

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 16,**
4 **2016, beginning with a work session tour at 6:00 p.m.** in the Lindon City Center, City
Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION TOUR** – 6:00 P.M.

8 Conducting: Carolyn Lundberg, Mayor Pro Tem

10 **PRESENT**

Carolyn Lundberg, Councilmember
12 Van Broderick, Councilmember
Jacob Hoyt, Councilmember
14 Dustin Sweeten, Councilmember
Adam Cowie, City Administrator
16 Kevin Muhlestein, Wastewater Superintendent
Chad Hendrickson, Wastewater Technician

ABSENT

Jeff Acerson, Mayor
Matt Bean, Councilmember

18
20 The City Council met at the Lindon City Public Works parking lot at 6pm to
commence the work session tour travelling to various sewer lift stations in Lindon and
Vineyard. No motions were made as this was an informational work session tour only.

22 The group then drove to Lindon sewer lift station #1 at the corner of Center Street
& Geneva Road. Kevin Muhlestein, Sewer Division Superintendent, showed Council
24 members inside of the lift station and explained its age and deficiencies including its lack
of capacity. He explained how the wet well for sewage is running above capacity in the
26 tank and that sewage is being backed up the main line under Geneva Road to gain extra
capacity. He informed them of several pump failures that had recently occurred at the lift
28 station and explained some of the processes involved to repair and maintain the facility.
The group discussed the lack of usable area and limitations for space should this lift
30 station have to be reconstructed in its current location.

32 The group then drove to sewer lift station #3 at approximately 10 South 1400
West (Western Coil Road). The group inspected the inside of this lift station facility and
was shown the wet well where submersible pumps are located at the bottom of the
34 sewage holding tank. It was discussed that both sewer lift station #1 and #3 can be
eliminated from the system and replaced with one combined sewer lift station located
36 within the new Ivory Homes Development. The property where the new lift station will
be constructed was visible in the distance from lift station #3 and was pointed out to the
38 Council members. The route for planned city utilities to access the new lift station was
also identified. The group discussed the beneficial nature of being able to reduce the
40 number of facilities that need to be operated and maintained by partnering with
construction of the new lift station within the proposed Ivory Development.

42 The group then drove to a newer lift station in Vineyard located at 1600 North
near the Lindon Marina. Sullivan Love, with the Vineyard Public Works Department,
44 met the group at the site to open the facility. The group toured the lift station and
discussed benefits of the new facility compared to the older lift stations that Lindon
46 currently operates. It was mentioned that the proposed new lift station will be similar to

2 the Vineyard lift station, but a bit larger to accommodate the Pressure Irrigation pumps
that will also be housed in the proposed building.

4 The group left the site at approximately 6:55pm and returned to the Lindon City
Center for the regular City Council meeting session.

6 **REGULAR SESSION** – 7:00 P.M.

8
9 Conducting: Carolyn Lundberg, Mayor Pro Tem
10 Pledge of Allegiance: Remington Omdahl, Boy Scout
11 Invocation: Van Broderick, Councilmember

12 **PRESENT**

13 Carolyn Lundberg, Councilmember
14 Matt Bean, Councilmember
15 Van Broderick, Councilmember
16 Jacob Hoyt, Councilmember
17 Dustin Sweeten, Councilmember
18 Adam Cowie, City Administrator
19 Cody Cullimore, Chief of Police
20 Kathryn Moosman, City Recorder

12 **ABSENT**

13 Jeff Acerson, Mayor

- 22
- 23 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
 - 24 2. **Presentations/Announcements** –
 - 25 a) **Mayor/Council Comments** – There were no announcements at this time.
 - 26 b) **Eagle Scout Presentation** – Remington Omdahl was in attendance to give his
27 Eagle Scout Presentation to the Mayor and Council. He noted as part of his
28 Eagle Scout Project he acted as the Parade Chairman and also the head of the
29 Cardboard Boat Regatta at the recent Lindon Days Festivities. Mr. Omdahl
30 then gave his presentation showing slides of the parade route and entries and
31 also the Boat Regatta giving an explanation and description of each slide. Mr.
32 Omdahl informed the Council what he learned from this experience and
33 expressed his appreciation for his mentors and the opportunity to serve the
34 city. Following the presentation the Mayor Pro Tem and the Council thanked
35 Mr. Omdahl for his presentation noting it was a worthwhile Eagle project and
36 a job well done that benefitted the city and its residents.
 - 37 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
38 meeting of July 19, 2016 were reviewed.

39
40
41 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
42 OF THE REGULAR CITY COUNCIL MEETING OF JULY 19, 2016 AS
43 PRESENTED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE
44 VOTE WAS RECORDED AS FOLLOWS:

45 COUNCILMEMBER BEAN AYE
46 COUNCILMEMBER BRODERICK AYE

2 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE
4 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

6

4. **Consent Agenda** – No items.

8

5. **Open Session for Public Comment** – Mayor Pro Tem Lundberg called for any public comment not listed as an agenda item. Terry Tenney addressed the Council at this time. Ms. Tenney mentioned the recent clean up at the cemetery. She noted they brought her son back to Utah after he passed away to be interred. After purchasing a plot in Lindon she was disappointed to discover that headstones are not allowed. She also expressed that it is her hope that the new Cemetery Sexton will be sensitive as to what makes people feel comforted in regards to what is allowed on gravesites. She agrees it's good to have a removal process but the goal should not be how easy the upkeep is at the cemetery up but to also be sensitive to people's wishes. She would also suggest talking privately to those who may feel the need to over-decorate the gravesites. She would also suggest allowing patrons to get permission if they want to put more items on the gravesites they have purchased. Ms. Tenney feels the city should be more sensitive to people individually and to not "blanket" the cemetery as a whole; she feels there should be a balance.

24

CURRENT BUSINESS

26

6. **Review & Action - Police Department Vehicle Lease - Resolution #2016-15-R.** Chief Cody Cullimore requests City Council approval of Resolution #2016-15-R allowing the Mayor and Staff to execute a future lease agreement for replacement of several existing leased police vehicles. Zions Bank requires a resolution prior to preparing final lease documents. Funds for the leased vehicles were included and approved as a part of the 2016-2017 budget.

34

Mr. Cowie opened this agenda item by explaining this is a similar police vehicle lease agreement process that has been approved in the past. Mr. Cowie noted the city has budgeted the full cost of the vehicles into this fiscal year budget, but only the annual payment will actually be spent for the vehicles (not the full purchase price as is required to show in our accounts).

36

38

Chief Cullimore addressed the Council at this time explaining the Police Department has leased their entire fleet of vehicles since its creation in 2007 so that the city did not have such a large up-front capital expense in out-right purchase of the vehicles. He noted leasing of vehicles also has kept new, high quality vehicles available for Police officers with very little vehicle down-time for repairs. Chief Cullimore further explained that all vehicles stay under warranty so maintenance costs are nearly eliminated. He noted the funds for the leased vehicle expenses for this fiscal year have been budgeted. He mentioned due to the recent accounting changes, the full value of the leased vehicles is required to be accounted for in the financial statements, but only the

40

42

44

46

2 cost of this year's lease will be spent. Chief Cullimore then presented the information on
the lease details including the number of vehicles, estimated cost, etc. He noted there are
4 two separate leases one lease with two vehicles and one lease with thirteen vehicles and
also includes emergency equipment and the external markings on the vehicles.

6 Chief Cullimore mentioned that he does not have exact the figures yet on the lease
as they are investigating the costs of converting a truck to facilitate the police dog that
8 was recently donated. He added there is nothing different with this request that has been
done in the past. Mr. Cowie reiterated this item has been included through the budget
10 process and noted the city has budgeted the full cost of the vehicles into this fiscal year
budget, but only the annual payment will actually be spent for the vehicles (not the full
12 purchase price as is required to show in our accounts). There was then some general
discussion regarding the police vehicle lease.

14 Mayor pro tem Lundberg commented the last time this was reviewed the Council
felt comfortable with the request. She then called for any further comments or discussion
16 from the Council. Hearing none she called for a motion.

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
#2016-15-R AUTHORIZING STAFF AND THE MAYOR TO PREPARE AND SIGN
20 FINAL LEASE AGREEMENT DOCUMENTS WITH ZIONS BANK.

COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS
22 RECORDED AS FOLLOWS:

24 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
26 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

28 THE MOTION CARRIED UNANIMOUSLY.

- 30 7. **Discussion Item — Review of Lindon City Solicitor Regulations.** Per request
by the City Council, City Attorney, Brian Haws, will give an overview of the
32 regulations currently in place for solicitors in Lindon. No motion will be made.
If changes to the City ordinance are desired by the City Council, those will be
34 prepared and presented and in a future public hearing.

36 Mr. Cowie led this discussion by explaining, per request by the City Council, City
Attorney, Brian Haws, is in attendance tonight to present an overview of the regulations
38 currently in place for solicitors in Lindon. Mr. Cowie explained if there are any changes
to the ordinance those changes will be prepared and presented in a future public hearing.
40 Mr. Cowie noted the current ordinance was sent to Council members separately from the
staff report. He added that no motion is necessary as this item is for discussion only. He
42 then turned the time over to City Attorney, Brian Haws for his presentation.

44 Mr. Haws began by giving a summary of the City's current solicitor's ordinance
and answered questions from the Council on regulatory issues regarding solicitors. He
explained that he prepared a general overview of the solicitation ordinance noting in 2005
46 the city had a similar but more aggressive ordinance that included fingerprinting and
bonds etc., which is not uncommon in Utah. During that time there was a big push by

2 Kirby Vacuums (Pacific Frontier International) because they went into Pleasant Grove
(selling door to door) and started soliciting without getting the proper licenses. Kirby
4 brought a class action lawsuit to Pleasant Grove saying the city violated their commercial
free speech rights and they were successful in overturning that ordinance. The 10th
6 Circuit Court of Appeals found the conditions imposed were not reasonably calculated to
address an issue that had not been “proven to harm” or “damage to exist”.

8 Mr. Haws went on to say the Court also found that cities clearly have a substantial
interest in protecting their citizens, but they looked at the requirements stating they are
10 not reasonably calculated to address the harm. Mr. Haws stated the ordinance must
clearly show the balance between protecting the fundamental rights and the conditions
12 that were imposed (especially with free speech). Mr. Haws noted following this lawsuit
against Pleasant Grove the League of Cities and Towns and municipal attorney’s got
14 together and drafted the ordinance currently in place which is adopted by the vast
majority of cities in Utah.

16 Mr. Haws further explained the city still has some significant solicitor
requirements (application, criminal background check, etc.). If there is a “no solicitation”
18 sign on the resident’s door it can be enforced as it is a violation of the ordinance and they
can be prosecuted. Mr. Haws concluded this is a matter of balancing the free speech
20 rights of the solicitors and protecting the rights to privacy of our citizens. He reminded
the Council the city has all kinds of solicitors (boy scouts, high school teams, etc.) and
22 there are exemptions and charitable organizations do not need a certificate. There was
then some general discussion by the Council with Mr. Haws regarding the solicitor
24 certification process and the current ordinance.

26 Mayor Pro Tem Lundberg called for any further discussion or comments.
Hearing none she moved on to the next agenda item.

28 **8. Discussion Item — Presentation of Proposed Address Changes.** Lindon City
Planning Director, Hugh Van Wagenen, will present proposed address changes
30 necessary to fix street coordinate and addressing system inconsistencies. The
change may alter addresses at about a dozen residential properties. This is an
32 information discussion item for the City Council prior to the City Staff setting up
future meeting with the impacted neighborhood.

34 Hugh Van Wagenen, Planning Director, gave some background of this agenda
36 item explaining the new development in the City has brought up an existing deficiency in
the City’s street addressing system. He explained in order to clarify future addressing
38 conflicts an existing road will be reassigned a new street address. This reassignment will
require reassigning addresses on 15 residential properties. Mr. Van Wagenen further
40 explained that staff will present the readdressing plan to the City Council prior to a
neighborhood meeting being held for the affected properties. He noted this is an
42 Administrative action that staff wanted to inform the Council about and receive feedback
on before moving forward. He noted that no motion needed as this item is for discussion
44 only.

46 Mr. Van Wagenen then showed the map depicting the road in question. He
explained there is a situation where there are basically two 800 wests streets on the
master plan which necessitates an adjustment to existing addresses that needs to be made

2 for emergency services etc. He then presented photos depicting the area in question. He
4 explained they plan to make part of 800 west into 790 west where 10 properties will be
6 given new addresses (only the street number not the house number). He noted they are
8 also working with the post office and emergency services (Fire, EMS, Police) to facilitate
10 this change. Mr. Van Wagenen stated he is aware this is not an ideal situation but they are
12 trying to make it work out as well as possible. They will also be holding a meeting with
14 the post office team to explain the process and they will notify the affected residents of
16 the meeting. There was then some general discussion regarding this issue. Mr. Van
18 Wagenen pointed out these situations do come up periodically in the planning department
20 for various reasons. Mr. Van Wagenen reiterated the property owners will be notified.

22 Mayor Pro Tem Lundberg called for any further discussion or comments.
24 Hearing none she moved on to the next agenda item.

26 **9. Discussion Item — 400 West Bicycle Improvements.** Staff will present updated
28 costs and improvement options for the proposed bicycle “cycle track” on 400
30 West. The Council will give guidance on proposed alternatives.

32 Mr. Cowie explained this item is an overview of the cycle track that was approved
34 as part of the 400 West paving project a few months ago. He noted the Council directed
36 staff to not install the raised concrete curb between the bike paths and the vehicle travel
38 lane, and instead use stripes and bollards that may be “less permanent”. Mr. Cowie stated
40 the City received a quote for the flexible bollards on the cycle track. The cost of the
42 bollards came back at \$210.75 each, and with 43 posts along the cycle track, this totals
44 \$9,062.25. The cost of striped hatching (painting) this section will be an additional
46 \$379.08. This means the total cost of the hatching and bollards for the cycle track would
be \$9,441.33. He noted this is about 80% of the cost of the raised median curb, which
was \$11,539.00.

Mr. Cowie went on to say the City Engineer understands that the bollards were
being considered as a temporary solution and could be removed if the cycle track didn't
function appropriately. However, the bollards cost about 80% of what a permanent
solution would cost and the engineers are requesting additional feedback from the
Council now that the costs are known. Mr. Cowie went on to explain the differences
between bollards and striping. He also presented photos showing the differences.

Mr. Cowie questioned the Council at this time if the city should use the bollards
or use a raised median curb, or not install the cycle track at all or if there are other
suggestions. Councilmember Bean commented due to safety reasons of the cyclists he
would prefer bollards. Councilmember Lundberg commented that the bollards would
delineate that it is not a parking lane; she added that the bollards are removable. Mr.
Cowie noted the cycle track is adopted as part of the bicycle master plan, but it did not
specify specific details for construction. Mr. Cowie reminded the Council this will be
done with RDA funds and the project was awarded with the curb option. Councilmember
Broderick stated he would prefer striping. Councilmember Hoyt stated he would like to
review the bicycle master plan and add bollards later if needed.

Councilmember Sweeten commented the distance is so short that he doesn't see it
getting used a lot. He also wants to be careful not to do this just because its RDA funds
and questioned if there are more pressing needs for the funds. Councilmember Broderick

2 stated he would like to see an estimate of the amount of cyclists and add bollards later if
necessary. Following some additional discussion Councilmember Sweeten,
4 Councilmember Hoyt and Councilmember Broderick all agreed to go with striping on
both sides with the idea that bollards can be added later if necessary. Councilmember
6 Bean and Councilmember Lundberg stated they prefer bollards but agreed to go with the
striping on both sides for now and use bollards later if necessary.

8 Mayor Pro Tem Lundberg called for any further discussion or comments.
Hearing none she moved on to the next agenda item.

10
12 **10. Closed Session to Discuss Pending or Reasonably Imminent Litigation per**
UCA 52-4-205. The Council will enter into a closed executive session to discuss
14 pending or reasonably imminent litigation per UCA 52-4-205. This session is
closed to the general public.

16 At this time Mayor Pro Tem Lundberg called for a motion to move into a closed
executive session to discuss pending or reasonably imminent litigation.

18
20 COUNCILMEMBER HOYT MADE A MOTION TO MOVE INTO A CLOSED
EXECUTIVE SESSION TO DISCUSS THE SALE OF REAL PROPERTY AT 8:50
22 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS.

24 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
26 COUNCILMEMBER HOYT AYE
COUNCILMEMBER SWEETEN AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 COUNCILMEMBER HOYT MADE A MOTION TO CLOSE THE
EXECUTIVE SESSION AND RECONVENE THE REGULAR SESSION OF THE
32 CITY COUNCIL AT 9:45 PM. COUNCILMEMBER SWEETEN SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS.

34 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
36 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
38 COUNCILMEMBER SWEETEN AYE

THE MOTION CARRIED UNANIMOUSLY.

40
42 **COUNCIL REPORTS:**

44 **Chief Cullimore** – Chief Cullimore mentioned the Timpanogos Harley Davidson Fallen
Officers Ride to the State Capital will be held this Sunday at 10:00 am. He noted it is a
great honor to have the ride start in our city (approx. 4,000 riders). He pointed out that all
46 funds received from the ride go to the Law Enforcement Memorial at the State Capital.
Chief Cullimore also reported there is an upcoming “Star Party” at Pioneer Park. Chief

2 Cullimore mentioned that a Canine was donated to the Police Department and Officer
Eric Whitehead has been assigned to the police dog. An article went out in the Daily
4 Herald today. He noted they are searching out grants and other options to get the
equipment they need for the canine. He also reported they held a meeting about the urban
6 deer problem in Hollow Park where approximately 30 people attended (70% were in
favor of a deer removal program and 15% wanted to protect the deer). He noted that
8 Provo City paid \$20,000 to have a study completed on the deer population. He also
contacted Bountiful and Highland cities. Bountiful City has trapped 476 deer in 2 years
10 at \$250 per animal removed for a total of \$119,000 in expenses and Highland removed
118 deer in 2 years and has paid out \$25,842 in expenses. He added there were no safety
12 issues by either city. He pointed out that it may be very costly if a removal process is the
option we choose.

14
Councilmember Hoyt – Councilmember Hoyt reported he attended the Historic
16 Preservation Commission and saw the unveiling of the latest plaque at the Public Works
Building (Eagle Scout project). He noted he appreciates the response of staff on the
18 urban deer problem. Councilmember Hoyt also mentioned that the Pleasant Grove
Chamber of Commerce is moving forward with some changes. He noted Pleasant Grove
20 City held a work session with discussion of having the Chamber be totally independent
and yet still be a partner of the city. He feels going this direction is another good reason
22 and opportunity to be a part of the Pleasant Grove Chamber. He would suggest
researching Chambers of Commerce and the work they do in helping with economic
24 development, business growth and revenues, etc.

26 **Councilmember Broderick** – Councilmember Broderick reported he attended the
engineering coordination meeting on August 9th. He also mentioned he received a
28 request from a resident to turn the retention basin in Colson Cove into a dog park and
questioned what the design requirements would be to implement that change. Mr. Cowie
30 stated it could probably be done pretty inexpensively and can be discussed further.
Councilmember Broderick also reported he received a lot of positive comments on
32 Lindon Days with the exception of several comments about brown spots on the grass in
several parks. He assumed it may be simply a matter of sprinkler head adjustments. Mr.
34 Cowie stated the parks department is aware of this problem noting there are some low
water pressure issues. Councilmember Broderick also mentioned the safety concerns
36 about the bike path/road intersections particularly at 400 North and Canal Drive noting
bikes frequently do not stop at the intersection. He questioned what can be done to
38 mitigate this issue. Mr. Van Wagenen and Chief Cullimore explained some different
options that have been discussed with the County including education, additional signage
40 and enforcement options followed by some general discussion.

42 **Councilmember Bean** – Councilmember Bean commented that he appreciates all the
work and effort that went into Lindon Days by staff and Council noting it was a good
44 celebration and tradition.

46 **Councilmember Lundberg** – Councilmember Lundberg mentioned she would like to
discuss the cemetery ordinance language as an agenda item at the end of September. She

2 also encouraged the Councilmembers to drive by and look at the cemetery and to share
their impressions at the meeting. She also reported that she attended the Pressman Auto
4 ribbon cutting and it appears it will be a great business addition to Lindon.

6 **Councilmember Sweeten** – Councilmember Sweeten reported there will be a recap
meeting on Lindon Days tomorrow with Heath Bateman. He noted they have discussed
8 not having an overlap of activities but overall Lindon Days went very well and staff did
an exceptional job. He did mention that he would like to see more participation by the
10 Council at the Lindon Days events in the future to show support. He also reported on the
upcoming Bayview landfill purchase; he supports the purchase and believes it will
12 happen. Following discussion the Council agreed they are generally in support of the
purchase of the landfill.

14 **Mayor Acerson** – Mayor Acerson was absent from the meeting.

16 **Administrator’s Report:**
18 Mr. Cowie reported on the following items followed by discussion.

20 **Misc. Updates:**

- August newsletter
- 22 • September newsletter article: Mayor Acerson
- Culinary water – well chlorination status and water sampling updates
- 24 • Public Works Director vacancy status. Hiring plan for Public Works staff
- Fire/EMS call report
- 26 • UTOPIA update
- North Pointe Solid Waste – Bayview landfill purchase
- 28 • Misc. Items

30 **Upcoming Meetings & Events:**

- November 8th – General Election

32 Mayor Pro Tem Lundberg called for any further comments or discussion from the
34 Council. Hearing none she called for a motion to adjourn.

36 **Adjourn** –

38 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 10:45 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
40 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 Approved – September 6, 2016

44 _____
Kathryn Moosman, City Recorder

46 _____
Carolyn Lundberg, Mayor Pro Tem