The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on Tuesday, December 6, 2011 in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor

Pledge of Allegiance: Courtney Ramstead

Invocation: Lindsey Bayless

PRESENT
James A. Dain, Mayor
Bruce Carpenter, Councilmember
Lindsey Bayless, Councilmember
Jerald I. Hatch, Councilmember
Mark L. Walker, Councilmember
Bret Frampton, Councilmember – arrived 8:15
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Kathryn Moosman, City Recorder

ABSENT
Cody Cullimore, Chief of Police

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

MINUTES - The minutes of the regular meeting of November 15, 2011 were reviewed.

COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 15, 2011 WITH CORRECTIONS.
COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

PRESENTATION - Janae Letterman, of the Utah County Health Department, will present the Council with “No Smoking” signs to be placed in the City Parks.

Toni Carpenter, representing the Utah County Health Department, was in attendance to present the Council with the “No Smoking” signs to be placed in the City Parks. She stated that a couple of years ago a law was passed to prohibit smoking in parks. She further stated that the reason for this law being passed was to protect the children who play at the parks. Each city participated in a county wide regulation that parks would be smoke free. Ms. Carpenter went on to say they initiated a contest for each city to design a sign for their parks. Lindon participated in this contest, and from over 2,000 entries from all of the cities that participated, Lindon resident Logan Hooley won the contest for the best sign. He was invited to come up to present his sign to the
council. Mayor Dain congratulated him and expressed thanks and appreciation for a job well done.

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 expressed his appreciation to all who participated in the Tree Lighting Ceremony held on December 5th. He noted that this is long time Lindon tradition and added that this is the first time it has been held at the Community Center and is the start of a new tradition at that location. Mayor Dain further noted that the tree is small, but will grow along with our community. He also reported that the star has been placed on the original ceremony tree at the John Fugal residence. Mayor Dain further reported that the Thanksgiving Dinner was successful and approximately 375 guests were served, which was a good attendance. He also added that the Open House for the outgoing councilmember’s will be held on December 8th at 2:30 p.m. at the Lindon City Council Chambers.

CONSENT AGENDA –

No Items

CURRENT BUSINESS –

1. Plat Amendment – Glacier Mountain Estates Plat “B”. This is a request by Delane Donithorne for approval of an amended subdivision plat titled Glacier Mountain Estates, Plat “B” in the R1-20 zone. The re-plat is necessary to slightly adjust property lines between two existing lots (276 East & 308 East 600 North) in order to accommodate a future detached garage on the Donithorne property. The Planning Commission recommended approval with no conditions.

City Planning Director, Adam Cowie, was present for this discussion with the Council. Mr. Cowie explained that this proposed amendment to the Glacier Mountain Estates Plat “B” is requested by Delane Donithorne for approval from the City Council. He noted that Mr. Donithorne is proposing a detached garage which will require shifting of the property lines. He explained that all lots meet the minimum lot size and all setbacks are approved.

Mr. Cowie further explained that the plat amendment will have some required relocation of utility lines with new easements. He also noted that there are no concerns by staff and the planning commission recommended approval to the City Council with no conditions.

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

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PLAT AMENDMENT FOR GLACIER MOUNTAIN ESTATES PLAT “B”.

Lindon City Council
December 6, 2011
COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2. **Public Hearing** – Ordinance Amendments – Chapter 13.23, “Storm Drainage”; Section 17.56.120, “Hillside Development”; Section 17.56.130, “Shallow Groundwater Area Development Standards”; and Section 17.57.150, “Grading, Storm Water Pollution Prevention Plan, and Drainage Plan, Review and Approval” (Ordinance #2011-10-0). The City Council will hear public comment and possibly act to approve this request by staff for several updates to the Lindon City code pertaining to storm water management and storm water regulations within the code. These changes will bring the city into compliance with newly required standards imposed upon the city by the EPA and Utah State. The Planning Commission recommended approval as presented.

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

Mr. Dameron explained that this ordinance amendment has been a long process, and has taken over a year to come to culmination. He also noted that there has been a lot of work and dedication from Don Peterson and Paul Miller at Public Works, Adam Cowie, Planning Director, Mark Christensen, City Engineer and Brian Haws, City Attorney. Mr. Christensen then gave an overview and agreed that this ordinance amendment has been time consuming and noted that they have come a long way. He further noted that this is storm water quality activity right now and does not deal with construction or sampling. Mr. Christensen also discussed that this amendment, for the most part, is required to meet state requirements. The City is required to have an ordinance in place to address storm water pollution after construction is complete. The city is also required to detect and eliminate any illicit drainage. Mr. Christensen explained that the developer will be required to obtain a permit from the State and the City must ensure that they obtain the permit. One of the changes is that the requirement for a permit previously applied to parcels of five acres and is now a one acre minimum required to obtain the permit.

Mr. Christensen then went over some main points as follows:

1. A Storm water maintenance agreement will be required to enter into with a required inspection every 5 years.

2. A land disturbance permit is not required. (Section 13.23.220 page 11 item #7) revealed a weakness in the ordinance, which could result in a lot of sediment coming into our system. This ordinance amendment creates a permit for those who do not fall under the normal permit. It also requires
that the developer come to the city to obtain the required permits and to be
advised they are required to comply with storm water drainage.

3. Most homeowners do not need to obtain this permit. The idea is to not
cause problems to our neighbors downstream.

Paul Miller, Storm Water Supervisor, then answered questions from the council
and reported information to the council regarding the storm water coalition. Mr.
Christensen added that they are working closely with the state and noted the changes are
at the end of the handouts in the council packets. Councilmember Carpenter commented
that there needs to be clarification on UPDES. Mr. Christensen stated that he will add the
definitions.

Don Peterson, Public Works Director, then addressed the council. Mr. Peterson
expressed his appreciation to Mr. Christensen, Mr. Cowie, Mr. Haws and Mr. Miller for
all they have done to create this ordinance. He then explained that it will be the
responsibility of the Public Works Department to manage the program and ensure that it
runs smoothly. He further added that he does not anticipate a lot of problems with people
complying, but noted that they will need to be educated. Mr. Peterson further explained
that they are careful not to impose a lot of fees or fines, and they are very conscious about
that, and it is the current policy. Councilmember Walker commented that he has
concerns with the federal mandate. Councilmember Hatch agreed with Councilmember
Walker regarding the concerns of a federal mandate; the rest of the councilmembers
concurred. Mayor Dain called for further comments or discussion from the public.
Hearing none, he called for a motion.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE
ORDINANCE AMENDEMENTS (ORDINANCE 2011-10-0), WITH CORRECTIONS.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

3. **Public Hearing** – *Ordinance Amendments – Chapter 17.08, “Planning
Commission” (Ordinance #2011-7-0).* The City Council will hear public
comment and possibly act to approve this request by staff for several updates to
the Lindon City Code pertaining to the adoption of the Planning Commission
rules and procedures as required by new Utah State Legislation. The Planning
Commission recommended approval as presented.
COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie opened the discussion by explaining this ordinance amendment is city initiated. He further discussed that the Planning Commission updates to the policies and procedures has to be adopted by an ordinance amendment, which the City Council is required to authorize. Mr. Cowie stated that the policies and procedures have been taken from a previous manual and have been incorporated and nearly duplicated, other than a couple of minor changes. Mr. Cowie noted that the planning commission had reviewed the ordinance amendment and recommended approval to the city council. Mr. Cowie asked if there were any questions. There were not any questions regarding this issue.

Mayor Dain called for any public comment. Hearing none, he called for a motion.

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

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE ORDINANCE AMENDMENTS – CHAPTER 17.08, “PLANNING COMMISSION” (ORDINANCE #2011-7-0). COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4. **Review and Action** – South Fields Metropolitan Water District, Certification of Petition. (Resolution #2011-15-R). This is a petition request by the shareholders of the Spring Ditch and South Field Irrigation Company seeking to have the city create a metropolitan water district for the acceptance of water shares from the company for development purposes. The action requested is for the City Council to give the City Recorder the authority to review and, if appropriate, approve and certify the petition as complying with state statutes and requirements.

City Attorney, Brian Haws was in attendance and explained to the Council the petition request by the shareholders of the Spring Ditch and South Field Irrigation Company to have the city create a metropolitan water district for the acceptance of water shares from the company for development purposes. He further explained the action requested tonight is for the City Council to give the City Recorder the authority to review, approve and certify that the petition complies with State statutes and requirements and authorize that it meets city code.

Mayor Dain called for comments or discussion from the Council. Hearing none, he called for a motion.
COUNCILMEMBER WALKER MOVED TO APPROVE THE SOUTH FILEDS METROPOLITAN WATER DISTRICT CERTIFICATION OF PETITION (RESOLUTION #2011-15-R) AND GIVE THE CITY RECORDER AUTHORITY TO SIGN. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

5. Review and Action – Request for Fee Waiver – Castle Park Amended Site Plan.

This is a request by Eric and Amy Barzeele for a waiver of the fee required for an amended site plan application relative to the Castle Park development. The recently adopted changes to the landscaping portion of the site plan requirements were partially a result of the difficulties on the Barzeele’s project, but the changes were approved after their site plan approval of the Castle Park development. The Barzeelees were not able to take advantage of the changes and would like to submit an amended plan and now request a waiver of the required fees.

Mr. Dameron explained this item is a request by Eric and Amy Barzeele, who were not in attendance, for a fee waiver for the Castle Park Amended Site Plan application. Mr. Dameron stated that the Barzeelees had come to the Council at the last meeting in the open session requesting some decisions on storm water and the ordinance requirements. Mr. Dameron further noted at that time he suggested that the Barzeelees meet with a subcommittee comprised of Councilmember Frampton and Councilmember Hatch. Councilmember Frampton was unable to stay for the full meeting, so Councilmember Carpenter filled in for Councilmember Frampton. Mr. Dameron further explained that the ordinance amendment that occurred last October; and the Barzeelees site plan had been approved beforehand, and the impetus for the change of the ordinance was their site, so they did not get to take advantage of the changes in the ordinance.

The Barzeelees are now resubmitting for an amended site plan and are requesting a fee waiver. Mr. Cowie noted that the Board of Adjustments is not currently involved with this matter. He further explained that the Barzeelees would have to meet the current ordinance, and noted that some things have changed and they will be subject to all the new requirements. Mr. Dameron noted that one requirement in the new ordinance would require a 6 inch curb all around the parking area, which may pose a problem for the applicants. Mr. Cowie stated that it was suggested that the applicants evaluate the situation and they could apply for an ordinance change for the site plan if warranted.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE REQUEST FOR FEE WAIVER FOR THE CASTLE PARK AMENDED SITE PLAN. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
6. **Review and Action – Appointment of Members of the Lindon City Historical Preservation Commission.** This is a request by Mayor Dain for the Council’s consent to the appointment of Lyle and Connie Lamoreaux as members of the Historical Preservation Commission. Two vacancies now exist since Van and Eva Ercanbrack moved from town.

Lyle and Connie Lamoreaux have been nominated as members to the Lindon City Historical Preservation Commission. This is a request by Mayor Dain for the Council’s consent to appoint Mr. and Mrs. Lamoreaux as members of the Historical Commission. Councilmember Walker suggested Wade and Karen Stevens would be an asset to the commission, and to keep them in mind as future members. Mayor Dain called for further comments or discussion from the Council. Hearing none, he called for a motion.

**COUNCILMEMBER WALKER MOVED TO APPROVE THE APPOINTMENT OF LYLE AND CONNIE LAMOREAUX AS MEMBERS OF THE LINDON CITY HISTORICAL PRESERVATION COMMISSION.**  
**COUNCILMEMBER CARPENTER SECONDED THE MOTION.**  
**THE VOTE WAS RECORDED AS FOLLOWS:**

- **COUNCILMEMBER CARPENTER**  AYE
- **COUNCILMEMBER BAYLESS**  AYE
- **COUNCILMEMBER HATCH**  AYE
- **COUNCILMEMBER WALKER**  AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

7. **Review and Action – Appointment of a Member to the Lindon City Community Center Advisory Board.** This is a request by Mayor Dain for the Council’s consent to the appointment of Theresa Griffin as a member of the Community Center Advisory Board.

Theresa Griffin has been nominated as a member of the Lindon City Community Center Advisory Board. Mayor Dain requested the Council’s consent to appoint Mrs. Griffin to the advisory board. Mayor Dain called for any comments or discussion from the Council. Hearing none, he called for a motion.

**COUNCILMEMBER CARPENTER MOVED TO APPROVE THE APPOINTMENT OF THERESA GRIFFIN AS A MEMBER OF THE LINDON CITY COMMUNITY CENTER ADVISORY BOARD.**  
**COUNCILMEMBER BAYLESS SECONDED THE MOTION.**  
**THE VOTE WAS RECORDED AS FOLLOWS:**

- **COUNCILMEMBER CARPENTER**  AYE
- **COUNCILMEMBER BAYLESS**  AYE
- **COUNCILMEMBER WALKER**  AYE
8. **Discussion – Use and Possession of Weapons in Lindon City.** This is a request by staff for the Council’s discussion concerning the use and possession of weapons within Lindon City. In light of the Utah State law, University of Utah vs. Shurtleff, several parts of the city code might need to be amended as well as the city’s policies and procedures.

City Attorney, Brian Haws was in attendance for discussion of this issue. Mr. Haws explained that he is here to get direction from the City Council regarding an ordinance amendment for the use and possession of weapons in Lindon City. Mr. Haws further explained that the regulations of firearms by municipalities need to be modified; and he needs direction from the Council to achieve the best way to draft the ordinance.

Mr. Haws explained that he has currently drafted a proposed ordinance that brings the code into compliance with the state, but does not specifically acknowledge that firearms are permitted in our parks, but simply states that weapons that are regulated by the state are permitted. Mr. Haws further explained that if you read the code you will see that it states that firearms are permitted, and currently city code states that firearms are prohibited in the city parks, he also noted that we can prohibit the discharge of those firearms in our city parks.

Councilmember Carpenter commented that this is the distinction that is lost in the ordinance draft; it states that it gives express control to the state and yet the City actually does retain some control. Councilmember Carpenter noted that he would like a statement regarding the control of the discharge inserted into the ordinance. Mr. Haws agreed that is a good suggestion and he will add the control of the discharge into the ordinance.

Councilmember Carpenter stated that the Council acknowledges that the legislature has spoken. Councilmember Bayless added that she feels the state legislature should not have allowed guns in public parks, and she finds it ironic that the legislature banned cigarettes in parks and not guns. Councilmember Bayless inquired if the ordinance states if the gun can be loaded. Mr. Haws replied no, just the discharge. Mr. Haws also noted that he can make this ordinance as simple and clear as the Council would like him to. Councilmember Frampton arrived at 8:15 p.m.

Councilmember Bayless stated that the drafting of the language should be as negative as possible. Mr. Haws stated that this will come as an action at the next meeting. Mr. Haws further noted that he will point it out in the parks ordinance which specifically prohibits firearms and the discharge of firearms in the city. He then asked if there were any further questions. There were no further questions or comments.

9. **Review and Action – Amendment to the Lindon City Policies and Procedures.**

This is a request by staff for the Council’s consideration of an amendment to the Lindon City Policies and Procedures Manual concerning an “in lieu” payment instead of payment for unused vacation and sick leave at time of retirement.

Mr. Dameron explained that City Attorney, Brian Haws has put together a resolution that would make it possible to take payment in lieu for sick leave and vacation
buyback at retirement. Currently the policy allows for sick leave up to 240 hours can be bought back by the city, and all unused vacation has to be reimbursed to the employee. Mr. Dameron further explained that this resolution will allow that to be taken in payment in lieu instead of a reimbursement and would allow those amounts to be shifted to the wages of the retiree and become a retirement benefit. Mr. Haws, City Attorney, stated that this action would not pose any detrimental impact to the city. Councilmember Carpenter stated that this seems to make sense but inquired if there are any potential consequences that have not been researched thoroughly. Mr. Haws stated that a number of cities have incorporated this policy and they have not had any problems. He further noted that the State has a limit on how much the state retirement system will accept in a bonus, on an annual basis. Mr. Haws went on to explain that the policy has been changed to say an employee can take up to the amount of the bonus that is permissible under the state retirement system, and anything left over that amount will be paid out, so they don’t lose it. Mr. Haws reiterated that this is basically a shifting of labels, and will only apply upon retirement.

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

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE AMENDMENT TO THE LINDON CITY POLICIES AND PROCEDURES. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS

FOLLOWS:
COUNCILMEMBER CARPENTER    AYE
COUNCILMEMBER BAYLESS    AYE
COUNCILMEMBER FRAMPTON    AYE
COUNCILMEMBER HATCH    AYE
COUNCILMEMBER WALKER    AYE

THE MOTION CARRIED UNANIMOUSLY.

ADMINISTRATORS REPORT:

Mr. Dameron reported on the following items:
1. Open House for the outgoing Councilmember’s will be held on Thursday, December 8, 2011 from 2:30 to 4:00 in the Lindon City Council Chambers.
2. Senior Brunch at the Community Center on December 15, 2011 from 9:30 a.m. to 11:00 a.m.
3. A few more items have been added to the Project Tracking List.
4. Mr. Dameron reported a company had requested city assistance to relocate to Lindon, but they do not need it now. Rocky Mountain Power offered rebates which lowered their costs.

COUNCIL REPORTS:

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported on a police incident report included in the Council packets. He further reported that he invited John
Valentine to be at the next meeting. Councilmember Carpenter noted that Chief Cullimore was not present to give a report.

COUNCILMEMBER BAYLESS – Councilmember Bayless reported that the rain gutter on the north side of the Community Center is faulty and ice flows are forming in the downspout and needs to be repaired.

COUNCILMEMBER WALKER – Councilmember Walker reported on the recent Animal Shelter meeting and noted that there was a lot of participation and they are doing a great job on the support end. He also reported that there is one change at the shelter; they are able to do rabies vaccinations in house now. Councilmember Walker also reported that the first meeting for the Lindon Days Committee will be held on January 11, 2011 at 10:00 a.m. at the Community Center. He further noted that he appreciated the opportunity to volunteer at the Thanksgiving Day Dinner and added how nice it went and that a great job was done by all those on the committee and the many volunteers.

COUNCILMEMBER FRAMPTON – Councilmember Frampton reported that the meeting regarding the Canberra tree issue is scheduled for December 8, 2011.

COUNCILMEMBER HATCH – Councilmember Hatch reported that he checked the ice bin he owns to see if could be used at the community center and it will not fit, but he noted that the icemaker itself would work. He further reported that he did speak with Heath Bateman regarding the icemaker and he will work with him. He added that it will be a very nice asset to the Community Center.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS: COUNCILMEMBER CARPENTER AYE COUNCILMEMBER BAYLESS AYE COUNCILMEMBER FRAMPTON AYE COUNCILMEMBER HATCH AYE COUNCILMEMBER WALKER AYE THE MOTION CARRIED UNANIMOUSLY.

ADJOURN –

COUNCILMEMBER CARPENTER MOVED TO ADJOURN THE MEETING AT 9:00 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 20, 2011

__________________________
Kathryn A. Moosman, City Recorder
James A. Dain, Mayor