The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 15, 2011** 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: James A. Dain
Invocation: Ott Dameron

**PRESENT**

- 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.

**MINUTES** - The minutes of the regular meeting of February 1, 2011 were reviewed.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE MEETING OF FEBRUARY 1, 2011. 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.

**OPEN SESSION** –

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 on a recent meeting with Teens Against Graffiti (T.A.G.) regarding projects completed in Lindon during the previous year. He stated that the organization will assist the City with a variety of projects other than graffiti removal.

Mayor Dain also reported that he was contacted by a researcher regarding the PBS documentary series, Turning Point. The series features stories of ordinary people
who have made an extraordinary difference in the world. The researcher requested that
the Mayor forward any suggestions of Lindon residents who have made a difference.
Mayor Dain asked the Council to forward any stories to him, and he will pass them along
to the researcher for consideration.

Mayor Dain thanked the Council and staff for their attendance at the annual
Budget Retreat meeting held February 10, 2011 at 4:00 p.m. The Council discussed the
decision to move the meeting to a weeknight rather than Saturday morning. The Council
and staff expressed a preference for the weeknight format.

Chief Cullimore invited the Boy Scouts present in the audience to attend the
Youth Education Series class at the City Center on Thursday, February 17, 2011 at 6:00
p.m.

Mayor Dain recognized the Distinguished Budget Presentation Award which the
City received for the 2010/2011 Fiscal Year Budget. The budget was prepared by former
Finance Director, Jamie Bennee, prior to her death.

CONSENT AGENDA –

No Items

CURRENT BUSINESS –

1. **Review and Action** – Ordinance Adoption, Chapter 2.39 of the Lindon City Code
   – “Lindon City Community Center Advisory Board” (#2011-1-O). This is a
request by staff for the Mayor and Council’s review and approval of an Ordinance
establishing the Lindon City Community Center Advisory Board. This Board, to
be made up of Lindon residents, will advise the City Council on programs,
cultural arts, services, and operations of the new Community Center. This
ordinance creates the Board membership and terms of appointment.

City Attorney, Brian Haws, was present for this discussion with the Council. Mr.
Haws explained that this Ordinance clarifies the structure and authority of the
Community Center Advisory Board. The Council discussed several changes to the
ordinance, including a less strict vacancy rule, pre-approval of expenditures by the City
Administrator, removal of item #3 and #4 as presented, and authority of the Committee to
pursue funding sources, such as grants. City staff would be responsible to finalize any
financial transactions, but the Committee would be authorized to research and pursue
funding sources for programs.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE
#2011-1-O – LINDON COMMUNITY CENTER ADVISORY BOARD, WITH
CHANGES AS DISCUSSED PENDING FINAL REVIEW AND APPROVAL BY
MAYOR DAIN. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

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<tr>
<td>COUNCILMEMBER CARPENTER</td>
<td>AYE</td>
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<td>COUNCILMEMBER BAYLESS</td>
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2. **Review and Action** – Supplemental Agreement – UDOT – I-15 Widening Project (#0408). This is a request by staff for the Mayor and Council’s review and approval of a supplemental agreement which modifies the Master Utility Agreement between Lindon City and UDOT relative to the I-15 Widening Project. There are no additional costs associated with this agreement.

Mr. Dameron explained that this supplemental agreement outlines work completed as part of the UDOT I-15 project which is outside the scope of the Master Utility Agreement. UDOT expects three additional supplemental agreements during the course of the project. There is no additional cost to the City. Mayor Dain called for comments or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE SUPPLEMENTAL AGREEMENT #0408 BETWEEN LINDON CITY AND UDOT. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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<tr>
<td>COUNCILMEMBER HATCH</td>
<td>AYE</td>
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<tr>
<td>COUNCILMEMBER WALKER</td>
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THE MOTION CARRIED UNANIMOUSLY.

3. **Review and Action** – Resolution - Appointment of Temporary Judges for the Lindon City Justice Court. (#2011-3-R) This is a request by the Lindon City Attorney, Brian Haws, for the Mayor and Council’s review and approval of Resolution #2011-3-R which appoints a temporary Judge for the Lindon City Justice Court when Judge Bullock must recuse himself due to conflicts of interest or other reasons. This action is in compliance with state law and a recent case from the Utah Court of Appeals which requires temporary judges be appointed by the City Council.

Mr. Haws explained that current case law requires Municipal Justice Courts to officially appoint temporary Judges to preside in court in instances where the regular Judge is unavailable or must recuse themselves for any reason. Councilmember Walker inquired as to whether the City would incur any expense if a temporary Judge is used. Mr. Haws stated that there would be no cost to the City, and that Judges typically provide this service to other courts as a professional courtesy. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2011-3-R – APPOINTMENT OF TEMPORARY JUDGES FOR THE LINDON CITY JUSTICE COURT. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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THE MOTION CARRIED UNANIMOUSLY.
4. **Review and Action** – Amendment to Interlocal Agreement (Sewer Services and Expansion of Water Reclamation Facility) between Lindon City and the City of Orem. This is a request by staff for the Mayor and Council’s review and approval of an amendment to the Interlocal Agreement between Lindon City and the City of Orem relating to sewer services. The updated Interlocal Agreement was approved in February 2010. This amendment provides clarification of cost sharing for the sewer upgrade project now in process, and allows for Lindon’s ownership of the project through the life of the bond.

Mr. Dameron explained that the details of the amendment to the Interlocal Agreement have not been finalized. He requested that this item be continued, noting that a Special Meeting may be necessary to approve amendments prior to the Sewer Bond closing, currently scheduled for February 24, 2011. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO CONTINUE AMENDMENTS TO THE SEWER SERVICES AND EXPANSION OF WATER RECLAMATION FACILITIES INTERLOCAL AGREEMENT BETWEEN LINDON CITY AND THE CITY OF OREM. 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.

**COUNCIL REPORTS**

**COUNCILMEMBER FRAMPTON** – Councilmember Frampton recognized the efforts of Eric Anthony in his service as Chair of the Tree Advisory Board. He suggested that the Council send a note of thanks to Mr. Anthony for his service.

**COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that two new Planning Commissioners will be appointed during the coming months. She requested that the Council consider recommendations for residents to serve in that capacity.

Councilmember Bayless also reported that the Healthy Lindon program is going well and is well attended. She noted that Gary Hoglund is a great support in the program. Mayor Dain thanked Councilmember Bayless for her work in making Healthy Lindon successful.
Councilmember Bayless noted that a Finance Committee meeting will be necessary to review RFP’s for banking services. The meeting was scheduled for February 22, 2011 at 5:00 p.m.

COUNCILMEMBER WALKER – Councilmember Walker reviewed sales tax revenue reports, noting that figures indicated a trend of increasing sales tax revenue. Mayor Dain noted that sales tax revenues are currently exceeding projections by over 1% for the fiscal year. He also noted that sales tax revenue may not return to peak levels without increased commercial development.

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported on bills under consideration at the State Legislature, including immigration legislation. He noted that Rep. Sandstrom has substantially revised his immigration bill to address a number of concerns expressed by affected parties. Councilmember Carpenter invited Chief Cullimore to report on Police Department activities. Chief Cullimore reminded the Council of joint training which will be held with the City Council, Planning Commission and Board of Adjustment at 6:00 p.m. on February 22 prior to Planning Commission meeting. The training will address safety in public meeting, particularly in the event of an angry resident or active shooter. Chief Cullimore also reported that Lindon Police Department will be assisting Provo City and Hurricane City in creating disaster emergency response plans similar to the Lindon Drill Down for Safety events. Lindon may also be a presenter at the national F.E.M.A. conference in the fall of 2011.

COUNCILMEMBER HATCH – Councilmember Hatch reported that the Chair of the Transfer Station Board may be contacting Mayor Dain to request assistance in facilitating planning with the Board of Health for the hazardous materials disposal area at the transfer station.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:
1. City offices will be closed Monday, February 21, 2011 for the Presidents Day holiday.
2. The Council reviewed the Project Tracking List.
3. The Council discussed details of the sewer bond, and the Interlocal Agreement between Lindon City and the City of Orem.
4. The Lindon Justice Court has implemented a new software system, CORIS, which is now being used statewide.
5. Six contractors are plan holders for the Community Center remodel project.

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

Lindon City Council
February 15, 2011
COUNCILMEMBER FRAMPTON  AYE
2  COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
4  THE MOTION CARRIED UNANIMOUSLY.

6  ADJOURN –

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

12  Approved – March 1, 2011

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18  Debra Cullimore, City Recorder

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24  James A. Dain, Mayor

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