

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, April 19, 2011**
beginning with a Work Session at 6:30 p.m. in the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION** – 6:30 p.m.

6 Conducting: James A. Dain, Mayor

8 **PRESENT**

ABSENT

10 James A. Dain, Mayor
12 Lindsey Bayless, Councilmember
Bret Frampton, Councilmember
14 Jerald I. Hatch, Councilmember
Mark L. Walker, Councilmember
16 Ott H. Dameron, City Administrator
Don Peterson, Public Works Director

Bruce Carpenter, Councilmember
Debra Cullimore, City Recorder

18 The meeting began at 6:35 p.m.

20 **DISCUSSION** – *The Mayor and City Council met in a Work Session with Public Works
22 Director, Don Peterson, to hear a report on current year data and discuss issues and
concerns for Fiscal Year 2011-2012.*

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26 Public Works Director, Don Peterson, was present for this discussion with the
Council. Mr. Peterson reported that Lindon is well prepared for spring run off, and that
28 Lindon does not typically experience significant flooding issues. He noted that at times if
spring run off is accompanied by heavy rain there can be some potential for localized
flooding. He explained that the storm drain system is designed to accommodate run off
30 and storm drainage adequately in most circumstances. He stated that ten palettes of
sandbags are available to mitigate flooding if necessary. Residents can obtain the
32 sandbags at the Public Works Complex.

34 Mr. Peterson stated that the Zone 2 secondary water system reservoir has been
filled. He stated that all reservoirs have been cleaned and maintained and are ready to be
filled. Zone 1 and the O Zone will be filled in the coming days. Zone 3 is filled from the
36 North Union Canal, and will be filled following completion of repairs to the canal. All
zones should be filled and operational in the next week. The Council discussed the
38 foresight of former community leaders in constructing the secondary water system and
the benefit of the system to the community.

40 Councilmember Walker passed on a report from a resident in the Anderson Lane
area about flooding issues. The Council discussed the natural drainage in the area, as
42 well as run off impacts from the freeway. Mr. Peterson will follow up on the report.

44 Mr. Peterson stated that there have been some maintenance costs in Zone 2
recently. He explained that the pumps were installed in 1993 and had to be rebuilt this
year at a cost of approximately \$23,000. An additional pump has also been added at a
46 cost of approximately \$27,000.

2 Mayor Dain noted that utility rates for the secondary water system have never
4 been increased since the system was installed in 1993. He observed that some residents
6 felt that rates should be decreased or eliminated when the bond for the system was paid in
full. However, the revenue generated through the monthly utility bill for secondary water
without the associated debt service creates the necessary revenue source to maintain and
upgrade the system to keep it functioning optimally.

8 Mr. Peterson reported on crack sealing road projects which are currently
underway. He noted that upgrades to two ADA ramps will be completed this year, one
near Aspen Elementary and one near the 600 South LDS Stake Center. An overlay will
10 be completed on 300 East from 200 South to 70 South. Repairs to 400 North on the west
side of I-15 are also scheduled. Mayor Dain noted that he has been in contact with
12 UDOT regarding completion of portions of the Vineyard Connector to allow
development of adjacent commercial properties in the area. The project would be funded
14 using savings from other UDOT projects due to the bidding climate and lower than
anticipated costs to complete other projects. He stated that he will investigate the
16 likelihood of the state project in the next week prior to the City beginning work in the
area.

18 Mr. Peterson reported that the repairs to the sewer lift pump in the area of the
Martin Snow property are underway. He reported that the Veteran's Memorial is nearing
20 completion.

22 Councilmember Frampton reported that the annual Arbor Day celebration is
scheduled for May 7th at Fryer Park. He inquired as to whether the park would be ready
for the event. Mr. Peterson stated that the curb and gutter in the parking lot area will not
24 be completed, but planting trees in the park strip would still be possible. The Historical
Commission wagon wheel plaque will be ready for the Arbor Day event. The park will
26 also be dedicated at that time.

28 Councilmember Walker inquired as to equipment needs at Public Works. Mr.
Peterson stated that existing equipment is adequate at this time, and no new equipment
will be purchased this year.

30 Mayor Dain inquired as to proposed staffing for the coming year. Mr. Peterson
noted that there has been some discussion of creating one position which would be shared
32 between the storm water and the sewer fund. He explained that both are enterprise funds
which could accommodate the funding for the position with no impact to the General
34 Fund. He stated that the additional manpower is needed in both divisions to meet the
work demand. Mayor Dain noted that Public Works currently has three vacant positions,
36 and that this proposed position would replace one of those positions and allow the City to
meet the demands of new federal storm water requirements and manage the work load of
38 both divisions.

40 Mr. Peterson expressed appreciation for the support of the Council. Mayor Dain
asked Mr. Peterson to pass along the thanks of the Council to Public Works staff.

42 **REGULAR SESSION** – 7:00 p.m.

44 Conducting: James A. Dain, Mayor

Pledge of Allegiance: Adam Cowie

46 Invocation: Lindsey Bayless

2 **PRESENT**

ABSENT

4 James A. Dain, Mayor
Lindsey Bayless, Councilmember
6 Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
8 Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
10 Adam Cowie, Planning Director

Bruce Carpenter, Councilmember
Debra Cullimore, City Recorder
Cody Cullimore, Chief of Police

12 The meeting was called to order at 7:10 p.m.

14 **PROCLAMATION** – *The Mayor and Council reviewed a proclamation designating
April 30, 2011 as “Clean Out the Medicine Cabinets Day” in Lindon.*

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18 Mayor Dain read the Proclamation designating April 30, 2011 as “Clean Out the
Medicine Cabinets Day” in Lindon.

20 **MINUTES** – The minutes of the meeting of April 5, 2011 were reviewed.

22 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINTUTES OF
THE MEETING OF APRIL 5, 2011. COUNCILMEMBER WALKER SECONDED
24 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
28 COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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OPEN SESSION – Citizen Comments

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34 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.

36 **MAYOR’S COMMENTS/REPORT** –

38 Mayor Dain reported that the Community Center remodel project is on schedule.
Work on the elevator shaft is underway. The appliances for the kitchen have been
40 selected, including four refrigerators, a washer and dryer, two stoves and two
microwaves. The Council discussed secondary water access and sprinkling system
42 installation. The elevator is expected to be completed approximately 30 days later than
the remainder of the project. A ribbon cutting will be held during the first week or so of
44 June. The Council will meet at 5:30 p.m. on May 3rd prior to the Work Session and
regular City Council meeting to tour the Community Center.

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CONSENT AGENDA –

No items.

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CURRENT BUSINESS –

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1. **Report/Presentation** – *North Utah Valley Animal Shelter*. This item is a report/presentation by Tug Gettling, NUVAS Director, about activities at the Animal Shelter. As a charter member of NUVAS, Lindon City has an appointed Board Member, Councilmember Mark Walker, and participates in the shelter agreement.

Mr. Dameron explained that Mr. Gettling was unavailable for this meeting, and rescheduled his presentation to the May 3, 2011 meeting.

2. **Continued Public Hearing** – *Ordinance Amendment – R2-Overlay Zone (Ordinance #2011-2-0)*. The City Council will hear public comment and possibly act to approve proposed changes to the Lindon City Code, Chapter 17.46 (R2-Overlay Zone) which regulates multi-family developments and accessory apartments within Lindon City. The Planning Commission has reviewed these changes. This Public Hearing was continued from the meeting of April 5, 2011.

Mayor Dain explained that following previous review of this ordinance amendment, he requested an opinion from legal counsel regarding the authority of the City to impose architectural restrictions on residential development. City Attorney, Brian Haws, researched the issue, and has given an opinion that it is within the authority of the Council to regulate architecture of residential development if specific criteria are met.

Mr. Cowie reviewed language changes which have been incorporated into the ordinance since the previous discussion. He explained that review of the Tim Clyde R2-Overlay project application prompted review of ordinance, and specifically architectural requirements. The current ordinance requires that the architectural style is common to the neighborhood where the project is located. The Planning Commission had lengthy discussion regarding the definition of the term “neighborhood” and what architectural standards could be applied based on current ordinance requirements. Several members of the Commission felt that since adjacent homes were brick exterior, the R2 project should be required to have a brick exterior. Other Commissioners felt that requiring brick may be overly restrictive and may conflict with the moderate income housing requirement for R2 projects.

Councilmember Walker expressed concern regarding over regulation of architectural standards. Mr. Cowie noted that current language is vague and subject to interpretation. He suggested that more specific language would allow the City to uniformly apply architectural requirements. Councilmember Frampton asked if architectural requirements would be applied to single family homes. Mr. Cowie stated that requirements would be applied only to R2 projects. Councilmember Bayless noted that multi family homes are essentially businesses located in residential areas, and can create a greater impact on the surrounding neighborhood than a single family home. She

2 felt that specific architectural standards for R2 projects would be reasonable to protect the
integrity of the surrounding neighborhood. The issue came to the attention of the
4 Planning Commission as they reviewed the Tim Clyde application based on current
ordinance requirements.

6 Mr. Cowie explained that the intent of proposed architectural requirements is to
provide broad regulation of permitted architecture without specifying details. He
8 suggested that the proposed language may offer a broader range of architectural options
than current language. Mayor Dain expressed concern regarding the subjectivity of
10 interpretation of specific architectural styles. Councilmember Frampton commented on
language which defines the purpose of the ordinance, which is to maintain the single
12 family residential appearance of neighborhoods. He suggested that in addition to this
language, a requirement for earth tone colors be added to the ordinance, and that specific
14 architectural styles be removed from the requirements. Councilmember Walker agreed that specific
architectural styles should be removed from the ordinance.

16 Mr. Cowie asked about proposed requirements which would allow only one street
facing entrance and garage door. The Council felt that the proposed design requirements
18 were not overly restrictive and would comply with the intent of the ordinance to maintain
the single family residential look of the neighborhood. Councilmember Hatch inquired
20 as to possible conflicts in parking requirements. The Council discussed parking
requirements which prohibit the two required off street parking spaces in the front or
street side yard setbacks.

22 Following further discussion, the Council agreed to include requirements for
street facing garage and entrance doors to create a single family residential appearance.
24 A requirement for earth tone colors will also be included in the ordinance. Language and
examples requiring specific architectural styles will be removed from the ordinance.
26 Building elevations, including materials and colors will be reviewed during the approval
process. Mayor Dain suggested language which requires design elements common to the
28 surrounding neighborhood, such as pitched roofs. Mr. Cowie suggested that a distance
defining the neighborhood area be included.

30 Following further discussion, the majority of the Council agreed to the following
wording: "R2 projects proposals shall be designed according to traditional residential
32 styles which are compatible with other homes in the immediate vicinity." Diagrams
illustrating design options in compliance with street facing garage and entrance door
34 requirements will also be included in the ordinance.

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

38 COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE
#2011-2-0, R2 OVERLAY ZONE WITH LANGUAGE AND DIAGRAMS AS
40 DISCUSSED. COUNCILMEMBER WALKER SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER BAYLESS NAY
COUNCILMEMBER FRAMPTON AYE
44 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

46 THE MOTION CARRIED (3-1) WITH ONE ABSENT.

2 COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE CONTINUED
PUBLIC HEARING. COUNCILMEMBER BAYLESS SECONDED THE MOTION.
4 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 6 3. **Public Hearing** – *Ordinance Amendment – LCC 13.28.078 – Cross Connection*
(*Ordinance #2011-4-O*). This is a request by staff for the City Council’s review
8 and approval of LCC Section 13.28.078, Cross Connections, which deals with
back flow and cross connections to the culinary water system. The wording is
10 provided by the Sate and is required to comply with specific State requirements
relative to inspection of the culinary water system.

12 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING.
14 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

16 Mr. Cowie explained that this is a request by Water Superintendent, Dennis
18 Kendall, to add specific language which is required to comply with State requirements for
inspections and due process for the customers. Mr. Dameron explained that new
20 requirements for backflow will apply only to new construction.

22 Mayor Dain called for public comment. There was no public comment. He
called for a motion to close the Public Hearing.

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

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

30 COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE
32 #2011-4-O, CROSS CONNECTIONS. COUNCILMEMBER BAYLESS SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER FRAMPTON AYE
36 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

38 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 40 4. **Review and Action** – *Amendment to Policies and Procedures Manual –*
(*Resolution #2011-4-R*). This is a request by staff for the City Council’s review
42 and approval of an amendment to the City’s policies and Procedures manual
dealing with modifications to the employee benefits section.

2 Mayor Dain noted that this amendment was discussed at length during the annual
retreat in February. Councilmember Hatch excused himself from this discussion and vote
due to a potential conflict of interest.

4 Councilmember Bayless noted that this amendment formalizes the action
discussed during the retreat. Councilmember Walker felt that the policy amendment may
6 be moving from one extreme to another extreme. He noted that the change results in a
77% reduction in benefits for the City Council members receiving benefits through the
8 City. He felt that at some time in the future it may be appropriate to consider a more
moderate approach.

10 Councilmember Bayless noted that insurance benefits have been offered to City
Council members only since 2003. The economy at the time allowed the City to offer
12 generous benefits to the Council without significant impact to the General Fund or full
time City employees. She felt that compensation to full time employees should be the
14 financial priority at this time. She also felt that receiving benefits should not be the
reason for citizens to seek public office, but that holding elected office should be based
16 on a desire to serve the community. She felt that the proposed amendments to the policy
were fair and equitable to elected officials and City staff based on current economic
18 conditions.

20 Mayor Dain noted that at the time insurance benefits were offered to elected
officials, the economy was healthy and the City had adequate revenue to offer the
benefits without adverse budget impacts. Since that time, the economy has slowed and
22 the financial ability of the City to continue to offer the benefit on a continuing basis has
been affected. He noted that the ability for elected officials to participate in health
24 insurance benefits was not implemented as a way to increase compensation, but was
offered as an act of generosity given specific economic conditions and individual
26 circumstances. He felt that the proposed changes would provide a mechanism to phase
out the current program while minimizing negative impacts to individual
28 Councilmembers. He observed that benefits packages for elected officials could be
monitored and reconsidered on an annual basis. He noted that the current practice as well
30 as proposed changes are based on sound fiscal policies and are in no way reflective of
individuals who currently receive benefits.

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

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36 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
#2011-4-R, AMENDMENTS TO POLICIES AND PROCEDURES MANUAL.
COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS
38 RECORDED AS FOLLOWS:
COUNCILMEMBER BAYLESS AYE
40 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER WALKER AYE
42 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

44 Councilmember Hatch rejoined the Council at this time.

46 **COUNCIL REPORTS** –

2 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported on information
received during the Utah League of Cities and Towns Conference held the previous
4 week. Community building and instilling pride in neighborhoods was encouraged as a
way to establish stable cohesive communities. The Council discussed methods for
6 publicizing community service projects and ways to involve and engage the community.

8 **COUNCILMEMBER WALKER** – Councilmember Walker also reported on
information from the ULCT Conference. He discussed State budget issues and reviewed
10 new legislation passed during the 2011 session including elections, GRAMA,
government transparency and immigration. Economic forecasts were also discussed.

12 Councilmember Walker also reported on information he received from a Derek
14 Monson of the Sutherland Institute regarding a higher level of transparency on the City
website. Councilmember Walker suggested including additional information such as
16 contract and agreement information, as well as links to existing information on the
website which would make it more easily accessible. City staff will follow up on the
suggestions.

18 **COUNCILMEMBER HATCH** – Councilmember Hatch discussed the City’s contract
20 with the North Point Solid Waste Special Service District. He reviewed the history of the
landfill/transfer station. He noted that the only cost to the City has been the cost of
22 disposal. He noted that over 70% of volume at the transfer station is generated by the
general public, generating only 7% of the revenue. The cost for residential waste
24 disposal will be approximately \$23 per ton based on the proposed Interlocal Agreement.
Commercial waste is currently being taken to the NPSWSSD transfer station by Allied
26 Waste. A new transfer station in Pleasant Grove is being considered, which could impact
revenue at the existing transfer station. In the event that municipalities who currently
28 participate in the District elect to use other providers or facilities, the financial viability of
the transfer station could be negatively impacted. Details of the Interlocal Agreement,
30 requirements for participation in the District, and future providers and facilities will be
finalized with the Transfer Station Board and officials of participating entities at a later
32 date.

Councilmember Hatch inquired as to the \$650 fee for General Plan amendments
34 as well as fees for subdivision plat amendments and zone change amendments.
Approval of a zone change also requires a General Plan amendment in most
36 circumstances. Mayor Dain explained that fees are intended to cover the actual costs to
the City, and that in many cases actual costs to process development applications are
38 subsidized by the City.

Councilmember Hatch inquired as to the process to obtain a restraining order. He
40 reported that he has a neighbor with some safety concerns. Mayor Dain suggested that
Councilmember Hatch contact Chief Cullimore regarding the issue.

42 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reiterated the Arbor
44 Day celebration and Fryer Park dedication scheduled for May 7th. He noted that a former
Tree Advisory Board member, Jeneal Kallas, has agreed to serve on the Board again.
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ADMINISTRATOR’S REPORT –

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- Mr. Dameron reported on the following items:
1. The Council reviewed the Project Tracking List
 2. The City is working with residents who currently use the Cobbley Ditch for irrigation to bring them onto the secondary water system in order to save the cost of piping the ditch. If the residents connect to the secondary system the ditch could be abandoned.
 3. Lindon took third place in the blood donation drive held at Horrocks Engineers.
 4. Community Spring Clean Up will be April 29th through May 7th. Dumpsters will be located at: City Center Park Arena - 200 North Main, Public Works Complex - 946 West Center, Hollow Park - 300 North 400 East, LDS Stake Center - 100 North 1100 East, Pheasant Brook Park - 400 North 800 West
 5. Sixteen applications have been received for the Parks and Recreation Director position.
 6. The City Administrator’s position will be advertised in October in anticipation of Mr. Dameron’s retirement at the end of the year.
 7. The sewer bond closed on Monday April 11, 2011. Terry Larsen Excavating has started work on the project.
 8. The Council will consider an agreement with UDOT to transfer ownership of 700 North to UDOT. The access plan adopted by the City will remain in place. UDOT will be responsible for all road maintenance.
 9. As part of the I-15 Core project, some improvements to drainage on the west side of the freeway have been completed by the contractor. The City will be responsible for future maintenance of gabion baskets which have been installed.
 10. Due to possible liability issues associated with the FlowRider tour, the City Attorney has recommended that Lindon not be a host sight.
 11. The Assistant Planner position will be considered for reclassification to an Associate Planner position. The reclassification does not involve a pay increase, but more accurately reflects the duties of the position. Official action will be taken on this matter during upcoming budget discussions.
 12. Bids have been received to replace the white siding on the Community Center with stucco. If adequate funding is available using existing revenue after all scheduled work is completed, the stucco will be completed as part of the project.
 13. The Council reviewed a report from Chief Cullimore regarding the cost of filling the vacant Police Department position as opposed to covering shifts using overtime. The Council also reviewed a report regarding arrest and incident activities of the Police Department.
 14. The Council will consider a COLA pay adjustment for employees as part of budget discussions.

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

4 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER FRAMPTON AYE
6 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

8 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

10 **ADJOURN** –

12 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
10:06 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
14 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 Approved – May 3, 2011

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Debra Cullimore, City Recorder

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28 James A. Dain, Mayor