

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 19,**
3 **2008,** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon,
4 Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Justin Hymas, Boy Scout, Troop 1201
7 Invocation: Jerald Hatch

8 **PRESENT**

ABSENT

9 James A. Dain, Mayor
10 Eric Anthony, Councilmember
11 H. Toby Bath, Councilmember
12 Lindsey Bayless, Councilmember
13 Bruce Carpenter, Councilmember
14 Jerald I. Hatch, Councilmember
15 Ott H. Dameron, City Administrator
16 Adam Cowie, Planning Director
17 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

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

20 **PROCLAMATION** – *“White Ribbons Against Pornography” Month. This*
21 *proclamation was submitted for approval by the organization ‘Community For Decency.’*

22 Mayor Dain read the proclamation designating February 2008 as “White Ribbons
23 Against Pornography” month in Lindon City. The proclamation will be displayed at the
24 City Center for the remainder of the month.

25 **MINUTES** – The minutes of the regular meeting of January 15, 2008 and the retreat
26 meeting of February 2, 2008 were reviewed.

27 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
28 THE JANUARY 15, 2008 MEETING. COUNCILMEMBER HATCH SECONDED
29 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER ANTHONY AYE
31 COUNCILMEMBER BATH AYE
32 COUNCILMEMBER BAYLESS AYE
33 COUNCILMEMBER CARPENTER AYE
34 COUNCILMEMBER HATCH AYE

35 THE MOTION CARRIED UNANIMOUSLY.

36 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
37 THE FEBRUARY 2, 2008 RETREAT MEETING. COUNCILMEMBER HATCH
38 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

8 **OPEN SESSION** –

10 Mayor Dain called for comments from any resident present who wished to
address an issue not listed as an agenda item. There was no public comment.

12 **MAYOR’S COMMENTS/REPORT** –

14
16 Mayor Dain welcomed a large number of Boy Scouts present in the audience. He
invited them to look at maps which were displayed showing the regional transportation
plan for Utah Valley through the year 2030.

18 Mayor Dain reported on several meetings he recently attended, including the
Mountainland Association of Governments regional planning meeting. Upgrades to the
20 existing radar system at the Provo airport were discussed at that meeting.

22 Mayor Dain also reported on the Utah County Council of Governments meeting.
He noted that the Utah County Fair will be located at the County Fairgrounds in Spanish
24 Fork. The theme of the event will be “Family, Education, and Fun.” The event will be
held August 13-16, 2008, and will be chaired by Jay and Carol Harmer of Pleasant
26 Grove. Mayor Dain noted that the County Sheriff may request assistance from local law
enforcement agencies during the celebration.

28 A Utah Valley 24 Hour Race event is planned for May 30-31, 2008. The event
will consist of a race throughout Utah Valley, with participants completing events in
various communities. Mayor Dain asked for suggestions from those present as to what
30 event could be staged in Lindon. Suggestions were made for an event at the Dry Canyon
trail head, the oldest tree in Lindon, the Stringtown Train, and the Anderson Clydesdales.

32 Mayor Dain reported that the Utah Lake Commission is progressing well, and
Master Plan development is underway.

34 The March Mayor’s Open House event will be held at the home of Dave and Kim
Rutter. The date and time of the meeting are pending, and will be posted on the City web
36 site as soon as they are finalized.

38 Mayor Dain recently met with the Lindon Elementary Community Council to
discuss concerns regarding pedestrian safety in the area of the elementary school. Mr.
Dameron noted that the City has taken steps to address safety concerns previously
40 expressed by the school.

42 Mayor Dain invited Councilmember Bayless to report on the “Run For The
Trees!” event scheduled for April 19, 2008. Councilmember Bayless explained that the
event is being sponsored by the Lindon City Tree Advisory Board and the Healthy
44 Lindon Committee, and is intended to get residents “out and moving,” as well as to raise
funds for trees to be planted at various locations in the City. Corporate sponsors for the
46 event include Nature’s Way, Timpanogos Harley Davidson, Great Harvest Bread,

Anytime Fitness, Sew What Embroidery and Design, Home Depot, Mercedes Benz of Lindon, and Costco Wholesale. Councilmember Bayless encouraged those present to participate in the run.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Preliminary Plat** – *Lakeview Industrial Park Industrial Subdivision, Plat “D”*. This is a request by Lindsay Strasburg for preliminary plat approval of Lakeview Industrial Park Industrial Subdivision, Plat “D”, combining 2 lots into 1 lot, in the LI zone at 486 North 1200 West. The Planning Commission recommended approval with no conditions.

Lindsey Strasburg was present as the representative for this application. Mr. Cowie explained that this is a request to combine two separate lots into one larger lot. He noted that the Planning Commission recommended approval of this application. During review of this application, the Planning Commission discussed future site improvements which may be required at the time Mr. Strasburg obtains a building permit for any structure on the site.

Councilmember Carpenter inquired as to whether the existing buildings on the site are in compliance with current standards. Mr. Cowie stated that existing buildings comply with set back requirements, but that they were built prior to current architectural standards.

Mayor Dain invited Mr. Strasburg to present any relevant information. Mr. Strasburg stated that it is his intention to construct a building which will be used to store large trucks. He stated that he is willing to comply with landscaping standards on the site to the extent possible with available space at the time he obtains necessary permits.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE LAKEVIEW INDUSTRIAL PARK SUBDIVISION PLAT “D” PRELIMINARY PLAT. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

2. **Concept Review** – *Request for Bridging the Lindon Heritage Trail*. This is a request by BMA Construction to discuss with the Mayor and Council the

2 feasibility of re-grading lots 11 and 12 in the Old Station Square Commercial
3 Subdivision creating daylight basements in the two proposed buildings and
4 bridging the Lindon Heritage Trail to connect the two parking lots on the upper
5 level for better traffic circulation. The Planning Commission also reviewed Mr.
6 Ashton's request and provided input.

7 Brigham Ashton was present as the representative for this Concept Review. Mr.
8 Cowie explained that this concept review affects lots 11 and 12 of the Old Station Square
9 development, located on the corner of 200 North and State Street.

10 Mr. Cowie presented an overhead view of the subject property, noting that the
11 Lindon Heritage Trail divides the two commercial properties. The proposal suggested by
12 Mr. Ashton minimizes the retaining walls associated with the trail on the west side of
13 State Street, using the building walls as retention. Mr. Ashton's plan also calls for
14 grading of the lots to create a ground level plaza area outside the tunnel entrance, and a
15 decorative wooden bridge over the Lindon Heritage Trail to provide vehicular access and
16 connectivity between the lots.

17 Councilmember Carpenter inquired as to whether the slope of the trail would be
18 increased as a result of this proposed layout. Mr. Cowie stated that the slope would
19 increase, but would be in compliance with federal guidelines for trail slope and
20 accessibility.

21 Mr. Cowie presented photographs of similar decorative wooden bridges. Mr.
22 Ashton noted that while the upper portion of the bridge would be wooden, the supporting
23 structure would be constructed of steel or concrete to create the necessary stability.

24 Mr. Cowie noted that the most significant change from the current design to the
25 proposed design would be a reduction in the size of the retaining wall. He observed that
26 this reduction would result in savings to the City in the final cost of the trail. He noted
27 that the drainage collection point would also be moved nearer the entrance of the tunnel.

28 Councilmember Bayless expressed concern regarding visibility through the
29 tunnel. Mr. Cowie stated that preliminary engineering reviews indicate that maintaining
30 line of site through the tunnel would be feasible based on the proposed design. Mayor
31 Dain observed that the slope will be minimal, and will be less than half the allowable
32 slope for ADA access.

33 Mayor Dain noted that plans for the tunnel entrance include some type of logo or
34 other identifying mark. He expressed concern that the bridge structure may obscure the
35 view of the markings. Mr. Ashton stated that it is his intention to create a recognizable
36 "landmark" area with this proposal, and that he would be willing to discuss options to
37 make any logo markings visible.

38 The Council viewed photographs of the site. Mr. Ashton noted that lot 11 and lot
39 12 will be graded, and will include walkout basements for the structures on those lots.
40 Mr. Cowie clarified the existing and proposed grade of the lots.

41 Councilmember Bayless noted that this project is funded primarily with federal
42 funds. She inquired as to what process would be necessary to allow modifications to the
43 current trail design. Mr. Dameron stated that he has discussed the proposal with UDOT
44 representatives, and that it appears that the proposed design would be possible with a
45 change order process. Mr. Cowie noted that the proposed design would create a net
46 savings to the City of approximately \$25,000.

2 Councilmember Bayless inquired as to the distance from the proposed bridge to
3 State Street. Mr. Cowie stated that the bridge would be approximately 30 feet from State
4 Street. Mr. Cowie noted that the current plan is conceptual only, and that site plan details
5 are not yet finalized. Mr. Ashton stated that the bridge is currently proposed at a width of
6 24 feet, but that he would be willing to narrow the bridge if necessary.

7 Mayor Dain asked Councilmembers if there were any strong negative feelings
8 regarding the proposal. Councilmember Bath felt that while there may be some concern
9 with the proposal, there may also be significant benefits. Councilmember Anthony stated
10 that he had a neutral to negative opinion of the proposal at this point. Councilmember
11 Bayless stated that she had no significant concerns with the design, so long as the final
12 plan did not vary significantly from the concept plan. Councilmember Hatch felt that the
13 proposed layout may be beneficial to the development and the City.

14 Councilmember Bayless noted that her most significant concern would be to
15 maintain daylight from end to end in the tunnel. Councilmember Anthony echoed that
16 concern. Mr. Ashton stated that the proposed design is intended to open the tunnel up,
17 rather than close it off. He noted that the grade change associated with the tunnel will be
18 minimal. Councilmember Anthony felt that it would be beneficial for the City Council to
19 have some input regarding the aesthetics of the bridge. Mr. Cowie observed that the
20 bridge will span a publicly owned property, and that the City Council will have input into
21 the design of the bridge.

22 Mr. Ashton will finalize the details of the proposed design and submit appropriate
23 applications. Mr. Cowie noted that tunnel construction will not begin immediately, and
24 that there is an adequate time frame to address details and concerns associated with the
25 design.

- 26 3. **Public Hearing** – *Ordinance Amendments (#2008-1)*. – Notice Requirements
27 Pertaining to Land Use Applications. The City Council will hear public comment
28 and possibly act to approve amendment to various sections of the Lindon City
29 Code dealing with “noticing” requirements pertaining to land use applications.
30 The Planning Commission recommended approval.

31 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO
32 CONSIDER ORDINANCE #2008-1. COUNCILMEMBER HATCH SECONDED THE
33 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Mr. Cowie stated that this ordinance creates Chapter 17.14 of the Lindon City
35 Code, which outlines noticing requirements for various land use applications. He
36 explained that State requirements have been directly applied to noticing for land use
37 applications since 2005, and that the proposed changes bring the City Code into
38 conformance with associated State statutes. During Planning Commission review of this
39 proposed ordinance, Commissioners requested that a provision be include which would
40 allow the City to provide additional noticing by electronic means, such as an e-mail
41 group list. The requested language has been added to the ordinance presented to the City
42 Council. Mr. Cowie noted that several other code sections will also be amended with
43 regard to noticing requirements.
44

2 Mr. Cowie read section 17.14.50 – Third Party Noticing. He noted that this
3 section includes a provision which will allow the Planning Director to notice surrounding
4 property owners and hold a public hearing regarding permitted uses deemed to have
5 ‘more than routine significance’ in order to protect the interest of surrounding property
6 owners. This section also defines the notice area as parcels located within 300 feet of the
7 subject property. Additional noticing requirements for Group Homes and Care Facilities
8 will be referenced in section 17.14.90.

9 Mr. Cowie explained that several code sections will be removed which are no
10 longer applicable, or have been replaced by other sections. Sections which require
11 noticing to be mailed by applicants and requirements relative to neighborhood meetings
12 held by the applicant will no longer be referenced in the City Code. Mr. Cowie noted
13 that it is beneficial for the City to complete all required noticing to ensure that interested
14 parties are properly noticed, and that noticing is completed uniformly.

15 Mr. Cowie stated that several sentences were added to clarify the noticing process
16 for accessory apartments. He explained that staff reviews accessory apartment
17 applications to determine if the application meets the criteria for a legal accessory
18 apartment. If the accessory apartment application meets requirements, notices are mailed
19 to neighboring property owners. Notices state that the apartment meets the requirements
20 of the City Code, and that the application will be approved. Neighboring property
21 owners can request a hearing regarding the apartment if they feel that for any reason the
22 apartment does not meet ordinance criteria. Mr. Cowie noted that the requirements will
23 be listed in the notice. He observed that some residents are opposed to accessory
24 apartment in general, but that if the accessory apartment meets the requirements of the
25 ordinance, it must be approved.

26 Mr. Cowie went on to review noticing requirements specific to reimbursement
27 agreements. He noted that when the reimbursement agreement application is deemed
28 ‘complete and correct,’ affected property owners will be noticed 10 days prior to the
29 Public Hearing for the application.

30 Mayor Dain called for public comment regarding the ordinance. There was no
31 public comment. He called for further comments or discussion from the Council.
32 Hearing none, he called for a motion.

33 COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING
34 TO CONSIDER ORDINANCE #2008-1. COUNCILMEMBER CARPENTER
35 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
36 CARRIED.

37 COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE
38 #2008-1 CREATING CHAPTER 17.14 OF THE LINDON CITY CODE TITLED
39 ‘NOTICING’, AND MODIFYING, AMENDING AND REVISING THE PROVISIONS
40 OF SECTIONS 17.12.090, 17.16.100, 17.10.080, 17.46.040, 17.46.090, 17.46.100,
41 17.68.050, AND 17.68.070 AND PROVIDING FOR AN EFFECTIVE DATE..
42 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS
43 RECORDED AS FOLLOWS:

44 COUNCILMEMBER ANTHONY AYE
45 COUNCILMEMBER BATH AYE

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

6 4. **Public Hearing** – *Ordinance Amendments (#2008-2) – Flag Lots, Width to Depth*
8 *Ratio*. The City Council will hear public comment and possibly act to approve an
10 amendment to exempt flag lots from the “width to dept” lot ratio and also to
consider suggested revisions to driveway standards involving width and fire
hydrant placement. The Planning Commission recommended approval.

12 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING
14 TO CONSIDER ORDINANCE #2008-2. COUNCILMEMBER HATCH SECONDED
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 Mr. Cowie explained that it was brought to his attention recently that flag lots are
18 not currently exempt from width to depth ratio requirements. Proposed revisions exempt
flag lots from width to depth ratio requirements applied to standard lots. Mr. Cowie
20 noted that language was also added regarding required driveway width. The 25 foot
width will be required to be maintained for the full length of the driveway. If a fire
22 hydrant is located on the driveway portion of the flag lot, a forty foot section of the
driveway adjacent to the hydrant must be 31 feet wide and the surface traversable by a
24 fire truck must be at least 25 feet wide to allow adequate space for a fire truck to access
and connect to the fire hydrant.

26 Mayor Dain called for public comment. There was no public comment. He
called for further comments or discussion from the Council. Hearing none, he called for
a motion.

28
30 COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER ORDINANCE #2008-2. COUNCILMEMBER BAYLESS
32 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

34 COUNCILMEMBER HATCH MOVED TO APPROVE ORDINANCE #2008-2
36 AMENDING CHAPTER 17.32.320 OF THE LINDON CITY CODE TITLE ‘FLAG
LOTS’, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF THE
SECTION AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER
38 ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

40 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
42 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
44 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

46

2 5. **Public Hearing** – *Ordinance Amendment (#2008-3) – Appendix A (Standard*
3 *Land Use Table)*. The City Council will hear public comment and possibly act to
4 approve various land use changes for uses within the CG zone and listed in the
5 SLU Table. The Planning Commission recommended approval.

6 COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING
7 TO CONSIDER ORDINANCE #2008-3. COUNCILMEMBER ANTHONY
8 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
9 CARRIED.

10
11 Mr. Cowie stated that this is a City initiated review of Appendix A: Standard
12 Land Use Table of the Lindon City Code. He noted that language was added to Section I
13 which states that the Planning Director or Planning Commission have authority to hold a
14 Public Hearing for permitted or conditional uses if the application is deemed to have
15 more than routine significance for which the surrounding property owners should be
16 notified in order to protect the public interest. He noted that conditions can not be
17 imposed on a permitted use, and conditional uses must be approved with appropriate
18 conditions, but that the Public Hearing would provide an opportunity to discuss relevant
19 concerns.

20 Mr. Cowie went on to discuss recommendations of the Planning Commission
21 regarding specific uses which are land intensive with limited sales tax revenue potential
22 that are currently listed as permitted uses in the Commercial Zone. The Planning
23 Commission recommended that universities, colleges, professional and vocational
24 schools be changed from permitted to conditional uses in the CG zone. Commissioners
25 also recommended that church, synagogues and temples be listed as not permitted in the
26 CG zone, and be listed as conditional uses in other zones.

27 Mayor Dain inquired as to whether zoning requirements listed in the Standard
28 Land Use Table would be challengeable in court. Mr. Cowie explained that the City
29 Council has broad legislative authority to establish appropriate zoning requirements.
30 Councilmember Carpenter observed that the Commercial zone is the appropriate location
31 for uses with a true commercial element.

32 Councilmember Bayless expressed concern regarding churches and other similar
33 uses. She noted that while the predominate religion in the area does not typically locate
34 church facilities on commercial corridors, other religions may prefer a more visible
35 location. Mr. Cowie noted that the concern on the Planning Commission was that a
36 commercial corridor would not be the appropriate location for a church facility. He noted
37 that a church could apply for a zone change to allow a church facility in the CG zone.
38 Mr. Dameron noted that church facilities would be conditional uses in the MC zone,
39 which would move the location off of major commercial corridors. Councilmember
40 Bayless noted that the cost of commercial property would likely preclude the possibility
41 that a church would purchase commercial property. Following further discussion, the
42 majority of the Council felt that church facilities should be listed as not permitted in the
43 CG zone, and that the issue could be addressed in the future if necessary.

44 Mr. Cowie went on to discuss other recommendations of the Planning
45 Commission. He noted that the intent of the recommended changes is to relocate land
46 intensive uses which do not produce significant tax revenue off of the main corridors.

2 The Council discussed uses such as Member Organizations, Labor Unions, and Fraternal
4 Associations, which were recommended as not permitted uses in the CG zone, and
6 conditional in the LI zone. Amphitheaters, arcades and miniature golf were
8 recommended to be conditional uses. In discussing golf courses, the Council observed
10 that golf courses and country clubs are land intensive uses which produce minimal tax
12 revenue. Following discussion, the Council felt that golf courses should be amended to
14 be not permitted in the CG and MC zone, and should be conditional in the HI and LI
16 zone. Tennis courts and indoor soccer facilities were discussed, and at the
18 recommendation of the Planning Commission will be listed as not permitted uses in the
20 CG zone.

22 The Council discussed the possibility of creation of a skateboard park in the City.
24 Chief Cullimore noted that Orem has been successful with similar facilities in Orem,
26 placing the responsibility on users of the facility to police themselves and maintain the
28 facility in an orderly manner.

30 Following further discussion, the Council agreed that the zoning designation of
32 golf courses and country clubs should be listed as not permitted, and that other changes as
34 recommended by the Planning Commission were reasonable. Mayor Dain called for
36 further comments or discussion. Hearing none, he called for a motion.

38 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
40 HEARING TO CONSIDER ORDINANCE #2008-3. COUNCILMEMBER HATCH
42 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
44 CARRIED.

46 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE
#2008-3 WITH THE FOLLOWING CHANGES:

- COUNTRY CLUBS AND GOLF COURSES TO BE NOT PERMITTED
IN THE MC AND CG ZONE, AND TO BE CONDITIONAL USES IN
THE LI AND HI ZONES.
- OTHER CHANGES AS RECOMMENDED BY THE PLANNING
COMMISSION.

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

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED UNANIMOUSLY.

6. **Public Hearing** – *Ordinance Amendments (#2008-4) – References to “Uniform Building Code” changed to “International Building Code”*. The City Council will hear public comment and possibly act to approve amendments to various sections of the Lindon City Code changing the designation of UBC to IBC. The Planning Commission recommended approval.

2 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER ORDINANCE #2008-4. COUNCILMEMBER ANTHONY
4 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

6 Mr. Cowie explained that this ordinance amends current language which
references the “Uniform Building Code” to “currently adopted code.” He noted that the
8 City has currently adopted the “International Building Code,” but that proposed language
will allow future changes to the adopted building code without further ordinance
10 revisions.

12 Mayor Dain called for public comment. There was no public comment. He
called for further comments or discussion from the Council. Hearing none, he called for
a motion.

14
16 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER ORDINANCE #2008-4. COUNCILMEMBER BAYLESS
18 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

20 COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE
#2008-4 AMENDING CHAPTER 17.24.170, 17.44.140, 17.48.100, 17.49.070,
22 17.49.080, 17.50.080, AND 17.56.120 OF THE LINDON CITY CODE, MODIFYING,
AMENDING AND REVISING THE PROVISIONS OF THE SECTIONS AND
24 PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER ANTHONY
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
28 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
30 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

32
34 7. **Public Hearing** – *Surplus Property Resolution (#2008-2)*. The City Council will
hear public comment and possibly act to approve a resolution declaring certain
36 property of the City as surplus and approving the disposition of the listed
property. This declaration does not involve real estate.

38 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING TO CONSIDER RESOLUTION #2008-2. COUNCILMEMBER HATCH
40 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

42
44 Mr. Dameron explained that the City currently has several surplus items for sale.
He noted a minimum bid has been set for the vehicles and for the camera equipment.
46 Councilmember Anthony asked Mr. Dameron to review the process followed if an
employee submits a bid which does not meet the established minimum bid. Mr. Dameron

2 stated that in the event that a City employee submits a bid which does not meet minimum
4 bid requirements, but it is the high bid, the City Council will approve the sale of the item
to the employee. Mr. Dameron also noted that a camera company has expressed an
interest in the surplus camera, which they plan to purchase and re-sell.

6 Mayor Dain called for public comment. There was no public comment. He
called for further comments or discussion from the Council. Hearing none, he called for
a motion.

8
10 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER RESOLUTION #2008-2. COUNCILMEMBER BAYLESS
12 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

14 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
#2008-2 DECLARING CERTAIN PROPERTY OWNED BY THE CITY TO BE
16 SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE LISTED
PROPERTY. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE
18 VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER ANTHONY AYE
20 COUNCILMEMBER BATH AYE
22 COUNCILMEMBER BAYLESS AYE
22 COUNCILMEMBER CARPENTER AYE
24 COUNCILMEMBER HATCH AYE

24 THE MOTION CARRIED UNANIMOUSLY.

- 26 8. **Review and Action** – *Bid Award – Curb Ramp Replacement Project*. This is a
28 request by staff for the Council’s review and approval of the bid award for the
curb ramp replacement project at various locations within the City. Staff
30 recommends awarding the bid to Raass Brothers, Inc. in the amount of \$62,987.00
which is 37% lower than the Engineers’ opinion of probable cost.

32 Councilmember Hatch observed that the bid for this project came in significantly
below engineering estimates. Mr. Dameron explained that the project will be completed
34 using CDBG funds and City matching funds. He noted that based on the bid amount for
scheduled ramps, available funds will make it possible to complete additional ramps
36 based on the prioritized list. Mayor Dain called for further comments or discussion.
Hearing none, he called for a motion.

38
40 COUNCILMEMBER ANTHONY MOVED TO AWARD THE BID FOR CURB
RAMP REPLACEMENT PROJECTS TO RAASS BROTHERS, INC. IN THE
AMOUNT OF \$62,987.00. COUNCILMEMBER HATCH SECONDED THE
42 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER ANTHONY AYE
44 COUNCILMEMBER BATH AYE
46 COUNCILMEMBER BAYLESS AYE
46 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER BATH MOVED TO APPROVE THE RATIFICATION
OF THE AGREEMENT BETWEEN LINDON CITY AND CARTER
CONSTRUCTION COMPANY FOR THE BASEMENT FINISHING PROJECT FOR
THE LINDON CITY POLICE DEPARTMENT. COUNCILMEMBER HATCH
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

11. **Review and Action** – *Bid Award – Street Lighting Contractor – 800 West Traffic Calming Improvements.* This is a staff request for the Council’s review and approval for the lighting contractor for the 800 West Traffic Calming Improvements. Staff recommends awarding the bid to the low bidder, Voltiac Construction, Inc. in the amount of \$16,050.00.

City Engineer, Mark Christensen, explained that the type of street lighting which will be installed as part of this project is designed to provide better lighting of the area at mid-block crossings, and increases pedestrian safety. Mayor Dain called for comments or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER BATH MOVED TO AWARD THE STREET LIGHTING CONTRACTOR BID FOR THE 800 WEST TRAFFIC CALMING IMPROVEMENTS TO VOLTAC CONSTRUCTION, INC. IN THE AMOUNT OF \$16,050.00. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

12. **Review and Action** – *Residential Street Light Type.* This is a staff request for the Council’s review and approval of a particular type of street light for residential areas of the City. The two heads under consideration are called “American Revolution” and “Granville.”

City Engineer, Mark Christensen, was present to discuss lighting styles with the City Council. Mr. Cowie explained that the proposed lighting types are listed in the current lighting styles listed in the 2008 Development Policy Manual. He outlined designs for various areas of the City, including residential streets, collector streets, and commercial areas.

2 Mayor Dain inquired as to the cost savings for the proposed lighting styles as
3 opposed to the lighting styles currently being used in various areas. Mr. Christensen
4 stated that the anticipated cost savings would be several hundred dollars per light. He
5 noted that the light produced by each of the styles is similar, and that all styles are “dark
6 sky” compliant. Mr. Cowie drew the attention of the Council to a sample of the Granville
7 light which was on display in the Council Chambers. He turned on the light and removed
8 the “dark sky” shield located at the top of the light, which directs light toward the ground
rather than into the sky.

9 Mr. Christensen noted that proposed lighting designs are intended to differentiate
10 between residential areas and commercial areas. The Council discussed decorative
11 details which can be included or not included in the lighting styles. Councilmember
12 Anthony inquired as to the style of lights used in Orem. Mr. Christensen stated that the
lighting style used city wide in Orem is similar to the style used on State Street in Lindon.

13 Councilmember Anthony commented that when flying over the valley recently,
14 he observed that lighting in Orem was very visible from the sky. He inquired as to
15 whether proposed lighting in Lindon would be as bright as lighting in Orem. Mr.
16 Christensen explained that the amount of light produced is dependent on the bulb used, as
17 well as use of the dark sky shield. He noted that various watt bulbs can be used in any of
18 the lighting styles to produce more or less light.

19 The Council discussed specific lighting styles under consideration. It was the
20 general feeling of the Council that the American Revolution style light was not the light
21 of choice. They felt that the Granville style light with the decorative band would be an
22 appropriate choice for lighting in residential areas. It was also the feeling of the Council
23 that the Esplanade light would be appropriate for collector streets, and the Washington
24 Postlight would be appropriate for commercial corridors. Councilmember Anthony noted
25 that all lighting styles are expected to be dark sky compliant. Mayor Dain called for a
26 motion.

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29 **COUNCILMEMBER ANTHONY MOVED TO APPROVE THE**
30 **“GRANVILLE” STYLE LIGHT WITH THE DECORATIVE FRAME AND DARK**
31 **SKY SHIELD FOR USE IN RESIDENTIAL AREAS, “ESPLANADE” STYLE LIGHT**
32 **FOR COLLECTOR STREETS, AND THE “WASHINGTON POSTLIGHT” STYLE**
33 **LIGHT FOR COMMERCIAL CORRIDORS. COUNCILMEMBER BAYLESS**
34 **SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:**

35 COUNCILMEMBER ANTHONY AYE
36 COUNCILMEMBER BATH AYE
37 COUNCILMEMBER BAYLESS AYE
38 COUNCILMEMBER CARPENTER AYE
39 COUNCILMEMBER HATCH AYE

40 THE MOTION CARRIED UNANIMOUSLY.

41 Mr. Dameron stated that three applicants were interviewed regarding the contract
42 for lighting installation and maintenance. Custom Lighting currently does installation for
43 Rocky Mountain Power, as well as several cities. Mr. Christensen stated that his
44 perception is that they are qualified contractors, but that they do not seem to be highly
45 service oriented. Mr. Christensen explained that he has learned that one reason for typical
46

2 delays in installation of street lights is that there is approximately a ten week delay in
receiving lights from the manufacturer after they are ordered.

4 Mr. Christensen stated that the second contractor interviewed was Voltiac
Construction. He noted that Voltiac has the current maintenance contract for lighting in
Orem City. Orem representatives spoke very favorably when asked about the service
6 provided by Voltiac. He observed that Voltiac appears to be very service oriented.

8 The final contractor interviewed regarding the contract was Hunt Electric. Mr.
Christensen noted that Hunt Electric appears to have experience in larger lighting
projects, such as I-15, and they do not appear to be the appropriate company to install and
10 maintain a City lighting system.

12 Mr. Christensen stated that the Development Review Committee feels
comfortable in making a recommendation to negotiate a contract with Voltiac
Construction for installation and maintenance of street lights in the City. He noted that in
14 addition to being customer oriented, they are also the low bidder on the installation
project on 800 West.

16 Mayor Dain inquired as to whether the bid price for the installation project on 800
West represents the price per light. Mr. Christensen stated that the bid price is the
18 approximate cost per light, but that actual costs may vary depending on several factors,
including the proximity of an available power source. He noted that Orem City orders
20 and stock piles a number of lights in order to have them available for installation in a
timely manner. Mayor Dain agreed that pre-ordering lights would be beneficial. He
22 noted that the manufacturer will not directly supply the lights to a contractor, but will
directly supply to municipalities. He noted that directly ordering a number of lights will
24 likely result in a cost savings, and time savings.

26 Mr. Dameron asked Mr. Christensen to review the procedure which will be
followed for lighting installation for new developments. Mr. Christensen stated that the
City will work directly with the lighting contractor to install lighting. Developers will be
28 required to post a bond to cover the typical cost of lighting. The developer will be billed
the actual cost of lighting purchase and installation. Mayor Dain noted that this
30 procedure will allow consistent and timely installation of lighting in new development
projects. He stated that he felt comfortable with the recommendation to negotiate with
32 Voltiac Construction to establish a contract to provide lighting installation and
maintenance services. He called for further comments or discussion from the Council.
34 Hearing none, he called for a motion.

36 COUNCILMEMBER CARPENTER MOVED TO AUTHORIZE STAFF TO
NEGOTIATE A CONTRACT WITH VOLTIAC CONSTRUCTION, INC. FOR
38 LIGHTING INSTALLATION AND MAINTENANCE SERVICES IN LINDON CITY.
COUNCILMEMBER BAYLESS 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 Councilmember Anthony inquired as to the effect of this action on the ability of
4 residents to request lighting in existing developments. Mr. Dameron explained that the
6 criteria to request and qualify for lighting installation will not be affected. The lighting
will be installed by Voltiac, rather than Rocky Mountain Power.

8 **13. Review and Action – “HOME” and “CHODO” Funding Resolution (#2008-3).**

10 This is a request from Councilmember Hatch for the Council’s consideration of
Lindon City’s allocation of HOME and CHODO monies for the funding of
affordable housing projects in Utah County.

12 Councilmember Hatch reported to the Council on projects which will be funded
14 by the Housing Consortium this year. He noted that after all approved projects were
funded, \$150,000 in additional revenue was available. He commented on the rural
16 housing project overseen by Brad Bishop which starts construction on 10 homes
simultaneously. Home owners participate in the construction of all 10 homes, and all
18 families move into the homes at the same time. The Chaplain at the Utah County Jail
also contacted the consortium regarding creation of housing options for inmates being
released from jail.

20 Councilmember Hatch explained that the Consortium combines funds awarded to
22 various communities and works cooperatively on projects which benefit Utah County as a
whole. He noted that Lindon is the smallest community involved in the Consortium, as
24 smaller communities with limited resources are not typically able to participate. Mayor
Dain stated that he is proud to be involved with these worthy projects. Councilmember
26 Carpenter expressed appreciation to Councilmember Hatch for his efforts working with
the consortium in behalf of the community. Mayor Dain called for further comments or
discussion. Hearing none, he called for a motion.

28 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2008-3
30 AUTHORIZING THE USE OF LINDON CITY’S 2008 ALLOCATION OF HOME
FUNDS AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS
32 TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS
AND SERVICE CENTERS LOCATED IN UTAH COUNTY AND SETTING AN
34 EFFECTIVE DATE. COUNCILMEMBER ANTHONY SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
38 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
40 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

42 **14. Review and Action – *Reimbursement Resolution (#2008-4).* This is a staff
44 request for the Council’s review and approval of a resolution which will allow
City expenditures related to the aquatics center to be reimbursed by bond
46 proceeds.**

2 Mr. Dameron explained that this Resolution will allow the use of bond proceeds
4 to reimburse the City for expenses related to the aquatics center which the City will incur
before the bond is funded.

6 COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2008-4.
8 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

10 COUNCILMEMBER ANTHONY AYE
12 COUNCILMEMBER BATH AYE
14 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

16 Mr. Dameron reviewed the schedule for issuance of the bond. He noted that five
18 contractors attended a pre-proposal meeting for the project. Mayor Dain observed that it
is important that the contractor selected to complete the project have experience in
20 building pools. Mr. Dameron noted that the contractors are aware that the project must
be completed by May 2009.

22 **COUNCIL REPORTS –**

24 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM –**

26 Councilmember Hatch reported on a specific Housing Consortium project which
will assist a Spanish Fork family in qualifying for a Habitat For Humanity home.

28 During a recent Provo Bench Water Users Meeting, it was reported that the
Wasatch Front is currently 117% of normal for the water year, and the St. George area is
30 160% of normal.

32 **TRAILS, PLANNING, ZONING, BD OF ADJ., ADMINISTRATION –**

34 Councilmember Bayless inquired as to the status of bids for the Lindon Heritage
Trail. Mr. Dameron stated that the low bid was submitted by Ram Constructors. Mayor
36 Dain noted that the low bid was approximately \$1 million under engineering estimates.
Mr. Dameron stated that the information will be forwarded to UDOT, and that UDOT
38 will then award the bid. Construction will begin as soon as weather permits.

40 Councilmember Bayless noted that there are vacancies on the Planning
Commission and the Board of Adjustments which need to be filled. The Council
discussed various names for possible appointment to vacant positions. Consensus was
42 reached on an appointment to the Planning Commission. Mr. Dameron will place the
item on the agenda of the next City Council meeting for official action.

44 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS –**

46

2 Councilmember Bath inquired as to the status of an agreement for contract
3 dispatch services with Pleasant Grove. Chief Cullimore stated that there has been no
4 contact from Pleasant Grove, and that he intends to send a letter notifying Pleasant Grove
5 that Lindon is interested in continuing contract services, but that there are time
6 restrictions to finalize an agreement. Chief Cullimore stated that he has also contacted
7 Orem City to discuss the possibility of receiving contract dispatch, fire and EMS services
8 through Orem. He noted that Pleasant Grove has eluded that they will not be willing to
9 provide fire and EMS services if an agreement is not reached for dispatch services.

10 **PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –**

12 Councilmember Anthony offered his apologies for missing the Annual Retreat.
13 He stated that he met with Mr. Dameron to review the discussion held during the Retreat.

14 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –**

16 Councilmember Carpenter reported that the pavement on 200 South is failing. He
17 suggested that the City investigate the possibility of any recourse with the contractor.

18 Councilmember Carpenter also reported that he may have a resident who is
19 willing to serve as a leader for a Lindon City Youth Court/Youth Council. He noted that
20 it is the appropriate time to create Lindon's own youth organizations in conjunction with
21 the Police Department.

22 Councilmember Carpenter reviewed bills under consideration at the State
23 Legislature. He discussed the status of several bills, including bills related to water
24 shares, justice courts, forms of government, municipal landfills, and public meeting
25 minutes.

28 **ADMINISTRATOR'S REPORT –**

30 Mr. Dameron reported on the following items:

- 31 1. Engineering coordination meeting will be held Wednesday, February 20, 2008 at
32 noon at the public works complex. Councilmember Bayless, Councilmember
33 Carpenter and Mayor Dain will attend.
- 34 2. Mayor Dain and Mr. Dameron will attend a meeting with Alpine School District
35 Wednesday, February 20, 2008 at noon at the school district offices.
- 36 3. The Heritage Trail is a UDOT, rather than a City project. Residents will be
37 provided with door hangers with contact information as construction begins.
38 Questions or concerns expressed by residents should be directed to UDOT.
39 Mayor Dain noted that it may be appropriate for the City to convey concerns and
40 communicate with UDOT in certain circumstances.
- 41 4. Work Sessions with Department Heads will be scheduled at 6:00 prior to regular
42 City Council meetings beginning March 4, 2008.
- 43 5. The Lindon City Planning Commission was featured in an article in "The
44 Commissioner," a national magazine publication.

