

2 The Lindon City Council held a regularly meeting on **Tuesday, November 17, 2009**  
beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North  
State Street, Lindon, Utah.

4 Conducting: James A. Dain, Mayor  
6 Pledge of Allegiance: Spencer Jardine, Boy Scout Troop 880  
Invocation: Eric Anthony

8 **PRESENT**

**ABSENT**

10 James A. Dain, Mayor  
12 Eric Anthony, Councilmember  
H. Toby Bath, Councilmember  
14 Lindsey Bayless, Councilmember  
Bruce Carpenter, Councilmember  
16 Jerald I. Hatch, Councilmember  
Ott H. Dameron, City Administrator  
18 Adam Cowie, Planning Director

Debra Cullimore, City Recorder  
Cody Cullimore, Chief of Police

20 The meeting was called to order at 7:03 p.m.

22 **MINUTES** – The minutes of the Special Meeting of November 10, 2009 were reviewed.

24 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE MINUTES OF  
THE MEETING OF NOVEMBER 10, 2009. COUNCILMEMBER HATCH  
26 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE  
28 COUNCILMEMBER BATH AYE  
COUNCILMEMBER BAYLESS AYE  
30 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER HATCH AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 **OPEN SESSION** – Citizen comments.

36 Mayor Dain called for comments from any resident present who wished to  
address the Council concerning any issue not listed as an agenda item. Connie Johnson  
38 Bahr, daughter of long time Lindon residents Oliver and Marie Johnson, approached the  
Council. Ms. Bahr stated that she would like to give the community of Lindon a gift.  
40 She stated that her parents moved to Lindon in approximately 1942. She stated that her  
parents were very community minded, and that her father served on the Town Council,  
42 and was instrumental in Lindon becoming a City and establishing the Lindon Days  
community fair, among other community projects. She noted that her mother was also  
44 very active in the community in a variety of capacities.

Ms. Bahr stated that when her parents passed away, she inherited the property her  
46 parents owned on 200 South. She stated that she feels that it please her parents and serve

2 as a tribute to them and their efforts in the community if the property she inherited were  
4 to be used to create a City park. She explained that it was necessary to use the property  
6 as collateral for a loan she secured to preserve the nearby family home. Ms. Bahr stated  
8 that it is her intent to pursue grant funding to pay the debt on the property and improve  
the park. She has solicited help through various avenues, but has had a response from the  
office of Senator Orrin Hatch who provided contact information to investigate grants for  
the project. A family acquaintance suggested that the Johnson's approach the City for  
assistance in writing and submitting grant applications to pay for and improve the park.

10 Mr. Dameron stated that Ms. Johnson has been working with Assistant Planner,  
12 Woodworth Mataele, in writing and submitting grant applications. Ms. Bahr stated that  
14 the park area would be one and half acres in size. Mayor Dain asked for clarification  
16 regarding the City's role in creating the park. Mr. Cowie stated that he will work with  
Mr. Mataele in an effort to secure grant funding. Mayor Dain expressed support in  
finding funding to pay for and complete the park. The Council expressed support for the  
project, and appreciation for the generous offer to donate the park to the City.

#### 18 **MAYOR'S COMMENTS/REPORT** –

20 Mayor Dain expressed appreciation to residents for their service to community.  
22 He noted that a number of great service projects are underway in the City, including the  
24 Feed America Day food drive, and the Police Department Wives Christmas service  
project. He thanked residents for their generosity and their willingness to serve those in  
need.

#### 26 **CONSENT AGENDA** –

28 No items.

#### 30 **CURRENT BUSINESS** –

- 32 1. **Continued Public Hearing** – *Plat Amendment – Stable Ridge Residential*  
34 *Subdivision, Plat "D"*. The City Council will hear public comment and possibly  
36 act to approve this request by Vaughn Heath for preliminary plat approval of a  
38 plat amendment to Plat "A" of the Stable Ridge Residential Subdivision. This  
40 item was continued from the meeting of October 20, 2009. If approved, this  
42 amendment will shift the shared property line for Lot and Lot 7 of Plat "A" of the  
Stable Ridge Residential Subdivision. This item was continued from the meeting  
of October 20, 2009. If approved, this amendment will shift the shared property  
line for Lot 6 and Lot 7 of Plat "A," thereby creating a new Plat "D". No  
additional lots will be created by this proposal. The Planning commission  
recommended approval with no conditions.

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

2 Vaughn Heath was present as the representative for this application. Mr. Cowie  
stated that this is a request to adjust the property line between two existing lots currently  
4 owned by Mr. Heath. Mr. Cowie outlined the location of the property line, and the  
proposed adjustment. He explained that a variance application submitted by Mr. Heath in  
6 2003 received approval from the Board of Adjustments which allows one of the lots to be  
below the required 20,000 square foot minimum lot size. The approved variance runs  
8 with the land, and is still valid. The variance application was submitted when it became  
apparent that the existing Heath home was not built in the correct location on the lot. The  
lot line adjustment is necessary to maintain appropriate setbacks.

10 Mr. Cowie explained that the City Council continued this application at the  
previous meeting pending an opinion from the City Attorney as to whether this approval  
12 of the plat amendment would vacate the existing CCR's associated with this subdivision.  
The City Attorney, Brian Haws, has provided a written opinion which indicates that the  
14 CCR requirements would not be a consideration in approving or denying the application,  
and that the City is obligated to enforce only the requirements of the City Code.

16 Mr. Cowie noted that other re-plats have been completed in this same subdivision  
without discussion regarding CCR's. He stated that the City has not received any  
18 additional comments from neighboring property owners regarding this application since  
the initial review by the City Council. He showed a graphic of the existing property line  
20 and the proposed adjusted property line.

22 Councilmember Carpenter read a portion of the legal opinion submitted by the  
City Attorney which indicates that the CCR's are a binding legal contract between the  
private property owners, but that the City does not have the authority or the responsibility  
24 to enforce the requirements of the CCR's associated with the development.  
Councilmember Carpenter observed that it appears that based on case law, the CCR  
26 requirements will carry over to the new plat.

28 Mayor Dain called for public comment. There was no public comment. He  
called for a motion to close the public hearing.

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

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

36 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE  
38 STABLERIDGE PLAT D PRELIMINARY PLAT AMENDMENT.  
COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS  
40 RECORDED AS FOLLOWS:

42 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
44 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

46 THE MOTION CARRIED UNANIMOUSLY.

- 2           2. **Public Hearing** – *Conditional Use Permit – Amateur Radio Antenna Tower*. The  
3 City Council will hear public comment and possibly act to approve this request by  
4 Davidson Banner for a conditional use permit to construct a radio antenna tower  
5 at 448 East 760 North. The antenna, at its full extension, was recommended by  
6 the Planning Commission not to exceed 80’ high. The applicant is applying under  
7 the SLU table “Compatibility Standard” since this use is not codified in the table.  
8 The Planning Commission recommended approval with conditions.

9  
10           COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC  
11 HEARING. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL  
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

13  
14           Davidson Banner was present as the representative for this application. Mr.  
15 Cowie stated that this is a request for approval of a Conditional Use Permit for an  
16 amateur radio antenna tower located at 448 East 760 North in the R1-20 zone. This  
17 specific use is not listed in the Standard Land Use Table, and is therefore required to  
18 meet the “Compatibility Standard” which is reserved for land uses not codified in the  
19 SLU Table. Mr. Cowie noted that commercial radio towers are specifically not permitted  
20 in the residential zone, but that this proposed use is private. He noted that the applicant  
21 has presented a packet of information on the proposed tower in response to the  
22 compatibility standards.

23           Mr. Cowie reviewed LCC Section 17.04.230, Height Limitations – Exceptions,  
24 which outlines exceptions to typical height requirements in residential zones for specific  
25 structures, such as skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless  
26 or television masts. He explained that due to the fact that this proposed use is not  
27 specifically listed, approval of the application creates a site specific Conditional Use  
28 Permit.

29           Mr. Cowie went on to review Utah State Code 10-9a-513 – Regulation of  
30 Amateur Radio Antennas, which indicates that if a municipality does not have an  
31 ordinance specifically regulating amateur radio antennas, the municipality “shall  
32 reasonably accommodate amateur radio communications; and represent the minimal  
33 practicable regulation to accomplish the municipality’s purpose.”

34           Mr. Cowie noted that the City also requested a legal opinion on this application  
35 from the City attorney, which was provided in the packet for this meeting. He noted that  
36 the City is fairly limited in regulation of amateur radio towers, which was indicated by  
37 Mr. Banner during Planning Commission review of this application.

38           Mr. Cowie indicated that prior to the Planning Commission meeting, the City  
39 received complaints from two neighbors, one anonymously, expressing concern  
40 regarding the aesthetic impact of the proposed tower on surrounding properties. No  
41 additional comments have been received from neighboring property owners since the  
42 Planning Commission meeting. The Planning Commission recommended approval of  
43 this application with conditions as follows:

- 44           1. That fencing be placed either around the yard or around the tower at least 6 feet  
            high to prevent access to the tower.  
            2. That a climbing shield be installed on the tower.

- 2 3. That the applicant actively indentify and assist in resolving any possible Radio
- 4 Frequency Interference (RFI) issue with the surrounding neighbors.
- 4 4. That the combined height of the tower and antenna not exceed 80 feet.
- 6 5. Excepting actual emergencies and/or emergency training exercises, the applicant shall substantially comply with his estimated extended tower use of 10 hours per week.

8 Mr. Cowie noted that the proposed tower location is directly behind the home of the applicant, with a 40 foot setback to the Murdock Canal located to the east of the property, as well as a 70 foot setback to the tower from all other surrounding property lines. The retracted height of the tower is 22 feet, with a height of 70 feet when fully extended. The applicant has indicated that the antenna structure located on top of the tower will extend the height up to an additional 10 feet. He presented photographs submitted by the applicant showing similar towers and the approximate location of the proposed tower.

14 Mr. Cowie noted that enforcement of the ten hour weekly time limit for use of the tower in its extended position as set forth by the Planning Commission would be difficult to monitor or enforce. Councilmember Carpenter noted that enforcement of that requirement would likely be based on complaint.

16 Councilmember Carpenter inquired as to whether the proposed height of the tower is necessary to facilitate adequate communication. Mr. Cowie noted that Utah does not currently have a statute regulating height. Councilmember Bayless noted that discussion at the Planning Commission meeting indicated this proposed height is necessary to accomplish Mr. Banner's intended use. Mr. Banner explained that the height is not used to get the radio signal over surrounding structures, but to raise the signal above the ground to avoid interference and increase the effectiveness of the signal which is transmitted and received.

20 Audience member William Rahlston stated that he received a Doctorate degree in electrical engineer and has worked for 25 years in radio communications field. He stated that when transmitting short wave radio signals from a tower, the antenna radio waves interact with the ground beneath the tower. The angle at which the signal is launched has an effect on the ability to effectively transmit the signal. The effect on the signal from lower towers is to project the radio wave straight up rather than out vertically from the tower. From higher towers, the signal bounces off the upper levels of the atmosphere, the ionosphere, allowing long range communication between radios. He stated that optimal range for tower height is between 70 feet and 140 feet. He stated that towers are allowed up to 200 feet without any notification to the FCC or the FAA. He noted that all towers meet building code requirements relative to health and safety issues. Mr. Rahlston noted that the proposed height of the tower also limits exposure to radio waves for residents in the surrounding area.

28 Councilmember Anthony inquired as to the impact of the mountains to the east on the ability to transmit radio waves. Mr. Banner explained that radio waves have the ability to refract over mountains, and that the mountains are not expected to create any significant interference.

30 Councilmember Bath inquired as to the level of power used to run the radio and the tower. Mr. Banner stated that he currently runs on 100 watts of power, but that by law he is allowed to run up to 1500 watts. Councilmember Bath inquired as to possible

RFI issues which may be associated with the power. Mr. Banner stated that he has been running on 100 watts for two years and has not received any RFI complaints or reports from neighbors. He noted that some electronic equipment is not compliant with current FCC regulations regarding RFI issues. He stated that he is very willing to identify and assist neighbors in resolving any RFI issues which may arise. He noted that resolving all issues may not be his responsibility once the reason for the interference is identified. He stated that the proposed height of the tower would be expected to reduce the chance of any RFI issues. He stated that he doesn't have any plans at this time to increase his power, but may at some time in the future.

Councilmember Anthony inquired as to what frequency is being used by other amateur radio operators in Lindon are using. Mr. Banner explained that he is unaware of other towers in Lindon, but that there are approximately 100 radio operators. He stated that he believes other operators in Lindon currently use handheld devices and frequencies designed for line of site communications. He stated that initial licensing may allow operators to communicate at distances up to 40 miles away, and that with more advanced licensing, communications over longer distances is possible.

Mayor Dain inquired as to whether this proposed tower would preclude use of a similar tower by another radio operator in close proximity to Mr. Banner's tower. Mr. Banner stated that towers can be located in close proximity as long both operators are not transmitting on the same band at the same time. He invited audience member, Mr. Richardson, to address this question as Mr. Richardson has experience with this particular issue. Mr. Richardson stated that in ten years of operating a radio along with his neighbor operating a separate radio, they have had an issue one time. He stated that FCC regulations do not allow interference with ongoing communications, and that the problem is resolved by using a different band than the neighboring tower.

Mr. Banner was asked if the tower would be lighted. He stated that there will be no lights on the tower, and that lighting is not required unless the tower exceeds 200 feet in height.

Mayor Dain inquired as to whether a building permit would be required for the tower structure. Mr. Cowie stated that a building permit would be required and that the structure would be inspected to ensure compliance with building codes relative to health and safety issues. Mr. Banner stated that he is aware that a building permit and inspections are required.

Mr. Cowie reiterated that approval of this application creates a site specific Conditional Use Permit. Mayor Dain noted that any future applications would also be reviewed on a case by case basis based on the compatibility standards. Mayor Dain noted that aesthetics issues are subjective, but that health and safety issues should be carefully considered on this and any future applications for radio towers. The Council noted that the location of this proposed tower, including the significant setbacks from neighboring properties, along with the location of the tower adjacent to the Murdock Canal, appear to address safety concerns adequately.

Councilmember Bayless noted that a number of neighbors have submitted written statements which indicate that they have no concerns with the tower, or that their concerns have been adequately addressed. She noted that one neighbor, Jack Frank, spoke in opposition to the tower at Planning Commission meeting. Mr. Cowie outlined the location of the property owned by Mr. Frank. He noted that two of the lots are

2 currently vacant, and that the lots are approximately 40 feet above the location of the  
3 proposed tower. Mr. Cowie noted that in addition to aesthetic concerns, Mr. Frank also  
4 expressed concern regarding possible RFI issues. Mr. Cowie stated that RFI concerns  
5 were adequately discussed with Mr. Frank at the Planning Commission meeting. Mr.  
6 Cowie also noted that the one anonymous complaint received by the City was from a  
7 resident who stated that they had submitted a written statement in support of the tower in  
8 order to avoid a confrontation or possible future issues with Mr. Banner. The anonymous  
9 complaint was relative to aesthetic issues only.

10 Councilmember Anthony inquired as to the time of day Mr. Banner anticipates  
11 using the tower. Mr. Banner stated that the time of use will vary according to what  
12 frequencies are operating. He anticipates the majority of use will be during late afternoon  
13 and early evening hours.

14 Mayor Dain called for public comment. Richard Harris stated that he is a  
15 Professor at BYU, and that he has a tower at his home in Provo identical to the tower  
16 proposed by Mr. Banner. Mr. Harris stated that his neighbors prefer that he keep his  
17 tower extended to the full height, and feel that it is less visible when it is extended. Mr.  
18 Banner stated that the largest part of the tower is two inches wide, and that from a  
19 distance the visibility of the tower is diminished.

20 Councilmember Bayless inquired as to any possible noise impacts resulting from  
21 extending the tower. Mr. Banner stated that extension of the tower is done using an  
22 electronic motor which is audible for approximately 20 feet around the tower. He stated  
23 that the tower can be extended or retracted manually, but that this method is very difficult  
24 and would be used only if the elect motor failed for some reason.

25 Bryce Walker stated that he used to live in Lindon, and that he had two fifty foot  
26 towers at that time. He stated that he lived on 400 North just west of the Murdock Canal.  
27 Mr. Banner observed that this hobby also provides a public service which can be used in  
28 an emergency. He asserted that amateur radio operators played an important role during  
29 significant emergency events such as Hurricane Katrina and 9/11. He stated that radio  
30 operators typically have access to alternate power sources to allow operation of the radios  
31 during significant emergency events.

32 Councilmember Bath asked the difference between a CB radio and a short wave  
33 radio to provide emergency communications. Mr. Banner stated that CB radios can  
34 provide communications during emergencies, but that they are limited to a small  
35 frequency range typically useful only for line of site communications rather than long  
36 range communications provided by short wave radios. Mr. Banner reported that he  
37 participated in the recent emergency communications drill.

38 Mayor Dain called for additional public comment. Hearing none, he called for a  
39 motion to close the Public Hearing.

40 COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC  
41 HEARING. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL  
42 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

44 Councilmember Carpenter asked to discuss the conditions set forth by the  
45 Planning Commission. He asked Mr. Banner if he had any concern regarding conditions  
46 relative to the height of the tower, the fencing or the climbing shield. Mr. Banner stated

2 that he had no concerns regarding those requirements. Councilmember Carpenter  
4 suggested that the condition relative to resolving RFI issues be re-worded to indicate that  
6 Mr. Banner would assist in identifying and resolving reported RFI issues rather than  
8 requiring that issues which may not be his responsibility be resolved. Mr. Banner stated  
10 that he wants to assist in identifying and resolving any issues which may arise, but that  
12 once identified, the actual source of the problem may not be his responsibility. He stated  
14 that he is willing to *assist* in identifying and resolving issues.

16 Councilmember Carpenter asked if Mr. Banner had any concerns regarding the  
18 usage of the tower as set forth by the Planning Commission. Mr. Banner stated that he  
20 does not have concerns regarding usage requirements, but noted that there will be some  
22 extended use during actual emergencies or emergency drills. Councilmember Anthony  
24 observed that enforcement of time restrictions may be difficult, and would be based on  
26 complaints from neighbors. He suggested that a condition relative to hours of usage not  
28 be included in any motion to approve this application. Councilmember Bayless noted  
30 that this is a Conditional Use Permit, which is reviewable upon complaint.

32 Councilmember Carpenter suggested that it may be appropriate to replace the time  
34 limitation with a statement that hours of use would be reviewable upon complaint. Mr.  
36 Banner stated that he discussed hours of use with neighbors, and that no significant  
38 concerns were expressed during those conversations. Following discussion, the majority  
40 of the Council felt that hours of usage restrictions should not be included as a condition  
42 of approval.

44 The Council discussed whether it would be appropriate to specifically state in a  
46 motion that health and safety issues have been considered. Mr. Cowie stated that health  
and safety issues are routinely considered during review of all applications, and that it  
would not be necessary to address those issues specifically. The Council also discussed  
the licensing process to operate an amateur radio, noting that a proliferation of towers in  
the City is not likely.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE  
CONDITIONAL USE PERMIT FOR DAVISON BANNER'S PERSONAL AMATEUR  
RADIO TOWER WITH THE FOLLOWING CONDITIONS:

1. THAT FENCING BE PLACED EITHER AROUND THE YARD OR AROUND  
THE TOWER AT LEAST 6' FEET HIGH TO PREVENT ACCESS TO THE  
TOWER.
2. THAT A CLIMBING SHIELD BE INSTALLED ON THE TOWER
3. THAT THE APPLICANT IS WILLING TO HELP IDENTIFY AND  
REASONABLY ASSIST IN FINDING A RESOLUTION TO ANY POSSIBLE  
RFI ISSUES WITH SURROUNDING NEIGHBORS.
4. THAT THE TOTAL HEIGHT OF THE COMBINED TOWER AND ANTENNA  
SHALL NOT EXCEED 80 FEET.

COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE

COUNCILMEMBER BAYLESS AYE  
2 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER HATCH AYE  
4 THE MOTION CARRIED UNANIMOUSLY.

6 3. **Report** – *Lindon Aquatics Center Operational Report 2009 Season*. This item is  
a report covering the operations of the Lindon Aquatics Center for the 2009  
8 Season. Dan Seder, Parks and Recreation Director, will present the report to the  
Council.

10

Parks and Recreation Director, Dan Seder, presented this report to the Mayor and  
12 Council. Mayor Dain and the Council expressed appreciation to Mr. Seder for a  
successful first season.

14

Mr. Seder stated that the report is an overview of the full summer season from  
May 30, 2009 to September 7, 2009. Information regarding revenues and expenditures,  
16 attendance, accidents, rescues, programs, season passes, concessions, cleaning contract,  
rentals, employees and winterization.

18

Mr. Seder explained that the financial section outlines revenues and expenditures,  
as well as start up costs of approximately \$185,000.00. Projected revenues prior to the  
20 season were \$354,070.00, and projected expenditures were \$327,800.00. Projections for  
the facility identified excess revenue of \$26,270 at the conclusion of the 2009 season.

22

Mayor Dain noted that early projections from VCBO indicated that municipalities  
typically subsidize recreational aquatics facilities. He commented that the City  
24 anticipated subsidizing the pool as much as \$100,000 annually.

26

Mr. Seder went on to outline monthly operating expenses. He noted that the first  
two weeks of June were unseasonably cold, and that the season was slow to start. He  
also noted that the wage figure includes half of his salary. Final figures indicate actual  
28 total expenses for the 2009 season of \$342,337.04, \$14,537.04 over projected expenses of  
\$327,800. Councilmember Carpenter asked if there were specific expenses which were  
not anticipated correctly which caused expenses to exceed projections. Mr. Seder stated  
30 that projections did not include 50% of his salary, which was included in final figures.

32

He observed that utility costs were estimates at the time the projections were made.  
Councilmember Carpenter asked Mr. Seder to include budgeted amounts and actual  
34 expenditures in reports for future years in order to identify and address any issues specific  
to budgeting rather than projections.

36

Mr. Seder then outlined monthly revenue. He noted that revenue is higher in the  
earlier months due to season pass purchases and signing up and paying fees for various  
38 programming. Councilmember Anthony inquired as to what impact Mr. Seder felt the  
early season cold weather had on expenditures. Mr. Seder estimated that approximately  
40 \$15,000 in revenue was lost due to the slow start of the season. He noted that daily  
admissions produced a significant amount of revenue in mid season.

42

Mr. Dameron commented on the pride he took in Lindon having a swim team.  
Mr. Seder stated that it was necessary to cap the swim team at 125 participants. He stated  
44 that he plans to expand the swim team program next season.

2 Mr. Seder stated that actual total revenue for the 2009 season was \$358,666.42,  
which is \$4,596.42 over the projected revenue of \$354,070.00. The final figures indicate  
excess revenue in the amount of \$16,329.38.

4 Mr. Seder reported that the aquatics center had approximately 59,000 visitors over  
the course of the season. Approximately 48,200 of the visits were the result of daily  
6 admission sales, with the remaining 11,200 visits being from season pass holders.  
Councilmember Bayless inquired as to whether Mr. Seder had considered any type of  
8 pass for aerobics and lap swimming programs. Mr. Seder stated that he is considering a  
punch pass for various programs next year. He noted that attendance decreased  
10 significantly during the week after the start of the school year. The end of season  
schedule will be evaluated for next season, possibly closing during the week and opening  
12 on the weekend after school starts.

Mr. Seder went on to review accidents, incidents and rescues. He stated that a  
14 total of 57 accidents occurred at the facility. Councilmember Bath inquired as to what  
action could be taken to prevent any of those incidents. Mr. Seder stated that only 4  
16 incidents required an EMS response, with the remainder being minor incidents. Mr.  
Seder outlined assists and rescues. He explained that assists are documented when the  
18 swimmer is not in imminent danger, and assist is an active drowning rescue. He  
explained that assists occur on a daily basis. No rescues resulted in an EMS response,  
20 injury, or administration of CPR. He felt that overall the facility experienced a safe  
season given the number of visitors. He noted that the pool staff was well trained and  
22 dealt with situations before an active drowning rescue occurred.

Mr. Seder went on to review Swim Lesson and Swim Team programs. He stated  
24 that the swim lesson program had approximately 955 registered participants. He  
anticipates expanding both programs next season. Evaluations submitted by parents at  
26 the end of the season indicate that participants were very satisfied with the programs.  
Mayor Dain complimented Mr. Seder on establishing adaptive swim lessons for children  
28 with disabilities so quickly. Mr. Seder stated that several staff members were very  
excited about the program and willing to teach the lessons.

30 In reviewing the swim team program, Mr. Seder stated that the swim team served  
122 participants. He noted that the level of service of the swim team is expected to  
32 increase next year. He complimented the coaches and parents of the team members for  
their cooperative efforts in making the season a success.

34 Mr. Seder went on to review season pass statistics. He stated that 284 resident  
season passes were sold, along with 39 non-resident season passes. Mayor Dain inquired  
36 as to whether season passes may be able to be sold as Christmas presents at last season  
prices. Mr. Dameron suggested that pavers also be promoted as Christmas gifts. Mr.  
38 Seder will set up the payment program to allow purchase of passes and/or pavers during  
the Christmas season. Mr. Seder noted that family passes provided to city staff had a  
40 minimal impact on pool capacity, but that employees have expressed appreciation for the  
passes.

42 Mr. Seder then reviewed revenue received through the concession contract with  
Hogi Yogi. The contract paid the City 15% of total gross revenue received through the  
44 concessions. Total revenue generated by concessions was \$65,664.64, with \$9,849.67  
being paid to the City. The Council discussed several issues with concessions, such as

2 long wait times, cleanliness and running out of food, which will be addressed prior to  
next season.

4 Mr. Seder went on to review issues relative to the cleaning contract. He stated  
that the contract cleaning company did a good job. He stated that rentals of the party  
6 room are expected to expand next year, with a staff member dedicated to hosting birthday  
parties in the party room. Packages for parties would be available rather than just  
8 renting the room. He noted that the full facility was rented on most weekends during the  
season.

10 Mr. Seder noted that the pool staff did an excellent job this season. He stated that  
the facility ran smoothly with minimal staff disciplinary issues. He noted that Pool  
Manager, Kara Jenkins, along with the head guards, were well qualified and were  
12 successful in creating a team environment. He also commented that Scott Gottfredson  
did an excellent job running the front end of the facility.

14 Mr. Seder stated that the facility is now full winterized. CEM has recommended  
that the leisure pool and lazy river remain full with water circulating through the winter  
16 to avoid damage to valves and lines caused by freezing temperatures. He noted that  
circulating the water year round will result in some unanticipated expenses. He noted  
18 that another additional expense was purchasing a cover for the FlowRider to protect it  
from the elements during the off season. The cover is expected to last 7-10 years.

20 The Council discussed reservations for the upcoming season. Following  
discussion, Mr. Seder recommended that reservations be made starting February 1, 2010  
22 for the 2010 season. Mr. Seder reviewed programming plans for the 2010 season, along  
with a Junior Lifeguard program and FlowRider camps or competitions. He invited the  
24 Council to forward any suggestions from the community for additional programs or  
activities. The Mayor suggested a 'mini triathlon' event as part of Lindon Days which  
26 would incorporate the aquatics center. The Council also discussed rental policies, and the  
possibility of including weeknight rentals.

28 Mr. Seder will meet with the Council again after the first of the year to discuss  
details of plans for the coming season.

- 30
- 32 4. **Review and Action** – *Annual Meeting Schedule*. The annual meeting schedule  
for calendar year 2010 will be reviewed and approved by the Mayor and City  
34 Council. The Schedule includes meeting dates for the City Council, Planning  
Commission, Board of Adjustment, Redevelopment Agency, and the Municipal  
36 Building Authority.

38 Councilmember Carpenter asked if it would be reasonable to designate the  
December 21, 2010 meeting subject to cancellation if there are not adequate agenda items  
40 to warrant the meeting.

42 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PUBLIC  
MEETING SCHEDULE FOR 2010. COUNCILMEMBER CARPENTER SECONDED  
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
46 COUNCILMEMBER BAYLESS            AYE

COUNCILMEMBER CARPENTER            AYE  
2 COUNCILMEMBER HATCH                AYE  
THE MOTION CARRIED UNANIMOUSLY.

4  
5. **Review and Action** – *Lindon City and UDOT – “Storm Drain System Maintenance and Cooperative Agreement.”* This is a request by staff for the Council’s review and approval of an agreement between Lindon City and UDOT for the handling of storm water from the I-15 expansion project into the City’s storm water drainage system. This proposed agreement was negotiated over the last few months and is the fourth and last agreement associated with the I-15 expansion. Mark Christensen, JUB Engineers, will be present to discuss the agreement with the Council.

14            Mr. Dameron explained that this is the last of four agreements associated with the I-15 Core widening project. City Engineer, Mark Christensen, was present to discuss this agreement with the Council. Mr. Christensen establishes that UDOT can discharge storm drainage into the Lindon drainage system, and that a one time fee will be charged for Lindon to provide this service. The fee is based on an amortized 50 year life, and will cover operational costs and maintenance of the facilities. The fee will be paid into the storm water fund, and will be available for improvements to the wetlands, or for necessary facility maintenance. Councilmember Carpenter inquired as to whether the negotiated fee is fair to Lindon. Mr. Christensen stated that the fee is very fair to Lindon. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

26            COUNCILMEMBER CARPENTER MOVED TO APPROVE THE STORM DRAIN SYSTEM MAINTENANCE AND COOPERATIVE AGREEMENT BETWEEN LINDON CITY AND UDOT. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
32 COUNCILMEMBER BAYLESS            AYE  
COUNCILMEMBER CARPENTER        AYE  
34 COUNCILMEMBER HATCH                AYE  
THE MOTION CARRIED UNANIMOUSLY.

36  
38 **COUNCIL REPORTS** –

40 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustment, Administration.*

42            Councilmember Bayless inquired as to a community center site plan. Mayor Dain stated that he ran copies of CAD files for the community center (LDS Church) facility for preliminary review and discussion as the committee is formed to move ahead with the project. He noted that if grant funding is received for remodeling, construction will begin

2 shortly after taking possession of the facility. The Council discussed a variety of  
programming which could be included in the facility.

4 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public  
Buildings.*

6 Councilmember Carpenter reported that he was not able to attend the recent  
Legislative Policy Committee meeting, but discussions at that meeting regarding the Utah  
8 Retirement System anticipate changes to the ‘double dipping’ option for retirees. The  
Council discussed various options under consideration by the legislature.

10 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

12 Councilmember Bath discussed the Youth Court Program which is being  
14 established by the Police Department under the direction of Officer John Lloyd and  
Officer Julie Sutch. Mr. Dameron noted that the Council will consider a Resolution  
16 establishing the Youth Court Program at the next City Council meeting.

18 Councilmember Bath stated that he would like to make an effort on behalf of City  
employees to re-establish pay raises which have been suspended for the past six months.  
20 The Council discussed options for pay raises as the economy recovers and tax revenues  
increase, such as the possibility of reinstating pay increases retroactively when tax  
22 revenues reach a certain level. Mr. Dameron stated that he anticipates a budget deficit  
again in the coming year, and that funds will likely not be available for pay increases for  
24 some time. Following discussion, there was general agreement among the Council that  
employee pay increases would be a priority as the finances of the City stabilize and the  
economy recovers. The Council will discuss options at a later date.

26 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Days,  
28 Newsletter.*

30 Councilmember Anthony stated that he would like to serve on the Tree Advisory  
Board as his term ends in January 2010. Councilmember Bath expressed interest in  
32 serving on the Board as well.

34 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Housing Consortium.*

36 Councilmember Hatch reported that the Consortium Board is in the process of  
accepting applications. The Landfill Board is working with UDOT in finalizing plans for  
38 traffic flow during construction of the Vineyard Connector road project. He commented  
on improvements to the wetlands area near the landfill.

40 **ADMINISTRATOR’S REPORT** –

42 Mr. Dameron reported on the following items:

- 44 1. The Council reviewed the project tracking list.  
46 2. The 400 North drainage project is complete. The change order for additional  
improvements will be \$6,270, with Alan College paying \$2400 for improvements

- 2 to his property. The change order will be on the consent agenda for the City  
Council meeting.
3. The County Commission has named the portion of 700 North through Pleasant  
4 Grove "North County Boulevard." Mr. Dameron asked if the Council would  
support signage along the Lindon portion identifying the Boulevard, along with  
6 the 700 North street number to provide continuity in addresses.
4. The Deseret News is including Lindon in a pilot program for providing  
8 community specific information on their website.
5. The City currently has 134 residents using paperless utility billing.
- 10 6. Steve Smith and Lynn Lemone were instrumental in removing a small structure  
from the side of the Tithing Office owned by the City. Mayor Dain will send a  
12 letter of thanks for their work.

14 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY  
VOUCHERS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE  
16 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE  
18 COUNCILMEMBER BATH AYE  
COUNCILMEMBER BAYLESS AYE  
20 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER HATCH AYE

22 THE MOTION CARRIED UNANIMOUSLY.

24 **ADJOURN** –

26 COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT  
10:22 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL  
28 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 Approved – December 1, 2009

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Debra Cullimore, City Recorder

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42 \_\_\_\_\_  
James A. Dain, Mayor