

2 The Lindon City Council held a regularly scheduled meeting beginning with a Work
Session at 6:30 p.m. on Tuesday, April 21, 2009 in the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION** – 6:30 P.M.

6 Conducting: James A. Dain, Mayor

8 **PRESENT**

ABSENT

10 James A. Dain, Mayor
Eric Anthony, Councilmember – *arrived 6:50*
12 H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
14 Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator
Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

20 The meeting began at 6:30 p.m.

22 **DISCUSSION** – *The Mayor and City Council met in a Work Session with Cody
Cullimore, Chief of Police, to hear a report on current year data and discuss issues and
24 concerns for fiscal year 2009/2010.*

26 Chief Cullimore presented a report covering incidents from the July 1, 2008 start
date for the Police Department to the present. He noted that the report reflects calls in the
28 City by area. He stated that new software has been ordered which will interface with the
Spillman program and provide a better ability to report and track incidents throughout the
30 City. Chief Cullimore observed that a large number of “suspicious” incidents have been
reported by residents. He noted that community outreach and education programs in the
32 coming year will be based on information gathered during the first year in an effort to
address relevant issues and concerns in the community.

34 Chief Cullimore went on to review the projected 2009-2010 budget. He noted
that the previous year budget included start-up as well as operating costs. He observed
36 that additional funding is being requested this year in personnel and benefits budgets to
cover actual expenses in those areas which were miscalculated or have changed since the
38 previous year budget. He noted that additional funding will be necessary in the overtime
budget to cover mandatory overtime which is currently being used to cover the vacant
40 patrol position. He noted that the total requested personnel budget is approximately a 6%
increase over last year’s budget. He also noted that the increase in the benefits budget is
42 intended to cover the higher than anticipated cost for Workers Compensation insurance
benefits.

44 Mayor Dain inquired as to areas where the budget may be cut if necessary. He
inquired as to what steps could be taken to eliminate the mandatory overtime currently
46 being paid to cover the open position. Chief Cullimore stated that eliminating mandatory

overtime would require removal of the School Resource Officer from that position to cover patrol shifts. Mayor Dain asked about the possibility of eliminating the new Youth Court program from the budget. Chief Cullimore stated that it would be possible to remove the program from the budget if necessary. He noted that Youth Court provides an invaluable opportunity for positive interaction between youth in the community and the Police Department. He noted that there are several areas in the budget where an excess of revenues is anticipated and where funding could be pulled in the event of an emergency.

Mayor Dain asked if a reduction in coverage on patrol shifts would be an option. Chief Cullimore explained that any reduction in coverage would most likely be on the night shift, which could present significant safety concerns for officers working in the community without back-up. He noted that the reduction could impose an unfair burden on neighboring communities who would be obligated to respond to Lindon to back-up officers in emergency situations.

Councilmember Carpenter observed that the proposed budget is nearly status-quo from last year, with a requested increase in personnel costs which is offset by the absence of a Spillman payment this year. He noted that the overall proposed department budget is approximately a 2% decrease from the previous year budget.

Mr. Dameron noted that during preliminary budget discussions, he and Chief Cullimore have discussed and implemented a variety of budget cuts, and that the Chief has been amenable to any reasonable suggestions to reduce his operating budget for the coming year. Mayor Dain and the Council thanked Chief Cullimore for his work in the community.

REGULAR SESSION – 7:00 P.M.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Kalie Gardener, 2008 Little Miss Lindon
Invocation: Ott Dameron

PRESENT

James A. Dain, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator
Woodworth Mataele, Assistant City Planner
Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

ABSENT

Adam Cowie, Planning Director

PROCLAMATION – *“Lindon City Arbor Day Proclamation” sets May 2, 2009 as Lindon City Arbor Day in accordance with Tree City USA requirements.*

2 Mayor Dain read the proclamation designating May 2, 2009 as Lindon City Arbor
Day. Councilmember Anthony invited residents to attend the Arbor Day Celebration at
8:00 a.m. at the Aquatics Center.

4
6 **MINUTES** – The minutes of the Regular Meeting of April 7, 2009 and the Joint Training
Session with the Planning Commission of April 8, 2009 were reviewed.

8 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF APRIL 7, 2009 AND THE JOINT TRAINING OF
10 APRIL 8, 2009. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

12 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
14 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
16 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

18 **OPEN SESSION** –

20
22 Mayor Dain called for comments from any resident present who wished to
address an issue not listed as an agenda item. Kalie Gardener, outgoing Little Miss
Lindon, approached the Council. Ms. Gardener thanked the Mayor and Council for the
24 support during the previous year. The royalty then presented the Mayor with awards
earned by the parade float in celebrations last year in neighboring communities. Ms.
26 Gardener introduced the 2009 Royalty as follows: Kadryn Jones, Little Miss Lindon,
along with attendants Kyra Crenshaw, Louisa Matheny, Ciara McCurdy and Haley
28 Pennock. Mayor Dain thanked the outgoing royalty for their service to the community
over the previous year, and congratulated the new royalty on their accomplishment. The
30 outgoing royalty presented the Mayor and Council with a gift of potted plants in honor of
the theme of their reign, “Plant Love, Harvest Happiness.”

32 Lynn Lemone approached the Council to discuss the possibility of a sanctioned
street bicycle race in Lindon on October 10, 2009. He explained that the race would
34 include a family fun ride prior to the race. He discussed the logistics and personnel for
the race, and noted that entry fees would be expected to cover any costs associated with
36 the race. He stated that any additional funds which exceed actual expenses would be
donated to the Lindon Historical Commission budget.

38 Following discussion regarding the appropriate date for the race, it was the
general feeling of the Council, as well as Mr. Lemone, that it would be appropriate to
40 include the race as part of Lindon Days events the first week of August rather than in
October. Chief Cullimore will coordinate the logistics of the race with Mr. Lemone, and
42 a final race date will be confirmed in the coming weeks.

44 **MAYOR’S COMMENTS/REPORT** –

Mayor Dain reported that there is still time to purchase Aquatics Center pavers. He noted that the pool is on schedule for the planned opening on May 30, 2009. The Council discussed landscaping details, and the planned sod project and Arbor Day Celebration on May 2nd.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Preliminary Plat** – *Maxfield Meadows – Residential Subdivision, Plat “B”*. this is a request by Tom Maxfield for approval of the preliminary plat for Maxfield Meadows, Residential Subdivision, Plat “B”, 1 lot, in the R1-20 zone, at 249 North 800 West. The Planning Commission recommended approval with no conditions.

Tom Maxfield was present as the representative for this application. Mr. Mataele explained that this is a request for a one lot subdivision in the R1-20 zone creating a 30,000 square foot lot identical to lot located to the north of this lot, which was approved by the City in 2007. Mr. Mataele explained that the lot exceeds the 20,000 square foot minimum lot size for the zone, but exceeds the typical 3 to 1 width to depth ratio.

Mr. Mataele went on to explain that in conjunction with the 2007 subdivision application, Mr. Maxfield submitted an ordinance change request which would allow an increase in the permitted width to depth ratio if the proposed configuration is found to be the best use of the property. The approved ordinance change allows up to a 20% increase in the width to depth ratio if approved by the Planning Commission and City Council. The Planning Commission approved this subdivision application, and felt that the requested 8% increase in the width to depth ratio met the intent of the ordinance.

Councilmember Carpenter observed that the 2007 ordinance and subdivision application were approved in part due to the fact that the City had some sense of what would develop on the property. He inquired as to the possibility that the lot may be used in future for an R2-Overlay project. Mr. Maxfield stated that he has sold the property, and that it is his understanding that a single family dwelling will eventually be built on the lot. Councilmember Carpenter requested that Mr. Maxfield communicate to the property owner that the subdivision was presented to the Council as a future single family dwelling site, and that obtaining approval for a higher density development may be difficult.

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

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MAXFIELD MEADOWS PLAT “B” PRELIMINARY PLAT WITH THE CONDITION THAT THE PURCHASER BE NOTIFIED THAT THE PROPERTY IS PLANNED FOR SINGLE FAMILY RATHER THAN MULTI FAMILY DWELLING UNITS.

COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
2 RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE
4 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
6 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
8 THE MOTION CARRIED UNANIMOUSLY.

10 Mr. Maxfield requested clarification as to whether the single family dwelling
stipulation must be addressed in real estate contract. Councilmember Carpenter clarified
12 that the requirement is that the property purchaser be notified of the expectation that the
property will develop with a single family dwelling, but that it is not required in the real
14 estate purchase contract.

- 16 2. **Review and Action** – *Request for Waiver from Connecting to City Sewer System.*
This is a request by Ed Platt for a waiver from having to connect to the City’s
18 sewer system for two temporary mobile classroom units that will be installed and
used by the Karl G. Maeser Academy. The plan is to demolish the existing home
20 on the property. Mr. Platt is asking that the existing septic tank be allowed to be
used for these temporary classrooms. The City Council may approve other
22 sewage disposal methods in cases of undue hardship only when such alternate
method of sewage disposal is approved by the Health Department. The Utah
24 County Health Department has provided a letter indicating that continued use of
the septic tank is permitted by them.

26 Ed Platt was present as the representative for this application. Mr. Mataele
28 explained that this is a request for waiver of connection to the sewer system for two
temporary mobile classrooms on the site which will be occupied by the Karl G. Maeser
30 Academy charter school. Mr. Mataele noted that the City has little regulation authority
over public and charter schools, but that connection to the City sewer system is typically
32 required.

Councilmember Carpenter asked Mr. Platt if there is any expectation that
34 enrollment at the school will increase. Mr. Platt stated that enrollment has increase
incrementally but that a significant increase is not anticipated. He noted that the school is
36 currently using approximately half of the available parking, and the traffic pattern will
remain the same with the temporary classrooms as it is now.

38 Mr. Mataele noted that the proposed plan includes removal of the existing home
on the site to accommodate the temporary classroom facilities. Restroom facilities will
40 not be included in classrooms, and only one sink will be installed to accommodate a
biology lab classroom.

42 Councilmember Anthony inquired as to the anticipated time frame for the
temporary classrooms to be in use. Mr. Plat stated that as the property owner, he has a
44 year to year contract with the school. He estimated that the school will relocate to a
permanent facility in approximately two years. Mr. Platt stated that he is aware that
46 connection to the sewer system will be required at the time permanent development takes

2 place on the site. He felt that connection to the sewer system to accommodate one sink
4 did not seem necessary or reasonable. Mr. Platt clarified that the temporary classrooms
6 will be owned by the school, and that he is leasing the property to accommodate the
facilities. He stated that he is aware that the school is exempt from many typical
development requirements, and that the trailers would not be permitted as part of a
commercial development.

8 Councilmember Carpenter noted that language in the State Code specifies that
10 connection may be waived in the case “undue hardship.” He inquired as to whether
12 economic factors could be considered an undue hardship. City Attorney, Brian Haws,
was present in the audience. Mr. Haws stated that economic factors can be considered,
and that the state statute gives the Council latitude to make decisions based on specific
circumstances.

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

16 COUNCILMEMBER BATH MOVED TO APPROVE THE WAIVER FOR
18 CONNECTION TO THE CITY SEWER SYSTEM FOR THE TEMPORARY
CLASSROOMS ASSOCIATED WITH THE KARL. G. MAESER ACADEMY
20 CHARTER SCHOOL WITH THE CONDITION THAT AT THE TIME THE
FACILITIES CEASE TO FUNCTION AS A SCHOOL FACILITY THE WAIVER IS
NO LONGER VALID. COUNCILMEMBER BAYLESS SECONDED THE MOTION.

22 THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
26 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
28 THE MOTION CARRIED UNANIMOUSLY.

- 30 3. **Public Hearing** – *Surplus Property Resolution (#2009-10-R)*. The City Council
32 will hear public comment and possibly act to approve a resolution declaring
certain property of the City as surplus and approving the disposition of the listed
property. This declaration does not involve real property.

34
36 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38
40 Mr. Dameron explained that this action is to declare the parade float used by the
Little Miss Lindon Royalty as surplus property with a minimum bid of \$500. He noted
42 that small communities will be informed that the float is for sale. If it is not purchased, it
will be sold for scrap. Mayor Dain called for public comment. There was no public
comment. He called for further comments or discussion from the Council. Hearing
44 none, he called for a motion.

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

5 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
6 #2209-10-R. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
7 VOTE WAS RECORDED AS FOLLOWS:

8 COUNCILMEMBER ANTHONY AYE

9 COUNCILMEMBER BATH AYE

10 COUNCILMEMBER BAYLESS AYE

11 COUNCILMEMBER CARPENTER AYE

12 COUNCILMEMBER HATCH AYE

13 THE MOTION CARRIED UNANIMOUSLY.

14 **COUNCIL REPORTS –**

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

16
17 Councilmember Hatch inquired as to whether the open burn dates were changed
18 this year from past years. It was noted that the Utah County Health Department sets the
19 open burn dates and that the City has no influence over the dates or the length of the open
20 burn period.
21
22

23 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
24 *Administration.*

25
26 Councilmember Bayless reminded the Council that in order to pursue the
27 “Healthier You Legacy Award” it will be necessary to take action regarding smoking in
28 public parks. Mayor Dain noted that it may be possible to attach the City to a Resolution
29 passed by the Utah County Council of Governments on this matter. The Mayor will
30 follow up with UCCOG.
31

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

33
34 Councilmember Bath invited Chief Cullimore to report on Police Department
35 activities. Chief Cullimore asked for a Councilmember to be present during an
36 upcoming NOVA graduation at Rocky Mountain Elementary. Councilmember Carpenter
37 will represent the Council at that event.

38
39 Chief Cullimore also reported on the Administrative DUI Checkpoint conducted
40 by the Police Department on Friday, April 17th. Chief Cullimore stated that 30 officers
41 from various agencies participated in the checkpoint. Three drivers were arrested for
42 DUI, with an additional 50 citations being issued for various violations, and 8 arrests
43 resulting from warrants. Chief Cullimore stated that the Utah Highway Traffic Safety
44 Commission was very supportive, and that he anticipates another checkpoint later in the
45 summer. He noted that he is unaware of any complaints from residents, and that several
46 residents actually thanked officers during the checkpoint.

2 Chief Cullimore stated that he has submitted an application for a federal
3 manpower grant. If the City is awarded the grant, two positions will be paid for three
4 years using grant revenue, after which the City is obligated to maintain the positions at
5 the City's expense. Grant funds can be used to fill the currently vacant position, allowing
6 the department to be fully staffed with no impact to the budget.

7 The Police Department Honor Guard will conduct the flag ceremony at the Orem
8 Owlz baseball game on July 3, 2009.

9 Mayor Dain asked Chief Cullimore if he had followed up with residents in the
10 Creekside Meadows subdivision following the incident and neighborhood meeting in that
11 area. Chief Cullimore stated that he conducted a neighborhood watch meeting with
12 residents, and that there is currently no new information regarding the incident and arrests
13 which took place in that neighborhood.

14 Councilmember Bath expressed appreciation to Public Works crews who have
15 been cleaning up and patching streets after winter damage. Mayor Dain noted that crews
16 have also been stepping up to help with the aquatics center project as well.

17 **COUNCILMEMBER ANTHONY** – Parks, Recreation, Engineering, Lindon Fair,
18 Newsletter.

19 Councilmember Anthony reported on Tree Advisory Board activities, including
20 plans for tree placement at the aquatics center. He noted that the Board has
21 recommended that some budgeted Board funds be used to hire a contractor to dig holes to
22 plant the trees in order to get them planted before they die. Appropriate tree placement at
23 the aquatics center was discussed, noting that the Board is advisory to the City Council
24 and staff. Board structure was discussed, and the appropriate method for appointment of
25 new Board members. Mayor Dain suggested that the Arbor Day Celebration planned for
26 May 2nd be moved to the aquatics center at 8:00 a.m. prior to the community sod laying
27 and tree planting project.

28 Councilmember Anthony reported that the Easter Egg Hunt went well and that the
29 weather was not a significant factor at the event.

30 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
31 *Buildings.*

32 Councilmember Carpenter reported on various UTOPIA activities and events. He
33 noted that some stimulus funds may be awarded to the project. Councilmember
34 Carpenter will try and schedule the UTOPIA Mobile Command Center to come to the
35 City Center prior to the May 19th City Council meeting.

36 **ADMINISTRATOR'S REPORT** –

37 Mr. Dameron reported on the following items:

- 38 1. Engineering Coordination Meeting will be held April 22nd at noon at the Public
39 Works Complex.
- 40 2. Mayor Dain, Councilmember Hatch and Mr. Dameron will meet with Orem
41 officials Friday, April 24th to discuss amendments to the sewer service agreement

- 2 and upgrades to the sewer plant. Some stimulus money may be available for
3 completion of the upgrades.
- 4 3. The annual update meeting with Alpine School District will be held Tuesday,
5 April 28th at noon.
- 6 4. Completion of the aquatics center is on schedule. A party for contractors and
7 laborers who worked on the pool is scheduled for May 23rd, with an open house
8 for the public to tour the facility scheduled for May 25th, Memorial Day. A City
9 employee party will be scheduled some time between May 25th and the Grand
10 Opening on May 30th. Engraving is complete on 107 pavers which will be
11 installed in the entry to the pool.
- 12 5. Mayor Dain inquired as to the possibility of a flag ceremony at the cemetery on
13 Memorial Day. Chief Cullimore will coordinate with the honor guard and hold a
14 flag ceremony as requested.
- 15 6. The 700 North project is underway and is expected to be completed by the end of
16 June.
- 17 7. The Budget Committee will meet April 29th at 4:00 p.m.

18 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PAY
19 VOUCHERS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE
20 VOTE WAS RECORDED AS FOLLOWS:

21 COUNCILMEMBER ANTHONY AYE
22 COUNCILMEMBER BATH AYE
23 COUNCILMEMBER BAYLESS AYE
24 COUNCILMEMBER CARPENTER AYE
25 COUNCILMEMBER HATCH AYE
26 THE MOTION CARRIED UNANIMOUSLY.

28 **ADJOURN** –

30 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
31 9:00 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT
32 VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – May 5, 2009

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39
40 _____
Debra Cullimore, City Recorder

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44
45 _____
46 James A. Dain, Mayor