

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 6,**
4 **2015, at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Joseph Allred
10 Invocation: Matt Bean, Councilmember

12 **PRESENT** **ABSENT**

12 Jeff Acerson, Mayor
14 Randi Powell, Councilmember
Matt Bean, Councilmember
16 Van Broderick, Councilmember
Jacob Hoyt, Councilmember
18 Carolyn Lundberg, Councilmember
Adam Cowie, City Administrator
20 Cody Cullimore, Chief of Police
Kathy Moosman, City Recorder

22 10. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

24 11. **Presentations/Announcements** –

26 a) **Mayor/Council Comments** – There were no announcements at this time.

28 b) **Presentation** – Lindon Character Connection – Kathy Allred was in
30 attendance to present to the Mayor and City Council the accomplishments and
activities that have occurred during the 2014 Lindon Character Connection
32 program. Ms. Allred gave a brief summary of the origination of the Character
Connection program stating it was organized in 1993. She noted there have
34 been 60 values presented over the years with thousands of hours donated. She
stated the program has and always will be dedicated to teaching and
36 developing shared values within the community. The Character Connection
helps to connect the business, city, schools and family and fosters community
38 support. Ms. Allred commented that Lindon is a great city to live in and it is
wonderful to look up to the city leaders who have been friends all these years
40 and who has everyone’s best interest at heart. She went on to say that the
Character Connection Program has been a wonderful opportunity with a great
42 partnership with Wasatch Mental Health who prints the calendars and
distributes them free of charge because the students draw the pictures for the
44 months of the year on the calendar. Ms. Allred then presented the Character
Connection poster to Doran Williams, representative from Wasatch Mental
46 Health. Mayor Acerson also presented certificates to the principals from
Aspen Elementary (Mr. Davies) Lindon Elementary (Kate Ross) and Rocky

2 Mountain Elementary (Brian Ridge) the schools whose students who won this
year. Mayor Acerson then presented certificates to the participating students
4 who won this year as follows: Lilly Lawrence, Jennifer Leandro, Norah
Milner, Victoria Silva, Braden Blackhurst, Haley Lopez, Emma McKinnon,
6 Nicole Holden, Mia Fisher, Shaniya Hyde, Brian Gubler and Marley
Livingstone. Mayor Acerson and Ms. Allred congratulated all of the winners
8 and praised them for a job well done.

10 12. **Approval of Minutes** – The minutes of the regular meetings of the City Council
of December 16, 2014 were reviewed.

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
14 OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 16, 2014 AS
AMENDED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
16 VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
20 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE
22 THE MOTION CARRIED UNANIMOUSLY.

24 13. **Consent Agenda** – No items.

26 14. **Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item. There were no public comments.

28 **CURRENT BUSINESS**

30 15. **Action Item: Payment Request.** The City Council will review a written request
32 by Mr. Val Killian asking for the City to financially participate in private legal
costs incurred by Mr. Killian and his Lindon Neighborhood Defense Fund during
34 the city’s review of the Reflections Recovery Center group home application.

36 Mr. Cowie gave a brief overview of this agenda item stating this is a request by
Mr. Val Killian who is asking for the City to financially participate in the private legal
38 costs incurred by Mr. Killian and his Lindon Neighborhood Defense Fund during the
city’s review of the Reflections Recovery Center group home application. Mr. Cowie
40 noted this group was formed to provide input and express concern on the reflections
recovery group home application. He then turned the time over the Mr. Killian to address
42 the Council to see if there is any interest in participating in the private legal bills/costs on
this matter.

44 Mr. Killian stated when the matter of the Reflections Recovery Group home came
to be his group did not anticipate that the issue would be adversarial with the city at all
46 and they tried to support the city in every way possible with the decisions made. He noted
that after meeting with Mr. Cowie he thought it may be possible to approach the City

2 Council and ask for help with the legal expenses incurred. He stated that it was
3 suggested that it may be possible and was suggested to him to write the letter that was
4 sent to the Council. In an effort to understand it he believes the attorney they hired gave
5 valuable information that supported the existing city code that was obviously not used the
6 way they hoped it would be used. Mr. Killian pointed out that as soon as the Planning
7 Commission made the decision to accept the 16 bed limit in essence their funding dried
8 up. Up to that point they were able to raise \$3,100 dollars and he had pledges for an
9 additional \$1,500 dollars, but as soon as the Planning Commission made that decision the
10 pledges dried up so they are left with a balance. He noted their attorney didn't require a
11 contract he just wanted to do the work. Mr. Killian stated there is a balance left owing
12 and it will be paid at some point in time and they are hoping the city will help pay the
13 invoice balance. Mr. Killian stated that even though the decision that was made was not
14 favorable to the city or to the neighbors, they will help support it and will do what they
15 can to help the city maintain that.

16 Mayor Acerson asked what was the total amount invoiced. Mr. Killian stated that
17 the total was \$6,500 on the invoice with a balance outstanding of around \$3,500.
18 Councilmember Lundberg mentioned one of the first citizens that contacted the city with
19 concerns was Renee Condie and asked if she is affiliated with the neighborhood defense
20 group. Mr. Killian confirmed Ms. Condie was a founding member of the neighborhood
21 defense group. He noted that the bank account is still there but that particular
22 organization is no longer functioning. Mr. Killian stated that once the decision was made
23 by the Planning Commission their attorney advised them to file appeal would have been
24 around \$35,000 dollars which was not reasonable to even contemplate, and it was
25 unfortunate that the verdict came during the Thanksgiving holiday when their attorneys
26 were gone and the appeal time was 10 concurrent days not 10 working days, so there
27 would have been only 2 ½ days to prepare and file an appeal, which was unfortunate.

28 Councilmember Lundberg mentioned that Ms. Condie sent an email to the
29 Council on September 23rd and in the email she copied some correspondence she had
30 with another attorney, Dan McDonald, and he provided a resume that claimed that he was
31 one of the best Fair Housing specialist in the state along with Jody Burnett. Ms. Condie
32 was recommending one of these two individuals. Councilmember Lundberg stated that
33 the Council took these concerns very seriously as this was a sobering application to
34 address and they did hire one of the attorneys that their group recommended. She
35 questioned what made it necessary to then hire another attorney (Joshua Horrocks) who is
36 not a fair housing specialist. Mr. Killian stated they hired Justin Heideman and the brief
37 was written by Joshua Horrocks and was reviewed and confirmed by Mr. Heideman. Mr.
38 Killian stated at the time Ms. Condie sent the email to the Council they had not formed a
39 neighborhood association and there was no representation; Ms. Condie did that on her
40 own.

41 Mr. Killian stated that he actually called Dan McDonald and did not feel
42 comfortable with him and he was not able to contact Jody Burnett. Mr. Killian stated that
43 he is torn because in order to support the City Council he has to withhold some personal
44 feelings that he expressed to Mr. Cowie, but it is not appropriate to express them in this
45 meeting. Mr. Killian stated that he did not like Mr. Burnett from the beginning and he
46 feels Mr. Burnett, in essence, did not represent his wishes as a member of Lindon City.
He was more concerned that the limit of 4 residents per city code must be maintained and

2 supported and he believed that it was not only a right that the citizens had but a
4 defensible right in any kind of a legal application, and had the tables been turned the
6 applicants would have been the ones required to appeal this case and there would have
8 been a far different outcome; which is now water under the bridge. Councilmember
Lundberg asked why Mr. Killian had confidence in Justin Heideman. Mr. Killian replied
it was Mr. Heideman's demeanor with respect to what he believed were Mr. Killian's
rights as a citizen and the rights of the neighborhood and he felt he would defend those
rights.

10 Mr. Killian also mentioned when the City Council decided not to hear the case
and turn it over to the Planning Commission they had three days' notice for the meeting
12 and the citizens were not allowed to speak for longer than 15 to 30 minutes, with the rest
of the time allotted for the applicant and Jody Burnett, which was very frustrating. There
14 was then some general discussion regarding this issue. Councilmember Broderick asked
Mr. Killian if the group asked the city if they would be willing to participate before they
16 hired their legal representation. Mr. Killian confirmed they did ask the city and was told
they would not be willing to participate.

18 Mayor Acerson complemented Mr. Killian at this time on his articulate approach
before the Council as there has been a lot of emotion on this issue and process but he is
20 not sure what the outcome will be. Mr. Killian stated he knows this was a tough decision
for the Council but there are consequences to every decision made and there will be
22 consequences to this decision and what we do as citizens about that will determine who
we are. He expressed his opinion that Lindon City has sensible, sound, wonderful people
24 and he feels the Reflections Recovery Center representatives threatened the city. Mr.
Killian stated if the Council can help those citizens who paid for this and who will surely
26 pay more unless the city can help out. He is hoping the city will understand that the
citizens were not being adversarial but were trying to make a valid and a winnable
28 direction, but when there is as good an attorney as Jody Burnett it is hard to stop the train.

Councilmember Powell voiced her concerns that the addition of another
30 attorney's firm will actually cost the city more money as the city has already incurred
approximately \$20,000 in fees on this issue including dozens of hours of time. She agrees
32 this was a very sobering application for the Council to address and to leave it with the
Planning Commission, which is the land use authority, was not taken lightly, as the
34 Council wanted to be the appeal authority, otherwise the appeal would have gone to the
Board of Adjustments. Councilmember Powell feels that leaving this with the Planning
36 Commission was the best decision as we have an informed and thoughtful body there
who makes many good decisions on behalf of the city.

38 Councilmember Lundberg commented that the Council fleshed out every question
they could and Mr. Burnett was extremely adept and knowledgeable of the precedents
40 that had been set and she is sorry it wasn't the decision the neighbors wanted to hear; she
felt the city had excellent representation. Mr. Killian commented that he understands
42 these comments and stated his point in coming tonight was to ask for help from the City
because the citizens did their due diligence. He went on to say this boils down to the
44 simple fact that the Planning Commission made a decision and they did their best and if
the City Council decides not to help them they will figure out a way somehow. He is
46 asking on behalf of the neighborhood and for the citizens of Lindon.

2 Mr. Killian concluded by stating he would reaffirm that he believes the City did
4 all they could and re-iterated that he does not envy their position. His personal feeling is
6 that he supports the City Council in the decision they made but, unfortunately, he does
8 not like the decision but he will do whatever he can and he feels the citizens coerced that
10 movement to reduce the beds and they feel it helped a lot. Councilmember Lundberg
12 stated that she appreciates the citizens getting together and organizing and suggested a
14 token of good will may be beneficial or to at least discuss this further; or has the Council
16 performed our due diligence on behalf of the city and the citizens already.

18 Councilmember Powell stated that while she feels the token of good will could be
discussed she also has concerns of setting a precedence. She expressed that she
20 appreciates all the effort the citizens put in but it was their decision to hire their attorney
22 that put them into this position.

24 Mr. Killian retracted his statement at this time, stating he is not requesting
anything from the Council and left the meeting. Mr. Cowie stated that since Mr. Killian
26 removed himself from the meeting and retracted his request that this agenda item is now
officially withdrawn.

28 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he moved to the next agenda item.

30 Mr. Cowie asked Mayor Acerson to adjust the agenda order moving to agenda
item number nine because Mr. Burningham will not be in attendance until later in the
32 meeting for discussion.

34 COUNCILMEMBER POWELL MOVED TO ADJUST THE ORDER OF THE
AGENDA AS OUTLINED BEGINNING WITH AGENDA ITEM NUMBER NINE.
36 COUNCILMEMBER HOYT SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.

- 38
- 39 9. **Review and Action** – *Landscape Maintenance Services Agreement*. This is a
40 request for the Council’s review and consideration of a new Landscape
42 Maintenance Services Agreement with Elite Grounds, LC, who had the low bid
of \$187,542 for annual landscaping services for the City. A Request for
44 Proposals was sent out earlier this winger with five bids being received. This
new contract will run through December 31, 2017.

46 Mr. Cowie opened the discussion by explaining that Lindon’s current landscaping
contract with Elite Grounds will expire prior to next spring/summer season. He noted that
48 Brent Gurney, representing Elite Grounds is in attendance tonight to answer any
questions the Council may have regarding this agreement. Mr. Cowie stated that Heath
40 Bateman, Parks & Recreation Director, prepared the (RFP) for landscaping services and
sent it out to several landscape maintenance companies and it was also posted on the city
42 web site. He mentioned that only a couple of companies initially responded and staff felt
more proposals were needed before selecting a contractor. He noted that Mr. Bateman re-
44 sent the RFP to additional companies and ended up with five total proposals.

46 Mr. Cowie noted that staff recommends awarding the contract to Elite Grounds,
who seems to be the most qualified contractor and also came in with the lowest bid at
\$187,542. Mr. Cowie further explained this RFP process is unique in that the City is not

2 obligated to contract with the lowest bidder on the services, but may factor other criteria
into its decision making process. He stated that Elite Grounds is the obvious choice in
4 this matter. He explained this new contract will run through December 31, 2017.

6 Councilmember Broderick had a question on addendum "A" where it states they
will mow, edge, etc. five (5) times each week and if that is correct. Mr. Gurney stated
that includes the pavilion services which includes emptying the trash bins at the six (6)
8 parks and pavilions, etc. Councilmember Hoyt inquired why Pheasant Brook Park is
receiving extra fertilization. Mr. Gurney stated Pheasant Brook Park and the detention
10 basin area has always lacked in color so they have historically added the extra
fertilization for aesthetic purposes.

12 Mr. Cowie noted that if any changes are needed they can be amended and the
same set prices would apply. Councilmember Broderick asked about the possibility of
14 mowing every ten (10) days instead of every week and if that had been considered in this
proposal process. Mr. Cowie stated that he and Mr. Bateman felt it would be better to
16 have the more frequent mowing included in the contract and adjust it through the season
and evaluate it on a case by case basis. Councilmember Broderick also inquired what the
18 calendar period is, start to finish. Mr. Gurney stated they start in March and run through
the end of October. Councilmember Bean asked how many years Elite has had the
20 contract with the city. Mr. Gurney replied they have had the service contract with the
city since 1999. There was then some additional discussion by the Council regarding this
22 issue.

24 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he called for a motion.

26 COUNCILMEMBER HOYT MOVED TO APPROVE THE LANDSCAPING
MAINTENANCE SERVICES AGREEMENT WITH ELITE GROUNDS, LC.

28 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

30 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE
32 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
34 COUNCILMEMBER LUNDBERG	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 36
- 38 8. **Public Hearing:** *2014 Employee Compensation Study & Recommended*
Updates. The City Council will review and take action on multiple proposed
40 changes to the Lindon City employee compensation and benefit programs
including updates to FY2014-15 merit pay, performance evaluations, insurance
42 benefits, retirement programs, etc. Recommended updates to the total
compensation package are a result of findings from the City's 2014 Benefit and
44 Compensation Study and will reduce financial constraints on the City while still
providing an excellent compensation and benefit package for employees. Total
46 estimated savings to the City during the current FY2014-15 is approximately
\$180,000 with maximum annually recurring savings estimated between \$100,000
48 to \$120,000.

2 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
3 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Cowie explained this is the third public meeting held on the compensation
7 study. He further explained the City Council will review and take action tonight on
8 multiple proposed changes based on feedback to the Lindon City employee compensation
9 and benefit programs including updates to fiscal year 2014-15 merit pay, performance
10 evaluations, insurance benefits, retirement programs, etc. He noted the recommended
11 updates to the total compensation package are a result of the findings from the City's
12 2014 Benefit and Compensation Study and will reduce financial constraints on the City
13 while still providing an excellent compensation and benefit package for the employees.
14 Mr. Cowie mentioned the total estimated savings to the City during the current fiscal year
15 2014-15 is approximately \$180,000 with a maximum annually recurring savings
16 estimated to be between \$100,000 to \$120,000 dollars.

18 Mr. Cowie explained that over the last several months the City has been working
19 on this comprehensive wage and benefit study to determine if changes to the
20 compensation package need to be made in order to reduce the financial burden on the
21 City and to ensure the compensation programs are comparable to other similar city
22 compensation programs, and to provide a competitive wage and benefit package to city
23 employees. He further explained that final recommendations for updates to the
24 compensation package are included in the Compensation Study. He noted that specific
25 recommendations are found throughout the study, which is classified into two main
26 sections outlining wage, pay range, and merit pay recommendations followed by benefit
27 change recommendations.

28 Mr. Cowie noted as requested by some members of the Council, each proposed
29 change will be discussed and a straw poll vote will be taken on each major item. He
30 stated a final official motion and vote will then be taken on the entire collective set of
31 proposed changes to be made to the employee compensation program. The straw poll
32 voting will enable the Council members to express different opinions on specific items,
33 while allowing each member to vote on the final recommendations as a collective whole.

34 Mr. Cowie further discussed that a request was also made at the last meeting for
35 staff to bring additional scenarios for phasing out the opt-out insurance payment program
36 for those hired prior to 7/01/2007. Two possible scenarios (Scenario 22, 23) have been
37 provided and will also be discussed tonight. He noted the study included in the packets
38 does not contain these options in the recommendations.

40 Mr. Cowie then reviewed the study components as presented at this time as follows:

42 **Wage Study Recommendation:** Mr. Cowie explained that the benefit study was done in
43 two components in the final document, the wage study component and the benefit study
44 component. Current positions were grouped into categories by types of duties, expertise,
45 or things required in a job description. This was intended to be a benchmark tool with a
46 thresh hold of a plus or minus 10 percent from the midpoint on these ranges. If the
47 position was outside of the midpoint range on the pay scale they were looking at making
48 changes to try to bring it more in line with what other counterparts are paying for similar
49 types of positions. Based on the research they went through the study and made some

2 specific recommendations. As part of the wage scenario they found that most of the other
4 cities had gone away from a multi-step pay scale that is currently in place and have
6 shifted to a pay scale that escalates a newer employee to the midpoint in their range faster
8 with a more stringent performance requirement as an employee progresses and has more
10 experience on the job. What they are recommending is to go away from this 16 step
12 process to the new pay scale. Mr. Cowie noted that he will not go through each position
14 individually as he assumes the Council has previously read the included
16 recommendations and what is being recommended. He stated there are not any changes
18 to any employee's pay that impacts them in a detrimental fashion on their current pay.
20 There are two positions they recommend adjusting the range downward in the pay scale
22 but the current employees would be grandfathered in so they can continue with what they
24 were hired on at. In that fashion, the job description would be updated, the range would
26 be updated and if those positions were to be vacated and re-filled it would be at the
28 correct pay scale.

Merit Pay Recommendation: Mr. Cowie explained as part of shifting to the new pay
18 scale process there is a cost of approximately \$4,200 which will shift people from the
20 current pay scale onto the new pay scale, but the costs this year are offset by savings from
22 not filling some vacant positions etc. which has cost less money this fiscal year. With
24 this new merit proposal they are targeting around \$100,000 annually in potential
26 reductions to help the city financially with the 1.6% merit increase being recommended
28 in addition to the 1.4% COLA allowance that was already approved this fiscal year. He
30 noted that he and the department heads have developed the evaluation score criteria. Mr.
32 Cowie then explained the evaluation process.

Mr. Cowie mentioned at the last meeting they discussed a merit pay bonus
program and as it was evaluated they felt it was a great opportunity to provide for those
employees who had topped out to feel financially incentivized to perform to the best of
their ability. What is being proposed is the same percentage of merit increase that other
employees are eligible for and also for those who have topped out who will also be
eligible for a one-time bonus payment annually. He then referenced page 52 in the
Council packets.

Mr. Cowie mentioned, for the benefit of all of the employees here tonight, the
compensation study, including the evaluation forms, will be reviewed at the next synergy
meeting if they have any questions. He noted they are hoping to have at least an
opportunity twice a year for the employees to sit down with their supervisors to see how
they are doing on this process. He feels this will be better for employees and supervisors
as they will be more informed. Councilmember Powell commented that she appreciates
the opportunity to review the evaluations and it helps to have a hands on feel to the
employees and their great qualities and to get to know the employees better. Mr. Cowie
stated the councilmembers will review the evaluations from the department they are over.
Councilmember Lundberg commented that she feels the employees need to be treated
fairly but they also need to understand what their expectations are and things that need to
be addressed or what they need to work on. Mayor Acerson agreed he thinks this is a
great process and gives some opportunity for both the supervisors and employees to work
on expectations. Mr. Cowie stated there may be things that need to be tweaked on the
new evaluation forms and the process.

2 At this time, Councilmember Hoyt asked the employees for their general feedback
on the new proposed merit process. Jake Woodcox, Parks & Recreation employee, voiced
4 his opinion that the new program will incentivize the employees who give 110% the
opportunity to reap some extra benefit from it. Josh Edwards, Police Sergeant, pointed
6 out because there are different groups in the city doing different jobs he feels it should be
tailored specifically to the different departments and within those groups inside that
8 department and it should be defined as to what is expected. Julie Sutch, Police Dept.
employee, expressed that there is concern for uniformity as there is no uniform line for
10 the difference in jobs. Mr. Cowie stated that part of the update is a heavy reliance on job
descriptions and they will be making sure they are defined and are accurate so moving
12 forward the expectations are clear as to what is required and expected.

Councilmember Powell commented that many employees go above and beyond
14 their job descriptions so to have that incorporated into the evaluation and to have the
opportunity to express and have that synergy between the department head and employee
16 is good. And also to recognize the above and beyond as long as it is not a substitution of
the job responsibility. Mayor Acerson suggested that the employees make sure all of
18 their duties and all they do is included in your job description. Mayor Acerson also
expressed that he feels it is critical that the job descriptions are clearly defined in order to
20 have good communication because it is hard to be evaluated. Mr. Cowie stated at end of
the full blown evaluation they will be asking the employees to attach a current job
22 description and make note of any changes from the previous year's performance review
and to make sure it is accurate and then list their positives and job goals etc. Mayor
24 Acerson stated that the hope is to have everyone achieve their potential and be the best
that they can be which is a "win-win" situation for both the supervisor and the employee.

26 **Benefit Recommendations:** Mr. Cowie explained the recommendation is to discontinue
the defined contribution plan, where everyone gets the same set dollar amount with the
28 surplus going to other aspects of the payroll. What is being proposed is that the city will
cover 100% percent of the medical premiums for all employees and for employees hired
30 prior to January 1st of this year. The city will contribute \$100 per month for employees
with double coverage and \$50 per month for those who have single coverage. The other
32 change was to reduce the insurance opt-out waiver to \$500 per month across the board
and \$300 per month for new employees hired after January 1, 2015. For dental insurance
34 the city will cover 50% of the dental premium for family coverage and 100% for single or
double coverage. The city currently contributes 4.5% to the 401k or 457 accounts. With
36 the proposed change the city will contribute 1.5% of the salary without employee
contribution required and then the city will match an additional 1.5% of whatever
38 contribution the employee makes up to an additional 1.5% with the maximum total being
4.5%. As previously discussed it is recommended to lower the sick leave buyback
40 program down from 500 hours to 480 hours. This will increase costs annually but he
feels it incentivizes individuals to not use sick time and provides more opportunities.
42

Mr. Cowie then referenced the financial impacts and referenced the spreadsheet
44 (page 49 in the packet) prepared by the Finance Director, Kristen Colson. Mr. Cowie
mentioned at the last meeting it was requested to see some different scenarios to be
46 considered for phasing in the opt-out reduction (page 27 in the packet). What has been
presented (outside of the study) is to implement this January 1st to phase out every 6

2 months and to finalize it in 2016 when the fiscal year starts (he referenced the savings in
the chart). Councilmember Powell mentioned that her recollection from the discussion
4 was to phase it through June of 2017 not 2016. There was then some additional
discussion regarding this issue.

6 Mr. Cowie then went through each Compensation program issues individually
with a straw poll vote taken on each item as follows:

8 **BENEFIT ISSUE #1**

10 **Issue: Should the Council approve the updated pay scale matrix from 16-steps to the
new compressed matrix?**

12 **BENEFIT ISSUE #1:**

14 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER POWELL	AYE
16 COUNCILMEMBER BEAN	AYE
18 COUNCILMEMBER BRODERICK	AYE
18 COUNCILMEMBER HOYT	AYE
20 COUNCILMEMBER LUNDBERG	AYE

22 **BENEFIT ISSUE #2**

24 **Issue: Should the Council approve the various pay range and wage adjustments as
recommended?**

26 **BENEFIT ISSUE #2:**

28 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER POWELL	AYE
30 COUNCILMEMBER BEAN	AYE
30 COUNCILMEMBER BRODERICK	NAY
32 COUNCILMEMBER HOYT	AYE
32 COUNCILMEMBER LUNDBERG	AYE

34 Councilmember Broderick gave the reason for his “nay” vote stating he feels the
data provided from the study is helpful and through this process they are doing he feels
36 the city has outstanding employees, but the idea that the sole decision making is based off
of what other people are making troubles him and he is comfortable leaving it where it is.
He added that he is not comfortable with automatically raising or cutting positions just
38 based on a study of what other cities are doing which may cause everything to go
artificially up in wages. Councilmember Lundberg commented that what occurs here is
40 that there is not a fixed entry point dollar figure, but we do look at qualifications and
experience (for the more skilled positions) and the employee is placed somewhere within
42 that range; there is not a static entry point.

44 Councilmember Hoyt questioned if we can be managers of our city and to not
follow suit of other cities; he would hope we can. Councilmember Lundberg expressed
that she feels the data Mr. Cowie gathered was pretty wide and broad which helps us to
46 come to an educated guess. She also thinks the purpose is to put everyone on and even
playing field and to be somewhere closer to the median of their job description.

2 Councilmember Broderick agreed that is a component but not the only component in his
mind.

4 Councilmember Powell voiced that she would rather be avant-garde and be able
to look at those positions vs. what other cities are doing whether higher or lower,
6 depending on the qualifications. Mr. Cowie stated our competition is other cities to get
good employees. Mayor Acerson surmised that the point Councilmember Broderick is
8 trying to make is are we driving the market or are we following the market. Mr. Cowie
noted we looked at other cities for comparable rates within our market. He noted for
10 wages they had four comparable job positions and they stayed within cities of our size, or
at least our neighbors, unless they couldn't find job positions; we were not making
12 comparisons against large cities.

Councilmember Bean commented that we have to be careful with discussions of
14 "driving the market" because it is really an ethereal thing as we are a small city and will
most likely not drive any market matrix; but collectively we are a part of that. He added
16 that he feels it is a little bit of a stretch to say by making an effort to put together
information like this that somehow it becomes this never ending cycle upward. Every
18 organization, whether private sector, education or municipalities has some kind of
benchmark data they use. He went on to say where municipalities are concerned there
20 are some positions, administrative secretary etc., that are comparable to private industry
but there are some, like the public works department positions, that are hard to compare
22 unless you use other municipalities, so he is a little skeptical about broadening the scope
of the data collected to include private industry unless you can make an argument that
24 that position has private industry comparable out there.

Councilmember Broderick stated he is not suggesting to increase the data
26 collection he is just trying to point out that saying the aggregate of all the comparable
municipalities dictates that raises or deductions in pay are needed and he struggles with
28 that concept. Councilmember Bean commented that he does not feel strongly that the
data dictates the decision but is the basis for which the decision is made. Councilmember
30 Hoyt questioned if the data is the only basis to make a decision off of and if we have the
flexibility to say even though the market dictates we should be paying this person more
32 do we have to. Mr. Cowie stated that is what they were trying to accomplish in the study
with cities of comparable size.

Councilmember Powell stated she sees Councilmember Broderick's point of view
34 but she wants to seek out the best person for the job and offer a package in the range as
there will be times the body will have to make adjustments to get a qualified person as it
36 goes both directions. Councilmember Bean stated that a 20% range is a wider range than
you would see in private industry or academia and noted he feels the department heads
38 will evaluate the qualified candidates available and make a sound decision.

Councilmember Lundberg commented that there are some municipalities where
40 every new hire has to be within 10% of step one and if staff wants to hire outside of step
one it must go before the council. Mr. Cowie stated 90% of the jobs they hire are at step
42 one and if they want to hire outside of that point they would need to advertise at the first
step. They are not advertising higher than the range, which is part of the decision factor
44 to select the best qualified person, and it is dependent on the economy.

Councilmember Bean expressed that if you feel the foundation you have created
46 is a good one and is based on good data, then you will always have some exceptions that

2 may cause some problems, but they are the exceptions and if we focus on the exceptions
it does not help to move the process forward.

4

BENEFIT ISSUE #3

6 **Issue: Should the Council approve a 1.6 % merit increase for FY 2014-15?**

8 **BENEFIT ISSUE #3:**

THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
12 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
14 COUNCILMEMBER LUNDBERG	AYE

16 **BENEFIT ISSUE #4**

18 **Issue: Should the Council approve a new merit pay bonus program allowing
employees who have reached the top of their pay scale to be eligible for a one-time
merit bonus each year?**

20

BENEFIT ISSUE #4:

22 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

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

28

BENEFIT ISSUE #5

30 **Issue: Should the Council approve a reduction in the 401k contribution from 4.5%
to 1.5% with an additional 1.5% city match if the employee contributes 1.5%?**

32

BENEFIT ISSUE #5:

34 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
38 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER LUNDBERG	AYE

40

BENEFIT ISSUE #6

42 **Issue: Should the Council approve the reduction in monthly payments as presented
for employees not electing medical insurance (opt-out payment)? With phasing
pursuant to scenario #23 which would incorporate a six month intervals starting
with a reduction July 1, 2015 and a reduction January 1, 2016 and then the final
reduction being July 1, 2016**

44

46

2 Councilmember Powell stated she would like to see it amended to have the final
reduction in 2017.

4

BENEFIT ISSUE #6:

6 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

8 COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

10 COUNCILMEMBER HOYT AYE

COUNCILMEMBER LUNDBERG AYE

12

BENEFIT ISSUE #7

14 **Issue: Should the Council approve the health and dental insurance premium
coverage amounts as presented? With a tapered approach scenario #13.**

16

Councilmember Powell stated that scenario #15 is as low as she will go.

18

BENEFIT ISSUE #7:

20 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL NAY

22 COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

24 COUNCILMEMBER HOYT AYE

COUNCILMEMBER LUNDBERG AYE

26

BENEFIT ISSUE #8

28 **Issue: Should the Council approve the updated sick pay (sick leave) buy-back
program?**

30

BENEFIT ISSUE #8:

32 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

34 COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

36 COUNCILMEMBER HOYT AYE

COUNCILMEMBER LUNDBERG AYE

38

BENEFIT ISSUE #9

40 **Issue: Should the changes to the 401k contribution, merit pay program, wage/range
adjustments and other compensation program updates be effective January 6, 2015;
and the insurance benefit changes be effective July 1, 2015? With a phased/tapering
1/3 step in reductions.**

44

BENEFIT ISSUE #9:

46 THE CITY COUNCIL STRAW POLL VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE

2 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
4 COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE

6

Mayor Acerson called for comments from the public at this time. Lori Peters, resident in attendance, voiced her concerns stating that she understands that the Council is looking at costs which is very prudent, but she also sees that the City Council just approved a parks maintenance agreement for \$185,000 without much discussion yet they can make these cuts on these employees. She noted what made Lindon City great was the employees and they are the best resource the city has. She feels the job descriptions need to be reviewed very closely as the employees exceed what is expected of them. Ms. Peters stated that she feels the employees are the City's greatest resource and they should be compensated. She feels most of these cuts are discriminatory to the employees who excel year after year and as a taxpayer and resident for many years she would suggest the Council look at other areas to cut; not only on the employee's backs. She pointed out that after these cuts there is nothing left to cut on the employees and it would be her hope that the city can retain the great quality of employees they have and to still be able to attract good employees in the future.

Ms. Peters commented by making Lindon City an average employer the city will have to find other creative ways to attract good employees which is the nature of the market. She noted that this is market demand and market driven and all of these employees can make more money in the private sector. Ms. Peters concluded by stating these employees are making a great concession with these cuts and she would hope that it does not reflect on the quality of life here in Lindon. She would ask the Council to consider the combined experience of these employees and she does not want to see Lindon City crumble from within.

Mayor Acerson stated that he hopes with what is proposed that they will have a chance to look at these job descriptions and update them as needed and if the employees are doing things beyond what is in that job description that between the employees and the supervisor they will have the opportunity to adjust it if need be. Jake Woodcox, Lindon City employee, asked the Council to consider tapering the double and single coverage to ease it and adjust it (phasing) like the opt-out program. The Council was in agreement to phase/taper the double and single insurance coverage like the opt-out program with 1/3 cut reductions. Councilmember Lundberg commented that she feels the Council has tried to do some really good things for the employees. She mentioned that the items looked at changing, they wanted to make sure they changed them in a very fair and equitable way in order to still keep a generous package. Councilmember Powell mentioned that she would like to see employee recognition amped up with each reduction to let the employees know they feel valued and important and are recognized. Mr. Cowie noted that employee recognition was cut in the budget. Councilmember Powell would recommend reinstating the employee recognition funds.

Mayor Acerson called for any further comments or questions from the Council. Hearing none he called for a motion to close the public hearing.

46

2 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Councilmember Powell then read a prepared statement and provided a copy for
the record. Councilmember Broderick expressed that he appreciates Councilmember
8 Powell's statement and also mentioned that there are other areas to cut and he would
appreciate and request input and suggestions from employees in the coming budget year
10 of possible areas to cut.

12 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he called for a motion.

14 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE UPDATED
FISCAL YEAR 2014-15 EMPLOYEE COMPENSATION PROGRAM WITH THE
16 CHANGES AS RECOMMENDED IN THE 2014-15 BENEFIT AND
COMPENSATION STUDY, WITH THE FOLLOWING CONDITIONS: 1.
18 ALTERATIONS TO THE EXTRA PAYMENTS PHASING OUT FOR THE SINGLE
AND DOULBE INSURANCE COVERAGE AND 2. THE ADJUSTMENTS ON THE
20 PHASED PLAN FOR THE OPT OUT PROGRAM. COUNCILMEMBER
LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS
22 FOLLOWS:

24 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	NAY
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER LUNDBERG	AYE

28 THE MOTION CARRIED UNANIMOUSLY.

- 30 7. **Discussion Item:** *Options for Refunding of Series 2008 Bonds.* Jason
32 Burningham, financial consultant with Lewis Young Robertson & Burningham,
will discuss options for refunding (refinancing) Lindon's Series 2008 Sales Tax
34 Revenue Bonds through possible private placement purchase or other method of
refunding. The Council will give feedback and direction to Staff regarding which
36 method to pursue. Additional discussion of the 700 North CDA may also occur.
No motions will be made.

38 Mr. Cowie opened the discussion by stating Jason Burningham, financial
consultant with Lewis Young Robertson & Burningham, is in attendance to discuss
40 options for refunding or refinancing Lindon's Series 2008 Sales Tax Revenue Bonds
through possible private placement purchase or other method of refunding. Mr. Cowie also
42 stated that there are some unique opportunities and challenges that are involved in the
possible private placement of the bonds. He noted that staff is seeking input from the
44 Council on how to proceed in this matter. He added that Mr. Burningham may also
provide insight into possible ways to move forward with Alpine School District regarding
46 the 700 North CDA. He noted that no motions will be made as this item is for discussion
only.

2 Jason Burningham, financial consultant with Lewis Young Robertson &
Burningham, addressed the Council at this time. Mr. Burningham gave a brief overview
4 stating they have done a number of bond issues for the city over the past decade i.e.,
Lindon City Building, Aquatics Center. He noted this process was started a year ago
6 when interest rates had come down with opportunities to look at restructuring or
refinancing. He explained there are two series (2) of bonds, a series 2005 sales tax
8 revenue bond and a series 2008 sales tax revenue bond. Right now it appears the 2008
bonds are the ones that makes the most sense to look at restructuring or refinancing.

10 Mr. Burningham stated the main reason Mr. Cowie invited him to come to
address the Council is because this issue is not a straight cut and dried type of a
12 proposition. He explained that when looking at options available they determined that the
timing and some of the nuances related to the costs associated were somewhat cost
14 prohibitive, so they looked at doing a direct placement and tried to negotiate with one or
two financial institutions and then placing directly with them which would reduce the
16 other costs significantly. He noted they received several proposals of which several made
sense. The difficulty in looking at the options is that none of them have a total maturity,
18 or life, of 19 years, so they would still go out to 2033 so there are still 18+ years
remaining on the bonds; the financial institutions are looking at the first 10 years as
20 having a very fixed interest rate. He added that there would be a reset mechanism in
terms of what the interest rate would be on the remaining years.

22 Mr. Burningham further explained he is here tonight to present what the options
are and to have discussion to see what the City Council would like to do. He explained
24 they are talking about a 9 million dollar bond issue (2008 bonds). Currently, based on the
proposals received, the city could see an annual budgetary savings between \$65,000 and
26 \$75,000 annually (reduced debt service payment). The first 10 year period would be
locked with no cap per se, but there is a benchmark rate. There is a range of reset
28 assuming that the reset component is around 2% cost of funds, right now they are paying
4.8% on the bonds so this would be a reduction in interest costs of about 2.8%. Including
30 all of those future interest rate increases (assuming interest rate increases happened) it
would still generate more than \$500,000 of net present value savings to the city.
32 Therefore, it becomes a question if the city would be comfortable with some of that
interest rate risk which is subject to the interest rate reset.

34 Mr. Burningham further discussed that part of the issue here is the bonds are not
callable until 2018 so it is not as efficient to refund them right now as it would be if we
36 waited until 2018. He noted that all of this is taken into account in the analysis, but they
cannot predict what the interest rates will be. He went on to say that the annual budgetary
38 savings could be set aside and then sink out the final maturities and backfill those and pay
it down. The average annual debt service the city is currently paying on the bonds is
40 about \$660,000 and with the proposed structure in the next budget year (current fiscal
year) would show closer to \$190,000 in budgetary savings and would then go down to
42 around \$65,000 annually in budgetary savings. They can structure around this depending
on the desires of the Council and if the budgetary relief is the motivating reason. The
44 reason the direct placement has such an advantage is that the cost of issuance is so much
lower.

46 Mr. Burningham stated this come down to a question of can we wait or do we
wait until 2018, then there is really no guarantee that there is any benefit in terms of the

2 refunding; in order to do that we would have to be comfortable with the idea that there is
4 some interest rate risk. Mr. Burningham pointed out that traditionally cities have looked
6 more to fixed rate transactions because it is easier to budget around. Long term and short
8 term variable rate interest has been a very cost effective way to finance capital projects,
10 but it does have some interest rate exposure. He stated that this issue has the 10 years
12 fixed and provides plenty of opportunity to pay off the backside with savings as well as
14 restructure or refinance options. He is not sure that waiting until 2018 would find
16 ourselves with a lot of opportunity to reduce interest; that is really the only compelling
18 reason to bring this forward at this point for something to consider. There was then some
20 general discussion between Mr. Burningham and the Council regarding this issue.

22 Mr. Cowie explained that the Council had previously passed the authorization to
24 allow us to move forward with the refunding on the bond but this was a different shift
26 from what was discussed. If the Council feels comfortable with the level of risk that
28 could be involved then we will continue to pursue it and get the finalized set of
30 projections to the Council to evaluate it or if the Council chooses this can be postponed.

32 Mr. Burningham stated that he will get the prepared analysis and additional
34 information to Mr. Cowie to disseminate it to the Council to review, evaluate and analyze
36 and determine what they would like to do. Mr. Burningham mentioned that Lindon City
38 has a very good credit profile and a stellar credit rating with high wealth characteristics in
40 the community. Lindon also has a good tax base and a solid sales tax per capita with one
42 of the better rated communities of its size nationally. He noted they would be watchful to
44 ensure that the high credit rating the city has earned will not be impaired.

46 Mr. Burningham then mentioned the 700 North CDA. Mr. Burningham
distributed a handout to the Council at this time. He noted they have been working on
this issue for several months and noted it has been a frustrating process. They have
decided that it reveals that there is some political maneuvering at the Alpine School
District and noted the Orem had a project that went right through with Lindon's project
sitting for multiple months, and it seems Lindon hasn't been given the same
consideration; they are trying to determine where to go from here. He noted that all of the
other taxing entities have signed the interlocal agreement at the level of participation
requested.

Mr. Burningham stated they have gone through many discussions and
negotiations with Alpine School District with most of the discussion at a staff level that
has not given them due process. The District came back recently and indicated that their
board will not approve so they will not take it to the full board. He pointed out that Orem
City asked for 65% participation from the School District and they got it. Lindon asked
for 50% and was negotiated down to 20%. Lindon's budget is half of what Orem had
asked for and they approved Orem City at a much higher percentage level for a retail
project; he is having a hard time rationalizing why Lindon would at least have the
opportunity to be in front of their board. He is saying this is odd where they just approved
Orem City. Mr. Cowie inquired if the proposed Ivory development is part of the CDA.
Mr. Burningham confirmed it is part of the CDA. He mentioned that Alpine School
District had indicated they didn't want any residential included. There was then some
lengthy discussion regarding this issue.

Mayor Acerson stated he would like to schedule a meeting with Rob Smith at
Alpine School District and lobby each board member and let them know we will be going

2 to the next step. Mr. Cowie stated that he will schedule a meeting with himself, Rob
4 Smith, Mayor Acerson and Mr. Burningham. Mr. Cowie noted there will be further
discussion with the Council regarding this issue.

6 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he moved on to the next agenda item.

8 **8. COUNCIL REPORTS:**

10 **Councilmember Powell** – Councilmember Powell reported that the Community Center
Advisory Board movie night is coming up. She noted that she has not worked with the
12 new CCAB member as yet but there will be another meeting in February.
Councilmember Powell inquired if the financials will be updated on google drive. Mr.
14 Cowie stated that they will be updating the financials soon. Councilmember Powell stated
the she would encourage everyone to review the check run. Mr. Cowie added that
16 signing the checks is no longer a required process. Councilmember Powell mentioned
some thoughts about snow removal and cars on the roads. She noted that she talked to a
18 snowplow driver and he indicated that they know the streets and are aware of those
residents who are prone to leaving cars on the streets.

20 **Councilmember Bean** – Councilmember Bean mentioned the vacancy on the planning
22 commission. He noted that representation from the west side would be beneficial.

24 **Chief Cullimore** – Chief Cullimore reported that the opt-in sign up for the new
Everbridge system has started and he would encourage everyone to sign up. He also
26 reported that the Police Department now have body cameras and they are working out the
bugs and they will be providing some training. Chief Cullimore also reported that the
28 holidays were quiet with no major issues which is good.

30 **Councilmember Hoyt** – Councilmember Hoyt nothing to report at this time.

32 **Councilmember Broderick** – Councilmember Broderick reported they are close on the
plans for the cemetery building. He also mentioned a water issue that was brought up to
34 him by Allen College noting that Mr. College would like to talk about this issue and the
fence separating his property from the cemetery. Mr. Cowie stated they have had several
36 discussions on the water issue with Mr. College but will be happy to have more
discussion.

38 **Councilmember Lundberg** – Councilmember Lundberg nothing to report at this time.

40 **Mayor Acerson** – Mayor Acerson reported that the MAG and COG meetings have been
42 cancelled for the month. He also reported the Outreach meeting is coming up and he
should be able to attend. He also mentioned that Legislative Day is coming up and
44 everyone is invited to attend.

46 **Administrator's Report:**

Mr. Cowie reported on the following items followed by discussion.

2 **Misc. Updates:**

- 4 • December City newsletter.
- 6 • UTOPIA update – Wayne Pyle met with him and the Mayor several weeks ago. He explained a proposal to be able to opt out and step aside from Utopia.
- 8 • Everbridge Emergency Notification System: sign-up available to the public on January 5th. He noted that links will be provided on the city web site and in newsletter. He would ask the council to please promote the program.
- 10 • Claims updates on the Flygare and Dexter claims. He noted that he and Chief Cullimore will be attending the litigation.
- 12 • Misc. Items.

12 **Upcoming Meetings & Events:**

- 14 • Newsletter Assignment: Councilmember Hoyt - March newsletter article. *Due by last week in February.*
- 16 • January 1st – City offices closed.
- 18 • February 10th – Engineering Coordination Meeting at noon at Public Works: Mayor Acerson and Councilmember Broderick will attend.

20 **Future items:**

- 22 • Employee Policy Manual updates.

24 Mayor Acerson called for any further comments or discussion from the Council. Hearing none he called for a motion to adjourn.

26 **Adjourn –**

28 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
30 AT 11:30 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – January 20, 2015

34
36 _____
Kathryn Moosman, City Recorder

38
40 _____
Jeff Acerson, Mayor