift station.

24 Ms. Bennee then provided comparisons for capital, personnel and operational
26 expenses for 2008, 2009 and 2010. She noted that personnel costs will increase slightly
28 in 2010 from 2009 due to an increase in the cost of employee health insurance premiums.
The anticipated bond for the upcoming sewer lift station project will increase capital
during the coming year. Ms. Bennee also reviewed all revenue sources for the City,
including various tax revenues, fees, utility charges, bond revenue and impact fees. She
noted that administrative fees are paid to the General Fund from Enterprise Funds.

30 The Council discussed General Fund revenues and expenditures totaling
32 \$9,153,087.00. The Council inquired as to whether the cost of Public Safety services,
approximately 34.65% of the General Fund, is consistent with previous years, in
particular years prior to the establishment of the Lindon City Police Department. Ms.
Bennee stated that the cost of Public Safety service is a fairly consistent percentage of
General Fund expenditures.

34 Mr. Dameron explained that in ideal circumstances, sales tax revenue and
36 property tax revenue should be roughly equivalent. He noted that the Truth In Taxation
38 process the Council completed last year and the resulting property tax increase has helped
stabilize property tax revenues. He observed that sales tax revenue currently exceeds
property tax revenue by approximately \$1 million annually.

The Council went on to discuss specific budget issues as follows:

- 40 • **Budget Issue #1 – Should the City continue to fund employee’s health**
42 **insurance and dental insurance premiums?** Mayor Dain noted that the 4.5%
44 increase in health insurance premiums anticipated by the City is minimal
compared to increases anticipated by other municipalities. The Council felt that it
would be appropriate to continue to fund health and dental insurance benefits for
employees.

- 2 • **Budget Issue #2 – Should the city continue to fund the 4.5% 401k contribution to employee retirement plans?** The issue will not be considered during the 2010/2011 budget year, but may be reconsidered next year.
- 4 • **Budget Issue #3 – Should the City increase the culinary water, sewer and/or storm water drainage fees?** The Council will hear a report from City Engineer, David Thurgood, later in the meeting regarding recommendations for utility fee adjustments.
- 6 • **Budget Issue #4 – Should the City fill the vacant Storm Water Technician position?** Ms. Bennee explained that leaving the Public Works Inspector Position vacated by Mr. Hooley open and filling the vacant Storm Water Technician position would result in a net savings to the City of approximately \$27,000 as the salary for the Storm Water Technician position is lower than the Public Works Inspector salary.
- 8 • **Budget Issue #5 – Should the City continue to fund health/dental insurance benefits for City Council members?** The issue will not be considered during the 2010/2011 budget year, but may be reconsidered next year.

18 Ms. Bennee went on to review proposed fee schedule changes, including new Aquatics Center fees, fees for passport processing, development application , and Police Department fees.

20 City Engineer, David Thurgood, then addressed the Council regarding the sewer, water and storm water Enterprise Funds and proposed fee adjustments. Mr. Thurgood began with review of the Water Fund including a 2010 water rate study showing water fund revenue trends from 1998 through the current year. Mr. Thurgood recommended a 2.2% increase based on the April CPI to allow the City to keep pace with inflation. Mr. Thurgood noted that a graduated usage fee may be considered in future years, but is not under consideration at this time.

28 Mr. Thurgood went on to review the Sewer Fund. He noted that active sewer connections have decreased approximately 1.44% due to vacancy of homes, which results in a corresponding decrease in revenue. Mr. Thurgood recommended a 6% increase in sewer fees, which includes the 2.2% CPI increase. He noted that the sewer fees should be reviewed annually to ensure that revenues are adequate to fund upcoming sewer fund expenditures, including the sewer lift station and the sewer plant expansion project. Mr. Dameron noted that annual payments for the sewer plant expansion project will begin in 2013, and will be approximately \$175,000 annually.

36 Mr. Thurgood then reviewed the Storm Water Fund. Mr. Thurgood recommended an increase in Storm Water fees from \$3.75 to \$4.50 per Equivalent Residential Unit. He noted that storm water revenue has experienced a decrease due to vacancies as have other utility funds, but that storm water services do not decrease based on vacancies as water and sewer services decrease. He noted that the Storm Water Fund has a very low fund balance, and that the proposed adjustment will keep the fund healthy.

42 Councilmember Carpenter inquired as to whether proposed utility fee increases are included in the proposed budget. Mr. Dameron stated that fee increases are not included in the tentative budget at this time, but that at the direction of the Council, those fee increases will be included for review prior to approval of the final budget. The Council observed that proposed fee increases are modest, and are necessary to keep pace

with inflation and maintain the health of the Enterprise Funds. Mr. Thurgood observed that annual CPI increases allow for responsible long term planning without the need for large periodic increases.

Mayor Dain called for public comment. Verl Cook thanked the Council for taking action to upgrade the sewer system on the west side of the City. He noted that he has experienced problems with the sewer system on several occasions, and that the improvements are a good step forward for the City.

Mr. Dameron noted that a second public hearing will be held on Tuesday, June 15, 2010 prior to adoption of the final budget. Mayor Dain called for a motion to close the Public Hearing.

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Adjourn City Council Meeting and convene the meeting of the Lindon City Redevelopment Agency –

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING OF THE LINDON CITY COUNCIL AND CONVENE THE MEETING OF THE LINDON CITY MUNICIPAL BUILDING AUTHORITY AT 8:17 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Adjourn the meeting of the Lindon City Municipal Building Authority and reconvene the meeting of the Lindon City Council –

BOARDMEMBER CARPENTER MOVED TO ADJOURN THE MEETING OF THE LINDON CITY MUNICIPAL BUILDING AUTHORITY AND RECONVENE THE MEETING OF THE LINDON CITY COUNCIL AT 8:35 P.M. BOARDMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCIL REPORTS –

COUNCILMEMBER HATCH – Councilmember Carpenter reported that green waste will no longer be accepted at the transfer station, but will be diverted to Timpanogos Sewer Special Service District beginning July 1, 2010.

COUNCILMEMBER BAYLESS – Councilmember Bayless reported that the General Plan Committee is working on proposed changes, and that participants are very engaged in the process.

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported that approximately half of participating cities have approved the Utah Infrastructure Agency Agreement. The agreement has experienced the unanimous support among cities who

2 have considered the agreement. Bond documents will be considered by participating
3 cities during the end of June or the first of July. He encouraged Councilmembers to
4 educate themselves regarding the specifics of the agreement and the bond in order to
5 make an informed decision when voting on the issue.

6 Councilmember Carpenter invited Chief Cullimore to report on Police
7 Department issues and events. Chief Cullimore reported in an Administrative DUI
8 Checkpoint conducted by the Police Department in cooperation with other agencies. The
9 checkpoint was conducted May 28, 2010 at 600 South Geneva Road. Chief Cullimore
10 explained that State highway safety funds pay all costs associated with the checkpoint
11 with the exception of vehicle fuel. Thirty one officers from four agencies were involved
12 in the operation, which resulted in 10 DUI arrests, 12 arrests for warrants, 1 drug
13 possession and distribution arrest, and 4 driving on suspension citations, as well as a
14 number of other minor traffic citations. He reported that motorists stopped in the
15 checkpoint were generally positive, and thanked the officers for their work. He noted
16 that the purpose of conducting the checkpoints is to maintain and enhance traffic safety in
17 Lindon.

18 Chief Cullimore also reported on other events and issues, including the Special
19 Olympics Torch Run, recertification of officers at the EVO range, and a P.E.T.A. protest
20 which took place at the animal shelter the previous Saturday. He explained that the
21 protest was conducted legally, and that no arrests were made.

22 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported that the
23 agreement between the City and a charitable organization donating funds for the
24 Veteran’s Memorial, the Senior Citizen’s Center, and park improvements is nearing
25 completion.

26 **COUNCILMEMBER WALKER** – Councilmember Walker reported that the Chairs for
27 Lindon Days, Tim and Connie Radmall, are doing well and plans for the celebration are
28 progressing. The Council discussed names of residents who may be honored as Grand
29 Marshall of the event.

30 Councilmember Walker reported that he has received complaints from several
31 residents regarding the volume of the music at the Aquatics Center. Mr. Dameron stated
32 that the volume control was a faulty equipment issue which has been corrected.

33 Councilmember Walker also expressed appreciation for the Memorial Day Flag
34 Ceremony.

35 Councilmember Walker stated that he is impressed with the budget staff has
36 presented. He noted that while finances are very tight this year, the budget is very well
37 done. Mr. Dameron observed that if economic conditions do not improve significantly
38 during the coming year budgeting issues for 2011/2012 will be very difficult.

39 **ADMINISTRATOR’S REPORT** –

40
41 Mr. Dameron reported on the following items:

- 42
43 1. An Open House will be held to honor Dorsey Hooley as he retires on Monday,
44 June 14th from 1:00 to 3:00 p.m.
- 45 2. The Council reviewed the Project Tracking List.

- 2 3. Mr. Maddox, applicant for a recent concept review regarding the Creekside
retirement community, has inquired as to the possibility of the Council taking
4 a fieldtrip to tour a community similar to the development proposed by Mr.
Maddox. The Council requested that Mr. Dameron get the location of the
6 development in order to allow them to visit the site individually rather than as
a group.
- 8 4. Ace Disposal has acquired the former Indian Oil site. The Planning
Commission has approved the use on the site, and clean up is underway.
- 10 5. The City is anticipating issuing a Request for Proposals from local banks to
take over the City's banking services.
- 12 6. The Lindon Aquatics Center was recently featured on the Channel 2 Morning
News.
- 14 7. Dave Thurgood will contact Lehi and American Fork to discuss Jordan Valley
Water Conservancy District shares owned by Lindon to determine if either
City is interested in acquiring the shares.
- 16 8. An existing billboard in the T-zone near I-15 will be relocated and extended to
45 feet in height. Billboards are governed by State law.
- 18 9. Some road closures in the area of the transfer station and the animal shelter
will take place as part of the I-15 Core project. Garbage trucks will be
20 rerouted during road closures.

22 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
24 VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
28 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
30 THE MOTION CARRIED UNANIMOUSLY.

32 **ADJOURN** –

34 COUNCILMEMBER CARPENTER MOVED TO ADJOURN THE MEETING
AT 9:44 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
36 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – June 15, 2010

40

42

44

46

James A. Dain, Mayor

Debra Cullimore, City Recorder