

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, May 20, 2008**,
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
6 Conducting: James A. Dain Mayor

8 **WORK SESSION** – 6:00 p.m.

10 **PRESENT**

ABSENT

12 James A. Dain, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
14 Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator
Jamie Bennee, Finance Director
18 Debra Cullimore, City Recorder

Lindsey Bayless, Councilmember

20 The meeting began at 6:10 p.m.

22 **DISCUSSION** – *The Mayor and City Council met in a budget Work Session with staff to*
discuss budget issues and proposed budgets for the City, the RDA and the MBA for fiscal
24 *year 2008/2009.*

26 Jamie Bennee, Finance Director, was present to discuss budget issues with the
Mayor and Council. Mr. Dameron explained that in preparing the budget, the City has
28 made an effort to maintain the financial philosophy of overestimating expenditures and
underestimating revenues. He noted that due to the recent economic downturn, it appears
30 that projected sales tax revenues for the 2007-2008 fiscal year may not be met. In
addition, sales tax revenue projections for the 2008-2009 fiscal year budget may be
32 adjusted prior to final approval of the budget in June. Mayor Dain noted that sales tax
revenues can be projected, but that there is no way of insuring a specific level of sales tax
34 revenues in any given year.

Councilmember Carpenter noted that the budget year is approximately 90%
36 complete. He inquired as to the level of projected sales tax revenues which have been
collected at this point. Mr. Dameron stated that approximately 78.3% of projected sales
38 tax revenues, and approximately 87% of total projected tax revenues have been received
by the City to date. Ms. Bennee explained that sales tax revenue figures are currently
40 available only through April, and that figures for the final two months will be available
prior to final budget approval.

42 Ms. Bennee went on to review specifics of the preliminary budget. She noted that
the Public Safety budget comprises approximately 35% of the overall budget. Mayor
44 Dain inquired as to how that figure compares with costs in previous years through
contract services as opposed to an independent police department this year. Ms. Bennee
46 stated that costs to the City are very similar this year as in previous years. Mayor Dain

2 noted that the City has been able to elevate the level of public safety services for residents
3 while maintaining approximately the same level of expenditure.

4 Councilmember Carpenter suggested that the City consider adjustments in
5 property tax assessments based on Truth in Taxation laws. He noted that home
6 valuations and property tax revenues have not been adjusted adequately over the years to
7 compensate for inflation, and that property tax revenues received by cities in real dollars
8 have declined significantly over time. He observed that minor annual adjustments based
9 on the CPI would allow the City to keep pace with inflation without a significant impact
10 to tax payers. The Council discussed the possible negative effect of any tax increase on
11 residents living on a fixed income. Mr. Dameron noted that the certified tax rate has
12 fallen consistently over the past 13 years. The Council may discuss this issue further in
the future.

13 Ms. Bennee presented figures which indicate that projected General Fund
14 revenues and expenditures for 2008-2009 represent a balanced budget. She reviewed
15 projected budgets by fund. Review of the projected Citywide budget by object indicated
16 that capital projects account for 24.01% of the budget, personnel 24.79%, and operations
17 51.20% of the overall budget.

18 Ms. Bennee went on to review proposed capital projects for the 2008-2009 fiscal
19 year. Capital projects include the contract with Orem City for Fire and EMS services,
20 purchase of buildings, sewer storm water and water projects. Multiple parks projects are
currently listed in the projected capital expenditures.

21 The Council went on to review budget issues relative to the projected budget as
22 follows:

- 23 • Budget Issue #1 – *Allied Waste Rate Increase*. Gordon Raymond Allied Waste
24 was present to discuss this issue with the Council. Mr. Raymond noted that
25 escalating fuel costs are a significant issue. He stated that in addition to the
26 annual CPI increase request, the company is also strongly requesting
27 implementation of a fuel surcharge to offset the increased cost of operation based
28 on fuel costs. Councilmember Carpenter noted while the City is aware of the
29 impact of rising fuel costs on operational costs, implementation of a fluctuating
30 rate based on the cost of fuel would be problematic. The Council suggested that
31 Mr. Raymond present figures for a fixed rate which would include a CPI increase
32 as well an increase to offset fuel costs for consideration. Mr. Gordon will discuss
33 this issue further with the Council prior to final approval of the budget.
- 34 • Budget Issue #2 – *Culinary Water and Sewer Utility Rate Increase Based on the*
35 *CPI increase of 3.9%*. The Council approved implementation of annual rate
36 adjustments based on the CPI to eliminate the possibility of large periodic rate
37 increases.
- 38 • Budget Issue #3 – *Personnel Changes* - Storm Water Supervisor position with
39 benefits. A vehicle for this position is also included in the tentative budget.
- 40 • Budget Issue #4 – *COLA and Merit pay increases for City employees*. The cost to
41 implement COLA pay adjustment would be \$117,335, merit increases \$40,379 for
42 a total fiscal impact of \$157,714.
- 43 • Budget Issue #5 – *Funding a 9.45% increase in employee's health insurance*
44 *premiums*.

Ms. Bennee went on to review proposed amendments to the Fee Schedule, including fees charged by Orem Fire Department for various services, as well as fees charged by the Police Department. Proposed fee schedule changes eliminate double depth burials based on safety concerns associated with possible cave-ins when digging a double depth grave.

The Council thanked Ms. Bennee for her time in preparing the tentative budget. The final budget will be reviewed and approved in June.

REGULAR SESSION – 7:00 p.m.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Alex Anthony
Invocation: Toby Bath

PRESENT

ABSENT

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

Lindsey Bayless, Councilmember

The meeting was called to order at 7:10 p.m.

PRESENTATIONS – *The School Teachers who received education grants form the City have been invited to report on the use of the funds.*

Nathan Marshall, a science teacher at Carl G. Maeser Preparatory Academy, introduced himself to the Council. Mr. Marshall explained that the school uses a “winterim” program to give student an opportunity to participate in projects which apply concepts taught in the classroom to the real world. Education grant funds awarded to Mr. Marshall were used to pay transportation costs for a group of students to travel to southern Utah. The students completed a study which included DNA mapping of native reptile species in the area. The study looked for genetic and biological diversity in reptile species. Students were introduced the application of genetics, conservation, and genetic distribution of organisms in the state. Students were required to develop conservation plans relative to the findings of the study, including whether human impact was affecting reptile species.

Frank Kelland, Latin instructor at Carl G. Maeser Preparatory Academy, reported that grant funds he received were used to purchase 12 Scrabble games. The game is used as an entertaining and engaging way for students to strengthen their Latin vocabulary. He noted that rules established by the National Latin Scrabble Club are used in the activity. Mr. Kelland went on to explain that students who study Latin typically score

higher on SAT tests. He noted that 21 students at the school were named to the National Latin Honor Roll, and that the school is considering making Latin a mandatory subject for the 2009 school year.

Mayor Dain and the Council complimented both educators on the innovative use of the funds, and thanked them for their time and effort.

MINUTES – The minutes of the regular meeting of May 6, 2008 were reviewed.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE MEETING OF MAY 6, 2008. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

OPEN SESSION –

Mayor Dain called for comments from any resident present who wished to address an issue not listed as an agenda item. Celeste Grover, a Lindon resident residing at 787 West Lakeview Road, inquired as to the status of the Lindon Heritage Trail project on that street. She expressed frustration that residents have not been able to access driveways for 8 days, after being told initially that driveways would be impacted for only 3 to 4 days. Councilmember Hatch noted that he has received reports from several residents in the area that construction workers have been parking on the street where residents were instructed to park. Ms. Grover noted that she has made several attempts to communicate with UDOT regarding her concerns, but that problems appear to be ongoing. Mr. Dameron will communicate with UDOT regarding the concerns brought forth by Ms. Grover.

MAYOR'S COMMENTS/REPORT –

Mayor Dain invited Councilmembers and City staff to attend the time capsule event the following day at Timpanogos Harley Davidson. The ceremony will begin at 11:00 a.m., with the time capsule being sealed at noon.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Review and Action** – *Trail Cross Section Plan – 200 East*. This is a request by staff for the Mayor and City Council's formal direction as to the trail cross section plan along 200 East street. A subdivision plat was approved several months ago

2 which required trail improvements just south of the City cemetery. With the wide
paved walking shoulders installed last year, the question is whether to install the
trail profile, sidewalk, or no improvements at this time.

4
6 Mr. Dameron explained that the Planning Commission and City Council approved
a subdivision plat relative to the Carl Anderson property located on 200 East. The
approval required installation of a trail section in conjunction with the subdivision. Mr.
8 Dameron noted that the segment of trail which would be installed would not connect to
other trail sections for some time. He inquired as to whether the Council would prefer to
10 have the trail section installed as previously required, have a sidewalk section installed to
connect to existing sidewalk, or require a bond from the developer for future installation
12 of the trail as surrounding trail segments are developed. Following discussion, the
Council felt that it would be reasonable to require a bond to cover the cost of future
14 installation of trail improvements related to this project. Mayor Dain called for a motion.

16 COUNCILMEMBER CARPENTER MOVED TO REQUIRE A BOND TO BE
PAID BY THE DEVELOPER FOR FUTURE INSTALLATION OF TRAIL
18 IMPROVEMENTS. COUNCILMEMBER BATH SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
22 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

24 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

26 2. **Public Hearing** – *Industrial Development Bonds – Mountain States Steel – Final*
Bond Resolution (Resolution #2008-11). The City Council will hear public
28 comment and consider for adoption a resolution providing for the financing by
Lindon City (The “Issuer”) of the acquisition of manufacturing equipment and
30 related facilities (The “Project”) to be located in Lindon City, Utah, for use by
Mountain States Steel, Inc. (“The “Borrower”) in order to promote the general
32 welfare of the residents of Lindon City and the State of Utah; authorizing and
providing for the issuance by the Issuer of its \$1,500,000 Industrial Development
34 Revenue Bonds, series 2008 (Mountain States Steel Project) which will be
payable solely from the revenues arising from the pledge of a loan agreement
36 among the Issuer, the Borrower, and GE Government Finance, Inc., as lender;
authorizing the execution and delivery of said loan agreement, escrow agreement
38 and related documents; confirming the sale of said bonds; and related matters.
This item was approved during the May 6, 2008 meeting, and subsequently, the
40 bond counsel amended some related documents. The resolution now needs to be
re-adopted to authenticate the transaction.

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44 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING TO CONSIDER RESOLUTION #2008-11. COUNCILMEMBER
ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
46 MOTION CARRIED.

2 Mr. Dameron explained that the Council approved this Resolution at the May 6,
3 2008 meeting. Minor changes were made to the document following approval, which
4 requires the City Council to approve the final Resolution again. Mayor Dain called for
5 public comment. There was no public comment. He called for comments or discussion
6 from the Council. Hearing none, he called for a motion.

8 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC
9 HEARING TO CONSIDER RESOLUTION #2008-11. COUNCILMEMBER
10 ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
11 MOTION CARRIED.

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13 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
14 #2008-11 PROVIDING FOR THE FINANCING BY LINDON CITY (THE "ISSUER")
15 OF THE ACQUISITION OF MANUFACTURING EQUIPMENT AND RELATED
16 FACILITIES (THE "PROJECT") TO BE LOCATED IN LINDON CITY, UTAH FOR
17 USE BY MOUNTAIN STATES STEEL, INC. (THE "BORROWER") IN ORDER TO
18 PROMOTE THE GENERAL WELFARE OF THE RESIDENTS OF LINDON CITY
19 AND THE STATE OF UTAH; AUTHORIZING AND PROVIDING FOR THE
20 ISSUANCE BY THE ISSUER OF ITS \$1,500,000 INDUSTRIAL DEVELOPMENT
21 REVENUE BONDS, SERIES 2008 (MOUNTAIN STATES STEEL PROJECT)
22 WHICH WILL BE PAYABLE SOLELY FROM THE REVENUES ARISING FROM
23 THE PLEDGE OF A LOAN AGREEMENT AMONG THE ISSUER, THE
24 BORROWER, AND GE GOVERNMENT FINANCE, INC., AS LENDER;
25 AUTHORIZING THE EXECUTION AND DELIVERY OF SAID LOAN
26 AGREEMENT, ESCROW AGREEMENT AND RELATED DOCUMENTS;
27 CONFIRMING THE SALE OF SAID BONDS; AND RELATED MATTERS.
28 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS
29 RECORDED AS FOLLOWS:

30 COUNCILMEMBER ANTHONY AYE
31 COUNCILMEMBER BATH AYE
32 COUNCILMEMBER CARPENTER AYE
33 COUNCILMEMBER HATCH AYE

34 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 35 3. **Review and Action** – *Adoption of Revised Lindon City Policies and Procedures*
36 *Manual. (Resolution #2008-12).* This is a request by staff for the Mayor and City
37 Council's review and approval of the revised Lindon City Policies and Procedures
38 Manual. The manual has been reviewed by the City Attorney and he has
39 recommended a few minor changes.
40

41 City Attorney, Brian Haws, was present to discuss this item with the Council. He
42 explained that the intent of the policies and procedures manual is to make sure that
43 employees are informed and know what to expect from the City. He noted that the
44 disciplinary procedures outlined in the manual differentiate the City from a private
45 employer, and that any disciplinary action requires that the City follow due process as
46

2 outlined in the manual. Mr. Dameron explained that many of the policies included in this
draft have been City policy for years, but that the document has been updated to reflect
current laws and standards.

4 The Council went on to review proposed amendments to the Policies and
Procedures Manual. Mr. Haws presented a summary of significant changes to the manual
6 by section. The Council discussed additional language changes as follows; the position
of Chief of Police was added in appropriate personnel policy references, the positions of
8 Recorder and Treasurer were deleted from the list of exempt employees, references to the
\$10.50 insurance allowance for life insurance paid by the City were removed from the
10 employee benefits section, clarification was made as to when holidays would be observed
if the holiday falls on a weekend.

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

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16 COUNCILMEMBER ANTHONY MOVED TO APPROVE AMENDMENTS
TO THE LINDON CITY POLICIES AND PROCEDURE MANUAL WITH
ADDITIONAL CHANGES AS DISCUSSED. COUNCILMEMBER BATH
18 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER ANTHONY AYE

22 COUNCILMEMBER BATH AYE

COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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26 **COUNCIL REPORTS –**

28 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM –**

30 Councilmember Hatch reported that testing relative to a recycling program is
being conducted to determine the feasibility of expanding recycling services in the area.
He also reported that a master plan for the landfill is under development. The plan is
32 expected to include traffic control components.

34 Councilmember Hatch went on to review plans associated with the Vineyard
Connector roadway. Proposed plans will have a significant impact on commercial
properties in Lindon in the area of the transfer station. UDOT is considering acquiring
36 property for completion of the roadway, as well as additional property for wetlands
mitigation. Councilmember Hatch used an aerial photograph to illustrate ownership and
38 zoning of affected properties. He explained that a meeting is being scheduled with
UDOT, landfill representatives and Mayor Dain to discuss potential impacts on Lindon.

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42 **TRAILS, PLANNING, ZONING, BD OF ADJ., ADMINISTRATION –**

Councilmember Bayless was not present at the meeting.

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46 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS –**

2 Councilmember Bath invited Chief Cullimore to present an update on the status of
the Police Department. Chief Cullimore stated that the offices are complete, and that Sgt.
4 Eastman and Sgt. Edwards are working out of their offices. Final agreements for
communications and records systems will be approved by the City Council during June.
6 Conditional offers of employment have been made to ten officers. Five candidates are
under consideration to fill the two remaining positions. The majority of officers will
8 begin employment with Lindon on June 9. The department will hold a barbeque on June
10, and a Meet the Department event is scheduled to introduce officers and staff to the
community on June 26 at Oak Canyon Junior High.

10 **PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –**

12 The Council made suggestions for alternate locations for the concert and
14 fireworks held in conjunction with Lindon Days due to construction at the City Center
Park.

16 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –**

18 Councilmember Carpenter reported that he attended a UTOPIA Board meeting
20 the previous day. He stated that the approved bond will be issued shortly, which will
provide necessary funding for construction to resume. Todd Marriott was appointed as
22 the Executive Director of UTOPIA. Following a second vote, Payson City still did not
support issuance of the new bond. The Board will discuss the issue and determine the
24 appropriate way to implement Payson’s financial participation. Councilmember
Carpenter noted that other member cities expressed concerns during discussion similar to
26 the concerns expressed by Lindon.

28 Councilmember Carpenter also reported on the Utah League of Cities and Towns
“kick-off” meeting he recently attended. He noted that CPI increases for property taxes,
the political climate in Utah, and water issues will be topics during the coming year. He
30 requested that the City follow up with Roosevelt City regarding the outcome of water
issues in that city.

32 **ADMINISTRATOR’S REPORT –**

34 Mr. Dameron reported on the following items:

- 36 1. Engineering coordination meeting will be held Wednesday, May 21, 2008
beginning at noon at the Public Works Complex.
- 38 2. City offices will be closed Monday, May 26th for the Memorial Day holiday.
- 40 3. Lindon resident Leo Grant included a note of thanks to the City in his utility
bill remittance.
- 42 4. Mr. Dameron discussed lighting of the aquatics facility. The majority of the
Council expressed an interest in lighting the pool to allow use of the facility
44 after dark. Mr. Dameron will investigate firm costs and report back to the
Council.

2 COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.
3 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS
4 RECORDED AS FOLLOWS:
5 COUNCILMEMBER ANTHONY AYE
6 COUNCILMEMBER BATH AYE
7 COUNCILMEMBER CARPNETER AYE
8 COUNCILMEMBER HATCH AYE
9 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

10 **ADJOURN** –

11 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
12 9:28 P.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL
13 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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16 Approved – June 3, 2008

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Debra Cullimore, City Recorder

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James A. Dain, Mayor