

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on
3 **Tuesday, February 1, 2011** 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: Matthew Farnworth, Boy Scout Troop 595, Orem Utah
7 Invocation: Bret Frampton

8 **PRESENT**

ABSENT

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

Lindsey Bayless, Councilmember
Cody Cullimore, Chief of Police

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

22 **MINUTES** - The minutes of the regular meeting of January 18, 2011 were reviewed.

24 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
25 THE MEETING OF JANUARY 18, 2011. COUNCILMEMBER HATCH SECONDED
26 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

27 COUNCILMEMBER CARPENTER AYE
28 COUNCILMEMBER FRAMPTON AYE
29 COUNCILMEMBER HATCH AYE
30 COUNCILMEMBER WALKER AYE

31 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

32 **OPEN SESSION** - Citizens comments

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

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

40 Mayor Dain reported that the Community Center remodel project has been
41 advertised for bids. The bid will be awarded on February 17, 2011 with construction
42 expected to begin in March.

44 **CONSENT AGENDA** -

46 No Items

CURRENT BUSINESS -

1. **Review and Action** – *Amendment to the Sewer Capital Facilities Plan*. This is a request by staff for the Mayor and Council’ review and approval of an amendment to the Lindon Capital Facilities Plan – Sanitary Sewer System. The CFP was adopted by the Council on October 19, 2004, and this amendment adds new information about the plan that has occurred since its adoption, i.e. the treatment plant expansion, the new lift station, and the upgraded gravity line. Approval of this amendment is another requirement of the bonding process.

City Engineer, David Thurgood was present for this discussion with the Council. Mr. Thurgood explained that this proposed amendment to the Sewer Capital Facilities Plan is necessary prior closing on bonding for the Geneva Road Sewer Project. He noted that the bond is expected to close on February 17, 2011. He explained that the 2004 Capital Facilities Plan contained the upcoming sewer projects, but the descriptions are not consistent with the plan the City is implementing for the projects. Proposed changes will make the Capital Facilities Plan consistent with the planned work.

Mr. Thurgood explained that the amended plan contains a history of the project, and alternatives which were considered, as well as a drawing showing lift station and sewer line improvements. Mr. Dameron noted that the Engineer for the Utah Division of Water Quality has reviewed and approved the plans.

Mayor Dain reiterated that this action makes the Capital Facilities Plan document consistent with the work which will be completed. He called for further comments or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE AMENDMENTS TO THE SEWER CAPITAL FACILITIES PLAN. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2. **Review and Action** – *Bid Award – Geneva Road Gravity Sewer Upgrade*. This is a request by staff for the Mayor and Council’s review and approval of the bid award for the Geneva Road Gravity Sewer Upgrade Project. This is the second of two phases for the whole project, with the first phase of the Geneva Road Sewer Lift Station Project having been awarded on January 4, 2011. Staff recommends awarding the bid to the low bidder, Terry Larsen Excavating, Inc., with a bid of \$757,501.17. The entire project is financed through a revenue bond approved by the State of Utah Department of Water Quality.

Mr. Dameron explained that this bid award is for Phase II of the project, with the first phase being the sewer lift station which was awarded at the January 4, 2011 meeting. He explained that Mr. Thurgood has evaluated the bids and has a recommendation to make to the Council. He invited Mr. Thurgood to present the bid information. Mr.

2 Thurgood stated that after consulting with the City Attorney and City Staff, it was
4 determined that all bidders were in compliance with submittal requirements. Following
6 verification of bonding, suppliers, and subcontractors, staff recommends awarding the bid
8 to the low bidder, Terry Larsen Excavating, with a bid of \$757,501.17. Mr. Thurgood
noted that the bid is awarded contingent upon closing of the bond which will fund this
project. The project is scheduled for completion 135 days from the date the notice to
proceed is issued, which will take place immediately following the bond closing on
February 17, 2011.

10 Leon Van Sickle of Van Con Construction was present in the audience. Mr. Van
12 Sickle addressed the Council stating that Van Con was very disappointed that they were
14 not the low bidder on this project. Mr. Dameron asked Mr. Van Sickle if he was
16 submitting a formal protest to the bid award. Mr. Van Sickle stated that he was not
formally protesting, but wanted to make an observation. He stated that at the mandatory
pre-bid meeting, all contractors were told that all appropriate documents must be
submitted with the bid. He stated that the two low bidders did not submit a specific form
which is required by federal law. Mr. Dameron stated that he has discussed requirements
for submittal of this particular form with Ed McCauley of Division of Water Quality.
18 Mr. McCauley indicated that it is not uncommon to submit the form following the bid
award. Mayor Dain confirmed that the form will be submitted prior to beginning work
20 on the project, and that the City is not waiving the requirement to submit the form.

22 Mayor Dain noted that at the bid opening, all bidders were asked if submittal of
that form would affect the submitted bids. The VanCon representative at the meeting did
not express any concern at that time. Mayor Dain also noted that Van Con was awarded
24 the bid for Phase I of this project, and that similar protests regarding appropriate
paperwork were expressed by COP Construction. Mr. Dameron explained that staff has
26 met with Mr. Van Sickle and explained the decision. Councilmember Carpenter agreed
that this is a similar principle to the previous bid award decision. Mayor Dain observed
28 that the bid submitted by Van Con construction was significantly higher than the low bid.
He reiterated that at the bid opening this issue was brought to the attention of all present
30 and no concerns were expressed.

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

34 COUNCILMEMBER CARPENTER MOVED TO AWARD THE BID FOR THE
36 GENEVA ROAD GRAVITY SEWER UPGRADE TO THE LOW BIDDER, TERRY
LARSEN EXCAVATING AT THE RECOMMENDATION OF JUB ENGINEERS IN
THE AMOUNT OF \$757,501.17 CONTINGENT UPON FUNDING OF BONDING
38 FOR THIS PROJECT. COUNCILMEMBER WALKER SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
42 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

44 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2 **3. Review and Action** – *Contract Modification #1 – Lindon Heritage Trail (800*
3 *West to Utah Lake)*. This is a request by staff for the Mayor and Council’s review
4 and approval of Contract Modification #1 to the Lindon Heritage Trail – 800
5 West to Utah Lake. The changes include a modification to the services provided
6 by the consulting engineers, their fee amounts, and an extension of time for the
7 termination date of the contract.

8 City Engineer, Mark Christensen, had not yet arrived at the meeting. Mr.
9 Christensen was schedule to address the Council regarding this item and the
10 Development Policy Manual Updates. Mayor Dain suggested that the Council move
11 ahead with other items until Mr. Christensen arrived.

12 COUNCILMEMBER CARPENTER MOVED TO PROCEED WITH AGENDA
13 ITEMS AND RETURN TO LINDON HERITAGE TRAIL MODIFICATION AND
14 DEVELOPMENT POLICY MANUAL UPDATES UPON THE ARRIVAL OF MR.
15 CHRISTENSEN. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
16 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

17 **4. Review and Action** – *Development Policy Manual Updates (Resolution #2011-2-*
18 *R)*. This is a request by staff for the Mayor and Council’s review and approval of
19 the updates to the city’s Development Policy Manual. This year’s meeting with
20 contractors and developers is scheduled for 9:00 a.m., February 4, 2011.

21 The Council will return to this item upon Mr. Christensen’s arrival.

22 **5. Review and Action** – *Rental of City Property*. This is a request by staff for the
23 Mayor and Council’s review and decision as to the rental of space on city
24 property for a “Snow Cone” trailer business during the summer months. Any
25 water and power hook-ups would also be paid by the renter. If the Council
26 approves of the rental proposal, the Development Review Committee could
27 determine the details of the rental agreement and alternate locations, if needed. If
28 an arrangement can be agreed upon, then the Mayor’s could have final review and
29 sign the agreement.

30 Mr. Dameron explained that the City has received a request to rent a section of the
31 parking area south of the City Center for a snow cone trailer during the aquatics center
32 season. He noted the trailer and surrounding sales area would occupy approximately six
33 parking stalls.

34 Mayor Dain observed that allowing the use could be problematic if other
35 businesses approached the City with similar proposals. Mr. Dameron also noted that the
36 City would have to be cautious to avoid creating a conflict with the Hogi Yogi, the
37 contract vendor inside the aquatics center. Following further discussion, the Council felt
38 that allowing rental of the space could be problematic both in creating a conflict for the
39 aquatics center vendor and setting a precedent for other businesses who would like to
40 provide similar concessions on City property. Mayor Dain called for a motion.

COUNCILMEMBER HATCH MOVED TO DENY RENTAL OF CITY
2 PROPERTY FOR USE AS A SNOW CONE SALES LOCATION, AND
ENCOURAGED THE BUSINESS OWNER TO PARTICIPATE IN LINDON DAYS
4 ACTIVITIES AS A VENDOR. COUNCILMEMBER FRAMPTON SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
8 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

10 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

12 **Contract Modifications – Lindon Heritage Trail –**

14 Mr. Christensen had arrived at the meeting at this time. He explained that the
scope of the Lindon Heritage Trail project was defined based on available funding. Upon
16 further review, staff and UDOT representatives have determined that it may be beneficial
to acquire additional trail right-of-way during this phase to ensure a future trail route
18 extending to Utah Lake. The project contract must be modified to include land
acquisition before federal funds can be used for this purpose. He noted that staff has met
20 with representatives of the power company, and that there is no concern that relevant
issues regarding purchase of a trail easement adjacent to the power plant can not be
22 addressed. He clarified that the trail adjacent to the power plant will be an easement and
not a property purchase.

24 Mr. Dameron inquired as to whether this proposed use of funds to purchase
property rather than construct trail would impact the cost to the City in any way. Mr.
26 Christensen stated that the City has met the matching funds requirement associated with
this project, and that costs to the City will not increase.

28 Councilmember Carpenter noted that due to the funding source, this project is a
federal project. He observed that preparation costs associated with federal projects can
30 be substantially higher due to strict federal regulation. He asked if using funds to
purchase land now may be detrimental to the overall project due to federal regulations
32 and associated costs. Mr. Christensen stated that the only possible detriment to the
project is using funds to purchase property which could be used to expand the trail. He
34 stated that increased federal costs are not significant. He also noted that the purchase
price for land is low in the current economy.

36 Mayor Dain noted that completion of this particular section is critical to maximize
the functionality of the trail and complete connectivity to other trail sections and
38 pedestrian routes. He called for further comments or discussion from the Council.
Hearing none, he called for a motion.

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COUNCILMEMBER HATCH MOVED TO APPROVE CONTRACT
42 MODIFICATION #1 – LINDON HERITAGE TRAIL – 800 WEST TO GENEVA
ROAD. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE
44 WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER HATCH AYE
2 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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6 **Development Policy Manual Updates – Resolution #2011-2-R –**

8 Mr. Christensen explained that the Development Policy Manual is typically
10 updated annually, but that due to very slow development, updates were not necessary last
12 year. He reviewed proposed updates as follows:

14 Chapter 2 – Planning and Zoning

16 Division 2 – Submittal Requirements

18 Section 2.02 Preliminary Subdivision Plans

- 20 • A soils report may not be required if a geotechnical study on nearby land
22 will suffice

24 Section 2.03 – Final Plan and Final Improvement Drawings

- 26 • A letter is required from a title company certifying that proposed
28 boundaries match recorded boundaries to avoid overlapping interests.
- 30 • Only the Mayor’s signature is required on plats to certify City Council
32 approval. The City practice has been to include signatures of the Mayor
34 and City Council. However, this is a City practice and not a legal
36 requirement.
- 38 • Utility company signatures are required on virtually all plats. Signatures
40 will be required if a utility easement exists or will be created. The City
42 provides a list of contact information for all required signatures, the
44 developer is responsible to obtain the signatures.

46 Section 2.04 – Property Line Adjustments – section added.

Section 2.50 – Site Plans for Permitted and Conditional Uses

- Clarified requirements to maintain clear width on sidewalks next to
parking stalls.
- Included instructions on how to provide UTOPIA access to new sites

Section 2.06 – Temporary Site Plans – section added

Chapter 4 – Standard Specifications

Division 11 – Roadway Construction

- Added prime coat specifications
- Changed from outdated AC-10 oil in asphalt to PG 58-28 oil.

Division 19 – Underground Irrigation Systems – section added

Division 20 – Planting – section added

Chapter 5 – Standard Drawings

- #18, Single Service Connection for Pressure Irrigation; added service sizes
for different lot sizes
- #24a - #24i, Irrigation and Planting Standard Drawings; added drawings

Chapter 6 – City Code Sections

- Code removed as separate document with link to City Code to avoid
duplication

Appendix B – Land Development Flow Charts

- Added property line adjustment approval process; listed requirements to be met before recording plats.
- Modified street light installation process. The developer will deposit cash for estimated cost of street light installation and pay the balance upon completion of the project.

Mr. Cowie stated that the Development Manual will not be printed in hard copy this year, but the full manual is available on the City website. The City will hold an informational meeting with contractors and developers to review changes and inform them that the manual is available online. Attendees will also have an opportunity to meet Public Works Inspector, Van Hansen, and to discuss new storm water requirements with Storm Water Superintendent, Paul Miller.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION #2011-2-R – DEVELOPMENT POLICY MANUAL UPDATES. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

COUNCIL & CITY ADMINISTRATOR REPORTS -

Mr. Cowie presented information to the Council at this time regarding economic development pamphlets which will be distributed to 600 businesses to encourage economic development, particularly along the 700 North corridor. The pamphlets and postage were paid for using grant funding the City was awarded through EDCU. Mayor Dain noted that the location of the 700 North commercial corridor between two freeway exits with high traffic volume should be an attractive location for new businesses.

Mayor Dain complimented Mr. Cowie on his efforts to encourage UDOT to consider moving the Vineyard Connector up on the priority list of road projects due to impacts to Lindon’s commercial areas. Mr. Dameron also noted that Mr. Cowie has discussed including Lindon on exit signs at 1600 North in Orem and Pleasant Grove Blvd, as there is currently no reference to Lindon on exit signs.

Mr. Dameron reported on the following items:

1. Development Policy Manual updates will be presented to contractors Friday, February 4th at 9:00 a.m.
2. Staff will review RFP’s for banking services Friday February 4th at 10:00 a.m.
3. The annual Budget Retreat will be held Thursday, February 10, 2011 from 4:00 p.m. to 8:00 p.m. at the City Center
4. The Council reviewed examples of the military Community Covenant project. The Council also discussed who would be invited to sign the covenant during the ceremony.

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Debra Cullimore, City Recorder

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12 James A. Dain, Mayor