

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, December 2,**
3 **2008** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,
4 100 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Lindsey Bayless
7 Invocation: Toby Bath

8 **PRESENT**

ABSENT

9 James A. Dain, Mayor
10 H. Toby Bath, Councilmember
11 Lindsey Bayless, Councilmember
12 Bruce Carpenter, Councilmember
13 Jerald I. Hatch, Councilmember
14 Ott H. Dameron, City Administrator
15 Cody Cullimore, Chief of Police
16 Debra Cullimore, City Recorder

Eric Anthony, Councilmember

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

18 **RECOGNITION** – *The Mayor and City Council will recognize Jamie Bennee, Finance
19 Director, for her achievement of the Distinguished Budget Presentation Award. This
20 Award has been presented to Lindon City for the past four years. The Award reflects
21 honor upon Mrs. Bennee and brings great credit to the City.*

22 Finance Director, Jamie Bennee was present to accept the recognition of the
23 Distinguished Budget Presentation Award, presented by the Government Finance
24 Officers Association. Mayor Dain read the recognition, noting that it is the highest award
25 in government financing. Mayor Dain thanked Ms. Bennee for her hard work in
26 achieving this recognition for the City.

27 **PRESENTATION** – *The Mayor and City Council will be presented with the 2009
28 Character Connection Poster Calendar by the children who created the original artwork.*

29 Mayor Dain reported that the Character Connection representatives had a
30 scheduling conflict this evening, and will attend a later City Council Meeting.

31 **MINUTES** – The minutes of the Regular Meeting of November 18, 2008 were reviewed.

32 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE
33 MEETING OF NOVEMBER 18, 2008. COUNCILMEMBER HATCH SECONDED
34 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

35 COUNCILMEMBER BATH AYE
36 COUNCILMEMBER BAYLESS AYE
37 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

2 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4 **OPEN SESSION** –

6 Mayor Dain called for comments from any resident present who wished to
address an issue not listed as an agenda item. Lindon resident, Ron Hatfield, approached
8 the Council. Mr. Hatfield has agreed to chair the fundraising committee for the aquatics
center. Mr. Hatfield stated that he is requesting input from the Council on how they
10 would like him to proceed with fundraising activities, including the sale of engraved
pavers which will allow citizens to participate in the pool project, and “leave their mark”
12 on the facility. Mr. Hatfield noted that while he is pleased with the residents who have
agreed to participate, it would be beneficial to have several more people on the
14 committee. Mr. Hatfield explained that other sponsorship opportunities are also being
considered in other areas of the facility, which will allow residents or businesses to
16 participate financially at various levels.

18 Mr. Hatfield reported on the activities of a charity which was founded by the
Hatfield family, “In Our Own Quiet Way,” which is based in Lindon. He reported that
the charity organization recently traveled to Kenya and performed 70 major surgeries and
20 delivered over a million dollars in educational supplies. Mayor Dain congratulated Mr.
Hatfield for his efforts with the fundraising committee, as well as his charity work. The
22 Council thanked Mr. Hatfield for his willingness to serve the community.

24 **MAYOR’S COMMENTS/REPORT** –

26 Mayor Dain commented on the successful Christmas Tree Lighting Ceremony
which was held the previous evening. He thanked those involved in planning the event
28 for their work.

30 **CONSENT AGENDA** –

32 No items.

34 **CURRENT BUSINESS** –

36 1. **Review and Action** – *Final Industrial Development Bond Resolution – West*
Ridge Investments, LLC (Interstate Gratings Project). The City Council will
38 consider for adoption a Resolution providing for the financing by Lindon City,
Utah (the “Issuer”), of the acquisition and construction of certain facilities and
40 equipment to be located in Lindon City, Utah, that West Ridge Investments, LLC
(the “Borrower”) may be provided with facilities to promote the general health
42 and welfare within the State of Utah; authorizing and providing for the issuance
by the “Issuer” of its Industrial Development Revenue Bonds (Interstate Gratings
44 Project) Series 2008, not to exceed \$3,500,000.00 which will be payable solely
from the revenues arising from the pledge of a loan agreement with the
46 “Borrower”; authorizing the execution and delivery of a loan agreement between

2 the "Issuer", the "Borrower" and Wells Fargo Bank, N.A. (the "Lender"), and
related documents; ratifying the publication of a notice of bonds to be issued and
4 a notice of public hearing; ratifying the running of a contest period; and related
matters.

6 Mr. Dameron reported that it came to the attention of the City earlier today that an
additional Public Hearing will be required for this matter prior to final action by the
8 Council. The City Attorney and the Bond Attorney recommend that the Council
postpone the hearing tonight and receive public comment during the scheduled Public
10 Hearing on December 18, 2008 to avoid duplicating efforts.

12 Mr. Dameron also noted that the Council and the City received a substantial
amount of information from AMICO earlier in the day, and that the Council had not had
adequate time to consider the information as it relates to this action. Mr. Dameron noted
14 that there were multiple AMICO representatives present at the meeting. He
acknowledged that while postponing public comment until December 18 may be an
16 inconvenience, it would be a duplication to receive comments at both meetings.

18 Craig Kleinman, legal counsel for AMICO, requested that taking of public
comment not be postponed. He stated that one representative had flown in from Alabama
to provide comments, and that the company has incurred significant expense to attend
20 this meeting. Mayor Dain explained that the Public Hearing scheduled for December 18
is a required hearing and must take place regardless of what occurs at this meeting. He
22 invited Mr. Kleinman to present any information which may not be available at the
Public Hearing, but asked that information not be duplicated at both meetings. Mr.
24 Kleinman stated that while AMICO objects to postponing public comment, they will
comply with the request. There was no objection from Interstate Gratings representatives
26 to postponing public comment. Mayor Dain called for a motion.

28 COUNCILMEMBER HATCH MOVED TO CONTINUE REVIEW AND
ACTION ON WEST RIDGE INVESTMENTS LLC, INTERSTATE GRATINGS
30 PROJECT, INDUSTRIAL DEVELOPMENT BOND, AND TO POSTPONE PUBLIC
COMMENT TO THE PUBLIC HEARING SCHEDULED FOR DECEMBER 18, 2008.
32 COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

34 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
36 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

38 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

40 2. **Discussion** – *Allied Waste Fuel Charge – Solid Waste Collection*. The City
Council will discuss the previously approved increase in the monthly charge for
42 garbage collection in Lindon due to increased fuel costs. This increase in the
monthly collection charge became effective in July of 2008 with the new budget.
44 Fuel costs have fallen to approximately one-half the cost per gallon when
compared to July 2008. Mr. Gordon Raymond of Allied Waste will be present to
46 discuss the situation with the Council.

2 Mr. Raymond had not yet arrived at the meeting. Mayor Dain suggested that the
Council proceed with reports until Mr. Raymond arrived to discuss this matter.

4 **COUNCIL REPORTS –**

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

8
10 Councilmember Hatch reported that a Lindon Police Officer had provided
assistance to him as he was attempting to cross a busy road on a piece of farm equipment.
12 He requested that Chief Cullimore pass on his thanks to the officer. Mayor Dain noted
that he had received a report from a citizen regarding the Police Department stopping a
14 suspicious vehicle in their neighborhood. The resident reported that the actions of the
officers reflect positively on the department.

16 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Bd. Of Adj.,*
Administration –

18
20 Councilmember Bayless thanked the Historical Commission for their work on the
Christmas Tree Lighting Ceremony held the previous evening.

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

24
26 Councilmember Carpenter reported that funding for the Vineyard Connector has
been withdrawn for the time being. Studies on the roadway are nearing completion, but
the project is now awaiting funding. He noted that as State revenue becomes available
28 for road projects, the State Street and I-15 projects will likely be priority over the
Vineyard Connector. He observed that it appears that the road would be beneficial as an
30 alternate route during other road projects, but may not be justified as an independent
highway at this time. He noted that the revenue has been appropriated for the under
32 crossing project in Pleasant Grove, and that expansion of 700 North in Lindon using Utah
County funding is expected to begin in the spring of 2009.

34 Councilmember Carpenter presented a progress report on UTOPIA. He stated
that roll out in Tremonton is going very well, and that the take rate is higher than
36 expected.

38 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections –*

40 Councilmember Bath asked Chief Cullimore to report on progress and projects in
the Police Department. Chief Cullimore reported on the first R.A.D. class conducted by
42 the Lindon Police Department, which will hold its final session on Monday, December 8
at 5:00 p.m. He reported that the instructor for the course, Officer John Lloyd, will
44 present the training to clients at the Center for Change in north Orem in the coming
weeks. Chief Cullimore also noted that the first Lindon Police Department NOVA
46 graduation will be held Wednesday, December 10 at 2:30 p.m. at Lindon Elementary.

2 Chief Cullimore went on to review information provided to the Council in written
reports. He noted that several individual were recently arrested in the area of the Dry
4 Canyon Trail Head on suspicion of Aggravated Assault. He noted that one 16 year old
individual sustained serious injuries during the incident.

6 Mayor Dain stated that he has received a great deal of positive feedback from
residents about the Police Department. Councilmember Bath stated that he has heard
8 compliments from neighboring communities about the professional image of the
department. Mayor Dain asked if it would be possible for members of the Council to ride
10 with officers during patrol shifts. Chief Cullimore stated that citizen ride-alongs have
been eliminated due to possible liability issues, but that as a City official, the Mayor or
Councilmembers are welcome to ride along with officers any time.

12 **ALLIED WASTE – FUEL SURCHARGE –**

14
16 Gordon Raymond arrived at the meeting at this time. Mayor Dain observed that
the rapid decline in fuel prices in recent months is unprecedented, and that it seems
appropriate for the Council to respond. Councilmember Bayless expressed appreciation
18 to Councilmember Anthony for information he provided to the Council regarding recent
trends in oil prices.

20 Mr. Raymond observed that there are two feasible ways to approach the changing
fuel costs. He noted that during initial discussion, he had requested that the Council
22 consider a fuel surcharge, which would adjust monthly fees based on the actual cost of
fuel. He noted that the majority of cities the company works with have adopted a
24 surcharge structure to address changing fuel costs.

26 Mr. Raymond reviewed a summary of charges billed to Lindon under the current
CPI fee structure which was approved by the Council in 2006 and 2007 with the intent of
offsetting rising fuel costs. Mr. Raymond observed that at times, the CPI fee has
28 exceeded actual costs, and at other times the fee has been lower than actual costs. He
stated that on average, the City has not been overcharged for fuel costs.

30 Mr. Raymond stated that he would be hesitant to reduce fees at this point based on
current fuel costs. He noted that costs could increase again at a rapid rate, which may
32 necessitate another fee adjustment. He suggested that the Council consider implementing
a true fuel surcharge which could fluctuate monthly based on actual fuel costs.

34 Councilmember Carpenter inquired as to what percentage of the companies costs
are related to fuel costs. Mr. Raymond stated that while he does not have actual figures,
36 he would estimate that approximately 30% of operating expenses are related to the cost of
fuel, depending on the actual cost of fuel.

38 Councilmember Carpenter recalled that there was some discussion about potential
difficulties which could result from fluctuating costs. He stated that he was unsure
40 whether the discussion related to the billing function or the perception of residents if fees
for utilities were inconsistent. Mr. Dameron stated that he felt that while there may be
42 some challenges in the billing process, the main concern was related to the perception of
residents. Mr. Raymond commented that many cities charge a flat monthly rate with a
44 cushion to cover the surcharge built in to the fee schedule. Mr. Dameron stated that
historically, the City has passed direct costs on to residents. Councilmember Carpenter

2 noted that it would be necessary to provide educational materials to residents regarding
the reason for monthly fluctuations in utility billing.

4 Mr. Dameron asked Mr. Raymond if it would be his preference to implement the
CPI in January, or to wait until the next fiscal year begins in July. Mr. Raymond stated
6 that he would be willing to work with the City in implementing the new fee structure at
this time. Mr. Dameron suggested that Mr. Raymond send a written proposal for the new
8 fee structure for Council review and approval. Mr. Raymond will communicate with Mr.
Dameron regarding implementation of the surcharge. Mayor Dain thanked Mr. Raymond
for his willingness to reconsider the current agreement.

10 **ADMINISTRATOR'S REPORT** –

12 Mayor Dain commented that the Esteban's reported to him that when they
14 experienced flooding from a drainage ditch this summer, it was difficult to get sandbags
from the Public Works Complex due to a locked gate. He inquired as to whether it would
16 be possible to make sandbags more readily available. Chief Cullimore noted that officers
have keys to the gate, and would be available to respond to provide sandbags for
18 emergencies at any time. Mr. Dameron will follow up with the Public Works Director to
determine if there is a better method to allow residents access to sandbags.

20 Mr. Dameron reported on the following items:

- 22 1. The Audit Committee will meet on December 10th at 4:00 p.m.
- 24 2. The Council reviewed the Project Tracking List. Councilmember Hatch inquired
as to whether it would be appropriate to remove inactive items from the list after a
26 period of time. Mr. Dameron will follow up with the Planning Department.
- 28 3. The aquatics center project is progressing well. The Director position will be
advertised in the near future. Councilmember Carpenter suggested that the City
30 communicate with Recreation Management programs at universities to attract
recent graduates.
- 32 4. The Council reviewed the proposed annual meeting schedule. The schedule will
be presented for action at the December 16th meeting.
- 34 5. The I-15 Core meeting will be held December 16th at 4:00 p.m. Mayor Dain and
Councilmember Carpenter will attend.
- 36 6. Christmas banners which are typically displayed on State Street during the
holidays are in disrepair and need to be replaced. In an effort to cut costs, the
38 banners will not be displayed or replaced this year. Mr. Dameron suggested that
new banners for State Street be considered when the economy recovers.

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

42 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
44 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

46 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2 **ADJOURN** –

4 COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT
8:05 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
6 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8 Approved – December 16, 2008

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12

Debra Cullimore, City Recorder

14

16

18 James A. Dain, Mayor