

2 The Lindon City Council held a Special Meeting beginning at 5:30 p.m. on **Tuesday,**
3 **December 14, 2010** at the Lindon City Center, City Council Chambers, 100 North State
4 Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Mark Walker
7 Invocation: Ott Dameron

8 **PRESENT**

ABSENT

9
10 James A. Dain, Mayor
11 Lindsey Bayless, Councilmember
12 Bruce Carpenter, Councilmember
13 Bret Frampton, Councilmember
14 Jerald I. Hatch, Councilmember
15 Mark L. Walker, Councilmember
16 Ott H. Dameron, City Administrator
17 Debra Cullimore, City Recorder

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19 The meeting was called to order at 5:30 p.m.

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21 **MINUTES** - Minutes will be reviewed during the next Regular City Council Meeting.

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23 **OPEN SESSION** - Citizens comments

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25 Mayor Dain called for comments from any audience member who wished to
26 address an issue not listed as an agenda item. There was no public comment.

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28 **MAYOR'S COMMENTS/REPORT** -

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30 Mayor Dain gave no report at this meeting.

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32 **CONSENT AGENDA** -

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34 No Items

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36 **CURRENT BUSINESS**

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38 1. **Review and Action** – *Parameters Resolution for Sewer Upgrade Bond.*
39 (*Resolution #2010-21-R*). The Lindon City Council (“The Issuer”) will consider
40 for adoption a resolution authorizing the issuance and sale of not more than
41 \$4,506,000 aggregate principal amount of sewer revenue bonds, series 2011 of the
42 Issuer for the purpose of upgrading certain sewer lines and constructing a new
43 sewer lift station and related improvements, calling a public hearing and
44 establishing a time, place, and location for said public hearing; providing for
45 publication of a Notice of Public Hearing and bonds to be issued; fixing the
46 maximum aggregate principal amount of the bonds, the maximum number of

2 years over which the bonds may mature, the maximum interest rate which the
bonds may bear, and the maximum discount from par at which the bonds may be
4 sold; providing for the publication of a notice of public hearing and bonds to be
issued; providing for the running of a contest period; and related matters.

6 Mr. Dameron introduced City Attorney, Brian Haws, City Engineer Dave
Thurgood, Cindy Arnold of Ballard Spahr, and Scott Cockerham of Ballard Spahr, and
8 outlined each person's role in the bonding process. Mr. Dameron invited Mr. Thurgood
to review the scope of the Geneva Road Sewer Project, which will be financed with the
10 proposed bond. Mr. Thurgood explained that the requirements of this sewer project are
addressed in an existing Interlocal Agreement between Lindon City and the City of
12 Orem. He presented a map showing the location of the sewer lift station which will be
improved near at approximately 600 North and Geneva Road. Sewer lines in the area
14 will also be upsized as part of the project.

16 Mr. Thurgood explained that the existing sewer easement associated with this
project crosses the Cook property at the Cook's Greenhouse site. The Cooks have agreed
to provide an easement along the west side of the property, with the existing easement
18 which crosses their property being abandoned. The easement will be located in the road
right-of-way along the north property line on 1600 North (Orem). The relocation of the
20 easement will allow a large portion of the project to be completed using an open trench
rather than pipe bursting. Mr. Thurgood noted that relocation of the easement is a benefit
22 to the property owner and to the public.

24 Mr. Thurgood stated that bids were received for the project, and all bids came in
well under engineering estimates. However, due to the relocation of the easement and
change in the scope of the work, the project will be re-bid.

26 Councilmember Frampton inquired as to how long the City has been working on
finalizing plans for this project. Mr. Thurgood stated that the project was included in the
28 2004 Capital Facilities Plan, and that the City entered into the agreement with Orem City
several years ago. He noted that the existing sewer system has exceeded capacity in this
30 area, resulting in several sewer back-up incidents.

32 Mr. Haws explained that a letter of intent relative to the relocation of the
easement area will be provided to the property owner, Orem City and Lindon City. The
letter specifies that the existing easement will be abandoned as is, without any
34 modifications. The property owner will assume responsibility for any problems
associated with the abandoned pipe. Mayor Dain inquired as to whether it would be
36 appropriate to fill the existing man-holes which will be abandoned with gravel or some
other material. Mr. Haws stated that it would be up to the property owner to fill the
38 manholes once the easement is relocated.

40 Councilmember Carpenter inquired as to whether future expansion of Geneva
Road would impact the proposed easement location. Mr. Thurgood stated that the bid for
the Geneva Road project has been awarded, and that all work will be completed within
42 the existing curb and gutter through Lindon. If Geneva Road is widened further in the
future, the roadway could extend over the easement area. Mr. Dameron stated that the
44 City will coordinate with UDOT regarding the exact placement of the sewer lines.

46 Mr. Haws also noted that the scope of the project has changed substantially due to
the relocation of the easement, and the open trench process rather than pipe bursting

process. He stated that due to the significant change in the project, it would be appropriate to reject all submitted bids and re-bid the project.

Mr. Cockerham explained that the purpose of the Parameters Resolution is to set the baseline for the bond which will be used to finance this project. The Resolution authorizes the city to issue not more than \$4,506,000, as well as establishing the maximum interest rate, and other matters specific to the bond. He stated that a Public Hearing regarding issuance of the bonds will be held during the Regular City Council Meeting of January 18, 2011. Following the Public Hearing, the City Council has the authority to pass the Final Bond Resolution. The bond closing can take place 30 days following the second publication date for the Public Hearing, which is December 27, 2010. Mayor Dain noted that he and Mr. Dameron met recently with the Water Resource Board to discuss the bond, and that the Water Resource Board will purchase the bonds at 2.5% interest. Mr. Dameron explained that Mr. Haws will certify that the easement has been procured prior to the bond closing.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION #2010-21-R, PARAMETERS RESOLUTION FOR SEWER UPGRADE BOND. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER HATCH	AYE
COUNCILMEMBER WALKER	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 2. Review and Action** – *Reject All Bids Received on Gravity Line Phase of Sewer Upgrade Project.* This is a request by staff for the Council’s consideration and approval of staff’s recommendation to reject all bids recently received on the gravity line phase of the sewer upgrade project. Since the bids were opened, the city has negotiated a realignment of the easement through a particular property which will necessitate a change in the scope of the project. The City Attorney has recommended this rebid procedure.

COUNCILMEMBER CARPENTER MOVED TO REJECT ALL BIDS RECEIVED ON THE GRAVITY LINE PHASE OF THE SEWER UPGRADE PROJECT FINDING THAT THE CHANGE IN THE SCOPE OF THE PROJECT MAKES A RE-BID PROCESS APPROPRIATE AND ADVANTAGEOUS. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER HATCH	AYE

2 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

4 **COUNCIL REPORTS** -

6 The Council gave no reports at this meeting.

8 **ADMINISTRATOR'S REPORT** -

10 Mr. Dameron gave no report at this meeting.

12 **ADJOURN** -

14 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING
16 AT 5:55 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

18 Approved – December 21, 2010

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Debra Cullimore, City Recorder

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James A. Dain, Mayor