

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m.  
3 **Tuesday, October 5, 2010** in the Lindon City Center, City Council Chambers, 100 North  
4 State Street, Lindon, Utah.

5 Conducting: Mayor James A. Dain  
6 Pledge of Allegiance: Katlyn Mashburn – Pleasant Grove High School Student  
7 Invocation: Jerald Hatch

8 **PRESENT**

9 **ABSENT**

10 James A. Dain, Mayor  
11 Bruce Carpenter, Councilmember  
12 Bret Frampton, Councilmember  
13 Jerald I Hatch, Councilmember  
14 Mark L Walker, Councilmember  
15 Ott H Dameron, City Administrator  
16 Adam Cowie, Planning Director  
17 Cody Cullimore, Chief of Police  
18 Debra Cullimore, City Recorder

19 Lindsey Bayless, Councilmember

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

21 **PRESENTATION** – The Mayor and City Council will recognize Jamie Bennee, Finance  
22 Director, with a plaque for her successful efforts in obtaining the Certificate of  
23 Achievement for Excellence in Financial Reporting for the City’s second Comprehensive  
24 Annual Financial Report (CAFR). This is a most notable achievement and reflects great  
25 credit upon Ms. Bennee and Lindon City.

26  
27 Mayor Dain invited Finance Director, Jamie Bennee, to join him at the front of  
28 the room. The Mayor presented Ms. Bennee with a plaque in recognition of her  
29 accomplishment in obtaining the Certificate of Achievement for Excellence in Financial  
30 Reporting. He noted that this is the second year Ms. Bennee has received the award. He  
31 thanked Ms. Bennee for her efforts in behalf of the City.

32  
33 **MINUTES** – The minutes of the meeting of September 21, 2010 were reviewed.

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35 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF  
36 THE MEETING OF SEPTEMBER 21, 2010. COUNCILMEMBER WALKER  
37 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 COUNCILMEMBER CARPENTER AYE  
39 COUNCILMEMBER FRAMPTON AYE  
40 COUNCILEMMBER HATCH AYE  
41 COUNCILMEMBER WALKER AYE

42 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT

43  
44 **OPEN SESSION** – Citizen comments.

2 Mayor Dain called for comments from any audience member who wished to  
address an issue not listed as an agenda item. There was no public comment.

4 **MAYOR’S COMMENTS/REPORT** –

6  
8 Mayor Dain commented on the recent death of Orem City Administrator, Jim  
Reams. Mayor Dain noted that Mr. Reams was a great man, a great advocate for Lindon,  
and will be truly missed by all who knew him.

10 **CONSENT AGENDA** –

12 No items.

14 **CURRENT BUSINESS** –

- 16  
18 1. **Public Hearing** – *Maeser Academy Commercial Subdivision Plat “A”*. the City  
Council will hear public comment and possibly act to approve this request by  
20 Maeser Academy Partners, LLC for preliminary plat approval of Maeser  
Academy Commercial Subdivision, Plat “A”, 2 lots, in the CG zone at 320 West  
22 600 South. The Planning Commission recommended approval with no  
conditions.

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

28 Mr. Cowie explained that this is a request for a minor two lot subdivision in the  
CG zone. He reviewed lot lines of the proposed subdivision. He explained that the  
30 proposed commercial lot which would be subdivided from the school site exceeds the  
20,000 square foot minimum lot size requirement for the zone. He explained that the  
32 school and commercial site will use a shared access from 600 South. A temporary gravel  
emergency access will be relocated when the commercial lot develops. An application  
34 for a specific commercial use has not been submitted at this time. The Council is  
considering only the subdivision application, and not the specific use. Mr. Cowie  
36 presented photographs of the site. He stated that the shared access will include three  
lanes with one entry lane, a westbound exit lane and an eastbound exit lane, as well as a  
38 raised median.

40 Mr. Cowie stated that this application was discussed at length during the Planning  
Commission review. He noted that several neighboring property owners expressed  
concern regarding traffic impacts and safety during the Public Hearing. He noted that the  
42 site plan was previously approved, and that traffic concerns would not be related to the  
subdivision application before the Council at this time. He also explained that the City  
44 Engineer, as well as Orem City Engineer have indicated that the anticipated traffic impact  
from the school site and the commercial site are well within the design capacity of 600  
46 South, which is a designated collector street. The curb along the south frontage will be

red striped to prevent on street parking. A shared parking agreement may be considered for the school and the commercial use if specific criteria are met. However, no specific commercial use is under consideration at this time.

Mayor Dain called for public comment. Hearing none, he called for a motion to close the public hearing.

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

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MAESER ACADEMY COMMERCIAL SUBDIVISION PLAT 'A' PRELIMINARY PLAT. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

|                         |     |
|-------------------------|-----|
| COUNCILMEMBER CARPENTER | AYE |
| COUNCILMEMBER FRAMPTON  | AYE |
| COUNCILMEMBER HATCH     | AYE |
| COUNCILMEMBER WALKER    | AYE |

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- Presentation** – *Harmful Effects of "SPICE"*. The City Council will hear a presentation on SPICE, the so-called 'legal marijuana,' by Officer Darrell Bingham of the Lindon City Police Department.

Chief Cullimore explained that "Spice" is being sold in local retail establishments in neighboring communities, and that it is being marketed as "legal marijuana." He stated that there are currently no laws or regulations governing this substance, and that the community and residents could be adversely affected. He stated that the state legislature is expected to consider a bill governing Spice in the 2011 Legislative Session, but that those laws would likely not go into effect until July 2011. The Police Department would like to be proactive in addressing this issue, and establish controls as soon as possible. This presentation is in anticipation of an ordinance which the Council will consider at a future meeting which will prohibit the sale, possession or use of Spice within Lindon City.

Chief Cullimore introduced Officer Darrell Bingham. He stated that Officer Bingham is a Drug Recognition Expert, and works closely with the SMART Coalition and the State Legislature in drafting legislation relative to controlled substance laws. He invited Officer Bingham to make his presentation. Officer Bingham passed around a sample of Spice which he purchased at a nearby convenience store while wearing his police uniform. When Officer Bingham inquired as to age restrictions for selling Spice, the clerk informed him that he was not sure, but that he thought they did not sell to anyone under 18 years of age. At another retail establishment, Officer Bingham was told that Spice is not a controlled substance and that there are no age restrictions for sales.

2 Officer Bingham went on to review the chemical makeup of Spice. He explained  
3 that the base substance, Damiona, has no mood altering effects. Manufacturers of the  
4 substance spray the Damiona with a synthetic cannabinal which affects the central  
5 nervous system, resulting in impairment which is very similar to the effect of marijuana.  
6 He explained that while the signs of impairment are nearly identical, there is no chemical  
7 test to identify the presence of the chemicals found in Spice in the human body.

8 Officer Bingham noted that Spice is relatively new, and that he personally became  
9 aware that the substance was being used approximately eight months ago. He explained  
10 that the long term effects of the drug include paranoia and panic attacks which can  
11 continue for weeks following use. Experts estimate that Spice is as much as four times  
12 stronger than marijuana, which is cause for great concern for the well being of users.

13 Chief Cullimore and Officer Bingham went on to discuss language which will be  
14 included in the Ordinance the Council will consider. Officer Bingham stated that from a  
15 law enforcement standards standpoint, if signs of impairment are consistent with  
16 marijuana use, and a urinalysis is negative for marijuana it will be considered evidence  
17 that Spice has been ingested. He also explained that laws must be carefully worded to  
18 ensure that other similar chemicals which may be used in the future will be covered by  
19 existing laws. Councilmember Carpenter inquired as to unintended consequences which  
20 may affect legitimate drugs which may use the same or similar chemical. Officer  
21 Bingham stated that the ordinance will include language which excludes drugs which are  
22 being used under the direction of a dentist or physician. Chief Cullimore stated that the  
23 ordinance will address 12 specific chemicals, none of which are in over the counter  
24 medications.

25 An audience member stated that she is aware that Spice is being used by youth in  
26 the community. She noted that the substance is being used by individuals who are on  
27 probation, etc. and that it is being marketed as a safe drug, when in reality there are great  
28 risks.

29 Another audience member inquired as to whether any impairment would be likely  
30 if a person were in a room with others smoking spice through second hand smoke.  
31 Officer Bingham observed that a number of factors would have to be considered,  
32 including the strength of the Spice being smoked. He stated that typically, it is necessary  
33 to ingest the substance directly to experience any significant impairment.

34 A third audience member commented that he has a friend who owns a  
35 convenience store in a neighboring community. On a recent visit with the owner at the  
36 convenience store, the audience member reportedly observed a steady stream of  
37 customers purchasing Spice. He noted that retailers are making a significant profit  
38 selling the substance.

39 Councilmember Carpenter observed that there is no way of knowing what  
40 chemicals are actually used in Spice, and that users could be inhaling any number of  
41 chemicals which may be harmful or added maliciously. The Council will consider the  
42 ordinance regulating Spice at a future meeting.

- 43 3. **Report** – *Lindon Days Committee*. The City Council will hear a report from the  
44 Lindon Days Committee Chairs, Tim and Connie Radmall, concerning the  
45 activities and financial results of the various activities held during the annual  
46 Lindon Days celebration.

2 Lindon Days Chairs, Tim and Connie Radmall, were present to report to the  
Council on the 2011 Lindon Days Celebration. Co-chairs, Howard and Stephanie Larsen,  
4 were also present. Mr. Radmall noted that although some challenges were experienced,  
the overall celebration was successful, including expanded car show and horse ride  
6 events.

Councilmember Walker inquired as to the need for a Chair and Co-chair for the  
8 event. The Larsens and the Radmalls agreed that four people are needed to effectively  
plan the event without being overwhelmed. Mrs. Radmall made suggestions for a written  
10 guide that can be used by future event chairs. Mr. Radmall also made suggestions for  
modifications to the accounting structure. He went on to review expenditures for each of  
12 the events. He presented Chief Cullimore with a check in the amount of \$2,586 in  
donations which were raised for the Veteran's Memorial during the Car Show event.

14 Councilmember Walker reported that due to other commitments, neither the  
Radmalls nor the Larsens will be available to chair Lindon Days events next year. Mayor  
16 Dain and the Council thanked the committee for their hard work in behalf of the  
community.

- 18
4. **Presentation** – *USGS Report on Drainage and Aquifer Condition*. David  
20 Thurgood of JUB Engineers will present information gathered by the USGS  
during a two year study of the drainage area in North Utah County including the  
22 condition of the underground aquifer.

24 City Engineer, David Thurgood, was present for this discussion. Mr. Thurgood  
presented information from the North Utah County Groundwater Report. He presented a  
26 graphic which illustrated how ground water reaches the aquifer. He noted that current  
practices, such as canal piping, a reduction in flood irrigation, and piped storm drainage  
28 systems, have had some effect on recharging of the aquifer. Recharge is currently  
estimated to have a deficit of approximately 14,000 acre feet annually.

30 Mr. Thurgood reviewed the location, elevation and depth of each City well. He  
discussed the surrounding geologic structures to each well. He noted that wells are used  
32 as least once annually to keep them in good working order and maintain water rights.

Mr. Thurgood stated that the findings of the report justify the reasoning of the  
34 State Engineer in closing Utah Valley to future well rights. He discussed concerns  
related that transfer of surface water rights to well rights, noting that transfer of the actual  
36 water from one source to the other is difficult. He noted that a groundwater recharge  
concept may be feasible at some time in the future, but that it is unclear what water would  
38 be used to recharge the aquifer. The Council discussed the possibility of including well  
replacement costs in the water rate structure in the future to ensure that funds are  
40 available as well equipment requires maintenance or replacement. The Council thanked  
Mr. Thurgood for his time and expertise.

- 42
5. **Review and Action** – *Recommendation by Lindon Historical Preservation  
44 Commission – Christmas Tree Lighting Ceremony*. This is a recommendation by  
the Lindon Historical Preservation Commission regarding a permanent location  
46 for the annual tree lighting ceremony.

2 Mr. Cowie was asked to give this presentation by Historical Commission Chair,  
Lynn Lemone. Mr. Cowie presented a photograph of the Community Center site, and the  
4 proposed location of the tree which would be planted to use in the traditional Christmas  
Tree Lighting Ceremony. The tree is proposed on the southeast lawn of the Community  
6 Center. Mr. Cowie reported that Linden Nursery has offered a 16 foot blue spruce tree  
for \$900.

8 Mayor Dain expressed concern regarding the proposed location of the tree. He  
noted that blue spruce trees grow rapidly, and that the tree could block the east light from  
10 the east windows. The Council discussed other possible locations for the tree. Following  
further discussion, it was the general consensus of the Council that an existing tree should  
12 be used for the 2010 event to allow time to plan and consider an appropriate location for  
a permanent tree.

#### 14 **COUNCIL REPORTS** –

16 Mayor Dain invited Mr. Dameron to give his report at this time. Mr. Dameron  
reported on the following items:

- 18 1. A prescription drug take back event will be held October 9, 2010 from 10 a.m.  
to 2 p.m.
- 20 2. Upcoming Public Hearings include the UIA Service Agreement and adoption  
of the Public Safety Impact Fee.
- 22 3. The Council reviewed the Project Tracking List.
- 24 4. The sod laying event at Fryer Park was not well attended due to inclement  
weather.
- 26 5. The employee Christmas Party will be held Friday, December 3<sup>rd</sup> at the  
Community Center.
- 28 6. The City recently met with Mel Olsen to discuss options for the City to  
acquire property owned by Mr. Olsen for a future City park. Discussion will  
continue at future meetings with Mr. Olsen.
- 30 7. A grant awarded by EDCU has made it possible for the City to print 1,000  
32 marketing brochures. The brochures will be distributed to businesses who  
may be interested in locating in Lindon. A small number of brochures will be  
34 kept at the City Center to send to businesses who contact the City regarding  
potential development.

36 **COUNCILMEMBER WALKER** – Councilmember Walker reported that six PETA  
representatives were allowed into a recent Animal Shelter Board meeting.

38 Councilmember Walker also reported that he spoke with the organizer of the  
Walk To School Day at Lindon Elementary, but was not able to attend the event. Chief  
40 Cullimore reported that he attended the event and discussed concerns with organizers and  
parents. He discussed requests made by parents for crosswalks at 400 North and Locust  
42 Avenue. Mr. Dameron observed that the same requests are made each year, and that it  
would be appropriate to have the City Engineer review the requested locations and make  
44 a recommendation before any other action is taken. Chief Cullimore noted that there  
have been no accidents at these locations, and that it appears that there is not a significant  
46 speed or safety issue.

2 Councilmember Walker also reported on the utility rate structure in Pleasant  
3 Grove which was recently discussed in newspaper reports. Mayor Dain observed that the  
4 practice of Lindon City in implementing an annual COLA increase to utility rates has  
5 helped the City avoid larger periodic increases.

6 **COUNCILMEMBER HATCH** – Councilmember Hatch reported on water board  
7 meetings and transfer station business. He noted that the transfer station plans to  
8 complete the storm drainage culvert project this year, as well as a truck access road on  
9 the back of the transfer station site. Tipping fees will not be changed this year. North  
10 Union fees will increase by \$2 to cover the cost of ditch repairs which have been or will  
11 be completed.

12 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton inquired as to code  
13 enforcement related to commercial landscaping which has died. Mr. Dameron stated that  
14 the Code Enforcement Officer is working with a number of businesses in the City,  
15 including Wal-Mart, to replace dead landscaping. Councilmember Frampton also  
16 reported that the Tree Advisory Board has inventoried trees in City parks.

17  
18  
19  
20 **COUNCILMEMBER CARPENTER** – Councilmember Carpenter reported that  
21 according to a number of economic indicators, the economy appears to be in a “soft  
22 recovery.” He also invited Councilmembers to contact him individually to discuss  
23 questions they may have regarding the Utah Infrastructure Agency Service Agreement,  
24 which will be considered by the Council at the next regular meeting.

25 Councilmember Carpenter invited Chief Cullimore to report on Police  
26 Department activities. Chief Cullimore reported that the City was not funded through a  
27 COPS Grant.

28  
29 At this time, Mr. Dameron presented information which he overlooked during his  
30 report. He reported that he is working with the City Attorney to bring a Resolution to the  
31 Council, acting as the RDA Board, to authorize the transfer of RDA revenue to the  
32 General Fund in conjunction with the agreement with Murdock Hyundai for site  
33 improvements.

34 He also reported that Lewis, Young, Robertson and Burningham is investigating  
35 the possibility of restructuring the 700 North Bond. There is some discussion regarding  
36 Utah County assuming responsibility for 700 North. Mr. Dameron has inquired as to  
37 whether the County would assume the debt as well, but has not yet received a response.  
38 Existing RDA bonds may be able to be consolidated to get a lower interest rate as well.

39 One session at the Utah League of Cities and Towns Conference discussed use of  
40 social media by municipalities. Mr. Dameron felt that the City has done a good job in  
41 creating channels of communication with residents in a controlled way using the City  
42 website, email list and Twitter.

43 **COUNCILMEMBER BAYLESS** –

44  
45 Councilmember Bayless was not present at the meeting.

