

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 19,**  
3 **2013 at 7:00 p.m. beginning with a work session at 6:00 p.m.** in the Lindon City  
4 Center, City Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M. – Conducting: James A. Dain, Mayor

8 Lindon City Chief Building Official, Phil Brown, and the Lindon City Planning  
9 Director, Hugh Van Wagenen, will meet with the City Council to discuss annual  
10 reports, activities, and programs associated with the Community Development  
11 Department. No motions will be made at this work session.

12 **PRESENT**

13 Randi Powell, Mayor Pro Tem

14 James A. Dain, Mayor – arrived 6:40

15 Mark L. Walker, Councilmember

16 Bret Frampton, Councilmember – arrived 6:20

17 Matt Bean, Councilmember

18 Adam Cowie, City Administrator

19 Kathryn Moosman, City Recorder

12 **ABSENT**

13 Jeff Acerson, Councilmember

20 The meeting was called to order at 6:10 p.m.

22 **Discussion Item:**

24 Councilmember Powell, acting as Mayor Pro Tem, opened the work session by  
25 inviting Phil Brown, Lindon Chief Building Official and Hugh Van Wagenen, Planning  
26 Director, to discuss their presentation on annual activities associated with the Community  
27 Development Department.

28 Phil Brown, Chief Building Official, opened the discussion by thanking the  
29 Council for their continued support and for all they do for the city. He began by giving a  
30 brief summary and stated that the past year has been a good solid year for the building  
31 department. He noted that the economy seems to be improving and they are seeing a lot  
32 more activity. Mr. Brown then referenced the report (included in the packets) indicating  
33 the activity from the past year, including the number of building permits issued, Mr.  
34 Brown went on to say that he feels, based on what they see and the applications they have  
35 received, that this year is going to finish as a good strong year for the department, as far  
36 as construction and planning. He also feels that this trend is going to continue, as they  
37 have seen a lot of interest in the remaining vacant lots and also some new developments  
38 and industrial projects.

39 Mr. Brown stated that he believes that Lindon is still a very desirable place  
40 because of location and what Lindon has to offer, or the “in-fill” activity would not be  
41 seen. Mr. Brown added they are finishing up with the Creekside Development and also  
42 the high end custom homes that are coming in. There was then some general discussion  
43 by the Council with Mr. Brown regarding his report, including code enforcement and also  
44 the statistical information provided. Mr. Brown stated that he always appreciates and

welcomes any feedback, suggestions and direction from the Council to improve upon the department.

Hugh Van Wagenen, Planning Director, addressed the Council at this time. Mr. Van Wagenen stated that things have also been picking up in the planning department and they have also had a good year. He then referenced the planning department report showing the planning department processed 45 land use applications in 2013 which is an increase from the 37 applications processed in 2012. Many of these applications were for site plans, temporary site plans, plat amendments and subdivisions. He noted for the current fiscal year they have already had 29 applications come in which is a good indication for another solid year. Mr. Van Wagenen mentioned staffing and noted that for financial reasons they did not fill the vacated Planner II position, which has been vacant for a year. He further noted that when the full-time Clerk II position became available, Carolyn Shepherd was promoted to that position and Brittany Bell was hired for the part time vacant Clerk I position. He added that they both do a great job in the department. Mr. Van Wagenen stated that the Planner II position is budgeted for this fiscal year, so they have begun the interview process and will be implementing a new hire to fill that position by January 6, 2014, which will help the department greatly and ensure that it runs more pro-active and efficiently.

Mr. Van Wagenen mentioned some of the committees the Planning Department represents as follows: Utah Lake Commission, Mountainland Association of Governments, Bicycle Master Plan and the North Utah County Transit Committee. He also mentioned the Governor's office recognized Lindon as a "Business Friendly Community" which is quite an honor and good recognition for the City. He added that the department continues placing "Historical Markers" throughout the city. Mr. Van Wagenen also noted a grant was received to purchase a bus for the senior center which will be a great addition to the community. Mr. Van Wagenen also mentioned the CDA project and gave a quick summary and update. He also mentioned that the Planning Commission currently has six members and are looking to appoint a new member after the first of the year. There was then some discussion regarding Matt Guinn as a possible candidate for the vacancy. Mayor Dain joined the meeting at 6:40 p.m.

Mayor Dain thanked Mr. Brown and Mr. Van Wagenen for their presentations and expressed his appreciation for their dedicated service to the City. Mayor Dain called for any further comments or discussion from the Council. Hearing none he adjourned the work session at 6:50 p.m.

**REGULAR SESSION** – 7:00 P.M. – Conducting: James A. Dain, Mayor

Pledge of Allegiance: Ben Hall, Boy Scout Troop 889

Invocation: Mayor Jim Dain

**PRESENT**

James A. Dain, Mayor  
Mark L. Walker, Councilmember  
Bret Frampton, Councilmember  
Randi Powell, Councilmember  
Matt Bean, Councilmember

**ABSENT**

Jeff Acerson, Councilmember

Adam Cowie, City Administrator  
2 Cody Cullimore, Chief of Police  
Hugh Van Wagenen, Planning Director  
4 Kathryn Moosman, City Recorder

6 1. **Call to Order/Roll Call** – The meeting was called to order at 7:07 p.m.

8 2. **Presentations/Announcements** –

10 a) **Mayor/Council Comments** – Mayor Dain commended Councilmember  
Acerson and Planning Director, Hugh Van Wagenen, for an award  
12 received from the Governor recognizing Lindon for being a “Business  
Friendly” community. Mayor Dain also mentioned the Annual  
14 Tree Lighting Ceremony will be held on December 2<sup>nd</sup> at the community  
center. He also noted that the annual Thanksgiving Day dinner will be  
16 held on Thanksgiving Day and everyone is welcome to attend. He added  
that this has been a great event that feeds dinner to over 400 people  
18 each year. Councilmember Powell mentioned a program run through the  
elementary schools and noted they are in need of volunteers, specifically  
20 Lindon and Aspen elementary schools (usually working with second  
graders). She noted it is very fulfilling and would encourage participation.

22 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of  
24 October 15, 2013 were reviewed.

26 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE MINUTES  
OF THE MEETING OF OCTOBER 15, 2013. COUNCILMEMBER WALKER  
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE  
30 COUNCILMEMBER FRAMPTON AYE  
COUNCILMEMBER POWELL AYE  
32 COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

34 4. **Consent Agenda** – No items.

36 5. **Open Session for Public Comment** – Mayor Dain called for any public comment  
38 not listed as an agenda item. There were no public comments.

40 **CURRENT BUSINESS**

42 6. **Discussion Item** – *Center Street Speed & Traffic Study – 725 E Center to 900 E*  
44 *Center*. Lindon City Engineer, Mark Christensen, will present findings from the  
Center Street speed and traffic study that was requested by the Council after the  
Center Street connection was completed.

46

2 Mark Christensen, City Engineer, was in attendance for this discussion item. Mr.  
3 Christensen opened the discussion by explaining in the winter of 2012/2013 the Murdock  
4 Canal was piped, becoming the Provo Reservoir Canal Aqueduct. Utah County  
5 constructed the Murdock Canal Trail in the canal right-of way in the spring of 2013. Also  
6 in the spring of 2013 Lindon City completed the Extension of Center Street over the  
7 aqueduct from 850 East to 900 East. Mr. Christensen noted that they anticipated that  
8 vehicular and pedestrian traffic on Center Street would increase, resulting in Heightened  
9 concern for safety of pedestrians, particularly at the school crosswalk at 725 East. Several  
10 residents living on Center Street also voiced concerns about the increase in traffic. He  
11 further explained the objective of this study is to quantify and mitigate detrimental  
12 conditions resulting from the extension of Center Street to 900 East, including evaluating  
13 the merits of a reduced speed school zone near the crosswalk at 725 East and considering  
14 traffic calming measures.

15 Mr. Christensen stated that Center Street is functionally classified as a major  
16 collector between State Street and Canal Drive; between Canal Drive to 900 East it is  
17 classified as a minor collector and between Main Street to 900 East Center Street is a  
18 designated Primary Emergency Response Route. Most of Center Street has 12-foot wide  
19 travel lanes; however, east of 725 East the travel lanes are nine feet wide. The planned  
20 right-of-way for Center Street west of 725 East is 66 feet wide; from 725 East to 800 East  
21 it is 52 feet wide, from 800 East to the Murdock Canal Trail it is 50 feet wide; from the  
22 Murdock Canal Trail to 900 East it is 66 feet wide. Lindon City owns the full width of  
23 right-of-way on Center Street from 725 East to 900 East except the segment on the south  
24 side from 725 East to about 850 East. Center Street provides access to Oak Canyon  
25 Junior High (on 725 East), Rocky Mountain Elementary School (on 500 East),  
26 Timpanogos Academy (on 100 East), and Lindon Elementary School (on Main Street).  
27 Center Street is on the schools' "Child Access Routing Plans", meaning it is a designated  
28 walking route to school. Lindon City constructed a path from the Murdock Canal to the  
29 Oak Canyon Junior High property providing an alternative route to the school.

30 Mr. Christensen noted that the Center Street extension project included  
31 construction of sidewalk so that it is continuous on the north side of Center Street from  
32 900 East to Canal Drive. At Canal Drive the Lindon Heritage Trail continues west along  
33 the north side of Center Street. There is a crosswalk across Center Street at 725 East. It is  
34 not a school crosswalk but has diagonal (special emphasis) markings. There is no curb  
35 ramp on the north side and no curb return on the south side. He noted there is a choker on  
36 Center Street where the Murdock Canal Trail crosses Center Street. The choker decreases  
37 the crossing distance for pedestrians on the trail and between 800 East and 850 East there  
38 is a fence along the south edge of asphalt.

39 Mr. Christensen went on to say that Center Street functions as one of three  
40 connections between areas east and west of the Murdock Canal Trail in Lindon. Oak  
41 Canyon Junior High is located south of Center Street and the LDS Church building is  
42 located just north of the 725 East Center Street intersection, where many students cross  
43 Center Street to reach the school. Mr. Christensen stated they conducted volume and  
44 speed studies, gathered accident records from the Lindon Police Department, and  
45 observed traffic conditions at the site. Mr. Christensen stated that they recorded traffic  
46 data in the study area September 11, 2012 to September 13, 2012 and May 21, 2013 to  
47 May 23, 2013. These dates (both years) were on a Tuesday, Wednesday, and Thursday.

2 The data consisted of volumes, speeds, average demand per gap, and average time  
4 between useable gaps. He noted that they evaluated safety of drivers and pedestrians and  
6 considered traffic calming measures and a reduced speed school zone, and while this  
8 study is not the result of a traditional citizen initiated request for traffic calming, we used  
the criteria in the Lindon City Citizen Initiated Traffic Calming Program to determine if  
the street warranted traffic calming measures. He added that the Utah Department of  
Transportation School Manual prescribes the method for determining whether or not a  
school zone is warranted (these steps are outlined in Appendix B) which is included in  
the packet.

10 Mr. Christensen stated the Lindon Police Department reports that since 2008 there  
12 have been six crashes on Center Street between State Street and 400 East. During that  
14 same time there were two crashes on Center Street east of 400 east. One was at 725 East  
16 on a Tuesday in January 2011 between 5:00 pm and 6:00 pm. One of the crashes  
involved a pedestrian; a boy jumped out of the back of a truck into the opposing lane and  
was struck by a vehicle traveling the opposite direction. He noted the Lindon Police  
Chief indicated these crash rates are low, but typical for Lindon.

18 Mr. Christensen then referenced the recorded speeds and traffic volumes, before  
20 and after construction, as well as pedestrian crossings after construction. He noted they  
22 used these criteria to measure the impacts of the extension of Center Street to 900 East.  
The 85th percentile speed is the speed at which 85% of the vehicles travel slower and  
15% of the vehicles travel faster. It is a standard measure of traffic speeds in traffic  
Engineering. ADT is an acronym for Average Daily Traffic, which is simply how many  
Vehicles pass a given point on a roadway on an average day. Mr. Christensen stated that  
the measured 85th percentile speeds and ADT counts are shown in Table 1 (included in  
the packet). Measured ADT Volumes and 85th Percentile Speeds. These counts were  
taken at approximately 780 East Center Street.

28 Mr. Christensen went on to say the 85th percentile speeds were in the mid-upper  
30 20's prior to construction and in the low 30's after construction. These speeds are on the  
32 low end of what is typical for a minor collector. He stated that traffic speeds measured on  
34 other collector Streets in Lindon and elsewhere show that 85th percentile speeds in the  
30's are common. Fully improved streets tend to have 85th percentile speeds a little  
higher than 35 mph, while less than fully improved streets tend to have 85th percentile  
speeds slightly lower than 35 mph. He added that traffic and pedestrian volumes are  
higher during the morning and afternoon hours when School begins and ends.

36 Mr. Christensen commented there is an LDS Church on the north side of Center  
38 Street adjacent to the crosswalk. Some parents drop off and pick up junior high students  
in the church parking lot and let their children cross Center Street and walk to/from the  
junior high along 725 East. Traffic volumes on Center Street increased from 400 vehicles  
per day before construction to 1250 vehicles per day after construction.

40 Mr. Christensen explained they determined the need for a reduced speed school  
42 zone by following certain criteria regarding pedestrian volumes, frequency of crossing,  
speed of cars, and conditions of the existing crosswalk, as outlined in Traffic Control for  
School Zones, published by the UDOT Traffic and Safety Division. He noted it is the law  
44 regarding school zones in Utah. A detailed description of the criteria and its application at  
46 the 725 East Center Street crosswalk is contained in Appendix B in the packets. He noted  
the first step in the process for warranting a reduced speed school zone is determining

2 whether the location warrants a school crosswalk zone. This primarily depends upon the  
3 number of pedestrians and vehicles. The next step is determining the score for the  
4 crosswalk based on a number of criteria related to traffic volumes, gaps in the traffic  
5 stream, school pedestrian volume and the grouping of the pedestrians as they approach  
6 the crosswalk.

7 Mr. Christensen stated they observed school pedestrian volumes crossing Center  
8 Street at 725 East after construction. Mr. Christensen noted the morning and afternoon  
9 counts of pedestrians on Wednesday, September 18, 2013. The weather was pleasant and  
10 sunny that day. They observed the number of people crossing and the demand which is  
11 defined as the “arrival of one or more school pedestrians at the school crossing”. Mr.  
12 Christensen stated the crosswalk meets the warrant for a School Crosswalk Zone, and  
13 traffic controls for school zones states that a school crosswalk zone should be used if  
14 warranted. Mr. Christensen then referenced Table 3, included in the packets. He noted  
15 that Table 3 defines categories in how points are earned to merit a reduced speed school  
16 zone. He noted the study area received a total of 13 points, and a minimum of 16 points  
17 are required in an urban area to warrant a reduced speed school zone, therefore this  
18 location does not warrant a reduced speed school zone.

19 Mr. Christensen mentioned that while this doesn’t follow the technical process of  
20 a citizen initiated traffic calming request, the principles in the Lindon City Citizen  
21 Initiated Traffic Calming Program are still valid. They scored Center Street per the  
22 selection round point assignment found in the Citizen Initiated Traffic Calming Program.  
23 The selection round consists of two criteria, speed and volume. Mr. Christensen then  
24 referenced Table 4, the selection round point assignment criteria points basis for point  
25 assignment score. The Citizen Initiated Traffic Calming Program specifies that a score of  
26 40 points is needed to proceed. The score of 23 on Center Street falls short of this  
27 threshold.

28 Mr. Christensen commented that there has not been a crash problem on Center  
29 Street despite the narrow sections east of 800 East, the proximity of the fence to the street  
30 along this section, and projection of the fence into the alignment of the roadway at 800  
31 East. While the fence itself is not much of a hazard, there are two end posts that are  
32 railroad ties or similarly stout beams embedded in the ground. These would be more of a  
33 hazard to drivers if struck than the T-posts and fencing wire that constitute the rest of the  
34 fence. Mr. Christensen noted that Figure 5 (in the packets) shows the current condition of  
35 the street marker where the road narrows.

36 Mr. Christensen further noted another possible hazard that they consider relates to  
37 westbound vehicles passing a vehicle on the right that is stopped in its lane and hitting a  
38 pedestrians in the crosswalk. He stated this is the scenario that creates the potential  
39 problem: A vehicle is stopped in the westbound lane. It could be stopped for one of two  
40 reasons: 1) waiting for a gap in opposing right turning or through traffic so they can make  
41 the left turn, or 2) yielding to a pedestrian in the school crosswalk. An impatient driver  
42 behind the stopped vehicle may be tempted to pass on the right. If the stopped vehicle is  
43 yielding to a pedestrian, the passing vehicle could hit the pedestrian. There would be even  
44 greater potential for this problem if there were a center left-turn lane. The hazard only  
45 exists when pedestrians are walking north to south across Center Street, which happens at  
46 the end of the school day.

2 Mr. Christensen noted they observed activity at the end of the school day on  
3 September 18, 2013. They also noticed that students tend to congregate on the lawn and  
4 north sidewalk (and even in the north shoulder of the road) to the east of the crosswalk.  
5 This gathering of students would be a significant deterrent to a driver passing on the right  
6 of a vehicle stopped in the westbound lane during the time that pedestrians are likely to  
7 be walking northbound in the crosswalk. Mr. Christensen added that during the hour of  
8 observation that afternoon, there was no instance of a westbound vehicle approaching  
9 another vehicle stopped in its lane.

10 Mr. Christensen then gave his conclusions and recommendations as follows:

12 Mr. Christensen stated they recommend that :

- 14 • The two fence posts on the south side of Center Street between 800 East and  
15 850 East be replaced with a more typical fence corner post (such as  
16 aluminum) which would present a reduce hazard to drivers if impacted.
- 17 • Lindon City restripe the crosswalk and install signing conforming to the  
18 standards found in the *Traffic Controls for School Zones*.
- 19 • No action be taken to implement a reduced speed school zone at the crosswalk  
20 of 725 E Center Street.
- 21 • Lindon City program installation of a curb ramp at the north end of the  
22 crosswalk so it becomes ADA accessible.
- 23 • No active traffic calming measures be installed along Center Street.

24 Mr. Christensen stated, therefore, they make no recommendation to add passive  
25 traffic calming measures along Center Street. Mr. Christensen then referenced Appendix  
26 A, containing speed and volume counts from before and after construction followed by  
27 some general discussion. Mayor Dain called for comments from the public at this time.  
28 There were several residents in attendance to address the Council as follows:

30 **Bill Keetch:** Mr. Keetch stated that Mr. Richin's (resident whose land was purchased by  
31 the city) is out of state right now and he sent a letter to read in his name including a  
32 number of opinions he wanted to share. Mr. Keetch commented on a number of opinions  
33 and asked if there was consideration given to people going eastbound. Mr. Christensen  
34 stated that consideration and measurement was given to only the crosswalk. Mr. Keetch  
35 commented that there are a lot more kids than 123. Mr. Keetch then read Mr. Richin's  
36 letter to the Council followed by his additional comments.

38 **Carrie Fisher:** Ms. Fisher commented that an accident occurred on October 29<sup>th</sup> on  
39 Center Street involving her son, which incurred some serious injuries. It is disturbing  
40 that this type of accident can happen. Ms. Fisher commented that another study should  
41 be completed and also some safety measures (speed bumps or a 3 way stop) should be  
42 implemented to ensure the safety of our kids. The traffic has increased dramatically since  
43 the road opening and it is a concern.

44  
45 **Dona Bentley:** Ms. Bentley asked why it was the speeds measured in front of Mr.  
46 Richin's house instead of further up. Mr. Christensen commented that they tried to

measure the speeds in the same location before and after. This location was chosen because it is the narrowest spot in road and being the most dangerous spot (per the citizen concerns).

**Loudell Bentley:** Ms. Bentley commented that she goes to her mailbox everyday and watches the cars travel by. She stated there is a lot of traffic (speeding) and also traffic that goes well into the night. She reiterated that the traffic has dramatically increased and is a safety issue.

**Daniel Whittle:** Mr. Whittle noted that he at home during the day and out in his yard where he can observe the traffic flow. He stated that previously there hasn't been much speeding on Center but now with the road open the traffic and the speeds, have increased dramatically. He added there are a lot of young drivers going in excess of 50 miles per hour on the road which is a serious matter. Mr. Whittle stated that we need to do something to make it safer; maybe a speed hump would help to slow the traffic and it would help to increase the safety for the kids and everyone.

**Dennis Wilson:** Mr. Wilson stated when this was previously discussed to put the road through, they mentioned putting chokers at the crosswalk to slow the traffic. He added that the number of kids crossing are high, and we have seen numerous very close calls with children getting hit, and it is lucky there hasn't been any kids hit by cars. Mr. Wilson suggested justifying some kind type of restriction there to protect these kids from getting hurt.

**Deana Johnson:** Ms. Johnson noted that this traffic pattern in the area has changed dramatically from the past. She added that it is complicated and there are a lot of cars doing a lot of different things in the area and it has gotten crazier and a lot more dangerous.

**Danny Bentley:** Mr. Bentley commented that any Jr. High School will have high traffic with a lot of kids which is always a risk, but noted that his frustration is further up Center Street where it is considerably narrower. He questioned if the study was done in the safest part of the street and noted that he would like to see another traffic study done, with the added traffic from both trails. Mr. Bentley commented that with the two school zones coming through the narrow zone at the same time is an issue. He would argue that there is not a place in Lindon with two groups of kids in the same area with an obstruction. He noted that from 800 East to 900 East is the highest danger and cars will not slow down when they get comfortable at those speeds. His biggest worry is the safety of the kids when they are walking. Mr. Bentley reiterated that he would like to see another study done between 800 East and 900 East, and not done in the most dangerous spot in the road.

**Kurt Fisher:** Mr. Fisher commented that he would also like to see a recount the cars and have a new study completed.

2 **Dean Robinson:** Mr. Robinson commented about a school crossing being effective, and  
noted that speed humps are would be effective 24/7 and he is worried about the speeds all  
4 hours of the day, so a speed bump would be more effective than a school crossing.

6 **Gordon Van Wagenen:** Mr. Van Wagenen noted that the entrance to the school is on the  
East end of the property and no one uses it, maybe only once or twice a day. He added  
8 that if they do use it by the northeast fence corner of the trail you can't see past that fence  
to see the kids anyway.

10 Mayor Dain commented that as long as this street remains narrow it is an  
unfinished street (not a full width collector street) and suggested adding some verbiage  
12 that states, as a temporary measure, that until the street is widened, something to consider  
is that this street has a slightly different criteria, and to change the policy to make a speed  
14 hump work, and then remove it when the street is widened. Mayor Dain asked Chief  
Cullimore if the Police Department could increase enforcement in the area. Chief  
16 Cullimore confirmed that they can increase enforcement in the area. Councilmember  
Bean stated that this is a unique area in our city with some unique problems. He noted  
18 that when we headed down this road we knew there would be some issues and he feels  
the concerns brought up warrants discussion and that something needs to be done.

20 Mr. Cowie commented that it sounds like there is an interest from the Council to  
have some active traffic calming measures occur on this section of road and noted he can  
22 work with the City Engineer and come back with some ideas. Mayor Dain directed Mr.  
Cowie to look at the city policy and tweak it to address the uniqueness of this situation  
24 with the partially built out road and come back with a recommendation for speed humps  
and a school zone. Councilmember Walker also suggested doing more than less regarding  
26 active measures to fix this to ensure the safety of the kids. He added that it sounds like a  
good plan and he likes the idea that the Council has the ability to make some changes.  
28 He also commented that there are four schools on this street, and there are issues that  
need to be addressed. Councilmember Powell agreed with Councilmember Bean that this  
30 makes for a very unique situation in our city that warrants discussion. Councilmember  
Powell encouraged everyone to use diligence and be vigilant behind the wheel to ensure  
32 the safety of our children, and noted that the Council will do their best to administer good  
policy to ensure the safety of our citizens.

34 Mayor Dain concluded that the council is in agreement to support some active  
measures and will have the City Engineer look into these issues. Mayor Dain called for  
36 any comments or questions from the Council. Hearing none he moved on the next  
agenda item.

38 *Councilmember Frampton was excused at 8:22 p.m.*

40  
42 7. **Review and Action** – *Plat Amendment – Canberra Heights, Plat H, 71 S Kings Peak*  
*Drive.* This is a request by Erin Shelley for a one (1) lot Plat amendment located in  
44 the Residential Single Family (R1-20) zone. The Planning Commission recommends  
approval with no conditions.

46 Hugh Van Wagenen, Planning Director, gave a brief summary of this agenda  
item. He explained this is a request by Erin Shelley (who was in attendance) for a one lot

2 plat amendment located in the Residential Single Family (R1-12) zone. Mr. Van  
Wagenen explained that the Shelley's own the current Lot 32 in Canberra Heights Plat A  
4 in addition to a parcel behind that lot. He added that this action will essentially erase the  
property line dividing the two pieces of property and combine them into one new  
6 subdivision lot to be known as Canberra Heights Plat H. He further explained that the  
proposed amendment meets the Lindon City Code for subdivision lots in this zone.

8 Mr. Van Wagenen stated that this plat amendment is pretty straightforward. Ms.  
Shelley commented that the purpose is to clearly define the setback lines and easements  
for the back parcel. Mr. Van Wagenen confirmed that statement.

10 Mayor Dain called for any comments or questions from the Council. Hearing  
none he called for a motion.

12  
14 COUNCILMEMBER WALKER MOVED TO APPROVE THE ONE (1) LOT  
PLAT AMENDMENT TO BE KNOWN AS CANBERRA HEIGHTS PLAT H.  
16 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

18 COUNCILMEMBER WALKER AYE  
COUNCILMEMBER POWELL AYE  
20 COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

22 8. **Review and Action** – *Minor Subdivision – Maxine Meadows, 4325 East 400 North.*  
This is a request by John Davis for a three (3) lot subdivision located in the  
24 Residential Single Family (R1-20) zone. The Planning Commission recommends  
approval with conditions.

26  
28 Hugh Van Wagenen, Planning Director, opened the discussion by giving a brief  
overview of this agenda item and noted this is a request by John Davis (who was in  
attendance) for a three (3) lot subdivision located in the Residential Single Family (R1-  
30 20) zone. Mr. Van Wagenen stated, as is noted on the plat, several of the out buildings  
will be removed as the process moves forward. He noted that the proposed lots do meet  
32 frontage and minimum acreage requirements of 20,000 square feet for the zone.

34 Mr. Van Wagenen noted one condition mentioned in the staff report to possibly  
include in the motion. He stated the preliminary plat shows a jog between Lot 1 and Lot  
2, and the jog encroaches on the 30 foot rear yard setback of Lot 1 and therefore needs to  
36 be shifted to the west so that no point of the existing house on Lot 1 is within 30 feet of  
any point of Lot 2. Mr. Van Wagenen noted that staff does not see any problems with  
38 this issue. Mr. Davis commented that the proposed lots will face 400 East and the  
entrance of the existing home (lot 1) will stay on 400 North. He added that there are no  
40 plans to remove the existing home on lot one. Mr. Van Wagenen commented that this  
request meets all of the city ordinances and setback requirements and is pretty  
42 straightforward. Following some general discussion Mayor Dain called for a motion.

44 COUNCILMEMBER BEAN MOVED TO APPROVE THE THREE (3) LOT  
SUBDIVISION TO BE KNOWN AS MAXINE MEADOWS WITH THE CONDITION  
46 RECOMMENDED BY THE PLANNING COMMISSION. COUNCILMEMBER

POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

COUNCILMEMBER WALKER                    AYE  
COUNCILMEMBER FRAMPTON                AYE  
COUNCILMEMBER POWELL                   AYE  
COUNCILMEMBER BEAN                     AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

9. **Review and Action** – *Osmond Senior Living – 175 North State Street*. This is a request by Jared Osmond for approval of a 90 bed assisted living facility located in the General Commercial (CG)/Senior Housing Facility Overlay (SHFO) zone. The Planning Commission recommends approval with no conditions.

Mr. Van Wagenen opened the discussion by explaining this is a request by Jared Osmond (who was in attendance) for approval of a 90 bed (maximum allowed by city code) assisted living facility located in the General Commercial (CG)/Senior Housing Facility Overlay (SHFO) zone. Mr. Van Wagenen noted this site will consist of remodeling the former “Somewhere Inn Time” building and also an expansion consisting of two additional wings to be done in phases. Mr. Van Wagenen stated that after review, the Planning Commission recommended approval to the City Council.

Mr. Van Wagenen explained that large care facilities are *conditionally* permitted in the General Commercial zone and have to meet the following site requirements:

1. Facility Separation Requirement. Large facilities shall not be within one-thousand five-hundred (1500) feet of any other approved small or large care facility, group home for the elderly, group home for persons with a disability, juvenile group home or transitional/treatment group home as defined by the Lindon City Code. *Requirement met; map attached.*
2. Lot Size Requirement. Lot size shall be according to the zone where proposed. *Requirement met.*
3. Project Site and Design Requirements. Large facilities shall be subject to the architectural, site plan, height and setback requirements of the commercial zone were proposed. *Setbacks met; height verified at time of building permit approval.*
4. Landscaping. A minimum of thirty (30) percent of the lot shall be maintained in permanent landscaped open space. *Requirement met; 48% in landscaping.*
5. Parking. Off-street parking shall be provided to accommodate staff and one (1) visitor per three (3) residents. If at such time parking is deemed insufficient by the Lindon City Planning Commission and/or City Council, facility operators may be required to increase the number of parking stalls on their site or reduce the number of residents in their facility. *Requirement met; 39 stalls provided, 30 for visitors and 9 for staff.*
6. Facility Size. Large facilities shall provide a minimum of four-hundred (400) square feet of floor area per resident. *Requirement met; over 40,000 total square feet provided or 444 per resident.*
7. Architectural Design. The architectural design of care centers shall comply with architectural design guidelines as established in the respective commercial zone where the facility is proposed. *Elevations provided.*

2           There was then some general discussion following review of the site requirements listed above.

4           Mr. Osmond stated that everything is approved and funded and they are just waiting to submit plans. He noted they will be phasing one of the two wings first (50  
6 rooms), with the idea to build both wings as soon as possible. They will also finish all landscaping before getting the occupancy permit.

8           Mr. Osmond further stated that this is a compassionate business taking care of elderly people as they struggle with memory loss and daily functions. He added that  
10 Assisted Living has taken the place of the skilled nursing facilities (which are government funded) and they will ensure that they have the proper amount of staff. Mr.  
12 Osmond stated that Assisted Living in Utah is classified as a Type I or a Type II facility. A Type II facility is where you can have a resident live there, with the proper amount of  
14 care, through the end of their lives, which is a peaceful thought for family members who don't want to continue to move them around. Mr. Osmond stated they are dedicated to  
16 keeping the same model that they currently have and to do this right.

18           Mr. Osmond stated that the vinyl siding on the building will be changed to hardy board. He noted the colors may change a little, maybe even the roof color, but it will all  
20 be made very uniform and nice. The front of the building will be changed for bus access. The wrap around porch will stay and will include a gathering place with connections  
22 between the wings with everything retrofitted. Mr. Osmond noted that as far as the materials go, the brick will match and there will be areas of stucco and also the hardy  
24 board in place of the vinyl siding (he noted he will bring a sample of the hardy board material to the next city council meeting).

26           Mr. Van Wagenen stated that this meets the separation and lot size requirements, architectural design, site plan, height and setback requirements, landscaping, parking, and  
28 facility size. Mr. Osmond stated that they have looked at the height issues extensively to ensure they stay within the limits, and they feel confident that they will be in  
30 conformance. Mr. Osmond commented that he will be coordinating with the group that bought the back piece (Jeff Southard) regarding the fencing. He added that they will find  
32 a fence that will look great (perhaps an ornamental iron fence). As far as privacy fencing goes, they are open to suggestions.

34           Mr. Osmond commented that there is a demand for this type of facility because of the aging demographic and the overall demographic in Utah with the increase in  
36 population. He added that there are other facilities like this currently being built, but like any business the demand will be there and it will depend on how it is done; quality will  
38 drive the demand. Mr. Osmond commented that he feels confident that they will develop something great here and the 90 beds will fill. There was then some additional general  
discussion regarding this agenda item.

40           Mayor Dain called for any further comments or questions from the Council. Hearing none he called for a motion.

42  
44           COUNCILMEMBER POWELL MOVED TO APPROVE THE REQUEST FOR A 90 BED ASSISTED LIVING FACILITY TO BE KNOWN AS OSMOND SENIOR LIVING LOCATED AT 175 NORTH STATE STREET. COUNCILMEMBER

WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

COUNCILMEMBER WALKER AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

*Councilmember Frampton re-joined the meeting at 8:45 p.m.*

10. **Review and Action** – 2013-2014 Fee Schedule Change, Resolution #2013-15-R.

This is a request by Councilmember Powell for consideration of a change to the Fee Schedule to create a process allowing the Council to consider waivers and /or reductions in the rental fees tat the Community Center for non-profit community based organizations or groups that provide services to the community.

Mr. Cowie stated that upon request by Councilmember Powell, staff has prepared a proposed alteration to the Lindon City Fee Schedule to facilitate the Mayor and Council being able to waive or reduce rental fees at the Community Center. He noted that staff feels this policy and application process will function adequately if the Council chooses to implement and pass this resolution. He went on to say there may always be justifiable reasons for waiving or reducing fees for certain groups, there is also security of policy enforcement by keeping equality of rental prices across the board and not having a waiver policy. Mr. Cowie explained that Lindon’s rental prices for non-profit organizations are half of what a resident is charged, with all rates already being subsidized by the public.

Councilmember Powell mentioned the reason for this request. She noted that she spoke with Mayor Dain about being approached by a Hispanic Group to hold an event (Epiphany) at the Community Center. She expressed that she wanted to have a way for the City to offer the opportunity to have a format to accomplish this for non-profit groups. Mr. Cowie gave his opinion that we already have extremely low rates in Lindon for our facilities. Mayor Dain shared his philosophy that these facilities are put out there for the betterment of the community and likes to see them utilized. Councilmember Walker stated that this issue could become arbitrary. Councilmember Powell voiced her opinion that this will be an infrequent occurrence because they would have to make the application and come before the Council for approval, so it is a little arduous. Mr. Cowie then reviewed the resolution language followed by some general discussion.

Mr. Cowie then referenced the current rental rates as shown below:

**Community Center**

- Deposit 50% of total rental cost
- Hourly Rates

<u>Area</u>	<u>Resident</u>	<u>Non-profit</u>
Classroom	\$20/hr	\$10/hr
Gymnasium	\$40/hr	\$20/hr
Kitchen	\$10/hr	\$10/hr
Cultural Art Auditorium	\$40/hr	\$20/hr

Signed agreement, deposit and payment due at time of reservation. Community Center room rentals are available 9:00 am - 10:00 pm, Monday through Saturday, and are subject to availability. Rental time includes set up and cleanup time. Rental is not available on Sundays nor holidays.

2

Following some additional lengthy discussion regarding this issue Mayor Dain called for a motion.

4

6

COUNCILMEMBER FRAMPTON MOVED TO APPROVE RESOLUTION 21013-15-R TO IMPLEMENT A RENTAL WAIVER AND REDUCTION POLICY FOR NON-PROFIT ORGANIZATIONS UTILIZING THE COMMUNITY CENTER WITH THE CONDITION THAT THE POLICY CAN BE REVIEWED IF NEEDED AT A LATER DATE. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8

10

12

COUNCILMEMBER WALKER                    AYE

12

COUNCILMEMBER FRAMPTON                AYE

14

COUNCILMEMBER POWELL                    ABSTAIN

14

COUNCILMEMBER BEAN                      AYE

16

THE MOTION CARRIED WITH ONE ABSENT AND ONE ABSTAINING.

18

11. **Review and Action** – *Bid Award - 500 North Water Line*. This is a request by staff for the Mayor and Council’s review and approval of the bid award for construction of a new water line located within the future 500 North right-of-way between Anderson Lane and 1510 West. Staff recommends awarding the bid to the low bidder, Johnston and Phillips Inc., with a bid of \$42,974.50

20

22

24

Mr. Cowie opened the discussion by explaining the 500 North Waterline Extension Project consists of constructing approximately 1,030 linear feet of 10-inch PVC water main. He noted the construction of the waterline will require connecting the water main along 500 North from 1400 West to 1500 West. He further noted that a large tree will be required to be removed for the waterline construction; all trenching and surface restoration associated with the new waterline will be included in the project.

30

32

34

36

Mr. Cowie commented that the bids have been tabulated and submitted for the project with the Opinion of Construction Cost for the project being \$74,614.40. He added that this cost is less than the bid limit established by the Utah State Code, which gives the City the option of bidding by invitation only. Mr. Cowie noted that three bidders were invited to bid on the project and all three submitted bids; the low bidder is Johnston & Phillips coming in at \$42,974.50. Mr. Cowie stated that Johnston & Phillips has successfully completed projects for Lindon City in the past and it is recommended by

2 JUB Engineers that the City accept their bid and award them the project. He noted that a  
3 “Notice of Award” has been prepared and included in the staff report. There was then  
4 some general discussion regarding this agenda item.

5 Mayor Dain called for any further comments or questions from the Council.  
6 Hearing none he called for a motion.

7 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE 500 NORTH  
8 WATER LINE INSTALLATION BID TO THE LOW BIDDER JOHNSTON AND  
9 PHILLIPS INC. WITH A BID OF \$42,974.50. COUNCILMEMBER POWELL  
10 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

11 COUNCILMEMBER WALKER AYE

12 COUNCILMEMBER FRAMPTON AYE

13 COUNCILMEMBER POWELL AYE

14 COUNCILMEMBER BEAN AYE

15 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

16  
17 12. **Review and Action** – *Bid Award – RDA District 3 Sidewalk & Landscaping.* This is  
18 a request by staff for the Mayor and Council’s review and approval of the bid award  
19 for construction of sidewalk and landscaping improvements within RDA District 3.  
20 Staff recommends awarding the bid to the low the low bidder, Bellaview Landscape  
21 LLC, with a bid of \$262,365.64.

22  
23 Mr. Cowie opened the discussion by explaining this project was budgeted by the  
24 RDA for this fiscal year and will be paid for with RDA funds from District 3. The City  
25 will administer the project on behalf of the RDA. He noted that the City has committed  
26 by agreement with individual property owners to maintain the landscaping and sidewalks  
27 (watering, mowing, and snow removal) along the property frontages that are *vacant* until  
28 the properties are developed. These fees will be paid by the RDA funds, and upon  
29 termination of this RDA in 2016 the City will retain sufficient amount to continue the  
30 maintenance for multiple years.

31 Mr. Cowie explained the Project includes 3,200 linear feet of concrete sidewalk  
32 construction throughout the Lindon RDA District 3 area (800 West, 400 South, and  
33 Lindon Park Drive). With the new sidewalk, 16 new pedestrian access ramps will be  
34 installed as well as removal and replacement of concrete curb and gutter associated with  
35 those ramps. Mr. Cowie further explained that also included as part of this project is the  
36 installation of 69,500 square feet of landscaping (with approximately 115 trees) and  
37 irrigation system for a 20 foot strip along the proposed sidewalk. Other work includes  
38 adjustments of existing irrigation system and restoration of existing landscaping (if  
39 already existing prior to sidewalk construction), installing power connection from City  
40 street lights for irrigation controllers, and other items incidental to this type of  
41 construction.

42 Mr. Cowie went on to say the bids have been tabulated and submitted for the  
43 project with an opinion construction cost for the project of \$339,667.41. There were 8  
44 Bidders who submitted bids, with the low bidder being Bellaview Landscape and Garden  
45 Center at \$262,365.60. Their bid is \$77,301.81 (22.8%) lower than the opinion. Mr.  
46 Cowie noted Bellaview is a new company to Utah, but they are licensed to work in Utah  
and are confident that they can complete the work for the bid price. Mr. Cowie noted that

JUB Engineers recommend that the City accept their bid and award them the project.  
There was then some general discussion regarding this issue.

Mayor Dain called for any further comments or questions from the Council.  
Hearing none he called for a motion.

COUNCILMEMBER POWELL MOVED TO AWARD THE RDA DISTRICT 3  
SIDEWALK AND LANDSCAPING INSTALLATION BID TO THE LOW BIDDER  
BELLAVIEW LANDSCAPE LLC, WITH A BID OF \$262,365.64.

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

COUNCILMEMBER WALKER AYE

COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

13. **Review and Action** – *Purchase Contract with Lewis Bus Group, Senior Center Bus.*

This is a request to authorize the City Administrator to execute a purchase contract in the amount of \$49,995.00 with Lewis Bus Group for a 2013 12x2 Special Needs Bus to be utilized by the Lindon Senior Center.. This bus purchase will be fully reimbursed through a Community Development Block Grant (CDBG) awarded to the City earlier this year. Lewis Bus Group of Salt Lake City was selected as the low bidder on the “Utah State Contract” for this bus, and therefore the City did not need to go through a formal bid process.

Mr. Cowie gave a brief summary of this agenda item stating this is a request to authorize the City Administrator to execute a purchase contract in the amount of \$49,995.00 with Lewis Bus Group for a 2013 12x2 Special Needs Bus to be utilized by the Lindon Senior Center. He explained that this bus purchase will be fully reimbursed through a Community Development Block Grant (CDBG) awarded to the City earlier this year. He went on to say the Lewis Bus Group of Salt Lake City was selected as the low bidder on the ‘Utah State Contract’ for this bus, and therefore the City did not need to go through a formal bid process.

Mr. Cowie commented that the Lewis Bus Group indicates that they will deliver the bus and all paper work for purchase and transfer of title at the time of payment. He added this bus does not require a CDL to operate. Mr. Cowie then referenced the following warranty specs on the bus: Ford chassis 3 year 36,000 miles, Braun Lift 2 years, A/C 2 years, Bus body & components 1 year /12,000 miles, Bus body structure 5 years 75,000 miles. There was then some general discussion regarding this purchase contract.

Mayor Dain called for any further comments or questions from the Council.  
Hearing none he called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE BUS  
PURCHASE FROM LEWIS BUS GROUP FOR USE AT THE SENIOR CENTER AND  
AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE CONTRACTS FOR

\$49,995.00. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE  
COUNCILMEMBER FRAMPTON AYE  
COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14. **Review and Action** – *UDOT Right-of-Way Purchase Agreements and Deeds*. This is a request by staff for the Mayor and Council’s review and approval of finalized purchase agreements and deeds between Lindon City and UDOT for properties being acquired by UDOT for their wetland mitigation bank and portions of the future Vineyard Connector. This process finalizes previous actions and public notices given in July 2009 in which the City approved a sale of the surplus properties and signed a Right of Occupancy Agreement with UDOT. At that time, UDOT paid Lindon City a partial payment of \$171,500.00 with the remaining amount of \$25,800 due upon closing with these executed documents.

Mr. Cowie gave a brief summary of this agenda item. He noted this is a request by staff for the Mayor and Council’s review and approval of finalized purchase agreements and deeds between Lindon City and UDOT for properties being acquired by UDOT for their wetland mitigation bank and portions of the future Vineyard Connector. He explained that this process finalizes previous actions and public notices given in July 2009 in which the City approved a sale of the surplus properties and signed a Right of Occupancy Agreement with UDOT. At that time, UDOT paid Lindon City a partial payment of \$171,500.00 with the remaining amount of \$25,800 due upon closing with these executed documents.

Mr. Cowie then referenced the attached map showing the highlighted areas being purchased. He noted that the city is retaining utility and access easements across most of the parcels. There was then some general discussion by the council regarding this purchase agreement and deed. Mayor Dain called for any further comments or questions from the Council. Hearing none he called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE PURCHASE AGREEMENTS AND DEEDS BETWEEN UDOT AND LINDON CITY FOR SALE OF SURPLUS LANDS TO BE UTILIZED BY UDOT AND GIVE THE MAYOR THE AUTHORIZATION TO SIGN. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE  
COUNCILMEMBER FRAMPTON AYE  
COUNCILMEMBER POWELL AYE  
COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

15. **Review and Action** – *Utah Infrastructure Agency Assessments*. On February 27, 2013 the City Council approved Resolution #2013-5-R authorizing payment of

2 monthly operations assessment loans to the Utah Infrastructure Agency (UIA) in  
order to eliminate such expenses from being funded by UIA bond proceeds. The  
4 loans are to be repaid to Lindon with interest. Per the Council's direction, quarterly  
progress reports will be presented and reviewed prior to payment of additional  
6 assessments. The Council will review UIA/UTOPIA performance reports and give  
staff direction in regards to whether payment of assessment invoices received for the  
8 months of October, November, and December of 2013 in the amount of \$10,169.00  
per month should be paid. The assessments have been budgeted for the 2013-14  
fiscal year.

10  
12 Mr. Cowie opened the this discussion item by explaining that UIA has was able to  
make sufficient revenues to cover the OpEx payments during the months of July, August,  
14 and September and therefore Lindon was not invoiced for any assessments during those  
months. He further explained that due to increased litigation expenses they will again  
16 need to impose assessments for OpEx. Mr. Cowie noted that Lindon's assessment has  
been reduced by \$993.00 from our previous monthly assessment amount due to updated  
18 asset allocations in each city. He went on to say that UTOPIA has slowly continued to  
increase total number of subscribers with a net gain of 460 new subscribers added to the  
network between March 6<sup>th</sup> and November 2<sup>nd</sup> totaling 11,303.

20 Mr. Cowie then referenced maps and charts (included in the packet) showing  
'before & after' infrastructure deployment in areas that UTOPIA expects the highest  
22 return on investment. He added that this new infrastructure was installed over the last  
couple years through Federal stimulus and UIA funding. Mr. Cowie further noted that  
24 additional UTOPIA infrastructure is now being deployed in Lindon to serve core  
businesses west of I-15. There was then some lengthy discussion regarding this issue

26 Mr. Cowie inquired what we can secure for participation and what new  
information will be available for him when he goes back in January. Mayor Dain asked  
28 to emphasize progress and commitment for the west side. Mayor Dain called for any  
further comments or questions from the Council. Hearing none he called for a motion.

30  
32 COUNCILMEMBER WALKER MOVED TO DENY AUTHORIZATION TO  
THE CITY TO PAY THE UIA OP EX ASSESSMENTS FOR THE MONTHS OF  
OCTOBER, NOVEMBER AND DECEMBER OF 2013. COUNCILMEMBER  
34 FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

36 COUNCILMEMBER WALKER                    AYE  
COUNCILMEMBER FRAMPTON                AYE  
38 COUNCILMEMBER POWELL                 NAY  
COUNCILMEMBER BEAN                     NAY

40 DUE TO A TIE VOTE MAYOR DAIN VOTED WITH A NAY VOTE. THE MOTION  
DIED.

42  
44 At this time Mr. Cowie suggested making a motion to include only authorizing  
payment for October only. Following some additional discussion regarding this issue the  
Council was in agreement to authorize OpEx Assessment for the month of October only.  
46 At this time Mayor Dain called for a new motion.

COUNCILMEMBER BEAN MOVED TO AUTHORIZE THE CITY TO PAY  
2 THE UIA OP EX ASSESSMENT FOR THE MONTH OF OCTOBER OF 2013.

COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS  
4 RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER NAY

6 COUNCILMEMBER FRAMPTON NAY

COUNCILMEMBER POWELL AYE

8 COUNCILMEMBER BEAN AYE

DUE TO A TIE VOTE MAYOR DAIN VOTED WITH AN AYE VOTE TO BREAK  
10 THE TIE. THE MOTION CARRIED.

12 **16. Review and Action** – *Canvass and Certification of General Election Results.* The  
City Council will sit as a Board of Canvassers for the November 5, 2013 Municipal  
14 General Election and certify the results of the election. By state law the City Council,  
as the Board of Canvassers, must canvass the election no later than 14 days after the  
16 completion of the ballot. After canvassing has been completed, it will be necessary  
for the Council, by motion, to officially certify the results of the canvass.

18 Mr. Cowie stated that the City Recorder, Kathy Moosman, is in attendance to  
20 complete the canvass with the Board of Canvassers. Ms. Moosman distributed all tally  
sheets from the election to the Council (acting as the Board of Canvassers) for  
22 certification of the election and also for the counting of the provisional ballots. The Board  
members acted in pairs to count the ballots as assigned, they recorded any corrections or  
24 updates in the vote tallies.

The Board then certified, by motion, the official general election results of the  
26 canvass. Following the official canvass of the election the Board certified Jeff Acerson as  
Lindon City Mayor, and Jacob Hoyt and Van Broderick as City Council members. The  
28 City Recorder attested to the motion and the certified results of the canvass.

Mayor Dain called for any comments or questions from the Council. Hearing  
30 none he called for a motion.

32 COUNCILMEMBER POWELL MOVED TO APPROVE THE CANVASS AND  
CERTIFY THE RESULTS OF THE GENERAL ELECTION AS JEFF ACERSON  
34 BEING ELECTED AS MAYOR, JACOB HOYT ELECTED AS CITY COUNCIL  
MEMBER, VAN BRODERICK ELECTED AS CITY COUNCIL MEMBER, AND  
36 PASSAGE OF THE PARC TAX OPINION QUESTION. COUNCILMEMBER  
FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
38 FOLLOWS:

COUNCILMEMBER WALKER AYE

40 COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER POWELL AYE

42 COUNCILMEMBER BEAN AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

44 **17. COUNCIL REPORTS**

2 **Councilmember Powell** – Councilmember Powell reported that she appreciates the  
4 Council and the discussion tonight on the fee schedule change. Councilmember Powell  
also gave an update on the Community Center Advisory Board and noted they have  
adopted a plan of action and goal setting for projects at the Community Center.

6 **Councilmember Walker** – Councilmember Walker mentioned that he likes the format  
of the city newsletter and noted that it is easy to read and contains a lot of information.

8  
10 **Chief Cullimore** – Chief Cullimore reported that there were two cougar sightings in the  
city. Chief Cullimore also reported that Regional Training (60 officers) will be held in the  
Council Chambers on Tuesday.

12 **Councilmember Bean** – Councilmember Bean had nothing to report.

14  
16 **Councilmember Acerson** – Councilmember Acerson was absent.

18  
20 **Councilmember Frampton** – Councilmember Frampton had nothing to report.

22 **Mayor Dain** – Mayor Dain mentioned the Thanksgiving dinner and invited anyone to  
24 attend who is interested. The volunteer sheet is filled and everything is in place for the  
event.

26 **Administrator's Report**

Mr. Cowie reported on the following items:

28 **Misc Updates:**

- 30 • Project Tracking List.
- 32 • Potential 600 S (1600 N, Orem) widening project, 2015.
- 34 • Possible “joint venture” with BSA at Geneva Resort Park. Staff has concerns.
- 36 • Vacant council seat appointment. Announcements in January with interviews  
February 4<sup>th</sup>.
- 38 • PARC tax adoption process: New ordinance in December; notify State; then  
implementation policies to follow.
- 40 • 2014 Meeting Calendar discussion – special November meeting.
- 42 • Possible PC member to fill vacancy – Matt Guinn, 367 S 400 W. He is willing  
to serve.
- Update on other UTOPIA matters.
- Fire & EMS call reports attached for September and October.

44 **Upcoming Meetings & Events:**

- 46 • Newsletter Assignment - January newsletter article. Due by last week in  
December.
- November 20<sup>th</sup> at 9:00 a.m. – Bike Study kick-off meeting.

- 2 • November 28<sup>th</sup> – Thanksgiving Dinner at community center.
- November 28<sup>th</sup> & 29<sup>th</sup> – Thanksgiving Holiday, offices closed.
- 4 • December 2<sup>nd</sup> at 6:30 p.m. – Tree Lighting Ceremony at community center.
- December 10<sup>th</sup> at Noon – Engineering Meeting at Public Works.
- 6 • December 18<sup>th</sup> at Noon – Outgoing Mayor & Council recognition lunch.
- December 24<sup>th</sup> at Noon – Employee Christmas party at Community Center.  
All Council & families invited.
- 8 • December 25<sup>th</sup> & 26<sup>th</sup> – offices closed.
- January 1<sup>st</sup> – offices closed.
- 10 • January 7<sup>th</sup> – Swearing-in ceremony at Council meeting for newly elected  
officials and appointed staff.
- 12 • January 11<sup>th</sup> – ULCT newly elected officials training. Provo, Saturday,  
January 11<sup>th</sup> – 8 a.m.-1:30 p.m.
- 14 • January 20<sup>th</sup> – Martin Luther King Holiday, offices closed.
- 16 • January 29<sup>th</sup> – ULCT Local Officials Day at the Legislature. 7:30 a.m.-2:00  
p.m. Utah Capitol/Lunch @ Salt Palace.

18 **Future items:**

- 20 • Utility Bill formatting.
- Employee Policy Manual – general updates, procurement policy.
- 22 • Fee and Utilities rate studies/review of active service military utility waivers.
- Bed & Breakfast conditional use permits – being reviewed by Planning  
Commission.
- 24 • Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor.

26 Mayor Dain called for any further comments or discussion from the Council.  
Hearing none he called for a motion to adjourn.

28 **Adjourn** –

30 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING  
32 AT 11:30 P.M. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – December 3, 2013

36  
38 \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

40  
42  
44 \_\_\_\_\_  
James A. Dain, Mayor