

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

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

8 **PRESENT**

ABSENT

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

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

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

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

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

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

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

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

46 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE

2 COUNCILMEMBER FRAMPTON AYE
3 COUNCILMEMBER HATCH AYE
4 COUNCILMEMBER WALKER AYE
5 THE MOTION CARRIED UNANIMOUSLY.

6 **OPEN SESSION** - Citizens comments

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

10 **MAYOR'S COMMENTS/REPORT** –

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

20 **CONSENT AGENDA** –

22 No Items

24 **CURRENT BUSINESS**

- 26 1. **Continued Public Hearing** – *Public Safety Building Impact Fee. (Ordinance*
27 *#2010-8-O)* The City Council will hear public comment and possibly act to
28 approve Ordinance #2010-8-O (Chapter 11.3 of the LCC) which would adopt the
29 public safety impact fee analysis, the public safety capital facilities plan, and set
30 the calculation and collection of the impact fee. This public hearing was
31 continued from the meeting of November 16, 2010. Since that date, staff and
32 representatives of the Home Builders Association have met and discussed the
33 items of concern.

34 City Attorney, Brian Haws, was present for this discussion. Mr. Haws explained
35 that the City has been in discussion with the Homebuilders Association regarding specific
36 concerns related to the proposed impact fee. During those discussions, the City became
37 aware that a required notice was not posted on the State Public Notice Website at the time
38 the Impact Fee Analysis was started in 2009 due to miscommunication between the City
39 and Lewis, Young, Robertson and Burningham regarding who would post the notice.
40 Mr. Haws explained that under state law, the remedy for failing to post a notice is to post
41 it for a period of time sufficient to fulfill the intent of the notice. Mr. Haws suggested
42 that a new Public Hearing be scheduled for January 18, 2011 to allow sufficient time for
43 the posting to be public, as well as to allow staff to continue discussions with interested
44 parties. Mr. Haws also noted that the Homebuilders Association has requested that the
45 City use an alternative methodology based on square footage to calculate the fee.
46 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.

- Review and Action** – *Temporary Locator Signs*. This is a request by staff for the

2 Council's consideration and approval of temporary locator signs for businesses
3 impacted by the removal of the bridge over I-15 at 200 South. The bridge will be
4 out of operation for up to six months and several businesses including the
5 Transfer Station have requested these temporary signs. If approved, staff has
6 recommended specific locations for the temporary signs.

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

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

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25 COUNCILMEMBER BAYLESS MOVED TO APPROVE TEMPORARY
26 LOCATOR SIGNS AT THE LOCATIONS SPECIFIED ON THE MAP, WITH THE
27 ADDITION OF THE LOCATION NEAR HARBOR INDUSTRIAL PARK.
28 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
29 RECORDED AS FOLLOWS:

30 COUNCILMEMBER BAYLESS AYE
31 COUNCILMEMBER CARPENTER AYE
32 COUNCILMEMBER FRAMPTON AYE
33 COUNCILMEMBER HATCH AYE
34 COUNCILMEMBER WALKER AYE
35 THE MOTION CARRIED UNANIMOUSLY.

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37 3. **Review and Action** – *Appointment of Finance Director. (Resolution #2010-20-R)*
38 This is a request by Mayor Dain and the City Administrator for the appointment
39 of Kristen Colson as the City's full time Finance Director. Mrs. Colson served as
40 the Lindon City Finance Director for eight years prior to the hiring of Jamie
41 Bennee. With the recent tragedy involving Mrs. Bennee, Kristen has agreed to be
42 reappointed to the position.

43 Mr. Dameron observed that City staff members are still mourning the loss of City
44 Finance Director, Jamie Bennee, but that it is necessary for the City to move forward to
45 replace the Finance Director position. Staff and Mayor Dain are recommending the
46 appointment of Kristin Colson, the City's former Finance Director. Ms. Colson left her

2 position to be at home with her family three years ago at the time Ms. Bennee was hired.
3 Ms. Colson is now able to return to a full time position. The appointment of Ms. Colson
4 will allow the City to proceed with the audit and other finance functions without
5 interruption in operations. Mayor Dain noted that the City was disappointed to lose Ms.
6 Colson when she resigned her position three years ago, and that this is the best scenario
7 the City could have hoped for given the tragic loss of Ms. Bennee. Mayor Dain called for
8 further comments or discussion. Hearing none, he called for a motion.

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10 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
11 #2010-20-R, APPOINTMENT OF FINANCE DIRECTOR KRISTIN COLSON.
12 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
13 RECORDED AS FOLLOWS:
14 COUNCILMEMBER BAYLESS AYE
15 COUNCILMEMBER CARPENTER AYE
16 COUNCILMEMBER FRAMPTON AYE
17 COUNCILMEMBER HATCH AYE
18 COUNCILMEMBER WALKER AYE
19 THE MOTION CARRIED UNANIMOUSLY.

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

23 **COUNCIL/CITY ADMINISTOR REPORTS –**

24 Mr. Dameron reported on the following items:

- 25 1. The Council reviewed the Project Tracking List.
- 26 2. The Council reviewed a report regarding speed trailer locations.
- 27 3. The Council reviewed property tax and sales tax comparisons, which show
28 revenue approximately 2% higher than anticipated.
- 29 4. Maeser Academy requested that the City consider declaring some items at the
30 Community Center surplus and allowing the school to bid on the items, such as
31 furniture and pianos. Following discussion, the Council felt that it would be
32 appropriate to delay surplus of any items at the Community Center until programs
33 are operational and the City determines what, if any, items could be declared
34 surplus.
- 35 5. The Council discussed the Community Covenant program which was introduce
36 by Lt. Buckingham of the Utah Army National Guard at a previous meeting. The
37 program will be announced as part of the 2011 Memorial Day Ceremony.
- 38 6. A walk through of the Community Center with Maeser Academy has been
39 completed. The school's maintenance personnel will make several repairs to the
40 facility. Upon completion of the repairs, the school will be refunded their security
41 deposit.
- 42 7. The Council discussed the Geneva Road sewer project. Mayor Dain explained
43 that the project is necessary, and the City is obligated to complete the upgrades.
44 Sewer rates will likely be affected to cover the cost of debt service for the bond
45 which will finance the project. Mr. Dameron noted that the bond transaction will

2 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
4 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
6 specific criteria.

8 **COUNCILMEMBER WALKER** – Councilmember Walker reported that the Historic
Preservation Commission and Tree Advisory Board are currently considering permanent
10 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.

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

16 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
18 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
20 funded completely by donations, and that no City funds were used.

22 **COUNCILMEMBER CARPENTER** – Councilmember Carpenter reported that the
Legislative Session will be starting soon. He requested that the Council review upcoming
24 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.

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

30 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
32 December 15th. Councilmember Carpenter will attend.

34 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
36 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.
38 Councilmember Carpenter observed that this type of training increases the
professionalism of the Police Department. Mayor Dain noted that this training
40 opportunity will provide \$5,000 in training for approximately \$500.

42 **COUNCILMEMBER CARPENTER MOVED TO APPROVE OUT OF STATE
TRAINING FOR OFFICER GRAY AND OFFICER WRIGHT TO ATTEND
44 FIREARMS INSTRUCTOR TRAINING. COUNCILMEMBER BAYLESS
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
46 CARRIED.**

2 Chief Cullimore also reported that the Police Department and Utah County
3 SWAT Team will conduct active shooter training at Oak Canyon Junior High School
4 during Christmas Break. He also presented that Council with a report on the 2010 Drill
5 Down For Safety emergency preparedness drill, along with a letter from the Utah County
6 Health Department which is very complimentary of the drill.

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

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

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

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

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

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

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

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

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

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44 COUNCILMEMBER BAYLESS AYE
45 COUNCILMEMBER CARPENTER AYE
46 COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBR HATCH AYE
2 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

4 **ADJOURN** –

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8 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.

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12 Approved – December 21, 2010

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18 _____
Debra Cullimore, City Recorder

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James A. Dain, Mayor