The Lindon City Council held a regularly scheduled meeting on Tuesday, December 7, 2010 beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Liz Curtis, Audience Member
Invocation: Jim Dain

PRESENT  ABSENT

James A. Dain, Mayor
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

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

PRESENTATION – The Mayor and Council will be presented with the Character Connection Poster Calendar by the students who created the original artwork.

Kathy Allred gave an overview of the Character Connection program. She explained the program facilitates cooperation between schools, businesses, families and government to teach and promote positive character traits in the youth of the community. Ms. Allred introduced each of the artists who were selected for the 2011 Character Connection poster and calendar. Mayor Dain congratulated the winners, and presented each with a Certificate of Achievement. Ms. Allred also introduced the art teachers who facilitated the projects in their classrooms.

Artists were introduced as follows; Zach Webber, Alex Nielsen, Elizabeth Curtis, Paige Millett, Oak Canyon Junior High School Media and Methods Class, Keefer Kocherhans, Megan McBride, Allyson Young, Brynlee Payne, Natalie Matson, Nicole Wilkes, Remington Omdahl.

Mayor Dain thanked the artists, and recognized Ms. Allred for her work in the community. Ms. Allred thanked the Mayor and Council for their support of the Character Connection program.

MINUTES - The minutes of the regular meeting of November 16, 2010 were reviewed.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 16, 2010. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY.

OPEN SESSION - Citizens comments

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.

MAYOR’S COMMENTS/REPORT –

Mayor Dain reported that approximately 350 guests attended the Thanksgiving Day dinner. He commented that the event was a great success, and the beginning of a new tradition in Lindon. He expressed appreciation for the involvement of so many Lindon residents. He also commented on the Christmas Tree Lighting Ceremony, which was held the previous evening. He noted that the ceremony was well attended, and those present enjoyed the spirit of the event.

CONSENT AGENDA –

No Items

CURRENT BUSINESS

1. Continued Public Hearing – Public Safety Building Impact Fee. (Ordinance #2010-8-O) The City Council will hear public comment and possibly act to approve Ordinance #2010-8-O (Chapter 11.3 of the LCC) which would adopt the public safety impact fee analysis, the public safety capital facilities plan, and set the calculation and collection of the impact fee. This public hearing was continued from the meeting of November 16, 2010. Since that date, staff and representatives of the Home Builders Association have met and discussed the items of concern.

City Attorney, Brian Haws, was present for this discussion. Mr. Haws explained that the City has been in discussion with the Homebuilders Association regarding specific concerns related to the proposed impact fee. During those discussions, the City became aware that a required notice was not posted on the State Public Notice Website at the time the Impact Fee Analysis was started in 2009 due to miscommunication between the City and Lewis, Young, Robertson and Burningham regarding who would post the notice. Mr. Haws explained that under state law, the remedy for failing to post a notice is to post it for a period of time sufficient to fulfill the intent of the notice. Mr. Haws suggested that a new Public Hearing be scheduled for January 18, 2011 to allow sufficient time for the posting to be public, as well as to allow staff to continue discussions with interested parties. Mr. Haws also noted that the Homebuilders Association has requested that the City use an alternative methodology based on square footage to calculate the fee. Councilmember Carpenter noted that if the reasoning for the formula used to calculate
the fee is sound, it is not necessary to use any other methodology to recalculate the fee. Councilmember Carpenter also noted that the Council is aware of other concerns which were raised during the Public Hearing regarding the necessity of expanding facilities. He explained that those concerns will also be considered by the Council prior to taking action on this item.

Councilmember Walker inquired as to whether the City will incur any additional costs if alternative methodologies are used to recalculate the fee. Mr. Dameron explained that any additional work is included in the fee paid to Lewis, Young, Robertson and Burningham to complete the study, and no additional costs are anticipated.

Councilmember Walker asked what procedure would be followed in the event the economy does not allow the new Public Safety facility to be built within the required 6 year time period after collection of impact fees begins. Mr. Haws explained that there are procedures in place which would allow the City to amend the Capital Facilities Plan and reallocate the funds.

Mr. Dameron noted that it is important to clarify that if an impact fee is not implemented, current residents will bear the burden of the cost of expanding services which are necessitated by new growth. Councilmember Carpenter observed that Orem Department of Public Safety is making a number of concessions in relation to providing fire service with the understanding that an adequate Public Safety facility will be built. He noted that Orem has been very understanding of the delay in beginning construction of the facility due to the economic downturn. Mayor Dain noted that build out call volume for fire and EMS services will not warrant an independent Lindon Fire Department, and that the exceptional service provided by Orem City has reduced call times significantly. Councilmember Bayless observed that reduced call times are literally saving lives.

Mr. Dameron clarified that impact fees will cover only 30% of the cost associated with the new facility, which is the portion of new growth still possible within the City. Mr. Haws noted that the Homebuilders Association acknowledges the impact of new growth on service levels, and are not contesting the need to assess a fee. Their stated intent is to assure that the fee assessed is fair and based on sound methodology.

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

COUNCILMEMBER FRAMPTON MOVED TO CONTINUE REVIEW OF #2010-8-O, PUBLIC SAFETY IMPACT FEE, AND TO SCHEDULE A PUBLIC HEARING FOR THE REGULAR MEETING OF JANUARY 18, 2011. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

2. **Review and Action – Temporary Locator Signs.** This is a request by staff for the
Council’s consideration and approval of temporary locator signs for businesses impacted by the removal of the bridge over I-15 at 200 South. The bridge will be out of operation for up to six months and several businesses including the Transfer Station have requested these temporary signs. If approved, staff has recommended specific locations for the temporary signs.

Mr. Dameron explained that this item has been reviewed by Mr. Haws, and that the temporary locator signs can be allowed on a temporary basis based on Utah State Code 10-8-84 which reads: *(1) The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.*

Mr. Dameron clarified that the signs will serve businesses impacted by the 200 South bridge closure associated with the UDOT I-15 Core project. Temporary signs will be permitted only in the locations specified on the map provided for the Council, and only until the bridge re-opens. Councilmember Bayless suggested that the City make contact with all affected businesses to let them know that they have the option to place the temporary signs. Mayor Dain suggested that an additional location be added to the map near the entrance of Harbor Industrial Park. The Council agreed with both suggestions. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

**COUNCILMEMBER BAYLESS MOVED TO APPROVE TEMPORARY LOCATOR SIGNS AT THE LOCATIONS SPECIFIED ON THE MAP, WITH THE ADDITION OF THE LOCATION NEAR HARBOR INDUSTRIAL PARK.**

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

- COUNCILMEMBER BAYLESS  AYE  
- COUNCILMEMBER CARPENTER  AYE  
- COUNCILMEMBER FRAMPTON  AYE  
- COUNCILMEMBER HATCH  AYE  
- COUNCILMEMBER WALKER  AYE  

THE MOTION CARRIED UNANIMOUSLY.

3. **Review and Action – Appointment of Finance Director. (Resolution #2010-20-R)**

This is a request by Mayor Dain and the City Administrator for the appointment of Kristen Colson as the City’s full time Finance Director. Mrs. Colson served as the Lindon City Finance Director for eight years prior to the hiring of Jamie Bennee. With the recent tragedy involving Mrs. Bennee, Kristen has agreed to be reappointed to the position.

Mr. Dameron observed that City staff members are still mourning the loss of City Finance Director, Jamie Bennee, but that it is necessary for the City to move forward to replace the Finance Director position. Staff and Mayor Dain are recommending the appointment of Kristin Colson, the City’s former Finance Director. Ms. Colson left her
position to be at home with her family three years ago at the time Ms. Bennee was hired. Ms. Colson is now able to return to a full time position. The appointment of Ms. Colson will allow the City to proceed with the audit and other finance functions without interruption in operations. Mayor Dain noted that the City was disappointed to lose Ms. Colson when she resigned her position three years ago, and that this is the best scenario the City could have hoped for given the tragic loss of Ms. Bennee. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION #2010-20-R, APPOINTMENT OF FINANCE DIRECTOR KRISTIN COLSON. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY.

Ms. Colson and her family arrived at the meeting at this time. Mayor Dain informed Ms. Colson of the approval of her appointment. He congratulated her, and thanked her for her willingness to return to her position.

COUNCIL/CITY ADMINISTRATOR REPORTS –

Mr. Dameron reported on the following items:

1. The Council reviewed the Project Tracking List.
2. The Council reviewed a report regarding speed trailer locations.
3. The Council reviewed property tax and sales tax comparisons, which show revenue approximately 2% higher than anticipated.
4. Maeser Academy requested that the City consider declaring some items at the Community Center surplus and allowing the school to bid on the items, such as furniture and pianos. Following discussion, the Council felt that it would be appropriate to delay surplus of any items at the Community Center until programs are operational and the City determines what, if any, items could be declared surplus.
5. The Council discussed the Community Covenant program which was introduced by Lt. Buckington of the Utah Army National Guard at a previous meeting. The program will be announced as part of the 2011 Memorial Day Ceremony.
6. A walk through of the Community Center with Maeser Academy has been completed. The school’s maintenance personnel will make several repairs to the facility. Upon completion of the repairs, the school will be refunded their security deposit.
7. The Council discussed the Geneva Road sewer project. Mayor Dain explained that the project is necessary, and the City is obligated to complete the upgrades. Sewer rates will likely be affected to cover the cost of debt service for the bond which will finance the project. Mr. Dameron noted that the bond transaction will
not close until the City can demonstrate that revenue is available for the debt service. It will be necessary to address the sewer rate structure in January or February 2011 and make appropriate adjustments. Mr. Dameron noted that a process will be in place to abate any increase for low income residents who meet specific criteria.

COUNCILMEMBER WALKER – Councilmember Walker reported that the Historic Preservation Commission and Tree Advisory Board are currently considering permanent locations at the Community Center for the Christmas Tree. Mayor Dain requested that the Tree Advisory Board make a recommendation about leaving or removing each of the existing trees at the Community Center.

Councilmember Walker also reported that the conflict between PETA and the Animal Shelter seems to have subsided. The Animal Shelter is considering joining an association which will provide better representation during the legislative session.

Councilmember Walker reported that the Christmas Tree Lighting Ceremony was a great success. He noted that participation of the choirs from local schools involves families in the event. He also thanked the Mayor for the opportunity to participate in the community Thanksgiving Dinner. He thanked the committee that organized the event for their work. Mr. Dameron noted that it can not be over emphasized that the dinner was funded completely by donations, and that no City funds were used.

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported that the Legislative Session will be starting soon. He requested that the Council review upcoming legislation and forward any concerns to him to allow him to address those concerns with the Utah League of Cities and Towns and the Legislative Policy Committee.

Councilmember Carpenter also reported that UTOPIA and UIA have been working through several financial issues, but are now hoping that bonding will be in place in 6 weeks or so.

Councilmember Carpenter invited Chief Cullimore to report on Police Department activities. Chief Cullimore invited the Mayor and any available Councilmembers to attend an upcoming NOVA graduation at Lindon Elementary on December 15th. Councilmember Carpenter will attend.

Chief Cullimore requested approval for out of state training for Officers Gray and Wright. The firearms instructor training normally costs $2,000 per attendee. However, Lindon has been awarded a fee waiver for the training, and the cost will be $98 per attendee. The entire cost of the training will be minimal including travel and lodging. Councilmember Bayless noted that the City benefits from having well trained officers.

Councilmember Carpenter observed that this type of training increases the professionalism of the Police Department. Mayor Dain noted that this training opportunity will provide $5,000 in training for approximately $500.

COUNCILMEMBER CARPENTER MOVED TO APPROVE OUT OF STATE TRAINING FOR OFFICER GRAY AND OFFICER WRIGHT TO ATTEND. FIREARMS INSTRUCTOR TRAINING. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
Chief Cullimore also reported that the Police Department and Utah County SWAT Team will conduct active shooter training at Oak Canyon Junior High School during Christmas Break. He also presented that Council with a report on the 2010 Drill Down For Safety emergency preparedness drill, along with a letter from the Utah County Health Department which is very complimentary of the drill.

Chief Cullimore reported that at the Police Department Christmas Party, Officer John Lloyd was presented with the Officer of the Year Recognition. He requested that the Council recognize Officer Lloyd during the December 7, 2010 City Council meeting.

Chief Cullimore went on to report on a search warrant which was written by Officer Gray and Officer Wright which yielded recovery of approximately $500,000 in stolen property. The investigation is ongoing, and additional arrests are expected.

In conclusion, Chief Cullimore reported that the granite for the Veteran’s Memorial has been shipped. He noted that the memorial is somewhat under funded, and that private donations will likely be necessary to complete the project.

MAYOR DAIN – Mayor Dain reported that bids have been opened for the Murdock Canal Trail project, and that bids are very favorable. Designs have been modified around the majority of utility crossings, which is expected to reduce the City’s costs associated with the project. Completion of the trail is expected by fall of 2012.

Mayor Dain also reported that the Utah Lake Commission has asked municipalities bordering the lake to adopt uniform planning standards to ensure orderly development and preserve sensitive lands. A model ordinance will be provided, with the City having the ability to modify the ordinance to meet specific circumstances.

COUNCILMEMBER BAYLESS – Councilmember Bayless inquired as to whether the Community Center would be available in January for Healthy Lindon community education classes. Mayor Dain felt that in general, the facility should not be used until remodeling is complete. However, he felt that it may be appropriate to allow use of the facility for City sponsored events. Councilmember Bayless will discuss options with the Healthy Lindon Committee.

COUNCILMEMBER FRAMPTON – Councilmember Frampton reported that the Housing Consortium will meet later in the week to allocate funds to specific projects.

COUNCILMEMBER HATCH – Councilmember Hatch reported that the Transfer Station Board approved the 2011 operating budget. The budget impacts to the City are essentially unchanged, with the City paying $29 a ton for mixed waste disposal.

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

- COUNCILMEMBER BAYLESS  AYE
- COUNCILMEMBER CARPENTER  AYE
- COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY.

ADJOURN –

COUNCILMEMBER CARPENTER MOVED TO ADJOURN THE MEETING AT 8:47 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 21, 2010

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Debra Cullimore, City Recorder

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James A. Dain, Mayor