

The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 18, 2009** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: James A. Dain
Pledge of Allegiance: Brooke Bishop
Invocation: Eric Anthony

PRESENT

ABSENT

James A. Dain, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

Bruce Carpenter, Councilmember

The meeting was called to order at p.m.

PRESENTATION – Ron Hatfield, Kelly Bishop, and Brent Bunnell will be recognized for their work on the committee to promote the “Paver Project” for the Aquatics Center.

Kelly Bishop and Ron Hatfield were present at the meeting for this recognition of their efforts in raising funds for the Aquatics Center through the Paver Project. The project allowed families, individuals or organizations to purchase engraved pavers which were placed at the entrance of the aquatics center. Mayor Dain noted that the project raised funds totaling over \$14,000. The Mayor presented Ms. Bishop and Mr. Hatfield with pavers engraved with “Thank You” in recognition of their efforts in behalf of the community. Ms. Bishop expressed appreciation for the aquatics center in the community.

MINUTES – The minutes of the regular meeting of July 21, 2009 and the Open House meeting of August 11, 2009 were reviewed.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE MEETING OF JULY 21, 2009 AND THE MINUTES OF THE OPEN HOUSE OF AUGUST 11, 2009. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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OPEN SESSION –

Mayor Dain called for comments from any residents present who wished to address an issue not listed as an agenda item. Ron Hatfield reported on the Princess Festival fundraising event held recently at his residence. The \$20,000 raised at the event was used by the charity, “In Our Own Quiet Way” which was started by the Hatfield family, to purchase 20,000 tons of rice and beans, which were distributed in famine areas in Kenya. Mr. Hatfield thanked all present for the community support of the charity. He invited everyone to participate in the upcoming masquerade ball fundraiser which will be held on September 12, 2009. Mayor Dain thanked Mr. Hatfield for his charity work.

Doug Christiansen stated that he observed the marquee sign at the City Center Park had advertised this meeting for September 18th, which may have had an impact on residents who wished to attend. Mr. Cowie stated that the wrong date was inadvertently put on the sign for approximately two hours earlier in the day, but the mistake was corrected as soon as staff became aware of it.

MAYOR’S COMMENTS/REPORT –

Mayor Dain thanked residents and committee members for their participation in Lindon Days events. He thanked Kim Tomlinson, who was in attendance, for overseeing the cars show event, which was well attended.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Public Hearing** – *Plat Amendment – Stableridge Residential Subdivision, Plat “C”*. The City Council will hear public comment and possibly act to approve a plat amendment to Plat “A” of the Stableridge Residential Subdivision. If approved, this amendment will shift the shared property line for Lot #1 and Lot #2 of Plat “A” thereby creating a new Plat “C”. The Planning Commission recommended approval with no conditions.

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

Paul Magleby was present as the representative for this application. Mr. Cowie stated that this is a request by Paul Magleby for approval of minor subdivision amendment. Mr. Magleby lives in the existing home on 75 North, and has purchased the adjacent vacant lot. This request is to move the rear property line 25 feet to the north to increase the setback of the existing dwelling. The Planning Commission reviewed the request and recommended approval with no conditions. Mr. Cowie stated that there are not staff concerns.

2 Councilmember Anthony stated that he knows Mr. Magleby, but that there is no potential
3 conflict of interest for him relative to this application. Mayor Dain called for further comments
4 or discussion. Hearing none, he called for a motion.

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6 COUNCILMEMBER HATCH MOVED TO APPROVE THE STABLERIDGE PLAT C
7 RESIDENTIAL SUBDIVISION PRELIMINARY PLAT. COUNCILMEMBER BATH
8 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

9 COUNCILMEMBER ANTHONY AYE
10 COUNCILMEMBER BATH AYE
11 COUNCILMEMBER BAYLESS AYE
12 COUNCILMEMBER HATCH AYE

13 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING.
15 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN
16 FAVOR. THE MOTION CARRIED.

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18 2. **Public Hearing** – *Truth in Taxation Hearing – Consideration of a Proposed Property*
19 *Tax Increase (Resolution #2009-19-R)*. The City Council will hear public comment and
20 possibly act to approve, amend, or deny a proposed increase to the certified property tax
21 rate for Lindon City. The City Council held two “Open House” meetings on July 21,
22 2009 and August 11, 2009 to receive citizen input and to present the factual reasoning
23 behind the proposal.

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25 Mayor Dain thanked residents for attending this meeting to discuss this issue. He
26 reviewed the format for the meeting. He stated that the City’s independent auditor would give a
27 presentation, followed by a video presentation from Councilmember Carpenter, who was unable
28 to attend this meeting due to an out of town family emergency. Following Councilmember
29 Carpenter’s video, residents would be given an opportunity to address the Council. Mayor Dain
30 invited residents to speak from the podium. He asked that residents keep comments as brief and
31 concise as possible, and that each resident speak one time only. He asked that the audience
32 refrain from applause or “booing,” which can be divisive and unproductive. He asked residents
33 to conduct themselves in a respectful manner. He explained that following the public comment
34 period, the public hearing would be closed, and no further comments would be taken from the
35 audience. He called for a motion to open the Public Hearing.

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37 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.
38 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN
39 FAVOR. THE MOTION CARRIED.

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41 Mr. Dameron reviewed information which has been available to residents regarding this
42 proposed property tax increase, including information in the City newsletter, public notices
43 posted on the City and State website and a variety of newspaper articles. He noted that
44 informational public Open Houses were held on July 21st and August 11th to provide residents an
45 opportunity to get accurate information and express concerns to the Council regarding this
46 action.

2 Mr. Dameron noted that a potential property tax increase has been discussed by the
3 Council each year for several years due to concern regarding the eroding certified tax rate and
4 the City's ability to pay the cost of essential public safety services using this stable revenue
5 source. He clarified that property tax revenue currently covers approximately one third of the
6 cost of public safety services, including police, fire and emergency medical services.

7 Mr. Dameron explained that based on the certified tax rate in 2008, if a homeowner paid
8 \$2,000 in property taxes, Lindon City received \$280. He stated that the proposed tax adjustment
9 would increase the property tax on a \$300,000 home by \$5.35 per month. The increased revenue
10 would be used to offset the cost of the increased level of full time fire and emergency medical
11 coverage.

12 Mr. Dameron went on to review action which has already been taken by the City Council
13 and City staff in response to the decrease in sales tax revenue due to the recent economic
14 downturn. He stated that staffing is currently down 6 positions. In addition, no cost of living or
15 merit pay increases are proposed for employees this year. Capital projects scheduled for this
16 year have been deferred, and will be completed at some time in the future as revenue becomes
17 available. Operational expenses for the City are being monitored monthly to ensure that all
18 feasible methods to control costs are being implemented. In addition, the City has taken short
19 term loans in the amount of \$1.7 million from the Enterprise Funds to offset potential budget
20 shortfalls in the current year. The loans will be repaid at the discretion of the Council as revenue
21 becomes available.

22 Mr. Dameron noted that some fire insurance companies are offering a discount for
23 Lindon residents based on the proximity to the full time fire station. He suggested that residents
24 contact their insurance company to determine whether a discount may be available, which could
25 offset the cost of the property tax increase. Mr. Dameron also noted that the 700 North corridor,
26 which was completed by Utah County using grant funds, creates potential for future commercial
27 development to increase sales tax revenues.

28 Mr. Dameron noted that several residents have expressed concern regarding the impact of
29 an increased property tax on residents living on a fixed income. He explained that Utah County
30 has a mechanism in place which allows a waiver of property taxes for residents living on a fixed
31 income if they meet minimum income guidelines. He noted that several elderly residents in the
32 community have expressed support of the property tax increase to fund the improved level of fire
33 and medical services in the City.

34 Mr. Dameron invited the City's independent auditor, Mike Stoddard of CPA Network, to
35 address the Council and the audience at this time. Mr. Stoddard stated that when the City began
36 to realize the effects of the downturn in the economy, he took the responsibility of researching
37 the City's certified tax rate for since 1986 when Truth In Taxation laws were passed. He
38 explained that Truth In Taxation laws are revenue neutral, and create an increase in Property Tax
39 revenue based on growth only, with no increase due to inflation. The present tax structure results
40 in a ratcheting down of property tax revenue due to inflation. He noted that the City has
41 historically forgone any COLA increase to the certified tax rate since 1986, with no property tax
42 increased in that time. He stated that the constant ratcheting down of property tax revenues
43 could place the City in a precarious position as far as basic and essential services if the issue is
44 not addressed.

45 Mr. Stoddard noted that Lindon City, and city's in general, have experienced fortunate
46 economic times for the past 20 years with an abundance of sales tax revenue. He noted that the
47 current nationwide economic crisis has resulted in a dramatic drop in sales tax revenues, which

2 has forced many cities to address the issue of eroding property tax revenue. He explained that in
Lindon, property tax revenue has eroded 57% over the past 22 years. Without an adjustment, the
revenue source will continue to erode over time.

4 Councilmember Bayless noted that in addition to considering the dollar amount, it is
necessary to consider the purchasing power of those dollars in 1986 as opposed to the purchasing
6 power of the same number of dollars today. Mr. Stoddard gave the example of home which was
built in 1970 at a cost of \$35,000. That same home is worth \$250,000 to \$300,000 today. He
8 stated that this constant erosion tremendously distorts long term financial planning for cities. He
stated that maintaining property tax revenue is essential for the City to continue support basic
10 and essential services regardless of economic conditions. Mayor Dain thanked Mr. Stoddard for
his comments and his expertise.

12 At this time, the video presentation provided by Councilmember Carpenter was played
for the audience. In his presentation, Councilmember Carpenter pointed out that City officials
14 have the responsibility to do what is best for the community, even if the action is unpopular or
unpleasant. He noted that the Council made a decision to address this issue now, even in an
16 election year, because it is important to the long term financial well being of the City.

18 Councilmember Carpenter went on to explain that the intent of the current tax structure is
to have basic essential services funded by stable property tax revenue, with capital projects and
other expenditures being funded by more volatile revenue sources, such as sales tax. He noted
20 that without periodic intentional property tax increases, property tax revenues continually
degrade. He observed that Lindon, and many other communities, have allowed sales tax revenue
22 to fund in increasing portion of essential services, as well as a variety of capital improvements.

24 Councilmember Carpenter invited residents to review their annual property tax notice.
He explained that in doing so, residents will find that they pay approximately the same dollar
amount to the City that they paid 30 years ago. He noted that those revenues now buy
26 approximately ¼ of what the same revenue would buy 30 years ago. He stated that failure on the
part of the Council to reverse this trend would leave the current level of essential services
28 vulnerable.

30 Councilmember Carpenter reviewed the current state tax system. He noted that without a
periodic adjustment, there is no mechanism in place to compensate for inflation. He explained
that annual tax assessments include taxes paid to the City, Utah County, and the school district.
32 He noted that Alpine School District raised their portion of annual assessments dramatically two
years ago in an effort to establish adequate revenue to cover increasing costs. He explained that
34 the portion of the overall assessment paid to Lindon City is approximately 14% of the total
assessment.

36 Councilmember Carpenter explained that the cost of public safety, fire and emergency
medical services is currently approximately \$3.2 million dollars. He stated that current revenue
38 received from the City through property taxes is approximately \$1 million dollars. He stated that
without an adjustment, property taxes will continue to generate a lower and lower percentage of
40 costs though this revenue source, which would be problematic for a variety of reasons. He noted
that the current state of the economy has brought this potential weakness to the attention of the
42 Council due to declining sales tax revenues which have been used to fund essential services in
recent years. He noted that without the proposed increase, the City may become property tax
44 poor, which could result in the City also becoming service poor as revenues decline and services
must be reduced.

2 Councilmember Carpenter noted that there is never a 'good' time to raise taxes. He noted
4 that the state formula for sales tax distribution was changed several years ago, which reduced the
6 amount of revenue paid to Lindon for taxes generated in Lindon. Along with the recession and a
8 significant reduction in overall sales tax revenue, the City has been placed in a vulnerable
10 situation. He noted that he proposed increase will produce approximately \$300,000 in revenue,
12 which will exactly offset the increased cost of fire, EMS and dispatch services provided through
14 a contract with Orem City.

16 Councilmember Carpenter noted that in addition to considering an increase in taxes, the
18 City has also cut costs in many areas. He noted that cutting costs further would result in a
20 reduction in services provided by the City. He noted that potential layoffs could result in the loss
22 of qualified, professional staff, and that residents should understand that any such cuts would
24 result a reduction of service level.

26 Councilmember Carpenter noted that the question has been asked by residents, "Why
28 can't the City live within it's means?" He explained that if a person had the same job for 30
30 years without a raise in pay, it would be misguided to think that a revenue shortfall in that
32 situation would be the result of not living frugally. He explained that it is the Council's
34 responsibility to determine the proper mix of tax revenue sources to create a sound long term
36 financial plan for the City. He noted that long term planning should include regular adjustments
38 to property tax rates to compensate for inflation. He asserted that any arguments to the contrary
40 are arguments for a reduction in services. He stated that it is a question of what residents want
42 the City be, and whether they feel the services the City provides are worth paying for.

44 At the conclusion of Councilmember Carpenter's presentation, Mayor Dain opened the
46 meeting for public comment. He noted that the Council will not respond to individual
comments, but will take all public comment and respond at the end of the public comment
period. Doug Christiansen observed that the projected \$300,000 in revenue which will be
generated does not compensate for the \$1.7 million dollar loans from the enterprise funds. He
felt that this increase does not address the long term problem, and asked what the Council has in
mind to address the long term issue.

30 Dennis Moss thanked the Mayor and Council for their hard work in behalf of the
32 community. He stated that he feels the City is run very efficiently. He noted that the service
34 level in the City has increased dramatically in the past two years, and that those improvements
36 are important and valuable to him. He stated that he appreciates the level of service, the
38 responsiveness of the Police Department to the needs of the community, and the safety of full
40 time fire and EMS services. Mr. Moss stated that he is supportive of the proposed tax increase to
42 pay for the current level of service in the City.

36 Bruce Armstrong commended City staff and officials for their efforts in getting
38 information about this proposed tax increase out to the community. He expressed respect for the
40 Mayor and City Council, noting that they are all honorable people who do good things for the
42 community. He stated that he disagrees with this proposed property tax increase. Mr.
44 Armstrong presented figures which show in increase in property tax revenue since 1986 at rate
46 which exceeds population growth. He asserted that overall property tax revenues paid to the City
have increased an average of 30% each year. Mr. Armstrong stated that City officials have
indicated that the current pattern is not sustainable. He suggested that it is not sustainable for
City spending to increase an average of 30% each year. He noted that Utah County decreased
spending by 30% this year, and that necessary reductions in services will not be easy but may be
necessary.

2 Ed Smith stated that he lives in the Creekside Meadows subdivision. Last year, Mr.
3 Smith has a medical emergency at his home and called the ambulance. He noted that the
4 response was extremely quick to his emergency, and that the safety provided by the increased
5 service level is worth a lot of money to him. He stated he loves the community and the City, and
6 that he feels the proposed property tax increase is not unreasonable.

7 Jeff Williams stated that he is a commercial appraiser and works on the Board of
8 Equalization for Utah County. Mr. Williams stated that he loves Lindon City and that he plans
9 to stay here. He asserted that there were signs that the economy was struggling as early as 2007,
10 before construction on the pool began. He felt that the decision to place the City in debt to build
11 the pool was not a good decision. Mr. Williams offered his services to the City free of charge to
12 assist in future financial planning. Mr. Williams asserted that forecasts show that the economy
13 will not recover for at least two years.

14 Fred Lee stated that he is disappointed with the City, and in particular with the Police
15 Department for arresting his children for violations of the law. Mr. Lee felt that the City had no
16 grounds to ask residents for more money.

17 Boyd Walker stated that the figures he has reviewed indicate that tax revenues to the City
18 have in fact increase in the last 20 years. He stated that while lay offs may be difficult, they may
19 be the proper course of action to address the current economic climate. He felt that the City
20 should continue to decrease expenditures rather than increase taxes.

21 Bill Hardy stated that he is on Social Security and can not afford to pay additional taxes.
22 He stated that his full assessment increased 10.98% this year, and that his Social Security did not
23 increase enough to cover the additional assessment. He felt that asking residents to pay
24 additional taxes when they are experiencing other financial hardships is difficult to justify. He
25 suggested that the City could increase revenue by imposing fines for property owners in violation
26 of the weed ordinance.

27 Arian Kocherhans stated that her husband was laid off from his job last year, and that
28 their family has had to cut their expenditures, including air conditioning this summer. She asked
29 the Council to keep in mind that many families are already struggling financially. She also noted
30 that small businesses are being impacted by the current economy, and that an additional tax
31 burden may be detrimental to small business owners. She expressed appreciation for the current
32 level of police, fire, and EMS services. She suggested that if layoffs are necessary, that office
33 staff be laid off.

34 Pat Larsen stated that she lives on 400 North, which has a high traffic volume. She
35 expressed concern regarding the lack of police presence and traffic enforcement on her street.
36 She suggested that writing additional traffic citations could be an additional revenue source. Ms.
37 Larsen also expressed concern regarding unresolved flooding issues at her home which result
38 from runoff in storm events. She asserted that during recent flooding events, she called for
39 assistance from the fire department. She was told at time that the fire department was
40 responding with sandbags, but they didn't ever arrive at her home. Upon further investigation,
41 she learned that they had responded the Mayor Dain's home, which is further east on 400 North.
42 Ms. Larsen expressed concern regarding the level of service she is receiving, and felt that an
43 additional tax burden would not be reasonable.

44 Brandon Dupuis asserted that this meeting is only a formality, and that the decision to
45 raise taxes has essentially been made. He felt that the current budget crisis was a result of poor
46 planning. He agreed that inflation is an issue, and that inflation is the cause of the 'bubble
economy' which recently burst. He stated that he understands the logic behind a COLA

adjustment to tax rates. He asserted that the directing the discussion towards public safety services is a 'scare tactic' often used by municipal government when considering a tax increase. He expressed concern about the lack of involvement of citizens in this discussion, either because they are unaware of the issue or don't care about the issue. He inquired as to what long term solution the Council has to address budget shortfalls in future years, as the proposed tax increase does not offset the current shortfall.

Jeanette Shepherd stated that she is the owner of the local business "Somewhere Inn Time." She stated that her total current year assessment on her business increased 100% over last year. She stated that her business has been impacted by the recession. She felt that further tax assessments may take out some small businesses who are already struggling.

Clair Larsen stated that it is very frustrating living on 400 North. He agreed with statements made by his wife that traffic enforcement is not adequate and that the police department is not providing adequate enforcement. He stated that he was present at the City Council meeting when Lindon made the decision to contract with Orem for full time fire and EMS services. He stated that Pleasant Grove had made an offer to provide full time service at a lower cost. Mayor Dain corrected Mr. Larsen, and explained that Pleasant Grove in fact specifically stated that they would be unable or unwilling to provide full time fire and EMS services.

Kim Tomlinson noted that property values are down, and that tax assessments have increased dramatically. Mayor Dain explained that valuations and overall assessments are determined by the county, and that the City has no say in property valuations. He suggested that Mr. Tomlinson contact the county to determine whether a mistake has been made and he has been over assessed. Another audience member stated that he had a similar tax notice. After contacting the county, it was determined that a mistake had been made.

Julie Hamling suggested that the aquatics center could have generated additional revenue if it had been constructed as a year round rather than a seasonal pool. She also suggested that the City could use the services of Eagle Scout candidates to complete some projects in the City and save some expenses. Mayor Dain explained that the City is always willing and anxious to work with Eagle Scout projects, and does so on a regular basis.

Nile Richins stated that his lives on a fixed income provided by disability insurance. He stated that he has not received a COLA increase on his income in over two years. He noted that if taxes are increased, he has no additional income to offset that expenditure. He asserted that citizens are required to pay a variety of 'hidden' taxes, such as franchise taxes. He felt that the City should take the responsibility to cut expenditures. Mr. Richins felt that he had seen no increase in police services since the City started their own police department.

Michael Hepting stated that due to the impact of the economy, his employer has required every employee to take a one week furlough, and wages have been cut. He stated that he can not afford to pay the proposed property tax increase.

Maxine Smith stated that she also lives on a fixed income. She noted that increases imposed by the City are only part of the overall tax equation, and that her property taxes have increased dramatically over the years. She felt that if the City had forgone construction of the Lindon Heritage Trail and the aquatics center residents would not be faced with a property tax increase. She suggested that there were additional budget cuts which could be made, such as a reduction in benefits for employees.

Robert Evelyn stated that he has lived in Lindon for nine years. He stated that he has observed a great deal of growth in the City in that time, most of which has been well managed

2 and appropriate. He questioned whether the use of bonds which place the City in debt were the
4 best mechanism to complete new improvements. He expressed concern regarding the impact of
6 increasing tax burdens on small business owners. He felt that the increased level of public safety
8 services is valuable to residents, but expressed concern regarding forward thinking financial
10 planning for the City. He suggested that the City save money until cash can be paid for
12 discretionary capital projects. Mayor Dain explained that state law does not allow the City to
14 accumulate funds, and that only 18% of the budget can be held in reserve from year to year. Mr.
16 Evelyn noted that he donates his time and services each year to publishing the program guide for
18 Lindon Days. He suggested that less money could be spent on Lindon Days as a cost cutting
20 measure.

22 Mayor Dain called for further comments or discussion from the audience. Hearing none,
24 he called for a motion to close the Public Hearing.

26 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING.
28 COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN
30 FAVOR. THE MOTION CARRIED.

32 Mayor Dain observed that every member serving on the City Council is in that position
34 because of their love of the community. He explained that the Mayor and Council are paid a
36 minimal amount each month, and that there is no motivation to serve on the Council for personal
38 gain. He observed that the City has taken a straightforward approach in addressing this difficult
40 issue, and that the Council saw a financial need in the City and acted on it.

42 Mayor Dain noted that several residents had suggested the possibility of additional
44 staffing cuts. He stated that it is not the intention of the Council to place the burden of the entire
46 shortfall on the backs of residents. He noted that staffing is currently down 10%, and that other
staff are taking on extra duties to make sure residents have what they need. He noted that City
staff serves the community protecting life and property. He agreed that additional cuts in
staffing may be necessary, but that it is necessary to create a balance between expenditures and
services. He noted that the dramatic increase in service residents have realized in recent years
costs additional money, and that it is the responsibility of the community to pay for those
services.

48 Mayor Dain noted that the City has been recognized by the Utah Valley Homebuilders
50 Association as the friendliest city to work with in the valley. He asserted that the City is not
52 overstaffed. He recounted an incident in which several mothers of children with disabilities
54 approached the City requesting an adaptive swim lesson program for their children. City staff,
56 specifically Parks and Recreation Director Dan Seder, had the program up and running a very
58 short time. Mayor Dain stated that City staff makes every effort to be as responsive to the needs
of residents as possible.

60 Mayor Dain stated that he shares concerns for elderly residents living on a fixed income.
62 He noted that his mother-in-law lives on a fixed income, and that she has expressed that the
64 current level of police, fire and emergency coverage is well worth the cost to residents. He
66 asserted that the high level of service gives elderly residents the peace of mind to perhaps be able
to stay in their own homes and not be forced to move to an assisted living facility.

68 In response to comments regarding police and fire protection, Mayor Dain noted that
70 many residents were strongly in favor of a full time fire department, particularly following a
72 slow response from Pleasant Grove Fire Department which caused a structure to burn to the
74 ground.

2 ground. Following that incident, many residents expressed a strong desire to have a full time fire
3 response in Lindon.

4 Mayor Dain agreed that while the aquatics center is beneficial to the community, it was
5 not an essential improvement. He explained that the decision to move ahead with the project
6 was made long before the economic change. He noted that the City had experienced a budget
7 surplus for several years prior to building the pool, and that if the decision were made today the
8 pool would likely not have been built.

9 Mayor Dain explained that the Lindon Heritage Trail was completed using federal grant
10 funds administered by the Mountainland Association of Governments. He explained that the
11 funds were designated specifically for trails. Mayor Dain noted that the proactive efforts of City
12 staff made the trail possible, and made it possible for those funds to be used in Lindon to benefit
13 residents, rather than in another community.

14 Mayor Dain observed that Lindon residents have had the luxury for many years of having
15 others pay for City services in the form of sales tax revenues. He noted that due to the current
16 economy, the sales tax 'bubble has burst,' and action must be taken to address the situation. He
17 stated that if approved, tax increases will be combined with budget cuts for non-essential
18 services to make sure essential services continue to be provided. He observed that the current
19 economy may be a long term issue, and that residents of Lindon have a responsibility to do their
20 part in paying for these services.

21 Councilmember Anthony expressed appreciation to residents for the tone of this meeting,
22 and the focus residents have given to the subject at hand. He noted that the Council does not
23 always agree when discussing budget issues, and that all Councilmembers do not always agree
24 about financial decisions. He explained that his professional position with a large company
25 requires him to understand the economy and forecast changes. He noted that there are indicators
26 that the economy has started the recovery process, but that the recovery will be slow.

27 Councilmember Anthony also noted that he owns a small business with his siblings, and
28 that taxes do affect the budget of that small business. He noted that he is also a property owner
29 and resident affected by tax increases.

30 Councilmember Anthony noted that the large company where he is employed does
31 respond to economic fluctuations using layoffs and other major cuts, or expansions, depending
32 on the economy and economic forecasts. He stated that he does not promote that philosophy,
33 particularly for the City. He noted that the Council must consider not just a short term fix, but a
34 long term plan which creates a stable revenue source for the City.

35 Councilmember Anthony noted that the City has a long tradition of meeting financial
36 obligations using a variety of revenue sources. He observed that the current year is one data
37 point, rather than a trend for the City. He noted that a large portion of sales tax revenue has been
38 paid by car sales, which have been dramatically impacted by the economic downturn. He also
39 noted that Murdock Hyundai, currently located in Orem, is moving their business to Lindon,
40 which is expected to generate some additional sales tax revenue in the coming year. He asserted
41 that additional layoffs at this time based on circumstances of a single year would be short
42 sighted. He stated that if current economic conditions persist beyond the year, it will be
43 necessary to look at long term solutions, while maintaining a balance between services and
44 personnel. He observed that the City will also promote new commercial growth to increase and
45 diversify the sales tax base in the City.

46 Councilmember Anthony went on to present information regarding his own property tax
47 assessments from 1995 to the present. He noted that the market value of his home in 1995 was

2 \$189,000, and in 2009 is \$351,000. Using various graphs, Councilmember Anthony
4 demonstrated that aside from minor annual fluctuations, he is paying essentially the same
6 property tax to the City that he paid in 1995, between \$250 and \$290 annually. In that same time
8 period, the amount paid to Alpine School District has increased by approximately \$1,000. He
10 noted that Alpine School District has been proactive over the years in making appropriate
12 adjustments to create an adequate, stable revenue source to cover increasing expenses due to
14 growth and inflation.

16 Councilmember Anthony noted that if a person was paid a salary of \$50,000 a year in
18 1995, and had no pay increases since that time, the current pay would be equal to \$28,000. He
20 observed that it would not be possible to live on a paycheck if no adjustment for inflation was
22 ever made.

24 Councilmember Bayless stated that she concurs with the comments made by Mayor Dain.
26 She commented on one suggestion made by resident regarding a year round aquatics facility.
28 She explained that the Council had a limited amount of funding available, and that revenue was
30 not adequate to build a year round facility. She noted that as well as construction costs,
32 operational costs would have increased significantly for a year round facility, which would have
34 resulted in a larger financial drain on the City budget. She noted that the lap pool has been
36 constructed in such a way that it could be enclosed in the future if funds become available.

38 Councilmember Bayless agreed that the City is actively involved with many Eagle Scout
40 projects, and that all residents are invited to work to benefit the community. She noted that the
42 City will continue to monitor expenditures on a monthly basis, and will make necessary and
44 appropriate budget cuts during this process. She went on to review budget cuts which have been
46 implemented. She stated that the City currently has a dedicated staff that have each made
personal sacrifices this year to make sure the needs of residents are met. She explained that
additional staffing cuts will directly impact the quality of life and level of service residents
currently enjoy.

Councilmember Bayless expressed concern regarding the impact of additional taxes on
small businesses. She observed that it is necessary to look closely at priorities, and consider
what we are willing to give up, and if a high quality of life is worth a certain amount of sacrifice.

Councilmember Bath thanked residents for their participation and comments. He
observed that several residents indicated that they feel this meeting is only a formality, and that
the decision has already been made. He assured residents that their input has been an important
factor in the decision making process.

Councilmember Bath explained that he is also retired and living on a fixed income. He
noted that when a financial obligation comes up, he typically has to give up something to pay the
obligation. He expressed an understanding for the concerns of residents living on a fixed
income.

Councilmember Bath noted that Pleasant Grove Police, Fire and EMS did a good job for
the City during the years of their partnership. However, the size of the City reached a point
where the level of service residents were demanding could not be provided through a contract
with an outside agency. He explained that the cost for the Police Department is roughly
equivalent to the cost for outside contract services. He stated that after contacting several
insurance companies regarding homeowners insurance, he received a discount based on full time
fire coverage in the City which will offset any tax increase approved by the Council.

Councilmember Bath stated that he has been in public service for 45 years, and that he
has never labored over a decision as much as this decision. He stated that he is very troubled

2 about what is happening with the economy nationwide. He stated that the City has cut
3 expenditures as much as possible without affecting the quality and level of service to residents.
4 He stated that the Council has provided all the facts to the public, and has presented in
5 information in an open and honest manner, and now each Councilmember must make a decision
6 as to what is best for residents and the community. He stated that he had not made a decision at
7 this time whether to approve or deny the increase.

8 Councilmember Hatch expressed agreement with comments made by other
9 Councilmembers and the Mayor. He commended employees for their hard work and dedication
10 to the City. He stated that when the Council decided to form a police department, it was their
11 goal to have the best police force in the state, and that Chief Cullimore has succeeded in creating
12 that force. Councilmember Hatch stated that there have been comments made about lack of
13 service from the police department. He stated that he does not see that, he sees them patrolling
14 all around the community, and ready to respond at a moments notice. He stated that the Police
15 Department serves the community well, and is happy to respond to problem areas if they are
16 notified of specific issues.

17 Councilmember Hatch commended Parks and Recreation Director, Dan Seder, for his
18 hard work and expertise in opening and operating the pool. He noted that Mr. Seder took a cut in
19 pay to work in Lindon, and that the community is lucky to have him here.

20 Councilmember Hatch stated that he has agonized over this decision, as have all
21 Councilmembers. He noted that the City has implemented many budget cuts, and will
22 implement more if necessary, but that declining property tax revenues must also be addressed.
23 He stated that his concern is for future generations if this issue is not addressed and revenue
24 sources continue to erode.

25 Mayor Dain observed that the Council has three options before them at this time. The
26 Council can approve the proposed tax increase, amend the proposed tax increase, or deny the
27 proposed tax increase. He called for further comments or discussion. Hearing none, he called
28 for a motion. Councilmember Anthony observed that consideration of this tax increase has been
29 a very open process. He made the following motion:

30 COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2009-19-R
31 SETTING THE CERTIFIED TAX RATE FOR THE YEAR 2009-2010, INCREASING THE
32 CERTIFIED TAX RATE FROM .001296 TO .001686, NOTING THAT COMMENTS FROM
33 CITIZENS DURING THE DISCUSSION AND PUBLIC HEARING PROCESS ARE
34 GUIDING INFLUENCES BEYOND TONIGHT, AND WILL GUIDE THE FUTURE
35 DIRECTION OF BUDGETING AND EXPENDITURES, AND THAT THE MEETING
36 TONIGHT IS VERY IMPORTANT TO HOW THE COUNCIL WILL RESPOND TO LONG
37 TERM ISSUES. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE
38 WAS RECORDED AS FOLLOWS:

39 COUNCILMEMBER ANTHONY AYE
40 COUNCILMEMBER BATH NAY
41 COUNCILMEMBER BAYLESS AYE
42 COUNCILMEMBER HATCH AYE
43 THE MOTION CARRIED (3-1) WITH ONE ABSENT.

44 Mayor Dain again thanked residents for their attendance and participation in this
45 discussion.

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3. **Review and Action** – *Lindon City Planning Commission Appointment*. This is a request by Mayor Dain for the City Council’s consent and approval of the appointment of Angela Neuwirth to the Lindon City Planning Commission for a three year term.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE APPOINTMENT OF ANGELA NEUWIRTH TO THE LINDON CITY PLANNING COMMISSION FOR A THREE YEAR TERM. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4. **Review and Action** – *Bid Award – 400 North Street/Drainage Improvement Project*. This is a request by staff for the Council’s review and approval of the bid award for the 400 North Street/Drainage Improvement Project. The project includes paving the shoulder and installing some drainage pipe to improve run-off along 400 North from approximately 100 East to 60 West. Staff recommends the bid be awarded to the low bidder, Sunroc Corporation, with a bid of \$51,724.50.

Mr. Dameron explained that project is intended to address the flooding issue on 400 North referred to earlier in the evening by Ms. Larsen. He recommended that the bid be awarded to the low bidder, Sunroc Corporation. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO AWARD THE BID RO THE 400 NORTH STREET/DRAINAGE PROJECT TO SUNROC CORPORATION IN THE AMOUNT OF \$51,724.50. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

5. **Review and Action** – *Appointment of Poll Workers and Voting Locations – 2009 Municipal Elections*. The City Recorder recommends the City Council approve the list of poll workers and voting locations for the 2009 Municipal Election.

The City Recorder noted that there are several Poll Worker positions yet to be filled. Additional poll workers may be needed for early voting if voter turnout is greater than

2 anticipated. She requested that the Council approve the poll worker list, and provide authority to
3 amend as necessary. Mayor Dain called for comments or discussion from the Council. Hearing
4 none, he called for a motion.

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6 COUNCILMEMBER HATCH MOVED TO APPROVE THE POLL WORKERS AND
7 VOTING LOCATIONS FOR THE 2009 MUNICIPAL ELECTION, AND TO PROVIDE
8 AUTHORITY TO THE CITY RECORDER TO AMEND THE LIST AS NECESSARY.
9 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS
10 RECORDED AS FOLLOWS:

11 COUNCILMEMBER ANTHONY AYE
12 COUNCILMEMBER BATH AYE
13 COUNCILMEMBER BAYLESS AYE
14 COUNCILMEMBER CARPENTER AYE

15 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

16 **COUNCIL REPORTS** –

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

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20 Councilmember Anthony had no items to report.

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22 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
23 *Administration, Healthy Lindon.*

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25 Councilmember Bayless had no items to report.

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

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29 Councilmember Bath invited Chief Cullimore to report on Police Department activities.
30 Chief Cullimore thanked Mr. Dameron, Mayor Dain, and several members of the Council for
31 their support of officers during the recent physical training test. He noted that the officers
32 sincerely appreciate the support of the Council.

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34 Chief Cullimore reported on the “Drill Down For Safety” community preparedness drill
35 planned for September 11, 2009. He invited the Mayor and Council to be present at the
36 command center during the drill. He noted that Lindon is one of only 10 communities
37 nationwide participating in the event. He stated that the event is being publicized through LDS
38 wards and stakes. The ward structures have indicated that every resident, including those not
39 associated with the church, will be notified and encouraged to participate in this community
40 event.

41
42 Chief Cullimore reported that the 14 year old boy recently injured in a bicycle accident at
43 the State Street undercrossing is now breathing on his own, and is able to open his eyes
44 periodically. The long term prognosis is unclear at this time. Officer have met with the family
45 and gathered details of the incident.

46 The Police Department submitted a grant application to the National Rural Law
Enforcement Center to purchase an unmanned helicopter which could be used in search and

rescue operations. Sergeant Edwards has been invited to San Diego at the expense of the National Rural Law Enforcement Agency to give a presentation on the proposal. Chief Cullimore requested approval from the Council for Sergeant Edwards for the out of state travel. The Council felt that the proposal would benefit the community, and surrounding communities, and approved the out of state travel for Sergeant Edwards.

Chief Cullimore also requested approval for Officer Dave Welcker to attend the Utah Narcotics Officers Association convention, which will be held out of state in Mesquite, Nevada. Chief Cullimore explained that Officer Welcker is the Treasurer of the Association, and that the training he receives at the convention is valuable to the Department and the community. The Council approved this training for Officer Welcker.

Councilmember Hatch asked Chief Cullimore if he had ever considered converting the department fleet to natural gas fuel. Chief Cullimore stated that he has not looked into the possibility, but that he will investigate whether other agencies have converted vehicles.

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

Councilmember Hatch had no items to report.

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

Councilmember Carpenter was not present at the meeting.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:

1. The Council received a thank you card from the mother of a child with disabilities who is participating the adaptive swim lessons at the aquatics center.
2. Engineering Coordination Meeting will be held August 19, 2009 at noon at the Public Works Complex.
3. An employee appreciation picnic will be held September 10th at 6:00 p.m. in the City Center Park. The Mayor and Council will provide the main course and drinks, with employees bringing “pot luck.”
4. The Primary Election will be held on September 15th. A City Council meeting scheduled for that evening will be cancelled.
5. The Council reviewed the project tracking list.
6. Mr. Dameron invited Chief Cullimore to present his concept for a community farm. Chief Cullimore stated that the proposed location for the farm would be the property west of the cemetery which is owned by the City. Community involvement would include retired farmers, youth and community groups and master gardeners. Utah State University and other state organization have expressed an interest in helping the City start the project by providing up to \$50,000 in funding. The Council expressed strong support for the project.
7. Brian Davis completed the fence along the south side of Hollow Park at his expense. Mr. Cowie has sent an email thanking Mr. Davis.

COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.
2 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

4 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
6 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE

8 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

10 **ADJOURN** –

12 COUNCILMEMBER MOVED TO ADJOURN THE MEETING AT P.M.
COUNCILMEMBER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
14 THE MOTION CARRIED.

16 Approved – September 1, 2009

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Debra Cullimore, City Recorder

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James A. Dain, Mayor