

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, April 1, 2014**
at **7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

4 **REGULAR SESSION** – 7:00 P.M.

6 Conducting: Jeff Acerson, Mayor
8 Pledge of Allegiance: Cody Cullimore, Chief of Police
Invocation: Matt Bean, Councilmember

10 **PRESENT**

ABSENT

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

22 **1. Call to Order/Roll Call** – The meeting was called to order at 7:05 p.m.

24 **2. Presentations/Announcements** –

- 26 a) Mayor/Council Comments – There were no comments at this meeting.
- 28 b) Mayor Acerson presented Carolyn Lundberg with a plaque recognizing her
years of service on the Lindon City Planning Commission. Mayor Acerson
30 expressed his appreciation to Councilmember Lundberg and thanked her for
her service on the Commission and noted that he looks forward to her
32 continued service on the City Council.

34 **3. Approval of Minutes** – The minutes of the special meeting of the City Council of
February 25, 2014 and the regular meeting of March 4, 2014 were reviewed.

36 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
38 THE SPECIAL MEETING OF FEBRUARY 27, 2014 AND THE REGULAR
MEETING OF MARCH 4, 2014. COUNCILMEMBER LUNDBERG SECONDED
40 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE
42 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
44 COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE

46 THE MOTION CARRIED UNANIMOUSLY.

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4. **Consent Agenda** – No items.

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

CURRENT BUSINESS

6. **Public Hearing** – *Cemetery Burial Rights Term Update, Ordinance #2014-9-O*. This is a request by staff for the Council’s review and consideration of an update to LCC 8.32.320 “Forfeiture of Burial Rights” to change the length of a burial right term from 60 years to 120 years.

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

Adam Cowie, City Administrator, led the discussion by giving a brief summary of this agenda item stating this is a request by staff for the Council’s review and consideration of an update to LCC 8.32.320 “Forfeiture of Burial Rights” to change the length of a burial right term from 60 years to 120 years. He noted this request was initiated by a citizen who brought up concerns regarding the term of burial rights currently approved to last up to 60 years unless an extension is obtained. Mr. Cowie noted that some individuals have purchased burial rights for younger children who are not deceased, and it is their desire that the burial rights will continue longer than 60 years.

Mr. Cowie stated that staff did speak with the City Attorney and referenced that this ordinance, if approved, will change the term date to 120 years, which exceeds all reasonable life expectancy, and updates the ordinance to be in conformance with current State Code which regulates this issue. Mr. Cowie noted that Staff recommends approval of this ordinance change. Councilmember Powell inquired if the applicant’s posterity is listed on the form in order to track down or notice the surviving beneficiaries or heirs. Mr. Cowie stated that it is not currently on the form but that information could possibly be added. He added that he will check with the City Attorney regarding the legalities.

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

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

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

COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2014-9-O
TO UPDATE THE TERM OF A BURIAL RIGHT IN THE LINDON CITY
CEMETERY FROM 60 YEARS TO 120 YEARS. COUNCILMEMBER BRODERICK
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE
2 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
4 COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **7. Review & Action – *Fee Schedule Updates, Rehabilitation Projects (Resolution*
#2014-7-R). This is a request for review and consideration of multiple changes to the
10 Lindon City Fee Schedule, including updates to the Aquatics Center fees for the 2014
season.**

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14 Mr. Cowie led the discussion by stating this is a request (by Resolution) for
review and consideration of multiple changes to the Lindon City Fee Schedule, including
updates to the Aquatics Center fees for the 2014 season. He noted that most of these
16 recommended changes were discussed in previous work sessions and at the Budget Kick-
off meeting. He noted that additional changes to the Fee Schedule will also be reviewed
18 as part of the 2014-15 budget hearings, but these were items included in the packets are
items that staff would like to see corrected and updated as soon as possible, particularly
20 before the pool season begins.

22 Mr. Cowie then referenced the fee schedule changes and additions included in the
Council packets. There was then some discussion regarding the use of “Merchant” vs.
“Transaction” Fee language on credit card processing fees. Following some general
24 discussion by the Council it was agreed to include the verbiage “Merchant” Fee rather
than “Transaction” Fee in the schedule.

26 Following some additional general discussion by the Council Mayor Acerson
called for a motion.

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30 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
#2014-7-R CONTAINING CHANGES TO THE 2013-2014 LINDON CITY FEE
SCHEDULE WITH THE RECOMMENDATION TO INCLUDE THE WORD
32 MERCHANT IN THE LANGUAGE. COUNCILMEMBER POWELL SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
36 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
38 COUNCILMEMBER LUNDBERG AYE
THE MOTION CARRIED UNANIMOUSLY.

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42 **8. Review & Action – *Bid Award: 2014 Street Rehabilitation Projects.* This is a
request for the Council’s approval of the low bid for street reconstruction along
various roadways within the city, including asphalt repair work on the city center
44 parking lot. Work done on Center Street and the city center parking lot will be paid
with State Street RDA funds. Staff recommends awarding the project to the low
46 bidder: Geneva Rock Products Inc., with a bid of \$514,705.34.**

2 Mr. Cowie opened the discussion by explaining this item is a request for the
3 Council's approval of the low bid for street reconstruction along various roadways within
4 the city, including asphalt repair work on the city center parking lot. He noted that the
5 work done on Center Street and the city center parking lot will be paid with State Street
6 RDA funds. Mr. Cowie stated that staff recommends awarding the project to the low
bidder, Geneva Rock Products Inc., who came in with a bid of \$514,705.34.

7 Mr. Cowie then discussed the details of the project. He explained that the Project
8 includes street improvements consisting primarily of reconstructed asphalt street surface
9 in an industrial area in west Lindon along 500 North, 1030 West, and 1200 West
10 (\$173,964.90). Additional road reconstruction will occur along the south portion of 200
11 East between Center Street and 200 South (\$86,881.77). He further explained that also
12 included is a parking lot and State Street access construction at the Lindon City Center
13 lower parking lot, which includes: concrete curbing, concrete waterway, and some
14 asphalt surfacing. He noted additional work includes roadway reconstruction along
15 Center Street between Main and State Street. He added that sidewalk will also be
16 installed along the north side of this road reconstruction adjacent to the Community
Center parking lot, and the work is expected to start sometime in mid-April.

17 Mr. Cowie further discussed that three bids were received with the low bid from
18 Geneva Rock totaling \$315,705.34 for all of the listed projects. He explained that the
19 industrial area roads and 200 East will be paid for by budgeted Class C road funds (gas
20 tax revenues from the State) amounting to \$ 260,846.67. He stated that the City has
21 budgeted \$300,000 for Class C road projects, and the work on Center Street and the City
22 Center parking lot are within the State Street RDA. Mr. Cowie commented that that Staff
23 recommends using State Street RDA funds for these two projects, in the amount of
24 \$54,858.67.

25 Mr. Cowie then referenced a map of the planned 2014 reconstruction areas
26 (highlighted in red). He noted that the areas highlighted in blue are additional roadway
27 areas that the City plans to repair or replace in the next fiscal year when additional
28 funding is available.

29 There was then some general discussion by the Council regarding this agenda
30 item. Mayor Acerson called for any further comments or questions from the Council.
31 Hearing none he called for a motion.

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34 COUNCILMEMBER BEAN MOVED TO AWARD THE 2014 STREET
35 REHABILITATION PROJECTS TO THE LOW BIDDER; GENEVA ROCK
36 PRODUCTS INC., WITH A BID OF \$315,705.34 AND AUTHORIZE USE OF STATE
37 STREET RDA FUNDS FOR THE PROPOSED CONSTRUCTION WITHIN THE
38 RDA. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE
39 WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER POWELL AYE
41 COUNCILMEMBER BEAN AYE
42 COUNCILMEMBER BRODERICK AYE
43 COUNCILMEMBER HOYT AYE
44 COUNCILMEMBER LUNDBERG AYE
45 THE MOTION CARRIED UNANIMOUSLY.

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2 **9. Review & Action – Bid Award: Fryer Park Asphalt Trail.** This is a request by staff
4 for the Council’s approval of the low bid for installation of an 8’ wide asphalt
6 walking trail and conduit for future trail lighting around Fryer Park, with some
additional asphalt work along the Lindon Heritage Trail. Staff recommends awarding
the project to the low bidder, Johnston & Phillips, with a bid of \$79,484.30.

8 Mr. Cowie gave a brief summary of this agenda item stating this is a request by
10 staff for the Council’s approval of the low bid for installation of an 8’ wide asphalt
walking trail and conduit for future trail lighting around Fryer Park, with some additional
asphalt work along the Lindon Heritage Trail. He noted that Staff recommends awarding
the project to the low bidder, Johnston & Phillips, with a bid of \$79,484.30.

12 Mr. Cowie then referenced the details of this project. He explained that the Fryer
14 Park Path & Path Lighting Project consists of constructing approximately 1,209 linear
feet of an 8-foot wide asphalt foot path, concrete path lighting foundations (24) for future
bollard light path lighting, including installation of 825 linear feet of 1-inch electrical
16 conduit, 538 linear feet of 1-1/2-inch electrical conduit and 50 linear feet of a bundle of
three 3-inch electrical conduits. He further explained that also included is the
18 construction of 251 square feet of a 6-foot concrete walkway adjacent to an existing
parking lot sidewalk and extending to the new 8-foot asphalt foot path. He noted the
20 construction of the 8-foot asphalt foot path will consist of removal of existing sod,
excavation for, placement and compaction of 2-inch asphalt on 6-inch road base. Mr.
22 Cowie discussed that the construction of the 6-foot walkway will consist of removal of
existing sod, excavation for, forming for, placement and finishing of 4-inch concrete on
24 6-inch compacted road base. He added that sod replacement along the constructed foot
path and walkway will also be required.

26 Mr. Cowie further discussed that the project also includes replacement of 130
linear feet of a 6-foot wide missing section of the existing Lindon Heritage Trail at a
28 different location, behind homes at approximately 1165 E. 140 N. He noted the trail
replacement will consist of excavation for, placement and compaction of 3-inch asphalt
30 on 6-inch road base.

32 Mr. Cowie commented that three bids were received with the low bid coming
from Johnston & Phillips at a total of \$79,484.30. He stated the City has \$50,000
34 budgeted for Fryer Park improvements and has sufficient park impact fees available to
make up the cost difference for completing the projects. Mr. Cowie stated that Staff
recommends approving the use of \$29,484.30 in Park Impacts fees for the trail project in
36 Fryer Park, and this update will be reflected in the amended budget at the end of the fiscal
year.

38 Following some general discussion, Mayor Acerson called for any further
comments or questions from the Council. Hearing none he called for a motion.

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42 **COUNCILMEMBER LUNDBERG MOVED TO AWARD THE FRYER PARK
ASPHALT TRAIL PROJECT TO THE LOW BIDDER, JOHNSTON & PHILLIPS,
WITH A BID OF \$79,484.30 AND AUTHORIZE USE OF PARK IMPACT FEES TO
44 ASSIST IN FUNDING THE FRYER PARK TRAIL IMPROVEMENTS.**

46 **COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:**

COUNCILMEMBER POWELL AYE
2 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
4 COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **10. Review & Action** – *Bid Award: Lindon View Park Sprinkler System.* This is a request
by staff for the Council’s approval of the low bid for installation of a sprinkler system
10 within the remaining area surrounding the completed Murdock Canal Trail head at
Lindon View Park. Staff recommends awarding the project to the low bidder,
12 Stratton and Bratt, with a bid of \$23,500.00.

14 Mr. Cowie gave a brief summary of this agenda item stating this is a request by
staff for the Council’s approval of the low bid for installation of a sprinkler system within
16 the remaining area surrounding the completed Murdock Canal Trail head at Lindon View
Park. Staff recommends awarding the project to the low bidder, Stratton and Bratt, with a
18 bid of \$23,500.00. Mr. Cowie explained that the City has budgeted sufficient park impact
fee funds to complete the installation of sprinkling systems and sod around the unfinished
20 portions of Lindon View Park (Murdock Canal Trailhead) at approximately 300 N. 780
E. He noted this project will install the sprinkling system and future community service
22 projects will install the sod.

Mr. Cowie commented that the Parks and Recreation Director, Heath Bateman,
24 prepared a Request for Proposal (RFP) for this project and provided the following
information:

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28 *With regards to finishing the property at Lindon View Park with Sprinklers, we
have finished the request for proposals process and recommend to the City
Council that Stratton and Bratt from Pleasant Grove be awarded the project to
30 provide the plans and install the sprinklers at Lindon View Park. There were 4
companies that turned in qualifying Bids. The prices of all RFP’s are in the table
32 below:*

34 *Lindon View Park RFP Tabulation Price*

<i>Stratton and Bratt</i>	<i>\$23,500.00</i>
<i>RBI INC</i>	<i>\$24,400.00</i>
<i>JC Landscaping</i>	<i>\$29,550.00</i>
<i>Elite Grounds</i>	<i>\$34,194.77</i>

40 Following some general discussion by the Council regarding this agenda item,
Mayor Acerson called for a motion.

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44 COUNCILMEMBER BRODERICK MOVED TO AWARD THE LINDON
VIEW PARK SPRINKLER SYSTEM PROJECT TO THE LOW BIDDER, STRATTON
AND BRATT, WITH A BID OF \$23,500.00. COUNCILMEMBER POWELL
46 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL AYE
2 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
4 COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **11. Review and Action** — *Utah Infrastructure Agency OpEx Assessments*. At the request
of Mayor Acerson, the Council will review UIA/UTOPIA performance reports and
10 provide direction to staff in regards to whether payment of OpEx assessment invoices
received for the months of November 2013 through April 2014 in the amount of
12 \$10,169.00 per month should be made. The assessments have been budgeted for the
2013-14 fiscal year.

14
16 Mr. Cowie gave a brief overview of this agenda item stating at the direction of the
Council, Lindon stopped paying OpEx assessments in December 2013. He noted that
only four cities are currently paying the OpEx assessments: West Valley, Midvale,
18 Layton, and Centerville. Mr. Cowie explained that the UTOPIA finance staff expects
significant difficulty paying its obligations within the next month or two due to the lack
20 of cities paying the assessments and also the recent increases in legal expenses due to
litigation and the potential Macquarie deal. Mr. Cowie then referenced the charts and
22 graphs along with the current figures on revenues that was provided as follows:

24 *Increasing revenues:* The attached graphs and charts have been provided by UTOPIA
for review of their current take rates and financial status. The trend line for UIA
26 revenues and subscribers continues to trend in an upward, positive direction. Staff
will discuss these charts in depth at the meeting.

28
30 *Recent Cost Cutting:* In an effort to reduce the OpEx shortfall, the UTOPIA Board
has taken recent steps to cut several staff positions and not fill the vacancies.
Additional discussion on cost cutting is on-going, with Board members evaluating
32 fees for contracted services, staffing levels, and various other organizational
expenditures.

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36 *Continued Local Growth:* UIA has recently installed additional fiber infrastructure to
the west side of Lindon, providing potential for fiber connectivity to nearly all of the
industrial area west of I-15 and the Fieldstone homes area, along the entire length of
38 700 North, and portions of Geneva Road. These areas are anticipated to be ready for
service in April/May of this year.

40
42 *Public Private Partnership:* While there is potential for the Macquarie partnership to
eliminate the OpEx shortfall, and thus eliminating the assessments, the Board feels
the cities need to continue to evaluate the OpEx issue to keep the organization
44 running until a final decision is made. If the deal falls through the organization is still
in a position of financial shortfall and facing similar scenarios as was discussed in the
46 spring of 2013 (go dark, maintenance mode, short sale, etc.).

2 Mr. Cowie explained that Lindon has paid the invoices through the 2013 calendar
3 through November. He commented that the Mayor's group had a meeting to discuss those
4 issues. He noted that the Utopia staff has been sending updated graphs and charts
5 showing the shortfalls through January of this year. Mayor Acerson commented that the
6 City has made a commitment to have this discussion as did the other Mayors of the
7 member cities. Mayor Acerson also mentioned litigation costs, and noted that Utopia has
8 made a proposal to the government to settle out of court (which is the typical approach
9 taken); but they are hopeful this will never go to court. And if they are able to settle out
10 of court the monies they have banked for court will come back and hopefully offset some
11 of the operational expenses. Mayor Acerson stated there is another Mayor's meeting next
12 Monday to get some updated numbers. Councilmember Bean commented that the cities
13 that were at the meeting indicated that they wanted to make this work, and he felt that
14 there was a positive feeling that they wanted to give it more time.

15 Mr. Cowie noted that in the past couple of months there has been some significant
16 staffing changes at Utopia with additional changes and positions that were terminated
17 with some positions being vacated that haven't been filled. He added they are actively
18 looking at costs across the board. Mayor Acerson stated that there are projections that
19 those cities that are currently paying the assessments and those that are not, and if it
20 continues the way it is, by June they will not have sufficient funds to run the operation.
21 Mayor Acerson stated that Orem, Murray and Lindon are not paying the assessments. He
22 further stated that it is flexible and open but the feeling is if we do nothing the answer
23 will develop by June and things will start winding down and they will not meet the
24 operational expenses and the network will feel the change.

25 Mr. Cowie stated that Utopia has a finance committee that meets monthly and
26 prepares a report that is sent to the board each month. There was then some discussion
27 regarding marketing issues and service provider options. Mayor Acerson commented that
28 it is anticipated that the Council will have enough information soon to determine if the
29 desire is there to enact the utility fee on the residents of Lindon City based on the amount
30 they anticipate will be needed in order to sustain the build out of the network; this is the
31 point to reach that will help to determine if the Macquarie deal is useable. Mr. Cowie
32 stated that projected target date for milestone one is April 18th and they will then give a
33 range. Mayor Acerson stated that he gathered, from the Mayor's meeting, that this is the
34 only deal on the table and any other options will be for the cities to stay together and look
35 for other funding options and flesh things out to be able to make an educated decision.

36 There was then some discussion of connections on the west side. Mr. Cowie stated
37 that they have made a loop through the area which is virtually serving all of the
38 developed areas in Lindon, which will make Lindon one of the cities that is totally built
39 out. Councilmember Bean commented that there is some value of what Macquarie is
40 offering to the city and it has taken a lot longer than what was anticipated in December,
41 which may affect UIA and Utopia's momentum going forward and the decisions that the
42 cities will make regarding utility fees. He added that if Macquarie moves forward with
43 any number of cities, and utility fees are being used, it could prove to be problematic with
44 legalities etc. He noted that it is tough, despite the progress UIA has made, that these
45 entities have had a decade to try to make things work, and if a wholesale model could
46 ever be profitable with so many facets not under control.

2 Mayor Acerson stated that he made the commitment to the other Mayor's to have
a conversation with the Council and to step up and make a commitment, but the decision
4 is up to the Council. Councilmember Lundberg commented that she feels the cities need
to be on the same page and work together. She noted the question is if Utopia is doing
6 enough to lessen the cities load on the OpEx shortfalls. Councilmember Broderick
commented that improvement has been made but there are still big gaps. Mr. Cowie
8 agreed they are making significant changes, and if we do move forward with Macquarie
the OpEx ends.

10 Councilmember Bean mentioned the milestone delay issues. Mr. Cowie
commented that he feels Macquarie did not realize the complexities of having so many
12 cities involved. He noted that they met with every city and that alone took a lot of time,
also there was a lot of hesitancy to move ahead with the legislation in session, which was
an issue, however, he feels they are making progress and are continuing to having
14 discussion with internet service providers.

16 Mayor Acerson commented that he feels, regarding the OpEx payments, the
commitment has been made, and out of respect for the other cities, we need to decide if
we keep our commitment or decide not to move forward and fund the operational
18 expenses and to not be a part of it, but it comes down to it that the commitment has been
made and we need to be fair to the other cities. He added that we need to make a
20 decision so they know what our position is. Mayor Acerson also pointed out that we are
stronger when we stand united, but we don't need to be the lead out city. Lindon has a
22 great reputation and we need to decide which direction we need to go. Mayor Acerson
commented that he will support the Council in whatever choice they make.

24 Mr. Cowie noted that last spring the Council passed a resolution indicating that
they would participate in the OpEx payments but the resolution states we can stop at any
26 time if we do not see somee progress. He added that what they are assessing has
decreased over time with half of the cities not participating. Councilmember Broderick
28 commented that he struggles with the idea that some of the cities do not participate in the
assessments and he also feels that letting the network go dark is not an option.

30 Councilmember Lundberg agreed with the Mayor that we are in this together and
to be a united force and put more pressure on to move the needle more quickly.
32 Councilmember Powell noted she wanted to see marked improvement but has not seen it
as yet. She is looking for more momentum and it seems haphazard and even though they
34 are meeting the benchmarks it does not feel that it has inertia. Mayor Acerson noted that
he feels the Mayor's want to find the right solution and noted they are having open
36 discussion and are willing to look at all options. Councilmember Lundberg commented
that she feels if we pay the assessments we should be getting something out of it and to
38 also look at what the industry benchmarks are for the individual department operations to
see where they are efficient or not in their organization, but to let them know there are
40 limits. Councilmember Bean feels they have tried to be upfront, but it would be nice to
know as to what extent they have justified their operation levels. He noted that he
42 approved the previous assessments to allow the city to have more time to discuss
different options.

44 Councilmember Broderick stated that he would be comfortable to send a message
of approval for a year, but he would want to review and see improvement at the end of
46 six (6) months, so if there is continued improvement with the idea to check it January to

2 June. Mr. Cowie mentioned that the Council will be adopting a budget for the next fiscal
3 year, and inquired if the Council will approve enough funds to cover the OpEx
4 assessments for the entire year and then make a decision (increasing the estimate with
5 what the potential franchise tax could be, which will increase the payment substantially).
6 Mayor Acerson stated that he senses that the majority of the cities do not want to go
7 down that path. Mayor Acerson stated that he will take the information and suggestions
8 made tonight to the meeting next week and will make every effort to discuss other
9 options and will notify the Council of any direction taken.

10 Following some additional general discussion, Mayor Acerson called for any
11 further comments or questions from the Council. Hearing none he called for a motion.

12 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE PAYMENT
13 OF OPEX ASSESSMENTS FROM UTAH INFRASTRUCTURE AGENCY IN THE
14 AMOUNT OF \$10,169.00 PER MONTH FOR JANUARY 2014 THROUGH JUNE
15 2014 AT WHICH TIME THE COUNCIL WILL REVIEW AND DELIBERATE ON
16 THE CONTINUATION OF PAYMENTS. COUNCILMEMBER POWELL
17 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	NAY
20 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	NAY
22 COUNCILMEMBER LUNDBERG	AYE

23 THE MOTION CARRIED 3 to 2.

24 Councilmember Hoyt stated his reasons for voting no. He noted that he is on the fence
25 with his vote, but he feels that all of the member cities need to come together and be
26 united. He would like to see more information and would also like to see where
27 Macquarie is at and which cities are jumping back on before giving an “aye” vote. He
28 would also like to see Councilmember Lundberg write a proposal including items the
29 city would like see happen, i.e., marketing cut of 50% etc.; and subject to the
30 proposed items the City would provide the funds. He added that he does see the merit
31 in the other Councilmember’s votes and agreed that this does send a good message.
32 Councilmember Bean stated that he agrees with Councilmember Hoyt’s comments and
33 he would also like to see the entities be willing to consider more drastic changes than
34 what we have seen.

35
36 **12. Review and Action** — *Interlocal Agreement: North Pointe Solid Waste Special*
37 *Service District, Resolution # 2014-6-R.* This item was continued from the January 7,
38 2014 Council meeting. This is a request for the City Council’s review and
39 consideration of an interlocal agreement between the solid waste district and the
40 thirteen member cities that comprise the district. To provide continued commitment
41 to the district for the collection, transfer, transportation, and disposal of municipal
42 solid waste.

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44 Mr. Cowie gave a brief summary of this agenda item stating this item was
45 continued from the January 7, 2014 Council meeting. He noted that all of the cities
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2 currently taking waste to North Pointe have signed the interlocal agreement except for
3 Lindon and American Fork. He mentioned that Alpine and Eagle Mountain were once
4 part of the District, but no longer deliver their waste through this transfer station. He
5 stated that in 2013 the District desired to create an official agreement committing the
6 remaining cities to the District in order to prevent increased costs that may occur should
7 several cities choose to go elsewhere for garbage services.

8 Mr. Cowie explained that while Lindon City does not expect to ever leave the
9 District, it has expressed concern to the District regarding the need for clarification of
10 which assets would be used in the buy-back-in calculation within the interlocal
11 agreement. He added, at our request, the District representatives indicated that a
12 resolution could be approved by the solid waste district board to clarify the intent of the
13 interlocal agreement buy-back-in provisions. Mr. Cowie noted at that time Lindon
14 prepared a draft resolution and sent it to the District for their review, then was later
15 informed that the resolution would not be considered until all of the agencies had
16 approved and signed the interlocal agreement.

17 Mr. Cowie stated that their staff feels that if the Board addresses the clarifications
18 before the interlocal agreement is finalized by all cities, that other cities may also request
19 modifications, thus opening the entire agreement up for more discussion and increasing
20 instability within the District, therefore, they have suggested that the resolution could be
21 considered after the interlocal agreement is finalized by all cities.

22 Mr. Cowie commented that in the drafted Lindon City Resolution #2014-6-R, the
23 language inserted is strong enough to encourage the District to clarify the buy-back-in
24 provisions within the agreement. There was then some general discussion by the Council
25 regarding the interlocal agreement. Utah County Commissioner, Larry Ellertson, was in
26 attendance at this time and provided his insight and opinion regarding this issue.

27 Councilmember Hoyt commented that he has had conversations with Jerald Hatch, who
28 is on the Board, regarding this issue and Mr. Hatch implied that there is an open
29 enrollment time, per se', in which to sign the agreement and after which will be outside
30 of that time period and will then be charged more for not signing the agreement. He
31 inquired if this is a correct assumption. Mr. Cowie commented that he has not received
32 any written communication to that effect, but he can see where they may be heading in
33 that direction as wanting to clearly define the District boundaries and may be using it as
34 leverage, but he doesn't know that our interests are being best represented. There was
35 then some discussion of the possibility of moving in a direction of changing the city
36 representation. There was then some general discussion regarding this issue.

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

39 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2014-6-
40 R, PERTAINING TO LINDON'S CONTINUED DELIVERY OF SOLID WASTE TO
41 THE NORTH POINTE SOLID WASTE SPECIAL SERVICE DISTRICT.

42 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
43 RECORDED AS FOLLOWS:

44 COUNCILMEMBER POWELL	NAY
45 COUNCILMEMBER BEAN	AYE
46 COUNCILMEMBER BRODERICK	AYE

2 WITH PLEASANT GROVE CITY ABOUT POSSIBLY PARTICIPATING IN SOME
3 FASHION WITH THE MANAGEMENT OF THEIR PORTION OF THE WATER
4 COMING INTO THIS DETENTION BASIN. COUNCILMEMBER POWELL
5 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER POWELL AYE
7 COUNCILMEMBER BEAN AYE
8 COUNCILMEMBER BRODERICK AYE
9 COUNCILMEMBER HOYT AYE
10 COUNCILMEMBER LUNDBERG AYE

11 THE MOTION CARRIED UNANIMOUSLY.

12 **14. Review and Action** — *Appointment to the Historic Preservation Commission.* This is
13 a request for review and consideration of the Mayor’s recommendation to appoint
14 Ted and Erlene Lott to a two-year term on the Lindon City Historic Preservation
15 Commission.

16
17 Mr. Cowie gave a brief summary of this agenda item stating that the Mayor had
18 recommended the appointment of Ted and Erlene Lott to a two-year term on the Lindon
19 City Historic Preservation Commission. Mr. Cowie stated that the Historic Preservation
20 Commission has also recommended the Lott’s for service on the Commission. He added
21 that they are long-time residents of Lindon and have been active in other facets of the
22 community. Mr. Cowie stated that the Lott’s have been contacted and are willing to
23 serve.

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

26
27 COUNCILMEMBER POWELL MOVED TO APPROVE MAYOR
28 ACERSON’S RECOMMENDATION TO APPOINT TED AND ERLENE LOTT TO
29 THE LINDON CITY HISTORIC PRESERVATION COMMISSION.
30 COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
31 RECORDED AS FOLLOWS:

32 COUNCILMEMBER POWELL AYE
33 COUNCILMEMBER BEAN AYE
34 COUNCILMEMBER BRODERICK AYE
35 COUNCILMEMBER HOYT AYE
36 COUNCILMEMBER LUNDBERG AYE

37 THE MOTION CARRIED UNANIMOUSLY.

38
39 **15. Review and Action** — *Appointments to the Planning Commission.* This is a request
40 for review and consideration of the Mayor’s recommendation to re-appoint Ron
41 Anderson and Sharon Call to the Lindon City Planning Commission. Both
42 individuals are expected to serve a full three-year term. This will be Mr. Anderson’s
43 sixth term on the Planning Commission and Mrs. Call’s third term on the
44 Commission.

2 Mr. Cowie gave a brief summary of this agenda item stating that the Mayor has
4 recommended the re-appointment of Ron Anderson and Sharon Call to the Lindon City
6 Planning Commission. He noted that both individuals are expected to serve a full three-
8 year term. Mr. Cowie mentioned that this will be Mr. Anderson's sixth term on the
10 Planning Commission and Mrs. Call's third term on the Commission. He added that Ron
and Sharon have served the City well on the Planning Commission. Mr. Cowie stated that
they are both willing to continue serving and have the confidence of the Mayor, Staff,
and the Council representative over the Planning Commission to continue representing
the City on the Commission. Mr. Cowie commented that the City appreciates their
continued willingness to fill this role.

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

14 COUNCILMEMBER BRODERICK MOVED TO APPROVE MAYOR
16 ACERSON'S RECOMMENDATION TO RE-APPOINT RON ANDERSON AND
SHARON CALL TO THE LINDON CITY PLANNING COMMISSION.

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

20 COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

22 COUNCILMEMBER HOYT AYE

COUNCILMEMBER LUNDBERG AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 **16. Review and Action** — *Commission on Alien Invasion of Lindon Equine Population.*

28 This is a request by staff for the Council's consideration in forming a committee to
30 study the effect of aliens invading Lindon's equine population. It is proposed that the
Commission meet annually on April 1st to conduct interview with Lindon horses and
gather data on their interactions with space aliens within the city limits. Mr. Ed will
be in attendance to provide testimony on the issue.

32 Mr. Cowie gave a brief summary of this agenda item stating that based upon
34 multiple citizen requests, staff recommends creation of the *Commission on Alien Invasion*
36 *of Lindon Equines* to study the dealings of resident horses and extraterrestrials within
Lindon City limits. He noted that it is anticipated that the Men in Black will meet
annually with the Commission on April 1st of each year. Mr. Cowie then stated, if you're
38 still reading ... this is a total April Fool's joke! He commented that a City Council does
not fall on April Fool's Day very often! This action brought a smile to everyone's face
40 after reviewing some tough issues. Happy April Fools to the "Council in Black"!

42 Mayor Acerson called for any comments or questions from the "Men (and
women) in Black" Council. Hearing none he moved on to the next agenda item.

44 **17. COUNCIL REPORTS:**

2 **Councilmember Powell** – Councilmember Powell reported that she attended the Little
4 Miss Lindon Pageant along with Councilmember Lundberg and Mr. Cowie and expressed
6 her thanks to everyone who participated. She added that Mayor Acerson did a great job
8 with his portion of the Pageant. Councilmember Powell commented that Lindon is
10 blessed to have so many young ladies who want to participate in the pageant.

12 Councilmember Powell also reported that she attended the Miss Pleasant Grove pageant
14 and expressed her congratulations to Mayor Acerson’s daughter, who won the
16 competition. Councilmember Powell mentioned that she spoke to Mr. Cowie about the
18 700 North CDA and noted that she would like to see a collaboration and to have a
20 summit or retreat in order to make a concerted vision of what we would like to see there.
22 Councilmember Powell reported that she also attended a meeting with Hugh Van
24 Wagenen, Planning Director, and noted they had several key people there that have to do
26 with Geneva; she noted that it is imperative that we collaborate with Council and staff
and be proactive in this area. She added that it was very impressive of what they plan to
do out in that area.

16 Councilmember Powell also brought up water conservation and what proactive
18 steps should be taken to get ahead of the curve to educate citizens on how precious this
20 commodity is. She suggested that perhaps a volunteer no water day, spot watering, or
22 promoting “Slow the Flow” may be some options. Councilmember Powell also thanked
24 everyone for getting on board with the fire restriction resolution and making it indefinite.
26 She reported that the Lindon Days meeting will be held on the April 17th and they will
need to publicly bring names forward for discussion for the Lindon Days Grand
Marshalls. She advised the Council to be thinking of candidates. Mr. Cowie noted that he
will send a list of those who have served in the past. Councilmember Powell stated that
Lindon Days will run from August 4 – 9th this year.

28 **Councilmember Bean** – Councilmember Bean reported that there is still one vacancy on
30 the Planning Commission and there will be one more vacancy when Commissioner Del
Ray Gunnell leaves. Councilmember Bean mentioned that he did speak with Mark
Clement, and indicated that he is not interested in serving at this time.

32 **Chief Cullimore** – Chief Cullimore reported that they will be holding a DUI Checkpoint
34 on April 25th from 7 pm to midnight and the Council is invited and encouraged to attend.
36 He also notified the Council that there is a study group doing a national random survey at
38 homes over the next couple of months and he noted that it is a legitimate survey if there
40 are any inquiries. Chief Cullimore reported that the Open burn period is in effect. He also
42 mentioned that he has not seen the final report on the recent Vivint fire but the damage
44 was estimated at 2 to 4 million dollars and will require extensive rebuilding. He noted
that the Orem Battalion Chief was injured in the fire. He also mentioned that the
response time was good. He explained that all of Utah County are on the same data base
(which is not done in Salt Lake County), which really helps with good response times. He
stated that there are a lot of assets and good relationships with the County. He noted that
the American Fork, Pleasant Grove, Provo and Orem stations responded to the fire and all
in all the response times were very good. Chief Cullimore also reported that they
captured an aggressive pit bull that has been running loose throughout the city.

2 **Councilmember Hoyt** – Councilmember Hoyt reported that he attended the Budget
4 Committee meeting and there is some great progress there. He also attended the Historic
6 Preservation Commission dinner that was held at the Lemone residence and it was great
8 opportunity to get to know each other better. Councilmember Hoyt also reported that he
10 attended the North County Animal Shelter meeting.

12 **Councilmember Broderick** – Councilmember Broderick reported the he attended the
14 North Union Canal Water meeting and, as of March 15th, they were at 92% of normal
16 water levels, which is not bad for the Wasatch Front. Councilmember Broderick
18 commented that he will not be able to attend the April 8th engineering meeting.
20 Councilmember Broderick also reported that the City hired a new water technician, Brian
22 Lloyd, who should be a great asset to the city and the department.

24 **Councilmember Lundberg** – Councilmember Lundberg reported that she met with
26 Heath Bateman, Parks and Recreation Director, and Mr. Cowie regarding the Aquatics
28 Center and some great ideas were discussed to help the revenues at the pool. She also met
30 with Mr. Bateman and Councilmember Powell to discuss the use of the PARC tax funds.
32 She also mentioned that she spoke with some other cities about corridor development
34 options ideas. She noted that she would like to see a vision for the 700 north Corridor
rather than be reactionary.

36 **Mayor Acerson** – Mayor Acerson reported that he participated in the recent Mayors
38 Meals on Wheels, which was a great experience. He also reported that he will be
40 attending the Utopia meeting next week. He mentioned that he will be attending a School
42 District meeting on Thursday. He noted that he has not had any response from Home
44 Depot and he call again. Mayor Acerson commented that he is now a Delegate.

Mayor Acerson reported that he had a lunch meeting with the Rocky Mountain
Power Chairman. He noted that they will meet with the city regarding how to educate the
citizens on best practices and there may be projects to work on cooperatively. Mayor
Acerson commented that the ULCT is coming up next week. He further reported that
IHC opened their new wellness center and he encouraged the Council to visit the new
location. He also mentioned that he attended the Board of Health meeting and they are
doing a major push on the air quality in Utah County.

Administrator's Report:

Mr. Cowie reported on the following items:

Misc Updates:

- Project Tracking List
- Digital newsletters: reminder will be put in April's utility bill
- Bicycle Master Plan – SLC Bike Tour
- Lakeview Rd. water break claim / Pot-hole claim on Locust Ave.
- Vivint Fire update
- UTOPIA/Macquarie P3 – moving discussion forward.

Upcoming Meetings & Events:

- 2 • Newsletter Assignment: Councilmember Lundberg - May newsletter article. *Due*
3 *by last week in April.*
- 4 • April 3rd at 2:00 p.m. at Alpine School District offices. 700 N. CDA. Mayor
5 Acerson will attend.
- 6 • April 8th at Noon. Engineering Coordination meeting at Public Works. Mayor
7 Acerson will attend. Councilmember Broderick will be out of town.
- 8 • April 8th – Blood Battle (blood drive). 9 a.m. - 2 p.m. at the Community Center.
9 Winning city gets service hours donated by Horrocks Engineers
- 10 • April 9th-11th – ULCT Spring Conference in St. George. Mayor Acerson,
11 Councilmember Bean and Councilmember Lundberg will attend.
- 12 • April 11th at 6:00 p.m. – Volunteer Appreciation Dinner @ Community Center
13 Councilmember Powell and Councilmember Broderick will attend.
- 14 • Tentative: April 11th-19th Spring clean-up. Dumpsters will be located at Public
15 Works, the horse Arena, Pheasant Brook Park, Hollow Park, and at the LDS
16 East Stake Center.
- 17 • April 16th at 9:00am – Bicycle Steering Committee mtg. Community
18 Development Conference room. Mayor Acerson and Councilmember Lundberg
19 will attend.
- 20 • April 19th – Easter Egg Hunt @ 9:00 a.m. City Center Park. Councilmember
21 Lundberg will attend.
- 22 • April 29th at Noon at City Center. Budget Committee Meeting. Mayor Acerson,
23 Councilmember Bean and Councilmember Hoyt will attend.
- 24 • May 26th – Memorial Day Ceremony at 9:00 a.m. at cemetery. (City offices
25 closed) Mayor Acerson and Councilmember Hoyt will attend.

26 **Future items:**

- 27 • Planning Commission member vacancy
- 28 • 2014-15 Budget hearings
- 29 • Policy Manual updates
- 30 • Fee and Utilities rate studies / review of active service military utility waivers
- 31 • Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor

32 **Adjourn –**

34
35 COUNCILMEMBER HOYT MOVED TO ADJOURN THE MEETING AT
36 11:40 P.M. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
37 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38
39 Approved – April 15, 2014

40
41
42 _____
43 Kathryn Moosman, City Recorder

44 _____
45 Jeff Acerson, Mayor