

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 4,**  
3 **2011** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor  
6 Pledge of Allegiance: John Carson, Audience Member  
7 Invocation: Lindsey Bayless

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 Adam Cowie, Planning Director  
18 Cody Cullimore, Chief of Police  
19 Debra Cullimore, City Recorder  
20

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

22  
23 **RECOGNITION** – The Mayor and City Council will recognize Jamie Bennee, former  
24 Finance Director, for her achievement in receiving the Distinguished Budget Award.  
25 Mrs. Bennee achieved this award in advance of the tragedy which took her life. This  
26 Award has been presented to Lindon City for the past five years. The Award reflects  
27 honor upon Mrs. Bennee and brings great credit to the City.  
28

29 Mr. Dameron observed that a representative of the Bennee family had not yet  
30 arrived at the meeting. He suggested that the Council proceed with other items of  
31 business and return to this item if a family member arrived.

32  
33 **MINUTES** - The minutes of the regular meeting of December 21, 2010 will be reviewed.

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35 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF  
36 THE MEETING OF DECEMBER 21, 2010. COUNCILMEMBER WALKER  
37 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 COUNCILMEMBER BAYLESS AYE  
39 COUNCILMEMBER CARPENTER AYE  
40 COUNCILMEMBER FRAMPTON AYE  
41 COUNCILMEMBER HATCH AYE  
42 COUNCILMEMBER WALKER AYE

43 THE MOTION CARRIED UNANIMOUSLY.

44  
45 **OPEN SESSION** - Citizens comments

2 Mayor Dain called for comments from any audience member who wished to  
address an issue not listed as an agenda item. Iwalani Ahuna-Curran, a representative of  
4 the Holiday Inn of American Fork approached the Council. She invited the Mayor and  
Council to attend a ribbon cutting for this new business on January 19, 2011 at 10:00  
6 a.m., with tours of the facility prior to the ribbon cutting at 8:30 a.m. She noted that the  
facility serves American Fork, and surrounding communities for leisure lodging, as well  
8 as business services. She distributed fliers with information about the services provided  
at the Holiday Inn. She thanked the Mayor and Council for their time.

10 Suzanne Henninger stated that she is a resident of Pheasant Hollow subdivision.  
She reported large piles of debris near her home, and asked if the City has any ability to  
12 follow up with the property owners on clean up of the debris. Mr. Dameron will follow  
up with the Code Enforcement Officer regarding the report.

### 14 **MAYOR'S COMMENTS/REPORT**

16 Mayor Dain wished all present a Happy New Year, and stated that he looks  
forward to the coming year.

### 18 **CONSENT AGENDA** –

20 No Items

### 22 **CURRENT BUSINESS**

- 24
- 26 1. **Review and Action** – *Supplemental Agreement – UDOT – I-15 Widening Project*  
28 (*#0407*). This is a request by staff for the Mayor and Council's review and  
approval of a supplemental agreement between Lindon City and UDOT relative to  
the I-15 Widening Project. There are no additional costs associated with this  
30 agreement.

32 Mr. Dameron explained that Mr. Cowie has been working with UDOT regarding  
this agreement. Mr. Cowie explained that some work which has been completed as part  
34 of the UDOT I-15 Core project is outside the scope of the existing Master Utility  
Agreement which the City previously entered into. UDOT has requested approval of an  
36 additional agreement which includes all work completed in order to maintain a complete  
record of all work associated with the project. He noted that there is no additional cost to  
38 the City for work completed by UDOT as outlined in the agreement. Mayor Dain called  
for further comments or discussion. Hearing none, he called for a motion.

40 COUNCILMEMBER HATCH MOVED TO APPROVE THE  
SUPPLEMENTAL AGREEMENT BETWEEN LINDON CITY AND UDOT  
42 RELATIVE TO THE UDOT I-15 WIDENING PROJECT. COUNCILMEMBER  
FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
44 FOLLOWS:

46 COUNCILMEMBER BAYLESS                      AYE  
COUNCILMEMBER CARPENTER                AYE  
COUNCILMEMBER FRAMPTON                 AYE

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

4  
2. **Review and Action** – *Engineering Services Agreement for Sewer Project*. This is  
6 a request by staff for the Mayor and Council’s review and approval of an  
Engineering Services Agreement between Lindon City and JUB Engineers for the  
8 sewer upgrade project consisting of a new sewer lift station and gravity flow line.  
This agreement is a requirement of the approved bond through the Department of  
10 Water Quality. The city has an agreement for services already in place, but the  
addition to the agreement refers to this specific project.

12  
Mr. Dameron explained that this supplemental agreement is specific to the  
14 Geneva Road sewer line project, and is a requirement of the approved bond. The  
agreement outlines costs and services specific to this project, and is supplemental to the  
16 Master Agreement between the City and JUB Engineers. Amounts were estimated within  
the bond amount with some fluctuation in exact amounts expected within the available  
18 budget. Bids which have been submitted for the project are well below engineering  
estimates, leaving more than adequate revenue for the proposed fees, which are within  
20 industry standards. Councilmember Carpenter noted that JUB has been closely involved  
in planning and preparation for this project, and has a clear understanding of the  
22 associated costs and services. Mayor Dain called for comments or discussion. Hearing  
none, he called for a motion.

24  
COUNCILMEMBER BAYLESS MOVED TO APPROVE THE SEWER  
26 PROJECT ENGINEERING SERVICES AGREEMENT BETWEEN LINDON CITY  
AND JUB ENGINEERS. COUNCILMEMBER HATCH SECONDED THE MOTION.  
28 THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS                AYE  
30 COUNCILMEMBER CARPENTER            AYE  
COUNCILMEMBER FRAMPTON               AYE  
32 COUNCILMEMBER HATCH                AYE  
COUNCILMEMBER WALKER                AYE

34 THE MOTION CARRIED UNANIMOUSLY.

36 3. **Review and Action** – *Bid Award - Geneva Road Sewer Lift Station Project*. This  
38 is a request by staff for the Mayor and Council’s review and approval of the bid  
award for the Geneva Road Sewer Lift Station Project. This is the first of two  
40 phases for the project, with the second phase being the Gravity Flow Line. Staff  
anticipates bringing the second phase bid (Gravity Flow Line) for award on  
42 January 18, 2011. Staff recommends awarding the bid to the low bidder,  
VanCon, Inc., with a bid of \$1,019,150.00. As you remember, this project is  
44 financed through a revenue bond approved by the Department of Water Quality.

46 Mr. Dameron explained that this bid is for the lift station phase of the Geneva  
Road sewer project, with bids for the gravity line portion of the project being considered

2 by the Council on January 18, 2011. Staff recommends awarding the bid to the low  
bidder, VanCon Construction, with a bid of \$1,019,150.00. The project will be financed  
through a bond purchased by the Water Quality Board.

4 Mr. Dameron noted that the City has received one letter of protest regarding this  
bid award from COP Construction, another bidder on the project. The protest alleges that  
6 the bid process was not administered fairly, based on the absence of contact information  
for subcontractors which was not completed on forms by all bidders. Rod Bragger of  
8 COP Construction explained that they filed the protest due to the fact that they felt that if  
they had not taken the time to include this information, they may have had an opportunity  
10 to include lower bids from subcontractors which were received just prior to the bid  
submittal deadline.

12 Mr. Dameron noted that VanCon, as well as other bidders, did not include  
subcontractor contact information on the final forms submitted with bids. City Engineer  
14 for this project, David Thurgood, explained that subcontractor information is not a  
requirement for all bids, but that it was included for this project to make sure the General  
16 Contractor would be responsible for the bulk of the work, and that subcontractors have  
the right equipment and materials to complete the necessary work. Mr. Thurgood noted  
18 that some bids were submitted with full subcontractor information, others were submitted  
with partial information, and others were submitted with only the name of the  
20 subcontractor. He noted that the presence or absence of the contact information was not  
considered in awarding the bid.

22 Mr. Dameron invited the City Attorney, Brian Haws, to address the Council  
regarding this issue. Mr. Haws explained that State Statute gives the City latitude in  
24 establishing criteria to accept and award bids. The law allows the City to waive  
technicalities in specific circumstances. The Project Engineer inspected each bid  
26 submitted for defects prior to considering bid amounts. The absence of subcontractor  
contact information was not considered a defect in the bid documents. Technicalities can  
28 be waived by the City provided compliance with the technicality does not affect the time  
for proceeding with the project, the scope of the work, price of work or completion of  
30 work associated with the bid.

32 Councilmember Carpenter acknowledged the conscientiousness of COP  
Construction in completing the bid documents. He observed that if other bids were  
disqualified due to the absence of the subcontractor information in question, the cost to  
34 taxpayers would increase substantially. Councilmember Frampton noted that he submits  
a number of bids in his profession, and understands the frustration of COP Construction  
36 in losing this bid. He observed that VanCon was not the only bidder who did not include  
subcontractor contact information on the forms.

38 Mr. Haws clarified that the absence of subcontractor information on the bid  
documents was not material in nature, and would not affect the price, timeline or work  
40 associated with the project. Mayor Dain called for further comments or discussion.  
Hearing none, he called for a motion.

42  
44 COUNCILMEMBER BAYLESS MOVED TO AWARD THE BID FOR THE  
GENEVA ROAD SEWER LIFT STATION TO THE LOW BIDDER, VAN CON  
CONSTRUCTION, WITH A BID OF \$1,019,150.00 FINDING TAT WAIVING THE  
46 TECHNICALITY OF INCLUDING SUBCONTRACTOR CONTACT INFORMATION

WILL NOT MATERIALLY AFFECT THE TIME LINE, PRICE OR WORK  
ASSOCIATED WITH THE PROJECT. 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.

A representative of VanCon Construction was present in the audience. He expressed appreciation for the opportunity to work with the City on this project. He noted that his company works with a number of engineers on a variety of projects around the state, and that JUB ranks among the highest of great engineers. He felt that JUB strives to protect the interest of all parties, including municipalities and bidders. Mr. Dameron noted that the City has worked with VanCon on several other projects, and that the company has always performed admirably. Mayor Dain acknowledged that COP Construction is also a quality company, and noted that the City looks forward to COP submitting bids for future projects.

4. **Discussion** – *General Plan Update*. This is a request by Adam Cowie, Planning Director, for the Mayor and Council’s feedback concerning the west-side general plan development. The proposed general plan map that was presented in the Open House on November 30, 2010 showed increased housing densities near the rail corridor.

Mr. Cowie explained that the General Plan Committee is in the process of reviewing the General Plan and preparing recommendations for the Planning Commission and City Council regarding possible amendments to the General Plan. He stated that the Committee has discussed the possibility of implementing higher density housing components in the City west of Geneva Road, particularly around areas shown on UDOT plans as possible future transit stop locations. He noted that the General Plan is typically used as long range planning tool, considering development options for the next 20 years. However, based on the Mountainland Association of Governments (MAG) 2040 Regional Plan and transit and traffic studies, staff encouraged the Committee to consider development options for up to 50 years.

Mr. Cowie went on to present MAG maps showing employment and population density in the Utah County area. Traffic counts in 2007 showed approximately 217,000 trips per day through the Lindon area. Projections for 2040 indicate approximately 400,000 trips per day, nearly doubling the current traffic flow. The Vineyard Connector is on the maps for completion in approximately 2020, with no other new UDOT regional streets in the Lindon area. He noted that the geographic nature of the valley routes north/south traffic through Lindon, creating higher traffic volumes than any other location in Utah County. Mayor Dain noted that the City could use projected traffic flows to encourage economic development, noting that businesses prefer to develop in high traffic areas. Councilmember Walker inquired as to whether UDOT is in the process of

2 acquiring property for the Vineyard Connector right-of-way. Mr. Cowie that some  
3 property acquisition is taking place, but that UDOT does not feel the roadway will be  
4 warranted until 2020. He suggested that Lindon should encourage construction of the  
5 roadway earlier to encourage and facilitate commercial development.

6 Mr. Cowie reviewed elements of the MAG 2040 transit plans, which show only  
7 the Vineyard Connector as a new roadway. Rapid transit components are shown on the  
8 plan, including a line from Cedar Hills to 700 North in Lindon, with a potential rapid  
9 transit or light rail stop in Lindon. He noted that population projections show a Utah  
10 County population similar to the current Salt Lake County population. Mr. Cowie  
11 explained that based on population and traffic flow projection, the General Plan  
12 Committee has discussed a variety of housing options for the west side of the City,  
13 including higher density housing and possible mixed use areas of residential and  
14 commercial uses similar to developments found at the Gateway in Salt Lake City and the  
15 Riverwoods in Provo. The Committee has also discussed strategies for maintaining open  
16 space in the City as population increases, such are large park areas. The Committee has  
17 considered removing smaller park areas on the west side of the City, and creating a larger  
18 park area to preserve the feeling of open space based on 2030 and 2040 population  
19 projections.

20 Councilmember Carpenter expressed concern regarding impacts to property  
21 owners if large parcels are designated for park areas which may preclude other types of  
22 development. He noted that the City may not be in position to purchase the property at  
23 the time other offers are made, and property owners may be negatively impacted. Mr.  
24 Cowie noted that property could develop based on current zoning, and that if commercial  
25 development is proposed on commercial property and the City is unable to purchase  
26 property for parks shown on the General Plan, the commercial development could  
27 proceed. He noted that the Committee has discussed providing density bonuses for  
28 developers relative to higher density developments in exchange for deeding park areas to  
29 the City. Mr. Cowie also noted that as property develops based on current zoning, the  
30 City may lose the ability to develop property based on the General Plan. He suggested  
31 that the Council consider making zoning consistent with General Plan land uses. He  
32 stated that the General Plan Committee will make recommendations to the City Council  
33 and Planning Commission regarding General Plan amendments. In addition, residents  
34 will have a chance to comment on the General Plan during Public Hearings. Any  
35 approved General Plan amendments will be adopted during fall 2011. Appropriate  
36 zoning amendments should be considered following adoption of the General Plan.

37 The Council went on to discuss the impacts of higher density housing  
38 development on the west side of the City. Creekside Meadows subdivision, which was  
39 approved at a higher density than other residential developments, was discussed with the  
40 Council noting that the subdivision appears to be successful. Councilmember Bayless  
41 noted that the development was allowed as an overlay zone to prevent a proliferation of  
42 similar developments in other areas of the City.

43 Councilmember Carpenter stated that he would not have great concern regarding  
44 additional housing options similar to Creekside Meadows, but that he would have  
45 concerns with very high density apartment complexes. Mr. Cowie stated that ordinances  
46 could be written to specify density limits and prevent development of apartment  
47 complexes. Councilmember Frampton stated that he is pleased with development in the

2 City over the past 20 years, and that planning for future development appropriately is  
important. He felt that additional development similar to Creekside Meadows would be  
appropriate.

4 Councilmember Bayless expressed concern regarding the impact of high density,  
transit oriented housing development. She felt that if higher density housing options are  
6 considered, very tight controls should be in place to avoid the possibility of apartment  
housing. Councilmember Hatch felt that if too much high density housing develops, the  
8 character of the community of Lindon may be impacted. He and Councilmember  
Carpenter expressed a preference for not allowing density higher than that found in the R-  
10 112 zone, with Councilmember Hatch stating that his preference would be to maintain  
half acre lots throughout the City. Mr. Cowie noted that half acre lots may not be  
12 economically viable on the west side of the City. Councilmember Bayless noted that she  
grew up in a very urban City, and that her observations of that community indicated that  
14 the higher the density of a community becomes the less connected residents are with one  
another. She felt that increased density in Lindon may negatively impact the character of  
16 the community.

18 Councilmember Carpenter agreed that while there may be negative impacts to  
transit options and higher density housing, there are economic practicalities and other  
limiting factors which need to be considered. He noted that increases in Utah population  
20 in the coming decades will require additional residential development.

22 Following further discussion, the Council indicated that density similar to that  
found in Creekside Meadows would be acceptable in specific areas provided that strict  
controls are in place to prevent development of apartment complexes. Mr. Cowie will  
24 discuss City Council recommendations with the General Plan Committee at future  
meetings.

- 26
- 28 5. **Discussion** – *Proposed Model Ordinance – Utah Lake Shoreline Protection  
Overlay Zone*. This is a request by staff for the Mayor and Council’s review and  
discussion of the proposed “Utah Lake Shoreline Protection Overlay Zone” model  
30 ordinance. This model ordinance is intended to be used as a framework for each  
member city to establish their own shoreline protection area to further the  
32 purposes of the Utah Lake Commission.

34 Mayor Dain explained that this is a draft model ordinance which is intended to  
control development around the shoreline of Utah Lake and protect natural resources in  
36 the area. Councilmember Bayless expressed concern regarding jurisdiction of the trail  
area and who will set and enforce policies for the trail. Mr. Cowie explained that Utah  
38 County will have authority over the trail, but that each municipality will have input into  
trail policies. Mayor Dain noted that the Utah Lake Commission does not have any  
40 authority, and that the intent of this ordinance would be to create a vision for lake shore  
development and preserve recreational use of the lake. The City will adapt language  
42 specific to Lindon prior to adopting an ordinance.

44 **COUNCIL/ADMINISTRATOR REPORTS** -

46 Mr. Dameron reported on the following items:

1. Engineering Coordination Meeting will be held January 11<sup>th</sup> at noon at the Public Works Complex. Councilmember Frampton and Councilmember Walker will attend.
2. The Council reviewed the Project Tracking List. Councilmember Bayless expressed appreciation for the pro-active approach of the Planning Department in applying for grants.
3. The Council reviewed a draft of a plaque which will be placed at projects funded through the Afton Fryer Huggard Foundation.
4. The annual Budget Retreat Meeting was scheduled for February 10, 2011 from 4:00 p.m. to 9:00 p.m. at the City Center.
5. Further meetings with the Community Center Advisory Committee will be postponed until a later date.
6. City offices will be closed Monday, January 17<sup>th</sup> for the Martin Luther King holiday.
7. The City has received an offer from Boswell Olsen to participate in construction of the Lindon Heritage Trail. Staff will approach other Lindon businesses to determine if they are interested in similar participation in the trail project.
8. Mr. Dameron will not be present at the January 18, 2011 meeting due to family obligations.

**COUNCILMEMBER BAYLESS** – Councilmember Bayless again expressed appreciation to the Planning Department for their pro-active efforts.

**COUNCILMEMBER FRAMPTON** – Councilmember Frampton noted that non-resident recreation fees in Pleasant Grove are high. Mr. Dameron explained that a previous agreement with Pleasant Grove allowing Lindon residents to participate in Pleasant Grove programs at resident rates based on a subsidy paid by the City was withdrawn by Pleasant Grove. Councilmember Frampton stated that the City should make an effort to establish additional recreation programs in Lindon as much as possible.

**COUNCILMEMBER HATCH** – Councilmember Hatch had no items to report.

**COUNCILMEMBER CARPENTER** – Councilmember Carpenter invited the Mayor and Council to participate in Local Official Day at the Legislature on January 26, 2011. He noted that the Legislature will be considering immigration laws which may impact municipalities. The Utah Chiefs of Police Association are involved in those discussions. Chief Cullimore reported that the Police Department Wives Afghanistan service project wrapped up today, with two truckloads of goods being shipped to Afghanistan and two truckloads which could not be shipped being delivered to other charitable organizations.

**COUNCILMEMBER WALKER** – Councilmember Walker reported emissions from a pipe of the Geneva property which should be investigated. Staff will follow up on the report. Councilmember Walker commented on a newspaper article regarding use of social media in Herriman which allows additional means of communication between

2 residents and elected officials. The Council and staff discussed benefits and problems  
associated with use of social media to communicate with residents.

4 Mayor Dain noted that a representative of the Bennee family had not attended the  
meeting. He recognized her contribution to the City during her time as the Finance  
6 Director, and acknowledged the Distinguished Budget Award which was presented to the  
City is Ms. Bennee's name.

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Approved – January 18, 2011

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Debra Cullimore, City Recorder

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James A. Dain, Mayor

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